



**SNOWY MONARO**  
REGIONAL COUNCIL

# **BUSINESS PAPER**

**PUBLIC EXHIBITION COPY**

**Ordinary Council Meeting  
26 July 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, Ngannawal 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, 2 MYACK STREET, BERRIDALE NSW 2628**

**ON WEDNESDAY 26 JULY 2017  
COMMENCING AT 5.30PM**

**BUSINESS PAPER**

- 1. APOLOGIES**
  - 2. CITIZENSHIP CEREMONIES**
  - 3. PRESENTATIONS**
  - 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 28 June 2017
  - 7. ADMINISTRATORS REPORT (IF ANY)**
  - 8. DELEGATE'S REPORT (IF ANY)**
    - 8.1 Minutes of the Administrators Delegations meeting held 26 June 2017 3
    - 8.2 Minutes of the Administrators Delegations meeting held 5 July 2017 12
    - 8.3 Minutes of the Administrators Delegations meeting held 17 July 2017 13
  - 9. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS**
    - 9.1 Minutes of the Snowy Monaro Local Representative Committee - Held 22 June 2017 27
  - 10. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE**
    - 10.1 Delegate Water Meter Installation Project 34
  - 11. CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND**
    - 11.1 Naming of Right-of-Ways Off Micalago Road 37
    - 11.2 Release of the South East and Tablelands Regional Plan 40
  - 12. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY**
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Nil	
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22.1 Stronger Communities Fund Major Projects Program Co-funding contributions	
<i>Item 22.1 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 discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
22.2 Shared Trail Connection- Gaden Trout Hatchery	
<i>Item 22.2 is confidential in accordance with s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	

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**8.1 MINUTES OF THE ADMINISTRATORS DELEGATIONS MEETING HELD 26 JUNE 2017**

Record No:

Responsible Officer: General Manager  
Author: Secretary Council & Committees  
Attachments: 1. Minutes - Administrator Delegations Meeting held 26 June  
2017 [↓](#)

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**EXECUTIVE SUMMARY**

The Administrator considered a number of reports and exercised his Delegation on 26 June 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 26 June 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**

**26 June 2017**

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**ADMINISTRATOR DELEGATIONS MEETING**  
**HELD IN COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**  
**ON MONDAY 26 JUNE 2017**

**MINUTES**

Notes:

<b>1.</b>	<b>OPENING OF THE MEETING .....</b>	<b>2</b>
<b>2.</b>	<b>APOLOGIES .....</b>	<b>2</b>
	Nil	
<b>3.</b>	<b>DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST .....</b>	<b>2</b>
	Nil	
<b>4.</b>	<b>ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS.....</b>	<b>2</b>
<b>5.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE .....</b>	<b>2</b>
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<b>9.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE.....</b>	<b>4</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>
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**MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING  
HELD IN COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON MONDAY, 26 JUNE 2017  
COMMENCING AT 10.30AM**

**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 10.58AM

**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**

**5.1 PROPOSED TEMPORARY LICENCE FOR FIREWORKS DISPLAY AT THE ADAMINABY SHOWGROUND**

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.

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Attachments:                                    1. Letter from Selwyn Snow Resort - FireWorks Display  
                                                          2. Workers Compensation Insurance  
                                                          3. Public Liability Insurance  
                                                          4. Notification - SafeWork NSW  
                                                          5. Temporary Licence - Selwyn Snow Resort

Cost Centre                                    1610 – Parks, Gardens & Reserves - Crown

Project                                            There is no identified project.

Further Operational Plan Actions:

### EXECUTIVE SUMMARY

On 1<sup>st</sup> June 2017 Council received an application from Selwyn Snow Resort seeking consent to hold a 10 minute fireworks display at Adaminaby Showground on 8<sup>th</sup> July, 2017 at 7pm.

The applicant has engaged the services of Elite FireWorks to conduct the display, a copy of their insurances and the notification from SafeWork NSW for the display are attached to this report.

Spectators will be directed to watch the display from the Adaminaby Town Centre.

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

#### COMMITTEE RECOMMENDATION

ADA106/17

That Council

- A. Approve the proposal to issue a temporary licence over Adaminaby Showground to Selwyn Snow Resort for a period of 24 hours on 8<sup>th</sup> July 2017 for the purpose of a fireworks display
- B. Approve the licence fee at \$175 for the period of licence in accordance with Council's adopted fees and charges for "Special Use for Assembly of Crowds"
- C. Authorise the General Manager to execute the temporary licence and affix the Council seal.

**Approved by Administrator Lynch**

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

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

### 7.1 LAND ROVER 70TH ANNIVERSARY

Record No:

Responsible Officer:                        Director Service Planning

Author:                                            Tourism Manager

Key Direction:                                3. Strengthening Our Local Economy

Delivery Plan Strategy:                    DP3.3 Promote collaborative economic development planning.

Operational Plan Action: OP3.9 Participate in the Economic Development Officers Working Group to ensure Snowy Monaro Region's economic and tourism priorities are reflected.

Attachments: 1. Landrover 70th Anniversary - Preliminary Budget

Cost Centre

Project

Further Operational Plan Actions:

### EXECUTIVE SUMMARY

Over Easter next year we will be co-ordinating the Land Rover 70<sup>th</sup> Anniversary celebrations in Cooma and the surrounding region.

The event will have significant economic benefits that will flow across all sectors and throughout the entire region. In addition to this the region will be showcased during this particularly beautiful time of year with the autumn colours to these outside visitors with the expectation of return visits. It is also expected that this event will attract significant media attention for the region.

We are requesting financial assistance from Council for the amount of \$30,000 to cover the budget shortfall and to provide the initial funds to commence the organisation of this event. It is planned that we will finalise with a break even status at the end of the event. A copy of our preliminary budget including both estimated expenses and income is attached.

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

#### COMMITTEE RECOMMENDATION

ADA107/17

That Council

- A. Provide financial assistance for the amount of \$30,000 to cover the budget shortfall so that planning for the event can commence as soon as possible.
- B. That a committee titled "Cooma Landrover 70<sup>th</sup> Anniversary" be formed as a sub-committee of the SMRC Section 355 Tourism Committee.

**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 DISABILITY INCLUSION ACTION PLAN**

Record No:

Responsible Officer:	Director Service Planning
Author:	Community Service Officer
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1 Ensure that legislative obligations are met throughout all Council departments.
Operational Plan Action:	OP7.2 Completion of reporting requirements in accordance with legislation.
Attachments:	<ol style="list-style-type: none"><li>1. SMRC Disability Inclusion Action Plan - final draft</li><li>2. SMRC DIAP - Appendix 1 Summary of Discussion Points from Engagement</li><li>3. SMRC DIAP - Appendix 2 Disability Services</li><li>4. SMRC DIAP - Reader version</li></ol>
Cost Centre	
Project	
Further Operational Plan Actions:	DP4.11 Provide appropriate services and facilities for people with a disability within the Region OP4.36 Review Disability Inclusion Action Plan

### **EXECUTIVE SUMMARY**

The Snowy Monaro Regional Council Disability Inclusion Action Plan 2017-2021 will guide Council in the development of an inclusive community. Council's role in developing an inclusive community is one of leadership through the provision of inclusive Council services and facilities and through advocating for improvement to other service providers.

The NSW Disability Inclusion Act 2014, mandates that Councils must prepare a Disability Inclusion Action Plan which is submitted to the NSW Disability Council by 1 July 2017.

Council has engaged with its staff, with disability service providers and their clients and with community members across the Region, to consider improvements to services and facilities provided by Council (and others) across four key areas of focus. These focus areas included: improving community attitudes and behaviours towards people with disabilities, creating liveable communities; supporting access to meaningful employment; and improving the navigation of systems and processes.

The Draft Disability Inclusion Action Plan was presented to the April Council meeting and has been on public exhibition for a period of 28 Days. The feedback received during the exhibition period and a

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response to each point raised has been summarised in the table below and, where appropriate, included in the Plan.

The Plan is now referred to Council for adoption and implementation.

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

**COMMITTEE RECOMMENDATION**

**ADA108/17**

That Council

- A. Receive and note the information in the report on the Snowy Monaro Regional Council Disability Inclusion Action Plan 2017-2021;
- B. Adopt the Plan for implementation; and
- C. Lodge the Plan with NSW Disability Council.

**Approved by Administrator Lynch**

**11.2 PREPAID FINANCIAL ASSISTANCE GRANT 2017-18**

Record No:

Responsible Officer:	Director Corporate & Community Services
Author:	Financial Accountant
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

**EXECUTIVE SUMMARY**

On 8 June 2017 Snowy Monaro Regional Council received the prepayment of \$4.54m in Financial Assistance Grant (FAG) funding relating to the first two quarters of the year ended 30 June 2018.

A letter has been forwarded to Helen Pearce, Executive Officer, NSW Local Government Grants Commission, to request a formal agreement with NSW Councils to maintain FAG payments to the year in which they are allocated. This would ensure a fairer representation of Council's financial position in future years.

A letter of request has also been forwarded to Tim Hurst, Acting Chief Executive Officer, Office of Local Government to accept and hold the recent \$4.54m prepayment on our behalf until 4 July 2017 so it is reflected in the 2018 financial year.

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

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**COMMITTEE RECOMMENDATION**

**ADA109/17**

That Council

- A. Confirm the action to be taken for the request to transfer of \$4,538,182 to the Office of Local Government prior to 30 June 2017 to be held until 4 July 2017; and
- B. In the event the request is rejected by the Office of Local Government, treat the payment appropriately within Councils financial statements.

**Approved by Administrator Lynch**

**17. ADMINISTRATORS REPORT (IF ANY)**

**13. CONFIDENTIAL MATTERS**

There being no further business the Administrator declared the meeting closed at 11.20AM

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CHAIRPERSON

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 26 June 2017 were confirmed by Council at a duly convened meeting on at which meeting the signature hereon was subscribed.

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## 8.2 MINUTES OF THE ADMINISTRATORS DELEGATIONS MEETING HELD 5 JULY 2017

Record No:

Responsible Officer: General Manager  
Author: Secretary Council & Committees  
Attachments: Nil

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### EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 5 July 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 5 July 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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### 8.3 MINUTES OF THE ADMINISTRATORS DELEGATIONS MEETING HELD 17 JULY 2017

Record No:

Responsible Officer: General Manager  
Author: Secretary Council & Committees  
Attachments: 1. Minutes - Administrator Delegations Meeting held 17 July 2017  
[↓](#)

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#### EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 17 July 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 17 July 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**

**17 July 2017**

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**ADMINISTRATOR DELEGATIONS MEETING**  
**HELD IN COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**  
**ON MONDAY 17 JULY 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>PUBLIC FORUM.....</b>	<b>3</b>
<b>3.</b>	<b>APOLOGIES.....</b>	<b>3</b>
	Nil	
<b>4.</b>	<b>DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST .....</b>	<b>3</b>
	Nil	
<b>5.</b>	<b>MATTERS DEALT WITH BY EXCEPTION .....</b>	<b>3</b>
<b>6.</b>	<b>ADOPTION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>3</b>
6.1	Administrator Delegations Meeting 10 July 2017 .....	3
<b>7.</b>	<b>BUSINESS ARISING OUT OF THE MINUTES .....</b>	<b>3</b>
<b>8.</b>	<b>DELEGATE'S REPORT (IF ANY).....</b>	<b>4</b>
8.1	Draft Community Services Structure.....	4
<b>9.</b>	<b>ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS.....</b>	<b>4</b>
9.1	Lake Jindabyne Community Trail 355 Committee Minutes.....	4
9.2	Minutes of the Recreational Facilities Committee of the 15th June 2017 .....	5
<b>10.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE .....</b>	<b>6</b>
10.1	Minor changes to Waste Fees and Charges for Public Exhibition .....	6
<b>11.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND .....</b>	<b>7</b>
<b>12.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY .....</b>	<b>7</b>
<b>13.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY .....</b>	<b>7</b>
S.1	Monaro Committee for Cancer Research - Request for Waiver of Fees .....	7

13.1	Consideration of establishing alcohol free zones in Jindabyne, and consideration to extend the operation of the existing alcohol free zones in Cooma.....	8
<b>14.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE.....</b>	<b>9</b>
<b>15.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE .....</b>	<b>9</b>
<b>16.</b>	<b>CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION .....</b>	<b>9</b>
16.1	Yamaga Sister City Exchange Annual Visit Contribution to Cooma Lions Club .....	9
16.2	Stronger Communities Fund Major Projects Program Delivery Program .....	10
16.3	Correction to the Minutes of Council meeting held 24 May 2017 .....	11
<b>17.</b>	<b>REPORTS BY GENERAL MANAGER .....</b>	<b>12</b>
<b>18.</b>	<b>NOTICE OF MOTION .....</b>	<b>12</b>
<b>19.</b>	<b>MOTIONS OF URGENCY.....</b>	<b>12</b>
<b>20.</b>	<b>QUESTIONS WITH NOTICE .....</b>	<b>12</b>
<b>21.</b>	<b>QUESTIONS TAKEN ON NOTICE .....</b>	<b>12</b>
<b>22.</b>	<b>CONFIDENTIAL MATTERS .....</b>	<b>12</b>
22.1	Request for Donation - Big hART .....	12
22.2	Tourism and Tourism Services Strategy Project: Initial Advice .....	12
<b>23.</b>	<b>REPORT FROM CONFIDENTIAL SESSION .....</b>	<b>13</b>
22.1	Request for Donation - Big hART .....	13
22.2	Tourism and Tourism Services Strategy Project: Initial Advice .....	13

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

**ON MONDAY, 17 JULY 2017  
COMMENCING AT 2.00PM**

**PRESENT:** Administrator Dean Lynch  
**APOLOGIES:** Nil  
**Staff:** Joe Vescio, General Manager  
Katherine Miners, Acting Executive Assistant to the Administrator

**1. OPENING OF THE MEETING**

The Administrator opened the meeting at 2.00PM

**2. APOLOGIES**

Nil

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

Nil

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

**4.1 DRAFT COMMUNITY SERVICES STRUCTURE**

Record No:

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

**Attachments:** 1. Draft Community Service Committee Structure

**EXECUTIVE SUMMARY**

The Draft Community Services Structure was presented to the Administrator by a community member.  
The document is attached for consideration and review.

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**COMMITTEE RECOMMENDATION**

**ADA111/17**

That Council

- A. Receive and note the Draft Community Service Structure; and
- B. Refer the proposed Committee to the in-coming Council to consider.

**Moved Administrator Lynch**

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

**5.1 LAKE JINDABYNE COMMUNITY TRAIL 355 COMMITTEE MINUTES**

Record No:

Responsible Officer: Director Environment & Sustainability  
Author: Environment and Recreation Coordinator  
Attachments: 1. Lake Jindabyne Community Trail 355 Committee Minutes  
2. Attachement 1 Letter from Sue Edmonson

**EXECUTIVE SUMMARY**

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

**COMMITTEE RECOMMENDATION**

**ADA112/17**

That the minutes of the Lake Jindabyne Community Trail 355 Committee be received and noted.

**Moved Administrator Lynch**

**CARRIED**

**5.2 MINUTES OF THE RECREATIONAL FACILITIES COMMITTEE OF THE 15TH JUNE 2017**

Record No:

Responsible Officer: Director Operations & Infrastructure  
Author: Recreation & Property Manager  
Attachments: 1. Minutes of Recreational Facilities Committee on 15th June 2017

**EXECUTIVE SUMMARY**

The Recreational Facilities Committee met on 15<sup>th</sup> June 2017 in the Council Chambers in Cooma. The minutes are presented for Council's information.

**COMMITTEE RECOMMENDATION**

**ADA113/17**

That the Minutes of the meeting of the Recreational Facilities Committee held on 15<sup>th</sup> June 2017 are confirmed as a true and accurate record of proceedings with the following amendments:

- Recommendation 4.1 be amended to:
  - The Trail Master Plan be adopted
  - Council receive further reports on the implications and impacts on Council on the following:
    - A. Detailed planning for new trails constructed in accordance with the Trail Master Plan
    - B. Maintenance agreements and costs when considering funding for new trails
    - C. Proposal to undertake an agreement with the Cooma Correctional Centre to provide maintenance to mountain bike trails
  
- Recommendation 4.2 be amended to:
  - The Badja Reserve Plan of Management be adopted and a report provided to Council on the proposed funding in improvements under the Plan of Management.

**Moved Administrator Lynch**

**CARRIED**

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

**6.1 MINOR CHANGES TO WASTE FEES AND CHARGES FOR PUBLIC EXHIBITION**

Record No:

Responsible Officer: Director Environment & Sustainability  
Author: Waste Management Officer  
Key Direction: 1. Sustaining Our Environment for Life  
Delivery Plan Strategy: DP1.8 Deliver cost effective and environmentally responsible Waste Management facilities.  
Operational Plan Action: OP1.33 Efficient and compliant operation of Councils Waste facilities.  
Attachments: Nil  
Cost Centre 26-2270 - Landfills &  
26-2230 Commercial Waste  
Project  
Further Operational Plan Actions: 1.26 Efficient operation of Domestic and Commercial Waste Collection Services  
1.28 Efficient operation of Domestic and Commercial Recycling Collection Services

**EXECUTIVE SUMMARY**

---

Following the release of the 2018 Fees and Charges on 28 June 2017, staff in Council's Waste Department have noticed two items that require amendment and may need to go out on public exhibition prior to being changed.

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

**COMMITTEE RECOMMENDATION**

**ADA114/17**

That Council approve for the following amendment of waste fees and charges to be advertised on public exhibition for the required period of 28 days, and introduce if there are no submissions:

- A. Compost Grade A (screened) @ \$50/tonne
- B. Delivery and Return of 3-8 1100L Bins @ \$80
- C. Snow Skis/Snowboards/Ski Boots @ \$15 pair

**Moved Administrator Lynch**

**CARRIED**

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

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

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

**9.1 MONARO COMMITTEE FOR CANCER RESEARCH - REQUEST FOR WAIVER OF FEES**

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:	DP4.2.1.2 Continue to support the development and redevelopment of present medical facilities within the Region.
Operational Plan Action:	OP4.13 Continue to engage with existing and emerging Medical and general Health Services throughout the Region
Attachments:	1. Letter - MCCR - Request for donation towards hire of the multifunction centre for Calendar Girls Fundraiser 2. Email - MCCR - Requesting Waiver of Fees and Permission to Build Extension to Stage
Cost Centre	Donations Community Groups
Project	

Further Operational Plan Actions: OP4.22 Participate in groups and networks that improve access to health and social services

### EXECUTIVE SUMMARY

The Monaro Committee for Cancer Research are holding a function 'Calendar Girls'. All proceeds are redirected back in to the community to support those affected by cancer.

The mcCr have requested that Council waive fees associated with the use of the Multifunction Centre.

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

#### COMMITTEE RECOMMENDATION

ADA115/17

That Council

- A. Receive and note the request to waive fees for the use of the Multifunction Centre by the Monaro Committee for Cancer Research;
- B. Authorise the expenditure and allocate \$2844 in the 2017/2018 Budget to cover the costs of the Multifunction Centre with funding to be provided from the Donations Community Groups budget; and
- C. Allow the Committee to erect a temporary extension to the front of the stage for performance purposes.

Moved Administrator Lynch

CARRIED

### 9.1 CONSIDERATION OF ESTABLISHING ALCOHOL FREE ZONES IN JINDABYNE, AND CONSIDERATION TO EXTEND THE OPERATION OF THE EXISTING ALCOHOL FREE ZONES IN COOMA

Record No:

Responsible Officer: Director Environment & Sustainability

Key Direction: 6. Managing Development and Service Delivery to Retain the Things We Value

Delivery Plan Strategy: DP6.2.1.1 Ensure that Council's land use planning and development policies enhance liveability.

