



**SNOWY MONARO**  
REGIONAL COUNCIL

# **BUSINESS PAPER**

**PUBLIC EXHIBITION COPY**

**Ordinary Council Meeting**  
**31 August 2016**

## **CONFLICTS OF INTEREST**

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

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

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

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

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

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

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

## **COUNCIL CODE OF CONDUCT**

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

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

## **COUNCIL CODE OF MEETING PRACTICE**

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

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

Council wishes to show our respect to the First Custodians of this land the Ngarigo people and their Ancestors past and present who pass on this duty of custodianship of the land to us the current custodians. We are proud to be Australian and celebrate the diverse backgrounds and cultures that make up our Nation – our Land.

**ORDINARY COUNCIL MEETING  
TO BE HELD IN COUNCIL CHAMBERS, 71 CAVEAT STREET, BOMBALA NSW 2623**

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

**BUSINESS PAPER**

- 1. APOLOGIES**
- 2. CITIZENSHIP CERMONIES**
- 3. PRESENTATIONS**
- 4. PUBLIC FORUM**
- 5. DISCLOSURE OF INTEREST**  
(Declarations also to be made prior to discussions on each item)
- 6. ADOPTION OF MINUTES FROM PREVIOUS COUNCIL MEETING**
  - 6.1 Ordinary Council Meeting held on 27 July 2016
  - 6.2 Closed Session of the Ordinary Council Meeting held on 27 July 2016
  - 6.3 Extraordinary Council Meeting held on 29 July 2016
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Nil	
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Nil

## 8.1 JINDABYNE CONNECT EVENT

Record No:

Author: Acting Executive Assistant to the Administrator  
Attachments: 1. Jindabyne Connect Event - Email from Simon France from AusIndustry

### EXECUTIVE SUMMARY

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

### RECOMMENDATION

That Council:

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

### REPORT

The aim of the monthly event is to build the connection between businesses across the immediate Jindabyne region (including Perisher and Thredbo) in order to build the capacity and capability of business in the region through collaboration, partnership building and information sharing.

This initiative has support from the Jindabyne Business Chamber, Tourism Snowy Mountains, Rydges Horizons Snowy Mountains and AusIndustry.

It is envisaged that the meetings will commence in October 2016, with representatives from local businesses who are interested in progressing businesses in the area by helping them improve and grow. This information will be given by comparing business experiences and sharing resources.

The meetings will allow local businesses to present any ideas they may have or anything they have identified that could improve economic growth. It will also give event organisers a platform to provide an update to the organisation and to Council.

It has been suggested that Rydges Horizons Snowy Mountains will host the event, Tourism Snowy Mountains are to design a simple brochure, the Jindabyne Business Chamber will have the role of distributing the brochure, AusIndustry will provide out of town speakers and manage the pitches, and Council will provide administrative support by managing invites and collecting RSVPs. It will be the task of each group to promote the event and ensure that each brings one new business to the meeting who are interested in providing a pitch. The roles are subject to change at the discretion of the supporting organisations.

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**From:** [France, Simon](#)  
**To:** [Dean Lynch](#); [Bruce Easton \(bruce@wildernesssports.com.au\)](#); ["neil@snowymountains.com.au"](#); ["James\\_harris@rydges.com"](#)  
**Cc:** ["Bruce"](#); [nolen@snowycookies.com.au](#); ["joseph.vescio@snowymonaro.nsw.gov.au"](#)  
**Subject:** Jindabyne Connect [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 10 August 2016 1:06:55 PM

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G'day all,

The Jindabyne Connect event now has the support of the Jindabyne Business Chamber, Tourism Snowy Mountains, Rydges, Snowy Monaro Council and AusIndustry which is great news.

The aim of the monthly event is to build the connection between businesses across the immediate Jindabyne region (including Perisher and Thredbo) in order to build the capacity and capability of business in the region through collaboration, partnership building and information sharing.

The plan is that in the room there will be a spread of the local businesses, people with great ideas, people willing to share business experience, people with resources or programs to offer, people who can influence decisions locally and regionally and anyone else who is keen to see business in the region grow and improve and make the most of what is on offer.

The rough shape of the evening will be plenty of time for drinks and connecting coupled with a period where we have a few short pitches around the one minute mark and then possible one longer focused topic of 3 minutes. The pitches can be from local businesses with a need or an idea, the council with an update on a current topic, an event manager (such as Tour le Tap) providing an update, a business adviser outlining a government program is available etc

After discussion with most of you it was agreed that October was the best month to start (although I am open to September if something around upcoming events might still attract a crowd) – Tuesday or Thursday was best, so we went with Thursday. James who has agreed to host us at Rydges then helped identify dates which avoided clashes around the major events and so we have come up with.

Thursday 20 October – 5:30-6:30/7:00  
Thursday 24 November – 5:30-6:30/7:00  
Thursday 15 December – 5:30-6:30/7:00

For discussion is who does what, the below is simply my suggestion to start the discussion:

Rydges – hosts event (agreed)

TSM – design a simple brochure (I have a couple of drafts from similar activity that could be copied)

All – promote the event and ensure we each bring one new business + suggest those locally who want to pitch

Chamber – distribute (at Woolies or the like) any printed brochure (if we chose to do this)

Council - manage the invites and collect RSVP's

AusIndustry – provide the out of town speakers and manage the pitches

Sorry this email is a little long but please reply all with any feedback on these suggestions. Talking the details through in person would be good but I am conscious of people's busyness at this time of year. If there is any gathering of people already happening that I can add this too please let me know, otherwise I will book a date in a few weeks and see if it will work for the majority.

Thanks  
Simon

**Simon France**  
Canberra Region Manager – ACT and NSW Southern Inland  
**AusIndustry – Business Services**  
**Phone** +61 2 6102 9436  
**Mobile:** 0447 141 109  
**Email:** [simon.france@industry.gov.au](mailto:simon.france@industry.gov.au)  
**Internet:** [business.gov.au](http://business.gov.au)

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Department of Industry, Innovation and Science  
ABN 74 599 608 295

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**8.2 MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING HELD 29 JULY 2016**

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Attachments: 1. Minutes - Administrator Delegations Meeting - 29 July 2016

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**EXECUTIVE SUMMARY**

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

**OFFICER'S RECOMMENDATION**

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



**SNOWY MONARO**  
REGIONAL COUNCIL

# Minutes

**Administrator Delegations Meeting**

**29 July 2016**



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

**ON FRIDAY 29 JULY 2016**

**MINUTES**

- 1. OPENING OF THE MEETING**
- 2. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST**  
(Declarations also to be made prior to discussions on each item)
- 3. STAFF REPORTS**
  - 3.1 Location of promotional truck in association with snowboard event – Jindabyne 2
  - 3.2 Tender for the Purchase of Vacuum Tank and Truck for the water and sewer department 3
  - 3.3 Rural Addressing Scheme - Inclusion of Towns and Villages 5

MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY RIVER SHIRE COUNCIL  
HELD ON FRIDAY 29 JULY 2016

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

**ON FRIDAY, 29 JULY 2016  
COMMENCING AT**

**PRESENT:** Administrator Dean Lynch

**APOLOGIES:**

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

**2. OPENING OF THE MEETING**

The Administrator opened the meeting at 4.00PM

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

Nil

**3. STAFF REPORTS**

**3.1 LOCATION OF PROMOTIONAL TRUCK IN ASSOCIATION WITH SNOWBOARD EVENT -  
JINDABYNE**

Record No:

Responsible Officer: Director Service Planning  
Author: Manager Community & Strategic Planning  
Key Direction: 3. Strengthening Our Local Economy  
Delivery Plan Strategy: DP3.7 Work together to plan, coordinate and implement tourism products.  
Operational Plan Action: OP3.9 Develop a strategic approach to tourism in the Shire by integrating land use planning, product development and promotion.  
Attachments: 1. Dry Deck Specification  
Cost Centre  
Project  
Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

The 'Mile High' event organisers have approached council to locate a mobile advertising truck associated with the event in Jindabyne Town Centre. The event is a major international winter sports event currently with teams competing from USA, Canada, Switzerland, Austria, Sweden, Norway, New

MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY RIVER SHIRE COUNCIL  
HELD ON FRIDAY 29 JULY 2016

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Zealand, Australia, Japan, Korea, Finland, Slovenia. Among the competitors are all of the current World Champions, Olympic medalists, multiple X-Games medalists.

The proposal is to locate the Carlton United Breweries Dry Deck - a large mobile truck (specifications attached) in a location in the Jindabyne town centre from Thursday 19<sup>th</sup> August to Tuesday 24<sup>th</sup> August to be used for Team registrations, briefings, meetings and entertainment. The proposal involves its use from 5-7pm daily. It is recommended that council do not approve or endorse the serving of alcohol to competitors from the mobile bus and event organisers pursue events such as signings and promotional activities in established licensed premises.

Several locations have been explored including the lower level of the Jindabyne Town Centre car park, the vacant lot of council land behind the Jindabyne Memorial Hall, currently used for informal car parking, the Claypits car park and the Jindabyne oval surrounds. All of the locations have advantages and disadvantages from a council and community perspectives. The event organisers require a prominent location for advertising purposes.

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

<b>COMMITTEE RECOMMENDATION</b>	<b>13/16</b>
That Council offer the following options to event organisers for the location of the dry deck: A. The Jindabyne oval surrounds or, B. The Claypits car park. C. Partner with private licensed establishments with in Jindabyne Town Centre to find a suitable venue.	
That Council not allow, support or endorse any selling or use of alcohol from the 'dry deck' and that event organisers pursue such activities in appropriate, established licensed premises.	
<b>Approved by Administrator Lynch</b>	

### 3.2 TENDER FOR THE PURCHASE OF VACUM TANK AND TRUCK FOR THE WATER AND SEWER DEPARTMENT

Record No:

Responsible Officer:	General Manager
Author:	Acting Executive Assistant
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 Review all plant and equipment purchases on an "as needs" basis.  Administrator Delegation at its meeting on 22 July 2016 resolved that the matter be referred to the Executive Team Meeting meeting to be held on 20 July 2016.
Attachments:	Nil

MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY RIVER SHIRE COUNCIL  
HELD ON FRIDAY 29 JULY 2016

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Cost Centre 2190 Sewer Plant and 2150 Sewer Treatment  
Project To be determined on award of Tender  
Further Operational Plan Actions: OP6.8 Carry out water and sewer maintenance throughout the shire on a priority basis

#### EXECUTIVE SUMMARY

As advised previously, Tenders were advertised on the Vendor panel of the LG procurement website. There were only 2 submission of which one tenderer did not have previous experience of building the vacuum tank and could not provide any examples.

Due to the poor response to the tender in the vendor panel, it would be prudent to go out to Open Tender as this will open up the market to other manufacturers who are not listed in the LG procurement web site and the Vendor panel

The budget allocated for the purchase of the truck was \$90k and the budget for the vacuum tank purchase was 100k (A total of \$190k). Based on the two tenders received recently, the new estimate will be 230k (\$90k truck + \$140k tank) - The truck purchase price of \$90k is within the budget but there is a shortfall in the vacuum tank budget of 40k (140k-100k). This shortfall will be funded from the reserves which will be replenished through savings as explained below.

As this truck will be used during emergency and scheduled pump out of septage only, existing staff will be trained to operate the equipment.

A cost review of Contractor payments for pump outs has been conducted and found to be an average of 44k per year. This shortfall can easily be accommodated through the savings from not having to pay pump out contractors. Annual contractor payment savings each year will see the truck and tank cost being paid out within 5 years. However, there is also potential for raising revenue from septic tank pump out service to rural customers annually of around 100k.

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

#### COMMITTEE RECOMMENDATION

14/16

That Council

- A. Review the information in the report on the purchase of the vacuum tank and truck; and
- B. Approve the re-tender for the purchase of the vacuum tank and truck in Open Tender:

Approved by Administrator Lynch

#### 3.3 RURAL ADDRESSING SCHEME - INCLUSION OF TOWNS AND VILLAGES

Record No:

Responsible Officer: Director Service Planning  
Author: Deputy Director Service Planning  
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation

MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY RIVER SHIRE COUNCIL  
HELD ON FRIDAY 29 JULY 2016

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Delivery Plan Strategy: DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest

Operational Plan Action: OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making.

Administrator Delegation at its meeting on 05 August 2016 resolved that the matter be deferred to the meeting to be held on 29 July 2016.

Attachments: 1. Rural Addressing Scheme

Cost Centre

Project

Further Operational Plan Actions:

#### EXECUTIVE SUMMARY

Previously Bombala Council resolved (minute 71/16 refers) to make some changes to the addressing schemes in a number of towns and villages. Following consultation a minor change is required to the previous Bombala Council resolution, this change is reflected in the recommendation below. The remainder of the previous Bombala Council resolution remains valid.

Staff have contacted many of the residents concerned in Bibbenluke, Craigie and Cathcart and no major objections have been received. Due to the substantial changes proposed for Delegate an open house was held at Delegate to inform the community of the proposal and seek comments.

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

#### COMMITTEE RECOMMENDATION

15/16

That the west section of Victoria Parade Delegate commencing at Corrowong Road be renamed to Armstrong Street and that the name be advertised and referred as required for new road names in accordance with the Roads Act 1993 and Roads (General) Regulation 2008.

**Approved by Administrator Lynch**

There being no further business the Administrator declared the meeting closed at 4.05pm

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CHAIRPERSON

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 29 July 2016 were confirmed by Council at a duly convened meeting on 5 August 2016 at which meeting the signature hereon was subscribed.



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**8.3 MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING HELD 8 AUGUST 2016**

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Attachments: 1. Minutes - Administrator Delegations - 8 August 2016

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**EXECUTIVE SUMMARY**

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

**OFFICER'S RECOMMENDATION**

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



**SNOWY MONARO**  
REGIONAL COUNCIL

# Minutes

**Administrator Delegations Meeting**

**8 August 2016**

**ADMINISTRATOR DELEGATIONS MEETING  
HELD IN HEAD OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630  
ON MONDAY 8 AUGUST 2016**

<b>MINUTES</b>
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Notes:

MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON MONDAY 8 AUGUST 2016 Page 2

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

**ON MONDAY, 8 AUGUST 2016  
COMMENCING AT 9.30AM**

**PRESENT:** Administrator Dean Lynch

**APOLOGIES:**

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

**1. OPENING OF THE MEETING**

The Administrator opened the meeting at 9.30AM

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

Nil

**3. STAFF REPORTS**

**3.1 REQUEST FOR SPONSORED USE OF DALGETY PAVILION**

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Responsible Officer: Acting Executive Assistant  
Author: Acting Executive Assistant  
Key Direction: 4. Creating a Safer, Healthier and Thriving Community  
Delivery Plan Strategy: DP4.8 Provide and support appropriate services for women within the Shire.  
Operational Plan Action: OP4.17 Support initiatives that address the employment, health and safety concerns of women.  
Attachments: 1. Request for Sponsored use Dalgety Pavilion  
Cost Centre 3020  
Project - Sponsorship Section 356 – Debt Waiver  
Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

Council has received a request for sponsored support of the Dalgety Pavilion for the local women to hold meetings there.

In recent months a number of Dalgety women have been meeting at the Dalgety Showground to

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MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON MONDAY 8 AUGUST 2016

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participate in healthy, social activities to improve both the physical and mental health and general well-being of Dalgety residents through the encouragement of exercise and fun social interaction.

To allow this to continue and grow they are requesting that Snowy Monaro Regional Council consider sponsoring the use of the pavilion for these purposes.

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

**COMMITTEE RECOMMENDATION**

16/16

That Council

- A. Approve a donation of an amount equal to the Dalgety Pavilion hall hire and the lights usage;
- B. Advise the person or group of persons of the Policy for Insurance with hiring a Council facility less frequently than once per calendar month or twelve times per calendar year; and
- C. There must be a hiring agreement.

**Approved by Administrator Lynch**

**3.2 PROPOSED CLOSURE OF PUBLIC FOOTPATH & SALE TO ADJOINING NEIGHBOUR**

Responsible Officer:	General Manager
Author:	Property Officer
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.10 Council ensures through its efficient operations that it can claim to be a value for money organisation for the community
Operational Plan Action:	OP7.27 Ensure Council has a safe reliable, sustainable and cost effective assets through the effective management of Facilities, Infrastructure, Plant, Motor Vehicle and Equipment Assets.  Administrator Delegation at its meeting on 22 July 2016 resolved that the matter be deferred to the meeting to be held on 29 July 2016.
Attachments:	1. Map showing the Public Pathway in relation to lots 5, 38 and 39 2. Letter from Thomas & Bisley
Cost Centre	1862 - Footpaths
Project	PJ180281 – Closure & Sale of Public Footpath at Kalkite
Further Operational Plan Actions:	

**EXECUTIVE SUMMARY**

Council received an enquiry from Mr and Mrs Harvey of 4 Gardenia Court, Kalkite requesting that Council sell the public footpath adjoining their property to them and their neighbour at 2 Gardenia Court. There is a Council public footpath which divides the properties.

Council sent an estimate of the costs involved to the interested parties and Mr and Mrs Harvey have confirmed in writing through their solicitor that they are definitely interested in purchasing the pathway.

Vacant land at Kalkite recently sold for \$65,000 for approximately 800m<sup>2</sup> (approx. \$81.00/m<sup>2</sup>) with a dwelling entitlement. The pathway comprises 275m<sup>2</sup> and if the same per square metre rate was applied

MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON MONDAY 8 AUGUST 2016

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then the asking price would be \$22,280.00. Advice from Gordon Jenkinson of Kosciuszko First National Real Estate in Jindabyne confirmed that \$22,280.00 plus GST (including all the costs) would be a fair asking price in line with recent sales in the immediate area.

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

**COMMITTEE RECOMMENDATION**

17/16

That Council;

- A. Approve the proposal to apply to the Minister to close the pathway between lots 38 and 39 DP 260285 at Kalkite.
- B. Engage the services of a surveyor to provide a compiled plan to create a lot and DP number for the closed pathway including the proposed easement to drain sewerage.
- C. Engage the services of Council's solicitor to provide an 88B Instrument for drainage of sewer across the rear of the pathway and contract for sale.
- D. If there are no objections to the road closure, agree to sell the closed pathway to Mr and Mrs Harvey of 4 Gardenia Court, Kalkite for a purchase price of \$22,280.00 plus GST.
- E. In consideration of Council's Policy GOV 025 and that the pathway would not benefit anyone other than an adjoining neighbour and if no objections were received to the proposal to close the pathway, to dispose of the pathway to the adjoining owner through the process of private treaty.
- F. If objections to the proposal to close the road (pathway) are received, to bring another report to Council.
- G. Authorise the General Manager to execute the Contract, 88B Instrument and Transfer of Title on behalf of Council in addition to any *other* legal documents in connection with the road closing and sale of the pathway.

**Moved Administrator Lynch**

**3.3 PROCEEDS OF SALE OF LOT 3 DP 1242 & RESTORATION OF AITCHISON HOUSE**

Responsible Officer:	Deputy Director Service Delivery
Author:	Property Officer
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.10 Council ensures through its efficient operations that it can claim to be a value for money organisation for the community
Operational Plan Action:	OP7.27 Ensure Council has a safe reliable, sustainable and cost effective assets through the effective management of Facilities, Infrastructure, Plant, Motor Vehicle and Equipment Assets.  Administrator Delegation at its meeting on 29 July 2016 resolved that the matter be deferred to the meeting to be held on 05 August 2016.
Attachments:	1. Quote for Joinery Works 2. Quote for Pointing 3. Quote for Electrical Works 4. Estimate to complete project
Cost Centre	1590 – Vacant land
Project	Sale of Vacant Land Superfluous to Council's Needs

MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON MONDAY 8 AUGUST 2016

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Further Operational Plan Actions: OP4.13 – Support volunteer groups (Section 355) with technical knowledge, administration support and guidance.

#### EXECUTIVE SUMMARY

Council identified the vacant land at lot 7 DP 1242 (3 Myack Street) opposite Berridale Council Chambers as being superfluous to its needs and resolved to place the land on the open market. On 17<sup>th</sup> May, 2016 the sale was finalised and the net profit amounted to \$27,629.31 after works to the adjacent lot on the corner of Park Street and Myack Street were carried out to permit the lot to be used as a Council carpark.

In May 2016 Council resolved to investigate the process of *earmarking proceeds of the sale of 3 Myack St Berridale for partial restoration of Aitchison cottage* and the s.355 Committee has submitted a list of works with costings for Council's consideration.

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

#### COMMITTEE RECOMMENDATION

18/16

That Council

- A. That Council earmark the proceeds of the sale of 3 Myack Street, Berridale for the replacement of electrical mains and pointing of stone at Aitchison House at a total cost of \$26,348.
- B. Council staff undertake the procurement and contract awarding process to ensure appropriate probity controls for this project.
- C. That the s.355 Committee for Aitchison House be notified of Council's decision.

**Approved by Administrator Lynch**

There being no further business the Administrator declared the meeting closed at 9.37am

#### CHAIRPERSON

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 8 August 2016 were confirmed by Council at a duly convened meeting on 12 August 2016 at which meeting the signature hereon was subscribed.

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**8.4 MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING HELD 22 AUGUST 2016**

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Attachments: 1. Minutes - Administrator Delegations Meeting 22 August 2016

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**EXECUTIVE SUMMARY**

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

**OFFICER'S RECOMMENDATION**

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





# Minutes

**Administrator Delegations Meeting**

**22 August 2016**

**ADMINISTRATOR DELEGATIONS MEETING  
HELD IN BERRIDALE COUNCIL CHAMBERS, 2 MYACK STREET, BERRIDALE NSW 2628  
ON FRIDAY 22 AUGUST 2016**

<b>MINUTES</b>
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Notes:

MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON FRIDAY 19 AUGUST 2016 **Page 2**

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

**ON FRIDAY, 22 AUGUST 2016  
COMMENCING AT**

**PRESENT:** Administrator Dean Lynch  
**Staff:** Joe Vescio, General Manager  
Erin Donnelly, Secretary Council and Committees

**1. OPENING OF THE MEETING**

The Administrator opened the meeting at 9.44AM

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

Nil

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

**3.1 IMPLEMENTATION OF SNOWY RIVER AVENUE CONCEPT DESIGN**

Record No:

Responsible Officer: Manager Community & Strategic Planning  
Author: Strategic Planner  
Key Direction: 6. Managing Development and Service Delivery to Retain the Things We Value  
Delivery Plan Strategy: DP6.11 Plan for, and undertake, works to improve the visual amenity of towns.  
Operational Plan Action: OP6.33 Implement the recommendations from the Jindabyne Action Plan.  
Administrator Delegation at its meeting on 12 August 2016 resolved that the matter be deferred to the meeting to be held on 19 August 2016.  
Attachments: Nil  
Cost Centre  
Project  
Further Operational Plan Actions:

MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY MONARO REGIONAL COUNCIL  
 HELD ON FRIDAY 19 AUGUST 2016 Page 3

**EXECUTIVE SUMMARY**

A site inspection of Snowy River Avenue was attended by the Snowy Monaro Regional Council Administrator, members of the Local Representative Committee for the former Snowy River Shire and local businesspersons where project staff illustrated aspects of the Concept Design produced to inform the Snowy River Avenue refurbishment.

The meeting served to reiterate key issues that need resolution before further progress and finalisation of a detailed design. Key issues include car parking numbers, heavy vehicle loading, requirement to address and seek improvement to public footpath particularly in the vicinity of the Westpac bank and the priority of the project in Councils overall project priorities.

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

<b>COMMITTEE RECOMMENDATION</b>	<b>17/16</b>
That Council	
A. Receive and note the information contained within the report on Snowy River Avenue Project;	
B. agree to allocate savings in the Strategic Planning 2016 budget for strategic planning projects to undertake a detailed design for Kalkite Street to produce a design with no net loss of car parking within the precinct;	
C. receive a further report which identifies in consultation heavy vehicle loading options within the precinct; and	
D. subject to the resolution of a) carparking no net loss and b) loading area, continue to detailed design phase in consultation with key stakeholders, with a view to commencing Stage 1 of the project (Kalkite Street car parking redesign and works on Snowy River Avenue Kalkite Street to Gippsland Street intersection) within the 2017 financial year	
E. Not include work on the northern side of Snowy River Avenue as part of stage one, and that any saving realised be allocated to a design that links Snowy River Avenue through a town square to the Jindabyne Town Centre. The refurbishment of the north side of Snowy River Avenue be included in a subsequent stage.	
<b>Approved by Administrator Lynch</b>	

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

**4.1 REPORT REQUESTING RECRUITMENT OF A COMMUNICATIONS OFFICER AND DIGITAL MEDIA OFFICER**

Record No:

Responsible Officer:	Director Special Projects Office
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.13 Through clear and consistent communications, Council provides the community with timely feedback in progress towards goals.
Operational Plan Action:	OP7.38 Continue to implement the strategies and actions of the 2014 - 2017 Communication Strategy to ensure that communication methods meet the needs of the organisation and the community.

MINUTES OF THE ADMINISTRATOR DELEGATIONS MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON FRIDAY 19 AUGUST 2016 **Page 4**

Administrator Delegation at its meeting on 12 August 2016 resolved that the matter be deferred to the meeting to be held on 19 August 2016.

Attachments: 1. Social Media Implementation Strategy  
2. Communications Officer - Position Description  
3. Digital Media Officer - Position Description

Cost Centre 3120 – Senior Management Services

Project Communications

Further Operational Plan Actions: OP7.37 Council’s monitoring and reporting mechanisms enable timely and accurate information on progress towards achieving the community’s goals identified in the adopted strategic and operational plans in accordance with the IPR framework.

OP7.39 Undertake consultation with community and staff, providing assistance where possible, throughout the proposed merger process as directed by the State Government.

OP7.40 Support and encourage public engagement methods which invite comment from community and informs the decision making.

**EXECUTIVE SUMMARY**

Recently it has been again highlighted of Council’s need to have a dedicated Communications Officer as a priority in order to coordinate and promote the diverse activities of council, particularly those benefits that are being achieved by local government reform. In addition, the opportunity to expand our digital media presence will compliment this strategy.

Following investigation and research of similar positions and responsibilities in other CBRJO councils, a draft position description for a communications officer was prepared and a job evaluation utilising SRSC’s OO-Soft system was undertaken.

It is proposed that the two recommended positions are not additional positions on the organisational structure, but rather a reallocation of duties of existing positions.

The following officer’s recommendation is submitted for consideration.

<b>COMMITTEE RECOMMENDATION</b>	<b>18/16</b>
That Council:	
A. Receive and note this report;	
B. Endorse the proposed Communications Officer position description for internal advertising;	
C. Endorse the proposed Digital Media Officer position description for internal advertising;	
D. Should no suitable applications be received from the internal recruitment for either of the positions they be external advertised; and	
E. Support these positions to be funded through reallocation of duties held by the successful candidates and documented as positions within any future organisational restructure	
<b>Approved by Administrator Lynch</b>	

There being no further business the Administrator declared the meeting closed at 10.01am

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CHAIRPERSON

The above minutes of the Administrator Delegations Meeting of Snowy Monaro Regional Council held on 19 August 2016 were confirmed by Council at a duly convened meeting on 26 August 2016 at which meeting the signature hereon was subscribed.

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

Record No:

Responsible Officer: Manager Corporate/Governance

Attachments: 1. Minutes of the Local Representative Committee - Bombala

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**EXECUTIVE SUMMARY**

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

**OFFICER'S RECOMMENDATION**

That Council receive and not the minutes of the meeting of the Local Representative Committee - Bombala held on 2 August 2016 and the recommendations contained therein be adopted.

