



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Ordinary Council Meeting

21 February 2019

**ORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630
ON THURSDAY 21 FEBRUARY 2019**

MINUTES

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**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON THURSDAY, 21 FEBRUARY 2019
COMMENCING AT 5.00PM**

- PRESENT:** Mayor John Rooney
Councillor Peter Beer
Councillor John Castellari
Councillor James Ewart
Councillor Rogan Corbett
Councillor Sue Haslingden *left meeting at 7:26pm*
Councillor John Last *left meeting at 9:40pm*
Councillor Anne Maslin
Councillor Bob Stewart
- APOLOGIES:** Councillor Brian Old
Deputy Mayor Linley Miners
- Staff:** Peter Bascomb, Acting General Manager
Suneil Adhikari, Director Operations & Infrastructure
Peter Smith, Director Environment & Sustainability
Peter Cannizzaro, Director Corporate & Community Services
Amanda Shepherd, Secretary Council and Committees
Erin Donnelly, Governance Officer
Nola Brady, Group Manager Governance
Annie Upton, Manager Corporate Governance
Nathan Thompson, Communications Officer
Linda Nicholson, Group Manager Asset Management & Engineering *left meeting at 9:44pm*
Tarang Kamath, Senior Internal Auditor
Mike Broader, Liquid Trade Waste Officer *left at 9:44pm*
Rahul Patel, Senior Project Officer *left at 9:44pm*

Notes: *The Mayor opened the meeting at 5.02PM, Councillor Beer was absent from the meeting from 6.17pm during Item 8.6 – Delegate’s Report returning at 6.21pm during the same item, Director Operations & Infrastructure was absent from the meeting from 6.22pm during Item 8.6 – Delegate’s Report returning at 6.25pm during the same item, Manager Corporate Governance was absent from the meeting from 6.47pm during Item 12.1 Development Application 10.2018.129.1, returning at 6.51pm during same item, At 7.08pm the meeting adjourned for dinner, The meeting resumed at 7.34pm, Cllr Haslingden departed the meeting at 7.25pm during dinner break, for the duration of the meeting, Manager Corporate Governance was absent from the meeting from 7:45pm during Item 13.12 Answers to Questions Without Notice returning at 7.50pm during Item 13.13 Resolution Action Sheet Update, Manager Corporate Governance was absent from the meeting from 8.07pm during Item 13.13 Resolution Action Sheet Update returning at 7.50pm during same Item, At 8:33pm the meeting was closed to the press and public, At 9.54 pm the Closed Session ended and the Council meeting continued in Open Session, At 9.54pm the meeting was adjourned, The meeting resumed at 9.55pm, There being no further business the Mayor declared the meeting closed at 9.57pm.*

The Mayor opened the meeting at 5.02PM

1. APOLOGIES

Note 1: Leave Previously Granted Cllr Old

Councillor Old was absent from this meeting with leave of absence previously granted at the Council Meeting held 17 January 2019.

COUNCIL RESOLUTION	47/19
That the apology from Cllr Miners be accepted and leave of absence be granted.	
Moved Councillor Castellari	Seconded Councillor Ewart
	CARRIED

2. CITIZENSHIP CEREMONY

Nil.

3. PRESENTATIONS

3.1 BRETT CONIBEAR - CULLING AND PROCESSING OF WILD DEER

Brett Conibear, from Wild Game Resources Australia, gave a presentation to Council on the culling and processing of wild deer. Currently Wild Game Resources Australia is culling wild deer in the Cooma area, and is looking at expanding to Jindabyne. Wild Game Resources Australia is 100% Australian owned, and is one of the largest exporters of game meat, with meat being harvested at human consumption level, and the rest is used for premium pet food which is exported overseas. Mr Conibear advised expanding the locations for culling will increase employment opportunities within the area, and be of benefit to farmers and land owners. Wild Game Resources Australia uses all the latest technology to monitor animals and culling, including thermal imaging and night vision optics. Mr Conibear spoke about the code of conduct all employees of Wild Game Resources Australia have, including strict hygiene and handling standards, human culling standards, and the accreditation that all shooters must have in order to work with Wild Game Resources Australia.

4. PUBLIC FORUM

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

COUNCIL RESOLUTION	48/19
That members of the public be granted permission to address Council.	
Moved Councillor Beer	Seconded Councillor Corbett
	CARRIED

4.1 SANDRA WASSINK - DEVELOPMENT APPLICATION - MULACH STREET (COOMA MEN'S SHED)

Sandra Wassink, resident of Cooma, addressed Council on the Development Application in Mulach Street, for the Cooma Men's Shed. Mrs Wassink discussed the placement of proposal in Mulach Street. There are concerns that there are no footpaths along the road, people are walking, pushing prams & riding on the road, which is a safety issue. There is nowhere really safe for tourists to walk along the road. Mrs Wassink asked if the shed is constructed, is building a shed allowed in a residential area.

And, is there a zoning issue if it's just a shed? Has the zoning been changed? Mrs Wassink advised there are other potential areas of interest to build a men's shed, such as Polo Flat Road. There is also potential for increase in noise and traffic along the road. Flooding is lifting the road quite often. Mrs Wassink advised residents are concerned that if there are sheds built, that it may decrease value of the land, and decrease value of homes, as well as change of the landscape of Mulach street.

.4.2 JOANNE DONNELLY - PROPOSED BOUNDARY ADJUSTMENTS - LEARNER BIKE TRACK PROJECT

Joanne Donnelly, resident of Barrack Street, addressed Council on the Proposed Boundary Adjustments, for the Learner Bike Track Project. Mrs Donnelly advised neighbours acknowledge the benefits and merits of a learner bike track, and presented to council on behalf of additional signatories that wrote to Council regarding the project, as there are safety concerns with the project. Mrs Donnelly asked Council why there was no community consultation, as most residents did not know of proposed bike track project, as well as some residents did not know what a bike track was. Mrs Donnelly advised there are also additional concerns over loss of green space, increased traffic to playground, uncontrolled car parking immediately beside proposed bike track, and caravans also utilise car parking space. There are also concerns about local wildlife and the health of the local creek. The bike track has the potential to become an over developed site. Mrs Donnelly advised Council could perhaps look at alternative sites for the bike track, aiming towards the best possible outcome for all.

5. DISCLOSURE OF INTEREST

Nil

6. MATTERS DEALT WITH BY EXCEPTION

Items by Exception

The Mayor requested that Councillors nominate any items listed in Corporate Business and Confidential Business that they wished to discuss.

COUNCIL RESOLUTION

49/19

A. That all items listed in Corporate Business both Open and Confidential be dealt with separately other than the following items which are moved by exception:

10.1 - Monthly Funds Management Report – January 2019;

10.2 – Lease Agreement Renewal – Boral Resources (Country) Limited – Bombala;

10.3 – Snowy Mountains Neighbourhood Centre Inc. Memorandum of Understanding;

10.4 – Delegate Preschool and Delegate School of Arts;

13.1 – Local Government Elections 2020;

13.2 – Delivery Program Operational Report S404 for the period July – December 2018;

13.3 – Model Code of Conduct;

13.5 – Code of Meeting Practice;

13.6 – Impacts relating to amendments to the Government Information (Public Access) Act 2009;

13.8 – Transfer of Crown Roads in the Township of Dalgety to Council;

13.9 – Parking in the Laneway at the rear of the Jindabyne Town Centre;

13.10 – Grant Applications – Activity Synopsis as at 31 January 2019; and,

13.11 – Quarterly Budget Review Statement (QBRs) December 2018

B. That the Officer's Recommendations in the reports listed above are hereby adopted.

Moved Councillor Corbett

Seconded Councillor Beer

CARRIED

7. ADOPTION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY COUNCIL MEETING 7 FEBRUARY 2019

COUNCIL RESOLUTION

49/19

THAT the minutes of the Ordinary Council Meeting held on 07 February 2019 are confirmed as a true and accurate record of proceedings.

Moved Councillor Stewart

Seconded Councillor Corbett

CARRIED

7.2 CLOSED SESSION OF THE ORDINARY COUNCIL MEETING 7 FEBRUARY 2019

COUNCIL RESOLUTION

50/19

THAT the minutes of the Closed Session of the Ordinary Council Meeting held on 07 February 2019 are confirmed as a true and accurate record of proceedings.

Moved Councillor Stewart

Seconded Councillor Ewart

CARRIED

8. MAYORAL MINUTE(S)

8.1 COUNCILLOR CASTELLARI

Attended the Aged Care discussions in Cooma, Berridale and Bombala. Cooma event was well attended. Discussed possibility of asking providers to do some educational sessions. Clr Castellari suggested there might be a need for care packages within the area. Clr also attended the meeting in Jindabyne with Clr Beer. The main focus at the Jindabyne Aged Care meeting was the focus on a Jindabyne facility.

8.2 COUNCILLOR BEER

Attended the Go Jindabyne project meeting, and discussed where it will fit in terms of space. The interest within the project is still very high.

8.3 COUNCILLOR CORBETT

Attended the meeting in Queanbeyan for Police in Unity. Crime in the area is currently at a reasonably high level. At the meeting, there was discussion on the speed limit on Polo Flat Rd.

8.4 COUNCILLOR MASLIN

Attended the Bombala Community meeting for new Aged Care facility being built from moneys given very generously by a family in Bombala. Bombala fortunate to have the bequest. There are currently 10 independent living units currently adjacent to current aged care facility

8.5 COUNCILLOR STEWART

Attended the Aged Care Community meeting in Bombala along with Clr Maslin.

8.6 MAYOR ROONEY

8th February 2019, travelled to Tumbarumba to meet with Snowy Valley Mayor. Dinner was attended by Members of Parliament and challengers at both State and Federal electorates.

9th February 2019 attended the Tumbarumba Treck, which was a 13km with the community. Event was very well attended.

11th February 2019 met with NSW Panel members dealing with the rock flat quarry between Cooma and Nimmitabel. Also met with Generals on Trade Mission, that were present at the Snowy Hydro Visitors Centre presentation. Also addressed a dinner of the Trade Delegation, giving a speech about the importance of visit for Council.

12th February 2019 attended the announcement made by Deputy Premier John Barilaro, for an additional 8 Million dollars for country University Centres.

13 February 2019 travelled to Berridale with Clr Corbett, to open a new playground. Also travelled to Adaminaby to open a playground.

14 February 2019 travelled to Wagga Wagga along with the General Manager. In attendance were other Mayors and General Managers with the CRJO, focusing on business development. Infrastructure priorities of the CRJO.