Operational Plan Action: OP6.15 Ensure that amenity, safety and sustainability of community neighbourhoods is enhanced through compliance and enforcement

Attachments: 

1. LG Act extracts
2. Police request Feb
3. Police Request June
4. Background re Cooma AFZ
5. Jindabyne map of suggested AFZ

Cost Centre 1110 – Assessment and Compliance

Project Alcohol Free Zones

Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

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

**COMMITTEE RECOMMENDATION**

**ADA116/17**

That Council

- A. Consider the request from NSW Police for Council to establish Alcohol Free Zones in Jindabyne
- B. Proceed with the initial consultation process for potential establishment of alcohol Free Zones as set out accordance with the Local Government Act and Ministerial Guidelines
- C. Extend the existing Alcohol Free Zones in the Cooma CBD by a further four (4) years from December 2017, pursuant to the relevant provisions of the Local Government Act
- D. Consult with NSW Police as to whether they consider it beneficial to include the CBD areas of Berridale and Bombala for consultation regarding establishment of Alcohol Free Zones

**Moved Administrator Lynch**

**CARRIED**

**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 YAMAGA SISTER CITY EXCHANGE ANNUAL VISIT CONTRIBUTION TO COOMA LIONS CLUB**

Record No:

Responsible Officer:	Director Corporate & Community Services
Author:	Finance Manager
Key Direction:	3. Strengthening Our Local Economy
Delivery Plan Strategy:	DP3.8 Market the Snowy Monaro Region's "destination town's", promoting the history of the area, access to tourism attractions and develop tourism for the future for the Region.
Operational Plan Action:	OP3.28 Coordinate event activities that increase local and visitor participation.
Attachments:	1. Letter from Lions Club of Cooma 15/12/2016
Cost Centre	3120 – Corporate Governance
Project	Yamaga/Cooma Sister City Exchange Program



Further Operational Plan Actions:

### EXECUTIVE SUMMARY

A request has been received from the Lions Club of Cooma to increase Council's contribution towards the Yamaga/Cooma Sister City Exchange program from \$4,000 to \$5,000 per year.

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

#### COMMITTEE RECOMMENDATION

ADA117/17

That Council

- A. Increase to the annual contribution by \$1000 to the Lions Club of Cooma for the Yamaga Sister City Visit with any additional funding to come from the existing general donations budget.

Moved Administrator Lynch

CARRIED

### 12.2 STRONGER COMMUNITIES FUND MAJOR PROJECTS PROGRAM DELIVERY PROGRAM

Record No:

Responsible Officer: General Manager  
Author: Deputy Director Service Delivery  
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: OP7.5 Achieve a stronger, more efficient Council through a successful merger.  
Attachments: 1. Estimated Project Completion Dates (July 2017)  
Cost Centre 3101  
Project Stronger Communities Fund Major Projects Program  
Further Operational Plan Actions:

### EXECUTIVE SUMMARY

The Stronger Communities Fund Major Projects Program delivery schedule has been finalised to provide details of the estimate completion date of all 100 projects to be delivered under this program of works.

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

#### COMMITTEE RECOMMENDATION

ADA118/17

That Council receives, notes and accepts the proposed delivery dates for the projects to be funded under the Stronger Communities Fund Major Projects Program.

Moved Administrator Lynch

CARRIED

### 12.3 CORRECTION TO THE MINUTES OF COUNCIL MEETING HELD 24 MAY 2017

Record No:

Responsible Officer:	General Manager
Author:	Secretary Council & Committees
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1.1.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.
Operational Plan Action:	OP7.8 Ensure that appropriate governance structures are in place enabling open, transparent government.
Attachments:	Nil
Cost Centre	3120
Project	Governance
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

The minutes of the Council meeting held 24 May were confirmed at a duly convened meeting on 28 June 2017. Following the adoption of the minutes, staff have brought to the attention of the General Manager some minor omissions in the minutes. As per councils Code of Meeting Practice, to ensure full and accurate minutes are kept, the reasons for confidential matters must be recorded.

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

#### COMMITTEE RECOMMENDATION

ADA119/17

That Council amend the minutes of the Council meeting held 24 May 2017 to include, under Confidential Matters, the reasons for the following reports to be dealt with in Closed Session:

A. Stronger Communities Fund – Major Project Program of Works

**Reason:** *This item is classified confidential in accordance with section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;*

B. Property Purchases in Vale Street Cooma

**Reason:** *This item is classified confidential in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;*

C. Tender Evaluation and Award of Contract No. 007/2017 for the Mercy Street Bombala – Water Mains Replacement Project

**Reason:** *This item is classified confidential in accordance with Section 10A(2)(c, di and dii) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with*

*whom the Council is conducting (or proposes to conduct) business, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council; and*

**D. Waste and Recyclables Collection and Management Contract Award**

**Reason:** *This item is classified confidential in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

**Moved Administrator Lynch**

**CARRIED**

### 13. ADMINISTRATORS REPORTS (IF ANY)

Nil

### 14. CONFIDENTIAL MATTERS

#### COMMITTEE RECOMMENDATION

**ADA120/17**

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 Request for Donation - Big hART**

Item 14.1 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 discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**14.2 Tourism and Tourism Services Strategy Project: Initial Advice**

Item 14.2 is confidential in accordance with s10(A)(2)(diii) of the Local Government Act because it contains information that would, if disclosed, reveal a trade secret and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

**Moved Administrator Lynch**

**CARRIED**

#### 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 2.15PM the meeting was closed to the press and public.

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

At 2.20PM the Closed Session ended and the Council meeting continued in Open Session.

**15. REPORT FROM CONFIDENTIAL SESSION**

**14.1 REQUEST FOR DONATION - BIG HART**

**COMMITTEE RECOMMENDATION**

**ADA121/17**

That Council

- A. Note the Application for Financial Assistance (Donation) from Snowy Monaro Regional Council submitted by Big hART; and
- B. Provide a financial donation to Big hART of \$1000.

**Moved Administrator Lynch**

**CARRIED**

**14.2 TOURISM AND TOURISM SERVICES STRATEGY PROJECT: INITIAL ADVICE**

**COMMITTEE RECOMMENDATION**

**ADA122/17**

That Council

- A. Receive and note the information in the Snowy Monaro Regional Council Draft Tourism and Tourism Services Strategy Project: Initial Advice; and
- B. Following updating by the University of Canberra begin a consultation process with key stakeholders.

**Moved Administrator Lynch**

**CARRIED**

There being no further business the Administrator declared the meeting closed at 2.22PM

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CHAIRPERSON

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 17 July 2017 were confirmed by Council at a duly convened meeting on 24 July 2017 at which meeting the signature hereon was subscribed.

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**9.1 MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE - HELD 22  
JUNE 2017**

Record No:

Responsible Officer: General Manager  
Author: Acting Executive Assistant to the Administrator  
Attachments: 1. Minutes of the Snowy Monaro Local Representative Committee  
- 22 June 2017 [↓](#)

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**EXECUTIVE SUMMARY**

The Snowy Monaro Local Representative Committee met on 22 June 2017 in Berridale Branch Office, Snowy Monaro Regional Council, 2 Myack Street, Berridale. 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 22 June 2017 be adopted.

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**SNOWY MONARO**  
REGIONAL COUNCIL

# Minutes

**Snowy Monaro Local Representative Committee  
Meeting**

**22 June 2017**

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9.1 MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE - HELD 22 JUNE  
2017

ATTACHMENT 1 MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE - 22  
JUNE 2017

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

**ON THURSDAY 22 JUNE 2017**

**MINUTES**

Notes:

1. **OPENING OF THE MEETING.....** ERROR! BOOKMARK NOT DEFINED.
2. **APOLOGIES.....** ERROR! BOOKMARK NOT DEFINED.
3. **CONFIRMATION OF PREVIOUS MINUTES AND MATTERS ARISING.....** ERROR! BOOKMARK NOT DEFINED.
  - 3.1 Snowy Monaro Local Representative Committee Meeting 15 June 2017 **Error! Bookmark not defined.**
4. **REPORTS ON PRIORITY ACTIONS.....** ERROR! BOOKMARK NOT DEFINED.
  - 4.1 Dean Lynch ..... **Error! Bookmark not defined.**
5. **REPORTS & ADVICE ON LOCAL VIEWS & EMERGING ISSUES** ERROR! BOOKMARK NOT DEFINED.
6. **PRESENTATION OF MINUTES FROM EXTERNAL COMMITTEES.....** ERROR! BOOKMARK NOT DEFINED.
7. **SPECIFIC ITEMS VARYING FROM MEETING TO MEETING .....** ERROR! BOOKMARK NOT DEFINED.
  - 7.1 Dean Lynch ..... **Error! Bookmark not defined.**
  - 7.2 Cessation of Local Representative Committee ..... **Error! Bookmark not defined.**
8. **REVIEW OF RELEVANT MEETING ACTIONS OR FOLLOW UP REQUIREMENTS.....** ERROR! BOOKMARK NOT DEFINED.
9. **NEXT MEETING.....** ERROR! BOOKMARK NOT DEFINED.



MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON THURSDAY 22 JUNE 2017

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

**ON THURSDAY, 22 JUNE 2017  
COMMENCING AT 6PM**

**PRESENT:** Dean Lynch, Administrator (Chair)  
Joe Vescio, General Manager  
Angela Ingram, LRC Member  
Annie O’Keeffe, 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  
Winston Phillips, LRC Member  
Nathan Thompson, Communications Officer (scribe)

**1. OPENING OF THE MEETING**

The Chair opened the meeting at 6PM

**2. APOLOGIES**

Apologies for the meeting was received from Paul Perkins, LRC member, Bob Frost, LRC member, Steve Goodyer, LRC member and Katherine Miners, Executive Assistant to the Administrator.

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

**3.1 SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING 15 JUNE 2017**

<b>COMMITTEE RECOMMENDATION</b>	<b>LRC53/17</b>
THAT the minutes of the Snowy Monaro Local Representative Committee Meeting held on 15 June 2017 are confirmed as a true and accurate record of proceedings.	
<b>Moved Mr Beer</b>	<b>Seconded Mr Phillips</b>
	<b>CARRIED</b>

**4. REPORTS ON PRIORITY ACTIONS**

**4.1 DEAN LYNCH**

<b>COMMITTEE RECOMMENDATION</b>	<b>LRC54/17</b>
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MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON THURSDAY 22 JUNE 2017

Page 3

The Administrator provided updates on the following:

- **Snowtunes**  
The organisers of Snowtunes request to operate the festival over two days, and the organiser has advised Council that any public concerns will be addressed.
- **Snowy River Avenue**  
Advised how the works are progressing. Council is working with Jindabyne Central School and that Kalkite Street carpark will be expanded.
- **Tourism Meeting in Bombala**  
Advised there is a Bombala and Delegate Tourism Committee meeting scheduled for 6 July 2017. Council hopes to have the Tourism Manager recruited by this date.
- **New South Wales Destination Networks**  
An update was given on the Destination Network, which will encompass the Snowy Monaro and the Far South Coast. Staff from the NSWDN will be visiting the region.
- **Tourism Snowy Mountains**  
Council is awaiting a review from Brian Weir at the University in Canberra regarding a tourism strategy for Council and how to proceed with TSM.
- **Bombala Footbridges**  
The community is pleased that work has commenced on the footbridges and footpaths.
- **Major Projects**  
The work schedule should be completed by the start of July. The Department of Primary Industries has advised that they will not give approval for the proposed weir. The allocated money will be allocated to other projects. The heavy vehicle bypass for Bombala is still be investigated.
- **Regional Visit**  
The Administrator will be will be visiting each community's Chamber of Commerce or Progress Association.
- **Bombala Pool**  
Council has been approached regarding operating the pool. The private operator will remain.
- **Water Pricing Changes**  
With the changes to the water pricing charges, there was concern for those using high volumes of water. The Administrator will be meeting with these users.

Moved Mrs Rea

Seconded Mr Corbett

CARRIED

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

Nil

MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON THURSDAY 22 JUNE 2017

Page 4

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

Nil

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

**7.1 DEAN LYNCH**

**COMMITTEE RECOMMENDATION**

LRC55/17

Discussion was had around the following:

- Bombala's water quality
- Strategic plan for housing
- Regional growth issues
- Toilets in Norris Park
- Waste contracts
- Water pricing

Moved Mrs O'Keeffe

Seconded Mr Shumack

CARRIED

**7.2 CESSATION OF LOCAL REPRESENTATIVE COMMITTEE**

**COMMITTEE RECOMMENDATION**

LRC56/17

That:

- A. That the Snowy Monaro Local Representative Committee ceases on 30 June 2017; and
- B. That the Committee members not attend public engagements due to the impending Council election.

Moved Mr Mitchell

Seconded Mrs Rea

CARRIED

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

Nil

**9. NEXT MEETING**

Not applicable.

There being no further business the Chair declared the meeting closed at 7PM

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## 10.1 DELEGATE WATER METER INSTALLATION PROJECT

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Water & Wastewater manager
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.5 Provide water and sewerage infrastructure improvements in accordance with the Water and Waste Water Strategic Business Plan, Integrated Water Cycle Management Plan and other related studies.
Operational Plan Action:	OP6.10 Implement annual Water & Sewer Mains Capital Works Program.
Attachments:	Nil
Cost Centre	W1157
Project	Delegate water meter Installation Project – Contract 005/2017.
Further Operational Plan Actions:	

### EXECUTIVE SUMMARY

#### Delegate Water Supply

Bombala Council has been proactive to seek options available to undertake the necessary improvements on the Delegate water supply quality to meet ADWG for a potable town water supply in Delegate.

The asset life and condition of the River off-take and pump station has raised many concerns relating to Safety. The workplace health and safety (WHS) issues & concerns with the current pump station are quite significant and must be addressed as soon as practicable.

#### Objectives –

1. To meet Australian Drinking Water Guidelines for potable town water supply for Delegate
2. Reliable and efficient water supply infrastructure for the township of Delegate
3. Safe work place
4. Installation of water meters will reduce the current amount of water taken out of the River on a daily basis.
5. Ease of operation
6. Reduce callouts and manual handling for staff

This project was budgeted for in the Bombala Shire Council meeting in March 2016 with a budgeted price of Stage 1 – Upgrade of Delegate water Supply of \$604,925 and a contract award of \$486,544 including GST. The committee recommendation and/or Council resolution is (ADA64/17)

- If the works undertaken was purely the scope that was in the contract, then the
-

project would have met the quoted tender price but due to issues of extra jobs, variations and specially maintenance of assets that have not been maintained, the tender price was exceeded and the following is a detailed description of the variations.

**Extra Works**

- Some Houses had two connections but only paying for one and Residents agreed to pay for two connections if two connections were retained on their property
- Pub fire service
- CFA Sheds
- Park Toilets

Total cost of Extra Jobs .....\$13,967.07

**Variations to Project**

- Most taps were at boundary so to enable contractors to have meters inside the Boundary, the pipes and taps had to be moved 1 metre inside the boundary

Total cost of Variations .....\$9,263.72

**Maintenance Works**

- There were numerous stop valves that failed and/or disintegrated due to lack of Maintenance over the last 20 years

Total cost of Maintenance works.....\$43,311.42

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

**OFFICER’S RECOMMENDATION**

That Council receives and notes the information in the report.

That Council approves funding for the extra jobs/ Variations/ Maintenance for the Delegate water meter installation Project be approved at a total contract price of \$553,084.22 including GST to be funded from Grant and Reserves.

**BACKGROUND**

The Delegate water supply was constructed in 1957 and had unmetered water connections to the residents.

To meet the requirements of the Public Health Act 2010 and Associated Regulation 2012, a Drinking Water Quality Management Plan was drawn up. During this process, water quality issues were identified and as advised by NSW Health, the Delegate Water Supply was declared non potable in March 2013 and remains so currently.

As part of a grant application, an economic appraisal was conducted by Public Works in

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July 2014 for the options to upgrade the Delegate water supply scheme.

**QUADRUPLE BOTTOM LINE REPORTING**

**1. Social**

The availability of clean drinking water that meets Australian Drinking Water guidelines and environmentally compliant treatment and disposal for the social wellbeing of the community.

**2. Environmental**

All environmental controls have been addressed in project specific REFs or EIS depending on the scale of the project.

**3. Economic**

Further works to implement a potable water supply at Delegate will require substantial funding and different funding sources that are to be investigated including former Bombala Shire Council's Water reserves.

Estimated Expenditure	Amount	Financial year	Ledger	Account string
type here	\$			
	\$			
	\$			
Funding (Income/reserves)	Amount		Ledger	Account string
type here	\$			
	\$			
	\$			

**4. Civic Leadership**

Council needs to ensure that the communities have water supply that meet the drinking water quality.

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## 11.1 NAMING OF RIGHT-OF-WAYS OFF MICALAGO ROAD

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Personal Assistant to Deputy Director Service Delivery
Key Direction:	2. Expanding Connections Within the Shire and Beyond
Delivery Plan Strategy:	DP2.5 Continual maintenance and improvement of the road infrastructure network.
Operational Plan Action:	OP2.16 Develop Heavy Haulage Study
Attachments:	1. Subdivision Plan for DA 10.2001.102.1 <a href="#">↓</a>
Cost Centre	
Project	To name the Right of Ways off Micalago Road.
Further Operational Plan Actions:	<a href="#">Type text here</a>

### EXECUTIVE SUMMARY

Subdivision 10.2001.102.1 creates a T-shaped right-of-way which requires naming for Emergency Services. Council is the authority for naming right-of-way's in its Local Government Area.

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

#### OFFICER'S RECOMMENDATION

That Council endorses the names Bendemeer Lane and Horseshoe Lane.  
That Council formally advertises the two road names.  
That barring no objection, Council gazettes and signposts these two right-of-ways.

### BACKGROUND

As part of the subdivision 10.2001.102.1, there is a T-shaped right-of-way that will be created upon registration of the linen plan.

Even though it will not be a Council road, Council is still responsible for the naming of right-of-way's within its Local Government Area. This is to help enable the likes of emergency services.

As per recent discussions with the NSW Geographical Names Board, T-shaped cul-de-sacs are now to have two separate names given to them.

After consultation with the owner/developer of the site, it is proposed to name the entry of right-of-way, which comes off Micalago Road, as HORSESHOE LANE, with the top of the T right-of-way to be named as BENDEMEER LANE.

The Bendemeer Lane name has been chosen as the subdivision property was a part of the original Bendemeer Homestead. The majority of the dwellings that will be formed, will be addressed off this Bendemeer Lane section of the right-of-way.

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## 11.2 RELEASE OF THE SOUTH EAST AND TABLELANDS REGIONAL PLAN

Record No:

Responsible Officer:	Director Environment & Sustainability
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:	OP6.17 Develop a detailed strategic Landuse Strategy for the Region.
Attachments:	1. South East and Tablelands Regional Plan ( <i>Under Separate Cover</i> ) ⇒ 2. South East and Tablelands Regional Plan - Implementation Plan ( <i>Under Separate Cover</i> ) ⇒
Cost Centre	N/A
Project	Regional Planning – South East and Tablelands Regional Plan
Further Operational Plan Actions:	

### EXECUTIVE SUMMARY

This report provides a brief summary of the newly released South East and Tablelands Regional Plan and what it means for Council.