**RECOMMENDATIONS OF THE LOCAL REPRESENTATIVE COMMITTEE - BOMBALA – 3 AUGUST  
2016**

**PLEASE SEE ATTACHED MINUTES**



# **Minutes**

**Local Representative Committee - Bombala Meeting**

**3 August 2016**



**LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING  
HELD IN COUNCIL CHAMBERS, 71 CAVEAT STREET, BOMBALA NSW 2632**

**ON WEDNESDAY 3 AUGUST 2016**

<b>MINUTES</b>
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Notes:

1. **OPENING OF THE MEETING**..... ERROR! BOOKMARK NOT DEFINED.
2. **APOLOGIES**..... ERROR! BOOKMARK NOT DEFINED.
3. **DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST**..... ERROR! BOOKMARK NOT DEFINED.
  - 3.1 Gabrielle Rea ..... **Error! Bookmark not defined.**
4. **ADOPTION OF MINUTES OF PREVIOUS MEETING** ..... ERROR! BOOKMARK NOT DEFINED.
  - 4.1 Local Representative Committee - Bombala Meeting 5 July 2016 **Error! Bookmark not defined.**
5. **BUSINESS ARISING**..... ERROR! BOOKMARK NOT DEFINED.
6. **ACTION SHEET** ..... ERROR! BOOKMARK NOT DEFINED.
7. **CORRESPONDENCE**..... ERROR! BOOKMARK NOT DEFINED.
8. **GENERAL BUSINESS** ..... ERROR! BOOKMARK NOT DEFINED.
  - 8.1 Local Representative Committee – Community Submission/Enquiries Form **Error! Bookmark not**
  - 8.2 Section 355 Committee Report - Delegate School of Arts - 2013/14 and 2014/15 Financial Years ..... **Error! Bookmark not defined.**
  - 8.3 Section 355 Committee Reports - Mila Country Club - 2013/14 and 2014/15 Financial Years ..... **Error! Bookmark not defined.**
9. **LEGAL MATTERS** ..... ERROR! BOOKMARK NOT DEFINED.
10. **MATTERS OF URGENCY**..... ERROR! BOOKMARK NOT DEFINED.
11. **NEXT MEETING**..... ERROR! BOOKMARK NOT DEFINED.

MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON WEDNESDAY 3 AUGUST 2016

**Page 2**

**MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING  
HELD IN COUNCIL CHAMBERS, 71 CAVEAT STREET, BOMBALA NSW 2632**

**ON WEDNESDAY, 3 AUGUST 2016  
COMMENCING AT 6.12PM**

**PRESENT:** Mr Steven Goodyer (Chair)  
Mrs Diane Hampshire  
Ms Gabrielle Rea  
Mr Paul Perkins

**1. OPENING OF THE MEETING**

The Chair opened the meeting at 6.12PM

**2. APOLOGIES**

Nil

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

**3.1 GABRIELLE REA**

Committee Member Rea declared an interest in Item 8.3 as she has a conflict of interest in this item due to family members being on the Executive of this Committee. Committee Member Rea did not take part in discussion or voting on this item.

**4. ADOPTION OF MINUTES OF PREVIOUS MEETING**

**4.1 LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING 5 JULY 2016**

**RECOMMENDATION**

**LRCB 11/16**

THAT the minutes of the Local Representative Committee - Bombala Meeting held on 05 July 2016 are confirmed as a true and accurate record of proceedings with the following amendments:-

Chair Goodyer's name to be amended to Steven, and

Committee Member's Rea name to be amended from Rae to Rea where appropriate.

**Moved Mrs Hampshire**

**Seconded Ms Rea**

**CARRIED**

MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON WEDNESDAY 3 AUGUST 2016

Page 3

## **5. BUSINESS ARISING**

### **5.1 GENERAL BUSINESS – REQUEST FOR WELCOME TO ANU RURAL DOCTOR'S NETWORK STUDENTS**

Mrs Hampshire advised that this had been organised for Wednesday, 17 August 2016, at the Bombala RSL Club from 12 noon to 1.15pm. Mrs Hampshire will liaise with the Secretary of the Bombala LRC to organise invitations. It is hoped that this function will help to attract future doctors to the area

### **5.2 LRC 03/16 – SUBMISSION TO THE MASTER PLAN FOR THE BOMBALA CENTRAL BUSINESS DISTRICT**

The Chair has spoken to the Administrator who had organised for the plans to be forwarded to LRC members from the Bombala Office. The Administrator had also suggested that a toilet in the main street be included in the plans as well.

### **5.3 LRC 04/16 – INPUT TO OPERATIONAL PLAN 2016/17**

The Chair advised that the Administrator had advised that the waste fees for the former Bombala Council area would remain the same as those considered by the former Bombala Council prior to amalgamation. In the following twelve months an education program would be rolled out to the community to explain the need for an increase in fees in next year's budget. It was considered not necessary to hold the public meeting on this matter once this advice had been received.

Mrs Hampshire suggested that a "large item pick up" be held within the area and that damaged bins be replaced within the next 12 months which may make the additional charges more palatable to the community.

### **5.4 GENERAL BUSINESS – SNOWY HYDRO DRIVER TRAINING**

The Chair advised that Mr Heath Woolley, Manager, Community Relations of Snowy Hydro was keen to get this program off the ground in Bombala, provided that Council could organise the closure of Therry Street and the use of the car park at the Bombala Swimming Pool.

A meeting is to be held with Mr Woolley on Wednesday, 12 August to discuss sponsorship of local events and he had indicated that he was also keen to meet with representatives of the Chamber of Commerce and Bombala Motorcycle Committee.



MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON WEDNESDAY 3 AUGUST 2016

**Page 5**

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

<b>COMMITTEE RECOMMENDATION</b>	<b>LRCB 13/16</b>	
That the Bombala LRC Committee adopt the attached Community Submission/Enquires Form for use when compiling information submitted to them by public/community groups and this form be placed on Council's website.		
<b>Moved: Mrs Hampshire</b>	<b>Seconded Ms Rea</b>	<b>CARRIED</b>

**8.2 SECTION 355 COMMITTEE REPORT - DELEGATE SCHOOL OF ARTS - 2013/14 AND 2014/15  
FINANCIAL YEARS**

Record No:

Responsible Officer:	Manager Corporate/Governance
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.5 Support the availability of volunteering opportunities and build capacity.
Operational Plan Action:	OP4.9 Support volunteer groups (Section 355) with technical knowledge, administration support and guidance.
Attachments:	1. Delegate School of Arts - Annual Report 2013/14 2. Delegate School of Arts - Annual Report 2014/15
Cost Centre	Governance
Project	Administration of Section 355 Committees
Further Operational Plan Actions:	

**EXECUTIVE SUMMARY**

The Delegate School of Arts Committee is a Section 355 Committee of the former Bombala Council area. On 23 June 2016 this Committee was advised it had been re-appointed by the Snowy Monaro Regional Council until September 2017 following a resolution of the May Council Meeting.

The following officer's recommendation is submitted for the Committee's consideration.

<b>COMMITTEE RECOMMENDATION</b>	<b>LRCB 14/16</b>	
That the Bombala Local Representative Committee		
Receive and note the 2013/14 & 2014/15 Annual Reports submitted by the Delegate School of Arts Section 355 Committee.		
<b>Moved Mr Perkins</b>	<b>Seconded Ms Rea</b>	<b>CARRIED</b>

MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING OF SNOWY MONARO  
 REGIONAL COUNCIL  
 HELD ON WEDNESDAY 3 AUGUST 2016 Page 6

**8.3 SECTION 355 COMMITTEE REPORTS - MILA COUNTRY CLUB - 2013/14 AND 2014/15 FINANCIAL YEARS**

Record No:

Responsible Officer: Manager Corporate/Governance  
 Key Direction: 4. Creating a Safer, Healthier and Thriving Community  
 Delivery Plan Strategy: DP4.5 Support the availability of volunteering opportunities and build capacity.  
 Operational Plan Action: OP4.9 Support volunteer groups (Section 355) with technical knowledge, administration support and guidance.  
 Attachments: 1. Mila Country Club Section 355 Committee Annual Reports 2013/14 and 2014/15  
 Cost Centre Governance  
 Project Assistance to Section 355 Committees  
 Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

The Mila Country Club is a Section 355 Committee of the former Bombala Council area. On 23 June 2016 this Committee was advised it had been re-appointed by the Snowy Monaro Regional Council until September 2017 following a resolution of the May Council Meeting.

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

<b>COMMITTEE RECOMMENDATION</b>	<b>LRCB 15/16</b>
That the Bombala Local Representative Committee	
Receive and note the 2013/14 & 2014/15 Annual Reports submitted by the Mila Country Club Section 355 Committee.	
<b>Moved Mr Perkins</b>	<b>Seconded Mrs Hampshire</b> <span style="float: right;"><b>CARRIED</b></span>

**9. LEGAL MATTERS**

Nil.

**10. MATTERS OF URGENCY**

**10.1 BUNGARBY MEMORIAL HALL SECTION 355 COMMITTEE**

The Administrator has spoken to members of this committee who have advised that they do not wish to take over the hall and wish to continue as a Section 355 Committee.

MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON WEDNESDAY 3 AUGUST 2016

Page 7

#### **10.2 GRANT APPLICATIONS FOR COMMUNITY PROJECTS**

Information on grant applications for community projects up to \$50,000 from the infrastructure funding will be forwarded to committee members next week. A total of 115 applications were received. The amount available is \$1 million throughout the Council area.

The balance of \$14 million from the \$15 million infrastructure funding will be used to provide funding for infrastructure projects that have not been funded out of the budgets of the former council areas. It was suggested by the Chair that an informal workshop be held with senior staff of the former Bombala Council to discuss the projects that may be considered for this funding from this area. This date was set for 6.15pm on Thursday, 11 August 2016.

#### **10.3 TRAINING NIGHT – MONDAY, 1 AUGUST 2016**

The members of the LRC Bombala expressed their disappointment at the outcomes of this meeting. This was supposed to be a training session for Councillors on the use of the Hub, their Ipads, video conferencing and skyping. Unfortunately, the video conferencing and skyping did not work and little was achieved. It was noted by the Chair that this technology is critical for the efficient running of the organisation and needs to be functioning correctly.

#### **10.4 LOCAL GOVERNMENT ELECTIONS – SEPTEMBER 2017**

The chair had received a call from Mr Brian Ingram, former Mayor of Young Shire Council, who had advised that he was trying to form a group to lobby the State Government to bring the elections forward from September 2017 to March 2017.

Mr Perkins and Ms Rea thought that the LRCs had a very good opportunity to get some good things done for the community in the next 14 months and this time would also present an opportunity for them to learn and understand the workings of Council.

#### **10.5 ADVERTISEMENT IN MONARO POST – 3 AUGUST 2017 – PLATYPUS COUNTRY**

Mr Perkin asked that it be noted that he had requested that the photo of the building from where he operates his business be removed from this advertisement.

The Chair noted that there were no galleries in Bombala and this should be amended to the Bombala/Delegate area. He also questioned if the mountain bike trails in Bondi Forest were in suitable condition. Mrs Hampshire advised that she had recently been informed that the mountain bike trails were in good order. The Chair also noted that it was great to see some promotional material being distributed for the region.

#### **10.6 SOUTHERN PHONE CALL CENTRE**

Mr Perkins has spoken to a representative from Southern Phones who will be meeting with himself and the Administrator to discuss the development of a call centre in the region.

MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING OF SNOWY MONARO  
REGIONAL COUNCIL  
HELD ON WEDNESDAY 3 AUGUST 2016 **Page 8**

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**10.7 HAND RAILS ON FOOTBRODGES OVER BOMBALA RIVER**

The Chair reported that the widening of the footbridges is under consideration to take away the need for hand rails. This project could be considered for funding under the \$14 million infrastructure fund.

**11. NEXT MEETING**

Wednesday, 7 September 2016

There being no further business the Chair declared the meeting closed at 7.10pm

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CHAIRPERSON

The above minutes of the Local Representative Committee - Bombala Meeting of Snowy Monaro Regional Council held on 3 August 2016 were confirmed by Committee at a duly convened meeting on 7 September 2016 at which meeting the signature hereon was subscribed.



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

Record No:

Responsible Officer: General Manager

Author: Personal Assistant To Director of Service Support

Attachments: 1. Minutes - Local Representative Committee - Cooma, 2 August 2016

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**EXECUTIVE SUMMARY**

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

**OFFICER'S RECOMMENDATION**

That Council receive and not the minutes of the meeting of the Cooma Local Representative Committee held on 2 August 2016 and the recommendations contained therein be adopted.



**SNOWY MONARO**  
REGIONAL COUNCIL

# Minutes

**Local Representative Committee - Cooma Meeting**

**2 August 2016**



**LOCAL REPRESENTATIVE COMMITTEE - COOMA MEETING  
HELD IN COMMITTEE ROOM, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON TUESDAY, 2 AUGUST 2016**

<b>MINUTES</b>
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Notes:

MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - COOMA MEETING OF SNOWY MONARO REGIONAL  
COUNCIL  
HELD ON TUESDAY, 2 AUGUST 2016 Page 2

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**MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - COOMA MEETING  
HELD IN COMMITTEE ROOM, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON TUESDAY, 2 AUGUST 2016  
COMMENCING AT 6.10PM**

**PRESENT:** Rogan Corbett, Chair  
Angie Ingram  
Sandra McEwan, Secretariat

**APOLOGIES:** Craig Mitchell  
Winston Phillips

**OBSERVERS:** Joseph Vescio, General Manager  
Dean Lynch, Administrator  
Katherine Miners, A/g Executive Assistant to the Administrator

**1. OPENING OF THE MEETING**

The Chair opened the meeting at 6.10PM.

Dean Lynch, Administrator arrived at the meeting during public forum discussions at 6.23pm.

Rogan Corbett, chair welcomed Dugald Mitchell and Neil Brown to the public forum session of the meeting.

**2. PUBLIC FORUM**

**2.1 DUGALD MITCHELL AND NEIL BROWN**

**Snowy Monaro Regional Council working with the Community**

Mr Mitchell and Mr Brown discussed their concern about how the new council will work with the various community groups to achieve the best outcomes for the whole region. They said it was important that the region has a voice to ensure better communication between the community and Council. The Administrator assured them that Council is keen to communicate and that the public forum at the LRC meeting is a good platform.

**Centennial Park and the Band Shell**

Some discussion followed on Centennial Park and the band shell. It was agreed that any enhancements would be beneficial to tourism. The Administrator said that the public would be invited to provide input on the Destination Management Plan in the near future.

MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - COOMA MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON TUESDAY, 2 AUGUST 2016 Page 3

**SMEC**

Mr Mitchell and Mr Brown requested that a representative from Council be a member on the Historical Society Committee. They enquired whether part of the SMEC site could become a community asset and utilised as a museum or research facility. The Administrator advised that he would provide an update in the near future.

**Refugees in Cooma**

Mr Mitchell raised the issue of refugees in Cooma. He said the difficulty is that you cannot promise them employment. He handed out a CV of a refugee for information.

Mr Mitchell and Mr Brown left the meeting at 7.05pm.

**2. APOLOGIES**

An apology for the meeting was received from Craig Mitchell and Winston Phillips.

The General Manager announced that with the apologies of Craig Mitchell and Winston Phillips the meeting did not have a quorum. He advised that the meeting could continue as a general discussion, and that suggestions but no recommendations could be made.

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

Nil

**4. ADOPTION OF MINUTES OF PREVIOUS MEETING**

**4.1 LOCAL REPRESENTATIVE COMMITTEE - COOMA MEETING 12 JULY 2016**

**RECOMMENDATION**

THAT confirmation of the previous Minutes of the meeting held on 12 July 2016 be deferred to the next meeting due to the meeting not having a quorum.

**5. BUSINESS ARISING**

**5.1 HEALTH SERVICES IN COOMA**

The Administrator advised that no further action has been taken on this matter.

**5.2 SIGNS AT SIR WILLIAM HUDSON NURSING HOME**

Angie advised that she suggested that the nursing home send an email to the Administrator regarding removal of the signs.

MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - COOMA MEETING OF SNOWY MONARO REGIONAL COUNCIL

HELD ON TUESDAY, 2 AUGUST 2016

**Page 4**

## **6. COMBINED LRC MEMBERS MEETING**

### **6.1 COMBINED LRC MEMBERS MEETING**

The Administrator suggested that another combined LRC meeting using the Video Conferencing facility be held on Thursday, 18 August. He also advised that all Section 355 committee meeting minutes will come through the LRC meetings so that the members can provide advice on the recommendations from these minutes. The recommendations will subsequently be included in a report in the Business Paper for approval at the next Council meeting.

## **7. NIMMITABEL SHOWGROUND**

### **7.1 NIMMITABEL SHOWGROUND**

The members suggested that the Nimmitabel Showground Section 355 Committee did not require a LRC representative.

## **8. GENERAL BUSINESS**

### **8.1 TOURISM ADVISORY COMMITTEE**

Rogan suggested that the Tourism Advisory Committees continue in each local area at the moment, as each area is unique. The General Manager suggested we need an over-arching tourism plan to cover the whole region. He said we need to ensure that each area does not compete against each other, for example ensuring that events do not occur on the same day. He also suggested that Council support events in their infancy, but ultimately after a period of time events need to be sustainable in their own right.

**Action:** Sandra to send the Terms of Reference of the Tourism Advisory Committee to LRC members for review and discussion at the next meeting.

### **8.2 AUSTRALIA DAY - JANUARY 2017**

Rogan asked about funding to run Australia Day. The Administrator advised that all previous budgets have been rolled over.

Rogan advised that the first meeting of the Australia Day Working Party is on 9 August and that all previous members had been invited to the meeting.

### **8.3 ROLE OF THE LRC MEMBERS IN THE COMMUNITY**

Angie enquired about the role of the LRC members in the community and specifically relating to the development of the strategic plan.

MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - COOMA MEETING OF SNOWY MONARO REGIONAL COUNCIL  
HELD ON TUESDAY, 2 AUGUST 2016 **Page 5**

The General Manager suggested that we need to go out into the community and villages and invite business and community groups to meet with us to discuss their issues. LRC members also need to be invited to these sessions to get involved, and as part of the meeting conduct a SWOT analysis to determine what the issues are in each region. (SWOT – Strengths, Weaknesses, Opportunities and Threats).

**9. LEGAL MATTERS**

Nil.

**10. MATTERS OF URGENCY**

Nil.

**11. NEXT MEETING**

The next meeting is to be held on Tuesday, 23 August 2016 at 6.00pm in the Committee Room, Head Office, 81 Commissioner Street, Cooma.

The next meeting, with a quorum, will allow the LRC members to discuss the suggestions from this meeting and determine what recommendations to make to the Administrator.

There being no further business the Chair declared the meeting closed at 7.50pm.

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CHAIRPERSON

The above minutes of the Local Representative Committee - Cooma Meeting of Snowy Monaro Regional Council held on 2 August 2016 were confirmed by Committee at a duly convened meeting on 7 September 2016 at which meeting the signature hereon was subscribed.



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

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Attachments: 1. Minutes - Local Representative Committee - Snowy River held  
10 Augsut 2016

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**EXECUTIVE SUMMARY**

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

**OFFICER'S RECOMMENDATION**

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



**SNOWY MONARO**  
REGIONAL COUNCIL

# Minutes

**Local Representative Committee - Snowy River  
Meeting**

**10 August 2016**

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

**ON WEDNESDAY 10 AUGUST 2016**

<b>MINUTES</b>
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Notes:

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

**ON WEDNESDAY, 10 AUGUST 2016  
COMMENCING AT 4.00PM**

**PURPOSE**

*The purpose of the LRC is to provide advice to the Administrator on local views and issues. This includes:*

- *Providing input to the operational plans 2016-17 and 2017-18*
- *Advising on the communication and engagement plan for the community*
- *Providing input to the statement of vision and priorities*
- *Assisting to engage communities and partners in planning for the council.*

**PRESENT:** John Cahill, LRC Chairperson  
Peter Beer, LRC Member  
Bob Frost, LRC Member  
John Shumack, LRC Member  
Erin Donnelly, Secretary Council and Committees

**1. OPENING OF THE MEETING**

The Chair opened the meeting at 4.15PM

**2. APOLOGIES**

Nil

**3. ADOPTION OF MINUTES OF PREVIOUS MEETING**

**3.1 LOCAL REPRESENTATIVE COMMITTEE - SNOWY RIVER MEETING 13 JULY 2016**

<b>COMMITTEE RECOMMENDATION</b>	<b>LRC SR2/16</b>	
THAT the minutes of the Local Representative Committee - Snowy River Meeting held on 13 July 2016 are confirmed as a true and accurate record of proceedings.		
<b>Moved Mr Frost</b>	<b>Seconded Mr Shumack</b>	<b>CARRIED</b>

**4. REPORTS AND ADVICE ON LOCAL VIEWS AND EMERGING ISSUES**

**4.1 L'ETAPE**

A meeting of business owners from the area was held to discuss L'Étape and how to get business on side to support the event.

MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - SNOWY RIVER MEETING OF SNOWY MONARO REGIONAL COUNCIL  
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The committee discussed the event and suggested members of the community approach the Local Representative Committee (LRC) to address any issues and concerns.

#### 4.2 SNOW TUNES

The committee discussed the Snow Tunes event and concerns they have around the event. This year the event will be an over 18's event.

#### 4.3 INSPECTION OF SNOWY RIVER AVENUE

Nuggets Crossing Centre Management and Snowy Monaro Regional Council (SMRC) town planners attended an inspection of Snowy River Avenue. The group discussed the upgrade and highlighting the need to address the loading zones. A working group will be formed and it is expected the plans will be finalised by Christmas.

#### 4.4 CONSTRUCTION OF HEALTH CENTRE

The committee discussed the construction of the new Health Centre. The committee is aware construction has commenced and temporary parking signs are in place. The committee is concerned the building will not be finished by the expected deadline, this may interfere with events held in summer.

#### 4.5 RURAL CONCERNS

Community members are concerned over the state of the rural and public roads and weed control in the area. Water crossings are also a big concern for the community, a resident was swept off a water crossing in the last heavy rain fall.

### 5. PRESENTATION OF MINUTES FROM EXTERNAL COMMITTEES

#### 5.1 SOUTH EAST ARTS

John Shumack attended the South East Arts General Meeting. The constitution was altered to have three (3) councils - Bega Valley, Eurobodalla and Snowy Monaro Regional Council instead of five (5).

#### 5.2 MONARO LOCAL AREA COMMAND COMMUNITY SAFETY PRECINCT COMMITTEE (CSPC)

Bob Frost asked for confirmation on who attended the recent CSPC and requested a copy of the minutes be forwarded to the committee members.

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## 6. SPECIFIC ITEMS VARYING FROM MEETING TO MEETING

### 6.1 GREEN TEAM

The committee discussed the significance of the Green Team, Peter Beer is happy to continue his role with the Green Team.

### 6.2 REGIONAL TOURISM

John Cahill informed the committee he was approached by a member of the public questioning the limitation in regional tourism organisations.

### 6.3 JINDABYNE TAXI SERVICE

John Shumack informed the committee of the lack of service provided by the Jindabyne Taxi and asked if this was an issue the Administrator could take up with the state member.

Bob Frost informed the committee RMS are the governing body for taxi's and complaints should be made with them.

### 6.4 CALL FROM FORMER MAYOR OF YOUNG

John Cahill informed the committee he received a call from the former Mayor of Young, who is also a member of an LRC. He does not understand why the elections were moved from March and believes it is too long for the community to be without political representation. Bombala LRC have also been contacted.

## 7. NEXT MEETING

4.00pm Wednesday, 14 September 2016, Berridale.

There being no further business the Chair declared the meeting closed at 4.56pm

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CHAIRPERSON

The above minutes of the Local Representative Committee - Snowy River Meeting of Snowy Monaro Regional Council held on 10 August 2016 were confirmed by Committee at a duly convened meeting on 14 September 2016 at which meeting the signature hereon was subscribed.

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## 10.1 LOCAL HERITAGE FUND 2016-2017

Record No:

Responsible Officer:	Director Service Planning
Author:	Planning Officer
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.1 Encourage opportunities to promote and protect our cultural heritage.
Operational Plan Action:	OP4.1 Maintain council's heritage management functions.
Attachments:	1. Local Heritage Fund 2016-2017 Guidelines
Cost Centre	4015
Project	Local Heritage Fund 2016-2017
Further Operational Plan Actions:	

### EXECUTIVE SUMMARY

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

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

### OFFICER'S RECOMMENDATION

That Council receive and note the Local Heritage Fund 2016-2017 Report.

That Council endorse an increase in the Council's financial contribution to the Local Heritage Places program from \$10,000 in 2015-16 to \$13,500 in 2016-17, to be funded from the Strategic Planning budget for Cooma branch.

That Council delegate the function of awarding the grant money to individual projects to the Planning Manager – Cooma branch with a maximum funding of \$4000 being awarded to any individual project.

### BACKGROUND

The Local Heritage Fund 2016-2017 follows on from the Cooma-Monaro Shire Council Local Heritage Fund 2015-2016 which was established with assistance from the NSW Office of Environment & Heritage (OEH), to assist property owners/managers to carry out restoration, maintenance and conservation works to properties listed in Schedule 5 Environmental heritage of the *Cooma-Monaro Local Environmental Plan 2013*.

The total amount of funding offered to the community for the 2015-2016 financial year was \$20,000 comprising a \$10,000 local heritage places grant from OEH, and \$10,000 from Cooma-Monaro Shire Council. Following an application process, Council offered funding to five projects undertaking repairs and painting, and verandah restoration. The total cost of the works undertaken was \$58,640.71, with the applicants contribution \$38,703.99 and grant/Council funding contributing \$19,936.72. The result of all the works has been a noticeable improvement in the appearance of each of the five heritage items. This was a very positive result from the program.

Prior to the emergence of the Snowy Monaro Regional Council in May 2016, Cooma-Monaro Shire Council applied for an identical grant to be used over the coming 2016/17 year. The Council was successful in receiving another \$6,500 local heritage places grant from OEH. The previous year the Council received a \$10,000 grant. The reasons why a smaller grant was provided this year were not provided in detail from OEH, however it is likely Council received more funding last year because it was initiating a new local heritage places program. Given the \$3,500 shortfall in OEH grant funding from last year, Council may elect to maintain its contribution from last year at \$10,000 (thus reducing the overall pool of money available for the community), or alternatively increase its contribution to cover the grant funding shortfall and maintain the total pool of money available for the community at \$20,000. It is recommended Council follow this second option, and increase its funding contribution in order to maintain the same pool of funds available from last year. This means Council would contribute \$13,500 to again make available funding for the conservation of heritage items.

Only properties listed in the *Cooma-Monaro Local Environmental Plan 2013* will be eligible for the Local Heritage Fund 2016-2017 as the grant funding was provided to the former Cooma-Monaro Shire Council. It is hoped that in all future years this program will be available for improvement of heritage items across the entire Snowy Monaro Regional Council area.

Milestones outlined in the Local Heritage Fund (LHF) 2016 Guidelines, which will be advertised in the local press throughout September 2016, are:

Applications open	10 October 2016
Applications close	4 November 2016
Applicants notified	18 November 2016
Acceptances due	2 December 2016
Progress Report	27 January 2017
Claims close/works complete	21 April 2017

Eligible projects will be those that contribute to the conservation of items and/or contribute to the streetscape. This may include structural repairs; control of damaging stormwater; the repair, maintenance or reinstatement of missing historic and/or decorative detail to heritage buildings.



Typical projects include the repair or restoration of roof cladding, guttering, verandahs, fascias and bargeboards, replacement of decayed timber-framed windows, re-stumping, re-pointing and repair to brickwork, and repainting previously painted surfaces.

As with last years process for awarding funding for projects, it is intended that the applications received will be assessed by Council's Heritage Advisor in conjunction with the Planning Officer, who will then make a recommendation the Planning Manager – Cooma Branch for award of the grants. A maximum of \$4000 will available for a single project, with a preference being given to heritage items which did not receive grant funding last year.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

Eligible projects for the LHF 2016 will be those that contribute to the conservation of items and/or contribute to the streetscape. Priority will be given to the exterior of items, especially those visible from the public domain. It is hoped that in this way the project will benefit the whole community with the creation of attractive streetscapes, enhancing tourism, and reinforcing social pride.

### **2. Environmental**

The LHF 2016 Guidelines clearly identify criteria for which funding will not be available, eg for new buildings, commemorative monuments or works, nor the relocation of buildings or works to relocate buildings, or floodlighting of heritage buildings. As such no detrimental environmental impacts are envisaged with offering funding through the LHF 2016 grant.

