



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

Administrator Delegations Meeting
6 March 2017

CONFLICTS OF INTEREST

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

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

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

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

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

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

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

COUNCIL CODE OF CONDUCT

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

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

COUNCIL CODE OF MEETING PRACTICE

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

Acknowledgement of Owners of Land

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

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

**ADMINISTRATOR DELEGATIONS MEETING
TO BE HELD THE COOMA OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON MONDAY 6 MARCH 2017
COMMENCING AT 9.00AM**

BUSINESS PAPER

- 1. OPENING OF THE MEETING**
- 2. APOLOGIES**
- 3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST**
(Declarations also to be made prior to discussions on each item)
- 4. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS**
 - 4.1 Minutes of the Recreational Facilities Section 355 Committee held 15 December 2016 3
- 5. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE**
Nil
- 6. CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND**
 - 6.1 Application for In-Kind Support - Fee Waiver - Monaro Family Support Service 7
- 7. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY**
Nil
- 8. CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY**
Nil
- 9. CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE**
Nil
- 10. CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE**
 - 10.1 Easements over Lot 30 DP 1118132 in Jindabyne 12
 - 10.2 Merger Protocols for adoption 14

| | |
|---|-----------|
| 11. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION | |
| 11.1 Request from Developer for a reduction in the non-refundable Bond Administration charge amount for bonding of development works | 26 |
| 12. ADMINISTRATORS REPORT (IF ANY) | |
| 13. CONFIDENTIAL MATTERS | 30 |
| 13.1 Extension of Licence Agreement - Jindabyne Aero Club | |
| <i>Item 13.1 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i> | |

4.1 MINUTES OF THE RECREATIONAL FACILITIES SECTION 355 COMMITTEE HELD 15 DECEMBER 2016

Record No:

Responsible Officer: Secretary Council & Committees

Attachments: 1. Minutes - Recreational Facilities Section 355 Committee held 15 December 2016 [↓](#)

EXECUTIVE SUMMARY

The Recreational Facilities Section 355 Committee met on Thursday, 15 December 2016 in Council Chambers, Cooma. The minutes are presented for Councils information.

OFFICER'S RECOMMENDATION

That the minutes of the Recreational Facilities Section 355 Committee held on Thursday, 15 December 2016 be received and noted and the recommendations contained therein be adopted.

Determination by Administrator

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

Signature:

Date:



Minutes

(SC274)

Recreational Facilities Committee

Date/Time Thursday 15 December 2016 at 5.00pm
Location Council Chambers

Attendance

| Member (Representing) | Present | Apology | Absent |
|---|---------|---------|--------|
| Rogan Corbett, Chair (LRC, Cooma) | ✓ | | |
| Ken Dane, Community Representative | ✓ | | |
| Neroli O'Neill, Community Representative | ✓ | | |
| Ross Lawley, SMRC Recreation & Property Manager (Cooma) | ✓ | | |
| Dean Lynch, SMRC Administrator | | ✓ | |
| Suzanne Dunning, Community Representative | ✓ | | |
| John Britton, Cooma Lions Club | ✓ | | |
| Chris Reeks, Cooma Lions Club | ✓ | | |
| Steve Aldous, Mountain Bike Club | | | ✓ |

1 Apologies

That apologies from Dean Lynch be accepted.

2 Confirmation of Previous Minutes – 20 October 2016

It was noted that the Minutes of the meeting held on 20 October 2016 were an accurate record of the meeting.

3 Business Arising from the Previous Minutes

3.1 Mt Gladstone and Mountain Bike Trails

Cooma Correctional Centre crew still to commence work at Mt Gladstone.

Rogan asked how they could develop a carpark for the mountain bikers and put signage up. RPM advised that he will check on sign location and request for carpark location has already been given to Crown Lands. RPM to follow up.

Snowy Monaro Regional Council

3.2 Norris Park Toilets

Two more quotes to be obtained. Rogan asked that this be a priority for 2017. RPM to finalise quote with John Britton. Also to talk with David Holgate about the design.

3.3 Mt Gladstone Mountain Bike Network

The company preparing the Cooma Trails Master Plan – 'Dirt Art' are progressing this project and have completed the draft and run an online survey. They should be having a public meeting in early 2017.

3.4 Sporting Gallery Display

Suzanne explained that she has obtained a quote to install printable wallpaper in Centennial Plaza. Cost is \$3,976 to place on the blank wall of the Reject Shop.

Recommendation

That \$3,976 be allocated to install the artwork for the Sporting Gallery in Centennial Plaza.

That Council enter into an Agreement to install artwork in Centennial Plaza.

3.5 Bandshell – Centennial Park

The roof of the bandshell needs repair – programmed for completed by the end of October.

3.6 Badja Reserve Plan of Management

Draft Plan was distributed to the committee and will be placed on public exhibition.

3.7 Recreation Facilities Infrastructure Strategy

To be updated when Council adopts the funding for the Infrastructure projects.

3.8 Southern Cloud Memorial

No further updates on this project.

3.9 Lions Park Project

- Weekly meetings scheduled for 8.45am on Mondays.
- Waiting on synthetic soft fall areas to be completed in early January.

3.10 Bikes at Nijong Oval

No news on \$5,000 grant being sought by the Lions Club but the project is being considered for other funding in the \$14m package.

