



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Ordinary Council Meeting

26 July 2017

**ORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, 2 MYACK STREET, BERRIDALE NSW 2628
ON WEDNESDAY 26 JULY 2017**

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**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, 2 MYACK STREET, BERRIDALE NSW 2628**

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

PRESENT: Administrator Dean Lynch

APOLOGIES:

Staff: Joe Vescio, General Manager
Suneil Adhikari, Director Operations & Infrastructure
Peter Smith, Director Environment & Sustainability
Peter Cannizzaro, Director Corporate & Community Services
Erin Donnelly, Secretary Council and Committees
Sophie Ballinger, Manager Development Assessment

The Administrator opened the meeting at 5.30PM

1. APOLOGIES

Nil

2. CITIZENSHIP CEREMONIES

Nil

3. PRESENTATIONS

Nil

4. PUBLIC FORUM

(Minutes of Deputations from the Public Gallery are a summary only and do not purport to be a complete transcript of the proceedings.)

COUNCIL RESOLUTION

132/17

That members of the public be granted permission to address Council.

Approved by Administrator Lynch

4.1 ELAINE STRANGER - COMMUNITY STRATEGIC PLAN (CSP) SURVEY AND 2018 OPERATIONAL PLAN

Ms Elaine Stranger, resident of Dalgety, spoke to Council about her disappointment with the questions in the CSP survey. Ms Stranger also listed concerns herself and residents of Dalgety have, these include:

- Council meetings in Dalgety – Residents would like Council to consider holding meetings in Dalgety
- Storm Water Management – No mention of storm water management in the list of projects in the 2018 Operational Plan (OP). The flooding of the Pavilion is a major concern.
- Promote Dalgety – Residents would like Council to promote Dalgety as a recreation and natural assets e.g. Platypus and fishing.
- Regular Maintenance – Residents would like council to provide regular maintenance in Dalgety.
- Derelict Housing – Asked Council for advice on how to address the unoccupied and run down houses in the town.

4.2 IVAN PASALICH - DA4124/2017 ATTACHED DUAL OCCUPANCY

Mr Ivan Pasalich addressed Council on behalf of Janet Mackay, resident of Rainbow Drive. Mr Pasalich gave an overview of the revised design and the impacts this has on Ms Mackay's residence. Listing the obstructions to the views as a major concern and objection to the DA.

4.3 PEITA LIDSTER - DA4124/2017 ATTACHED DUAL OCCUPANCY

Mrs Peita Lidster, joint owner of 3 Rainbow Drive, gave an extensive explanation to Council of the purpose of the house resulting in the design as a communal occupancy and multi-generation house. Mrs Lidster expressed they feel they have given ample consideration to the surrounding neighbours' concerns, resulting in the revised design.

4.4 BRAD LIDSTER - DA4124/2017 ATTACHED DUAL OCCUPANCY

Mr Brad Lidster, joint owner of 3 Rainbow Drive, also provided a detailed explanation for the design of the house, providing an overview of the angles to increase the views for the surround neighbours and from the street, when entering the neighbourhood. Mr Lidster also stressed the house use was for a single family and not dual occupancy.

Note 1: Suspension of Business Agenda Items

COUNCIL RESOLUTION

133/17

That item 15.3 DA4124/2017 Attached Dual Occupancy on the agenda be considered as the next item of business.

Approved by Administrator Lynch

4.5 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"> 1. Draft Consent Notice DA4124/2017 (<i>Under Separate Cover</i>) ⇨ 2. DA4124/2017 Statement of Environmental Effects with 4.6 Variation (<i>Under Separate Cover</i>) ⇨ 3. DA4124/2017 Plans (<i>Under Separate Cover</i>) ⇨ 4. DA4124/2017 Survey Plan (<i>Under Separate Cover</i>) ⇨ 5. DA4124/2017 Objections (<i>Under Separate Cover</i>) ⇨ 6. Da4124/2017 Applicant Response to Objections 1 & 2 (<i>Under Separate Cover</i>) ⇨

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.

COUNCIL RESOLUTION

134/17

- 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.
- E. That pursuant to the provisions of 80(4)(b), the second occupancy be accommodated with in the proposed roofline of the main dwelling and the second occupancy as shown on the submitted development plan to the southeast of the main dwelling and the adjoining garage wing be deleted as it is not approved.

Approved by Administrator Lynch

Note 2: Conditions of Consent DA4124/2017 Attached Dual Occupancy

CONSENT has been granted subject to the following **draft** conditions:

ADMINISTRATIVE CONDITIONS

Approved Plans and Documentation

1. The developer is to ensure that the development complies fully with DA4124/2017 as submitted to Council on the 30/01/2017 2:44:56 PM with supporting documentation including, but not limited to the development plans being:

Reference/Dwg No	Title/Description	Prepared By	Date/s
A1 3	First Floor Plan	Jefferson Robinson Architects	6/7/2017
A1 5	West Elevations and Sections	Jefferson Robinson Architects	6/7/2017

A1 4	North, South, East and South East Elevations	Jefferson Robinson Architects	6/7/2017
A1 1	Site Plan	Jefferson Robinson Architects	6/7/2017
	Statement of Environmental Effects	Plansight Pty Ltd	December 2016

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

Inconsistency between documents

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

Prescribed Conditions

3. The developer shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A(11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- Residential building work within the meaning of the [Home Building Act 1989](#) must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

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

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

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

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder

permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

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

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

OTHER APPROVALS

Separate Section 138 Permit – Roads Act 1993

4. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new driveway access (or modification of access) and prior to the issue of either an interim occupancy certificate or a final occupancy certificate. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

Sewer and Water Connection to Councils Mains

5. The developer shall make arrangements with Council (via S68 Ancillary Application with payment of associated fees) for the connection of the development Council's water and sewer mains.

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

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

PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

Monetary Contributions

7. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 and Council's adopted Contributions plans, the following contributions apply to the development: The developer must, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 and Council's Contributions Plans, pay to Council the above monetary contributions. The contributions are to be paid prior to release of the Construction Certificate.