### **3. Economic**

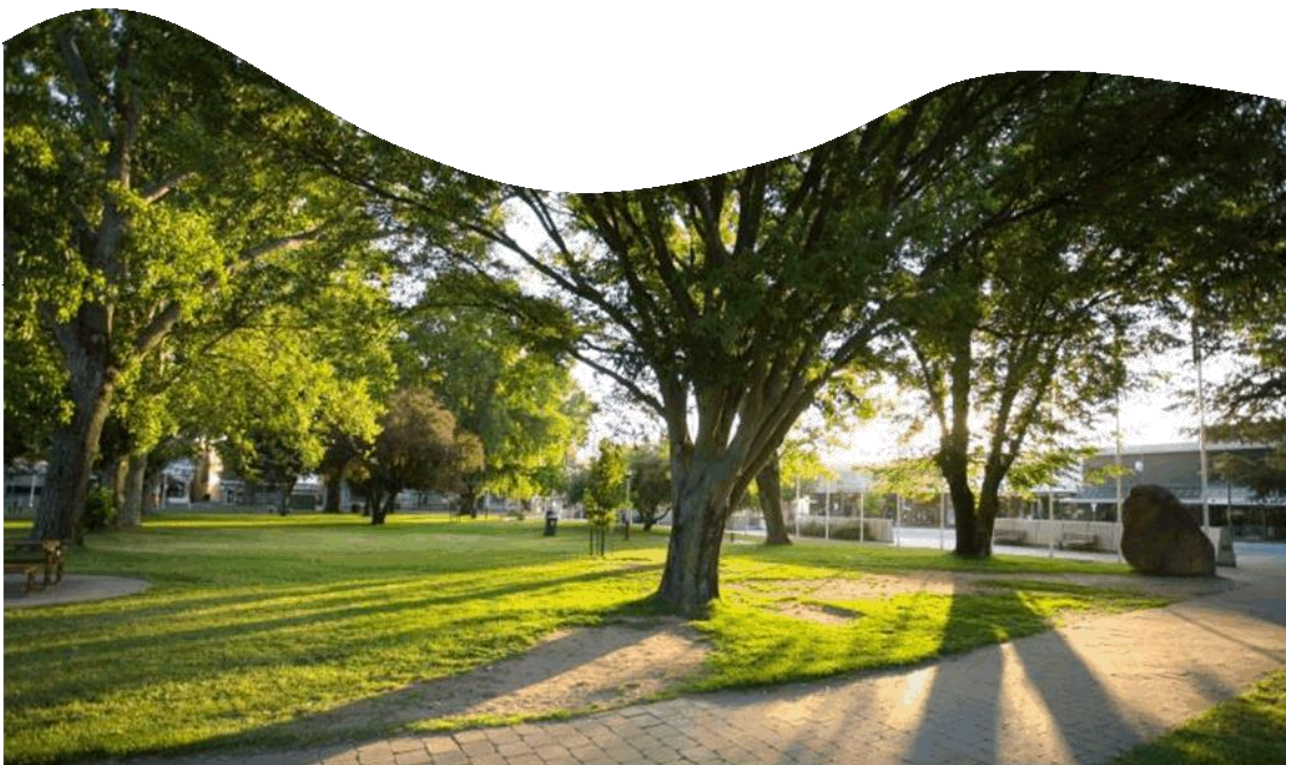
Council's contribution to the LHF 2016 has been included in the current budget. Given the results of the previous grant where by grant funding/Council's contribution of \$19,936.72 initiated \$56,640.71 worth of work being undertaken on heritage items, the cost of contributing \$13,500 this financial year may be seen as an economic benefit to the community with its heritage being conserved for future generations.

### **4. Civic Leadership**

The objective of Item 5 – Local heritage incentive fund of the previously adopted *Cooma-Monaro Shire Council Heritage Strategy 2014-17* may be achieved by Council coordinating and part financing the Local Heritage Fund 2016-2017 to provide small grants to support owners/managers of heritage items, in the Region to which the *Cooma-Monaro Local Environmental Plan 2013* applies.



# Snowy Monaro Regional Council Local Heritage Fund 2016–2017 Guidelines



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Local Heritage Fund Guidelines

## 1 Purpose of the Local Heritage Fund

The Snowy Monaro Regional Council Local Heritage Fund 2016-2017 has been established with assistance from the NSW Office of Environment & Heritage (OEH), to assist property owners/managers to carry out restoration, maintenance and conservation works to listed heritage properties throughout the Shire in the past Cooma-Monaro Local Government Area (LGA).

## 2 Types of funding available

The total amount of funding available for the 2016-2017 financial year is \$20,000. Funding is available on a dollar-for-dollar basis to a maximum contribution of \$4,000. Council may offer partial funding (still on a dollar-for-dollar basis) to support only part of a project, or where it desires to distribute funds to a greater number of applicants.

**Note** Where an owner undertakes the work himself, eg as an owner builder, funding may only be sought to cover 50% of the cost of materials – not the owner's labour.

Upon issue of a project's compliance certification at the completion of work/s, the fund will pay up to the agreed amount based on actual invoices received. **Note** Invoices for tradesmen and materials must accompany the final claim for payment.

## 3 Opening and closing dates for applying for grants

Applications open on **10 October 2016** and close on **4 November 2016**.

**Note** Work/s funded from the Local Heritage Fund 2015-2016 must be completed and final reports/claims submitted by **21 April 2017**.

## 4 Who can apply for funding

Funding is available from the Local Heritage Fund 2016-2017 to the owners and managers only of heritage items that are listed in the *Cooma-Monaro Local Environmental Plan 2013* (LEP). **Note** Managers seeking funding must have the written approval of the owner.

Funding is not available to a state government agency, but such agency may be involved as a project partner.

## 5 What projects can be funded by the local heritage fund

Eligible projects are those that contribute to the conservation of items and/or contribute to the streetscape. This may include structural repairs; control of damaging stormwater; the repair, maintenance or reinstatement of missing historic and/or decorative detail to heritage buildings.

Typical projects include the repair or restoration of roof cladding, guttering, verandahs, fascias and bargeboards; replacement of decayed timber-framed windows; re-stumping; re-pointing and repair to brickwork; and repainting previously painted surfaces. For larger projects, funding may be sought for a distinct component only of the project.

Where decorative work/s is proposed, priority will be given to the exterior of items, especially those visible from the public domain. Conservation of significant interiors may be eligible if they are publicly accessible places or where the items are noted as significant in the heritage citation, or otherwise supported by Council's Heritage Advisor.

Rural structures, including outbuildings, may be eligible for funding if they have important historic or technical significance, or are part of a significant homestead.

Local Heritage Fund Guidelines

## 6 What projects cannot be funded by the local heritage fund

Funding is not available from the Local Heritage Fund for:

- new buildings, commemorative monuments or works,
- routine maintenance, eg lawn mowing, gutter cleaning, or pest control,
- new carpets, curtains and the like,
- the purchase of heritage buildings,
- the relocation of buildings or works to relocate buildings,
- private headstones, unless there is no possibility of descendent support,
- floodlighting of heritage buildings,
- the purchase of equipment,
- moveable railway heritage items.

Funding is also generally not provided where:

- assistance is reasonably available from another source, or
- substantial assistance has been previously provided, or
- where the applicant has yet to complete other assisted projects, or
- if circumstances change that may compromise the heritage value outcome of the project, ie failure to commence (ie no tradesperson available), or
- the project has already been completed without prior Council agreement.

## 7 Agreed funding priorities

Priority will be given to projects that address the following:

- The funded component of work can be clearly quantified and the project partners have the capacity and commitment to complete the project within the grant timeframes.
- Projects are for urgent works to arrest decay of significant fabric or reinstate the structural integrity of the item.
- Projects conserve historic building fabric (as opposed to replacement of historic items with new material).
- Where replacement is necessary, new material will closely follow the original (eg galvanised iron roofing will not be replaced with Colorbond or Zinalume).
- The funded component of work is readily visible to the public (eg replacement of a verandah).
- The conservation work will lead to the long-term survival of unique, distinctive or special aspects of Cooma-Monaro's history.
- Projects that enhance historic streetscapes.
- **Note** Funding for do-it-yourself projects (eg painting, guttering, decking, fencing etc) will be considered for half the cost of material/s only – NOT for labour.

## 8 Applying for funding

Before you submit your application for funding, you are encouraged to discuss your project with Council's Planning Officer (Cooma Branch), Christine Lawley and arrange for a site inspection by Council's Heritage Advisor, on (02) 6455 1913 or by email [christine.lawley@snowymonaro.nsw.gov.au](mailto:christine.lawley@snowymonaro.nsw.gov.au).

### 8.1 Background Research

Your application will be stronger if you demonstrate how the work conserves the heritage significance of the property. To do this you may need to do some research and provide historic photographs. There may be information on your property at, the library or the local historical society.

Local Heritage Fund Guidelines

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## 8.2 Proposed Work

Prepare a detailed item by item schedule or list of project tasks to be completed.

## 8.3 Quotes

Provide at least **two (2)** quotes for each project task/s from suitably experience tradespersons, and nominate your preferred one. Claims will be paid on the provision of invoice associated with quote.

## 8.4 Plans and Sketches

Ensure you have relevant plans and sketches – depending on the size of the project, you may need to include these in your application.

## 8.5 Photographs

Take 'before the project' photographs, including at least one photograph that shows the building/place in its overall context (eg from the street). 'After the project' photograph/s will also be required upon completion, when making your claim for payment.

## 8.6 Application Form

Complete the application form and keep a copy for your records.

## 9 Submitting your application

Your completed application form (plus photograph/s, plan/s, sketch/s, background detail/s and quotes) may be emailed to [christine.lawley@snowymonaro.nsw.gov.au](mailto:christine.lawley@snowymonaro.nsw.gov.au), posted to Snowy Monaro Regional Council, PO Box 714, Cooma NSW 2630, or delivered to Council offices at 81 Commissioner Street, Cooma.

## 10 Processing your project application

Council will acknowledge receipt of applications within 7 days of the closing date.

Projects will be assessed and approved by Council's Planning Manager in conjunction with Council's Planning Officer and Heritage Advisor. In assessing your application, the quality and clarity of information provided will be taken into account.

A funding offer and contract will be sent to successful applicants by **18 November 2016**.

Funding will commence on the date of acceptance of the funding offer. All projects must be commenced after that date and be completed (and all funding claimed) by **21 April 2017**.

Council will advise unsuccessful applicants by **18 November 2016**.

The Snowy Monaro Regional Council Local Heritage Fund 2016-2017 is a targeted funding program. Projects must meet eligibility criteria, funding priorities and common selection criteria. However, in exceptional circumstances, Council reserves the right to recommend funding for projects that may not fully meet these requirements.

Local Heritage Fund Guidelines

## 11 Application Checklist and Time Line

Task	Completed [✓]
Check that your property is eligible for funding (ie listed in Schedule 5 of the <i>Cooma-Monaro Local Environmental Plan 2013</i> (LEP))	
Discuss your project with Council staff (Contacted Christine Lawley on (02) 6455 1913 or <a href="mailto:christine.lawley@snowymonaro.nsw.gov.au">christine.lawley@snowymonaro.nsw.gov.au</a> and arrange for a <b>site inspection</b> )	
Complete background research – Prepare a report, (and where possible include old photographs and/or supporting documentation)	
Prepare an item by item <b>schedule of protect tasks</b>	
Provide <b>at least two (2) quotes</b> for each project task	
Provide your <b>ABN and/or contact details</b>	
Take <b>'before the project' photographs</b> ('after the project' photographs will be required at completion, when making your claim for payment)	

Time Line
<b>Stage 1</b> – Applications close on <b>4 November 2016</b>
<b>Stage 2</b> – Council acknowledges receipt of your application by within <b>7 days</b> of submission
<b>Stage 3</b> – Council notifies outcome of application by <b>18 November 2016</b>
<b>Stage 4</b> – Successful applicants provided with funding offer and contract <b>18 November 2016</b>
<b>Stage 5</b> – Applicant to return signed funding offer and contract to Council by <b>2 December 2016</b>
<b>Stage 6</b> – Applicant to notify Council of commencement date within <b>7 days</b> of commencement
<b>Stage 7</b> – Applicant to submit progress report (if required) by <b>27 January 2017</b>
<b>Stage 8</b> – All projects must be completed and all funding claimed by <b>21 April 2017</b>

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

Record No:

Responsible Officer: Director Service Planning  
Author: Economic Development & Tourism Manager  
Key Direction: 4. Creating a Safer, Healthier and Thriving Community  
Delivery Plan Strategy: DP4.1 Encourage opportunities to promote and protect our cultural heritage.  
Operational Plan Action: OP4.6 Continue to develop and promote local history and culture throughout the Region.  
Attachments: Nil  
Cost Centre 3050-350-623 – Recurrent Donations  
Project 10th Biennial Engine Rally – “Working the Past”  
Further Operational Plan Actions: OP4.10 – Promote and provide operational assistance to enhance and encourage events and tourism.  
OP4.20 – Promote volunteering as a valued vocation that builds social capital.

**EXECUTIVE SUMMARY**

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

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

**OFFICER’S RECOMMENDATION**

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

**BACKGROUND**

In the past the former Bombala Council has chosen to donate either \$500 and also provide financial assistance for transporting of exhibits or donate \$1,000 to assist with staging of the event. At a former Bombala Council meeting held in May 2014 Council resolved to donate \$1,000 to this rally.



## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

The Bombala Historic Engine and Machinery Society's aim is to preserve the past for future generations. They do this by collecting and restoring examples of machinery used in farming, forestry and council activities. These pieces are displayed in a purpose built facility situated on the railway land at Bombala and is a major attraction for the area. The Society regularly takes both bus tours and school groups through their facility explaining how the machinery and implements were used and giving an insight into both the social and economic of the region. The rallies are an excellent opportunity for the Society to further promote their activities and for members to interact with like-minded people from across NSW and Victoria.

### **2. Environmental**

There is very little environmental impact on the railway land as a result of this event. It is well managed with rubbish collected on site disposed of properly.

### **3. Economic**

The event attracts significant numbers of visitors to the area. Accommodation is always booked out and local businesses benefit from the increase in visitation to the area over the three day period. Service groups also benefit as a result of catering opportunities and other community groups are encouraged to set up stalls and participate in this three day event.

### **4. Civic Leadership**

By supporting events of this nature Council is demonstrating its desire to assist community groups, preserve the history of the area and build capacity of volunteer organisations to fulfil their goals.

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## 13.2 WOLLONDBIBBY CREEK BRIDGE- SUCCESSFUL GRANT APPLICATION

Record No:

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

### EXECUTIVE SUMMARY

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

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

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

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

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

### OFFICER'S RECOMMENDATION

That Council

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

## **BACKGROUND**

In April this year Council submitted an application in the Stronger Communities Programme (SCP) for the construction Wollondibby Creek Bridge. \$20 000 was sought under the grant funding program, Council are committed to a matching co-contribution in order to proceed with the project. The total cost of the bridge construction will be \$43 000. Council's commitment will therefore be \$23 000.

The Wollondibby Creek Bridge is a key element to the expansion of the Lake Jindabyne Shared Trail. The construction of the bridge will enable pedestrian access over the Wollondibby Creek inlet just after Curiosity Rocks. A Development Application has been lodged for the trail construction from curiosity Rocks to Hatchery Bay (Appendix A location Map). The 4.2km expansion will add to a growing asset for our region that not only provides a major opportunity for mountain bike tourism, but also caters to fisherman, hikers and runners.

Whilst The SCP funding will enable completion for the bridge crossing, the construction of the trail will need to be delivered as a separate component of the project. The Shared Trail 355 committee have therefore submitted an application under the Community Grants Program for the completion of this component. If successful, the combined funding programs will enable completion for the shared trail expansion.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

The social impact of the shared trail extension will be positive as it encourages a healthy and active lifestyle in the community. The development of shared trails and events will provide the opportunity for SMRC to connect with the community and form partnerships with key interest groups and stakeholders.

### **2. Environmental**

International Mountain Bike Association trail standards have been implemented to reduce environmental impact and maintenance costs.

### **3. Economic**

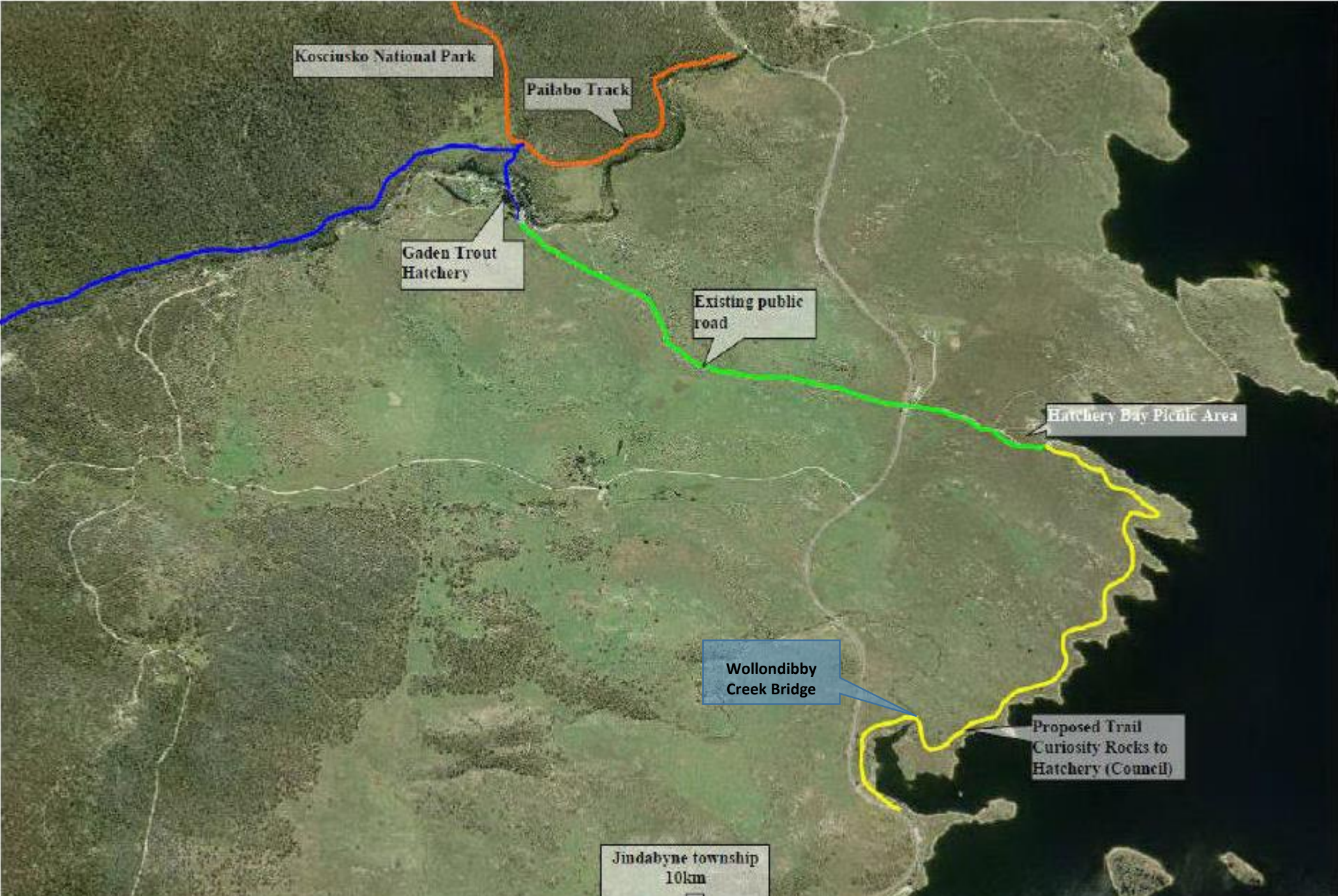
The proposed plans for further development of shared use trails will help increase tourism during summer months and create sustainable cycling businesses in the region. This would also increase demand for accommodation, retail and other recreational business. The recent development of the Jindabyne Trail Stewardship will help insure Council can maintain and plan for further development of shared trails with limited resources and funding.

Council are required to match funding to proceed with the funding agreement. It has been proposed that \$23 000 from Strategic Planning Unit 2016 budget funds be allocated to the project.

### **4. Civic Leadership**

Council, by leading and participating in the development and maintenance of shared trails, is pursuing key priorities identified by the community in the Community strategic Plan.

Council is also showing leadership through a partnership approach with other key stakeholders including the Jindabyne Cycling Club and Trail Stewardship.



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### 13.3 ADAMINABY MEN'S SHED UPDATE

Record No:

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

#### EXECUTIVE SUMMARY

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

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

#### OFFICER'S RECOMMENDATION

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

#### BACKGROUND

Research shows that men are far less likely than women to attend healthcare and health information sessions. Men's sheds help to bridge this gap and improve men's health. Nationwide, there are more than 900 men's sheds providing workshop space and social support to more than 100,000 men – and women. They address social isolation, health, and wellbeing, increasing individuals' participation in community life and building community capacity by providing a forum for men to work and talk. They are a proven tool for improving men's mental health and strengthening sense-of-community, so much so that they are endorsed and funded in the Federal Department of Health's National Male Health Policy (2010).

*"Men don't talk face to face they talk shoulder to shoulder."*

*Professor Barry Golding*

Modern men's sheds are designed to respond to their interests of their participants, e.g., woodworking, metal smithing, ceramics etc. Most make significant contributions to their communities, engaging in community projects such as repairing picnic benches or making toys for disadvantaged children. The members of the Adaminaby Men's Shed Steering Committee have expressed a keen interest in "giving back" in this way, by using the men's shed as a forum for talks by health professionals, e.g., the rural mental health worker, and through mentoring.

Members of the Adaminaby community approached Council this autumn seeking support for the establishment of a men's shed. They received thirteen initial expressions of interest, and plan to host a public meeting to gauge additional interest and begin determining how the shed will operate. However, before proceeding, the steering committee wishes to have some direction with regard to a physical location for the shed.

As such, members of Council's Community and Strategic Planning Team held a meeting with the steering committee in July. Three possible locations were identified at the meeting, and prioritised as follows:

1. Old Catholic School, Cosgrove Street
2. Camp Street Depot
3. Old Fire Shed, York Street

A visual assessment of the site eliminated option 3: none of the three sheds on site are habitable, and there is no water or power to the site. The associated costs are outside of the scope of the project.

### **Option 1: Old Catholic School**

The Old Catholic School is considered the best location and most viable option. It was previously utilised by the Adaminaby Scouts, has power and water, and on an initial cursory assessment, requires only minor upgrades to become suitable for use as a Men's Shed. It is also centrally located, which is a priority for members of the steering committee.

Council's Community Development Officer has approached Father Mick MacAndrew from the Cooma Catholic Church, who is responsible for the Parishes of Adaminaby, Cooma, Nimmitabel, and Numeralla. Father MacAndrew indicated that he will call a committee meeting in August to assess the Adaminaby Men's Shed's request to use the old school. An answer is expected at the beginning of September. If the response is affirmative, a formal agreement will be negotiated at that time.

### **Option 2: Camp Street Depot**

The Camp Street Depot is a Council property, presently used for storage. It offers two open bays, a closed bay, and small office space. The depot also has toilets, shower facilities, and a tearoom; it is currently connected to water, sewer, and electricity services. The site is fully fenced.

The Camp Street Depot has been included in a review of former Snowy River Shires property review and may be surplus to current operational needs. As generally property in Adaminaby does not yield a high return, and the depot is well-appointed as a potential men's shed site, it may be

the best and highest use for a community facility such as proposed. Better value may be achieved by entering into an agreement with the Adaminaby Men's Shed for use of the depot. A site/soil assessment to determine if the site is contaminated would be required (see estimate, below) and any remediation undertaken.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

Adaminaby is a relatively isolated rural village in the northwest of our council area. It has a small population, with around 600 people living in the catchment area. Health and community services are delivered via outreach from Berridale or Cooma, or require residents to travel to Cooma or Canberra. There are few recreation options for residents and limited community infrastructure.

Establishment of a men's shed would provide residents with productive, social recreation, and a variety of social benefits:

- Reducing social isolation
- Development of community projects
- Building community capacity and increasing sense-of-community
- Mentoring and intergenerational engagement
- Creating a focal / rallying point for the community
- Facilitating health information sessions and access to health services

The proposed Adaminaby Men's Shed will cater for men and women from the catchment area (Adaminaby, Old Adaminaby/ Providence Portal, Angler's Reach). Sheds predominately attract older men and those experiencing mental health difficulties; however, many sheds also enjoy the participation of younger and middle aged men, women of all ages, and young people. The Adaminaby Men's Shed is intended to be a community shed, welcoming men and women of all ages and abilities.

### **2. Environmental**

Use of an existing building, as opposed to the construction of a new facility, will assist in minimising the environmental impact of this project. Projects will utilise a range of recycled and new materials with varying environmental impacts. These can be mitigated by encouraging the use of recycled materials.

There is also some discussion of establishing a small community garden at the men's shed, which would have positive social and environmental impacts (organic gardening, lower food miles, healthy eating etc).

### **3. Economic**

Costs associated with establishment of a Men's Shed in Adaminaby will include:

- Incorporation and insurance
- Membership to the AMSA

- Utilities
- Site maintenance
- Equipment and materials
- Annual administrative costs such as auditing
- Incidentals such as tea, coffee, stationary etc

Actual dollar costs are difficult to estimate at this time. The Camp Street Depot requires a soil assessment estimated at \$16,080; additional costs would be accrued if remediation is required. These costs will be incurred regardless as an assessment and (potential) remediation are a condition of sale if the site was to be disposed of. Aside from the assessment and remediation costs, Council's financial contribution, if any, is yet to be determined.

Council staff have committed to assisting with some administrative aspects of set-up, e.g., helping to complete paperwork, seeking advice from the AMSA, negotiating an MOU with the landowner etc.

The National Men's Shed Development Program, administered by the AMSA, provides direct financial assistance to men's sheds across Australia. Approximately \$400,000 is available per round and there are two funding rounds a year. Allocations are generally small (\$5,000), but would assist with set-up.

The Adaminaby Men's Shed Steering Committee has indicated that a number of individuals and businesses are prepared to donate equipment and materials to get the project off the ground.

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

Support for this project reinforces Council's commitment to the health and well-being of all residents; as well as Council's understanding of the social determinants of health – which includes social networks – and the importance of empowering community members to establish and determine the direction of community projects.



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## 15.1 ADOPTION OF COUNCIL SEAL

Record No:

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

### EXECUTIVE SUMMARY

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

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

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

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

### OFFICER'S RECOMMENDATION

That Council

A. Approve and adopt the new Council Seal to be used by Snowy Monaro Regional Council

### BACKGROUND

In December 2015, the Government laid out plans for 35 mergers which would have reduced the State's 152 Councils to 112. On 12 May 2016, the NSW Government formed 19 new Councils in NSW by merging 42 Council areas in different combinations and the new Councils were effective immediately.

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

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

In order to execute legal documentation under Council Seal with the new Council Name and ABN; it was necessary to obtain a new Council Seal in the name of Snowy Monaro Regional Council.

### **2. Environmental**

No environmental impact

### **3. Economic**

There is minimal costs associated with the production of the new Council Seal.

### **4. Civic Leadership**

The need for the Council to continue achieving an affordable and acceptable level of service.

**COPY**



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## 15.2 RAGLAN GALLERY & CULTURAL CENTRE

Record No:

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

### EXECUTIVE SUMMARY

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

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

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

#### OFFICER'S RECOMMENDATION

That Council

- A. Approve a Council employee fulfilling the role of Part-time Administrative Support Officer at the Raglan Gallery and the position be funded through savings identified at the December Budget Review;  
OR
- B. Advise Raglan Gallery that it is unable to provide a part-time Administrative Officer but will provide a monetary contribution equal to the salary for such a position.  
OR

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

## BACKGROUND

The Board of the Raglan Gallery and Cultural Centre in Cooma have advised that it *“is one of the Monaro’s attractions and is very popular amongst the locals and tourists alike. Apart from promoting and developing cultural artefacts through different art works, the Gallery has been giving local artists a space for them to exhibit their works and providing opportunities for aspiring artists to take lessons.*

*Given the growing educative role and historic nature of the exhibitions and continued regional interest in promoting cultural art values, the tasks have grown to the point where volunteer support is becoming limited and requires a more professional approach in delivering cultural activity through art.*

*It has been requested from members of the Raglan Gallery and Cultural Centre that a paid position be established for someone to undertake, amongst other duties, key administrative roles such as applying for grants, answering telephones, creating and distributing correspondence and taking enquiries from visitors.”*

The Raglan Gallery approached the former Cooma Monaro Shire Council in March and it was resolved by Council (Item 12.1 Resolution Number 103/16) *“That given the current pending merger Proclamation Guidelines restricting staff recruitment and associated budgetary considerations, the matter of employing a paid officer to the Raglan Gallery and Cultural Centre in Cooma be referred to the interim new Council entity for their urgent consideration.”*

## QUADRUPLE BOTTOM LINE REPORTING

### 1. Social

The Raglan Gallery is one of Cooma’s and the Region’s better known tourist attraction and support of the arts and is very popular amongst the locals and tourists alike. The Gallery has been giving local artists a space for them to exhibit their works and providing opportunities for aspiring artists to take lessons.

