



**SNOWY MONARO**  
REGIONAL COUNCIL

# **Minutes**

**Ordinary Council Meeting**

**27 July 2016**



**ORDINARY COUNCIL MEETING**  
**HELD IN COOMA COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW 2630**  
**ON WEDNESDAY 27 JULY 2016**

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

**ON WEDNESDAY, 27 JULY 2016  
COMMENCING AT 5.30PM**

**PRESENT:** Administrator Dean Lynch

**APOLOGIES:**

**Staff:** Joe Vescio, General Manager  
Iliada Bolton, Director Special Projects Office  
Peter Sullivan, Deputy Director Service Delivery  
Peter Smith, Director Service Planning  
Matt Payne, Acting Deputy Director Service Support  
Erin Donnelly, Secretary Council and Committees

**Notes:** *The Administrator opened the meeting at 5.30PM, Item 9.5 as listed on the Agenda was withdrawn and will be presented to the August 2016 Council Meeting, At 5.58 pm the meeting was closed to the press and public, At 5.59 pm the Closed Session ended and the Council meeting continued in Open Session, There being no further business the Administrator declared the meeting closed at 6.00pm.*

The Administrator opened the meeting at 5.30PM

**1. APOLOGIES**

Nil

**2. CITIZENSHIP CEREMONIES**

Nil

**3. PRESENTATIONS**

Nil

**4. PUBLIC FORUM**

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

**COUNCIL RESOLUTION**

**77/16**

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

**Approved by Administrator Lynch**

**4.1 DUGALD MITCHELL - COOMA PROGRESS ASSOCIATION**

Dugald Mitchell, member for the Cooma Monaro Progress Association spoke to council on the many small businesses and successful community events held in the area.

Mr Mitchell informed council the Progress Association opposed the merger, however, now believe it is wise to make the best of the merger and believes there is expertise not being utilised within the region.

Mr Mitchell asked council to find the best way to connect the 15 local communities within the new local government area of Snowy Monaro Regional Council (SMRC).

**5. DISCLOSURE OF INTEREST**

Nil

**6. ADOPTION OF MINUTES OF PREVIOUS MEETING**

**6.1 ORDINARY COUNCIL MEETING 29 JUNE 2016**

**COUNCIL RESOLUTION**

**78/16**

THAT the minutes of the Ordinary Council Meeting held on 29 June 2016 are confirmed as a true and accurate record of proceedings.

**Approved by Administrator Lynch**

## 6.2 CLOSED SESSION OF THE ORDINARY COUNCIL MEETING 29 JUNE 2016

### COUNCIL RESOLUTION

79/16

THAT the minutes of the Closed Session of the Ordinary Council Meeting held on 29 June 2016 are confirmed as a true and accurate record of proceedings.

**Approved by Administrator Lynch**

## 7. ADMINISTRATOR'S REPORT

### 7.1 REPORT ON ADVERTISING BUDGET

The Administrator requested a report come back to council on the advertising budget for local press.

### 7.2 REGIONAL MARKETING CAMPAIGN

The Administrator requested a strategy be developed for a regional marketing campaign including signage across the shire.

### 7.3 MEETING WITH BOTTOMLINE DEVELOPMENTS

The Administrator advised he met with Bottomline Developments today, concerning the development on Yalakool Road and noted Bottomline under took to submit a proposal to SMRC regarding developer contributions.

### 7.4 ADVERTISING CAMPAIGN FOR BOMBALA

The Administrator informed council, last week he endorsed an advertising campaign for Bombala. The campaign is run following consultation with the Bombala Chamber of Commerce and funded by Red Energy. The campaign will run for four weeks to capture visitors in the region to visit Platypus Country.

### 7.5 BUSINESS ARISING FROM ITEM 9.1

The Administrator advised, after consultation with the LRC's, public meetings to discuss the draft Integrated Planning and Reporting (IPR) suite of documents were not held.

### COUNCIL RESOLUTION

80/16

That Council receive, note and endorse the Administrators Report.

**Approved by Administrator Lynch**



## 8. DELEGATES REPORT

### 8.1 MINUTES - ADMINISTRATOR DELEGATIONS MEETING - 8 JULY 2016

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Attachments: 1. Minutes - Administrator Delegations Meeting 8 July 2016

#### EXECUTIVE SUMMARY

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

#### COUNCIL RESOLUTION

81/16

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

**Approved by Administrator Lynch**

### 8.2 MINUTES - ADMINISTRATOR DELEGATIONS MEETING 18 JULY 2016

Record No:

Responsible Officer: General Manager

Author: Secretary Council & Committees

Attachments: 1. Minutes - Administrator Delegations Meeting 18 July 2016

#### EXECUTIVE SUMMARY

The Administrator considered a number of reports and exercised his Delegation on 15 July 2016 in SMRC Head Office, 81 Commissioner Street, Cooma.