Jindabyne Area Shared Trails	\$351.00
Community Services and Facilities	\$331.00
Regional Waste	\$398.00
Bushfire Services	\$97.00
Open Space and Public Art	\$100.00
Sports field and Recreation Facilities	\$55.00
Jindabyne Area Shared Pathways	\$18.00
Total	\$1350.00

Note: The above-specified Contribution Plans may be inspected at Council's Department of Environmental Services offices at Berridale and Jindabyne. The contributions stated in this consent are calculated on the basis of the s94 contribution rates determined in accordance with plan in force on the date of this consent. If the contributions are not paid within the quarter in which the consent is granted, they may be subject to an increase by CPI.

The above contributions are based on an additional, one bedroom residential unit (0.57 of an ET)

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

8. A construction certificate must not be issued until the developer obtains a certificate of compliance under s307 of the Water Management Act 2000 from the Council (the Water Supply Authority).

Note - This condition relates to the payment of Sewer and Water Contributions for information regarding the certificate of compliance please contact Councils Department of Water and Waste Services.

PRIOR TO THE COMMENCEMENT OF WORKS

Construction Certificate

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

Appointment of Principal Certifying Authority and Notice of Commencement

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

not carrying out the work as an owner-builder has:

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

Residential Building Work – Compliance with the Requirements of the Home Building Act 1989

11. Building work involving residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates

(a) in the case of work to be done by a licensee under that Act:

- i) has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
- ii) is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or

(b) in the case of work to be done by any other person:

- i) has been informed in writing of the persons name, contact address details and owner-builder permit number; and
- ii) has been given a declaration signed by the property owner(s) of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989 and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the specific person or licensed contractor is the holder of an insurance policy issued for the purposes of that Part of the Act is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part of the Act.

Easements

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

Temporary Benchmark

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

Construction Management Plan

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

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

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

Site Notice

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

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

completion of the construction works.

Temporary Sanitary Facilities

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

Each toilet provided must be:

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

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

Enclosure of the Site

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

Termite Control

18. Prior to the commencement of works, the Applicant will submit to the satisfaction of the PCA (i.e. Council or Private Certifier) documentation confirming the building will be protected from termite attack in accordance with the provisions of Australian Standard AS 3660.1. The submitted documentation will include:
- (a) details of the proposed methods to be used; and
 - (b) certification of works performed;
19. A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:
- (a) the method of protection;
 - (b) the date of installation;
 - (c) where a chemical barrier is used, its life expectancy as listed on the National
 - (d) Registration Authority label; and.
 - (e) the need to maintain and inspect the system on a regular basis.

NOTE: Under slab chemical treatment will not be permitted as the only method of

treatment unless the area can be retreated without major disruption to the building.

Master Water Meter

20. The developer shall ensure that a master water meter and backflow prevention device is provided to the property prior to commencement of works on-site.

DURING WORKS

Approved Plans to be On-site

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

Erosion & Sediment Control

22. The developer is to ensure that where site works are undertaken including all excavations, land clearing and materials storage, all topsoil that is removed is stripped and stockpiled in an appropriate location for future revegetation works. The stockpiled area is to be encircled by a geofabric filter fence.
23. The developer is to ensure that erosion and siltation control measures are installed and maintained on the site for the entire length of the construction project. Erosion control measures are to include the placement of hay bales staked in the ground or the erection of geofabric filter fencing at the bottom of all areas where cut and fill is carried out and within any existing drainage areas from those cut and fill areas. These control measures are to be in accordance with the requirements of the consent authority and best management practices as outlined in the NSW Department of Housing "Soils and Construction, Managing Urban Stormwater 4th Edition, March 2004 – the Blue Book".
24. The developer shall ensure that erosion and siltation control measures shall be undertaken in accordance with the approved *Erosion and Sediment Control Plan* in respect to any part of the land where the natural surface is disturbed or earthworks are carried out.

All-weather Access

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

Public Property

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

Protection of Trees

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

Site Management

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

Trade Waste

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

Public Liability

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

Use of Power Tools - Residential and Village Areas

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

Mon - Fri	7.00am to 6.00pm
Saturday	8.00am to 5.00pm
No work to occur on Sundays or Public Holidays	

Inspection Notification

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

Public Access and Site Security

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

Excavation

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

36. The developer is to ensure that all excavations are properly guarded and protected at all times to prevent them from being a danger to life or property.
37. The developer is to ensure that if an excavation associated with the development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
- (a) preserve and protect the adjoining building from damage, and if necessary, underpin and support the building in an approved manner; and
 - (b) at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
38. The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- An **allotment of land** includes a public road and any other public place.
39. The developer is to ensure that the toe of any embankment to a site excavation is a minimum 900mm from the external walls and graded to drain all surface water away from the building. The ground level adjacent to the building is to be no less than 150mm below the top of the reinforced concrete floor slab.

Plumbing & Draining

40. The developer is to ensure that prior to any plumbing work being commenced the licensed plumber / drainer must lodge with Council a Notice of Work two (2) working days prior to commencement of the work. AND
- Prior to covering any new Plumbing & Drainage work arrange for the work to be inspected by Council Officers by phoning the Jindabyne Council Office on 02 64511550 and paying the appropriate inspection fee. (An additional inspection fee will apply for all work required to be re-inspected) AND
- Within two (2) working days of the final inspection being completed the Licensed Plumber & Drainer is to provide to the Council and the property owner:- A Certificate of Compliance to AS3500. A sewer service diagram.
- Notes:- The Plumbing and Drainage Act 2011 has substantial fines for non-compliance
41. All plumbing and drainage work is to be installed by a Licensed Plumber & Drainer in accordance with the Australian Standard 3500 and the provisions of the Plumbing and Drainage Act 2011 and BASIX requirements.
42. The developer shall ensure that a licensed plumber and drainer undertakes the connection to Council sewer system. The sewer riser is to be flush with the finished surface levels of the land and provided with a cap and concrete collar.

Hot Water Installation

43. All new heated water installations shall deliver heated water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- (a) 45°C for aged, the sick, children or people with disabilities in healthcare or aged care buildings, early childcare centres, primary & secondary schools & nursing homes or similar facilities for the aged, the sick, children or people with disabilities, and
 - (b) 50°C for all other situations.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of the works.

Material Storage

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

Dust Control Measures

45. Adequate measures will be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
- (a) Physical barriers will be erected at right angles to the prevailing wind direction or will be placed around or over dust sources to prevent wind or activity from generating dust emissions,
 - (b) Earthworks and scheduling activities will be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
 - (c) All materials will be stored or stockpiled at the best locations,
 - (d) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
 - (e) All vehicles carrying spoil or rubble to or from the site will at all times be covered to prevent the escape of dust or other material,
 - (f) All equipment wheels will be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
 - (g) Gates will be closed between vehicle movements and will be fitted with shade cloth, and
 - (h) Cleaning of footpaths and roadways will be carried out regularly.