3.11 Showground – Cooma

Sprinklers have been adjusted to not spray on the rodeo arena.

Snowy Monaro Regional Council

4 General Business

4.1 Additional Sports Fields in Cooma

Ken asked what has happened with Memorial Park. RPM advised that Aboriginal Land Claim has been granted. If any development is to proceed discussions would need to take place with the Merrimans Local Aboriginal Land Council. Suggestion made to review options originally identified.

4.2 Work on Cooma Creek

Chris noted that works has been funded on Cooma Creek and Cooma Back Creek. RPM to find out scope of works for the Committee.

4.3 Bridge Near Nijong Oval

Neroli asked what is happening with the pedestrian bridge. It was explained that funding is still being sought.

6 Next Meeting

The next meeting will be held on Thursday 16 February 2017 at 5.00pm in the Council Chambers.

There being no further business the meeting closed at 6.05pm

6.1 APPLICATION FOR IN-KIND SUPPORT - FEE WAIVER - MONARO FAMILY SUPPORT SERVICE

Record No:

Responsible Officer: General Manager

Author: Acting Executive Assistant

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

Delivery Plan Strategy: DP4.2 Support activities, events and celebrations that promote cultural diversity and inclusiveness.

Operational Plan Action: OP4.10 Promote and provide operational assistance to enhance and encourage events and tourism.

Attachments: 1. Letter to Council Requesting Fee Waiver [↓](#)
2. Tuning Teens into Teens Jindabyne Information Flyer [↓](#)

Cost Centre 3020 – 63162 Donations Community Groups Debt Waiver

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

Council received an email from Monaro Family Support Service (MFSS) requesting a waiver of room hire fees for the Room at the Jindabyne Health Centre as they are running Tuning into Teens as a no cost program and the staffing and activity costs required to deliver this program will be obtained from several current State and Federal funding agreements. MFSS would like to request that Council consider waiving the room hire costs of the Health Centre, to further support the work they do strengthening families in the community.

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

OFFICER'S RECOMMENDATION

That Council approve the waiver of the fee hire of the Room at the Jindabyne Health Centre in the sum of \$450.00 for the Monaro Family Support Service.

BACKGROUND

Council annually grants monetary or in-kind sponsorship support towards events held within the Shire in accordance with policy GOV 011 Donations to Community Groups, Individuals and Towards Events (ED/07/15973) adopted on 16 March 2010

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council's policy in this area (GOV 011) seeks to recognise Council's role in supporting community and cultural development. The policy's stated objectives are to have:

- a. a strong sense of community throughout the Shire
- b. a community that has the capacity to meet its own needs
- c. a community environment that encourages cultural and artistic expression

2. Environmental

There are not any environmental impacts.

3. Economic

Cost Centre Corporate 3020

Natural Account –

63162 Donations Community Groups Debt Waiver -

| Budget | Spent | Amount Available |
|-------------|---------|------------------|
| \$1,000 .00 | \$75.00 | \$925.00 |

Fee for Hire of the Room is:

3 hours per week @ \$25 per hour for 6 weeks = Total of \$450.00

4. Civic Leadership

Decisions to provide sponsorship 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 and sponsorships to community groups, individuals and events in accordance with Council's Policy GOV011. The current relevant section of the policy is as follows: -

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*

Financial assistance may include:

- *fixed dollar amount donations*
- *up to 50% rebate of water supply minimum availability charge*
- *up to 50% rebate of sewerage minimum availability charge*
- *up to 50% rebate of waste management charge (tip or domestic)*
- *other financial assistance as resolved by Council*

Council provides support to activities that can demonstrate that they will have a positive impact on the economic and social development of the Shire. To encourage sustainability, Council will consider financial assistance on a sliding scale from inauguration of the community event. Once the event is established Council will withdraw financial assistance. This does not limit events and festivals from applying for annual in-kind assistance.

Determination by Administrator

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

Signature:

Date:

Monaro Family Support Service Inc.

ABN 45 339 846 991

Family Support for Growth and Change

Attention: Joseph Vescio
General Manager
Snowy Monaro Regional Council

28 February 2017

Dear Joseph,

Monaro Family Support Service (MFSS) is a not-for-profit organisation with a history of over 35 years of high quality service provision, delivering support to parents and carers to ensure the wellbeing of children and families across the Snowy Monaro region.

Beginning in March 2017, MFSS will deliver the first component of a 6 week parenting program in Jindabyne, '**Tuning in to Teens**'. This evidence-based program is aimed at assisting parents to understand how to develop emotional intelligence in their children, how to foster emotional connection between parents and teens, and how to prevent behavioural problems. This is the first time MFSS has run this program, and is in part a response to need within the Jindabyne community for parenting support for parents of teenagers.

MFSS will be running Tuning in to Teens as a no-cost program at the Snowy River Health Centre. The staffing and activity costs required to deliver this program will be obtained from several current State and Federal funding agreements which enable MFSS to provide a range of family support services throughout the region. As a small community organisation, our budget constraints are extremely tight. With this in mind, MFSS would like to request that Council consider waiving the room hire costs of the Health Centre, to further support the work we do strengthening families in our communities.