#### COUNCIL RESOLUTION

82/16

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

**Approved by Administrator Lynch**

## 9. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS

### *Business Arising Out Of The Minutes*

#### Proceedings in Brief

A number of issues were raised by the Administrator 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 MINUTES OF LOCAL REPRESENTATIVE COMMITTEE - BOMBALA HELD ON 5 JULY 2016

Record No:

Responsible Officer: Deputy Director Service Support

Author: Manager Corporate/Governance

Attachments: 1. Minutes-Local Representative Committee-Bombala held on 5 July 2016

#### EXECUTIVE SUMMARY

The Local Representative Committee - Bombala met on 5 July 2016 in the Council Chambers of the Bombala Office. The Committee's recommendations are presented for Council's consideration and adoption.

#### COUNCIL RESOLUTION

83/16

That Council receive and note the minutes of the Local Representative Committee – Bombala held on 5 July 2016 and the recommendations contained therein be adopted.

**Approved by Administrator Lynch**

### 9.2 MINUTES OF SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE - COOMA HELD ON 23 JUNE 2016

Record No:

Responsible Officer: Director Special Projects Office

Author: Personal Assistant To Director of Corporate Services

Attachments: 1. Minutes Snowy Monaro Local Representative Committee - Cooma 23 June 2016

#### EXECUTIVE SUMMARY

The Snowy Monaro Local Representative Committee – Cooma met on 23 July 2016 in the Committee Room, Head Office, 81 Commissioner Street Cooma. The minutes are presented for Council's information.

#### COUNCIL RESOLUTION

84/16

That Council receive and note the minutes of the Local Representative Committee – Cooma held on 23 June 2016 and the recommendations contained therein be adopted.

**Approved by Administrator Lynch**

**9.3 MINUTES OF THE SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE - COOMA 12 JULY 2016**

Record No:

Responsible Officer: Deputy Director Service Support  
Author: Personal Assistant To Director of Corporate Services  
Attachments: 1. Minutes Snowy Monaro Local Representative Committee - Cooma 12 July 2016

**EXECUTIVE SUMMARY**

The Snowy Monaro Local Representative Committee - Cooma met on 12 July 2016 in the Committee Room, Head Office, 81 Commissioner Street, Cooma. The minutes are presented for Council's information.

**COUNCIL RESOLUTION**

**85/16**

That Council receive and note the minutes of the Local Representative Committee – Cooma held on 12 July 2016 and the recommendations contained therein be adopted.

**Approved by Administrator Lynch**

**9.4 MINUTES OF THE LOCAL REPRESENTATIVE COMMITTEE - SNOWY RIVER HELD 13 JULY 2016**

Record No:

Responsible Officer: Deputy Director Service Support  
Author: Secretary Council & Committees  
Attachments: 1. Minutes - Snowy River Local Representative Committee 13 July 2016

**EXECUTIVE SUMMARY**

The Snowy River Representative Committee met on 13 July 2016 in Berridale. The minutes are presented for Council's information.

**COUNCIL RESOLUTION**

**86/16**

That Council receive and note the Minutes of the meeting of the Snowy River Representative Committee held on 13 July 2016 and the recommendations contained therein be adopted.

**Approved by Administrator Lynch**

**9.5 MINUTES OF THE ARTS AND CULTURAL ACTIVITIES COMMITTEE 12 MAY 2016**

Record No:

Responsible Officer: Deputy Director Service Support  
Author: Personal Assistant To Director of Corporate Services

Attachments: 1. Minutes - Arts & Cultural Activities Committee

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### EXECUTIVE SUMMARY

The Arts & Cultural Activities Committee met on 12 May 2016 in the Committee Room, Head Office, 81 Commissioner Street Cooma. The minutes are presented for Council's information.

#### COUNCIL RESOLUTION

87/16

That Council defer consideration of the Minutes of the meeting of the Arts & Cultural Activities Committee held on 12 May, pending a meeting with the chairperson of the committee to clarify where the funds from the sale of the 'Monaro in Pictures' book will be utilised.

**Approved by Administrator Lynch**

#### Note 1: Report Withdrawn

Item 9.5 as listed on the Agenda was withdrawn and will be presented to Council at the September Meeting.

### 9.6 WERRI-NINA MANAGEMENT COMMITTEE - MINUTES OF 18 JUNE 2016

Record No:

Responsible Officer: Deputy Director Service Support

Author: Personal Assistant To Director of Corporate Services

Attachments: 1. Werri-Nina Management Committee - Minutes of 18 June 2016

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### EXECUTIVE SUMMARY

The Werri-Nina Management Committee met on 18 June 2016 at Werri-Nina. The Committee's recommendations are presented for Council's consideration and adoption.

