



**SNOWY MONARO**  
REGIONAL COUNCIL

# **BUSINESS PAPER**

**PUBLIC EXHIBITION COPY**

**Ordinary Council Meeting**  
**16 May 2019**

## **CONFLICTS OF INTEREST**

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

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

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

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

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

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

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

## **COUNCIL CODE OF CONDUCT**

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

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

## **COUNCIL CODE OF MEETING PRACTICE**

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

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### **Acknowledgement of Country**

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Walgalu, Ngunnawal and Bidhawal people and their Ancestors past and present.

### **Webcasting**

*Council meetings are recorded and live streamed to the internet for public viewing. By entering the Chambers during an open session of Council, you consent to your attendance and participation being recorded and streamed on Councils website [www.snowymonaro.nsw.gov.au](http://www.snowymonaro.nsw.gov.au)*

**ORDINARY COUNCIL MEETING  
TO BE HELD IN BOMBALA COMMUNITY CENTRE, 163 MAYBE STREET, BOMBALA  
NSW 2623**

**ON THURSDAY 16 MAY 2019  
COMMENCING AT 5.00PM**

**BUSINESS PAPER**

- 1. OPENING MEETING**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**
- 4. CITIZENSHIP CEREMONIES**
- 5. DISCLOSURE OF INTEREST**  
(Declarations also to be made prior to discussions on each item)
- 6. MATTERS DEALT WITH BY EXCEPTION**
- 7. CONFIRMATION OF MINUTES**
  - 7.1 Ordinary Council Meeting held on 17 April 2019
  - 7.2 Closed Session of the Ordinary Council Meeting held on 17 April 2019
- 8. PLANNING AND DEVELOPMENT APPLICATION MATTERS**
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13.2	Replacement of Council's Volvo L70D Wheel Loader. Plant number 9449 <i>Item 13.2 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 discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
13.3	Shared Path Detail Design to Murrumbidgee River Reserve	

*Item 13.3 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

13.4 Legal Actions and Potential Claims Against SMRC as at 30 April 2019

*Item 13.4 is confidential in accordance with s10(A)(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

13.5 Endorsement of General Manager's Performance Agreement.

*Item 13.5 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

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**8.1 DA10.2018.130.1 - MODIFICATION TO EXTRACTIVE INDUSTRY (BOMBALA BORAL QUARRY) - INCREASE MAXIMUM PRODUCTION VOLUME FROM 100,000 TONNES PER ANNUM TO 200,000 TONNES PER ANNUM**

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Urban and Rural Planner
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.2 Land use is optimised to meet the social, environment and economic needs of the region
Attachments:	<ol style="list-style-type: none"><li>1. Statement of Environmental Effects (SEE) (<i>Under Separate Cover</i>)</li><li>2. Public Submissions (redacted copies) (<i>Under Separate Cover</i>)</li><li>3. Draft Conditions of Consent (<i>Under Separate Cover</i>)</li><li>4. Original Development Application -Environmental Impact Statement Vol 1 (<i>Under Separate Cover</i>)</li><li>5. Original Development Application - Environmental Impact Statement Vol 2 (<i>Under Separate Cover</i>)</li></ol>

Further Operational Plan Actions:

Applicant Number:	10.2019.130.1
Applicant:	Boral Land and Property Group
Owner:	Boral Resources (Country) Pty Ltd
DA Registered:	28/11/2018
Property Description:	Lot 229 and Lot 230 DP 756819, High Lake Road
Property Number:	1001599, 1001600
Area:	Bombala
Zone:	RU1 – Primary Production
Current Use:	Quarry
Proposed Use:	Quarry
Permitted in Zone:	Yes
Recommendation:	That the application be approved with conditions

**EXECUTIVE SUMMARY**

The purpose of this report is to seek approval for an application to modify the consent (07.0013 - Hard Rock Quarry), previously granted by Council, for a third time. The modifications under this proposal are:

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- Increase the maximum production hard rock products from the currently approved 100,000 tonnes per annum (tpa) to 200,000 tpa. The additional production would be achieved by running the in-pit mobile plant for a longer period within the approved hours of operation.
- Install a small pre-coat plant to produce products for regional road works.

The original development application was accompanied by an Environmental Impact Statement (EIS) as it was considered designated development and integrated development under the provisions of the Environmental Planning and Assessment Act 1979.

The application is required to be determined at a Council meeting as the original DA and subsequent modifications were determined by Council.

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

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

#### **RECOMMENDATION**

That

- A. Pursuant to section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approval is granted for DA 10.2018.130.1 to Modify Extractive Industry to increase maximum production volume from 100,000 tonnes per annum (tpa) to 200,000 tpa. on Lot 229 and Lot 230 DP 756819, High Lake Road, Bombala, 2632, subject to the conditions attached;
- B. Any person who made a submission is notified according to the regulations.

#### **BACKGROUND**

Whilst the original application was considered designated and integrated development, the Act allows for modifications (depending on type) to be assessed without triggering designated or integrated development. The first and second amendments and the current modification application were considered under the provisions of Section 4.46 of the EP&A Act and determined not to be 'integrated development' and in consideration of the circumstances and factors under Clauses 35 & 36 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* it is considered that the proposed modification is not 'designated development'.

These modifications did not require the provision of an EIS and were accompanied by a Statement of Environmental Effects (SEE). The subject modification has been lodged under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EPA Act) and was accompanied with an SEE incorporating an updated *Noise Impact Assessment, Air Quality Impact Assessment* and *Traffic Impact Assessment*.

Noise, dust and increased traffic generation are the main issues for consideration as part of this modification. The analysis provided by the applicant regarding each of these issues indicates that

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the increased impacts can be mitigated sufficiently under the existing conditions of approval and in accordance with the Environment Protection Licence (EPL), which will require modifying via an application to the NSW Environment Protection Authority (EPA). In addition it is recommended Boral adopt the noise and air quality mitigation measures identified in response to its meeting with the local community (pages 20 – 21 of the SEE).

As is required by the Regulations the proposal was forwarded to all relevant agencies previously consulted for comment and publicly notified/advertised for 28 days. Council received responses from NSW Roads and Maritime Services (RMS), Office of Environment and Heritage (OEH) and Environmental Protection Authority (EPA) and two (2) public submissions. RMS and OEH stated they have no concerns relating to the proposed modification and the EPA provided modified General Terms of Approval to be included in any determination and will require an application to modify the EPL. The two (2) submissions were referred to the applicant for consideration and Council has received a response to the issues raised. Formerly known as Thompson's Pit, the quarry was established by Bombala Council in 1950-51 to provide material for their Works and Services Division. The quarry operations included drilling, blasting, crushing, stockpiling and transport. Bombala Council operated the quarry until Development Consent No. DA 14/93 was issued on 31 August 1993 for extraction up to 50,000 tonnes per annum (tpa).

In September 2005, Boral entered into a one year lease to operate the quarry site on behalf of the Council. Boral subsequently purchased the property after the lease expired.

Development Consent No. DA.07.0013, the subject of modification, was granted 21 March 2007 following an application to increase production to 100,000 tpa. The application was for designated and integrated development and was accompanied by an Environmental Impact Statement (EIS) prepared by ERM Australia (ERM 2006). The current modification (the subject application) is the third modification of DA 07.0013.

The first modification granted on 7 July 2008 to:

- Relocate the site entry point to access High Lake road approximately 800m from the Monaro Hwy intersection, and
- Provide internal haulage roads to connect the new site access to the existing operations area, and
- Relocate the site office and weighbridge to adjacent the new internal haulage roads approximately 130m in from High Lake road, and
- Expand the stockpile area by reconfiguring the approved area and extending the total area to the site of the weighbridge.

A second modification was granted on 21 August 2008 to:

- Recommence operations of the crushing plant between 8.30 am and 3.30 pm weekdays only prior to completion of the upgrade High lake Road and the intersection with the Monaro Highway, and
  - Recommence operations to provide construction material for the upgrading of High lake Road and the intersection with the Monaro Highway prior to completion of the upgrade High lake Road and the intersection with the Monaro Highway.
  - Recommence site operations (not including crushing Plant) between 8.00 am and 5.00 pm weekdays only
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The subject application (the third modification) was submitted to Council seeking to modify Development Consent No. DA.07.0013 under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application was prepared in consideration of Section 4.15(1) of the EP&A Act and Clauses 35 and 36 within Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation). It is considered that the proposal as modified is appropriate for the site and adequately mitigates the likely impacts over and above the existing impacts of the development and is recommended for approval with conditions.

### **The Proposal in Detail**

The applicant has indicated that in response to market conditions and operational factors Boral wishes to recommence operations which were previously suspended in 2012. It has been identified that there is now a renewed demand for high-quality products, such as that produced Boral's Bombala Quarry, resulting from major infrastructure developments in the region, and secondary demand for road-base product.

Bombala Quarry is currently approved to produce and transport up to 100,000 tpa of hard rock products. The applicant seeks to increase the maximum production hard rock products from the currently approved 100,000 tpa to 200,000 tpa, thereby extracting the total resource in a shorter period of time. The additional production would be achieved by running the in-pit mobile plant for a longer period within the approved hours of operation. There would be no changes to the approved site layout or quarry pit boundary. Additionally it is also proposed to install a small pre-coat plant to produce products for regional road works.

The production rate increase will require an increase to the number of blasts and drilling campaigns per year. It is proposed to increase the number of blasts to six per year, which would allow for smaller blast volumes. Drilling campaigns (to prepare for blasting) would consequently increase to six per year. The duration of each drilling campaign would remain at up to two weeks.

It is proposed that due to the increase in annual production volume, the number of truck movements would increase to an average 62 truck movements (31 truck-loads) with a maximum 160 truck movements (80 truck-loads) per weekday. The additional quarry products will continue to be transported by road via High Lake Road west of the site access road, the Monaro Highway and other connecting routes.

Minor equipment changes are proposed with one screen and one cone crusher replacing the two mini crushers and inclusion of the new mobile pre-coat plant to produce products for regional road works. Materials for the pre-coat plant would be stored on site in a bunded tank.

### **The Subject Site**

The site is located approximately 6 kilometres north-east of Bombala near the Monaro Highway and is bounded on two sides by local council roads being High Lake Road and Pipeclay Springs Road. A number of residences are within the vicinity of the site. The footprint of existing quarry operations is relatively minor in relation to the entire site with the balance of the site being used for agricultural purposes of cropping and grazing.

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**Figure 1 – Subject Site Location**



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## Figure 2 – Arial View of the site

The Environmental Impact Statement prepared for the original development contains a comprehensive description of the development and proposed measures to mitigate adverse impacts. This has been further supplemented by the Statement of Environmental Effects submitted with the subject application to modify the consent. It is not intended to reproduce the content of the EIS or SEE in this report, rather, the reader is directed to the relevant documents as attached.

## ASSESSMENT UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)

The following is an assessment of development application DA.07.0013 having regard to those matters to be considered under section 4.15 of the EP&A Act 1979:

Section 4.15 'Matters for Consideration'	Comment
Section 4.55 (a)(i) the provisions of any environmental planning instrument	<p>The proposal has been assessed against the provisions of all relevant SEPP's including <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> and <i>State Environmental Planning Policy No 33 - Hazardous and Offensive Development</i>, and the development has been found to achieve an acceptable level of compliance.</p> <p>The proposal has been examined in detail against the provisions of the Bombala Local Environmental Plan 2012 and has been found to achieve an acceptable level of compliance</p> <p>See assessment of relevant sections below.</p>
Section 4.55 (a)(ii) the provision of any draft environmental planning instrument	NIL
Section 4.55 (a)(iii) an development control plan	Bombala Development Control Plan (DCP) 2012 is the applicable DCP for the site. No development control requirements are applicable to the proposed modification.
Section 4.55(a)(iiia) any planning agreement or draft planning agreement	NIL
Section 4.55(a)(iv) any matters prescribed by the regulations	The proposal has been assessed against Clause 19 of Schedule 3 and the circumstances and factors under Clauses 35 & 36 of Schedule 3 of the <i>Environmental Planning and Assessment Regulation 2000</i> and it is considered that the proposed modification is not 'designated

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	development’.
Section 4.55 (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The likely impacts of the development have been appropriately considered as part of this application, and appropriately addressed below.
Section 4.55 (c) the suitability of the site for the development	The site is suitable for the development proposed. A site inspection was carried out by Council's Sophie Ballinger and Penny White with Boral in August 2018. The modification does not seek to increase the footprint or total extraction amount of the quarry as approved under the existing consent (DA.07.0013) and Boral is not proposing to operate outside the approved extraction area. No additional vegetation or habitat will be removed, and therefore there will be no cumulative impact of vegetation removal. OEH has advised there is no requirement for any further assessment under the <i>Biodiversity Conservation Act 2016</i> .
Section 4.55 (d) any submissions made in accordance with this Act or the regulations	Two (2) submissions were received in relation to the development application, they are summarised and discussed below.
Section 4.55 (e) the public interest	The proposal is not contrary to the public interest, as it complies with the Council’s standards and will not contribute to creating an undesirable precedent.

### **Bombala Local Environmental Plan 2012**

The site is zoned RU1 Primary Production under Bombala Local Environmental Plan 2012 (Bombala LEP).

Extractive industries are permissible with development consent in this zone. The objectives of the RU1 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

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- To enable other land uses that are associated with primary industry and that require an isolated or rural location or that support the tourism industry.

In regards to the above objectives it is considered that the agricultural use of the bulk of the land will continue and the proposal has the potential to assist in property rationalisation by maximising economic use of resources. In addition there is not considered to be a significant increase in potential for conflict between land uses or impacts on the character of the countryside given the existing quarry operation is already in effect. The proposal will provide benefits to the community generally by way of supply of construction materials. As such it is considered that the proposed modification is consistent with the objectives of the RU1 zone.

No other provisions of the Bombala LEP are relevant to the proposed modification.

### Impacts of the Development – Environmental, Social & Economic

<b>Access, transport and traffic</b>	RMS has assessed the proposal and its impact on the wider transport network and considers that the development will not have an undesirable impact nor will an upgrade of any existing roads within the network be required.
<b>Dust Generation</b>	The modification documents include the use of water sprays to mitigate dust generation from operations areas. Water sprays are considered a reasonable solution for dust coming from stockpile areas and crushing/screening plants. The main service roads are already bitumen sealed to provide a long term dust control solution.
<b>Impacts on supply of utilities</b>	Nil
<b>Natural and other land resources</b>	The proposed development involves the winning of hard rock material from the subject site. While this would result in the loss of natural resource, this increase in the existing approved process is considered unlikely to result in any significant impacts as the total approved extraction will not be exceeded over the remainder of the consent period.
<b>Water supply and potential impacts on surface and ground water</b>	There are no changes proposed to the existing approved footprint of the quarry.

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<p><b>Flora and fauna &amp; Consideration of Threatened Species</b></p>	<p>The modification does not seek to increase the footprint of the quarry as approved under the existing consent (DA.07.0013) and Boral is not proposing to operate outside the approved extraction area. No additional vegetation or habitat will be removed, and therefore there will be no cumulative impact of vegetation removal. OEH has advised there is no requirement for any further assessment under the <i>Biodiversity Conservation Act 2016</i>.</p>
<p><b>Waste facilities and controls</b></p>	<p>No changes proposed existing conditions of consent regarding remediation remain including all excess material upon the site to be utilised through remediation processes.</p>
<p><b>Safety, security and crime prevention</b></p>	<p>The existing fencing and safety measures t of the site are considered suitable to minimise any potential safety or security implications.</p>
<p><b>Social impact in locality</b></p>	<p>Minimal social impact as the development has current approval and no changes to operating hours or footprint of the quarry are proposed. Concerns have been raised in the submissions that the development will result in significant noise, traffic and air quality impacts. Whilst this development will result in some increases to these variables the assessment and studies undertaken for the proposed development do not indicate that the increases are unreasonable and will be mitigated sufficiently. It should be noted that under the existing approval the quarry could recommence operations in much the same form at any-time.</p> <p>The perceived social impact of re-opening the quarry at an increased production volume for the remainder of the consent period is not considered a reason for refusal of this application nor a reason to require that the property remain inoperable.</p>
<p><b>Economic impact in locality</b></p>	<p>No negative economic impacts from the development on the locality.</p>
<p><b>Site and internal design issues</b></p>	<p>Nil – no changes are proposed to existing layout. The additional equipment (pre-coat plant) will be located in the existing equipment/screening locations.</p>
<p><b>Impact on pedestrian movements and safety</b></p>	<p>The development is wholly within private land and public access is restricted.</p>
<p><b>Impacts on aboriginal heritage</b></p>	<p>Nil</p>

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## SUBMISSIONS

The application was notified, in accordance with relevant DCP requirements and the relevant statutory regulations. Notification letters were sent out to adjoining landowners and exhibited for a period of 28 days.

The application was publicly advertised, in accordance with relevant DCP and the relevant statutory regulations.

Submission	Response
Road maintenance	Boral is required to maintain the section of High Lake Road to the quarry entry as per Consent Condition No 4 of DA.07.0013 (Modified).
Quarry Noise and Excessive noise levels of jaw crusher and screening plant	<p>Boral has proposed the use of squashed ducks in lieu of beepers, and all machinery and hours of operation are to be undertaken in accordance with the development consent and EPL.</p> <p>The Noise Impact Assessment accompanying the SEE found that, under normal operations (see Table 5.1 in SEE), noise levels are predicted to satisfy the relevant Noise Policy for Industry (NPfI) noise trigger levels. During campaign operations, noise levels are predicted to exceed criterion at assessment location R2 ("Oxley", High Lake Road) by 2 dB. However, 2 dB is considered a minor exceedance and predictions satisfy the site's existing consent condition and EPL limit for that residence. EPA have provided updated General Terms of Approval which reflect the expected changes in noise emissions.</p>
Blasting	<p>As outlined in the Noise Impact Assessment, Boral is proposing smaller, more frequent blasts as part of this Modification. This operational aspect has been developed in response to community feedback.</p> <p>This is considered to be an acceptable mitigation of increased noise emission.</p>

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<p>Dust suppression</p>	<p>It is proposed that water carts continue to be used for dust suppression as outlined in the Air Quality Impact Assessment. Water would continue to be sourced from runoff collected in the void sump and holding tanks.</p> <p>Water sprays are considered a reasonable solution for dust suppression providing the water source is sustainable.</p>
<p>Truck movements 6-7am are problematic as they line up at the quarry gate - Deliveries out of hours</p>	<p>The existing consent allows for truck movements from 6am. Quarry operations are limited to start at 7am.</p> <p>Deliveries are not permissible out of the consented hours except for exceptional circumstances outlined in the EPL (condition L9.3) i.e. if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is to be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.</p>
<p>Trucks short cut via ancillary roads</p>	<p>The existing development consent requires trucks to be limited to High Lake Road only. No change is proposed. The applicant has indicated that all Boral drivers will continue to be made aware of the access requirements as part of the site-specific drivers' code of conduct. The applicant has also made a suggestion that Council may wish to consider installing signage limiting vehicle tonnage along Pipe Clay Springs Road.</p>
<p>Drilling machines work all hours on weekends</p>	<p>Quarry operations will be limited to consented hours only as outlined in the EPL (L6.4-6.7). Weekends are limited to haulage activities from 7am-12pm. No change to these hours is sought.</p>



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### **The Public Interest**

The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent

### **CONCLUSION**

It is considered that the proposed development generally complies with the relevant provisions of Section 79C of the Act, LEP, REP, DCPs, Codes and Policies.

It is considered that the proposal is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural and built environment. Accordingly, approval is recommended subject to the imposition of the conditions of consent listed in the attached draft conditions document.

### **QUADRUPLE BOTTOM LINE REPORTING**

#### **1. Social**

Concerns have been raised in the submissions that the development will result in significant noise, traffic and air quality impacts. Whilst this development will result in some increases to these variables the assessment and studies undertaken for the proposed development do not indicate that the increases are unreasonable, and will be mitigated sufficiently. It should be noted that under the existing approval the quarry could recommence operations in much the same form at any-time.

#### **2. Environmental**

The environmental impact of the development has been considered under the provisions of section 4.15 of the EP&A Act and it is considered the development can reasonably mitigate the adverse environmental impacts of an increase to hard rock processing on the site.

#### **3. Economic**

The development will have little direct economic impact on Council, the developer is required to maintain the sections of public road utilised for operations.

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

The former Bombala Council determined the previous applications. The previous modification was reported to the 20 August 2008 Ordinary Council Meeting with a resolution to approve the proposal.

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**8.2 DA4191/2017 - 10 LOT COMMUNITY TITLE SUBDIVISION EAST JINDABYNE**

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Manager Development Assessment
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.3 Development assessment processes are streamlined to support regional development and growth
Attachments:	<ol style="list-style-type: none"> <li>1. Draft Conditions of Consent (<i>Under Separate Cover</i>)</li> <li>2. Subdivision Plans (<i>Under Separate Cover</i>)</li> <li>3. Proposed entry signage and gate design (<i>Under Separate Cover</i>)</li> <li>4. Statement of Environmental Effects (<i>Under Separate Cover</i>)</li> <li>5. Site and Soil Assessment (<i>Under Separate Cover</i>)</li> <li>6. Bushfire Report (<i>Under Separate Cover</i>)</li> <li>7. Rural Fire Service Bushfire Safety Authority (<i>Under Separate Cover</i>)</li> <li>8. Flora and Fauna Assessment (<i>Under Separate Cover</i>)</li> <li>9. Aboriginal Cultural Heritage Assessment Report (<i>Under Separate Cover</i>)</li> <li>10. Office of Environment and Heritage General Terms of Approval AHIP (<i>Under Separate Cover</i>)</li> <li>11. Submissions (<i>Under Separate Cover</i>)</li> <li>12. DA Form (<i>Under Separate Cover</i>)</li> </ol>

**FURTHER OPERATIONAL PLAN ACTIONS: EXECUTIVE SUMMARY**

Applicant Number:	DA4191/2017
Applicant:	Fraish Consulting
Owner:	Alpine Sands Pty Ltd
DA Registered:	8/06/2017
Property Description:	Lot 43 DP1215502
Zone:	RU5 - Village
Current Use:	Vacant land
Proposed Use:	Community Title Subdivision
Permitted in Zone:	Yes
Integrated Approval Bodies	Office of Environment and Heritage – Aboriginal Cultural Heritage NSW Rural Fire Service – Bushfire Safety Authority
Recommendation:	That the application be approved with conditions

### **Explanatory note**

This item was submitted to Council's meeting of 17 April 2019. Council resolved as follows (Resolution 138/19):

*That Council defer the item to seek legal advice on public foot access to the lake*

The applicant and landowner were contacted on 18 April to advise them of the Council resolution. From discussions with the landowner, it was made very clear that the landowner was not interested in entertaining the suggestion of providing public access through their private property.

In accordance with Council's resolution, a request for legal advice was made to Council's solicitor (Blaxland Mawson & Rose) on 18 April. The advice was received on 1 May 2019 and a copy has been provided to Councillors under separate cover. The advice concluded that *"Council would not have reasonable grounds to impose conditions on the Development Application based on a requirement for public access."*

Additional submissions were emailed to Council prior to the finalisation of this updated information (2 May 2019). These raised issues that had previously been identified in prior submissions.

Council had 'deferred' consideration of the report submitted to its previous meeting. Such action does not 'reopen' the application for canvassing of further public submissions.

Accordingly, the report does not specifically address the additional submissions, however, a copy of the additional submissions was provided to Councillors separately, for information.

It is also clarified that although the proposed plans indicate a proposed internal access to the boundary of the land with the adjoining land (owned by Snowy Hydro), this application relates to the subject property only. Accordingly, if this application is approved as recommended, it should not be construed or inferred that the approval also authorises any use of the Snowy Hydro land.

The application as originally assessed is resubmitted for Council's determination. The report as presented to Council's meeting of 17 April is reproduced without alteration below.

### **The report as previously submitted to Council on 17 April 2019:**

The purpose of this report is seek approval for a ten (10) lot residential community title subdivision, being Stage 4 of Alpine Sands.

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

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## **RECOMMENDATION**

That

- A. Pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that the consent for Alpine Sands Stage 4 , ten (10) Lot Community Title Subdivision on Lot 43 DP 1215502 Ph Jinderboine, is granted subject to conditions attached.
- B. Any person who made a submission is notified according to the regulations.

## **BACKGROUND**

The application was submitted originally for thirteen (13) lots. After assessment and consultation with Council and state agencies the applicant agreed to remove three (3) lots reducing the development to a ten (10) lot subdivision. This new lot layout was more responsive to the site constraints and removed the need for excessive clearing for roads, driveways and fire trails. The new lot layout also provided acceptable outcomes to address bushfire risks and the impact of the development on native flora and fauna. The development is to be serviced by Councils reticulated water system and effluent is to be managed onsite by individual onsite sewerage management facilities. The RU5 zone allows for onsite management of effluent if the lot sizes exceed 2000sqm. In this case all lot sizes exceed 5000sqm.

The application has received general terms of approval from both Office of Environment and Heritage and NSW Rural Fire Service.

The application was notified and advertised in accordance with statutory requirements and twelve (12) submissions were received. The main issues raised in the submissions were access to the Lake foreshore (which had previously happened informally through this site) and also the impact of the additional lots on traffic generation.

It is considered that the application as amended (10 lots) is appropriate for the site and adequately mitigates the impacts of the development and is recommended for approval with conditions.

### **The Proposal in Detail**

The proposal is for a ten (10) lot residential subdivision under community title with lots ranging in size from 5000sqm to 17000sqm. The access road within the site will be part of the community property and not be a public road vested in Council for control or maintenance. The lots will be serviced by Councils reticulated water system, underground power and telecommunications and each lot will have its effluent managed on site. In order to protect the existing vegetation on the site budiling envelopes have been proposed and all buildings on site will be restricted to within these area.

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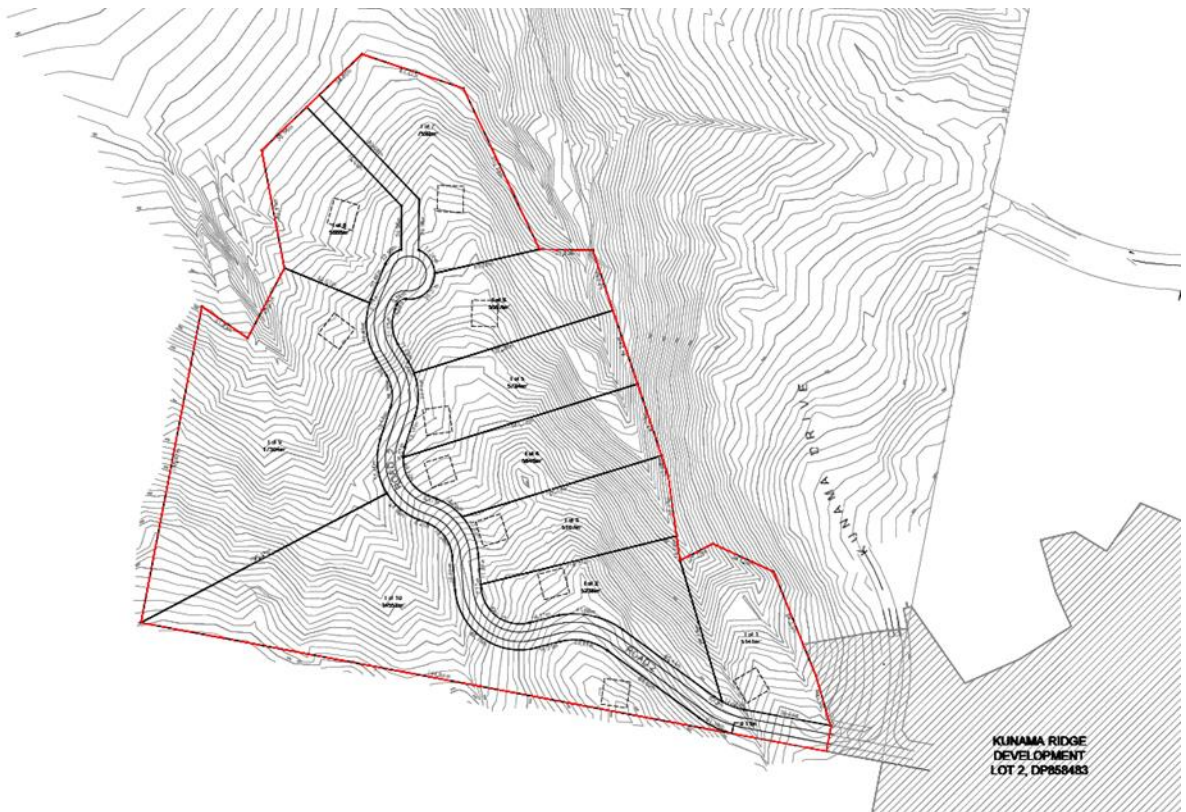


Figure 1 - Proposed ten (10) lot layout



Figure 2 - Original thirteen (13) layout

The original proposal as submitted was for thirteen (13) lots, the applicant provided an amended plan which reduced the proposal to ten (10) lots thereby removing the need for the perimeter fire trail and additional ground disturbance. The applicant agreed to reduce the number of lots so as to minimise the impact of the development on the native vegetation and to lessen the amount of clearing required to facilitate the development. This amendment was a result of negotiations between Council and state agencies.

### **The Subject Site**

The subject site is the final stage of the Alpine Sands Subdivision. The area immediately to the east of the site was previously developed as the first three stages of the Alpine Sands development. These blocks are typically between 1000m<sup>2</sup> to 2,000m<sup>2</sup> in size. An approved residential development to the south-east (known as Kunama Ridge) for 58 lots ranging from 750m<sup>2</sup> to 1000m<sup>2</sup> is nearing completion. The adjacent residential land is a mix of lot sizes ranging from 700sqm to over 2000sqm, the predominant development pattern in this area is dual occupancy dwellings and single dwelling houses. Whilst the zoning allows for commercial uses the Kunama Gallery situated to the east of the development is the only commercial use in the immediate area.

To the south of the site there is an area zoned E3 Environmental Management (as shown in figure 4 below). This area in its current form cannot be developed for residential purposes. The area to the west of the site is currently zoned RE2 Private Recreation this land has been transferred to Council under the Tyrolean Village Voluntary Planning Agreement for public recreation and the construction of a shared trail linking Jindabyne to East Jindabyne.

The development is proposed on an escarpment with a predominantly northerly aspect and the land fronts Lake Jindabyne to the north. The site comprises remnant native woodland on elevated ridges, slopes and gullies, with exotic vegetation in a disturbed area on the lake shore. There are currently access roads and tracks traversing the site which appear to be being used informally by residents for access to the Lake Foreshore. The site retains a large extent of the remnant vegetation cover. The southern and western boundaries of the site connect to similar quality remnant bushland, although the land to the south appears to be more heavily grazed and cleared from past agricultural activities.

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**Figure 3 – Aerial View of the site**

**ASSESSMENT**

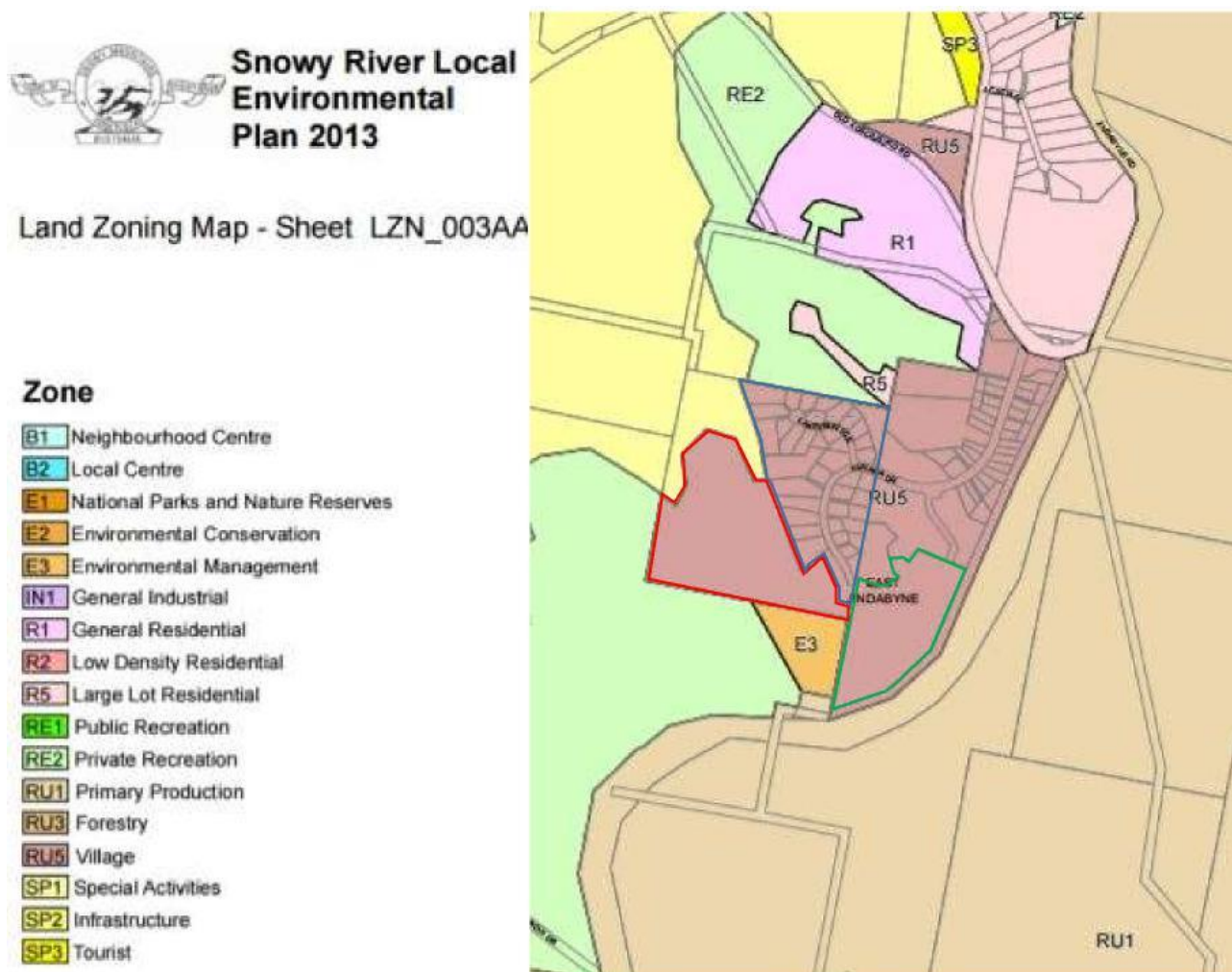
The following is an assessment of development application DA4191/2017 having regard to those matters to be considered under section 4.15 of the EP&A Act 1979:

Section 4.15 'Matters for Consideration'	Comment
Section 4.55 (a)(i) the provisions of any environmental planning instrument	<p>The proposal has been assessed against the provisions of all relevant SEPP's and the development has been found to achieve an acceptable level of compliance.</p> <p>The proposal has been examined in detail against the provisions of the Snowy River Local Environmental Plan 2013 and has been found to achieve an acceptable level of compliance</p> <p>See assessment of relevant sections below.</p>
Section 4.55 (a)(ii) the provision of any draft environmental planning instrument	NIL
Section 4.55 (a)(iii) an development control plan	The application generally complies with the provisions of the Snowy River Development Control Plan 2013. See assessment of relevant sections below.
Section 4.55(a)(iiia) any planning agreement or draft planning agreement	NIL
Section 4.55(a)(iv) any matters prescribed by the regulations	Not applicable for this application

Section 4.55 (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The likely impacts of the development have been appropriately considered as part of this application, and appropriately addressed below.
Section 4.55 (c) the suitability of the site for the development	The site is suitable for the development proposed. A site inspection was carried out by Council staff, accompanied by staff from OEH. As a result the environmental constraints of the land were identified and in negotiation with the applicant an amended subdivision layout was submitted. This resulted in a reduction in the number of lots from 13 to 10 which allowed for a development to be more responsive to the site.
Section 4.55 (d) any submissions made in accordance with this Act or the regulations	Twelve (12) submissions were received in relation to the development application, they are summarised and discussed below.
Section 4.55 (e) the public interest	The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent.

**SNOWY RIVER LOCAL ENVIRONMENTAL PLAN 2013**





**Figure 4 - The subject land in the context of surrounding land zoning.**

The subject land is zoned RU5 Village and the development is consistent with the zone objectives.

In the assessment of this application, the following special provisions from SRLEP 2013 are of relevance and have been assessed for compliance:

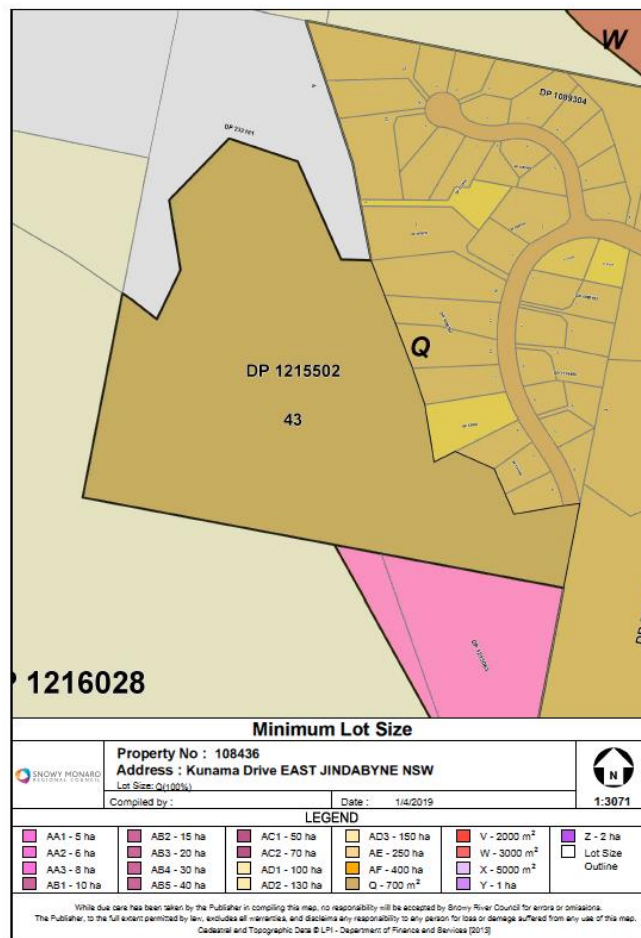
**Clause 4.1 Minimum subdivision lot size**

The development meets the objectives of the clause providing a variation to the existing allotment pattern in the area which is a response to the topography of the site, the existing vegetation and impact of bushfire. The lots are of a size to allow for construction of dwelling houses/dual occupancies with amply areas of landscaping and private recreation.

The minimum lot size applying to the land under the Lot Size Map is 700sqm. In the proposed subdivision all lots are over 5000sqm in size and as such they comply with the provisions of the clause.

Clause 4.1(4A) allows for land in the RU5 zone to be subdivided and not connect to reticulated sewer. However in order to carry out a subdivision which is not connected to Council reticulated sewer the size of the lots must be larger than that which is allowed for under the minimum lot size requirements of the plan. In this case in the RU5 Village Zone lots that are not serviced by a sewage reticulation system must not be less than 2,000 square metres. The proposal is for lots that are 5000sqm and over and a site and soil assessment was lodged with the development

application to demonstrate the lots suitability for this type of effluent disposal, demonstrating compliance with this provision.



**Figure 5 – Minimum lot size map extract**

**Clause 5.10 Heritage conservation**

The application was submitted accompanied by an Aboriginal Cultural Heritage Assessment Report (ACHAR) due to the potential impact on Aboriginal cultural heritage known to be present on the site. The applicant through consultation with the Office of Environment and Heritage (OEH) amended the original report and carried out further field investigations. The final ACHAR is provided as an attachment to this report.

The application was referred to the OEH under the provisions of section 4.46 (formally section 91) of the Environmental Planning and Assessment Act as Integrated Development. OEH provided general terms of approval (GTAs) on the 4/3/19 to allow for an Aboriginal Heritage Impact Permit (AHIP), under section 90 of the National Parks & Wildlife Act 1974, to be issued subject to conditions.

The GTAs provided by OEH are included as draft conditions of consent. In addition further conditions of consent have been imposed to ensure that the applicant is aware of the potential for artefacts to be found during construction and providing direction as to what action should be taken should this eventuate.

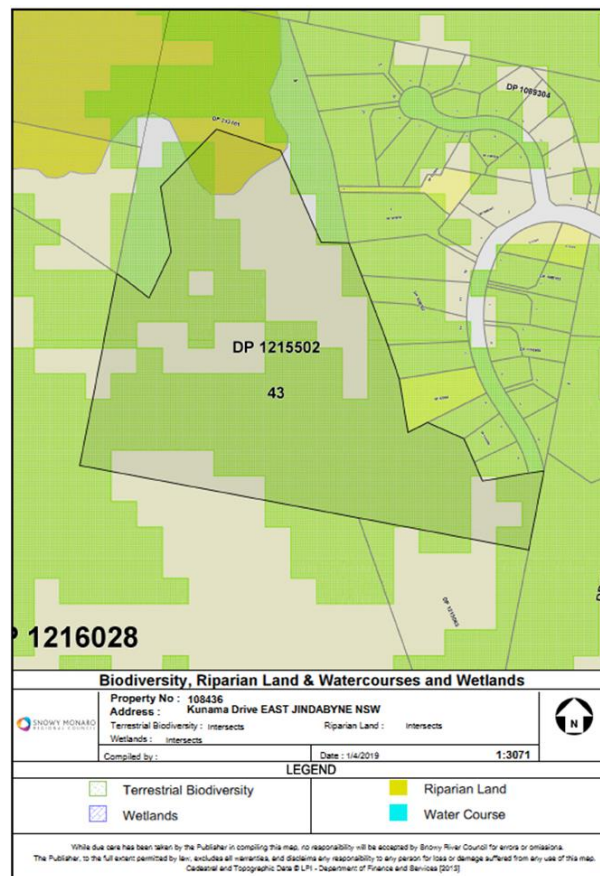
The GTAs provided by OEH include the partial conservation of Aboriginal site J/ES1 (AHIMS 62-1-0064) and they have recommended that to ensure the future lot owners are aware of the

Aboriginal cultural heritage constraints and to ensure long term protection of the site, that Council includes conditions in the development consent, and any subsequent development consents issued, that limit ground disturbance in site J/ES1 (AHIMS 62-1-0064).

As a result of this recommendation conditions of consent are proposed to include in the Community Management Statement a requirement that structures can only be approved in the nominated building envelopes and no other ground disturbance is permitted without the further approval of Council and OEH. This will include a requirement for lot boundary fencing to ensure that those using the lake foreshore do not wander onto lots 7 & 8 outside of the formed concrete track and cause disturbance. Fencing type will be restricted to wire link fencing to minimise impacts on surface artefacts and subsurface deposits.

**Clauses 7.2 Terrestrial Biodiversity, 7.3 Riparian land and watercourses and 7.4 Wetlands**

The development site is an area that is identified as “Biodiversity” on the Terrestrial Biodiversity Map, has areas mapped as riparian land on the Riparian Lands and Watercourse Map and wetlands on the Wetlands Map (illustrated below).



**Figure 6 – Biodiversity, Riparian Land and Watercourses and Wetlands maps extract**

Under the provisions of Clause 7.2 (3) before determining a development application for development on land to which this clause applies, the consent authority must consider whether the development is likely to have:

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

*(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*

*(iv) any adverse impact on the habitat elements providing connectivity on the land, and*

*And that there are appropriate measures proposed to avoid, minimise or mitigate the impacts of the development*

In this case the development as originally proposed did have an adverse impact on native flora and fauna and would not have met the requirements of this clause. Working with the applicant and state agencies a better lot layout that would meet these provisions was submitted. The development at ten (10) lots reduces the number of building envelopes, removes the requirement for additional driveways and a fire trail all of which would have led to undesirable vegetation clearing on the site. This reduction in site disturbance and the community title nature of the development means that Council can through appropriate conditions of consent ensure that the area is managed into the future to meet the requirements of clause 7.2(3) of the LEP.

Under the provisions of Clause 7.2 (4) development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

*(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*

*(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*

*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

It is considered that the development application and associated documents demonstrate compliance with the requirements of this clause. The applicant has provided to Council Biodiversity Assessments, which have been amended in response to requests from OEH.

Through consultation with OEH and Council the subdivision layout has been amended and restrictions such as building envelopes and conditions that will be added to the community management statement for the development have been included to ensure the impact on native flora and fauna is minimised.

The amended flora and fauna assessment prepared by the applicant's consultants includes recommendations with respect to flora and fauna management during both the construction phase of the development and the ongoing management of the development as a community title. These recommendations will be included as conditions of consent to ensure that the impact avoided and where it cannot be avoided is minimised.

Being a community title development there are unique advantages for the ongoing management of the site as all lots are covered by a community management statement which are similar to strata bylaws. This allows for the management committee to have control over not only the common property but to manage such aspects as planting of trees on sites, management of noxious weeds and the ongoing management of native vegetation to ensure biodiversity loss is minimised.

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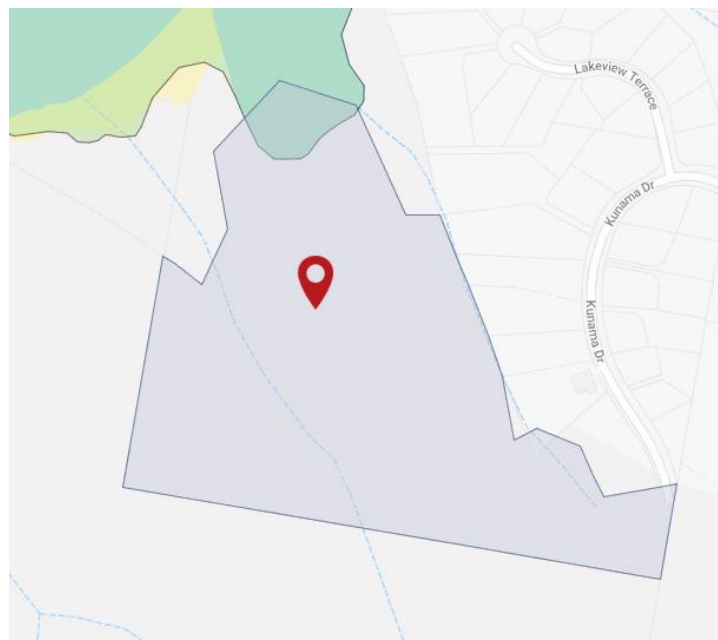
Under the provisions of clause 7.3 (3) &(4) **Riparian land and watercourses** before determining a development application for development on land to which this clause applies, the consent authority must consider:

- (a) whether or not the development is likely to have any adverse impact on the following:
  - (i) the water quality and flows within the watercourse,
  - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
  - (iii) the stability of the bed and banks of the watercourse,
  - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
  - (v) any future rehabilitation of the watercourse and riparian areas, and
- (b) whether or not the development is likely to increase water extraction from the watercourse, and
- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

And

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.



**Figure 7 – Area of the site impacted by the Riparian Land overlay**

Only the lower portion of the site is covered by this overlay with respect to riparian land and no water courses have been identified in the LEP maps for the site. There are however gullies that may have intermittent flow and as such the impact of the development has been considered with respect to these. The report submitted by Biosis includes recommendations to mitigate impact on these areas and conditions of consent have been included to ensure that any impact is managed.

The riparian land defined in the LEP map is a portion of the Lake Jindabyne foreshore area which intersects with proposed lots 7 & 8. Restrictions have been placed on these lots to ensure that no construction occurs outside of the building envelopes which have been situated outside of the area mapped as riparian land.

Stormwater will be managed both during the construction phase and ongoing in the life of the development. A stormwater management plan is required prior to commencement of construction and Councils Development Engineer has reviewed the submitted plans and considers that the issue will be adequately addressed by this final plan being submitted.

#### **Clause 7.4 Wetlands**



**Figure 8 – Area of the land impacted by the Wetlands overlay**

The development complies with the provisions of this clause. Only two lots in the subdivision are impacted by the wetland overlay. The building envelopes in proposed lots 7 & 8 have been situated outside of the area impacted by the wetland overlay. With the only works proposed within the area impacted by the wetland overlay being a concrete pedestrian access to the lake foreshore.

#### **Clause 7.9 Essential services**

It is proposed that the site be provided with the following services:-

- Electrical supply connection to Essential Energy Grid
  - Telecommunications supply connection to NBN network
  - Water mains water connection to Snowy Monaro Regional Council water network
  - Road access to Council road network via a private community title road
  - Private community title street lighting
  - Stormwater Drainage discharge point
  - On-Site Effluent private disposal area
-

**Snowy River Development Control Plan (DCP) 2013**

The proposal has been examined in detail against the provisions of the Snowy River Development Control Plan 2013 (Section 4.15(a)(iii) of the Act) and has been found to achieve an acceptable level of compliance. In the assessment of this application, the following DCP provisions are of relevance and have been assessed for compliance:

<b>Provision</b>	<b>Response</b>
<b>A3 Public Notification</b>	The application was notified and advertised in accordance with the DCP and 12 submissions were received, these are summarised and considered below.
<b>C - General Planning Considerations</b>	
C1 Subdivision Clause 1.1 Community Title Subdivision	Community title subdivision requires the preparation of a management statement. The provisions also allow for the preparation of extra plans of management for individual parties within the development. A condition of consent is included to ensure that a Community management statement is provided to Council for approval prior to the issue of the subdivision certificate. Inclusions into this statement that relate to the ongoing management of the development have also been included as conditions of consent.
Clause 2.2 - 1.2-1 Minimum Subdivision Lot Sizes	The minimum subdivision lot sizes are identified in the Snowy River LEP 2013 and the accompanying Lot Size Maps. The development is required to satisfy a minimum lot size of 700sqm in this area. In this case due to the use of, on-site effluent disposal the lots must meet a minimum of be 2,000sqm. The proposed development complies with this requirement with all lots over 5000sqm.
Clause C1.2-4 Flora and Fauna Protection	The DCP states <i>“If the subdivision includes any land significant for flora and fauna protection a targeted survey for threatened species must be carried out and an assessment of significance prepared by a suitably qualified person demonstrating that the subdivision will not have an adverse effect on flora and fauna.”</i> and <i>“The aquatic environment must not be detrimentally affected by subdivision and the proposed future use of the land.”</i> A Flora and Fauna Assessment was prepared by Biosis in December 2016 then updated in January 2019. The development has been designed to minimise disturbance or avoid and preserve any significant flora or fauna identified in that report. It is proposed to follow all recommendations made in that report prior to construction. The report is included in this DA submission.
Clause C1.2-6 Building Exclusion Areas	Due to constraints outlined in the Flora and Fauna Assessment, Heritage and Archaeological Assessment, Bushfire Assessment and On-Site Effluent disposal report building envelopes for each block has been nominated and are shown on the Subdivision Lot

	Layout.
Clause C1.2-7 Provision for Services	In accordance with the provisions of the clause in the DCP, the developer will be providing electrical supply and telecommunications supply to the subdivision. It is proposed that the blocks be provided with reticulated water supply from Council's water supply system.
Clause 2-8 Access	Legal access to the development is from Kunama Drive, the road and pedestrian access within the subdivision will be private due to the development being a Community Title Subdivision. The development does not create additional riparian access rights to waterways.
C2 Design Part 1 Visual & Scenic Impact	<p>The Snowy River LEP 2013 contains detailed provisions and mapping for Lake Jindabyne Scenic Protection Areas the subject land is not mapped as Lake Jindabyne Scenic Protection.</p> <p>The proposed lots all exceed 5000sqm in size and have allocated a building envelope on each lot which is of a size that will reduce the built upon area of the lots to that in keeping with the surrounding residential pattern, thereby limiting the amount of development seen from the lake. This reduces both the visual impact of the development and allows for view sharing between properties.</p>
Part 2 Crime Prevention through Environmental Design	The proposed community title development has been designed to be a gated community with access limited at the intersection of Kunama Drive via a private gate. This will assist with security and therefore crime prevention. The internal driveways will also have street lighting that will further assist with crime prevention.
C3 Car-parking, Traffic & Access Part 3 Vehicle Access	<p>The development will be provided with coinciding legal and practical access in accordance with Council's development design and construction specifications via Kunama Drive. The internal driveways comply with AS2890. It is proposed that the internal private driveway be constructed from reinforced concrete to ensure all weather access and reduce maintenance. Proposed driveways can achieve the maximum driveway longitudinal gradient of 12%. The above ensures compliance with Council's objectives:-</p> <p>To provide permanent legal access within the defined access corridor, constructed to a standard which adequately provides for the vehicular traffic likely to be generated by the development;</p> <p>To ensure compliance for new access arrangements with the safety standards of the NSW Roads and Maritime Services and Council, including standards relating to sight distances and horizontal and vertical road alignment.</p>



	<p>To provide adequate and convenient access for the development without compromising street character, landscape character, visual amenity, environmental features, pedestrian amenity and safety.</p> <p>To provide a minimum of all-weather access for two wheel drive vehicles which can be adequately maintained to this standard over time.</p>
Part 4 Pedestrian and Cycle Access	The development provides pedestrian and cycle access to the existing road network via Kunama Drive and there is a proposed access to the beach at Lake Jindabyne to promote pedestrian access to the lakeside for the residents of the subdivision.
Parts 5&6 Car Parking Design and Provision	For this type of development there are no specific requirements for additional car parking to be provided as part of the subdivision. Adequate areas are provided on each block which will permit individual owners to provide car parking in accordance with Table C3.4-2. The internal private driveways on the proposed development provide verge widths that provide locations for visitor parking in excess of any requirements in the DCP.
C4 Heritage	An Archaeological Cultural Heritage Assessment was carried out by Biosis in December 2016 then updated in January 2019. The development has been designed to minimise disruption or avoid and preserve any significant areas identified in that report. It is proposed to follow all recommendations made in that report prior to construction. General Terms of Approval has been issued by the Office of Environment and Heritage for the artefacts found on site. The GTAs have been included as conditions of consent.
C5 Tree preservation & Landscaping	<p>The reduction in the number of lots has allowed for a reduction in tree removal for the development. The development has been designed to minimise disturbance or avoid and preserve any significant flora or fauna identified in that report. The recommendations made in the Flora and Fauna report have been included as conditions of consent to ensure compliance. This includes the management of trees and tree removal as part of the construction process.</p> <p>In order to minimise tree removal and damage in accordance with the provisions of the Flora and Fauna Assessment a condition of consent is propose that will require the developer to mark trees for removal and protection during the construction phase.</p>
C7 Natural Hazard Management	A Bushfire Assessment Report was prepared by EcoLogical Australia in February 2017 then updated in January 2019. The development has been designed to minimise disruption or avoid

Part 1 Bush Fire Prone Land	and preserve any significant areas identified in that report. It is proposed to follow all recommendations made in that report prior to construction. A Bushfire Safety Authority has been issued by the NSW Rural Fire Service for the development.
C8 Environmental Management Part 1 Environmental Management – Minimising Conflicts	The development as proposed will not limit or impact negatively on the future use of adjoining land which is currently undeveloped rural land. The development is an appropriate distance from agricultural (primary production) uses so as to minimise any impacts caused by odour, noise or dust. The development will be provided with adequate water supply to new development without resulting in an over exploitation of the surface or groundwater in the locality to the detriment of existing agricultural uses.
Part 2 Land Contamination	The land is not listed as contaminated on Council’s Contaminated Land Register. It is not known to have had uses carried out on site that would contribute to contamination.
Part 3 Erosion, Sediment and Stormwater Control	An initial engineering review of the site has been carried out by Fraish Consulting and it has deemed that the requirements of NSW Department of Housing Managing Urban Stormwater: Soils and Construction “the Blue Book” can be applied during construction to ensure compliance with the requirements of the DCP. Appropriate conditions of consent will be imposed to ensure compliance.
Part 4 Weed Management	<p>The Flora and Fauna Assessment carried out by the applicant identified some Noxious Weeds present within the development area. These were :-</p> <ul style="list-style-type: none"> <li>• Blackberry</li> <li>• Serrated Tussock</li> <li>• St John’s Wort</li> <li>• Viper's Bugloss</li> <li>• Sweet Briar</li> <li>• Patterson's Curse</li> </ul> <p>As per Council policy a condition of consent is included to ensure that all weed control works are carried out on site prior to the issue of the subdivision certificate. Certification from Council’s Biosecurity officers is required to be submitted to the satisfaction of Council before any subdivision certificate can be released.</p> <p>Conditions of consent have also been included to ensure that weed management happens during site construction.</p>
Part 5 Ecological Impacts	A Flora and Fauna Assessment has been carried out by BIOSIS in December 2016 then updated in January 2019. This assessment has identified all ecological impacts and measures to be taken.

<p>C9 Energy &amp; Waste Efficiency, Water Supply &amp; Effluent Disposal</p> <p>Part 2 Water Supply</p>	<p>It is proposed that potable water be supplied to the development via a new water main connected to the existing Council reticulation main in Kunama Drive. Adequate pressure is available to comply with the requirements of WSSA- Water Supply Code.</p>
<p>Part 3 Effluent Disposal</p>	<p>Fraish Consulting prepared an Effluent Disposal Report and has assessed land in the vicinity of the development site to determine suitability for irrigation of secondary treated and subsoil absorption of treated effluent. The assessment is based on detailed description of the site and soil conditions.</p> <p>The assessment is presented in the pro forma from the Silver Book (NSW Govt 1998), it has been prepared in accordance with the requirements of the silver Book and AS/NZS 1547:2012 including management prescriptions and site plan with supporting information including nutrient balance, water balance and limitation tables. Areas of each site can be made suitable for effluent disposal in accordance with the requirements of the DCP.</p> <p>The effluent disposal sites will be within the approved building envelopes to limit ground disturbance.</p>
<p>C10 Waste management &amp; Recycling</p>	<p>The development has been designed to comply with the requirements of AS2890 to permit access and egress of collection vehicles upon completion of the subdivision. The civil works have been designed to balance earthworks to minimise any waste generation from the site.</p> <p>All dwellings will be required to have appropriate waste storage as conditions of their individual consents.</p>

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**Impacts of the Development – Environmental, Social & Economic**

<b>Access, transport and traffic</b>	<p>Council's Development Engineer has assessed the proposal and its impact on the wider transport network and considers that the development will not have an undesirable impact nor will an upgrade of any existing roads within the network be required.</p> <p>As the development will be an actual increase of only seven lots (when taking into consideration the lots within stage 3B of Alpine Sands that will either be included in this development or reduced by this application) the Development Engineer has provided the following comments:</p> <p><i>An actual increase of seven (7) lots equates to an additional traffic generation of 70 vehicle movements per day. This is not considered to be significant and to provide sufficient justification to require the developer to upgrade the Jerrara Drive and Kosciuszko Road intersection or Kunama Drive and or Kunama Drive.</i></p>
<b>Bushfire Assessment s4.14</b>	<p>The development application was referred to the NSW RFS for a Bushfire Safety Authority (BSA) due to the fire risk on site. The RFS have provided the BSA and its conditions will form part of the conditions of consent for the subdivision. Further assessment will be required when plans are submitted for dwellings on the site, however they must be within the designated building envelopes and comply with the provisions of the BSA.</p>
<b>Impacts on supply of utilities</b>	<p>All lots will be serviced by reticulated water, telephone and mains power. There is adequate provision of these facilities to meet the demands of the proposed ten lot subdivision.</p>

<p><b>Natural and other land resources</b></p>	<p>The applicant has provided an assessment of the development's impact on native flora and fauna and it is considered that appropriate measures have been put in place to avoid and minimise impact on the natural environment. The development will be required to dispose of stormwater in a manner approved by Council that will have minimal impact on water systems. The gullies on site will be protected during construction and upon completion of the development the Community Management Statement associated with the development will be required to include provisions to protect and maintain the integrity of these areas.</p> <p>Weed management will form part of the construction phase and certification that all weed management has been carried out prior to the issue of the subdivision certificate will be a condition of consent.</p> <p>Ongoing weed management will form a requirement in the community management statement which will regulate the lots going forward.</p>
<p><b>Water supply and potential impacts on surface and ground water</b></p>	<p>The development will be serviced by Council's reticulated water system.</p>
<p><b>Flora and fauna &amp; Consideration of Threatened Species</b></p>	<p>The application was submitted prior to the commencement of the Biodiversity Conservation Act and as such is assessed under the provisions of the Native Vegetation Conservation Act. The applicant provided a flora and fauna assessment which was amended when the lots were reduced from thirteen to ten. The report prepared by the applicant's ecologist assessed the impact of the ten lot development including the impact of asset protection zones around the dwellings and it is considered that the outcome of reducing the number of lots and the inclusion of building envelopes will adequately mitigate the impacts of the development. The report provides recommendations that are to be included in conditions of consent to mitigate any adverse environmental impacts.</p>
<p><b>Waste facilities and controls</b></p>	<p>The development has been designed to comply with the requirements of AS2890 to permit access and egress of collection vehicles upon completion of the subdivision. The civil works have been designed to balance earthworks to minimise any waste generation from the site.</p>

<p><b>Safety, security and crime prevention</b></p>	<p>The development is a gated residential subdivision with ten allotments it is considered there will be no significant safety or surety impacts. The applicant has provided the following to demonstrate its compliance with the requirement's for safety security and crime prevention:</p> <p><i>The proposed community title development has been designed to be a gated community with access limited at the intersection of Kunama Drive via a private gate. This will assist with security and therefore crime prevention. The internal driveways will also have street lighting that will further assist with crime prevention.</i></p>
<p><b>Social impact in locality</b></p>	<p>Minimal social impact as the development for only ten residential allotments. Concerns have been raised in the submissions that the development being a gated community will restrict access to the foreshore of Lake Jindabyne and generate an 'elitist enclave' within the area. Whilst this development will be gated there are other private estates within the Snowy Monaro Region which whilst they do not have actual gates do and can restrict access by members of the public. The gating of the development is a choice by the developer and not within Council's control to restrict. The access through the site which has occurred in the past was over private land and was not a formalised access and as such Council cannot require the developer to allow the public onto their private land in the same way Council cannot allow access through other private properties on the lake foreshore.</p> <p>The perceived social impact of a "gated community" is not considered a reason for refusal of this application nor a reason to require that the property not be fenced and gated.</p>
<p><b>Economic impact in locality</b></p>	<p>No negative economic impacts from the development on the locality.</p>
<p><b>Site and internal design issues</b></p>	<p>The subdivision design has been amended to reduce the number of lots to mitigate the ecological impacts of the development.</p>
<p><b>Impacts during construction</b></p>	<p>Impacts such as dust and noise during construction can be managed through appropriate conditions of consent.</p>

<p><b>Impact on pedestrian movements and safety</b></p>	<p>The development is wholly within private land, the informal pedestrian links through the site that have been utilised in the past are not approved by the landowner or Council and therefore the development has no impact on pedestrian movement and safety. There will be a pedestrian link within the development for residents of the ten lots to access the lake foreshore. This path will be concrete and managed by the community association.</p>
<p><b>Impacts on aboriginal heritage</b></p>	<p>The application was referred to the OEH under the provisions of section 4.46 (formally section 91) of the Environmental Planning and Assessment Act as integrated development. OEH provided general terms of approval (GTAs) on the 4/3/19 to allow for an Aboriginal Heritage Impact Permit (AHIP), under section 90 of the National Parks &amp; Wildlife Act 1974, to be issued subject to conditions.</p> <p>The GTAs provided by OEH are included as draft conditions of consent. In addition further conditions of consent have been imposed to ensure that the applicant is aware of the potential for artefacts to be found during construction and providing direction as to what action should be taken should this eventuate.</p>

## SUBMISSIONS

The proposed development (13 lot subdivision) was placed on public exhibition and adjoining landowners were notified in accordance with the provisions of the Snowy River Development Control Plan 2013 for a period of 14 days. The revised ten (10) lot subdivision layout (being a reduction in the number of lots) reduced the impact to adjoining properties of the development and as such the revised subdivision layout was not required to be renotified as per the requirements of the DCP.