I have attached the promotional flyer for the 'Tuning in to Teens' program. Please do not hesitate to contact me should you require any further information,

Pauline Cook
Manager

COOMA

154-156 Sharp Street
PO Box 855
Telephone 6452 3450
Fax 6452 6080
cooma@monarofss.ngo.org.au

BOMBALA

HACC/Library Centre
163 Maybe Street
PO Box 257
Tel/Fax 6458 4888
bombala@monarofss.ngo.org.au

JINDABYNE

Snowy Mountains
Neighbourhood Centre
Snowy River Avenue
Tel/Fax 6457 2555
cooma@monarofss.ngo.org.au

LEARN HOW TO:

- Help your teen to learn to manage their emotions
- Help to prevent behaviour problems in your teen
 - Teach your teen to deal with conflict
 - Be better at understanding your teen
 - Be better at talking with your teen



Monaro Family Support Service Inc.

ABN 45 339 846 991

Invites you to

Tuning into Teens

A six-week program for parents to help their Teen develop
Emotional Intelligence

Where: GP Super Clinic -5 Thredbo Tce

JINDABYNE

When: Tuesday Evenings @ 6pm-8pm

Commencing Tuesday 7th March 2017

Cost –Free / Supper Included

To register please phone Kath - 02 6458 4888

Luki - 02 6452 3450

10.1 EASEMENTS OVER LOT 30 DP 1118132 IN JINDABYNE

Record No:

| | |
|-----------------------------------|---|
| Responsible Officer: | Director Service Delivery |
| Author: | Property Officer |
| Key Direction: | 1. Sustaining Our Environment for Life |
| Delivery Plan Strategy: | DP1.3 Protect and enhance our catchments and waterways, through effective storm water management initiatives. |
| Operational Plan Action: | OP1.11 Ensure the adequate provision of storm water infrastructure. |
| Attachments: | Nil |
| Cost Centre | 1510 – Engineering & Operations Management |
| Project | |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

During the construction of Highview Estate in Jindabyne the developer was required to dedicate Lot 30 DP 1118132 to Council as open space. Lot 30 is adjacent to Council's high zone water reservoir. Council's Development Engineer has requested that the developer create two stormwater easements to be created over lot 30 which will be connected to the next stage of the development.

Essential Energy require an easement to be created over the underground powerline for future servicing.

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

OFFICER'S RECOMMENDATION

That Council

- A. Consent to the creation of one easement for underground power and two easements for stormwater over lot 30 DP 1118132.
- B. Authorise the General Manager to execute the Administration Sheet and the 88B Instrument on behalf of Council.

BACKGROUND

During the construction of Highview Estate in Jindabyne the developer was required to dedicate Lot 30 DP 1118132 to Council as open space. Lot 30 is adjacent to Council's high zone water reservoir. Council's Development Engineer requires two stormwater easements to be created over lot 30 so that the stormwater can be connected to the adjacent section of Highview which will be developed in the future.

The developer has elected to install underground power and Essential Energy require an easement to be created for the powerlines.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council requires developers to construct developments to ensure that adequate infrastructure is provided to meet the needs of the residents.

2. Environmental

Through the provision of adequate infrastructure to meet the needs of the residential estate for disposal of stormwater in accordance with Council's standards and legislative requirements, the surrounding area will be protected from soil erosion and flooding during periods of inclement weather.

3. Economic

The developer is responsible for all costs associated with the plan and registration at the LPI as well as the creation and registration of the 88B Instrument.

4. Civic Leadership

Council ensures through its processes and legislative standards that there is sufficient infrastructure to meet the needs of the community.

Determination by Administrator

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

Signature:

Date:

10.2 MERGER PROTOCOLS FOR ADOPTION

Record No:

| | |
|-----------------------------------|--|
| Responsible Officer: | Manager Human Resources |
| Author: | Human Resource Officer |
| Key Direction: | 7. Providing Effective Civic Leadership and Citizen Participation |
| Delivery Plan Strategy: | DP7.8 Council employs a multi-skilled workforce and encourages staff to take ownership of service delivery in a responsible and efficient manner |
| Operational Plan Action: | OP7.25 Ensure Council attracts, retains and develops a capable workforce that delivers positive outcomes. |
| Attachments: | <ol style="list-style-type: none">1. DRAFT - Document - Lateral Transfer Protocol ↓2. DRAFT - Document - Vacancy Management Protocol ↓3. DRAFT - Document - Redeployment Protocol ↓4. DRAFT - Document - Lateral Transfer Flowchart ↓5. Email From Ross Lawley ↓ |
| Cost Centre | 6010 Human Resources Management |
| Project | HR policy management |
| Further Operational Plan Actions: | |

EXECUTIVE SUMMARY

Draft protocols have been developed to provide a fair, consistent and transparent approach to the management of vacancies, lateral transfers and redundancies within the new organisational structure with minimal disruption of existing staff. The protocols and flowchart have been developed to assist Council in managing vacancies in the new organisation structure in accordance with the Local Government (State) Award and the Local Government Act 1993 within the three (3) year protection period following the creation of Council on 12 May 2016.

The protocols are;

250.2017.321.1 – Lateral Transfer Protocol

250.2017.324.1 – Lateral Transfer Flowchart

250.2017.327.1 – Redeployment Protocol

250.2017.328.1 – Vacancy Management Protocol

These draft documents were sent out for consultation to All Staff, Consultative Committee, USU, DEPA, LGEA and NMA for a period of 2 weeks. Following consultation, the protocols were submitted to ET for consideration on 23 February 2017 and were recommended to be presented to Council for adoption, resolution EMT 656/17.