#### COUNCIL RESOLUTION

88/16

That Council receive and note the minutes of the Werri-Nina Management Committee, held on 18 June 2016 and the recommendations contained therein be adopted.

**Approved by Administrator Lynch**

### 9.8 MINUTES OF THE HACC SERVICES COMMITTEE HELD 18 JUNE 2016

Record No:

Responsible Officer: Deputy Director Service Support

Author: Personal Assistant To Director of Corporate Services

Attachments: 1. Minutes HACC Services Committee Cooma 18 June 2016

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### EXECUTIVE SUMMARY

The HACC Services Committee Cooma met on 18 June 2016 in Werri-Nina Centre Cooma. The minutes are presented for Council's information.

**COUNCIL RESOLUTION**

**89/16**

That Council receive and note the Minutes of the meeting of the HACC Services Committee Cooma held on 18 June 2016.

**Approved by Administrator Lynch**

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

**10.1 ROAD NAMING PROPOSAL - BADJA**

Record No:

Responsible Officer: General Manager  
Author: Personal Assistant To Director of Corporate Services  
Key Direction: 1. Sustaining Our Environment for Life  
Delivery Plan Strategy: DP1.1 Ensure that Councils policy and compliance processes improve water quality and reduce sedimentation in the Shire's waterways.  
Operational Plan Action: OP1.1 Ensure enforcement, compliance policies and procedures support and facilitate measures to protect the natural environment.  
Attachments: Nil  
Cooma Branch Author: Deputy Director Service Delivery  
Responsible Officer: Director Service Delivery  
Cost Centre TBA  
Project Road Naming Proposal  
Further Operational Plan Actions: DP 4.1 Road, Air and Transport Networks/Links  
OP 4.17 Visible and clear signage is available for the local community and visitors

**EXECUTIVE SUMMARY**

To consider and resolve a proposed new road name in Badja.

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

**COUNCIL RESOLUTION**

**90/16**

That the name Tilga Lane be advertised and referred as required for new road names in accordance with the Roads Act 1993 and Roads (General) Regulation 2008.

**Approved by Administrator Lynch**

## 10.2 UPPER MURRUMBIDGEE RIVER RESTORATION PROJECT

Record No:

Responsible Officer:	General Manager
Author:	Personal Assistant To Director of Corporate Services
Key Direction:	1. Sustaining Our Environment for Life
Delivery Plan Strategy:	DP1.1 Ensure that Councils policy and compliance processes improve water quality and reduce sedimentation in the Shire's waterways.
Operational Plan Action:	OP1.1 Ensure enforcement, compliance policies and procedures support and facilitate measures to protect the natural environment.
Attachments:	Nil
Cooma Branch:	Deputy Director Service Planning
Cost Centre	WO186.94
Project	Upper Murrumbidgee River Restoration Project

Further Operational Plan Actions: DP 2.1.2 Our natural environment has been preserved and improved retaining a clean and healthy size

OP 2.1.1 Continued partnerships with South East Local Land Services, local landholder groups and other funding bodies for completion of Environmental Projects

### EXECUTIVE SUMMARY

For Council to maintain its pre-amalgamation commitment to the Upper Murrumbidgee River Restoration project and accept future funding offers in support of the project

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

#### COUNCIL RESOLUTION

91/16

- A. That Council maintains its pre-amalgamation commitment to managing the Upper Murrumbidgee River Restoration project in collaboration with project partners.
- B. That funding requested through the Public Reserves Management Fund, if successful, be managed by Council in conjunction with existing funds to compliment the Upper Murrumbidgee River Restoration Project.

**Approved by Administrator Lynch**

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

Record No:

Responsible Officer:	General Manager
Author:	Personal Assistant To Director of Corporate Services
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.10 Ensure that Council's policy, land use planning, development assessment enhance liveability.
Operational Plan Action:	OP 6.29 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.
Attachments:	1. Proposal for a Communications Tower on Council Land at Lot 37 DP 263218 Nulang Place Cooma ( <i>Under Separate Cover</i> )
Cooma Branch	Author: Recreation and Property Manager, Cooma
Cost Centre	TBA
Project	Lease of Part Lot 37 DP 263218 for a Communications Facility
Further Operational Plan Actions:	DP 2.9 Advocate to all levels of Government and commercial providers to promote the regional need for Broadband and Telecommunication Services. OP 2.26 Provide input and coordination in the development of a regional Broadband service, Mobile Phone service coverage, radio and television

**EXECUTIVE SUMMARY**

To increase their mobile coverage in the Cooma area, Optus are requesting approval to lease a site on council land to establish a communications tower and associated equipment.