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

#### OFFICER'S RECOMMENDATION

That Council receive and note this report

That Council review its Community Strategic Plan to ensure it is consistent with the South East and Tablelands Regional Plan

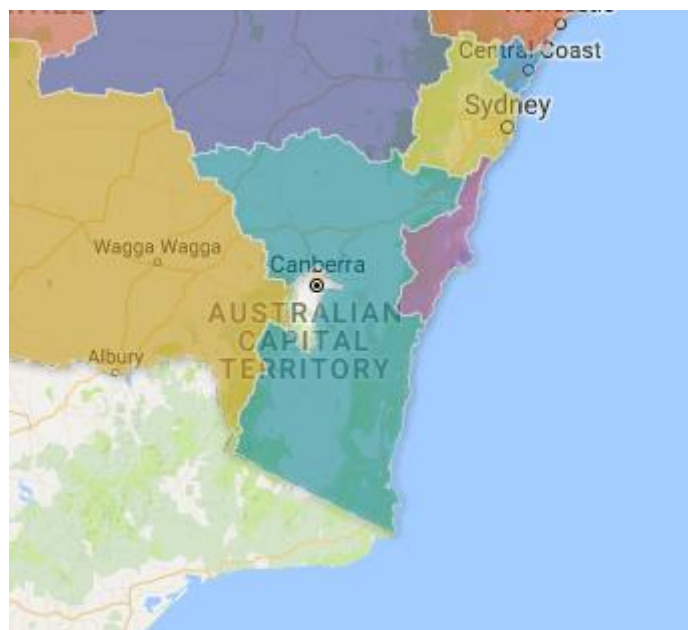
That Council acknowledges the increased priority for resourcing its strategic planning initiatives to compliment the actions identified in the South East and Tablelands Regional Plan

That as Council develops its forward strategies for Land Use Planning, Economic Development, Community Development and Tourism it endeavour to be consistent with the South East and Tablelands Regional Plan

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## BACKGROUND

The State Government is aiming to have a Regional Plan in place for each region in NSW. Over the past couple of years or so the Department of Planning has been developing the South East and Tablelands Regional Plan. Regional Plans provide a broad direction for development at a regional level over the next 20 years until 2036. Snowy Monaro Regional Council is within the South East and Tablelands region. The extent of this region is shown in green on the map below.



On Friday 7 July 2017 at Eden the South East and Tablelands Regional Plan was launched by the Minister for Planning, the Hon. Anthony Roberts MP. The key vision of the Plan is *'A borderless region in Australia's most geographically diverse natural environment with the nation's capital at its heart'*. The Plan sets four regional planning goals which are as follows:

- A connected and prosperous economy
- A diverse environment interconnected by biodiversity corridors
- Healthy and connected communities
- Environmentally sustainable housing choices

These goals are broadly consistent with Council's own likely strategic planning goals and the Plan has been released ahead of the development and release of new Snowy Monaro Regional Council strategic documents and plans. As such the Council is well placed to develop the local strategies required to achieve these regional goals over the next 20 years. The Regional Plan will provide a clear consistent platform upon which local strategies and actions can be developed and delivered. It is very important that Council recognises the need to adequately resource its Strategic Planning initiatives to align to the actions in the Plan.

The Plan itself is also accompanied by an Implementation Plan, which details a variety of actions required over the next 2 years in order to ensure the Regional Plan is effective. Some of these actions have been designated to Council as the responsible authority. The CBRJO is also undertaking various initiatives in relation to the further development of the region and this

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regional collaboration will continue as the South East and Tablelands Regional Plan is implemented.

The Implementation Plan has identified 9 priorities for the 2017-2019 period of time. These are as follows:

1. Develop a Visitor Economy Strategy for the Snowy Mountains
2. Map important agricultural land to better inform local and strategic planning processes
3. Develop profiles of the leading agricultural industries to guide future investment and decisions
4. Develop a strategy to encourage marine based tourism along the South Coast and Illawarra-Shoalhaven
5. Prepare guidelines for local housing strategies.
6. Coordinate the provisions of services and infrastructure to support housing delivery in the Yass Valley and Queanbeyan-Palerang Local Government Areas including South Jerrabomberra and Parkwood.
7. Develop best-practice guidelines for planning, designing and developing healthy built environments.
8. Work with the ACT Government to develop a cross-border land and housing monitor.
9. Improve planning authorities access to regional biodiversity corridor mapping and methodology

At the time of writing this report the Plan had only been released for two business days. Council staff will continue to work through the Plan and its implications for Council. As the Plan does place certain obligations upon the Council it is important that these be captured in Council's Community Strategic Plan. Staff will advise Council in future reports as the implications and expectations of the Council from the Plan become clearer.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

The Regional Plan's goal of developing healthy and connected communities will have a positive influence on social aspects of the community as the Plan is implemented.

### **2. Environmental**

The emphasis in the Regional Plan on the protection of biodiversity corridors and development of sustainable housing choices will have a positive impact on the environment.

### **3. Economic**

The regional plan will have an influence on the economic development of the Council area as time progresses. There will be implications to ensure Council adequately resources its Strategic Planning initiatives to align with the desired outcomes shown in the plan.

### **4. Civic Leadership**

The Regional Plan is a State Government initiative but the Council will be expected to collaborate and demonstrate community leadership in ensuring that its recommendations are implemented.

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### 13.1 HERITAGE GRANTS - 2017-2018

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Planning Officer
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.1 Encourage opportunities to promote and protect our cultural heritage.
Operational Plan Action:	OP4.1 Maintain Council's heritage management functions.
Attachments:	Nil
Cost Centre	4015-362-405 (advisor); 4015-455-405 (places)
Project	Heritage
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

Under the 2017-18 to 2018-19 Heritage Grants Program, Council has been successful in applying for a number of heritage grants offered to local Council's by the NSW Office of Environment & Heritage, being:

- Local Government Heritage Advisors (\$11,500 per annum)(for each of 2017/18 and 2018/19)
- Local Heritage Places (\$7,000 per annum)
- Snowy Monaro Heritage Planning Study – former Bombala Shire (\$40,000)(one year)
- Bombala and Delegate Heritage Main Street Study (\$10,000) (one year)

Matched funding is not required for any of the above grants.

It is proposed the Group Manager of Development and Building Certification have carriage of the Heritage Advisors and Local Heritage Places Grants, allocating an additional \$13,000 to the Local Heritage Places Grant so that \$20,000 may be made available to owners/managers of locally listed heritage items for restoration and conservation projects.

It is proposed the Group Manager of Economic Development & Tourism have carriage of the Heritage Planning Study and Bombala and Delegate Heritage Main Street Study, incorporating such findings and recommendations from the studies into the development of a single local environmental plan and development control plan for the amalgamated Snowy Monaro Regional Council. There are some quite tight timeframes for implementation of these programs.

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

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### **OFFICER'S RECOMMENDATION**

That Council

- A. Receive and note the information in the report on Heritage Grants – 2017-18 & 2018-19.
- B. Accepts the offers of NSW Office of Environment & Heritage for Local Government Heritage Advisors (\$11,500 per annum), Local Heritage Places (\$7,000 per annum), Snowy Monaro Heritage Planning Study – former Bombala Shire (\$40,000) (one year), Bombala and Delegate Heritage Main Street Study (\$10,000) (one year).
- C. Allocate \$13,000 to the Local Heritage Places Grant for 2017-18 and 2018-19.

### **BACKGROUND**

#### **Local Government Heritage Advisors Grant**

For many years the previous Cooma-Monaro Shire Council and the Snowy River Shire Council have offered to the community, the services of a Heritage Advisor. The primary role of a Heritage Advisor is to work with Council to develop and deliver a heritage policy and strategy, and to provide professional advice to assist Council and the Community to deliver good heritage and urban design management in our local government area. It is pleasing to note that both previous Advisors are available to continue this service across the now expanded regional area, for the next two years.

#### **Local Heritage Places Grant**

In 2015 and 2016 the previous Cooma-Monaro Shire Council successfully operated a small grants program which assisted owners to undertake repairs and maintenance to locally listed heritage items. The combined two grants, for an outlay of \$36,936.72 by Council, saw project costs totalling \$116,407.71 being undertaken to restore and conserve places of heritage significance and value.

It is again proposed under this year's round of funding, that individual grants of up to \$4,000 will be offered to successful applicants on a dollar-for-dollar basis, to assist property owners/managers to carry out restoration, maintenance and conservation works to heritage items (as listed in the Bombala, Cooma-Monaro, and Snowy River Local Environmental Plans) across the Snowy Monaro Council Region.

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### **Bombala and Delegate Heritage Main Street Study**

A heritage main street study provides very specific advice on heritage and urban design issues for the main street concerned. This will enable both private owners and Council to carry out appropriate conservation and enhancement work for their properties and public areas. Details on how this study will be undertaken are yet to be finalised, but in general the appointed consultant will:

- conduct community consultation to ensure a clear understanding of the community's views on the project,
- conduct a site survey,
- undertake research of all material relating to the study area and produce an inventory of the material,
- prepare a draft report for the community which provides guidelines for infill development, sketch designs with recommendations for restoring facades,
- provide a suggested colour scheme,
- provide advice and recommendations on urban design issues including the streetscape, street furniture, paving and lighting, and
- provide advice and recommendations on appropriate signage and its placement.

### **Snowy Monaro Heritage Planning Study – former Bombala Shire**

A heritage study investigates the history of a local government area. It identifies then assesses items and places of heritage significance that demonstrate this history. The study explains why the items are significant and recommends ways to manage and conserve this significance.

Before undertaking this project Council will define the project's scope, finalise the consultant's project briefs for a project manager and historian, advertise and select preferred consultants, and seeking OEH approval to engage the consultants selected.

Council may seek volunteers to assist the professional historian engaged to prepare a thematic history, and will further invite the community to nominate heritage items and to provide further information on known gaps and known heritage items.

The result of this project will be a thematic local history, a list of recommended individual heritage items and management recommendations. It is hoped implementation of the study, once adopted by Council, will support:

- the community's sense of identity,
  - raised awareness about the community's heritage assets, for better understanding and appreciation,
  - heritage tourism strategies that can generate local business,
  - a range of special heritage places which Council can support and promote to visitors, and
  - Council's cultural plan.
-

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

Accepting grants from NSW Office of Environment & Heritage to undertake studies, promote heritage, and offer assistance to owners/managers of locally listed heritage items will provide community engagement that fosters a sense of identity, education awareness, understanding and appreciation, promotes tourism and addresses Council's cultural plan and adopted Heritage Strategy.

### **2. Environmental**

The contents and recommendations of this Report are not considered to have any environmental impacts.

### **3. Economic**

Council's contribution of \$13,000 for the 2017-18 financial year to the Local Heritage Places Grant has been accounted for in Council's budget. There is also a budget allocation for Council's contribution to the Heritage Advisors roles.

### **4. Civic Leadership**

The acceptance of the four offered Heritage Grants by NSW Office of Environment & Heritage will assist Council in meeting the following objectives of Council's adopted Heritage Strategy:

- 2 – Identify heritage items and list in the local environmental plan
  - 3 – Appoint a heritage advisor
  - 5 – Local heritage incentives fund
  - 6 – Run a heritage main street program
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## 14.1 CONSTRUCTION OF TOILETS AT NORRIS PARK COOMA

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Recreation & Property Manager
Key Direction:	5. Enhancing Our Healthy, Active Lifestyle
Delivery Plan Strategy:	DP5.2 Upgrade and maintain current investments in community, sporting, recreation and fitness facilities and infrastructure.
Operational Plan Action:	OP5.5 Continue to proceed with Council's Asset Strategy for the Provision and Management of Public Toilet Facilities priority program of works.
Attachments:	Nil
Cost Centre	
Project	Construction of Toilets at Norris Park, Cooma
Further Operational Plan Actions:	

### EXECUTIVE SUMMARY

Norris Park does not have any toilets and the nearest toilet to this park and shared path is Centennial Park which is across 2 busy roads and 300 metres from Norris Park.

The Recreational Facilities Committee have been investigating the most suitable options for the construction of a toilet at Norris Park Cooma for some time now and at the meeting held on the 15<sup>th</sup> June 2017 it was agreed on the final style and location of the toilet block.

Investigations and quotations have now been obtained and with volunteer labour from the Lions Club of Cooma and assistance of the Cooma Rotary Club the final estimate is \$55,880.00 excluding GST. Additional funding will now be required to enable this project to proceed.

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

#### OFFICER'S RECOMMENDATION

That Council;

- A. Proceed with construction of a toilet at Norris Park, Cooma that includes one unisex fully accessible cubicle and one unisex ambulant cubicle.
- B. Authorise the expenditure and allocate an amount of \$55,880 in the 2017/18 Financial Year Budget with funding to be provided from General Fund.

#### BACKGROUND

Norris Park has several electric barbecues and picnic tables which are used regularly by the local community and visitors. The park is also adjacent to the shared pathway beside Cooma Creek. Norris Park does not have any toilets and the nearest toilet to this park and shared path is Centennial Park which is across 2 busy roads and 300 metres from Norris Park.

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14.1 CONSTRUCTION OF TOILETS AT NORRIS PARK COOMA

The Recreational Facilities Committee have been investigating the most suitable options for the construction of a toilet at Norris Park Cooma for some time now. In the 2016/17 budget Council allocated \$20,000 seed funding to the project and these unspent funds have been requested to be re-voted to the 2017/18 budget. The funding was allocated to assist in gaining grant funding for the project however unfortunately despite several applications no grants were able to be obtained.

At the Recreational Facilities Committee meeting held on the 15<sup>th</sup> June 2017 it was agreed on the final style and location of the toilet block. The selected style will be a gable roof with small veranda and includes one unisex fully accessible cubicle and one unisex ambulant cubicle. All fixtures and fittings will be stainless steel.

Investigations and quotations have now been obtained and with volunteer labour from the Lions Club of Cooma and assistance of the Cooma Rotary Club the final estimate is \$55,880.00 excluding GST. Additional funding will now be required to enable this project to proceed. The additional funding can be allocated from several projects at Nijong Oval not completed in 2016/17 and now funded under the Stronger Communities Funding Project.

**QUADRUPLE BOTTOM LINE REPORTING**

**1. Social**

Exercise and socializing are important factors in the wellbeing of our community and both Norris Park and the shared pathway beside Cooma Creek are big contributors to this. In particular many elderly and less mobile members of our community use the shared path for their exercise and a toilet at this location will make the use of the path more enjoyable and accessible.

**2. Environmental**

There will be minimal environmental impact as the toilet will be located on a vacant part of the park and connected directly to electricity, water and wastewater utilities. During construction all necessary erosion and sediment controls will be maintained.

**3. Economic**

Estimated Expenditure	Amount	Financial year	Ledger	Account string
Construct toilet	\$55,880	2017/18	WO1682	
Funding (Income/reserves)	Amount		Ledger	Account string
Nijong Oval refurbishments to surface, improvements to car park, signs and landscaping	\$35,880	2017/18	WO1603,1605,1606,1607	
Norris Park Toilets	\$20,000	2017/18		

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

Council's Section 355 Recreational Facilities Committee has canvassed the community and it has been recommended that a toilet in Norris Park will enhance the wellbeing of the community. It is showing that Council has a commitment to improving the quality of life and enhancing the appeal of Cooma for recreation and socializing.

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**15.1 DA 10.2016.543.2 - MODIFICATION OF A SUBDIVISION FOR 62 RESIDENTIAL LOTS AT YALLAKOOL ROAD, COOMA**

Record No:

Responsible Officer: Director Environment & Sustainability  
 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: OP6.13 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.  
 Attachments: 1. Staging plan (*Under Separate Cover*) ⇨  
 2. Applicants justification (*Under Separate Cover*) ⇨  
 3. Draft modified consent (*Under Separate Cover*) ⇨

Further Operational Plan Actions: [Type text here](#)

Application Number:	10.2016.543.2
Applicant:	Bob Griffiths – Consult Survey P/L
Owner:	Bottomline Group P/L
DA Registered:	16 May 2017
Property Description:	Lot: 101 DP: 1183622
Property Number:	18007
Area:	20 hectares
Zone:	R5 - Large Lot Residential Zone
Current Use:	Extensive agriculture
Proposed Use:	Residential subdivision
Permitted in Zone:	Yes
Recommendation:	See below

**EXECUTIVE SUMMARY**

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

This report considers in detail the traffic impacts of the proposal on the intersection of Yallakool Road and the Monaro Highway. It concludes that there is sufficient evidence to warrant deferring construction of an upgraded intersection to a later stage of the subdivision, but not sufficient evidence to warrant removal of the condition altogether, although this is marginal. This report

also supports the staging of the development and the acceptance by Council of the value of new capital works on Lot 66 instead of payment of monetary Section 94 Contributions, but requires that the applicant submit a proper plan detailing these works and have their costs independently evaluated. It also does not support the inclusion of the value of the land for Lot 66 being provided in lieu of monetary contributions.

### **RECOMMENDATION**

That DA 10.2016.543.2, being a proposed modification to a 62 residential lot subdivision at Yallakool Road, Cooma (Lot 101 DP 1183622) be determined as follows:

- A. That condition 32 be amended to require construction of the upgraded intersection at the Monaro Highway and Yallakool Road prior to release of the subdivision certificate for Stage 2 of the subdivision;
- B. That Council approve the amendment of the subdivision to 3 stages;
- C. That Council adopt the attached draft modified development consent, incorporating the changes in A and B of this recommendation and amending other conditions as necessary to facilitate the staging of the subdivision, as its determination of the application;
- D. That Council advise the applicant that it is prepared to accept the provision of a material public benefit in lieu of monetary Section 94 contributions for new capital works on Lot 66, subject to the submission and acceptance by Council of a plan detailing those works (as per the development consent) and its cost evaluation being independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors, at no cost to the Council.
- E. That Council further advise the applicant that subsequent to the above the Council will require the applicant to enter into a written agreement for the provision of those works, including the timing of their delivery.
- F. That Council advise the applicant that it will not accept the value of the land (Lot 66) in lieu of monetary Section 94 Contributions because this land does not currently form part of any Council open space or recreation strategy or plan.
- G. That Council advise the applicant that it will not be providing any further discounts on the value of Section 64 contributions for water supply and sewerage in relation to the development.

### **BACKGROUND**

This development was originally approved by Council (under staff delegations) subject to conditions of consent on 23 June 2016. No other modification applications have been made prior to the present application to modify the consent.

Council has not received a Construction Certificate or any Section 68 applications for this development. It is understood that the applicant is still considering the viability of the project from their point of view. The applicant and owner have been in contact with Council on a number

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of occasions through correspondence, meetings and telephone calls since the original determination was issued.

## **PROPOSAL**

The applicant is proposing the following changes to the approved development:

- 1) The removal of condition 32 concerning a requirement to upgrade the intersection of Yallakool Road and the Monaro Highway to an Auxiliary Left Turn Treatment (AUL) and a Channelised Right Turn Treatment – Short Lane (CHR(S)) as per the relevant section of Austroads Guide to Road Design;
- 2) The development now be constructed in 3 stages from east to west as per the submitted staging plan;
- 3) A reduction of \$330,000 from Section 94 Contributions (for the 2017-18 year these contributions currently total \$179,819) based on the value of Lot 66 and the value of new capital works on this lot, which will effectively negate the contribution;

The applicant is also seeking a further reduction to Section 64 contributions for water and sewerage supply above the 30% and 50% discount already provided in Council's Fees and Charges. A further reduction of \$205,000 for water contributions and \$23,355 for sewerage contributions is being sought. However these charges have not yet been levied upon the applicant because no application under Section 68 of the *Local Government Act 1993* for water supply or sewerage works has been received. To this point in time the applicant has only been advised of what these charges will be (based on the Council adopted fees at the time). Resolution of this issue is not an essential matter in a legal sense for consideration in the determination of the present application to modify the consent. However, Council is free to provide further advice to the applicant on this issue if it wishes.

The application has been lodged under Section 96(1A) of the *Environmental Planning and Assessment Act, 1979*.

## **ASSESSMENT**

The modification application has been assessed against the provisions of Section 96(1A) and Section 96(3) of the *Environmental Planning and Assessment Act, 1979*. Detailed consideration of the requirements of these Sections is provided below.

### **Is the proposed development of minimal environmental impact? (Section 96(1A)(a))**

The proposed modification does not involve any new works or increase the intensity of the development in any way. It is rather proposing that upgrading works to the intersection of Yallakool Road and the Monaro Highway not be undertaken, that the development be constructed in 3 stages and that Council accept the capital works and value of the land to be dedicated as open space in lieu of payment of developer contributions.

None of these proposed changes are considered to have a substantial impact on the environment. As such the proposed modifications are considered of minimal environmental impact.

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**Is the proposed development as modified substantially the same development as that for which the consent was originally granted? (Section 96(1A)(b))**

The proposed modifications do not make any significant changes to the basic nature of the development. It remains a subdivision providing 62 residential lots and no changes to the design of the development are proposed. The Courts have formed the view over time that the word 'substantially' means 'essentially or materially' or 'having the same essence'. There is no doubt that the proposed modifications will have no effect on the fundamental essence and material form and function of the proposed development. The changes proposed relate to specific aspects of the development rather than the development as a whole. As such the proposed modifications are considered substantially the same development.

