



SNOWY MONARO
REGIONAL COUNCIL

LATE REPORT

PUBLIC EXHIBITION COPY

Ordinary Council Meeting
22 February 2017

**ORDINARY COUNCIL MEETING
TO BE HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW
2630**

**ON WEDNESDAY 22 FEBRUARY 2017
COMMENCING AT 5.30**

SUPPLEMENTARY AGENDA

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<i>Item 22.1 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains 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.</i>	
22.2 Commercial Waste Contract with Perisher	
<i>Item 22.2 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and (diii) of the Local Government Act because it contains and information that would, if disclosed, reveal a trade secret and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	

9.1 ADOPTION OF LRC BOMBALA MEETING RECOMMENDATIONS - 1 FEBRUARY 2017

Record No:

Responsible Officer: Manager Corporate/Governance

Attachments: 1. Minutes of LRC - Bombala - 1 February 2017 [↓](#)

EXECUTIVE SUMMARY

The Local Representative Committee - Bombala met on 1 February 2017 in Bombala Council Chambers. The minutes are presented for Council's information.

OFFICER'S RECOMMENDATION

That the minutes of the Local Representative Committee - Bombala held on 1 February 2017 be received and noted and the recommendation contained therein be adopted.



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Local Representative Committee - Bombala Meeting

1 February 2017

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

ON WEDNESDAY 1 FEBRUARY 2017

MINUTES

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

**ON WEDNESDAY, 1 FEBRUARY 2017
COMMENCING AT 6:00PM**

PRESENT: Steve Goodyer, LRC Chairperson
Di Hampshire, LRC Member
Gabrielle Rea, LRC Member
Paul Perkins, LRC Member

Robin Guthrie, Manager Corporate/Governance

1. OPENING OF THE MEETING

The Chair opened the meeting at 6:15PM

2. APOLOGIES

Nil

An apology for the meeting was received from Administrator Lynch and General Manager, Mr Joe Vescio

3. CONFIRMATION OF PREVIOUS MINUTES AND MATTERS ARISING

3.1 LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING 19 JANUARY 2017

COMMITTEE RECOMMENDATION

LRCBO 03/17

THAT the minutes of the Local Representative Committee - Bombala Meeting held on 19 January 2017 are confirmed as a true and accurate record of proceedings.

Moved Member Rea

Seconded Member Hampshire

4. REPORTS ON PRIORITY ACTIONS

4.1 LIST OF NOMINATIONS FOR FUNDING UNDER SNOWY MONARO STRONGER COUNCIL GRANTS - PRIORITISATION FEEDBACK SOUGHT

Record No:

This item is classified CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Responsible Officer:	Manager Corporate/Governance
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	3130
Project	Stronger Communities Fund
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

In conjunction with the May 2016 merger, Council secured two funding streams from the NSW State Government:

1) New Council Implementation Fund (NCF) \$5 million: To assist in covering the up front costs of implementing the new council.

2) Stronger Communities Fund (SCF) \$15 million (split into two streams).

The 'Snowy Monaro Community Grants' (SMCG) program was initiated to deliver the grant funding (up to \$1M) opportunity to incorporated not-for-profit community groups.

The 'Snowy Monaro Stronger Council Grants' (SMSCG) program is for Council projects with grant funding (up to \$14M). Assessment has been carried out using a set criteria.

Council invites all three (3) Local Representative Committees to provide prioritisation feedback on the attached nominations under the Snowy Monaro Stronger Council Grants program. The LRC input will be considered by the Stronger Communities Fund Assessment Panel.

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

COMMITTEE RECOMMENDATION

LRCBO 04/17

That the LRC – Bombala receive and note the information in the report and provide the requested feedback as soon as possible after its Special Meeting to be held on 9 February 2017 and consideration of additional information on projects designated with a (?) on the attached confidential spreadsheet.

That additional projects of:-
Refurbishment of toilets at the Bombala Swimming Pool and
Demolition and Refurbishment of Toilets at Apex Park
be considered.

That the balancing projects be:-
Therry Street Project
Studies for weir and truck by-pass to shovel ready stage, plus Stage 1.

Moved Member Rea

Seconded Member Hampshire

Procedural Motion

ADJOURNMENT

COMMITTEE RECOMMENDATION

LRCBO5/17

That the Local Representative Committee - Bombala Meeting be adjourned.

Moved Member Perkins

Seconded Member Rea

CARRIED

Procedural Motion

RESUMPTION OF BUSINESS AGENDA ITEM

COMMITTEE RECOMMENDATION

LRCBO6/17

That Business Agenda Items be resumed.

Moved Member Hampshire

Seconded Member Rea

CARRIED

4.2 PRE-ASSESSMENT LIST OF NOMINATIONS FOR FUNDING UNDER ROUND 2 OF THE SNOWY MONARO COMMUNITY GRANTS PROGRAM – PRIORITISATION FEEDBACK SOUGHT

Record No:

This item is classified CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Responsible Officer:	Manager Corporate/Governance
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	3130

Project Stronger Communities Fund

Further Operational Plan Actions:

EXECUTIVE SUMMARY

In conjunction with the May 2016 merger, Council secured two funding streams from the NSW State Government:

1) New Council Implementation Fund (NCF) \$5 million: To assist in covering the up front costs of implementing the new council.

2) Stronger Communities Fund (SCF) \$15 million (split into two streams).

The 'Snowy Monaro Community Grants' (SMCG) program is the mechanism that Council initiated to deliver the grant funding (up to \$1M) opportunity to incorporated not-for-profit community groups: Under Stream 1 of the SCF – Community Grants.

Applications Closed: 4pm Sunday 10th July 2016. Over 100 applications were received.

Pre-assessment eligibility and detail cross checking of all applications was actioned. The applications that passed the basic eligibility stage are listed, with a basic synopsis, in the attached document. The information provided is confidential in nature.

The 'Snowy Monaro Stronger Council Grants' (SMSCG) program is for Council projects with grant funding (up to \$14M), with a similar assessment process to the SMCG.

Council invites all three (3) Local Representative Committees to provide prioritisation feedback on the attached nominations under the Snowy Monaro Community Grants program. The LRC input will be considered by the Stronger Communities Fund Assessment Panel.

Council encourages the LRCs to use the criteria specific to the SCF, the overarching 10 key result areas as defined by the State Government in relation to the merger process, along with the newly adopted Snowy Monaro Regional Council Delivery Program 2014-17, to inform their feedback.

As at early February 2017: SMCG Round 1 funded 28 projects; \$663 437 allocated.

SMCG Round Two - Applications closed 4:00pm Thursday 15 December 2016.

SMCG Round 2 currently in assessment phase, the SCF Assessment Panel will meet on Monday 13th February 2017. Project allocations, circa \$340k, to be announced February/March 2017.

Identified at pre-assessment eligibility check stage were applications which (yellow coded in list):

A) Did not meet the incorporated not-for-profit community group benchmark; and/or

B) Were incomplete; and/or

C) Indicated clear and significant conflicts of interest for Council, and/or the Stronger Communities Fund criteria.

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

COMMITTEE RECOMMENDATION

LRCBO 07/17

That the LRC – Bombala receive and note the information in the report and provide the requested feedback as soon as possible after its Special Meeting to be held on 9 February 2017.

Moved Member Rea

Seconded Member Hampshire

5. REPORTS & ADVICE ON LOCAL VIEWS & EMERGING ISSUES

5.1 SUBMISSION TO LRC BOMBALA RE BOMBALA SWIMMING POOL

LRC Member Perkins tabled a submission from Mr Jim Longden raising concerns with the maintenance of the Bombala Swimming Pool, particularly the seating at the deep end of the pool.

COMMITTEE RECOMMENDATION

LRCBL 08/17

That the LRC – Bombala receive and note the submission from Mr Longden and it be forwarded to the appropriate staff member for actioning.

Moved Member Perkins

Seconded Member Rea

6. PRESENTATION OF MINUTES FROM EXTERNAL COMMITTEES

7. SPECIFIC ITEMS VARYING FROM MEETING TO MEETING

8. REVIEW OF RELEVANT MEETING ACTIONS OR FOLLOW UP REQUIREMENTS

9. NEXT MEETING

Wednesday, 1 March 2017

There being no further business the Chair declared the meeting closed at 9.50PM.

CHAIRPERSON

The above minutes of the Local Representative Committee - Bombala Meeting of Snowy River Shire Council held on 1 February 2017 were confirmed by Committee at a duly convened meeting on 1 March 2017 at which meeting the signature hereon was subscribed.

9.2 MINUTES - LRC BOMBALA - EXTRA ORDINARY MEETING - 9 FEBRUARY 2017

Record No:

Responsible Officer: Manager Corporate/Governance

Attachments: 1. Minutes of LRC Bombala Extra Ordinary Meeting of 9 February 2017 [↓](#)

EXECUTIVE SUMMARY

The Local Representative Committee - Bombala met on 9 February 2017 in Bombala Council Chambers. The minutes are presented for Council's information.

OFFICER'S RECOMMENDATION

That the minutes of the Local Representative Committee - Bombala held on 9 February 2017 be received and noted and the recommendation contained therein be adopted.



SNOWY MONARO
REGIONAL COUNCIL

Minutes

**Extraordinary Local Representative Committee -
Bombala Meeting**

9 February 2017

**EXTRAORDINARY LOCAL REPRESENTATIVE COMMITTEE - BOMBALA MEETING
HELD IN COUNCIL CHAMBERS, 71 CAVEAT STREET, BOMBALA NSW 2632
ON THURSDAY 9 FEBRUARY 2017**

MINUTES

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

**ON THURSDAY, 9 FEBRUARY 2017
COMMENCING AT 06.00PM**

PRESENT: Steve Goodyer, LRC Chairperson
Di Hampshire, LRC Member
Gabrielle Rea, LRC Member
Paul Perkins, LRC Member

Robin Guthrie, Manager Corporate/Governance

1. OPENING OF THE MEETING

The Chair opened the meeting at 06.00PM

2. APOLOGIES

An apology for the meeting was received from Linda Nicholson, Deputy Director.

3. CONFIRMATION OF PREVIOUS MINUTES AND MATTERS ARISING

Nil

4. REPORTS ON PRIORITY ACTIONS

**4.1 LIST OF NOMINATIONS FOR FUNDING UNDER SNOWY MONARO STRONGER COUNCIL GRANTS -
PRIORITISATION FEEDBACK SOUGHT - ADDITIONAL INFORMATION**

Record No:

This item is classified CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Responsible Officer:	Manager Corporate/Governance
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.6 Increase and improve Council's financial sustainability.
Operational Plan Action:	OP7.18 Effective management of Council funds to ensure financial sustainability.
Attachments:	1. Additional Information - PP112 - Upgrades to Bombala Water Supply - Confidential

2. Additional Information - PP119 - Upgrade to Delegate Wastewater Treatment Plant - **Confidential**
3. Additional Information - PP236 - Bombala Roads, Bridges and Culverts - **Confidential**
4. Additional Information from Deputy Director Service Delivery - **Confidential**

Cost Centre 3130
 Project Stronger Communities Fund
 Further Operational Plan Actions: [Type text here](#)

EXECUTIVE SUMMARY

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Council invites all three (3) Local Representative Committees to provide prioritisation feedback on the attached nominations under the Snowy Monaro Stronger Council Grants program. The LRC input will be considered by the Stronger Communities Fund Assessment Panel.

The LRC – Bombala considered this list at their meeting of 1 February 2017 and requested additional information on a number of projects. The list of projects is attached as a separate document.

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

COMMITTEE RECOMMENDATION

LRCBO 9/17

That the LRC – Bombala receive and note the information in the report and provide the requested feedback as per attached confidential spreadsheet and the funds remaining after funding the identified projects be used to construct the heavy vehicle by-pass and to bring the weir project on the Bombala River to a shovel ready status.