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

**COUNCIL RESOLUTION**

**92/16**

That Council:

- A. Enter into negotiations with Optus to lease an area approximately 11 m x 7m to house a 30 metre high communication tower;
- B. Grant approval for Optus to submit a Development Application for a 30 metre high communication tower on lot 37 DP 263218 Nulang Place Cooma; and
- C. Receive a further report on the outcomes of the negotiations.

**Approved by Administrator Lynch**

#### 10.4 CURIOSITY ROCKS DRAFT PLAN OF MANAGEMENT

Record No:

Responsible Officer:	Assistant General Manager
Author:	Environment and Recreation Coordinator
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.1 Encourage opportunities to promote and protect our cultural heritage.
Operational Plan Action:	OP4.1 Maintain council's heritage management functions.
Attachments:	1. Appendix A- Curiosity Rocks Aboriginal Place Declaration ( <i>Under Separate Cover</i> ) 2. Appendix B Curiosity Draft Plan of Management ( <i>Under Separate Cover</i> )
Cost Centre	0810
Project	Curiosity Rocks Draft POM
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

Curiosity Rocks has recently been declared an Aboriginal Place under section 84 of the *National Parks and Wildlife Act 1974 (NPWS Act)*. The culturally significant site is located approximately 10km West of Jindabyne off the Kosciusko Highway (Refer to Appendix A for gazettal area map).

An Aboriginal Place declaration is a conservation tool and advances the recognition, protection and understanding of Aboriginal cultural heritage values throughout NSW. A Draft plan of Management (Appendix B) has been complete by the Office of Environment and Heritage, Cultural Heritage Department. Consultation was undertaken with the local Aboriginal community and Council's Strategic Planning Unit.

The purpose of this report is to inform Council of the Aboriginal Place declaration and to adopt the Curiosity Rocks Plan of Management.

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

#### COUNCIL RESOLUTION

93/16

That Council

- A. Receive and note the declaration of Curiosity Rocks Aboriginal Place
- B. Adopt the curiosity Rocks Plan of Management and endorse the General Manager to sign the document

**Approved by Administrator Lynch**



## 10.5 SOUTH EAST ARTS - MEMORANDUM OF UNDERSTANDING AND CONTRIBUTION

Record No:

Responsible Officer:	General Manager
Author:	Assistant General Manager
Key Direction:	4. Creating a Safer, Healthier and Thriving Community
Delivery Plan Strategy:	DP4.4 Continued participation in, and access to the arts.
Operational Plan Action:	OP4.7 Promote awareness and support delivery of arts and cultural initiatives, including public arts assets, within the Shire.
Attachments:	1. Draft MoU South East Arts 2. Guide to Contributions
Cost Centre	2410 – Arts and Culture
Project	South East Arts
Further Operational Plan Actions:	

### EXECUTIVE SUMMARY

South East Arts is the peak body for arts across the Monaro, Snowy Mountains, and South Coast. The publically funded organisation annually delivers a range of initiatives across the region, undertakes advocacy for arts and cultural initiatives and funding, and assists member councils with funding applications.

Each year the individual Councils and South East Arts negotiated a service delivery plan for the financial year based on the strategic directions of the respective organisations. The Memorandum of Understanding between the three Councils and South East Arts is due for renewal but on this occasion as a single entity following the merger.

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

### COUNCIL RESOLUTION

94/16

That Council

- A. Agree to sign the Memorandum of Understanding subject to the amendments incorporated in the report: and
- B. Agree to the contribution for 2016/17 as outlined in the *Guide to Minimum Local Government Contributions to Regional Arts Boards in NSW* for a population of between 15,001 and 25,000.

**Approved by Administrator Lynch**

## 10.6 DA 10.2016.576.1 - DWELLING HOUSE

Record No:

Responsible Officer:	Director Service Planning
Author:	Personal Assistant To Director of Corporate Services

Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.10 Ensure that Council's policy, land use planning, development assessment enhance liveability.
Operational Plan Action:	OP 6.29 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.
Attachments:	<ol style="list-style-type: none"> <li>1. DA 10.2016.576.1 - Assessment Report (<i>Under Separate Cover</i>)</li> <li>2. DA 10.2016.576.1 - Development Plans (<i>Under Separate Cover</i>)</li> <li>3. DA 10.2016.576.1 - Draft Notice of Determination (<i>Under Separate Cover</i>)</li> <li>4. DA 10.2016.576.1 - Request for Variance (<i>Under Separate Cover</i>)</li> </ol>
Cooma Branch	Author: Urban and Rural Planner Responsible Officer: Planning Manager

Further Operational Plan Actions:

Applicant Number:	10.2016.576.1
Applicant:	Drew Heath Architect
Owner:	Besari Pty Ltd
DA Registered:	21/04/2016
Property Description:	Lot:1 DP:34884
Property Number:	10287
Area:	79.378ha
Zone:	RU1- Primary Production
Current Use:	Vacant land
Proposed Use:	Dwelling House
Permitted in Zone:	Yes
Recommendation:	That the development be approved with conditions

**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an assessment of the matters it is required to consider in making its determination of the proposed development under the *Environmental Planning and Assessment Act 1979 (the Act)*.