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

OFFICER'S RECOMMENDATION

That Council consider and adopt:

- A. 250.2017.321.1 Lateral Transfer Protocol
- B. 250.2017.324.1 Lateral Transfer Flowchart
- C. 250.2017.327.1 Redeployment Protocol
- D. 250.2017.328.1 Vacancy Management Protocol

BACKGROUND

Part 6 of the Local Government Act 1993 set out the arrangements for council staff affected by the constitution, amalgamation or alteration of council areas. A need for the development of protocols was identified to assist Council in managing vacancies, lateral transfers and redundancies within the new organisation structure in accordance with the Local Government (State) Award and the Local Government Act 1993 within the three (3) year protection period following the creation of Council on 12 May 2016, when usual vacancy management and recruitment practices do not apply.

Once the documents were drafted they were sent out for consultation to all staff, Consultative Committee, USU, DEPA, LGEA and NMA for a period of 2 weeks between 13 and 27 January.

All feedback received from staff was collated and reviewed by the Manager Human Resources. As a result of the feedback some changes were made to the protocol documentation. The amended documents and comments from consultation are attached

Feedback from staff

Comments were received from a staff member at an extraordinary meeting of the Consultative Committee 18 January 2017 and followed up in writing, these comments were considered, a response was given back to the member of staff and some minor changes were made to the relevant documents in accordance with the advice and discussion from the consultative Committee meeting.

Comments received were;

Lateral Transfer Protocol

Comments were made in relation to 4. Definitions, 6. Scope and 7.3.

Vacancy Management Protocol

Comments were made in relation to 4. Definitions and 7.1.2.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Implementation of these protocols will ensure that Council appropriately and reasonably manages its workforce. These protocols provide a fair, consistent and transparent approach to the management of vacancies, lateral transfers and redundancies within the new organisational structure with minimal disruption of existing staff following a council amalgamation.

2. Environmental

Council amalgamations can create an environment where employees of Council are unsure of their future employment which may lead to an unhappy workforce. This can have a minor or significant detrimental impact on the working environment and if not managed appropriately can result in industrial disputes. Implementation of effective Human Resources protocols aims to mitigate the likelihood of staff issues by ensuring a fair and reasonable approach to the management of vacancies, lateral transfers and redundancies following council amalgamations.

3. Economic

Breaches of the Local Government (State) Award, Local Government Act 1993 or workplace issues that result in an industrial dispute can have a significant impact on the Council budget. Associated legal fees and reallocation of Council resources would be detrimental to Council business and the workforce.

4. Civic Leadership

Council protocols are developed in conjunction with relevant industrial instruments and with reference to industry best practice as far as practicable

Determination by Administrator

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

Signature:

Date:

.



Lateral Transfer Protocol

1. Purpose

This Protocol sets out the process for lateral transfer following the creation of Snowy Monaro Regional Council on 12 May 2016. It has been developed to laterally transfer staff to the new organisational structure into positions which are the 'same or substantially the same' through a fair, consistent and transparent process and to facilitate the movement of staff with minimal disruption.

2. Background

Following the creation of Council, a new organisational structure was adopted by the Administrator. Sections 354G and 354H of the Act allows for employees to be laterally transferred into positions in the new organisational structure within three (3) years of a council merger.

3. Reference and Related Documents

- SMRC Lateral Transfer Flowchart
- Local Government Act 1993 (NSW) ("the Act")
- Local Government (State) Award ("the Award")
- Local Government Charitable, Aged and Disability Care Services (State) Award
- Local Government (Council Amalgamations) Proclamation 2016 (NSW)

4. Definitions

- **Eligible employee:** An employee who is determined to have been performing the same or substantially the same duties in their former position as compared to a position that Snowy Monaro Regional Council is intending to fill.
- **Former position:** The substantive position held by an employee of Cooma Monaro Shire Council, Snowy River Shire Council or Bombala Council immediately prior to the creation of Snowy Monaro Regional Council.
- **Vacant position:** A position determined within the Snowy Monaro Regional Council Structure
- **Same or Substantially the same:** a position will be considered to be the same or substantially the same in the Snowy Monaro Regional Council structure where the duties, responsibilities, accountabilities and remuneration are the same or substantially the same as in the previous structures. Remuneration will be considered to be the same or substantially the same if, when the position is re-evaluated, there is a difference in the value of less than two (2) grades from the former organisational structures as defined by the OO-Soft Evaluation System
- **Re-deployment pool:** Will consist of current staff who are not laterally transferred in to new permanent roles or successful in applying for roles in a merit based selection process. Projects will be identified within the Special Projects Office that require additional skills and resources until May 2019. This will provide staff in the re-deployment pool with productive work within the skill and capability of the employee.

5. Protocol Statement

Council is committed to building a stronger and better Council through the merger process.

Council is committed to a fair, consistent and transparent lateral transfer process which facilitates the movement of staff to the new organisational structure with minimal disruption and minimal displacement of existing staff.

6. Scope

This Protocol applies to current staff of Council who were permanently employed, or current staff with one (1) or more year's continuous service in their current role and an ongoing expectation of work, with Cooma Monaro Shire Council, Snowy River Shire Council or Bombala Council on 12 May 2016.