16th February 2019 travelled to Tumut and attended the launch of the Snowy Valleys Magazine.

17th February 2019 travelled to Jindabyne and attended the Jindabyne Flowing Festival, which was organised by the Jindabyne Snow Dragons. Was a very large event with hundreds of contestants.

Note 2: Attendance of Councillor

Councillor Beer was absent from the meeting from 6.17pm during Item 8.6 – Delegate’s Report returning at 6.21pm during the same item

Note 3: Director Operations & Infrastructure

Director Operations & Infrastructure was absent from the meeting from 6.22pm during Item 8.6 – Delegate’s Report returning at 6.25pm during the same item.

9. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS

Business Arising Out Of The Minutes

Proceedings in Brief

A number of issues were raised by the Mayor seeking advice on progress with recommendations of the Committee. These issues did not require further resolutions from Council and were addressed by the General Manager

9.1 LOCAL TRAFFIC COMMITTEE MEETING - 24TH JANUARY 2019

Record No:

Responsible Officer: Director Operations & Infrastructure

Author: Roads Safety Officer

Attachments: 1. Minutes of the Local Traffic Committee Meeting held 24 January 2019

EXECUTIVE SUMMARY

The Local Traffic Committee met on 24 January 2019 in Jindabyne. The Committee's recommendations are presented for Council's consideration and adoption.

COUNCIL RESOLUTION

51/19

That the recommendations of the meeting of the Local Traffic Committee held on 24 January 2019 be adopted.

Moved Councillor Castellari

Seconded Councillor Corbett

CARRIED

9.2 MINUTES OF THE RECREATIONAL FACILITIES SECTION 355 COMMITTEE MEETING HELD 21 JANUARY 2019

Record No:

Responsible Officer: Director Operations & Infrastructure

Author: Open Space & Recreation Manager

Attachments: 1. Minutes - Recreational Facilities S355 Committee meeting held 21 January 2019

2. Monaro Aquatics Presentation

EXECUTIVE SUMMARY

The Recreational Facilities Committee met on 21 January 2019 in the Cooma Council Chambers. The minutes from this meeting are attached for Council's information.

COUNCIL RESOLUTION

52/19

That Council receive and note the Minutes of the meeting of the Recreational Facilities Section 355 Committee meeting held on 21 January 2019 and the attached presentation from Monaro Aquatics. .

Moved Councillor Castellari

Seconded Councillor Beer

CARRIED

10. CORPORATE BUSINESS - KEY THEME 1. COMMUNITY

10.1 MONTHLY FUNDS MANAGEMENT REPORT - JANUARY 2019

Record No:

Responsible Officer: Chief Financial Officer

Author: Finance Assistant

Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation

Delivery Plan Strategy: DP7.6 Increase and improve Council's financial sustainability.

Operational Plan Action: OP7.18 Effective management of Council funds to ensure financial sustainability.

Attachments: Nil

Cost Centre 4010 Financial Services
Project Funds Management
Further Operational Plan Actions: OP7.2 Completion of reporting requirements in accordance with legislation.

EXECUTIVE SUMMARY

The following report details the funds management position for the reporting period ending 31 January 2019.

Cash and Investments are \$83,337,383.

Certification

I, Matt Payne, 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 this report have been invested in accordance with Section 625 of the Local Government Act 1993, the Regulations and Council's Investment Policy.

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

COUNCIL RESOLUTION

53/19

That Council

- A. Receive and note the report indicating Council's cash and investments position as at 31 January 2019.
- B. Receive and note the Certificate of the Responsible Accounting Officer.

Moved Councillor Corbett

Seconded Councillor Beer

CARRIED

Note 4: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 49/19 above as there was no challenge by Councillors

10.2 LEASE AGREEMENT RENEWAL - BORAL RESOURCES (COUNTRY) LIMITED - BOMBALA

Record No:

Responsible Officer: Director Operations & Infrastructure
Author: Property Officer
Key Theme: 4. Leadership Outcomes
CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives: 10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:
1. Map of Bombala Area
2. Map of Bombala Pipe Depot and Boral Area
3. Draft Lease Agreement SMRC and Boral Resources - **Confidential**
4. Confidential Economic Information Boral Resources Lease -

Confidential

Cost Centre 1560 Council Depots
Project PJ300046 Leases and Licences
Further Operational Plan Actions:

EXECUTIVE SUMMARY

On 19 March 2014, the Former Bombala Council Resolved (54/14) to lease approximately 1.4 hectares (Lot 366, DP756819) in the Bombala Industrial area to Boral Resources (Country) Pty Ltd for a period of five years. The lease expires on 30 June 2019.

Boral Resources have advised that they would like to renew the Lease for a further five years.

Consultation with Group Manager Operations and Infrastructure confirmed there were no immediate plans to change the status quo.

Boral have always followed the requirements of the Lease and paid their rental fee on time.

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

COUNCIL RESOLUTION

54/19

That Council

- A. Approve the renewal of a 5 year Lease to Boral Resources (Country) Pty Ltd; and
- B. Authorise the General Manager and Mayor to execute and Affix the Council Seal to the Lease.

Moved Councillor Corbett

Seconded Councillor Beer

CARRIED

Note 5: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 49/19 above as there was no challenge by Councillors.

10.3 SNOWY MOUNTAINS NEIGHBOURHOOD CENTRE INC. MEMORANDUM OF UNDERSTANDING

Record No:

Responsible Officer: Director Operations & Infrastructure
Author: Property Officer
Key Theme: 1. Community Outcomes
CSP Community Strategy: 1.1 Quality health and well-being services that support the changing needs of the community through all stages of the lifecycle are provided through government and non-government organisations
Delivery Program Objectives: 1.1.1 Regional health and wellbeing services have been planned through community consultation and partnerships with other levels of government
Attachments: 1. Draft Memorandum of Understanding Snowy Mountains Neighbourhood Centre Inc

Cost Centre 2420

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

The current MOU for Snowy Mountains Neighbourhood Centre Inc. (SMNC) is due to expire on 17 March 2019.

SMNC is a community-based organisation which supports the well-being of people living in Jindabyne and surrounding areas. Incorporated in 2006, SMNC is a not for profit organisation managed by a volunteer committee and run by a coordinator and numerous volunteers.

With minimal services or community space located in or around the township of Jindabyne, the SMNC offers the local community much needed basic services. Under the terms of the agreement the SMNC is recognised as the primary occupant of the office space with provision made for other compatible organisations to use the premises.

Council has been an active advocate of and advisor to the Centre since it opened its doors over ten years ago.

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

COUNCIL RESOLUTION

55/19

That Council

- A. Resolve to execute the Memorandum of Understanding (MOU) between Council and Snowy Mountains Neighbourhood Centre Inc. for non-exclusive use of Council space in Snowy River Avenue Jindabyne for a period of three (3) years.
- B. Authorise the General Manager to execute the MOU.

Moved Councillor Corbett

Seconded Councillor Beer

CARRIED

Note 6: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 49/19 above as there was no challenge by Councillors

10.4 DELEGATE PRESCHOOL AND DELEGATE SCHOOL OF ARTS

Record No:

Responsible Officer: Director Operations & Infrastructure

Author: Land & Property Officer

Key Theme: 1. Community Outcomes

CSP Community Strategy: 3.1 Develop, maintain and promote safe spaces and facilities that are enabling, accessible and inclusive for all

Delivery Program Objectives: 3.1.2 Preventative maintenance programs have been established across Council spaces and facilities that are compliant with current standards

Attachments:	1. External Access to Preshool toilets - access encroaches over boundary 2. Delegate School of Arts fence on boundary - easement for drainage to be acquired
Cost Centre	1510 – Property Management Services
Project	PJ150336 – Renewal of drainage system Delegate Preschool PJ150337 – Renewal of drainage system Delegate School of Arts

EXECUTIVE SUMMARY

Both Delegate Preschool and Delegate School of Arts are located on adjoining Crown land allotments. Delegate Preschool is located on lot 7 section 8 DP 758346 and the School of Arts is located on lot 11 section 8 DP 758346. A private residence is located on the far side of the School of Arts.

Both the Preschool and the School of Arts have significant drainage problems which are impacting the buildings. There are many non-compliant issues with the buildings and it is proposed to address the most urgent issue with the assistance of the Crown and to apply for grant funding to address the rest of the issues.

It is proposed to seek Council's consent to commence the process by using \$50,000 from the former Bombala reserves to fund project management and an independent building assessment. This assessment will be utilised to determine scope and costs and enable preparation of grant applications.

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

COUNCIL RESOLUTION

56/19

That Council

- A. Approve \$50,000 from former Bombala reserves to fund an independent building assessment of the Delegate Preschool and the Delegate School of Arts to determine storm water and drainage mitigation scopes and to fund project management of subsequent drainage works and construction of new amenities block for the School of Arts.
- B. Continue to liaise with the Crown for funding for the new School of Arts toilet amenities to be located at the rear boundary of Lot 11 Section 8 DP 758346 to include connection of services.

Moved Councillor Corbett

Seconded Councillor Beer

CARRIED

Note 7: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 49/19 above as there was no challenge by Councillors

10.5 PROPOSED BOUNDARY ADJUSTMENT IMPACTING LEARNER BIKE TRACK PROJECT

Record No:

Responsible Officer: Director Operations & Infrastructure

Author: Project Specialist Innovation & Business Development

Key Theme:	1. Community Outcomes
CSP Community Strategy:	1.3 Recreation, sporting and leisure facilities encourage all ages to live in an active and healthy lifestyle
Delivery Program Objectives:	1.3.3 Council's recreational facilities, parks and public open spaces are safe, well managed and accessible
Attachments:	<ol style="list-style-type: none">1. 2019 02 08 Nijong Learner Bike Track - Cross boundary issue for proposed design - Final2. 2019 02 08 Nijong Learner Bike Track - Learner bike track over revised boundary adjustment_Final3. 2019 02 08 Nijong Learner Bike Track - Proposed boundary adjustment_Final
Cost Centre	C PP-025 Nijong Oval Improvements (PJ100108)
Project	Learner Bike Track
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

As part of the Stronger Communities Fund Major Projects Program (SCFMPP) the Learner Bike Track project was included for delivery within the package, PP-025 Nijong Oval Improvements. Additional grant funding was provided through Stronger Countries Communities Fund (SCCF).

The location identified as the preferred site is adjacent to Barrack Street, Cooma opposite the Nijong Oval playing fields. However, the Learner Bike Track design sits cross boundary between SMRC owned land and an SMRC road reserve.