### Summary of Submissions

A full copies of the redacted submissions are included as attachments to this report, with numbers corresponding to those in the table below.

<p><b>Total Number of submissions</b></p>	<p>12</p>
<p><b>Number objecting</b></p>	<p>11</p>
<p><b>Number supporting</b></p>	<p>0</p>
<p><b>Neither supporting nor objecting</b></p>	<p>1</p>

<p><b>Sub No.</b></p>	<p>Issues Raised</p>
<p>1</p>	<ul style="list-style-type: none"> <li>Application does not, in contrast to what is claimed in the DA, provide `publically</li> </ul>

	<p>accessible pedestrian paths that are well linked into the surrounding area' as required under Section C3, Part 4 of the Snowy River Development Control Plan. It simply states that such pedestrian access is provided for via Kunama Drive.</p> <ul style="list-style-type: none"> <li>• Development will block off yet another section of lakeside land in East Jindabyne to pedestrians wishing to access the lake, and cyclists wishing to join the lakeside cycle path. Anyone in this section of East Jindabyne wishing to access the lake on foot will need to take long detours via the roads.</li> <li>• Failure of developers and Council to provide easy, multiple points of pedestrian and cycle access to ALL the lake foreshore in East Jindabyne. Policy by Council of closing off the lake foreshore to all but those in the front row is in direct conflict with the wishes of the majority of the residents of East Jindabyne who have chosen to live there precisely because of the lifestyle benefits afforded by having easy access to the entire foreshore of the lake.</li> <li>• Council require that the developer in the DA under consideration here provide public pedestrian access to the lake between every two adjacent residential blocks.</li> <li>• Inadequate road infrastructure to support the increased traffic, both for vehicular traffic and pedestrian traffic.</li> </ul>
<p>2</p>	<ul style="list-style-type: none"> <li>• restricts residents access to the Lake foreshores</li> <li>• Council to include in this DA a requirement for the developer to build a public pathway providing access to the lake foreshore. The access should be a defined track or pathway suitable for pedestrian traffic and run parallel to the edge of the planned development and the existing southern extremity of Kunama Drive.</li> <li>• The planned development of 13 lots will cut off access via a road that has existed for many years.</li> <li>• 1 and 2 of the Kunama Drive developments show approximately seventy additional sites being developed above the proposed DA4191/2017 development, and this will place greater pressure on access to the foreshore.</li> <li>• Halt further progress with this DA4191/2017 until we have a guarantee of a pedestrian pathway granting foreshore access to Kunama Drive residents both current and future.</li> <li>• If developer contributions cannot be used to build the pathway, I ask that Council fund and build the pathway before the proposed 13 Lot Development is completed.</li> </ul>
<p>3</p>	<ul style="list-style-type: none"> <li>• Council to include in this DA a requirement for the developer to build a public pathway providing access to the lake foreshore. The access should be a defined track or pathway suitable for pedestrian traffic and run parallel to the edge of the planned development and the existing southern extremity of Kunama Drive.</li> <li>• Development seems to be proceeding with no sense of or concern for, how to manage the motor, bicycle and pedestrian traffic that will be generated by all these additional residences.</li> <li>• Motor traffic generated by the additional residences at DA4191/2017 and stages 1 and 2 of Kunama Drive will of course have to exit the village at the intersection of</li> </ul>



	<p>Jerrara Drive and the highway, as will the Marshall development along Old Kosciusko road.</p> <ul style="list-style-type: none"> <li>• Halt further progress with this DA4191/2017 until we have a guarantee of a pedestrian pathway granting foreshore access to Kunama Drive residents both current and future.</li> <li>• If developer contributions cannot be used to build the pathway, I ask that Council fund and build the pathway before the proposed 13 Lot Development is completed.</li> </ul>
4	<ul style="list-style-type: none"> <li>• New subdivision is going to deny us of our access to the beach which I feel is very unfair to say the least. The lake is for all to enjoy not only the "privileged few"!</li> <li>• Include in this DA a requirement for the developer to build a track/pathway or at least make provision of an "easement" whereby pedestrians can access the beach.</li> <li>• This subdivision seems to be following a pattern of other subdivisions in East Jindabyne where no consideration of pedestrian traffic has been taken into account.</li> <li>• I'm asking you to halt any further progress with this DA4191/2017 until there is a guarantee of an easement or pathway granting access to the lake foreshore.</li> </ul>
5	<ul style="list-style-type: none"> <li>• Council to include in this DA a requirement for the developer to build a public pathway providing access to the lake foreshore, and review the traffic management at the Kunama Drive/ Jerrara Drive / Highway intersection.</li> <li>• The lake access should be a defined track or pathway suitable for pedestrian traffic and run parallel to the edge of the planned development and the existing southern extremity of Kunama Drive.</li> <li>• Development seems to be proceeding with no sense of or concern for, how to manage the motor, bicycle and pedestrian traffic that will be generated by all these additional residences.</li> <li>• Motor traffic generated by the additional residences at DA4191/2017 and stages 1 and 2 of Kunama Drive will of course have to exit the village at the intersection of Jerrara Drive and the highway, as will the Marshall development along Old Kosciusko road. This poses significant danger to traffic entering and exiting the highway to traffic travelling at 100kmh and to the school bus parked with no designated place at the entrance to Jerrara Drive.</li> <li>• halt further progress with this DA4191/2017 until we have a guarantee of a pedestrian pathway granting foreshore access to Kunama Drive residents both current and future and a traffic study, and action completed on the intersection at Kunama Drive / Jerrara Drive and the Highway to include safe passage of increased volumes of vehicles, and a school bus zone</li> <li>• If developer contributions cannot be used to build the pathway, or road works I ask that Council fund and build these before the proposed 13 Lot Development is completed.</li> </ul>
6	<ul style="list-style-type: none"> <li>• Include in this DA a requirement for the developer to build a public pathway providing access to the lake foreshore. The access should be a defined track or</li> </ul>

	<p>pathway suitable for pedestrian traffic and run parallel to the edge of the planned development and the existing southern extremity of Kunama Drive. There was a pathway shown in the original Alpine Sands development proposal which was scrapped at some stage during the works without notice making access more challenging already.</p> <ul style="list-style-type: none"> <li>• Traffic generated by all the additional residences on these tiny blocks has been ignored with a total lack of speed limit control and heavy construction activity.</li> <li>• Foreshore access will be restricted because this is a gated community.</li> <li>• I'm asking you to halt further progress with this DA until there is a guarantee of a pedestrian pathway granting foreshore access to Kunama Drive for residents, safe accesses to Kosciusko Rd, and speed limiting devices within the Kunama Drive area and making sure that this is not circumvented later.</li> <li>• To avoid inconvenience it would be also logical that the pathway be completed before the construction is started. In addition the gated area seems to have unobstructed beach access which will undoubtedly raise some foreshore issues in subsequent years as to beach ownership as has been the case on the coast. Possibly the gate should be at the bottom of the gated community and not the top just providing emergency access to the lakefront.</li> </ul>
7	<ul style="list-style-type: none"> <li>• Fourth stage of Alpine Sands and to date there is no direct lake access for the current residents of Alpine Sands. Currently access is only available through the adjoining area of Tyrolean Village, Rainbow Beach or East Jindabyne.</li> <li>• Proposed development provides for exclusive access to the development and not to other residents in the surrounding area therefore excluding access. For existing residents of Kunama Drive and Lakeview Terrace it would be approximately 1.8 kms to access the foreshore at old Kosciuszko Road at the nearest public access point.</li> <li>• Consideration be provided to enable public access to the foreshore.</li> </ul>
8	<ul style="list-style-type: none"> <li>• Encouraging a gated community who want private access to the lake foreshore has made me so sad and angry.</li> <li>• They want private access to our lake foreshore!</li> </ul>
9	<ul style="list-style-type: none"> <li>• Concerns over the loss of public access to the lake through the subject property</li> </ul>
10	<ul style="list-style-type: none"> <li>• Disappointed that the subdivision stated above will block access to the lake foreshore which was one of the reasons we built here. The additional motor vehicle traffic thru our residential area is also of concern for us.</li> <li>• DA a requirement for the developer to build a public pathway providing continued access to the lake foreshore. The access should be a defined track or pathway suitable for pedestrian traffic and run parallel to the edge of the planned development and existing southern extremity of Kunama Drive.</li> <li>• Motor traffic generated by the additional residents at DA4191/2017 and stages 1 &amp; 2 Kunama Drive will of course have to exit the village at the intersection of Jerrara Drive the highway, as will the Marshall development along Old Kosciusko road. While we have no problem the development as we knew it come one day, we do</li> </ul>

	<p>have a problem with the lack of planning that seems to accompany what is happening in East Jindabyne.</p> <ul style="list-style-type: none"> <li>• Halt further progress with this DA4191/2017 until we have a guarantee of a pedestrian pathway granting foreshore access to Kunama Drive residents current and future.</li> <li>• If developer contributions cannot be used to build the pathway, we ask that Council fund and build the pathway before the proposed 13 Lot Development is completed.</li> </ul>
<b>11</b>	<ul style="list-style-type: none"> <li>• Appalled at the proposed restricted access of Lots 4-13 in Alpine Sands.</li> <li>• I am asking that you halt the application of DA4191/2017 until we have</li> <li>• Confirmed public access through the foreshore of Kunama Drive. This would take the form of a pedestrian pathway, similar to the one that is on the Council's agenda already (to finish the lake bike track from East-Jindabyne to Jindabyne).</li> <li>• I see it as Council's direct responsibility to ensure that Jindabyne remains open and equal to all residents. As such, if the developer is not willing to build the pathway, I ask that Council fund and build the pathway proposed before the development is complete.</li> <li>• I would also like to ask that if Council is determined to accept the abundance of development applications for the area that you also start to implement plans for improved infrastructure such as road maintenance, safe pedestrian and bicycle access as well as tree planting.</li> </ul>
<b>12</b>	<ul style="list-style-type: none"> <li>• Given the topography and close proximity of the proposed subdivision to Lake Jindabyne, the issue of stormwater and runoff, both during construction and final completion has the potential to impact on Snowy Hydro's adjoining land and ultimately Lake Jindabyne.</li> <li>• Snowy Hydro would seek to ensure the potential impact from stormwater and runoff from the subdivision is minimised and appropriate measures are installed to ensure this is captured in the Development Consent conditions.</li> </ul>

### **Response to submissions**

The submissions were similar in nature and dealt mainly with the loss of access to the lake foreshore through the subject property which has been the site of informal bike trails and pedestrian and vehicle access for many years. Whilst the loss of the access will be felt by the community which has been utilising the site, this is not community or public land and has always been in private ownership. The landowner (like any landowner) has the reasonable expectation to develop their land in accordance with the provisions of the LEP and DCP. When the DCP refers to pedestrian access it is referring to access within the development. In this case the development of ten lots will have pedestrian access through the site to a public road and to the Lake foreshore. This access will not be open to the community nor is it required to be. There are other access points to the lake foreshore in the Alpine Sands and East Jindabyne area through public roads and Council land. The lake foreshore trail thorough the land to the south west of the site will be finalised in the future providing additional access points to the lake.

The type of subdivision was also raised as an issue in the submissions, that being community title it would limit access through the site and lead to an “elitist enclave” in the area. Whilst it is true that the land will be a gated community with restrictions on access to those not associated with the development, there are many such private roads in the region and strata title communities that have similar restrictions (whilst not actually having a gate). Community title subdivisions are permitted in the LEP and there are benefits to this type of subdivision style with respect to protection of the natural environment and reduction of public roads required by Council to maintain and manage. By having the proposed development a community title it allows for the better preservation of native vegetation, a reduced number of allotments than that which was originally proposed when the site was zoned for residential development and given a 700sqm lot size.

The number of lots adding to traffic and transport issues being felt in East Jindabyne was another issue raised in the submissions. The site does have a minimum lot size of 700sqm which would allow for far more lots than that which is proposed in this application. If the development were to continue with the subdivision pattern found in the balance of the Alpine Sands the land would yield a considerable number more lots. The development as proposed with taking in to consideration the amendments that will need to happen to stage 3b is only adding 7 additional lots to that which is already approved in the area. The increase of 7 lots even with dual occupancies on each would not have a significant impact on the existing road network either locally or more broadly.

### **The public interest**

The proposal is not contrary to the public interest, as it complies with the Council’s standards and will not contribute to creating an undesirable precedent

### **QUADRUPLE BOTTOM LINE REPORTING**

#### **1. Social**

Concerns have been raised in submissions that the development will unreasonably restrict access to the foreshore of Lake Jindabyne. The site has been vacant for many years and the public have ‘taken for granted’ an ability to access the Lake through private property. This is not a formal access, nor is this public land. There are other access points to the lake through Council reserves and a shared trail proposed to link East Jindabyne and Jindabyne. This development will not restrict access via any open public land and it is not reasonable to require private land to have further public access points if this is not part of the development application. The Lake is an ‘operational asset’ of Snowy Hydro.

#### **2. Environmental**

The environmental impact of the development has been considered under the provisions of section 4.15 of the EP&A Act and considered with a reduced number of lots, restrictions on the title of allotments and inclusions of special provisions in the community management statement the development can reasonably mitigate the adverse environmental impacts of a subdivision on this site.

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**3. Economic**

The development will have little direct economic impact on Council, the costs of the infrastructure provision will be borne by the developer.

**4. Civic Leadership**

The application received more than 5 objections, and as such it is presented to Council for determination as per the requirements of Council policy.

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**9.1.1 SECTION 355 COMMITTEE MINUTES: ADAMINABY HALL, BIBBENLUKE HALL AND SPORTSGROUND, BOMBALA EXHIBITION GROUND AND BUNGARBY MEMORIAL HALL.**

Record No:

Responsible Officer: Director Corporate and Community Services

Author: Governance Officer

Key Theme: 1. Community Outcomes

CSP Community Strategy: 1.3 Recreation, sporting and leisure facilities encourage all ages to live in an active and healthy lifestyle

Delivery Program Objectives: 1.3.3 Council's recreational facilities, parks and public open spaces are safe, well managed and accessible

Attachments: 1. Minutes of the Bombala Exhibition Ground Section 355 Committee meeting held 13 February 2019  
2. Minutes of the Bungarby Memorial Hall Section 355 Committee AGM held 6 April 2019  
3. Bungarby Memorial Hall Section 355 Committee President/Secretary Report 6 April 2019  
4. Minutes of the Bibbenluke Hall and Sportsground Section 355 Committee meeting held 16 April 2019  
5. Minutes of the Adaminaby Hall Section 355 Committee meeting held 30 April 2019

Cost Centre

Project

Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

Council has received minutes from the following Section 355 Committees, The Bombala Exhibition Ground, Bungarby Memorial Hall, Bibbenluke Hall and Sportsground and Adaminaby Hall. These minutes are attached for Councils information.

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

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9.1.1 SECTION 355 COMMITTEE MINUTES: ADAMINABY HALL, BIBBENLUKE HALL AND SPORTSGROUND, BOMBALA  
EXHIBITION GROUND AND BUNGARBY MEMORIAL HALL.

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**OFFICER'S RECOMMENDATION**

That Council receive and note:

- A. Minutes of the Bombala Exhibition Ground Section 355 Committee meeting held 13 February 2019;
  - B. Minutes of the Bungarby Memorial Hall Section 355 Committee AGM and President/Secretary Report held 6 April 2019;
  - C. Minutes of the Bibbenluke Hall and Sportsground Section 355 Committee meeting held 16 April 2019; and
  - D. Minutes of the Adaminaby Hall Section 355 Committee meeting held 30 April 2019.
-

**MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE OF THE BOMBALA EXHIBITION GROUND ON 13TH FEBRUARY 2019 AT CWA ROOMS AT 8.00 PM**

**PRESENT:** N. Hennessy (Chair), B. Podger, R. Peardon, J. Fleming, G. Hillyer, C. Ryan, G. Power, M. Sullivan, C. Kidman, M. Moreing, C. Trevanion.

**APOLOGIES:** A. Caldwell, R. Badewitz, C. McCoy, A. Walder.

**MINUTES OF THE MEETING HELD ON 14TH NOVEMBER 2018:**

**Motion:** C. Ryan / C. Trevanion that the minutes of the meeting be accepted. Carried.

**BUSINESS ARISING:**

1. Deb Ball Committee application for grant - it was too late to collect information required to apply for the grant.
2. Renovations to the kiosk has been delayed and will not be happening until April/May.
3. Straw from the sheep pavilion has been removed.
4. Tyres have been secured at the top of the grounds.
5. Scoreboard – Colin gave an update on the progress of the new scoreboard. Possibility that the netball could use the scoreboard as well if they were interested.

**CORRESPONDENCE:** Nil.

**FINANCIAL REPORT:** 1/11/18 to 30/11/18 Income: Nil Expenditure: \$2146.52 Balance \$22,490.33 as 30/11/18. Term Deposit \$13,632.54.

**Expenditure:** Origin Energy \$117.22. Unpresented cheque (Origin Energy \$2,029.30). Total \$2,146.52. Credit at IGA \$148.70.

1/12/18 to 31/12/18 Income: \$276.50. **Expenditure:** \$512.77. Balance \$22,254.11 as at 31/12/18. Term Deposit \$13,632.54

**Income:** Zoe Rawlings \$204.50 (deposit cash), Kiralee White \$52.00 (hire of tables), Use of horse stables \$20. Total \$276.50.

**Expenditure:** Telstra \$106.80, Milestone Chemicals \$267.85, Murphy's Building and Transport \$20.90 (hose fittings). Sub-total \$395.55. Unpresented cheque \$117.22. Total \$512.77. Credit at IGA \$148.70.

1/11/19 to 31/1/19 Income: \$342.00. Expenditure: \$3,001.89. Balance \$22,478.92 as at 31/1/19. Term Deposit \$13,632.54.

**Income:** Bristle Brushes ( hire CWA) \$342.00. Total \$342.00.

**Expenditure:** Milestone Chemicals (cleaning) \$79.20, Bombala Newsagency (ABN stamp) \$37.99, Britton's Concrete (sheep shed concrete) \$1,386.00, Origin Energy (electricity) \$1,498.70. Total \$3,001.89. Unpresented cheques \$2,884.70.



Credit at IGA \$148.70.

Fire Service Plus – query on cost of service. Neil to check on the emergency exit lights and consult with Clay Clear. Motion: G. Hillyer / C. Kidman that the financial report be accepted and accounts paid be ratified. Carried.

**GENERAL BUSINESS:**

1. Richard reported that the concreting in the sheep shed has been completed.
  2. Mick Sullivan from the Bombala Cricket Club – grant money promised for a cricket pitch on the show ground. Discussion on the effects to the other users of the ground. Waiting for further information on type of pitch.
  3. Jody reported that windows in the hall are dropping, and broken light in the change rooms. Problems arising from Council over the issues of receipting of public liability for one-off users. Neil and Graham to follow up with Council. Car used power point at kiosk to charge the battery.
  4. Neil – water pipe fittings and extra tap at the Youth Club Room. Problems with the watering system on the ground with possibility the pump to the ground malfunctioning.
  5. Kiosk – budget on track to do the new kiosk. Discussions on the progress of the upgrades to the kitchen and the kiosk. Start date in May with completion in July.
- No further business meeting closed at 9.30 pm.

**NEXT MEETING 13TH MARCH 2019 AT CWA ROOMS AT 7.30 PM**

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*Bungarby Memorial Hall Preservation Committee*

**Administrative address**  
c/- J Cassilles Treasurer 240 Parkes Road, Bungarby NSW 2630  
**Minutes of Annual General Meeting (AGM)**  
**Period 1 January 2018 to 31 December 2018**

**6 April 2019**  
**Bungarby Fire Shed**

Meeting commenced at 11.20am, opened with introduction by Christine Cassilles, President

**1. Attendance**

Committee present			
Title	Name	Title	Name
President/ Secretary	Christine Cassilles	General committee	Tom Kennedy
Vice President	Alan Southgate		Maureen Peisley
Treasurer	Jeanette Cassilles		Robin Daley
			Andrew Dunlop

Visitors			
Name and/or Title	Name and/or Title	Name and/or Title	Name and/or Title

Apologies			
Name and/or Title	Name and/or Title	Name and/or Title	Name and/or Title
Karin Haynes - committee member	Nathan Cassilles Southgate - committee member	Doris Kalivoda – Committee member	Cheryl May – committee member
Norma Blyton - committee member	Dawn Hemsworth - committee member	Ian Haynes - committee member	Mike Hardwick – Committee Member

**2. Minutes of previous meeting**

Copies of AGM minutes for period 1 January 2018 to 31 December 2018 were distributed and read without change.

**Moved:** Alan Southgate  
**Second:** Jeanette Cassilles  
**Accepted by all**

**3. Business arising from minutes**

Nil

**4. Reports of Executive**

The reports were read and accepted as follows (*refer copies of reports*):

Executive Committee	Report by	Moved	Seconded
<b>President/secretary</b>	Christine Cassilles	Christine Cassilles	Alan Southgate
<b>Treasurer</b>	Jeanette Cassilles	Jeanette Cassilles	Christine Cassilles

Reports were accepted by all in attendance with amendments.

**5. Election of New Committee**

Christine Cassilles checked with those present if are they happy to continue in their current positions, all indicated positively. Christine confirmed all those with apologise had indicated the same. No one indicated they wanted a change in rolls. Therefore motion not to spill positions and do re-elections.

Accepted by ALL

President informed those present that she and the Vice President are giving notice that in the next year or two that they will be stepping down from executive positions and a transit planning needs to occur.

The positions continued to be filled as followed:

Title	Name	Nominated by	Second	Accepted
President	Christine Cassilles	Christine Cassilles		
Vice President	Alan Southgate	Alan Southgate		
Secretary	Christine Cassilles	Christine Cassilles		
Assistant Secretary				
Treasurer	Jeanette Cassilles	Jeanette Cassilles		
Active committee Members	Andrew Dunlop			
	Tom Kennedy			
	Norma Blyton Shepherd			
	Maureen Piesley			
	Robin Daley			
Other committee members	Ian Haynes			
	Dawn Hemsworth			
	Mike Hardwick			
	Doris Kalivoda			
	Nathan Cassilles Southgate			
	Cheryl M May			

The above listed were declared Committee for next reporting period.

Jeanette Cassilles nominated Robyn Daley in her absence as a committee member, this is to be followed up and if accepted she could be added to committee at next general meeting.

**8. General Business.**

Proposed constitution amendment in relation to AGM – currently the constitution states that AGM must be held on a Saturday, not greater than 6 months after the end of the committee financial period.

Christine Cassilles proposed motion to change constitution to state that the AGM can be on any day of the week as suits the committee members, within the period on time required.

Moved: C Cassilles  
 Second: A Dunlop  
 Accepted by all

**9. Meeting closed at 12.10 pm.**

**Date of Next Annual General Meeting**

Date to be determined for April 2020

Committee relaxed over a shared lunch. .

**President Secretary report AGM 6 April 2019  
for period 1 January 2018 to 31 December 2018**

Welcome and a big thankyou to the committee members for their work and time through the year.

Achievements for 2018 are quite extensive and listed in no particular order:

- The 1960's old patchwork curtains restoration repair works were near completed by Jeanette Cassilles and team of helpers including the "Dalgety Cotton Club". New curtain tracks were installed with the donated "Griffith School" red Curtains being hung and the first of the completed repaired patchwork curtain, prior to Remembrance Day.
- Bungarby was added to the Collection of Soil samples for the NSW ANZAC Memorial Centenary project, the sample was added to the Remembrance Wall in Hyde Park along with the 1700 other samples.
- In April the three local District Historical Societies visited Bungarby including the Memorial Hall as the first stop, with about 90 visitors it very successful day in spite of the rough wind weather, thanks to Steward Hood for organising
- The highlight of the year was the very well attended 2018 Armistice Day Centennial Celebration Remembrance Service held on Saturday 10<sup>th</sup> November, with visitors coming from many areas plus members of Cooma and Snowy River RSL's and special guests Colonel Richard Mallot, Deputy Command ADFA and Invictors Game competitor "Bear" Davin Bretherton. Many thanks again to Rev Jenni Roberts for leading the service and Chris Wall for his support.
- Thanks to Andrew Dunlop and Mike Harwick for work on additional WWI research during the year.

Correspondence throughout the year related to all the above mentioned events as well with the Snowy Monaro Regional Council in relation to the 335 committee structure And reporting and their concept for the future and in addition to the BOCO Rock Community Grants.

Also a big thanks to Monaro Post for the several articles relating to Bungarby Memorial Hall during 2018 including our involvement in the NSW ANZAC Soil Collection for Memorial Centenary Project, history and restoration of 1960's curtains and Remembrance Day Centenary Service.

Chris Cassilles

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**BIBBENLUKE HALL & SPORTSGROUND COMMITTEE**

**GENERAL MEETING -16/4/2019**

Eric Edgecombe opened the meeting at 7.30pm

**Present:** Bruce Roberson, , Heather Kimber, Jan Lee ,Stewart Lee, , Doug Whitby, Eric Edgecombe, Robyn & Malcolm Long, , Anna Vincent, John Vincent ,Caroline & Peter Broz

**Apologies; Lorraine** Lorraine Roberson, Andy Murdoch, Pam Scott ,Roger & Bev Moulds

Moved apologies be accepted: M Stewart 2 Heather K

**Minutes** – Moved and accepted moved Heather 2 Stewart

**Business arising**

Auction was a successful day of working together. Still some sausages and bread to be used at a later date

Treescape – still happening but no news from Council

Jim White has looked at roof

Stewart to continue research honour roll, may go to War Memorial

Waiting for quote on Football jumper framing.

**Correspondence in** – Nil

**Correspondence out** –Nil

**Treasurers Report** – balance \$9166, but no report due to statement unavailable

**General Business :** Football Carnival was a great success on 6/4/2019

.

Meeting closed 8.00 pm Next meeting 19 July 2019 7.30pm

President

Secretary

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# Minutes for the meeting of the Adaminaby Hall s355 Committee

held in the Meeting Room Adaminaby Hall

on

Tuesday 30<sup>th</sup> April 2019 at 2 p m

ATTENDANCE: Jan Leckstrom, Bill Fogarty, Pam Brayshaw Ros Hassall, Ed Potter Joan Fogarty

## ITEM #

1. APOLOGIES: Erin Donnelly,
2. MINUTES: 2 November 2018 were read
- 2.1 ACCEPTANCE OF MINUTES AS A TRUE RECORD: Ed Potter, seconded Bill Fogarty **Carried**
- 2.2 BUSINESS ARISING: **Iron chairs are being donated to the Adaminaby Jockey Club. They will collect at their convenience. Access to Red Cross cupboard. Bill will talk to Lilibet Stephens about solution. The new chairs have arrived and been paid for by the Committee. They have been well used over the last couple of months. The black and white sketch by James Meverley has been reframed and is on display in the Hall.**
3. CORRESPONDENCE: **Email from Lorraine Thomas stating that she will be leaving Council and thanking us for help and advice. It has been a pleasure working with Lorraine and the Committee wishes her well. An email of thanks has been sent to Lorraine. Her replacement is Erin Donnelly, Governance officer who is now in control of Council's Section 355 Committees. We welcome Erin to our Committee.**  
Email from Erin: "Council resolved to place the DRAFT 2020 Operation Plan and DRAFT 2020 Fees and Charges, DRAFT 2020 Statement of Revenue Policy, DRAFT 2020 Capitol Works Program and DRAFT 2020 Operational Budget on public exhibition from 26 April to 23 May 2019 and invite written submission. These documents will be available on Councils website from 26 April, under the Public Exhibition and Community Consultation page.  
  
Council sets the Fees and Charges for each of its facilities, taking into consideration recommendations made by Committees and the operating requirements of the facility. If when reviewing the DRAFT 2020 Fees and Charges, you notice the fees currently being charged by the Committee do not align with the DRAFT document **please submit a submission** explaining reasons for aligning with current fees and charges for your facility.  
**Motion that the Committee looks at these papers and discusses** at the next meeting.
- 3.1 BUSINESS ARISING: see above
4. TREASURER'S REPORT: Credit \$5,242.37
- 4.1 BUSINESS ARISING: The Treasurer read out the details of receipts and expenditure for the period.

5. **REPORTS:**

**COUNCILLOR**

**CHAIRMAN:** The Hall is being used on a regular basis. The Chairman has been in contact with Council who are providing support to the Committee. A meeting last week was held with the architect in regard to the upgrade of the toilets. Work will be put out to tender in the next few weeks and should be underway before the end of the financial year.

**HALL MANAGER:** Since 2 November, the Hall has been hired 6 times, once for a week. There have been 5 curtain viewings. The fitness classes are successful and are arranging payment. There have been wakes at the Hall. When locals are farewelled, the family expresses the wish to have the Curtain on display during the wake, especially if there has been involvement in the making of the Curtain. *Motion that a charge of \$50 (which includes \$30 for curtain viewing and \$20 for cleaning) be charged) Carried.* It should be noted that there is no hall hire charge for wakes and funeral.

Salt and pepper shakers : the old ones are stained and corroded.

**Motion:** That 40 new pepper and salt shakers and milk jugs be purchased: the old ones are stained and corroded. Ros Hassall seconded Jan Leckstrom. *Carried.* Toilet rolls and paper towels have been ordered.

**OTHER:** Pam Brayshaw reported that her sub committee group will meet to fix a hole in the curtain. Marta Kaprinski will replace Pamela Manley on the sub committee. Pam has a form to complete and will give it to the Hall Committee secretary.

Members expressed the need for some minor changes to the women's toilet which is not part of the proposed upgrade. Bill will seek advice on fixing the door that doesn't close properly and a way to widen and enlarge the toilets so there is more room. The Committee is willing to pay for these minor alterations.

The plan left by the architect was viewed and discussed by the Committee. The following points were raised.

At the meeting with Mark Robinson the plan was endorsed with the following minor amendments which he complied with

- Fixing the water supply to the ladies toilets as the water now freezes in winter
- Ticket window (of heritage value) to be relocated.
- Infrared heaters to replace existing heaters.
- Fire hose to be relocated

**Motion Pam Brayshaw, seconded Ed Potter, that the Adaminaby s355 Committee thanks Council for their ongoing support and look forward to the upgrade of the toilets storerooms and meeting room. Carried.**

6. **GENERAL BUSINESS: Motion : First Aid Kit to be purchased and held in the Hall. Moved Ros Hassall, seconded Joan Fogarty. Carried.**

**Vacancy to be filled. Stanka McMahon has left the district. Motion: *That Stanka's resignation be accepted and a letter of thanks for her contribution be sent to her.* Moved joan Fogarty, seconded Pam Brayshaw. Carried.**

**Motion: *That the Committee will endeavour to fulfil this vacancies with an appropriate replacement.* Moved Bill Fogarty Seconded Ed Potter. Carried.**

7. **NEXT MEETING: To be advised**

8. **MEETING CLOSE: 2.50 p m**



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## 9.1.2 MONTHLY FUNDS MANAGEMENT REPORT - APRIL 2019

Record No:

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

### EXECUTIVE SUMMARY

The following report details the funds management position for the reporting period ending 30 April 2019.

Cash and Investments are \$83,660,672.

### Certification

I, Matt Payne, Responsible Accounting Officer of Snowy Monaro Regional Council hereby certify, as required by Regulation 212 of the Local Government (General) Regulation 2005, that investments as detailed in this report have been invested in accordance with Section 625 of the Local Government Act 1993, the Regulations and Council's Investment Policy.

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

### OFFICER'S RECOMMENDATION

That Council

- A. Receive and note the report indicating Council's cash and investments position as at 30 April 2019.
- B. Receive and note the Certificate of the Responsible Accounting Officer.

### BACKGROUND

#### Council's Cash and Investments 30 April 2019:

Cash at Bank	1,960,951
Investments	81,699,721

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<b>Total</b>	<b>83,660,672</b>
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## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

Total Cash and Investments are available to provide services and infrastructure to the community in accordance with the 2019 budget, Council resolutions and other external restrictions.

### **2. Environmental**

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

### **3. Economic**

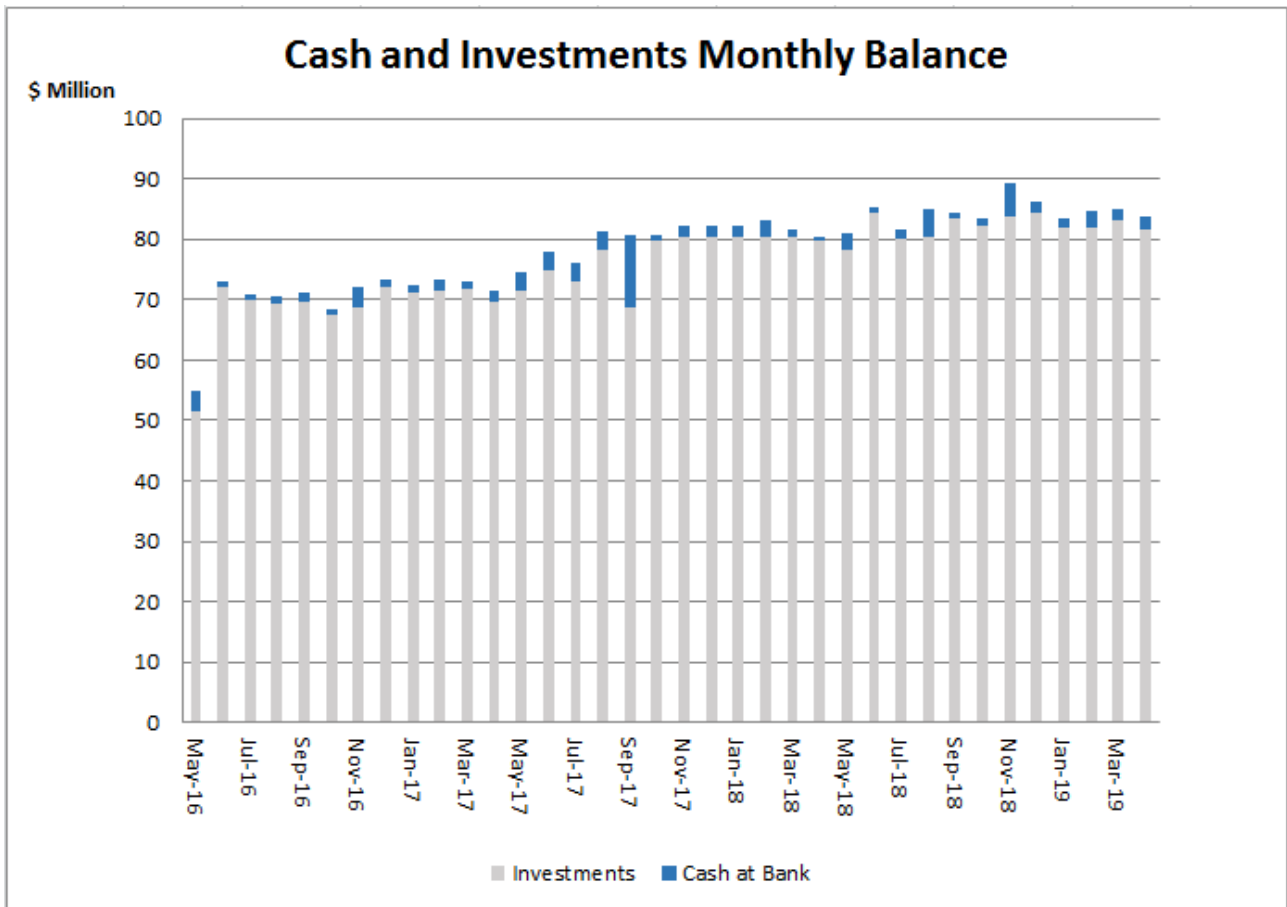
Total investments for Snowy Monaro Regional Council were \$81,699,721 on 30 April 2019.

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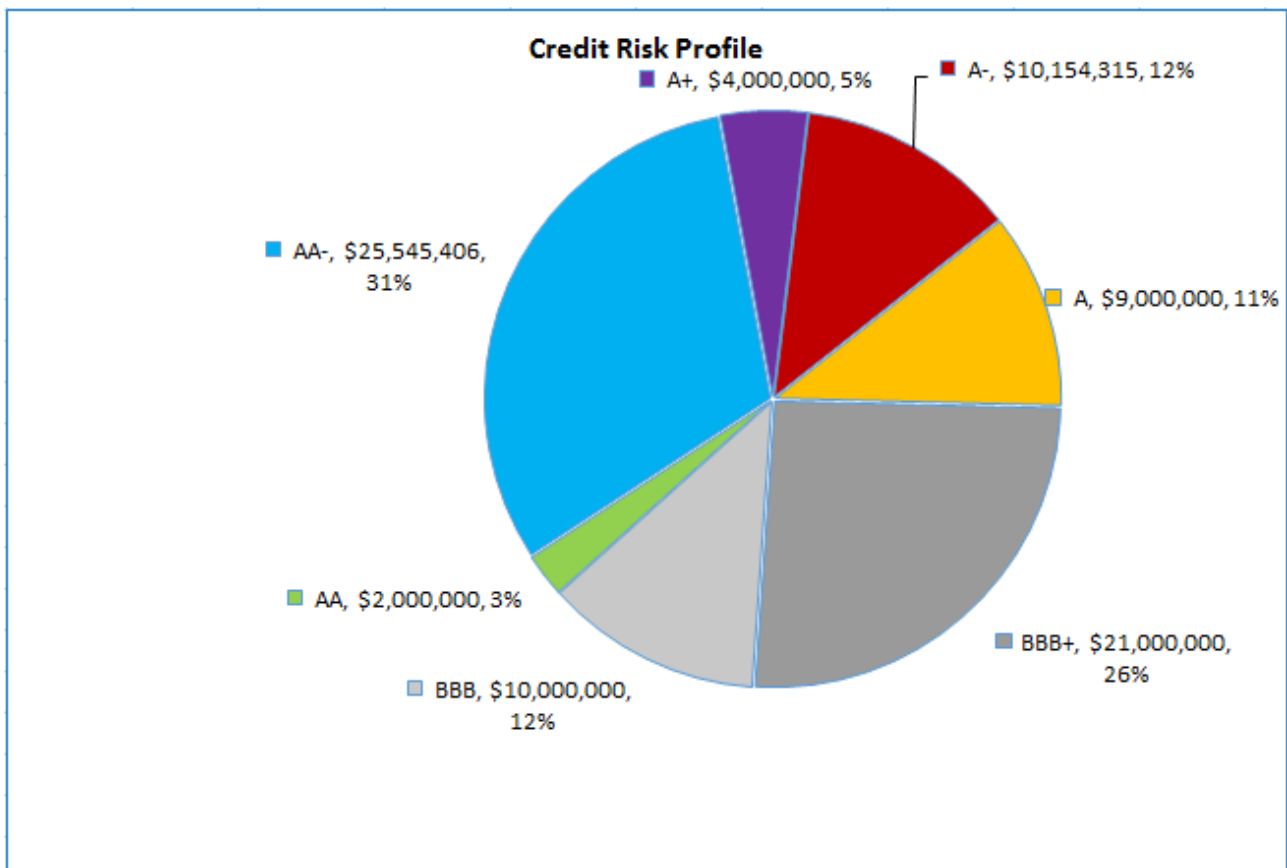
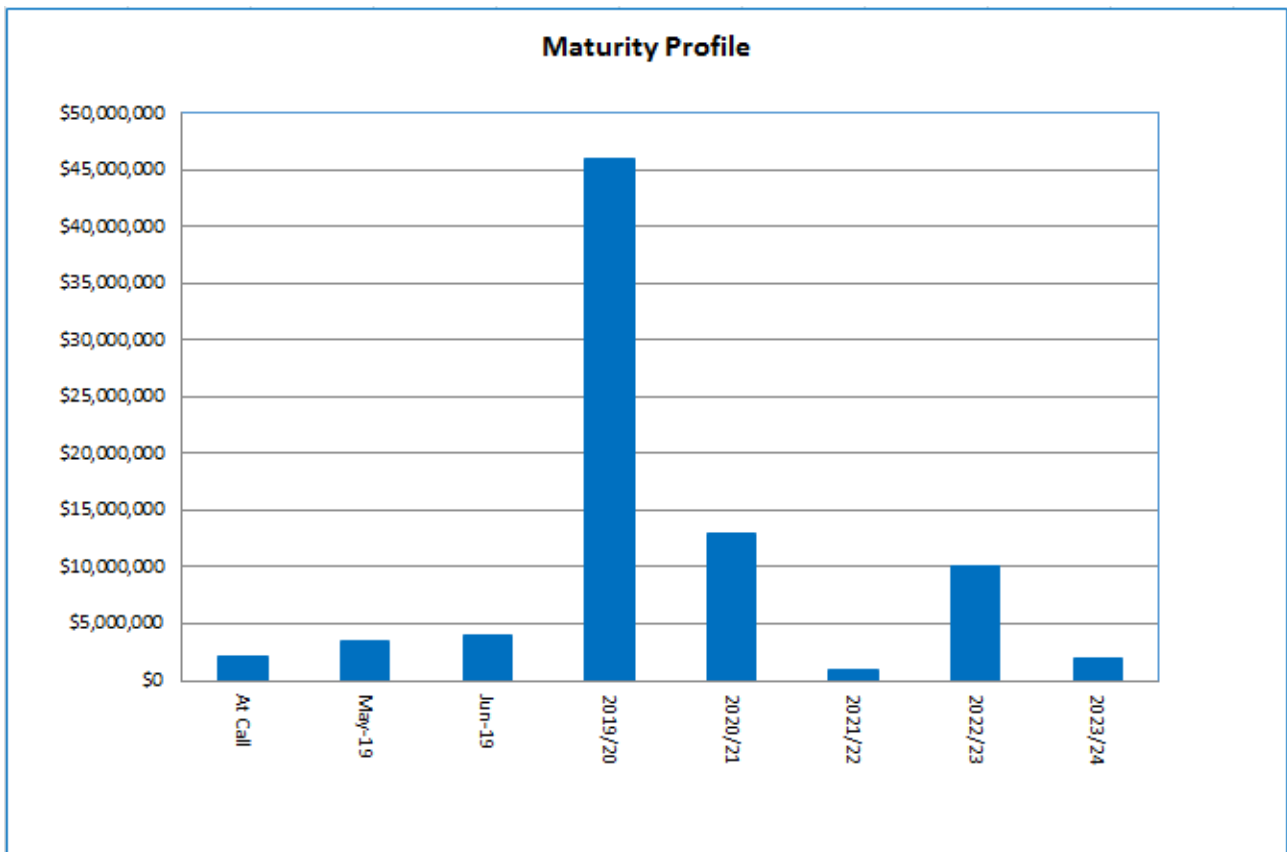
**Investment Register – 30 April 2019:**

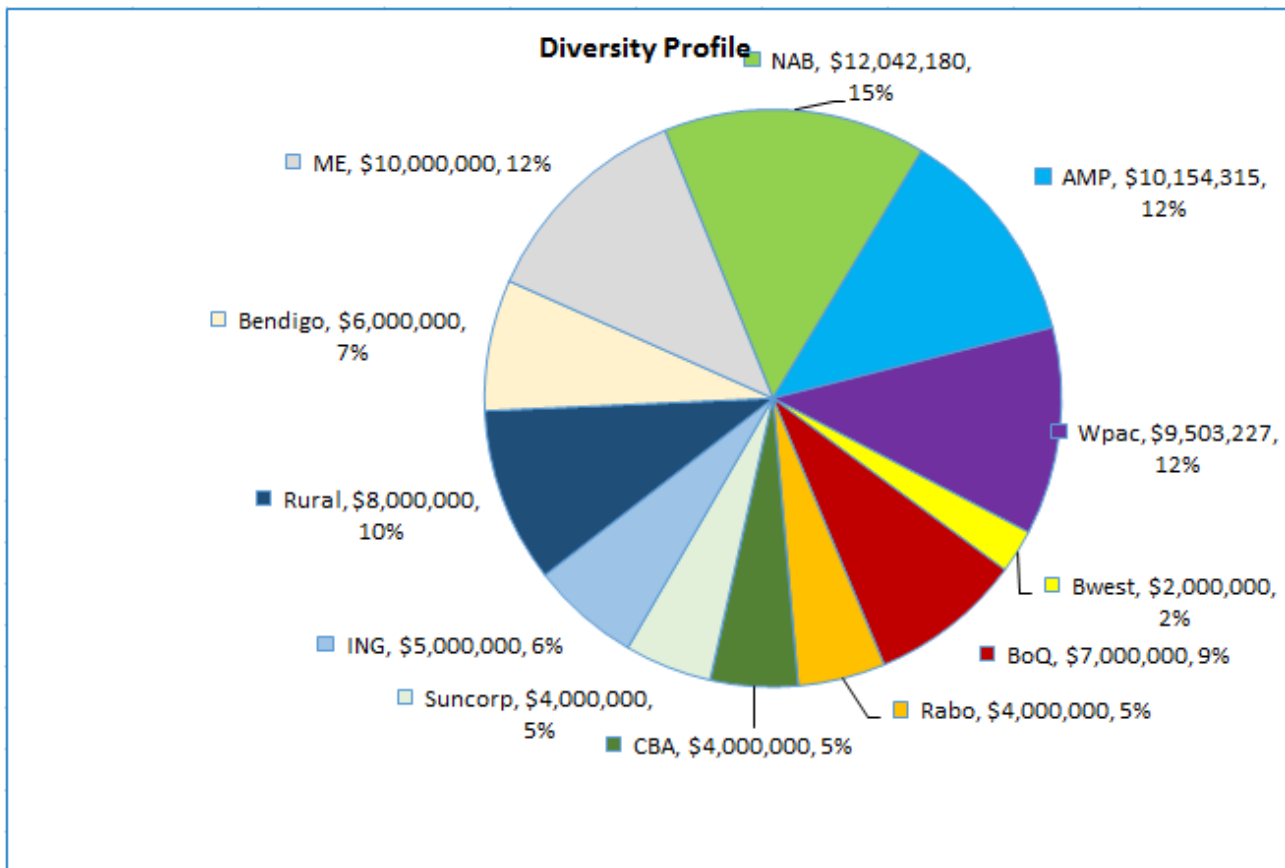
DATE INVESTED	FINANCIAL INSTITUTION	Short-Term Rating	Long-Term Rating	TYPE	CURRENT INVESTMENT	INTEREST RATE	MATURITY
n/a	National Australia Bank - At Call*	A1+	AA-	At Call	1,909	1.10%	At Call
n/a	National Australia Bank - At Call*	A1+	AA-	At Call	540,271	1.10%	At Call
n/a	AMP Bank - At Call	A2	A-	At Call	29,163	1.80%	At Call
n/a	Westpac Bank - At Call	A1+	AA-	At Call	503,227	0.70%	At Call
n/a	AMP Bank - 31 days Notice Account	A2	A-	31 days	1,125,151	2.30%	31 days
16-Sep-15	Bank of Queensland	A2	BBB+	TD	1,000,000	3.20%	17-Sep-19
23-Mar-16	ING Bank	A1	A	TD	1,000,000	3.66%	22-Mar-21
23-Jun-16	Commonwealth Bank	A1+	AA-	TD	4,000,000	2.91%	23-Jun-21
21-Mar-17	Bank of Queensland	A2	BBB+	TD	1,000,000	3.15%	20-Mar-20
09-Jun-17	Rural Bank Limited	A2	BBB+	TD	4,000,000	2.75%	07-Jun-19
26-Jun-17	Bank of Queensland	A2	BBB+	TD	4,000,000	3.30%	25-Jun-21
24-Aug-17	ING Bank	A1	A	TD	3,000,000	2.75%	27-Aug-19
29-Aug-17	Westpac Bank	A1+	AA-	TD	4,000,000	2.89%	29-Aug-22
15-Sep-17	Westpac Bank	A1+	AA-	TD	1,000,000	2.91%	15-Sep-21
06-Mar-18	ING Bank	A1	A	TD	1,000,000	2.86%	06-Mar-20
13-Mar-18	Rural Bank Limited	A2	BBB+	TD	4,000,000	2.80%	12-Mar-20
08-May-18	National Australia Bank	A1+	AA-	TD	1,000,000	2.65%	08-May-19
26-Jun-18	Bendigo and Adelaide Bank	A2	BBB+	TD	4,000,000	2.90%	25-Jun-20
29-Jun-18	National Australia Bank	A1+	AA-	TD	4,000,000	2.96%	29-Jun-23
08-Aug-18	AMP Bank	A2	A-	TD	1,000,000	2.85%	08-Aug-19
10-Sep-18	National Australia Bank	A1+	AA-	TD	3,000,000	2.75%	10-Sep-19
11-Sep-18	RaboDirect	A1	A	TD	2,000,000	3.33%	08-Sep-23
13-Sep-18	AMP Bank	A2	A-	TD	2,000,000	2.85%	14-Sep-20
17-Sep-18	National Australia Bank	A1+	AA-	TD	2,500,000	2.70%	15-May-19
19-Oct-18	Bankwest	A1+	AA	TD	1,000,000	2.70%	16-Jul-19
23-Oct-18	Bank of Queensland	A2	BBB+	TD	1,000,000	2.65%	23-Oct-19
09-Nov-18	National Australia Bank	A1+	AA-	TD	1,000,000	2.72%	08-Nov-19
21-Nov-18	AMP Bank	A2	A-	TD	1,000,000	2.65%	21-May-20
26-Nov-18	AMP Bank	A2	A-	TD	2,000,000	2.65%	26-Nov-19
17-Dec-18	Rabobank Australia	A1	A	TD	2,000,000	3.15%	16-Dec-22
19-Dec-18	Bendigo and Adelaide Bank	A2	BBB+	TD	2,000,000	2.80%	17-Dec-20
08-Jan-19	Suncorp Bank	A1	A+	TD	2,000,000	2.70%	08-Jul-19
22-Feb-19	Westpac Bank	A1+	AA-	TD	2,000,000	2.52%	24-Feb-20
28-Feb-19	Westpac Bank	A1+	AA-	TD	2,000,000	2.50%	26-Feb-20
01-Mar-19	Suncorp Bank	A1	A+	TD	1,000,000	2.60%	26-Nov-19
13-Mar-19	AMP Bank	A2	A-	TD	3,000,000	2.80%	09-Dec-19
20-Mar-19	ME Bank	A2	BBB	TD	2,000,000	2.60%	19-Mar-20
01-Apr-19	Suncorp Bank	A1	A+	TD	1,000,000	2.55%	28-Oct-19
10-Apr-19	Bankwest	A1+	AA	TD	1,000,000	2.20%	09-Apr-20
15-Apr-19	ME Bank	A2	BBB	TD	8,000,000	2.50%	15-Jul-19
					<b>81,699,721</b>		

**Cash and Investments Charts:**



9.1.2 MONTHLY FUNDS MANAGEMENT REPORT - APRIL 2019





#### 4. Civic Leadership

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

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

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**9.1.3 PROPOSED NON-EXCLUSIVE DEED OF LICENCE AGREEMENT - MONARO EQUESTRIAN ASSOCIATION - BERRIDALE RESERVE**

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Property Officer
Key Theme:	1. Community Outcomes
CSP Community Strategy:	1.3 Recreation, sporting and leisure facilities encourage all ages to live in an active and healthy lifestyle
Delivery Program Objectives:	1.3.3 Council's recreational facilities, parks and public open spaces are safe, well managed and accessible
Attachments:	1. Draft Licence Agreement ( <i>Under Separate Cover</i> ) - <b>Confidential</b> 2. Confidential Economic Section ( <i>Under Separate Cover</i> ) - <b>Confidential</b>
Cost Centre	1610 – Parks and Gardens
Project	PJ160240
Further Operational Plan Actions:	

**EXECUTIVE SUMMARY**

The Monaro Equestrian Association (MEA) have contacted Council with a view into entering into a Licence Agreement with Council for the use of the Berridale Reserve grounds as a home ground.

The MEA is a horse-riding club with the majority of its 120 members (including Junior riders) residing in the SMRC area.

The MEA have attended a meeting at the grounds along with Council staff and have a good understanding of the other community uses within the grounds and which area of the Reserve they would be approved to utilise.

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

**OFFICER'S RECOMMENDATION**

That Council

- A. Approve the proposal of a non-exclusive Licence for part of the Berridale Reserve Grounds to the Monaro Equestrian Association for a period of two (2) years with the option to Renew for a further three (3) year period; and
  - B. Authorise the General Manager to Execute the Licence Agreement.
-

## **BACKGROUND**

Monaro Equestrian Association (MEA) have asked for a Licence over part of the Berridale Reserve as they would like to have this as their home ground.

Berridale Reserve Grounds are classified as community land and comprise part Lot 35 DP 701757 located in Short Street, Berridale. The balance of lot 35 has been constructed as a BMX bike track.

The area the MEA would like to utilise at present is not used to its full potential and having the MEA take a Licence over the area would see this area improved and enjoyed not only by the MEA but also the community.

Having the area under this Licence would also help with the weed control and maintenance of this area.

Since MEA was incorporated in 1988 it has provided clinics and competitions over a variety of equestrian pursuits to its members. The club aims to run a rally or competition on the third Sunday of each month. These rallies attract between 15-30 horses, and the competitions tend to be larger and is a great environment for the members and community.

The MEA are impressed with the potential of the Berridale Reserve location and the existing facilities and would like to have this for their club as a home ground.

The MEA will share these grounds with all other riders on non-event days and other users can book the area through the Cooma booking system to ensure dates do not overlap with the MEA usage.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

The issuing of a number of non-exclusive Licenses over the Berridale Reserve Grounds will ensure that the grounds are used on a regular basis by both community groups and groups offering a service to the community.

### **2. Environmental**

Under the terms of the proposed agreement the licensee will contribute to the maintenance of the grounds, this includes the control of noxious weeds and vermin control. Overnight grazing of horses is prohibited.

### **3. Economic**

This section under separate confidential attachment.

### **4. Civic Leadership**

The Management Plan for Berridale Reserve specifies recreational use and this Licence is consistent with the intent of the Management Plan as it is a recreational pursuit through a community based organisation.

The Management Plan for Community Land with respect to the Pony Club Grounds (O'Brien Avenue Public Reserve) is as follows:

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9.1.3 PROPOSED NON-EXCLUSIVE DEED OF LICENCE AGREEMENT - MONARO EQUESTRIAN ASSOCIATION - BERRIDALE RESERVE

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O'Brien Avenue Public Reserve	<ul style="list-style-type: none"><li>➤ manage the reserve for specific recreational uses including pony club, horse agistment and BMX track;</li><li>➤ enter into agreement with Snowy River Pony Club to manage defined and fenced area for the use of the Pony Club;</li><li>➤ negotiate lease agreement to provide for horse agistment within defined and fenced area over the balance of the reserve;</li><li>➤ through lease and licence negotiations, ensure continued public right of way adjacent to Myack Creek for access to Pony Club and the town link at Short street.</li></ul>	<ul style="list-style-type: none"><li>➤ fenced portions of public reserve managed by community groups;</li><li>➤ lease and licences negotiated and signed within 12 months;</li><li>➤ continued access for public along Myack Creek to link with Myack Street through Short Street</li></ul>
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The proposal was advertised for 28 days in accordance with the Local Government Act 1993. As there were no objections raised by the community the licensing of the grounds is proposed to proceed.

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#### 9.1.4 DEED OF LICENCE - BOMBALA SANDY CREEK CROSSING

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Property Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	<ol style="list-style-type: none"><li>1. Draft Deed of Licence (<i>Under Separate Cover</i>) - <b>Confidential</b></li><li>2. Section 3 Confidential Economic Section (<i>Under Separate Cover</i>) - <b>Confidential</b></li><li>3. Map of Area of Licence (<i>Under Separate Cover</i>) - <b>Confidential</b></li></ol>
Cost Centre	1510 Facilities
Project	PJ300046
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

The current Deed of Licence, primarily for horse grazing, held over the area around the house block at the Sandy Creek Crossing property in Bombala is due to expire 30 June 2019.

Staff have liaised with NSW Health and they have advised the Doctor that will be taking possession of this property is more than happy for the Licence to continue.

The Licensee has asked that council pass on her contact details to the Doctor and NSW Health should they ever need to contact her with regard to the Licence or any issues at the property with regard to her Licence.

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

#### OFFICER'S RECOMMENDATION

That Council

- A. Approve the Deed of Licence at the Sandy Creek Crossing Property for a 12 month period with a further optional period of 12 months at the discretion of Council.
- B. Authorise the General Manager to Execute the Deed of Licence.

#### BACKGROUND

The Deed of Licence held over part of the Sandy Creek Crossing has been in place for the past two (2) years with Snowy Monaro Regional Council and was in place with the Former Bombala Council.

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The Licensee has always followed the requirements of the Licence.

The Licence is over the land contained within Lot 1 DP 1073561 except the area shaded green (map attached) which is the house yard area of the property. The Licenced area is inclusive of the hay shed and chicken pen.

#### **QUADRUPLE BOTTOM LINE REPORTING**

##### **1. Social**

Council is having a positive outcome with community members.

##### **2. Environmental**

No known environmental impacts from this Licence, should any environmental impacts arise then these will be dealt with following the correct procedure.

##### **3. Economic**

This information is under a separate confidential attachment.

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

Council is proactive in maintaining and managing council facilities.

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### 9.1.5 ARTS AND CULTURE SECTION 355 ADVISORY COMMITTEE MEMBERSHIP

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Community Service Officer
Key Theme:	1. Community Outcomes
CSP Community Strategy:	2.2 Support and promote the arts recognising the broad and diverse contribution it makes to community identity and wellbeing
Delivery Program Objectives:	2.2.1 A range of regional level arts and cultural activities are delivered and promoted in partnership with the community
Attachments:	1. Minutes of the Arts and Culture 355 Committee membership selection meeting 12 April 2019
Cost Centre	
Project	
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

This report provides Council with information regarding the membership of the Arts and Culture Section 355 Advisory Committee.

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

#### OFFICER'S RECOMMENDATION

That Council receive and note the information regarding the membership of the Arts and Culture Section 355 Advisory Committee.

#### BACKGROUND

The call for nominations for membership of the Arts and Culture Section 355 Advisory Committee was advertised through media channels, Council's website and social media and through community networks from 12 March 2019 to 10 April 2019. The nominations process sought up to 6 community representatives for membership of the committee, for a period aligned with the current Council term.

Applications were reviewed on 12 April 2019 by a panel consisting of Councillor Sue Haslingden, Andrew Gray CEO South East Arts, and Council staff (Group Manager Economic Development and Tourism and Community Development Officer).

Following the review process, the membership of the Arts and Culture Section 355 Committee are:  
Sue Haslingden (Nominated Councillor)

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Andrew Gray (South East Arts representative)

Donna Smith (SMRC Manager, Tourism and Events)

Kristy Harvey (SMRC Community Development Officer)

**Community Representatives:**

Caroline Fox

Anthony Sillivan

Merilyn Minnell

Ben Eyles

Lisa Matthes

Pip Ryan

**QUADRUPLE BOTTOM LINE REPORTING**

**1. Social**

The primary objective of the Arts and Culture Committee is to promote arts and culture in our region, and to provide strategic advice to Council in relation to the development of arts and culture. The appointment of members to the Arts and Culture Committee will allow Council to engage with skilled and informed community representatives on matters relating to arts and culture. The appointment will allow the Committee to start meeting and working towards the objectives of the Committee.