7. Procedures

7.1. An employee will be considered to be eligible for lateral transfer where the vacant position is deemed to be the 'same or substantially the same' as the employee's former position.

7.2. Where there is an equivalent number of eligible employee/s for position/s to be filled those employees will be directly appointed to the position/s and asked to sign a letter of continuing employment

7.3. Where there are more eligible employees than there are positions to be filled, an internal merit-based selection process will take place and the following groups will be considered for appointment in preference to other applicants, in the following descending order:

- i. Employees who immediately before 12 May 2016, were performing the same or substantially the same duties for the staff member's former council which are required to be performed in the vacant position;
- ii. Permanent staff;
- iii. Temporary staff and Regular and systematic casual staff;
- iv. Other staff

Re-Deployment Pool

7.4. Where existing staff are unsuccessful in the merit based selection process, they will be moved to the re-deployment pool

8. Date of Effect

This protocol takes effect at the time it is adopted.

9. Review of Protocol

This Protocol may be reviewed periodically to ensure its continued effectiveness, i.e. if it is not functioning as intended or there are changes to related legislation or Protocols. Should changes be recommended, appropriate consultation will occur.

10. Termination of Protocol

This Protocol will terminate 12 May 2019



Vacancy Management Protocol

1. Purpose

This Protocol sets out the process for the management of vacant positions to be filled within Snowy Monaro Regional Council (Council) within the three (3) year period following the creation of Council on 12 May 2016. It has been developed to provide a fair, consistent and transparent approach to the appointment of people within the new organisational structure through a fair, consistent and transparent process with minimal disruption of existing staff.

2. Background

Following the creation of Council, a new organisation structure was adopted, vacancies will exist in the new organisation structure which will need to be filled to ensure the continued delivery of services to the communities within the Snowy Monaro Region.

In the three (3) year period following a council merger, Sections 354G and 354H of the Act allows for vacancies to be filled via lateral transfer and internal recruitment processes, where eligible or suitable candidates are identified, prior to external recruitment being considered.

3. Reference and Related Documents

- SMRC Lateral Transfer Protocol
- SMRC Lateral Transfer Flowchart
- Local Government Act 1993 (NSW) ("the Act")
- Local Government (State) Award ("the Award")
- Local Government Charitable, Aged and Disability Care Services (State) Award
- Local Government (Council Amalgamations) Proclamation 2016 (NSW)
- NSW Department of Premier and Cabinet "Managing change: Guidance for key staff"

4. Definitions

- **External Recruitment:** a recruitment and selection process open to applications from people currently employed with Council and people external to Council
- **Vacant position:** A position determined within the Snowy Monaro Regional Council Structure
- **Same or Substantially the same:** a position will be considered to be the same or substantially the same in the Snowy Monaro Regional Council structure where the duties, responsibilities, accountabilities and remuneration are the same or substantially the same as in the previous structures. Remuneration will be considered to be the same or substantially the same if, when the position is re-evaluated, there is a difference in the value of less than two (2) grades from the former organisational structures as defined by the OO-Soft Evaluation System
- **New Organisational Structure:** The new organisational structure adopted for Snowy Monaro Regional Council during the merger implementation period
- **Re-deployment pool:** Will consist of current staff who are not laterally transferred in to new permanent roles or successful in applying for roles in a merit based selection process. Projects will be identified within the Special Projects Office that require additional skills and resources until May 2019. This will provide staff in the re-deployment pool with productive within the skill and capability of the employee

5. Protocol Statement

Council is committed to building a stronger and better Council through the merger process.

Council is committed to a fair, consistent and transparent approach to vacancy management processes which facilitate the appointment of people to the new organisational structure with minimal disruption and minimal displacement of existing staff.

6. Scope

This Protocol applies to the management of vacant positions within the new organisational structure of Council within the three (3) year period following a merger.

7. Procedures

7.1. Vacancies in the new organisational structure will be filled through the following processes in the following descending order;

Phase 1: External Recruitment and Appointment of Director Positions;

Phase 2: Recruitment and Appointment of Group Managers;

Phase 3: Redeployment of staff; or

Phase 4: External recruitment of remaining vacant positions

7.1.1. **Phase 1** will see an external recruitment agency engaged for the recruitment of the Director positions. Applications will be accepted from people currently employed with Council and people external to Council. Directors of the former Cooma Monaro Shire Council, Snowy River Shire Council and Bombala Council who are unsuccessful in their application for Director or Group Manager Positions will be transferred to the redeployment pool.

7.1.2. **Phase 2** will see an external recruitment agency engaged for the recruitment of the Group Manager positions. Applications will be accepted from people currently employed with Council and in some instances applications may be accepted from people external to Council.

7.1.3. **Phase 3** will see staff redeployed in accordance with the Award and the Act through either lateral transfer in line with the SMRC Lateral Transfer Protocol, direct appointment or internal-only recruitment campaigns. Direct appointment will be made by the Interim General Manager where suitably qualified staff are identified in the redeployment pool for vacant positions within the new Organisational Structure. Internal-only recruitment campaigns are open to all staff employed by Council. The following groups will be considered for appointment in preference to other applicants, in the following descending order:

- i. Employees who immediately before 12 May 2016, were performing the same or substantially the same duties for the staff member's former council which are required to be performed in the vacant position;
- ii. Permanent staff;
- iii. Temporary staff and Regular and systematic casual staff;
- iv. Other staff

7.1.4. **Phase 4** will see vacant positions recruited in accordance with current external recruitment practices

7.1.5. Staff in the redeployment pool will be given productive work with the Special Projects Office within the skill and capability of the employee. Staff will be eligible to apply for vacant positions in Phase three (3) and four (4).