### 2. Environmental

Any environmental impact would be covered by a development consent and mitigation of any environmental impacts will be dealt with through that process.

Economic

This role is proposed on the basis of a part-time employee three days a week FOR approximately 6 hours per day.

The costs of Council employing a Part-time Administrative Support Officer are below with costings from both previous Councils (Cooma and Snowy):

BRANCH	GRADE	RATE P/HR	CASUAL RATE
Cooma	4	\$28.03	25% loading
Snowy	5	\$26.96	25% loading

Bombala	11	\$33.00	25% loading
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RATE OF PAY	HOURS PER DAY	HOURS PER WEEK	TOTAL GROSS \$	Including Casual Loading Total \$
Cooma \$28.03	6	18	\$504.54	\$630.67
Snowy \$26.96	6	18	\$485.28	\$606.60
Bombala \$33.00	6	18	\$594.00	742.50

If council was to privately rent the building that is leased to The Raglan Gallery the rental income return would be approximately \$500 per week.

Raglan Gallery hold a lease on Council property known as 9-11 Lambie Street Cooma, Lot 1 in Deposited Plan 708767.

The Annual rent of \$1.00 payable in advance.

The lease has a term of twenty (20) years commencing on 1 November 2012 to 31 October 2032 with a further term of five (5) commencing on 1 November 2032 to 31 October 2037.

Earliest date of exercise of option being 30 April 2032;

Latest date of exercise of option being 31 July 2032.

As can be seen Council already provides substantial support to the Gallery through subsidised (peppercorn) rent.

#### Civic Leadership

The position if approved will be an addition to Council's organisation structure. Notifications of changes to the organisational structure will be sent to staff committees, such as the Consultative Committee as required prior to commencing recruitment.

All recruitment is under the control of the General Manager with access and equity principles underpinning the process which is also guided by the adopted Equal Employment Opportunity (EEO) Management Plan.

Decisions to donate to community groups, individuals and towards events must be considered in a transparent process. The granting of financial assistance must be by specific formal resolution of Council.

Council makes decisions regarding donations to community groups, individuals and events based on Council's Policy GOV011. The relevant section of the policy applicable to this request is:

#### **3.2. Donations/Sponsorship Towards Economic Development and Tourism**

Annual donations will be called for in January for the following financial year however Council may consider applications for financial assistance as they are received. Those seeking financial

assistance should address the items included in Council's application and intended recipients of financial assistance shall be informed in writing of Council's decision.

All applications for financial assistance must state the purpose for which the funds will be used.

Donations by Council will be made from the General Fund and must be either:

- fixed dollar amounts
- rebates on Council provided services such as water, rates or facility hire

Council may make donations towards specific aspects of an event however Council must not commit to cover the full cost of any aspect of an event. For example Council will not commit to meet the total costs of:

- advertising
- public liability insurance
- equipment hire

RECEIVED  
- 1 JUL 2016

BY: .....



Raglan Gallery

and Cultural Centre Inc Y2177226

Open Wednesday to Sunday 9.30am – 4.30 pm

9-11 Lambie Street (PO Box 952) Cooma NSW 2630 Phone: (02) 6452 3377

Email: [raglangallerycooma@bigpond.com](mailto:raglangallerycooma@bigpond.com) [www.raglangallerycooma.com](http://www.raglangallerycooma.com)



like us on facebook

Mr D Lynch  
Administrator  
Snowy Monaro Regional Council  
COOMA NSW 2630

Cc: General Manager

Dear Dean

Thank you for returning my phone call regarding the provision of an administrative support officer for the Raglan Gallery.

The Raglan is one of Cooma's and the Region's better known tourist attraction and supporter of the arts, and its status as such relies entirely on the generosity and dedication of volunteers, particularly on those who are prepared to give their time to act as members of the Board of Management and/or as (sitters) to staff the gallery during operating hours. With an ageing and busier population, this is becoming more difficult.

As such the Raglan's viability is continually vulnerable to the ability of those members to give the time necessary to effectively carry out those tasks. The Board believes that Council should be more proactive in supporting its efforts, even if only to ensure the Gallery's viability as a tourist attraction. More reliable support is needed to ensure that the Raglan's main strategy of supporting local artists through marketing their products continues to be successful, and to free Board Members to properly manage the Gallery's functions. Plans exist to improve the Gallery's viability but are hindered by the ability of members to find the time to implement them.

To this end we ask the Council to provide a Council employee to fulfill the role of Administrative Support Officer. We would envisage that this role would be a three day per week role, on the days that the Gallery is open.

A job description and role responsibility document is attached.

Yours sincerely



J Herbert  
President

Patrons Barbara Litchfield; Imants Tillers

Board of Management: Peter Boyce; Bob Coles; Sid Downie; Joey Herbert;

Wendy Litchfield; Denyse Roberts; Hilary Smith; Mary Ziesak



June 30<sup>th</sup> 2016

#### **JOB DESCRIPTION AND ROLE RESPONSIBILITIES**

### **ADMINISTRATIVE SUPPORT OFFICER RAGLAN GALLERY**

#### **The Appointment**

The Administrative Support Office is a new appointment for the Raglan Gallery. The position will require the ASO to work closely with the Raglan Management Board, the SMRC and the Volunteer Sitters. The Board envisages at least 3 days a week for this position.

The ASO is a key appointment to assist the growth and development of the Raglan. The Raglan is one of Cooma's and the Region's premier tourist attractions and source of support for local artists.

#### **The Position**

The ASO must be able to direct and assist the growth and development of the Raglan.

#### **PRINCIPAL DUTIES**

##### **STRATEGIC & MANAGEMENT:**

- Recruit, coordinate and train volunteers for the Raglan and other arts and cultural events on a recurrent or request basis
- Manage day-to-day administration and accounting responsibilities of the Raglan
- Develop beneficial relationships and constructive partnerships with organisations such as Australian Business Arts Foundation, Galleries & Museums NSW, South East Arts, Arts NSW, as well as with local and regional artists, local and regional media agencies and the wider community
- Develop policies relating to arts and culture in collaboration with SMRC and other stakeholders
- Liaise with SMRC to seek grants for the Raglan Gallery
- Liaise with SMRC Manager for Recreational Services with regard to maintenance of the building and grounds
- Collaborate with the Historical Society and assist where appropriate
- Raise the profile of the Raglan locally and interstate

**COMMUNICATION AND RELATIONSHIP MANAGEMENT**

- To build and manage effective relationships, partnerships and collaborations with local, regional and interstate agencies as appropriate, that will further the aims and vision of the Raglan
- To manage fundraising functions, developing relationships with the community, campaign volunteers and young people
- To manage and develop external relations with funders, stakeholders, donors, community and commercial partners and to represent the organisation as required
- To represent and communicate effectively the aims and objectives of the organisation externally with a view to enlisting donations, collaboration and other forms of support
- To ensure the proper administration of fundraising records and documentation and report back to funding bodies and individuals on project and program outcomes as required

**PERSONNEL & LEGAL**

- Attending board meetings and other internal meetings as appropriate
- Mentoring volunteers
- Advise the community of arts and cultural training opportunities and encourage all, including young people, to participate in arts and cultural programs

**CONDITIONS OF SERVICE**

- A No Smoking policy is in operation and smoking is not permitted in the workplace
- The Raglan Board is responsible for the management of the position and for directing its priorities
- The position of Director is answerable to the Raglan Board

**Person Specification**

	<b>Essential</b>	<b>Desirable</b>
<b>Knowledge</b>	Experience and knowledge of raising diverse funds through a range of fundraising tools and techniques.	Experience and knowledge of financial planning, managing budgets
<b>Experience</b>	Demonstrable experience of strategic leadership coupled with the ability to effect and lead through change.	
	Experience of working with voluntary workers and ability to	

	work successfully with a Board	
	A track record of leadership and success in the development field and a reputation for innovation, excellence and commercial acumen	Experience of working in a culturally diverse environment
	Experience of successful partnership working	Successfully managing a team and developing staff and managing performance.
	Experience of developing and implementing communication strategies	
<b>Skills/Abilities</b>	Excellent communication and interpersonal skills with the ability to present at a senior level as well as with community and young people.	Experience of database management and development.
	Ability to think creatively, strategically and pragmatically, to problem solve and turn cultural aspirations into reality.	Sound IT skills. Microsoft Word, Excel, Outlook and Powerpoint
	Strong networking skills	Ability to interpret national and local policy priorities and identify development opportunities
	Ability to inspire and foster good relationships with a wide variety of people, organisations and companies and to actively engage them in fundraising.	
	Strong organisational skills and ability to oversee the business operations of the organisation, manage change and able to:  # set clear plans and involve others where appropriate. # work on own initiative, under pressure, prioritise and meet deadlines # manage multiple priorities work as part of a team	
<b>Personal qualities</b>	Ability to work with tact, diplomacy, patience and complete confidentiality and to manage with integrity and credibility.	A desire to help others to reach shared goals and team working.

40 Orana Avenue  
Cooma NSW 2630  
March 9th 2016

Mayor Dean Lynch, the CMSC Councillors and General Manager  
Cooma Monaro Shire Council  
81 Commissioner Street  
Cooma NSW 2630

Dear Dean

I wish to thank the CMSC for honouring me in the Australia Day Awards as the Arts Person of the Year for 2015. This is a very unexpected honour for me in recognising the five years that I have volunteered as the Art Coordinator at the Raglan Gallery and Cultural Centre in Cooma. I have enjoyed being part of the development of the Gallery and the opening of the Imants Tillers Wing.

I am very pleased with my achievements, along with all the volunteers, during which time the work at the Gallery has more than doubled from about 8 exhibitions a year to 16 and all that goes with this from planning with the artist/s to completion and pull down. The Raglan has a very good name and exhibition space is fully booked for this year and being sought well into 2017.

Among our important achievements are the annual NAIDOC exhibition each August showcasing work by Indigenous people of the region as well as the annual 'Student Artscape' in December featuring not only HSC students but also art students from years ten and eleven. We are in our 17th year of the Briscoe Exhibition and Awards attracting artists from interstate for the generous prize donated by the Briscoe brothers. We also endeavour to have an exhibition each year of artists and craftspeople from organisations such as Workability and Werri-Nina or human rights organisations such as Amnesty. We just closed the Werri-Nina exhibition which was an amazing success and delight to the exhibitors from the art and craft group.

As I approach my 80th birthday I need more time to work on my own art so I am no longer a member of the Raglan Board of Management but I still hold the continuation and advancement of this Community Asset dear and still fully support its planning and future running..

One very important undertaking for which I with the Raglan Board are negotiating at the moment is to bring children to bring-children to Gallery - young children of primary school age. This has been missing - introducing children to the working of the gallery and learning and practicing art in its many forms.

We have a firm commitment from a talented art teacher and hope to commence 2 day workshops in the school holidays followed by weekly after school classes during term. There are children who are not interested in sport or dancing classes but are enthusiastic about the creative arts.

Since TAFE no longer offers any art courses this teacher will also extend her talents to holding classes for older people or people with disabilities. These offers are too valuable for our community not to take advantage of.

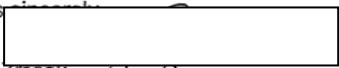
The fact that the Raglan Gallery along with the Visitors Centre plays a very important role in our community goes without saying. The many volunteers who open the gallery five days a week are growing older and are less able to contribute and finding young people to mind the gallery is almost impossible. With these new ventures and to simply to keep the office work that the gallery must do efficiently up to date is becoming more and more difficult.

**We need a paid officer at the gallery.** This person could keep the continuity of the office work of the gallery up to date, answer the numerous calls and basic inquiries from visitors, distribute Emails to relevant Board member, be a point of contact for sitters, process credit cards, research into insurance and grants.

The frustration of applying for grants we meet again and again when the applicant is required to have a paid employee.

So, in working on the next budget for the CMSC and on behalf of the Raglan Gallery I request that serious consideration be given to allocating funds for a paid position for the Gallery so this valuable community asset can continue as ~~it~~ now and develop further.

Yours sincerely,

  
Mary Ziesak  
Acting Art Coordinator  
Raglan Gallery and Cultural Centre

Australia Day Arts Person of the Year 2015

Cooma-Monaro Shire Council

Ordinary Meeting of Council, Monday 9 May 2016

## 12 Staff Reports – Items for Decision

### Item 12.1 Request for a Paid Employee at the Raglan Gallery and Cultural Centre

#### Report Summary

To seek Council direction to employ a paid officer at the Raglan Gallery.

103/16

#### RESOLVED (Mitchell/Kaltoum)

That given the current pending merger Proclamation guidelines restricting staff recruitment and associated budgetary considerations, the matter of employing a paid officer to the Raglan Gallery and Cultural Centre in Cooma be referred to the interim new Council entity for their urgent consideration.

CARRIED UNANIMOUSLY (7-0)

### Item 12.2 Local Government and Shires Association of NSW Election of Board of Directors and Member Subscription Offer for 2016/2017

#### Report Summary

To provide Council with details of the Local Government and Shires Association of NSW Election of Board of Directors and their member subscription offer.

104/16

#### RESOLVED (Kaltoum/Hughes)

- 1) That Council resolves to nominate the Mayor and the Deputy Mayor to vote in the Local Government NSW Election of Board of Directors and that their voting details be registered prior to 12.00 noon Thursday 2 June 2016; and
- 2) That Council resolves to renew its Local Government NSW membership but not to proceed with subscribing to the optional bundled management services at this time and to reconsider the offer after the proclamation date when details become known.

CARRIED UNANIMOUSLY (7-0)

## Staff Reports – Items for Decision

### Item 12.1 Request for a Paid Employee at the Raglan Gallery and Cultural Centre

<b>Reporting Officer</b> <b>General Manager</b>		<b>File Reference</b> <b>SC648</b>
<b>Budget Allocation</b> <b>N/A</b>	<b>Expenditure to Date</b> <b>N/A</b>	<b>Effect on Budget</b> <b>N/A</b>
<b>Delivery Program Action</b>		

#### Report Summary

To seek Council direction to employ a paid officer at the Raglan Gallery.

#### Recommendation

**That given the current pending merger Proclamation guidelines restricting staff recruitment and associated budgetary considerations, the matter of employing a paid officer to the Raglan Gallery and Cultural Centre in Cooma be referred to the interim new Council entity for their urgent consideration.**

#### Commentary

The Raglan Gallery and Cultural Centre in Cooma is one of the Monaro's attractions and is very popular amongst the locals and tourists alike. Apart from promoting and developing cultural artefacts through different art works, the gallery has been giving local artists a space for them to exhibit their works and providing opportunities for aspiring artists to take lessons.

Given the growing educative role and historic nature of the exhibitions and continued regional interest in promoting cultural art values, the tasks have grown to the point where volunteer support is becoming limited and requires a more professional approach in delivering cultural activity through art. To this end, it has been requested from members of the Raglan Gallery and Cultural Centre that a paid position be established for someone to undertake, amongst other duties, key administrative roles such as applying for grants, answering telephones, creating and distributing correspondence and taking enquiries from visitors.

Mrs. Mary Ziesak, Acting as Art Coordinator for the Centre had a meeting with Mayor Dean Lynch and presented him with the attached letter, dated 9<sup>th</sup> March 2016. Ms Ziesak is the recipient of the Australian Day Award – Arts Person of the Year 2015 and has been a volunteer for five years as the Art Coordinator at the Raglan Gallery.

The matter has been reviewed and support for such administrative provision is warranted. However, given the guidelines under the pending merger proclamation, Council is currently not in a position to adhere to this request while progressing towards a transitional new role. To this end, it is suggested that within the transitional role, after the proclamation of the new council is announced, that the new Entity Administration gives serious consideration for some administrative support to the Raglan Gallery and cultural centre in Cooma

Enquiries Ross Lawley (RL:FG)  
Engineering Services  
Our Ref AS/PRO/15  
Your Ref



FILE No.	Folio No.
AS/PRO/15	

12 April 2013

Raglan Gallery Board  
PO Box 952  
COOMA NSW 2630

Attention Cherie Booker

Dear Cherie

**Lease for Raglan Gallery Between Cooma-Monaro Shire Council and Raglan Gallery and Cultural Centre Incorporated**

Please see attached a copy of this lease, now executed by both parties, for your records.

If you have any further enquiries please contact the undersigned on 02 6455 1840.

Yours sincerely

Ross Lawley  
**Recreation & Property Manager**  
for  
David Byrne  
**Director Engineering Services**



**COOMA MONARO SHIRE COUNCIL**

Lessor

**COPY**

-and-

**RAGLAN GALLERY AND CULTURAL CENTRE INCORPORATED**

Lessee

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**LEASE**

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**Blaxland Mawson & Rose**  
Solicitors  
3 Dawson Street  
COOMA NSW 2630

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**SCHEDULE 1 - PARTICULARS**

**The Lessor:** Cooma Monaro Shire Council  
(sub-clause 2.1) 81 Commissioner Street, Cooma NSW 2630

**The Lessee:** Raglan Gallery and Cultural Centre Incorporated  
(sub-clause 2.1) 9-11 Lambie Street, Cooma NSW 2630

**Item 1 (sub-clauses 1.1 and 2.1)**

The land is the property known as 9-11 Lambie Street Cooma, more particularly described as Lot 1 in Deposited Plan 708767 Cooma.

**Item 2 (sub-clauses 1.1 and 2.1)**

The term of twenty (20) years commencing on 1 November 2012 to 31 October 2032.  
The further term of five (5) years commencing on 1 November 2032 to 31 October 2037.  
Earliest date for exercise of option - 30 April 2032.  
Latest date for exercise if option – 31 July 2032.

**Item 3 (clause 3)**

Annual rent of:

- a. \$1.00 payable in advance.

**Item 4 (clause 19)**

- a. The address for service on the Lessor is:

Cooma Monaro Shire Council  
PO Box 714  
COOMA NSW 2630

- b. The address for service on the Lessee is:

Raglan Gallery & Cultural Centre Incorporated  
9-11 Lambie Street  
COOMA NSW 2630

**Item 5 (sub-clause 8.2)**

Insurance sum: \$20,000,000.00

**Item 6 (sub-clause 10.1)**

- Permitted Use:
1. Storage and exhibition of artistic works and items.
  2. Not for profit community activities not inconsistent with the use described at 1.

**Item 7 (sub-clause 13.1)**

Rates and charges to be paid by the Lessor:

1. Building Insurance Premiums; and.
2. Cooma Monaro Shire Council Rates.

THIS LEASE is made the                      day of                      2012.

1. DEMISE

1.1 In consideration of the rent and the Lessee's covenants the Lessor leases to the Lessee the land described in Item 1 of the Schedule for the term specified in Item 3.

2. INTERPRETATION

2.1 In this lease, unless the contrary intention appears:

'land' means the land described in Item 1;

'The Tenant' means the lessee named in Schedule 1 and includes its successors and assigns and where the context so permits, the employees, agents and contractors of the Tenant;

'Tenant's Representative' means the person for the time being performing the duties and functions in the organisation administering this lease on behalf of the Tenant;

'Council' means the lessor named in Schedule 1 and includes its successors and assigns and where the context so permits, the employees, agents and contractors of Council;

'month' means calendar month and monthly has a corresponding meaning;

'premises' means any buildings erected on the land;

'rent' means the amount specified in Item 3 as varied from time to time by any rent review made under this lease but does not include Statutory and Building Outgoings;

'structure' in relation to the land includes, but is not limited to all walls (whether load-bearing or not), floors, windows, gutters, downpipes, facades, foundations, ceilings and roofs and 'structural' has a corresponding meaning;

'term' means the period specified in Item 2 and where the context permits includes any extension or renewal;

'working days' means all days except Saturdays, Sundays and public holidays.

2.2 In this lease, unless a contrary intention appears:

a. a reference to an Item is a reference to an Item in Schedule 1;

b. a reference to a clause is a reference to a clause of this lease;

- c. a reference to a sub-clause is a reference to the relevant sub-clause of the clause in which the reference appears unless stated otherwise;
- d. a reference to a paragraph is a reference to the relevant paragraph of the sub-clause in which the reference appears;
- e. a reference to a Schedule is a reference to a Schedule to this lease;
- f. words in the singular include the plural and vice versa;
- g. words importing one gender include each of the other genders;
- h. wherever the context permits, "Lessor" and "Lessee" include their respective successors in title;
- i. all documents referred to as having been supplied to the Lessor copies of which are set out in a Schedule means those documents as amended from time to time during the term;
- j. in the interpretation of this lease no rules of construction apply to the disadvantage of any party on the basis that it put forward this lease;
- k. if any provision of this lease or its application to any person or circumstance is or becomes invalid or unenforceable the remaining provisions are not affected and each provision of this lease is valid and enforceable to the fullest extent permitted by law;
- l. a reference to any thing (including, without limitation any amount) is to the whole and each part of that thing.

- 2.3 Clause headings and sub-clause headings are included in this lease for convenience of reference only and are not part of, or to be used in the interpretation or construction of this lease.

### **LESSEE'S COVENANTS**

#### **3. RENT**

- 3.1 The Tenant must during the term pay to Council the rent specified in Item 3, in advance.
- 3.2 Rent is due on and from the date specified in Item 2.

4. MAINTENANCE AND REPAIR

4.1. The Tenant covenants:

- (a) To maintain and keep up buildings and improvements on the land in good condition and repair having regard to the condition of the buildings and improvements at the commencement of this Lease;
- (b) to repair damage;
- (c) to put nothing down any drain likely to cause obstruction or damage;
- (d) to keep the grounds tidy and free of rubbish;
- (e) to keep no animals or birds on the premises without prior written consent of Council;
- (f) to ensure that nothing is done that may prejudice any insurance policy or increase the premium payable under any insurance policy held by Council in relation to the premises;
- (g) to notify Council promptly of any infectious disease or the presence of pests and to arrange for their eradication or the fumigation of the premises; and
- (h) to leave the buildings and other improvements in good repair, having regard to the condition thereof at the commencement of the Lease;

5. LESSOR'S RIGHTS OF ENTRY

5.1 Council, Council's agent or any person authorised in writing by Council during the currency of this Agreement, may only enter the premises in the following circumstances:

- 5.1.1. in an emergency (including entry for the purpose of carrying out urgent repairs);
- 5.1.2. if the Tenant agrees;
- 5.1.3. if there is good reason for Council to believe the premises are abandoned;
- 5.1.4. to inspect the premises on providing the Tenant with two (2) days' notice;
- 5.1.5. to carry out necessary repairs on providing the Tenant with three (3) days' notice;
- 5.1.6. to show the premises to prospective purchasers or new tenants on providing the Tenant with three (3) days' notice on each occasion and

only within three (3) months of the date of the termination of this Lease.

5.1.7. a person must not enter the premises under this Clause:

5.1.7(a) on a Sunday or public holiday, unless the Tenant agrees; and

5.1.7(b) except between the hours of 8.00 am and 8.00 pm, unless the Tenant agrees;

5.8. except in an emergency (including to carry out urgent repairs), a person other than Council or Council's agent must produce, to the Tenant, Council's or the agent's written permission to enter the premises.

## 6. ALTERATIONS AND ADDITIONS TO THE PREMISES

6.1 The Tenant agrees:

6.1.1 not to attach any fixture or renovate, alter or add to the premises without Council's written permission;

6.1.2 not to remove, without Council's written permission, any fixture attached by the Tenant and Council agrees to compensate the Tenant as soon as possible for the value of a fixture attached by the Tenant if Council refuses to allow its removal.

6.1.3 to notify Council of any damage caused by removing any fixture attached by the Tenant; and

6.1.4 to repair any damage caused by removing the fixture or compensate the Council for the cost of repair, if Council asks.

## 7. REQUIREMENTS OF AUTHORITIES

7.1 The Tenant must comply:

(a) to the extent that the Tenant is bound; and

(b) in those cases where they do not require structural alterations or additions to or the installation of equipment on the land;

with all statutes, ordinances, regulations and by-laws relating to the use of the land.

## 8. INDEMNITY

8.1 The Tenant must indemnify Council from and against all those actions, claims, demands, losses, damages, costs and expenses for which Council becomes liable and which arise from:



- (a) overflow or leakage of water in and from the land and caused or contributed to by any negligence on the part of the Tenant or any Licensee of the Tenant; and
- (b) loss, damage or injury to property or to a person within or without the land occasioned or contributed to (but only to the extent of the Tenant's contribution thereto) by any negligence of the Tenant or any Licensee of the Tenant in connection with the Tenant's use of the land.

8.2 The Tenant must obtain from a licensed insurer a policy of insurance for an amount not less than the insurance sum specified at Item 5 of the Particulars indemnifying the Tenant from and against all those actions, claims, demands, losses, damages, costs and expenses for which the Tenant becomes liable and which arise from any of the events described at Clause 8.1.

8.3 The policy of insurance must note Council's interest as Lessor.

8.4 The Tenant must produce evidence of the policy to Council prior to the commencement of the term.

#### 9. NOT TO VOID COUNCIL'S INSURANCE

9.1. The Tenant must not at any time during the term without the consent in writing of Council do any act, matter or thing upon the land whereby Council's insurance, the terms of which have been made known to the Tenant, may be rendered void or voidable or whereby the rate of premium on such insurance is increased.

#### 10. USE OF PREMISES

10.1 The Tenant must not use the premises for any purpose other than the Permitted Use and for any purpose reasonably incidental to the Permitted Use or any other purpose to which Council has given its consent in writing, which consent must not be unreasonably refused or delayed.

10.2 The Tenant further agrees:

10.2(a) not to use the premises, or cause or permit the premises to be used, for any illegal purpose;

10.2(b) not to cause or permit a nuisance; and

10.2(c) not to interfere, or cause or permit interference, with the reasonable peace, comfort and privacy of neighbours.

11. ASSIGNMENT AND SUBLETTING

- 11.1 The Tenant may, with Council's prior written permission, assign the whole or part of the Tenant's interest under this Agreement or sub-let the rear premises.
- 11.2 Council agrees not to charge for giving permission other than for Council's reasonable expenses in giving permission.

12. LOCKS AND SECURITY DEVICES

The Tenant agrees:

- 12.1. not to alter, remove or add any lock or other security device without reasonable excuse (which includes emergency or an order of a Tribunal) unless Council agrees; and
- 12.2. to give Council a copy of the key or opening device or information to open any lock or security device which is altered or added, except where Council agrees not to be given a copy.

13. RATES AND TAXES

- 13.1 The Tenant must pay all costs and charges in respect of the land and all other outgoings of every kind now or hereafter payable in respect of the land apart from those specified in Item 7.

**LESSOR'S COVENANTS**

14. QUIET ENJOYMENT

Subject to the Tenant paying the rent and otherwise complying with the provisions of this lease, Council covenants with the Tenant that the Tenant may peaceably hold and enjoy the land during the term without any interruption or disturbance from Council or any person lawfully claiming through or under Council.

**MUTUAL COVENANTS/MISCELLANEOUS**

15. TERMINATION ON DEFAULT

15.1 If:

- (a) the rent reserved is one month in arrears; or
- (b) the Tenant is properly required by Council by notice given under this lease to carry out repairs and the Tenant fails to commence within one

month of receipt of such notice and thereafter proceed diligently to complete such repairs; or

- (c) the Tenant neglects or fails to perform or observe any of the covenants, conditions or agreements contained in this Lease (other than any referred to in paragraphs 15 (a) or (b)) on its part to be observed or performed and that neglect or failure continues for an unreasonable period being not less than one month (1) after Council gives written notice to the Tenant to remedy the same;

then Council may re-enter upon the land or upon any part of the land and this lease will thereupon determine but without prejudice to any rights or claim for damages which may have accrued to either party.

#### 15.A. TERMINATION BY MUTUAL AGREEMENT

Should the Tenant for any reason wish to terminate this Lease before the expiry of the term of the Lease, then Council will agree to the early termination of the Lease provided the tenant gives not less than three (3) months' notice in writing of the early termination.

#### 16. RESOLUTION OF DISPUTES

16.1 Subject to any provision of this lease to the contrary any difference or dispute between Council and the Tenant may be referred by either Council or the Tenant to be determined by a person acting as an expert (and not as an arbitrator) who is an appropriate practising professional appointed at the request of either party, by;

- (a) the President of the professional body most appropriate to determine the dispute or, if the parties are unable to agree on the appropriate body, the President for the time being of the Law Society of New South Wales;
- (b) if there is no such body in existence at the time of the request, the President for the time being of an equivalent body.