Retaining Walls

46. All retaining walls in excess of 1.0 metres in height must be certified by a qualified structural engineer. In this regard, a engineer must also verify the structural integrity of the retaining wall after construction and a copy of this certification is provided to Council prior to release of Occupancy Certificate.

Car Park Runoff

47. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed car park areas will not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director, Environmental Services prior to installation.

Revegetation Works

48. The developer is to ensure that at the completion of site works the following landscaping works are carried out:
- (a) topsoil is spread over all disturbed areas* with priority given to cut and fill batters;
 - (b) all disturbed areas* are re-vegetated using drylands grass mix with a complete fertiliser;
 - (c) all disturbed areas* are to be weed free hay mulched. The hay mulching is to be undertaken by a suitable contractor in accordance with Snowy River Development Control Plan 1998 – Circular R3 Revegetation works.
- (* including all footpath areas and adjoining properties where applicable)

Water Supply for 2 or 3 Residential Units

49. The developer shall make arrangements with Council (via S68 Ancillary Application) for the provision of a 25 mm water service to the site with water meter, gate valve and approved backflow prevention device and separate 20 mm metered services to each residential unit.
- As an alternative, the developer may make arrangements with Council for the provision of separate 20 mm water services to each unit with water meter, gate valve and approved backflow prevention device on each service.

Sewerage and water connection

50. The developer shall make arrangements with Council (via S68 Ancillary Application) for the connection of the development to Council's sewerage system.
- The development shall be provided with a separate metered water service from Council's water reticulation system and a separate connection to Council's sewerage system.

The Developer, at no cost to Council, shall extend Council's gravity sewerage reticulation main in conformity with the standards set out in Council's Development Design and Construction Specifications from either

1. Council's gravity sewerage main at a location between Council's Sewage Pump Station TYSYS 2 and Manhole A1 or
2. Council's existing sewer manhole 4B within Lot 56, DP 830752 and obtain a sewer easement within Lot 56, DP 830752 in favour of Council and with the agreement of the owner of Lot 56, DP 830752. Should this option be taken, a Section 88B instrument shall establish a suitable easement of not less than 3.0 metres wide in favour of Council to contain the sewer main and manhole(s) within any lots constructed to service the development.

Applications for water and sewer services should be made to Council's Water and Waste Water Section, together with payment of the relevant fees.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificates

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

BASIX Certificate

52. A BASIX certificate is to be submitted with the application for occupation certificate (For complying development, this is the BASIX Certificate applicable when the complying development certificate was issued. For DA development, this is the BASIX Certificate applicable when the construction certificate was granted). It is noted that the certifying authority must not issue the occupation certificate unless satisfied that specified BASIX commitments have been complied with.

Landscaping Plan

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

Road Damage

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

USE OF SITE

Stormwater Management Plan

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

Roof Water

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

Driveway Run-off

57. The developer shall ensure that all run-off from driveway is diverted in accordance with the approved Stormwater Management Plan.

Hard Surface Run-off

58. Stormwater run-off from driveways and car parks is to be diverted through landscaped areas to provide pollutant reduction and detention, before being discharged to the street drainage system. Alternatively, porous paving can be used instead of concrete where conditions are appropriate.

Tank Overflow

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

Finished Drainage System

60. The developer is to submit two copies of the finished internal storm water drainage system to Council prior to the release of the Final Occupancy Certificate. The developer must ensure that the internal stormwater drainage details include:
- (a) a silt arrestor / surcharge pit within and adjacent to the property boundary;
 - (b) details of the point of discharge; and
 - (c) method of connection to Council's storm water drainage system.

Rainwater Tanks

61. All fixtures connected to the supply system are marked 'RAINWATER'.
62. The developer shall ensure that rainwater tanks are de-sludged every three years.
63. For Non Charged Systems

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

Or

For Charged Systems

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

64. The developer shall ensure that rainwater tanks are fitted with the following:
- a) Impervious covers and all access points, except for inlet and overflow, are fitted with close fitting lids.
 - b) The inlet and overflow shall incorporate a mesh covering and/or strainer.
65. The tank is enclosed and inlets screened, so as to prevent the entry of foreign matter and to prevent mosquito breeding.
66. The developer shall ensure that the roof catchment area is kept clear of overhanging vegetation.
67. Pumps are to be covered or screened to avoid noise nuisances to neighbouring properties.
68. The developer shall ensure that all storm water that is not collected by the tank is directed away from tank foundations, buildings or other structures onto gardens or into rubble pits or directly to the road drainage system such that it does not cause nuisance to neighbouring properties.

Rainwater Tanks – Mains Top Up

69. The developer shall ensure that each tank is fitted with:
- (a) an automatic mains water top up or bypass system via a float switch to ensure water supply during prolonged dry periods. Top up systems should not be triggered until the tank is at least 80% empty (ie to keep the tank water level at approximately 900 litres or less in a 4,500 litre tank).
 - (b) A backflow prevention device in accordance with *Australian Standard AS 3500.1.2 (1998)*.
 - (c) a first flush device and filter sock to prevent potential contaminants from entering the tank.

Garbage Disposal – Residential

70. The developer shall ensure that a 240-litre capacity wheeled garbage bin and a 360 litre recycling bin of a type provided by Council must be provided for each dwelling.

Note - to arrange for the provision of bins for the development please contact Councils Berridale office on (02) 6451 1195.

Maintenance of Garbage Bins

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

Hard Surface Driveway

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

Driveway Design

73. The developer shall ensure that the proposed driveway has:
- (a) a gradient not exceeding 16%;
 - (b) changes in gradient not exceeding 6.7%; and
 - (c) a length per change of gradient of not less than 4 metres.

Driveway Design at Property Boundary

74. The developer shall ensure that the level of the driveway at the property boundary is to be +3% above the adjacent top of kerb (that is a +3% longitudinal gradient from the gutter to the property boundary) and conforms to the longitudinal gradient of the roadway.

Vehicular Entrance (Urban)

75. The developer shall construct a concrete paved vehicular footpath crossing between the kerb and gutter and the property boundary in conformity with Council's standard drawing No. SD2c and SD80a.