**Notification of the application in accordance Council's Development Control Plan (Section 96(1A)(c)(ii))**

Council's Cooma-Monaro Development Control Plan 2014 only requires public notification of a Section 96(1A) application if objections were received to the original development application. As no objections were received to the original application, and because the proposed changes concern issues essentially between the applicant, Council and the RMS, the proposed modification was not notified.

**Consideration of submissions (Section 96(1A)(d))**

As the proposed modification was not publicly notified, no submissions were received.

**Other matters in Section 79C(1) as are of relevance to the proposed modification (Section 96(3))**

The 3 parts of the proposed modification are considered in turn below with reference to the relevant matters in Section 79C(1), which fundamentally concern the 'impacts' of the proposed modification as per Section 79C(1)(b) and the general public interest as per Section 79C(1)(e):

*1) The removal of condition 32*

Condition 32 of the consent currently reads as follows:

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

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

All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to RMS. All works must be completed prior to issue of the Subdivision Certificate.

*Reason:* Requirement of Roads and Maritime Services.

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This condition was included in the Consent on the advice and recommendation of the NSW Roads and Maritime Service (RMS). RMS have advised that they will assume the role of 'Roads Authority' for any required works to the Highway relating to this application.

The applicant is requesting the deletion of this condition. In support of this proposal, the applicant provided some additional information from Van Osgood of Osgood Civil Resource Engineering. This additional information is shown below. In it, Van Osgood provides three main reasons in support of the deletion of condition 32. These reasons are also shown below:

Attached is a concept layout of the geometry of the Yallakool Road/Monaro Highway intersection as per the Consent Condition 32 - AUL/CHR(S) intersection treatment. The geometry of the intersection is accurate for the 80kph speed zone. We have drafted this arrangement to:

- a. illustrate the extent of works as required by the Consent Condition,
- b. understand the impact on the Polo Flat Road/Monaro Highway Intersection, which is the responsibility of others to design and construct, and
- c. as supporting documentation for the deletion of the Consent Condition 32.

The majority of the intersection is within the existing paved area, however the shoulders are not. The RMS have suggested in their correspondence to SMRC of 17 June 2016, that the existing shoulder pavement is more than likely insufficient for the higher volume of traffic if the intersection were to be upgraded as per this arrangement. This we cannot confirm until the construction phase, hence any opinion of costs should be considered with appropriate contingency.

We offer the following reasons why these works should not be included in the Consent;

1. The existing intersection is already dangerous as it does not provide a defined passing lane for westbound traffic passing stopped vehicles waiting to turn right into Yallakool Road and requires upgrading immediately.
2. The proposed CHR(S) arrangement extends past the Polo Flat Road intersection, which also requires a CHR(S) right turn treatment (but is not documented here). Design of these intersection arrangements by separate parties at separate times is inefficient and will be confusing for those involved.
3. The subject intersection is 0.5km away from the nearest proposed new lot in the subdivision and hence there is extensive other land fronting, or has access provided by, Yallakool Road, that may be subdivided in the future that will use this intersection, potentially hundreds of additional lots. It is unreasonable to impose the total cost of the intersection upgrade onto the developer of the initial subdivision.

Hence it is common sense that the SMRC and RMS should design and construct the Monaro Highway/Yallakool Road & Polo Flat Road Intersections as one project, sooner rather than later.

Yours sincerely,



Van Osgood  
Director

Van Osgood also provided a concept design drawing showing what the intersection would look like if it was constructed according to the standard specified in condition 32. This drawing is shown below:





The information provided by the applicant from Van Osgood was referred to Roads and Maritime for comment during the assessment process. The RMS provided a response as follows:

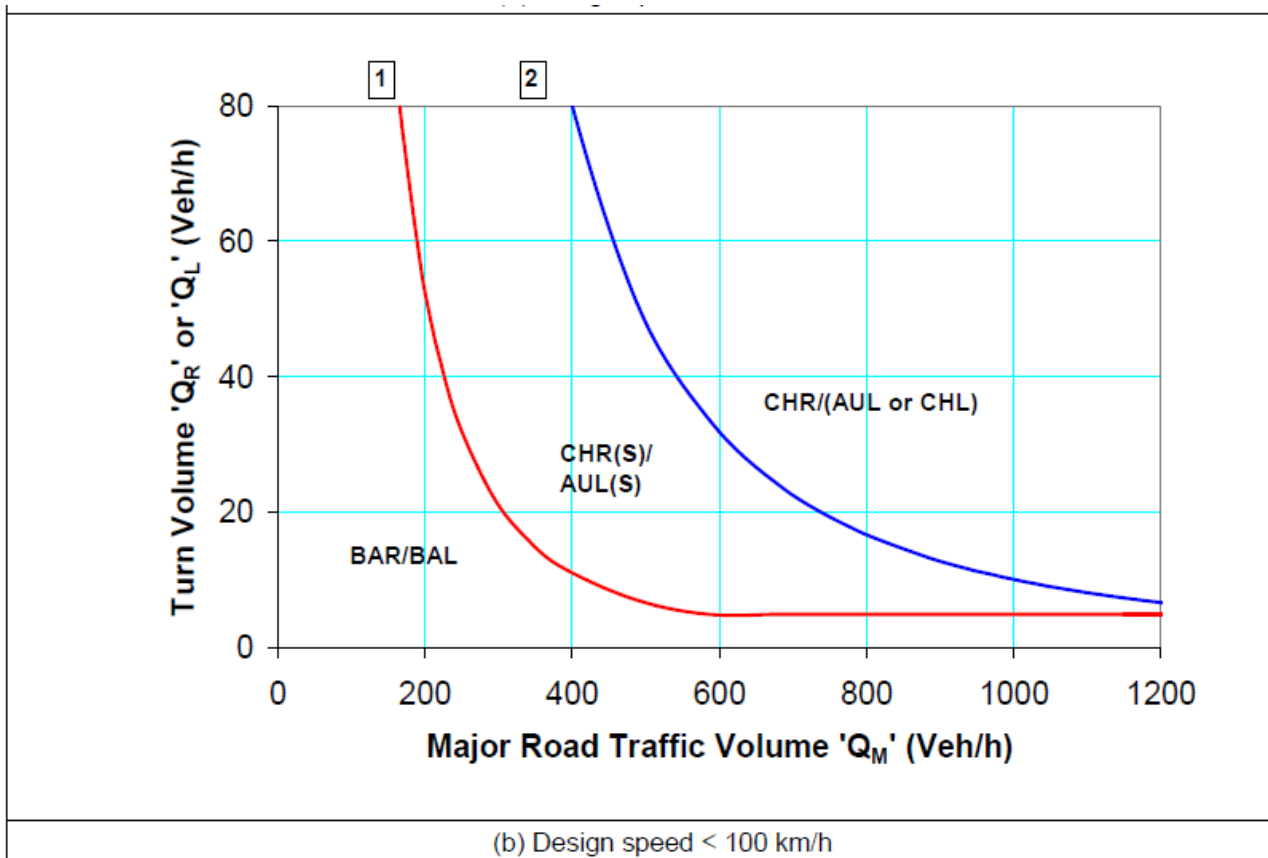
*Roads and Maritime Services (RMS) refers to the email dated 18 May 2017 from Snowy Monaro Council relating to the modification of development application 10.2016.543 (.2), specifically in relation to the request to delete Condition 32 of the consent (upgrade works at the junction of Yallakool Road and Monaro Highway to be AUL with CHR(S)).*

*RMS has reviewed the provided information as well as the original traffic report prepared by OCRE on behalf of the developer. RMS considers that the findings from the original traffic report indicating that AUL together with CHR(S), is the appropriate upgrade treatment for such a development at this location. Similarly preliminary RMS investigations of the turn warrants (based off the AUSTRROADS Guide to Road Design-Part 4A: Unsignalised and signalised intersections Figure 4.9) indicate that this is the appropriate treatment. These working were based on the existing through traffic figures found on the RMS traffic volume viewer (found at <http://www.rms.nsw.gov.au/about/corporate-publications/statistics/traffic-volumes/aadt-map/index.html/?z=17&lat=-36.21233045395869&lon=149.15275478363046&tb=0>) Station ID 6112, together with the peak hour trips based on the RTA guide to traffic generating developments rate of 0.85 trips per dwelling and using the traffic reports adopted split of 50%.*

*RMS would require stronger justification of why the upgrades would not be required, supported by onsite traffic counts at this location, an updated traffic report together with the raw count data for RMS' assessment.*

*In conclusion, RMS does not support the request to remove the requirement to upgrade the abovementioned intersection to be AUL/CHR(S).*

The RMS advice refers to Figure 4.9 in the 'AUSTRROADS Guide to Road Design – Part 4A: Unsignalised and Signalised intersections'. This figure shows the thresholds in terms of traffic volumes for when the standard of intersection treatment required should be increased. The red line (curve 1) represents the threshold traffic volumes between a BAR/BAL and a CHR(S)/AUL(S) and this is the relevant threshold line for this assessment. Figure 4.9 is shown below (for intersections with a design speed of <100km/hour):



Source: Arndt and Troutbeck (2006).

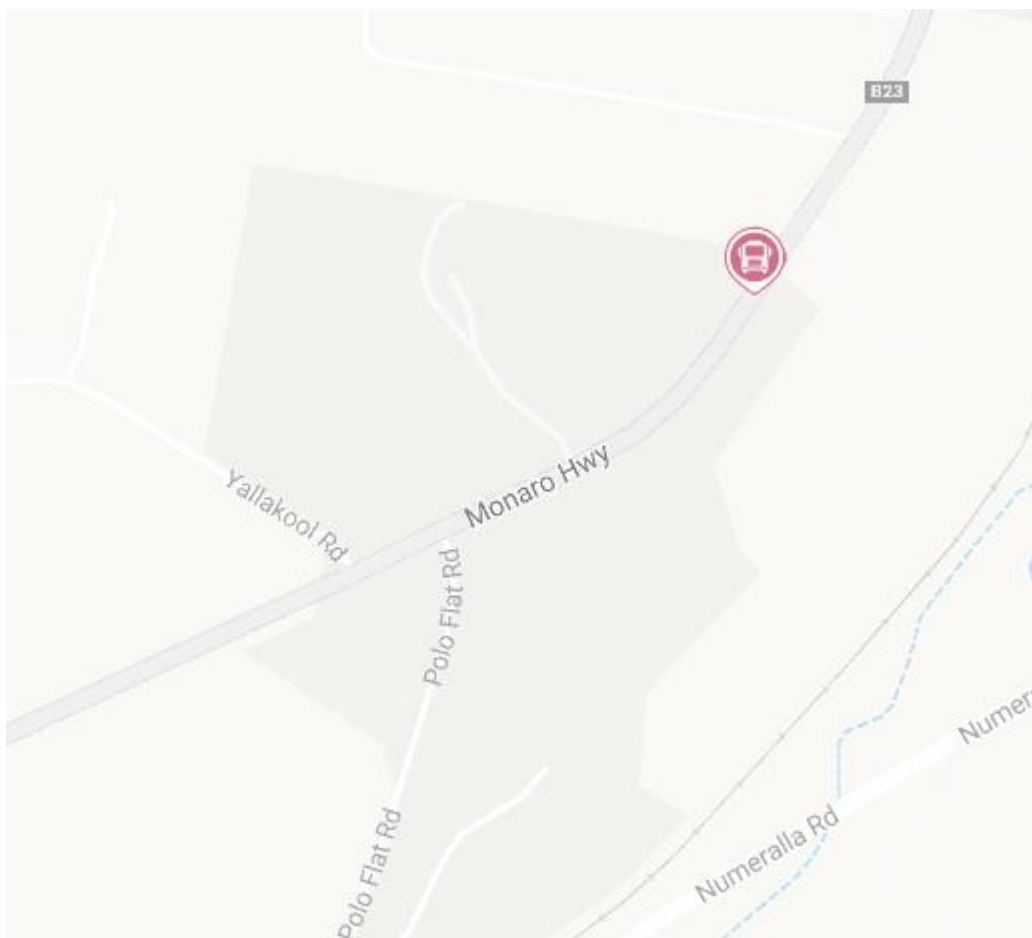
**Figure 4.9: Warrants for turn treatments on the major road at unsignalised intersections**

To understand where the intersection is located on the graph, it is necessary to understand the major road (Monaro Highway) traffic volume and the quantity of vehicles likely to turn right or left off this road onto the side road (Yallakool Road). The AUSTRROADS Guide requires the use of the peak hour traffic flows in calculating this volume or alternatively 8-10% of the average annual daily traffic (AADT) volumes. The RMS has relied upon their traffic counter (station ID 6112) which is located approximately 500m north of the Monaro Highway / Yallakool Road intersection. The data provided from this station is shown in the table below:

Traffic count (vehicles per hour)	Northbound 2016/2017		Southbound 2016/2017	
Max AM Peak (6am-10am)	204	185	171	147
Max PM Peak (3pm-7pm)	219	190	222	201
10% of AADT	260.7	238.1	258.6	231.2

Traffic count data from RMS Station ID 6112

The location of the RMS counter is shown in the map below. It is important to note that this is north of the Polo Flat Road/Monaro Highway intersection. Polo Flat Road provides access to Cooma’s industrial area and also acts as a Cooma bypass route for traffic heading towards the south coast. It is also a B-double route. As such the southbound traffic count at the Yallakool Road/Monaro Highway intersection will be less than the southbound count at the RMS station due to the fact that some traffic will be diverted onto Polo Flat Road.

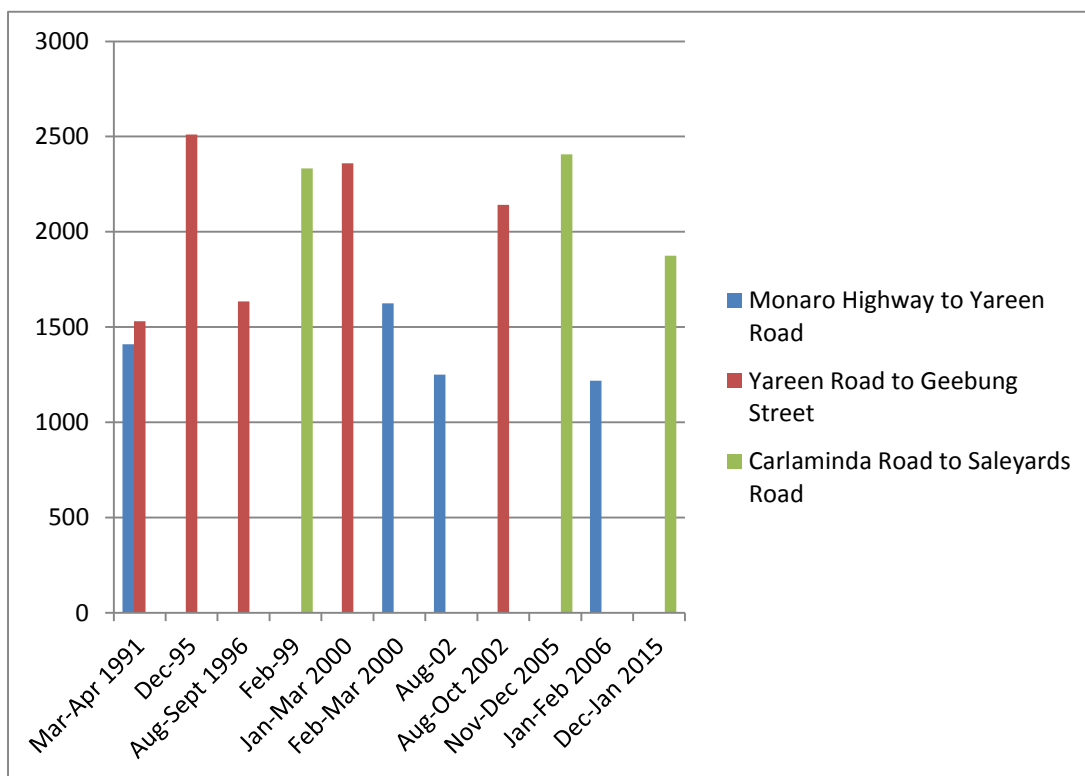


Map showing the location of the RMS traffic counter

The southbound count is considered more important than the northbound count in this circumstance because it determines the need for the channelized right turn (CHR(S)) treatment

which is the major cost involved in upgrading the intersection. The AUL treatment is effectively already present, although the current linemarking needs to be adjusted and other minor improvements made to fully meet the standard. As such the southbound traffic counts on the Monaro Highway have been the major focus of this assessment.

To ascertain how much traffic is diverted onto Polo Flat Road it is possible to refer to Council’s records. A traffic count undertaken by Council in early 2006 (12 January – 17 February) on Polo Flat Road just south of the intersection of Polo Flat Road and the Monaro Highway estimated a AADT (average annual daily traffic) level of 1218 in almost an exact 50/50 split between northbound and southbound traffic. At this time of year the traffic flow would likely be above the yearly average due to coastal holiday traffic. However a comparison with other Council traffic counts undertaken on Polo Flat Road at different times of year over the last 25 years shows a consistently higher daily AADT. In fact, of the total 14 traffic counts undertaken the count referred to above had the lowest estimated AADT. The graph below shows data from 11 of the 14 traffic counts on different sections of Polo Flat Road over time.



Graph showing traffic counts on selected sections of Polo Flat Road over time. The Monaro Highway to Yareen Road counts (blue bars) are the most accurate reflection of traffic on Polo Flat Road likely to be using the Monaro Highway intersection.

The blue bars in the graph show the count data for the section closest to the Polo Flat Road/Monaro Highway intersection near Yallakool Road. It can be seen that the traffic counts in this section of Polo Flat Road were consistently lower than other sections of the road. This means that using an AADT estimate of 600 southbound vehicles (based on half the 1218 total count in 2006) should be a sufficiently conservative figure to use based on the long term trend of

traffic use on Polo Flat Road. (Using a higher traffic count on Polo Flat Road would effectively increase the amount of traffic diverted from the Monaro Highway and so reduce the traffic volume on the Highway passing the Yallakool Road intersection).

If it is accepted that, based on Polo Flat Road traffic counts, a figure of 600 vehicles should be used for southbound vehicles diverted off the Monaro Highway at Polo Flat Road, then before this number of vehicles can be taken away from the RMS traffic counter figures it must be offset by an estimate of the northbound vehicles on Polo Flat Road which will turn left onto the Monaro Highway and then either right onto Yallakool Road or continue along the Highway back towards town.

Based on a 50/50 directional split of vehicles using Polo Flat Road, an equivalent figure of 600 AADT can be used for northbound vehicles on Polo Flat Road. It is expected that the vast majority of these vehicles would turn right onto the Monaro Highway and continue their northbound journey, rather than turn left back towards town. This is because an alternative route towards town (Yareen Road) is likely to be the preferred route for traffic with the town as their destination. However a percentage of vehicles will turn left and make a subsequent right turn onto Yallakool Road in order to travel to a destination in Cooma North. If it is assumed that 33% of vehicles are likely to conduct this manoeuvre (considered very conservative) then this equates to 200 vehicles AADT. This figure of 200 needs to then be deducted from the 600 southbound vehicles diverted onto Polo Flat Road, resulting in a total of 400 vehicles net AADT likely to be reduced from the RMS counter figures as they apply at Yallakool Road due to the influence of Polo Flat Road.

Removing 400 vehicles AADT from the RMS southbound counter figures results in the following table of traffic numbers at the Yallakool Road/Monaro Highway intersection.