This Application is reported to Council for a decision because:

- A variation to the development standard has been applied for under Clause 4.6 of the *Cooma-Monaro Local Environmental Plan 2013 (CMLEP)*. Namely in regards to Clause 4.1 of the LEP 2013 which sets out the minimum lot sizes allowable in each land use zone. Sheet LSZ\_18 states that the minimum lot size required for the development site is 80ha.

- This Application is reported to Council for a decision because it involves non-compliances with *Cooma-Monaro Development Control Plan 2014 (Amendment 1)* (DCP 2014), which fall outside the authority of staff delegations.

This Report considers an application for the erection of a dwelling house on a rural lot. The proposed development is permissible with consent in the zone.

The major issue associated with this application concerns the minimum lot size, of 80ha, that is required for the development of any new dwelling in the RU1 – Primary Production zone. The current lot size of the lot is 79.378ha. The variation required represent 0.7775% of the required minimum lot size which is considered insignificant.

The proposed development will also require a variation to Cl2.2.3 of DCP 2014 as the building will not comply with the standard maximum height of lowest habitable floors of 1.2m (1.75m) for a new dwelling. The dwellings' lowest habitable floor will at one point be 2.580m above the existing ground level. However due to the topography and type of development this variation is considered to be necessary and insignificant.

No public submissions were received in relation to the proposal.

It is recommended that the proposed development be approved subject to appropriate Conditions of Consent shown in full in the draft Consent attached..

#### COUNCIL RESOLUTION

95/16

That Council

- A. Support a variation to Clause 4.1(3) of the *Cooma-Monaro Local Environmental Plan 2013* as requested in Development Application 10.2016.576.1 for Lot:1 DP:34884, being 2887 Peak View Road PEAK VIEW 2630, to allow the development of a dwelling house on the 79.378ha lot.
- B. Vary Clause 2.2.3 of the *Cooma-Monaro Development Control Plan 2014 (Amendment 1)* to allow the lowest habitable floor of the proposed dwelling house be up to 2.580m above the existing ground level.

**Approved by Administrator Lynch**

#### Note 2: Conditions of Consent

##### 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
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- Statement of Environmental Effects Applicant 21/04/2016
- S03 Site Plan drew heath architect 21/04/2016
- Survey drew heath architect 21/04/2016
- S02 Location/Entry Diagram drew heath architect 21/04/2016
- S09 Sections C and D drew heath architect 21/04/2016
- S08 Sections A and B drew heath architect 21/04/2016
- S06 North and South Elevations drew heath architect 21/04/2016
- S07 East and West Elevations drew heath architect 21/04/2016
- S05 Roof Plan drew heath architect 21/04/2016
- S04 Floor Plan drew heath architect 21/04/2016
- BASIX Certificate Damian O'Toole Town Planning 21/06/2016

Reason: Requirement that the development is completed in accordance with Council's consent. P\_1\_01

2) 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

**Conditions to be met prior to commencement of work**

3) 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

4) 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 Monaro Regional Council  
81 Commissioner Street, Cooma  
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

5)A permit from Council's Division of Engineering Services shall be obtained before any blasting is carried out.

Reason: To ensure any blasting is carried out in accordance with relevant safety requirements and Council's Policy. B\_2\_07

6)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

7)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 above the existing stormwater channel. 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

8)The applicant shall, prior to issue of a Construction Certificate, obtain a Section 138 (Roads Act 1993) consent from Council for the following works:

- a) Vehicular crossing upgrade
- b) Roadworks

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

#### **Conditions to be met prior to release of Construction Certificate**

9)The applicant shall pay the current fee for issue of a rural address number/s. The fee shall be paid prior to issue of the Construction Certificate.

Reason: To allow identification of rural properties. R\_6\_05

10)Where Council is the Principal Certifying Authority, the following is to be submitted for consideration before a Construction Certificate can be issued:

- a) Structural Engineers details signed, dated and certified for the following:
  - i) Detail of the post connection detail into the foundation/footing
  - ii) Wind and Snow loading certification in accordance with AS 1170
- b) To comply with the provisions of the Home Building Act 1989, the following is to be submitted to Council:
  - i) A copy of the Owner Builder Permit as issued by NSW Fair Trading; or
  - ii) A copy of the Home Building Compensation Fund Insurance Certificate for building works exceeding the value of \$20,000 where a licensed builder is contracted to undertake the work; or
- c) List of Basix Commitments as shown for Construction Certificate in BASIX Certificate no. 685597S\_02
- d) Details of the Solid Fuel Heater proposed to be installed.
- e) Details of the Sea Containers that are proposed to be installed
- f) Details of method for waterproofing of the wet areas in accordance with AS3740 & NCC including sectional drawing
- g) Amended floor showing Smoke Detector location complying with NCC part 3.7.2

Reason: Requirement of the Environmental Planning and Assessment Act and Regulations. B\_1\_03

11)Residential building works requires that the builder or person who does any residential building work complies with the applicable requirements of Part 6 of the Home Building Act whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the approved work.