Formwork and reinforcing for the vehicular footpath crossing shall be inspected by the Council's Development Engineer or his delegate prior to the pouring of concrete. Arrangements for inspections can be made by telephoning (02) 6451 1195 during office hours. Inspection fees are payable for these inspections.

Off-Street Car Parking

76. The developer is to ensure that a minimum of three (3) car parking spaces are provided on-site for this development in accordance with the approved Site Plan and Council's DCP Circular C1 – Off-street Carparking. The car parking spaces must:
- (a) each be a minimum of 5.5m long and 2.6m wide;
 - (b) be clearly marked for use by occupants of each dwelling;
 - (c) be surfaced; and
 - (d) be accessible at all times.

External Finishes

77. The developer shall ensure that the colours and materials included in the development are those shown on the approved plans stamped and attached to this notice.

Note – this condition can be modified with the written approval of Council without the need for a formal modification of the consent under s96 of the EP&A Act 1979.

Amenity

78. The developer shall ensure that lighting of the premises is to be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

Mail

79. The developer shall ensure that a clearly marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment for premises at ground level, or adjacent to the main entrance to the development, where applicable.

Property Number

80. The developer shall attach to the front of the development the following house number that is clearly visible from the street frontage of the property:
- Dwelling 1 – 1/3 (large dwelling)
Dwelling 2 – 2/3 (small dwelling)

Degree of Permanency

81. The development is occupied with a degree of permanency. In this regard, separate consent from Council is required to use the development for short term holiday accommodation.

The reasons for the imposition of the conditions are:

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

Notes Relating to the Determination

- 1) This consent becomes effective and operates from the date shown as “**Endorsement Date**” on the front page of this notice. This consent will lapse 5 years from the date of commencement of consent, unless the development has physically commenced.
- 2 Section 82A of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right to request the consent authority to review the determination. The request for review must be made within six (6) months after the date on which the applicant received the notice of determination and must be accompanied by the fee set by the Regulations; it does not apply to an application in respect of Designated Development or Integrated Development.
- 3 Section 97 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months from the date of receipt of this notice.
- 4 Pursuant to *Snowy River Local Environmental Plan 2013*, no tree may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or are within 3 metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifying Authority appointed.
- 5 In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.
- 6 The applicant is solely responsible for ensuring that all additional consents, permits and/or agreements are obtained from other authorities, as relevant.
- 7 Headings are for convenience only and do not affect the interpretation of any condition of this development consent.

Note 3: Urgent Business Not On Agenda

COUNCIL RESOLUTION

135/17

The attention of the Council was drawn to one (1) late report not listed on the Council agenda and business paper concerning 15.1 Late Submission to DA4124/2017 Dual Occupancy be considered as a matter of urgency.

Approved by Administrator Lynch

4.6 LATE SUBMISSION TO DA4124/2017 DUAL OCCUPANCY

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:	Nil
Cost Centre	
Project	no project
Further Operational Plan Actions:	n/a

EXECUTIVE SUMMARY

Advise of late submission to DA4124/2017 and response from applicant and consideration by officer

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

COUNCIL RESOLUTION

136/17

That Council receive and note the late submission to be considered as part of the report for DA4124/2017

Approved by Administrator Lynch

5. DISCLOSURE OF INTEREST

5.1 DIRECTOR OF ENVIRONMENT AND SUSTAINABILITY

The Director of Environment and Sustainability declared an interest in Item 15.2 DA 10.2016.543.2 82A Review of Determination for the 'Nimmity Bell' as he has a conflict of interest in this item due to "A personal friend of one of the financial contributors". The Director of Environment and Sustainability did not take part in discussion or voting on this item.

6. ADOPTION OF MINUTES OF PREVIOUS MEETING

6.1 ORDINARY COUNCIL MEETING 28 JUNE 2017

COUNCIL RESOLUTION

137/17

THAT the minutes of the Ordinary Council Meeting held on 28 June 2017 are confirmed as a true and accurate record of proceedings.

Moved Administrator Lynch

CARRIED

7. ADMINISTRATORS REPORT (IF ANY)

7.1 OLD BOMBALA SCHOOL

COUNCIL RESOLUTION

138/17

That Council:

- A. Acknowledge and accept the generous offer by TAFE NSW to divest the old Bombala Infant School site to the SMRC for a nominal amount subject to ministerial approval.
- B. Develop a business plan for the site in consultation with the Bombala community that meets NSW Treasury Total Asset Management Guidelines, Appendix D – Disposal by private treaty to local councils;
- C. Assess the possibility of leasing the property to the Bombala community being councils preference in this business plan; and
- D. Divest itself of surplus (operational) property in Bombala to provide funds for upgrading and maintenance of the building.

Approved by Administrator Lynch

7.2 SMEC FLUID LABORATORY

COUNCIL RESOLUTION

139/17

That Council

- A. Acknowledge the formal offer by SMEC Holdings to divest the old Fluid Laboratory to the SMRC;
- B. Acknowledge the generous offer by the SMEC Foundation to potentially provide funding that will enable the site to be developed for a suitable community purpose;
- C. Develop a business case for potential use of the site for Council consideration; and
- D. Draft a mutually agreeable MOU with SMEC for Council consideration.

Approved by Administrator Lynch

7.3 RIX WRIGHT SCULPTURE PURCHASE

COUNCIL RESOLUTION

140/17

That Council

- A. Approve the purchase of the Rix Wright sculpture for \$51,000 from the Litchfield Family using the money collected through donations from the public community and Council;
- B. Allocate \$10,000 from the 'Monaro in Pictures' sale reserve toward the purchase price;
- C. Place the Rix Wright sculpture on display in Cooma; Formally thank the Litchfield family and all other benefactors for their generous donations;
- D. Provide a plaque officially recognising donations of those who have donated towards the purchase of the sculpture; and
- E. Fund the shortfall up to an amount of \$2000; and
- F. Authorise the SMRC Manager Tourism and Events to co-ordinate the project with the Arts Committee.
- G. Proceed with the above resolution upon receipt of the funds collected through the public donations organised by the Arts Committee

Approved by Administrator Lynch

8. DELEGATE'S REPORT (IF ANY)

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 [⇒](#)

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.