It is recommended that Council consider a boundary adjustment necessitating a re-alignment of Lot 4 DP32321 and incorporate a section of the SMRC road reserve to ensure the project can proceed at the location selected.

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

COUNCIL RESOLUTION

57/19

That Council defer consideration of the boundary adjustment for Lot 4 DP32321 to the meeting on the 21 March 2019, and between now and the next meeting, the project manager and councillors may contact local residents to discuss.

Moved Councillor Corbett

Seconded Councillor Haslingden

CARRIED

Note 8: Amendment to Original Motion

The above recommendation was an amendment to the original motion. The amendment on being put to the vote was carried and became the substantive motion.

The original motion Moved: Clr Maslin, Seconded: Clr Castellari was:
"That Council approve the boundary adjustment for Lot 4 DP32321"

11. CORPORATE BUSINESS - KEY THEME 2. ECONOMY

Nil

12. CORPORATE BUSINESS - KEY THEME 3. ENVIRONMENT

12.1 DEVELOPMENT APPLICATION - 10.2018.129.1

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Urban and Rural Planner
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.2 Land use is optimised to meet the social, environment and economic needs of the region
Attachments:	1. Plan Set 2. Draft Consent

Further Operational Plan Actions:

Applicant Number:	10.2018.129.1
Applicant:	Snowy Monaro Regional Council
Owner:	Snowy Monaro Regional Council
DA Registered:	7 th December 2018
Property Description:	Lot 11 DP 1244833
Property Number:	1004642
Area:	Bombala
Zone:	B2 – Local Centre
Current Use:	Vacant Land
Proposed Use:	New Public Amenities Building
Permitted in Zone:	Yes
Recommendation:	Approved

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for a new public amenities building in the main street of Bombala. This proposed development falls under the Stronger Communities Program Major Projects fund run by Council.

The proposal is permissible through the provisions of the LEP, and is deemed suitable for the subject site.

The application is required to be determined at a Council meeting as the land is owned by Council.

It is recommended that the development application be approved with appropriate conditions of consent.

If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 18/18 on 15 February 2018.

COUNCIL RESOLUTION

58/19

That Council

A. Pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* (as amended) approval for DA.10.2018.129.1 for Public Amenities Building on Lot: 11 DP: 1244833 142 Maybe Street BOMBALA , is granted subject to the conditions attached; and

B. Any person who made a submission is notified according to the regulations.

Moved Deputy Mayor Miners

Seconded Councillor Beer

CARRIED

Note 9: Record of Voting

Councillors For: Councillor Beer , Councillor Castellari, Councillor Corbett, Councillor Ewart, Councillor Haslingden, Councillor Last, Councillor Maslin, Mayor Rooney and Councillor Stewart.

Councillors Against: Nil.

Note 10: DRAFT cONDITION OF CONSENT – DA10.2018.129.1

DRAFT - Notice of Determination and Statement of Reasons

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

Application Number	10.2018.129.1
Legal Description	Lot 11 DP 1244833
Property Address	142 Maybe Street Bombala NSW 2632
Development Description	New Public Amenities Building
Estimated Cost	\$350,000

Determination

Pursuant to Section 4.16 (1)(a) of the *Act*

Notice is hereby given of the determination by Snowy Monaro Regional Council of Development Application **10.2018.129.1** relating to the land described above.

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

Authority: Council,

Determination Date: To be determined

Consent to Operate from: To be determined

Consent will Lapse on: To be determined

Reasons for Decision

Pursuant to Schedule 1 cl 20(2)

The reasons for the decision were:

1. The proposal adequately satisfies the application provisions and objectives of the Bombala Council LEP 2012 and the Bombala Council DCP 2012.
2. The proposed development adequately satisfies the relevant State Environment Planning Policies including SEPP 55 – Remediation of Land, SEPP (infrastructure) 2007, SEPP 64 Advertising and Signage.
3. The proposed development, subject to the conditions below, will have no unacceptable adverse impacts on the natural or built environments including the nearby local heritage items, the local waterways or drainage systems or the operation of the local road system. Further it is considered that developments of the subject site does not prevent future reasonable development of adjoining allotments In consideration of conclusions 1 – 3 above it is considered the proposed development is a suitable and planned use of the site and approval of the proposal is in the public interest.

Conditions

ADMINISTRATIVE CONDITIONS

Approved Plans and Documentation

1. The developer is to ensure that the development complies fully with DA.10.2018.129.1 as submitted to Council on the 7TH December 2018 with supporting documentation including, but not limited to the development plans being:

Reference/Dwg No	Title/Description	Prepared By	Date/s
A050	Visualisation	Public Works Advisory	16/11/2018
A010	Location Plan	Public Works Advisory	16/11/2018
A020	Site Plan, Sediment and Erosion control	Public Works Advisory	16/11/2018
A300	Building Elevations	Public Works Advisory	16/11/2018
A110	Proposed Floor Plan	Public Works Advisory	16/11/2018

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

Inconsistency between documents

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

Prescribed Conditions

3. The developer shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 4.17(11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

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

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

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

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

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

OTHER APPROVALS

4. Sewer Connection

An application, pursuant to Section 68 of the Local Government Act 1993, to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of Works.

5. Water Supply Connection

The developer shall make arrangements with Council for the provision of an appropriately sized water meter service with a gate valve and approved backflow prevention device to the proposed development. A s68 application to connect to Council's water supply network shall be submitted to and approved by Council prior to commencement of Works. All works shall be carried out to the satisfaction of Council and at no cost to Council.

6. Water and Sewer Developer Contributions

The developer shall submit to Council a Section 305 Compliance application (Water and Sewer Contributions) under Section 305 of the Water Management Act 2000 prior to the approval of any construction certificate. The developer must obtain a Compliance Certificate under Section 307 of the Water Management Act 2000 prior to the approval of any construction certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

Construction Certificate

7. The developer is to ensure no site works, construction or building works are to

commence without first obtaining a Construction Certificate.

Appointment of Principal Certifying Authority and Notice of Commencement

8. At least 48 hours prior to the commencement of any works on the site, a “Notice of Commencement of Work and Appointment of PCA Form” will be submitted to Council. This includes that prior to the commencement of works the Applicant will submit to Council:
 - (a) A construction certificate for the building work which has been issued by the Certifying Authority (i.e. Council or Accredited Certifier); and,
 - (b) Evidence that the person having the benefit of the development consent has:
 - i) Appointed a Principal Certifying Authority (PCA) and notified Council in writing of the appointment, irrespective of whether Council or an accredited private certifier is appointed;
 - ii) notified the PCA that the person will carry out the building work as an owner-builder, if that is the case; and,
 - (c) Evidence that the principal PCA has, no later than 2 days before the building work commences:
 - i) notified the consent authority and the Council of his or her appointment, and;
 - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and,
 - (d) Evidence that the person having the benefit of the development consent, if not carrying out the work as an owner-builder has:
 - i) notified the Certifying Authority (i.e. Council or Accredited Certifier) of any such appointment; and,
 - ii) unless that person is the principal contractor, notified the principal contractor of any critical state inspection and other inspections that are to be carried out in respect of the building work.

Temporary Benchmark

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

Site Notice

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

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

Temporary Sanitary Facilities

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

Each toilet provided must be:

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

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

Termite Control

12. Prior to the commencement of works, the Applicant will submit to the satisfaction of the PCA (i.e. Council or Private Certifier) documentation confirming the building will be protected from termite attack in accordance with the provisions of Australian Standard AS 3660.1. The submitted documentation will include:

- (a) details of the proposed methods to be used; and
- (b) certification of works performed;

13. A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:

- (a) the method of protection;
- (b) the date of installation;
- (c) where a chemical barrier is used, its life expectancy as listed on the National
- (d) Registration Authority label; and.
- (e) the need to maintain and inspect the system on a regular basis.

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

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

Commencement of Works Notice

14. At least 2 days prior to commencement of works on-site, a notice of commencement (refer attached form) is to be submitted to Council in accordance with the provisions of section 81(2)(c) of the Environmental Planning & Assessment Act 1979. Failure to notify Council prior to commencement may lead to the instigation of legal action.

DURING WORKS

Approved Plans to be On-site

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

Erosion & Sediment Control

16. The developer is to ensure that where site works are undertaken including all excavations, land clearing and materials storage, all topsoil that is removed is stripped and stockpiled in an appropriate location for future revegetation works. The stockpiled area is to be encircled by a geofabric filter fence.
17. The developer is to ensure that erosion and siltation control measures are installed and maintained on the site for the entire length of the construction project. Erosion control measures are to include the placement of hay bales staked in the ground or the erection of geofabric filter fencing at the bottom of all areas where cut and fill is carried out and within any existing drainage areas from those cut and fill areas. These control measures are to be in accordance with the requirements of the consent authority and best management practices as outlined in the NSW Department of Housing "Soils and Construction,

Managing Urban Stormwater 4th Edition, March 2004 – the Blue Book”.

18. The developer shall ensure that erosion and siltation control measures shall be undertaken in accordance with the approved *Erosion and Sediment Control Plan* in respect to any part of the land where the natural surface is disturbed or earthworks are carried out.
19. The developer is to ensure that all works proposed must be designed, constructed and operated to minimise sedimentation, erosion and scour of the banks or bed of the watercourse and to minimise adverse impacts on aquatic and riparian environments.

All-weather Access

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

Public Property

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

Site Management

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

Trade Waste

23.
 - (a) The applicant must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction
 - (b) Building materials used in the construction of the building are not to be deposited or stored on Council’s footpath or road reserve, unless prior approval is obtained from Council.

- (c) The burning of builders waste on site by open fire is prohibited.

Use of Explosives

24. The developer is to ensure that any person considering the use of explosives during construction must at all times:
- (a) be an operator licensed by the WorkCover (NSW);
 - (b) notify the local police and persons likely to be affected by the blasting;
 - (c) obtain the necessary public liability insurance; and
 - (d) use approved and serviceable blasting mats.

Use of Power Tools - Residential and Village Areas

25. The developer is to ensure that work on the development site by all persons using power tools and equipment is limited to the following hours:
- | | |
|-----------|------------------|
| Mon - Fri | 7.00am to 6.00pm |
| Saturday | 8.00am to 5.00pm |
- No work to occur on Sundays or Public Holidays

Inspection Notification

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

Public Access and Site Security

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

Excavation

28. The developer is to ensure that at all times all excavations and backfilling associated with the development is executed safely and in accordance with professional standards.
29. The developer is to ensure that all excavations are properly guarded and protected at all times to prevent them from being a danger to life or property.
30. The developer is to ensure that if an excavation associated with the

development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:

- (a) preserve and protect the adjoining building from damage, and if necessary, underpin and support the building in an approved manner; and
- (b) at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

31. The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

An **allotment of land** includes a public road and any other public place.