7.1.6. All positions which remain vacant after Phase 1, 2 and 3 will be advertised through current external recruitment practices.

7.2. Where Phase 3 fails to identify suitably qualified internal staff in the redeployment pool, the Interim General Manager may proceed directly to Phase 4

8. Date of Effect

This protocol takes effect from the time it is adopted.

9. Review of Protocol

This Protocol may be reviewed periodically to ensure its continued effectiveness, i.e. if it is not functioning as intended or there are changes to related legislation or Protocols. Should changes be recommended, appropriate consultation will occur.

10. Termination of Protocol

This Protocol will terminate 12 May 2019



Redeployment Protocol

1. Purpose

This Protocol sets out the process for managing the redeployment of employees during the three (3) year employment protection period resulting from the creation of Snowy Monaro Regional Council (Council) on 12 May 2016.

2. Background

Section 354F of the Act provides existing non-senior staff with a period of employment protection during which time they may not be terminated, without the staff member's agreement, within 3 years after the transfer day on the ground of redundancy arising from the staff transfer as a result of a council merger.

3. Reference and Related Documents

- SMRC Lateral Transfer Protocol
- SMRC Lateral Transfer Flowchart
- Local Government Act 1993 (NSW) ("the Act")
- Local Government (State) Award ("the Award")
- Local Government Charitable, Aged and Disability Care Services (State) Award
- Local Government (Council Amalgamations) Proclamation 2016 (NSW)

4. Definitions

- **Current Occupant Only (COO):** an employee whose current remuneration package (salary, allowances and vehicle) exceeds that of their new position; based upon the evaluation of their new position under the new salary system.
- **Redeployment Pool employee:** a permanent employee who is not placed into a permanent role in the new organisational structure by way of lateral transfer or internal recruitment processes at the time when appointments are made to a particular level or workgroup within the new structure. Redeployed employees will be given productive work within the Special Projects Office within their skill and capability and will report to the Director responsible for Special Projects.
- **Productive work:** work in the Special Projects Office that is both available and suitable for an employee to undertake, with consideration of their skills, knowledge, competence, qualifications, experience and substantive Award band and level.
- **New organisational structure:** the new organisational structure adopted for Snowy Monaro Regional Council during the merger implementation period.
- **Employment protection period:** as defined in the Act, the period following a council merger in which an employee cannot be made involuntarily redundant.
- **Redeployment:** the process of moving an employee into a suitable permanent position within the new organisational structure.
- **Secondment:** the temporary transfer of an employee into a role for a defined period of time for a specific purpose.

- **Temporary Project Group:** a group of employees in the redeployment pool undertaking productive work for the Special Projects Office during the employment protection period.

5. Protocol Statement

Council is committed to building a stronger and better Council through the merger process.

Council is committed to providing staff in the redeployment pool with productive work within the skill and capability of the employee.

6. Scope

This Protocol applies to permanent staff of Council and sets out the process for the redeployment of employees into vacant roles within the new Organisational Structure.

7. Procedures

Every effort will be undertaken to redeploy employees as soon as practicable after they are transferred to the redeployment pool.

7.1. Staff in the redeployment pool will undergo a skills audit and be given productive work within the Special Projects Office

7.2. Where suitably qualified staff are identified in the redeployment pool they may be permanently redeployed by direct appointment from the Interim General Manager into the vacant position within the new Organisational Structure

7.3. The following terms and conditions apply to redeployment;

- In the case of appointments directed by Council into a lower paid position, the staff member will retain their entitlements as at 12 May 2016 for the employment protection period as a current only occupant.
- In the case of staff applying for a lower paid position, they will assume the entitlements attached to the position as evaluated in the new Organisational Structure.
- Employees whilst in the redeployment pool will retain their entitlements as at 12 May 2016 for the employment protection period
- Employees in the redeployment pool will be eligible to apply for vacant positions as per the SMRC Vacancy Management Protocol
- Supervision and allocation of work for employees working within the Special Projects Office whilst in the redeployment pool will be determined by the Director responsible for Special Projects.

8. Date of Effect

This protocol takes effect from the time it is adopted.