Moved Member Rea

Seconded Member Hampshire

Procedural Motion

ADJOURNMENT

COMMITTEE RECOMMENDATION **LRCBO 10/17**

That the Local Representative Committee - Bombala Meeting be adjourned at 7.12pm

Moved Member Rea **Seconded Member Perkins** **CARRIED**

Procedural Motion

RESUMPTION OF BUSINESS AGENDA ITEM

COMMITTEE RECOMMENDATION **LRCBO 11/17**

That Business Agenda Items be resumed at 7.35pm.

Moved Member Rea **Seconded Member Hampshire** **CARRIED**

4.2 PRE-ASSESSMENT LIST OF NOMINATIONS FOR FUNDING UNDER ROUND 2 OF THE SNOWY MONARO COMMUNITY GRANTS PROGRAM - PRIORITISATION FEEDBACK SOUGHT

Record No:

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Responsible Officer: Director Service Support
Author: Manager Corporate/Governance
Key Direction: 7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy: DP7.6 Increase and improve Council's financial sustainability.
Operational Plan Action: OP7.18 Effective management of Council funds to ensure financial sustainability.
Attachments: 1. SMRC Round One - Funded Projects List - **Confidential**
2. SMCG Round 2 Application List - Pre-Assessment Eligibility - **Confidential**
Cost Centre 3130
Project Stronger Communities Fund
Further Operational Plan Actions: [Type text here](#)

EXECUTIVE SUMMARY

In conjunction with the May 2016 merger, Council secured two funding streams from the NSW State Government:

- 1) New Council Implementation Fund (NCF) \$5 million: To assist in covering the up front costs of implementing the new council.
-
-

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Identified at pre-assessment eligibility check stage were applications which (yellow coded in list):

A) Did not meet the incorporated not-for-profit community group benchmark; and/or

B) Were incomplete; and/or

C) Indicated clear and significant conflicts of interest for Council, and/or the Stronger Communities Fund criteria.

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

COMMITTEE RECOMMENDATION

LRCBO 12/17

That the LRC receive and note the information in the report, and provide the requested feedback as per the attached confidential spreadsheet.

Moved Member Hampshire

Seconded Member Rea

5. NEXT MEETING

Wednesday, 1 March 2017

There being no further business the Chair declared the meeting closed at 8.50pm.

CHAIRPERSON

The above minutes of the Extraordinary Local Representative Committee - Bombala Meeting of Snowy River Shire Council held on 9 February 2017 were confirmed by Committee at a duly convened meeting on 1 March 2017 at which meeting the signature hereon was subscribed.

15.1 PLANNING PROPOSAL - REZONE LAND FOR BOMBALA WATER SUPPLY PURPOSES

Record No:

Responsible Officer:	Director Service Planning
Author:	Deputy Director Service Planning
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.1 Ensure security of supply and extraction of water to meet the growing needs of residents and visitors.
Operational Plan Action:	OP6.3 Construct on stream water storage on Bombala River.
Attachments:	1. Draft Planning Proposal - Bombala Water Supply ↓
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

At its meeting of 18 March 2015 the Bombala Council resolved to seek planning approvals for the construction of a weir on the Bombala River to increase the volume of water available as a means of augmenting the reticulated town water storage availability from the existing Coolumbooka River weir.

This resolution, number 50/15, followed from concerns expressed by the community regarding security of water supply.

The project Masterplan had also more recently been the topic of discussion at a community meeting held on 13 October 2017 which was well attended by community members, with several staff and the Administrator also attending.

The Masterplan was adopted at the SMRC meeting of 30 November 2016.

While it is noted that funding for the Bombala River Weir is yet to be finalised, part of the approval processes commenced by the former Bombala Council was to commence rezoning of the land to ensure there was no conflict with the requirements of the Bombala LEP.

The attached draft Planning Proposal details the requirements.

The draft Planning Proposal also includes the rezoning of land adjacent to the existing water supply infrastructure and storage on the Coolumbooka River to ensure the zoning is reflective of the actual historical land use.

While these rezonings could be undertaken as part of the LEP combination project to establish one (1) LEP for the SMRC area, it is considered timely to proceed with the Planning Proposal now, as having the correct zoning in place may be beneficial if a suitable grant opportunity presents.

RECOMMENDATION

That the planning proposal to amend Bombala Local Environmental Plan (LEP) 2012 to permit the expansion of a water storage facility on the Bombala River and rezone land associated with the existing Coolumbooka River storage be forwarded to the Minister for Planning requesting that a gateway determination be issued pursuant to section 56 of the Environmental Planning and Assessment Act 1979.

BACKGROUND

The planning proposal documentation is attached. Also attached is an extract from the Water Sharing Plan for the Snowy Genoa Unregulated and Alluvial Water Sources 2016. The extract details that permissibility of on stream storages for town water supply purposes.

It is also noted that in the recent draft regional plan the matter of water security is identified as a high priority in support of growth and development.

The rezoning of the land associated with the existing Coolumbooka weir storage is considered a good solution from a land use planning perspective. Details of the advantages are included in the planning proposal. It should be recognized that the rezoning of the affected land does not commit council to any further action should additional approvals not be granted or funds not be committed.

Extract: Water Sharing Plan for the Snowy Genoa Unregulated and Alluvial Water Sources 2016

46 Granting or amending water supply work approvals

(1) A water supply work must not be granted or amended to authorise an in-river dam on a third order or higher stream within the following water sources:

- (a) the Upper Snowy River Water Source,*
- (b) the Thredbo River Water Source,*
- (c) the Lower NSW Snowy River Water Source,*
- (d) the Delegate River Water Source,*
- (e) the Bombala River Water Source,*
- (f) the Tombong Creek to Little River Water Source,*
- (g) the Matong Creek to Stony Creek Water Source,*
- (h) the Pinch River Water Source,*
- (i) the Genoa River Water Source.*

Note.

Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, other than those specified in subclause (1), consistent with the NSW Weirs Policy, the principles of the Act, the [Fisheries Management Act 1994](#) and any other relevant legislation.

(2) Subclause (1) does not apply where the in-river dam will be nominated by a local water utility access licence or an unregulated river (town water supply) access licence and the Minister is satisfied that the in-river dam is being constructed for the purpose of town water supply.

Note.

This subclause permits local water utility access licence holders and unregulated river (town water supply) access licence holders to apply for a water supply work approval for an in-river dam on any order of stream, however the provisions of the Act still apply and an application for a water supply work approval may be refused under section 95 of the Act.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The long-term security of water supply is considered fundamental in underpinning positive social outcomes in rural towns. Ensuring appropriate land use zoning is in place may remove some potential hindrances.

2. Environmental

Limitations with the security of the current water supply arrangements for Bombala have been evident for some time, particularly when prolonged dry spells are experienced. With uncertainty of climate impacts, increasing the storage capacity for water supply purposes will have a beneficial effect. Environmental impacts are required to be assessed as part of the Planning Proposal. The draft Planning Proposal will not have an environmental impact in its own right.

3. Economic

Water supply certainty, security, and availability provides confidence for residential and business sectors and can be a key factor in encouraging economic growth. The lack of a reliable reticulated water supply, either for residential or commercial purposes, can be a major hindrance in encouraging investment and development. While funding for construction of infrastructure is yet to be confirmed reserves held by the former Bombala Council should be available to progress the planning proposal aspect.

4. Civic Leadership

The project delivers on a commitment by the former Bombala Council to undertake this process, which had broad community support. Addressing the landuse zoning now is a sensible pre-cursor to any future projects aimed at provision of improved local water supply infrastructure.



**PLANNING PROPOSAL TO AMEND BOMBALA LOCAL
ENVIRONMENTAL PLAN 2012**

To permit a water storage facility along sections of the
Bombala River, Bombala

Prepared for and on behalf of Snowy Monaro Regional Council
by Zenith Town Planning,

9 January 2017

Draft Rev A 16 January 2017



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Draft Rev A 16 January 2017



INTRODUCTION

This planning proposal has been prepared in accordance with section 55(2) of the *Environmental Planning and Assessment Act 1979*.

The purpose of the planning proposal is to amend *Bombala Local Environmental Plan (LEP) 2012* to permit the expansion of a water storage facility on the Bombala River.

The scope of this planning proposal is to describe relevant attributes of the land and watercourse and to respond to matters for consideration outlined in *A guide to preparing planning proposals* issued by the Department of Planning & Environment in August 2016.

Proposed development

The settlement of Bombala is located 485km south of Sydney and 80km south of the town of Cooma. The water supply for the town of Bombala is sourced from an impoundment on the Coolumbooka River to the north of Bombala township which has a capacity of 245 megalitres.

It is proposed to expand this water storage facility by extending the impoundment for a length of approximately 2.7 to 2.8 kilometres from the existing impoundment of the Coolumbooka River into the Bombala River and extending to a new weir to be constructed between Caveat and Young Streets adjacent the town centre. The impoundment would raise the depth of the existing waterway by a variable amount but estimated to average about 2 metres and provide an additional 50 to 60 megalitres of storage capacity. The proposed impoundment would form a single storage area.

The properties that are affected by the existing impoundment are described in Table 1 below.

Table 1: Properties subject to the existing impoundment

Lot	Section	Deposited Plan
1		1122951
7		1161886
47		264454
2		1122951
46		264454
3		1161886



48		264454
5		1161886
45		264454
44		264454
3		1122951
49		264454
2		1161886
4		1122951
6		1161886
5		1122951
1		1161886
43		264454
42		264454
41		264454
Part 1		863574
Part 6		112091
50		264454
6		1122951
4		1161886

The properties that would be affected by the additional impoundment are described in Table 2 below.

Table 2: Properties subject to the proposed impoundment

Lot	Section	Deposited Plan
7017		94005
7018		94005
7024		1024462
7016		94006
7013		1026178
7		1161886
Part 53		264454
Part 511		1152280
Part 1		756819
Part 80		756819
Part 154		756819
Part 155		756819



Lot	Section	Deposited Plan
Part 352		756819
7009		94007
Part 1	56	758129
7	56	758129
8	56	758129
Part 790		1150989
7303		1148011
Part 132		1166322
7501		1145394
701		1028120
Part 6		749463
Part 5		749463

The new weir is proposed to be constructed on Lot 7018 DP 94005 Bombala River which is in the ownership of the Crown.

Images of the existing impoundment and the proposed new impoundment are shown in figures below.

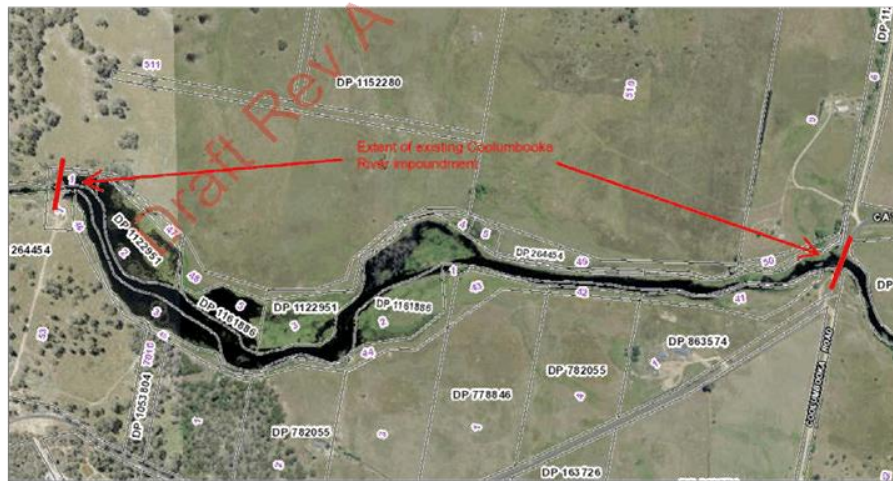


Figure 1: The existing impoundment. Source: SIX Maps

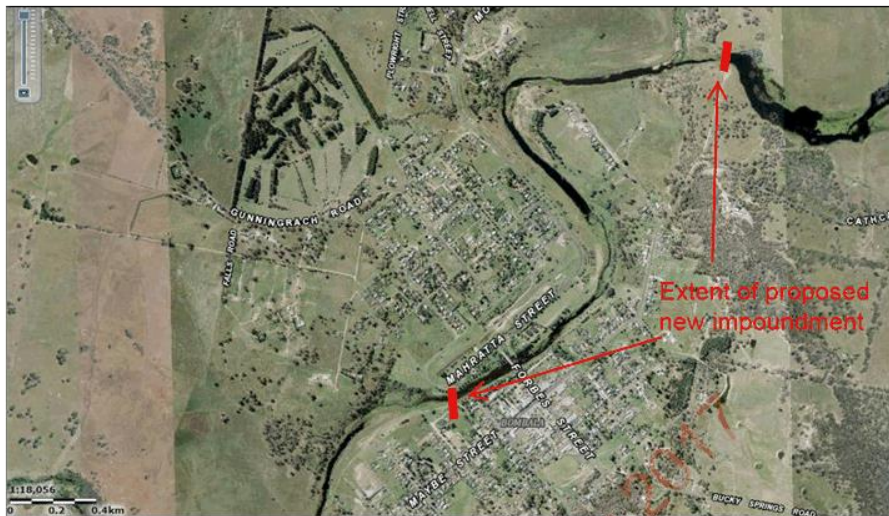


Figure 2: The proposed impoundment. Source: SIX Maps

Figures 3 and 4 below show the location of the proposed weir on the Bombala River adjacent the urban area as an image and the cadastral boundaries.