32. The developer is to ensure that the toe of any embankment to a site excavation is a minimum 900mm from the external walls and graded to drain all surface water away from the building. The ground level adjacent to the building is to be no less than 150mm below the top of the reinforced concrete floor slab.

Plumbing & Draining

33. The developer is to ensure that prior to any plumbing work being commenced the licensed plumber / drainer must lodge with Council a Notice of Work two (2) working days prior to commencement of the work.

AND

Prior to covering any new Plumbing & Drainage work arrange for the work to be inspected by Council Officers by phoning the Jindabyne Council Office on 02 64511550 and paying the appropriate inspection fee. (An additional inspection fee will apply for all work required to be re-inspected)

AND

Within two (2) working days of the final inspection being completed the Licensed Plumber & Drainer is to provide to the Council and the property owner:- A Certificate of Compliance to AS3500. A sewer service diagram.
Notes:- The Plumbing and Drainage Act 2011 has substantial fines for non-compliance.

34. All plumbing and drainage work is to be installed by a Licensed Plumber & Drainer in accordance with the Australian Standard 3500 and the provisions of the Plumbing and Drainage Act 2011 and BASIX requirements.
35. The developer shall ensure that a licensed plumber and drainer undertakes the connection to Council sewer system. The sewer riser is to be flush with the finished surface levels of the land and provided with a cap and concrete collar.

Hot Water Installation

36. All new heated water installations shall deliver heated water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

(a) 45°C for aged, the sick, children or people with disabilities in healthcare or aged care buildings, early childcare centres, primary & secondary schools & nursing homes or similar facilities for the aged, the sick, children or people with disabilities, and

(b) 50°C for all other situations.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of the works.

Retaining Walls

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

Revegetation Works

38. The developer is to ensure that at the completion of site works the following landscaping works are carried out:
 - (a) topsoil is spread over all disturbed areas* with priority given to cut and fill batters;
 - (b) all disturbed areas* are re-vegetated using drylands grass mix with a complete fertiliser;
 - (c) all disturbed areas* are to be weed free hay mulched. The hay mulching is to be undertaken by a suitable contractor in accordance with Snowy River

Development Control Plan 1998 – Circular R3 Revegetation works.

(* including all footpath areas and adjoining properties where applicable)

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificates

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

41. Prior to the issue of an Occupation Certificate all carparking requirements of the development must meet Clause 5.1.1 Bombala DCP 2012.

USE OF SITE

External Finishes

42. Any outbuildings or other ancillary structures are to be finished in colours and materials of natural earthy tones and low reflective quality to blend with the surroundings.

43. The developer shall ensure that the materials and colours of external features of any building, driveways, walkways or large paved areas shall be in colours that blend with the surrounding natural materials (e.g. olive or mist green, light or slate grey, light browns) and shall be non-reflective.

Services

44. The developer shall ensure that all service pipes and vents are enclosed in suitable ducts so that no plumbing or other fittings are exposed. Access panels must be provided as required by the relevant authority.

The reasons for the imposition of the conditions are:

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

- 5 To ensure development proceeds in accordance with approved plans.

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

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

3. It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact Planning on (02) 6451 1550 if there is any difficulty in understanding or complying with any of the above conditions.

Notes

1. Section 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right to request the consent authority to review the determination. The request for review must be made within six (6) months after the date on which the applicant received the notice of determination and must be accompanied by the fee set by the Regulations; it does not apply to an application in respect of Designated Development or Integrated Development.

2. Section 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months from the date of receipt of this notice.
3. In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.
4. The applicant is solely responsible for ensuring that all additional consents, permits and/or agreements are obtained from other authorities, as relevant.
5. Headings are for convenience only and do not affect the interpretation of any condition of this development consent.

6. Attendance of Manager Corporate Governance

Manager Corporate Governance was absent from the meeting from 6.47pm during Item 12.1 Development Application 10.2018.129.1, returning at 6.51pm during same item.

12.2 DA10.2018.1280.1 - TO ERECT A SHED (MEN'S SHED)

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Urban and Rural Planner
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.2 Land use is optimised to meet the social, environment and economic needs of the region
Attachments:	1. Plan Set 2. Submissions (White Out Copy) 3. Draft Consent

Further Operational Plan Actions:

Applicant Number:	10.2018.1280.1
Applicant:	Rick Harris
Owner:	Snowy Monaro Regional Council
DA Registered:	14/11/2018
Property Description:	Lot: 3 DP: 537242
Property Number:	10060630
Area:	Cooma
Zone:	R2 – Low Density Residential
Current Use:	Vacant land
Proposed Use:	Community Facility – Men's Shed

Permitted in Zone:	Yes
Recommendation:	Approval

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for a new Community Facility to be purposed as a Men's Shed.

The Australian Men's Shed Association defines Men's Sheds as any community-based, non-profit, non-commercial organization that is accessible to all men and whose primary activity is the provision of a safe and friendly environment where men are able to work on meaningful projects at their own pace in their own time in the company of other men.

The proposal is permissible through the provisions of the LEP, and is deemed suitable for the subject site.

The application is required to be determined at a Council meeting as the land is owned by Council.

It is recommended that the development application be approved with appropriate conditions of consent.

If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 18/18 on 15 February 2018.

COUNCIL RESOLUTION

59/19

That

- A. Pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979 (as amended)* approval is granted for DA 10.2018.1280.1 to Erect a Shed (Men's Shed) on Lot: 3 DP: 537242 Mulach Street COOMA 2630, subject to conditions attached and a satisfactory contamination report;
- B. Any person who made a submission is notified according to the regulations.

Moved Councillor Last

Seconded Councillor Stewart

CARRIED

Record of Voting

Councillors For: Councillor Beer, Councillor Castellari, Councillor Corbett, Councillor Ewart, Councillor Last, Councillor Maslin and Councillor Stewart.

Councillors Against: Councillor Haslingden and Mayor Rooney.

Note 11: Draft Conditions of Consent

Notice of Determination of a Development Application

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

Application Number	10.2018.1280.1
Property Description	Mulach Street COOMA 2630
	Lot: 3 DP: 537242
Development Description	To erect a shed (Cooma Men's Shed)

Classification **MAN**

Determination

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

Notice is hereby given of the determination by Snowy Monaro Regional Council of Development Application **10.2018.1280.1** relating to the land described above.

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

Authority: Council
Determination Date: TBD
Consent to Operate from: TBD
Consent will Lapse on: TBD

Integrated Approval Bodies

Pursuant to Section 93 of the Act

The development application proposal was not Integrated Development. INT_01

Conditions

General

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

Document/Plan Schedule			
Ref	Description	Prepared/Drawn By	Received
-	Statement of Environmental Effects	Applicant	13/11/2018
-	Floor Plan & Elevations	P. Schwarz	22/11/2018
-	Site Plan	Applicant	05/02/2019

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

2. All asset protection zones required by this consent are to be created and maintained in accordance with the NSW Rural Fires Service's Standards for Asset Protection Zones and are not to be implemented through a process of clear felling.

Note: This document emphasises the importance of maintaining groundcover and non-threatening vegetation as a means of preventing soil erosion.

Reason: To ensure that proposed bushfire protection measures do not result in any additional environmental impacts. BF_1_08

3. Reflective materials such as zincalume are not to be used on structure facades or roof.

Reason: To comply with Cooma-Monaro Development Control Plan (Amendment 1) 2014 clause 2.1.2 P_0_01

4. All erosion and sedimentation control devices shall be maintained until the site has been adequately revegetated and no soil remains exposed. Revegetation or stabilisation of disturbed areas shall be commenced as soon as possible on all sites. This includes turfing, seeding, bitumen straw mulching, and landscape planting.

Reason: To establish site stability as soon as possible following earthworks. P_5_01

5. Prior to the installation of the shipping container on the site the container must be painted in a low reflective neutral colour to blend in with the surrounding natural environment and built structures. The proposed Colour is to be approved by Council in writing prior to the Container's installation on the site.

Reason: To ensure compliance with the requirements of the Cooma-Monaro Development Control Plan 2014. P_6_01

6. The placement of the shipping container on the site is limited to (*Insert Date of Consent*) or two (2) years from the date of installation (whichever occurs first). Immediately beyond this date the shipping container must be removed from the site unless further development consent has been obtained.

Once the shipping container has been removed from the site, revegetation or stabilisation of disturbed areas shall be commenced as soon as possible.

Reason: To ensure compliance with the requirements of the *Cooma Monaro Shire Development Control Plan 2014*.

Design Related Conditions

7. Construction shall comply with Section 5 (BAL 12.5) of Australian Standard AS 3959-2009 "Construction of buildings in bush fire prone-areas" and section A3.7 Addendum Appendix 3 of *Planning for Bushfire Protection*.

Reason: To minimise the risk of bushfire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. BF_1_05

Required Works

8. The carparking area/s shall be constructed in accordance with *Cooma-Monaro Shire Council Development Control Plan 2014* and *AS 2890.1 – Off Street Car Parking*.
- The applicant shall provide a plan of the proposed carpark for Councils consideration. A Construction Certificate will not be issued until the parking plan is approved.
 - The plan shall allow for 10 car parking spaces including 2 disabled spaces.
 - The plan shall address how stormwater from the access road and carpark will be controlled.

Construction standards to be as follows:

- The access road and the carpark shall have a 100mm compacted gravel pavement
- The parking bays shall be delineated with raised pavement markers.

Reason: To provide car parking in accordance with Council Standards. R_11_01

Conditions to be met prior to commencement of work

9. The applicant shall, prior to commencement of works, obtain a Section 138 (Roads Act 1993) consent from Council for the following works:

- a) Vehicular footpath crossing
- b) Removal of the existing layback kerb and the construction of a new layback crossing in accordance with Councils plan B163 and D243

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

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

Reason: In accordance with Roads Act 1993. R_1_02

10. The application under Section 138 of the Roads Act is to include the following details:
- Design details of the proposed vehicular footpath crossing complying with Council Drawing B 163 and D 243
 - A design long section of the driveway
 - Satisfactory evidence of the currency of public liability insurance of not less than \$20 million, specifically indemnifying Council against all claims arising from the execution of the works.
 - A plan for the safe management of pedestrians past the site during the construction works.