16.2 Council and the Tenant must share equally the fees and expenses of an expert appointed pursuant to sub-clause 16.1 but must otherwise bear their own costs in relation to the dispute.

16.3 Both parties have the right to make submissions either orally or in writing to an expert appointed under this clause and in making a determination such an expert must have regard to those submissions and must provide the parties with a statement of reasons in writing for reaching the determination.

16.4 The written determination of the expert appointed pursuant to sub-clause 16.1 is conclusive and binding on the parties.

#### 17. HOLDING OVER

Where the Tenant continues in occupation of the land after the expiration of the term without any demand for possession having been made by Council, the Tenant is deemed to be holding the land under a monthly tenancy determinable at any time

upon one month's notice (which notice may expire at any time) being given by either party to the other at the same rent and upon and subject to the same terms as are contained in this lease so far as they can be applied to a monthly tenancy.

18. OPTION TO RENEW

18.1 Should the Tenant wish to take a further lease of the land for the further term detailed at Item 2 of Schedule 1 and;

- (a) give to Council not less than three (3) months' notice in writing of such wish between the earliest date and the latest date detailed at Item 3 of Schedule 1;
- (b) in the meantime duly and punctually pay the rent reserved by this Lease at the times appointed for payment; and
- (c) duly perform and observe the covenants and agreements by and on the part of the Tenant contained in this Lease up to the expiration of the term granted;

Council will at the expense of the Tenant grant to the Lessee a lease of the land for the further term at a rent to be determined in accordance with the method detailed at Item 3 of Schedule 1.

18.2 Such further lease will be subject to the same conditions and covenants as this Lease except for this present condition for renewal.

19. NOTICES

19.1 Any notice, demand, consent or other communication required to be given or served under the Lease is duly given to or served on:

- (a) Council if in writing signed by or on behalf of the Tenant's Representative and delivered by hand or sent by prepaid ordinary or security post, or facsimile transmission addressed to Council in accordance with Item 5 or to such other address as may be notified in writing to the Tenant from time to time; and
- (b) the Tenant if in writing signed by Council (or, if Council is a corporation, the Secretary or a Director of the corporation) and delivered by hand or sent by prepaid certified or registered mail or by facsimile transmission addressed to the Tenant's Representative in accordance with Item 5 or to such other address as may be notified in writing to Council from time to time.

19.2 A communication is deemed to be received:

- (a) if delivered personally, on the date of delivery;
- (b) if sent by prepaid ordinary post on the third day after posting;
- (c) if sent by prepaid security post on the date that the acknowledgment of delivery is completed by the recipient; and
- (d) if sent by facsimile, on completion of transmission without evidence of garbling or incomplete transmission.

19.3 A communication takes effect at the time of receipt unless it specifies otherwise.

**Executed as a deed**

THE COMMON SEAL OF THE )  
COOMA-MONARO SHIRE COUNCIL )  
WAS HEREUNTO AFFIXED this )  
day of 2012 )  
pursuant a Resolution passed and duly )  
minuted on the day of )  
2012 and in the presence of: )

**COPY**

.....  
[Redacted Signature Box]

GENERAL MANAGER

.....

MAYOR

Association: **RAGLAN GALLERY AND CULTURAL CENTRE  
INCORPORATED**

Authority: Section 22 of the Associations Incorporation Act 2009

Signature of authorised person:

[Redacted Signature Box]

Office held:

CHAIRMAN

Signature of authorised person:

[Redacted Signature Box]

Office held:

DIRECTOR

**15.3 DA0118/2015 ECO TOURIST RESORT**

Record No:

- Responsible Officer: Director Service Planning
- Author: Manager Development Assessment
- Key Direction: 6. Managing Development and Service Delivery to Retain the Things We Value
- Delivery Plan Strategy: DP6.10 Ensure that Council’s policy, land use planning, development assessment enhance liveability.
- Operational Plan Action: OP 6.29 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.
- Attachments:
1. Draft Conditions of Consent *(Under Separate Cover)*
  2. Revised Application *(Under Separate Cover)*
  3. Revised Site and Building Plans *(Under Separate Cover)*
  4. Request from Applicant to the Crown for SRSC to take control of Spring Hill Road as a public road *(Under Separate Cover)*
  5. Statement of Environmental Effects - Submitted at Lodgement *(Under Separate Cover)*
  6. RFS Bushfire Safety Authority *(Under Separate Cover)*
  7. RMS Conditions *(Under Separate Cover)*
  8. DPI Water Response *(Under Separate Cover)*
  9. Group Objection to Revised Development Application *(Under Separate Cover)*
  10. Objection to Revised Development Application *(Under Separate Cover)*
  11. Report to November 2015 DOC *(Under Separate Cover)*
  12. Bushfire Report submitted at Lodgement *(Under Separate Cover)*

Further Operational Plan Actions: No further operational plan actions

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

Recommendation:	That the development be approved with conditions
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## EXECUTIVE SUMMARY

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

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

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

The applicant amended the proposal reducing the size of the development by two (2) cabins, providing an alternative access and redesigning the buildings. This proposal was again notified and advertised and two objections were received (one being a joint objection from a number of the original objectors). Whilst there is still objection to the development from neighbouring properties it is considered that the applicant has adequately addressed these concerns and there are no reasonable grounds for refusal of the amended application.

## RECOMMENDATION

- A. That pursuant to section 80(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that the **consent** for an Eco Tourist Facility comprising 3 cabins plus Community Title Subdivision on Lot 3 DP 1175878 Ph Townsend, 97 Spring Hill Road EAST JINDABYNE NSW 2627 is granted subject to conditions (attached)
- B. That those persons that made submissions be advised of Councils Determination

## BACKGROUND

The subject application was lodged with Council in May 2015, after extensive consultation with neighbouring land owners and stage agencies the application was presented to Council in November 2015 for determination. The development as it was proposed being five (5) eco tourist cabins with associated community title subdivision, was recommended for refusal based on the following grounds:

1.	The applicant has not demonstrated to Councils satisfaction that the proposal meets the requirements of an Eco Tourist Facility as required by
----	--

	clause 5.13(3) of the Snowy River LEP 2013.
2.	Under the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the application is considered contrary to the public interest as it will require Council to take responsibility for an existing Crown Public Road and include this road within Councils public road network.
3.	Under the provisions of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not suitable for the proposed development as the required road upgrades to ensure safe access for tourists to the site could not be carried out.

Council resolved to defer the determination of the application (upon representations from the applicant) until such time as the applicant could respond and provide Council with an amended submission which may address the reasons for refusal. The amended proposal included the following changes from the original submission:

1. Reduce the number of cabins from five (5) to three (3) removing proposed cabins 1 & 2 (See plan below)
2. Changes to the design of the cabins to disguise the shipping container construction with locally sourced material including stone and cladding the buildings in keeping with similar design styles found in the area.
3. Contributions towards the upkeep and maintenance of Spring Hill Road (should it remain under the Crown), including the provision of signage on the road.
4. Contribute towards the construction of Spring Hill Road should Council take the road from the Crown as a public road.
5. Use of an existing right of carriageway over lots 2016 and 2018 to Kosciuszko road which provides for coinciding legal and practical access to the site.

The balance of the proposal remained consistent with the originally submitted development application, being:

An Eco Tourist Facility made up of self-contained cabins with associated water tanks, car parking and internal road works on a 40 hectare site in East Jindabyne. The cabins proposed are single storey, two bedroom buildings that will be constructed from shipping containers which will be re-roofed and reclad. The buildings are proposed to be constructed on piers to limit the amount of site disturbance and be dispersed throughout the site. A. The development is proposed to be off grid using a combination of solar power, geothermal heating and water tanks and will have back up diesel generators sited at each cabin. Council has already approved a detached dual occupancy dwelling on the property however neither of these buildings has been constructed. It is proposed that the smaller of the two buildings is to be used for a manager's residence to service the Eco Tourist Development the applicant proposes to subdivide the land via community title creating individual lots around each cabin and one larger lot around the approved detached dual occupancy buildings. The balance of the land will be designated as community property.

The site is zoned RU1 – Primary Production and a portion of the lot is mapped as bushfire prone. The property is within the Lake Jindabyne visual protection area and is mapped with areas of terrestrial biodiversity value. The site is accessed from both the Kosciuszko Road via Spring Hill Road (a formed Crown Road) and an unnamed right of carriageway. Concerns were raised by



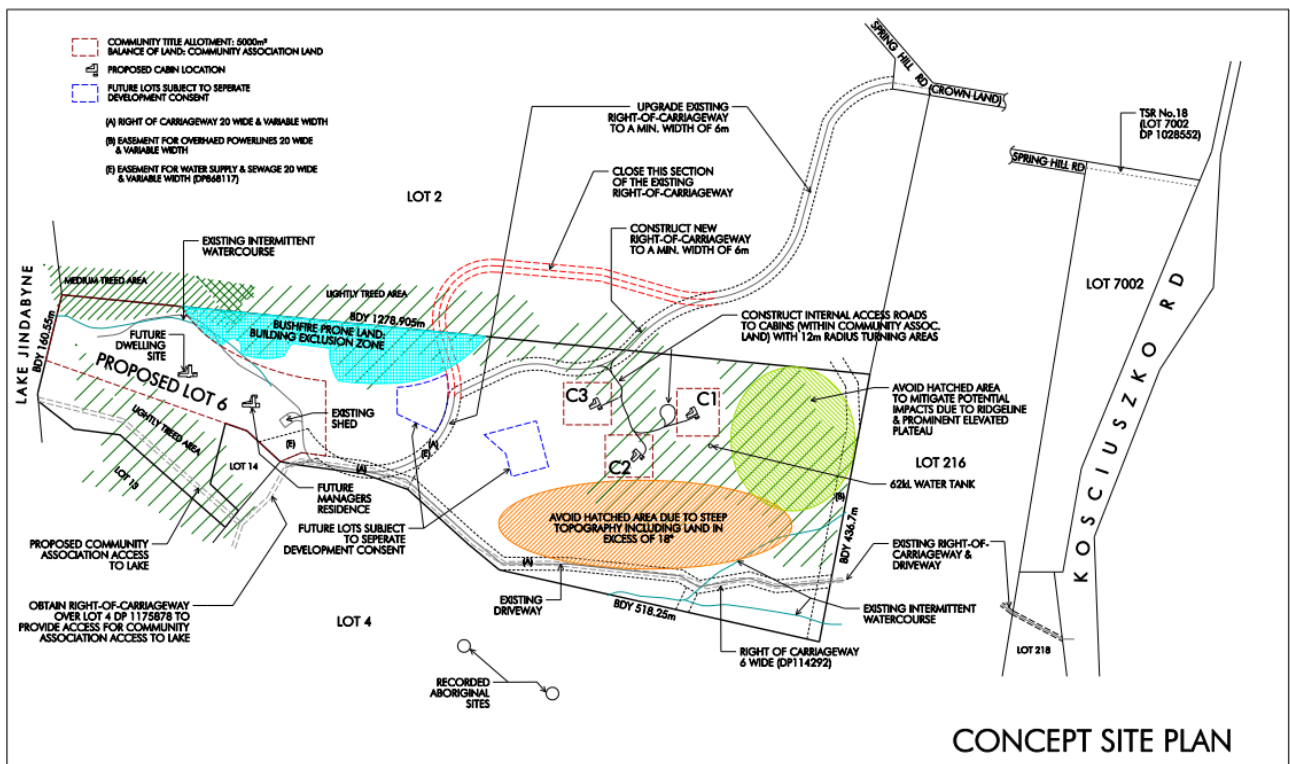
15.3 DA0118/2015 ECO TOURIST RESORT

Council that the use of Spring Hill Road for access would not be suitable as it would require road upgrades that would trigger the need for Council to take on the road as a public road. This formed the basis for two of the reasons for refusal proposed on the original application.

The amended application lodged with Council in February of 2016 was provided to those who made a submission to the previous plan and all relevant State Agencies for comment. Council received two submissions from the neighbouring land holders, one of which was a group submission co-signed by the original individual submitters to the original development proposal. The other submission was received from individual adjoining land owners who were now additionally impacted by the revised proposal as their land would be now used for access to the site.

Responses have been received from the Roads and Maritime Authority (RMS), NSW Rural Fire Service (RFS) and Department of Primary Industries – Water (DPI – Water). No objections have been received from the agencies and they have provided conditions of consent to be included if the application is approved.

**Amended Plan submitted February 2016**



North

Proposed Eco-Tourist Facility Development including Community Title Subdivision at Lot 3 DP1175878, 97 Springhill Road Jindabyne For Ian Barry

0 50 100 150 200 250m 5000m

Datum: ASSUMED Scale 1:5000 (A3) 28/1/16

Development Application			
Ref No.	Sheet	Scale	
BARRY-JAN-2-DA	1	F	

**ASSESSMENT**

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

State Environment Planning Policies (SEPPs)	SEPP (Rural Lands)
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<b>Local Environmental Plan (LEP) (including draft LEPs)</b>	Snowy River LEP 2013
<b>Development Control Plans</b>	Snowy River DCP 2013

**SECTION 79C**

Section 79C and EP&A Act Checklist

<b>The suitability of the site for the development:</b>	<p>The development has been revised to decrease the impact of the proposed tourist use on the neighbouring properties. The reduction in the number of cabins and the removal of the two of the more visible cabins will reduce the overall impact of the development on the neighbouring properties and when viewed from Lake Jindabyne.</p> <p>The development will now not require upgrades to a Crown Road for which Council is not the roads authority. Any condition requiring a Crown road to be upgraded would not be valid as Council cannot direct works to occur on a Crown Road. If works are required, then Council would need to take responsibility for the road as a public road under its road network. This is not acceptable to Councils Technical Services and Operations Department and as such the site was not considered suitable for the development as originally proposed.</p> <p>Now that the access to the site now via a right of carriageway through private land the concerns from the Technical Services and Operations Department have been addressed and they have no objection to the revised development.</p> <p>The use of this ROW does have an additional impact on that land owner which was mitigated previously only used as a secondary access route for the development. The subject property does have legal access through this right of carriageway and with no restriction on who may use the access it is difficult for Council to require that this access not be used. In addition the RMS have required that the intersection of Kosciuszko Road and the right of carriageway be upgraded to a BAR/BAL to facilitate the development.</p>
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	<p>On balance it is considered that the site is suitable for the revised development due to the changes proposed by the applicant.</p>
<p><b>The provisions of any environmental planning instrument and draft environmental planning instrument:</b></p>	<p>The proposal has been assessed against the provisions of all relevant SEPP's and the development has been found to achieve an acceptable level of compliance.</p> <p>It is considered that the revised application complies with the provisions of the Snowy River LEP 2013. See below for an assessment of the revised application against the areas of non-compliance identified in the original proposal.</p>
<p><b>The provision of any development control plan:</b></p>	<p>The revised proposal has been assessed against the provisions of the Snowy River DCP 2013 and considered to be compliant. How the amended development complies with Chapter E1 is discussed in detail below.</p>
<p><b>Any matters prescribed by the regulations:</b></p>	<p>The application generally complies with the <i>EP&amp;A Regulation 2000</i>.</p>
<p><b>The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality:</b></p>	<p>The environmental impacts of the development are considered reasonable and the revised development application has mitigated the social impacts to an acceptable level. Changes to the access to the proposed has limited the economic impact of the development on the locality.</p>
<p><b>Any submissions made in accordance with the EP&amp;A Act or the regulations:</b></p>	<p>The revised application was notified to those who made submissions to the original application. Details of notification and submissions received for the revised proposal are discussed below. For details of the original submissions, the report presented to Snowy River Shire Council in November 2015 has been attached to this report for information purposes.</p>
<p><b>The public interest:</b></p>	<p>The public interest concerns of the original development have been adequately addressed by the revised proposal. The revised proposal has now provided that it will contribute towards the upkeep of Spring Hill Road should it be remain with the Crown or if it becomes a public road. Should this not be acceptable to Council then an alternative access point has been proposed through an existing ROW.</p>

	<p>It is considered from Councils Technical Services and Operations Department that it is not acceptable to take the Spring Hill Road from the Crown and as such it would not be appropriate to condition an approval that required works to be carried out on the road. As such it is recommended that the application be approved with access via the existing ROC. Whilst this would impact on the property owner burdened by the easement it is not considered reasonable grounds for refusal of the application under the public interest test.</p> <p>The reduction in the number of cabins and their redesign is now considered appropriate to the low scale nature of the surrounding properties.. Council has allowed for development of this type in the RU1 Zone however when it met the objectives of the zone and was suitable for the location. It is considered in this case that the amendments made to the development and are now acceptable and are not against the public interest.</p>
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### **Suitability of the site for development – Access**

The main issue with the development as originally proposed was the access to the site from Kosciuszko through Spring Hill Road (a formed Crown Road) then through an unnamed right of carriageway to the site. Several objections were received for the development the majority of which raised concerns with access in particular the state of Spring Hill Road and the need for the road to be upgraded to allow for tourist accommodation to be approved using the road.

The application was referred to Councils Technical Services and Operations (TSO) Department for comment as to the condition of Spring Hill Road and its suitability (in its current form) to be used for access for the development. The TSO Department commented as follows in relation to the suitability of the road for the development:

- *The standard of road in Springhill Road (width, pavement composition, vertical and horizontal alignment - inadequate sight distance) does not meet Council's current minimum standard for this type of development. Therefore, the upgrading of Springhill Road to Council's minimum standard is required.*

As Spring Hill Road is a constructed Crown Road the application was referred to the Crown for their comment as an adjoining land owner. The response received outlined the Crowns position

that their core business is not as a roads authority and this is better placed with the local Council who has experience in managing roads. As such the Crown will not accept any condition of consent which requires work to be carried out on the road without Council undertaking to have the road transfer to their care and control. The NSW Rural Fire Service issued a Bushfire Safety Authority for the proposal, which included requirements for the upgrade of Spring Hill Road. These upgrades along with those which would be required by Council should the development be approved would require that Council undertake a transfer of the road to Council and that Council take on responsibility for maintenance. In relation to this requirement from the Crown Councils TSO Department has provided the following comments:

- *Springhill Road is located on a crown road reserve and as such SRSC is not the Roads Authority. It is therefore not possible to impose a condition to upgrade the road as appropriate and in proportion to the development.*
- *If the crown road reserve is transferred to Council as a public road, Council will become the Roads Authority.*
- *However, Council will not accept Springhill Road as a public Road and accordingly recommends that this development application be refused.*

As such it was considered that without the transfer of the road to Council the development could not proceed.

Under the revised proposal the applicant put forward a number of options to mitigate the impact of the development on Council. These were:

- (a) To pay towards the upkeep and maintenance of the Crown road if it stayed within the control of the Crown.
- (b) To pay for the erection of signage if no upgrades were permitted on the road.
- (c) To pay Council a contribution (through a Voluntary Planning Agreement) toward the upgrade of the road should the road be taken over by Council.
- (d) The use of an alternative access to the site via an approved Right of Carriageway which accesses directly from Kosciuszko Road.

As part of this revised proposal the applicant sought to have the Minister administering the Crown Lands Act to transfer Spring Hill Road to Council as a public road. The Minister has the power under the act to compel Council to take control of Crown Public Roads having them become part of the Council public road network. Council has had discussions with representatives from the Crown and have been advised that they will not compel Council to take control of the road. The alternatives proposed by the applicant in relation to contributions towards the road were not considered acceptable to Councils' Technical Services and Operations Department who will continue to not support the application should it utilise Spring Hill Road as an access point. Councils' Development Engineer has provided conditions of consent that relate to the upgrade of the alternative right of carriageway access direct from Kosciuszko Road.

Due to these factors it is considered that the only way in which the development can proceed is with the access via the ROC directly from Kosciuszko Road. This issue has been articulated to both

the RFS and the RMS and their respective conditions of consent relate to this access and not an access to the site utilising Spring Hill Road. The RMS and RFS have required upgrades to the intersection and the ROC, in the case of the RMS the developer will be required to upgrade the intersection to a BAR/BAL prior to the development becoming operational.

It is now considered that the site suitability issues linked to the use of Spring Hill Road have been adequately addressed by the applicant.

**Assessment against relevant provisions of Snowy River LEP 2013**

Is the development permitted within the zone?

*Eco Tourist Facilities are a use permitted with consent in the RU1 – Primary Production Zone.*

How is an Eco Tourist Facility defined under the LEP?

**eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

*It may include facilities that are used to provide information or education to visitors and to exhibit or display items.*

**Note.** See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

*Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.*

<b>Objectives of the RU1 – Primary Production Zone</b>	
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The development does not have a primary industry component. The land was subdivided under the Snowy River LEP 2007 into 40 hectare lots which allowed for the construction of a dwelling house. As such they were not developed principally as agricultural land. The use proposed is permitted within the zone and has been reduced in size as to limit its impact on the locality.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	No primary industry is proposed on the site, the land was subdivided for the purpose of construction of a dwelling under the provisions of Snowy River LEP 2007 with a 40 hectare minimum lot size for the construction of a dwelling.

<p>To minimise the fragmentation and alienation of resource lands.</p>	<p>The land would not be considered “resource lands” and therefore no fragmentation is considered to have occurred.</p>
<p>To minimise conflict between land uses within this zone and land uses within adjoining zones.</p>	<p>The development has the potential for land-use conflicts both with agricultural uses on neighbouring land and also on the residential amenity of the adjoining lots.</p> <p>However the reduction in size of the development will minimise these impacts, having two (2) less cabins with their associated guests will allow for the development on a 40 hectare site to be contained appropriately within the subject lot and not unduly impact on neighbouring properties. The development is to be centrally managed and will be part of a community title subdivision with strict community management plans to ensure that residential and rural amenity of the neighbouring properties is protected.</p>
<p>To promote tourism, educational and recreational development and living opportunities that are compatible with agricultural activities and the environmental, historical and cultural values of the zone.</p>	<p>It is considered that the development complies.</p>
<p>To ensure that development maintains and protects the scenic values and rural landscape characteristics of the zone through compatible, small-scale development.</p>	<p>The scale of the development has been reduced by removing two cabins thereby reducing the occupancy of the development by twelve persons. It is proposed now to house six persons in each cabin creating a guest occupancy rate of 18 persons over the three cabins. This coupled with the dwelling and managers residence it is not considered an over development of the site and is within a scale appropriate for a 40 hectare allotment of land. Whilst adjoining properties house only single dwelling there is development potential available to these properties as well within the bounds of the LEP.</p> <p>The revised proposal improves significantly the design of the buildings, incorporating stone and</p>

	<p>a combination of cladding that will break up the façade of the buildings. Two of the cabins have been removed that would have been visible from adjoining properties and Lake Jindabyne. It is considered the development has addressed the concerns raised regarding its visual impact and is now considered suitable for the site.</p>
<p><b>4.1AA Minimum subdivision lot size for community title schemes</b></p> <p>(1) The objectives of this clause are as follows:</p>	
<p>(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p>	<p>The development would not create additional dwelling entitlements however it would fall to Council to ensure that the development is being managed and used in the way in which it was approved. Conditions of consent regarding the community management statement and its contents have been included in the draft conditions of consent.</p>
<p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the <u>Community Land Development Act 1989</u> of land in any of the following zones:</p> <p>(a) Zone RU1 Primary Production, (b) Zone R5 Large Lot Residential, (c) Zone E3 Environmental Management.</p>	<p>The development complies</p>
<p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the <u>Community Land Development Act 1989</u>) is not to be less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p>	<p>Does not apply to the subject development</p>
<p>(3A) Despite subclause (3), development consent may be granted for a subdivision for an eco-tourist facility that will create more than one lot of a size that is less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land if:</p>	<p>The development complies</p>



<p>(a) the subdivision is a subdivision of land under the <i>Community Land Development Act 1989</i>, and</p> <p>(b) all lots created by the subdivision are in the same community, neighbourhood or precinct scheme within the meaning of that Act.</p>	
<p><b>Clause 4.3 Height of Buildings</b></p> <p>The development complies with the 9m height limit as all cabins are single storey with a maximum height of 5.8m</p>	
<p><b>Clause 5.13 Eco Tourist Facilities</b></p> <p>(1) The objectives of this clause are as follows:</p>	
<p>(a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,</p>	<p>It is considered that the development complies with this objective.</p>
<p>(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.</p>	<p>It is considered that the development in its amended form would meet the requirements of this provision.</p>
<p>(2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.</p>	<p>Eco Tourist Facility is a use permitted in the RU1 Zone therefore this clause applies.</p>
<p>(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that</p>	
<p>a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and</p>	<p>In the revised documentation provided to Council as a response to the initial assessment of the application the applicant has demonstrated that the development does have a connection with the ecological, environmental and cultural values of the site.</p> <p>The applicant has argued that in this case the main focus of the development will be Lake Jindabyne. With guest using the lake for passive and active recreational pursuits.</p> <p>Nature based walking trails to and from the lake and around the property will be constructed with interpretative signage highlighting the</p>

	<p>native flora and fauna features of the land.</p> <p>Material is proposed to be provided to guests relating to the built form of the cabins and their sustainability credentials.</p> <p>This is similar in nature to the justifications provided to Council when approving other similar developments in the area.</p>
<p>(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and</p>	<p>The construction of the buildings will be of low impact being on piers with minimal excavation required for their footings. There will however be excavation required throughout the lot to create driveways and parking areas however this is considered a reasonable impact on the environment and with revegetation and appropriate landscaping the impact can again be minimised.</p>
<p>(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and</p>	<p>The applicant has provided how the development will meet the requirements of this clause. It is considered that they have now adequately demonstrated that the development will enhance an appreciation of the environmental and cultural values of the site or area.</p> <p>The use of interpretive signage for the natural characteristics of the site, the use of the cabins' built form as an example of eco design and the links to be provided to the surrounding natural and cultural heritage of the area are considered adequate.</p>
<p>(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and</p>	<p>It is considered that the application has addressed this requirement adequately. The cabins proposed are unlikely to have a significant impact on flora or fauna, water quality or soil quality. There are no heritage items or areas of heritage significance on the site.</p>
<p>(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment,</p>	<p>It is considered that the applicant has provided adequate information to demonstrate that the development will meet this requirement.</p>

and	
f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and	The applicant has provided detail of what waste mitigation will be in place during construction and whilst the development is operational as such it is considered that the application satisfies this requirement.
g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and	<p>The revised building plans and the reduction of the cabins by two is considered to have adequately addressed the provisions of the clause.</p> <p>The cabins are now setback 1km from Lake Jindabyne and the applicant has provided a visual impact assessment to Council which demonstrates adequately that the visual impact of the development is low.</p>
(h) any infrastructure services to the site will be provided without significant modification to the environment, and	The development complies with the requirements of this clause.
i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and	The development complies with the requirements of this clause.
j) the development will not adversely affect the agricultural productivity of adjoining land, and	<p>It is considered with the amendments proposed to the development that the applicant has now adequately demonstrated that the development will have a limited adverse impact on adjoining agricultural land.</p> <p>Subdividing the proposed development will increase the possibility that guests in the tourist accommodation may wander into adjoining land and impact on the agricultural use of that land. The noise and potential for antisocial behaviour are also factors that may impact on the use of adjoining land for the purposes of agriculture.</p> <p>As such it will be a requirement of the consent that the community management statement and onsite management be provided to ensure that the impacts of guests on neighbouring property are limited. The community management statement and any operational</p>

	<p>plan for the development will be required to include a limit to the amount of guests in each cabin, the appropriate behaviour of guests and the restriction on the use of motorised vehicles on the site such as recreational motorbikes and the like. A restriction will also be included to prohibit the guests from bringing household pets to the site such as dogs and cats. The land will be required to be fenced and signage erected to ensure that guests do not wander outside the boundary of the property.</p> <p>These restrictions coupled with a reduction in the number of cabins and therefore guests will further limit the impact of the development on adjoining land uses.</p>
<p>k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment</p>	
<p>(i) measures to remove any threat of serious or irreversible environmental damage</p>	<p>The applicant will be required to incorporate these requirements in the community management statement prior to the occupation and use of the property.</p> <p>It is considered the development could achieve accreditation through the relevant bodies and this will be a requirement of approval.</p>
<p>ii) the maintenance (or regeneration where necessary) of habitats</p>	
<p>iii) efficient and minimal energy and water use and waste output</p>	
<p>iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment</p>	
<p>v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.</p>	
<p><b>7.6 Development within the Lake Eucumbene and Lake Jindabyne scenic protection areas</b></p>	
<p>1) The objective of this clause is to protect the following attributes within the catchments of Lake Eucumbene and Lake Jindabyne:</p> <p>a)the visual qualities and scenery,</p> <p>b)the sense of isolation that can be enjoyed in many areas on and adjacent to the lakes,</p> <p>(c)the recreational functions of the lakes, including its attraction as a fishing destination,</p> <p>(d)the water storage functions of the lakes.</p>	
<p>(2) This clause applies to land identified as “Lake Eucumbene and Lake Jindabyne” on</p>	<p>The land is identified as being within the Lake Jindabyne Scenic Protection area Map</p>

the <u>Scenic Protection Area Map</u> .	
(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:	
<p>(a) the development will not have an unacceptable visual impact on the scenic quality of the area when viewed from the relevant lake at its full supply level or from a public place, and</p> <p>(b) the development has been designed to prevent any intrusion into the view from the lake at its full supply level.</p>	<p>The applicant has situated the development so as to minimise its visual impact from the lake. Areas which are steep and the higher plateau have been excluded from the building area. The reduction of cabins from five to three has also reduced the development's visual impact.</p>
(4) In deciding whether to grant development consent to development on any land to which this clause applies, the consent authority must consider:	
(a) the visual impact of the development when viewed from the relevant lake at its full supply level or from a public place, and	It is considered that the development whilst being visible will be of a built form that minimises its visual impact from public land.
(b) whether the design and construction of any new buildings (including ancillary development) prevent any intrusion into the view from the lake and minimises any adverse impacts on the view from the lake and surrounding areas, and	The visual impact of the development on neighbouring properties has been minimised by reducing the number of cabins from five to three. The two cabins that have been removed were the most visually prominent from neighbouring properties.
(c) the number, type and location of existing trees and shrubs that are to be retained and the extent of landscaping to be carried out on the site, and whether provision has been made for the planting of appropriate native species where the planting would visually screen the development.	The applicant has proposed that minimal trees are to be removed for the development to occur and that native landscaping will be installed around the cabins to minimise their impact. The applicant has included a landscaping plan indicating the planting surrounding the eco-tourist cabins.