The builder or person shall obtain and have in force Home Building Insurance and supply to Council a copy of the certificate in respect of insurance complying with the Home Building Act 1989 prior to the commencement of any residential building work together with the Notice of Commencement required by the Act.

If arrangements for doing the residential building work change while the work is in progress, further work must not be carried out unless Council has been provided with written notice of the updated information.

Reason: Prescribed conditions in accordance with clause 98(1)(b) and 98B(2)&(3) of the Environmental Planning and Assessment Regulation and requirement of the Home Building Act 1989. B\_1\_07

12)All steel framework to comply with Australian Standard 1250 and engineer's details and/or manufacturer's specifications, incorporating Ground Snow Load of 2.4 kPa and a Wind Load of N3.

Reason: Requirement of the Building Code of Australia. B\_4\_06

13)The solid fuel heater is to be installed in accordance with the National Construction Code Part 3.7.3, Australian Standard 2918 & Manufacturers specifications for the proposed heater. The heater shall not be operated until an installation inspection has been carried out and Council clearance received to operate the heater

Reason: To ensure compliance with the NCC and AS 2918. B\_0\_02

14)The solid fuel heater shall have a compliance plate affixed to the rear of the heater stating that the heater meets the current Australian Standard AS/NZS4013:1999.

Reason: To ensure compliance with AS/NZS 4013

15)The existing rural access driveway to the Peak View Road shall be upgraded to comply with Council's 'Specification for the Construction of Vehicular Crossings' and Drawing B 238 – Standard Vehicular Rural Crossing.

Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014.R\_0\_01

#### **Conditions to be met during Construction**

16)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

17)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) after excavation for, and prior to the placement of any footings;
- b) prior to pouring any in-situ reinforced concrete building element;
- c) prior to covering of the framework of any floor, wall, roof or other building element;
- d) prior to covering water proofing in any wet areas;
- e) prior to covering any stormwater drainage connections;
- f) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building;
- g) 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\_04

18)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

19) 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

20) During building operations the builder shall provide approved temporary toilet 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

21) 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

22) 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

23) 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

**Conditions to be met prior to release of Occupation Certificate**

24) A rural address number sign for this lot shall be installed by the applicant, with numerals at least 75 mm in height. The sign shall comply with Australian/New Zealand Standard AS/NZS 4724.2 – Geographic information – Rural addressing (details including standard numbering plates are available from Council).

The rural address number(s) applicable are:

Lot and DP	Rural Address Details		
	Number	Street/Road	Locality
Lot 1 DP34884	2887	Peak View Road	Peak View

Reason: To allow identification of rural properties/



25)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

26)Prior to the release of any Occupation Certificate an Outdoor Clothes Drying Area including a minimum 20 linear metres of line space is to be installed on the site.

Reason: To ensure compliance with the requirements of the Cooma-Monaro Development Control Plan 2014. P\_4\_01

27)Prior to the release of any Occupation Certificate a rainwater tank/s of a minimum volume of 90,000l is to be installed on the site.

Reason: To ensure compliance with the requirements of the Cooma-Monaro Development Control Plan 2014. P\_4\_02

### **Ongoing Conditions**

28)Noise to be kept to an adjustable level so as not to cause discomfort to neighbours.

Reason: To ensure amenity to neighbours. B\_1\_10

29)All private road access to the dwelling on the site/development, including right/s-of-way, driveways and access points, shall be maintained in a safe, trafficable condition for all weather use by two-wheel drive vehicles.

Reason: In accordance with Cooma-Monaro Shire Council Development Control Plan 2014. R\_2\_06

### **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](http://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.

#### Notes

1) An applicant may request a review of this determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for a review must be lodged within 6 months of the date of this notification. A review under Section 82A cannot be made for Integrated, Designated or Crown Development.

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

#### 10.7 REQUEST WITH ASSISTANCE OF LEGAL FEES FROM BATHURST REGIONAL COUNCIL

Record No:

Responsible Officer:	General Manager
Author:	Acting Executive Assistant
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest
Operational Plan Action:	OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making.
Attachments:	1. Letter From LGNSW Request for Legal Assistance
Cost Centre	40087 – Fees Other
Project	No Identified Project
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

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To give consideration to offering financial support to Bathurst Regional Council for legal fees incurred defending an appeal matter before the NSW Court of Appeal. The proceedings challenged Council's jurisdiction to fix fees for services under long-term contracts. The NSW Court of Appeal found against Bathurst Regional Council.