COUNCIL RESOLUTION

141/17

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.*

Approved by Administrator Lynch

8.2 MINUTES OF THE ADMINISTRATORS DELEGATIONS MEETING HELD 5 JULY 2017

Record No:

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

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.

COUNCIL RESOLUTION

142/17

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.*

Approved by Administrator Lynch

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 [⇒](#)

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.

COUNCIL RESOLUTION

143/17

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*.

Approved by Administrator Lynch

9. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS

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 [⇒](#)

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.

COUNCIL RESOLUTION

144/17

That the recommendations of the meeting of the Snowy Monaro Local Representative Committee held on 22 June 2017 be adopted.

Approved by Administrator Lynch

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

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.

COUNCIL RESOLUTION	145/17
That Council	
A. Receives and notes the information in the report.	
B. 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.	
Approved by Administrator Lynch	

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

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 ➡

Cost Centre

Project To name the Right of Ways off Micalago Road.

Further Operational Plan Actions:

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.

COUNCIL RESOLUTION

146/17

That Council

- A. Endorses the names Bendemeer Lane and Horseshoe Lane.
- B. Formally advertises the two road names; and
- C. Barring no objection, gazettes and signposts these two right-of-ways.

Approved by Administrator Lynch

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.

COUNCIL RESOLUTION

147/17

That Council

- A. Receive and note this report;
- B. Review its Community Strategic Plan to ensure it is consistent with the South East and Tablelands Regional Plan;
- C. Acknowledges the increased priority for resourcing its strategic planning initiatives to compliment the actions identified in the South East and Tablelands Regional Plan; and

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

Approved by Administrator Lynch

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

Nil

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

13.1 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.

COUNCIL RESOLUTION

148/17

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); and
- C. Allocate \$13,000 to the Local Heritage Places Grant for 2017-18 and 2018-19.

Approved by Administrator Lynch

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

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 15th 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.

COUNCIL RESOLUTION

149/17

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.

Approved by Administrator Lynch

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

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:

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.

COUNCIL RESOLUTION

150/17

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.

Note two (2) letters were received from the Bottomline Group, and tabled at this meeting, and a response will be provided.

Approved by Administrator Lynch

Note 4: Modified Development Conditions of Consent DA 10.2016.543.2

Conditions

General

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

Document/Plan Schedule			
Ref	Description	Prepared/Drawn By	Received
GV 1	General view	RA Griffiths - Consulting Land and Engineering Surveyor	28/01/2016
LD 1	Lot dimensions	RA Griffiths - Consulting Land and Engineering Surveyor	28/01/2016
LS 1	General view - Landscape and Planting	RA Griffiths - Consulting Land and Engineering Surveyor	28/01/2016
FF 1	General view - Flora and Fauna	RA Griffiths - Consulting Land and Engineering Surveyor	28/01/2016
RD 1	General view - Access Roads, Lot and Easement Layout, Concept Water Supply, Sewer and Stormwater	RA Griffiths - Consulting Land and Engineering Surveyor	28/01/2016
	Utility Services Concept Plan		28/01/2016
ST 1	Staging Plan	RA Griffiths - Consulting Land and Engineering Surveyor	18/05/2017

Reason: Requirement that the development is completed in accordance with Council's consent. P_1_01

- 2) No water supply service shall traverse or encroach onto any lot to service another.

Reason: Services to remain wholly within lot it services. W_1_06

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

Reason: To ensure Council has legal and unrestricted access to its Wastewater Drainage infrastructure. WWjj8

- 4) An application under Section 68 of the *Local Government Act 1993* is to be lodged with Council for the required water supply / sewerage supply works. No works are to commence until the Section 68 application is approved.

Reason: In accordance with the *Local Government Act 1993*. WWW_1_06

- 5) No lots (other than lot 65) within the subdivision are to be less than 1800m² in area.

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

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

Reason: To avoid misinterpretations of the approved plans.

- 7) An application for a Subdivision Certificate is to be lodged with Council at the time of lodgement of the linen plans as required under Part 4A of the Environmental Planning and Assessment Act, 1979. The fee for the Subdivision Certificate application is currently \$155 for each lot on the plan and is payable upon lodgement of the application with Council. Note: The amount to be paid will be in accordance with Council's Fees and Charges at the time of actual payment. Fees may rise at the commencement of each new financial year on 1 July.

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

- 8) A restriction to user is to be created under Section 88B of the Conveyancing Act 1919 to apply to the part of lots 25, 26, 28, 29, 30 and 31 shown on the approved plans (General View – Flora and Fauna plan). The restriction to user is to prevent the following activities within the area it covers: - The removal or relocation of bushrocks;
- Ploughing of the area, application of fertilisers or any other such means of tilling or improving the soil;
- The erection of any buildings, structures or tanks;
- The construction of any solid fences within or around the edge of the restriction area - The planting of trees or shrubs
- The grazing of livestock
- The storage of any sort of material or goods
- The redirection of water and runoff towards or away from the restriction area.
- 9) Council is to be empowered as the only authority able to release, vary or modify the restriction to use.

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

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

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

- 11) Lot 67 on the approved plans Lot 63 on the staging plan) is to be dedicated to Council as a public road (as part of the registration process of the subdivision). Council only requires as a minimum at each stage of the subdivision the dedication of that part of the road shown on the staging plan as within that stage of the subdivision.

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

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

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

Design Changes

- 13) The following pairs of lots on the approved plans are each to be consolidated into a single allotment:
- Lots 24 & 63 - Lots 54 & 64 The consolidated lots are to be shown on the plans for the Subdivision Certificate.

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

- 14) The boundary between Lots 41 and 42 on the approved plans is to be adjusted such that the area of lot 42 is increased to at least 1800m². The adjusted boundary is to be shown on the plans for the Subdivision Certificate.

Reason: Lot 42 must be increased in size to at least 1800m² to comply with clause 4.1 of Cooma-Monaro Local Environmental Plan 2013.

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

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

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

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

- 17) The drainage easement on Lot 59 on the approved plans is to be extended through Lot 60 to the new road. The easement is to be in favour of Council.

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

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

Reason: This asset is not required by Council.

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

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

Design Related Conditions

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

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

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

Reason: Requirement of the CMSC Water Supply Development Standard

Required Works

- 21) Each lot created shall be provided with a metered water supply service connection in accordance with Cooma-Monaro Shire Council Water Supply Development Standard. A meter is only required to be installed in each stage for the lots to be released in that stage.