Reason: To ensure compliance with Cooma Monaro Shire Development Control plan 2014

11. NO WORK IS TO COMMENCE until a Construction Certificate is issued by Council or a private Principal Certifying Authority.

Reason: Requirement of the *Environmental Planning and Assessment Act and Regulations*. B_1_02

12. Before commencing any work a sign MUST be erected on the land, visible from the road and indicating:

- a) The owner's name and contact number (including after-hours contact number).
- b) Allotment number

- c) Construction Certificate number.
- d) Principal Contractor's name and contact number.
- e) Principal Certifying Authority's name, address and contact number.

Note: Where Council is the Principal Certifying Authority list details as:

Snowy Council	Monaro	Regional
81 Cooma	Commissioner	Street,
Phone 1300 345 345		

The sign must also state 'Unauthorised entry to the work site is prohibited'.

The sign must be maintained while building works are carried out and must be removed once works are completed.

Reason: Prescribed condition in accordance with clause 98A(2) of the *Environmental Planning and Assessment Regulations*. B_2_01

13. Where earthworks are undertaken to accommodate a new building, precautionary measures must be undertaken to ensure soil mixed in with run-off is contained on the site. It is an offence to allow soil and other runoff to escape from the building site. On-the-spot fines may be issued for offences.

Reason: To minimise erosion of land and siltation of waterways, and a requirement of the *Protection of the Environment Operations Act*. B_2_08

14. Prior to commencement of work and throughout the construction process silt fences are to be installed on the down slope side of the construction area. Such fences are to be installed in accordance with the provisions of Appendix 8 of the *Cooma-Monaro Development Control Plan 2014*.

Reason: To ensure that all sediment material is appropriately contained on site. P_5_02

Conditions to be met prior to release of Construction Certificate

15. All development or structures shall be a minimum 5 metres clear of a wastewater rising main.

Reason: To ensure the integrity of the rising main is not compromised. WW_1_05

16. The structure proposed to be erected adjacent to the Council's wastewater drainage main shall comply with *Cooma-Monaro Shire Council Wastewater Development Standard*. Structure is to be no closer than 1.5m of existing manhole assets to allow unobstructed access. Details are to be provided in plans submitted for the Construction Certificate.

Reason: To ensure the integrity of the pipeline and access to the pipeline is not compromised. WW_1_07

17. Notwithstanding the issue of this development consent, separate approval from Council under section 68 of the Local Government Act 1993 is required for the carrying out of any Plumbing, Drainage, Water and Stormwater works. An application for assessment under section 68 LGA 1993 must be submitted on Council's standard application form and be accompanied by the required information and appropriate fees prior to the release of Construction Certificate.

Reason; To ensure compliance with the Local Government Act 1993.

18. Prior to issue of Construction Certificate a soil analysis must be submitted with drainage calculations which justify the use of an on-site absorption system on the site. The report shall include calculations demonstrating the absorption of stormwater into the soil can occur at a rate which does not result in impacts on the proposed building, adjoining properties or Council' infrastructure for a 1% AEP rainfall event.

An alternative option may be to discharge the overflow to the kerb and gutter in Mulach Street. An assessment of this proposal would need to be submitted prior to issue of Construction Certificate to ensure that there is sufficient head pressure to allow for water to flow to the kerb and gutter stormwater system.

Reason: To ensure appropriate stormwater management controls are implemented. P_0_01

Conditions to be met during Construction

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

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

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

Reason: Applicant responsible for any damage occurred to Council infrastructure while constructing development. WW_1_08

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

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

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

Reason: Applicant responsible for any damage occurred to Council infrastructure while constructing development. W_1_07

21. All Building Work is to comply with the Building Code of Australia.
Reason: Prescribed condition in accordance with clause 98(1)(a) of the *Environmental Planning and Assessment Act and Regulation*. B_1_01
22. The following are Critical Stage Inspections as prescribed by the *Environmental Planning and Assessment Act and Regulations*, whereby the Principal Certifying Authority must inspect.
- a) prior to covering any stormwater drainage connections;
 - b) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building;
 - c) Council also requires that an inspection be made prior to covering any sanitary plumbing or drainage work.
- Note carefully that unless all of the Mandatory Critical Stage Inspections are carried out, an Occupation Certificate cannot be issued for the building.
Reason: Requirement of the *Environmental Planning and Assessment Act and Regulations*.
- NOTE: IF ANY ADDITIONAL COUNCIL INSPECTIONS ARE REQUIRED AN ADDITIONAL FEE WILL BE CHARGED IN ACCORDANCE WITH COUNCIL'S FEES SCHEDULE. B_1_06
23. The builder must at all times maintain on the site a legible copy of the plans and specifications bearing the stamp and Construction Certificate issued by the Principal Certifying Authority.
Reason: Requirement of the *Environmental Planning and Assessment Act and Regulations*. B_1_08
24. Working hours involving machinery or noisy activities being confined within the hours of 7.00am to 8.00pm, Monday to Saturday and 8.00am to 8.00pm on Sundays or Public Holidays. Please contact Council for further advice regarding noise control.
Reason: Requirement of the *Protection of the Environment Operations Act and Regulations* and to protect the amenity of residents in homes in the vicinity. B_1_09
25. During building operations the builder shall provide approved temporary closet accommodation - 1 toilet for each 20 persons or part thereof engaged upon the building at any time. In town and village areas, such toilet must be either a temporary water closet (connected to wastewater or septic tank) or an approved type of chemical closet, properly maintained.
Reason: To ensure adequate sanitary facilities are available. B_2_03

26. No building materials, equipment or structures are to be placed or stored on Council footpaths, nature strips or roadways unless prior approval under Section 138 of the Roads Act 1993 has been issued by Council.
Reason: To ensure roads and footpaths are not obstructed and for public safety. B_2_04
27. Provision is required to be made for the storage and disposal of all waste building materials.
Reason: To ensure the site is kept in a satisfactory condition. B_2_05
28. The builder shall keep the building site tidy and shall ensure no waste material escapes at any time during construction or otherwise causes any nuisance.
Reason: To ensure the site is kept in a satisfactory condition. B_2_06
29. Where excavation extends below the level of the base of the footings of a building, structure or work on adjoining land, the developer must:
- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - b) where necessary, underpin the building, structure of work on adjoining land to prevent any such damage;
- Reason:* Prescribed condition in accordance with clause 98E of the *Environmental Planning and Assessment Regulation*. B_2_10
30. Sediment control structures should be inspected daily and maintained. If the control structure is more than 50% full, the sediment is to be removed and disposed of appropriately (so that it will not move into watercourses).
Reason: To prevent the movement of sediment from the site. P_5_03
31. If any contaminated soil (e.g. hydrocarbon, asbestos) is uncovered during the course of the work:
1. All work must cease immediately in that area, and
 2. The developer shall prepare a site contamination audit report (prepared by a suitably qualified and experienced site contamination expert) which identifies the exact nature, degree and extent of any contamination within the soil strata and/or groundwater table (if any) and what remediation measures are necessary to address such identified contamination impacts. The report shall be undertaken in accordance with the requirements of *State Environmental Planning Policy No 55 – Remediation of Land* and the associated Guidelines and the *NSW Contaminated Land Management Act 1997*. This report shall be submitted to the Principal Certifying Authority for endorsement prior to the recommencement of works.

Reason: To ensure the health and safety of the site is maintained. P_0_01

Conditions to be met prior to release of Occupation Certificate

32. An application under Section 68 of the *Local Government Act 1993* is to be lodged with Council for the required water supply / sewerage supply works. No works are to commence until the Section 68 application is approved.
Reason: In accordance with the *Local Government Act 1993*. WWW_1_06
33. Provide a metered water supply service in accordance with *Cooma-Monaro Shire Council Water Supply Development Standard*.
A Section 68 application approval is required to connect the property to Council's water reticulation system.
Reason: Development to be provided with an adequate water supply service in accordance with Council's Policy and Regulations. W_1_02
34. No water supply service shall traverse or encroach onto any lot to service another.
Reason: Services to remain wholly within lot it services. W_1_06
35. A wastewater drainage service is to be provided for the development, in accordance with *Cooma-Monaro Shire Council Wastewater Development Standard*.
Reason: Development shall be provided with adequate means to dispose of wastewater (sewage). WW_1_03
36. An easement for wastewater drainage in favour of Council is to be created under Section 88b of the *Conveyancing Act 1919* to burden lot 24 DP30747 shown on the approved plans for the development. Space is to be provided within the Instrument for Council's General Manager to sign.
Reason: To ensure Council has legal and unrestricted access to its Wastewater Drainage infrastructure. WW_1_18
37. The building MUST NOT be occupied until an Interim or Final Occupation Certificate has been issued by the Principal Certifying Authority (PCA). If Council is the PCA, an Application for Occupancy must be made and payment of any applicable fees prior to inspection and issue of an Occupation Certificate.
Reason: Requirement of *Environmental Planning and Assessment Act and Regulations*.
B_4_01
38. Prior to the release of any Occupation Certificate and in perpetuity the property around the building to a distance of ten (10) metres, shall be maintained as an inner protection area (IPA) as outlined below:
- 1 The inner protection area shall comprise of the following
 - a) Minimal fine fuel at ground level

- b) Vegetation that does not provide a continuous path to buildings for the transfer of fire
- c) Shrubs and trees that do not form a continuous canopy and vegetation is planted /cleared into clumps rather than continuous rows
- d) Species that retain dead material or deposit excessive quantities of ground fuel are avoided
- e) Shrubs and trees are pruned or removed so that they do not touch or overhang the building/s; and
- f) Vegetation is located far enough away from the building so that plants will not ignite the building/s by direct flame contact or radiant heat emission

Reason: To provide sufficient space and maintain reduced fuel loads, so as to ensure radiant heat levels at buildings are below critical limits and to prevent flame contact with a building. BF_1_01

39. Prior to the release of any Occupation Certificate and in perpetuity internal roads shall comply with the following requirements of section 4.2.7 of *Planning for Bushfire Protection 2006*.
- a) Internal roads are two wheel drive, all weather roads.
 - b) A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches is provided.
 - c) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
 - d) Internal roads are to have a minimum carriageway width of 4 metres.
 - e) Internal roads are to feature passing bays at a maximum intervals of 200m being 20 metres and 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.