**2. Environmental**

There are not expected to be any environmental impacts as a result of this report.

**3. Economic**

There are not expected to be any economic impacts as a direct result of this report. The Committee may, in the future, engage in projects and initiatives which may have an economic impact for the region.

**4. Civic Leadership**

Section 355 Committees are a key community engagement mechanism for Council. This process empowers the community to be involved in determining and driving key community projects, and allows the community to provide informed advice and recommendations to Council as appropriate.

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# Arts and Culture 355

## Selection Committee Minutes

**Address:** 81 Commissioner St Cooma

**Date:** Friday 12<sup>th</sup> April 2019

**Time:** 2:15pm

### Present:

Position	Member (Name)	Present/Apology
Chair	Sue Haslingden	P
Committee Member	Andrew Gray (SE Arts)	P
Committee Member	Mark Adams	P
Committee Member	Kristy Harvey	P
Committee Member	Donna Smith	A

### 1 Opening of the Meeting

The Chair, Sue Haslingden, opened the meeting at 2:20pm

### 2 Apologies

An apology for the meeting was received from Donna Smith

### 3 Correspondence

Twelve nominations for Committee membership were received during the advertised period.

### 4 Business Arising from Correspondence

#### 4.1 Review of applications and selection of members

The meeting reviewed all applications and utilised the Draft Charter and advertisement to determine selection criteria for membership. The Draft Charter states that up to 6 community representatives will be appointed.

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The meeting considered factors including geography, community involvement/experience, skills and art form / field of art in order to select members which reflected the diversity of the regional community.

The group used the above criteria to unanimously recommend the following applicants for appointment to the Arts and Culture 355 Committee:

1.

- Caroline Fox
- Ben Eyles
- Lisa Matthes
- Meryl Minnell
- Tony Sillivan
- Pip Ryan

It was noted that all applicants had provided thoughtful and detailed nomination forms and that all applicants should be thanked for their applications. It was also noted that there may be the potential for nominees to bring their skills and knowledge to working groups associated with the Arts and Culture 355, for example for specific projects or events.

## 5 Action Sheet

Reference	Date	Action	Assignee	Completed	Notes
1/2019	Before 17/4/19	Contact recommended members	KH		
2/2019	Before 17/4/19	Contact unsuccessful applicants	KH		
3/2019	Before 17/4/19	Author report to Council meeting 16 May	KH		
4/2019	After 16/5/19	Liaise with members to set date for first meeting	KH		

## 6 Date of next Meeting

The date of the first meeting will be decided following the acknowledgement of the membership by Council. It is expected that this meeting will be held in early June 2019.

## 7 Close of Meeting

There being no further business the meeting concluded at 3:15pm

\_\_\_\_\_  
**CHAIRPERSON**

\_\_\_\_\_  
**DATE**

*(The minutes are to be signed and dated here by the Chairperson at the next meeting, certifying the above  
as a correct record.)*

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### 9.1.6 NEW AGED CARE QUALITY STANDARDS EFFECTIVE FROM 1 JULY 2019

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Group Manager Community Support Services and Aged Care
Key Theme:	1. Community Outcomes
CSP Community Strategy:	1.2 High quality community support and residential aged care services are available and accessible to residents across the region
Delivery Program Objectives:	1.2.2 Council strategies recognise the growing demand of residential aged care services
Attachments:	1. Letter from ACQ&SC - New Aged Care Quality Standards Effective from 1 July 2019

#### EXECUTIVE SUMMARY

Council has received a letter from the Aged Care Quality and Safety Commission (ACQ&SC) advising that the New Aged Care Quality Standards come into effect from 1 July 2019. The letter is attached for information.

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

#### OFFICER'S RECOMMENDATION

That Council receive and note the information in this report and the letter from the Aged Care Quality and Safety Commission advising that the New Aged Care Quality Standards come into effect from 1 July 2019.

#### BACKGROUND

The Aged Care sector is undergoing rapid transformation. To support this, the Aged Care Quality and Safety Commission have released a new set of Aged Care Quality Standards that each approved provider must comply, with an implementation date of 1 July 2019. The Commission's assessment and monitoring against these standards will commence from this date.

In preparation for this, approved providers are required to undertake a self-assessment as soon as possible to identify in a continuous improvement plan, the commitment to adapt and improve service offerings to ensure alignment with the new Quality Standards.

As at 2 May 2019, Yallabee Lodge has conducted an assessment against the new standards. The continuous improvement plan is being reviewed to capture improvements. This plan was completed prior to the release of the self-assessment template. Throughout the month of May, an allocated staff member will cross check the assessment undertaken against the new template to ensure all information has been captured and interpreted accurately.

A self-assessment will occur at Snowy River Hostel the week commencing 20 May 2019.

A self-assessment for the area of Community Support Services has commenced week of 6 May 2019.

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## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

The self-assessment will be critical to inform practices moving forward related to residential aged care and community support services. The new Quality Standards have a large emphasis on choice, control and social inclusion.

### **2. Environmental**

The self-assessment may identify areas in which the physical environment requires modification.

### **3. Economic**

There will be a financial implication associated with transitioning to the new standards. The financial expenditure has been endorsed by Council through The Future Provision of Residential Aged Care in the Snowy Monaro Region Recommendation 6: Implement the operational and capital recommendations for facilities. The Residential Aged Care Report was presented to Council on 16 August 2018 and resolved in Council Resolution 294/18.

### **4. Civic Leadership**

Council is demonstrating Civic Leadership through maintaining its services and adapting these to reflect the New Aged Care Quality Standards effective 1 July 2019 as issued by the Aged Care Quality and Safety Commission.

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Australian Government  
Aged Care Quality and Safety Commission

Engage  
Empower  
Safeguard

Dear Approved Provider

I am writing to ensure that you are aware of important changes to aged care regulations that come into effect from 1 July 2019.

It is strongly recommended that you bring this letter to the attention of your executive and board or governing body so that they are aware of the changes and their responsibilities.

Specifically, this letter addresses provider preparations for the new Aged Care Quality Standards, the Commission's approach to assessment against the new standards and a new Charter of Aged Care Rights.

### **New Aged Care Quality Standards**

The new Aged Care Quality Standards (Quality Standards) take effect from 1 July 2019. They will apply to all aged care services including residential care, home care, short-term restorative care, the Commonwealth Home Support Program and the National Aboriginal and Torres Strait Flexible Aged Care Program.

All approved providers must comply with the new Quality Standards from 1 July 2019. The Commission's assessment and monitoring against these standards will also commence from this date.

Close attention will be required to manage your successful transition to the Quality Standards. From 1 July, providers are expected to have undertaken a self-assessment against the Quality Standards and have developed a documented plan for continuous improvement for their service/s.

I encourage all providers to conduct a self-assessment as early as possible. This will help to identify and address areas for improvement and will better position you to meet the new Quality Standards from 1 July 2019. To assist, a new **self-assessment tool** is available on the Commission's website.

The Commission has also developed information about transition arrangements for re-accreditation site audits and other quality assessments. This includes information about the approach to regulatory processes that may have already commenced but have not yet been completed by 1 July 2019.

For information and resources to support transition for your service, visit the **Transitioning to the new Aged Care Quality Standards** page on the Commission website.

1800 951 822  
agedcarequality.gov.au



### Quality Assessment

The new Quality Standards' stronger focus on outcomes for consumers will inform the Commission's approach to assessing compliance from 1 July 2019.

For each requirement outlined in the Quality Standards, the Commission's assessment teams will be expecting the service to demonstrate that they:

- understand the requirement
- apply the requirement, and this is clear in the way they provide care and services
- monitor how they are applying the requirement and the outcomes they achieve, and
- review outcomes and adjust their practices based on these reviews to keep improving.

The Commission's assessment teams will consider evidence primarily collected through observations, interviews with consumers and staff, and review of documents during a site visit. They will also consider information from sources such as your self-assessment, consumers, complaints and relevant authorities.

### Charter of Aged Care Rights

From 1 July 2019, a new single Charter of Aged Care Rights (the Charter) will replace previous Aged Care Rights Charters. Under the User Rights Amendment (Charter of Aged Care Rights) Principles 2019, providers are responsible for helping consumers to understand the new Charter.

Providers must give consumers a copy, signed by the provider, of the new Charter. They must ensure that the consumer or their authorised person has been given a reasonable opportunity to sign a copy of the Charter. As an approved provider, you must keep a record of the copy of the Charter of Aged Care Rights given to each consumer.

For more information including transition arrangements, visit the **Charter of Aged Care Rights** page on the Commission website.

### Closing comments

I also refer you to the **Department of Health's** website to keep up to date on other important aged care reforms which come into effect from 1 July 2019 and complement the new Quality Standards and Charter of Aged Care Rights.

I strongly encourage every provider to closely consider the opportunities these important reforms bring to deliver person-centred care that delivers improved outcomes for consumers.

Page 3 of 3

Engage  
Empower  
Safeguard

If each of us - provider and regulator - in our respective roles, gives the necessary time and effort to ensuring successful implementation of these significant reforms, we will not only deliver better experiences and outcomes for aged care consumers but also boost the trust and confidence that older Australians are entitled to have in the quality and safety of their aged care services.

Yours sincerely



Janet Anderson PSM  
Commissioner  
16 April 2019

1800 951 822  
[agedcarequality.gov.au](http://agedcarequality.gov.au)

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**9.1.7 MINUTES - RESIDENTIAL AGED CARE ADVISORY COMMITTEE 21 JANUARY 2019**

Record No:

Responsible Officer: Director Corporate and Community Services  
Author: Executive Assistant to Director Corporate and Community Services  
Attachments: 1. Minutes - Residential Aged Care Advisory Committee 21  
January 2019  
2. Residential Aged Care Advisory Committee - Charter

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**EXECUTIVE SUMMARY**

The Residential Aged Care Advisory Committee meeting was held on 21 January 2019 in Berridale. The Minutes and Charter are presented for Council's information.

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

**OFFICER'S RECOMMENDATION**

That Council receive and note:

- A. Minutes of the Residential Aged Care Advisory Committee meeting held on 21 January 2019.
  - B. Residential Aged Care Advisory Committee Charter adopted on 21 January 2019.
-



**SNOWY MONARO**  
REGIONAL COUNCIL

# Minutes

**Residential Aged Care Advisory Committee Meeting**

**21 January 2019**

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**RESIDENTIAL AGED CARE ADVISORY COMMITTEE MEETING  
HELD IN CHAMBERS BERRIDALE OFFICE, 2 MYACK STREET, BERRIDALE NSW 2628  
ON MONDAY 21 JANUARY 2019**

<b>MINUTES</b>
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MINUTES OF THE RESIDENTIAL AGED CARE ADVISORY COMMITTEE MEETING OF SNOWY MONARO  
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**MINUTES OF THE RESIDENTIAL AGED CARE ADVISORY COMMITTEE MEETING  
HELD IN CHAMBERS BERRIDALE OFFICE, 2 MYACK STREET, BERRIDALE NSW 2628**

**ON MONDAY, 21 JANUARY 2019  
COMMENCING AT 10.15AM**

**PRESENT:** Daphne Bourne, Community Representative  
Kevin Dunne, Community Representative (*until 11.30am*)  
Nick Elliott, Community Representative  
Angie Ingram, Community Representative  
Maria Linkenbagh, Community Representative  
Jasmine Newman, Community Representative  
Councillor John Castellari, SMRC (*Chair*)  
Bianca Padbury, Group Manager Community Support Services and Aged Care, SMRC  
Christine Jones, Manager Snowy River Hostel, SMRC  
Sandra McEwan, EA to Director Corporate and Community Services, SMRC (*Secretariat*)

**APOLOGIES:** Joanne Jeanes, Community Representative

**GUEST:** Mayor, John Rooney

**1. OPENING OF THE MEETING**

The Chair opened the meeting at 10.15AM with the Acknowledgement of Country.

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Walgalu, Ngunnawal and Bidjawal people and their Ancestors past and present.

**2. APOLOGIES**

An apology for the meeting was received from Ms Jeanes.

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

Nil.

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

**4.1 RESIDENTIAL AGED CARE ADVISORY COMMITTEE MEETING 26 NOVEMBER 2018**

**COMMITTEE RECOMMENDATION**

**RAC1/19**

THAT the minutes of the Residential Aged Care Advisory Committee Meeting held on 26 November 2018 are confirmed as a true and accurate record of proceedings.

**Moved Ms Ingram**

**Seconded Mr Elliott**

**CARRIED**

MINUTES OF THE RESIDENTIAL AGED CARE ADVISORY COMMITTEE MEETING OF SNOWY MONARO  
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## 5. BUSINESS ARISING

### 5.1 INCIDENTS AND ACCIDENTS - STAFF

At the meeting on 30 October 2018, Committee members asked if Incidents and Accidents relating to staff could be provided as part of the Residential Aged Care Update report.

Ms Padbury said she would seek advice from Council's Health & Safety representative and advise the outcome at the next meeting.

**ACTION:**

Ms Padbury to seek advice from Council's Health & Safety Representative as to whether Incidents and Accidents relating to staff could be provided as part of the Residential Aged Care Update report.

### 5.2 CONFIDENTIALITY AGREEMENT

Ms Padbury explained the purpose of the Confidentiality Agreement. Committee members are required to sign and abide by the Confidentiality Agreement due to the nature of discussions at the meeting, which may involve information not available to the public.

### 5.3 VISITOR WIFI ACCESS AND PASSWORD

Ms Linkenbath enquired as to why Council does not allow visitor Wifi access and password to the internet.

Clr Castellari requested Ms Linkenbath to send him an email with the enquiry, so that he can investigate the matter.

**ACTION:**

Clr Castellari to investigate the matter of Council visitor Wifi access and password to the Internet.

## 6. ACTION SHEET

### 6.1 ACTION SHEET

Committee members requested that items on the Action Sheet be brought back to the Committee for information before being finalised and removed from the list.

**ACTION:**

The Secretariat to ensure that items on the Action Sheet be brought back to the Committee for information before being finalised and removed from the list.

## 7. RESIDENTIAL AGED CARE UPDATE

### 7.1 YALLAMBEE LODGE AS AT 31 DECEMBER 2018

Record No:

Responsible Officer: Group Manager Community Support Services and Aged Care

MINUTES OF THE RESIDENTIAL AGED CARE ADVISORY COMMITTEE MEETING OF SNOWY MONARO  
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Author: Executive Assistant to Director Corporate and Community Services  
 Key Theme: 1. Community Outcomes  
 CSP Community Strategy: 1.1 Quality health and well-being services that support the changing needs of the community through all stages of the lifecycle are provided through government and non-government organisations  
 Delivery Program Objectives: 1.1.1 Regional health and wellbeing services have been planned through community consultation and partnerships with other levels of government  
 Attachments: Nil  
 Cost Centre  
 Project  
 Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

See below the report on Yallabee Lodge as at 31 December 2018.

Committee members requested some changes to the format of the report as follows:

- A break-down of Incidents and Accidents to include more detailed information.
- Qualitative analysis/trends to capture such information as:
  - Are the number of incidents and accidents increasing or decreasing.
  - Do they require education of staff or system changes.
  - Are they critical or non-critical.
  - Incidents occasioning injury versus minor incidents.

Ms Padbury advised that once Council has one Corporate Information System in place, data will be more easily captured for reporting purposes. Council is in the process of replacing the current buzzer system, an upgrade which will enable the capture of analytics and trends for the call bell system.

Ms Padbury suggested we lobby the State Government for funding as both Yallabee Lodge and Snowy River Hostel are in need of significant refurbishments and infrastructure upgrades.

Mayor Rooney suggested he write to John Barilaro, Deputy Premier NSW requesting funding. He asked Ms Padbury to draft a letter for his signature.

<b>COMMITTEE RECOMMENDATION</b>	<b>RAC2/19</b>
A. That Mayor John Rooney send a letter to John Barilaro, Deputy Premier NSW requesting funding for refurbishments and infrastructure upgrades to Yallabee Lodge and Snowy River Hostel.	
B. That Ms Padbury and Ms Newman draft a letter for Mayor John Rooney's signature.	
<b>Moved Ms Linkenbach</b>	<b>Seconded Ms Newman</b>
	<b>CARRIED</b>
<b>COMMITTEE RECOMMENDATION</b>	<b>RAC3/19</b>
That the Residential Aged Care Advisory Committee receive and note the report on Yallabee Lodge as at 31 December 2018.	
<b>Moved Ms Linkenbach</b>	<b>Seconded Ms Newman</b>
	<b>CARRIED</b>

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## 7.2 SNOWY RIVER HOSTEL AS AT 31 DECEMBER 2018

Record No:

Responsible Officer: Group Manager Community Support Services and Aged Care  
Author: Executive Assistant to Director Corporate and Community Services  
Key Theme: 1. Community Outcomes  
CSP Community Strategy: 1.1 Quality health and well-being services that support the changing needs of the community through all stages of the lifecycle are provided through government and non-government organisations  
Delivery Program Objectives: 1.1.1 Regional health and wellbeing services have been planned through community consultation and partnerships with other levels of government  
Attachments: Nil  
Cost Centre  
Project  
Further Operational Plan Actions:

### EXECUTIVE SUMMARY

See below the report on Snowy River Hostel as at 31 December 2018.

#### COMMITTEE RECOMMENDATION

RAC4/19

That the Residential Aged Care Advisory Committee receive and note the report on Snowy River Hostel as at 31 December 2018.

Moved Ms Newman

Seconded Ms Linkenbagh

CARRIED

## 8. COMPLIANCE

*Mr Dunne left the meeting at 11.35am during the Yallambee Lodge Update discussion.*

### 8.1 YALLAMBEE LODGE UPDATE

Ms Padbury gave an update on issues relating to Yallambee Lodge as follows:

- Members of staff:
  - Manager, Yallambee Lodge has resigned and will not be returning to the facility.
  - Assistant Manager, Yallambee Lodge is on Maternity Leave.
- Unannounced Accreditation visit on 8 November 2018. Improvement opportunities identified.
- Unannounced visit by the Australian Aged Care Quality Agency (AACQA) on 11 December 2018:
  - The assessors found gaps in operational elements of the facility. In the previous year, all standards were met. The reason for the change is that the AACQA have applied a different matrix and conducted an assessment with newly trained assessors.
  - On 31 December 2018 Council responded to the Assessment Report from the AACQA and

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MINUTES OF THE RESIDENTIAL AGED CARE ADVISORY COMMITTEE MEETING OF SNOWY MONARO  
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also submitted a Continuous Improvement Plan.

- On 11 January 2019 Council received a Notice of Non-Compliance from the Department of Health on the following accounts:

Human Resource Management

- The facility currently has five resident vacancies, but they cannot be filled at the moment due to staff resourcing issues. Working with Aged & Community Services Australia (ACSA) to draft a staff structure that can be implemented and rolled out from May 2019 to ensure that the roster is fair and equitable.

Comments and Complaints

- Some complaints have not been documented, resulting in actions not being completed, for example garden maintenance. The improvement solution is to introduce a new 'Improvement Form' for notification of complaints and an 'Improvement Log' to track the actions taken. Glass panels are also being installed in the office doors so that residents can see the staff presence.

Skin Care

- Significant processes in place moving forward including staff education to ensure a consistent approach in procedures.
- Feedback from the community. Resident/Relative meetings are held every two weeks on Thursday night and Saturday afternoon.
- An Agency Registered Nurse (RN) was contracted as the interim Facility Manager, however due to unforeseen circumstances, she could not stay for the duration of the contract.
- Communication – a letter is being drafted to send to families.
- The timeframe to rectify the non-compliance accounts and show progress against the Continuous Improvement Plan is 8 February 2019.

Ms Ingram commented that it was an opportunity to improve systems, procedures and processes. She thanked Ms Padbury for her update and guidance.

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## 8.2 AGED CARE ROYAL COMMISSION

Ms Padbury advised that Council is preparing a response to the Aged Care Royal Commission which is due by 8 February 2019. She added that Aged Care Facilities could still be subject to a further assessment after the response has been submitted.

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## 9. GENERAL BUSINESS

### 9.1 RESIDENTIAL AGED CARE ADVISORY COMMITTEE - DRAFT CHARTER

Record No:

Responsible Officer: Group Manager Community Support Services and Aged Care  
Author: Executive Assistant to Director Corporate and Community Services  
Key Theme: 1. Community Outcomes

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CSP Community Strategy: 1.1 Quality health and well-being services that support the changing needs of the community through all stages of the lifecycle are provided through government and non-government organisations

Delivery Program Objectives: 1.1.1 Regional health and wellbeing services have been planned through community consultation and partnerships with other levels of government

Attachments: 1. Residential Aged Care Advisory Committee - Draft Charter

Cost Centre

Project

Further Operational Plan Actions:

#### EXECUTIVE SUMMARY

The attached draft Charter has been revised after discussion at the previous meeting.

<b>COMMITTEE RECOMMENDATION</b>	<b>RAC5/19</b>
That the Residential Aged Care Advisory Committee:	
A. Receive and note the draft Charter.	
B. Adopt the Draft Charter.	
<b>Moved Ms Linkenbagh</b>	<b>Seconded Ms Newman</b>
	<b>CARRIED</b>

#### 9.2 RESIGNATION - MANAGER YALLAMBEE LODGE

Ms Padbury reported that the Manager, Yallambee Lodge has resigned. The Manager, Snowy River Hostel has assumed the role of interim Manager. Ms Padbury added that, in the meantime, she will continue to work out of Yallambee Lodge to provide guidance and support to the staff.

#### 9.3 AGED CARE APPROVALS ROUND (ACAR)

Ms Padbury reported that Council has not received any updates on the results from the Aged Care Approvals Round (ACAR) as yet. She expects the results will be known in April 2019.

#### 9.4 PROPOSED STAFFING MODEL

It was agreed to defer the item on the Proposed Staffing Model for Yallambee Lodge and Snowy River Hostel to the next meeting.

<b>COMMITTEE RECOMMENDATION</b>	<b>RAC6/19</b>
That Items 9.2 to 9.4 be noted and received.	
<b>Moved Ms Ingram</b>	<b>Seconded Mr Elliott</b>
	<b>CARRIED</b>

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MINUTES OF THE RESIDENTIAL AGED CARE ADVISORY COMMITTEE MEETING OF SNOWY MONARO  
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**9.5 JINDABYNE AGED CARE FACILITY**

Mr Elliott requested an update on the Jindabyne Aged Care Facility.

Clr Castellari advised that there was keen momentum in the community for an aged care facility.

Ms Padbury added that Council had applied for beds for a Jindabyne facility in the Aged Care Approvals Round (ACAR) and she confirmed that Council wants to work in partnership with the Jindabyne community to establish an aged care facility.

Clr Castellari added that the Jindabyne Aged Care Steering Committee will comprise of himself as Councillor and the Group Manager, Community Support Services & Aged Care from Council plus community representatives and that information will flow into the Residential Aged Care Advisory Committee.

Ms Padbury assured the Committee members that Council was working on this project with the community of Jindabyne.

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Clr Castellari thanked Committee members for their contributions.

Ms Linkenbagh advised she would be an apology for the next meeting.

**10. MATTERS OF URGENCY**

Nil.

**11. NEXT MEETING**

Monday, 29 April 2019 in the Committee Room, Cooma Office commencing at 10.00am.

There being no further business the Chair declared the meeting closed at 12.20pm



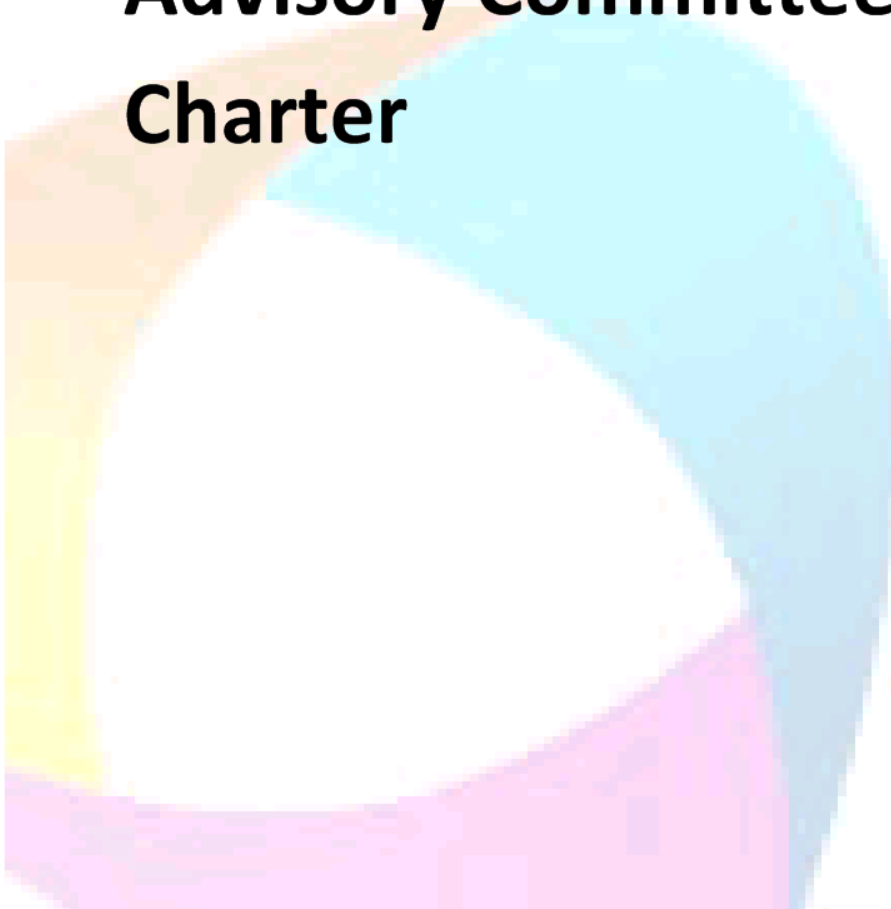
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CHAIRPERSON

The above minutes of the Residential Aged Care Advisory Committee Meeting of Snowy Monaro Regional Council held on 21 January 2019 were confirmed by Committee at a duly convened meeting on 29 April 2019 at which meeting the signature hereon was subscribed.



# **Residential Aged Care Advisory Committee Charter**





### Record of Versions

Date Published	Reason for Amendments	Resolution	Author/Document Owner
8/3/2019	New Document	RAC5/19	Bianca Padbury

*Uncontrolled document when printed. Please refer to intranet for controlled document*

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## 1 Role of the Committee

This Charter has been developed to facilitate the advisory role of the Residential Aged Care Advisory Committee for Council owned Residential Aged Care facilities in the Local Government Area (LGA) of the Snowy Monaro Regional Council.

## 2 Title of the Committee

The title of the Committee shall be the Residential Aged Care Advisory Committee (the Committee).

## 3 Purpose of the Committee

The purpose of the Committee is to assist Snowy Monaro Regional Council to facilitate community engagement and to ensure that Council is attuned to the needs and preferences of the community and has input such as local knowledge as well as religious, cultural and heritage perspectives.

The Committee shall:

- Consider, discuss and advise on specific issues related to the current and future needs of Council's Residential Aged Care facilities.
- Consider the views of the community as to the need for improvements in Aged Care facilities to ensure that the needs of residents are a priority.
- Liaise with Council on a range of Residential Aged Care strategic issues including issues raised within the community.
- At times be called upon to provide advice and recommendations on Council policies, procedures and processes that affect or impact on Residential Aged Care facilities.
- Provide Council with relevant reporting and commentary on projects and initiatives being undertaken at Council's Residential Aged Care facilities.
- Work within the guidelines of the *Aged Care Act 1997* and this Charter.

## 4 Power of the Committee

The Committee exercises functions of Council as a Committee under Section 355 of the *Local Government Act 1993*.

Pursuant to Section 377 of the *Local Government Act 1993*, Council has delegated to the Committee the power to carry out the functions necessary for its purposes.

The power of the Committee is limited to the exercise of advisory power. It does not have power to make decisions that will bind the Council or to commit the expenditure of the financial resources of Council or any other Organisation without express authorisation.

The Committee shall exercise its power by considering any matter relating to its purposes in a formal meeting and by making formal recommendations to Council as it deems appropriate.

## 5 Structure and Composition of the Committee

The Committee shall be made up of:

- SMRC Nominated Councillor representative.
- SMRC Group Manager, Community Support Services and Aged Care.
- SMRC Manager, Yallambee Lodge.
- SMRC Manager, Snowy River Hostel.
- One community representative with experience in the financial management sector.
- One community representative with experience in the audit and risk sector.
- One community representative with a legal background.
- One community representative with an interest in residential aged care.
- One community representative with a family member residing in Yallambee Lodge.
- One community representative with a family member residing in Snowy River Hostel.
- One community representative with industry experience and an interest in the aged care sector.

### Decision Making:

- The Committee shall strive for a consensus, if not a vote will be undertaken.
- The preference is to hold face to face meetings however, in exceptional circumstances, a committee member can be granted permission to dial in to the meeting and have voting rights.

## 6 Appointment of the Committee

Following the first meeting after the election of the principal office bearers, the term of the Committee shall be 12 months. At the end of the term the composition and function of the Committee shall be reviewed and a recommendation made to Council.

## 7 Quorum

The quorum is six (6) members and must include:

- Nominated Councillor or Deputy Chair.
- Group Manager, Community Support Services and Aged Care or a Council representative.

The Committee may invite a guest for a specific purpose to attend a meeting.

## 8 Vacancies

- Vacancies on the Committee may be filled by a resolution of the Committee and the term of any substituted Member appointed shall be the same term as that of the Member absent, whose position has been vacated or forfeited.

## 9 Leave of Absence

- A request for Leave of Absence can be applied for and approved by Committee Resolution.
- Failure to attend three consecutive meetings without submitting a satisfactory explanation or request for Leave of Absence will forfeit membership on the Committee.

## 10 Principal Office Bearers

### 10.1 Chairperson

The nominated Councillor shall assume the role of Chairperson.

### 10.2 Deputy Chairperson

The Committee shall, at its first meeting and each subsequent 12 month period, elect a Deputy Chairperson.

### 10.3 Secretariat

Council shall provide Secretariat support for all meetings. The Secretariat shall:

- Prepare all records, including the agenda, minutes and any reports or recommendations.
- Provide members of the Committee with adequate notice of meetings confirming the date, time and venue.
- An agenda will be forwarded to each member of the Committee as soon as is practicable.
- Maintain an action items list.
- Ensure the Minutes of the meeting are promptly distributed to all members for review as soon as practicable after each meeting.
- Ensure the adopted minutes are signed by the Chairperson and presented to the next Council meeting.

### 10.4 Co-ordinator of the Committee

The Co-ordinator of the Committee shall be the SMRC Group Manager, Community Support Services and Aged Care or a nominated Council representative.

## 11 Meetings of the Committee

Meetings shall be held at venues in the LGA as determined by the Committee. Meetings shall be held quarterly and at other times in the discretion of the Chairperson or on the recommendation of the Committee.

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### 9.2.1 CMCA RV PARK - COOMA

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Group Manager Facilities
Key Theme:	2. Economy Outcomes
CSP Community Strategy:	6.3 Further promote and develop the regions visitor accommodation, product and recreational infrastructure
Delivery Program Objectives:	6.3.2 The Region's caravan parks, are maintained, upgraded and promoted to attract visitors
Attachments:	1. CMCA Fact Sheet 2. CMCA Network 3. Cooma RV Park Proposal

Cost Centre

Project

Further Operational Plan Actions:

#### EXECUTIVE SUMMARY

In 2018, CMCA was approached by Snowy Monaro Regional Council regarding the opportunity to develop an RV park in Cooma. Following this, several sites were investigated during a site inspection by CMCA Business Development Officer and Group Manager Facilities SMRC.

It is important to provide a range of accommodation options in Cooma for the road based traveller. Those in RVs require a range of options based on their own vehicle attributes, personal taste and budget constraints.

The CMCA RV parks are designed to meet the needs of one segment of the RV market that is self-contained vehicles, and owners who are seeking minimal facilities for a low cost. The risk to council is minimal as CMCA is taking on the risk of establishment cost and operational risk.

The business community will benefit through increased turnover as a direct result of increased visitation to Cooma.

CMCA generally cap establishment costs of RV Parks at \$100,000. As per attached Cooma RV Park Proposal and below background information, initial estimates for establishment are \$135,000.

CMCA are seeking in principle support from Council for this proposal in order to proceed with more detailed planning and estimates. Additionally CMCA are seeking internal plant hire rates from Council should the project proceed to assist in minimising establishment costs. CMCA's Business Development Officer will be in attendance at the Council pre-meeting with Group Manager Facilities to take Councillor questions on this proposal.

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

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### **OFFICER'S RECOMMENDATION**

That Council support in principle the development of a CMCA RV park at the Hawkins St site and provide in-kind assistance through internal plant rates.

### **BACKGROUND**

The Campervan & Motorhome Club of Australia Ltd (CMCA) is the largest RV club in Australia with over 70,000 members representing over 37,000 RVs. The Club advocates to governments at all levels to support the growing RV travel sector through the provision of a range of accommodation options from destination parks through low-cost camping to 'free' camping.

To support the goal of providing a range of accommodation options, CMCA has embarked on the development of a network of low-cost RV parks for fully self-contained vehicles. Initially the CMCA Board has targeted at least 20 parks to be established by the end of 2020. Currently there are five (5) parks operational with several others approved or in planning stages.

#### Site Investigations

In 2018, CMCA was approached by Snowy Monaro Regional Council regarding the opportunity to develop an RV park in Cooma. Following this, several sites were investigated during a site inspection by Business Development Officer CMCA, and Group Manager Facilities SMRC.

The criteria for a successful park are:

- Area of flat land of between 5,000m<sup>2</sup> and 10,000m<sup>2</sup>
- Good road access
- Access to services such as water, sewer and power
- Walking distance to local retail centre

Following the site inspections, a parcel of land located on Hawkins Street was identified as suitable for an RV park. This land is zoned appropriately for a caravan park and camping ground.

SMRC Manager Construction has provided cost estimates for earthworks and road network connections. Other cost estimates are based on experience in developing other RV parks.

CMCA develops each park in collaboration with the host council. CMCA does not seek any financial contribution from council but asks that it consider the position of CMCA as it would any other not-for-profit community organisation. Each site poses its own challenges, and it is about how to work through these challenges to achieve an acceptable outcome for both parties. CMCA will lodge a development application with Council and pay all associated fees.

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CMCA enters into a lease on the land and will pay all rates and costs associated with the ownership of that land whilst under lease. This can include rates, waste management, and water and electricity consumption.

### **Capital Budget**

If significant earthworks are required, as in this case, CMCA asks that council consider the provision of council staff and equipment at internal rates rather than external profit rates. If clean fill or gravel is available from other sites that can be used within the site this would also assist in reducing the overall capital cost of the project.

Based on SMRC staff input the capital budget estimate is \$135,000. CMCA limits its capital budget to \$100,000 for each park.

### **Operational Budget**

CMCA operates the RV Park at arm's length from the host council. As previously mentioned, CMCA will cover all costs associated with the operation of the park including rates (if applicable), lease (5 x 5), actual consumption of water and electricity, waste collection (either council roadside service or contractor service) and park maintenance.

CMCA operates the park network under a cost recovery scenario, with any surplus funds used to support the entire park network and other tourism activities. At present, members are charged \$3.00 per person per night and non-members are charged \$15.00 per site per night.

#### **Park Rules**

Each park operates under a set of rules which are enforced by the on-site caretaker (a trained CMCA member). These rules include:

- A maximum of 5 nights in any 21 day period
- Generators can be used between 8am and 4pm
- Pets allowed on leash outside the RV
- Waste must be disposed of appropriately
- No smoking anywhere within the park grounds

### **ECONOMIC BENEFIT**

The economic benefit to the host town and region is dependent upon several factors:

- The size of the host town and amenities it provides
  - The types of businesses within the town
  - How accessible the retail centre is to the park
  - The popularity of the park to members and other travellers
  - Whether the park is seasonal or not
-



Experience across the existing CMCA park network provides the following insights:

- Successful parks are close to a reasonable retail centre
- Local RV services are important to the RV traveller and will encourage longer stay periods
- Experiences for the visitor are important to extend the stay
- The longer the stay period, the more potential to capture a larger spend per RV
- Seasonality impacts in the viability of the park

## **CASE STUDIES**

### **Ingham QLD**

Ingham is a town of approximately 5,000 people about 20km inland from the north Queensland coast. The Ingham RV Park was the initial pilot site and has been operating for three seasons. This is a seasonal park that operates during the North Queensland dry months from April to October each year. There are two (2) caravan parks in town.

The park is located within 800m of the town centre and is situated within a flood plain. In March 2018 the park was inundated for a period of several weeks, however it was not open at the time. The dump point was sealed during this period and later showed that no water had entered the local sewer system. The park caters for up to 50 RVs at any one time.

The park averages 800 bookings per season with an average stay length of 1.8 nights. Based on park user feedback, the average spend per RV per night is \$165.00. The direct annual injection into the Ingham economy is approximately \$255,000.

### **Bundaberg QLD**

The Bundaberg RV Park is located within an old showground site on a reclaimed tip. The 1 hectare lot is within 700m of local retailers and the town has several RV support businesses such as RV retailers and specialist mechanics. There are also several tourist attractions within the region that encourage longer stays. There are seven (7) commercial caravan parks within Bundaberg and another six (6) in close proximity in the region.

The park caters for up to 50 RVs at any one time. Since its opening in June 2018, over 1,300 bookings have been taken with an average length of stay of 2 nights. The average spend per RV per night is \$273.00 (based on information provided by members through surveys at end of stay). This represents over \$700,000 actual spend within the Bundaberg economy over the first 10 months.

Further expenditure includes the trading of two RVs and purchase of 4 houses by park residents as a result of visiting the park and town.

The park is adjacent to a local creek and is within the 1:100 flood area. The dump point has been constructed to be above the flood lever RL.

## **ISSUES**

### **Competition**

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The current Cooma Snowy Mountains Tourist Park provides 30 unpowered sites at a cost of \$30.00 per night for two people. These sites have access to a camp kitchen, barbecue facilities, hot and cold water, amenities and undercover seating. These vehicles do not need to be self-contained.

In comparison, the RV Park would provide potable water for refilling of on-board tanks, dump point for waste water and an undercover area for up to \$15.00 per site.

The two parks are aimed at different markets to a large degree. The CMCA RV Park is ONLY for self-contained vehicles. Any vehicles that do not meet this criterion (as set out in the CMCA Self-Contained Vehicle Policy) will be redirected to the commercial caravan park.

The CMCA RV Parks are primarily for members, with limited access to non-members.

CMCA member surveys have shown that one-third of members will never stay in a commercial park and will seek out low-cost or free alternatives because they do not want the facilities provided by caravan parks and have vehicles that allow them to be “off the grid”. Another third of members will use a combination of commercial parks and low-cost or free parks. The balance will seek out commercial parks to utilise the facilities provided by these parks.

Although local caravan parks may argue that they need to be protected, it is not council’s role to protect commercial businesses from competition but to ensure appropriate develop occurs on land suitable for that activity.

## **Development Cost**

CMCA understands the cost of development for a park in terms of basic infrastructure such as covered shelter, internal driveway, fencing, and water and sewer connection.

The unknown parameters with this development are the low slung Telstra cable on Hawkins Street, invasive weed species such as blackberry and hawthorn, cost to construct the earthen ramp from Hawkins St. It has been suggested that the invasive weeds should be removed from the site, however this is a current land owner matter that should be dealt with prior to hand over of the site.

Telstra has advised that the cable issue is their problem and a maintenance request has been logged in early March. This will need to be programmed by Telstra and the work is to be at their cost (although this has only been confirmed verbally).

SMRC’s Manager Construction has provided some initial cost estimates for earthworks and roadworks. This was provided following a site investigation with CMCA in February 2019.

Based on development cost and unknown demand, it is proposed to stage the park development. Stage 1 would utilise the land immediately accessed from Hawkins St and Stage 2 would expand across the stormwater drain into the land to the west.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

The provision of an RV Park in Cooma will have a positive impact on visitor numbers to the town and Region as evidence in above Case Studies. Councillors, Staff and Community Members have often raised the need to “capture” the often through traffic of self-contained RV’s

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## **2. Environmental**

Environmental impacts will be considered as part of the DA process. The site is flood prone however with minimal infrastructure and sound operational procedures environmental impacts will be minimal

## **3. Economic**

There will be significant economic benefit to the Region by providing this type of accommodation option. Cost through the requested in-kind internal plant hire rates for civil works will be provided following in principle support and subsequent detailed estimates.

## **4. Civic Leadership**

Council will be demonstrating Civic Leadership through promoting Tourism and Business in the Region.

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## CMCA RV Park Network

### Fact Sheet

The following key facts are provided by the Campervan and Motorhome Club of Australia Limited (CMCA) to assist local government and key stakeholders involved in the CMCA RV Park project to better understand the Club, how it represents its members, and its approach to recreational vehicle (RV) tourism. It also provides key facts on the CMCA RV Park project, including how the project will be developed and the benefits it will deliver.

1. CMCA is a not-for-profit, membership-based Club established to support the RV traveller movement in Australia. The Club delivers key benefits to members and promotes the interests of members to industry and government bodies. It also promotes the benefits of RV tourism to the wider Australian community.
2. CMCA is a national, community-based organisation, currently with a fleet of approximately 37,000 member vehicles and 70,000 individual members.
3. CMCA seeks to establish RV parks in partnership with local and state governments. These specialist RV accommodation facilities will increase RV tourism in regional areas.
4. CMCA RV Parks are specialised, non-commercial facilities offering low-cost, no-frills accommodation to CMCA members with self-contained RVs. These vehicles include motorhomes, campervans, caravans, fifth wheelers and slide-ons. CMCA RV Parks are quite distinct from commercial RV accommodation businesses.
5. CMCA joining fee is currently just \$16.50, with an annual subscription of \$44.00. Domestic or international tourists hiring self-contained RVs can also join CMCA and access the CMCA RV Park Network during their holidays.
6. CMCA RV Parks will be managed on site by CMCA qualified, volunteer custodians. They will ensure all park visitors comply with the CMCA Self Contained Vehicle Policy and that the park operates in accordance with an approved management plan.
7. The Queensland Government recognised CMCA in their Camping Options Toolkit, noting that the Club provides the best available definition of what constitutes a self-contained vehicle.
8. CMCA will utilise the RV park network to educate self-contained travellers on best practice in environmentally responsible RV tourism. This will include educating RV owners on the installation of grey water tanks and the use of external grey water tote systems, as well as waste management and containment, and the use of chemicals within RV waste systems.
9. CMCA will operate the RV park network on commercial principles but to a break-even business model. Any surplus funds generated by individual RV parks will be used to maintain the network as a high quality, community-based accommodation experience, accessible to as many RV travellers as possible.
10. CMCA does not seek preferential treatment from local government in establishing CMCA RV Parks but asks to be treated the same way as any not-for-profit Club would, when seeking the opportunity to lease state or council owned land to establish a community-based facility for its members.
11. CMCA seeks no financial or in-kind support from councils to develop the RV park network. The Club only seeks assistance to identify appropriate sites to establish each accommodation facility and advice on the best options for obtaining state and local government approval to establish an effective and attractive RV accommodation network.



12. CMCA is responsible for all maintenance and upkeep costs of its RV parks and will maintain landscaping and other visual aspects of the property to a high standard.
13. Because CMCA RV Parks are not commercial businesses operating for profit, CMCA is happy to consider leasing land not suitable for commercial or residential purposes. This will relieve councils from the costs of maintaining such property while providing the opportunity to make these sites cost neutral to ratepayers. CMCA will also consider vacating the land from time to time and close the RV park if required.
14. CMCA is committed to directly supporting businesses in regions which the RV parks are located. CMCA engages local contractors during construction and then for ongoing maintenance of the park. The Club will also contribute to the local community through lease payments and land rates.
15. CMCA RV Park custodians will liaise with local visitor information centres, chambers of commerce, and individual businesses to promote regional tourist attractions, local products, and local businesses to all park visitors.
16. CMCA currently has the financial and organisational capacity to develop a network of 20 RV parks across Australia by the end of 2019. The Club is committed to a substantial investment in the RV parks project but is also looking to partner with the federal and state governments to access grant funding opportunities to better facilitate this process.
17. CMCA estimates it may cost between \$30,000 - \$90,000 to establish each CMCA RV Park, with a network of 20 parks requiring a significant investment by CMCA over the next two years.

*For more information, please contact National Headquarters*

*PO Box 254 HRMC, NSW 2310 | 02 4978 8788 | [memberbenefits@cmca.net.au](mailto:memberbenefits@cmca.net.au)*



## CMCA RV Park Network – Council

### The Key Facts

The CMCA Park Network is a new accommodation concept for self-contained RV tourists who are members of the Campervan & Motorhome Club of Australia Ltd (CMCA). CMCA RV Parks are low cost, member only, no frills managed RV accommodation facilities and do not operate commercially.

CMCA is recognised by the Federal Government as a not-for-profit association and a tourism promotion organisation.

#### In essence a CMCA RV Park is on land owned or leased by the CMCA with:

- Approximately one hectare of flat ground.
- Space for 20 to 40 RV's.
- A dump point with a wash down tap, with potable water taps around the site.
- One (1) powered site for the 24/7 volunteer custodian.
- A shelter shed for gatherings and an assembly point.
- Access only available to CMCA members whose vehicles meet the CMCA Self-Contained Vehicle Policy.
- All maintenance costs including grass cutting and rubbish collection met by CMCA.
- An administration/booking fee of \$3 per person or \$6 per vehicle, per night.

#### The infrastructure development consists of:

- Access and roadways into and in the park, as required.
- Fences or bollards to restrict access to the main gate.
- The main gate and signage.
- The dump point and wash down tap.
- Potable water taps as required around the site.
- One powered site including the power connection for the custodian.
- A shelter shed and concrete pad.
- Any required levelling, landscaping and planting

All infrastructure development is organised and funded by the CMCA. Based on our experience this cost will vary depending on the site, but we expect development costs generally to be in a range of \$50,000 to \$100,000.

CMCA will consider purchasing or leasing any suitable land, however we see mutual opportunities and benefits in partnering with local councils.

#### When viewed from a council perspective it should be noted that:

- CMCA seeks no financial or in-kind support from councils to develop the RV Park Network.
- The lease of council land should be on the same basis as any other not for profit community association, such as a bowling club, pony club or the like.
- The CMCA will pay rates on the site.
- There is no cost to the council with all infrastructure developed and paid for by the CMCA.
- All maintenance is managed and paid for by the CMCA.



- All CMCA seeks from council is advice and support for any development application, or other local or state government approvals.
- It is an arms length financial arrangement with no hint of the council giving the CMCA a financial advantage.
- A CMCA RV Park will increase RV tourism to the area and increase the tourism spend with local businesses.
- Although access is restricted to CMCA members, any owner of an RV can join the CMCA. As the current annual subscription is \$44, from a practical point of view any self contained RV owner can use a CMCA RV Park.

*For more information please contact National Headquarters  
PO Box 254 HRMC, NSW 2310 | 02 4978 8788 | [memberbenefits@cmca.net.au](mailto:memberbenefits@cmca.net.au)*

## CMCA Cooma RV Park Proposal

### Background

Following a site inspection of several potential council sites on Friday 21 September 2018, the preferred site for an RV Park in Cooma was identified. The preferred parcel of land is located on Hawkins St and has been used as a horse paddock in recent times. The site also includes a weather station and a public outdoor gym. A further site inspection was carried out on Tuesday 5 February 2019 to confirm site characteristics and possible infrastructure locations.



### Site Characteristics

This site is zoned *R2 Low Density Residential* which permits caravan parks with development consent. The site comprises two separate lots and is currently council operational land.

With access to the town CBD via a concrete footpath, the site is ideally located within easy walking distance of the Cooma retail centre.

Located on a flood plain associated with Cooma Creek, it is expected that the park may need to be evacuated during heavy rain events, but it is expected that these events will be rare and the timeframe between creek peak and fall will be relatively short. For this reason, all infrastructure should be located away from the creek. Given the soil is alluvial in nature, it is possible that the park will be impacted by local rainfall events requiring an internal gravel driveway to provide all-weather access to sites.





A public gym is located adjacent to the footpath within the site, this is already fenced off from the site and would be retained for public use. A weather station is located on the south-eastern corner of the land, this is already fenced with separate access from the footpath and would be retained outside the RV park perimeter.



Measure distance  
Total area: 9.821.02 m<sup>2</sup> (105,712.58 ft<sup>2</sup>)  
Total distance: 562.35 m (1,845.00 ft)

The above shows the possible park boundary taking into consideration the existing weather station and public playground/gym. There are some old sheds located to the central north of the property that will remain and be fenced outside the park, unless council wishes to remove these.

The perimeter of the park measures approximately 560m and the internal area is around 9,600m<sup>2</sup>. The shape of the site is restricted by existing infrastructure and rock outcrops, but the useable area is considerable and should accommodate up to 40 RVs at any one time.

#### Staged Development

It is proposed to develop the park in 2 stages, with Stage 1 being the eastern lot bounded by the existing internal swale drain. If the park proves popular, Stage 2 could be developed beyond the swale drain with access via a new concrete culvert. The separate access to the stage 2 land will remain to allow council access for maintenance of the paddock.

Given the location of the public footpath, it would be prudent to include screening trees and shrubs as part of the landscaping plan to reduce the visual impact to pedestrians and to provide some privacy to park residents.

#### Services Location

Water and sewer main locations have been provided by Snowy Monaro Regional Council and are provided in the following pictures.



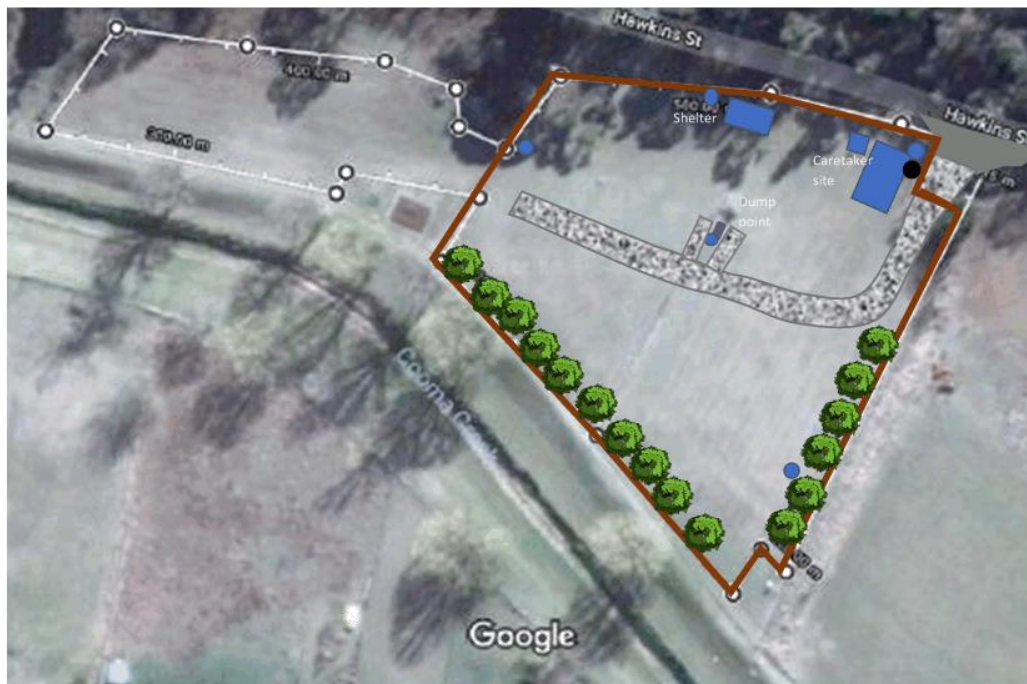
Sewer main location

There are a number of sewer mains within the site. The depth of these mains and whether these are pressurised mains or not has not been provided however it would be expected that it will be possible to access one of the mains and install a gravity waste system with a Dump Ezy installation on the eastern side of the property. The exact location of this dump point is still to be determined.

The water main is located on Hawkins St. A water meter was located near Hawkins St within the lot (photos below). Hopefully we can connect to this service.



### Possible Site Layout



The site layout includes an entrance driveway off Hawkins St on the north eastern corner utilising the existing rock and earth ramp structure. A compacted gravel driveway is shown within the lot, providing access to the sites and internal infrastructure.

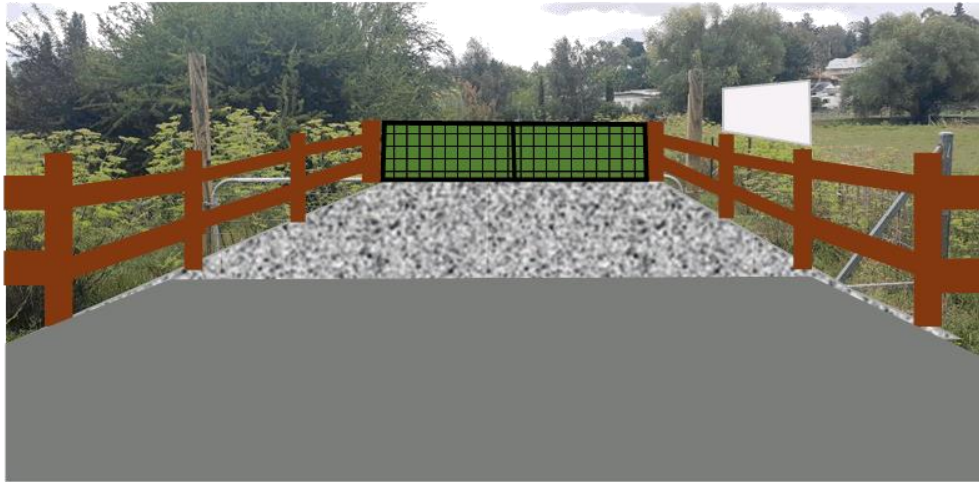
A dump point connection is proposed over an existing sewer IO in the centre of the lot, with an associated potable water tap for wash down and hard stand areas either side to allow vehicular access from both sides.

The park shelter is suggested on the northern side as this is the highest point on the property and close to water. The only challenge with this site is that it would be sheltered from the northern sun in winter months.

The custodian site is located near the entrance gate and includes a concrete pad and hard stand area for vehicle parking and awning. Power and water are also provided to this site.

Water points would be located around the park perimeter, these are used to refill on-board tanks. The final location of these taps will depend on the water main location and other infrastructure.

If required, a second stage of the development could include the land to the west of the park boundary. To access this land, a culvert would need to be constructed. Further fencing would also be required, and the existing buildings may have to be removed.



Proposed entrance from Hawkins St showing timber post and rail fence, 8m gate and transition from sealed surface to compacted gravel.



Photo showing site from south-eastern corner with footpath and weather station shown

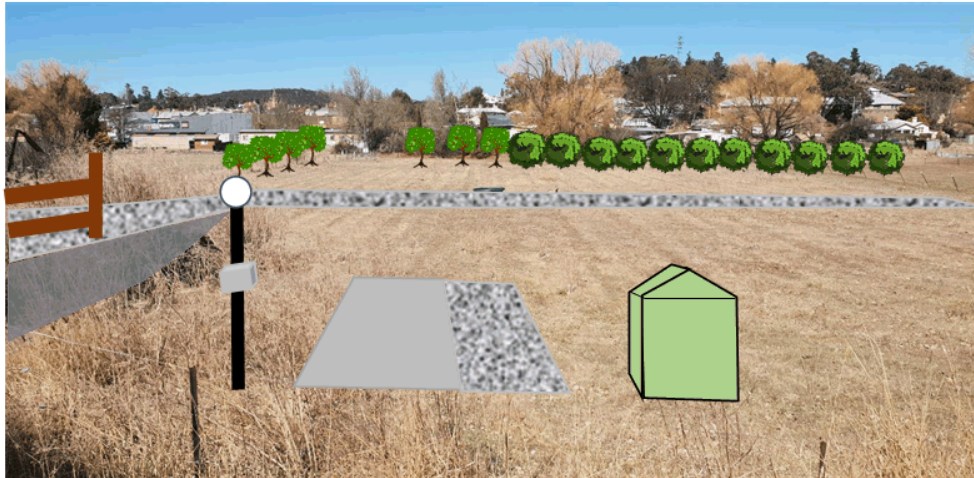


Photo showing entrance, custodian site with concrete pad and hard stand area, storage shed and power supply pole with light

The site has many positives:

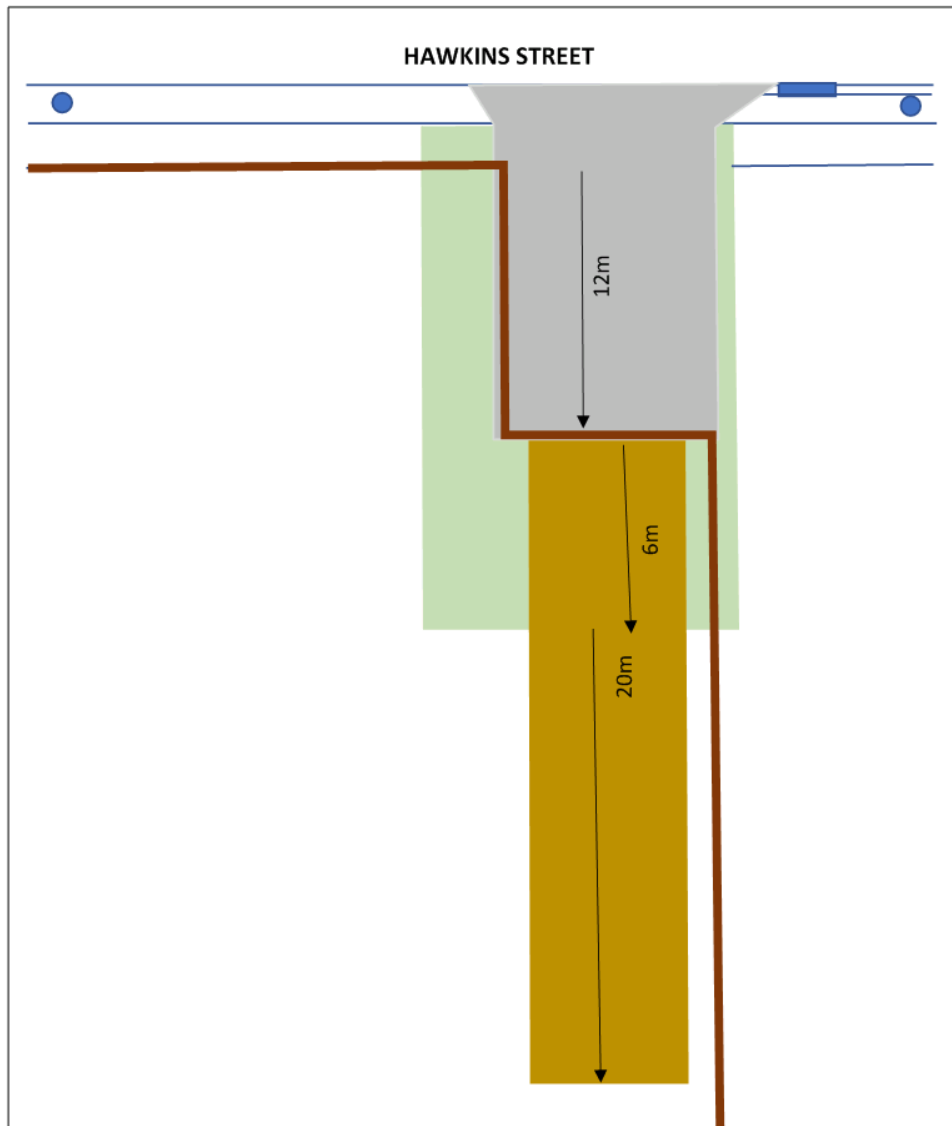
- Appropriate zoning
- Vacant land
- Access to services
- Access to Cooma retail centre via concrete footpath
- Minimal visual impact on residential properties

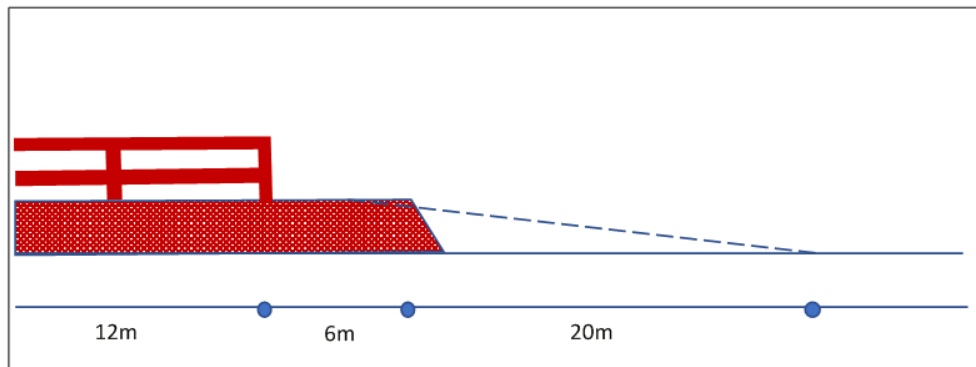
The access from Hawkins St provides some challenges due to the height of the road formation compared to the site level, some form of earthen ramp will need to be constructed to suit larger vehicles. The entrance from Hawkins St would also need to be widened and sealed to ensure appropriate turning areas and pavement strength to reduce the impacts of turning vehicles.