Reason: Development to be provided with an adequate water supply service in accordance with Council's Policy and Regulations

- 22) The Council water main shall be extended to service the development in accordance with Cooma-Monaro Shire Council Water Supply Development Standard. Any water supply infrastructure to be inherited by Council and constructed across a residue lot in stages 1 or 2 must be protected by a 3m easement until such time as the infrastructure is located within a public road or reserve at the completion of further stages.

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

- 23) A wastewater drainage service is to be provided for the development, in accordance with Cooma-Monaro Shire Council Wastewater Development Standard. Any wastewater supply infrastructure to be inherited by Council and constructed across a residue lot in stages 1 or 2 must be protected by a 3m easement until such time as the infrastructure is located within a public road or reserve at the completion of further stages.

Reason: Development shall be provided with adequate means to dispose of wastewater (sewage).

- 24) Each lot created (other than Lot 65, 66 or 67) shall be provided with a separate 150mm diameter service connection in accordance with Cooma-Monaro Shire Council Wastewater Development Standard. The service connection only needs to be provided in each stage for lots being released in that stage of the subdivision

Reason: Development to be provided with adequate means to dispose of wastewater (sewage).

- 25) The Council's wastewater drainage system is to be extended to service the proposed development. Works are to be designed and carried out in accordance with Cooma-Monaro Shire Council Wastewater Development Standard. Any wastewater supply infrastructure to be inherited by Council and constructed across a residue lot in stages 1 or 2 must be protected by a 3m easement until such time as the infrastructure is located within a public road or reserve at the completion of further stages.

Reason: Development to be provided with adequate means to dispose of wastewater (sewage).
WW_1_06

- 26) The existing 11kV overhead powerline across Lots 24-37 and Lot 65 is to be removed prior to the release of the Subdivision Certificate for stage 2. All power supply lines within the subdivision (other than on Lot 66 unless required by Essential Energy) are to be underground within the new public road reserves.

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

- 27) The existing stock shelter shed on Lot 47 is to be demolished and removed from the site prior to release of the Subdivision Certificate for stage 3. The stock yard also located on this lot may remain or be removed at the discretion of the applicant.

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

- 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. This must be completed prior to the release of the Subdivision Certificate for stage 3.

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.

- 29) All proposed new public roads within the subdivision are to be constructed for each stage as per the approved staging plan and provided with street trees planted at the rate of 1 per 30 metres of road frontage.

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

- 30) Each lot (other than Lots 65 and 66) shall be provided with a separate water meter in accordance with the Cooma-Monaro Shire Council Water Supply Development Standard. A meter is only required to be installed in each stage for the lots to be released in that stage.

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

- 31) The applicant shall supply and plant within the road reserve street trees in the position shown on the approved Construction Certificate plans for each stage. The applicant shall also:
- a) fertilise and water the tree for one year from the date of planting;
 - b) replace any dead trees

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

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

- 32) Prior to the release of the Subdivision Certificate for stage 2, 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

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

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

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

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

Reason: Requirement of Development Control Plan 2014 and to specify the road construction standards for the development

- 35) Prior to release of the Subdivision Certificate for stage 1, the developer shall construct that section of Yallakool Lane from Yallakool Road, including the intersection, for the full length of the site boundary and in accord with Council's Specification for Engineering Works. A turning circle shall be provided at the end of the newly constructed laneway and the road closed off by installation of bollards and a rangers gate for maintenance access. A vehicular footpath crossing shall be constructed to service the rangers gate.

Note: The intent of this condition is to restrict through road access along Yallakool Lane to the intersection with Monaro Highway.

Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014

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

Construction standards are to be as follows:

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

Reason: To provide adequate services to all lots at acceptable standards.

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

Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014

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

Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014. R_3_04

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

Construction standards to be as follows:

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

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

40) A vehicular entrance/s is to be constructed from the road carriageway to all lots in the subdivision, for each stage, and shall be shown on the plans submitted for the issue of a Construction Certificate. Construction standards are to be as follows:

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

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

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

Culverts shall be reinforced concrete of not less than 450 mm diameter and such greater diameter as determined by design

Culverts shall extend the full width of the road formation and shall be provided with reinforced concrete or mortared rock headwalls.

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

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

Reason: To provide adequate stormwater drainage for residential lots

Conditions to be met prior to commencement of work

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

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

Reason: Requirement of the Roads and Maritime Services.

44) An Aboriginal Heritage Management Plan (AHMP) must be prepared by a qualified archaeologist, in conjunction with OEH prior to commencement of any development activities. The AHMP must include, but not be limited to:

- Detail on the procedures to be followed if Aboriginal objects are found at any stage during the life of the development works and allow for the formulation of appropriate measures to manage any unforeseen impacts to Aboriginal heritage values;
- Specifically detail the procedures to be followed if any Aboriginal skeletal material is uncovered during the development works and allow for the development of appropriate measures to manage this material;
- An outline of the process that will be followed for consultation with Aboriginal stakeholders and OEH, where required; and
- An outline of the process for how the AHMP procedures will be managed and adhered to during the operational life of the development activities..

Reason: Requirement of the Office of Environment and Heritage.

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

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

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

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

Reason: Requirement of the Office of Environment and Heritage

46) The applicant shall obtain a Section 138 (Roads Act 1993) consent from Council for the following works within the public road reserve:

- a) Vehicular footpath crossings
- b) Construction of new vehicular entrance point/s for Lot/s accessing Yallakool Road and Yallakool Lane
- c) Intersection construction works on the local road network, including provision of street lighting at the new intersections with Yallakool Road
- d) Roadworks on Yallakool Road and Yallakool Lane
- e) Signage installation works

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

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

The Section 138 approval must be sought prior to commencement of the works. All works shall be carried out in accordance with the Section 138 Approval.

Reason: In accordance with Roads Act 1993

Conditions to be met prior to release of Construction Certificate

- 47) An application under S68 of the Local Government Act 1993 containing engineering design, plans and specifications for the water main extension prepared in accordance with *Cooma-Monaro Shire Council Water Supply Development Standard* shall be submitted to and approved by Council's Director of Engineering Services prior to the issue of the Construction Certificate for stage 1.