Reason: To provide safe access to/ from the public road system for firefighters providing property protection during a bush fire and for occupants faced with evacuation. BF_1_04

40. Prior to the release of any Occupation Certificate and in perpetuity landscaping to the site is to comply with the principles of Appendix 5 *Planning for Bushfire Protection 2006*. In this regard the following landscaping principles are to be incorporated into the development:
- a) Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;
 - b) Grassed areas/mowed lawns/ or ground covers plantings being provided in close proximity to the building;
 - c) Restrict planting in the immediate vicinity of the building which may over time if not properly maintained come into direct contact with the building;
 - d) Planting should not provide a continuous canopy to the building
 - e) When considering landscape species consideration needs to be given to estimated size of the plant at maturity

- f) Avoid planting of deciduous species that may increase fuel at surface/ground level
- g) Avoid climbing species to walls and pergolas
- h) Use low flammability vegetation species

Reason: To prevent flame contact to a structure, reduce radiant heat to below the ignition thresholds for various elements of a building, to minimise the potential for wind driven embers to cause ignition and reduce the effects of smoke on residents and firefighters. BF_1_06

41. Prior to the release of any Occupation Certificate and in perpetuity all water, electricity and gas services on the site are to comply with the following requirements of section 4.1.3 of *Planning for Bushfire Protection 2006*:

- a) Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard 1596:2002 'The Storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
- b) All fixed gas cylinders are to be kept clear of flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
- c) Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply to gas meters adjacent to building are not to be used.

Reason: To provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. BF_1_07

Ongoing Conditions

42. For the purpose of Clause 168 of the *Environmental Planning and Assessment Regulations*, fire safety measures are to be implemented in the premises.

The owner, upon completion of construction of the building, must provide Council with a Fire Safety Certificate in regard to the essential services to the effect that the services have been installed and tested by a person competent to carry out such inspection or such has found that the services meet the minimum standards specified by Council.

Hereafter at least once every 12 months, after receipt of the fire safety certificate, the owner of the building must provide Council with a further certificate certifying that each fire safety measure has been maintained in accordance with the provisions of the *Environmental Planning and Assessment Act and Regulations*.

Reason: Requirement of the *Building Code of Australia* and the *Environmental Planning and Assessment Act and Regulations*. B_4_03

43. The inner protection area (IPA) required under Condition 38 of this consent shall be maintained in perpetuity.

Reason: To ensure the ongoing provision of adequate bushfire safety measures on the site. BF_1_02

44. The premises are not to be used for commercial purposes or for human habitation except in accordance with prior written approval of the Council.
Reason: Requirement of *Environmental Planning and Assessment Act and Regulations*.
B_4_02
45. At no time is the shipping container to contain sanitary facilities or to be used for the collection of rainwater.
Reason: To ensure compliance with the requirements of the Cooma-Monaro Development Control Plan 2014. P_6_02
46. At no time is the shipping container to be used to store contaminated or hazardous materials.
Reason: To ensure compliance with the requirements of the Cooma-Monaro Development Control Plan 2014. P_6_03
47. The shipping container is not to be used for commercial or industrial purposes or for human habitation except in accordance with prior written approval of the Council.
Reason: Requirement of Environmental Planning and Assessment Act and Regulations.
P_6_04
48. Noise to be kept to an adjustable level so as not to cause discomfort to neighbours. Utilisation of the facility involving machinery or noisy activities are to be confined within the hours of 7.00am to 6.00pm, Monday to Friday and 8.00am to 5.00pm on Saturdays, Sundays or Public Holidays. Please contact Council for further advice regarding noise control.
Reason: To ensure amenity to neighbours. B_1_10

Advice to Applicant

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

responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the *Dial Before you Dig* service in advance of any construction or planning activities.

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

3. It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact Planning on (02) 6455 1911 if there is any difficulty in understanding or complying with any of the above conditions.

4. Any alteration to existing water supply and/or wastewater drainage services shall be at the applicant's expense.

Reason: Requirement of Council that all expenses associated with the development are borne by the applicant. WWW_1_02

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

An application is required as per section 305 of the *Water Management Act 2000* to Council to determine the applicable developer charges for water supply and wastewater (sewerage) services for the proposed development.

Once the application is received, Council will issue a notice of required contribution as section 306 of *Water Management Act 2000* for the proposed development.

Payment of the contributions will need to be made before Council can issue a Certificate of Compliance as per section 307 of *Water Management Act 2000* for the works. A Certificate of Compliance is required before an occupation certificate/subdivision certificate for the development can be issued.

The contributions above, if unpaid after the end of the current financial year, shall be increased to the figure adopted by Council for the financial year in which the payment is made. WWW_1_01

Notes

1. Section 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right to request the consent authority to review the determination. The request for review must be made within six (6) months after the date on which the applicant received the notice of determination and must be

accompanied by the fee set by the Regulations; it does not apply to an application in respect of Designated Development or Integrated Development.

2. Section 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months from the date of receipt of this notice.
3. In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.
4. The applicant is solely responsible for ensuring that all additional consents, permits and/or agreements are obtained from other authorities, as relevant.
5. Headings are for convenience only and do not affect the interpretation of any condition of this development consent.

Note 12: Adjournment of Meeting

At 7.08pm the meeting adjourned for dinner.

Note 13: Resumption of Meeting

The meeting resumed at 7.34pm

Note 14: Attendance of Councillor

Clr Haslingden departed the meeting at 7.25pm during dinner break, for the duration of the meeting.

13. CORPORATE BUSINESS - KEY THEME 4. LEADERSHIP

13.1 LOCAL GOVERNMENT ELECTIONS 2020.

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Group Manager Governance
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. OLG Circular 18-43 Administration of 2020 Council Elections 2. Administration of 2020 Elections - FAQs
Cost Centre	3110
Project	2020 Elections

EXECUTIVE SUMMARY

Under section 296AA of the *Local Government Act 1993* (the Act), Councils must make a decision and resolve on how their September 2020 ordinary elections are to be administered by no later than 11

March 2019.

Each Council must resolve either:

- a) to enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the Council's elections, polls and constitutional referenda or
- b) that the Council's elections are to be administered by the general manager of the Council.

If a Council fails to resolve to engage the NSWEC to administer its elections by 11 March 2019, it will be required to administer its own elections.

Councils entering an election arrangement with the NSWEC are required to adopt the resolution in the Officers recommendation.

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

COUNCIL RESOLUTION

60/19

The Snowy Monaro Regional Council ("the Council") resolves:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

Moved Councillor Corbett

Seconded Councillor Beer

CARRIED

Note 15: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 49/19 above as there was no challenge by Councillors

13.2 DELIVERY PROGRAM OPERATIONAL REPORT S404 FOR THE PERIOD JULY - DECEMBER 2018

Record No:

Responsible Officer: Director Corporate and Community Services
Author: Group Manager Governance
Key Theme: 4. Leadership Outcomes
CSP Community Strategy: 10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects
Delivery Program Objectives: 10.1.2 Integrated Planning and Reporting guides long term planning and organisational sustainability
Attachments: 1. 404 Report July to December 2018 For Council Meeting (*Under Separate Cover*)
2. Business as Usual Activities for the period July 2018 to December 2018 (*Under Separate Cover*)

Cost Centre 3120

EXECUTIVE SUMMARY

In accordance with Section 404(5) of the *Local Government Act 1993* (the Act), the General Manager must ensure that regular progress reports are provided to the Council with respect to the principal activities detailed in the Delivery Program. Progress reports must be provided at least every six months.

This report covers the period July 2018 to December 2018. The full report is included in the Annual Report each year.

In addition to the Section 404 report an additional document is attached providing an overview on the other activities undertaken as part of business as usual (BAU) by the respective business units, to provide some context on resourcing allocations required just to maintain the everyday functions of Council, that on occasion impact the delivery of the Delivery and Operational Plan actions.

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

COUNCIL RESOLUTION

61/19

That Council receive and note the Delivery Program Progress Report for the period July 2018 to December 2018.

Moved Councillor Corbett

Seconded Councillor Beer

CARRIED

Note 16: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 49/19 above as there was no challenge by Councillors

13.3 MODEL CODE OF CONDUCT

Record No:

Responsible Officer: Director Corporate and Community Services
Author: Group Manager Governance
Key Theme: 4. Leadership Outcomes
CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives: 10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments: 1. OLG Circular 18-44 (*Under Separate Cover*)
2. 250.2016.1.3 Policy Code of Conduct - 2019 Draft Revision (*Under Separate Cover*)
3. Model Code of Conduct -2018 - FINAL (*Under Separate Cover*)
4. Model Code of Conduct Procedures - 2018 (*Under Separate Cover*)
5. Model Code of Conduct and Procedures FAQ's (*Under Separate Cover*)

Cost Centre 3120

EXECUTIVE SUMMARY

The new 2018 Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct) and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures) have now been prescribed under the Local Government (General) Regulation 2005.

Council has six months from the date of prescription, (14 December 2018 – 14 June 2019) to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures.

Council can add supplementary provisions that are more onerous but cannot dilute the standards prescribed.

Council's current code of conduct will remain in place until the new code is adopted.

Councils related policies and procedures must be updated to align to the new Code.

Code of conduct complaints must be assessed against the standards prescribed under the version of the council's code of conduct that was in force at the time the conduct the subject of the complaint is alleged to have occurred.

The Snowy Monaro Regional Council (SMRC) Code of Conduct will include the addition of a supplementary clause for Social Media (clause 8.21). This draft is attached as document: 250.2016.1.3 Policy Code of Conduct - 2019 Draft Revision

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

COUNCIL RESOLUTION

62/19

That Council

- A. Agree to the inclusion of Social Media clause 8.21 for the SMRC Code of Conduct, and
- B. Approve the 250.2016.1.3 Policy Code of Conduct - 2019 Draft Revision being placed on public exhibition.

Moved Councillor Corbett

Seconded Councillor Beer

CARRIED

Note 17: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 49/19 above as there was no challenge by Councillors

13.4 COUNCIL MEETING AND BRIEFING SCHEDULE

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Group Manager Governance
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	Nil

Cost Centre 3110

EXECUTIVE SUMMARY

Council currently allocates two meetings per month for ordinary Council meetings and briefing sessions. This was instigated in March 2018 to support the newly elected Councillors, and manage the duration of lengthy Council meetings.

As Councillors have gained knowledge and experience of the business in the last 12 months, and the quality of briefing sessions has resulted in efficiencies with Council reports it is proposed that Council revert to one ordinary Council meeting per month and one briefing session block per month, where appropriate.