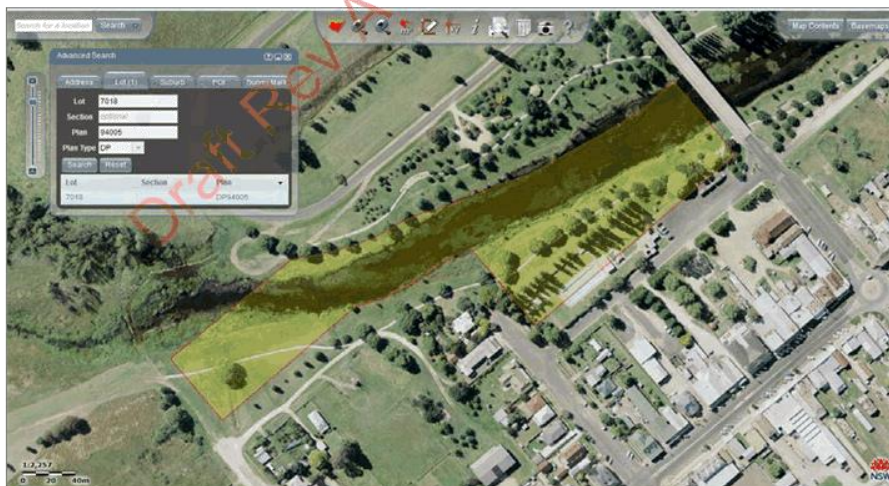


Figure 3: Image of Lot 7018 DP 94005 Bombala River. Source: SIX Maps



Figure 4: SIX Maps cadastral image of Lot 7018 DP 94005 Bombala River

The existing impoundment and the proposed impoundment are defined as water storage facilities. A water storage facility is defined in *Bombala LEP 2012* as a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Water storage facilities are a type of *water supply system* which means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c)

The existing impoundment covers a section of the Coolumbooka River that is zoned RU1 Primary Production. The Coolumbooka River weir is currently zoned RU1 Primary Production and water supply systems are not permitted in that zone.

The section of the Coolumbooka River and Bombala River proposed to be impounded is variously zoned R1 General Residential, RE1 Public Recreation and R5 Large Lot Residential under *Bombala LEP 2012*. Water supply systems and hence water storage facilities are prohibited uses in each of the R1, RE1 and R5 zones.



State Environmental Planning Policy (Infrastructure) 2007 prevails over *Bombala LEP 2012* and permits water supply systems without consent in zone RU1 where carried out by or on behalf of a public authority.

SEPP (Infrastructure) 2007 does not list zones R1, RE1 and R5 as prescribed zones and, therefore, does not prevail over *Bombala LEP 2012* to permit water supply systems or any subordinate uses (water reticulation systems, water storage facilities or water treatment facilities) as permitted without consent.

It is proposed to apply zone SP2 Infrastructure to the properties affected by the proposed new impoundment so that a water supply system is a use that is permitted without consent.

It is also proposed to apply zone SP2 Infrastructure to the existing impoundment so that the zoning of the properties affected by the existing Coolumbooka River weir is consistent with the proposed zoning of the new impoundment area. Permitting the use within the zone will also serve to avoid any ambiguity.

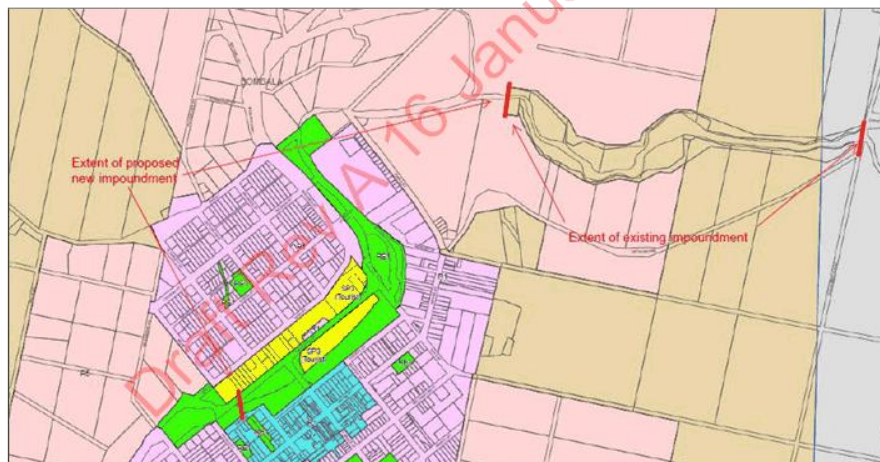


Figure 5: Extract from the Bombala LEP 2012 Land Zone Map Sheet LZN_004G

To effect the rezoning, this planning proposal has been prepared to amend *Bombala LEP 2012* to alter the Land Zoning Map to apply zone SP2 Infrastructure to the affected land – the properties affected by the existing impoundment and the properties affected by the proposed extension of the impoundment. Provisions of



Bombala LEP 2012 relevant to land zoned SP2, including the land use table, would then apply.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal to amend *Bombala Local Environmental Plan (LEP) 2012* is to permit water supply systems on the affected land described above to facilitate the extension of the impoundment that supplies the settlement of Bombala with potable town water.

PART 2: EXPLANATION OF PROVISIONS

The proposed outcomes will be achieved by an amendment to *Bombala Local Environmental Plan (LEP) 2012* to rezone the affected land described above, being properties affected by the existing impoundment and properties affected by the proposed extension of the impoundment, to SP2 Infrastructure through an amendment to the *Land Zoning Map Sheet LZN_004G*.

PART 3: JUSTIFICATION FOR THE PLANNING PROPOSAL

Justification for the proposed amendment to *Bombala LEP 2012* is presented as a response to each of the questions posed in *A guide to preparing planning proposals*.

SECTION A- NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal has not resulted from a strategic study or report. However, Council resolved on the 18th March 2015 to commence the planning approval process for a new low level weir and road crossing on the Bombala River in the vicinity of Young Street. The purpose of this resolution is to expand the town water supply to ensure that potable water is available to the inhabitants of Bombala during drought events and to ensure that adequate potable water is available to support future expansion of the population.

Council's administrator resolved on 13 November 2016 to include the *proposed new weir to increase the standing water level by 2 metres across the Bombala River immediately upstream of the proposed truck route crossing* in the final version of the Bombala Masterplan. This plan specifies improvements to the public domain of Bombala township.



Council's administrator resolved on xxx 2017 to forward the planning proposal to the Department of Planning and Environment with a request for a Gateway Determination.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There are three possible methods to achieve an amendment to *Bombala LEP 2012* to permit the proposed works. These are:

1. Insert a clause in Schedule 1 Additional permitted uses to permit a water supply system on the subject section of the river
2. Rezone the subject section of the river as SP2 Infrastructure and show the subject section of the river as a water supply system
3. Amend the land use tables for zones R1, RE1 and R5 to permit water supply systems in these zones

Option 2 has been selected as rezoning to SP2 indicates the precise intended purpose of the zone. The sections of the waterway already used to collect and supply town water may also be zoned SP2.

Option 1 may also secure the waterway for the same purpose, however, Option 3 may have unintended consequences by permitting water supply systems on other areas of land zoned RU1, R1, RE1 or R5 which are not suited to such development.

SECTION B- RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

There is no adopted regional, sub-regional or district plan or strategy that applies to Bombala local government area.

The *draft South East and Tablelands Regional Plan* was released for public exhibition by the Department of Planning and Environment in May 2016. Direction 2.4 of the draft plan is to *protect and secure the region's water resources*. It is noted that the future growth and development of the region, coupled with the uncertainties of drought and climate change, mean that long term planning for water supply must be an integral part of strategic planning.



Action 2.4.1 is to finalise water sharing plans. This has been achieved for the Snowy Genoa Unregulated and Alluvial Water Sources water sharing plan was made by the Minister for Primary Industries on 29 June 2016.

Action 2.2.2 is to *prepare integrated water cycle management strategies* that ascertain infrastructure needs over the next 30 years to accommodate population growth. The state government is committed to supporting councils prepare these strategies.

The planning proposal is consistent with the directions and actions of the *draft South East and Tablelands Regional Plan*.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Bombala Land Use Strategy

The *Bombala Land Use Strategy* was adopted by Bombala Council on 17 March 2010. It is noted in the strategy that reticulated potable water for the town of Bombala is sourced from the Coolumbooka River Weir.

There are no directions or actions in the strategy relating to the supply of town water, therefore the proposal is not inconsistent with the strategy.

Water Sharing Plan for the Snowy Genoa Unregulated and Alluvial Water Sources 2016

The *Water Sharing Plan for the Snowy Genoa Unregulated and Alluvial Water Sources 2016* was made on 29 June 2016 by the NSW Minister for Lands and Water. The plan contains the following section:

46 Granting or amending water supply work approvals

(1) *A water supply work must not be granted or amended to authorise an in-river dam on a third order or higher stream within the following water sources:*

- (a) the Upper Snowy River Water Source,*
- (b) the Thredbo River Water Source,*
- (c) the Lower Snowy River Water Source,*
- (d) the Delegate River Water Source,*
- (e) the Bombala River Water Source,*
- (f) the Tombong Creek to Little River Water Source,*
- (g) the Matong Creek to Stony Creek Water Source,*



- (h) the Pinch River Water Source,
- (i) the Genoa River Water Source.

Note. Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, other than those specified in subclause (1), consistent with the NSW Weirs Policy, the principles of the Act, the Fisheries Management Act 1994 and any other relevant legislation

- (2) Subclause (1) does not apply where the in-river dam will be nominated by a local water utility access licence or an unregulated river (town water supply) access licence and the Minister is satisfied that the in-river dam is being constructed for the purpose of town water supply.

Note. This subclause permits local water utility access licence holders and unregulated river (town water supply) access licence holders to apply for a water supply work approval for an in-river dam on any order of stream, however the provisions of the Act still apply and an application for a water supply work approval may be refused under section 95 of the Act.

Section 46(2) of the *Water Sharing Plan* as printed above permits Council to amend the current license that is issued for the Coolumbooka River weir to increase extraction of water to augment town water supplies by way of a new weir to be constructed on the Bombala River.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the planning proposal against relevant SEPPs is provided below.