**Assessment against the provisions of Snowy River Development Control Plan 2013 – Chapter E1 Tourist Development**

1.1 Aims The aims in relation to tourist development are :

<p>To encourage environmentally sustainable tourist development for the economic and social benefit of the Shire</p> <p>To ensure that tourist development provides quality outcomes for the built environment of the Shire</p> <p>To ensure that the subdivision of tourist development does not lead to permanent residential settlement in areas outside the townships within the Shire.</p> <p>To ensure that tourist-based development results in a net benefit to the condition of the land upon which is located.</p>	
<p>Chapter 4 – Eco Tourist Facilities</p>	
<p>4.1 Objectives The objectives for the establishment of an eco-tourist facilities are:</p>	
<p>To strive to improve the environment of a site through appropriate design and integration of all elements of the development.</p>	<p>The applicant will carry out necessary weed eradication of the site and include in any plan of management of the property the necessary requirements to continue with this work.</p> <p>The planting of trees and native grasses in compliance with the landscaping plan around the proposed cabins will improve the disturbed nature of the existing property. The development will incorporate the use of sustainable elements such as solar power, geo thermal heating and non-reticulated water supply.</p>
<p>To focus on minimal site disturbance with a requirement for design to reflect not alter the natural existing landscape.</p>	<p>The applicant has addressed how the cabins are to be constructed with limited site disturbance. There will still be excavation required for road works and car parking areas however this is considered within reasonable tolerances and can be mitigated via revegetation and landscaping.</p>
<p>To integrate waste minimization and energy efficiency within the design and operation of a development.</p>	<p>The applicant has stated that there will be waste minimisation strategies included in the development and these will be further addressed through the community management statement when the land is subdivided.</p>
<p>To reduce the footprint of development components to the minimum required for development to proceed.</p>	<p>The buildings are proposed to be on piers to reduce the excavation needed to facilitate the construction.</p>

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<p>To recognise the importance of key natural features to the visitor experience, and where these are off site (eg National Parks), recognise and address the potential indirect impacts associated with a development.</p>	<p>The applicant has provided further information in the revised proposal to address these issues. The guests are to be provided with interpretive material to educate them on the surrounding environment and how to minimise their impact on the area.</p> <p>Any community management plan will need to incorporate provisions prohibiting domesticated pets and the use of motorised vehicles such as dirt bikes on the site.</p>
<p>To acknowledge the social fabric of the locality and the need to respect, support, and not adversely affect, the local community</p>	<p>The development has been reduced in size so as to demonstrate compliance with this requirement. The limiting of the number of guests to be accommodated will limit the impact to of the development on the surrounding properties. It is considered that the reduction in size and the design changes have acknowledged the social fabric of the locality and the need to not adversely impact on this.</p>
<p>To incorporate visitor education and environmental awareness as integral components of the development.</p>	<p>The proposal does not clearly define how this is to be achieved. The applicant has stated that there will be walking trails to and from the lake with interpretative signage highlighting the native flora and fauna features of the land. No example of where these trails will be constructed or how they will be constructed has been provided. The applicant has not clearly addressed what about the property makes it suitable for this type of development other than it is a rural setting with views to Lake Jindabyne.</p>
<p>To incorporate ongoing monitoring of the development in total and continually assess cumulative impacts, striving to improve the environment within which the development is situated.</p>	<p>This objective could be met with an appropriate community management statement however it would fall to Council to ensure that the development is being used appropriately. As the proposal is to subdivide the cabins into single ownership it adds complexity to compliance and there are additional people involved.</p>

<p>To utilise alternative available technology for essential services, avoiding the use of non-renewable resources where practicable</p>	<p>The development complies as it is to be serviced by renewable energy excepting when back up electricity generation is required.</p>
<p>4.2 Controls E1.3-1 Design of Eco-Tourist Facility</p>	
<p>(a) The development is to be designed to utilize building materials that blend in with the surrounding landscape, promoting the use of recycled materials and materials sourced from the region.</p>	<p>The buildings are to be constructed from shipping containers which are a reuse of an existing resource. The containers however are to be clad in new materials which will reference other built form in the region. It is intended that they are to be clad using locally sourced stone so as to blend with the local environment.</p>
<p>(b) The development is to maximise energy efficiency and use a minimum of non-renewable energy.</p>	<p>The development is to be off grid using, solar power (with backup generators) and geothermal heating.</p>
<p>(c) The development is to be designed on the basis of ecological sustainability and an understanding of the potential environmental impacts.</p>	<p>The power use and heating of the development has been designed with ecologically sustainable principles. The use of worm farms for the disposal of septic waste while being a “greener” alternative due to the ability to compost matter in the systems are problematic when used in a tourist situation. These systems need constant monitoring and need to be used correctly. The issues for use of these systems in this case is that they will be dormant for some time when the cabin is not in use and then must be used properly when being let out for short term use. The management and maintenance of these systems may be a burden on onsite management and as such this will need to be included in any maintenance program and included in the community management statement for the development. Council will also need to inspect the systems on a regular basis to ensure they are operating effectively.</p>
<p>(d) Any buildings and infrastructure is not to dominate the visual landscape and is to be compatible with the local cultural character.</p>	<p>It is considered that the reduction of the number of cabins will have the effect of not dominating the visual landscape. The two</p>



	<p>cabins removed from the proposal were in a more visually prominent location and their absence will lessen the visual impact of the development. The buildings are low in stature and as such are not considered to dominate the landscape. The revision of the design of the buildings including cladding using materials that are commonly seen in the alpine towns it is considered that the development is now compatible with the local character of the area.</p>
<p><b>E1.3-2 Operation of Eco-Tourist Facility</b></p>	
<p>e) An eco-tourist facility that accommodates over 15 guests must be centrally managed by on-site management with all structural and land components being the responsibility of one management whether or not individual structures are owned by different entities.</p>	<p>The development will accommodate 18 guests and as such onsite management is proposed.</p>
<p>(f) Where a manager’s residence is provided as part of an eco-tourist facility, an existing or proposed dwelling is to operate as the manager’s residence (where possible).</p>	<p>In this case the dual occupancy dwelling is to be used as a manager’s residence, no additional manager’s residence is proposed.</p>
<p>(g) Only one manager’s residence is permitted on land on which the eco-tourist facility is proposed.</p>	<p>Only one manager’s residence is being proposed however it is the second dwelling on the site so there will be an additional dwelling other than the three eco tourist cabins and the manager’s residence. The land has a dwelling entitlement which allows for two detected dwellings (approved under a separate DA) to be constructed on site. The eco-tourism development provides an entitlement for a separate manager’s residence however the proposal is to use one of the approved dual occupancy dwellings as a manager’s residence.</p>
<p>(h) The eco-tourist facility must operate on a year-round basis. (i) Eco-tourist facility accommodation must be used solely for the provision of temporary holiday accommodation (no more than three (3) consecutive months).</p>	<p>The application presents that this will be the function of the development however it is a concern that when the development is subdivided that there will be up to three owners that will need to understand the implications of purchasing into such a development. A well written community management statement and adequate onsite</p>

	<p>management will be required to ensure compliance with this requirement. However it is important to acknowledge the compliance requirements that development of this kind impose on Council.</p>
<p><b>E1.3-3 Nature of Eco-Tourist Facility</b></p>	
<p>(a) The development may contain facilities for the teaching, researching or dissemination of knowledge in respect of the natural and cultural history of the area.</p>	<p>The applicant has provided adequate documentation in the revised application to address this requirement. As referred to above the development will have an education component and needs as much to be accredited with relevant eco tourist bodies. This will be a condition of consent and be required to be demonstrated on site prior to the operation of the facility.</p>
<p>b) The development will provide opportunities for visitors to experience nature and culture in ways that lead to a greater understanding, appreciation and enjoyment.</p>	<p>The applicant has addressed this requirement in the revised application documentation. It is considered that the plan for the development will provide for opportunities for visitors to experience the natural and cultural values of the area. The information provided is consistent with that provided for similar approved developments in the region.</p>
<p><b>E1.3-4 Car Parking</b></p>	
<p>(a) Adequate on-site car parking and bus parking and manoeuvrability is to be provided to cater for the peak use of the facility.</p>	<p>The development provides adequate onsite car parking for guest, no provision of bus parking has been provided as the limited number of cabins will not necessitate the need for buses on site. No traffic study was provided with the application</p>
<p>(b) The development application may be required to be supported by a traffic assessment prepared by a suitably qualified traffic engineer demonstrating that adequate parking is provided for the peak use of the facility</p>	
<p><b>E1.3-5 Access for Persons with a Disability</b></p>	
<p>(a) Reasonable provision within the building and access areas is to be made for movement and circulation for people with disabilities.</p>	<p>The applicant has advised that the development will comply with the provisions of the Premises Standard, which would require for one of the cabins to be constructed to allow for persons with a disability to be</p>
<p>(b) The development must demonstrate consistency with the provisions of the Disability</p>	

Discrimination Act 1992 (Commonwealth).	accommodated. No detail of how this will be achieved was submitted with the development application however the applicant is correct that the onus for compliance with the standard is borne by the architect and certifier and not Council at DA stage.
(c) The development must comply with the Building Code of Australia with respect to access and circulation for persons with a disability.	
<b>E1.3-6 Waste Management</b>	
(a) Waste is to be managed in a safe, tidy and environmentally responsible manner and in accordance with legislative requirements.	The application was accompanied by an appropriate waste management strategy.
(b) Waste management is to be based on the principles of waste avoidance and maximising reuse and recycling of materials.	
(c) Details of the waste management strategy for the eco-tourist facility (both construction and operational phases) must be submitted to Council when a Development Application is lodged.	

## SUBMISSIONS

The application in its original form was notified and advertised and received ten objections and the summary of these and the officers' response can be found in the November DOC report attached. This report will address only the submissions received to the revised proposal.

The revised application was re-notified and advertised for a period of 30 days. During the notification/advertising period two submissions were received. One submission was a group submission signed by a number of the original objectors to the development and the other was an objection from the owners of the property burdened by the right of carriageway which provides access to the subject lot.

Submissions to Amended Application:

Submission 1 – Single Submission

Issue Raised	Officers Comment
That the development will have to access through the objectors property	<i>The developer has a right to access the subject property through the objectors' property the ROC is on the title of the land and as such access cannot be restricted.</i>

<p>The use of the right of carriageway would impact on the primary production carried out on the land.</p> <p>The additional traffic could lead:</p> <ul style="list-style-type: none"> <li>• to gates being left open which may result in stock being able to access Kosciuszko Road.</li> <li>• Stock being hit on the carriageway</li> </ul>	<p><i>Measures such as fencing can be required as a condition of consent to mitigate this impact.</i></p> <p><i>The design of the upgrades to the ROC can include traffic calming which may reduce the potential for speed impacts with stock.</i></p>
<p>The land is not considered to have minimal agricultural value as stated by the applicant as it has been under crop in the past and may be in the future.</p>	<p><i>The use of the property for large scale cropping is unlikely. The impacts of the development would be minimal however even if the land were to be utilised for a different agricultural activity. The community management statement and any guest information would need to include references to the adjoining land uses and that existed prior to the use of the subject property for tourist accommodation.</i></p>

The objectors concerns regarding the use of the ROC are acknowledged however it is a legal and practical access for the development and as such it is difficult for Council to refuse the application principally on the impact it will have on this access road.

Submission 2 – Group Submission

Issue Raised	Officers Comment
<p>Development is a subdivision and not an eco-tourist development and is contrary to the public interest</p>	<p>The development must contain the eco tourist component to allow for the subdivision to occur. As such it is an eco-tourist development and not merely a land subdivision. The community management statement required for the subdivision will include provisions to ensure that the development is utilised as approved and not as a permanent residential accommodation.</p>
<p>The proposal does not satisfy the requirements of clause 5.13(3) of the Snowy River LEP 2013</p>	<p>As demonstrated above it is considered that the development in its revised form does meet the requirements of the subject clause and any other relevant sections of the Snowy River LEP 2013.</p>

15.3 DA0118/2015 ECO TOURIST RESORT

<p>The development is a land subdivision which is objection to by all neighboring properties</p>	<p>As discussed above the only potential for subdivision derives from the development being an eco-tourist facility. Without this no subdivision can occur. In order for Council to refuse the application there would need to be adequate defensible planning grounds not merely neighbour objection. Objections to a development must be taken into consideration as per the requirements of S79C of the EP&amp;A Act and this report does so.</p>
<p>The development is contrary to the public interest as it will require Council to take responsibility for a Crown road.</p>	<p>The development as revised provides for access through a ROW directly from Kosciuszko Road and will not require the use of Spring Hill Road. As such there will be no requirement for Council to take control of the subject crown road.</p>
<p>There is no access to the site via a public or crown road and the owners of the land burdened by the ROC object to the use of the carriageway for access</p>	<p>The use of the ROC for access to the site satisfies the requirement of coinciding legal and practical access. The development does not need to have direct access to a public road in order to be permitted.</p> <p>Steps can be taken to minimize the impact on the owners of the land burdened by the easement and these will be included as draft conditions of consent. This includes the improvement to the carriageway to ensure compliance with Council standards, lane fencing (if agreeable to the burdened land owner) of the carriageway to ensure stock cannot wander on the easement.</p>
<p>As the current proposal stands there is no possibility for the permanent resident of the property to ensure that legal social and financial obligations to the local community are met.</p>	<p>The development will be required to be managed under an approved management plan and when subdivided the land is to be managed through a community management statement. Both of which require the approval of Council prior to use of the site and subdivision to occur respectively.</p>
<p>Social Impact              1. increased road maintenance costs</p>	<p>1. The developer will be required to upgrade the ROC and contribute to its maintenance commensurate to their use of the road.</p>

<ol style="list-style-type: none"> <li>2. devaluation of properties</li> <li>3. safety issues of increased traffic</li> <li>4. upgrades to Spring Hill Road</li> <li>5. does not have direct access to a public road</li> <li>6. introduction of signage will encourage additional traffic</li> <li>7. visual impact of the development will be in line of sight from adjoining dwelling</li> <li>8. Use of ROC over lot 4 for guests and not road network within lot 3</li> <li>9. Waterfront usage impact not addressed</li> <li>10. Increased stranger danger risk</li> </ol>	<ol style="list-style-type: none"> <li>2. Devaluation of properties is a subjective argument and not considered a planning matter.</li> <li>3. These can be managed through fencing and road upgrades, however this issue it appears relates more to Spring Hill Road which is now not being utilised for access</li> <li>4. Not applicable</li> <li>5. The development does not require direct access to a public road</li> <li>6. This may occur however it is not considered reasonable grounds for refusal, any signage will need to be approved by Council prior to erection and may contain advice that the access is a private road.</li> <li>7. The visual impact of the development has been reduced by limiting the number of cabins to three and situating them in locations that limit their visual impact.</li> <li>8. This can be included as a condition of consent</li> <li>9. The waterfront is not currently restricted to only those who live adjoining the lake and can be accessed currently buy the public in boats as such the addition of 18 extra people in this area is not considered unreasonable or grounds for refusal.</li> <li>10. The development will be required to be fenced and the guests advised of the requirement to stay within the boundaries of the lot.</li> </ol>
<p>Road Safety and Infrastructure</p> <ol style="list-style-type: none"> <li>1. Significant road upgrades required</li> <li>2. Road upgrades will be required to the intersection</li> <li>3. Developer should be required to pay for the cost of upgrades to Spring Hill Road</li> <li>4. ROC accessing lot 3 should be moved so as not to impact on lot 2</li> <li>5. Future maintenance of Spring Hill Road a major concern for residents.</li> </ol>	<ol style="list-style-type: none"> <li>1. Not applicable – Spring Hill Road not to be used</li> <li>2. Intersection upgrades will be required at the cost of the developer as per the requirements of the RMS.</li> <li>3. Not applicable</li> <li>4. Not applicable as this relates to the use of Spring Hill Road for access, this however has been shown on the development plans.</li> </ol>

<p>6. There is no access to the site via a public or crown road and the owners of the land burdened by the ROC object to the use of the carriageway for access</p>	<p>5. Not applicable                  6. See response above</p>
<p>Design Deficits</p> <ol style="list-style-type: none"> <li>1. Solar power systems proposed are under designed.</li> <li>2. Noise proof generator rooms should be required to limit noise impacts when diesel powered generators are used.</li> <li>3. Concerns with proposed worm farm onsite effluent treatment</li> <li>4. Appearance of “container homes”, design provided does not address concerns with their appearance.</li> </ol>	<ol style="list-style-type: none"> <li>1. The solar systems are required to be designed by a suitably qualified person and this will be a condition of consent</li> <li>2. The revised plans show “storage and equipment” buildings, a condition of consent will be included to require these to be constructed to achieve satisfactory sound mitigation for the diesel generators.</li> <li>3. Onsite disposal of effluent is regulated under the Local Government Act and the applicant will be required to gain separate approval for these systems. Any concerns with the suitability of the systems will be addressed in this process.</li> <li>4. It is considered that the amendments to design meet Councils requirements and are in keeping with other developments within the region.</li> </ol>
<p>Conditions required should the development be recommended for approval:</p> <ol style="list-style-type: none"> <li>1. A community management statement be provided prior to approval</li> <li>2. All mandated infrastructure works be completed prior to commencement of building works</li> <li>3. The developer shall be responsible for the upgrades to Spring Hill Road</li> <li>4. Lot 3 be fully fenced to prevent tourist trespass</li> <li>5. The right of carriageway be moved to lot 3 to limit the impact on lot 2</li> <li>6. No access to the lake be allowed across lot 4 only access to be through internal roads within lot 3</li> </ol>	<ol style="list-style-type: none"> <li>1. This is a draft condition of consent</li> <li>2. Draft conditions of consent will require upgrade works to occur on the ROC and intersection of this easement with Kosciuszko they will occur when required by the RMS in relation to the intersection treatment and prior to the occupation of the cabins. Any damage occurring to the ROC during the construction period will be the responsibility of the developer to rectify and no occupation certificate will be issued without all works being completed to Councils satisfaction.</li> <li>3. Not applicable</li> <li>4. This will be included as a draft condition of consent</li> <li>5. Not applicable as Spring Hill Road is not to be used for access.</li> </ol>

	6. This will be included as a draft condition of consent
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## CONCLUSION

It is considered that the proposed development generally complies with the relevant provisions of Section 79C of the Act, LEP, REP, DCPs, Codes and Policies. In conclusion, it is considered that the proposal is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural and built environment. Accordingly, approval is recommended subject to the conditions of consent attached.

## QUADRUPLE BOTTOM LINE REPORTING

### 1. Social

The potential social impacts that were considered unreasonable under the past assessment have been addressed through the amendments to the proposal. The reduction of the development by two cabins and the siting of the remaining three cabins in areas which would not be viewed from surrounding properties is considered to have adequately addressed these negative impacts. Whilst it is a tourist development in a predominantly residential area, these are large allotments of land which have had tourist uses incorporated into the zone to allow for mixtures of land uses in these areas close to Jindabyne and the Kosciuszko National Park.

The use is permitted in the zone and it is considered that the applicant has adequately addressed the Council's concerns regarding social impacts. Issues such as noise and traffic will be reduced by the reduction of the number of guests to be accommodated on site. The development being subdivided under community title would generate an enforcement issue for Council with respect to longer term tenancy of the development and this must be managed.

The development whilst only 5 cabins would lead to a density of the property of 7 dwellings. Should the new owners of the cabins choose not to let the buildings as short term tourist development but live in the dwellings (even has holiday homes), it would lead to a situation where on a 40-hectare allotment of land there would be more than the two dwellings allowable under the current LEP. As such it is important that specific conditions of consent are included to enforce the use of the development as short term tourist accommodation in the form of an eco-tourist development. Appropriate inclusions in the community management statement that restrict the owner's use of the property and require that it be let will be required by Council. The community management statement will need to be further approved by Council officers prior to the subdivision of the property and a management plan (also prepared to Councils satisfaction) will need to be in place prior to the use of the property to ensure that the requirements of the consent are articulated to guests and the development is carried out in accordance with the approval.

### 2. Environmental

It is not considered that the development would have significant negative environmental impacts on the locality. The potential for effective and coordinated weed control may be impacted due to a number of owners being responsible for weed eradication on the site. This could be mitigated with appropriate inclusions in a community management statement and having this work undertaken by a contractor under a management plan associated with the development. Further potential environmental impacts could be mitigated through appropriate restrictions on the use of



the land in the community management statement, when the development is subdivided and through an appropriate management plan if not.

### **3. Economic**

No significant economic impacts will be imposed on Council should the development be approved. Now that the access is to be via a right of carriageway and no works are to be proposed on Spring Hill Road there is no requirement for Council to take control of another public road with the associated maintenance costs. Had the development still required the access to be via Spring Hill road upgrade works would be required and being a crown road any such works could only occur if Council took control of the road adding to Councils road network. The application in its original form was referred to Councils Technical Services and Operations Department and their response was not favourable with respect to the taking over of Spring Hill Road and as such it was recommended that without the road works required the application should not be approved. The revised application was again referred to the Development Engineer who expressed no objection to the development if the access was to be over the right of carriageway and draft conditions of consent were included to allow for the approval of the application.

### **4. Civic Leadership**

As per Councils request to determine all applications that deal with tourist development in rural areas within the Shire the application has been present to Council for final determination. The application also received a number of objections and both the applicant and some of the objectors wished to be present when the application was determined.

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

Record No:

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

Further Operational Plan Actions:

Application Number:	10.2012.29.2
Applicant:	The Lott Group Pty Ltd
Owner:	Trazcod Pty Ltd
DA Registered:	Application to delete condition 11 to remove the requirement to pay Section 94 contributions for car parking
Property Description:	Lot 1 & 2 DP 2478 – 177 Sharp Street, Cooma
Property Number:	Parcel Numbers 10934 & 5042
Area:	656m <sup>2</sup>
Zone:	B3 – Commercial Core
Current Use:	The Lott Food Store and Bakery
Proposed Use:	The Lott Food Store and Bakery
Permitted in Zone:	Permissible with consent
Recommendation:	Condition 11 be deleted

**EXECUTIVE SUMMARY**

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

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

It is recommended the condition be removed. .

#### **RECOMMENDATION**

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

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

#### **BACKGROUND**

The former Cooma-Monaro Shire Council's Section 94 Contributions Plan for Car Parking was repealed on 8 October 2014. Since that time two other developments within the Cooma CBD have had conditions requiring payment of Section 94 Contributions for car parking deleted from their consents.

The original approval for alterations and additions to the Lott Café was approved on 20 October 2011. Condition 11 of that consent read as follows:

- 11. The applicant shall pay prior to the issuing of an occupation Certificate for Stage 3 the following car parking contributions:
    - 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 of Contribution  
The amount of contribution is \$38,172. The amount payable will be assessed at the time of payment in accordance with Council's then current adopted Fees and Charges.
      - c) Purpose for which Contribution is required  
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 Contribution Plan for the purposes of:
        - Car Parking 6 spaces @ \$6,362 per space = \$38,172
- Reason: In accordance with Section 94 of the Environmental Planning and Assessment Act, 1979 and Council's Section 94 Contribution Plan

The contributions required by this condition have never been paid.

## ASSESSMENT

Section 96 of the *Environmental Planning and Assessment Act, 1979* (the Act) requires an assessment be made as to whether the proposed development as modified would be substantially the same as the original development. Section 96(2)(a) of the Act reads as follows:

*(2) Other modifications*

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),*

The proposed development makes no change to the building or the area in use as a café on the site. The removal of the condition will make no change to the availability of public car parking in the immediate vicinity of the site. As such the modification is considered substantially the same development.

The remaining relevant parts of Section 96 read as follows, with comment provided as appropriate:

*(2) Other modifications*

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

**Comment:** No external consultation was required for this modification.

*(c) it has notified the application in accordance with:*

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

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

**Comment:** This modification was not notified as it concerns an administrative matter only and is of minimal environmental impact.

*(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

**Comment:** No submissions were invited for this application.

*Subsections (1) and (1A) do not apply to such a modification.*

*(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.*

**Comment:** These matters are considered in the remainder of this report.

The application has been assessed against the provisions of the following documents as per the requirements of Section 79C(1)(a) of the Act:

<b>State Environment Planning Policies (SEPPs)</b>	<i>State Environmental Planning Policy (Infrastructure) 2007 – clause 101</i>
<b>Local Environmental Plan (LEP) (including draft LEPs)</b>	<i>Cooma-Monaro Local Environmental Plan 2013</i>
<b>Development Control Plans</b>	<i>Cooma-Monaro Development Control Plan 2014 (Amendment 1)</i>

### SECTION 79C

The heads of consideration under Section 79C of the Act are considered below:

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

<b>S.79C(1)(a)(i) &amp; (ii) The provisions of any environmental planning instrument and draft environmental planning instrument:</b>	<p><i>State Environmental Planning Policy (Infrastructure) 2007</i> is the only SEPP that is relevant to the proposed modification. Clause 101 of the ISEPP applies to sites which front a classified road. Sharp Street long the full length of the site is a classified road.</p> <p>The proposed modification does not affect the performance of the original development against the requirements of this clause.</p>
<b>S.79C(1)(a)(iii) The provision of any development control plan:</b>	<p>Clause 2.10.5.6 of DCP 2014 (Am 1) requires the provision of seating for a café at the rate of 1 parking space per 5 seats. The existing consent (determined prior to the current DCP) limits the total number of seats in the café to a maximum of 92 in total. The consent required the payment of Section 94 Contributions for 6 car spaces, which catered for an additional 30 seats in the cafe. At the time of the consent the café already had seating for 62 people. Of note is that DCP 2014 (Am 1) now provides a credit of 5 car parking spaces for a CBD use, which almost covers the 6 space shortfall for which Section 94 contributions were originally required.</p>

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

<p><b>S.79C(1)(a)(iv) Any matters prescribed by the regulations:</b></p>	<p>The relevant clauses in the <i>EP&amp;A Regulation 2000</i> do not apply to the proposed modification.</p>
<p><b>S.79C(1)(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality:</b></p>	<p>The likely impacts of the proposed modification are negligible as Council had no plans to provide additional public car parking spaces in the vicinity of this site. The existing café has been operating effectively without the provision of additional public spaces for some years now.</p>
<p><b>S.79C(1)(c) The suitability of the site for the development:</b></p>	<p>The proposed modification has no impact on the suitability of the site for the existing development.</p>
<p><b>S.79C(1)(d) Any submissions made in accordance with the EP&amp;A Act or the regulations:</b></p>	<p>The application was not notified or advertised.</p>
<p><b>S.79C(1)(e) The public interest:</b></p>	<p>When Council's Section 94 Plan for car parking was repealed it was established at the time that the Cooma CBD had an adequate supply of public car parking spaces. The repeal of the Plan, and its requirement for car parking contributions, was deemed at the time to be in the public interest. The removal of condition 11 from this consent reflects this view.</p>

## SUBMISSIONS

As the proposed modification is mainly administrative in nature and of minimal environmental impact, it was not notified to the adjoining properties. This is in accordance with the public notification requirements of chapter 8 of DCP 2014 (Am 1).