9. Review of Protocol

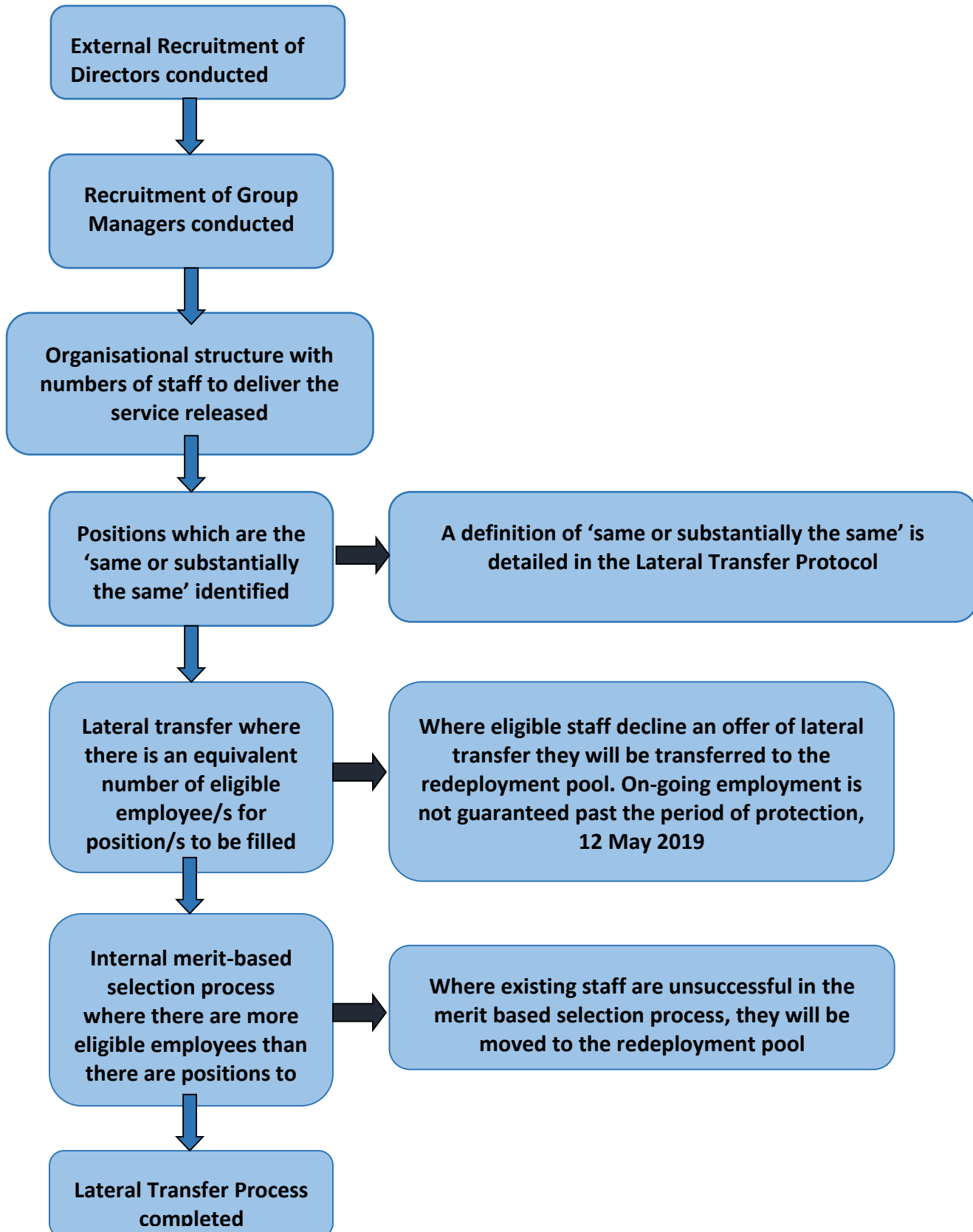
This Protocol may be reviewed periodically to ensure its continued effectiveness, i.e. if it is not functioning as intended or there are changes to related legislation or Protocols. Should changes be recommended, appropriate consultation will occur.

10. Termination of Protocol

This Protocol will terminate 12 May 2019



Lateral Transfer Flowchart



From: Ross Lawley [<mailto:Ross.Lawley@snowymonaro.nsw.gov.au>]
Sent: Friday, 20 January 2017 5:12 PM
To: Luke O'Sullivan
Subject: Comments on Protocols

Luke

Most of these questions were raised at the Consultative Committee but I would like to put them on record thanks.

Lateral Transfer Protocol

4 Definitions

Dot point 4 - Question - As we have at least 2 different organisational structures is the two (2) grade change based simply on dollars? And does this apply up OR down?

6 Scope – Under Section 354G and 354H of the Act this should include Group Manager positions unless it is determined that they are contract positions. Does this scope also mean that casuals may also be transferred to the re-deployment pool?

7.3 – Once we get down to point iii would this not trigger inviting external applicants?

Vacancy Management Protocol

4 Definitions

Dot point 3 -- As we have at least 2 different organisational structures is the two (2) grade change based simply on dollars? And does this apply up OR down?

7.1.2 – This conflicts with the Lateral Transfer Flowchart which indicates externally advertised Group Manager positions. The second sentence also needs to clarify that positions will be advertised internally first and if no suitable applicants then advertised externally.

Ross Lawley
Recreation & Property Manager



PO Box 714
COOMA NSW 2630

Direct 02 6455 1840
Mobile 0427 935 560
Phone 1300 345 345
Fax 02 6455 1799

www.snowymonaro.nsw.gov.au

11.1 REQUEST FROM DEVELOPER FOR A REDUCTION IN THE NON-REFUNDABLE BOND ADMINISTRATION CHARGE AMOUNT FOR BONDING OF DEVELOPMENT WORKS

Record No:

Responsible Officer: Director Service Delivery
Author: Development Engineer
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: 1. Email from Brian Robertson of Mt Burra regarding fees [↓](#)
2. Council Fees and Charges 2016 2017 Non Refundable Administration Charge [↓](#)
Cost Centre 1505
Project Service Delivery
Further Operational Plan Actions:

EXECUTIVE SUMMARY

The Developer of the Mt Burra rural subdivision, has made a request for Council to reconsider the non-refundable Bond Administration Charge amount of \$355 or 1% of the bond amount, whichever is greater, as set in Council's adopted Fees and Charges for 2016/2017.