This would drive efficiencies for staff resourcing and also reduce expenses related to the preparation and delivery of the council meetings.

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

COUNCIL RESOLUTION

63/19

That Council

- A. Hold one Ordinary Council meeting per month only on the third Thursday of each month commencing at 5.00pm for a trial period from April to June 2019,
- B. Hold a pre-meeting from 3:30pm – 5:00pm before each Ordinary Council meeting;
- C. Hold Councillor briefing sessions on the first Thursday of each month commencing at 4:00pm, with the exception of January; and
- D. Commence the Council meeting at 5:00pm on the third Thursday of the month, immediately adjourn the Council meeting for Public Forum and when completed, resume the Council meeting

Moved Councillor Castellari

Seconded Councillor Corbett

CARRIED

13.5 CODE OF MEETING PRACTICE

Record No:

Responsible Officer: Director Corporate and Community Services
Author: Group Manager Governance
Key Theme: 4. Leadership Outcomes
CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives: 10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments: 1. OLG Circular 18-45 Model Code of Meeting Practice (*Under Separate Cover*)
2. Model Code of Meeting Practice FAQ's (*Under Separate Cover*)
3. Draft Policy - Code of Meeting Practice February 2019 (*Under*

Separate Cover)

4. Model Code of Meeting Practice for Local Councils in NSW 2018
(Under Separate Cover)

Cost Centre 3110

EXECUTIVE SUMMARY

Amendments made to the *Local Government Act 1993* (the Act) in August 2016 by the Local Government Amendment (Governance and Planning) Act 2016 (the Phase 1 amendments) provide for a model code of meeting practice (Model Meeting Code) to be prescribed by the Regulation.

Before adopting a new code of meeting practice, under section 361 of the Act, councils are still required to exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

This report contains the Draft Policy - Code of Meeting Practice February 2019, derived from the Model Code of Meeting Practice, and including the recommendations made by Council at the 24 January 2014 workshop.

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

COUNCIL RESOLUTION

64/19

That Council

- a. Approve the Draft Policy - Code of Meeting Practice February 2019 being placed on public exhibition, and
- b. Resolve the Order of Business for Council meetings to be:

Order of Business

- 01 Opening meeting
- 02 Acknowledgement of country
- 03 Apologies and applications for a leave of absence by councillors
- 04 Citizenship Ceremonies
- 05 Disclosures of interests
- 06 Matters Dealt with by Exception
- 07 Confirmation of minutes
- 08 Reports for Development Applications
- 09 Other Reports to Council
- 10 Notices of Motion
- 11 Motions of Urgency
- 12 Mayoral Minute(s)
- 13 Questions With Notice
- 14 Confidential matters

15 Conclusion of the meeting		
Moved Councillor Corbett	Seconded Councillor Beer	CARRIED

Note 18: Motions Without Debate

The above officer’s recommendation became a resolution of Council as a result of resolution 49/19 above as there was no challenge by Councillors

13.6 IMPACTS RELATING TO AMENDMENTS TO THE GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009.

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Group Manager Governance
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.3 Records management practices are contemporary and compliant to legislation
Attachments:	1. Access Application GIPA - Triage Process for Property and Development Applications (<i>Under Separate Cover</i>) 2. Circular 18-42 Amendments to GIPA (<i>Under Separate Cover</i>)
Cost Centre	3120

EXECUTIVE SUMMARY

The new GIPA Regulation was made on 31 August 2018. It repeals and relaces the previous Government Information (Public Access) Regulation 2009, and was passed by Parliament on 28 November 2018.

The GIPA Regulation amends the additional open access information for local government under Schedule 1 Clause 3 in relation to development applications.

As a result of this amendment Council is now required to have an access application completed for Development Applications made prior to 1 July 2010, and as a result there has been a significant impact to all stakeholders including an increase in effort to process, document and release this information.

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

COUNCIL RESOLUTION		65/19
That Council receive and note the report on the impacts of the GIPA amendment 2018.		
Moved Councillor Corbett	Seconded Councillor Beer	CARRIED

13.7 NOMINATION OF A COUNCIL REPRESENTATIVE FOR THE AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)

Record No:

Responsible Officer: General Manager
Author: Senior Internal Auditor
Key Direction: 4. Leadership Outcomes
Delivery Plan Strategy: 10.2 Sound governance practices direct Council business and decision making
Operational Plan Action: 10.2.1 Independent audit and risk framework drives accountability
Attachments: 1. Audit, Risk and Improvement Committee Charter (*Under Separate Cover*)
2. OLG Internal Audit Guidelines, September 2010 (*Under Separate Cover*)

EXECUTIVE SUMMARY

On 3 January 2019, Councillor Castellari informed the Chair of the Audit, Risk and Improvement Committee (ARIC) of his resignation as the Council representative on the ARIC. Further, Councillor appreciated ARIC’s role in Council’s operations and suggested that the Mayor should be the Council representative on the ARIC, as the Mayoral role is an executive function with a direct link to the General Manager and the administration.

The ARIC, in line with the Charter, requires a Councillor to be nominated as a voting representative to the Committee. The Office of Local Government (OLG) Internal Audit Guidelines (Section 4.3) suggests that the Mayor should not be a Council representative on the Committee.

To ensure that ARIC has a quorum at the next meeting on 6 March 2019 there is a requirement for a Councillor to be nominated to the committee at the Ordinary Council meeting of SMRC on 7 February 2019.

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

COUNCIL RESOLUTION	66/19
That Council nominates Clr Maslin as a representative on the Audit, Risk and Improvement Committee Ordinary Council meeting on 7 February 2019.	
Moved Councillor Beer	Seconded Councillor Ewart
	CARRIED

13.8 TRANSFER OF CROWN ROADS IN THE TOWNSHIP OF DALGETY TO COUNCIL

Record No:

Responsible Officer: Director Operations & Infrastructure
Author: Property Officer
Key Theme: 3. Environment Outcomes

CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.2 Our local road network is planned, built and repaired to improve movement across the region
Attachments:	<ol style="list-style-type: none">1. Streets within Dalgety Township (<i>Under Separate Cover</i>)2. Copy of Report to Council 6 September 2018 (<i>Under Separate Cover</i>)3. Copy of Resolution from Council Meeting 6 September 2018 (<i>Under Separate Cover</i>)4. Gazettal Notice Transfer of Dalgety Roads to Council (<i>Under Separate Cover</i>)
Cost Centre:	1822 – Sealed rural roads : local 1830 – Unsealed rural roads : local

EXECUTIVE SUMMARY

A report was presented to Council on 6 September 2018 for the transfer of Crown Roads in the Township of Dalgety to Council (report attached).

The transfer of those roads was approved on 6 September 2018 (attached document with Resolution).

The Crown has informed Council that two sections of road were missed and are required to be transferred to Council along with the other roads. These roads are sections of Barnes and Campbell Streets (shown on the attached map).

A copy of the Gazettal Notice for the roads already gazetted in Council's name is attached.

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

COUNCIL RESOLUTION

67/19

That Council

A. Write to the Crown requesting the following roads be transferred to Council:

- Barnes Street - 222m sealed
- Campbell Street - 245m unsealed

B. Include the roads in Council's roads assets register.

C. Provide the budget for the construction and maintenance of the road.

Moved Councillor Corbett

Seconded Councillor Beer

CARRIED

Note 19: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 49/19 above as there was no challenge by Councillors

13.9 PARKING IN THE LANEWAY AT THE REAR OF THE JINDABYNE TOWN CENTRE

Record No:

Responsible Officer: Director Operations & Infrastructure

Author: Land & Property Officer

Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	12.3 Our community is empowered and supported in facilitating community outcomes
Delivery Program Objectives:	12.3.2 Council has two-way mechanisms in place to encourage people to maintain their involvement in the regions community planning and decision making
Attachments:	1. Proposed changes to rear lane at Jindabyne Town Centre
Cost Centre	1814 – Sealed Urban Roads

EXECUTIVE SUMMARY

For many years, the laneway at the rear of the Jindabyne Town Centre shops has been an area of concern from the aspect of public risk and liability. The boundary of each of the shops is the rear wall of the buildings. The shopkeepers cannot operate food premises without their gas tanks which are located on Council road reserve. The fire hydrants are located in the road under parking spaces. Bins/skips are situated ad hoc on both sides of the road reserve. Although the laneway is two way, there is only space for one way traffic.

It is proposed that Council staff conduct public consultation with the shopkeepers and the shop owners in the Jindabyne Town Centre to seek comment on the proposal to change the traffic flow to one way to the end of the Jindabyne Town Centre, changing to two way where Petamin Plaza commences, entering at the medical centre end and exiting onto Thredbo Terrace with a left turn only towards the highway. Consultation would also include the proposal to carry out a boundary adjustment, proposed costs apportionment, changes to parking in the laneway, location of bins/skips, gas bottles, protection of gas bottles etc.

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

COUNCIL RESOLUTION

68/19

That Council

- A. Approve the proposal to enter into public consultation with the shopkeepers and owners in Jindabyne Town Centre regarding changes to the laneway at the rear of the shops.
- B. Receive a further report regarding the results of the public consultation and the proposed way forward together with detailed costings.

Moved Councillor Corbett

Seconded Councillor Beer

CARRIED

Note 20: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 49/19 above as there was no challenge by Councillors

13.10 GRANT APPLICATIONS - ACTIVITY SYNOPSIS AS AT 31 JANUARY 2019

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Grants Officer
Key Theme:	4. Leadership Outcomes

CSP Community Strategy:	11.2 Council utilises sound fiscal management practices, pursues and attracts other sources of income
Delivery Program Objectives:	11.2.3 Alternative sources of revenue to rating income are identified and maximised
Attachments:	Nil
Cost Centre	4010 – Finance (Grants Management)

EXECUTIVE SUMMARY

This report provides an update on Grants activity for the quarter ended 31 December 2018, and the month of January 2019.

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

COUNCIL RESOLUTION	69/19
That Council receive and note the information related to Grants activity for the quarter ending 31 December 2018, and the month of January 2019.	
Moved Councillor Corbett	Seconded Councillor Beer
	CARRIED

Note 21: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 49/19 above as there was no challenge by Councillors

13.11 QUARTERLY BUDGET REVIEW STATEMENT (QBR) DECEMBER 2018

Record No:

Responsible Officer:	Director Corporate and Community Services
Key Direction:	4. Leadership Outcomes
Delivery Plan Strategy:	11.2 Council utilises sound fiscal management practices, pursues and attracts other sources of income
Operational Plan Action:	11.2.2 Provision of statutory reporting enables our leaders to make decisions on Council's financial sustainability
Attachments:	1. Quarterly Budget Review - December 2018
Cost Centre	4010 Financial Services

EXECUTIVE SUMMARY

Council adopted its 2019 Operational Plan on the 28 June 2018, including details of Estimated Income and Expenditure. The September Quarterly Budget Review Statement (QBR) was adopted by council on 6 December 2018.