SEPP	Intent	Comment
SEPP (Infrastructure) 2007	To provide certainty and flexibility in the provision of public infrastructure	Section 125 (2) of <i>State Environmental Planning Policy (Infrastructure) 2007</i> (2) permits the following development without consent when carried out by or on behalf of a public authority: <ul style="list-style-type: none"> • water reticulation systems



SEPP	Intent	Comment
		<p>without consent on any land,</p> <ul style="list-style-type: none"> • water storage facilities without consent on land in zones RU1 Primary Production, RU2 Rural Landscape, SP1 Special Activities, SP2 Infrastructure or an equivalent land use zone, • water treatment facilities without on land in zones RU1 Primary Production, RU2 Rural Landscape, RU4 Rural Small Holdings, IN1 General Industrial, IN3 Heavy Industrial, SP1 Special Activities, SP2 Infrastructure <p>Such development includes catchment management works and accessways associated with the water storage facility.</p> <p>The SEPP prevails over <i>Bombala LEP 2012</i> however only where the works are proposed in a prescribed zone.</p> <p>In this case, the existing impoundment is in zone RU1 and therefore permitted without consent by way of the SEPP.</p> <p>However, water supply systems are not permitted by <i>Bombala LEP 2012</i> or <i>SEPP (Infrastructure)</i> on the properties affected by the proposed impoundment</p>



SEPP	Intent	Comment
		<p>which are zoned R1, RE1 and R5. An amendment to <i>Bombala LEP 2012</i> is required to permit water supply systems in these zones. Following an amendment the works will be permitted without consent and subject to Part 5 of the <i>Environmental Planning and Assessment Act 1979</i></p>
<p>SEPP (Rural Lands) 2008</p>	<p>The relevant aims of this Policy are:</p> <p>(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes</p> <p>(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State</p> <p>(c) to implement measures designed to reduce land use conflicts</p>	<p>The planning proposal is satisfactory to the Rural Planning Principles of this policy. The proposal is to facilitate an extension to the impoundment that provides potable town water to Bombala.</p> <p>It is proposed to zone the land to be occupied by the new impoundment and the rural property occupied by the existing impoundment as SP2 Infrastructure.</p> <p>This will secure that land for the social and economic benefit of the community of Bombala by enabling the water resource to be protected by way of a special use zone. In doing so, the social, economic and environmental interests of the community are balanced</p>



Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the planning proposal against relevant Ministerial Directions is provided below.

Ministerial Direction	Objectives & application	Comment
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land. A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	This planning proposal will amend Bombala LEP 2012 to allow a water storage facility to be carried out by rezoning the relevant section of the Bombala River as SP2 Infrastructure. The existing impoundment of the Bombala River occupies land zoned RU1 Primary Production. The existing impoundment, defined as a water storage facility, is permitted in zone RU1, however it is proposed to also rezone that property as SP2 for the sake of consistency. It is not proposed to rezone the property to a residential, industrial, village or tourist zone. The planning proposal is not inconsistent with this direction
1.5 Rural Lands	The objectives of this direction are to protect the agricultural production value of rural land, and facilitate the orderly and economic development of rural lands for rural and related purposes	This direction is relevant as the planning proposal seeks to alter the zone boundary of rural land, i.e. to rezone rural land that is occupied by the existing impoundment to SP2 Infrastructure. As



Ministerial Direction	Objectives & application	Comment
		demonstrated in the response to question 5 above, the proposal is consistent with the Rural Planning Principles of SEPP (Rural Lands) 2008 and is therefore consistent with this direction
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development	The planning proposal is consistent with this direction as it does not contain provisions requiring the concurrence, consultation or referral of a Minister or public authority and does not identify development as designated development
6.3 Site specific provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. It applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out	This planning proposal will amend Bombala LEP 2012 to allow a water storage facility to be carried out. By rezoning the relevant section of the Bombala River as SP2 Infrastructure, the planning proposal allows that use to be carried out in the zone without imposing any development standards or requirements. The planning proposal is consistent with this direction



SECTION C- ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A Terrestrial and Aquatic Biodiversity Assessment has been carried out by Envirokey Pty Ltd. The assessment found that the area of investigation (that area that is proposed to be impounded to extend the existing Coolumbooka River weir) is mostly dominated by non-native vegetation including four species of noxious weed. Two native vegetation communities were found to occur within the vicinity of the proposal which corresponded with the NSW Vegetation Types Database. These were *Snow Gum - Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands (SR637)* and *Tea-tree tall riparian shrubland, South Eastern Highlands, South East Corner and Australian Alps (SR657)*. The biometric vegetation type SR637 meets with the identification guidelines for the threatened ecological community known as *Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions - Southern Rivers (Tablelands Snow Gum Grassy Woodland)* listed as endangered under the *NSW Threatened Species Conservation Act 1995 (TSC Act)*. No threatened flora species were found within the vicinity of the proposal, nor are any expected to occur given the previous disturbance that has occurred. The Bombala River also forms part of the Endangered Ecological Community of the Snowy River Catchment listed under the *Fisheries Management Act 1994 (FM Act)* as the *Aquatic Ecological Community in the Catchment of the Snowy River in NSW*.

Three general habitats were found to occur: woodland/shrubland, aquatic habitat and introduced grassland/trees. The fauna species detected during the assessment are typical of those occurring in woodlands and adjacent to waterways in the South East Corner bioregion. No threatened fauna species listed under the schedules of the FM Act, TSC Act or the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* were detected within the vicinity of the proposal. One migratory species listed under the EPBC Act was observed. A total of five threatened and migratory biota have a moderate to high potential or are known to occur in the vicinity of the proposal based on detailed habitat assessment.

It is anticipated that some introduced grassland/trees would be removed during the construction of the weir adjacent the urban area and some of the 0.845 hectares of native vegetation (not including planted natives) would be impacted by the elevated water levels associated with the weir should the proposal proceed.



Based on the concept design for the weir, the proposal is *'unlikely'* to have a significant effect on any listed threatened flora and fauna species, communities, populations and their habitats in accordance with the TSC Act and FM Act. However, once the weir design is finalised and if the planning proposal proceeds, detailed assessment would be required as part of the Review of Environmental Factors of the proposed works. Additional assessment would also be required to determine whether the proposal is *'likely'* to have a significant effect on any EPBC Act listed threatened and migratory biota and their habitats or other matters of national environmental significance. A series of mitigation measures are proposed to minimise potential impact to biodiversity.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed weir that will result in an extension of the existing impounded area to a location adjacent the urban area will cause ground disturbance during construction. The weir is proposed to be located on Lot 7018 DP 94005 Bombala River.

A search of the Aboriginal Heritage Information Management Service (AHIMS) database that is maintained by the Office of Environment & Heritage was carried out on 15 July 2016. The search of the site and immediate surrounding area was performed on 29 April 2016 and found that:

- There are no Aboriginal sites recorded in or near the selected location, and
- There are no Aboriginal places that have been declared in or near the selected location.

It is noted that surveys for Aboriginal objects have not been carried out in all parts of NSW and Aboriginal objects may exist on a parcel of land even though they have not been recorded in AHIMS. Further, not all known Aboriginal sites are registered on the AHIMS database and not all sites consist of physical evidence or remains, e.g. dreaming and ceremonial sites.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The extension of the impoundment through the construction of a new weir is expected to bring positive social and economic effects by the securing of an additional 50 to 60 megalitres of town water supply. This would support population growth and any consequent increases in commercial and industrial activity.

In accordance with the commitment of the NSW Government to support the preparation of an integrated water cycle management strategy, Snowy Monaro



Regional Council intends to prepare such a strategy that will demonstrate water demand and establish an efficient water use framework. Council introduced water efficiency measures to new development through the *Bombala Development Control Plan 2012* as a first step towards demand management of potable water.

SECTION D- STATE AND COMMONWEALTH INTERESTS

Q10. Is there adequate public infrastructure for the planning proposal?

The planning proposal aims to permit the construction of public infrastructure. There is no infrastructure required to facilitate the planning proposal.

Q11. What are the views of state and commonwealth public authorities consulted in accordance with the Gateway determination?

Council submitted an application in April 2016 with the NSW Department of Primary Industries – Water for a surface water licence under section 10 of the *Water Act 1912* to expand the existing impoundment to enable the collection of an additional 50 to 60 megalitres per annum on Lot 7018 DP 94005 Bombala River. A response dated 13 May 2016 was received by Council advising that the application is incomplete and cannot be registered without the following additional information:

- Owners consent. Lot 7018 DP-94005 is understood to be crown reserve managed by council. DPI lands have advised that the proposed works would be subject to “crown” consent. Consequently, acceptance of the subject application requires crown consent.
- It is noted that the current land zoning of the site is RE1 Public Recreation. It is understood that the proposed works would not be permitted within zone under the current zoning. Land zoning would need to be consistent with the proposed development to warrant/justify any assessment of the water licence application.
- The proposed works are noted as requiring development consent, or an assessment and determination under the EP&A Act, Part V. DPI Water would not complete an assessment and make a determination on this water licence application prior to the broader determination under the EP&A Act.
- Further to this it is strongly recommended that the development assessment process include an integrated referral which would enable a comprehensive assessment of water licencing requirements and the provision of General terms of Approval for the required Water Licence.

DPI – Water also noted that *the application proposes an additional water entitlement for Bombala town water supply purposes. This needs to be justified in terms of demonstrated water demand within the provision of an efficient water supply system consistent with Best-Practice Management of Water Supply and Sewerage. Integrated Water Cycle Management Planning is considered a key element in demonstrating water requirements within an efficient water use framework.*

DPI Water advised that they *cannot hold an application as “pending” with matters such as owners consent, zoning changes and other approvals undetermined.*

Consultation with other public authorities and stakeholders will be carried out as specified in the Gateway determination.

PART 4: MAPPING

Bombala LEP 2012 Land Zone Map LZN_004G is to be amended to apply zone SP2 Infrastructure to the watercourse and land that is the subject of this planning proposal. The zone should be labelled ‘SP2 Water supply system’.

Maps of affected land and the current zoning map are included in the description of the proposed development in the Introduction (Figures 1 to 5). The proposed alternative zone is shown in Figure 6 below. It is proposed that a split zoning be applied to some allotments.

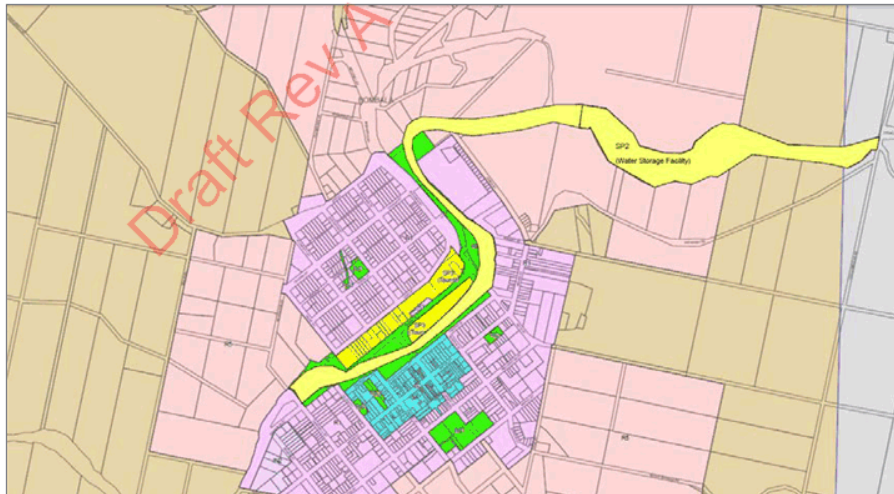


Figure 6: Indicative proposed land zoning of SP2 Water Storage Facility (extract from Land Zoning Map Sheet LZN_004G)



PART 5: COMMUNITY CONSULTATION

Consultation will be carried out in accordance with section 57 of the *Environmental Planning and Assessment Act 1979* and the Gateway determination.

Council intends to exhibit the planning proposal for a 28 day period following the issue of a Gateway determination and the following activities will be carried out:

- A notice is to be placed in local print media,
- Exhibition material and relevant documents are to be made available at public libraries and Council's Administration Building in Bega,
- Exhibition material and relevant documents are to be displayed on Council's website, and
- Letters are to be issued to adjoining landowners and other relevant stakeholders advising of the proposed amendments.