A low slung Telstra cable at the front of the lot restricts access due to clearance issues. Telstra has confirmed that this is a Telstra issue and the maintenance job has been logged for action to remove the cable.

#### **Access from Hawkins St**

The below drawing shows a possible solution for access to the park site. Final levels and cut and fill will need to be determined to get an appropriate cost for this works.





### Capital Budget

The preliminary capital expenditure relating to this park development can be summarised as follows:

Establishment Costs - Stage 1		
	9/10/2018	11/02/2019
Expense	ex gst Budget	ex gst Actual
DA Fees	\$ 3,000.00	\$ -
Lease preparation and registration	\$ 1,000.00	\$ -
electrical connection (board and meter)	\$ 7,000.00	\$ -
Relocation of overhead Telstra cable	\$ -	\$ -
Provision of engineer design for access	\$ 4,000.00	\$ -
Site survey	\$ 3,000.00	\$ -
Water and sewer applications	\$ 1,000.00	\$ -
Water and sewer design	\$ 1,000.00	\$ -
Soil Classification report	\$ -	\$ -
Custodian signs	\$ 200.00	\$ -
Park sign	\$ 700.00	\$ -
Rules of entry	\$ 700.00	\$ -
Other signs	\$ 400.00	\$ -
Join Now	\$ 1,200.00	\$ -
Sign installation	\$ 600.00	\$ -
Tourism Signage	\$ 2,000.00	\$ -
plaques	\$ 100.00	\$ -
BBQ & gas bottle	\$ 800.00	\$ -
2 x tote tanks	\$ 1,000.00	\$ -
landscaping	\$ 5,000.00	\$ -
	\$ 32,700.00	\$ -
Fencing materials and installation	\$ 12,600.00	\$ -
Stage 2 Culvert crossing	\$ -	\$ -
shelter shed and slab	\$ 14,000.00	\$ -
Electrical/lighting for shelter	\$ 400.00	\$ -
storage shed & slab	\$ 1,000.00	\$ -
Plumbing	\$ 2,000.00	\$ -
entranceway	\$ 43,000.00	\$ -
Internal gravel driveway	\$ 6,080.00	\$ -
Stage 2 - Internal driveway	\$ -	\$ -
Sewer connection and Dump Ezy	\$ 4,000.00	\$ -
Hard stand at dump point with bollards	\$ 2,000.00	\$ -
Custodian concrete pad	\$ 2,000.00	\$ -
Hard stand for custodian site	\$ 1,500.00	\$ -
Water connection and meter	\$ 2,500.00	\$ -
Pinboard	\$ 700.00	\$ -
Sundry equipment	\$ 2,050.00	\$ -
custodian lpad	\$ 599.00	\$ -
Contingency (10%)	\$ 8,000.00	\$ -
	\$ 102,429.00	\$ -
	\$ 135,129.00	\$ -



The extent of earthworks required for the driveway is an unknown quantity at present, although an estimate has been provided by Snowy Monaro Regional Council. The existing earth ramp can be utilised as a hard stand area for off-road parking, with an entrance gate approximately 12m inside the property boundary. A ramp will then be required to be constructed to the park level.



Photo showing earthen mound showing large boulders and weed infestations

The fencing style is not confirmed, the existing rural post and wire fence may need to be replaced with a timber post and rail at least on the southern side. The neighbouring property on the east would need to be consulted with regarding shared cost of fencing on the eastern boundary.

Significant tree planting may be required adjacent to the footpath for screening.

#### **Site works required that are outside the budget of CMCA**

There are several issues that have been identified during the site visit on 5 February 2019.

- **Sight lines on Hawkins St**

There are several box thorns trees, blackberry and other non-native species growing within the road reserve



Photo showing blackberry, hawthorn and other invasive species

- **Internal culvert**

The internal culvert takes water from the opposite side of Hawkins St, through the lot and to Cooma Creek. This culvert needs to be remediated and then maintained to ensure that upstream water does not escape onto the lot during rain events



- **Trees and fencing on earthen elevated section**

It is not clear why the elevated section was created, other than it is above the flood level of Cooma Creek. It has been constructed of large boulders, concrete and earth. The engineering quality of this is unknown and requires further investigation to determine its appropriateness as a hard stand entrance for large RVs.

There are several wild apple trees, box thorn and other species of trees growing on the eastern boundary of the lot. These need to be removed to provide uninhibited sight lines for vehicles leaving the property



Views of the existing Hawkins St access point

- Dilapidated buildings, water tanks and horse shelters

There are several buildings and horse related shelters within the lot. The horse shelters and troughs would need to be removed to facilitate development of Stage 1. The buildings may need to be removed to allow access and uninterrupted use of the land in stage 2.



Secondary entrance from Hawkins St showing old buildings on site



Horse shelter

- Internal post and wire fencing

Some post and wire fencing and troughs have been installed to create horse paddocks within the lots. This would need to be removed.



- Overhead telecommunications cable at Hawkins St entrance

Concern about the clearance under the overhead Telstra cable on Hawkins St will need to be rectified by Telstra. The clearance needed is at least 4.3m, however there is insufficient clearance at present.



Photos showing overhead Telstra cable at proposed entrance on Hawkins St. Note a join exists at the pole with the transformer. This is not an appropriate location for a join and will need to be relocated.

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### 9.3.1 COMPLIANCE AND ENFORCEMENT POLICY

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Group Manager Development & Building Certification
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	7.1 Protect, value and enhance the existing natural environment
Delivery Program Objectives:	7.1.1 The Region's natural environment remains protected through delivery of a range of Council programs and regulatory compliance
Attachments:	1. Draft Compliance and Enforcement Policy
Cost Centre	1210 Development
Project	
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

A draft Compliance and Enforcement Policy (“the Policy”) has been developed to outline Council’s process in dealing with compliance and enforcement matters when undertaking its regulatory functions. The policy aims to ensure that compliance and enforcement functions are undertaken in a transparent, consistent, proportionate and equitable manner. “The Policy” has been developed to align with the NSW Ombudsman’s Guidelines and Model Code and best practice principles in Local Government regulatory compliance and enforcement policies and procedures.

Consultation has been undertaken with Council staff and comments received have been included in the preparation of “the Policy”.

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

#### OFFICER’S RECOMMENDATION

That Council adopts the Snowy Monaro Regional Council Compliance and Enforcement Policy.

#### BACKGROUND

A working group comprising Development and Environmental staff members was formed to identify key priority policies and procedures the newly merged entity should develop relating to regulatory functions of Council. One such priority was the need to provide a uniformed set of policies, processes and procedures in the area of compliance and enforcement work when undertaking Council’s regulatory functions. On this basis a task was delivered and adopted into the 2018/19 Delivery Program and Operational Plan as follows; **Strategy 7.1; Protect, value and enhance the existing natural environment.**

**Program Objective;** *The region’s natural environment remains protected through delivery of a range of Council programs and regulatory compliance.*

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**2019 Operational Plan Action 7.1.1.1; Development an Enforcement policy and have it adopted.**

In the development of “the Policy” it was identified that education of our community needed to at the forefront in any regulatory activity that Council undertakes. Compliance and enforcement is a flow on effective from this function.

“The Policy” has been developed to align with the NSW Ombudsman’s Guidelines and Model Code and best practice principles in Local Government regulatory compliance and enforcement policies and procedures. “The Policy” aims is to ensure that compliance and enforcement functions of Council are undertaken in a transparent, consistent, proportionate and equitable manner. The objective of “the Policy” is ensure that these functions are effective and efficient to implement but also include an education component in all of Council process and procedures. This will ensure our community are equipped with the knowledge of community expectations and legislative requirements.

Consultation has been undertaken with Council staff and comments have been included in the preparation of “the Policy”.

A workshop was also conducted with Councillors on 7 February 2019 to outline the background to the development and intent of “the Policy”. During both consultation processes comments were provided and have been considered/incorporated into the final draft of “the Policy”.

Further guidelines and policies will be developed by each relevant Directorate or group as an addendum to “the Policy” specifically to align with the regulatory function undertaken e.g. Food Safety Compliance Policy.

**QUADRUPLE BOTTOM LINE REPORTING**

**1. Social**

The introduction and adoption of “the Policy” will ensure that Council’s regulatory functions are undertaken in an efficient, effective and transparent manner. By setting standards and guidelines in undertaking these functions the community can be assured the interest of the wider community is protected and considered in Council’s decision making processes.

**2. Environmental**

The introduction and adoption of “the Policy” will ensure a framework is in place to protect any potential environmental impacts that may arise.

**3. Economic**

Estimated Expenditure	Amount	Financial year	Ledger	Account string
NIL	\$			
	\$			
	\$			
Funding (Income/reserves)	Amount		Ledger	Account string







# Agenda of Ordinary Council Meeting - 16 May 2019

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## Document Controlled Information

<b>Title of Policy</b>	<b>SMRC Compliance and Enforcement Policy</b>		
<b>Responsible Department</b>	Building Certification Environmental Management	<b>Document Register ID</b>	250.[document year].[document number].[document part]
<b>Policy Owner</b>	Environment and Sustainability	<b>Review Date</b>	x
<b>Date of Council Meeting</b>	X	<b>Resolution Number</b>	X
<b>Document Status</b>	DRAFT	<b>Distribution</b>	Internal

## Related Document Information, Standards & References

The following Acts as administered by Council apply to this policy including related Regulations under these Acts:

<b>Related Legislation</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1993</li> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Food Act 2003</li> <li>• Protection of the Environment Operations Act 1997</li> <li>• Public Health Act 2010</li> <li>• Boarding Houses Act 2012</li> <li>• Swimming Pools Act 1992</li> <li>• Liquor Act 2007</li> <li>• Companion Animals Act 1998</li> <li>• Roads Act 1993</li> <li>• Roads Transport Act 2013</li> <li>• Impounding Act 1993</li> <li>• Fisheries Management Act 1994</li> <li>• Crown Lands Management Act 2016</li> <li>• Biosecurity Act 2015</li> <li>• Biodiversity Conservations Act 2016</li> <li>• Building Professionals Act 2005</li> <li>• Building Professionals Amendment Act 2008</li> <li>• Civil Liability Act 2002</li> <li>• Privacy and Personal Information Protection Act 1998.</li> </ul>
<b>Related Policies (Council &amp; Internal)</b>	<ul style="list-style-type: none"> <li>• Code of Conduct</li> <li>• Complaint Handling Policy</li> <li>• Enterprise Risk Management Policy</li> <li>• NSW Ombudsman – Enforcement Guidelines for Council 2015</li> <li>• NSW Ombudsman – Model Compliance and Enforcement and Model Policy 2015.</li> </ul>

## 1 Introduction

This policy provides information for internal and external stakeholders and interested parties about Council's regulations, compliance and enforcement activities. For example under Section 8 of the Local Government Act 1993, Snowy Monaro Regional Council has an obligation to ensure that the exercise of its regulatory powers is carried out with consistency and without bias.

Council regulatory responsibilities are applicable to actual unlawful activity, as well as a failure to take action (in order to be compliant with certain legal requirements). For simplicity, this policy refers to both an act and/or an omission by an alleged offender as 'unlawful activity'.

This policy distinguishes between a 'report alleging unlawful activity' and a 'complaint'.

For the purposes of this policy, a report alleging unlawful activity is where an individual expresses concern in relation to alleged unlawful activity, or they request service from Council about such matters. Council considers that a response or resolution to a report alleging unlawful activity is explicitly or implicitly expected by the individual, or may be legally required.

A complaint is where an individual expresses dissatisfaction about Council services, staff or the handling of a complaint. Therefore, a complaint may arise where an individual claims that Council staff have failed to take action in relation to a report alleging unlawful activity. A complaint will be recorded separately and responded to in accordance with Council's Complaint Handling Policy.

## 2 Purpose of Policy

The purpose of this policy is to provide structure for consistency and transparency in decision making, and to facilitate a proportional approach to compliance and enforcement. It is also intended to assist council staff to act promptly, effectively and consistently in response to allegations of unlawful activity, whilst ensuring the principals of natural justice are respected.

This policy outlines matters to be considered at the various stages of the enforcement process from the receipt and investigation of reports alleging unlawful activity, through to what enforcement option council will choose and whether to commence criminal or civil proceedings.

In certain circumstances council will have shared enforcement responsibilities with other regulatory authorities. This policy sets out a collaborative and cooperative approach to such matters. Advice and guidance is also provided on the role of Council in building and construction compliance matters where there is a private certifier, and the role of councillors in enforcement.

Responsible Council staff are not limited by this policy in their use of discretion and exercise of official functions. The full circumstances and facts of each case need to be considered and a decision made on each merits and in line with legislative requirements.

## 3 Objectives

The objectives of this policy are to:

- Help achieve the objectives of relevant legislation and management plans;
  - Maximise compliance with legislation in line with community expectations;
  - Enhance the community's capacity to protect the environment and enhance diversity;
  - Ensure Council staff comply with Council's Code of Conduct when investigating an unlawful activity;
  - Establish criteria to determine whether enforcement action is warranted and if so, ensure such action is in accordance with the Council Officers delegations in a timely, cost effective manner and proportional to the relative seriousness of the unlawful activities;
  - Ensure Council takes a proactive approach to compliance and enforcement actions by taking a regulatory and educator role by providing information to the public about Council's role and policing an
-

enforcement and compliance matters. This will encourage a culture of compliance aimed at self-regulation rather than Council imposed enforced action; and

- Provide guidance on implementing shared enforcement responsibilities and advice and guidance on the role of the Principal Certifying Authority and Councillors in enforcement.

## 4 Organisational Approach

One of the principal functions of Council is to act as an educator, regulator and an enforcement agency in respect to a large range of legal duties applied by acts of parliament, regulations and orders made under them, including various local policies.

Compliance and enforcement is important:

- To prevent or minimise harm to health, welfare, safety, property or the environment.
- To improve the safety and amenity of residents and visitors to the area.
- For the collective good, the welfare of the community or the public interest.
- To promote social policies.
- To manage risks
- To uphold social order.
- To meet the expectations of the community.
- To make the regulatory community aware of their legal obligations and how to meet these obligations.
- Promote educational opportunities by keeping the community involved in the compliance and enforcement framework through Council's actions and activities.

## 5 Definitions

The key definitions of terms used in the policy are attached in Appendix A of this policy.

## 6 Application of the Policy

This policy applies to regulatory matters within Council's area of responsibilities including but not limited to:

- Development and building control;
  - Pollution control including air, noise and water;
  - Swimming pool safety;
  - Environmental health;
  - Public health and safety;
  - Biosecurity - Weeds;
  - Water and sewer;
  - On-site sewerage Management Systems;
  - Animal control;
  - Food safety;
  - Fire safety;
  - Tree preservation;
  - Unauthorised use of Council managed land;
-

- Parking and vehicle offences as relevant;
- Waste disposal and littering/illegal dumping; and
- Roads, footpaths, parks and reserves.

## 7 Relevant Legislation

This policy applies in relation to compliance and enforcement action relating to all Acts administered by Council as legislated including but not limited to Acts and associated Regulations, Standards and Policies outlined in the Controlled Document Information section of this Policy.

## 8 Compliance and Enforcement Principles

The following are the principles that underpin Council actions relating to compliance and enforcement:

<i>Principle Action</i>	
<i>Accountable and transparent</i>	<ul style="list-style-type: none"> <li>• acting in the best interests of public health and safety and in the best interests of the environment</li> <li>• ensuring accountability for decisions to take or not take action</li> <li>• acting fairly and impartially and without bias or unlawful discrimination</li> <li>• providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust by the regulated community</li> <li>• ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this policy</li> <li>• acting on any complaints or concerns about the conduct of compliance officers in accordance with council's complaints management policy and procedures</li> <li>• advising people and organisations subject to enforcement action of any avenues available to seek an internal or external review of a decision</li> <li>• disclose all evidence relevant to all alleged offences</li> </ul>
<i>Consistent</i>	<ul style="list-style-type: none"> <li>• ensuring all compliance and enforcement action is implemented consistently; and</li> <li>• encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter</li> </ul>
<i>Proportional</i>	<ul style="list-style-type: none"> <li>• ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach</li> <li>• making cost-effective decisions about enforcement action</li> <li>• taking action to address harm and deter future unlawful activity</li> </ul>
<i>Timely</i>	<ul style="list-style-type: none"> <li>• ensuring responses to reports alleging unlawful activity and decision-making in relation to those is timely</li> </ul>
<i>Procedural Fairness</i>	<ul style="list-style-type: none"> <li>• in most matters provide an opportunity for an alleged offender to provide an explanation, however there will be situations such as parking enforcement and other circumstances considered to represent a serious risk to public safety or the environment or the like which would preclude this opportunity</li> <li>• give due consideration to any written submission made by an alleged offender made whether directly to Council or via another agency (i.e. Office of State Debt Recovery)</li> </ul>

	<ul style="list-style-type: none"><li>• make all appropriate enquiries, investigation and searches prior to making an enforcement decision</li><li>• establish appropriate procedures to avoid an enforcement decision being influenced by an actual, potential or perceived conflict of interest</li><li>• implement procedures to ensure pertinent information is provided to a complainant and alleged offender, subject to maintaining appropriate confidential provisions</li><li>• act without bias and within statutory time frames</li></ul>
<i>Code of Conduct</i>	<ul style="list-style-type: none"><li>• Council officers carry out their activities and actions in accordance with Council’s Code of Conduct ensuring any actual or potential conflict of interest situations are managed in a fair, consistent and impartial manner</li></ul>



## 9 Responsibility

Council receives information about alleged unlawful activity from members of the public, contact from other government agencies and information gathered by its officers during proactive inspections.

All council staff who deal with reports alleging unlawful activity are responsible for implementing this policy.

Council staff are also responsible for ensuring that any other possible unlawful activity identified as a result of an inspection, proactive enforcement or other activity is brought to the attention of the appropriate business unit of Council.

Council staff are required to:

- Treat all relevant parties with courtesy and respect;
- Communicate with all relevant parties and provide feedback on the progress of an investigation and any reasons for delay without compromising the integrity of the investigation;
- Make full and proper records in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for any decisions;
- Inform all relevant parties of reasons for decisions;
- Provide as much information as possible to all relevant parties about the outcomes of investigations to show that adequate and appropriate action was taken and/or is proposed to be taken in response to a report of alleged unlawful activity; and
- Provide information to all relevant parties about any avenues to seek an internal or external review of a decision.

All reports received by Council regarding unlawful activity will be entered into Council's Record Management System in accordance with Council's Policies and Procedures and actioned in a timely manner. All relevant staff undertaking an investigation into any unlawful activities will be required to undertake this task in line with their level of delegation issued by Council and/or General Manager and related legislation provisions.

Some reports will raise matters involving shared regulatory responsibilities between council and other authorities including the Environment Protection Authority, the NSW Police Force, the Office of Liquor, Gaming and Racing, NSW Fair Trading, NSW Food Authority, Crown Lands and NSW Health.

Council recognises that collaboration and cooperation between authorities to address issues of shared regulatory responsibility is the best approach. To this end, where there are shared legislative responsibilities, Council staff will liaise with relevant authorities to establish:

- Which authority will take the leading role on any joint investigation;
- Which activities each authority will carry out;
- Responsibilities for updating an individual where relevant; and
- Protocols for exchanging confidential information between the relevant authorities.

Council will reasonably endeavour to respond to requests for information or assistance on joint regulatory matters in a timely manner.

## 10 Responding to concerns about unlawful activity

### a) Means of Notification to Council

Council receives information about alleged unauthorised activities or other regulatory requests from member of the public, business operators, government agencies and information gathered by council officers during inspections undertaken.

Council will record all reports alleging unauthorised activities and regulatory breaches and assess all reports entered into Council's Record Management System. Each report will be allocated to the relevant team or officers for investigation and action.

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Reports submitted to Council with the exception of cases of an urgent matter should be provided in writing (where possible) to ensure Council can carry out a full and proper investigation of the matter. Council will respond to every such report unless the person raising the matter has indicated they do not wish to receive a response about council's handling of the matter, or the report is anonymous.

Generally speaking, Council's objectives when dealing with reports alleging unlawful activity are to:

- Maintain the collective good and welfare of the community;
- Prevent or minimise harm to health, welfare, safety, property or the environment;
- Consider the broader public interest having regard to council's priorities and any resource limitations; and
- Consider the report fairly and impartially.

It is important to note not all reports will need to be investigated. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required.

To assist Council with managing internal and external customer expectations and for the allocating of resources a risk category table has been developed as per Table 1 in this policy. This table outlines guidance on matters that Council will or will not action, the types of matters and anticipated response time commensurate to public health, safety and environmental harm.

An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex. If council decides to investigate, staff will give the person who reported the alleged unlawful activity regular feedback on the progress of the investigation. This does not mean that the individual can expect to be given details about every aspect of the investigation or information that would compromise the integrity of the investigation.

Decisions about what action should be taken by council are made at the council's discretion. Reports alleging unlawful activity will be resolved to the satisfaction of council, not necessarily the person raising the matter. Council will generally try to resolve matters as quickly and informally as possible so as to avoid the need to take formal action.

Council staff will endeavor to manage the expectations of people who report alleged unlawful activity, and in particular explain that in the absence of sufficient evidence of unlawful activity, council may be unable to take further action. Staff will also explain that council does not have unlimited resources and powers to deal with reports alleging unlawful activity. If council is unable to fully investigate or take action on a matter because it is restricted by any legal or resource limitations this will be explained to the individual.

While there are certain statutory requirements that must be met in relation to notices and orders Council staff will ensure that all explanatory communications are made in plain English and explain any technical language the law requires to be used.

#### **b) Confidentiality of people who report allegations of unlawful activity**

People who report allegations of unlawful activity should not expect that their identities will remain confidential from the subject of their report in all circumstances. Council may have to disclose information that identifies them in the following cases:

- The disclosure is necessary to investigate the matter;
  - Their identity has already been disclosed to the subject of their report directly or in a publicly available document;
  - The individual was consulted following receipt of a Government Information (Public Access) Act 2009 application and did not object to the disclosure;
  - The individual consents in writing to their identity being disclosed;
  - The disclosure is required to comply with principles of procedural fairness; and
  - The matter proceeds to court.
-

Council will take seriously any concerns an individual may have about their physical safety being endangered as a result of making a report. However, this may limit council's ability to investigate the matter.

**c) What council expects from people who report allegations of unlawful activity**

Council expects that people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by council. This includes:

- Providing a clear description of the problem (and the resolution sought, if relevant);
- Giving all available and relevant information to council, including any new information about the alleged activity that may become known to the person following the making of their report;
- Not giving any information that is intentionally misleading or wrong;
- Cooperating with council's inquiries and giving timely responses to questions and requests for information;
- Treating council's staff with courtesy and respect; and
- Allowing the investigation to be completed without prematurely taking the matter to other agencies unless referred to by council.

If these expectations of the individual are not met, council may need to set limits or conditions on the continuation of the investigation or may need to restrict any further communications with the individual.

**d) What parties can expect from Council staff**

People who report alleged unlawful activity, as well as individuals or businesses that are subject to investigation and any enforcement action can expect that council staff will:

- Treat them with courtesy and respect;
- Advise them of the outcome of the allegation reported, including a full explanation of the reasons why that outcome was considered to be reasonable in the circumstances;
- Clearly explain decisions in plain English;
- Provide information about any relevant internal and external appeal processes that may be available;
- Carefully assess any new information provided by any party after a decision has been made and advise whether further action will be taken; and
- Abide by Council's Code of Conduct

**e) Complaints about Council's enforcement actions**

Any complaints about Council's handling of reports alleging unlawful activity will be recorded separately and handled in accordance with council's complaints management policy and procedures.

Where a person or organisation subject to enforcement action merely disputes council's decision to take enforcement against them, they will be directed to make representations in accordance with any relevant internal and external appeal processes.

Council staff will act on any complaints about the conduct of compliance officers in accordance with Council's complaints management policy and procedures and the code of conduct.

**f) Anonymous reports**

Anonymous reports will be recorded and assessed in accordance with the above requirements. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports are less likely to warrant investigation.

**g) Unlawful activity outside business hours**

Unlawful activity can occur outside business hours. In particular, Council may receive reports about matters such as offensive noise and failure to comply with limitations on hours of operation during nights and weekends.

Due to resource and operational capability restraints on council, investigations into alleged unlawful activity outside business hours will be assessed on the basis of risk of harm to health, welfare, safety, property or the environment or it is otherwise in the public interest to take such action.

**h) Neighbour disputes**

Council will at times receive reports from parties involved in neighbour disputes seeking council’s involvement. When a dispute between two neighbours is a civil matter, council will often have no authority to resolve the issue in dispute. Some reports will raise several matters, some of which will require council’s involvement and some of which will be personal to the parties.

Council staff will thoroughly assess such reports to determine whether there is evidence of any possible unlawful activity requiring action by council. Care will be taken to explain which aspects of a report Council can deal with and which cannot be dealt with and why. Where possible, individuals will be provided with information about how to resolve neighbour disputes including referral information resources such as LawAccess NSW and Community Justice Centres.

It is possible that one party will provide further information about a matter which changes council’s decision about whether it will become involved. In such circumstances, Council staff will carefully consider the matter before taking action and document reasons for the new decision. Relevant parties will be advised about the reasons council has changed its position on a matter. Council staff will not change a decision about whether or not Council should be involved purely as a response to the conduct of an individual such as persistent demands or threats.

**i) Prioritisation of Investigation**

The responsible officer who is tasked with prioritising the investigation will need to determine if any action is required depending on the level of risk to the public, occupant safety and the environmental harm that may be caused. The following Table 1 provides risk categories, initial response times and example reports that may fall into each category.

**Table 1. Risk Categories**

<b>RISK CATEGORY</b>				
<b>VERY HIGH</b>	<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>	<b>VERY LOW</b>
Permanent, long-term or reoccurring and serious damage to health, property or environment likely or very likely Large scale impacts Very serious offences Very high priority issue for council and community	Moderate, major or severe consequences likely or very likely Medium-large scale impacts Serious offences Very high priority issue for council and community	Moderate consequences are likely, serious impacts are very likely Small-medium scale impacts Moderate offence severity Very high priority issue for council and community	Consequences are minor or moderate and are unlikely or very unlikely to occur Small scale, isolated impacts Low level offence severity Very high priority issue for council and community	Provision of information/advice provided is insufficient/lack basis to take action. Legislation relating to report is administered by another government department.
<b>INDICATIVE TIMEFRAME OF INITIAL RESPONSE</b>				
Immediate and urgent response	Response within 48 hours	Response within 7 working days	Response within 14 working days	No action
<b>EXAMPLE REPORT TYPES/ISSUES</b>				
Significant pollution incidents Large scale clearing of vegetation containing threatened species Abandoned vehicles in an unsafe location Collapsed or unsafe building works in public areas Dog attacks Straying stock on major highways	Roaming dogs Unsafe buildings and building works Rubbish dumped in an unsafe location/hazardous Pollution incidents Breaches of tree preservation order Dangerous/restricted dog complaints Straying stock on major roads Sale or movement of prohibited matter – weeds.	Abandoned vehicles Storm water or drainage issues Dumped rubbish (not hazardous) Breach of consent conditions (eg waste management) Poor sediment control on building sites Noise complaints affecting several people	Minor consent breaches (eg no signage) Unauthorised signage Unauthorised land use Overgrown Aesthetic issues Neighbour disputes Nuisance complaints (eg domestic noise, barking dogs)	Building work carried out without approval now made lawful by Exempt and Complying Development Code.

Note: Food related incidences and complaint management to be responded to in accordance Council’s instrument of appointment as a Category B agency of the Food Regulation Partnership agreement.

## 11 Investigating alleged unlawful activities

Not all reports alleging unlawful activities will warrant investigation and a preliminary assessment will be undertaken to determine if an investigation is required. Council will prioritise matters on the level of risk to public safety, human health and environment.

If there is insufficient information in the report to undertake a preliminary assessment, further information may need to be sought from the person who made the report or an inspection undertaken. Staff may also need to consult Council records and engage with other internal sections of Council to determine the relevant history and context of the matter.

### **Circumstances where no action will be taken:**

Council will take no further action if, following a preliminary assessment, it is identified that:

- Council does not have jurisdiction to investigate or is not the appropriate authority to take action on the issues raised. Where there is another appropriate authority or course of action, council may bring the matter to the attention of the authority or provide information and contact details to the individual. Some examples being SafeWork NSW for workplace safety matters, the NSW Environment Protection Authority for possible environmental offences and NSW Community Justice Centre for personal disputes;
- The report relates substantially to a matter previously determined by Council and no new or compelling information is presented which would cause Council to change its earlier decision. In this case, staff will acknowledge the report and advise that no further action will be taken as no new information had been provided (other than where the person has previously been advised they would receive no further response);
- The allegations relate to a lawful activity (eg where there is an existing approval or the activity is permissible without council approval or consent being required);
- The report is not supported with evidence or appears to have no substance; and
- The relevant manager, director or the general manager determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.

### **Relevant factors guiding decisions as to whether to take action:**

When deciding whether to investigate, Council will consider a range of factors including whether:

- The activity is having a significant detrimental effect on the environment or it constitutes a risk to public safety;
  - The report is premature as it relates to some unfinished aspect of work that is still in progress;
  - The activity or work is permissible with or without permission;
  - All conditions of consent are being complied with;
  - Much time has elapsed since the events the subject of the report took place;
  - Another body is a more appropriate agency to investigate and deal with the matter;
  - It appears there is a pattern of conduct or evidence of a possible wide spread problem;
  - The person or organisation reported has been the subject of previous reports;
  - The report raises matters of special significance in terms of the council's existing priorities;
  - There are significant resource implications in relation to an investigation and any subsequent enforcement action; and
  - It is in the public interest to investigate the report.
-

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The above are factors for council to consider and weigh in making a determination. Council staff are not limited in their use of discretion by these considerations and may decide to investigate based on these and other factors.



The objective of the processes council staff use when investigating incidents of alleged unlawful activity is to:

- Determine the cause of the incident;
- Determine if there has been a contravention of law, policy or standards;
- Gather evidence to the required standard to support any required enforcement action; and
- Determine any necessary action to mitigate the possibility of reoccurrence of similar incidents.

Any decision not to investigate an allegation of unlawful activity will be recorded and the reasons for that decision clearly stated.

## **12 Deciding whether or not to take enforcement action**

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, Council will consider the full circumstances and facts of the matter and the public interest. The following common considerations will assist council staff in determining the most appropriate response in the public interest:

### **Considerations about the alleged offence and impact:**

- The nature, extent and severity of the unlawful activity, including whether the activity is continuing;
- The harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;
- The seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature; and
- The time period that has lapsed since the date of the unlawful activity.

### **Considerations about the alleged offender:**

- Any prior warnings, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them;
- Whether the offence was committed with intent;
- Whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any council requirements and instructions;
- Any mitigating or aggravating circumstances demonstrated by the alleged offender; and
- Any particular circumstances of hardship affecting the person or organisation reported.

### **Considerations about the impact of any enforcement action:**

- The need to deter any future unlawful activity;
- Whether an educative approach would be more appropriate than a coercive approach in resolving the matter;
- The prospect of success if the proposed enforcement action was challenged in court;
- The costs and benefits of taking formal enforcement action as opposed to taking informal or no action;
- What action would be proportionate and reasonable in response to the unlawful activity; and
- Whether council is prevented from taking action based on earlier advice given, ie whether an estoppel situation has been created.

### **Considerations about the potential for remedy:**

- Whether the breach can be easily remedied;
  - Whether it is likely consent would have been given for the activity if it had been sought; and
  - Whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.
-

**Legal or technical issues**

Where legal and/or technical issues are in question, council staff will consider whether legal advice or professional advice from duly qualified staff or other experts should be obtained and considered. Council may also require a person subject to possible enforcement action to obtain professional advice in relation to issues of concern to Council for assessment as to whether further action is required.

**Requirements of Council staff considering enforcement action**

Prior to taking enforcement action, council staff will take into account the above considerations as well as the evidence gathered during their investigation. Council staff must act impartially, be mindful of their obligations under Council’s Code of Conduct and not act as a decision-maker in relation to any matter in which they have a personal interest. Enforcement action will not be taken purely as a response to the conduct of an individual such as persistent demands or threats.

Council staff are required to maintain records about critical thinking and decision-making processes in relation to reports alleging unlawful activity and any enforcement action, as well as records of interactions with relevant parties. Council staff will at all times adhere to council’s internal approval processes prior to the commencement of any enforcement action.

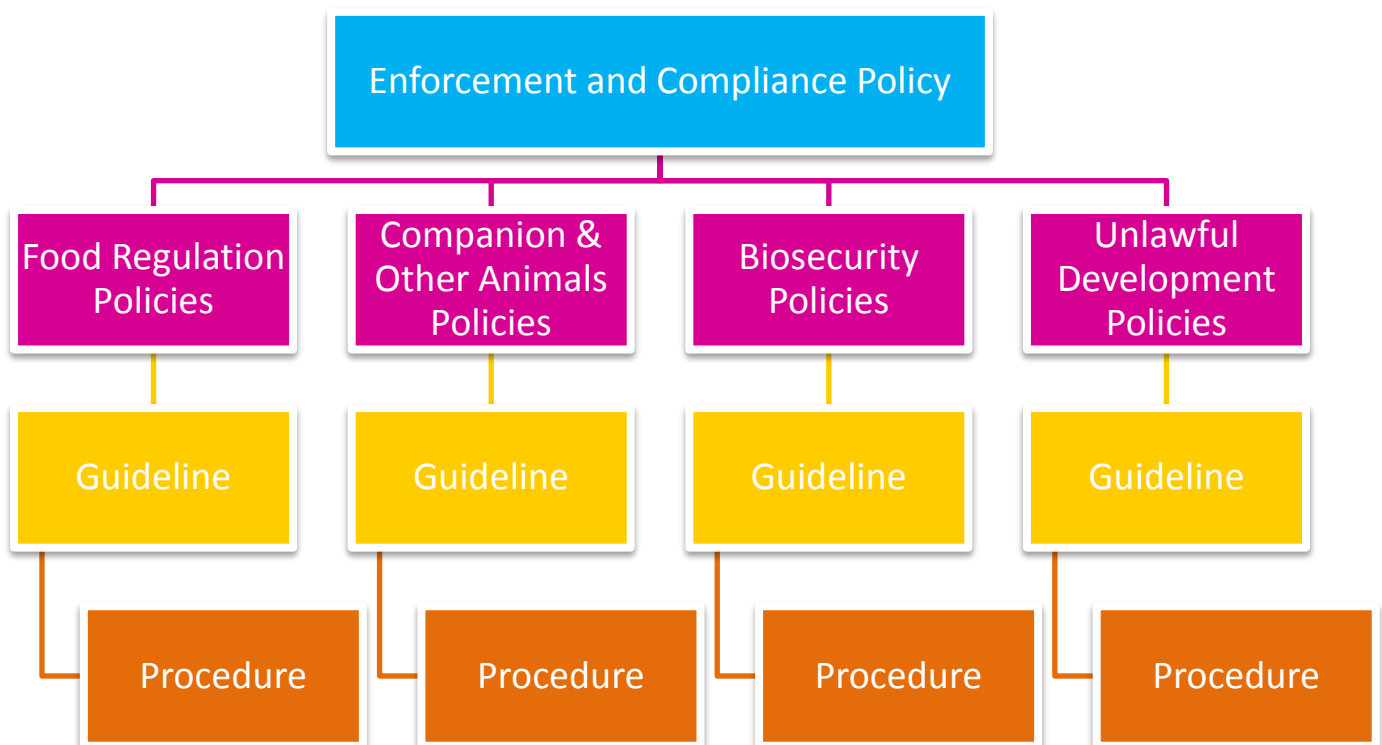
Council staff will take steps to ensure that any enforcement action is taken against the correct person or organisation. Where there are multiple possible parties to an alleged unlawful activity, it will generally not be appropriate to take enforcement action against every person who may be liable for the alleged unlawful activity. In such circumstances, council staff will be guided by legal advice in determining the appropriate persons to pursue.

**Policy / Guidelines Hierarchy**

Council may adopt policy and guidelines that are specific for the type of regulatory actions and the circumstances in which enforcement action will or will not be taken.

This policy is based on the Model Policy and Guidelines developed by the NSW Ombudsman. This policy has been created as an overall guiding document for all compliance and enforcement matters and accompanied with subsequent policies and procedures specific to each of Council’s services forms a suite of documents for all regulatory matters used by Council.

The relationship of this document in this regard is as follows:



## **13 Options for dealing with confirmed cases of unlawful activities**

Council will try to use the most efficient and informal option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options. Council staff will use discretion to determine the most appropriate response to confirmed cases of unlawful activity and may take more than one approach.

Any enforcement action taken by council will depend on the full circumstances and facts of each case, with any decision being made on the merits.

At all times, Council's key concerns are:

- To prevent or minimise harm to health, welfare, safety, property or the environment; and
- To influence behaviour change for the common good and on behalf of the community.

There are a range of enforcement actions available to Council as shown in Figure 1. Enforcement options are not necessarily mutually exclusive, for example, in some circumstances it may be appropriate to simultaneously issue a Notice/Order and a Penalty Notice. Each option considered by Council will reflect an escalation in response that is proportionate to the level of risk, the seriousness of the compliance breach or the need for a deterrent. It is also important to note that the options of enforcement action provided are a guide only and each case must be assessed on the particular facts of the matter being investigated and actioned.

**Figure 1: Enforcement actions available to Council**

**Remedial or Rectification Action**

- Court Order**
  - An order from the court requiring certain things to be done to achieve compliance (civil proceedings)
- Order**
  - A Notice / Order from Council requiring certain things to be done to achieve compliance
- Letter Requesting Undertaking**
  - A letter requesting an undertaking that corrective action will be taken within a certain timeframe
- Negotiation**
  - With alleged offender and written confirmation of commitments made
- Caution / Warning or Advisory Letter**
  - To encourage future compliance and caution that further action may be taken
- Record the Breach**
  - No further action - for very minor breaches only

**Penalty Action**

- Criminal Prosecution**
  - In the Land and Environment Court or the Local Court
- Penalty Notice**

Note that it may be appropriate to use more than one enforcement option in some cases. If initial enforcement action does not achieve a satisfactory outcome, it may be necessary to proceed to a higher level of enforcement response. For example, if a warning letter or notice of intention does not achieve the desired response, it may be appropriate to give an Order; or if an Order is not complied with, it may be appropriate to bring enforcement or prosecution proceedings.

Level of Risk	Enforcement Options
Very Low	<ul style="list-style-type: none"> <li>• take no action on the basis of a lack of evidence or some other appropriate reason</li> <li>• provision of information/advice on how to be compliant</li> </ul>
Low	<ul style="list-style-type: none"> <li>• negotiating with the person to obtain voluntary undertakings or an agreement to address the issues of concern</li> <li>• issuing a warning or a formal caution</li> </ul>
Medium	<ul style="list-style-type: none"> <li>• issuing a letter requiring work to be done or activity to cease in lieu of more formal action</li> <li>• issuing a notice of intention to serve an order or notice under relevant legislation, and then serving an order or notice if appropriate</li> </ul>
High	<ul style="list-style-type: none"> <li>• issuing a penalty notice</li> <li>• carrying out the works specified in an order at the cost of the person</li> </ul>

	served with the order
Very High	<ul style="list-style-type: none"> <li>• seeking an injunction through the courts to prevent future or continuing unlawful activity</li> <li>• commence legal proceedings for an offence against the relevant Act or Regulation</li> </ul>

**Following up enforcement action**

All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the subject of enforcement action or advice, directions or orders issued by Council. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary. If the unlawful activity has ceased or the work has been rectified, the matter will be resubmitted for follow up action to ensure compliance outcomes are met. Should initial enforcement action be found to have been ineffective, Council staff will consider other enforcement options.

**14 Taking legal action**

Council and its delegated staff will be guided by legal advice in deciding whether to commence criminal or civil proceedings and will consider the following:

- Whether there is sufficient evidence to establish a case to the required standard of proof;
- Whether there is a reasonable prospect of success before a court; and
- Whether the public interest warrants legal action being pursued.

**Whether there is sufficient evidence to establish a case to the required standard of proof**

Council considers the decision to take legal action a serious matter, and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof.

The basic requirement of any **criminal** prosecution is that the available evidence establishes a prima facie case. The prosecutor is required to prove the elements of the offence beyond reasonable doubt.

In **civil** enforcement proceedings, council will require sufficient evidence to satisfy the court that an actual or threatened breach has occurred on the balance of probabilities.

**Whether there is a reasonable prospect of success before a court**

Given the expense of legal action council will not take legal action unless there is a reasonable prospect of success before a court. In making this assessment, council staff will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences, and any other factors which could affect the likelihood of a successful outcome.

**Whether upholding the public interest warrants legal action**

The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, the same factors to be considered when taking enforcement action apply.

The following considerations relate more specifically to the decision to commence legal proceedings and will assist council and its delegated staff in making this determination:

- The availability of any alternatives to legal action;
- Whether an urgent resolution is required (court proceedings may take some time);
- The possible length and expense of court proceedings;
- Any possible counter-productive outcomes of prosecution;
- What the effective sentencing options are available to the court in the event of conviction; and

- Whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.

**Time within which to commence proceedings**

Council staff must be aware of legislative time limits in which enforcement proceedings must be commenced. Sometimes legal action will be statute barred despite good evidence that unlawful activity has occurred.

### **Legislative Provisions and Requirements**

Specific provisions are contained within each piece of legislation relating to the appointment of Authorised Officers, Powers of Entry, Inspections & Investigations, Search Warrants, Issuing of Notices & Orders, Issuing Penalty Infringement Notices, Legal Proceedings, Appeals, Court Orders, Penalties, Compensation and other associated activities.

Specific provisions are also contained in most legislation to restrict Authorised Officers' access to residential premises, unless permission has been obtained accordingly or the inspection relates to a current approval or Council has obtained a Search Warrant.

Although Councils are provided with a range of Acts and Regulations, to regulate and enforce, the provisions are, in most cases, very specific and action may only be taken if certain matters or circumstances are evident and can be demonstrated by the Authorised Council Officer.

The Acts and Regulations do not provide Council with unfettered powers to take action in matters which are not specifically provided for in the legislation (e.g. actions or behaviour of parties and neighbour nuisances).

Council officers are required to be duly authorised and carry out their regulatory functions fully in accordance with these provisions.

### **Exempt and Complying Development**

The scope and application of exempt development and complying development has been significantly expanded in the past few years, under various statutory planning instruments, including the NSW Codes SEPP.

Exempt development relates to specified minor development, building work and renovations which do not require any approval from Council or an Accredited Certifier, subject to compliance with specified limitations and requirements.

Exempt development does not require any notification to Council or any approval from Council. The owner or builder is responsible to ensure compliance with the relevant requirements in the planning instrument for exempt development.

If the relevant requirements are not satisfied, an authorised Council officer can investigate the matter and take any necessary appropriate regulatory action, having regard to the considerations detailed in this policy.

Regulatory action may however not be warranted if the works are generally in accordance with the relevant limitations and requirements outlined in the planning instrument and Building Code of Australia.

Council acknowledges that home-owners and business proprietors have the right to undertake exempt development in accordance with the relevant requirements without undue interference by Council, and reasonable cause or evidence should be provided to Council to warrant investigation of work or development which may fall within this category of development.

Complying development relates to a wide range of development types (including new dwellings, alterations and additions to dwellings, granny flats, outbuildings, swimming pools, use of premises, alterations and additions to commercial and industrial development and other development). Complying development may be approved by a Council or private-sector Accredited Certifier and if the pre-determined prescriptive criteria is satisfied, it must be approved.

It is the role and responsibility of the appointed Certifying Authority (Council or private-sector Accredited Certifier) to ensure that complying development meets all of the prescriptive requirements before issuing a Complying Development Certificate. The certifier is also required to undertake relevant inspections and check compliance with the Complying Development Certificate including conditions of the Complying Development Certificate, before issuing an Occupation Certificate.

Councils do not have any authority to review or change the determination of a Complying Development Certificate and the validity of a Complying Development Certificate may only be challenged in the Land & Environment Court.

It is the role and responsibility of the Building Professionals Board (BPB) to investigate the conduct and complaints relating to Council and private-sector Accredited Certifiers. Under the Building Professionals Act 2005 the BPB has the ability to take appropriate regulatory action against a Certifier if found guilty of an offence or breach of the BPB Code of Conduct or Accreditation Scheme, including the issue of fines, education training and cancellation of accreditation.

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Any queries and concerns relating to complying development should be referred directly to the relevant Certifier and the Certifier has an obligation to investigate the matter and to take appropriate action.

If the development is not being carried out in accordance with the Complying Development Certificate, the Certifier may issue a notice of intention to serve an order. A copy of which is forwarded to Council for assessment and any necessary regulatory action.

### **Parking Offences**

Whilst the enforcement of parking offences can, at times, cause concerns to drivers, residents and businesses, it is important to consider the rationale and importance of the road rules and parking restrictions which apply.

The Australian Road Rules contain the relevant rules and restrictions relating to traffic, parking and the safe use of our roads. The Rules are adopted throughout NSW under the Road Transport Act 2013 and associated Regulations.

Council's authorised officers will implement regulatory enforcement of parking offences in accordance with the relevant legislation, Road Rules, and Council's policies and procedures in a professional, appropriate, consistent and accountable manner.

### **Penalty Notices**

A number of the Acts and Regulations which Council administer provide the ability for Council officers to issue Penalty Notices for certain offences. The Penalty Notice system was introduced to provide an effective and efficient means to deal with those offences which are generally not serious enough to warrant instituting Court proceedings.

A Penalty Notice may be served if it is evident that an offence has been committed, but payment of the fine does not result in the recording of a criminal conviction. Non-payment of the fine is not dealt with by way of criminal sanctions, but is recoverable as a civil debt. However, a person may elect to have the matter heard in proceedings in the criminal jurisdiction of the Local Court.

Penalty notices may be issued by designated authorised officers under the relevant legislation. In many instances, authorised officers are not only Council officers, but include officers from other agencies such as the Police, Roads & Maritime Services, Environment Protection Authority and Building Professionals Board.

Penalty notices are generally most appropriate where:

- The breach is minor;
- The facts are apparently indisputable;
- The penalty is proportionate and appropriate for the particular offence or breach;
- The breach is a one-off situation that can be remedied easily; and
- The issue of a penalty notice is likely to be a practical and viable deterrent.

It may not be appropriate to issue penalty notices where:

- The breach is on-going;
  - The penalty prescribed in the penalty notice would be clearly inadequate for the severity of the offence;
  - The extent of impact or the harm to the environment or locality cannot be assessed immediately;
  - The evidence may be insufficient or controversial and the matter may be unlikely to succeed in the event of a Court hearing;
  - A significant period of time has elapsed since the alleged breach;
  - Negotiations to find a resolution to the problem which is the subject of the breach are being conducted;
  - A direction has been issued to perform specified work (i.e. via a Notice of Intention to serve an Order) within a timeframe and the time limit for such performance has not expired; and
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- Multiple breaches have occurred.

Penalty Notices are generally most suitable for immediate and straight-forward offences or breaches, to uphold the objectives of the relevant regulatory requirements and to act as a deterrent against further similar breaches, including:

- Public place offences;
- Roads, traffic and parking offences;
- Waste and littering offences;
- Failure to comply with public notices;
- Certain animal control offences;
- Low-impact pollution incidents;
- Minor fire safety offences;
- Low-impact development control offences; and
- Essential Services certification offences

### **Penalty Notice Review**

To ensure that Council manages the penalty notice process and enforcement action in a consistent, transparent, accountable and unbiased manner, any requests or representations seeking reconsideration or waiving of a penalty notice should be made directly to Revenue NSW.

The Revenue NSW have in place specific guidelines (SDRO Review Guidelines), to assist and guide them when considering requests for the review of a penalty notice, in a consistent and transparent manner. As recommended by the NSW Ombudsman.

When reviewing a penalty notice, Revenue NSW may seek further information or refer the representations regarding the issue of the penalty notice to the Council for comment and advice.

Where representations seeking reconsideration or waiving of a penalty notice, are made to Council via the Revenue NSW recovery or directly, the General Manager's delegate will have due regard to upholding the integrity of the Council's regulatory and enforcement functions.

Council will generally not support the waiving of a penalty infringement notice unless:

- It is evident that an error has been made in the issuing of the penalty notice; or
- Documentary evidence is provided from a registered Health Practitioner that the offence occurred due to the result of a medical emergency or incident; or
- The extent of evidence or circumstances may affect the successful prosecution of the offence the subject of the penalty notice in the event of a Court hearing or appeal; or
- It is evident that Council has acted unreasonably or inappropriately in the issuing of the penalty notice; or
- After consideration of legal advice or the exceptional circumstances of the case and it considered appropriate to do so.

Where representations are made to the Revenue NSW seeking reconsideration or waiving of a penalty notice, the decision to waive a penalty notice is a matter for the Revenue NSW alone. In some cases, Revenue NSW may consult with Council prior to making a determination.

### **Penalty Notice – Caution Guidelines**

In certain circumstances it may be appropriate that Council instead of issuing a penalty notice gives an official Caution to an offender. Council may give an official Caution for minor or inconsequential reaches or in other exceptional circumstances (e.g. in circumstances where there has been no environmental impact or harm and there are no safety concerns or material impact upon the community).

An official Caution should be given by Council's authorised officer in accordance with the Caution Guidelines approved by the NSW Attorney General.

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It is generally not appropriate to issue an official caution for parking offences to ensure that the objectives and requirements of the Australian Road Rules are maintained and upheld in a consistent, accountable and transparent manner, except in exceptional circumstances (e.g. medical or health reasons) or in relation to inconsequential or trivial matters.

## 15 Certification of Development

Council retains its regulatory role and enforcement powers where a private certifier has been appointed the Principal Certifying Authority (PCA). However, if a private certifier is appointed the PCA, it is not council's responsibility to ensure building and construction compliance.

The 'certification' of development in NSW is carried out by building certifiers known as Accredited Certifiers and Principal Certifying Authorities. Accredited Certifiers and Principal Certifying Authorities can be private certifiers or Council certifiers. The NSW Building Professionals Board is the statutory authority that administers building certifiers under the Building Professionals Act 2005.

Construction Certificates, Compliance Certificates, Subdivision Certificates and Occupation Certificate (collectively known as Part 4A Certificates) and Complying Development Certificates are determined and issued by an Accredited Certifier or a Principal Certifying Authority appointed for a particular development.

Part 4A Certificates, including Construction Certificates and Complying Development Certificates (whether issued by a council certifier or a private certifier) are statutory Certificates. Council has no power to revoke or amend a Part 4A Certificate or a Complying Development Certificate. These types of certificates may only be declared "invalid" by the Land and Environment Court of NSW as a result of judicial review proceedings.

The NSW Building Professionals Board (BPB) is the responsible authority to investigate complaints about all Certifiers and the BPB also undertake proactive audits of Certifiers.

Accredited Certifiers must comply with the relevant requirements of the Environmental Planning and Assessment Act 1979 and Building Professionals Act 2005. The Building Professionals Board (BPB) can take appropriate disciplinary action against Certifiers, if found to be in breach of relevant legislative provisions or the terms and conditions of their accreditation, including the BPB Code of Conduct.

Reports regarding alleged non-compliance should be referred directly to the appointed Certifier for investigation and appropriate action.

In the case of non-compliance and depending on the nature and extent of the non-compliance, the Certifier would generally inform the owner or builder of the non-compliance and the action to be taken to address the matter. If the matter is not resolved within a given period or if the non-compliance is of substantial or sensitive nature, the Certifier may directly issue a Notice of Intention to serve an Order upon the owner or builder.

A Notice of Intention to serve an Order outlines the particular alleged breach or non-compliance and it advises the person (i.e. owner or builder) to make representations to Council, for consideration prior to Council determining the appropriate course of action in the matter.

The representations may provide reasons for the alleged breach or non-compliance and they may seek to demonstrate why Council should not take regulatory action in the matter (e.g. issue an Order and/or issue a penalty notice or commence legal proceedings for the offence). Council must consider representations made within the specified period, prior to determining whether or not to serve an Order (e.g. to remove unauthorised works or comply with a development consent requirement).

In most cases, reports regarding alleged noncompliance should be referred directly to the Certifier for appropriate action. Except in the case of an emergency or urgent matter, in which case, the report may also be provided to Council.

Generally speaking, matters relating to the construction of the development and compliance with the approved plans and conditions of consent should be referred directly to the Certifier for appropriate action. Matters relating to 'off-site' environmental or amenity impacts (e.g. pollution incident, working hours breach or public safety matter) may be referred directly to Council for investigation and prompt regulatory action may be able to be taken by a Council Ranger or Compliance Officer to address the matter.

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The Environmental Planning and Assessment Act 1979 and Regulation provides Certifiers with a degree of discretion in specified matters (e.g. to determine if a particular matter is not inconsistent with the development consent or condition of consent).

Council does not carry out any assessment of construction certificates, complying development certificates or other certificates issued by an accredited certifier and any enquiries or concerns regarding the certificates and development encompassed in the certificates must be referred directly to the certifier for assessment and response. All accredited certifiers are subject to the BPB Code of Conduct and a complaint may be lodged with the BPB if the certifier is in breach of the Code or other regulatory provision.

Council and private certifiers will work together to resolve any issues when they arise to achieve compliance with the development consent or complying development certificate. Council staff will take steps to ensure individuals are clear about which agency performs which role.

## **16 Role of Councillors in enforcement**

Decision making relating to the investigation of reports alleging unlawful activity and taking enforcement action is the responsibility of appropriately authorised Council staff or the council itself.

Individual councillors do not have the right to direct Council staff in their day-to-day activities. Councillors can help individuals who raise concerns with them by satisfying themselves that their Council's policies are being carried out correctly, however they cannot ignore or alter a policy in order to satisfy the demands of special groups.

The General Manager may present certain decisions to be ratified by the elected council if this is necessary or desirable, and the councillors may also have the right to call for a report about particular issues to a Council meeting.

## **17 Delegations**

Council staff delegations for taking action under this policy are included in Council's Delegation Register.

## **18 Education and Awareness**

Council aims to take a proactive approach in preventing unauthorised development and other activities or breaches by providing information to the public and applicants about planning and building requirements, conditions and regulatory requirements to be satisfied. Council will consistently review education and awareness mechanisms to order to pre-empt potential unlawful activities within it's area.

Council provides education programs and information to raise awareness and educate the community about compliance, enforcement, regulatory requirements and land owners/occupiers responsibilities to meet community expectations.

Council's website is a key tool that will be used to inform the community of information relating to Council services and related legislation including environmental health, waste, building and development, companion animals, water and wastewater and footpath licencing to name a few.

Council recognises that prevention, advice, regulation and mediation are all mechanisms that can be used for a reasonable solution for parties without the need to take enforcement action.

## **19 Discretion**

The taking of enforcement action by Council is a discretionary power. This means that, whilst Council is provided with the authority to enforce a law, this does not mean that there is legal obligation to do so, or at the insistence of a third party.

Council's decision whether or not to take regulatory action is determined, essentially, by the following criteria:

- There is sufficient evidence to prove that the offence has occurred and the person/s responsible for the offence;
-

- It must be evident from the facts and the circumstances of the case, that the taking of regulatory action would be appropriate (having regard to the matters for consideration as outlined in this policy); and
- The action is in the public interest.

When exercising discretion, Council is obliged to:

- Use discretionary powers in good faith, including for the intended and authorised purpose;
- Base their decisions on facts and findings supported by evidence, only relevant considerations and not irrelevant ones;
- Give proper, genuine and realistic consideration to the merits of the case, including weighing-up the importance of relevant factors;
- Exercise discretion independently and not under the dictation of a third party or body;
- Make decisions in accordance with relevant rules or policies but not inflexibly; and
- Observe the basic rules of procedural fairness.

The decision to pursue regulatory action will also be made impartially and will not be influenced by any inappropriate reference to race, religion, sex, national origin or political association, nor will it be influenced by matters that are of a civil nature or a private dispute.

Council's regulatory powers will not be used to address matters that have been the subject of assessment under a statutory approval process.

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## APPENDIX A: DEFINITIONS

The following are the definitions of key terms in this policy:

Term	Meaning
Complaint	<p>A complaint is an expression of dissatisfaction made to or about Council, its services and/or handling, where a response or resolution is explicitly or implicitly or legally required. A complaint can be about the following:</p> <ul style="list-style-type: none"> <li>• <b>Policies, procedures and processes</b> – this usually relates to dissatisfaction with service charges, policy decisions or an agreed practice covered by a policy or procedure;</li> <li>• <b>Employees</b> – usually relates to dissatisfaction with the behavior of a Council employee;</li> <li>• <b>Quality of service</b> – generally related to the quality of the finished job such as service not up to an expected standard, or the work or service taking longer than previously specified.</li> </ul>
Enforcement	Actions taken in response to serious or deliberate contraventions of laws
Regulation	Using a variety of tools and strategies to influence and change behaviour to achieve the objectives of an Act, Regulation, or other statutory instrument administered by council.
Compliance	The fact of obeying a particular law or rule, or of acting according to an agreement.
Report alleging unlawful activity	An expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.
Unlawful activity	<p>Any activity or work that has been or is being carried out contrary to the below and/or failure to take required action in order to be compliant with:</p> <ul style="list-style-type: none"> <li>• terms or conditions of a development consent, approval, permit or license</li> <li>• an environmental planning instrument that regulates the activities or work that can be carried out on particular land</li> <li>• a legislative provision regulating a particular activity or work</li> <li>• a required development consent, approval, permission or license.</li> </ul>
Estoppel	<p>Is a legal rule which prevents a person from later denying conduct or words which have been relied, and acted, upon by another person to their detriment. The issue is whether the conduct of the Council could lead to an expectation that it will not take action in a particular circumstance or that it is not concerned about the conduct in question. For example:</p> <ul style="list-style-type: none"> <li>• Has the owner/occupier previously been notified that the Council would not be taking action?</li> <li>• Has the matter previously been brought to the attention of the Council yet no action taken?</li> <li>• Has the Council contributed to the owner/occupier acting upon a reasonable expectation that no action would be taken?</li> </ul>

## APPENDIX B: COMPLIANCE/ENFORCEMENT CHECKLIST

When deciding whether to take enforcement action, the Council will consider the circumstances of the case. These include:

	YES	NO
1. Has the Council created estoppel* situation?	<input type="checkbox"/>	<input type="checkbox"/>
2. Has a preliminary risk category assessment been undertaken and documented?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the breach a technical breach only?	<input type="checkbox"/>	<input type="checkbox"/>
4. Has the time of the unlawful activity been determined?	<input type="checkbox"/>	<input type="checkbox"/>
5. How has the unlawful activity affected the natural or built environment and the health, safety and amenity of the area?		<input type="checkbox"/> <input type="checkbox"/>
6. Would consent have been given if it had been sought?	<input type="checkbox"/>	<input type="checkbox"/>
7. Can the breach be easily remedied?	<input type="checkbox"/>	<input type="checkbox"/>
8. Does the person in breach show contrition?	<input type="checkbox"/>	<input type="checkbox"/>
9. Are there any particular circumstances of hardship affecting the complainant or the person subject of the complaint?		<input type="checkbox"/> <input type="checkbox"/>
10. Has the person subject of the complaint received a previous warning or other non-coercive approach or has formal legal action been taken?		<input type="checkbox"/> <input type="checkbox"/>
11. Would an educative approach be more appropriate than a coercive approach?	<input type="checkbox"/>	<input type="checkbox"/>
12. What are the costs and benefits of taking formal enforcement action as opposed to taking informal or no action?	<input type="checkbox"/>	<input type="checkbox"/>
13. Is there sufficient evidence to establish a prima facie case? Is there some doubt over the evidence of offence/s?		<input type="checkbox"/> <input type="checkbox"/>
14. What are the chances of success if the proposed enforcement action was challenged in court?		<input type="checkbox"/> <input type="checkbox"/>
15. Is there a draft planning instrument on exhibition that would make the unauthorized use legal?		<input type="checkbox"/> <input type="checkbox"/>
16. Have the principles and objectives of this Policy been considered and addressed?		<input type="checkbox"/> <input type="checkbox"/>
17. Is taking action in the public interest including there being a reasonable prospect of success?		<input type="checkbox"/> <input type="checkbox"/>
18. Has the alleged offender been given an opportunity, if appropriate, to provide information as to why enforcement action should not be instituted?	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the alleged offender been advised, if appropriate, that no response to a show cause letter will result in the commencement of enforcement action?		<input type="checkbox"/> <input type="checkbox"/>
20. What is the likely length and net expense of the legal action?	<input type="checkbox"/>	<input type="checkbox"/>
21. Is the proposed enforcement action within powers delegated by Council or the General Manager or will a formal Council resolution be required?	<input type="checkbox"/>	<input type="checkbox"/>

The Council will ensure that the principals of natural justice are adhered to prior to a decision being made. The following principals will be addressed and implemented by the Council:

- Whoever is the subject of concern must know all the allegations in relation to their action;
- All parties to the complaint must have the right to be heard;

- All relevant submissions and evidence must be considered;
  - Matters which are not relevant must not be taken into account;
  - The person who makes the complaint must not determine the matter; and
  - The decisions-maker must be fair and just.
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## APPENDIX C: TAKING ENFORCEMENT ACTION

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, council will consider all the circumstances of the matter. The section below is intended to assist staff by providing further explanation of matters to be taken into consideration when deciding whether to take enforcement action.