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

| |
|---------------------------------|
| OFFICER'S RECOMMENDATION |
|---------------------------------|

| |
|-------------------------------------|
| A. For the consideration of Council |
|-------------------------------------|

BACKGROUND

The Developer of the Mt Burra rural subdivision, has made a request for Council to reconsider the non-refundable Bond Administration Charge amount of \$355 or 1% of the bond amount, whichever is greater, as set in Council's adopted Fees and Charges for 2016/2017. The amount that the Developer is required to pay is \$725 being 1% of the bond amount.

Calculation:

The total construction amount for bonding purposes is \$725,232. The Total Defects Liability Bond to be provided to Council is therefore: 10% of \$725,232 = \$72,523. Therefore, the non-refundable bond administration charge is 1% of \$72,523 = \$725.

The bond is required to be held by Council for the term of the Defects Liability Period and is held for the purpose of ensuring that the newly constructed road and drainage assets which will become Council owned and maintained, will perform adequately and as required. The

11.1 REQUEST FROM DEVELOPER FOR A REDUCTION IN THE NON-REFUNDABLE BOND ADMINISTRATION CHARGE AMOUNT FOR BONDING OF DEVELOPMENT WORKS

administration involved in receiving and later on in releasing the bond requires certain tasks to be carried out by a number of people, namely:

1. Customer Service Officer
2. Development Engineer
3. Applications Coordinator
4. Revenue Support Officer
5. Accounts Payable Officer

The non-refundable formula (\$355 or 1%) has been adopted from the previous Snowy River fees and charges. In Snowy River, the amount charged has not been greater than \$355 as the bond is only based on 5% of the Contract amount which is set as a condition of development consent. The bond is retained for a 12 month period.

In Cooma, the amount required to be bonded is set at 10% of the contract amount for contributed assets only (eg excluding telephone and electricity assets) and this is also set as a condition of development consent. Hence, as the bond is higher, the 1% non-refundable amount then becomes applicable. The bond is retained for a 6 month period.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

There should be no adverse impact upon the community.

2. Environmental

There should be no adverse impact upon the environment.

3. Economic

There may be some impact upon Council's budget if the non-refundable administration bonding fee is reduced as the amount of income received may be reduced.

4. Civic Leadership

Consideration of this matter by Council demonstrates a clear and ethical process.

Determination by Administrator

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

Signature:

Date:

Volker, thank you for advising me of the bond that is payable for the road construction defects liability bond. I have no problem with your assessment and the bond will be deposited in due course but I am completely outraged at the bond administration fee. How can Council justify a charge of \$725 for what is a simple online administrative function. The standard fee of \$355 would be stiff enough as it is but to double it because of the numbers is gouging at best. This charge is out of step with modern financial practice and needs review. If it was a bank charging this fee for a similar service we ALL would be outraged. Please could you forward this email to the Mayor and General Manager so that I may get an answer to the following 2 questions:

1. Who receives the interest earned on the bond money during the 6 month period, and
2. What avenues of appeal are there for me to challenge the amount.

Regards,



Brian Robertson AM
Director
Robfam Pty Ltd
1 Baroona Rd
Northbridge NSW 2063
Mobile: 0411239127



| Name | Year 16/17 Fee (incl. GST) | Unit |
|--|--|------------------|
| Neighbour Notification | | |
| Neighbour notification fee – All other DA's that require minimum 14 days notification period Fee applies to any type of DA requiring written notification to adjoining landholders. | \$150.00 | per notification |
| Neighbour Notification Fee – DA cost < \$200,000 or subdivision up to 5 lots or No Works in DA Fee applies to any type of DA requiring written notification to adjoining landholders. | \$50.00 | per notification |
| Performance, Safety Restoration Bond (Administration Charge) | | |
| Performance, Safety Restoration Bond Non-Refundable Administration Charge (Major) This administration charge is in addition to the bond payable for the development | \$355.00 or 1% of the Bond value, whichever is greater | per application |
| Performance, Safety Restoration Bond Non-Refundable Administration Charge (Minor) This administration charge is in addition to the bond payable for the development | \$180.00 | per application |
| Events | | |
| Development Application for one-off events | \$140.00 | per application |
| All s.68 Approvals required for events A submission may be made to Council for in-kind support to reduce this fee, however fees will need to be paid in advance. | \$50.00 | per application |
| Advertising Signs (CI.246B(2)) | | |
| Fixed and permanent | \$285 + \$93 for each sign in excess of one | per application |
| Portable/non-permanent (Council fee) | \$104 + \$72 for each sign in excess of one | per application |
| Review of a Determination under S.82A of the Act (CI.257) | | |
| If DA does not involve erection of building, carrying out of work or demolition | 50% of DA fee | per application |
| If DA involves erection of a dwelling house valued \$100,000 or less \$190.00 | \$190.00 | per application |

13. CONFIDENTIAL MATTERS

In accordance with Section 10A(2) of the Local Government Act 1993, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

and Council considers that the closure of that part of the meeting for the receipt or discussion of the nominated items or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information, and discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the Local Government Act 1993 the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

RECOMMENDATION

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

13.1 Extension of Licence Agreement - Jindabyne Aero Club

Item 13.1 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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