Any further consultation tasks as specified in the gateway determination would be carried out by Council.

After exhibition, all submissions are to be considered and reported to Council for endorsement before proceeding to finalisation of the planning proposal.

Relevant to this planning proposal, Council has undertaken substantial community consultation in relation to the preparation of the draft Bombala Masterplan. This has included public meetings and forums during which proposals to upgrade the public domain of Bombala township have been presented.

PART 6: PROJECT TIMELINE

Action	Indicative month & year
Anticipated gateway determination	February 2017
Agency consultation	March-April 2017
Community consultation exhibition period	March-April 2017
Consideration of submissions	May 2017



Council endorsement	June 2017
Provision to Department of Planning & Environment prepare instrument	June 2017
Date of notification	September 2017

Draft Rev A 16 January 2017

15.2 LIFT THE RESTRICTION ON USE TO PROHIBIT A DWELLING ON LOT 510 DP 1152280

Record No:

Responsible Officer:	Director Service Planning
Author:	Deputy Director Service Planning
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.7 Ensure that Council's policy, land use planning, development assessment enhance liveability.
Operational Plan Action:	OP6.13 Ensure development assessment is undertaken in accordance with adopted Local Environmental Plans, Development Control Plans, Council Policy and State and Federal legislation.
Attachments:	Nil
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The previous Bombala Council automatically placed a restriction on use to prohibit dwellings in rural zones where a subdivision application did not specifically request a dwelling as part of the subdivision application. Council are in receipt of a development application to erect a dwelling on an allotment where a restriction on use is in place on the title due to the council's standard practice as detailed above. A specific resolution is required to effect the change to title.

RECOMMENDATION

That Council lift the restriction on use to prohibit a dwelling on lot 510 DP 1152280 previously required under Bombala Council Notice of Determination of a Development application, DA 07.0049 as modified 21 January 2009.

BACKGROUND

Bombala Council development application DA 07.0049 dealt with the subdivision of rural land. The modified consent required a restriction on use for dwellings on title. This was a standard practice of Bombala Council in such circumstances.

A new application has been received for a dwelling on one of the created allotments from the subdivision, on Crankies Plain Road, Bombala. Other than the Restriction to User, the allotment otherwise satisfies the minimum allotment size in the current Bombala Local Environmental Plan 2012 the purposes of erection of a dwelling.

The cost of removing the restriction will be the responsibility of the property owner.

It should be noted that there may be similar applications in the future.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

New dwelling construction enhances social wellbeing.

2. Environmental

New dwelling construction incurs minimal environmental impacts.

3. Economic

New dwelling construction enhances economic activity. Nil cost to Council other than minor Administrative tasks in executing the release, with all related costs to be borne by the property owner.

4. Civic Leadership

New dwelling construction supports land use planning outcomes.

15.1 GRANT FUNDING APPLICATIONS FOR SEWERAGE INFRASTRUCTURE PROJECTS

Record No:

Responsible Officer:	Director Service Delivery
Author:	Manager Water & Waste Services
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.6 Ensure that the Region's Local Water Utility is financially sustainable in the long term including investment in new and replacement infrastructure.
Operational Plan Action:	OP6.12 Implement the current Strategic Business Plan for water and sewer to comply with the NSW Office of Water Guidelines.
Attachments:	1. Program Guidelines - Building Better Regions Fund Infrastructure Projects ↓ 2. Letter authorising co-contribution ↓
Cost Centre	2110 Sewer Services Management
Project	Bombala STP Upgrade
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Water and sewer upgrade projects are capital intensive and works cannot proceed without the injection of external funds. Council must therefore endeavour to seek external funding.

The Federal Government recently announced the second round of funding for regional areas under a new banner "Building Better Regions Fund". Bombala Council applied for the first round of funding under the "National Stronger Regions Fund" and was not successful. Council has obtained feedback on the deficiencies in the application and will address these in this round's application.

\$297.7 million Funding is available under the current program and will run over 4 years from 2016-2017 to 2019-2020. The minimum amount is \$20k and the maximum amount is \$10 million

The following entities are eligible to apply:

- A local governing body
- Be located in a region as indicated in the map on the website (Snowy Monaro Regional Council is located within the eligible area with Bombala being classified as "Outer Regional")
- Be able to demonstrate that the co-funding requirements can be met. A letter signed by the authorised person needs to be submitted with the application ("Outer Regional" entities are required to make a 50% co-contribution)
- Be able to commence within 12 weeks of signing the agreement and complete the project by 31 Dec 2019

The following criteria needs to be addressed in the application:

- Economic benefit
-

- Social benefit
- Value for money
- Project delivery

(Refer attached program guidelines)

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

OFFICER'S RECOMMENDATION

That Council approve and support the following:

- A. The submission of the application for grant funding for the Bombala Sewage treatment plant upgrade.
- B. The nomination of a consultant to carry out economic analyses to meet treasury guidelines due to lack of in-house expertise
- C. Council co-funding contribution be allocated from reserves
- D. Letter outlining the co-contribution amount be signed by the authorised person of Council (Administrator) to be submitted with the application.

BACKGROUND

Bombala Council and Snowy River Shire Council have made applications previously for State Government and Federal Government funding and have not been successful. But this must not deter us from re-submitting them by addressing the deficiencies in the previous applications.

We are actively seeking funding from the State Government as well and have provided information to the Office of Water.

Preliminary works have commenced on the upgrade of the Bombala and Adaminaby Sewage Treatment Plants with relevant state departments being consulted and land survey and load testing being completed. These data will be included in the tender for the options study, concept study and the final design which will be advertised in the coming months on the Vendor Panel. This will enable us to be ready to commence construction if and when the grants are being awarded. At the workshop for the grant funding, the timing of the award was noted as being within 3 to 4 months of the closing date which is 28 February 2017.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Receipt of grant funding for capital projects will result in lower water and sewer bills and will assist the community. The provision of modern treatment options will provide health benefits through the elimination of odour and also the wellbeing of the workers by addressing WHS issues at the current plant.

2. Environmental

Modern treatment options will greatly enhance the effluent being discharged and improve the water quality of the receiving body.

3. Economic

Grant funding will result in minimal increase in water and sewer bills and reduced need for loans. It will also promote growth due to better services from improved infrastructure. SMRC Sewer reserve is currently in excess of \$10 million and co-funding can easily be met.

4. Civic Leadership

The funding applications were made under the previous Council entities and progression of these under the new Council will enhance the wellbeing of the communities through the provision of improved services and enhance the environment from improved treatment.



Australian Government
Department of Industry,
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Program Guidelines

Building Better Regions Fund Infrastructure Projects Stream

November 2016

A message from the Minister

As Minister for Regional Development I aim to help build the strong and sustainable regional communities our children and grandchildren either want to stay in or come back to.



Strong regions make a strong nation. Regional Australia is the heart of our nation and helps drive our economy. This is why we are supporting a new competitive grants program – the Building Better Regions Fund.

This Fund will see regional communities partner with governments and stakeholders to take full advantage of a range of economic and regional development opportunities that can make a real difference.

Importantly, the funding will be directed to projects outside of major capital cities.

Projects of similar size will compete against each other, so small community projects will not compete against major infrastructure proposals, for example.

The Infrastructure Projects Stream of the Fund will be open to investment-ready projects that will create jobs, drive economic growth and build regional communities for the long term.

I encourage you to put forward projects that will strengthen your communities through new infrastructure, or upgrades or extensions to existing infrastructure.

I look forward to considering your funding proposals to help build those strong and sustainable regional communities for our children and grandchildren.

Senator the Hon Fiona Nash

Minister for Regional Development

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1. Introduction

These guidelines set out the funding rules for the Building Better Regions Fund (the program) – **Infrastructure Projects Stream**. There is a separate set of guidelines for the **Community Investments Stream**.

The Department of Industry, Innovation and Science is responsible for administering the program on behalf of the Department of Infrastructure and Regional Development.

The program is competitive and we will assess applications against eligibility and merit criteria and compare them to other applications in a funding round. Decisions on projects to be funded are taken by a Ministerial Panel in consultation with the Australian Government's National Infrastructure Committee of Cabinet.

We will publish the opening and closing dates of any funding rounds on business.gov.au.

We have defined key terms used in these guidelines in Appendix A.

You should read this document carefully before you fill out an application. Further information is available on business.gov.au to help you determine if your project is investment-ready and prepare your application.

Investment-ready projects are those that have confirmed all co-funding, identified all required regulatory and/or development approvals and can demonstrate robust planning, in order to commence following execution of a grant agreement.

If your project is still in the planning or concept stage your application may be eligible for funding, but may not be as competitive as projects that are further progressed in their planning. In this case it is recommended that you further develop your project and consider submitting an application for consideration in future funding rounds.

2. Program overview

The \$297.7 million Building Better Regions Fund supports the Australian Government's commitment to create jobs, drive economic growth and build stronger regional communities into the future.

The program will run over four years from 2016-17 to 2019-20.

The program has been designed to achieve the following outcomes in regional and remote communities

- create jobs
- have a positive impact on economic activity, including Indigenous economic participation through employment and supplier-use outcomes
- enhance community facilities
- enhance leadership capacity
- encourage community cohesion and sense of identity.

The program will fund projects in regional Australia outside the major capital cities of Sydney, Melbourne, Brisbane, Perth, Adelaide, and Canberra (see section 5.1).

There are two streams of funding available under the program.

2.1 Infrastructure Projects Stream

The **Infrastructure Projects Stream** will support projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas.

2.2 Community Investments Stream

The **Community Investments Stream** will fund community building activities including, but not limited to, new or expanded local events, strategic regional plans, and leadership and capability building activities. These projects will deliver economic and social benefits to regional and remote communities.

Note: *These guidelines provide information on the Infrastructure Projects Stream only. To find information regarding the Community Investments Stream visit business.gov.au.*

3. Grant amount and project duration

The minimum grant amount is \$20,000 and the maximum grant amount is \$10 million.

You must complete your project by 31 December 2019.

4. Project location

The location of your project has bearing on different elements of the program. We consider the location of your project when determining

- eligibility (see section 5.1)
- the level of co-funding you need to provide (see section 5.6.3)
- a loading we will apply to your assessment score (see section 7.2)

In your application, you will need to provide the latitude and longitude of your project location. A mapping tool is available on business.gov.au to assist you in determining the location of your project.

5. Eligibility criteria

We cannot consider your application if you do not satisfy **all eligibility criteria**. We will not fund projects that you have already started or where contracts are already in place at the time of application.

5.1 Where can your project be located?

Your project must be located in Australia and outside an excluded area. The excluded areas for the purposes of the program are the Significant Urban Areas¹ of the cities of Sydney, Melbourne, Brisbane, Perth, Adelaide and Canberra as defined by the Australian Bureau of Statistics' Australian Statistical Geography Standard. For the city of Canberra, the excluded area is only the

¹

[http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/1F858F367BE00CA0CA257A980013D437/\\$File/1270055004_sua_maps.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/1F858F367BE00CA0CA257A980013D437/$File/1270055004_sua_maps.pdf)

part of the Canberra-Queanbeyan Significant Urban Area that is located within the Australian Capital Territory.

A mapping tool is available on business.gov.au to assist you in determining the location of your project.

5.2 Who is eligible?

To be eligible you must be a legal entity, have an Australian Business Number (ABN) and be one of the following entities:

- a local governing body as defined by the *Local Government (Financial Assistance) Act 1995*.
- a not for profit organisation that has been established for at least two years. As a not for profit organisation you must demonstrate your not for profit status through one of the following:
 - Current Australian Charities and Not-for-profits Commission's (ACNC) Registration
 - State or Territory Incorporated Association status
 - Constitutional documents and/or Articles of Association that demonstrate the not-for-profit character of the organisation.