### Considerations about the alleged offence and impact

- the nature, extent and severity of the unlawful activity including whether the activity continued
- the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity
- the seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action
- the time period that has lapsed since the date of the unlawful activity.

Consideration should be given to the nature, extent and severity of any actual or potential impact of the unlawful activity. If there is actual or potential detriment to the natural or built environment, to the health or safety of residents or the amenity of an area, this would normally warrant a decision to take action to remedy or restrain the breach. It is also important to consider whether the unlawful activity is ongoing or has ceased.

Consideration should be given to whether the likely costs and benefits of any enforcement action is justifiable where breaches result in no material impacts upon any other party or the health, safety and amenity of the environment and community. A breach of a technical, inconsequential or minor nature, in the absence of any other aggravating factor, will generally not warrant a decision to take action to remedy or restrain the breach.

Legislation may provide time limits in which to commence proceedings and take enforcement action, and sometimes prosecution will be statute barred despite good evidence that unlawful activity has taken place.

In addition, consideration should be given to the time which the offence or breach occurred and the 'reasonableness' of taking enforcement action if a significant time has lapsed since the time of the offence or breach.

### Considerations about the alleged offender

- any prior warnings, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them
- whether the offence was committed with intent
- whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any council requirements and instructions
- any mitigating or aggravating circumstances demonstrated by the subject of the report
- any particular circumstances of hardship affecting the person or organisation reported.

Consideration should be given to the previous history of the offender. If prior warnings, instructions or advice has been issued to the person or organisation reported which was not followed, a more formal and coercive enforcement approach would appear more appropriate.

Consideration should be given to whether the offence was committed deliberately, recklessly or with gross negligence. It may be appropriate that cases of this nature are more likely to result in prosecution. Where an offence was committed as a result of an accident or genuine mistake, providing education and guidance or a formal warning may be more suitable in achieving desired outcomes.

Where the offender has been proactive in the resolution of the matter and has assisted council in the resolution of the matter, it may be that the public interest would not be best served by prosecuting the offender, especially if the offending conduct or work has been rectified. If the offender has demonstrated a lack of contrition and is uncooperative with the investigation or remediation, a prosecution or monetary penalty would appear more appropriate.

Consideration should be given to any genuine mitigating circumstances of the offender such as age, physical or mental health, disability and any financial hardship of the offender resulting in an inability to pay.



**Considerations about the impact of the enforcement action**

- the need to deter any future unlawful activity
- whether an educative approach be more appropriate than a coercive approach in resolving the matter
- the prospect of success if the proposed enforcement action was challenged in court
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action
- what action would be proportionate and reasonable in response to the unlawful activity
- whether the council has created an estoppel situation.

Consideration should be given to the deterrent effect, both on the offender and others. Prosecutions, because of their great stigma if a conviction is secured, may be appropriate even for minor unlawful activity where they might contribute to a greater level of overall deterrence.

When deciding whether to take an educative approach or enforcement approach, consideration should be given to the following matters:

- the reasonable likelihood that the person may have known or should have known the relevant requirements or rules
- the level of contrition shown by the responsible person
- whether the parties have previously been advised of the regulatory requirements or provisions
- whether or not any previous warnings or instructions have been provided
- the apparent level of intent shown by the responsible person.

It may not be appropriate to take enforcement action if the chances of success, in the event of an appeal or hearing, are unlikely. In such situations, you would need to identify the causes of that likelihood and address them in the particular case or as a general issue.

Consideration should be given to what is reasonable in the particular circumstances that apply. This includes a reasonable proportionality between the ends to be achieved and the means used to achieve them.

Consideration is to be given to what is reasonable in the circumstances and ensure the action is not disproportionate to the level of harm or damage arising from the breach.

Legal proceedings are expensive. When doing a cost-benefit analysis, costs and benefits should be assessed broadly and indirect costs and benefits should also be considered.

Estoppel is a legal rule which prevents a person from later denying something which may have previously been relied on, and acted upon by another person.

Consideration should be given to whether the actions of council have created a reasonable expectation that no enforcement action would be taken.

**Considerations about the potential for remedy**

- whether the breach can be easily remedied
- whether it is likely consent would have been given for the activity if it had been sought
- whether there is a draft planning

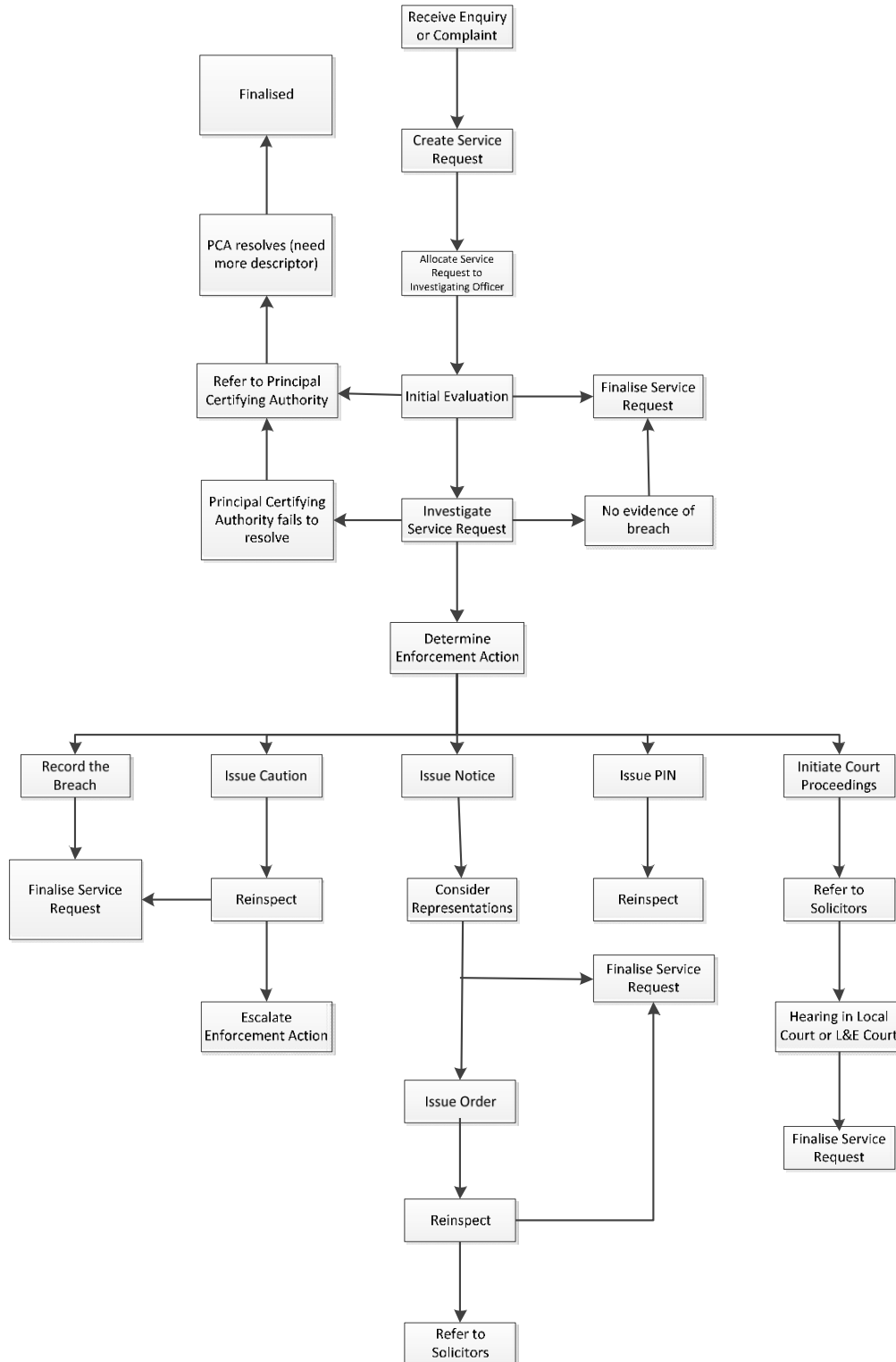
If there is evidence of a significant issue of unlawful activity and that matter can be easily remedied by some action on the part of the person the subject of the report, there is a less compelling case for enforcement action, depending on the other circumstances of the case such as the conduct of the offender.

If retrospective approval is possible, it may be reasonable to allow an opportunity to obtain this prior to taking other

instrument on exhibition that would make the unauthorised use legal.

enforcement action. In some cases, compliance by informal means may be the most efficient way to resolve the matter and other enforcement action may not be necessary. This needs to be balanced with other considerations such as the public interest in enforcing the law.

### APPENDIX D – EXAMPLE FLOWCHART ENFORCEMENT PROCESS



## APPENDIX E – EXAMPLES OF KEY OPTIONS AND POSSIBLE COURSES OF ACTION

Offence Scenario	Act / Reg.	Details of the case	Warning / Education	Penalty Infringement Notice	Notice &/or Order		Local Court Proceedings	L&EC Proceedings (eg class 4)
<b>Dangerous dog/dog attack</b>	Companion Animals Act	Dog has attacked another animal or person		✓	✓		✓	
<b>Nuisance Dog Order</b>	Companion Animals Act	Failure to comply with a Nuisance Dog Order (i.e. possible danger to other people, unrestrained or barking dog)		✓			✓	
<b>Potential for pollution</b>	POEO Act	Location of stockpile of soil/sand may cause pollution incident (i.e. in rain)	✓ (first occasion)					
<b>Pollution incident – minor</b>	POEO Act	Soil, sand or other waste has or is likely to enter stormwater system		✓	✓			
<b>Site management</b>	Local Govt. Act or EP&A Act	Articles located on footpath without approval – possible safety hazard	✓	✓	✓			
<b>Building work outside of hours</b>	Env. Planning and Assessment Act	Carrying out building works outside of hours permitted in DA	✓ (first occasion)	✓	✓			
<b>Unauthorised building works – major</b>	Env. Planning and Assessment Act	Substantial unauthorised building work or non-compliance with consent – Planning and BCA compliance issues			✓		✓	✓
<b>Fire safety offence – general</b>	Env. Planning and Assessment Act	Failure to submit annual fire safety statement after due date or failure to maintain fire safety measures or exit system	✓	✓	✓			
<b>Fire safety – major</b>	Env. Planning and Assessment Act	Substantial fire safety breach or fire safety upgrading of development			✓		✓	✓
<b>Traffic/Parking</b>	Aust. Road Rules	Parking vehicle in a 'School-Sone' or in a 'No Stopping' area		✓				
<b>Traffic/Parking</b>	Aust. Road Rules	Parking of vehicle contrary to relevant adopted and sign posted parking requirements		✓				
<b>Food Safety – general</b>	Food Act	Failure to comply with Food Safety Standards	✓ (minor breach only)	✓	✓			
<b>Obstruction on footpath</b>	Roads Act	Unauthorised use of Council footpath for alfresco dining	✓	✓	✓			
<b>Illegal Dumping</b>	POEO Act	Illegally dump waste in public place	✓	✓			✓	
<b>Priority Weeds on land not being controlled</b>	Biosecurity Act	Failure to control priority weeds on land	✓	✓	✓		✓	

- In some cases, the particular breach may be remediated or resolved prior to proceeding to the service of Notices, Orders or legal proceedings i.e. via negotiations or by promptly obtaining relevant approvals.

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- Prior to determining an appropriate course of action, consideration is required to be given to the circumstances of the case and the courses of action contained in the above table may not be suitable or sufficient in all cases.
  - In the case of a minor inconsequential or trivial breach, Council's authorized officer may issue a written warning or a formal caution, where appropriate.
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### 9.3.2 FLOODPLAIN RISK MANAGEMENT COMMITTEE RECOMMENDATION TO COUNCIL.

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Environmental Project Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	7.1 Protect, value and enhance the existing natural environment
Delivery Program Objectives:	7.1.2 The significance and protection of the region's natural assets along with the efficient and equitable planning of public services, infrastructure and amenities is provided for in Council's Local Environmental and associated plans
Attachments:	1. Floodplain Management Committee Minutes 29 March 2019 2. Presentation GRC 20 March 2019
Cost Centre	180340
Project	Cooma/Bredbo/Michelago/Berridale Flood Study and Floodplain Risk Management Plan
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

The previous Snowy River and Cooma Monaro Shire Councils received funding from the Office of Environment and Heritage (OEH) for flood studies in Cooma, Bredbo, Michelago and Berridale. This funding has now been consolidated into one grant. A requirement of the grant guidelines is the formation of a Floodplain Risk Management Committee.

The Committee has been formed and has had two meetings thus far. The last meeting was on the 29<sup>th</sup> March 2019. It was proposed a recommendation be put to Council from this meeting.

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

#### OFFICER'S RECOMMENDATION

That Council undertake a strategic analysis of identified risks (Natural Hazard Risk Assessment) throughout the LGA and prioritise the identified gaps.

#### BACKGROUND

Prior to amalgamation, the previous Snowy River and Cooma Monaro Shire Councils applied for funding under the OEH 2016-2017 Floodplain Risk Management Program. Both applications were successful, since the amalgamation the grants have been consolidated. Total funding received from the OEH program is for the sum of \$291,428.57.

The contract has been awarded to GRChydro/SMEC.

As per the OEH Program guidelines, a Floodplain Risk Management Committee has now been formed and met twice thus far. This committee is chaired by Councillor Beer.

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Membership of this committee is made up of Council representatives, relevant agencies and community representatives as set out in the 'Floodplain Risk Management Committee' exert from the OEH 'Floodplain Development Manual (2005)'.

At the last meeting it was identified that Council needs to collate known Floodplain Risk Management Studies for the newly formed LGA and identify gaps in knowledge. These gaps in knowledge need to be prioritised and further funding sought.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

Cooma and Berridale have both been subject to flooding events which have impacted on Council and private residences/business. This study will recommend mitigation measures to alleviate impacts of flooding events.

Flood behaviour in Michelago and Bredbo has never been studied. The studies will identify if there are risks and what level of risk exists. This will be incorporated into the planning legislation and Councils DCP as both villages are under development pressure.

The studies will assist Council to better prepare for significant rain events as flood risk areas will be categorised as high, medium or low. The category will help Council to allocate resources to high risk areas.

The primary end users of the studies are the Council Planners and the Emergency Services. Planners will be able to integrate planning controls within medium to high flood prone areas into Development Applications and the strategic planning processes.

Emergency services will use the studies to assist with the preparation of Local Flood Plans as set out under the NSW Emergency Management legislation.

### **2. Environmental**

The purpose of the Floodplain Risk Management Study is to identify, assess and compare the various risk management options and to consider environmental opportunities for enhancement as part of the mitigation measures adopted. The data collection and the information in the Studies will provide the tools to determine environmental impacts in association with each mitigation measure.

The mitigation controls installed to reduce the impacts on flooding will have the potential to reduce erosion and sedimentation associated with heavy rain events.

Environmental assessments will be undertaken for each mitigation control to be constructed.

### **3. Economic**

The Flood Study and Management Plans are being funded by OEH at a ratio of 6:1.

Council will be able to apply for further funding under the OEH Program to implement mitigation measures recommended by the studies.

Recommended controls for flooding such as levees and bypass channels will reduce the social, economic and environmental impacts of major rain events.

### **4. Civic Leadership**

Council will incorporate results of the studies into their statutory responsibilities under the *Environmental Planning and Assessment Act 1979*. Developments proposed within identified flood

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9.3.2 FLOODPLAIN RISK MANAGEMENT COMMITTEE RECOMMENDATION TO COUNCIL.

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prone land can be amended under Councils LEP and DCP to mitigate risk to property and infrastructure.

The data included in the Floodplain Risk Management Plans will provide Council and Emergency Services with the tools for robust future long term strategic and emergency planning.

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# Floodplain Risk Management Committee Minutes



**Address: Council Chambers, Cooma**

**Date: 29-3-2019**

**Time: 1300-1430hr**

**Present:**

<b>Position</b>	<b>Member (Name)</b>	<b>Present/Apology</b>
Chair	Councillor Peter Beer	Present
Committee Member	Joanne Humphries (SES)	Apology
Committee Member	Richard Johns (SES)	Present
Committee Member	Nathan Pomfret (OEH)	Apology
Committee Member	John Murtagh (OEH)	Present
Committee Member	Pam Vipond (SMRC)	Present
Committee Member	Mark Adams (SMRC)	Present
Committee Member	Linda Nicholson	Present
Committee Member	Ashraf Ahamat (SMRC)	Present
Committee Member	Quinn Maguire (SMRC)	Present
Committee Member	Alexanda Adkins (SMRC)	Present
Committee Member	Zac Richards (GRC)	Present
Committee Member	William tang tu (GRC)	Apology
Committee Member	Norm Mueller (SMEC)	Present
Committee Member	Ian Hampton	Present
Committee Member	Antia Brademann	Apology
Committee Member	Tim Scarce	Apology
Committee Member	John Browne	Apology

## **1 Opening of the Meeting**

Councillor Beer opened the meeting at 1300hr.

Councillor Beer introduced himself and gave a background of his history pertaining to Floodplain Risk Management.

Councillor Beer welcomed everyone to the meeting. Pam Vipond welcomed everyone to the first Floodplain Risk Management Committee and thanked everyone for their attendance, noting the distance some travelled to attend.



## **2 Apologies**

An apology for the meeting was received from Joanne Humphries (SES), Nathan Pomfret (OEH), Antje Brademann (Waterwatch), Tim Scarce (Cooma Landcare) and John Browne.

## **3 Adoption of Previous Minutes**

3.1 Minutes of the meeting held on 17 July 2018 accepted as accurate.

## **4 Business Arising from Previous Minutes**

Nil

## **5 Correspondence**

In: Nil

Out: Nil

## **6 Business Arising from Correspondence**

Nil

## **7 Treasurer's Report (Management Committee Only)**

Nil

## **8 Work Health and Safety Issues and Hazard Reporting**

Nil

## **9 Management Committee Activity Timetable**

9.1 SMEC/GRChydro update of project

Zac Richards from GRChydro provided a PowerPoint presentation on progress of the project thus far. The presentation is attached to the Minutes.

Councillor Beer asked about insurance implications for landowners in areas nominated as 'risk of flooding'. General discussion followed that some insurers will not insure, others will with higher premiums. Bottom line is the need to shop around.

Ian Hampton made reference to the frequency of the word 'accuracy' within the Stage 2 report (September 2018). General discussion followed with regard to the ability of models to be defined as accurate.

## 10 Other Business

### 10.1 Pam Vipond – Adoption of Flood Risk Management Charter

Deferred until next meeting due to need to align with SMRC policies and procedures. Currently being reviewed by Group Manager – Governance.

### 10.2 Councillor Beer – Several ‘major projects’ dependent on the outcome of the studies.

Linda Nicholson asked as to the time frame for the final reports as some of Council’s large projects are dependent on the results i.e. Myack Street causeway upgrade in Berridale. Zac Richards advised 2-3 months for final reports.

**Action:** It was agreed Pam Vipond would send the most recent designs to Zac Richards.

### 10.3 Snowy Monaro Region Planning and Land Use Discussion Paper 2019

John Murtagh stated he had made a submission to Council on the paper. John felt it is important that the discussion paper acknowledges Floodplain Risk Studies.

After discussing the apparent gaps in knowledge and flood studies undertaken to date, it was determined that a strategic analysis be undertaken to include:

- Existing knowledge of flood risk studies
- Identification of gaps in flood analysis in towns and villages of the LGA
- Prioritisation of identified sites

#### Recommendation:

That Council undertake a strategic analysis of identified risks (Natural Hazard Risk Assessment) throughout the LGA following on with identified gaps in risk knowledge. The identified gaps in knowledge need to then be prioritised.

Councillor Beer suggested the ‘Go Jindabyne’ initiative may be an option to identify risks in the Jindabyne area.

**Action:** Pam Vipond to follow up on the Go Jindabyne initiative and source opportunities to identify natural hazards.

## 11 Action Sheet

Reference	Date	Action	Assignee	Completed	Notes
	29.3.19	Send most recent designs for Myack Street upgrade to GRChyrdo	Pam Vipond	10.4.19	
	29.3.19	Investigate ways to work collectively with the Go Jindabyne Program	Pam Vipond		Commenced

Reference	Date	Action	Assignee	Completed	Notes

## 12 Date of next Meeting

To be determined once Milestone 3 achieved.

## 13 Close of Meeting

There being no further business the meeting concluded at 1430hr.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE

*(The minutes are to be signed and dated here by the Chairperson at the next meeting, certifying the above as a correct record.)*

# Snowy Monaro Flood Studies

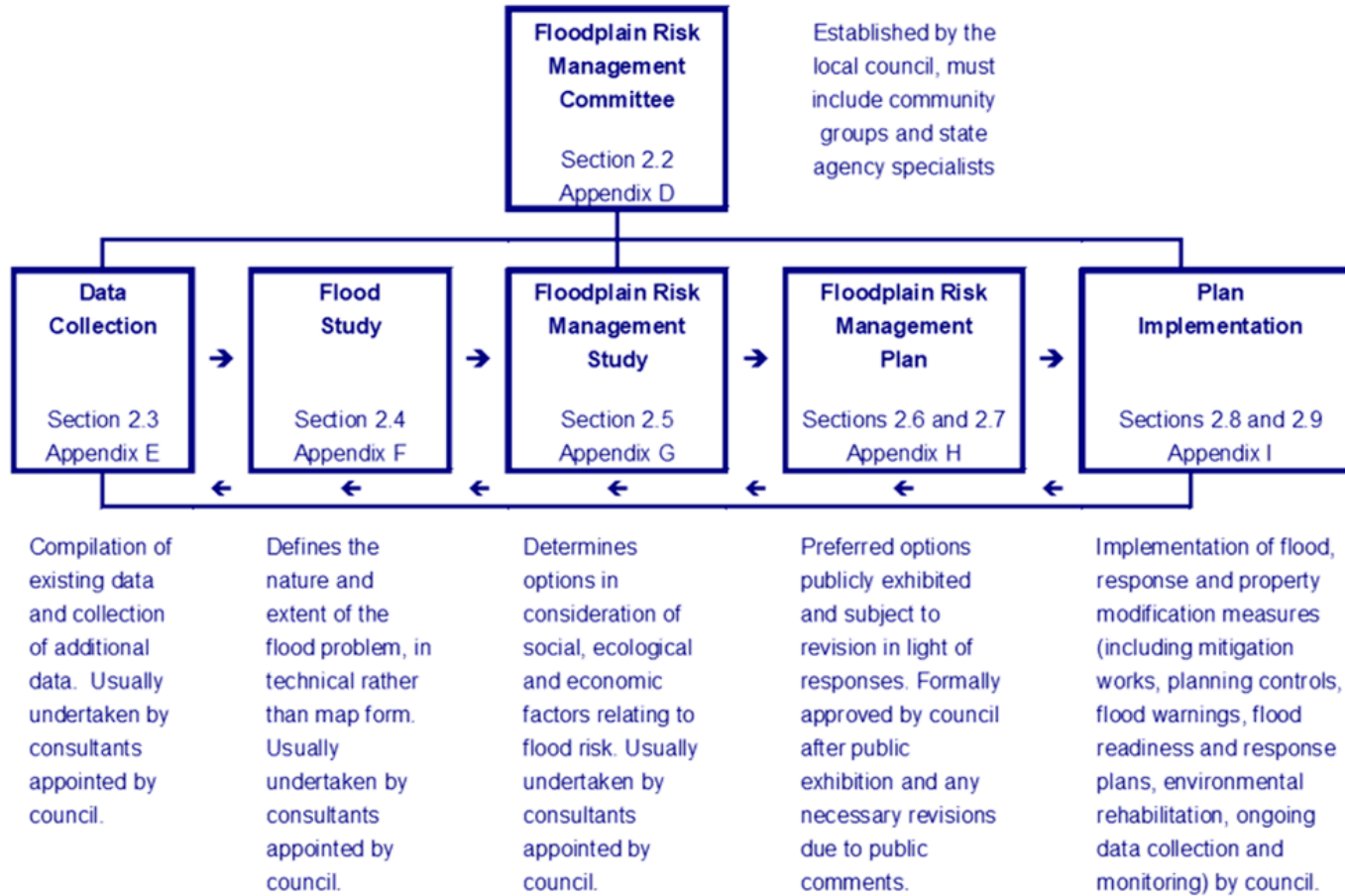
Cooma, Bredbo, Michelago & Berridale



# Talking Points

- *Introduction*
- *Community consultation*
- *Model calibration*
- *Design results*
- *Moving forward*

# Floodplain Management Program



# Community Consultation

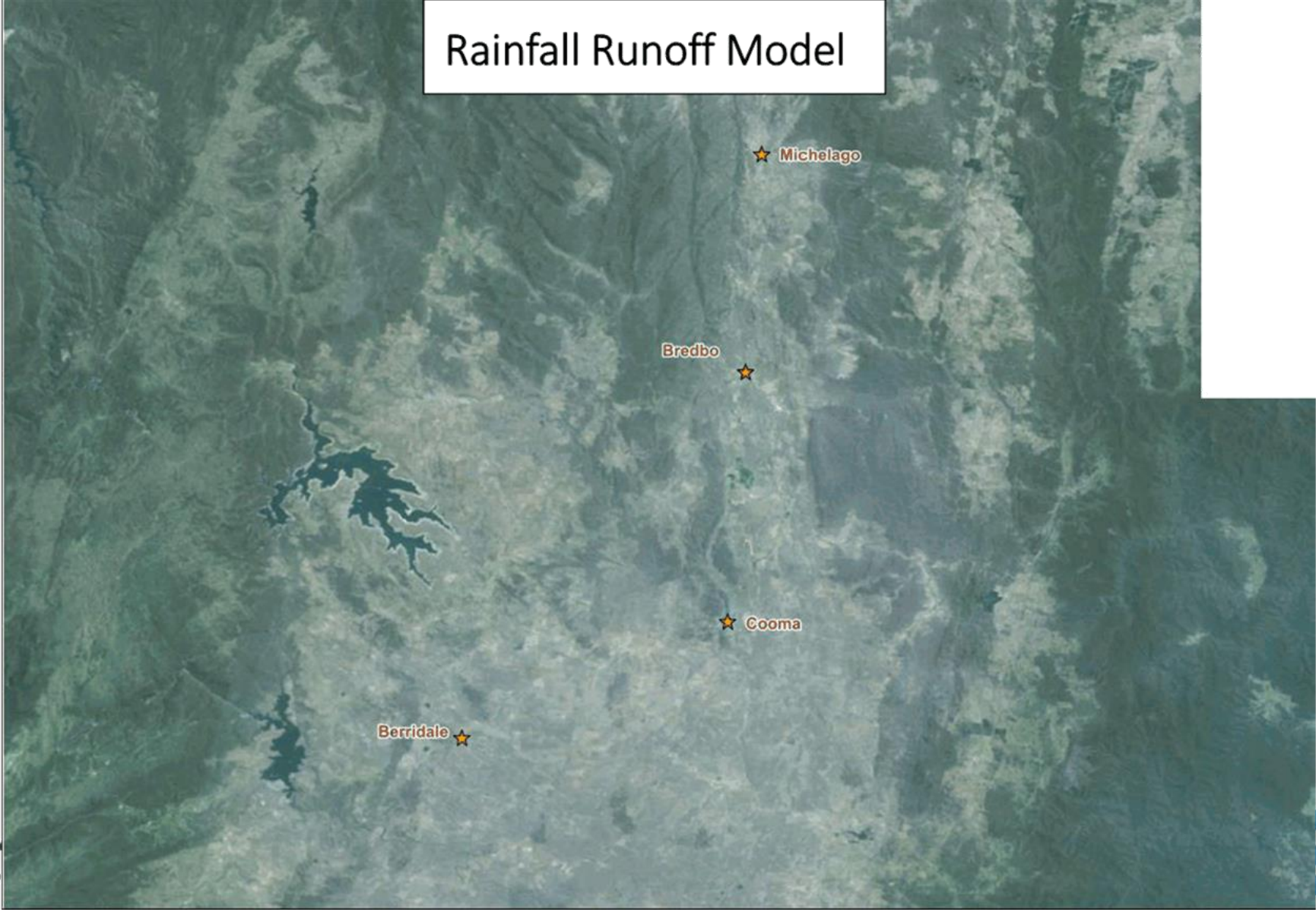
- Provide and obtain information
- Newsletter and questionnaire - 80 returned questionnaires (7%)
- Community workshop – 6 attendees
- One-on-one meetings – 15 meetings and 20 observations of flooding

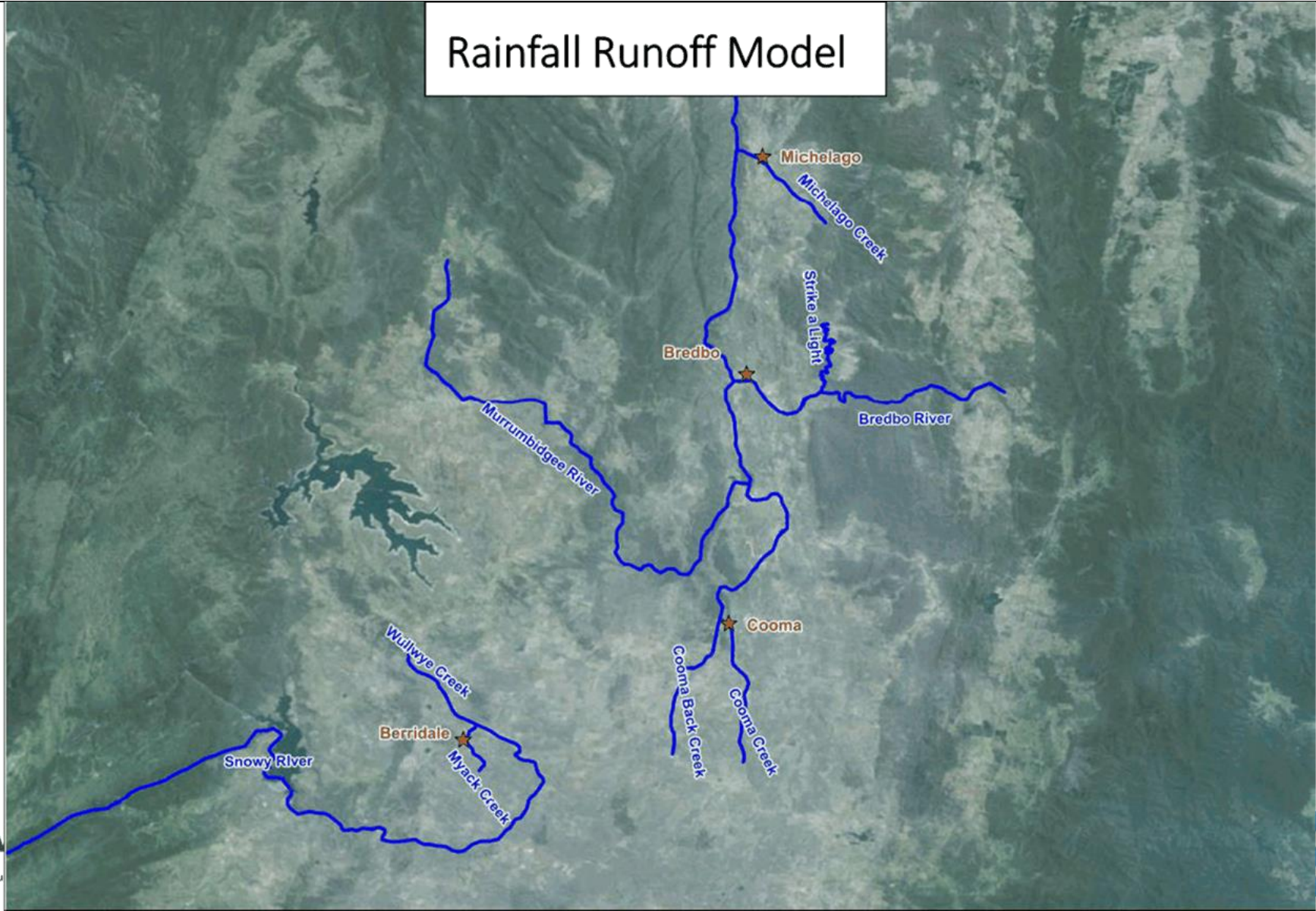
# Model calibration

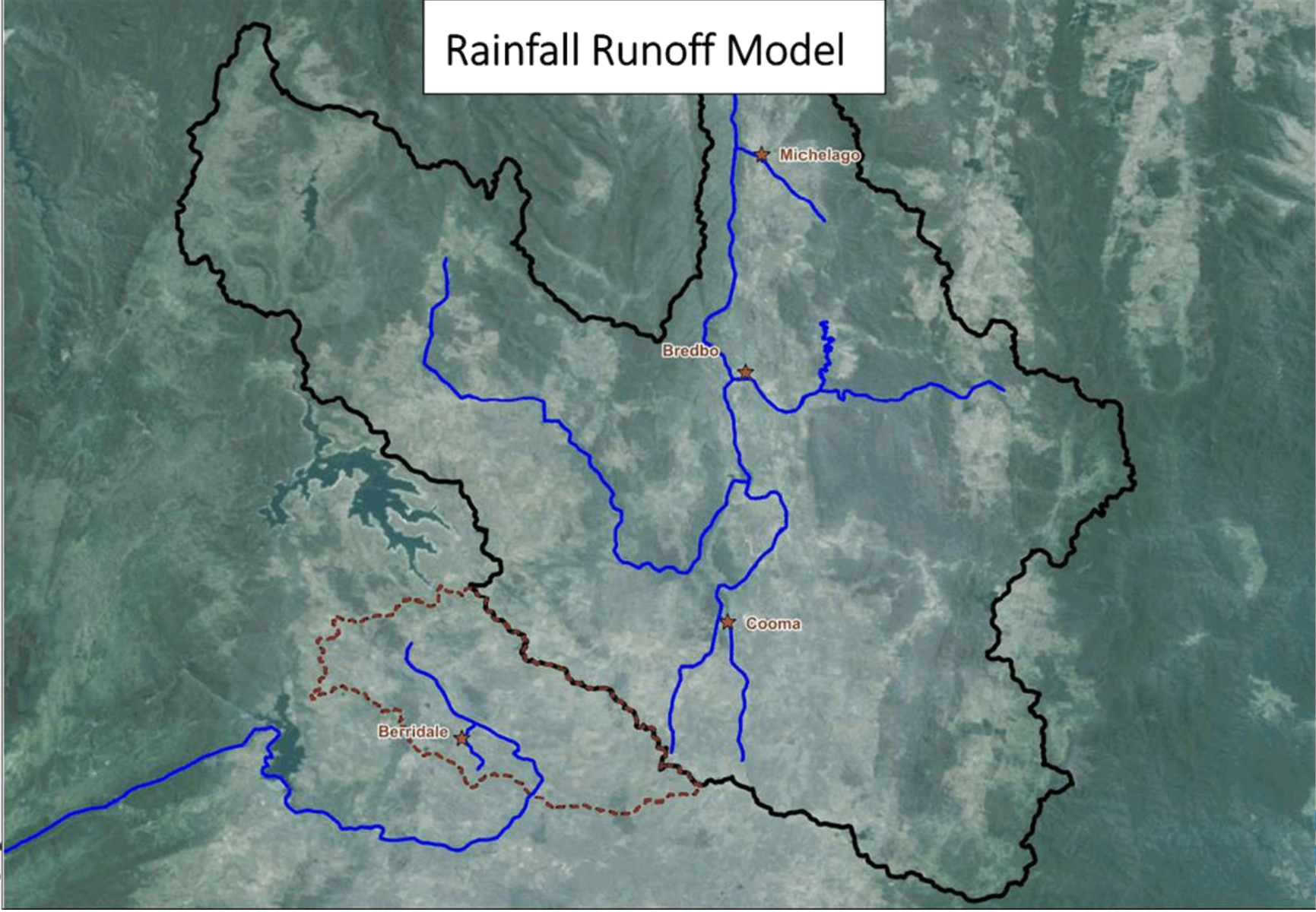
- Rainfall runoff model / flood model
- Ensure that the models are accurately reproducing catchment flood behaviour