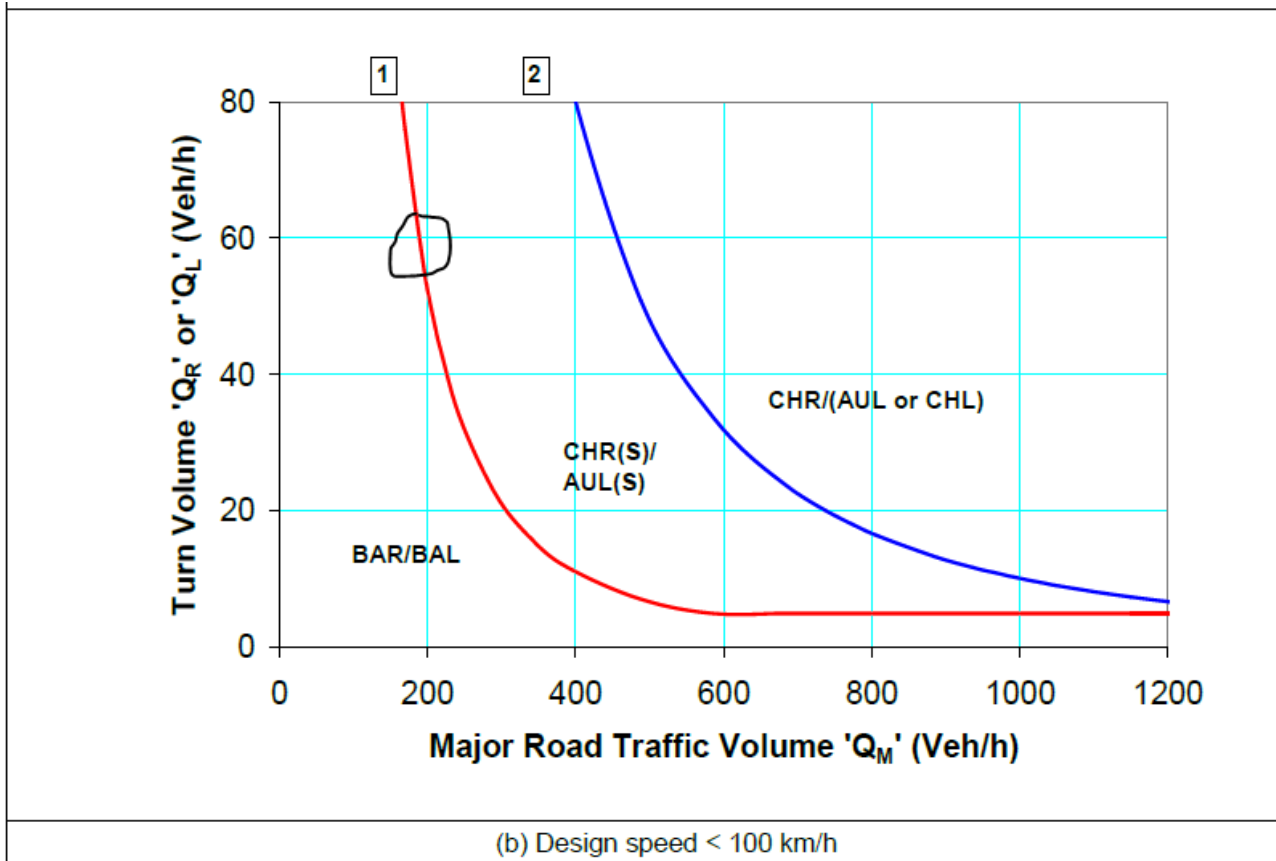
Traffic count data from RMS Station ID 6112 adjusted for Polo Flat Road traffic impact

Traffic count (vehicles per hour)	Southbound 2016/2017	
	Max AM Peak (6am-10am)*	145
Max PM Peak (3pm-7pm)*	189	171
10% of AADT	222.1	188.1

\*NOTE: Max peak figures have been reduced by 15% to cater for the impact of Polo Flat Road. This percentage is based on 400 vehicles as a percentage of the highest AADT traffic volumes recorded in either direction, to be conservative.

The table above estimates a maximum peak hour traffic level of 189 vehicles per hour travelling southbound along the Monaro Highway past the Yallakool Road intersection and adjusted to cater for the influence of Polo Flat Road. This level of traffic on the Monaro Highway can now be used to determine in Figure 4.9 in the AUSTRROADS Guidelines what amount of turning traffic will require the construction of a CHR(S) as required by condition 32 of the consent. Figure 4.9 is again shown below with the point where the traffic level on the Monaro Highway will meet the

threshold for a CHR(S)/AUL(S) shown by the circled area. This shows that when the traffic volume in vehicles per hour turning right or left off the Monaro Highway reaches 60 vehicles per day the threshold for a CHR(S)/AUL(S) will be met.



Source: Amdt and Troutbeck (2006).

**Figure 4.9: Warrants for turn treatments on the major road at unsignalled intersections**

Figure 4.9 from AUSTRROADS Guide with the intersection point for a major road traffic volume of 189 shown by the circle.

To calculate the traffic levels on Yallakool Road at the intersection, the applicant's original traffic report used a figure of 7 vehicles per day per lot based on Appendix 5 of Council's DCP. Appendix 5 assumes a vehicle generation rate of 7 vehicles per day per lot for all road design levels in the R5 Zone. The RTA Guide to Traffic Generating Development uses a figure of 9 vehicles trips per dwelling and a peak hour vehicle trip rate of 0.85 per dwelling. In providing the advice in their referral, the RMS advised that they have used the 0.85 per dwelling figure for the purposes of evaluating the correct treatment for this intersection. This results in a figure of 52.7 peak hour vehicle trips (62 lots x 0.85) from the new subdivision. The applicant's original traffic report split this vehicle generation 50/50 between journeys east (towards Monaro Highway) and west (towards Mittagang Road). The RMS have advised they accept this split, which results in a total of 26 maximum peak hour trips from the subdivision which will utilise the Monaro Highway/Yallakool Road intersection. The applicant's traffic report arrived at a similar figure however it utilised a different methodology to arrive at it. It then further splits the direction of travel at the

intersection 50/50 between left and right turns from Yallakool Road onto the Monaro Highway. For the purposes of this assessment however, the figure of 26 total trips will be used.

To ascertain whether the impact from the subdivision of the additional 26 vehicle movements in peak hour will cause the threshold for an upgraded intersection to be exceeded the existing level of use of the intersection by traffic turning to or from Yallakool Road needs to be established. Council has conducted a number of traffic counts on Yallakool Road but the two most recent counts in 2011 and 2005 produced a total daily AADT of 357 and 332 vehicles respectively. Both these counts were conducted in the western section of Yallakool Road between Mittagang Road and Tilabudgerry Road and so may not accurately reflect traffic counts at the eastern end of the road near the Monaro Highway. However earlier counts in earlier years of the eastern end of Yallakool Road revealed traffic counts up to 70% lower than the maximum count in the western section. However, in order to be conservative, the maximum count of 357 vehicles in 2011 will be used, with a figure of 35 vehicles (10% of 357) being used to calculate the maximum peak hour traffic.

By contrast the applicant's original traffic report used a figure of 35 vehicles per day, which would equate to roughly 3.5 peak hour vehicles. This was calculated using a total of 5 existing lots in the western section of Yallakool Road producing 7 vehicle trips per day (based on Council's DCP). However this is considered to be a substantial underestimate because it doesn't allow for through traffic. As such it is considered that the figure of 35 peak hour vehicle trips based on the Council's 2011 traffic count data is a more accurate figure to use.

Therefore in consideration of all the above factors it is considered that the traffic volume for the existing level of usage of the intersection is 189 maximum peak hour trips on the major road (Monaro Highway) and 35 maximum peak hour trips on the turning road (Yallakool Road). Based on Figure 4.9 from the Austroads Guide, this means that the current level of treatment of the intersection as at least a BAL/BAL type intersection is appropriate. It is estimated that the subdivision when fully completed will add a further 26 peak hour vehicle movements to the turning road at the intersection which will bring the total to 61 peak hour vehicle movements at the intersection. It is considered that this will slightly exceed the threshold (estimated to be 60 peak hour vehicle movements on Yallakool Road) for an upgrading of the intersection to CHR(S) and AUL based on figure 4.9 of the AUSTROADS Guide.

During the course of reviewing this issue, the previous assessments for the original DA concerning traffic were reviewed. Several factors have been identified that may reasonably be expected to cause a change to the original recommendation. These are:

- The applicant's traffic study overestimated the traffic levels on the Monaro Highway and did not use the counts from station 6112 which the RMS used in their assessment;
  - The applicant's traffic study significantly underestimated the existing traffic levels on Yallakool Road;
  - Both the RMS and applicant's traffic study did not take into account the southbound traffic diverting onto Polo Flat Road and thus being removed from the traffic passing the intersection of the Monaro Highway and Yallakool Road. It is conservatively estimated
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Polo Flat Road removes 15% of the southbound traffic volume from the Monaro Highway (noting there are likely to be considerable seasonal variances).

The results of the review of these issues present the Council with a difficult decision. It seems that the subdivision when complete will be producing a traffic demand that based on the information provided is likely to marginally exceed the theoretical capacity of the present intersection design. However in making this statement it should be noted that the figures used to establish this were conservative where ever possible and based on traffic counts from at least several years ago in case of the Council traffic data that was used. It may be possible to establish a different traffic scenario at the site using more recent traffic count data on Yallakool Road and Polo Flat Road and by not being as conservative in the use of count data and assumptions.

It should also be noted that the approved subdivision consisting of 62 lots is not ‘traffic generating development’ as per *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP). As such the Council was not obligated by the ISEPP to consult with the RMS regarding the proposal. However, because the subdivision was identified by Council’s DCP as a type of development requiring advertising in the newspaper (the original development was advertised in the paper on 3 February 2016) then it is considered ‘advertised development’ under the *Environmental Planning and Assessment Regulations 2000* and under clause 88(1)(b) of the Regulations the Council is required to give notice to such public authorities which may have an interest in the determination of the application. As the proposed development will increase traffic at the Yallakool Road/Monaro Highway intersection then the RMS was considered to have such an interest.

A further consideration regarding the intersection concerns public safety. If the added traffic from the development will place such a strain on the existing intersection that it becomes dangerous and at the threshold of an upgraded intersection then this is a concern. Council should also carefully consider the advice from the applicant’s traffic consultant’s report which clearly states that the intersection “*is already dangerous*” (refer extract above). This consideration is in fact viewed as decisive in this circumstance. For this reason a total removal of condition 32 is not supported. However because the subdivision is now being proposed over 3 stages it is considered there is room to move regarding the timing of the intersection construction. The following table shows each proposed stage and the estimated level of traffic generated from the subdivision at the completion of each stage:

Stage	Total residential lots in subdivision (cumulative total)	Total peak hour vehicle trips (0.85 per lot)	Additional peak hour traffic at Yallakool Road/Monaro Hwy intersection	Total peak hour traffic at intersection (existing 35 + subdivision)
1	31	26	13	48
2	45	38	19	54
3	62	52	26	61



The threshold for upgrading of the intersection is considered to be 60 peak hour traffic movements. The table shows this level being approached at the end of stage 2 and exceeded at the end of stage 3. As such it is recommended that the intersection be upgraded as part of stage 2 of the proposed subdivision. This means that condition 32 should be changed to require upgrading works to the intersection prior to the release of the subdivision certificate for stage 2.

## 2) Staging of the development

The applicant is proposing a modification to the proposal to allow the subdivision to be constructed in 3 stages. Stage 1 will consist of 31 residential lots, stage 2 will add a further 14 residential lots and stage 3 a further 17 residential lots. Whilst the construction of the development in stages raises no fundamental concerns from a planning point of view and the proposed staging plan is generally in accordance with clause 4.1.10 of the DCP, the nominated stages will require full construction of the water supply and sewerage system to the whole of the development as part of stage 1.

It is recommended the conditions of consent be amended to facilitate the development of the subdivision in 3 stages.

## 3) Request regarding Section 94 Contributions

The applicant has requested that Council accept the removal of the monetary component of Section 94 Contributions for the development in lieu of the dedication of land and capital works on the land required by the conditions of consent. Three existing conditions relevant to this issue are condition 28 (which requires the submission of a site management plan for Lot 66 and subsequent construction), condition 52 (which requires construction works for lot 66 be shown on the relevant construction certificate plans), and condition 77 (which levies the Section 94 contributions for the development).

Condition 28 currently reads as follows:

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

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

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

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Condition 52 currently reads as follows (note highlighted section):

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

The work includes:

Road Works

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

Drainage

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

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

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

Condition 77 requires the payment of \$172,325 in Section 94 contributions, which at the rates for the current financial year will amount to \$179,819. The applicant has estimated that the total value of works for the open space will amount to \$245,000 to construct and \$85,000 for the value of the land, bringing the total value to \$330,000. This total amount is 183% of the present value of Section 94 Contributions for the development.

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Section 94 of the Act entitles the Council to accept the dedication of land and the provision of a material public benefit in full or in part satisfaction of a condition imposed under Section 94. However, where this alternative has been proposed by the developer, it is entirely up to Council as to whether it accepts the alternative proposal. Practice notes issued by the Department of Planning on this subject suggest that if the Council wishes to accept an alternative proposal regarding the payment of Section 94 Contributions that it should require the following of the applicant:

- 1) The value of the works to be substituted must be provided by the applicant and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors;
- 2) Council enters into a written agreement with the applicant to complete those works.

The applicant has not to date provided the site management plan for lot 66 (the land required to be dedicated as open space) as required by condition 28 and so it is not possible for an accurate evaluation of the cost of the works proposed to be reviewed at this point. Further complications in finalising this issue at present are that the dedication of land as open space in this subdivision, whilst full of potential for enabling a cycling or walking circuit in Cooma North, is not currently part of any Council open space strategy for the area. As such the dedication of the land in Lot 66 was not something that the Council either requested or required. Rather the developer approached Council about the potential of the land as part of an open space corridor and Council agrees with that potential and is willing to accept the land on that basis.

The proposed staging of the development also means that Lot 66 would not be dedicated to Council until the completion of stage 3 of the subdivision. It is unclear when the timing of this would be, and the prospect of two earlier stages having to be completed potentially without the payment of any Section 94 contributions means that it could be a long time if ever before the Council and the public receive the benefit of the newly dedicated land and works. The timing of the works would obviously need to be the subject of the written agreement between Council and the developer, if the applicant's alternative was to be accepted.

The resolution of this issue in the future does not necessarily require a further modification to the development consent. The Council cannot make a final determination on this issue as part of the proposed modification for the reasons outlined above, however, it would be sufficient at present for Council to resolve that it is willing to accept as an alternative to the provision of monetary contributions the provision of the material public benefit of the new capital works on Lot 66. This is considered reasonable because these new works will enable the open space to be used by the broader community and will ensure it is usable at the latest when the development is complete. However it is also considered appropriate for Council to resolve that it will not accept the reduction in the land value from this amount. This is reasonable because the dedication of this land is not a requirement of any existing Council strategy or plan and its dedication was fundamentally an initiative of the applicant to improve their subdivision. Council is prepared to accept the land and with it responsibility for its future maintenance but if the land was not dedicated to Council it would not impact any of Council's current future intentions for area.

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Section 79C and EP&A Act Checklist

<b>The suitability of the site for the development:</b>	The site is generally suitable for the development as proposed to be modified.
<b>The provisions of any environmental planning instrument and draft environmental planning instrument:</b>	The proposed modifications do not affect the compliance of the original development with the provisions of <i>Cooma-Monaro Local Environmental Plan 2013</i> .
<b>The provision of any development control plan:</b>	The modification application generally complies with the provisions of Council's <i>Cooma-Monaro Development Control Plan 2013</i> .
<b>Any matters prescribed by the regulations:</b>	Not relevant to the modification.
<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.
<b>Any submissions made in accordance with the EP&amp;A Act or the regulations:</b>	The application was not required to be notified.
<b>The public interest:</b>	The recommendations concerning each of the three issues examined above are not contrary to the public interest but have been made in consideration of the broader public interest.

**CONCLUSION**

The relevant issues have been duly assessed earlier in this report. It is considered that the proposed development, subject to the recommendations of this report, generally complies with the relevant provisions of Section 96(1A), 96(3) and 79C of the Act. It is also consistent with the provisions of *Cooma-Monaro Local Environmental Plan 2013* and *Cooma-Monaro Development Control Plan 2014*. There was no requirement that the development be publicly notified. It is recommended that Council approve the staging of the development, defer construction of the upgraded intersection of the Monaro Highway and Yallakool Road to stage 2 of the subdivision and indicate to the applicant that it is prepared to accept the provision of new capital works on Lot 66 in lieu of monetary contributions, subject to the submission of a plan of the works and evaluation by an independent quality surveyor.

It is also recommended Council determine the application in accordance with the attached modified development consent.

**QUADRUPLE BOTTOM LINE REPORTING**

**1. Social**

The recommendations of this report will ensure that the safety of the public on the Monaro Highway is not compromised and that the public will benefit from new capital works and open space on the site should the development proceed.

## **2. Environmental**

The environmental impacts of this report primarily relate to the traffic flows at the intersection of the Monaro Highway and Yallakool Road. The recommendations of the report are designed to ensure these are acceptable at all times.

## **3. Economic**

This development will provide an economic benefit to the town if it proceeds and the recommendations of the report are designed to balance the economic, environmental and social benefits and costs of the development.

## **4. Civic Leadership**

The report attempts to accommodate and facilitate the proposed development as far as possible within the bounds of Council policy, equity and community safety.

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**15.2 DA 16.2016.1006.2 - 82A REVIEW OF DETERMINATION FOR THE 'NIMMITY BELL'**

Record No:

Responsible Officer:	Director Environment & Sustainability
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:	OP6.13 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. Review documentation (<i>Under Separate Cover</i>) ⇨</li> <li>2. Public submissions (<i>Under Separate Cover</i>) ⇨</li> </ol>

Further Operational Plan Actions:

Application Number:	16.2016.1006.2
Applicant:	Nimmitabel Lions Club
Owner:	Snowy Monaro Regional Council
DA Registered:	4 April 2017
Property Description:	Clarke Street road reserve, Nimmitabel (adjacent Lot 6 Section 42 DP 758776 otherwise known as 39 Bombala Street, Nimmitabel)
Property Number:	Asset ID 7451 Segment 040 Clarke Street (Kirke Street to Bombala Street)
Area:	N/A
Zone:	RU5 – Village Zone
Current Use:	Road Reserve
Proposed Use:	Installation of the Nimmity Bell
Permitted in Zone:	Yes
Recommendation:	See below

**EXECUTIVE SUMMARY**

The purpose of this report is present Council with a review of its original determination on DA 10.2016.1006.1, being for the installation of the 'Nimmity Bell' on the Clarke Street road reserve in Nimmitabel. Council's original determination was to refuse the application for 5 reasons. Following a review of this decision in accordance with the provisions of Section 82A of the *Environmental Planning and Assessment Act, 1979*, it is recommended Council maintain its decision to refuse the application but remove one of the original reasons for refusal and amend another. This is detailed in the recommendation below.

## RECOMMENDATION

That as a result of the review of its determination for DA 10.2016.1006.1, Council amend its original reasons for refusal to remove reason C. and amend reason D.

That DA 10.2016.1006.1 being for the installation of the 'Nimmity Bell' within Council's road reserve at the intersection of Clarke Street and Bombala Street at Nimmitabel be REFUSED for the following (amended) reasons:

- A. The proposal has the potential to create frequent intrusive noise impacts on surrounding properties and has not sufficiently demonstrated how these potential noise impacts can be mitigated (S.79C(1)(b))
- B. The proposal will detract from the heritage values of the streetscape in its proposed location (S.79C(1)(b))
- C. The Council received a number of public submissions against the proposal which, by virtue of the issues raised are considered significant (S.79C(1)(d))
- D. The proposed structure will increase the Council's public liability being located within the road reserve which is not in the public interest (S.79C(1)(e))

That Council adopt the attached Draft determination as its determination of the application subject to signature and minor administrative changes (if required) by the Group Manager – Economic Development and Tourism.