Reason: To ensure the proposed new infrastructure conforms to Council standards. W_1_08

- 48) An application under S68 of the Local Government Act 1993 containing engineering design, plans and specifications for the new wastewater drainage main prepared in accordance with *Cooma-Monaro Shire Council Wastewater Development Standard* shall be submitted to and approved by Council prior to issue of the Construction Certificate for stage 1.

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

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

Reason: Requirement of Roads and Maritime Services. P_0_09

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

Reason: Requirement of Roads and Maritime Services. P_0_09

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

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

Reason: Requirement of Roads and Maritime Services. P_0_09

- 52) An application for a Construction Certificate is to be submitted to Council for approval for works required by this consent, as relevant to each stage shown on the approved staging plan. The work includes:

Road Works

- Engineering designs, plans and specifications for the construction/upgrading of the proposed/existing public road/s, prepared in accordance with the requirements of Council's Specification for Engineering Works and including the requisite design for adequate site distances for intersection design, road sealing works and any conditions included in this consent. This includes all new roads within the subdivision site,

vehicular footpath crossings to newly created lots plus upgrades to Yallakool Road and Yallakool Lane.

- Soil and water management proposals during construction
- Signage design details including street names, guide signs and warning signs.
- Bus pullover bays (2 required) for future school bus routes including design allowance for a bus shelter at each site designed in accord with the Australian Standards for accessible bus stop facilities in consultation with Council and the bus operator (it is NOT a requirement to construct the bus shelters – simply to make provision in the designs for the pullover area)
- Cycle Path and access within the proposed public reserve.
- The provision of underground electricity and telephone services in accordance with the requirements of the relevant authorities
- The provision of gas reticulation if the developer determines to proceed with this service.
- Road pavement investigations, testing and design for public roads to be bitumen sealed shall be undertaken in accordance with the requirements of Council's Specification for Engineering Works
- A copy of test results of proposed road pavement materials by an approved laboratory, for compliance with the requirements of Council's Specification for Engineering Works
- Sample of the tested material

Drainage

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

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

Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014 and Specification for Engineering Works. R_1_01

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

Reason: To allow identification of rural properties

Conditions to be met during Construction

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

Council must be informed (Water & Wastewater Manager – 6455 1821) immediately of any damage occasioned to any Council infrastructure. The damage shall be repaired/reinstated to new condition at the applicant's expense following consultation with Council.

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

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

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

Council must be informed (Water & Wastewater Manager – 6455 1821) immediately of any damage occasioned to any Council infrastructure. The damage shall be repaired/reinstated to new condition at the applicant's expense following consultation with Council.

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

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

- 56) Any infrastructure pipes crossing a Transgrid easement will need to be non-metallic (i.e. plastic / PVC) and the position placement of the pipes marked at ground level by plastic marker posts. *Note:* TransGrid uses 40 tonne mobile plant and equipment to undertake maintenance of its transmission lines and towers, including cranes and elevated work platforms, therefore any subterranean infrastructure must be designed to withstand the weight of such mobile plant passing over it, as TransGrid will not be responsible for any damage arising from use of its transmission easement in this regard.

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

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

Note: TransGrid's transmission structures possess subterranean earthing straps that are hazardous if disturbed, especially under fault conditions.

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

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

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

Note: TransGrid's assessment has been undertaken on the basis that no aboveground structures are proposed on the easement [except for the plastic marker posts associated with

subterranean pipe installations], therefore no structures are permitted on the easement as part of the development application.

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

- 60) All works are to be carried out in accordance with the NSW WorkCover 'Work Near Overhead Power Lines Code Of Practice 2006 (link shown below), and please also refer to TransGrid's Easement Guidelines For Third Party Development (V10) (**Guidelines**):

<http://www.workcover.nsw.gov.au/health-and-safety/industry-safety/electrical-and-power/power-lines/publications/work-near-overhead-power-lines-code-of-practice-2006>

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

- 61) During construction erosion and sediment controls must be installed and maintained at all times. Note: Particular attention should be paid to preventing sediment entering the small watercourse on Lot 66.

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

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

- Wetting of all new road surfaces whilst work is being undertaken;
- Covering any temporary stockpiles of earth with suitable sheeting material;
- Minimising work likely to generate dust on windy days;
- Maintaining as much existing surface vegetation on the site as possible during construction works;
- Cleaning up and/or securing areas of sediment movement and erosion created within the site during construction promptly.

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

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

Reason: To protect threatened species located in this area.

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

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

<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>

Reason: Requirement of Roads and Maritime Services.

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

Reason: In accordance with Council's Specification for Engineering Works.

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

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

Works-as-Executed (WAE) drawings for all constructed assets which are to revert to Council ownership or control are to be provided in electronic format as pdf files and dwg files. The WAE information shall include a schedule of all of the asset components and the unit rates of construction and for each class of asset.

Reason: To ensure the constructed works comply with the approved plans and specifications

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

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

Works-as-Executed (WAE) drawings for all constructed assets which are to revert to Council ownership or control are to be provided in electronic format as pdf files and dwg files. The WAE information shall include a schedule of all of the asset components and the unit rates of construction and for each class of asset.

Reason: To ensure the constructed works comply with the approved plans and specifications

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

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

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

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

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

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

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

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

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

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

- 72) All conditions identified as 'Required Works' (conditions 21-42) in this consent must be completed as specified in that condition or relevant to each stage of the subdivision.

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

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

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

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

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

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

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

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

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

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

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

Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014

Fees & Contributions

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

a) Cash Contribution Required

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

b) Amount and Purposes of Contribution

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

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

Description	Lots	\$/Lot	Total
Open Space	61	2,947.86	\$179,819.46
TOTAL			\$179,819.46

Note: Council's Section 94 Plan provides for a reduction in this amount in lieu of land dedicated as open space or new capital works providing a material public benefit. Council will not accept a deduction for land dedicated to Council in Lots 65 and 66 but will accept a reduction for new capital works on these lots subject to the submission and approval of a design plan as required by condition 28 and independent certification of the cost of the approved works by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors. Council will require the developer to enter into a written agreement for the provision of the works and once such agreement is made will only require payment of any monetary contributions, if any, in accordance with that agreement. Works completed as part of the agreement will be taken as completion of this condition in part or in full as specified in the agreement. If no written agreement is reached, the developer will remain liable for the full amount of monetary contributions shown above.

c) **Timing of Payment**

Where a monetary contribution is required, the contribution shall be paid prior to release of the Subdivision Certificate for each stage as follows:

Stage 1: 30 lots

Stage 2: 14 lots

Stage 3: 17 lots

Total:61 lots

d) **Inspection**

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

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

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

Note: The street numbers of the new lots are ideally indicated on the Subdivision Plan for registration. As such it is advisable that this fee be paid prior to engaging your surveyor to prepare

the final plan for registration so that Council can advise of the new addresses for each lot for inclusion in the surveyors plan. Council can issue street numbers once the fee is paid and the location of the access points to the lots are known. These are to be included on the plans for the Construction Certificate.