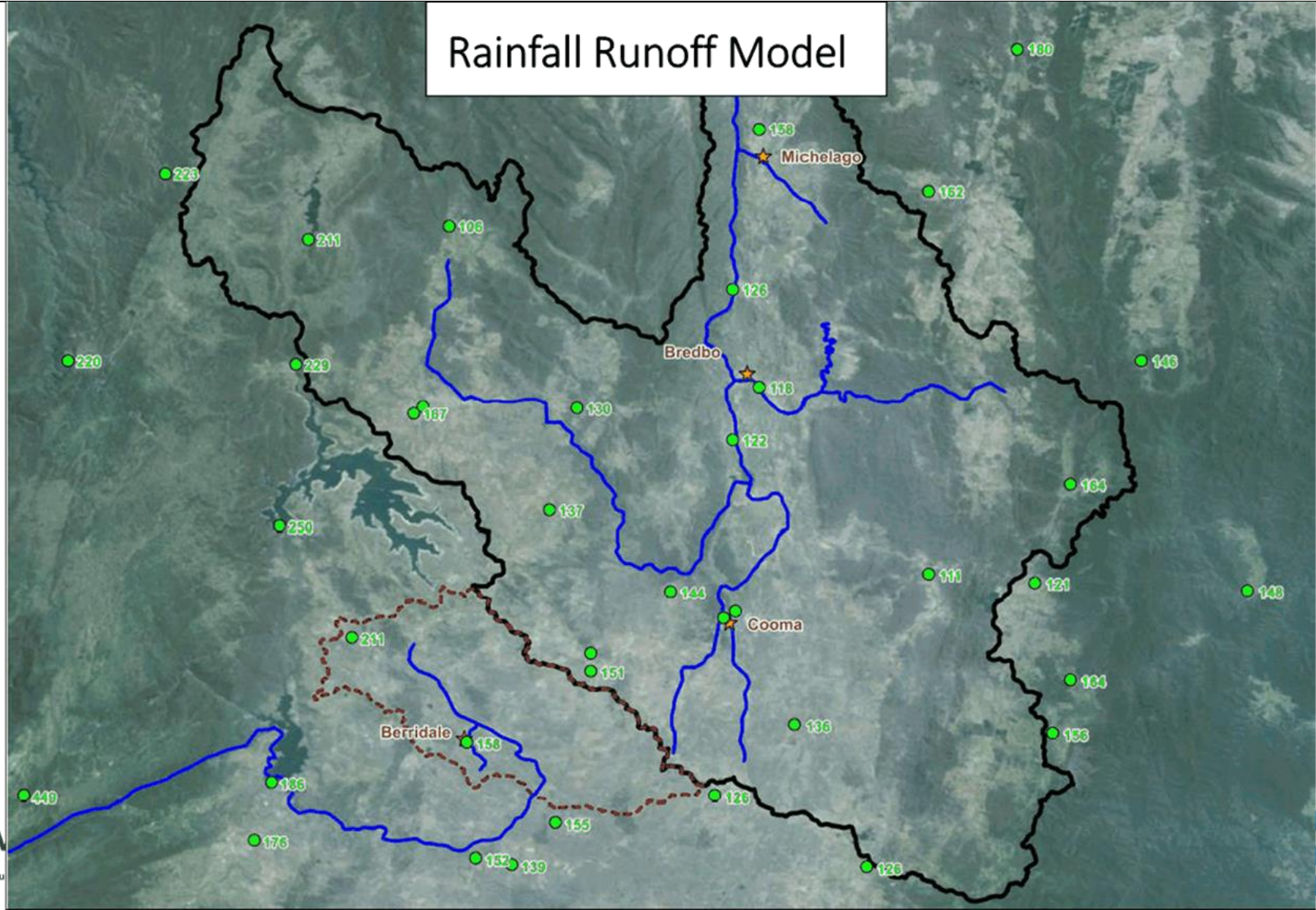


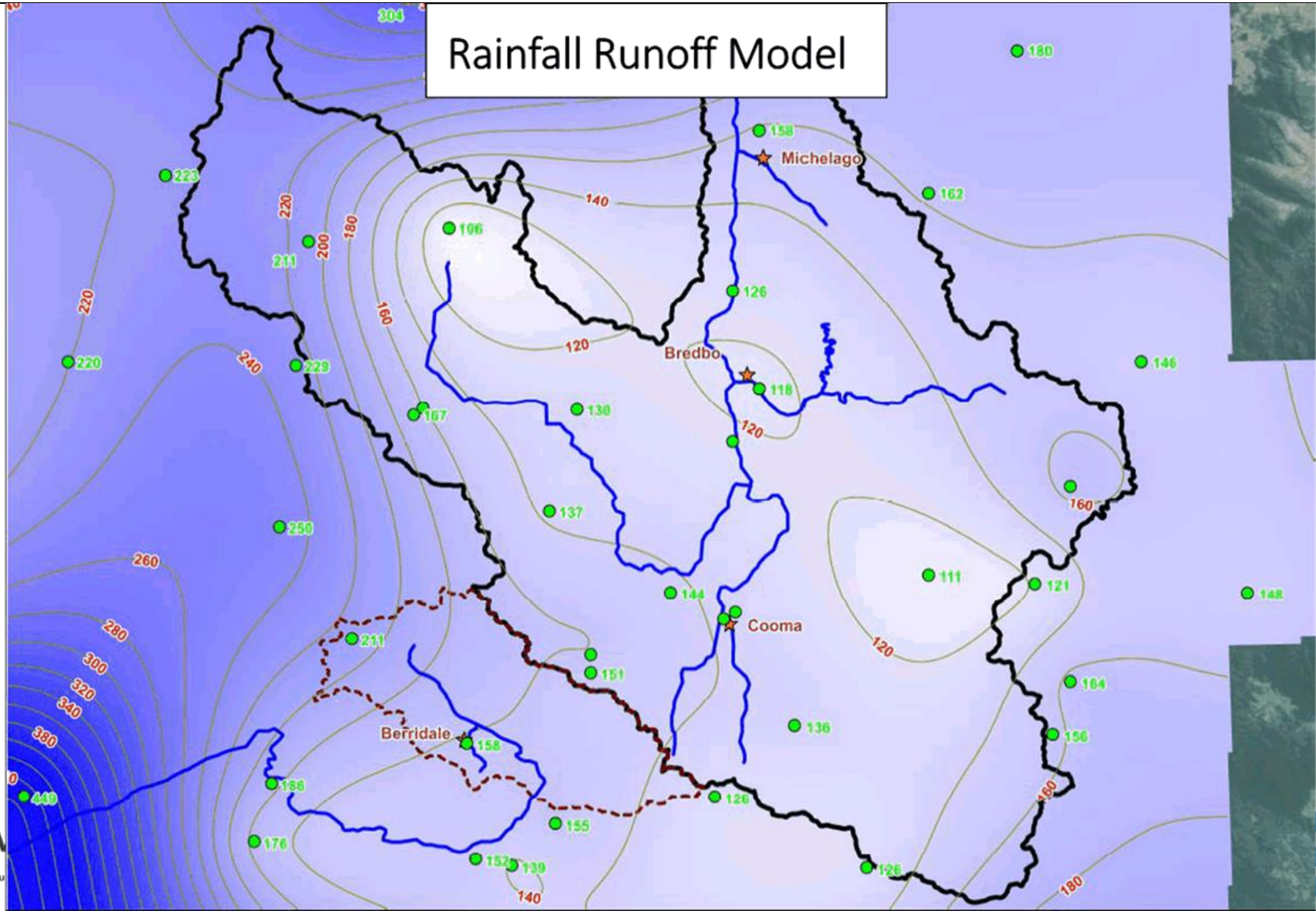
# Rainfall Runoff Model

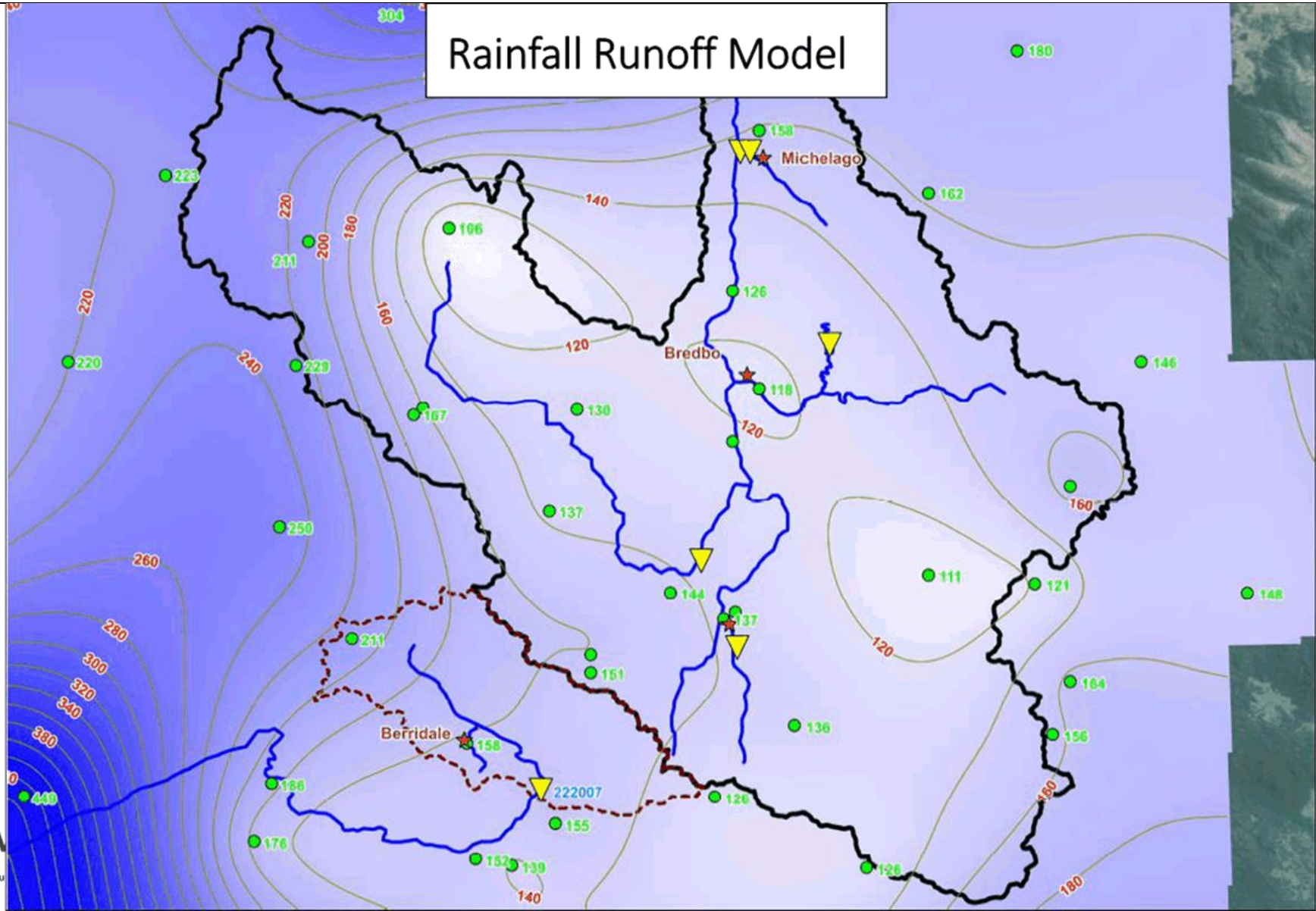


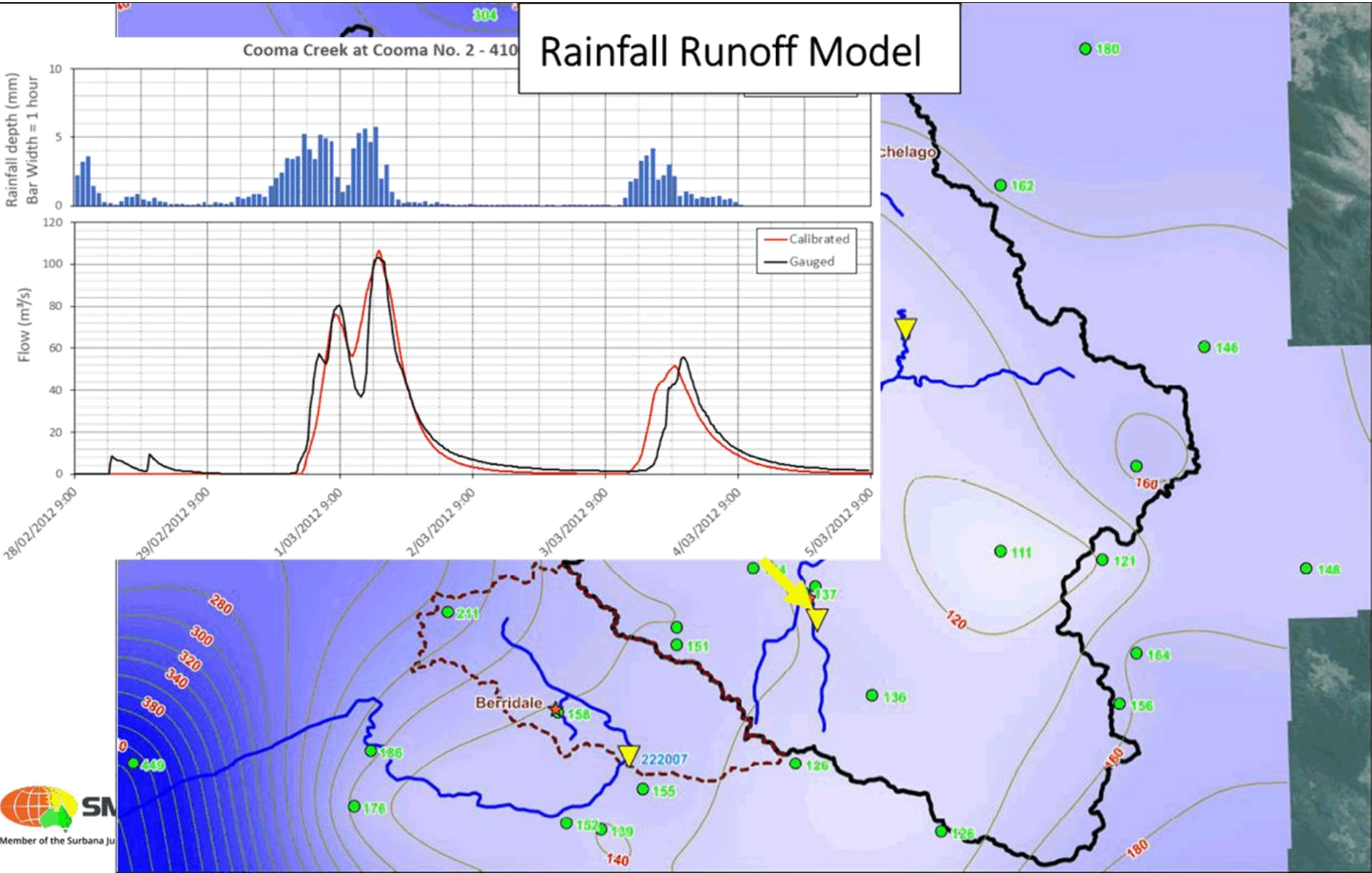


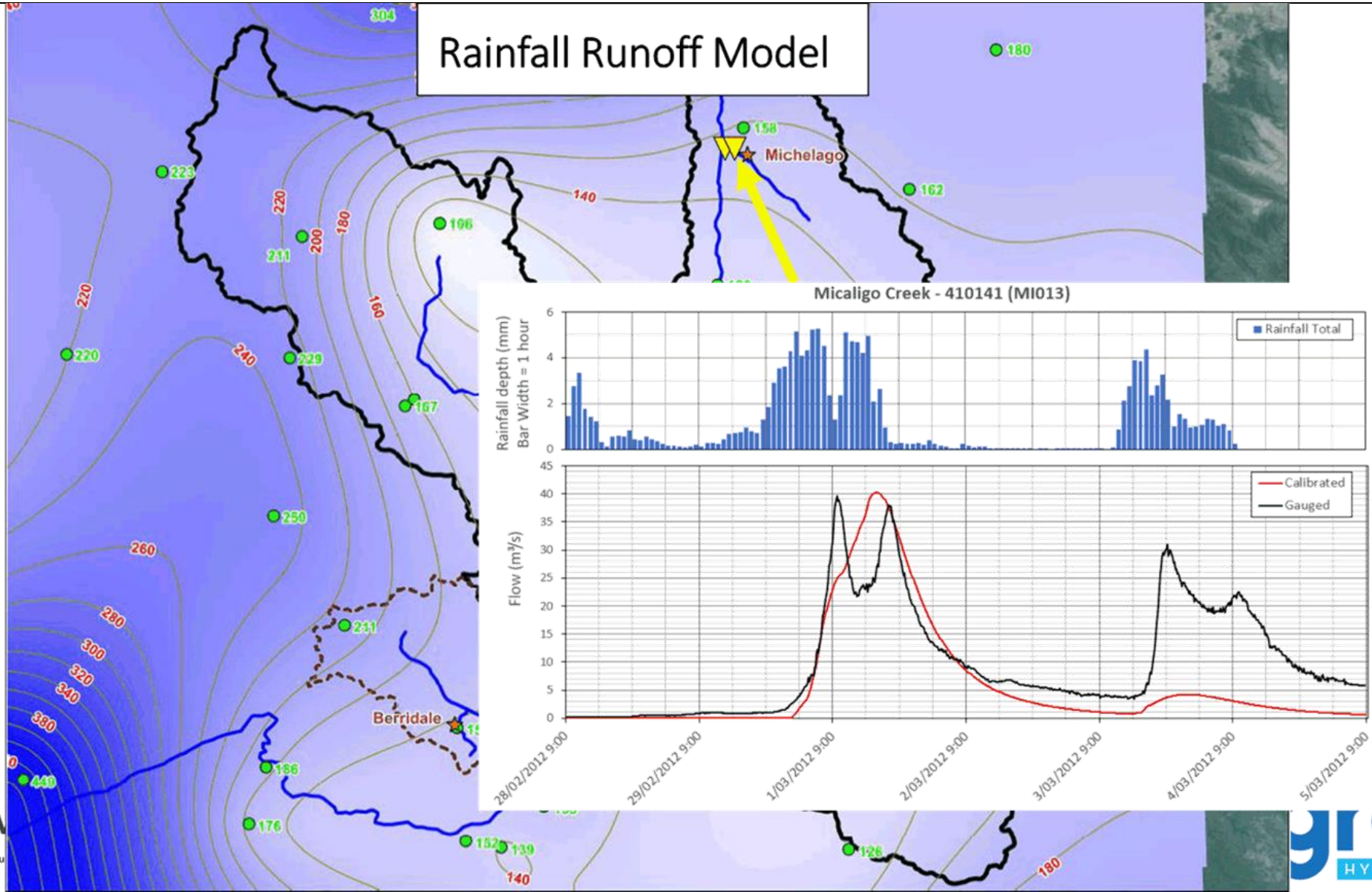




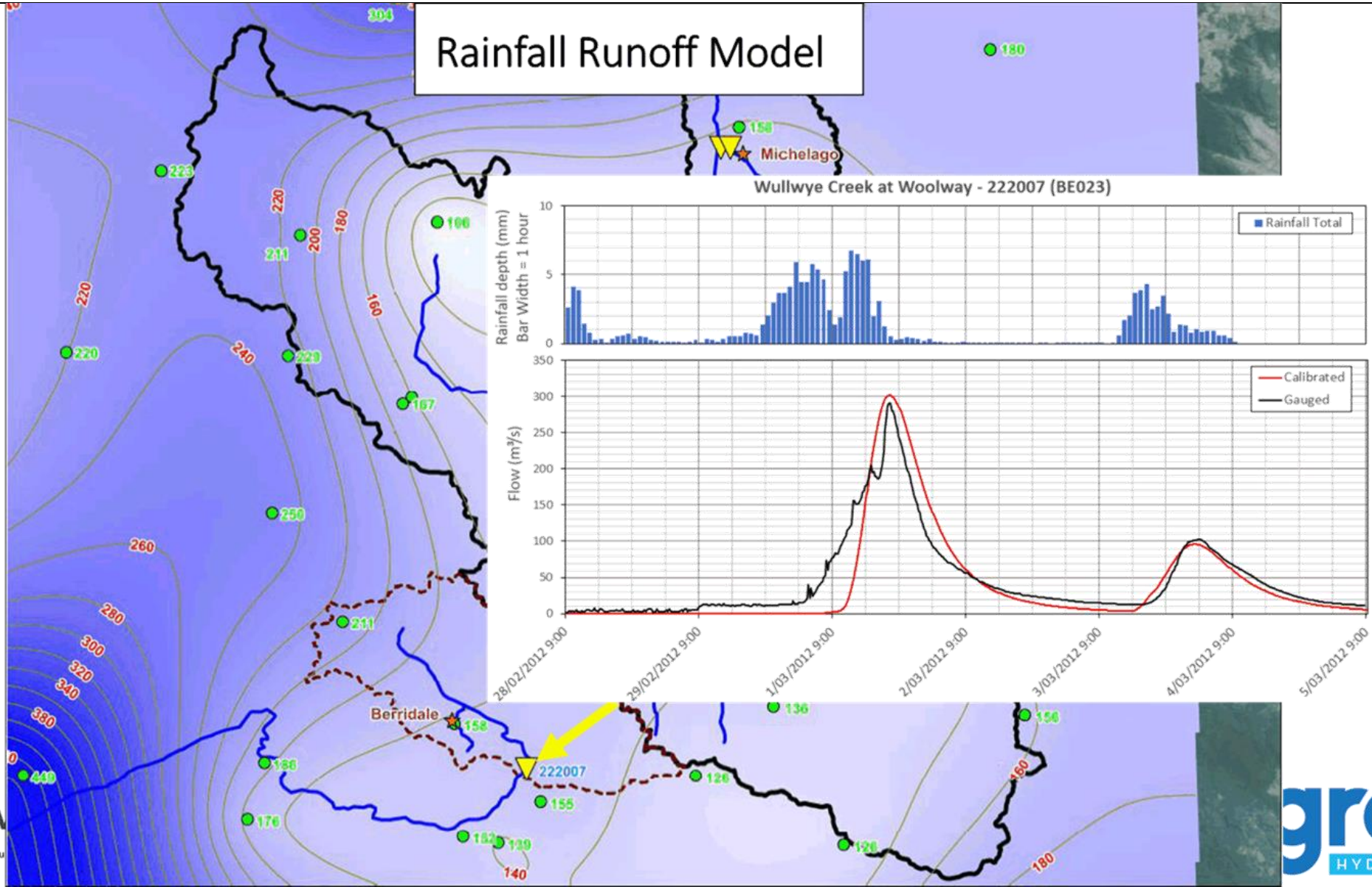


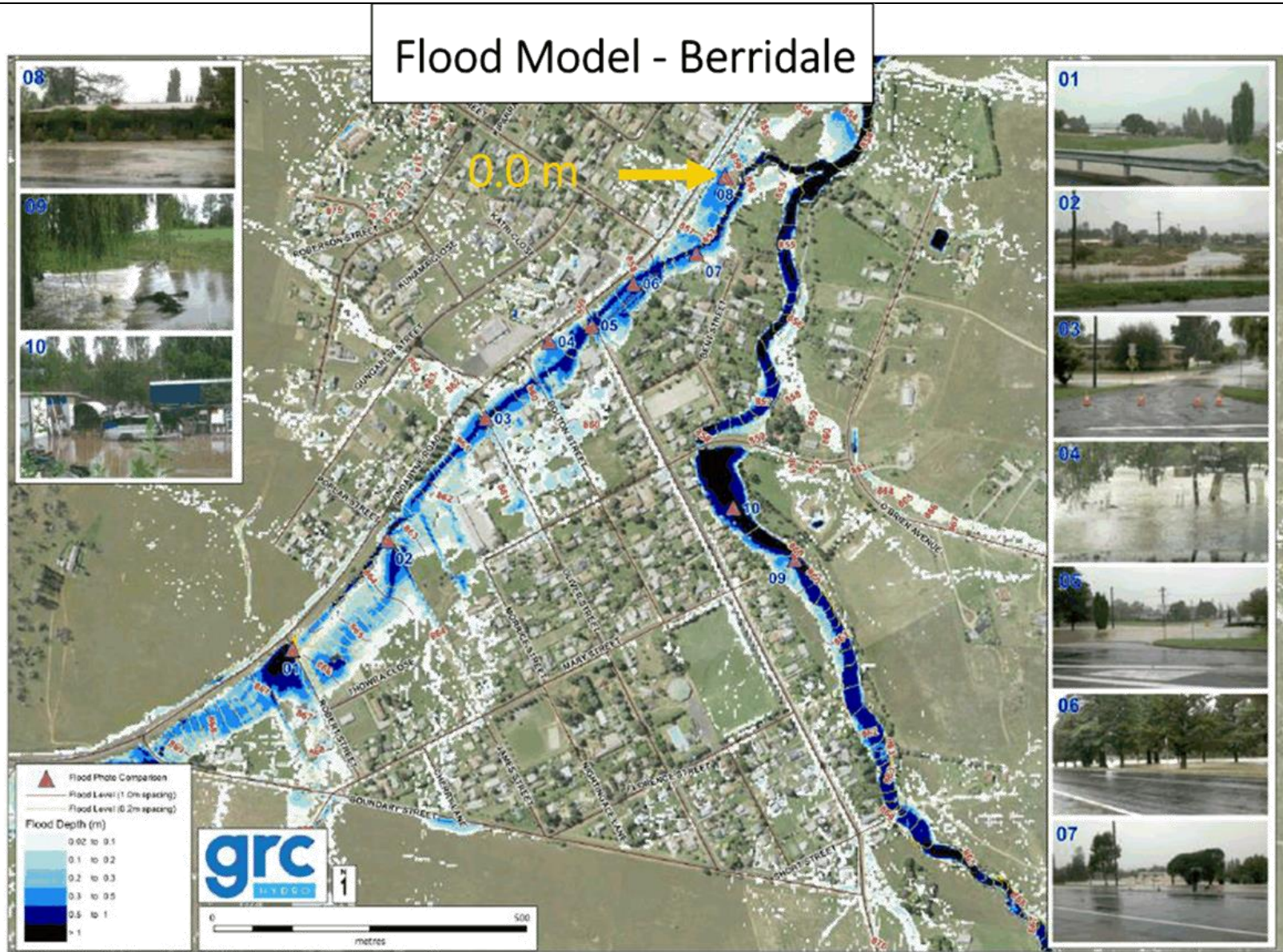




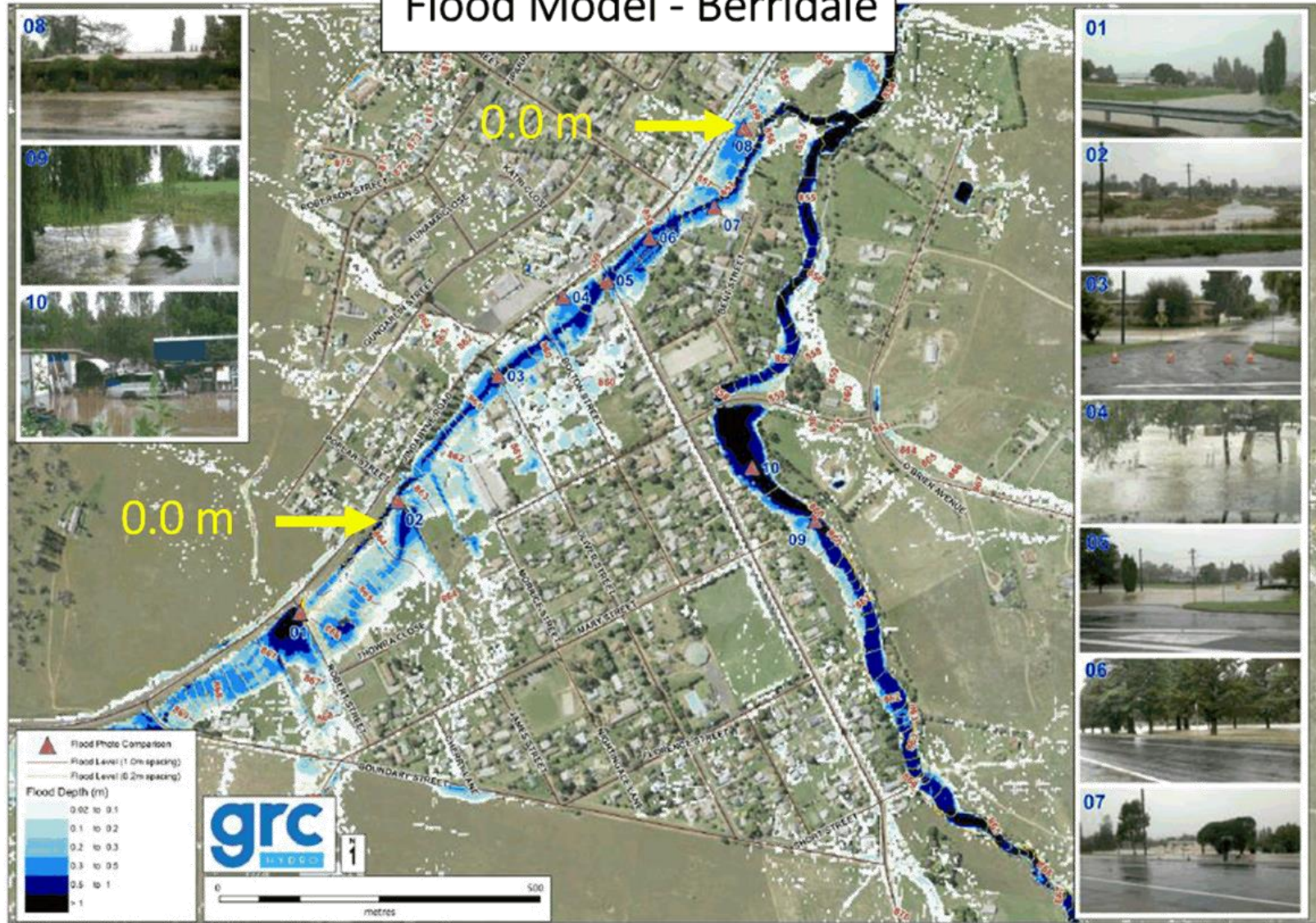




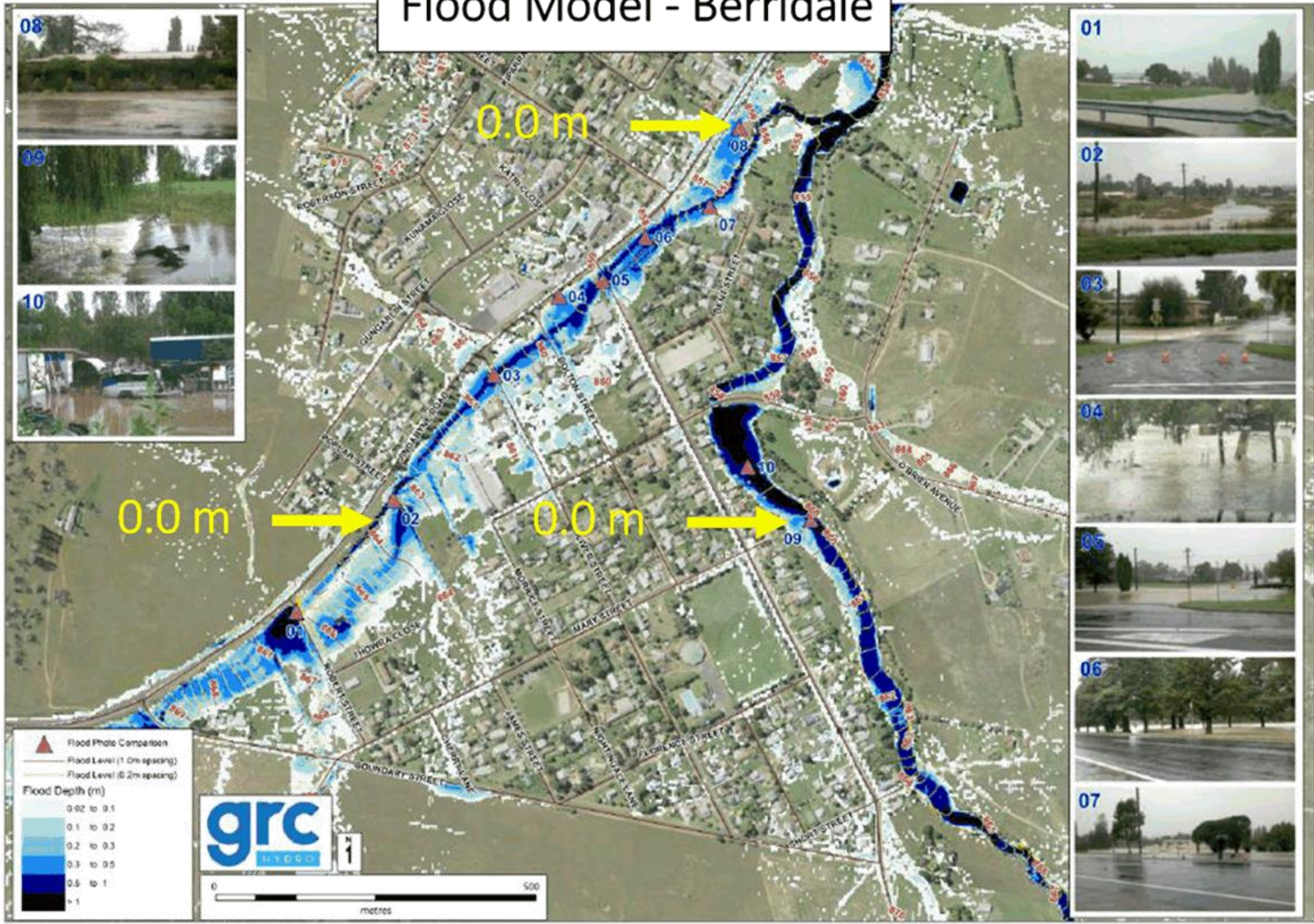


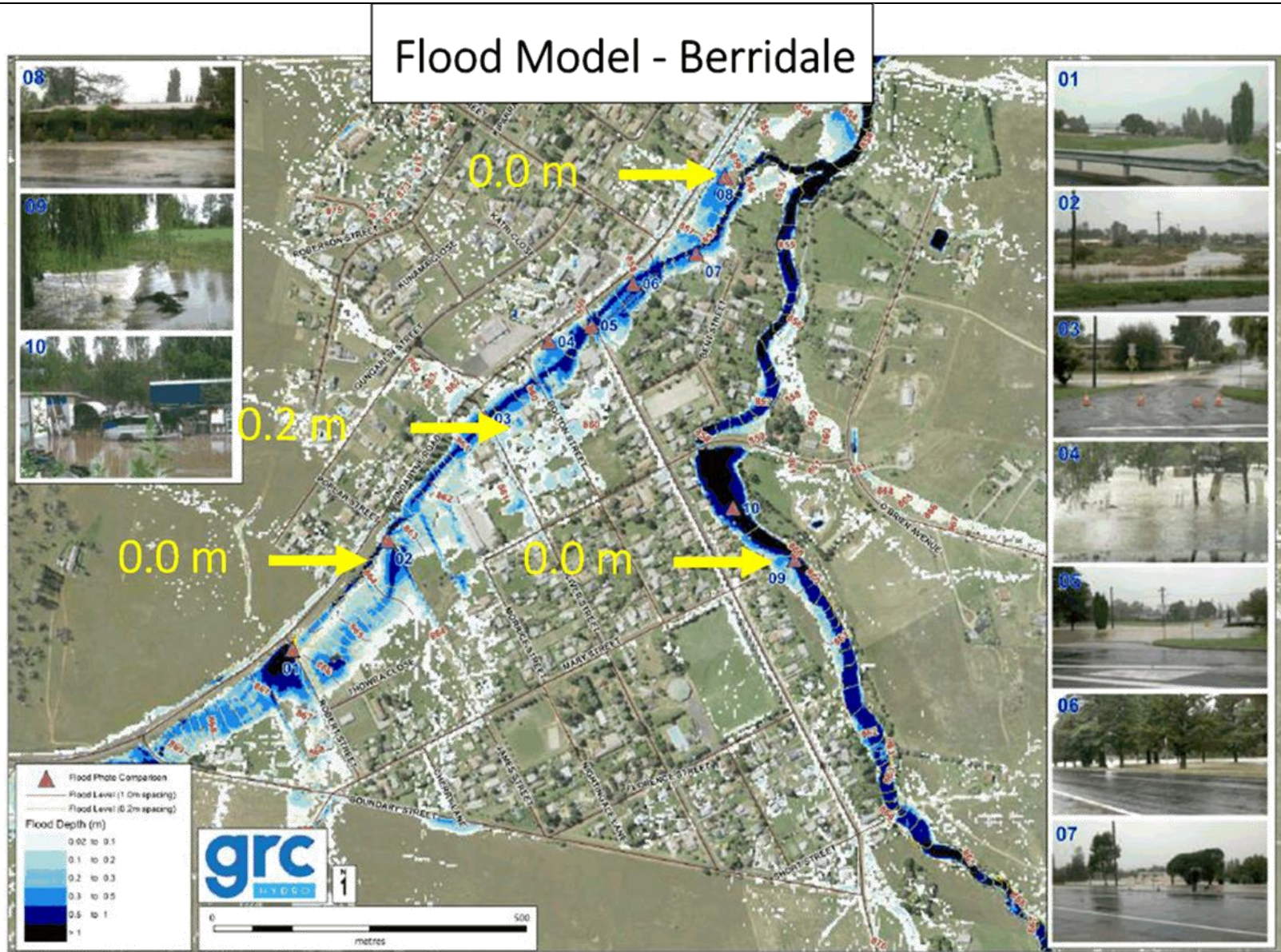


# Flood Model - Berridale

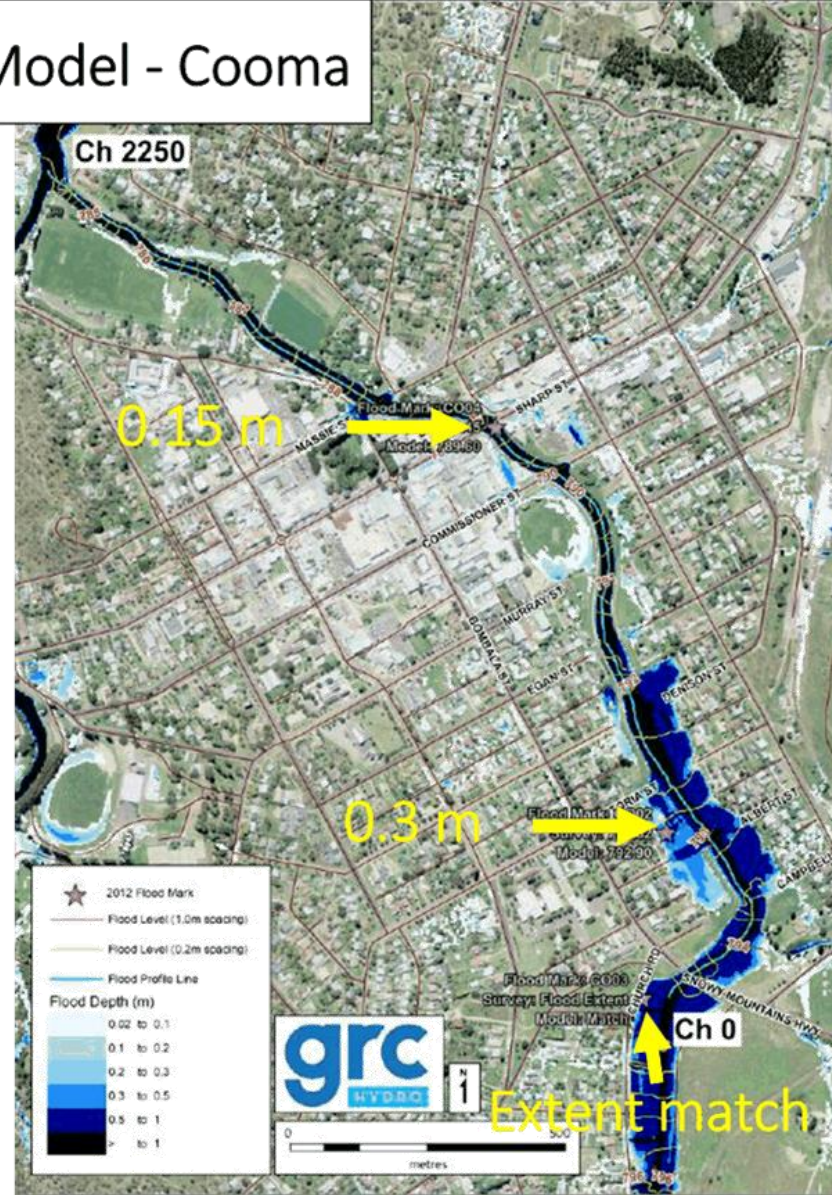


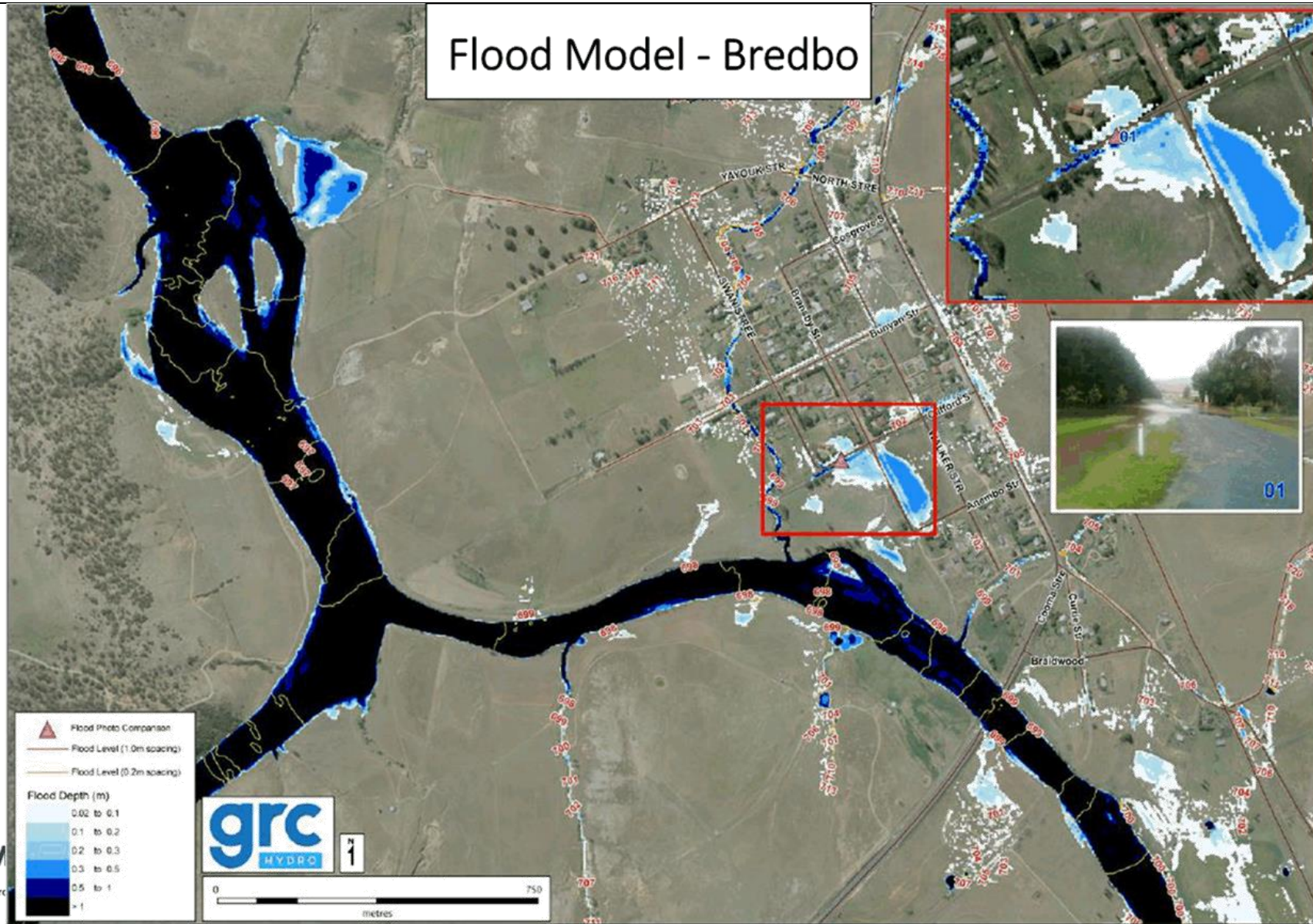
# Flood Model - Berridale





# Flood Model - Cooma

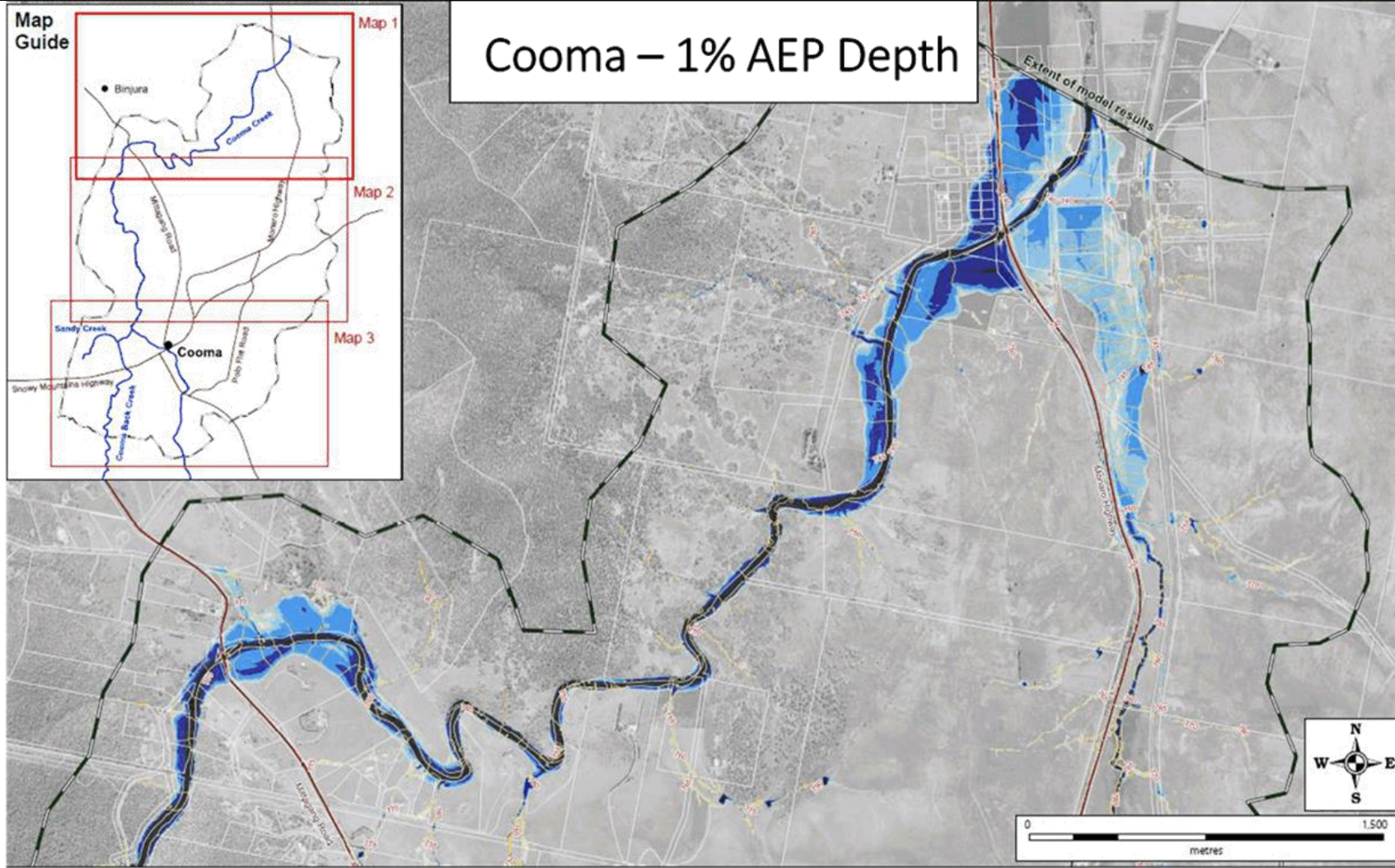




# Design Flood Results

- Flood events with a specific probability of occurrence
- 5 year ARI (small) – PMF (large)
- 1% AEP event – important for flood planning

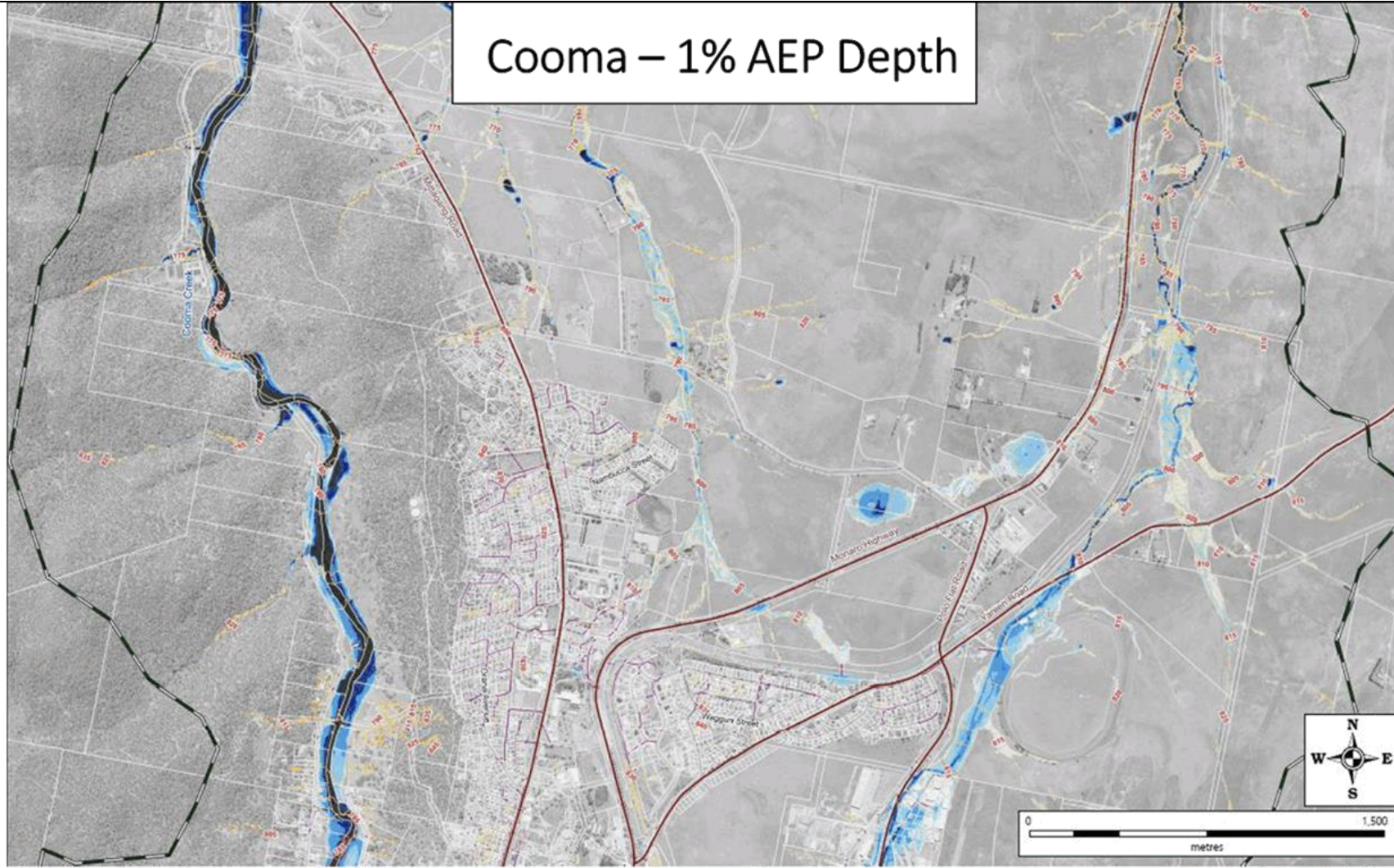




<ul style="list-style-type: none"> <li>— Stormwater Pipes</li> <li>— Water Level (mAHD) - Major Contour (Spacing = 5m)</li> <li>— Water Level (mAHD) - Minor Contour (Spacing = 0.5m)</li> <li>— Levee</li> <li>— Main Roads</li> </ul>	<ul style="list-style-type: none"> <li>□ Cadastral Boundary</li> <li>□ Study Area</li> </ul>	<p>Flood Depth (m)</p> <table border="1"> <tr> <td>0.05 to 0.15</td> <td>0.5 to 1.0</td> </tr> <tr> <td>0.15 to 0.3</td> <td>1.0 to 2.0</td> </tr> <tr> <td>0.3 to 0.5</td> <td>&gt;2.0</td> </tr> </table>	0.05 to 0.15	0.5 to 1.0	0.15 to 0.3	1.0 to 2.0	0.3 to 0.5	>2.0
0.05 to 0.15	0.5 to 1.0							
0.15 to 0.3	1.0 to 2.0							
0.3 to 0.5	>2.0							

<b>TITLE: COOMA 1: 1% AEP Design Event - Peak flood depth and levels</b>		
PROJECT: Snowy Monaro Regional Council - Flood Study		
PROJECT No. 170037		
DATE: March 2019	SCALE: 1:14,500	FIGURE NUMBER: A5-1

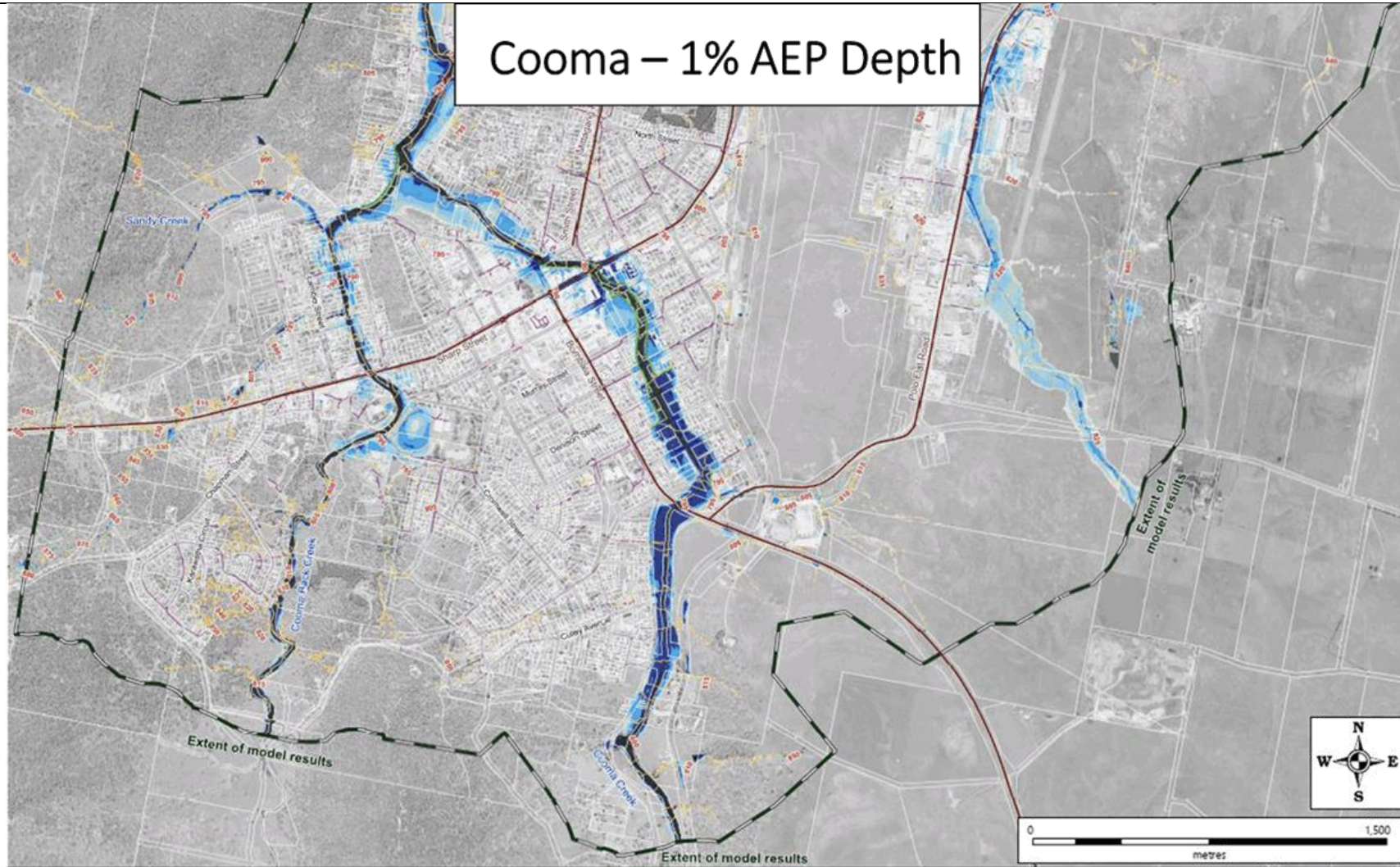




Stormwater Pipes	Cadastral Boundary	Flood Depth (m)	
Water Level (mAHD) - Major Contour (Spacing = 5m)	Study Area	0.05 to 0.15	0.5 to 1.0
Water Level (mAHD) - Minor Contour (Spacing = 0.5m)		0.15 to 0.3	1.0 to 2.0
Levee		0.3 to 0.5	> 2.0
Main Roads			

TITLE: COOMA 2: 1% AEP Design Event - Peak flood depth and levels		
PROJECT: Snowy Monaro Regional Council - Flood Study		
PROJECT No: 170037		
DATE: March 2019	SCALE: 1:14,500	FIGURE NUMBER: A5-2





Cooma – 1% AEP Depth

Extent of model results

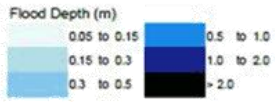
Extent of model results

Extent of model results



SNOWY MONARO REGIONAL COUNCIL

- Stormwater Pipes
- Water Level (mAHD) - Major Contour (Spacing = 5m)
- Water Level (mAHD) - Minor Contour (Spacing = 0.5m)
- Levee
- Main Roads
- Cadastral Boundary
- Study Area



TITLE: COOMA 3: 1% AEP Design Event - Peak flood depth and levels

PROJECT: Snowy Monaro Regional Council - Flood Study

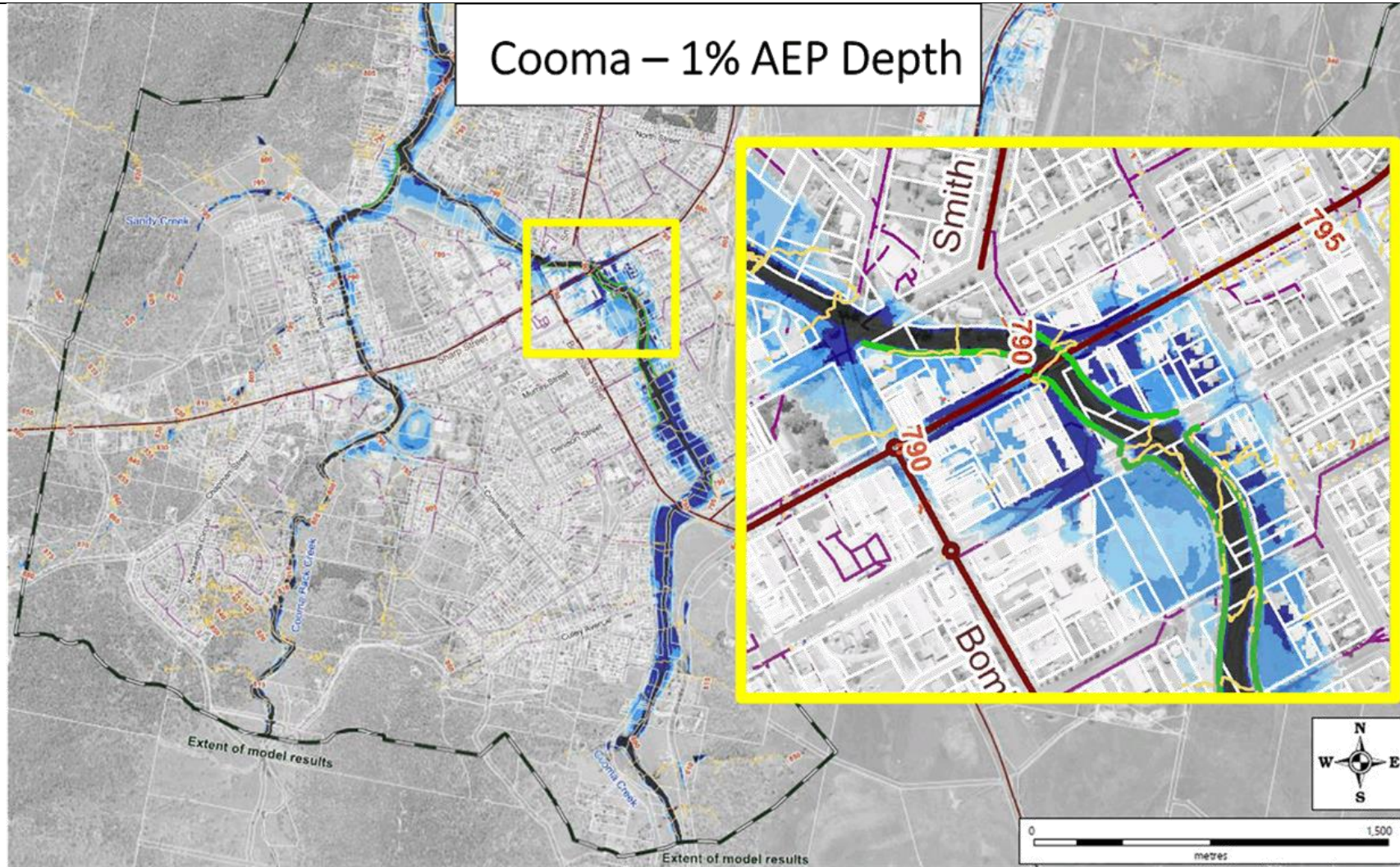
PROJECT No. 170037

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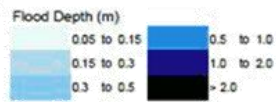
FIGURE NUMBER: A5-3





SNOWY MONARO  
REGIONAL COUNCIL

- Stormwater Pipes
- Water Level (mAHD) - Major Contour (Spacing = 5m)
- Water Level (mAHD) - Minor Contour (Spacing = 0.5m)
- Levee
- Main Roads
- Cadastral Boundary
- Study Area



TITLE: COOMA 3: 1% AEP Design Event - Peak flood depth and levels

PROJECT: Snowy Monaro Regional Council - Flood Study

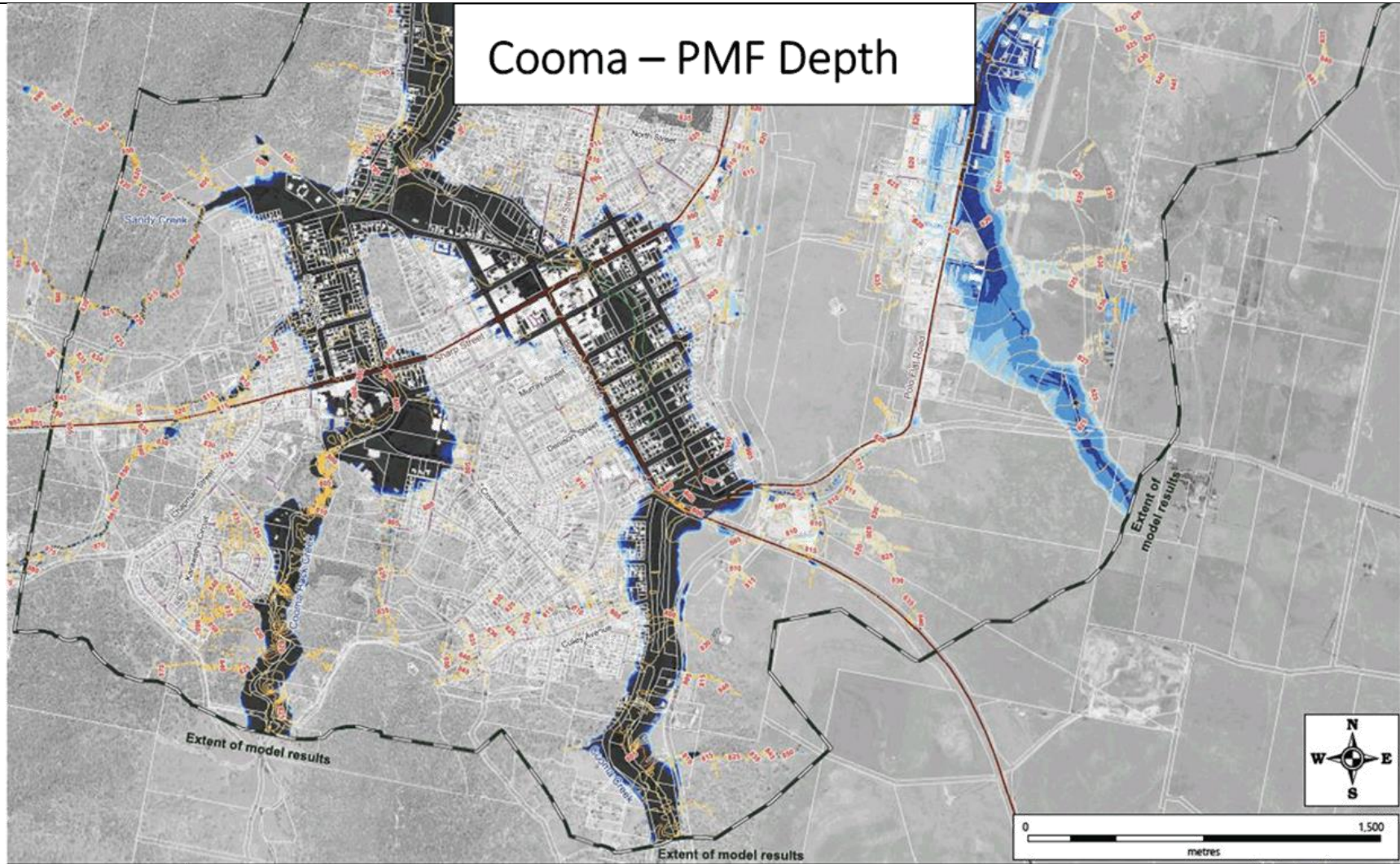
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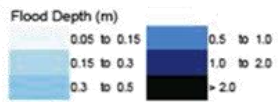


# Cooma – PMF Depth



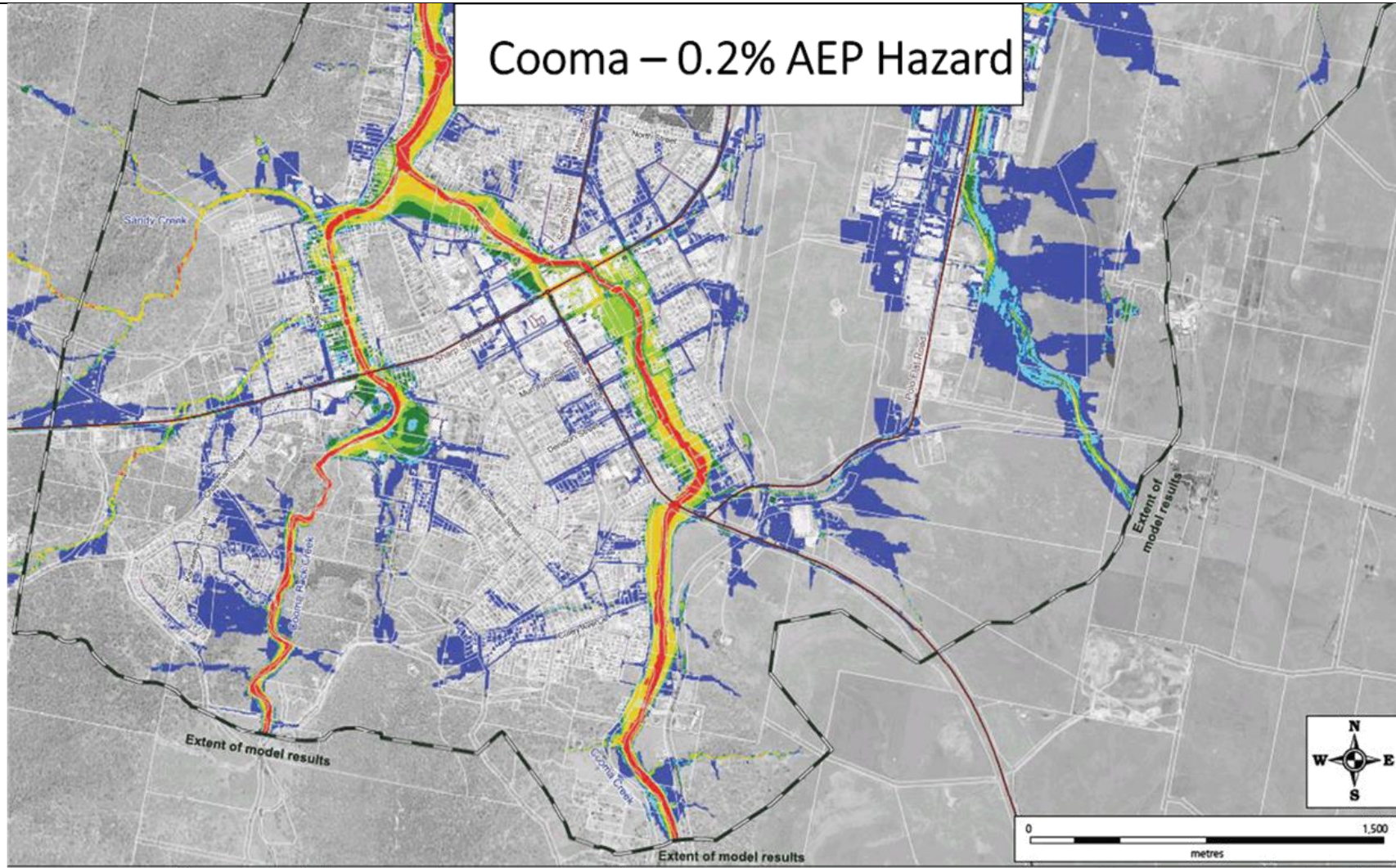
SNOWY MONARO  
REGIONAL COUNCIL

- Stormwater Pipes
- Water Level (mAHD) - Major Contour (Spacing = 5m)
- Water Level (mAHD) - Minor Contour (Spacing = 0.5m)
- Levee
- Main Roads
- ▭ Cadastral Boundary
- ▭ Study Area



TITLE: COOMA 3: PMF Design Event - Peak flood depth and levels		
PROJECT: Snowy Monaro Regional Council - Flood Study		
PROJECT No. 170037		
DATE: March 2019	SCALE: 1:14,500	FIGURE NUMBER: A8-3





Cooma – 0.2% AEP Hazard



- Stormwater Pipes
- Levee
- Main Roads
- Cadastral Boundary
- Study Area

Hazard Classification (AEM Handbook)

H1	H4
H2	H5
H3	H6

TITLE: COOMA 3: 0.2% AEP Design Event - Flood hazard category (AEM)

PROJECT: Snowy Monaro Regional Council - Flood Study

PROJECT No. 170037

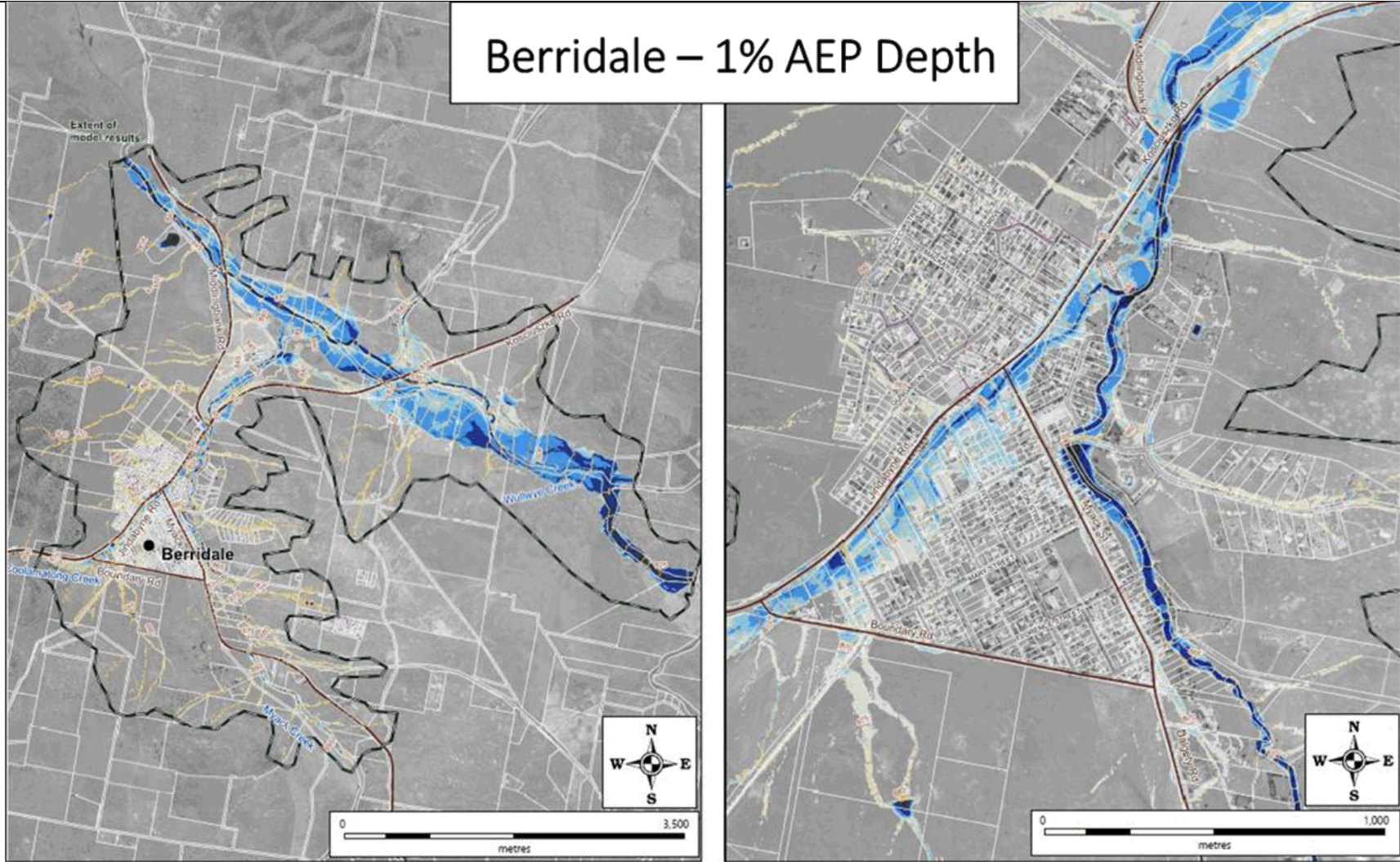
DATE: March 2019

SCALE: 1:14,500

FIGURE NUMBER: A20-3



# Berridale – 1% AEP Depth

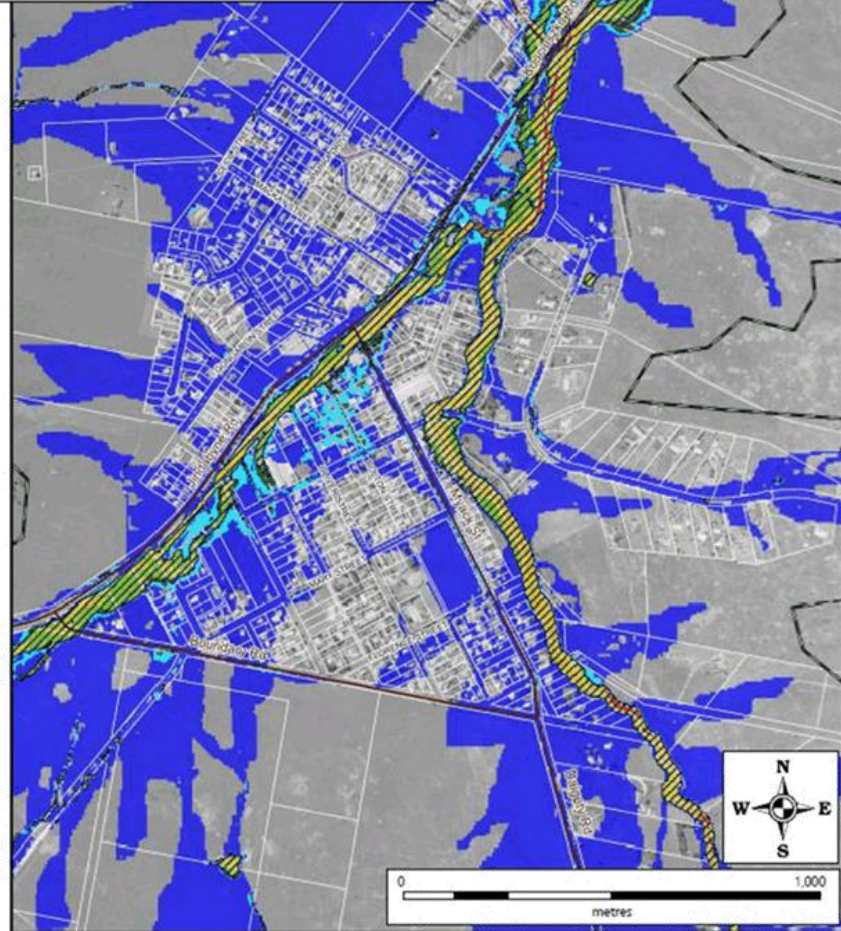
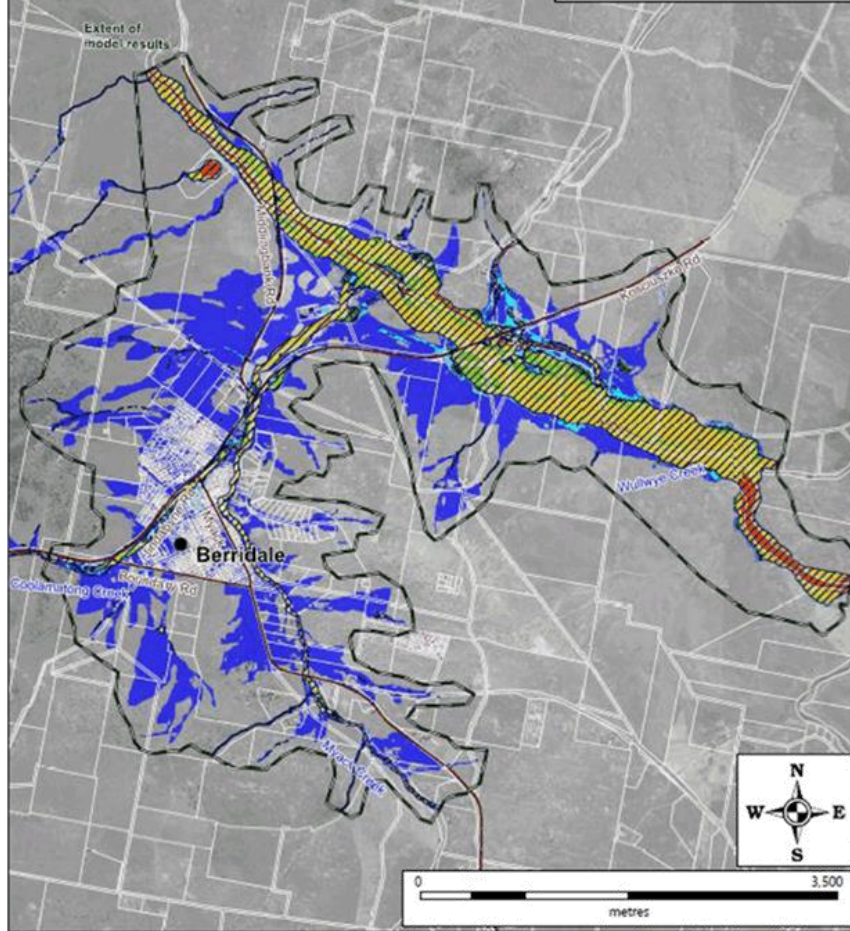


Stormwater pipes	Study Area	Flood Depth (m)			
Water Level (mAHd) - Major Contour (Spacing = 5m)	Cadastral Boundary	0.05 to 0.15	0.15 to 0.3	0.3 to 0.5	0.5 to 1.0
Water Level (mAHd) - Minor Contour (Spacing = 0.5m)					1.0 to 2.0
Main Roads					

TITLE :	Berridale: 1% AEP Design Event - Peak flood depth and levels		
PROJECT:	Snowy Monaro Regional Council - Flood Study		
PROJECT No.:	170037		
DATE:	March 2019	SCALE: 1:35,000 / 1:10,000	FIGURE NUMBER: CS



# Berridale – 0.2% AEP Hazard



- Stormwater pipes
- Main Roads
- Study Area
- Cadastral Boundary

Hazard Classification (AEM Handbook)

H1	H4
H2	H5
H3	H6

Hazard Classification (NSW FDM)

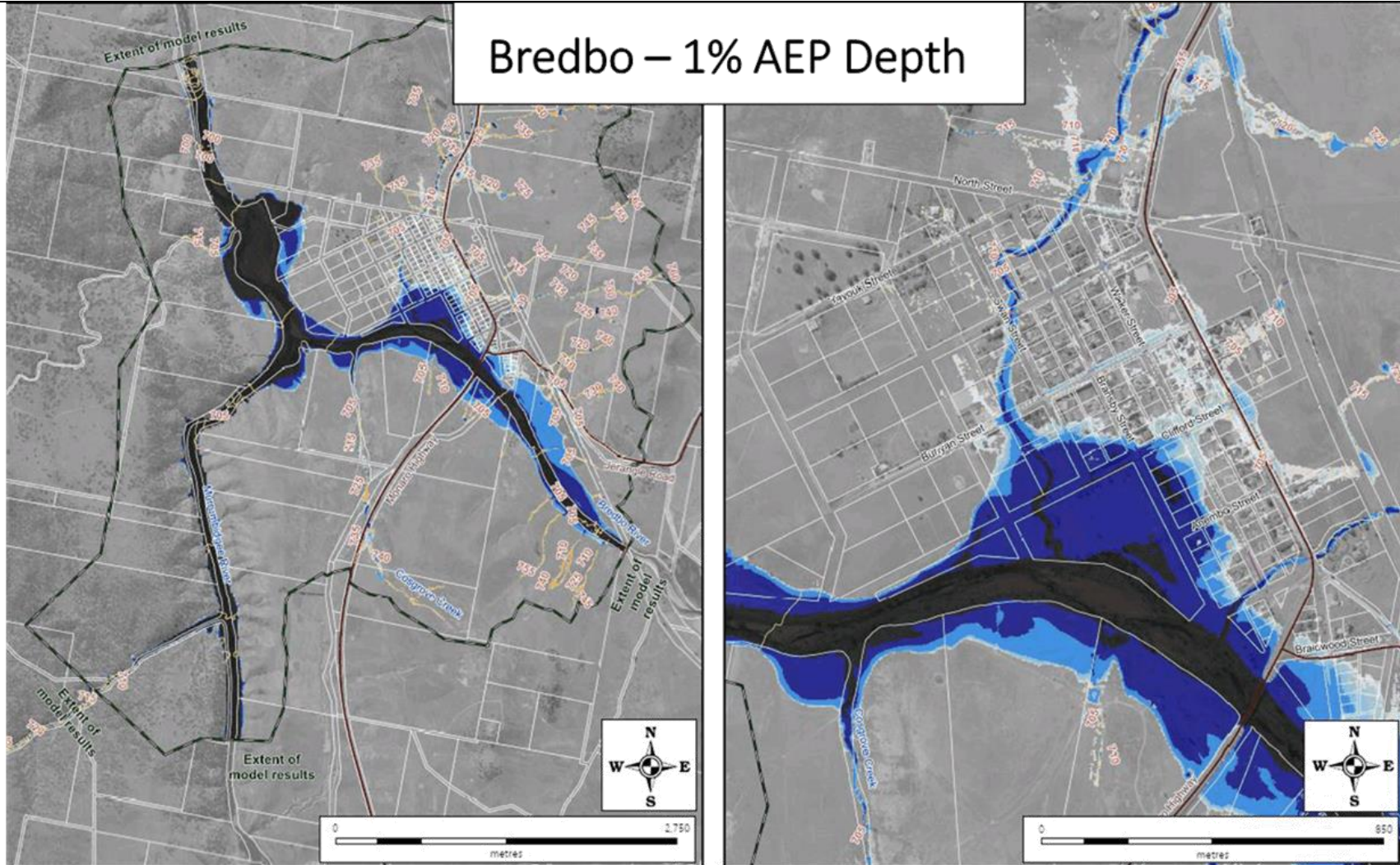
High Hazard

All areas within the flood extent and outside the high hazard area are defined as Low Hazard

TITLE: Berridale: 0.2% AEP Design Event - Flood Hazard Category		
PROJECT: Snowy Monaro Regional Council - Flood Study		
PROJECT No. 170037		
DATE: March 2019	SCALE: 1:35,000 / 1:10,000	FIGURE NUMBER: C20