## BACKGROUND

Council received a development application for the installation of the Nimmitabel on 30 May 2016. This application was reported to the Council meeting on 28 September 2016 at which the following resolution was made:

### COUNCIL RESOLUTION

[144/16]

That DA 10.2016.1006.1 being for the installation of the 'Nimmity Bell' within Council's road reserve at the intersection of Clarke Street and Bombala Street at Nimmitabel be REFUSED for the following reasons:

- A. The proposal has the potential to create frequent intrusive noise impacts on surrounding properties and has not sufficiently demonstrated how these potential noise impacts can be mitigated (S.79C(1)(b))
- B. The proposal will detract from the heritage values of the streetscape in its proposed location (S.79C(1)(b))
- C. The proposed site is unsuitable and unsafe for the congregating of a large number of persons likely to gather there for civic and festive events (S.79C(1)(b))
- D. The Council received a number of public submissions against the proposal which, by virtue of the issues raised and the number received, are considered significant (S.79C(1)(d))
- E. The proposed structure will increase the Council's public liability being located within the road reserve which is not in the public interest (S.79C(1)(e))

That Council adopt the attached Draft determination as its determination of the application subject to signature and minor administrative changes (if required) by the Planning Manager – Cooma Branch.

[Approved by Administrator Lynch]

The application was subsequently refused. Since that time the applicant has gathered further information with the intention of seeking to address the above reasons for refusal. This additional information was submitted to Council as part of an application under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Section 82A affords an applicant an opportunity to formally request that the Council review its decision. Council received the request for review application on 4 April 2017.

The Council is obliged to conduct a review if formally requested by an applicant. Section 82A(6) requires the following concerning the review:

*(6) If the council reviews the determination, the review must be made by:*

*(a) if the determination was made by a delegate of the council—the council or another delegate of the council who is not subordinate to the delegate who made the determination, or*

*(b) if the determination was made by the council—the council.*

As the original development application was determined at a Council meeting, this review application must also be determined at a Council meeting. Section 82A(4A) permits a Council to confirm or make changes to its original determination as a consequence of the review.

## **ASSESSMENT**

Section 82A(4) permits the Council to review the determination provided it has fulfilled the obligations of that subsection, which reads as follows:

*(4) The council may review the determination if:*

*(a) it has notified the request for review in accordance with:*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and*

*(b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and*

*(c) in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.*

The obligations of this subsection are now considered below.

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### **Notification in accordance with the regulations or development control plan (S.82A(4)(a))**

Table 12 in chapter 8 of Council's Cooma-Monaro Development Control Plan 2014 specifies that the notification requirements for an 82A review are the same as that for the original application. As such the Council followed the same notification process as for the original application, and provided written notice to all previously notified properties. The public notification period was 14 days and closed on 18 April 2017.

### **Consideration of submissions (S.82A(4)(b))**

Council received a total of 37 public submissions in response to the review. Of these submissions, 18 were in support of the proposal whilst 19 were objecting to the proposal. However of the 18 submissions in support of the proposal, 13 letters of support were provided directly by the applicant to accompany the review documentation they submitted. A petition containing slightly over 100 signatures in support of the proposal was also submitted.

It must be noted that in the submissions received the distinction between those who support or object to the Bell for the most part relates to the Bell in its proposed location in Clarke Street, rather than the notion of the Bell itself. There seems to be broad acceptance among the submissions that the Bell could be located somewhere in the town, but the point of difference is fundamentally about where this location should be. Unfortunately the scope of this report does not permit an examination of possible alternative sites, but must focus on the merits or otherwise of the particular site where the Bell is presently proposed. It is noted that the applicant has provided some additional information concerning other possible sites where the Bell could be located in the town as part of the review documentation.

The issues raised in the submissions of support and objection are summarised below with Council comment as appropriate. The issues in the additional letters of support and the petition are also considered below, but are not considered to carry as much weight as a submission received during the public notification process because Council cannot be certain of the circumstances or the independence of those who provided their support in this manner.

Reasons provided in support of the proposal:

- 1) *The Bell is more appropriately located outside the Geldmacher Building site*

**Comment:** Whether this is the case or not, this report can only assess the issues associated with the proposed site of the Bell on Clarke Street, not any alternative site. However it is noted that locating the Bell on private property would remove Council's concerns regarding its ongoing liability, but on the adjoining Geldmacher site may cause further issues associated with heritage because this building is a heritage item.

- 2) *There are other things within the street around Nimmitabel that take up space so why all the fuss about the Bell*

**Comment:** Whilst there are other street features, furniture and trees in various places around the town the Bell has certain distinct features which mean its own particular

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potential impacts must be considered. To simply ignore these and treat it like a street tree or the art sculpture at the northern entrance to the town would be irresponsible from Council's point of view and would not fulfil the obligations of legislation.

- 3) *The Bell would be an aide to local businesses and a tourist attraction by encouraging people to stop in the town*

**Comment:** This point is noted and acknowledged.

- 4) *The Bell will be a nostalgic sound and the noise is not offensive*

**Comment:** This point of support contrasts sharply with points of objection which state the opposite. This issue is examined later in this report.

- 5) *Standards will be put in place to address safety issues and the nuisance ringing*

**Comment:** This point is noted.

- 6) *It would be sad for those who financially contributed to the Bell not to have it up in its original location*

**Comment:** This is not a planning consideration, and the decisions of various individuals to provide financial support for this item cannot be considered as part of a planning assessment.

- 7) *The Bell Festival was a fantastic event*

**Comment:** This point is noted, however it is not a reason in itself to support the Bell in its proposed location.

Reasons provided in objection to the proposal:

- 1) *The Bell is dividing the community*

**Comment:** This point is noted and appears to be the case from Council's perspective.

- 2) *The Bell was first promoted among the community as only to be rung on special occasions, not every day. The noise ringing everyday will be intrusive noise on nearby residents some of whom are shift workers and need to sleep during the day*

**Comment:** This point is noted. Noise issues are discussed in more detail later in this report. Clarification was provided in relation to how often it was proposed to ring the bell. The applicant's information infers that the time period that the sound of the bell would resonate following ringing is unlikely to exceed the parameters listed in the NSW Industrial Noise Policy for single event noises.

- 3) *The Clarke Street/Monaro Highway intersection has restricted vision and is unsafe for further additional traffic such as what the bell would generate. Clarke Street is too narrow for parking and additional traffic*

**Comment:** The RMS referral in the original application indicated that sight lines at the intersection did not appear to be obstructed mainly because the proposed Bell location is set back an adequate distance from the corner. Council concurs with this view. In terms of parking it is acknowledged that Clarke Street is narrow at this location however it is unknown what additional parking demand will be created on Clarke Street if the Bell was present. It is possible that those wishing to stop and peruse the Bell may well park on the Monaro Highway south of Clarke Street, as by the time the Bell was noticed it may be too late for a southbound vehicle to safely turn into Clarke Street.

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- 4) *The site in Clarke Street is inadequate to accommodate a large gathering of people*  
**Comment:** This view is acknowledged and supported.
  - 5) *There is not adequate car parking available*  
**Comment:** This point has been discussed above.
  - 6) *The close proximity of a pedestrian refuge and school bus stop nearby increases potential for an accident*  
**Comment:** The Bell may provide a distraction for motorists, however this was not raised as an issue by the RMS or Council's Engineer, and the Monaro Highway is wide at this point with plenty of room for a bus to pull over out of the traffic lane.
  - 7) *The Bell has no heritage value and would detract from nearby buildings that do*  
**Comment:** This point is noted and was supported in advice from Council's Heritage Advisor in the original assessment.
  - 8) *It would make it more difficult for wheelchair users in the vicinity to move past*  
**Comment:** There is no footpath in place on Clarke Street at present and it is difficult to understand how the Bell would make this area any more difficult for a person in a wheelchair to negotiate than it already is.
  - 9) *Many who support the Bell live outside the town and are unaffected by its potential noise*  
**Comment:** Council is concerned with the impact of the potential noise on those who would be impacted by it.
  - 10) *The possible opening of a restaurant opposite Lake Williams should be welcomed not discriminated against*  
**Comment:** This point is not relevant to the assessment of the Bell in its current proposed location.
  - 11) *Trial periods seldom turn out to be that and become permanent*  
**Comment:** This point is noted. If the Bell were to be approved, the Council could impose a condition of consent that would address this concern with a trial period.
  - 12) *Rate payers via Council should not be presumed as accepting of the cost of maintaining the Bell*  
**Comment:** Council is aware of its potential liabilities if the Bell is approved in this location.
  - 13) *Vibrations from the sound of the Bell may impact nearby historical structures*  
**Comment:** Whilst a possibility it is not considered that historical structures such as Geldmacher House or other heritage items in the vicinity are in a state of repair that would make them susceptible to such impacts.
  - 14) *A better location exists at Lake Williams because there is off street parking, toilets, bbq, seating and space for safe movement of traffic and people. It is also a popular stopping location for visitors*  
**Comment:** Whilst the positive attributes of Lake Williams are noted, this report must examine the suitability of the present proposed site.
  - 15) *How would a trial period work and what would happen afterwards?*  
**Comment:** A trial period would have to be regulated by a condition of consent that permitted ringing of the Bell during such a period and prohibited it following that period. The applicant would be required to lodge a modification application to continue ringing the Bell after this time.
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**16) *The proposal does not have the 'broad support' of the community***

**Comment:** It is evident to Council that there are sections of the community which support the Bell and sections which are opposed to the Bell. Generalised comments purporting to represent a majority community view (either way) are considered to be open to question.

**17) *The Bell's supporting structure at 4.5m high is still a substantial structure at this location and could easily be climbed by people wanting to be a nuisance***

**Comment:** This is noted and to adequately restrict access if such nuisances eventuate it may be necessary to fence the area around the Bell and it is unclear if this could be satisfactorily done in this particular location. However, it is noted that there are other structures in the vicinity which are also high and susceptible to nuisance behaviour.

**18) *It is totally inappropriate to compare the noise on a busy city street to a quiet country village***

**Comment:** The differences in the ambient background noise level between these two locations is acknowledged.

**19) *The principal proponents have clearly stated it is their long term plan that the Bell is rung every day at regular intervals and that this will be decided by the business community, not the community as a whole***

**Comment:** The application is seeking approval for the ringing of the bell to signify noon each day. At this time each day the bell will be rung 12 times. On other special festive occasions the bell may also be permitted to be rung. If the application is approved, a condition of consent could be imposed to specifically limit the ringing of the bell to these approved times. A further DA modification would be required then to increase the times at which the bell was rung.

**20) *The Bell and plinth detract from the streetscape***

**Comment:** This comment has been noted and is discussed more fully below.

### **Substantially the same development (S.82A(4)(c))**

In making their application for review, the applicant has not proposed any physical changes to the location of the proposed bell or its supporting structure. Neither has the applicant made any other amendments considered substantive enough to fundamentally change the original proposal. As such the development is still considered substantially the same as that which was previously determined by Council.

### **Review of decision**

The five reasons for refusal in Council's original determination are set out below with a table summarising the reason for that view and the applicants response in their additional information, along with an opinion on whether the Council the Council should change its determination on this issue.

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**Reason for refusal:** *The proposal has the potential to create frequent intrusive noise impacts on surrounding properties and has not sufficiently demonstrated how these potential noise impacts can be mitigated (S.79C(1)(b))*

<b>Key reasons in original Council report supporting this point</b>	<b>Applicants response in 82A Review additional information</b>	<b>Is there considered sufficient reason to change Council's original determination on this point?</b>
<p>Manufacturer's information on the audibility and resonance of the Bell was not submitted.</p> <p>Some impacts were experienced from nuisance activity when the Bell was placed in Geldmacher House grounds.</p> <p>Nuisance activity has the potential to cause further impacts.</p>	<p>Figure 2.2 of the applicable NSW Noise Guidelines recognises an ambient background noise level on a busy city street at kerbside to be 75dB(A).</p> <p>250 heavy vehicles per day pass through Nimmitabel (based on RMS counts) generating 88dB per vehicle.</p> <p>The NSW Industrial Noise Policy for single event noises (&lt;1.5 minutes duration) supports a higher threshold level for noise acceptability at the receptor (20dB higher than normal).</p> <p>A dampening mechanism is now proposed to be installed.</p>	<p>No, however the discussion below reduces the Council's objection on this issue to the loudness of the noise, which has not been articulated by the applicant and remains unknown to Council.</p>

**Further comments:** The applicant has presented additional information which attempts to place the noise impacts of the Bell in the context of other familiar noise levels to demonstrate that the noise level from the Bell will not be significant. However, the applicant has not provided a key piece of information that the original Council report identified as missing, namely the noise level expected to be generated from the Bell itself when rung. Without this information the comparisons to other noise levels, whilst providing some helpful context, ultimately do not provide conclusive information about the noise impact of the Bell. Given the size of the Bell and its proximity to street level, if this same structure was erected on a busy city street and the Bell rung, or alternatively if the Bell was rung whilst a heavy vehicle was passing by, it is likely that in both these contexts it would still be heard for quite some distance and hence would still be expected to have some impact on nearby properties. It should be noted, however, that the theoretical noise output (measured in decibels) is not necessarily the only factor in determining whether the noise is considered as "Offensive Noise".

The 'Noise Guide for Local Government 2013' includes a set of criteria which can be used to provide a more standardised assessment of potential offensive noise. Whether a person finds noise offensive or not is notoriously subjective, as demonstrated by the opposing viewpoints on the bell noise received in submissions, where one finds the noise nostalgic and another offensive.

However the offensive noise test does introduce some standardisation to the assessment of this issue, even if it has limited objectivity.

The test consists of six questions. These are shown below with Council's response to each:

- (a) *Is the noise loud in an absolute sense? Is it loud relative to other noise in the area?*  
**Comment:** Yes. As stated above the applicant has not provided information about the loudness of the noise the Bell would produce when rung, however it is expected to be significant loud to clearly separate the noise from the bell from other ambient noise, including traffic noise.
- (b) *Does the noise include characteristics that make it particularly irritating?*  
**Comment:** No. Other than the loudness of the sound, the sound of Bells is not considered especially irritating.
- (c) *Does the noise occur at times when people expect to enjoy peace and quiet?*  
**Comment:** No. The noise will occur at noon which is not a time people can reasonably expect to enjoy peace and quiet, even in a village environment.
- (d) *Is the noise atypical for the area?*  
**Comment:** Yes. This would be an unusual sound for the area although occasional ringing of nearby church bells does occur.
- (e) *Does the noise occur often?*  
**Comment:** Yes. The noise would occur at noon every day. However the duration of the noise is likely to only be for 1-2 minutes.
- (f) *Are a number of people affected by the noise?*  
**Comment:** Yes. There are several dwellings within 100m of the site and perhaps half a dozen business premises. However the noise is likely to be audible over a considerable distance throughout the town.

Based on the above assessment the noise would be considered offensive but this is primarily because of its likely penetrating loudness and by implication the number of people affected by the noise. The duration of the noise is not considered offensive in and of itself, nor is the nature of the noise produced. It cannot be reasonably expected that a noise occurring once a day at noon for 1-2 minutes duration is offensive because of its length of time. Whilst a village is generally a quiet place, the Village Zone in CMLEP 2013 permits a range of land uses far more diverse than a typical residential zone. In addition, the location of the proposed Bell in the centre of town close to the main street is an entirely reasonable location for something generating a noise, and should not be regarded with the same strict protections of a more homogenous residential area.

Although the above reasoning refines Council's view regarding the potential noise impact, it is recommended this reason for refusal remain unchanged.

**Reason for refusal:** *The proposal will detract from the heritage values of the streetscape in its proposed location (S.79C(1)(b))*

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Key reasons in original Council report supporting this point	Applicants response in 82A Review additional information	Is there considered sufficient reason to change Council's original determination on this point?
<p>The Bell is directly adjacent a heritage item and in the vicinity of several others.</p> <p>Considerations in clause 6.5.7 of DCP 2014 requiring regard to character and significance of heritage place and sympathy in design.</p> <p>Recommendations of Nimmitabel Main Street Study.</p>	<p>Acknowledgement the Bell has no direct link to Nimmitabel's history</p> <p>Local stonework will be used in the construction</p> <p>Sometimes we need to create history</p>	<p>No.</p>

*Further comments:* The additional information presented by the applicant has not attempted to present a contrary assessment against the provisions of the DCP or the physical impact of the proposal on the heritage items, as presented in the original Council report. Whilst it is accepted that the heritage elements in the streetscape at this point are not as strong as perhaps they could be, a bell the size of that proposed would be a dominating element to be introduced to the streetscape and once in place would detract from further improvements in the heritage elements of the streetscape in the future.

It is also considered that the particular location chosen, being offset from the street corner (for safety reasons) and not aligned symmetrically with any adjoining building or streetscape feature, will appear awkwardly located in the streetscape. It is to be constructed as a commanding object in the streetscape, yet it will not occupy a commanding position. This will have the effect of making it appear as an afterthought in the street design and will detract from its streetscape value. To reach its full potential as a dominant streetscape feature, the Bell needs to occupy a position where it is clearly the focal point of attention. This will not be achieved adequately in its proposed Clarke Street location.

It is recommended this reason for refusal remain unchanged.

**Reason for refusal:** *The proposed site is unsuitable and unsafe for the congregating of a large number of persons likely to gather there for civic and festive events (S.79C(1)(b))*

Key reasons in original Council report supporting this point	Applicants response in 82A Review additional information	Is there considered sufficient reason to change Council's original determination on this point?
<p>The area in the vicinity of the Bell is not large enough to accommodate a crowd</p>	<p>Events which attract large crowds will only be occasional</p> <p>On such occasions separate approvals can be sought for temporary road closures or other related approvals</p>	<p>Yes. This reason for refusal should be removed.</p>

**Further comments:** The very purpose of the Bell as stated by the applicant is to attract people. If this ambition is fulfilled then the site will regularly be expected to accommodate visitors and tourists. These are likely to be people inexperienced in the local area and possibly distracted from pedestrian hazards from nearby traffic. However the applicant is correct in stating that further approvals for road closures can be obtained for larger events. Additionally, if the application was to be approved pedestrian protection measures (eg such as bollards on Clarke Street) could be required to help address these concerns. It is also unlikely that the general level of visitation to the site will attract a volume of people that would necessitate the crowd spilling onto the road.

Whilst it is still the view of Council planning staff that a location which is better placed to receive visitors and for people to congregate would be more appropriate, it is accepted that there are ways to mitigate this issue at the proposed location. As such, it is recommended this reason for refusal be removed.

**Reason for refusal:** *The Council received a number of public submissions against the proposal which, by virtue of the issues raised and the number received, are considered significant (S.79C(1)(d))*

Key reasons in original Council report supporting this point	Applicants response in 82A Review additional information	Is there considered sufficient reason to change Council's original determination on this point?
The original application received a significant number of objections raising legitimate concerns on planning grounds.	<p>The applicant has sought to amend or clarify the proposal to address relevant concerns by conducting a trial period, installing a dampener, undertaking additional noise analysis and clarifying the proposed ring times for the Bell.</p> <p>The number of objections is not as significant as the issues raised in the objections</p>	Yes, but only to remove the reference to the number of objections from the reason for refusal.

**Further comments:** The additional information submitted by the applicant has been helpful but is lacking the depth and objectivity to properly address the noise issues as examined earlier in this report. However, it also recognised that the applicant is correct in that the focus should be drawn away from the number of objections more towards the reasons for those objections.

It is recommended that this reason remain but be amended to remove the reference to the number of objections received.



**Reason for refusal:** *The proposed structure will increase the Council's public liability being located within the road reserve which is not in the public interest (S.79C(1)(e))*

Key reasons in original Council report supporting this point	Applicants response in 82A Review additional information	Is there considered sufficient reason to change Council's original determination on this point?
<p>The Bell will be erected on Council land and will therefore become a liability and maintenance burden upon the Council in the future.</p>	<p>Anything on public land is a potential liability but it doesn't mean it shouldn't go ahead.</p> <p>If constructed to correct standards, this is a defence against liability claims.</p> <p>The applicant (Lions Club) will undertake to operate, clean and maintain the Bell in partnership with Council as it undertakes its usual duties on public land.</p> <p>The mounting plinths and structure will be constructed to appropriate engineering standards.</p>	<p>No, unless Council is prepared to accept the liabilities and risks associated with the structure on its land.</p>

*Further comments:* Whilst the applicant's arguments are noted, the difference with the Bell is that it is an unusual structure that will attract attention, has moving parts and can be made to produce a noise. In addition, there are complications regarding the Bell in that it was not purchased by the Council of itself but it would of necessity assume ownership once it was permanently placed on the Council's land. Ultimately this is an issue which needs to be decided by the Council itself.