## CONCLUSION

This application is requesting the removal of the condition of consent that required the payment of Section 94 Contributions for car parking. Although the original development was determined in 2011, outstanding contributions for 6 car parking spaces had not been paid to date. Council's Section 94 Plan for car parking has since been repealed and the bulk of car parking contributions collected up until that time have been spent. The Council has no adopted plans for the provision of further public car parking spaces in the vicinity of the site. In addition, Development Control Plan 2014 (Amendment 1) provides a credit of 5 spaces for a development in the CBD, which almost negates the 6 space shortfall which triggered the payment of Section 94 Contributions in the first place.

It is subsequently recommended that condition 11 of the existing consent be deleted.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

As the Council has no plan to use the contributions that would have been paid to provide further car parking spaces in the area, the general public will be required to use the existing public car parking spaces in the vicinity of the site. This may be inconvenient at busy times of use.

### **2. Environmental**

The limited number of car parking spaces in the vicinity of the site may encourage more local residents to walk to the café rather than drive their car, which would be of benefit to the environment.

### **3. Economic**

Ultimately the cost to provide additional public car parking spaces in the CBD rests with the Council. However, a survey of the usage of the existing public car parks in the CBD informed the decision to repeal the Section 94 Car Parking Contributions Plan. The survey found that most CBD public car parking spaces were operating well below their capacity. Encouraging more efficient use of these car parks makes better economic sense than providing new ones. A new Section 94 Plan for the provision of future public car parking spaces can be developed if needed.

### **4. Civic Leadership**

The decision to remove the requirement from this development to pay Section 94 Contributions for car parking demonstrates the Council's commitment to encouraging development within the Cooma CBD in the interests of providing a more vibrant town centre. It also reinforces its view that the CBD has adequate provision of public car parking spaces at present.



Enquiries Mark Adams  
Planning – Cooma Office  
Our Ref 10.2012.29.2  
Your Ref

Matt Dowdney  
The Lott Group Pty Ltd  
c/- Blaxland Mawson and Rose  
39 Bombala Street  
COOMA NSW 2630

## Notice of Determination of an Application to Modify a Development Consent

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

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

## Determination

Pursuant to Section 96 of the Act

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

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

Authority: Council – Meeting date 31 August 2016

Modification Determination Date: \_\_\_\_\_

Original Determination Date: 20/10/2011

Consent to Operate from: 20/10/2011

Consent will Lapse on: 20/10/2016

## Integrated Approval Bodies

Pursuant to Section 93 of the Act

This development was not integrated development.



### Conditions

1. The development being carried out substantially in accordance with approved plans received by Council on 21 September 2011 and development application and accompanying Statement of Environmental Effects except where amended by the conditions of this Consent as set out in the following conditions or by any subsequently approved Section 96 modification.  
Reason: Requirement that the development is completed in accordance with Council's consent.
2. Survey costs, correspondence fees, registration fees and the like are the responsibility of the applicant/developer not Council.  
Reason: Requirement of Council that all expenses associated with the development are borne by the applicant/developer.
3. In accordance with Section 95(1) of the Environmental Planning and Assessment Act 1979, this consent will lapse if the development has not physically commenced within 5 years from the date of this approval.  
Reason: To satisfy the requirements of the Environmental Planning and Assessment Act, 1979.
4. The total number of customer seating being provided in the café is restricted to the following:  
- Stage 1 inclusive of the existing restaurant approval a maximum of 62 seats at any one time. This includes both indoor and outdoor seating.  
- Stage 2 No additional seating permitted  
- At the conclusion of all stage 3 total seating to be 92 and be inclusive of the provision on site of the existing two car parking spaces relating to the original approval.  
Note: Any increase in this number requires the submission of a Section 96 modification application to Council to modify this condition.  
Reason: The car parking demand from the development has been calculated on the basis of the number of seats provided in the proposal.
5. A total of two (2) car parking spaces are to remain at the rear of the café.  
Note: Any increase in this number requires the submission of a Section 96 modification application to Council to modify this condition.  
Reason: Requirement of Development Control Plan No.25 - Off-street Car Parking.
6. An Occupation Certificate is required for each of the approved 3 stages prior to the use of such stage.  
Reason: To ensure the requirements for each stage are duly completed before use.
7. The existing on-site spaces are to be used by staff at all times in preference to on-street spaces. Staff may only use on-street spaces if all the spaces on site are occupied.  
Reason: To minimise the impact of the development on on-street parking spaces.
8. The opening hours of the restaurant are restricted to the following hours:  
Monday to Wednesday 7.30 am to 4.00 pm  
Thursday and Friday 7.30 am to 12.00 pm  
Saturdays 8.00 am to 12.00 pm  
Sundays 8.00 am to 12.00 pm  
Public holidays 9.00 am to 3.00 pm  
Note: Any change to the opening and closing hours of the restaurant requires a Section 96 application to Council to modify this consent.  
Reason: In consideration of surrounding land uses and to provide consistent opening hours with other similar uses in the town.
9. Council approval is to be obtained under the Roads Act 1993 and Local Government Act 1993 prior to the placement of any additional tables or chairs outside the premises on Council's footpath.  
Reason: The footpath area is land vested in the Council.
10. Rubbish bins for general waste and not for customer use are to be stored and kept in a location

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- which is not visible from the footpath of Sharp or Soho Street.  
Reason: To ensure that the streetscape is not impacted by unsightly rubbish bins and potential associated odours.
11. Deleted.
12. The applicant is required prior to the release of the Occupation Certificate for stage 3 to submit to the Office of Finance and Services - Land and Property Information a consolidation plan for lots 1 and 2 DP 2478 being the whole of the land the subject of this development and provide evidence to Council of the submission.  
Reason: Requirement of the Building Code of Australia
13. A separate development application is to be lodged for any new and/or additional signage on the site  
Note: This condition does not apply to signs which are listed as exempt or complying development in an environmental planning instrument.  
Reason: To ensure that future signs on the premises are lawful and of an acceptable environmental impact.0
14. Any alteration to existing water supply and/or wastewater drainage services shall be at the applicant's expense.  
Reason: Requirement of Council that all expenses associated with the development are borne by the applicant
15. The completion of the concrete path to the main door of the premise required to be accessible prior to occupation of stage 1 of the development following approval of a Section 138 approval under the Roads Act.  
Reason: To comply with AS 1428.1
16. All doors within required exits are to open in the direction of egress.  
Reason: To comply with the Building Code of Australia
17. All latches on doors shall be operational by a single handed downward action or pushing action on a single device which is located between 900mm and 1100mm from the floor.  
Reason: To comply with the Building Code of Australia.
18. Any roller door serving as part of a required exit must be held in the open position while the building or part of the building is lawfully occupied.  
Reason: To comply with the Building Code of Australia.
19. Signage in accordance with AS 1428.1 is to be placed on the accessible sanitary facility.  
Reason: To comply with the Building Code of Australia.
20. Portable fire extinguishers are to be provided in accordance with AS 2444.  
Reason: To comply with the Building Code of Australia.
21. Exit signage and emergency lighting is to be provided in very passageway or hallway or the like and in every room more than 100 metres squared.  
Reason: To comply with the Building Code of Australia.
22. Any liquor consumed or sold on the premise is to be in accordance with a license issued by the Office of Liquor Gaming and Racing.  
Reason: To ensure lawful consumption of alcohol.
23. The heater is to be installed in accordance with the Building Code of Australia (BCA) 2008 Part 3.7.3 and Australian Standard 2918.  
Reason: to ensure compliance with the BCA and AS 2918.
24. Any chimney or flue must be a minimum of 15 metres horizontally from any adjacent structure of similar or greater height, or, if it is not the required distance, then the top of the flue or chimney should be a minimum of 1 metre higher than the taller of the two structures.  
Reason: to avoid 'fumigation conditions'.

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25. The solid fuel heater shall have a compliance plate affixed to the rear of the heater stating that the heater meets the current Australian Standard AS/NZS4013:1999.  
Reason: to ensure compliance with AS/NZS 4013.
26. The heater shall not be operated until an installation inspection has been carried out and Council clearance received to operate the heater.  
Reason: to ensure compliance with AS 2918.
27. The fitout of the food premises is to comply with the Food Act, 2003, Food Regulation 2004, Food Standards Code and the Australian Standard 4674 for the Design, Construction and Fitout of Food Premises and other relevant Standards. Details of compliance are to be included in the plans and specifications for the construction certificate to the satisfaction of the certifying authority  
Reason:- to ensure the fitout complies with relevant standards
28. The design and construction of food premises must comply with the following requirements, as applicable:-
- (a) The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.
  - (b) The intersection of walls with floors and plinths to be coved, having a minimum radius of 25mm.
  - (c) Walls of the kitchen preparation areas and the like to be of solid construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall to a minimum height of 2m above the floor level, to provide a smooth even surface.
  - (d) Walls where not tiled are to be cement rendered and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
  - (e) All service pipes throughout the premises are to be concealed in the walls, floors, plinths and ceilings. Where this is not possible, the pipes should be fixed on non-corrosive brackets so as to provide at least 25mm clearance between the pipe and any vertical surface and 100mm between the pipe and any horizontal surface. NOTE: The use of corrugated electrical conduit is not permitted.
  - (f) The ceilings of kitchens, food preparation areas, storerooms and the like, to be of rigid smooth-faced, non absorbent material i.e. fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
  - (g) All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework or the like.
  - (h) Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particle board or similar material is not permitted unless laminated on all surfaces. Shelving should be fixed 25mm clear of the walls.
  - (i) Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all door and window openings, and an electronic insect control device is to be provided within the food premises.
  - (j) Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.
  - (k) A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian/New Zealand Standard 1668 Parts 1 & 2.
  - (l) Food premises must have hand washing facilities that are located where they can be easily accessed by food handlers:
    - (a) within areas where food handlers work if their hands are likely to be a source of contamination; and
    - (b) if there are toilets on the food premises-immediately adjacent to the toilets or toilet cubicles.Hand washing facilities must be:
    - (a) permanent fixtures;
    - (b) connected to, or otherwise provided with, a supply of warm running potable water;
    - (c) of a size that allows easy and effective hand washing;
    - (d) clearly designated for the sole purpose of washing hands, arms and face; and
    - (e) accessible and no further than 5 m, from any place where food handlers are handling open food.

Snowy Monaro Regional Council

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

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

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

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

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

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

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

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

Reason: To comply with Food Regulation 2010

#### Modified Conditions

- 1 Condition/s 4 and 6 have been amended in this modification.
- 2 Condition 11 was deleted in this modification.

#### Advice to Applicant

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

#### Notes

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

Snowy Monaro Regional Council

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

On behalf of the above Council:

Mark Adams  
**Planning Manager – Cooma branch**  
for  
Peter Smith  
**Director of Service Planning**

DRAFT

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## 16.1 SETTING OF ANNUAL FEES FOR LOCAL REPRESENTATIVE COMMITTEE MEMBERS

Record No:

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

### EXECUTIVE SUMMARY

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

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

#### OFFICER'S RECOMMENDATION

That Council

- A. Determine the annual fee for members of the Local Representative Committees – Bombala, Cooma-Monaro and Snowy River.

### BACKGROUND

Following the amalgamation of Bombala, Snowy River Shire and Cooma-Monaro Shire Councils on 12 May 2016, three Local Representative Committees (LRC) were formed to represent the three former local government areas. The purpose of these LRCs is to provide advice to the Administrator on local views and issues.

The Local Government Remuneration Tribunal made a determinations on 29 March 2016 under Section 239 and 241 of the Local Government Act 1993.

Of particular note is paragraph 17 and 18 of the Determination in relation to amalgamated councils.

## QUADRUPLE BOTTOM LINE REPORTING

### 1. Social

The provision of appropriate remuneration to the members of the Local Representative Committees promotes accountability, performance and transparency.

### 2. Environmental

The recommendation of this report will not have an impact on environmental sustainability.

### 3. Economic

The amount paid to the LRC members for the period 12 May 2016 to 20 June 2016 was:-

Snowy River	\$1,515.64 each (for 4 former Councillors)
Bombala	\$1,517.47 each (for 2 former Councillors) \$1,122.93 each (for 2 community members)
Cooma-Monaro	\$1,469.77 each (for 4 former Councillors)

The Guidelines issued by the Department of Premier and Cabinet *Governing During Change: Guidance for Administrators – Remuneration of Members* states that, “Members of the LRC will be remunerated at a rate equal to their remuneration as a councillor or mayor. Members of the LRC that are not former councillors will be remunerated at a rate to be determined by the Administrator.”

The Local Representative Committees Terms of Reference states that “Members of the LRC will be remunerated in accordance with the Local Government Remuneration Tribunal determination dated 29 March 2016. The maximum rate for a councillor in the rural council category being \$11,290 per annum.

The former Bombala, Snowy River Shire and Cooma-Monaro Shire Councils were categorised as Rural by the Local Government Remuneration Tribunal. The fees set for Rural Councils commencing 1 July 2016 were set at:-

Councillor Member Annual Fee		Mayor/Chairperson Additional Fee*	
Minimum	Maximum	Minimum	Maximum
8,540	11,290	9,080	24,630

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillors/Member (s,249(2)).

The Office of Local Government has advised that the Local Government Remuneration Tribunal has not re-categorised any councils that have been amalgamated, even though it is noted in the Determination:-

### **Categorisation**

17. The Tribunal notes that the process for determining merger proposals and creation of new councils, if any, is expected to be finalised in mid-2016, with consequent implications for

*categorisation of councils for the purposes of determining fees. If required the Minister may direct the Tribunal to make special determination(s) in accordance with s. 242 of the LG Act.*

*“18. The Tribunal is still of the view that significant changes to the structure of councils should prompt a revision of the criteria for determining categories and fees as noted in the 2015 Determination.”*

*“Any new categorisation model may need to have regard to a broader or different set of criteria than those currently provided for in section 240 of the LG Act.*

*In reviewing the LG Act the Government may wish to consider the range of factors any future Tribunal should have regard to in determining categories. As one example, the Government has released “A Plan for Growing Sydney” that will guide land use planning decisions in Metropolitan Sydney for the next 20 years. The Greater Sydney Commission will work with local councils to implement growth and infrastructure plans. The expertise and work load expected of councillors and mayors with responsibilities associated with “A Plan for Growing Sydney” may be factors which the Tribunal should have regard to in determining categorisation and remuneration. The Tribunal expects that similar pressures will be placed on rural and regional councils to drive economic and social growth throughout NSW.*

*The Tribunal also notes that any revision to the fees as a result of any new categorisation model would need to balance the need to attract and retain experienced and capable elected representatives with the ability of councils to afford any potential increases. While money is not the primary motivator for Local Government Remuneration Tribunal undertaking public office, fees should adequately recognise the roles and responsibilities of councillors and mayors and assist in attracting suitably qualified and experienced candidates.”*

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

The formation of the Local Representative Committees for the former areas of Bombala, Cooma-Monaro Shire and Snowy River Shire Councils provides an additional mechanism for local communities to bring issues to Council and enables the perspectives of communities across the new Council area to be understood.



Local  
Government  
Remuneration  
Tribunal

Annual Report  
and  
Determination

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*Annual report and determination under sections 239  
and 241 of the Local Government Act 1993*

29 March  
2016

Local Government Remuneration Tribunal

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## Local Government Remuneration Tribunal

# Section 1 Background

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1. Pursuant to section 239 of the *Local Government Act 1993* (the LG Act) the Tribunal determines the categories of councils and mayoral offices and the allocation of each council and mayoral office into one of those categories.
2. Pursuant to section 241 of the LG Act the Tribunal determines in each category of council, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
3. In determining the maximum and minimum fees payable to office holders in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
4. The current policy on wages pursuant to section 146(1)(a) of the IR Act is articulated in the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (the Regulation). The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
5. The Tribunal's Report and Determination of 2015 (the 2015 Determination) provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.

# Section 2 Local Government Reform

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## Background

6. The NSW Government has been working with councils since 2011 to help strengthen local communities. The Tribunal's 2015 Determination outlined the Government's significant reforms, beginning with the *Destination 2036* summit in 2011 up to the

### Local Government Remuneration Tribunal

release of the Fit for the Future initiative in 2014. At the date of the making of the 2015 Determination the status of the reforms was noted by the Tribunal as follows:

*“Councils have been asked to assess their current position and submit a Fit for the Future proposal by 30 June 2015. The proposals will be assessed by an independent expert panel which will make recommendations to the Minister for Local Government. It is expected that from October 2015 Fit for the Future councils will commence the implementation of their proposals.*

*The Tribunal also notes that a new local government act is expected to be introduced following the local government elections in September 2016.”*

### Progress since the last determination

7. On 28 April 2015 the Minister for Local Government (the Minister) announced that the Independent Pricing and Regulatory Tribunal (IPART) would undertake the role of the Expert Panel in assessing councils’ Fit for the Future proposals. The Minister noted that the Terms of Reference for the Expert Panel were developed in consultation with Local Government NSW, Local Government Professionals Australia and the United Services Union.
8. The NSW Government released IPART’s *Assessment of Council Fit for the Future Proposals* report on 16 October 2015. The IPART report found that nearly two-thirds of NSW councils are not fit for the future and found that savings of up to \$2 billion could be achieved through council mergers. Funding will be available for council mergers that are supported by merging partners and supported by the Government through a Stronger Communities Fund.
9. On 6 January 2016, the Minister for Local Government announced 35 proposals for council mergers. If approved, those proposals would reduce the number of councils in Greater Sydney from 43 to 25 and the number of regional councils from 109 to 87. The Minister referred those proposals to the Chief Executive of the Office of Local Government for examination and report under the LG Act. The Chief Executive delegated this function to a number of people (Delegates). The Delegates are required to report on the proposals against the factors in section 263(3) of the LG Act, having

### **Local Government Remuneration Tribunal**

regard to written submissions and comments raised in public meetings. The Minister will consider the Delegates' reports and the comments of the Local Government Boundaries Commission on the Delegates' reports before determining the outcome of merger proposals. It is expected that the outcomes of the proposal examination and reporting processes will be known by around mid-2016.

10. In respect to the amendments to the LG Act, on 8 January 2016 the NSW Government announced the commencement of the first phase :

*"...Consultation on phase 1 amendments to the Local Government Act 1993 has commenced. The proposed amendments will:*

- clarify roles and responsibilities of councillors, mayors, administrators and general managers;*
- introduce new guiding principles for local government;*
- improve governance of councils and professional development for councillors;*
- expand on the framework for strategic business planning and reporting;*
- prioritise community engagement and financial accountability; and streamline council administrative processes, including in relation to delegations and community grants.*

*While the fundamentals of the Local Government Act 1993 remain sound, both the Independent Local Government Review Panel and Local Government Acts Taskforce recommended changes to modernise the legislation and to ensure it meets the future needs of councils and communities.*

*Phase 1 of the reform program focuses mainly on changes to the governance and strategic business planning processes of councils. Phase 2 will focus on the way in which councils raise revenue and exercise their regulatory functions." (Source: Circular to Councils - No 16-01)*

**Local Government Remuneration Tribunal**

## Section 3 2016 Review

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11. It is not expected that a decision on, or implementation of structural or legislative reforms to local government will be finalised prior to the Tribunal making its determination on or before 30 April 2016.
12. On that basis, and given the limitations placed on the Tribunal in respect of determining increases in fees, mayors were advised on 20 January 2016 that general submissions from individual councils were not required for the 2016 review.
13. The Tribunal did however seek a submission from Local Government NSW (LGNSW) and subsequently met with the President and Chief Executive of LGNSW. The Tribunal wishes to place on record its appreciation to the President and Chief Executive for meeting with the Tribunal.

### **LGNSW Submission**

14. The association's submission highlighted the areas of reform in local government in NSW and is of the view that the anticipated changes flowing from the reforms warrant, and provide the opportunity to introduce, a new remuneration structure that properly reflects the diverse and evolving roles of mayors and councillors. The association would like to commence a review of the remuneration structure as soon as possible.
15. Given the statutory limitations in place LGNSW has also requested that councillor and mayoral fees be increased by the full 2.5 percent for 2016/17. LGNSW continues to assert that councillor and mayoral fees should increase on the basis of a number of factors, including cost of living pressures, ongoing increase in workload and responsibilities and additional tasks relating to implementing the Government's reform process.

### **Tribunal's Findings**

16. The Tribunal notes that the Government's significant program of local government reform, including proposed changes to the LG Act, is aimed at creating stronger councils and improving performance and governance of local councils. The Tribunal continues to

### Local Government Remuneration Tribunal

support initiatives which will bring about improvements in the local government sector, in that those reforms should result in greater structural efficiencies and should contribute to the long term viability of local government in NSW.

#### Categorisation

17. The Tribunal notes that the process for determining merger proposals and creation of new councils, if any, is expected to be finalised in mid-2016, with consequent implications for categorisation of councils for the purposes of determining fees. If required the Minister may direct the Tribunal to make special determination(s) in accordance with s. 242 of the LG Act.
18. The Tribunal is still of the view that significant changes to the structure of councils should prompt a revision of the criteria for determining categories and fees as noted in the 2015 Determination:

*“Any new categorisation model may need to have regard to a broader or different set of criteria than those currently provided for in section 240 of the LG Act.*

*In reviewing the LG Act the Government may wish to consider the range of factors any future Tribunal should have regard to in determining categories. As one example, the Government has released “A Plan for Growing Sydney” that will guide land use planning decisions in Metropolitan Sydney for the next 20 years. The Greater Sydney Commission will work with local councils to implement growth and infrastructure plans. The expertise and work load expected of councillors and mayors with responsibilities associated with “A Plan for Growing Sydney” may be factors which the Tribunal should have regard to in determining categorisation and remuneration. The Tribunal expects that similar pressures will be placed on rural and regional councils to drive economic and social growth throughout NSW.*

*The Tribunal also notes that any revision to the fees as a result of any new categorisation model would need to balance the need to attract and retain experienced and capable elected representatives with the ability of councils to afford any potential increases. While money is not the primary motivator for*

### **Local Government Remuneration Tribunal**

*undertaking public office, fees should adequately recognise the roles and responsibilities of councillors and mayors and assist in attracting suitably qualified and experienced candidates."*

#### **2016 Increase**

19. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to the councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
20. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and finds that the full increase of 2.5 per cent available to it is warranted. On that basis, and after taking the views of the Assessors into account, the Tribunal considers that an increase of 2.5 per cent in the maximum and minimum fee for each category of councillor and mayoral office, including county councils, is appropriate and so determines.
21. The Tribunal notes that in the Fit for the Future *Progress Report – Stronger Councils, Stronger Communities* the Government has identified a number of strategies to strengthen local leadership. These include a review of councillor remuneration during 2016. In undertaking this review the Government may wish to consider the impact of the Government's wages policy on increases in mayoral and councillor fees and the limitations this may impose on any future remuneration model.

#### **The Local Government Remuneration Tribunal**

*Signed*

**Dr Robert Lang**

**Dated:** 29 March 2016



Local Government Remuneration Tribunal

## Section 4 Determinations

### Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2016

**Table 1: General Purpose Councils**

Table 1: General Purpose Councils (152)		
Category	Council	
Principal City (1)	Sydney	
Major City (3)	Newcastle Parramatta Wollongong	
Metropolitan Major (2)	Blacktown Penrith	
Metropolitan Centre (16)	Bankstown Campbelltown Fairfield Gosford The Hills Hornsby Hurstville Lake Macquarie	Liverpool North Sydney Randwick Ryde Sutherland Warringah Willoughby Wyong
Metropolitan (21)	Ashfield Auburn Botany Burwood Camden Canada Bay Canterbury Holroyd Hunters Hill Kogarah Ku-ring-gai	Lane Cove Leichhardt Manly Marrickville Mosman Pittwater Rockdale Strathfield Waverley Woollahra

**Local Government Remuneration Tribunal**

<b>Table 1: General Purpose Councils (152)</b>			
<b>Category</b>	<b>Council</b>		
<b>Regional Rural (32)</b>	Albury Armidale Dumaresq Ballina Bathurst Bega Valley Blue Mountains Broken Hill Byron Cessnock Clarence Valley Coffs Harbour Dubbo Eurobodalla Great Lakes Goulburn Mulwaree Queanbeyan	Greater Taree Griffith Hawkesbury Kempsey Lismore Maitland Orange Port Macquarie-Hastings Port Stephens Shellharbour Shoalhaven Tamworth Tweed Wagga Wagga Wingecarribee Wollondilly	
<b>Rural (77)</b>	Balranald Bellingen Berrigan Bland Blayney Bogan Bombala Boorowa Bourke Brewarrina Cabonne Carrathool Central Darling Cobar Conargo Coolamon Cooma-Monaro Coonamble Cootamundra Corowa Cowra Deniliquin Dungog Forbes Gilgandra Glen Innes Severn	Gloucester Greater Hume Gundagai Gunnedah Guyra Gwydir Harden Hay Inverell Jerilderie Junee Kiama Kyogle Lachlan Leeton Lithgow Liverpool Plains Lockhart Mid-Western Moree Plains Murray Murrumbidgee Muswellbrook Nambucca Narrabri Narrandera	Narromine Palerang Parkes Oberon Richmond Valley Singleton Snowy River Temora Tenterfield Tumbarumba Tumut Upper Hunter Upper Lachlan Uralla Urana Wakool Walcha Walgett Warren Warrumbungle Weddin Wellington Wentworth Yass Valley Young

**Local Government Remuneration Tribunal**

**Table 2: County Councils**

<b>Table 2: County Councils (14)</b>	
<b>Category</b>	<b>Council</b>
<b>Water (5)</b>	Central Tablelands Goldenfields Water MidCoast Riverina Water Rous
<b>Other (9)</b>	Castlereagh – Macquarie Central Murray Far North Coast Hawkesbury River New England Tablelands Richmond River Southern Slopes Upper Hunter Upper Macquarie

**Local Government Remuneration Tribunal**

**Determination No. 2- Determination Pursuant to Section 241 of Fees  
 for Councillors and Mayors**

Pursuant to s.241 of the Local Government Act 1993, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2016 are determined as follows:

**Table 3: Fees for General Purpose and County Councils**

<b>Table 3: Fees for General Purpose and County Councils</b>				
<b>Category</b>	<b>Councillor/Member Annual Fee</b>		<b>Mayor/Chairperson Additional Fee</b>	
	<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Maximum</b>
<b>General Purpose Councils</b>				
Principal City	25,670	37,640	157,030	206,620
Major City	17,110	28,240	36,360	82,270
Metropolitan Major	17,110	28,240	36,360	82,270
Metropolitan Centre	12,830	23,950	27,260	63,640
Metropolitan	8,540	18,840	18,180	41,090
Regional Rural	8,540	18,840	18,180	41,090
Rural	8,540	11,290	9,080	24,630
<b>County Councils</b>				
Water	1,700	9,410	3,640	15,460
Other	1,700	5,630	3,640	10,270

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

**The Local Government Remuneration Tribunal**

*Signed*

**Dr Robert Lang**

**Dated:** 29 March 2016

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## 16.2 MONTHLY FUNDS MANAGEMENT REPORT - JULY 2016

Record No:

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

### EXECUTIVE SUMMARY

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

### Certification

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

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

### OFFICER'S RECOMMENDATION

That Council:

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

### BACKGROUND

As per Legislation, the Investment Register is reported to Council within a month.

Council's Cash and Investments 31 July 2016 consists of:

<b>31/07/2016</b>	<b>Cash at Bank</b>	<b>Investments</b>	<b>Total</b>
Bombala	531,374	10,524,250	11,055,624
Cooma	17,684	22,114,191	22,131,875
Snowy	498,071	17,308,484	17,806,556
Merger Grant		20,002,466	20,002,466
<b>Total</b>	<b>1,047,129</b>	<b>69,949,391</b>	<b>70,996,520</b>

NB: The balance of the Merger Grant does not include any expenses attributable to the Merger

## QUADRUPLE BOTTOM LINE REPORTING

### 1. Social

Total Cash and Investments are available to provide services and Infrastructure to the community in accordance with the 2017 budget, Council resolutions and other external restrictions.