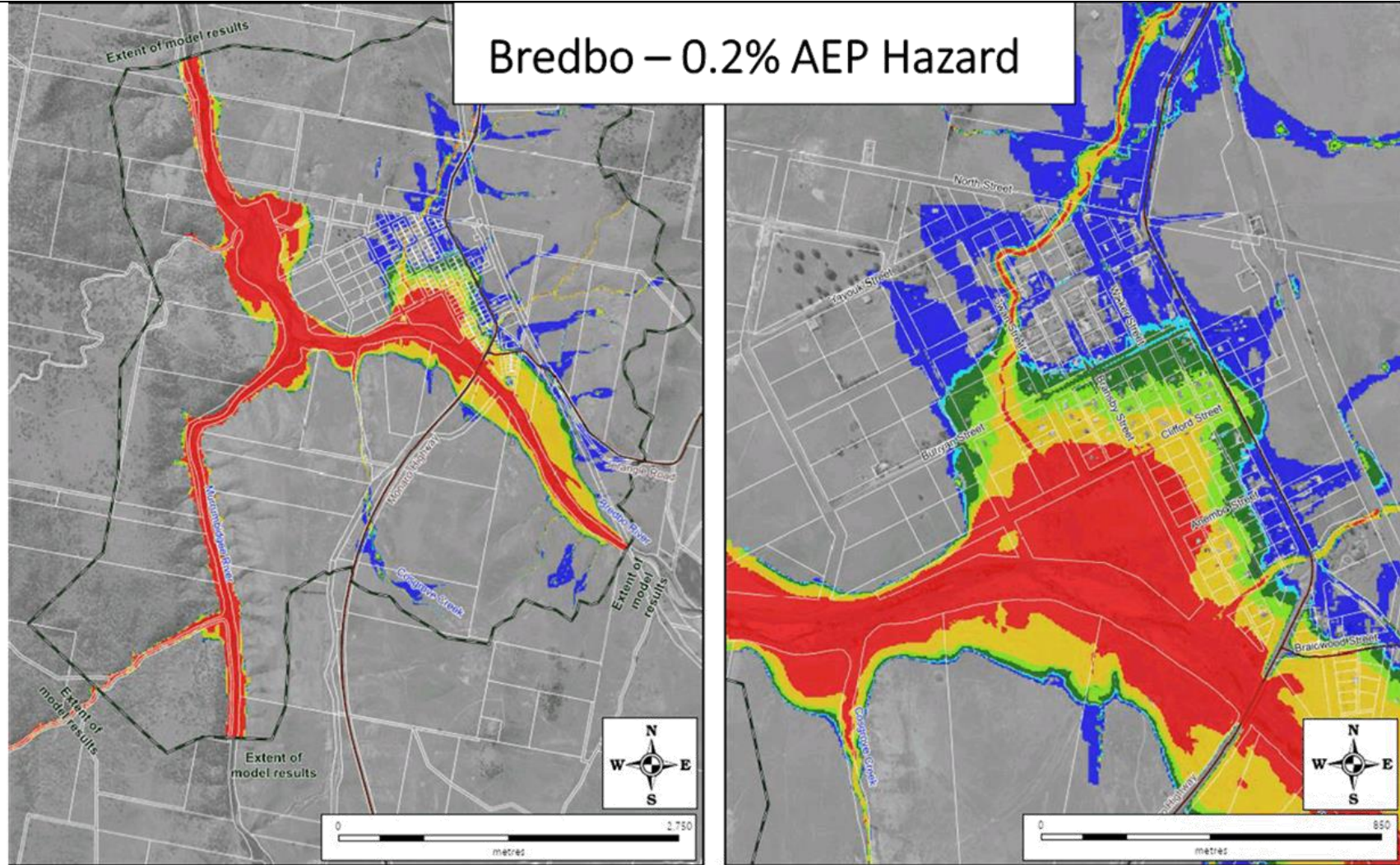






Bredbo – 1% AEP Depth

	<ul style="list-style-type: none"> <li>Stormwater Pipes</li> <li>Water Level (mAHd) - Major Contour (Spacing = 5m)</li> <li>Water Level (mAHd) - Minor Contour (Spacing = 0.5m)</li> <li>Main Roads</li> </ul>	<ul style="list-style-type: none"> <li>Study Area</li> <li>Cadastral Boundary</li> </ul>	<table border="1"> <thead> <tr> <th colspan="2">Flood Depth (m)</th> </tr> </thead> <tbody> <tr> <td>0.05 to 0.2</td> <td>0.5 to 1.5</td> </tr> <tr> <td>0.2 to 0.3</td> <td>1.5 to 3.0</td> </tr> <tr> <td>0.3 to 0.5</td> <td>&gt; 3.0</td> </tr> </tbody> </table>	Flood Depth (m)		0.05 to 0.2	0.5 to 1.5	0.2 to 0.3	1.5 to 3.0	0.3 to 0.5	> 3.0	<p><b>TITLE :</b> Bredbo: 1% AEP Design Event - Peak flood depth and levels</p> <p><b>PROJECT:</b> Snowy Monaro Regional Council - Flood Study</p> <p><b>PROJECT No.</b> 170037</p>	
	Flood Depth (m)												
0.05 to 0.2	0.5 to 1.5												
0.2 to 0.3	1.5 to 3.0												
0.3 to 0.5	> 3.0												
		<p><b>DATE:</b> March 2019</p>	<p><b>SCALE:</b> 1:27,500 / 1:8,500</p>	<p><b>FIGURE NUMBER:</b> B5</p>									



Bredbo – 0.2% AEP Hazard



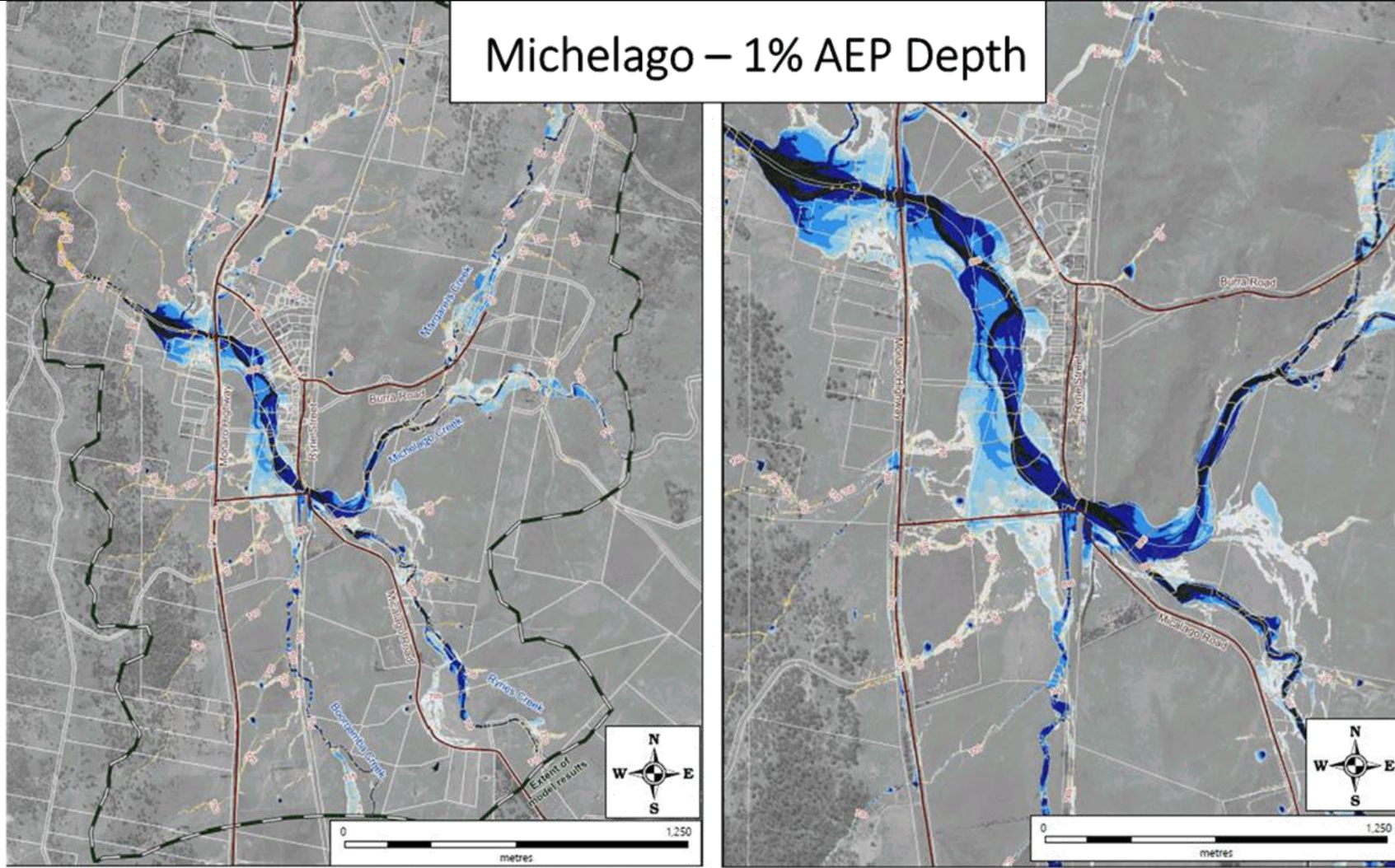
SNOWY MONARO REGIONAL COUNCIL

— Stormwater Pipes	<b>Hazard Classification (AEM Handbook)</b> 
— Main Roads	
▭ Study Area	
▭ Cadastral Boundary	

TITLE : Bredbo: 0.20% AEP Design Event - Flood Hazard Category (AEM)		
PROJECT: Snowy Monaro Regional Council - Flood Study		
PROJECT No. 170037		
DATE: March 2019	SCALE: 1:27,500 / 1:8,500	FIGURE NUMBER: B20



# Michelago – 1% AEP Depth

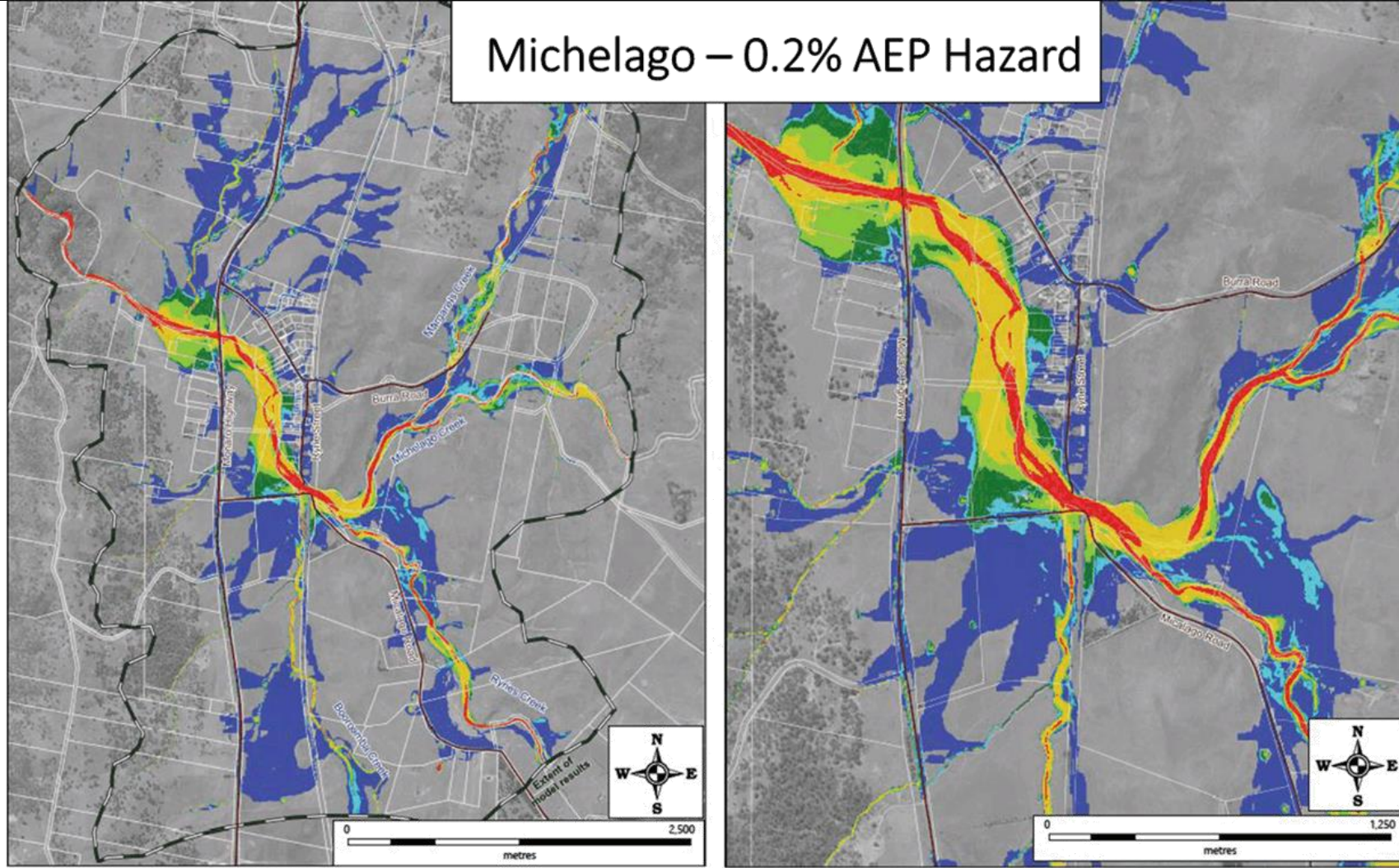


Stormwater Pipes	Study Area	Flood Depth (m)			
Water Level (MAHD) - Major Contour (Spacing = 5m)	Cadastral Boundary	0.05 to 0.15	0.15 to 0.3	0.3 to 0.5	0.5 to 1.0
Water Level (MAHD) - Minor Contour (Spacing = 0.5m)					1.0 to 2.0
Main Roads					> 2.0

TITLE:	Michelago: 1% AEP Design Event - Peak flood depth and levels
PROJECT:	Snowy Monaro Regional Council - Flood Study
PROJECT No.:	170037
DATE:	March 2019
SCALE:	1:25,000 / 1:12,500
FIGURE NUMBER:	D5

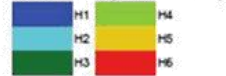


# Michelago – 0.2% AEP Hazard



- Stormwater Pipes
- Main Roads
- Study Area
- Cadastral Boundary

Hazard Classification (AEM Handbook)



TITLE : Michelago: 0.2% AEP Design Event - Flood Hazard Category (AEMI)

PROJECT: Snowy Monaro Regional Council - Flood Study

PROJECT No. 170037

DATE: March 2019    SCALE: 1:25,000 / 1:12,500    FIGURE NUMBER: D20



# Moving Forward

- Undertake damages assessment
- Identify flood hotspots
- Identify flood risk management measures

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### 9.3.3 FOOD SAFETY COMPLIANCE AND ENFORCEMENT POLICIES

Record No:

Responsible Officer:	Director Environment & Sustainability
Author:	Group Manager Environmental Management
Key Theme:	1. Community Outcomes
CSP Community Strategy:	3.2 Positive social behaviours (including law and order) are fostered and encouraged to maintain our safe, healthy and connected communities
Delivery Program Objectives:	3.2.1 Council's public health and regulatory responsibilities are planned for and delivered to facilitate a safe community and raise awareness
Attachments:	1. Food Safety Compliance Policy 2. Food Safety Enforcement Policy
Cost Centre	1010
Project	
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

Snowy Monaro Regional Council's Food Regulation Partnership Contract Agreement with the NSW Food Authority sets out the obligations that Council must meet as part of the agreement conditions. Council is endorsed by the NSW Food Authority as a Category B enforcement agency and to undertake both Compliance and Enforcement activities. Detailed underpinning policies must be in place to support the agreement obligations of Council and our authorised officers.

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

#### OFFICER'S RECOMMENDATION

That Council adopts:

- A. Snowy Monaro Regional Council Food Safety Compliance Policy
- B. Snowy Monaro Regional Council Food Safety Enforcement Policy

#### BACKGROUND

The draft Snowy Monaro Regional Council Food Safety Compliance and Enforcement Policies have been developed using the NSW Food Authority Compliance and Enforcement Policies as a guideline to ensure that Council's food safety compliance and enforcement activities and actions are consistent with other agencies undertaking food safety surveillance activities across NSW.

The policies aim to ensure that compliance and enforcement activities are undertaken in a fair, accountable, lawful, consistent and proportionate manner. The objective of the policies is to achieve an outcome of safe and suitable food for sale and human consumption.

These policies are an addendum to Snowy Monaro Regional Council's overarching Compliance and Enforcement Policy.

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The draft policies were circulated to all staff for comment on 7 February 2019 and no comments were received.

**QUADRUPLE BOTTOM LINE REPORTING**

**1. Social**

The policies aim to ensure that our community and visitors to our region have confidence that food for sale is safe and suitable for human consumption.

**2. Environmental**

The policies impact to the environment will be minimal.

**3. Economic**

Estimated Expenditure	Amount	Financial year	Ledger		Account string																					
NIL	\$																									
	\$																									
	\$																									
Funding (Income/reserves)	Amount		Ledger		Account string																					
NIL	\$																									
	\$																									
	\$																									

**4. Civic Leadership**

By the development of the Food Safety Compliance and Enforcement Policies Council is demonstrating a high level of leadership to the community by ensuring our regulatory processes are ethical and consistent with other food surveillance agencies across the state.

# Policy



<b>Title of Policy</b>	<b>Snowy Monaro Regional Council Food Safety Compliance Policy</b>		
<b>Responsible Department</b>	Environmental Management	<b>Document Register ID</b>	250.[document year].[document number].[document part]
<b>Policy Owner</b>	[checklist 25001 14 DD LAST VALUE]	<b>Review Date</b>	Date [document date1]
<b>Date of Council Meeting</b>	Date Approved [checklist 25002 10 DD LAST VALUE]	<b>Resolution Number</b>	Number [checklist 25002 11 DD LAST VALUE]
<b>Legislation, Australian Standards, Code of Practice</b>	Food Act 2003 Food Regulation 2015 Food Safety Standards Code AS4674 – Design, construction and fit-out of food premises Department of Primary Industries: Biosecurity and Food Safety Enforcement Policy (INT17/45446) Department of Primary Industries: Biosecurity and Food Safety Compliance Policy (INT17/45434)		
<b>Aim</b>	This policy sets out Snowy Monaro Regional Councils (SMRC) approach to Food Safety compliance to support the achievement of outcomes. It does this by: <ul style="list-style-type: none"> <li>• clearly defining regulatory outcomes</li> <li>• identifying and assessing risks that affect regulatory outcomes</li> <li>• remaining accountable and transparent</li> <li>• providing information to improve compliance within a regulated community</li> <li>• communicating with regulated parties.</li> </ul>		

## 1 Introduction

This policy summarises the Snowy Monaro Regional Councils (SMRC) approach to Food Safety compliance.

This policy explains how Snowy Monaro Regional will conduct its compliance functions to drive continual improvement and sets out the principles adopted by SMRC to achieve compliance with the law, and outlines the Branch’s functions, priorities, strategies and regime in relation to Food Safety Compliance.



## 2 Scope

It is the responsibility of the regulated parties, industry and community to comply with all relevant Acts and Regulations. SMRC takes a risk-based approach to compliance management. Where compliance with the legislation administered and enforced by SMRC is not achieved, there is a range of tools that can be implemented to bring about compliance.

While regulated parties are expected to comply with legislative requirements, if non-compliance is identified the likely consequence for the regulated parties are clearly identified, predictable and consistently applied. Regulated parties can expect that any non-compliance will be treated seriously by the SMRC and will be dealt with in a professional manner.

This compliance policy is intended to describe SMRC's overall approach to assessing and monitoring compliance and responding to instances of non-compliance.

The objective of the policy is to promote:

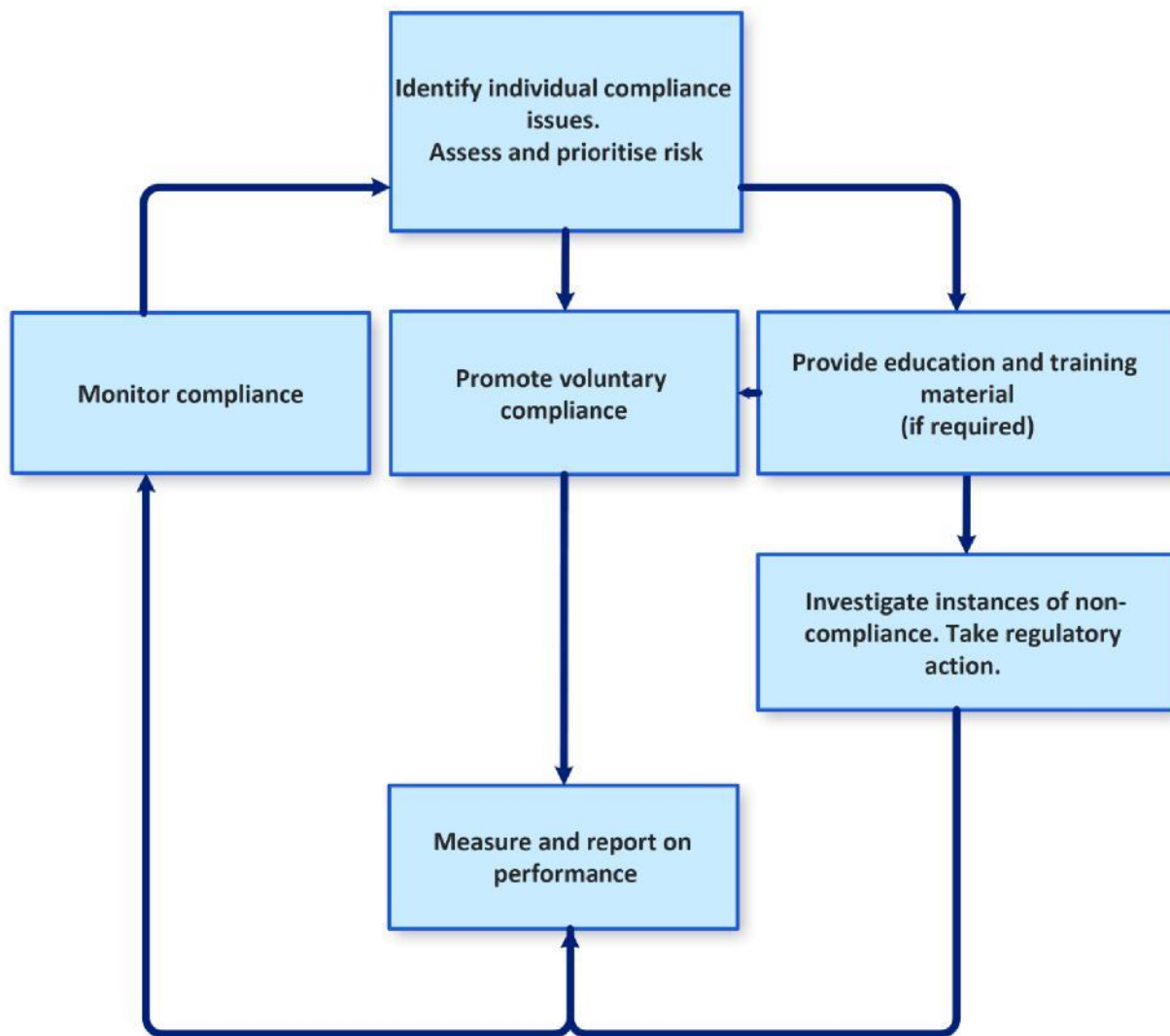
- a) compliance with the objective legislative provisions of the Act
- b) the use of regulatory tools in such a way as to best achieve our organisational objectives
- c) a risk-based approach to compliance through adoption of a graduated and proportionate response to non-compliance.

## 3 Outcomes

SMRC primary focus is targeted preventative operations. The team constantly improves its capacity to detect and respond to non-compliance. When a problem or a risk is identified, the team seeks to resolve it before it impacts the community and industry.

Monitoring compliance and investigating non-compliance is therefore a key role for SMRC. Figure 1 shows the components of SMRC compliance approach. This enables the team to focus on identified areas of highest risk and learn and adapt to continuously improve the appropriateness, efficiency and effectiveness of its compliance program.

Figure 1. Snowy Monaro Regional Councils Food Safety approach to compliance



It has been identified that the most effective way to gain and maintain voluntary compliance is by building a relationship of trust between Snowy Monaro Regional Council, the community and industry. This relies on the premise that if regulated businesses are treated as trustworthy, they will repay this by:

- a) voluntarily complying with their obligations
- b) being truthful and cooperative in their dealings and
- c) meeting their requirements as and when they fall due.

SMRC applies its resources to optimise voluntary compliance and to ensure understanding and a fair system for all.

SMRC encourages voluntary compliance through a range of educational activities which aims to build a capacity within industry to play an informed and active role in complying with food safety and biosecurity matters.

## **4 Activities**

### **4.1 Education**

SMRC acknowledges the need for comprehensive education, advisory and extension initiatives as integral components of successful compliance strategies. A key area of education for SMRC is the engagement with stakeholders to ensure understanding of educational materials to targeted areas of non-compliance.

Environmental Health Officers play an important role in informing and educating business of their requirements, as well as the consequences of non-compliance.

In addition, SMRC ensures that participants have the opportunity to raise issues of concern and participate in workshops and discussion forums.

Education activities may include:

- a) providing information and tools to assist stakeholders to be aware of their rights and the law, and to help provide certainty in planning for the future
- b) engaging with stakeholders to build capacity, such as through workshops and newsletters
- c) promoting and reinforcing good regulatory practices
- d) promoting the benefits of complying with legislation
- e) highlighting the potential consequences of not complying with legislation.

### **4.2 Compliance data**

SMRC is committed to the collection, analysis and use of appropriate data and intelligence to inform strategic decision making and allocation of resources to compliance activities.

Information is gathered and analysed from sources such as:

- a) compliance inspections – planned and complaint
- b) complaint data
- c) other government or industry compliance data.

Information gathered through industry stakeholder engagement and internal surveys is used to inform the NSW Food Authority of compliance rates within the Council area.

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### **4.3 Monitoring compliance**

Monitoring compliance with legislation is an essential component of Food Safety regulatory role.

Information gained during monitoring assists to:

- determine the level of and trends in compliance
- identify when and what type of education responses or enforcement action may be required
- identify where action may be required to avoid or mitigate public harm
- detect instances of non-compliance in a timely manner
- assessing and prioritising risk and optimising an appropriate response
- identify opportunities for improvement
- develop compliance programs focused on the greatest risk to regulatory outcomes
- assess and review the effectiveness of its operations, education and programs.

SMRC analyses this information, as well as information from other sources and data from research, to identify emerging issues, define any associated problems, and develop and implement effective, well-targeted compliance responses.

### **4.4 Inspections**

SMRC uses routine inspections as a method of collecting information and monitoring compliance. During these visits, authorised officers may collect samples, view records and take photographs. In line with their legislative powers, authorised officers are able to enter premises unannounced.

SMRC also uses various external resources to assess compliance and performance, such as accredited third party contractors.

#### **4.4.1 Risk Profiling**

The NSW Food Authority provides a national food safety risk profiling framework to classify the risk priority of NSW food businesses<sup>1</sup>. The classifications are used to apply regulations relating to food safety programs in food businesses and their audit frequency

The NSW retail risk-based inspection frequency model is a two-step process. It is based on the risk classification of the business (which depends on factors such as the types of activities, the types of consumers i.e. vulnerable populations, the size of the operation) and its previous business inspection outcomes and complaint history (i.e. compliance history).

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<sup>1</sup> <http://www.foodauthority.nsw.gov.au/sp/priority-classification-of-businesses>

Classification	“Risk”	Example
Priority 1 (P1)	High	Childcares, School Canteens, Vulnerable Populations
Priority 2 (P2)	Medium	Cafes, Restaurants, takeaways
Priority 3 (P3)	Medium	Mobile Food Vendors
Priority 4 (P4)	Low	Service Stations (Prepackaged food)

Businesses in the P1 tier represent the highest food safety risk. Conversely, P4 businesses represent the lowest food safety risk. The risk status of P2 and P3 businesses are intermediate between these extremes. An example of an inspection frequency schedule, across risk categories is provided in **Table 1** below.

Table 1 - Determination of Inspection Frequency

Business type of retail food premises	Business risk classification	Starting frequency <sup>5</sup>	Minimum frequency - every x months <sup>8</sup>	Maximum frequency - every x months <sup>10</sup>
Only sell pre-packaged or low risk non-PHF (e.g. service stations, newsagents, confectionery stores, fruit and vegetable shops, bars and liquor stores )	Low	Incident only		
Home kitchen used for preparation of low volumes of food (refer to criteria above)	Low	Incident only		
Correctional facilities, armed forces bases, international cruise ships	Varies	Incident only		
Stall at market/event	Varies	Incident or risk based inspection of market/event only <sup>11</sup>		
Most hospitality-type retail premises that prepare or sell PHF (e.g. cafes, restaurants, takeaways, supermarkets)	Medium	12 months	18 months	6 months
Mobile food vending vehicles that prepare and sell PHF	Medium	12 months	12 months <sup>12</sup>	6 months
Large-scale operation (e.g. function centre/large restaurant that employs more than 10 FTE food handlers <sup>13</sup> )	High	6 months	12 months	4 months
Undertakes high risk activities/processes (e.g. raw egg products, smoking meats, sous vide)	High	6 months	12 months	4 months
Preparing/serving foods to vulnerable persons (e.g. childcare facility)	High	6 months	12 months	4 months

<sup>2</sup> - Advisory guideline for Enforcement Agencies – Risk Based Inspection Frequency

<sup>2</sup> <https://www.frp.nsw.gov.au/DesktopModules/Bring2mind/DMX/Download.aspx?PortalId=3951&EntryId=256059>

## 4.5 Investigations

Investigations, following complaints, conducted by the SMRC are a key means of assessing incidents or significant breaches of legislation to determine the priority for further compliance action. During an investigation, authorised officers gather evidence in order to establish:

- whether an offence has occurred,
- the severity of the offence, and
- the identity of those who may be responsible.

This evidence may take the form of videos, photographs, samples and physical evidence, witness statements and records of interview, consistent with legislative powers.

## 4.6 Risk-based analysis

Risk-based compliance is about prioritising efforts to assist in identifying and enforcing compliance. SMRC has adopted a risk-based strategic approach to the application of enforcement and implemented a compliance strategy that:

- identifies sectors with a history of adopting non-compliant practices
- identifies inappropriate or misleading trade practices with the potential to intentionally mislead consumers
- develops compliance level indicators for businesses
- identifies behavioural issues and use of compliance data to evaluate/review the compliance strategy
- allocates resources according to risk
- clearly defines regulatory outcomes
- identifies and assesses risks to achieving regulatory outcomes
- tailors its use of enforcement and other regulatory tools based on the severity and behavioural drivers of non-compliance.

## 4.7 Pro-active monitoring

SMRC undertakes a range of pro-active, planned monitoring and inspection programs to determine the level of compliance within a regulated community.

- Pro-active inspection programs can include:
  - inspections/audits carried out at regular intervals, determined on the basis of the risk rating
  - follow up audits or more frequent auditing of identified poor performer or high risk activities or businesses
  - campaigns targeting a particular regulated community.
-

## 4.8 Reactive monitoring

Reactive monitoring and inspections are undertaken in response to customer requests, complaints, incidents or other intelligence gathered, in accordance with the DPI advisory guidelines.<sup>3</sup>

SMRC applies a risk-based approach to reactive monitoring. This allows SMRC to achieve the best outcomes and minimise the burden on regulated entities that are found to be complying or have only minor or technical non-compliance issues. SMRC triages complaints at the point of receipt based on information obtained from the complainant, with:

- a) low priority complaints being noted but not actioned unless further complaints are received
- b) mid priority complaints being followed up with an inspection or audit, and
- c) high priority complaints being followed up with an inspection or audit, an enforcement response (if necessary), and follow up interactions over time to achieve better compliance.

## 5 Choosing the appropriate enforcement action

Where none compliances exist, appropriate enforcement action will be undertaken in accordance with SMRC Food Safety Enforcement Policy.

## 6 Related Procedures

N/A

## 7 Definitions and Acronyms

List definitions and acronyms where appropriate.

DPI: Department of Primary Industries.

BFS: Biosecurity and Food Safety

Food Authority: NSW Food Authority

SMRC: Snowy Monaro Regional Council

## 8 Legislation

The Public Health and Environment Team are responsible for administering and/or enforcing the following Acts and Regulations:

- a) Food Act 2003
- b) Food Regulation
- c) Food Safety Standards Code
- d) AS4674 – Design, construction and fit-out of food premises

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<sup>3</sup> Advisory Guidelines for Enforcement Agencies: Food Complaint Management  
<https://www.frp.nsw.gov.au/DesktopModules/Bring2mind/DMX/Download.aspx?PortalId=3951&EntryId=256052>

## 9 Other Related Documents

- NSW Food Authority – Instrument of Appointment - [Enforcement Agency Roles and Responsibilities](#)
- NSW Food Authority - [Advisory Guideline - Appointing Authorised Officers](#)
- NSW Food Authority - [Advisory Guideline - Enforcement Agency Compliance](#)
- NSW Food Authority - [Advisory Guideline - Fees and Charges](#)
- NSW Food Authority - [Advisory Guideline - Food Complaint Management](#)
- NSW Food Authority - [Advisory Guideline - Food Premises Assessment Report](#)
- NSW Food Authority - [Advisory Guideline - Food Premises Assessment Report Guideline](#)
- NSW Food Authority – Food Premises Assessment Report
- NSW Food Authority - [Advisory Guideline - Managing Non-Local and Complex Issues](#)
- NSW Food Authority - [Advisory Guideline - Register of Penalty Notices](#)
- NSW Food Authority [Advisory Guideline - Regulation of Mobile and Temporary Food Premises](#)
- NSW Food Authority [Advisory Guideline - Risk Based Inspection Frequency](#)
- NSW Food Authority [Advisory Guideline - Seeking Assistance](#)
  - NSW Food Authority - [Protocol - Activity Reports](#)
  - NSW Food Authority - [Protocol - Food Complaint Referral](#)
  - NSW Food Authority - [Protocol - Reporting Legal Proceedings](#)
  - NSW Food Authority - [Protocol - Submitting Food Samples for Testing](#)
  - NSW Food Authority - [Protocol - Urgent Food Safety Response](#)
- NSW Food Authority – [Food premises Design, construction and fit-out guide](#)
  -

### Documentation

List the name and document reference number of any other document referred to in this document, including any related policies and procedures

250.2016.#.1 Snowy Monaro Regional Council: Enforcement Policy

250.2016.#.1 Snowy Monaro Regional Council: Compliance Policy

### Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.



# Policy



<b>Title of Policy</b>	<b>Snowy Monaro Regional Council Food Safety Enforcement Policy</b>		
<b>Responsible Department</b>	Environmental Management	<b>Document Register ID</b>	250.[document year].[document number].[document part]
<b>Policy Owner</b>	Environmental Management	<b>Review Date</b>	Date [document date1]
<b>Date of Council Meeting</b>	Date Approved [checklist 25002 10 DD LAST VALUE]	<b>Resolution Number</b>	Number [checklist 25002 11 DD LAST VALUE]
<b>Legislation, Australian Standards, Code of Practice</b>	Food Act 2003 Food Regulation 2015 Food Safety Standards Code AS4674 – Design, construction and fit-out of food premises Department of Primary Industries: Biosecurity and Food Safety Enforcement Policy (INT17/45446) Department of Primary Industries: Biosecurity and Food Safety Compliance Policy (INT17/45434)		
<b>Aim</b>	The aim of this policy is to: <ul style="list-style-type: none"> <li>• to provide transparency on how Council will make decisions of enforcement action;</li> <li>• to guide decision making and action by Council staff in the use of enforcement options;</li> <li>• to ensure that regulatory powers are carried out in a consistent manner without bias;</li> <li>• to enhance consistency of enforcement actions between officers; and</li> <li>• to use regulatory tools in such a way as to best achieve Council’s strategic and operational objectives.</li> <li>• promote transparency to stakeholders on how the agency</li> </ul>		

## 1 Purpose

This policy sets out the guiding principles Snowy Monaro Regional Council (SMRC) will apply when conducting regulatory and enforcement activities and includes an approach that is:

- a) graduated and proportionate
- b) authorised by law
- c) impartial and procedurally fair
- d) accountable and transparent
- e) consistent in terms of the enforcement response between regulators
- f) in the public interest

- g) allows for application of multiple enforcement tools under appropriate circumstances.

## 2 Scope

SMRC has entered into a Food Regulation Partnership (FRP) Agreement with the NSW Food Authority and the Authority has appointed Council to undertake those obligations set out in Category “B” in respect to its food regulation role as an enforcement agency under the NSW Food Act 2003, as amended.<sup>4</sup>

Categories are not mentioned in the legislation and food enforcement activities are categorised by the NSW Food Authority merely to identify the various responsibility levels that Council is required to meet as part of our Food Regulation Partnership agreement.

Category B is the most common level of food regulation responsibility. It is the duty of a Category B enforcement agency to exercise the functions within “the area” conferred on, and delegated to, them through their instrument of appointment (s.111D of the Act).

As an enforcement agency SMRC shall ensure their authorised officers act where there is an imminent threat to public health and safety or the health of any individual in connection with food; and exercise functions with respect to retail food businesses. For example, routinely inspecting retail premises and examining food.

The conditions of a Category B appointment are that:

- 1) SMRC inspects retail food businesses for compliance with the national food safety standards and Part 1.2 (relating to labelling of food for retail sale) in the Australia New Zealand Food Standards Code, the NSW Food Act 2003 and the NSW Food Regulation 2015, and
- 2) SMRC shall comply with the following FRP protocols:
  - a) Activity reporting,
  - b) Food complaint referral,
  - c) Reporting legal proceedings,
  - d) Submitting food samples for testing, and
  - e) Urgent food safety response, and
- 3) SMRC shall ensure that all authorised officers continually maintain current knowledge of the following FRP advisory guidelines by:
  - a) Appointing authorised officers,
  - c) Managing fees and charges,
  - d) Managing food complaints,
  - e) Completing Food Premises Assessment Reports (FPAR),
  - f) Managing non-local and complex issues,
  - g) Maintaining a Register of penalty notices,
  - h) Regulation of mobile and temporary food businesses,
  - i) Undertaking risk-based inspection frequencies, and

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<sup>4</sup> <https://www.frp.nsw.gov.au/DesktopModules/Bring2mind/DMX/Download.aspx?PortalId=3951&EntryId=256066>

j) Seeking assistance.

The objectives of the NSW Food Act 2003 as defined in Section 3 of the Act include the following:

- to ensure food for sale is both safe and suitable for human consumption,
- to prevent misleading conduct in connection with the sale of food,
- to provide for the application in the State of the Food Standards Code.

The Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Food Standards Australia New Zealand Act, 1991 of the Commonwealth of Australia.

Enforcement of the Food Act is essential for the effective management of food safety risks and the prevention of misleading conduct in connection with the sale of food. Accordingly the NSW Food Authority and the Council, in partnership, is committed to ensuring there is a high level of compliance with the Food Act and Regulations.

This policy sets out the Council's policy on compliance and enforcement that will facilitate the effective achievement of the regulatory goals of the Food Act in a manner that is:

- authorised by law;
- procedurally fair;
- accountable and transparent;
- consistent; and
- proportionate; and

is an addendum to SMRC's Enforcement Policy.

The policy recognises that most food businesses want to comply with the law and produce food that is safe, correctly described, labelled and advertised. The compliance and enforcement role of the Council is to protect consumers from the minority, who flout the law or act irresponsibly, endangering or defrauding consumers and imposing unfair competition on compliant food businesses.

It is anticipated that as a consequence of this policy food businesses will consider that compliance is an everyday part of business activity. Australian Standard AS 3806-1998 Compliance programs provides principles for the development, implementation and maintenance of effective compliance programs.

Breaches of the NSW Food Act, 2003 are classified as criminal offences and penalties up to \$550,000 and/or two years imprisonment apply. The range of offences under the Act and Regulations vary greatly in their seriousness and accordingly a variable range of penalties and enforcement options that are available under the Act and Regulations. This policy describes the options that are available and provides details of the matters that will be considered in their application toward achieving the objects of the Food Act, 2003.

### **3 Enforcement Activities**

SMRC conducts the following enforcement activities to respond to non-compliance:

- the use of overt and covert surveillance tools
-

- investigation of suspected breaches of the laws
- identifying measures to compel compliance without resorting to formal court action, such as warning letters, directions (directed works), improvement notices, penalty notices and prohibition orders or a combination of these.
- prosecution with a view to conviction in a court of competent jurisdiction where court-imposed penalties may include fines, imprisonment, forfeiture of assets and goods, prohibition orders, good behaviour bonds, and community service orders.

## 4 Enforcement Principles

### 4.1 A graduated and proportionate response

SMRC will apply a graduated and proportionate approach to the application of enforcement tools upon stakeholders. This involves the application of mild enforcement tools to offenders in the first instance; to be followed by more severe tools should the non-compliant activity continue.

The compliance and enforcement options available to Authorised Officers include:

- verbal advice;
- warning letters;
- the issuing of a statutory Improvement Notice which requires cleaning, repair, replacement, revision of food safety program, implementation of a food safety program or implementation of the Food Safety Standards;
- the issuing of a Prohibition Order which controls certain activities where there is failure to comply with an Improvement Notice or to prevent or mitigate a serious danger to public health;
- the seizure of food, vehicles, equipment, and labelling or advertising materials which do not comply with a provision of the Act or Regulations;
- the issuing of a Penalty Infringement Notice;
- the institution of proceedings in the Local Court;
- the institution of proceedings in the District Court;
- request for court orders for corrective advertising by a person found guilty of an offence;
- publication of the names of offenders immediately after conviction.

SMRC may at times consider mediation and conciliation as preliminary steps in enforcement processes.

### 4.2 Decision Making Criteria

SMRC will select an enforcement response that is proportionate to the identified non-compliance and capable of providing sufficient incentive to the business or person to amend the non-compliant behaviour.

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Should the circumstances surrounding an offence be considered sufficiently serious (e.g. an imminent risk to the Snowy Monaro Regions public health and safety), SMRC may elect to employ multiple enforcement tools at the same time.

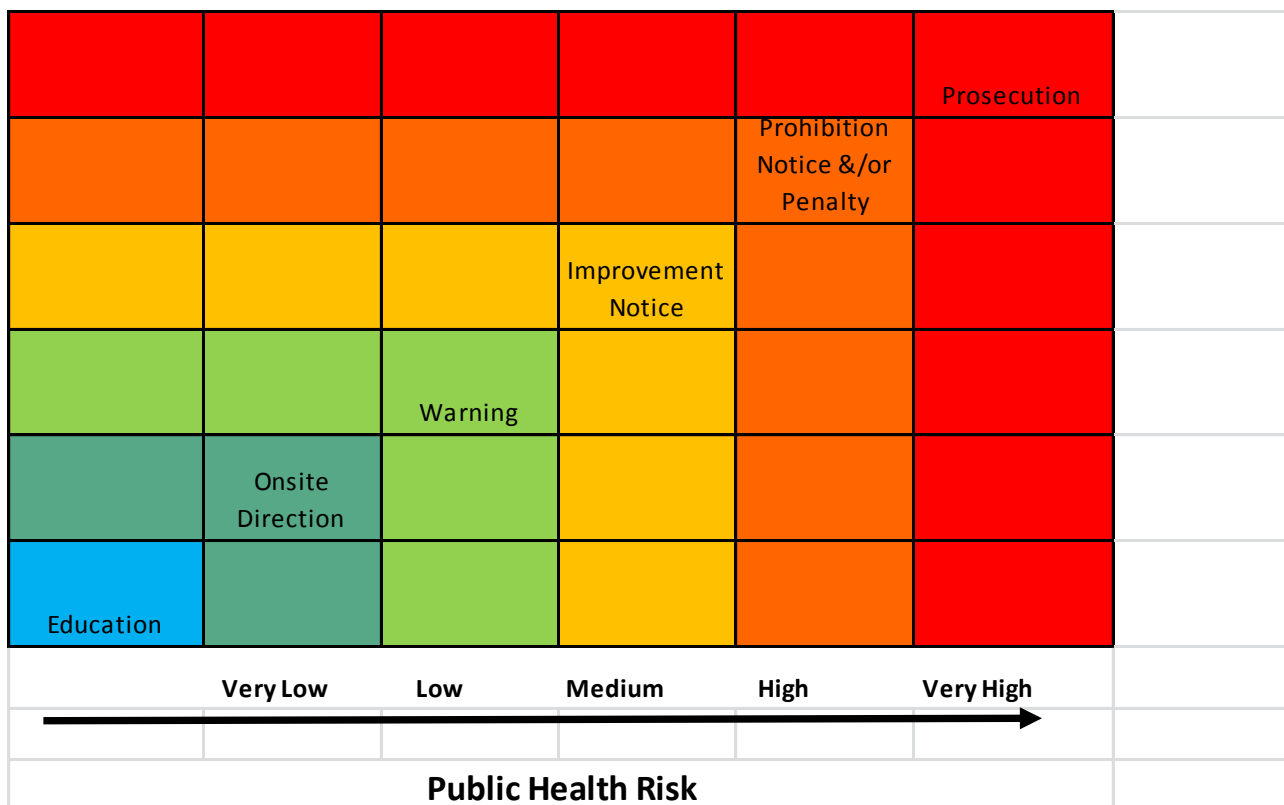
This policy should not be interpreted as a means of preventing Snowy Monaro Regional Council exercising any such enforcement powers.

SMRC will consider the following factors when making decisions concerning the choice of enforcement tool:

- circumstances of the alleged offence and the individual circumstances of the offender associated with the business
- compliance history of the offender, in general and with respect to the specific incident
- cooperation demonstrated by the alleged offender
- remedial action implemented by the alleged offender to address the non-compliance
- timeframe over which the offence was committed
- the need to provide SMRC staff with a safe working environment within the requirements of occupational health and safety laws, particularly in relation to matters involving assaults and intimidation.

The following diagram illustrates the graduated nature of enforcement responses in unity with the seriousness of the non-compliance.

Figure 2. Enforcement response



### **4.2.1 The Application of multiple enforcement tools**

A graduated approach to the application of individual enforcement tools does not preclude the simultaneous application of multiple enforcement tools.

There may be circumstances where there are multiple non-compliances detected, each of varying significance. In such circumstances, the use of different enforcement tools may also be warranted.

## **4.3 Authorised by law**

Authorised officers are required to act within their legal remit of statutory power when undertaking enforcement activity.

## **4.4 Impartiality and procedural fairness**

SMRC will undertake enforcement activity against the businesses or person in a timely manner that is procedurally fair and impartial. This will assist in minimising opportunities for arbitrary or inexplicable differences between the handling of individual cases, or classes of cases, to occur.

Discrimination (e.g. with regard to ethnicity, religion, age or gender) by authorised officers when undertaking enforcement action is unacceptable.

Decision making about applying enforcement provisions should not be influenced by:

- political advantage or disadvantage to a government or any political party or group,
- the consequences of a decision on the personal or professional circumstances of staff, or
- the personal feelings of the decision makers towards the offenders.

Business proprietors and/or persons involved will receive written advice of available statutory rights of appeal when decisions are made by SMRC to apply enforcement provisions.

Reasons for a decision will be documented and included in a briefing note as part of any administrative review of the decision.

Many juveniles (10 to 18-year-olds) work in (or operate) businesses and may therefore be subject to enforcement action under some circumstances. Under these circumstances, legislation for dealing with children between the ages of 10 and 18 (young offenders' legislation) applies to compliance and enforcement activity.

## **4.5 Accountable and transparent**

To ensure SMRC is accountable and transparent in the application of enforcement tools the authorised officers will:

- ensure that legislation, enforcement policies, complaints procedures and relevant information are readily accessible to businesses and the public
  - use plain language to communicate with the public and the industry
-

- ensure that policies and procedures addressing issues associated with enforcement action are readily available
- advise of available complaint or appeal processes associated with enforcement action inclusive of timeframes applicable to these processes
- provide advice on fees and charges that may be applied in discharging enforcement obligations or providing services under the relevant legislation

In relation to issuing penalty notices, Snowy Monaro Regional Council seeks guidance from two documents, which can be found on the NSW Justice website at [www.justice.nsw.gov.au](http://www.justice.nsw.gov.au):

1. [Caution Guidelines](#) and;
2. [Internal Review Guidelines](#)

The constraints of any privacy legislation and confidentiality provisions when initiating enforcement action against businesses (unless a statutory requirement exists to disclose the information) will be observed.

## 4.6 The public interest

The overriding consideration in taking enforcement action should always be the protection of community safety.

## 5 Conclusion

On a daily basis, SMRC investigates compliance issues and applies enforcement tools. This policy provides general guidance on how SMRC will undertake enforcement action under the Food Act.

It does not limit the discretion of SMRC to take enforcement action.

## 6 Related Procedures

## 7 Definitions and Acronyms

DPI: NSW Department of Primary Industries:

BFS: Biosecurity and Food Safety

SMRC: Snowy Monaro Regional Council

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## 8 Legislation

Snowy Monaro Regional Council is responsible for administering and/or enforcing the following Acts and Regulations:

- The *Food Act 2003*
- *The Food Regulation 2015*
- The Food Standards Code (the Code)

## 9 Other Related Documents

- NSW Food Authority – Instrument of Appointment - [Enforcement Agency Roles and Responsibilities](#)
- NSW Food Authority - [Advisory Guideline - Appointing Authorised Officers](#)
- NSW Food Authority - [Advisory Guideline - Enforcement Agency Compliance](#)
- NSW Food Authority - [Advisory Guideline - Fees and Charges](#)
- NSW Food Authority - [Advisory Guideline - Food Complaint Management](#)
- NSW Food Authority - [Advisory Guideline - Food Premises Assessment Report](#)
- NSW Food Authority - [Advisory Guideline - Food Premises Assessment Report Guideline](#)
- NSW Food Authority – Food Premises Assessment Report
- NSW Food Authority - [Advisory Guideline - Managing Non-Local and Complex Issues](#)
- NSW Food Authority - [Advisory Guideline - Register of Penalty Notices](#)
- NSW Food Authority [Advisory Guideline - Regulation of Mobile and Temporary Food Premises](#)
- NSW Food Authority [Advisory Guideline - Risk Based Inspection Frequency](#)
- NSW Food Authority [Advisory Guideline - Seeking Assistance](#)
  - NSW Food Authority - [Protocol - Activity Reports](#)
  - NSW Food Authority - [Protocol - Food Complaint Referral](#)
  - NSW Food Authority - [Protocol - Reporting Legal Proceedings](#)
  - NSW Food Authority - [Protocol - Submitting Food Samples for Testing](#)
  - NSW Food Authority - [Protocol - Urgent Food Safety Response](#)
- NSW Food Authority – [Food premises Design, construction and fit-out guide](#)

### Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

### Documentation

List the name and document reference number of any other document referred to in this document, including any related policies and procedures

- |              |   |
|--------------|---|
| 250.2016.#.1 | Snowy Monaro Regional Council: Enforcement Policy |
| 250.2016.#.1 | Snowy Monaro Regional Council: Compliance Policy  |



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### 9.3.4 SCFMPP COOMA BASKETBALL STADIUM AND DALGETY PAVILION CONTRAT AWARD - TENDER REPORT

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Project Manager
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.2 Improve and maintain our public owned infrastructure and assets and facilities to a high standard
Delivery Program Objectives:	8.2.3 Stronger Communities fund project delivers improved community infrastructure and assets through the Major Projects Program (MPP)
Attachments:	1. SCFMPP Non Price Assessment ( <i>Under Separate Cover</i> ) - <b>Confidential</b> 2. SCFMPP Works Assessment ( <i>Under Separate Cover</i> ) - <b>Confidential</b>
Cost Centre	SCFMPP-147 PJ100063 SCFMPP-068 PJ100074
Project	Cooma Basketball Stadium Foyer and Change Room Upgrade Dalgety Showground Pavilion Upgrade
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

The purpose of this report is to inform council of the outcomes of the design, development and tender evaluation process for the proposed Cooma Basketball Stadium upgrades and the Dalgety Showground Pavilion upgrade works package for approval and award. Information in the report and attached documentation provide the breakdown of costs to complete the construction as designed.

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

#### OFFICER'S RECOMMENDATION

- A. That Council review and award the packaged works contract to HOMZ4U Pty Ltd, trading as Illustrious Homes as per PWA Tender recommendation.
- B. Authorise the expenditure and allocate an amount of \$407,375 Inc. in the 18/19 Financial Year Budget with funding to be provided from SCFMPP Grants Program

#### BACKGROUND

In May 2017 Council, adopted the Stronger Communities Fund Major Projects Program, consisting of 100 projects across the Region. PP-147 Cooma Basketball Stadium and PP-068 Dalgety Showground Pavilion were selected out of the recommended projects.

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PWA was engaged by SMRC to undertake design, development and manage the tender and procurement process using NSW Government policies and guidelines.

Community consultation meetings were held and feedback was incorporated into the final designs.

The project tender process was as follows.

Tender Open: Tuesday 05 March 2018

Tender Close: Tuesday 26 March 2018

PWA conducted the OPEN tender process via the Vender Panel with advertisements calling for submissions in all local print media as well the SMH.

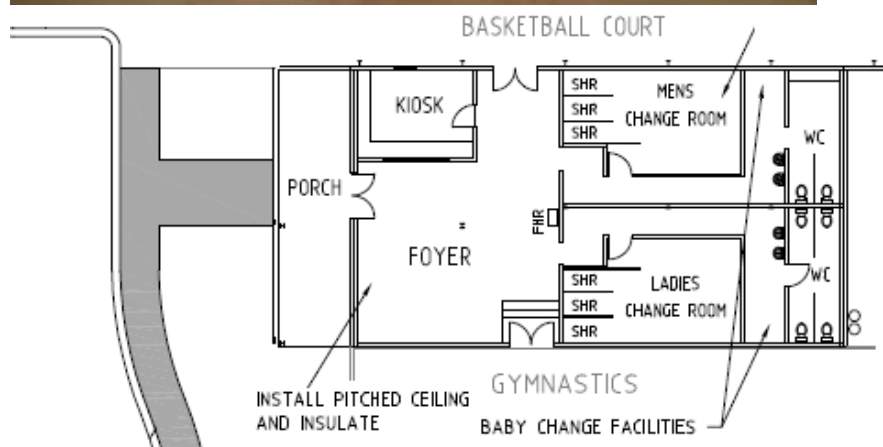
Three (3) offers were received. (2 Local companies 1 from the ACT area)

Attached is a copy of the **Tender Evaluation Report** (Confidential) of the tender submissions and a copy of the **Project Cost estimate and Budget** (Confidential).

### **Project Objective**

The objective of PP147 – Cooma Basketball Stadium is to revamp and improve change room facilities and the Foyer area including improvements to the kiosk and building entrance façade to:

- Improve this facility and eliminate the current barriers for people with disabilities allowing them to participate in sporting activities and increase the opportunities for socialisation within the community.
  - Create separate change rooms from toilets
  - Installation of ceiling over change rooms and toilets
  - Upgrade of vent units in change rooms
  - Tile floors throughout
  - Installation of ceiling in foyer
  - Seal and waterproof area
  - Repair porch and upgrade access path
  - Installation of new heaters
  - Installation of baby change facilities
  - Paint throughout
  - Replace kiosk roller door
  - Replace furniture
-



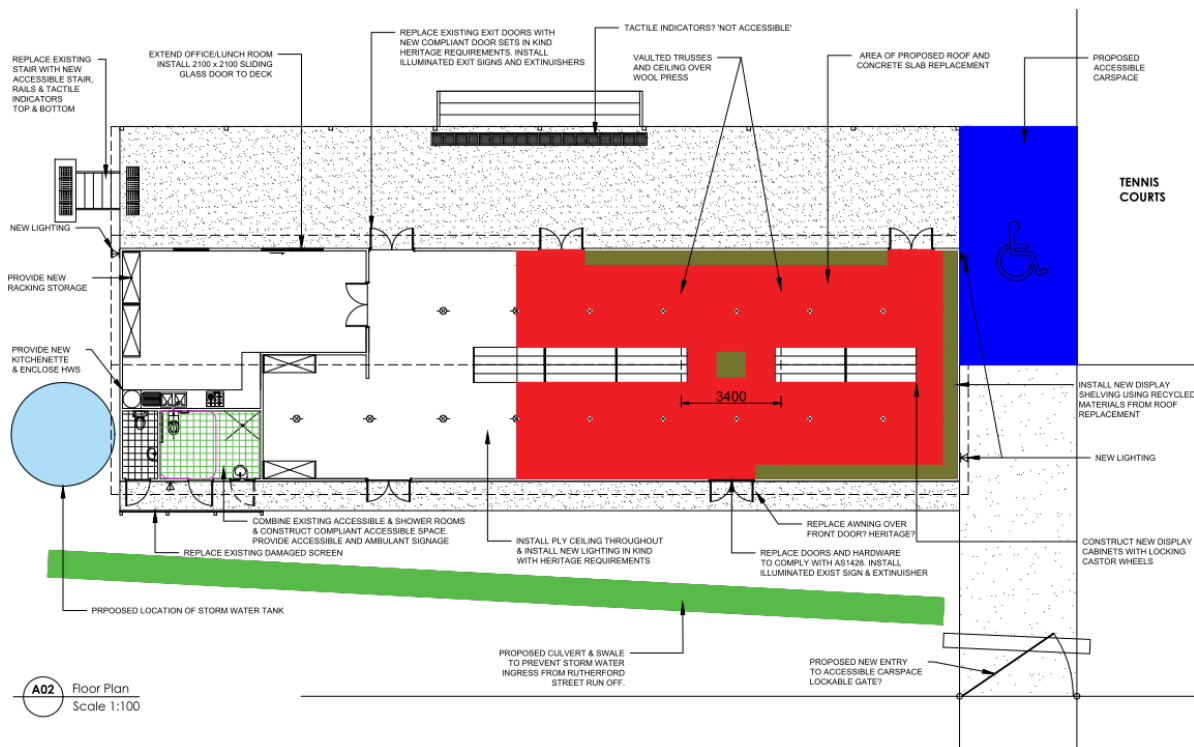
### Project Objective

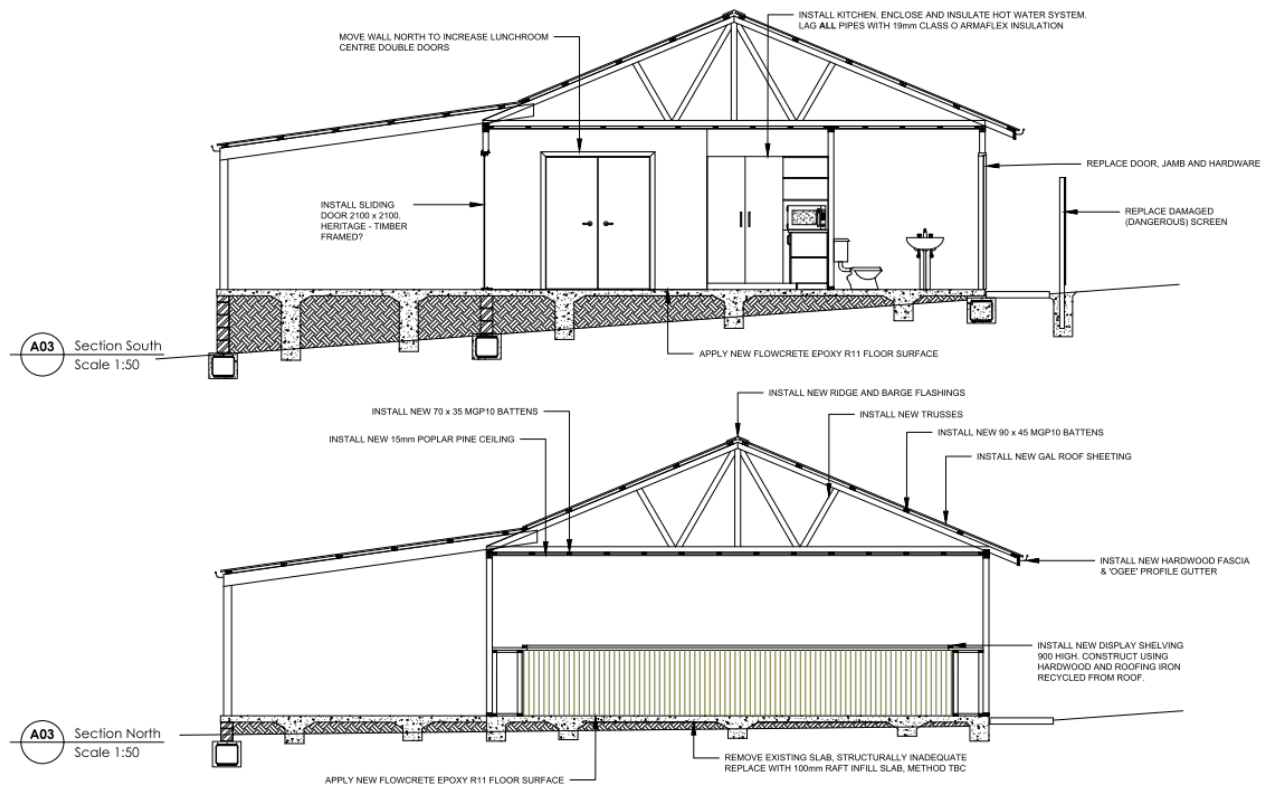
The objective of PP068 – Dalgety Showground Pavilion is to revamp and improve the building’s roof, ceiling and floor areas as well as make provisions for disabled access including car park and toilet access:

- Improve this facility and eliminate the current barriers for people with disabilities allowing them to participate in sporting activities and increase the opportunities for socialisation within the community.
- Roof and Gutter repairs and replacement including:
  - Removal of asbestos of areas being treated
  - Install new roof trusses
  - Install new ridge and barges flashings
  - Install new battens and sarking
  - Install new downpipes and connect to SW system
  - Install new roof sheets
- Insulate ceiling

9.3.4 SCFMPP COOMA BASKETBALL STADIUM AND DALGETY PAVILION CONTRAT AWARD - TENDER REPORT

- Install new ceiling
- Remove damaged floor slab
- Replace and pour new concrete floor slab and coat with non-slip epoxy finish
- Replace entrance doors
- Replace toilet door to meet disabled compliance standards
- Replace existing lighting with updated with energy efficient fittings
- Construct new disabled parking area
- Construct new accessible pathway and gates





## QUADRUPLE BOTTOM LINE REPORTING

### 1. Social

The Stronger Communities Fund was established by the NSW Government to provide recently merged councils with funding to kick start the delivery of projects that improve community infrastructure and services.