It is not recommended this reason for refusal be changed.

## CONCLUSION

Following a review of the original decision conducted in accordance with Section 82A of the *Environmental Planning and Assessment Act, 1979*, it is recommended that the application still be refused however with some amendments to the reasons for refusal, as described in the recommendation at the beginning of this report.

## QUADRUPLE BOTTOM LINE REPORTING

### 1. Social

The Nimmity Bell would be an important social gathering point on civic and festive occasions as well as serving informally as a meeting place. It would provide a streetscape feature that would influence the town socially. From submissions received, however, there is a possibility that the erection of the Bell at this location will have a divisive effect within the small community.

## **2. Environmental**

If erected in the location proposed in this application, the Bell will have visual and noise impacts on the community which will likely be detrimental. These may be mitigated by moving the bell to another location.

## **3. Economic**

The Bell may serve as a tourist attraction and may encourage people to stop in the town. This may translate into localised economic benefits.

## **4. Civic Leadership**

The Bell will be located on Council land and will create a civic gathering place for events of significance to the community. It is important it be located in a place which can cater for this significance and crowds likely to be in attendance on occasions. Council must also take into account the broader public interest and from submissions received, there may be other locations more suitable where Council could work with the community for a positive outcome.

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### 15.3 DA4124/2017 ATTACHED DUAL OCCUPANCY

Record No:

Responsible Officer:	Director Environment & Sustainability
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 Consent Notice DA4124/2017 (<i>Under Separate Cover</i>) <a href="#">⇒</a></li> <li>2. DA4124/2017 Statement of Environmental Effects with 4.6 Variation (<i>Under Separate Cover</i>) <a href="#">⇒</a></li> <li>3. DA4124/2017 Plans (<i>Under Separate Cover</i>) <a href="#">⇒</a></li> <li>4. DA4124/2017 Survey Plan (<i>Under Separate Cover</i>) <a href="#">⇒</a></li> <li>5. DA4124/2017 Objections (<i>Under Separate Cover</i>) <a href="#">⇒</a></li> <li>6. Da4124/2017 Applicant Response to Objections 1 &amp; 2 (<i>Under Separate Cover</i>) <a href="#">⇒</a></li> </ol>

Further Operational Plan Actions:

File No/Property No:	107525
Application No:	DA4124/2017
Date of lodgement:	30/01/2017 2:44:56 PM
Development proposal:	Dual occupancy
On land comprising:	Lot 1 DP 1136429 Parish of Jinderboine , 3 Rainbow Drive TYROLEAN VILLAGE NSW 2627
Applicant's details:	Mr B M Lidster
Owner's details:	Mr Bradley M Lidster
Zoning:	E3 - Environmental Management
Notification/Advertising:	Notified to adjoining property owners for 14 days but extended to 30 March 2017 to allow for neighbours who requested an extension to submit their objection.
Type of development:	Local Development
Integrated approval bodies:	None required
External Referrals/Concurrence Authorities:	Department of Planning Clause 4.6 (page 30 of SEE) – referred to Department Planning 23/2/2017

Internal Referrals:	Development Engineer Advice provided 13/2/2017
Key Issues:	Refer to attached pages.
Compliance with the EPAA 1979:	The application has been considered with regard to the matters raised in section 79C of the Act. On balance, it is considered that the proposed development is acceptable and that development consent be granted.

### EXECUTIVE SUMMARY

The purpose of this report is to seek approval for a dual occupancy dwelling on lot 1 DP1136429 Tyrolean Village East Jindabyne. In order to approve the development a variation to clause 4.6 of the Snowy River LEP 2013 is required with respect to the height limits imposed on the site. The applicant has provided written justification as to the variation sought and it is considered that it meets the requirements of the clause. The development application was notified and three objections were received, as a result of the objections the development plans were amended to ensure that it would not have an unreasonable impact on views from neighbouring properties. The site is constrained however the development proposed does adequately address the requirements of the LEP and DCP.

It is recommended that the application be approved with conditions.

### RECOMMENDATION

- A. Pursuant to section 80(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that the consent for Dual occupancy on Lot 1 DP 1136429 Parish of Jinderboine, at 3 Rainbow Drive, Tyrolean Village, is granted subject to conditions attached.
- B. That pursuant to the provisions of clause 4.6 of the Snowy River LEP 2013 that the height limits imposed by the plan be varied in this instance.
- C. That any person who made a submission is notified of the outcome of the application.
- D. That Council officers are delegated to make minor changes to the draft conditions of consent.

### BACKGROUND

Single storey dual occupancy comprising a four car garage, 3 bedrooms, study, and sunroom in the main residence and a 1 bedroom with sunroom unit, including carport attached to the garages of the main residence. The development does include a small loft area within the roof profile however the development is predominately of a single storey form. The building also includes a number of outdoor uncovered and covered decks that present toward Lake Jindabyne. The development will be visible from the lake but is of a design that is in keeping with those surrounding residences in style.

The dual occupancy building is set back 7.5m from the eastern boundary and 1.7metres from the western boundary. The western boundary adjoins a vacant public reserve and the eastern boundary

adjoins a two storey dual occupancy dwelling and a single storey dwelling house. The property is accessed from an existing driveway on Rainbow Drive.

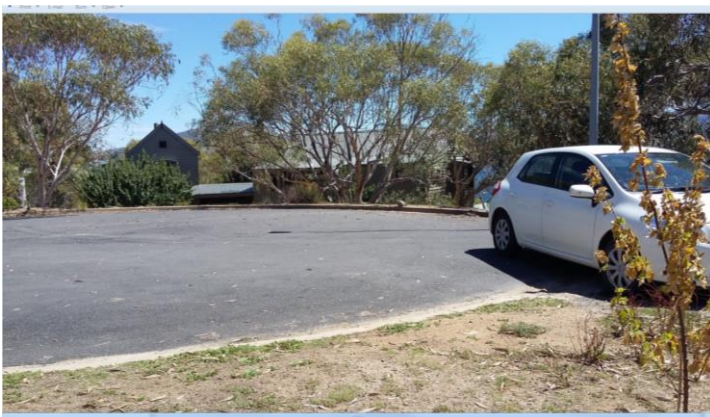
The land is zoned E3 – Environmental management and has a varied height limit that radiates from Rainbow Drive with areas of 8m to 5.5m to 0m. The development is proposed have the majority of its construction within the 5.5 metre height band however will require a variation under clause 4.6 to vary the height limit of the 0m and 5.5m band where the building exceeds these limits.

The single entrance driveway gains public road access from the court bowl of Rainbow Drive.

**The Subject Site**



The following photographs were taken at a site inspection by Council Staff on 10 February 2017



Looking west from the court bowl at the end of Rainbow Drive.





Looking north from the court bowl at the end of Rainbow Drive into the entrance of the site.



Looking north from the development site up towards Kalkite & Eucumbene River valley, East Jindabyne on the right.



Looking north-west over the pegged out development site, looking towards the vacant reserve on foreground and the surge tower Mt Kalkite to the right in background.



Looking north by north-west over the lower segment of the pegged out development site. The photo was taken at property boundary of 4 Girvin Place





Rear of 4 Girvin Place. The snowgum These trees were to be removed however will now be retained due to a revision of the plan.



Looking easterly for site. Outcrop and snowgums will now be retained through amendments to the originally submitted plans



Looking north with main residence located in centre of photo.



Adjoining residence to the south-west ( 5 Rainbow Drive ), with decking extending illegally over the property boundary into the subject land. The trees shown in the photograph will be retained. There will be view loss from this residence however the upstairs area and the second residence on the lower floor will retain view corridors to the east of the site.

## ASSESSMENT

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

<b>State Environment Planning Policies (SEPPs)</b>	BASIX
<b>Local Environmental Plan (LEP) (including draft LEPs)</b>	Snowy River LEP 2013
<b>Development Control Plans</b>	Snowy River DCP 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 in most areas however a variation under clause 4.6 is being sought for the development to exceed the height limit.</p>
<b>The provision of any development control plan:</b>	The application generally complies 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>	<p>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.</p> <p>The development will have an impact on the neighbouring property with respect to view loss. The original plan had a greater impact and the applicant has revised the layout of the development to reduce the view loss and</p>



	provide for more adequate view sharing. The issues regarding view loss will be discussed below in the response to submissions.
<b>Any submissions made in accordance with the EP&amp;A Act or the regulations:</b>	The application was notified and three submissions were received, they are discussed below. Amended plans were received on 6 July and a copy provided to the author of Submission number 3 (below). At the time of finalising this report (11 July) no comments had been received, but an update will be provided to Council at the meeting.
<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.

Variation sought under clause 4.6 of the Snowy River Local Environmental Plan 2013

The applicant has sought a variation to clause 4.6 of the SRLEP 2013 with respect to the height limits imposed by the plan on the site. The site has unusual height limitations that were carried over from a site specific rezoning undertaken on the lot under SRLEP 1997. This required that a dwelling was restricted to the upper portion of the lot and the its height would be limited to 8 metres within 30metres from the road frontage and then 5.5m for the next 20metres with no building to occur from 50metres to the rear boundary. As this site specific requirement could not be carried over into the standard instrument LEP of 2013 the height limits of 8m, 5.5m and 0m were included in these concentric bands down the site.

The applicant has sought to build the dwelling within the 5.5 and 0m bands with little or no construction occurring within the 8m area. This was to minimise the impact of a dwelling being constructed at 8m in the front of the lot where it would significantly impact the neighbouring dwelling.

The applicant through consultation with Council and concerns from the eastern neighbour has amended the original plan and moved the dual occupancy unit to be wholly within the 5.5 and 8m bands and allow for a view corridor down the eastern boundary to the lake.

Clause 4.6 imposes three preconditions which must be satisfied before the application could be approved:

1. The consent authority must be satisfied that the proposed development will be consistent with the objectives of the zone;
2. The consent authority must be satisfied that the proposed development will be consistent with the objects of the standard which is not met; and

3. The consent authority must be satisfied that the written request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standard.

It is only if all of these conditions are met that consent can be granted to the application, subject to an assessment of the merits of the application.

It is considered that the applicant has satisfied the above requirements in the objection lodged pursuant to Clause 4.6 of the LEP (this is attached to this report for consideration).

The application was referred to the Department of Planning to determine if they wanted to take on the concurrence role and if they had any comments on the application. A response was received that Council could undertake the determination of the variation under assumed concurrence and they had no comments on the proposal.

### SUBMISSIONS

The application was notified to adjoining owners, 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 submissions are reproduced in the attachments as is the response to submission 1 & 2 from the applicant, submission three was referred to the applicant and amended plans have resulted from the issues raised. As detailed above, a copy of the revised plans was provided to the author of Submission 3 for comment, however, at the time of finalising this report comments had not been received, but any comments will be provided as an update to Council prior to the meeting.

Submission 1	Response
That the subject land was not meant to be built on and that the development will be outside the building envelope	Building is restricted to an envelope and the height limits as included in the SRLEP 2013 are able to be varied under the provisions of clause 4.6. It is considered in this case that the construction of the house to the listed height limits would have an unreasonable impact on the uphill neighbour and the situating of the dual occupancy dwelling further down the lot mitigates these impacts with no further impact on adjoining properties.

Submission 2	Response
<p>The building does not comply with the height limits.</p> <p>The structure is large and imposing in a zone that is environmentally sensitive.</p> <p>No information regarding overshadowing has been provided.</p>	Building is on restricted to an envelope and the height limits as included in the SRLEP 2013 are able to be varied under the provisions of clause 4.6. it is considered in this case that the construction the house to the height limits would have an unreasonable impact on the uphill neighbour and the situating of the dual occupancy dwelling further down the lot

<p>No information has been provided regarding biodiversity issues.</p>	<p>mitigates these impacts with no further impact on adjoining properties.</p> <p>The building whilst large is also on a large allotment and meets the requirements of the LEP in relation to FSR and the DCP with respect to site coverage. Due to the nature of the height restrictions the development is condensed to the southern portion of the allotment where it is at its narrowest.</p> <p>Shadow diagrams have been submitted indicating shadowing at 12pm and 3pm at the winter solstice, and showing that the development in its original form would not have a major impact on overshadowing the neighbouring property. The shadowing impact from the amended proposal will lower than that depicted on the original plans</p> <p>The site is not mapped as having indicative biodiversity value however the amended plans will allow for a number of substantial trees to remain in place.</p>
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<b>Submission 3</b>	<b>Response</b>
<p>The submission related in most part to the impact of the original design on the views from the neighbouring property to the south east.</p> <p>The main issues raised were:</p> <ul style="list-style-type: none"> <li>• The proposal does not conform to the SRLEP 2013</li> <li>• The proposal is not consistent with view sharing principles</li> <li>• The proposal will have a significant environmental impact</li> <li>• The proposal is not consistent with the DCP</li> <li>• The proposal will have a devastating impact on the neighbouring properties.</li> </ul>	<p>This property would be the most impacted if any development were to occur on the land within the areas restricted to 8m and 5.5m height limits.</p> <p>The concerns raised in the submission were considered by officers whilst on site inspections and as a result further consultation with the applicant as to the location of the smaller dual occupancy unit was conducted.</p> <p>As a result the applicant has amended the plan and relocated the subject section of the building to allow for a view corridor along the eastern boundary. Whilst this does not permit the objector to have the current uninterrupted views over a vacant block it will allow for the view to be shared between the two buildings.</p>

	<p>It is considered that the applicant adequately addressed the requirements of the DCP and LEP with respect to visual impact and scenic quality. The site is a difficult one and the situating of the dwelling within the area proposed by the objector is not reasonable.</p> <p>Building is restricted to an envelope and the height limits as included in the SRLEP 2013 are able to be varied under the provisions of clause 4.6, it is considered in this case that the construction the house to the LEP height limits would have an unreasonable impact on the uphill neighbour and the situating of the dual occupancy dwelling further down the lot mitigates these impacts with no further impact on adjoining properties.</p> <p>The moving of the dwelling further to the north will have a greater visual impact and impact on a number of additional dwellings. The development as proposed has the majority of its bulk within the height limit areas that were required under the LEP and to locate it wholly outside this area is not considered reasonable.</p>
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Original Plan as submitted January 2017



## **CONCLUSION**

It is considered that the proposed development generally complies with the relevant provisions of Section 79C of the Act, LEP, DCPs, Codes and Policies. The key issues arising out of the assessment of this application comprise:

- (a) View loss
- (b) Exceedance of height limit
- (c) Compliance with the DCP and LEP

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 development being a dual occupancy for residential use has limited social impact. The land on which the development is proposed is suitable for residential development. There are some issues relating to the situation of the dwelling within the view corridor of the neighbouring property, amendments have been made to the plans to allow for sharing to occur and the neighbour to retain some views of Lake Jindabyne.

### **2. Environmental**

The development is proposed on land zoned E3 – Environmental Management, the location of the building in an area that minimises loss of native vegetation and excavation is in keeping with the properties natural focus. The development is considered to sympathetically deal with the site constraints.

### **3. Economic**

The development will have little economic impact on Council.

### **4. Civic Leadership**

The application for a dual occupancy with three objections would usually be determined under delegated authority however due to the request for a variation to the height limit under clause 4.6 of the Snowy River LEP 2013 it was considered appropriate to bring the application before Council for determination.

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**15.4 DA 10.2010.46.1 - 167 YALLAKOOL ROAD, COOMA - SECTION 94 CONTRIBUTIONS AND MITTAGANG ROAD WIDENING**

Record No:

Responsible Officer:	Director Environment & Sustainability
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:	OP6.13 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.
Attachments:	1. Letter from applicant <a href="#">↓</a>
Cost Centre	N/A
Project	DA 10.2010.46.1
Further Operational Plan Actions:	

**EXECUTIVE SUMMARY**

This report concerns a letter received from the applicant for a partially approved subdivision at 167 Yallakool Road, Cooma. Council previously resolved to accept an amount of \$40,030 for the dedication of land along Mittagang Road adjacent this site identified in Council's Development Control Plan.

The applicant has sent a letter to Council agreeing to this amount but requesting that the amount be reduced from Section 94 contributions for stages 1 and 2 only, rather than being spread throughout all stages of the entire subdivision. This proposal makes sense as the widening only effects these specific stages of the subdivision. It is recommended it be approved.

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

**OFFICER'S RECOMMENDATION**

That Council amend part C of its previous resolution made at the Administrators delegation meeting on 25 November 2016 to permit the full amount agreed for the purchase of land widening Mittagang Road reserve be deducted from the Section 94 contributions of stages 1 and 2 of the subdivision in DA 10.2016.46.1.


**BACKGROUND**

At the Administrator's delegation meeting on 25 November 2016 the following resolution was made:

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**10.1 SALE OF LAND ON YALLAKOOL ROAD**

**RECOMMENDATION**

APPROVED  
25/11/16  


That Council

- A. Rescind resolution 174/16 made on 28 September 2016;
- B. Following negotiation with owners of the land, council now offer an amount of up to \$40 030 being the difference between council and the developers independent valuations; and
- C. This amount be a reduction in there Section 94 contributions applicable over all stages of the subdivision.

**Determination by Administrator**

Approved by Administrator Dean Lynch in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act 1993.*

Signature:  .....

Date: 25/11/16 .....

The applicant has now written to Council accepting this offer for the land but requesting that, contrary to point C of the resolution, the full amount be deducted from the Section 94 contributions for stages 1 and 2 of the subdivision. This makes sense because stages one and two of the subdivision are the ones directly affected by the intended road widening. As such it is recommended this proposal be adopted.

The road widening along Mittagang Road is identified for acquisition in clause 6.8.1 of Cooma-Monaro Development Control Plan 2014. It is intended to be used for an extension of the Cooma North bike path to Lion's Park.

**QUADRUPLE BOTTOM LINE REPORTING**

**1. Social**

The acquisition of this land will ultimately result in the extension of a bike path of benefit to local residents.

**2. Environmental**

The creation of the bike path will help promote alternative modes of transport in the area.

**3. Economic**

This is a strategic acquisition and will be paid for as a reduction in Section 94 contributions for the development in accordance with Council's Development Control Plan.

**4. Civic Leadership**

Council has a Bike Strategy which acknowledges the extension of the bike path through this area.





ADMINISTRATOR DELEGATION OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON FRIDAY 25 NOVEMBER 2016

Page 43

10.1 SALE OF LAND ON YALLAKOOL ROAD

RECOMMENDATION

That Council

- A. Rescind resolution 174/16 made on 28 September 2016;
- B. Following negotiation with owners of the land, council now offer an amount of up to \$40 030 being the difference between council and the developers independent valuations; and
- C. This amount be a reduction in there Section 94 contributions applicable over all stages of the subdivision.

APPROVED 25/11/16.  


**Determination by Administrator**

Approved by Administrator Dean Lynch in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act 1993.*

Signature:  .....

Date: 25/11/16 .....

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**15.5 PROPOSAL FOR A COMMUNICATIONS TOWER ON COUNCIL LAND AT LOT 37 DP 263218  
NULANG PLACE COOMA**

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Recreation & Property 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:	OP6.13 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.
Attachments:	1. Optus Mobile Pty Ltd Lease and Access Licence Draft Documents <a href="#">↓</a>
Cost Centre	TBA
Project	Lease of Part Lot 37 DP 263218 for a Communication Facility and Licence Access over Lot 1 DP 263885.
Further Operational Plan Actions:	Operational Plan Actions: DP 2.9 Advocate to all levels of Government and commercial providers to promote the regional need for Broadband and Telecommunication Services. OP 2.26 Provide input and coordination in the development of a regional Broadband service, Mobile phone service coverage, radio and television

**EXECUTIVE SUMMARY**

Optus Mobile Pty Ltd have proposed to construct a mobile phone tower adjacent to Snowy Oval at Cooma North on a parcel of council owned operational land. A draft Lease for an initial term of five years with a further three additional terms of five years giving a total term of twenty years has been proposed. Minor amendments to this document are proposed before being executed. The rent will be \$8,000 (plus GST) per annum with increases of 2% per annum for the whole term of the lease. An accompanying Access Licence for four terms of five years at a fee of \$1.00 per term if demanded is also required to permit access to the lease area.