For the purposes of the program, we also consider the following organisations to be local governing bodies:

- Anangu Pitjantjatjara, Maralinga, Gerard, Nepabunna and Yalata local governing bodies in SA
- Cocos (Keeling) Islands Shire Council
- The Lord Howe Island Board
- Norfolk Island Regional Council
- The Outback Communities Authority
- The Shire of Christmas Island
- The Silverton and Tibooburra villages in NSW and
- The Trust Account in the NT
- ACT Government.

Applicants can submit up to two applications per round.

5.3 Joint applications

Joint applications are acceptable, provided you have a lead applicant who meets each of the following requirements:

- is the main driver of the project
- is eligible as per the list in section 5.2
- is making a cash contribution to the project.

It is the responsibility of the lead applicant to make sure the appropriate arrangements are in place to manage the project partners.

If you are submitting a joint application, you are the lead applicant. Only the lead applicant will enter into, and be responsible for the grant agreement with the Commonwealth. The lead applicant must complete the application form and identify all other project partners in their application. For requirements on submitting a joint application refer to section 8.2.

5.4 Who is not eligible?

You are not eligible to apply if you are:

- a for profit organisation
- an individual, partnership or trust (however, an incorporated trustee may apply on behalf of a trust)
- a Commonwealth, state or territory government agency or body (including government business enterprises)
- a university, technical college, school or hospital
- a Regional Development Australia Committee.

5.5 Additional eligibility requirements

In order to be eligible you must also

- be able to demonstrate that you can meet the applicable co-funding requirements as outlined in section 5.6
- provide the relevant mandatory attachments outlined in section 8.1.
- declare you can comply with special regulatory requirements as outlined in section 9.2.

5.6 Co-funding and your contributions

Co-funding is the cash contribution (excluding in-kind contributions) from you or sources other than the Commonwealth. Co-funding demonstrates your commitment to the project and shows evidence of community support. We consider the co-funding contributions when assessing applications at the eligibility and merit assessment stage.

Any organisation can provide the co-funding including

- you as the applicant
- local government
- state or territory governments
- not for profit organisations
- private sector companies
- Aboriginal Benefits Account (not considered Commonwealth funding)

The remoteness classification of your project location determines your co-funding requirements (see section 5.6.3).

If you are the lead applicant in a joint application, you must make a cash contribution to the project unless you are seeking an exceptional circumstances co-funding exemption (see section 5.6.3).

Where you receive other Commonwealth funding for your project the total Commonwealth funding cannot exceed the percentage indicated in section 5.6.3.

5.6.1 Project remoteness classification

Your project location (latitude and longitude) determines your remoteness classification. The criteria for the remoteness classification is based on the Australian Bureau of Statistics' Remoteness Structure² under the Australian Statistical Geography Standard. A mapping tool is available on business.gov.au to assist you in determining the location of your project.

Your co-funding requirement will be different depending on your remoteness classification. It is very important that you specify the correct remoteness classification in your application. An error may cause your co-funding to be inadequate and your application to be ineligible.

Your project may include multiple site locations. Where there is mix of regional and remote site locations we will consider your entire project location as remote for the purposes of the co-funding requirement.

5.6.2 Exceptional circumstances co-funding exemption

The Australian Government recognises that some applicants may be experiencing exceptional circumstances resulting in a limited capacity to meet the co-funding requirement.

Where you can demonstrate that you are experiencing exceptional circumstances, you may seek an exemption from the co-funding requirement.

If you seek an exemption you must submit a supporting case which includes evidence demonstrating the exceptional circumstances you are experiencing and how they are preventing you from meeting the co-funding requirement. This must also include evidence to demonstrate the capacity to maintain and fully utilise the project.

The Ministerial Panel will consider requests for exemption. If an exemption is granted your application will be considered to have met the requirements under section 5.6. If an exemption is not granted your application will be ineligible.

Before you consider seeking an exemption, note:

- Exemptions will only be granted in very limited circumstances
- If an exemption is not granted your application will be ineligible and there will be no opportunity to resubmit your application in the same funding round
- All applications, including those granted an exemption, will be assessed against each of the merit criteria. Applications without co-funding may receive a lower score against the 'value for money' criterion (merit criterion 3)
- You are encouraged to leverage cash contributions, community partnerships and in-kind contributions, even if you seek an exemption, to strengthen your application and increase your score against the 'value for money' criterion.

Exceptional circumstances may include:

- Drought and/or disaster declaration
- Limited financial capacity of the local council
- Impact of industry decline
- Significant recent change in population or community demographics
- Other exceptional circumstances.

² <http://www.abs.gov.au/websitedbs/d3310114.nsf/home/remoteness+structure>

5.6.3 Co-funding requirements

The co-funding requirements are summarised in the following table.

Project circumstance	Co-funding requirement (cash)	Total Commonwealth Government funding (including this grant)
Projects classified as remote or very remote	3:1 ratio (for every \$3 of grant funding requested you must contribute at least \$1)	Up to 75 per cent of eligible project cost
All other classifications	1:1 ratio (for every \$1 of grant funding requested you must contribute at least \$1)	Up to 50 per cent of eligible project cost
Projects granted an exceptional circumstances co-funding exemption (See section 5.6.2).	Exempt from co-funding (although any level of contribution is encouraged)	Up to 100 per cent of eligible project cost

Table 1.

Where your project costs are less than anticipated we will maintain the co-funding/grant ratio in our payment of funds.

5.7 Eligible projects

Your project must be a capital project involving the construction of new infrastructure, or the upgrade or an extension of existing infrastructure. The replacement of existing infrastructure will only be eligible where you can demonstrate significant increase in benefit.

To be eligible your project must also be ready to **commence within 12 weeks** of executing the grant agreement. We consider commencement to be the procurement of contractors or actual construction work commenced.

If your project is still in the planning or concept stage your application may be eligible for funding, but may not be as competitive as projects that are further progressed in their planning. In this case it is recommended that you further develop your project and consider submitting an application for consideration in future funding rounds.

We will not fund projects that you have already started or where contracts are already in place at the time of application.

As part of your Final report, you will be required to provide an evaluation of the project including the outcomes achieved.

5.8 Eligible activities

You can only spend the grant and co-funding on eligible activities directly related to the project. If your application is successful, these activities will be defined in your grant agreement.

Eligible activities may include

- purchase of materials
- external labour hire
- plant and equipment hire

- external consulting costs directly related to the delivery of the construction.

The Program Delegate makes the final decision on what are eligible activities. We cannot fund activities carried out prior to executing a grant agreement. All project activity must occur during the project period for it to be eligible.

5.9 Ineligible activities

You can only spend the grant and co-funding on eligible activities directly related to the project and this cannot include

- purchase of land or existing infrastructure
- repair or replacement of existing infrastructure where there is no demonstrated significant increase in benefit
- purchase and installation of manufacturing equipment and furniture
- ongoing operating costs including utilities and staffing
- soft infrastructure, including computer software or hardware that is not an integral part of the funded capital project
- payment of salaries for the applicant's employees
- project overhead items including office equipment, vehicles or mobile capital equipment. Examples include trucks and earthmoving equipment and the applicant's internal plant operating costs
- business case development and feasibility studies.

6. The merit criteria you need to address

To be competitive, you will need to address each of the four merit criteria in your application:

1. Economic benefit
2. Social benefit
3. Value for money
4. Project delivery

We will assess your application against each merit criterion using the scoring indicated. The application form asks questions that relate to the merit criteria below. You should define, quantify and provide evidence to support your answers.

The amount of detail and supporting evidence you provide should be relative to the project size, complexity and grant amount requested. The application form displays word limits.

We will only recommend funding applications that score highly against each of the merit criteria. This ensures Commonwealth funding represents value with relevant money.

6.1 Merit criterion 1 – Economic benefit

The economic benefit your project will deliver to the region during and beyond the construction phase (15 points)

Economic benefits for a region may cover increases in economic activity, improvements in productivity, wider access to markets or fairer and more equitable economic outcomes. Examples of how your project could demonstrate these economic benefits include

- a. increasing the number or value of jobs, new businesses or the production of goods and services in the region (this includes direct and indirect opportunities created through the project)
- b. providing opportunities for growth in existing sectors, e.g. tourism, agriculture, manufacturing
- c. the use of local suppliers and goods
- d. increasing efficiency of the transport system or service delivery
- e. increasing Indigenous economic participation – including Indigenous employment and supplier-use outcomes
- f. the degree to which the project delivers benefits beyond the construction phase.

6.2 Merit criterion 2 – Social benefit

The social benefit your project will deliver to the region during and beyond the construction phase (10 points)

Social benefits for a region may cover increases in regional amenity, improving community connections and inclusion and providing opportunities for learning and knowledge creation. Examples of how your project could demonstrate these social benefits include

- a. making a region a more attractive place to live
- b. improving community connections and social inclusion
- c. supporting or protecting local heritage and culture
- d. strengthening community institutions, governance and leadership capacity
- e. increasing community volunteering
- f. the degree to which the project delivers benefits beyond the construction phase
- g. addresses disadvantage within the community.

6.3 Merit criterion 3 – Value for money

The value for money offered by your project (5 points).

You may demonstrate the value for money through identifying:

- a. the extent to which the project leverages additional funding (this includes cash contributions above the co-funding requirement and in-kind contributions)
- b. the extent to which the project leverages additional partnerships
- c. the likelihood of the project going ahead without the grant funding. Explain how the grant will impact the project in terms of size, timing and reach.

6.4 Merit criterion 4 – Project delivery

Your capacity, capability and resources to carry out the project (5 points).

You may demonstrate this through identifying:

- a. your readiness to commence the project with appropriate approvals planned for or in place
- b. your track record with similar projects including managing similar grant funding
- c. your access to people with the right skills and experience
- d. your access to infrastructure, capital equipment, technology, intellectual property
- e. how you will operate and maintain the infrastructure and benefits of the project (see section 9.4).
- f. a detailed Project Management Plan which addresses project:
 - scope
 - implementation methodology and how you will manage project dependencies
 - timeframes
 - budget/costing
 - risk.

7. How we assess your application (selection process)

We first assess your application against the eligibility criteria and then against the merit criteria. Only eligible applications will proceed to the merit assessment stage.

The Ministerial Panel will make decisions on requests for exceptional circumstances co-funding exemptions. If your request for an exemption is not granted, your application will be ineligible.

To recommend it for funding your application must score highly against each merit criterion. While we assess all applications against the same merit criteria, we will score your application relative to the project size, complexity and grant amount requested. Larger and more complex projects should include evidence that is more detailed. We consider project size and remoteness classification in our assessment as detailed below.

We may seek advice from state or territory government agencies, other Australian Government agencies, independent experts and other external parties.

We then provide advice to the Ministerial Panel on eligible applications and recommendations on which projects to fund.

7.1 Project size

We will group all eligible applications in categories according to the total project cost (not the amount of funding requested) to ensure projects of similar size are ranked against each other.

We will consider applications according to the following categories:

- total project cost under \$1 million
- total project cost \$1 million to \$5 million
- total project cost over \$5 million.

7.2 Assessment score loading

We will apply a loading to your total assessment score in line with your remoteness classification. Very remote projects will receive the highest loading and inner regional projects the lowest loading. The loading accounts for the challenges which may be faced in outer regional and remote areas.

7.3 Final decision

The Ministerial Panel decides which grants to approve taking into account our recommendations and the availability of grant funds. In addition to the application, supporting material and our recommendations, the Ministerial Panel may consider other factors when deciding which projects to fund, including, but not limited to

- the spread of projects and funding across regions
- the regional impact of each project, including Indigenous employment and supplier-use outcomes
- other similar existing or planned projects in the region to ensure that there is genuine demand and/or no duplication of facilities or services
- other projects or planned projects in the region, and the extent to which the proposed project supports or builds on those projects and the services that they offer
- the level of funding allocated to an applicant in previous programs
- reputational risk to the Australian Government
- the Australian Government's priorities.

The Ministerial Panel will consider our recommendations and supporting information, and following consultation with the National Infrastructure Committee of Cabinet make decisions on which projects to fund.