Reason: To allow identification of rural properties

Ongoing Conditions

- 78)The terms of the restriction to user applying to Lots 25, 26, 28, 29, 30 and 31 are to be complied

with at all times.

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

Reason: To protect threatened species on the site.

Modified Conditions

Conditions 1, 7, 9, 11, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 40, 47, 48, 52, 66, 67, 69, 70, 71, 72, 74, 76, 77, 78 have been amended in this consent.

Advice to Applicant

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

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

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

Reason: Requirement of Council that all expenses associated with the development are borne by the applicant. [WWW_1_02](#)

- (e) This development requires the submission of an application under Section 68 of the *Local Government Act 1993* for water supply work, wastewater (sewerage) work or

stormwater drainage work. It is likely that a condition of approval of such an application will include a condition requiring payment of the following contributions:

	Rate (2015/2016)	Qty	Amount
Water Supply Work	\$4,897.00 per lots =<2000m2	18	\$88,146.00
	\$5876.00 per lots >2000m2	44	\$258,544.00
Wastewater (sewerage) Work	\$3,681.00	62	\$228,222.00
Total			\$574,912.00

Payment of the above contributions will need to be made before Council can issue a Certificate of Compliance for the works. A Certificate of Compliance is required before an occupation certificate/subdivision certificate for the development can be issued.

The contributions above, if unpaid after the end of the current financial year, shall be increased to the figure adopted by Council for the financial year in which the payment is made.

Notes

An applicant may request a review of this determination under Section 96AB of the Environmental Planning and Assessment Act 1979. A request for a review must be lodged within 28 days of the date of this notification. A review under Section 96AB cannot be made for Integrated, Designated or Crown Development.

Section 97AA of the Act confers on an applicant or an object who is dissatisfied with the determination of Snowy Monaro Regional Council, a right of appeal to the Land and Environment Court exercisable within 6 months after receipt of the notice.

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:	1. Review documentation (<i>Under Separate Cover</i>) ⇨ 2. Public submissions (<i>Under Separate Cover</i>) ⇨

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.

COUNCIL RESOLUTION

151/17

That Council defer the report DA 16.2016.1006.2 – 82A Review of Determination for the ‘Nimmity Bell’ to a later Council meeting

Note: Council received an email from the Nimmitabel Lions Club requesting the item be deferred.

Approved by Administrator Lynch

15.3 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 ⇨
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.

COUNCIL RESOLUTION

152/17

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.

Approved by Administrator Lynch

15.4 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 [⇒](#)
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.

COUNCIL RESOLUTION

153/17

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.

Approved by Administrator Lynch

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

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.

COUNCIL RESOLUTION

154/17

That Council

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

Approved by Administrator Lynch

17. REPORTS BY GENERAL MANAGER

17.1 STRONGER COUNTRY COMMUNITY FUND

The General Manager advised Council of the Stronger Country Communities Fund (SCCF), available to regional NSW local government areas. Council has received official advise from the Department of Industry that Snowy Monaro Regional Council will receive \$2.36 million for the 2017/18 year and \$2.36 million for the 2018/19 year. A list of project will be compiled and submitted to the department by 9 August 2017 (TBA)

17.2 REGIONAL ECONOMIC DEVELOPMENT STRATEGIES (REDS)

The General Manager informed Council himself, the Director of Environment and Sustainability, the Group Manager Economic Development and Tourism and SMRC staff met with Nigel McKinnon and Rhonda Lawrie from the Office of Regional Development, Department of Premier and Cabinet to discuss REDS, a strategy for economic development in the South East and Tablelands region.

COUNCIL RESOLUTION

155/17

That Council receive and note the reports by the General Manager.

Approved by Administrator Lynch

18. NOTICE OF MOTION

Nil

19. MOTIONS OF URGENCY

Nil

20. QUESTIONS WITH NOTICE

Nil

21. QUESTIONS TAKEN ON NOTICE

Nil

22. CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

156/17

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:

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

Approved by Administrator Lynch

Note 5: 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 6: Confidential Session of Committee

At 6.19 pm the meeting was closed to the press and public.

Note 7: Resumption of Open Committee Meeting

At 6.20 pm the Closed Session ended and the Council meeting continued in Open Session.

23. REPORT FROM CONFIDENTIAL SESSION

22.1 STRONGER COMMUNITIES FUND MAJOR PROJECTS PROGRAM CO-FUNDING CONTRIBUTIONS

COUNCIL RESOLUTION

157/17

That Council:

- A. Authorise the expenditure and allocate the additional funds for the Delegate Streetscape Project with funding to be provided from Bombala Reserves – Delegate Streetscape Fund.
- B. Authorise the expenditure and allocate the additional funds for the Bombala Streetscape Project with funding to be provided from Bombala Reserves – Bombala Streetscape Fund.
- C. Prioritise grant submissions for the other listed additional projects to secure additional funding contributions for these projects.

Approved by Administrator Lynch

22.2 SHARED TRAIL CONNECTION- GADEN TROUT HATCHERY

COUNCIL RESOLUTION

158/17

That Council

- A. Receive and note the update on the interlinking trail project.
- B. Agree to proceed with an easement for the shared trail corridor through Gaden Trout Hatchery Picnic Area.
- C. Agree to continue working with NPWS and RMS on a design of the preferred option of an underpass via Kosciuszko road.
- D. Agree to proceed with amendments to existing easement arrangement and boundary of right of carriage way, Gaden Road.

Approved by Administrator Lynch

There being no further business the Administrator declared the meeting closed at 6.20pm



CHAIRPERSON

The above minutes of the Ordinary Council Meeting of Snowy Monaro Regional Council held on 26 July 2017 were confirmed by Council at a duly convened meeting on 30 August 2017 at which meeting the signature hereon was subscribed.