The QBR for the period ended 31 December 2018 is now reported to Council.

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

COUNCIL RESOLUTION

70/19

That Council

A. Adopt the quarterly budget review statement (QBRs) for the period ended 31 December 2018

B. Authorise the adjustments to the Council's budgeted Income and Expenditure as shown in the QBRs.

Moved Councillor Corbett

Seconded Councillor Beer

CARRIED

Note 22: Motions Without Debate

The above officer's recommendation became a resolution of Council as a result of resolution 49/19 above as there was no challenge by Councillors

13.12 ANSWERS TO QUESTIONS WITHOUT NOTICE

Record No:

Responsible Officer: Director Corporate and Community Services

Author: Governance Officer

Key Theme: 4. Leadership Outcomes

CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making

Delivery Program Objectives: 10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community

Attachments: 1. In Progress QwN for the period ending 17 January 2019

Cost Centre

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

In order to provide Councillors with updates on questions asked by Councillors, a report has been generated with a summary of questions that are current and have recently been completed, for the period ending 17 January 2019.

SMRC Councillors' Questions – In Progress is attached to this report

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

COUNCIL RESOLUTION

71/19

That Council receive and note SMRC Councillors' Questions – In Progress for the period ending 17 January 2019.

Moved Councillor Beer

Seconded Councillor Corbett

CARRIED

Note 23: Attendance of Manager Corporate Governance

Manager Corporate Governance was absent from the meeting from 7:45pm during Item 13.12 Answers to Questions Without Notice returning at 7.50pm during Item 13.13 Resolution Action Sheet Update

13.13 RESOLUTION ACTION SHEET UPDATE

Record No:

Responsible Officer: Director Corporate and Community Services
Author: Governance Officer
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy: DP7.1.1.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.
Operational Plan Action: OP7.7 Provide timely, accurate and relevant information to Council to enable informed decision making.
Attachments: 1. In Progress Actions for the ending 17 January 2019
Cost Centre 3120 Governance
Project
Further Operational Plan Actions:

EXECUTIVE SUMMARY

In order to provide Councillors with updates on resolutions of Council, a report has been generated with a summary of action that are current and have recently been completed, for the period ending 17 January 2019.

SMRC Resolution Action Sheet – In Progress is attached to this report.

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

COUNCIL RESOLUTION

72/19

That Council receive and note the SMRC Resolution Action Sheet – In Progress for the period ending 17 January 2019.

Moved Councillor Castellari

Seconded Councillor Maslin

CARRIED

Note 24: Attendance of Manager Corporate Governance

Manager Corporate Governance was absent from the meeting from 8.07pm during Item 13.13 Resolution Action Sheet Update returning at 7.50pm during same Item

14. REPORTS BY GENERAL MANAGER

Nil

15. NOTICE OF MOTION

Nil

16. MOTIONS OF URGENCY

Note 25: Urgent Business Not On Agenda

The attention of the Council was drawn to one late motion not listed on the Council agenda and business paper concerning Discuss Comments Made by the Mayor on ABC Radio and requested that Council consider the late motion as matters of urgency.

16.1 MATTER OF URGENCY

LOST MOTION

That in accordance with Council's Code of Meeting Practice Council consider the following motion as matters of urgency:

Discuss Comments Made by the Mayor on ABC Radio

Record of Voting

Councillors For: Councillor Castellari, Councillor Last, Councillor Maslin and Councillor Stewart.

Councillors Against: Councillor Beer, Councillor Corbett, Councillor Ewart and Mayor Rooney.

Note 26: Mayoral Casting Vote

Upon the vote being put there was an equality of votes in favour of the motion and against the motion. In accordance with Council's Code of Meeting Practice the Mayor exercised his casting vote and voted against the motion

17. QUESTIONS WITH NOTICE

Nil

18. QUESTIONS TAKEN ON NOTICE

18.1 SNOWY MONARO DESTINATION MANAGEMENT PLAN 2019

Question: Can we call a tourist Committee meeting before the end of the public exhibition period, to discuss the high priority actions in regard to staffing and funding levels

Answer: Tourism meeting has been called for 7 March 2019

18.2 FLOOD STUDY

Question: When can we have another meeting with the flood study committee, as many large projects depend on the completion of this study.

Answer: Taken on Notice.

18.3 GRANT APPLICATIONS

Question: Can we have a list of grant opportunities upcoming, be circulated monthly and councillors be advised in order to submit grant proposals.

For example, ANZAC grants are open in April and Council needs to apply for a power point for the Bombala Cenotaph.

Answer: Taken on Notice.

18.4 SMEC FLUID LABS

Question: Can Council bring a report to Council as mentioned in Part C of the resolution regarding the SMEC Fluid Lab on the 15 February 2018?

Answer: Taken on Notice.

18.5 RETAINING WALLS AND FLOWER GARDENS

Question: Now that the rock retaining walls and flower gardens at 3 crossroads / roundabouts in Cooma are complete, could Council provide information regarding the overall finished costs of these works.

Answer: Taken on Notice.

19. CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

73/19

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:

19.1 Legal Actions and Potential Claims Against SMRC as at 31 January 2019

Item 19.1 is confidential in accordance with s10(A)(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 Cmunt Court Matters

Item 19.2 is confidential in accordance with s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 Tropic Asphalts Pty Ltd legal cases and update

Item 19.3 is confidential in accordance with s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.4 Mr Norm Wilton - Bombala - Removal of Construction Spoil from Property

Item 19.4 is confidential in accordance with s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.5 Replacement of Council HR Water Cart

Item 19.5 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.

19.6 Approval for Controlled Discharge of Effluent into Bombala Sewerage System.

Item 19.6 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors), (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 (f) of the Local Government Act because it contains and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.7 General Manager Contract

Item 19.7 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.8 Notice of Motion Cr Stewart

Item 19.8 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

Moved Mayor Rooney

Seconded Councillor Corbett

CARRIED

Note 27: Invitation to Public

Upon the above motion being moved and seconded, the Mayor invited representations from the public as to whether this part of the meeting should be closed to consider the nominated items. There were no requests by members of the public to make any representations.

Note 28: Confidential Session of Committee

At 8.33PM pm the meeting was closed to the press and public.

Note 29: Resumption of Open Committee Meeting

At 9.54PM pm the Closed Session ended and the Council meeting continued in Open Session.

20. REPORT FROM CONFIDENTIAL SESSION

19.1 LEGAL ACTIONS AND POTENTIAL CLAIMS AGAINST SMRC AS AT 31 JANUARY 2019

COUNCIL RESOLUTION

74/19

That Council receive and note the information in the Legal Actions and Potential Claims Against SMRC as at 31 January 2019 report.

Moved Councillor Ewart

Seconded Councillor Stewart

CARRIED

19.2 CMUNT COURT MATTERS

COUNCIL RESOLUTION

75/19

That Council continues with actions to recover the costs awarded through the Land and Environment Court and the NSW Court of Appeal by providing direction to Bradley Allen Love to have a detailed bill of costs prepared and commence the process to recover costs.

Moved Councillor Last

Seconded Councillor Corbett

CARRIED

19.3 TROPIC ASPHALTS PTY LTD LEGAL CASES AND UPDATE

COUNCIL RESOLUTION

76/19

That Council receive and note this information.

Moved Councillor Last

Seconded Councillor Stewart

CARRIED

19.4 MR NORM WILTON - BOMBALA - REMOVAL OF CONSTRUCTION SPOIL FROM PROPERTY

COUNCIL RESOLUTION

77/19

That Council authorise the General Manager to arrange Council Solicitors to make an offer in accordance with Council's advice.

Moved Councillor Beer

Seconded Councillor Maslin

CARRIED

19.5 REPLACEMENT OF COUNCIL HR WATER CART

COUNCIL RESOLUTION

78/19

That Council

1. Approve purchase of the Fuso/All Quip combination from Hartwigs Trucks Pty Ltd for \$215,602 excluding GST
2. Endorse sending plant 852 to Pickles Auctions with a reserve of \$40,000 **which equates to a net purchasing price of \$175,602 (exc. GST)**
3. Approve additional funding of \$40,602 from plant reserves.

Moved Councillor Castellari

Seconded Councillor Ewart

CARRIED

19.6 APPROVAL FOR CONTROLLED DISCHARGE OF EFFLUENT INTO BOMBALA SEWERAGE SYSTEM.

COUNCIL RESOLUTION

79/19

That Council receive and note the information detailed in the report and approve the following actions:-

- A. Approve the proposed interim solution and authorise to receive the effluent from the Dongwha's premises.
- B. Inform the contractor in writing of Council's resolution to cease disposal into Delegate Sewerage System once the interim solution is constructed and available to use.
- C. Approve appropriate disposal fees to be charged as per the current Council's Fees and Charges to the contractor (Bombala Waste Management Services) for the disposal.
- D. Approve that the proposed interim solution can be used by any other contractor once their liquid trade waste application is approved by Council and concurrence received from DoI water.
- E. Allocate Council funding for the design and construction of the septage ponds at Bombala STP as an on-going solution.

Moved Councillor Beer

Seconded Councillor Corbett

CARRIED

19.7 GENERAL MANAGER CONTRACT

COUNCIL RESOLUTION

80/19

That Council nominate Councillor Beer for the General Manager's Performance Review Panel (PRP) and invite the General Manager to nominate an additional Councillor prior to the first meeting of the PRP.

Moved Councillor Castellari

Seconded Councillor Corbett

CARRIED

19.8 NOTICE OF MOTION CR STEWART

LOST MOTION

That Council not continue with the eviction notice on the Tenant at the Bombala Water Works House, but work to find an alternative solution before further action is taken

Note 30: Adjournment of Meeting

At 9.54pm the meeting was adjourned.

Note 31: Resumption of Meeting

The meeting resumed at 9.55pm

There being no further business the Mayor declared the meeting closed at 9.57PM.



CHAIRPERSON

The above minutes of the Ordinary Council Meeting of Snowy Monaro Regional Council held on 21 February 2019 were confirmed by Council at a duly convened meeting on 7 March 2019 at which meeting the signature hereon was subscribed.