### 2. Environmental

It is considered that the recommendations contained herein will not have any environmental impacts.

### 3. Economic

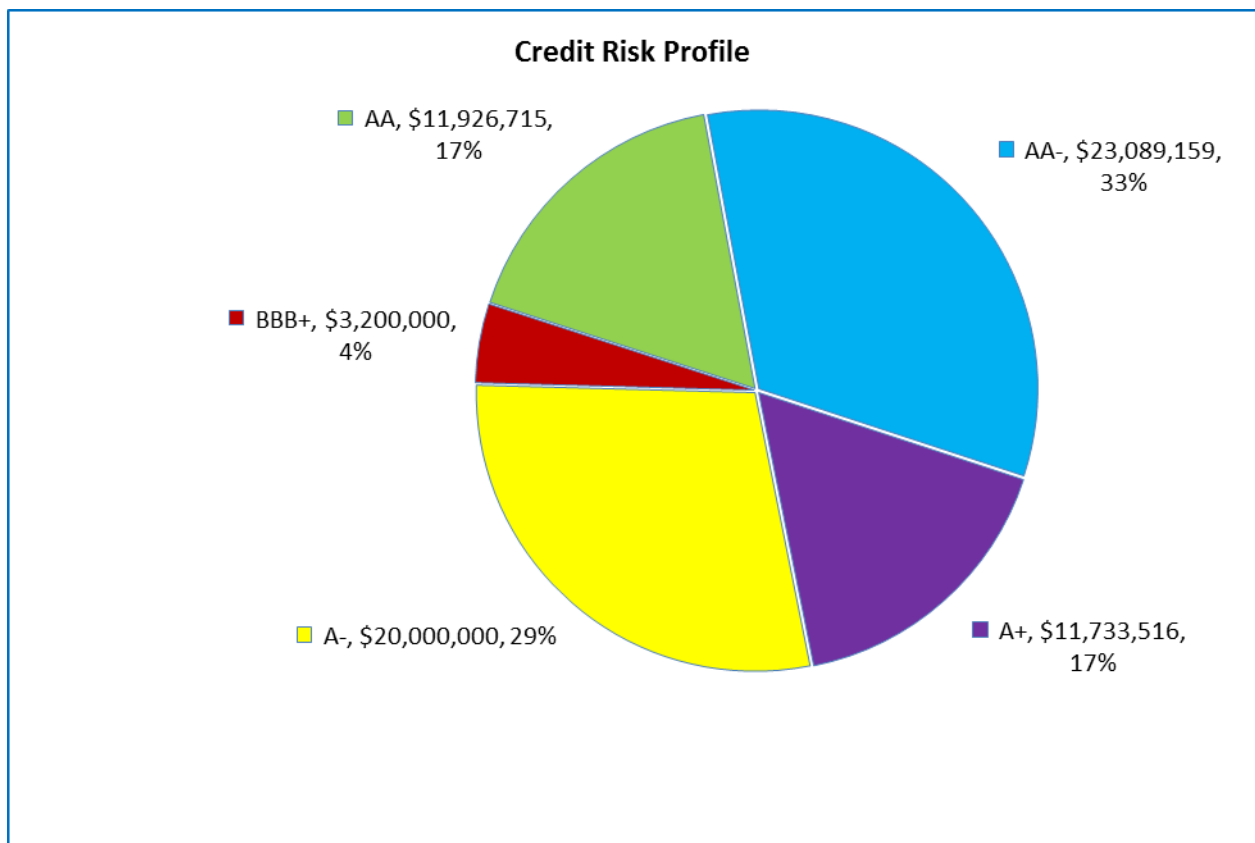
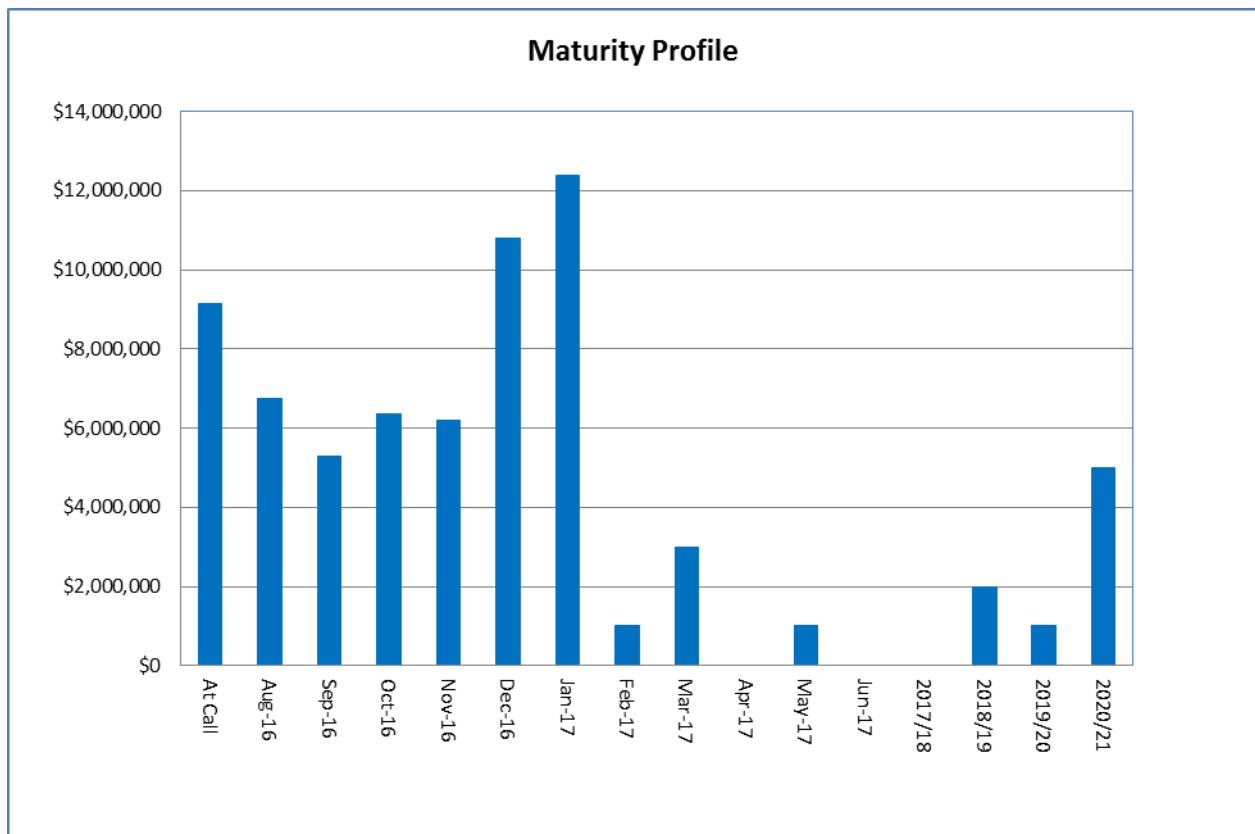
Total investments for Snowy Monaro Regional Council were \$69,949,391 on 31 July 2016.

Council's investment portfolio returned 3.03% (annualised) for July, compared to the benchmark (90 day Bank Bills) of 1.86%. Consolidated interest income on investments to July 31 2016 is \$95,791 against budget of \$83,818.

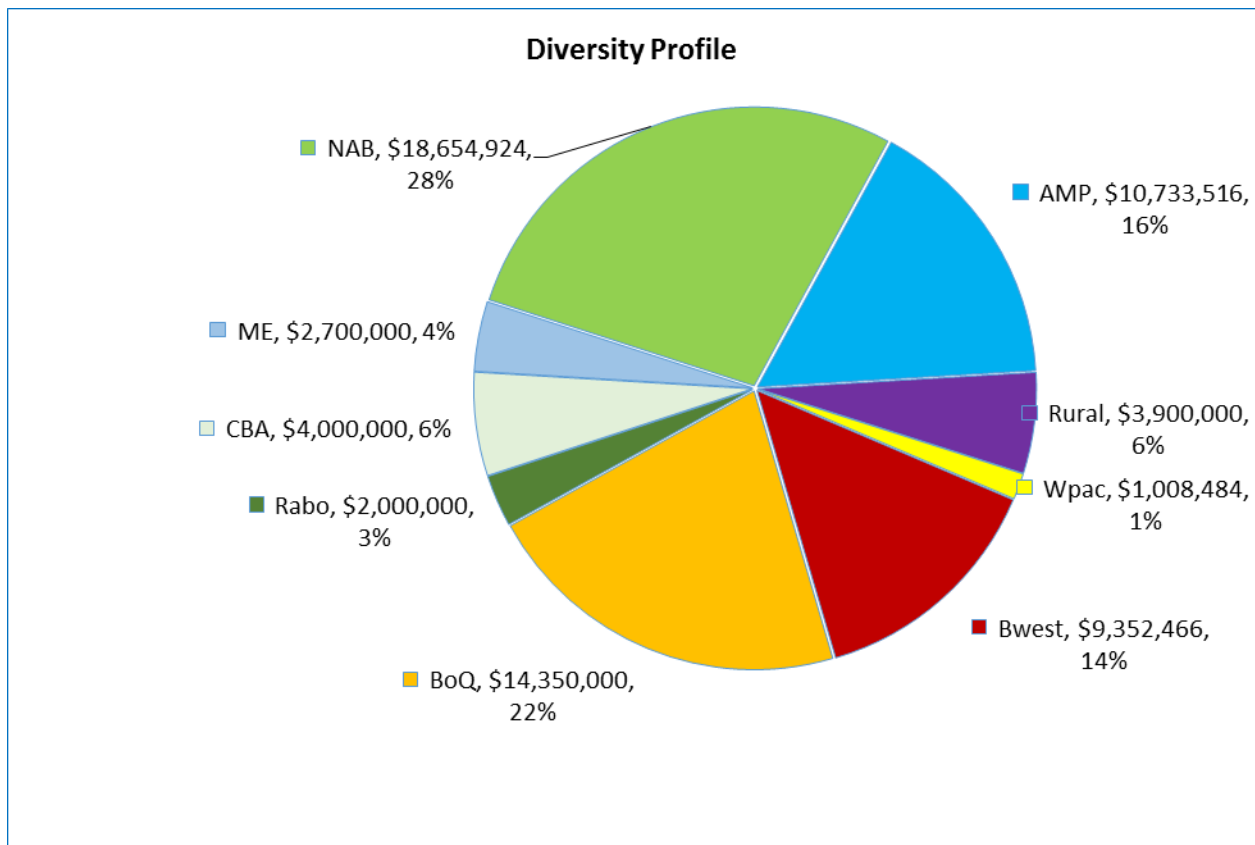
The table below lists the invested funds.

16.2 MONTHLY FUNDS MANAGEMENT REPORT - JULY 2016

INVESTMENTS REGISTER							
31-July-2016							
Branch	DATE INVEST	FIN INST.	Rating	TYPE	CURRENT INVESTMENT	INT RATE	MATURITY
Bombala	n/a	NAB Maxi Account	A1+/AA	At Call	1,024,250	Variable	At Call
Bombala	11-Apr-16	NAB	A1+/AA-	TD	1,000,000	3.11%	10-Aug-16
Bombala	14-Apr-16	NAB	A1+/AA-	TD	1,000,000	3.11%	14-Sep-16
Bombala	14-Jun-16	NAB	A1+/AA-	TD	2,000,000	2.96%	14-Oct-16
Bombala	17-Jun-16	NAB	A1+/AA-	TD	2,000,000	2.96%	17-Nov-16
Bombala	15-Jul-16	NAB	A1+/AA-	TD	3,500,000	2.92%	15-Dec-16
Cooma	n/a	National Australia Bank	A1+/AA-	At Call	380,675	1.65%	At Call
Cooma	n/a	AMP Bank - At Call	A1/A+	At Call	1,674,704	2.30%	At Call
Cooma	n/a	AMP Bank - 31 days Notid	A1/A+	31 days	1,058,812	2.45%	31 days
Cooma	09-May-16	National Australia Bank	A1+/AA-	TD	1,000,000	2.90%	08-Aug-16
Cooma	02-Mar-16	Rural Bank	A2/A-	TD	1,000,000	3.00%	29-Aug-16
Cooma	29-Aug-15	Westpac Banking Corpor	A1+/AA-	TD	1,000,000	2.52%	29-Aug-16
Cooma	04-Jul-16	Bankwest	A1+/AA	TD	1,000,000	2.80%	02-Sep-16
Cooma	30-Mar-16	Bank of Queensland	A2/A-	TD	1,000,000	3.05%	26-Oct-16
Cooma	04-Jul-16	Suncorp Bank	A1/A+	TD	1,000,000	2.90%	06-Jan-17
Cooma	14-Aug-15	AMP Bank	A1/A+	TD	1,000,000	2.90%	07-Feb-17
Cooma	03-Mar-15	AMP Bank	A1/A+	TD	1,000,000	3.20%	02-Mar-17
Cooma	10-Mar-16	National Australia Bank	A1+/AA-	TD	2,000,000	3.07%	10-Mar-17
Cooma	23-May-16	AMP Bank	A1/A+	TD	1,000,000	3.00%	23-May-17
Cooma	12-Sep-14	RaboDirect (RaboBank A	P-1/Aa2 Moo	TD	2,000,000	4.10%	11-Sep-18
Cooma	16-Sep-15	Bank of Queensland	A2/A-	TD	1,000,000	3.20%	17-Sep-19
Cooma	23-Mar-16	ING Bank (Australia)	A2/A-	TD	1,000,000	3.66%	22-Mar-21
Cooma	23-Jun-16	Commonwealth Bank of	A1+/AA-	TD	4,000,000	3.47%	23-Jun-21
Snowy	25-May-16	NAB	A1+/AA-	TD	450,000	2.94%	24-Aug-16
Snowy	25-May-16	Rural Bank	A2/A-	TD	750,000	2.85%	21-Sep-16
Snowy	25-May-16	ME Bank	BBB+	TD	500,000	2.75%	03-Aug-16
Snowy	25-May-16	ME Bank	BBB+	TD	700,000	2.75%	10-Aug-16
Snowy	01-Jun-16	Bankwest	A1+/AA	TD	600,000	2.82%	17-Aug-16
Snowy	01-Jun-16	Beyond Bank	BBB+	TD	500,000	3.00%	31-Aug-16
Snowy	01-Jun-16	AMP Bank	A1/A+	TD	500,000	3.00%	30-Nov-16
Snowy	08-Jun-16	NAB	A1+/AA-	TD	400,000	2.98%	07-Dec-16
Snowy	08-Jun-16	NAB	A1+/AA-	TD	450,000	2.98%	14-Dec-16
Snowy	08-Jun-16	Bankwest	A1+/AA	TD	500,000	2.80%	07-Sep-16
Snowy	16-Jun-16	IMB	A-2	TD	750,000	2.65%	07-Sep-16
Snowy	16-Jun-16	NAB	A1+/AA-	TD	500,000	2.99%	14-Dec-16
Snowy	16-Jun-16	NAB	A1+/AA-	TD	750,000	2.97%	16-Nov-16
Snowy	22-Jun-16	NAB	A1+/AA-	TD	750,000	2.97%	02-Nov-16
Snowy	22-Jun-16	NAB	A1+/AA-	TD	1,200,000	2.97%	23-Nov-16
Snowy	22-Jun-16	Bankwest	A1+/AA	TD	650,000	2.85%	28-Sep-16
Snowy	22-Jun-16	Bankwest	A1+/AA	TD	650,000	2.85%	14-Sep-16
Snowy	22-Jun-16	Bank QLD	A2/A-	TD	700,000	2.95%	21-Dec-16
Snowy	29-Jun-16	Rural Bank	A2/A-	TD	400,000	2.95%	12-Oct-16
Snowy	29-Jun-16	Rural Bank	A2/A-	TD	1,000,000	2.95%	09-Nov-16
Snowy	29-Jun-16	Rural Bank	A2/A-	TD	750,000	3.00%	19-Oct-16
Snowy	29-Jun-16	Bank QLD	A2/A-	TD	750,000	2.90%	21-Dec-16
Snowy	29-Jun-16	NAB	A1+/AA-	TD	700,000	2.91%	05-Oct-16
Snowy	29-Jun-16	ME Bank	BBB+	TD	1,500,000	2.90%	26-Oct-16
Snowy	06-Jul-16	Bankwest	A1+/AA	TD	500,000	2.75%	04-Jan-17
Snowy	14-Jul-16	Bank QLD	A2/A-	TD	400,000	2.90%	11-Jan-17
Snowy	n/a	Westpac Maxi-Account	A1+/AA-	At-Call	8,484	1.75%	n/a
Merger Grant	n/a	Bankwest	A1+/AA	At-Call	5,002,466	2.95%	n/a
Merger Grant	24-Jun-16	AMP	A1/A+	TD	4,500,000	3.00%	21-Dec-16
Merger Grant	24-Jun-16	Bank QLD	A2/A-	TD	10,500,000	2.95%	09-Jan-17
<b>TOTAL</b>					<b>69,949,391</b>		







#### 4. Civic Leadership

In accordance with Regulation 212 of the Local Government (General) Regulation 2005, a report setting out details of money invested must be presented to Council in the following month.

Council's Fund Management Reporting exceeds minimum regulatory requirements and demonstrates a commitment to accountability and transparent leadership. It provides the Council, Executive and Community with timely, accurate and relevant reports on which to base decisions.

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

Record No:

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

#### EXECUTIVE SUMMARY

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

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

#### OFFICER'S RECOMMENDATION

That Council

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

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

#### BACKGROUND

A Statement by Councillors and Management is required for the General Purpose Financial Statements and the Special Purpose Financial Statements, copies of which are attached. Council will need to authorise the

Administrator, the interim General Manager and the Responsible Accounting Officer to sign the Statements on behalf of Council.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

The audit of the Council's General and Special Purpose Financial Statements and accounting policies for the partial year end 12 May 2016 will provide assurance of equity within and between generations.

### **2. Environmental**

No direct environmental impacts.

### **3. Economic**

The preparation, compilation and audit of Council's Financial Statements has been provided for in Council's annual budget in the Financial Services Program.

### **4. Civic Leadership**

The audit of Council's General and Special Purpose Financial Statements and accounting policies for the partial year ended 12 May 2016 will approve the accountability of decision makers and comply with regulations.

Council is required to authorise the Statements for issue. To enable the Statements to be forwarded to the Office of Local government as soon as practicable after the audit is finalised, it is proposed that Council delegate to the interim General Manager, authority to issue the Financial Statements.

As soon as practicable after Council receives the auditor's report, Council must fix a date for the meeting at which it proposes to present the audited Financial Statements and the auditor's report to the public and must give notice of the date so fixed.

The date fixed for the meeting must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the auditor's reports are given to the Council.

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#### 16.4 REQUEST WITH ASSISTANCE OF LEGAL FEES FROM COWRA SHIRE COUNCIL

Record No:

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

#### EXECUTIVE SUMMARY

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

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

#### OFFICER'S RECOMMENDATION

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

#### BACKGROUND

Correspondence has been received from LGNSW advising their Board approved an application for financial support by Cowra Shire Council for legal fees incurred defending an appeal matter before the Land & Environment Court, with regards to animal welfare under section 124 of the Local Government Act 1993 (LG Act). The Board considered this matter is of importance to all Local Government throughout the State, as the appeal relates to the interpretation of council powers under the LG Act, and the ability of councils to rely on the LG Act to issue notices and orders in circumstances where animal welfare issues are not covered by other laws.

Financial contributions are now being sought by LGMNSW from councils as his matter has been resolved by the Land & Environment Court, and the costs of the proceedings have been determined. There is no obligation for a council to provide assistance.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

No impact

### **2. Environmental**

No impact

### **3. Economic**

No funds have been provided in the current budget for this type of support. If Council wishes to contribute to this it will be necessary to identify funds in the next budget review.

### **4. Civic Leadership**

Supporting legal cases involving Councils where the matter is of general impact for all Councils or has impact on Snowy Monaro Regional Council is considered an effective way of ensuring Council's ability to pursue its strategic direction.



Our ref: R90/0240-02-out 24866

20 July 2016

Mr Joseph Vescio  
Interim General Manager  
Snowy Monaro Regional Council  
PO Box 714  
COOMA NSW 2630

Dear Mr Vescio

**Request for Legal Assistance – Cowra Shire Council**

On 23 February 2016, councils were advised that the Local Government New South Wales Board approved an application made by Cowra Shire Council for legal assistance to defend an appeal matter under the LGNSW Legal Assistance Policy & Guidelines. The LGNSW Board considered that this matter to be of importance to all local government throughout NSW as the appeal relates to the interpretation of councils' powers under the *Local Government Act NSW* (the Act) and councils' ability to rely on the Act to issue notices and orders where animal welfare issues are not covered by other laws.

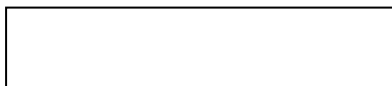
The Land and Environment Court has agreed that councils should be able to issue orders under section 124 of the Act and the judgment can be viewed via that Court's website – the citation is *McCudden v Cowra Shire Council [2016] NSWLEC 14*.

Financial contributions are now being sought from councils as the Land and Environment Court has resolved this matter and the costs of the proceedings have been determined.

You are reminded that there is no obligation for a council to provide assistance. If Council chooses not to provide assistance, the attached invoice can be disregarded.

Please do not hesitate to contact me on (02) 9242 4142 if you have any questions on this matter.

Yours sincerely



Bruce McCann  
Legal Officer



ABN: 49 853 913 882  
GPO Box 7003 SYDNEY NSW 2000  
Level 8 28 Margaret Street SYDNEY NSW 2000  
Tel: (02) 9242 4000 Fax (02) 9242 4111  
www.lgnsw.org.au lgnsw@lgnsw.org.au

## Tax Invoice

Invoice Number 75060  
Date 20/07/16

**Invoice to:**  
Snowy Monaro Regional Council

**Customer Code**      **Customer Reference**  
ZZSNOWYM

Item Code	Item Description	Invoice Quantity	Per	Price	GST	Amount
LEGA	Legal Assistance Cowra Council for legal costs incurred by Council (refer attached letter)	1		853.93	85.39	939.32

Attn: The General Manager

**Terms:** 30 Days Invoice Date

Total Includes GST of  
85.39

**Total**  
**939.32**

Payment to: Local Government NSW    BSB: 062005    Account No. 00090198

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

Record No:

Responsible Officer:	Director Service Support
Author:	Manager Corporate/Governance
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1 Ensure that legislative obligations are met throughout all Council departments.
Operational Plan Action:	OP7.1 Ensure statutory registers are maintained and publicly available.
Attachments:	Nil
Cost Centre	Corporate Services/Governance
Project	Tabling of Disclosures by Councillors and Designated Persons Section 499 Returns
Further Operational Plan Actions:	OP7.2 Completion of reporting requirements in accordance with legislation  OP7.6 Ensure that governance structures are open, transparent and fully accountable and these are supported by relevant instruments.

**EXECUTIVE SUMMARY**

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

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

**OFFICER'S RECOMMENDATION**

That Council

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

**BACKGROUND**

Former Councillors and the Administrator were required to complete a disclosure of pecuniary interest as prescribed in Schedule 3 of the Local Government (General) Regulation 2005. Completed returns were required for the period 1 July 2015 to 12 May 2016.



All former Councillors from Bombala Council and Snowy River Shire Council have completed a return. At this stage one Councillor from the former Cooma-Monaro Shire Council has not completed a return despite numerous attempts by staff to obtain it.

Council is required to keep a Pecuniary Interest Register containing the returns of Councillors and designated persons. Copies of these returns may be viewed at the Berridale, Cooma and Bombala Branch Offices.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

Returns disclosing the interests of councillors and designated persons are required to be made publicly available for viewing under the Government Information (Public Access) Act and the GIPA Regulation 2009.

The Privacy and Information Commissioner has made guidelines to assist councils to determine how to disclose this information in a way that promotes the public interest but also protects the privacy and safety of the individuals making the return.

These guidelines provide that the requirement in Sch 1 (2)(2)(a) of the GIPA Regulation that the returns of councillors and designated persons be released as part of local councils' open access information should be interpreted as follows:-

- The returns should be made publicly available for inspection free of charge.
- Copies may be made in accordance with the GIPA Regulation Part 2(4)(b).
- Local councils should note clearly on their website that the returns are available for inspection at council offices during ordinary business hours.
- Information contained in the returns should not be placed on the website of a local council.

### **2. Environmental**

The recommendation contained in this report will not have any impacts on environmental sustainability.

### **3. Economic**

The collection and reporting of Pecuniary Interest Returns is funded from the salaries and wages of the Corporate Governance Cost Centre in the 2017 budget.

### **4. Civic Leadership**

The collection and reporting of these returns enables the public to see that the activities of Council are conducted in an open and transparent manner.

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## 16.6 ADOPTION OF SMRC 61 - HEALTH AND SAFETY POLICY

Record No:

Responsible Officer:	Director Service Support
Author:	Risk Management Officer
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.9 Provide a work place that ensures the health, safety and wellbeing of employees is maintained through the management of potential risks
Operational Plan Action:	OP7.26 Develop and implement WHS policies, procedures and resources for managers and workers.
Attachments:	1. DRAFT - SMRC 61 - Health and Safety Policy ( <i>Under Separate Cover</i> )
Cost Centre	6010 Human Resources
Project	
Further Operational Plan Actions:	

### EXECUTIVE SUMMARY

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

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

These documents are now ready for consideration of adoption

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

### OFFICER'S RECOMMENDATION

That Council

A. Consider and adopt SMRC 61 - Health and Safety Policy.

### BACKGROUND

A draft SMRC 61-Health and Safety Policy has been prepared. The policy was created by the Work Health and Safety Working Group established before the creation of Snowy Monaro Regional Council to generate health and safety documentation in preparation of the new Council.

This policy has been drafted consistent with the *Work Health and Safety Act 2011* and subordinate legislation by the Health and Safety Working Group consisting of staff from the Bombala, Cooma and Berridale branches.

In accordance with the *Work Health and Safety Act 2011*, for acceptance and endorsement, the development process must clearly demonstrate a worker consultation process.

This policy has been received and noted at both the Health and Safety Committee and Consultative Committee. Also, as part of Councils document control process, these documents have been made available for staff between July 7<sup>th</sup> and July 29<sup>th</sup> 2016.

Feedback was considered by the Health and Safety Working Group and amendments made in accordance with this feedback where applicable to document scope.

SMRC 61 - Health and Safety Policy was considered and approved at the 10<sup>th</sup> August 2016 Executive Team Meeting to be presented to this Council meeting for consideration of adoption.

When adopted by Council, the policy will be presented to staff through the document control system and intranet. Further, the policy should be placed in strategic location in Council buildings, loaded onto Council's webpage and a message be placed on all staff payslips in the first pay period following adoption informing staff of the policy implementation.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

Reporting council's progress towards achieving legislative health and safety requirements can provide the community with confidence that the systems and procedures being implemented ensure social responsibility, transparency and ethical decision making and that we are meeting our statutory obligations.

### **2. Environmental**

Reporting council's progress towards achieving legislative health and safety requirements can provide the community with confidence that the systems and procedures being implemented ensure social responsibility, transparency and ethical decision making and that we are meeting our statutory obligations.

### **3. Economic**

Non-compliance with *Work Health and Safety Act 2011* duties could see Council subject to maximum penalties of \$3,000,000, Officers \$600,000 or 5 Years imprisonment and Workers \$300,000 or 5 years imprisonment for a Category 1 Offence. Further, enhancing health and safety frameworks can also lead to reduced costs in workers compensation premiums via elevated safety compliance. Advice and support is provided with economic risk sustainability principles considered.

### **4. Civic Leadership**

Regular and meaningful reporting to council promotes communication with our community. This report is provided in an effort to improve understanding as to our legal obligations under the *Work Health and Safety Act 2011*. Compliance ensures Council is accountable for decisions and supports transparent systems. Officer's meet their due diligence requirements of the *Work Health and Safety Act 2011, Division 4, Section 27 Duty of officers, subsection (5) due diligence* by acquiring and keeping up to date knowledge of work health and safety matters.

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## 22. CONFIDENTIAL MATTERS

In accordance with Section 10A(2) of the Local Government Act 1993, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

and Council considers that the closure of that part of the meeting for the receipt or discussion of the nominated items or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information, and discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the Local Government Act 1993 the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.