LGNSW is considering the implications of this decision for NSW councils, and is likely to seek feedback from councils in the future to enable the issue to be adequately addressed in the next phase of the review of the local Government Act 1993. Financial contributions are now sought from councils as the costs of the proceedings have been determined as set out in the enclosed invoice. There is no obligation for a council to provide assistance.

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

**COUNCIL RESOLUTION**

**96/16**

That Council advise LGNSW that as no funds have been provided in the current budget Snowy Monaro Regional Council is not able to contribute to the legal fees incurred by Bathurst Shire Council

**Approved by Administrator Lynch**

**10.8 ADOPTION OF GIFTS AND BENEFITS POLICY**

Record No:

Responsible Officer:	Deputy Director Service Support
Author:	Manager Corporate/Governance
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1 Ensure that legislative obligations are met throughout all Council departments.
Operational Plan Action:	OP7.1 Ensure statutory registers are maintained and publicly available.
Attachments:	1. SMRC 83 - Policy - Gifts & Benefits ( <i>Under Separate Cover</i> )
Cost Centre	Corporate Governance Support
Project	Policies
Further Operational Plan Actions:	

**EXECUTIVE SUMMARY**

Snowy Monaro Regional Council (SMRC) was established on 12 May 2016 through the merger of the former Bombala, Cooma-Monaro Shire and Snowy River Shire Councils.

The Governance Working Group are assessing policies from the three former Councils. During this assessment the Gifts and Benefits Policy of the former Snowy River Shire Council was endorsed by that group.

At the Executive Team Meeting of 6 July 2016 it was resolved “to recommend to the Administrator to endorse the Gifts and Benefits Policy for adoption with no further consultation by the Public”.  
(EMT161/16 refers)

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

**COUNCIL RESOLUTION**

**97/16**

That Council adopt SMRC 83 - Policy - Gifts and Benefits with no further consultation by the Public.

**Approved by Administrator Lynch**

**10.9 ADOPTION OF PURCHASING AND TENDERING POLICY**

Record No:

Responsible Officer: Deputy Director Service Support  
Author: Manager Corporate/Governance  
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation  
Delivery Plan Strategy: DP7.2 Council’s leadership is based on ethics and integrity to enable informed and appropriate decisions in the community’s best interest  
Operational Plan Action: OP7.6 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.  
Attachments: 1. SMRC 55 - Purchasing and Tendering Policy (*Under Separate Cover*)  
Cost Centre Governance  
Project Purchasing and Tendering Policy

Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

On 12 May 2016 the former Bombala, Snowy Monaro Shire and Cooma-Monaro Shire Councils were merged. Since that time a number of Working Groups have been reviewing policies.

This policy is a merged document of the previous Snowy River and Cooma Monaro Shire Councils and has been reviewed and recommended by the Purchasing and Inventory Working Group.

On 6 July 2016 the Executive Team resolved “To recommend to the Administrator acceptance of the Purchasing and Tendering Policy with the change agreed on by Director Special Projects Office and that it be placed on public exhibition” (EMT164/16 refers).

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

**COUNCIL RESOLUTION**

**98/16**

That Council

- A. Endorse SMRC 55 - Purchasing and Tendering Policy for public exhibition; and
- B. Place SMRC 55 - Purchasing and Tendering Policy on public exhibition for a period of 28 days.

**Approved by Administrator Lynch**

**10.10 COOMA LIVESTOCK SELLING CENTRE IMPROVEMENTS**

Record No:

Responsible Officer:	General Manager
Author:	Secretary Council & Committees
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest
Operational Plan Action:	OP7.5 Provide timely, accurate and relevant information to Council to enable informed decision making.
Attachments:	Nil
Cooma Branch:	Author: Deputy Director Service Delivery
Cost Centre	WO1583
Project	Cooma Livestock Selling Centre Improvements
Further Operational Plan Actions:	DP3.1 Agricultural Businesses OP3.1.2 Facilities and support for livestock trade are provided.

**EXECUTIVE SUMMARY**

The outcome that the Cooma Livestock Selling Centre Improvement program will achieve is to increase the capacity, efficiency and improved animal health conditions for sheep and calf sales.

Funding for this project has been sort via the National Stronger Region Fund (NSRF) Grant Round 3 and Council's contribution.

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

**COUNCIL RESOLUTION**

**99/16**

That Council;

- A. Approve the project to proceed as planned;
- B. Should the National Stronger Region Fund not be approved the project be funded from internal sources;
- C. Receive a report from the General Manager on the internal funding; and
- D. Receive a report on Snowy Monaro Regional Council Saleyard Strategy.