The Ministerial Panel may require additional conditions be attached to the grant funding. It may also offer a different amount of grant funding to what you requested.

If you are successful, you will receive a written offer.

If you are unsuccessful, we will notify you in writing and give you an opportunity to discuss the outcome with us and receive feedback on your application. You can submit a new application for the same project (or a similar project) in any future funding rounds. You should include new or more information to address the weaknesses identified in your previous application.

The Ministerial Panel's decision is final in all matters, including the:

- approval of applications for funding
- grant funding amount to be awarded and
- terms and conditions of funding.

There is no review process.

8. How to apply

Before you apply, you should read and understand these guidelines, the online application form and the sample grant agreements that will apply to your project. View the sample grant agreements at business.gov.au.

You can only submit an application during a funding round. We will publish the opening and closing date for each round on business.gov.au.

To apply, you must:

- complete the online application form on business.gov.au
- provide all the information that we need to assess your application
- address all eligibility and merit criteria, ensuring you have considered each requirement
- include all mandatory attachments (see section 8.1)

When you submit your online application, we will provide you with an automated receipt number and a link. The link goes to a page where you can enter your email address to receive acknowledgment and a copy of your complete application.

You are responsible for making sure your application is complete and accurate. Giving false or misleading information is a serious offence under the *Criminal Code 1995* (Cth). We will investigate false or misleading information and may not consider your application for the grant. If you find an error in your application after submitting it, you should phone us immediately on 13 28 46.

We cannot accept additional information or requests from you to change your submission after the closing date of a funding round.

If you need further guidance around the application process or if you are unable to submit an application online, or wish to withdraw an application you have already submitted contact us at business.gov.au or call the contact centre on 13 28 46.

You are encouraged to seek the support of your Regional Development Australia (RDA) Committee for your project. Your RDA Committee can:

- assist you to identify and develop a strong project proposal that will contribute to long term economic growth and is a priority within your region, and
- work with you to prepare a competitive application, supporting documents and evidence.

8.1 Attachments to the application

We require the following documents with your application. The amount of detail you provide should be relative to the project size, complexity and grant amount requested.

Applicant type	Document	For grant requests \$20,000 to \$1 million	For grant requests over \$1 million
All applicants	Letters evidencing the cash or in-kind contribution from each contributing organisation or individual. They must be <ul style="list-style-type: none"> ▪ on the organisation's letterhead ▪ signed and dated by an authorised person ▪ set out the value and timing of contributions and any conditions attached. 	Mandatory	Mandatory
Applicants seeking exceptional circumstances co-funding exemption	Evidence to demonstrate your case for exemption	Mandatory	Mandatory
All applicants	Project Management Plan which addresses <ul style="list-style-type: none"> ▪ scope ▪ implementation methodology ▪ timeframes ▪ budget/costing ▪ approvals 	Mandatory	Mandatory
All applicants	Business Case	Mandatory	Mandatory
All applicants	Asset Maintenance/management plan which includes evidence of how you will maintain the asset in a viable and operational state for at least the period identified at section 9.4).	Mandatory	Mandatory
All applicants	Risk Management Plan	Optional	Mandatory
All applicants	Cost Benefit Analysis	Optional	Mandatory
All applicants	Procurement Plan	Optional	Mandatory

Applicant type	Document	For grant requests \$20,000 to \$1 million	For grant requests over \$1 million
Not for profit organisations	Evidence of your not for profit status <ul style="list-style-type: none"> ▪ Current Australian Charities and Not-for-profits Commission's (ACNC) Registration, or ▪ Incorporated association certificate, or ▪ Constitutional documents and/or Articles of Association that demonstrate the not for profit character of the organisation. 	Mandatory	Mandatory
Not for profit organisations	Audited Financial Statements for the two most recent consecutive years signed by a qualified auditor.	Mandatory	Mandatory
For incorporated trustees applying on behalf of a trust	Trust documents showing the relationship of the incorporated trustee to the trust.	Mandatory	Mandatory
Where you are making a joint application	Letter of support from each project partner organisation (see section 8.2)	Mandatory	Mandatory

Table 2 - Attachments to your application

You must attach supporting documentation to the application form in line with the instructions provided within the form.

8.2 Joint applications

We recognise that some organisations may want to join together as a group to deliver a project. If you are applying on behalf of a group, you must appoint a lead organisation. Only the lead organisation will enter into, and be responsible for the grant agreement with the Commonwealth. The lead organisation must complete the application form and identify all other members of the proposed group in their application. The application must also include a letter of support from each of the project partner organisations involved in the proposal. Each letter of support should include

- details of the project partner organisation
- an overview of how the organisation will work with the lead organisation and any other project partner organisations to successfully complete the grant activity/project
- an outline of the relevant experience and/or expertise the organisation will bring to the group
- the roles/responsibilities the organisation will undertake, and the resources it will contribute (if any)
- details of a nominated management level contact officer.

9. If your application is successful

9.1 Grant agreement

You must enter into a grant agreement with the Department of Industry, Innovation and Science, acting on behalf of the Commonwealth. The type of grant agreement will depend on the size and complexity of your project. Sample grant agreements are available on business.gov.au.

You will have 60 days from the date of a written offer to execute a grant agreement with the Commonwealth ('execute' means both you and the Commonwealth have signed the agreement). During this time we will work with you to finalise details. The offer may lapse if both parties do not execute the grant agreement within this time. Under certain circumstances, we may extend this period.

We will base the approval of your grant on the information you provided in your application. We will review any changes to details to ensure they do not impact the project as approved by the Ministerial Panel.

We will not make any grant payments until there is an executed grant agreement in place. We are not responsible for any of your project expenditure until a grant agreement is in place.

The funding approval may have specific conditions determined by the assessment process or other considerations made by the Ministerial Panel. We will identify these in the offer of funding.

If you commence project activities before we execute a grant agreement they will not be eligible for funding.

Once you have received a copy of the executed grant agreement, we expect you to commence the **project within 12 weeks**.

You will have up to 31 December 2019 to complete your project as defined in the grant agreement.

9.2 Special regulatory requirements

You are required to be compliant with all relevant laws and regulations. Wherever the government funds building and construction activities, the following special regulatory requirements apply.

- Building Code 2013³ (Building Code)
- Australian Government Building and Construction WHS Accreditation Scheme⁴ (WHS Scheme).

These regulations are subject to the level of funding you receive as outlined below.

To be eligible, you must declare in your application that you comply with these requirements. You will need to declare you can meet these requirements in your grant agreement with the Commonwealth.

³ <http://www.fwbc.gov.au/building-code>

⁴ <http://www.fsc.gov.au/sites/fsc/needaccredited/accreditationscheme/pages/theaccreditationscheme>

9.2.1 Building Code

The Building Code is administered by relevant state and territory administrations under relevant state or territory legislation on behalf of the Fair Work Building and Construction⁵.

The Building Code applies to all construction projects indirectly funded by the Australian government through grants and other programs where

- the value of Australian Government contribution to a project is at least \$5 million and represents at least 50 per cent of the total construction project value; or
- regardless of the proportion of Australian Government funding, where the Australian Government contribution to a project is \$10 million or more.

9.2.2 WHS Scheme

The WHS Scheme is administered by the Office of the Federal Safety Commissioner⁶.

The Scheme applies to projects that are indirectly funded by the Australian Government where

- the value of the Australian Government contribution to the project is at least \$6 million and represents at least 50 per cent of the total construction project value; or
- regardless of the proportion of Australian Government funding, where the Australian Government contribution to a project is \$10 million or more.
- the head contracts for building work are greater than \$4 million (GST inclusive)

9.3 How we pay the grant

The grant agreement will state the

- maximum grant amount we will pay
- the contributions you must make to the project.

We will not exceed the maximum grant amount under any circumstances. If you incur extra costs, you are responsible for meeting these costs yourself.

We will pay grant funding electronically into a nominated Australian bank account. The specific requirements for the bank account are set out in the grant agreement. We will pay grant funding in arrears as you achieve agreed milestones.

We base the amount of each payment on

- your achievement of milestones and
- our acceptance of satisfactory progress reports.

We set aside an amount (usually ten per cent) of the total grant funding for the final payment. We will pay this when you submit a satisfactory final report. We may need to adjust your progress payments to ensure we retain a minimum ten per cent of grant funding for final payment.

⁵ <https://www.fwbc.gov.au/>

⁶ <http://www.fsc.gov.au/sites/FSC>

9.4 Maintaining project benefits

In your grant agreement, you will be required to commit to operate and maintain your project infrastructure and deliver project benefits into the future. In line with your grant agreement, the operational periods are relative to total project cost.

Project cost	Number of years
< \$250,000	1 year
\$250,000 to \$1 million	3 years
> \$1 million	5 years
Projects exempt from the co-funding requirement (see section 5.6.2)	5 years

Table 3 – Operational periods for maintaining project benefit

9.5 How we monitor your project

You must submit progress and financial reports in line with the grant agreement. We will provide sample templates for these reports as appendices in the grant agreement. You will also be able to download them from business.gov.au. We will remind you of your reporting obligations before a report is due. We will expect you to report on

- progress against agreed project milestones
- contributions of participants directly related to the project
- expenditure of grant funds.

The number of milestones and the amount of detail you provide in your reports should be relative to the project size, complexity and grant amount.

We will monitor the progress of your project by assessing reports you submit and may conduct site visits to confirm details of your reports if necessary. Occasionally we may need to re-examine claims, seek further information or request an independent audit of claims and payments.

9.5.1 Progress report

Progress reports must:

- include the evidence showing you have completed the agreed project activities
- show the total expenditure incurred to achieve the milestone
- be submitted within four weeks of the milestone due date or completing a milestone (you can submit reports ahead of time if you have completed the milestone).

We will only make grant payments when we receive satisfactory progress reports.

You must discuss any project or milestone reporting delays with your Customer Service Manager as soon as you become aware of them.

When you complete the project, you must submit a final report.

9.5.2 Final report

Final reports must:

- include the agreed evidence as specified in the grant agreement

- identify the total eligible expenditure incurred for the project
- include an evaluation of the project, including the outcomes achieved
- be submitted within four weeks of completing the project
- be in the format provided in the grant agreement.

9.5.3 Ad hoc report

We may ask you for ad-hoc reports on your project. This may include reports to confirm progress, or to explain any significant delays or difficulties in completing the project.

9.5.4 Financial report

Where your total project cost is greater than \$1 million or we consider your project is higher risk you will need to provide an independently audited financial acquittal report. A financial acquittal report will verify that you spent the grant as identified in the grant agreement. The financial acquittal report is attached to the sample grant agreements. We will assess your report and may re-examine your claims or conduct site visits if necessary.

9.6 Compliance visits

We may visit you during the project period to review your compliance with the grant agreement. We may also inspect the records you are required to keep under the grant agreement. We will provide you with reasonable notice of any compliance visit.

9.7 Project variations

We recognise that unexpected events may affect project progress. In these circumstances, you can request a project variation, including:

- changing project milestones
- extending the timeframe for completing the project but not beyond 31 December 2019
- changing project activities.

The program does not allow for an increase to the agreed amount of grant funds.

If you want to propose changes to the grant agreement, you must put them in writing before the grant agreement end date. A Customer Service Manager can provide you with a variation request template. We will not consider changes after the grant agreement end date.

If a delay in the project causes milestone achievement and payment dates to move to a different financial year, you will need a variation to the grant agreement. We can only move funds between financial years if there is enough funding in the relevant year to allow for the revised payment schedule. If we cannot move the funds, you may lose some grant funding.

You should not assume that a variation request will be successful. We will consider your request based on factors such as

- how it affects the project outcome
- consistency with the program policy objective
- changes to the timing of grant payments.

9.8 Keeping us informed

You should let us know if anything is likely to affect your project or organisation.

We need to know of any key changes to your organisation or its business activities, particularly if they affect your ability to complete your project, carry on business and pay debts due.

You must also inform us of any changes to your

- name
- addresses
- nominated contact details
- bank account details.