Council previously approved under Council resolution 92/16 to enter into negotiations with Optus and this matter should now be finalised.

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

**OFFICER'S RECOMMENDATION**

That Council

- A. Execute a Lease with Optus Mobile Pty Limited for an area of 64.48 square metres in Lot 37 DP 263218 for an initial term of five years with three additional terms of five years each at an
-

annual rental of \$8,000 per annum with annual increases of 2%.

B. Execute an Access Licence with Optus Mobile Pty Limited over Lot 1 DP 263885 for four terms of five years at a fee of \$1.00 per term if demanded.

**BACKGROUND**

Optus Mobile are investigating to expand their mobile network in the Cooma area and they have identified Council owned land adjacent to Snowy Oval in Cooma North. The land is classified as operational land and is currently on a monthly lease for agistment of horses. This development would not impact greatly on this use.

In addition the income generated over 20 years will offset some of the costs in providing the recreational facilities on the adjacent Snowy Oval. The proposal includes a lease area of 64.48 square metres for the 30 metre monopole tower, equipment shelter for ancillary equipment and an access licence over a route through this lot and an adjoining lot to provide access from Nuralda Place.

The lease is proposed to be at a commencing rent of \$8,000 (plus GST) for an initial term of five years with three additional terms of five years each. The rent will increase by 2% per annum. The accompanying Access Licence will be for a nominal \$1.00 per term if demanded.

**QUADRUPLE BOTTOM LINE REPORTING**

**1. Social**

Improve mobile phone coverage in the area.

**2. Environmental**

Utilise council owned land for the benefit of the community.

**3. Economic**

Provide and ongoing income stream for the maintenance of council recreational facilities at Snowy Oval.

Estimated Expenditure	Amount	Financial year	Ledger	Account string
Nil	\$			
Funding (Income/reserves)	Amount		Ledger	Account string
Nil Required	\$			

**4. Civic Leadership**

Enhance the community's access to technology and provide an additional income stream for 20 years to assist in maintaining recreational facilities at Snowy Oval.

Annexure B

Plan forming Annexure " " to Lease.  
 of LAND at COOMA  
 by  
 to  
 dated the Day of

L.G.A.: SNOWY MONARO REGIONAL  
 Locality: COOMA  
 Parish: COOMA  
 County: BERESFORD

DP 263218  
 NULANG PLACE  
 NURALDA PLACE  
 NULGARRA PLACE  
 NAMBUCCA STREET

DP 845442  
 DP 1183622  
 DP 547586

SEE DIAGRAM  
 289°57'50" 120.3  
 270°02' 120.76

101  
 101  
 101

37  
 DP 263218

SCALE 1:250

DIAGRAM  
 SCALE 1:250

LEASE AREA  
 64.48m<sup>2</sup>

359°57'50" 107.4  
 89°57'50" 107.4  
 289° 57' 50" 120.3  
 119°57'50" 128.79

OPTUS

DAILY INTERNATIONAL

OWNER: COOMA-SNOWY MOUNTAINS COUNCIL  
 Address: NULANG PLACE  
 COOMA 2635

SPATIAL SOLUTIONS  
 11 GORDON STREET  
 COOMA NSW 2635  
 TEL: 02 639 2025

SCALE 1:2500

SITE S2706  
 COOMA NORTH  
 YARRA STREET, COOMA  
 LEASE PLAN

SCALE 1:2500

(A) - EASEMENT FOR TRANSMISSION LINE 60.35' WIDE & VARIABLE IR(20634)  
 (B) - EASEMENT TO DRAIN SEWAGE OVER EXISTING LINE OF PIPES (DP 263218)

ALL DIMENSIONS IN METRES

ORDER NO.	DATE	EXAM.	APPRO.	DATE	ISS.
NA	NA	GN	PI	24/8/16	1

ORIGINAL

DWG NO.	SHEET NO.	INDEX
'SG16275	1	



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## 16.1 MONTHLY FUNDS MANAGEMENT REPORT - JUNE 2017

Record No:

Responsible Officer: 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 June 2017. Cash and Investments are \$78,024,345.

### Certification

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

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

### OFFICER'S RECOMMENDATION

That Council

- A. Receive and note the report indicating Council's Funds Management position as at 30 June 2017.
- B. Receive and note the Certificate of the Responsible Accounting Officer.

### BACKGROUND

Council's Cash and Investments 30 June 2017 consists of:

30/6/17	Cash at Bank	Investments	Total
SMRC	3,180,735	57,755,883	60,936,618
Merger Grant		17,087,727	17,087,727
<b>Total</b>	<b>\$3,180,735</b>	<b>\$74,843,610</b>	<b>\$78,024,345</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 \$74,843,610 on 30 June 2017.

Consolidated interest income on investments

Adopted Budget	\$1,365,408
Annual Budget	\$1,610,433
Budget YTD	\$1,610,433
Interest YTD	\$1,978,687

Council's investment portfolio returns

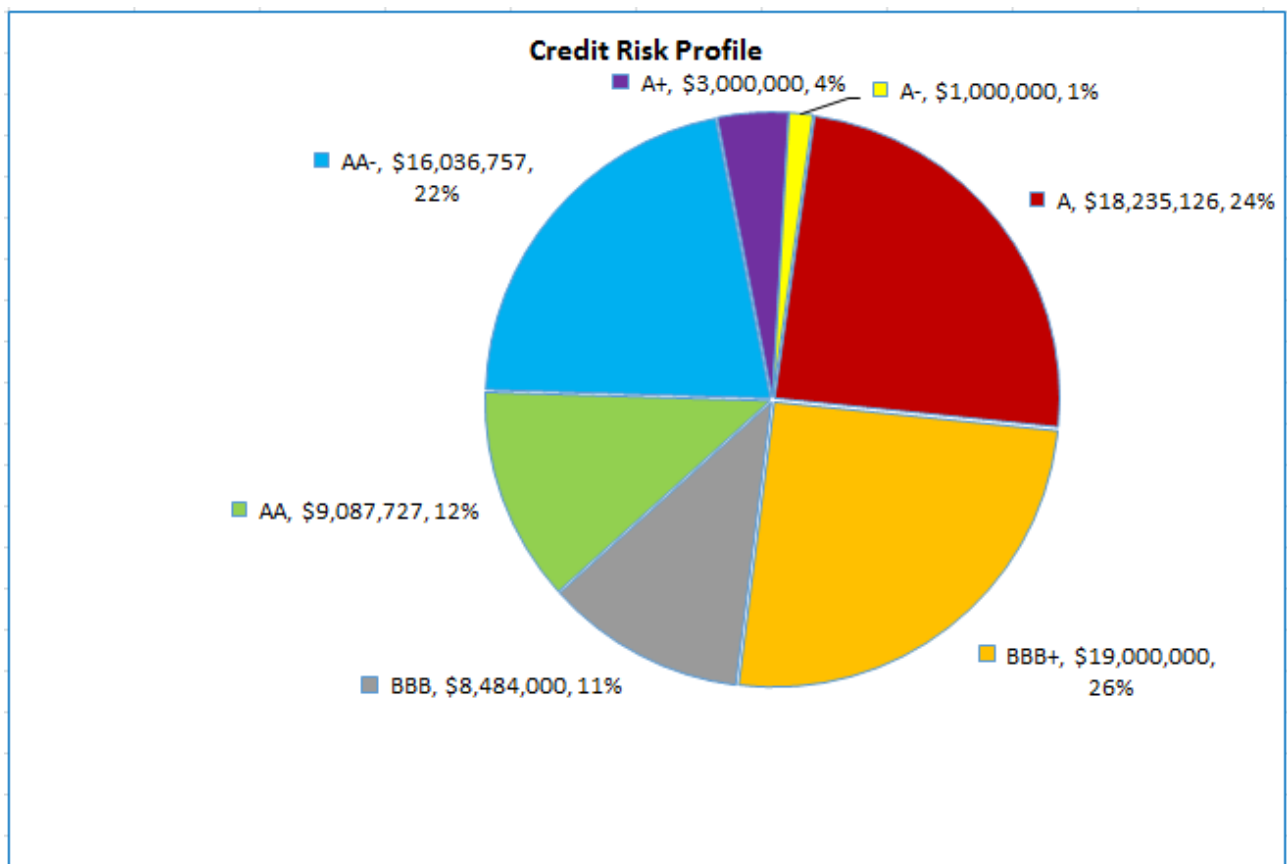
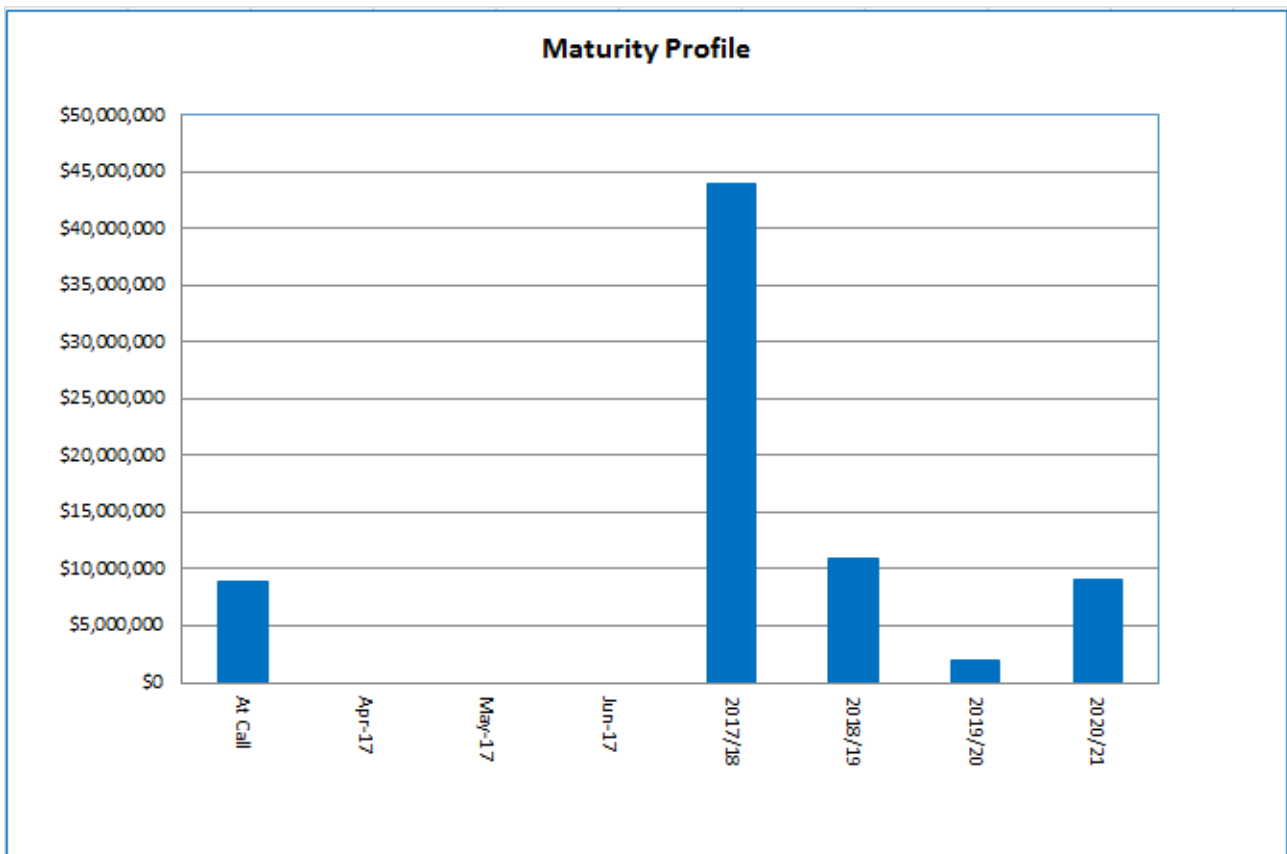
Month	Annualised Return	90 Day Bank Bill*	Margin
June	2.80%	1.70%	1.10%
May	2.81%	1.62%	1.19%
April	2.83%	1.62%	1.21%
March	2.77%	1.63%	1.14%
February	2.83%	1.78%	1.05%
January	2.72%	1.78%	0.94%
December	2.74%	1.76%	0.98%
November	2.08%	1.77%	0.31%
October	2.09%	1.75%	0.34%
September	2.67%	1.73%	0.94%
August	2.82%	1.74%	1.08%
July	1.59%	1.86%	-0.27%

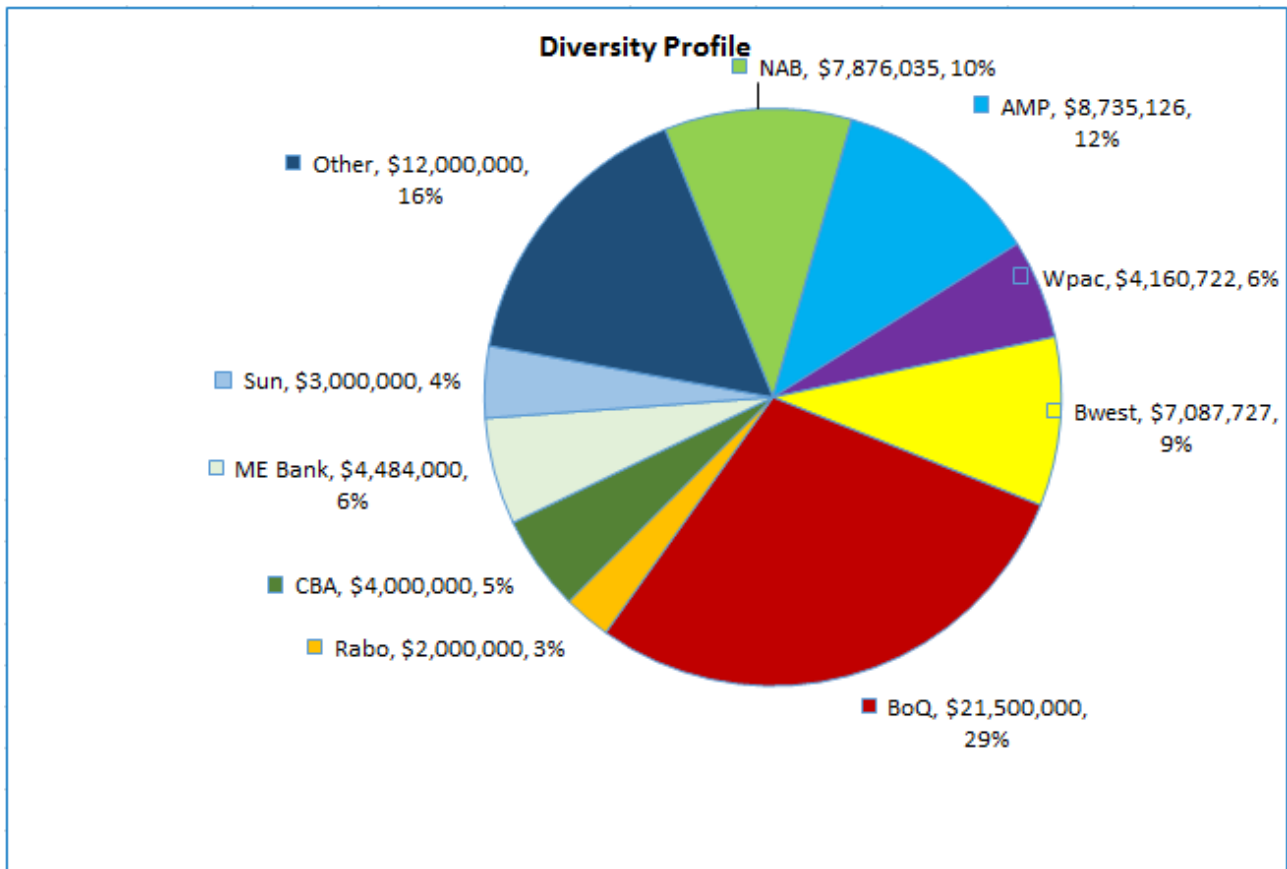


**\* The Australian Financial Markets Association (AFMA)**

The table below lists the invested funds.

DATE INVESTED	FINANCIAL INSTITUTION	Rating	TYPE	CURRENT INVESTMENT	INTEREST RATE	MATURITY
16-Dec-16	Bank of Qld	A2/BBB+	TD	2,500,000	2.80%	20-Sep-17
20-Jun-17	Bank of Qld	A2/BBB+	TD	1,500,000	2.60%	18-Dec-17
n/a	National Australia Bank - At Call*	A1+/AA-	At Call	2,345,015	1.20%	At Call
n/a	AMP Bank - At Call	A1/A	At Call	1,654,929	2.05%	At Call
n/a	AMP Bank - 31 days Notice Account	A1/A	31 days	1,080,197	2.15%	31 days
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
24-Apr-17	Bank of Queensland	A2/BBB+	TD	1,000,000	2.60%	23-Oct-17
10-Mar-17	National Australia Bank	A1+/AA-	TD	2,000,000	2.61%	10-Nov-17
23-May-17	AMP Bank	A1/A	TD	1,000,000	2.60%	23-Feb-18
10-Apr-17	Bankwest	A1+/AA	TD	1,000,000	2.60%	10-Apr-18
08-May-17	National Australia Bank	A1+/AA-	TD	1,000,000	2.53%	08-May-18
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
19-Jun-17	Bendigo and Adelaide Bank	A2/BBB+	TD	2,000,000	2.75%	19-Dec-18
22-Feb-17	Westpac Bank	A1+/AA-	TD	2,000,000	2.80%	22-Feb-19
09-Jun-17	Rural Bank Limited	A2/BBB	TD	4,000,000	2.75%	07-Jun-19
16-Sep-15	Bank of Queensland	A2/BBB+	TD	1,000,000	3.20%	17-Sep-19
21-Mar-17	Bank of Queensland	A2/BBB+	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
26-Jun-17	Bank of Queensland	A2/BBB+	TD	4,000,000	3.30%	25-Jun-21
22-Mar-17	NAB	AA-	TD	1,500,000	2.56%	19-Jul-17
26-Apr-17	Rural Bank	BBB+	TD	1,000,000	2.45%	26-Jul-17
25-May-17	Bankwest	AA	TD	2,500,000	2.50%	06-Sep-17
26-May-17	ME Bank	BBB	TD	2,500,000	2.52%	23-Aug-17
21-Jun-17	ME Bank	BBB	TD	1,984,000	2.55%	19-Sep-17
n/a	Westpac Maxi-Account	A1+/AA-	At-Call	160,722	0.70%	n/a
24-Jun-16	Bankwest	A1+/AA	At-Call	3,587,727	2.00%	n/a
28-Jun-17	Bank QLD	A1/A	TD	9,500,000	2.50%	27-Sep-17
26-Jun-17	Bendigo and Adelaide Bank	A1/A	TD	4,000,000	2.72%	26-Jun-18
				<b>74,843,610</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.

## 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 Stronger Communities Fund Major Projects Program Co-funding contributions**

Item 22.1 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 discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **22.2 Shared Trail Connection- Gaden Trout Hatchery**

Item 22.2 is confidential in accordance with s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

2. The press and public be excluded from the proceedings of the Council in Closed Session on the basis that these items are considered to be of a confidential nature.
3. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as confidential and be withheld from access by the press and public, until such time as the Council resolves that the reason for confidentiality has passed or become irrelevant.
4. That the resolutions made by the Council in Closed Session be recorded in the Minutes of

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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.