**Approved by Administrator Lynch**

**Note 3: Amendment to Officers Recommendation**

The above recommendation was an amendment to the original recommendation.

The original recommendation being:

*“That Council;*

- A. Delay the Saleyard Upgrade project until the outcome of the National Stronger Region Fund (NSRF) Grant Round 3 is known (up to 3 months).*
- B. Additional funds of \$60,000 be allocated for repairs / maintenance of the sheep yards to allow calf sales to take place in these yards.*
- C. If the NSRF is successful, the additional \$60,000 is returned to Cooma Infrastructure reserve, and the remaining budgeted of \$266,645 be allocated to additional improvement to the facility.”*

#### **10.11 MONTHLY FUNDS MANAGEMENT REPORT - JUNE 2016**

Record No:

Responsible Officer:	Deputy Director Service Support
Author:	Personal Assistant To Director of Corporate Services
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:	OP7.17 Effective management of Council funds to ensure financial sustainability.
Attachments:	Nil
Cooma Branch	Author: Finance Manager Responsible Manager: Director Service Support
Cost Centre	4010 – Financial Services
Project	Funds Management
Further Operational Plan Actions:	OP7.1 Completion of reporting requirements in accordance with legislation

#### **EXECUTIVE SUMMARY**

The following details funds management position for the reporting period ending 30 June 2016. Cash and Investments as at 30 June 2016 are \$73,157,078.

#### **Certification**

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

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

**COUNCIL RESOLUTION**

**100/16**

That Council:

- A. Receive and note the report indicating Council's Funds Management position as at 30 June 2016.
- B. Receive and note the Certificate of the Responsible Accounting Officer.

**Approved by Administrator Lynch**

**11. REPORTS BY THE GENERAL MANAGER**

**11.1 MEETING WITH RICK HART**

The General Manager informed Council he met with Rick Hart from the Department of Premier and Cabinet (DPC) today regarding the five (5) characteristics of a good performing council and later met with Director Special Projects Office regarding feedback to DPC on these characteristics.

**11.2 MEETING WITH LGNSW MANAGEMENT SOLUTIONS**

The General Manager informed Council he met with Mark Anderson from LGNSW Management Solutions and discussed the General Managers performance agreement under the merger, a report will come to Council on this.

**11.3 COMMUNICATIONS FORUM**

The General Manager advised Council on Friday 5 August 2016 the DPC will be hosting a Communications Forum in Sydney which he will be attending. The General Manager advised staff involved in communications and Community Engagement should attend the forum.

**COUNCIL RESOLUTION**

**101/16**

That Council receive and note Reports by the General Manager.

**Approved by Administrator Lynch**

**12. NOTICE OF MOTION**

Nil

**13. MOTIONS OF URGENCY**

Nil

**14. QUESTIONS WITH NOTICE**

Nil

## 15. QUESTIONS TAKEN ON NOTICE

Nil

## 16. CONFIDENTIAL MATTERS

### COUNCIL RESOLUTION

102/16

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:

#### **16.1 Confidential Minutes Snowy Monaro Local Representative Committee - Cooma 23 June 2016**

Item 22.1 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 (c) of the Local Government Act because it contains and information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **16.2 Report on Contract Conditions of Senior Staff**

Item 22.2 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.

**Approved by Administrator Lynch**

### **Note 4: Invitation to Public**

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

### **Note 5: Confidential Session of Committee**

At 5.58 pm the meeting was closed to the press and public.

### **Note 6: Resumption of Open Committee Meeting**

At 5.59 pm the Closed Session ended and the Council meeting continued in Open Session.

## 17. REPORT FROM CONFIDENTIAL SESSION



**16.1 CONFIDENTIAL MINUTES SNOWY MONARO LOCAL REPRESENTATIVE COMMITTEE - COOMA 23  
JUNE 2016**

**COUNCIL RESOLUTION**

**103/16**

That Council receive and note the confidential minutes and approve the recommendations of the Snowy Monaro Local Representative Committee – Cooma held on 23 June 2016.

**Approved by Administrator Lynch**

**16.2 REPORT ON CONTRACT CONDITIONS OF SENIOR STAFF**

**COUNCIL RESOLUTION**

**104/16**

That Council receive and note the report on the contractual conditions of senior staff or 2015/16

**Approved by Administrator Lynch**

There being no further business the Administrator declared the meeting closed at 6.00pm.



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CHAIRPERSON

The above minutes of the Ordinary Council Meeting of Snowy Monaro Regional Council held on 27 July 2016 were confirmed by Council at a duly convened meeting on 23 August 2016 at which meeting the signature hereon was subscribed.