If you become aware of a breach of terms and conditions under the grant agreement you must contact us immediately.

9.9 Events

We will also require you to notify us of events relating to your project and provide opportunity for the Minister or their representative to attend.

9.10 Evaluation

We may conduct an evaluation of the program to determine the extent to which the funded activity is contributing to the objectives and outcomes of the program. We may use information from your application and project reports. We may also interview you, or ask you for more information to help us understand how the grant impacted you and to evaluate how effective the program was in achieving its outcomes. We may contact you after you finish your project for more information to assist with this evaluation.

9.11 Tax obligations

Grants are subject to the Goods and Services Tax (GST). We will increase your grant payments to pay for GST if you are registered.

Grants are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the Australian Taxation Office. We do not provide advice on tax.

When we make your grant payments we will provide you with a recipient created tax invoice (RCTI).

10. Conflicts of interest

You should disclose in your application details of any real, apparent, or potential conflicts relating to your project or the program and how you propose to manage them.

For staff, technical experts and others who help to manage, assess and evaluate the program, a conflict of interest can exist if there is a conflict between:

- their program duties, roles and responsibilities; and

- their private interests (where these interests could inappropriately influence the way they manage the program).

Private interests include an individual's own personal, professional or business interests or the interests of individuals or groups they are closely associated with. This includes relatives, friends or other affiliations.

A conflict of interest can be:

- real (or actual)
- apparent (or perceived)
- potential

A real (or actual) conflict of interest exists when a person's private interests or their program duties, roles and responsibilities could improperly influence how they manage, assess and evaluate the program.

An apparent (or perceived) conflict of interest exists where it appears or is perceived by a third party that someone's private interests or their program duties, roles and responsibilities could improperly influence how they manage, assess and evaluate the program, even if a real or actual conflict has not, or cannot, be established.

A potential conflict of interest exists when someone has a private interest and an actual conflict of interest could arise if they make any decisions related to the program.

10.1 How we manage conflicts of interest

We manage conflicts of interest according to the *APS Code of Conduct (section 13 (7) of the Public Service Act 1999)*. We publish our conflict of interest policy on the Department of Industry, Innovation and Science⁷ website.

All officials must declare any conflicts of interest. A delegated authority receives all declarations and assesses them to determine whether a conflict of interest exists and whether it is significant. In the event that we find a conflict of interest, we will advise that individual what they must do to manage the conflict. For example, if a conflict of interest is a cause for concern, that official will not take part in assessing applications under the program.

11. How we use your information

11.1 How we treat your information

We will treat the information you give us as sensitive and therefore confidential if it meets one of the four conditions below:

1. You clearly identify the information as confidential and explain why we should treat it as confidential.
2. The information is commercially sensitive.
3. Revealing the information would cause unreasonable harm to you or someone else.

⁷

<http://www.industry.gov.au/AboutUs/InformationPublicationScheme/Ourpolicies/Pages/Library%20Card/ConflictofInterestInsideTradeExpectationsofInnovationEmployees.aspx>

4. You provide the information with an understanding that it will stay confidential.

We may share the information you give us with other Commonwealth agencies for any purposes including government administration, research or service delivery and according to Australian laws, including the:

- *Public Service Act 1999* (Cth)
- *Public Service Regulations 1999* (Cth)
- *Public Governance, Performance and Accountability Act 2013* (Cth)
- *Privacy Act 1988* (Cth)
- *Crimes Act 1914* (Cth)
- *Criminal Code Act 1995* (Cth).

11.1.1 When we may reveal confidential information

Staff, technical experts and others who help to manage, assess and evaluate the program may reveal confidential information:

- to the Ministerial Panel, their staff and other Commonwealth employees and contractors, to help us manage the program effectively
- to employees and contractors of our department, so we can research, assess, monitor and analyse our programs and activities
- to employees and contractors of other Commonwealth agencies for any purposes, including government administration, research or service delivery
- to other Commonwealth, state, territory or local government agencies in program reports and consultations
- to the Auditor-General, Ombudsman or Privacy Commissioner
- to the responsible Minister or Parliamentary Secretary
- to a House or Senate Committee of the Australian Parliament.

We may also reveal confidential information if:

- we are required or allowed by law to reveal it, or
- you agree to the information being revealed before we reveal it, or
- someone other than us has made the confidential information public.

11.2 How we use your personal information

We must treat your personal information according to the Australian Privacy Principles (APPs) and the *Privacy Act 1988*. This includes letting you know:

- what personal information we collect
- why we collect your personal information
- who we give your personal information to.

We collect personal information from you, and may give that information to our employees and contractors, the Ministerial Panel, and other Commonwealth employees and contractors, so we can:

- manage the program

- research, assess, monitor and analyse our programs and activities.

We, or the Minister, may:

- announce the names of successful applicants to the public
- publish personal information on the Department of Infrastructure and Regional Development website⁸.

Please read our Privacy Policy⁹ on the Department of Industry, Innovation and Science website for more information on:

- what is personal information
- how we collect, use, store and reveal your personal information
- how you can access and correct your personal information.

11.3 Public announcement

We will publish non-sensitive details of successful projects on the Department of Infrastructure and Regional Development¹⁰ website and GrantConnect. We do this as per the reporting requirements of the *Commonwealth Grants and Rules Guidelines* and consistent with the Australian Government Public Data Policy Statement¹¹, unless otherwise prohibited by law. This information may include:

- name of your organisation
- title of the project
- description of the project and its aims
- amount of grant funding awarded
- Australian Business Number
- business location
- industry sector of your business.

We publish this information to ensure open access to non-sensitive data within Australian Government agencies to enable greater innovation and productivity across all sectors of the Australian economy.

We may also publish details about successful projects on business.gov.au.

11.4 Freedom of information

The *Freedom of Information Act 1982* (FOI Act) applies to all documents we create, receive or store about the program. If someone requests a document under the FOI Act, we will release it (though we may need to consult with you or other parties first) unless it meets one of the exemptions set out in the FOI Act.

⁸ www.infrastructure.gov.au

⁹ <http://www.industry.gov.au/Pages/PrivacyPolicy.aspx>

¹⁰ <https://infrastructure.gov.au/department/grants/index.aspx>

¹¹ <http://www.dpmc.gov.au/resource-centre/data/australian-government-public-data-policy-statement>

12. Enquiries and feedback

For further information or clarification, you can contact us on 13 28 46 or by web chat or through our online enquiry form on business.gov.au.

We may publish de-identified questions you ask us with our answer on our website as Frequently Asked Questions.

Our Customer Service Charter is available at business.gov.au. We use customer satisfaction surveys to improve our business operations and service.

If you have a complaint, call us on 13 28 46. We will refer your complaint to the appropriate manager.

If you are not satisfied with the way we handle your complaint, you can contact:

Head of Division
AusIndustry – Business Services
GPO Box 9839
CANBERRA ACT 2601

You can also contact the Commonwealth Ombudsman¹² with your complaint (call 1300 362 072). There is no fee for making a complaint, and the Ombudsman may conduct an independent investigation.

¹² <http://www.ombudsman.gov.au/>

Appendix A. Definitions of key terms

Term	Definition
Application form	The document issued by a <i>Program Delegate</i> that applicants use to apply for funding under the <i>program</i> .
Conflict of Interest	The exercise of a power or making of a decision by a person in a way that may be, or may be perceived to be, influenced by either a material personal interest (whether financial or non-financial) or a material personal association.
Customer Service Manager	Commonwealth government employees who manage the <i>grant agreements</i> .
Department	The Department of Industry, Innovation and Science.
Eligible application	An application or proposal for <i>grant funding</i> under the <i>program</i> that a <i>Program Delegate</i> has determined meets the eligibility requirements in accordance with these <i>guidelines</i> .
Eligible activities	The activities undertaken by a grantee in relation to a project that are eligible for funding support. This is decided by the Program Delegate in accordance with these guidelines and the grant agreement.
Grant agreement	A legally binding contract between the Commonwealth and a <i>grantee</i> for grant funding.
Grant funding or grant funds	The funding made available by the Commonwealth to successful applicants under the <i>program</i> .
Grantee	An entity that has been offered <i>grant funding</i> and has entered into a <i>grant agreement</i> with the Commonwealth in relation to the <i>program</i> .
Infrastructure	Physical structures and facilities (e.g. buildings, roads, power supplies) needed for the operation of a community.
Minister	The Minister for Regional Development.
Ministerial Panel	The panel of Ministers that make decisions on <i>projects</i> to be funded.
Not for profit (NFP)	An organisation that does not operate for the purpose of profit, personal gain or other benefit of particular people, when it is in operation or when it is wound up. Whilst a NFP is allowed to generate profits, the profits must be used to carry out its purpose (e.g. charitable purpose) and cannot be distributed to owners, members or private people.
Personal information	Has the same meaning as in the <i>Privacy Act 1988</i> (Cth).
Program	The Building Better Regions Fund.

Term	Definition
Program Delegate	An employee of the <i>department</i> or the Department of Infrastructure and Regional Development who has been authorised by the <i>Minister</i> , or is otherwise duly authorised, to carry out the relevant functions in respect of the <i>program</i> (and all initiatives under the <i>program</i>).
Program funding or Program funds	The funding made available by the Commonwealth for the <i>program</i> in any given financial year. This is the funding specified in the Portfolio Budget Statement (as varied by any Portfolio Additional Estimates Statement or by the <i>Minister</i>) for that year.
Program Guidelines	Means these guidelines that are given by the <i>Minister</i> to the <i>department</i> to provide the framework for the administration of the <i>program</i> , as in force from time to time.
Project	A project described in an application for <i>Building Better Regions Fund grant funding</i> .
Project location	Where the <i>project</i> is undertaken, as determined by its latitude and longitude.
Project period	The time between the <i>project start date</i> and <i>project end date</i> as detailed in the <i>grant agreement</i> .
Value with Relevant Money	The processes, actions and behaviours employed by the Australian Government and grant recipients which result in public resources being used in an efficient, effective, economical and ethical manner.



TO WHOM IT MAY CONCERN

Evidence of Contribution for “Building Better Regions Fund” Application for the Bombala Sewage Treatment Plant Upgrade.

This letter confirms Snowy Monaro Regional Council’s support for Gnai Ahamat’s (Manager Water and Waste Water) application under the Building Better Regions Fund.

I am authorised to commit Snowy Monaro Regional Council as described below.

Snowy Monaro Regional Council will contribute cash to the project in the following instalments

- 2016-17: \$500,000
- 2017-18: \$1,500,000
- 2018-19: \$1,500,000

Snowy Monaro Regional Council will contribute \$100 000 in-kind in the form of

- a) Use of Facilities \$20 000
- b) Contribution of staff time \$40 000
- c) Use of plant and equipment \$30 000
- d) Survey and Laboratory test costs \$10 000

Snowy Monaro Regional Council will also contribute other resources with a non-monetary value.

Conditions

There are no conditions attached to these contributions.

Yours sincerely

Dean Lynch

Administrator

22nd February 2017

ECM Ref: 2990765

HEAD OFFICE

Cooma:
81 Commissioner Street
COOMA NSW 2630

BRANCH OFFICES

Berridale:
2 Myack Street
BERRIDALE NSW 2628

Bombala:
71 Caveat Street
BOMBALA NSW 2632

Jindabyne:
2/1 Gippsland Street
JINDABYNE NSW 2627

MAILING ADDRESS PO Box 714, COOMA NSW 2630 **PHONE** 1300 345 345 www.snowymonaro.nsw.gov.au

22. CONFIDENTIAL MATTERS

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

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

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

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

RECOMMENDATION

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

22.1 Report on Negotiations with McMahon's Earthmoving for Contract Number 10007631 - Snowy River Avenue Upgrade

Item 22.1 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains 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.

22.2 Commercial Waste Contract with Perisher

Item 22.2 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and (diii) of the Local Government Act because it contains and information that would, if disclosed, reveal a trade secret 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.