Councils are to fund projects that deliver new or improved infrastructure or services to the community.

Projects that are prioritised for funding must meet the following criteria:

- have been through a community consultation process
- demonstrate social and/or economic benefits to the community
- consider issues of sustainability and equity across the broader community
- demonstrate project feasibility and value for money, including full lifecycle costs;
- did not have funds allocated by the former councils
- give consideration to the processes and procedures outlined in the capital expenditure review guidelines issued by the Office of Local Government.

### 2. Environmental

A compulsory component of the tender assessment is submission of a Schedule of Environmental Management. If the applicant did not meet this assessment criteria, they have not been considered. Council places a high emphasis on environmental impact and management.

### 3. Economic

Estimated Expenditure	Amount	Financial year	Ledger		Account string																		
			P	J	1	0	0	0	6	3													
PP-147 Cooma Basketball Stadium	\$228,354	18/19	P	J	1	0	0	0	6	3													
PP-068 Dalgety Showground Pavilion	\$179,021	18/19	P	J	1	0	0	0	7	4													
Funding (Income/reserves)	Amount		Ledger		Account string																		
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### 4. Civic Leadership

This project aligns with the NSW Premier’s priorities of tackling childhood obesity and Building infrastructure by providing high quality recreational facilities that promote increased opportunities for participation in recreational activities.

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### 9.3.5 POST COMMUNITY CONSULTATION REPORT FOR SNOWY MONARO PLANNING AND LAND USE DISCUSSION PAPER

Record No:

Responsible Officer:	Group Manager Economic Development and Tourism
Author:	Senior Strategic Land Use Planner
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.1 New development and land use is facilitated in appropriate locations with areas of environmental value protected
Attachments:	1. Snowy Monaro Planning and Land Use Listening Paper
Cost Centre	10-8010-1001-68018 Strategic Planning
Project	Planning and Land Use Discussion Paper Community Consultation
Further Operational Plan Actions:	8.1.2 Land use is optimised to meet the social, environment and economic needs of the region. 8.3.1 Planning policies facilitate options for a range of housing types 10.1.1 Council has a transparent and bold growth objective which provides a framework for decision making

#### EXECUTIVE SUMMARY

This report is to update Council on the key issues raised throughout the community consultation period on the Snowy Monaro Planning and Land Use Discussion Paper.

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

#### OFFICER'S RECOMMENDATION

That Council

- A. Note all formal submissions on the Planning and Land Use Discussion Paper.
- B. Note all key issues raised throughout community consultation process.
- C. Endorses the Snowy Monaro Planning and Land Use Listening Paper (Attachment 1) to be sent to all participants in community consultation process and placed on Councils your say page for a minimum of 14 days (noting further minor editing and proofing of this document will occur before it is exhibited).

#### BACKGROUND

On 7 February 2019 Council resolved (resolution 31/19) to place the Snowy Monaro Planning and Land Use Discussion Paper on public exhibition for not less than eight (8) weeks. Table one (1) below outlines consultation activity by date and a summary of key issues raised.

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On 11 February 2019 the Snowy Monaro Planning and Land Use Discussion Paper was formally placed on Public Exhibition. On 12 February the Planning and Land Use YourSay page went live with supporting material including the discussion paper, a survey, interactive maps and an idea's board. The discussion paper was also circulated to community groups, Government agencies, industry and other key stakeholders.

From 5 March 2019 – 12 April 2019 a number of community consultation meetings and drop in sessions were undertaken by the strategic planning team. The key issues raised in these sessions are summarised in table 1 below.

On 21 March 2019 Council resolved (resolution 124/19) to extend the public exhibition period of the Planning and Land Use Discussion Paper to 18 April 2019.

On 18 April 2019 the public exhibition of the Snowy Monaro Planning and Land Use Discussion Paper concluded.

Table 1 below provides a summary of all key issues raised throughout each consultation activity and meeting.

*Table 1 – Summary of Consultation Sessions*

Date and Location	Key Issues Raised
<p>5 March 2019 (4 – 6pm)</p> <p>Adaminaby Drop in Session</p> <p>Adaminaby School of Arts</p>	<ul style="list-style-type: none"> <li>• Surprised at median age - raised concerns regarding care and housing for elderly into the future.</li> <li>• The Common carries 200 head of cattle with calves. It is used for people who are moving to the area to put stock on until they find land - not used greatly but would like to retain its current use and size - should not be reduced or expanded.</li> <li>• 30-40 blocks could be used for expansion on Cooma side next to reservoir as there are connections to water and waste water.</li> <li>• The land towards 'The Mill' could be useful for expansion.</li> <li>• Land at Scenic Drive is good to subdivide.</li> <li>• Like to see lot averaging in rural areas</li> <li>• Some people want less land which means less weeds to deal with - may not be as good thing as some are not as on top of weeds as others.</li> <li>• Most people looking for 40-100 acres for lifestyle blocks.</li> <li>• Keep productive land and cut a couple of blocks out of virgin bush land on creek frontage to sell. Keep some bush for self - don't use creek for agricultural purposes.</li> <li>• Most people at Yaouk have a second income or retired - land is not primary source of income.</li> <li>• Could subdivide western side of the valley at Yaouk.</li> <li>• Access in these places not great - road is an issue (Yaouk).</li> <li>• Sealing of Bobeyan Road is positive - lots of Canberra visitors to Adaminaby.</li> <li>• Car parking/caravan parking/boat parking on grassed area towards Caravan Park - accessibility to shops - current car parking spot being sold.</li> <li>• Beautification with flowers around the township.</li> <li>• Accommodation booked out by Snowy 2.0 - could bring people in to live and buy.</li> <li>• E zones acceptable - to protect ecosystems.</li> </ul>



	<ul style="list-style-type: none"> <li>• Hope council opens some blocks for sale around Adaminaby/Old Adaminaby/Anglers Reach.</li> <li>• Open Old Adaminaby and Anglers Reach for further development</li> <li>• Business opportunities with Snowy 2.0.</li> <li>• Accommodation is already an issue.</li> <li>• Need more infrastructure/facilities/spaces etc. - comes with people.</li> <li>• Currently 5 acre blocks around Scenic Drive - happy to have smaller lot sizes - more opportunities to build homes</li> <li>• Sewerage an issue.</li> <li>• Aged care services - keep community bus.</li> <li>• Aging population want to stay.</li> </ul>
<p>13 March 2019 (4 – 6pm) Cooma Drop in Session Cooma Library</p>	<ul style="list-style-type: none"> <li>• Lovegrass is an issue - weeds are becoming uncontrollable via 'lifestylers', 'tree changers' or retirees.</li> <li>• Kybeyan - primary production needs to stay.</li> <li>• Have balance between primary production and environmental protection</li> <li>• Viable farm 26 ha. Kybeyan has more moisture - cropping is viable. Lots of grazing farms around. Weed and insect management good from veggie farming point of view.</li> <li>• Around Numeralla zone R5 Large Lot Residential is good/productive for lifestyle farms. Historical farming areas don't have much environmental value. Environmental Protection Zones would promote wrong land management values.</li> <li>• Looking for rural residential properties - carry horse and are more private.</li> </ul>
<p>14 March 2019 (4 – 6pm) Nimmitabel Drop in Session Pioneer Hall, Nimmitabel</p>	<ul style="list-style-type: none"> <li>• Blocks that are affordable, have access road, creek, fencing are attractive</li> <li>• Need for dwelling entitlement for 100 acre (40 Hectare lots).</li> <li>• Easy access from Queanbeyan and Canberra.</li> <li>• Phone coverage is average - not good on Tom Groggin Road - blackspots around the region.</li> <li>• Supportive of solar power and Turbines.</li> </ul>
<p>14 March 2019 (6:30 – 8pm) Meeting with Cooma Chamber of Commerce. Alpine Hotel, Cooma</p>	<p>A presentation was given by strategic planning staff outlining key points in the discussion paper and encouraged participants to put forward views and ideas.</p>
<p>18 March 2019 Meeting with Upper Snowy Landcare Group SMRC Office, Jindabyne</p>	<ul style="list-style-type: none"> <li>• Carbon Drawdown benefits for the region.</li> <li>• Improved biodiversity protection is required.</li> <li>• Rural land uptake by tree changers. Also consider eco-tourisms role.</li> <li>• Buffer and connect the conservation zones and remnant vegetation.</li> <li>• Encourage regeneration and restoration of ex-agricultural land.</li> <li>• Maximise protection of <i>Eucalyptus viminalis</i> woodland and</li> </ul>

	<p>increase protection of riparian zones.</p> <ul style="list-style-type: none"> <li>• Rezone land to protect ridgelines, protect EEC's, increase connectivity, protect riparian areas, encourage regeneration and restoration.</li> <li>• Consider cost benefits of rural lot size and environment protection zones.</li> <li>• Provide incentives to restore degraded land.</li> <li>• Consider a land classification system of restoration, regeneration, preservation and production.</li> <li>• Update EEC and vegetation maps.</li> </ul>
<p>25 March 2019 (6 – 8pm) Smiths Road Drop in Session Community Hall, Smiths Road</p>	<ul style="list-style-type: none"> <li>• Population increase important.</li> <li>• Difficult to sustain large bits of land.</li> <li>• S355 Committee not sustainable with current population sizes and demographics.</li> <li>• Family members wish to return to the area but cannot due to planning constraints.</li> <li>• Concerned that this process will be similar to 'ground hog day' as previous LEPs and strategies have left the community feeling disappointed</li> <li>• Need help regarding sustainability and growth of community</li> <li>• Very little reference in the discussion paper of a road being created to Michelago. Not keen on through traffic - feel that an enhanced fire trail would be adequate for emergencies etc. and that the geography of the land would be cost prohibitive.</li> <li>• Work with ACT Government to fix Angle Crossing Road - there has been an increase in traffic - quite busy.</li> <li>• Recognise population growth would increase services. Educational opportunities would increase with population - ACT no longer taking NSW students at some schools - Tharwa School closed.</li> <li>• Some ACT departments don't realise that Smiths Road exists.</li> <li>• Angle Crossing rises easily. Need more involvement with Council regarding cross border decisions that affect the community.</li> <li>• More people want to move to the area - need smaller blocks with building entitlements to encourage more ratepayers - this needs to be considered.</li> <li>• Main requirements are that the road and waste collection are kept up - community is self-sufficient otherwise.</li> <li>• Need for strategic planning.</li> <li>• Huge area over Smiths Road has an E3 zoning, even over agriculture land. Needs to be reconsidered to be RU1 which would be more suitable as you can't do anything under the E3 zone. Community does not feel that they have been listened to here.</li> <li>• Need to consider the people that are moving here - need lot sizes to be more manageable for weeds and looking after the land.</li> <li>• Weeds are invading due to the land being cleared and not farmed.</li> <li>• People would look after their weeds on smaller lots.</li> <li>• Zone E4 Environmental living would be a much more suitable zoning.</li> </ul>

	<ul style="list-style-type: none"><li>• Council maintains road down to the locked gate - allow development down to there.</li><li>• Want a maintained road to allow ambulances etc. down to the locked gate. Top end serviced by sealed road, gravel further down - just want waste and roads maintained.</li><li>• Would like sign saying entering council area.</li><li>• Aged care and health services for people important.</li><li>• Emergency services access issues.</li></ul>
<p>26 March 2019 Meeting with ANU Centre of Excellence in Plant Energy Biology SMRC Office, Cooma</p>	<ul style="list-style-type: none"><li>• Agricultural Technologies and Sustainable farming practices.</li><li>• Impacts of climate change and changes to weather influencing the way in which we farm.</li><li>• Renewable energy is economically viable and progressing.</li><li>• Soil quality is declining and there is a need for more trees/vegetation for better quality soil and to prevent erosion and salinity.</li><li>• Better use of the rainfall we receive. Work already done in this area by the Mulloon Institute</li><li>• Utilisation of drones and GIS for smarter farming.</li><li>• 1000ha/10MT CO<sub>2</sub>/Y = \$1billion per year (carbon financiers based on a carbon price of \$100per tone)</li><li>• Farm forestry and agro forestry</li><li>• Bio char = \$500 per tone</li><li>• Hobby farm and tree changers will play an important role on marginal land.</li><li>• Use terrain more efficiently – follow contours for roads and ponds to allow water to sink into the ground more effectively.</li><li>• Use of solar – 4 solar panels per hectare to pump water around to ponds utilising the contours.</li><li>• 10,000 jobs created for setting up and maintain these farms.</li><li>• Potential large population growth based on two main drivers of innovative industry and lifestyle.</li><li>• Planning for the creation of vegetation which will be suitable for the environment in the future.</li><li>• Agriculture industry is going digital and is the last industry to do so.</li><li>• Carbon drawdown and capture benefits from this type of agriculture. Grassy woodlands type land scape, grass has carbon drawdown potential due to large root system</li><li>• Drones and new technology improving agriculture production efficiency.</li><li>• The future of coal is basalt – basalt mining to become a big industry due to carbon drawdown benefits.</li><li>• Using basalt to fertilise the agro forestry</li><li>• Improved biodiversity mapping to improve planning and decision making.</li><li>• Better topographical mapping</li></ul>

<p><b>26 March 2019</b></p> <p><b>Workshop with St Patricks College</b></p> <p><b>St Patricks College, Cooma</b></p>	<ul style="list-style-type: none"> <li>• Consider process and innovations in rural land use strategy.</li> </ul> <p>Year 9 and 10 Commerce students took part in a workshop. Below are key priorities the students highlighted.</p> <ul style="list-style-type: none"> <li>• Fixing roads and providing constant maintenance. Providing transport alternatives to Cars.</li> <li>• More sporting facilities.</li> <li>• More footpaths and better quality.</li> <li>• Cyclists and better road safety. More cycle paths and better education around cycling, road rules and road safety.</li> <li>• Ageing population – bring in and maintain younger people through better employment opportunities.</li> <li>• More recreational facilities for old people. Basketball court for Jindabyne. Indoor Pool for Cooma.</li> <li>• Retail – more niche stores, sneaker stores, bigger retail stores.</li> <li>• Senior education facilities – more high school options and further education options (University).</li> <li>• Public transport – look at different technologies – regional public transport by self-driving cars.</li> <li>• Lack of things for young people to do.</li> <li>• Upgrade existing facilities.</li> </ul>
<p><b>27 March 2019 (1 – 3pm)</b></p> <p><b>Delegate Drop in Session</b></p> <p><b>Delegate</b></p>	<ul style="list-style-type: none"> <li>• High percentage of lone person households.</li> <li>• There is an elderly population but younger people are starting to move to Delegate.</li> <li>• 40ha for minimum lot size is too big.</li> <li>• Blocks in town could be halved - they are very large.</li> <li>• River should have been considered in the discussion paper - it is never dry.</li> <li>• Health services are poor in Delegate and if they are available they are by appointment only e.g. no Doctor and no women’s health services.</li> <li>• Need extra toilets at Bill Jeffreys Park.</li> <li>• Heritage listings could provide tourist opportunities if managed properly.</li> <li>• Small Victorian towns rely on Delegate.</li> <li>• There are weeds and pest issues on 40ha lifestyle blocks. Smaller lots are easier to maintain.</li> <li>• Want productivity and capability mapping undertaken to protect the agricultural land – Local Land Services (LLS) and Department of Primary Industry (DPI) could do this.</li> <li>• Smaller rural land holdings around 300-400ha for starting farmers is suitable. 1000ha is too big and currently could cost \$4mil which is unaffordable.</li> <li>• 1000ha is viable for farmers with one partner working another job</li> <li>• Agricultural land north of Cooma is not repairable and that land would be good for subdivision.</li> </ul>

	<ul style="list-style-type: none"><li>• \$200-400 ha for livestock, \$300-\$1800 ha for cropping, \$100-400ha for forestry (value).</li><li>• Native vegetation impacts planning. Forestry can't clear to plant trees but can clear grass land. Farmers can't clear grassland – conflicting.</li><li>• Half of the Willmot pine plantation was not sustainable and ruined prime farm land.</li><li>• Bombala's population decreased in the late 90s to 2000s. Seems to be stabilising now.</li><li>• Anywhere with a population of less than 10,000 people is suffering - need a new industry to move in.</li><li>• Bundian Way needs more funding.</li><li>• Smaller lot sizes in the village are needed.</li><li>• More accommodation is needed. Flat at RTC, nurse's cottage and pub are the only available place. More needed for visiting family members and tourists.</li><li>• Public transport to Bombala is a need. Service from Bombala goes through Jindabyne and therefore takes 4 hours to get to. Canberra. Could meet this bus with a smaller bus from Delegate. There is a Victorian bus that goes direct to Cooma/Canberra however is more expensive.</li><li>• Health services are dreadful. If there is an issue have to get the 24/7 emergency nurse now - want a doctor as well.</li><li>• Victorian people are coming to Bombala for education, healthcare and retail. They use Delegate for the General Store, post office, school.</li><li>• Severe shortage of rentals in Bombala and Delegate. One property for rent in Delegate received 42 enquiries and is rented out for \$270 per week.</li><li>• Townhouses would be appropriate in the village.</li><li>• There are a number of vacant blocks in Delegate - some are for sale.</li><li>• Town has sewerage and is ideal to develop however water treatment plant needs to be upgraded.</li></ul>
<p>27 March 2019 (4 – 6pm) Bombala Drop in Session Bombala</p>	<ul style="list-style-type: none"><li>• Can't see Bombala being the industrial hub.</li><li>• Happy the way Bombala is.</li><li>• Issue with aging population and skills shortage.</li><li>• Heritage conservation area - grants etc. discussed.</li><li>• Diverse landscape.</li><li>• Designated industrial estate from years ago did not take off because it was not in sight. Believe there must be demand from industry to set up in a particular location. Visibility and becoming a known name is important. Don't think you can force industry into a particular location.</li><li>• Heavy rail useless for passengers but good for freight as freight should not be trucked.</li><li>• A lot of empty shops already - not sure about more commercial buildings.</li><li>• River is the best asset in town - walking, cycling, exercising</li><li>• Visitors centre should have been built in town.</li><li>• Pub on the corner needs to be tidied up - back yard looks terrible</li></ul>

	<p>and could be a nice entry into town (Imperial).</p> <ul style="list-style-type: none"><li>• The other side of the river should be considered for the walking path as the current plan is not viable - boundary fences, rubbish, walking past current facilities like STP, no toilet facilities etc. needs to be considered. North west side would be physically viable but construction cost vs usage might not be viable.</li><li>• Keen to keep primary production land - concerns regarding rezoning ag land.</li><li>• 680ha is a viable farm size once improvements have been completed.</li><li>• 40ha for hobby farms - 400-500ha for viable agricultural farm</li><li>• Feral animals and weeds coming out of pines - National Parks not managed (land conflict).</li><li>• Supportive for freight and passengers using the rail line but possibly not viable due to the geography of the land.</li><li>• Coffee stalls on the riverbank a great idea.</li><li>• Farmlets are not good for weeds.</li><li>• Danger of losing unique beauty and iconic views - don't want Monaro to become a windfarm - only want a certain corridor where windfarms are allowed.</li><li>• A heritage conservation area could be good if there is grant funding etc. Don't want to stifle and allow buildings to be modern if they blend.</li></ul>
<p>28 March 2019 Housing and Homelessness Roundtable SMRC Office, Cooma</p>	<p><b>Attendees</b></p> <ul style="list-style-type: none"><li>• NSW Government Family and Community Services</li><li>• Disability Plus</li><li>• Monaro Community Housing</li><li>• YMCA</li><li>• Mission Australia</li></ul> <p><b>SMRC Staff</b></p> <ul style="list-style-type: none"><li>• Community Development Officer</li><li>• Youth Development Officer</li><li>• Senior Strategic Land Use Planner</li></ul> <p><b>Key Issues raised</b></p> <ul style="list-style-type: none"><li>• Lack of housing stock in the region (particularly Cooma and Jindabyne)</li><li>• Access to land at affordable process for community housing providers to develop. Potential for tiny home type developments to keep costs down.</li><li>• Potential for Council to free up operational land which is not used via a peppercorn rent (or similar) arrangement for trail of tiny homes projects. Particularly small lots which aren't useful for another purpose.</li><li>• Affordable housing is a spectrum dealing with those working part time or full time on low wages to those in very marginal and</li></ul>

	<p>difficult situations.</p> <ul style="list-style-type: none"> <li>• Different types of housing required to fix this issue.</li> <li>• A percentage of a large scale development should be required through affordable housing.</li> <li>• Difficulty being able to get a loan is forcing many to rent.</li> <li>• Due to STRA permanent housing is becoming more difficult to find.</li> <li>• Potential to sell Council land to affordable housing provides.</li> <li>• Southern Cross Housing the only social housing provider in the region.</li> </ul>
<p>28 March 2019 (4 – 6pm) Bredbo Drop in Session Community Hall, Bredbo</p>	<ul style="list-style-type: none"> <li>• Make block sizes smaller to encourage development.</li> <li>• Should open blocks on Cooma side across the river.</li> <li>• Village lots should be smaller between Bredbo and Silver Brumby</li> <li>• Can't control weeds on larger lots.</li> <li>• Want Bredbo to grow - ideally similar to Berridale with a few shops</li> <li>• 9000m<sup>2</sup> blocks - roads are not sealed. These lots should be made smaller to allow development.</li> <li>• Community thinks kerb and guttering should not be up to the purchasers - explained is up to the developer.</li> <li>• Over 50% of the population are commuting to Canberra.</li> <li>• There are new community members that tend to stick to themselves - older members are moving to aged care.</li> <li>• There are significant community spaces in the village but people need to utilise them more.</li> <li>• Supportive of using the rail corridor for a freight and passenger line but not bikes as they would be riding through private property - toilets, dogs, privacy, cost, safety of bridges etc. needs to be considered.</li> <li>• Murrumbidgee is good for swimming and fishing - some extra facilities in this area would be good.</li> <li>• Like having 1/2 acre lots and village feel - would be lost if density increased.</li> </ul>
<p>28 March 2019 (6:30 – 8pm) Michelago Drop in Session Michelago Hall, Michelago</p>	<ul style="list-style-type: none"> <li>• Concerns raised regarding potential future conflict between rail and residences. Particularly the acoustic implication given the rail is elevated.</li> <li>• Need to maintain village character e.g. large lots and new building should have design aspects which mirror the heritage nature of the village and no tiled roofs only colour-bond.</li> <li>• Would not like to see Michelago become similar to Googong on tiny blocks and a sea of tiled roofs. Don't oppose development but want to retain rural village atmosphere of Michelago with certain criteria to set standards.</li> <li>• Additional energy efficiency requirements should be placed on new buildings to achieve 'sustainability'.</li> <li>• Previous work done in 2006 regarding tree line area and potential footprint of the village/town</li> <li>• Minimum lot size should be 1000sqm/1200sqm/1500sqm with a FSR to limit development on the lot e.g. 35%</li> </ul>

	<ul style="list-style-type: none"> <li>• All new buildings should be orientated so they can be solar passive and self-sustaining.</li> <li>• The village/town should not grow along the highway and should not grow the western side of the highway.</li> <li>• The village should grow to the east of the railway. When connectivity was queried it was explained that one road link between the town east and west of rail will be sufficient.</li> <li>• Railway station is/should be the heart of the town and commercial centre should be located around this.</li> <li>• Access for the community to the Murrumbidgee for recreational activities should be considered.</li> <li>• Four lane highway to Canberra is required.</li> <li>• Birdlife in the region is diverse and there is potential of tourism around this.</li> <li>• Concerns regarding the amount of waste being produced shire wide and the need to reuse and recycle more.</li> <li>• Traffic is already an issue and do not want any more traffic in future.</li> <li>• The town/village want services such as health, education, retail, hospitality, hardware, garden etc. but also want to go to Canberra for services.</li> <li>• Potential for solar farm (large scale solar).</li> </ul>
<p><b>29 March 2019</b> <b>Meeting with Flood Risk Management Committee</b> <b>SMRC Council Chambers, Cooma</b></p>	<p>Discussion between Strategic Planning Staff and flood risk management committee.</p> <p>An emphasis was placed on considering natural disaster constraints such as flooding, stormwater and bushfire in strategic planning process.</p>
<p><b>1 April 2019</b> <b>Workshop with Bombala High School</b> <b>Bombala High School, Bombala</b></p>	<p>A workshop was held with year 11 and 12 Bombala High school Students. The key issues raised are summarised below:</p> <ul style="list-style-type: none"> <li>• Quality Town Water - Better quality water catchment and water filtration</li> <li>• Quality of roads - Maintenance, education, wider roads (shoulder), more sealed roads.</li> <li>• Better Health Care Services - Land for expanded health facilities, mental health programs, aged care facilities, better housing standards for ageing population.</li> <li>• River Water Quality - Education, clean up Australia Day programs, experts to come inspect and educate the community.</li> <li>• Animal Pest and Weed Control - More people to help control pest animals, better education of weed problems, better state government programs to manage pest animals and weeds, better technology to remove weeds.</li> </ul>



	<ul style="list-style-type: none"> <li>• Sport and Recreation Facilities - More seating in showground, four wheel drive tracks, flip out, fix the racecourse, gaming facility, paid entry drag strip, seating at the footy oval, better quality footy field and facilities.</li> <li>• Things for young people to do and Employment opportunities - Lack of retail – meaning a lack of youth employment opportunities, further education opportunities (Tafe).</li> </ul>
<p><b>2 April 2019</b> <b>Workshop with Youth Council</b> <b>The Hub, Cooma</b></p>	<p>Some issues raised included:</p> <ul style="list-style-type: none"> <li>• Things for young people to do</li> <li>• More open space and recreation particularly localised to areas, so travel is not required.</li> <li>• Safety</li> <li>• Safe spaces for young people – Bombala after school space, Cooma study space and Jindabyne and indoor space.</li> <li>• More and better footpaths</li> <li>• Regional public transport.</li> <li>• More education and employment opportunities</li> </ul>
<p><b>2 April 2019</b> <b>Meeting with NSW Farmers</b> <b>Nimmitabel</b></p>	<ul style="list-style-type: none"> <li>• Significance of agricultural production to the region. Comparison in dollar value to Tourism.</li> <li>• Need to map significant agricultural land and protect via planning controls.</li> <li>• Highest and best economic use of land should be considered e.g. Agriculture over forestry. Government intervention can distort this and lead to significant dead weight loss.</li> <li>• Need to address weeds. Huge issue and needs to be addressed.</li> <li>• Capacity for renewable energy in the region, although is a divisive issue.</li> <li>• Demand for rural residential land, vital to protect viable agricultural land. Marginal land could be fragmented.</li> <li>• Not in favour of a uniform approach to rural land, needs to be flexible and recognise different values in smaller areas around the region.</li> <li>• Need to let Michelago grow - lost to African Lovegrass. Let Canberra come down to Michelago and Bredbo.</li> <li>• Cooma to Jindabyne is quite productive agricultural land.</li> <li>• Farming sector currently has a demand for jobs – can't find enough skilled workers.</li> </ul>
<p><b>2 April 2019 (4 – 6pm)</b> <b>Jindabyne Drop in Session</b></p>	<ul style="list-style-type: none"> <li>• Concern with change to minimum lot size from 40 - 250 in rural area - clear potential.</li> <li>• Maintain areas around the town for agriculture - landscape is significant and should be protected.</li> <li>• Do not want agricultural land chopped up.</li> </ul>

## The Station Resort, Jindabyne

- Link the three satellite villages.
- Land release needs to be done in a managed way not 'higgily piggily'.
- Look at linkages between the villages - transport hub - transport corridor between Jindabyne and the resorts.
- Public transport/rail link is a great idea but needs to go to Jindabyne to Canberra.
- Affordable land issues.
- Rail link has a tourism potential to revitalise the towns and villages.
- Opposing chopping agricultural land into smaller blocks.
- Keep natural scenic beauty.
- Everyone likes the lake.
- Wild game - processing in rural areas.
- Maintaining Agricultural Land versus allowing for large lot residential. Understand the implications however believe there will be a need for further growth areas around Jindabyne. Concerns over owner's ability to maintain larger lot sizes which require understanding of land and weed management etc.
- Short Term Holiday Letting- Issue around impact of air BnB. Great for people you own a property but not so good for those that don't. There is very little accommodation available to year round and seasonal workers. Not sure that any state or local DCP rules will work. Perhaps looking into zoning areas that restrict short term holiday letter maybe an option.
- Looking for Council support on options to secure abseiling and Rock Climbing site on private property near Jindabyne Dam Wall. Land is for sale and existing agreement with land owner to use the site will no longer be available. The land is steep and no use to developer. Keen to explore options with Council for a zone change or something to ensure the site can continue to be used by the Community.
- Land holder down stream of Jindabyne Dam Wall (Carinya Lane) own Fishing lodge. Keen to see weir removed as it is not necessary and is contributing to poor river quality. Have already spoken with Snowy Hydro and politicians about it.
- Types and style of development in Jindabyne – Streetscape continuity is being lost due to short term rental accommodation (e.g. Air BnB)
- Negative environmental and economic impact of Mowamba River Weir – Work with Snowy Hydro to have it removed and remediation works to take place.
- Importance of rural land zonings to reflect the landscape and existing uses
- Industrial/employment lands are needed and service Jindabyne and the resorts so should be provided in Jindabyne not Berridale. Land adjacent to Leesville industrial estate and next to airstrip could be suitable for such development.
- Need to keep biodiversity corridors intact via land zoning controls and other measures in the LEP e.g. terrestrial biodiversity

mapping.

- Corridors for animals to freely travel under main roads to prevent road kill.
- Rural land lot sizes need to be considered as per the landscape – primary production land needs to be protected via large lot sizes.
- Marginal land should be given smaller lot sizes to make management of weeds and pest animals more manageable.
- Lot averaging could be utilised to protect important agricultural land small lots needed 2-5ha with weed management plans.
- Weeds and pest animals need to be managed better
- Regional public transport is needed connecting resorts – Jindabyne – Berridale – Cooma and Canberra.
- Work with NPWS to reduce the costs of operating a bus into the National Park.
- Airfield in Jindabyne could be expanded to take in chartered flights
- Environmental protection zones should be more widely used to protect important environmental values.
- Should not cut up prime agricultural land.
- Provide housing diversity but consider the lifestyle people want e.g. 3000sqm lots are desirable people want to feel like they are out of the city.
- Regional connections to Cooma, Canberra and Bega are significantly important for essential services such as health care.
- Provision for a bypass for Jindabyne should be considered but may not be necessary.
- Better access to the lake is required – e.g. pedestrian crossing from town centre to lake.
- More active and open space corridors linking Moonbah – Jindabyne and sports and rec are needed.
- No arts services in the Jindabyne area, emphasis is all on recreation not culture. Would like to see a regional gallery of some sort. Town also needs dance and music facilities.
- Shared trails don't work as not friendly to walkers, only really for bikes.
- There is a conflict between the bike wash and disabled parking and toilets – should move disabled parking to a better spot.
- Need to shut down the loophole in the LEP that allows rural subdivision on the basis of questionable heritage items – it's a rort that is allowing good ag land to be chopped up. Make up a good enough story about old ruins and you get a house block.
- The Council needs to value the preservation of heritage in the region.
- The rail line is a stupid idea and will never go ahead.
- The rail line is a brilliant idea and would be great for the region.

	<ul style="list-style-type: none"><li>• Mountain biking has been very successful and supportive of more trails development.</li><li>• Jindabyne suffers from satellite towns – would like Jindabyne to grow but not by sprawling out over the countryside. Growth needs to be in the actual town.</li><li>• Parking is a real problem in Jindabyne, especially East Jindabyne.</li><li>• Lack of footpaths in Jindabyne is a problem.</li><li>• Nowhere to park with a trailer in town – a real problem in a tourist town.</li><li>• Tip opening hours don't match the tourism moving hours, especially at end of tourist season or big events. Results in tourists dumping rubbish.</li><li>• Berridale's growth is being driven by unaffordability in Jindabyne.</li><li>• The Alpine Way is the golden mile preserving scenic beauty is essential but also need to have farm to plate business there as well.</li><li>• The Discussion Paper didn't have much in it about the resorts – they are critical to the region.</li><li>• There is a need to keep exploring Leesville as an industrial area. If tourism continues to grow industrial trucks should be diverted by a new route to avoid the town centre.</li><li>• People leaving Jindabyne because of a lack of infrastructure, especially health services and education. A high school stops the exodus of population.</li><li>• A lot of young people/families are moving to the area.</li><li>• A property of 2000 acres (809 ha) of farmland around Jindabyne is enough to live off.</li><li>• People don't want to see telecommunications towers in eco-friendly areas.</li><li>• Scenic beauty is critical to the area, must be maintained and protected.</li></ul>
<p><b>3 April 2019 (1 – 3pm)</b> <b>Dalgety Drop in Session</b> <b>Memorial Hall, Dalgety</b></p>	<ul style="list-style-type: none"><li>• Property price increase.</li><li>• Quaint but not too much growth.</li><li>• Some places are for weekenders.</li><li>• Bigger blocks in town than what they are now - if subdivision 1/4acre minimum.</li><li>• Weeds have nothing to do with lot size but rather mindset. Council set the tone.</li><li>• Requirement for septic.</li><li>• River frontage is attractive.</li><li>• Chamber have discussed keeping the heritage precinct in place - significant tourism opportunity - would like to see this continue.</li><li>• Liaising with SMRC regarding river access for recreation (paddling/fishing).</li><li>• Mix of lot sizes - town size is good. People want space and animals - land is cheaper at Dalgety.</li></ul>

	<ul style="list-style-type: none"> <li>• Keep rural feel but some development - keep thematic development plan.</li> <li>• Issue with weeds and absentee owners/holiday letting - problem for farmers. A record of properties that are used for holiday letting should be kept and a tourism tax introduced to ensure adequate infrastructure for visitors. Lots of people AirBnB and they should be registered for safety.</li> <li>• Keep nature reserve as a buffer in the river and around the river.</li> <li>• Smaller lots on the road to Berridale as it has phone service and the road is sealed - less work.</li> <li>• People want it to stay as village but encourage people to live in Dalgety.</li> <li>• People living in Dalgety go to Cooma, Berridale, Jindabyne, resorts for work or are self-employed farming contractors etc.</li> </ul>
<p><b>3 April 2019 (4 – 6pm)</b> <b>Berridale Drop in Session</b> <b>SMRC Council Chambers, Berridale</b></p>	<ul style="list-style-type: none"> <li>• Industrial estate has been there for over 30 years - less than 30% is in use so expansion is not justified.</li> <li>• Don't want industrial estate close to residential area.</li> <li>• It's an asset that you don't drive through industrial area.</li> <li>• Use current industrial estate and explore further extension around that area - keep centralised.</li> <li>• Area proposed for residential development is a flood area and is risky. It would load up the creek and anything below Mackay Street would be problematic. Develop between Rockwell, Bobundara and Dalgety roads for town growth.</li> <li>• Myack Creek is a flood area around the STP and good agricultural land - preserve land that is prime production (marked on map).</li> <li>• Aged care facilities should grow in Cooma, Berridale and Jindabyne as it is important to look after the elderly.</li> <li>• Keep people in their homes as long as they are able to - then have respite facility and then nursing home.</li> <li>• Like zone RU5 Village for Berridale - productive and allows expansion.</li> <li>• Berridale has capacity to grow out 5 kms with industry coming/education facility based on what industries are already here (agriculture etc). Young people have moved here over the last 12 months brings growth for schools and facilities etc. Some kind of training facility would keep school leavers.</li> <li>• Berridale has a distinct landscape.</li> <li>• Supportive of rail but it also needs to go to the mountains.</li> <li>• Need better regional public transport.</li> <li>• 700m<sup>2</sup> minimum lot size is good - Googong style is bad.</li> <li>• Subdivide non-productive land and keep primary agricultural land as primary agricultural land - \$74m industry.</li> <li>• Weeds on smaller lots are devastating the area and also have an impact on the landscape and tourism. Encourage development on low capability land.</li> <li>• Don't put industrial area at Snowy Mountains Airport - cattle studs and Coolringdon in this area.</li> <li>• Concerned about proposed industrial area - feel it is not appropriate as a tourist area entrance - have something similar to Polo Flat. The current vista is nice and the current industrial area</li> </ul>

	<p>is utilised.</p> <ul style="list-style-type: none"> <li>• Cooma has been developed well. Jindabyne housing estates doesn't feel well planned. There is no space left in Jindabyne</li> <li>• Development close to Canberra would not be beneficial to the shire.</li> <li>• Vision for different types of employment as technology takes over - not mentioned in paper.</li> <li>• 5 acre blocks close to townships - there is an expectation that it will be easy to split and sell. Losing lifestyle land choices and this is not sustainable as we will end up with too many small lots - will mean extra services required and tough on the planet. Maintain lifestyle of the area.</li> </ul>
<p><b>10 April 2019</b> <b>Meeting with Monaro Farming Systems</b> <b>Nimmitabel</b></p>	<p>Strategic Planning Staff gave a presentation to approximately 40 members of Monaro Farming Systems Outlining the key points in the discussion paper and encouraging members to get involved.</p>
<p><b>11 April 2019</b> <b>Council Workshop</b> <b>Cooma Council Chambers</b></p>	<p>Gary White NSW Chief Planner gave a presentation to Council on the need for and the importance of strategic planning. Following this Council's strategic planning staff updated Council on the progress of the community consultation, and provided answers to specific questions raised by Councillors.</p>
<p><b>12 April 2019</b> <b>Workshop with Jindabyne Central School</b> <b>Jindabyne Central School, Jindabyne</b></p>	<ul style="list-style-type: none"> <li>• Public Transport – Connecting Jindabyne and surrounds (Resorts, Moonbah, Jindabyne, Tyrolean Village, East Jindabyne and Kalkite)</li> <li>• School access, facilities and space</li> <li>• More shops and Services – More variety, low budget options – potential for new shopping precinct on Barry Way.</li> <li>• Indoor recreation facilities and an indoor space to hang out.</li> <li>• Recreation on the lake.</li> <li>• Skate Park upgrade – engage with people who use it for better design.</li> <li>• Lighting improvements</li> <li>• Pedestrian crossing – particularly between Lake Jindabyne and Town Centre.</li> <li>• Cycle lanes</li> <li>• Better equipment at Banjo Patterson Park.</li> <li>• Indoor multi use sporting facility</li> <li>• More parking – Town Centre</li> <li>• Public transport</li> <li>• Renewable energy and sustainability.</li> </ul>

The community consultation process saw the Strategic Planning Team engage with over 300 community members face to face. This was a mammoth effort with over 1,400 km covered by the team in this two month period.

In table two below is a summary of key issues raised in all of the formal submissions received throughout this community consultation period. It is worth noting this is a summary of submissions received and a number of submissions have had a significant amount of thought and effort put in to them. To ensure a manageable business paper the submissions (284 pages) have not been attached to this report, but these can be provided to Councillors at a later date (or upon request) and will also be discussed further in Councillor workshops as the next phase involving the development of land use strategies progresses. It should be noted that Dabyne Planning and Smith’s Road Landholders Group also provided valuable supporting documentation with their submissions.

*Table 2 – Summary of submissions received.*

Submitters	Summary of Key Issues raised
ACT Government	<p><b>Settlement Strategy Comments General</b></p> <ul style="list-style-type: none"> <li>• Supportive of options in the discussion paper which make the best use of existing infrastructure and sustainable development around existing towns and villages.</li> <li>• Make best use of existing infrastructure and minimise impacts of growth on surrounding rural and environmental areas.</li> <li>• Sustainable development in the region is underpinned by residential and Rural Residential Growth around existing towns and villages.</li> </ul> <p><b>Rural land Use Comments</b></p> <ul style="list-style-type: none"> <li>• Protect the Namadgi National Park and the Murrumbidgee River Corridor and their surrounding environs.</li> <li>• Rural Residential development may lead to fragmentation of significant biodiversity values.</li> <li>• Ensure biodiversity connectivity at a landscape scale - including cross border biodiversity corridors.</li> <li>• Support protection of the rural landscape but do not support a reduction in minimum lot size.</li> <li>• Protect the unique land scape and environmental values.</li> </ul> <p><b>Employment Lands + Rail Comments</b></p> <ul style="list-style-type: none"> <li>• Consider the full impact of Snowy Hydro 2.0 in terms of expected economic and development opportunities</li> <li>• ACT Government supports the reinstatement of the railway for freight - particularly long haul heavy freight and not for passenger transport.</li> <li>• It is unlikely the rail will be competitive as commuter transport as car travel is likely to still be faster and more convenient. Funding of the 5km spur to Canberra Airport remains unresolved.</li> <li>• Snowy Hydro 2.0 will attract both skilled and unskilled workers to the region.</li> </ul> <p><b>Michelago and Smiths Road Comments</b></p> <ul style="list-style-type: none"> <li>• Concerned about corridor or ribbon growth along the Monaro Hwy.</li> <li>• Risk that expansion of Michelago will see it become a dormitory suburb of Canberra. Will be dependent on high levels of car based commuting in the absence of reliable public transport.</li> <li>• Consider wider financial impacts beyond water and sewer - social,</li> </ul>

	<p>education and health infrastructure what will be provided by NSW and what by the ACT?</p> <ul style="list-style-type: none"><li>• Concerned this is isolated from existing settlements and further development would be contrary to the SE &amp; T Regional Plan</li><li>• Intensified rural residential development may lead to pressure for inefficient provision for urban infrastructure and services.</li><li>• Developing Smiths Road may set a precedent for other areas in close proximity to Canberra.</li></ul> <p><b>Other Comments</b></p> <ul style="list-style-type: none"><li>• Development of the Cooma - Resorts Corridor offers benefits for Cooma Berridale and Jindabyne including attracting investment, employment, housing and services. This policy approach also presents an opportunity to provide growth around existing infrastructure.</li><li>• Promoting a strong relationship with Cross Border Councils.</li><li>• Need to work together to create a cohesive plan for a growing region.</li><li>• Supportive of options in the discussion paper which make the best use of existing infrastructure and sustainable development around existing towns and villages.</li><li>• Council Strategies should align with SE &amp; T Regional Plan 2036 and ACT Planning Strategy 2018.</li></ul>
<p>NSW Government Office of Environment and Heritage (OEH)</p>	<p><b>Settlements and Rural Land Use Comments General</b></p> <ul style="list-style-type: none"><li>• Directions 14 and 15 of SE + T Regional Plan aim to protect biodiversity corridors and high environmental value (HEV).</li><li>• Snowy Monaro has a number of the corridors and HEV land as such both the Rural land Use and Settlements Strategy should protect this land.</li><li>• Further consideration should be given to E zones applying to high biodiversity value areas.</li><li>• OEH is able to assist Council with confirming and validating the location and boundaries of regional biodiversity corridors in accordance with Direction 15 of the SE +T Regional Plan</li><li>• The Murrumbidgee Corridor has been identified as an area of regional environmental significance.</li><li>• New rural res areas should avoid high environment, cultural and heritage significance.</li><li>• OEH agrees that further consideration of rural land zones is required. OEH supports further investigation of E Zones and Zone RU2</li><li>• Should consider protection of traveling stock reserves (TSR's) as set out in Direction 14 of the plan.</li><li>• Further consideration should be given to Crackenback corridor given significant environmental values.</li></ul> <p><b>Bombala and Delegate</b></p> <ul style="list-style-type: none"><li>• OEH agrees with rezoning Dongwha Industrial. However it is noted the area identified may have biodiversity value and the creek should be protected a biodiversity certification process could be warranted.</li><li>• OEH agrees with increasing the Minimum lot size of RU1 land around Bombala and Delegate to help safeguard prime agricultural land from</li></ul>



fragmentation.

- Consideration could be given to zone RU2 Rural Landscape with a smaller lot size around Delegate.

#### **Adaminaby and Surrounds**

- Adaminaby supports the following threatened species: Monaro golden daisy, Mauve burr daisy and natural temperate grasslands. It is considered appropriate to protect these species through zoning and other controls.
- OEH support a reduction in the Zone R5 Large Lot Residential area of Adaminaby and that Zone RU2 Rural Landscape or/and Zone E3 Environmental Management could be more appropriate zonings.

#### **Cooma and Berridale**

- Continue with floodplain risk management studies in Cooma and Berridale.
- Support growth in low environmental value areas and support a infill emphasis for residential growth.
- Potential for Biodiversity certification process North of Cooma for future development.
- Expanding polo flat east could impact EEC biodiversity certification could also be utilised.
- OEH considers E2 as a more suitable zoning for Cooma North Ridge than RE1.
- OEH agrees a more appropriate zoning for the airport could provide a clearer plan for its future.
- OEH supports the use of Berridale as a future industrial area although notes the site north of the town contains natural temperate grasslands. As does potential residential land to the South, further investigations are required.

#### **Jindabyne and Dalgety**

- OEH supports DPE approach to the Go Jindabyne Masterplan and outlines the significant Biodiversity Jindabyne and Surrounds holds regionally and nationally.
- High environmental value natural temperate grasslands are mapped around Dalgety.

#### **Michelago and Bredbo**

- Continue with floodplain risk management studies for Michelago and Bredbo.
- OEH notes a large amount of undeveloped land in Bredbo. OEH supports rezoning Zone R5 Large Lot Residential to RU5 Village rather than expanding the residential zoning footprint of Bredbo.
- High biodiversity value land in Bredbo e.g. Murrumbidgee corridor should consider potential environmental protections such as E zoning.
- OEH is generally supportive of the future development vision of Michelago but OEH notes native grasslands to the South of the Village should be considered.

#### **Smiths Road**

- this area has always been an area with limited development potential because of biodiversity constraints.

	<ul style="list-style-type: none"> <li>• OEH does not support without further information E4 Environmental living zone.</li> <li>• Council should consider potential impacts on regional biodiversity values and the Namadgi National Park.</li> </ul> <p><b>Numeralla and Nimmitabel</b></p> <ul style="list-style-type: none"> <li>• Key issue in Numeralla is known koala population. OEH supports E zones in this area and implementation of draft KPOM.</li> <li>• Parts around former Nimmitabel Mill contains Snowy Gum Grassy Woodlands EEC.</li> </ul> <p><b>Other Comments</b></p> <ul style="list-style-type: none"> <li>• Consideration should be given by Council for the use of Biodiversity Certification where future development is required.</li> <li>• OEH recommend that Council considered prioritising upfront cultural heritage studies in the region. Would complement Direction 23 of regional plan.</li> </ul>
<p>NSW Water</p>	<p>No Comment at this stage</p>
<p>NSW Government Department of Primary Industries (Agriculture)</p>	<p><b>Rural Land Use</b></p> <ul style="list-style-type: none"> <li>• Further investigation regarding rural zonings is required. Primary production land should maintain zone RU1 Primary Production.</li> <li>• A MLS not less than 250ha is considered appropriate for RU1 zoned land.</li> <li>• The map on page 27 is agreed in principle more work needs to be done to identify specific zonings and how they interact.</li> </ul> <p><b>Rail</b></p> <ul style="list-style-type: none"> <li>• The railway is supported particularly for the movement of agricultural related freight.</li> </ul> <p><b>Bombala/Delegate</b></p> <ul style="list-style-type: none"> <li>• Land is not suited for small scale intense primary production as such RU4 is not considered an appropriate land zoning.</li> <li>• It is agreed 40 ha is not suitable for primary production land and this should be raised to an appropriate level to support agricultural production.</li> <li>• R5 may be an appropriate zoning around delegate on marginal agricultural land.</li> </ul> <p><b>Berridale</b></p> <ul style="list-style-type: none"> <li>• It is agreed that class 1 to 3 agricultural land should not be zoned R5 Large Lot Residential.</li> </ul>
<p>NSW Government Department of Primary Industries (Fisheries)</p>	<ul style="list-style-type: none"> <li>• Protection of riparian buffer zones.</li> <li>• Protection of water quality through implementation of water sensitive urban design measures &amp; that STP have capacity to deal with increasing loads.</li> <li>• Implement fish friendly waterway crossings.</li> </ul>
<p>NSW Government Roads and Maritime Services</p>	<p>Minimise local trips on State roads: Is there an appropriate road hierarchy to allow local trips to occur on local roads, thereby minimising trips on the State roads? Increase walking and cycling: Are there appropriate pedestrian and cycling facilities</p>

	<p>to cater for existing pedestrian and cycling desire lines and/or increase the attractiveness of walking and cycling?          Increase public transport: Are there appropriate bus facilities to cater for existing demands and/or increase the attractiveness of public transport?          Minimise accesses to State roads: Are there any opportunities to eliminate the need for direct access to a State road or reduce the number of direct accesses? For instance, through the provision of new local road links; by consolidating existing lots so that they benefit from a direct frontage to a local road; or by preserving land for future local connections whether by a public road corridor, right of carriageway or otherwise.</p>
<p><b>Snowy Monaro Regional Council (Waste)</b></p>	<p>All landfills to be rezoned SP2 Infrastructure and buffer around to limit development and land use conflict.</p>
<p><b>Upper Snowy + Murrumbidgee Landcare Groups</b></p>	<p>Below are a number of key points extracted from this submission:</p> <ul style="list-style-type: none"> <li>• Because of the Region’s rich biodiversity and high community demand for scenic rural landscapes, preservation of the native woodlands and forests should be entrenched in the SMRC’s land use plan.</li> <li>• As climate change action and environmental protection becomes a higher priority for the community and government, there will be increased demand for small rural landholdings in the SMRC Region which will drive economic growth.</li> <li>• Best use of the best. Maximise output from productive land and minimise output from unproductive land.</li> <li>• Re-deploy marginal land to carbon. Encourage regeneration and restoration of ex-agricultural land.</li> <li>• Protect and connect. Buffer and connect the conservation zones, biodiversity corridors and patches of remnant vegetation.</li> <li>• update the SMRC’s vegetation map (which is currently based largely on predictions from soils data, with only a small amount of ground-truthing) before undertaking the re-zoning;</li> <li>• include maps of all EECs (aquatic and terrestrial), high environmental value areas and biodiversity corridors in the LEP and update these regularly;</li> <li>• re-survey and produce new maps of riparian zone boundaries that fit the current rules for demarcation (actual boundaries, not straight-line interpolations) and which use the ‘high bank’ definition</li> <li>• introduce and impose an additional land classification system (with accompanying map in the LEP) that categorises land as suitable for ‘Restoration and Regeneration’ vs. ‘Preservation’ vs. ‘Production’ and incorporate this map into the LEP.</li> </ul>
<p><b>Smiths Road Landholders Group (2 Submissions)</b></p>	<p>The Smiths Road Landholders put forward two (2) submissions and a supporting document based on a previous submission on the CM LEP 2013.</p> <p>The first was sent in just prior to the release of the discussion paper and puts forward a number of questions for consideration as part of the discussion paper. The key issues raised by these questions are outlined below:</p> <ul style="list-style-type: none"> <li>• Consider zoning based on evidence based and ground truthed strategic</li> </ul>

	<p>planning. Zonings should reflect biophysical aspects of land, industry and landscape.</p> <ul style="list-style-type: none"><li>• Consideration for disaster planning - creating resilient communities through planning response, relief and risk management.</li><li>• Council should consider active methods of supporting environmental sustainability in consultation of landholders.</li><li>• Council should encourage regenerative activities for degraded land.</li><li>• Improved weed management and feral animal control approaches are required.</li><li>• Improve road quality and conditions.</li><li>• Council should provide leadership in adaption to climate change.</li><li>• Council should be committed to achieving ecologically sustainable population growth.</li><li>• More needs to be done to address cross border issues.</li></ul> <p>The second submission was a conventional submission some key points are outlined below:</p> <ul style="list-style-type: none"><li>• The SR Community supports a reduction in the minimum lot size applying to the northern end of Smiths Road to 16 ha and rezoning of this area to E4.</li><li>• The SR Community supports re-introduction of lot averaging to allow for development that is sympathetic to the natural environment, protects remnant native vegetation on steep slopes, and minimises the costs to developers and purchasers, such as for roads and infrastructure.</li><li>• The SR Community supports an expanded set of permitted land uses in the rezoned area that are consistent with current land uses and the NSW Department of Planning's practice notes for E4 – Environmental Living zone.</li><li>• The SR Community supports the retention of the E3 zone in the southern portion of Smiths Road as bounded by the 'locked gate'.</li><li>• The s7.11 contributions could be utilised to improve the road infrastructure for Smith's road community.</li><li>• A southern road connection is generally not supported rather an improved river crossing along the Angle Crossing Road.</li></ul> <p>Many other issues were raised in the Smith Road Landholder Group Submissions.</p>
<p>Michelago Region Community Association</p>	<ul style="list-style-type: none"><li>• Potential growth options outlined in the discussion paper are not binary and both have their own purpose and should be explored.</li><li>• Further development should take place in Michelago but this should have consideration to the village character, heritage and sustainability.</li><li>• Need for a coherent masterplan for Michelago.</li><li>• <b><u>Not wanting to replicate Googong</u></b> rather provide for a range of densities more in keeping with a rural village.</li><li>• While it is anticipated the people of Michelago will rely on Canberra for</li></ul>

	<p>services and employment, the variety of people and industries in and around the village supported by a coherent long term strategy will see Michelago develop self-sustainable aspects that complement other settlements in the region.</p>
<p><b>Bredbo Community Landcare Group Inc.</b></p>	<ul style="list-style-type: none"> <li>• Bredbo has little to offer Canberra as a potential day trip location other than the Christmas Barn which is a major drawback.</li> <li>• Development should focus on the western side of the Monaro Hwy.</li> <li>• The best thing for Bredbo is for the community and Council to work together to improve Bredbo's amenity and <u>recreational facilities</u>.</li> <li>• Consider recreational facilities which can make the most of the rivers which flow through Bredbo.</li> <li>• A number of residents hold no practical expectation rail line will re-open</li> </ul>
<p><b>Coolringdon and the John and Betty Casey Research Trust</b></p>	<ul style="list-style-type: none"> <li>• Coolringdon has a substantial history in the region and is now a vital asset to the region.</li> <li>• Focus on sustainable grasslands management and partnership with Sydney University allows for research and innovation to take place.</li> <li>• Research on Coolringdon includes a variety of farming issues, such as carbon sequestration, soil fertility, management of native ecosystems and droughts, eucalyptus die-back, as well as undertaking research on fuel reduction burns.</li> </ul>
<p><b>ANU Centre of Excellence in Plant Energy Biology</b></p>	<ul style="list-style-type: none"> <li>• Agricultural Technologies and Sustainable farming practices.</li> <li>• Impacts of climate change and changes to weather influencing the way in which we farm.</li> <li>• Renewable energy is economically viable and progressing.</li> <li>• Soil quality is declining and there is a need for more trees/vegetation for better quality soil and to prevent erosion and salinity.</li> <li>• Better use of the rainfall we receive. Work already done in this area by the Mulloon Institute</li> <li>• Utilisation of drones and GIS for smarter farming.</li> <li>• 1000ha/10MT CO<sub>2</sub>/Y = \$1billion per year (carbon financiers based on a carbon price of \$100per tone)</li> <li>• Farm forestry and agro forestry</li> <li>• Bio char = \$500 per tone</li> <li>• Hobby farm and tree changers will play an important role on marginal land.</li> <li>• Use terrain more efficiently – follow contours for roads and ponds to allow water to sink into the ground more effectively.</li> <li>• Use of solar – 4 solar panels per hectare to pump water around to ponds utilising the contours.</li> <li>• 10,000 jobs created for setting up and maintain these farms.</li> <li>• Potential large population growth based on two main drivers of innovative industry and lifestyle.</li> <li>• Planning for the create vegetation which will be suitable for the environment in the future.</li> </ul>

	<ul style="list-style-type: none"> <li>• Agriculture industry is going digital and is the last industry to do so.</li> <li>• Carbon drawdown and capture benefits from this type of agriculture. Grassy woodlands type land scape, grass has carbon drawdown potential due to large root system</li> <li>• Drones and new technology improving agriculture production efficiency.</li> <li>• The future of coal is basalt – basalt mining to become a big industry due to carbon drawdown benefits.</li> <li>• Using basalt to fertilise the agro forestry</li> <li>• Improved biodiversity mapping to improve planning and decision making.</li> <li>• Better topographical mapping</li> <li>• Consider process and innovations in rural land use strategy.</li> </ul>
<p><b>Hanson Construction Materials Pty Ltd</b></p>	<ul style="list-style-type: none"> <li>• Support the proposal to develop rail line and utilise it for freight purposes via Williamsdale Quarry.</li> <li>• rail will help alleviate road congestion, reduction in road maintenance costs, improved safety and environmental benefits</li> </ul>
<p><b>K7 Adventures</b></p>	<p>Potential to consider more suitable zonings and lot size for Jindabyne rock and related area.</p>
<p><b>Dabyne Planning (2 submissions)</b></p>	<p>Dabyne Planning provided two submissions. One general submission on the paper and the other on behalf of a land owner. The submissions have been summarised below and separated for reference. Dabyne planning also provided six (6) supporting documents.</p> <p><b><u>Submission 1 Dabyne Planning General</u></b></p> <p><b>Settlements Strategy Comments</b></p> <ul style="list-style-type: none"> <li>• Population growth projections are underwhelming and not based on current growth trends for Jindabyne and Surrounds</li> <li>• Should take into account Jindabyne’s winter population and pace of current growth.</li> <li>• Jindabyne will play a key role in implementing the SE + T Regional Plan.</li> <li>• Distance between settlements needs to be considered e.g. 60km between Jindabyne and Cooma. Servicing other townships is not sustainable nor practical.</li> <li>• Potential third growth option of Jindabyne and Surrounds including the Alpine Resorts.</li> </ul> <p><b>Rural land Use Comments</b></p> <ul style="list-style-type: none"> <li>• Discussion paper notes a decline in agricultural employment yet fails to put forward a planning policy to address this issue, such as flexible subdivision controls.</li> <li>• No mention of lot averaging controls - lot averaging can provide flexibility and protect viable agricultural land.</li> <li>• Council should consider the use of more appropriate zones based on locality rather than shire wide approach.</li> <li>• There is no adequate planning justification to increase lots sizes on remaining RU1 Primary Production land.</li> </ul>

- Zoning does not necessarily protect agriculture.
- Zone RU2 is considered a more appropriated zoning however minimum lot size of 100+ hectares is not supported.
- Suitability of Rural living zoning - RU4 is largely a useless zoning. Small lots can provide a variety of new and innovative farming enterprises. As the rural living corridors in Adaminaby, Berridale and Dalgety could be considered for Jindabyne - As per the JGSP.
- As Zone RU1 Primary Production Provides for Eco Tourist facility, there is no benefit for E zones.
- The use of Scenic Protection Areas is generally welcomed and should consider impacts from exempt and complying SEPP.
- Localised Planning controls should form a principal going forward taking into account specific aspects of site, locality and biophysical attributes.

#### **Adaminaby and Surrounds**

- OEH Biodiversity values constraints need to be further qualified. Council should not use a broad and often inaccurate map to inform planning.
- R5 Large Lot residential zoning has been placed based on years of strategic planning work and should remain.

#### **Berridale**

- Location of potential industrial land has not been adequately considered. It is not suitable to service Jindabyne, there is existing vacant land zoned industrial and the location proposed could impact natural temperate grasslands and flooding and scenic protection.
- R5 Large Lot residential zoning has been placed based on years of strategic planning work and should remain.

#### **Jindabyne**

- References to residential and business zonings should be left to go Jindabyne masterplan.

#### **Michelago**

- it would be highly doubtful that development proposals will be of sufficient scale to provide infrastructure at no cost to government. As such significant funds from Councils consolidated revenue would be required.
- no discussion about how employment lands in Michelago would impact on the region.
- Growth in Michelago is unlikely to contribute any additional employment to the Snowy Monaro Region.

#### **Other Comments**

- Consultation was considered inadequate.
- Discussion paper does not reflect substantial bodies of previous strategic planning work.

#### **Submission 2 - Dabyne Planning**

- Future Growth option 2 is supported and should focus on Jindabyne
- Communities need to be sustainable in terms of number of people and quality of life.
- Lot averaging can provide flexible subdivision and protect environment or

	<p>agricultural value.</p> <ul style="list-style-type: none"> <li>• Reduction in minimum lot size for Moondbah Ingibrah should be considered. To allow dwelling entitlement in line with the original strategic planning intent when the lot size was implemented.</li> <li>• Support for agriculture in terms of diversity of size, type and function.</li> </ul>
<b>Resolution Planning</b>	Potential to rezone land south of Jindabyne from zone RU1 Primary Production to zone R5 Large Lot Residential.
<b>Vision Town Planning Consultants Pty Ltd</b>	Consider rezoning land north of Cooma with good compatibility to services to zone R2 Low Density Residential and reduce Minimum Lot Size to 500sqm.
<b>Hedges and Bhatti Solicitors</b>	Support railway use for commuter and commercial purposes.
<b>Jindabyne Airfield</b>	Possible future expansion of Jindabyne airstrip. Eastern extension of the 3/0 runway. Would give the runway a length of 1,500m long enough for small RPT aircraft.
<b>GEOCON</b>	<ul style="list-style-type: none"> <li>• Establish a Cooma to Canberra growth corridor that is linked and activated by the vibrant mixed-use townships of Michelago and Bredbo. The future growth corridor will provide a range of direct and indirect economic benefits to the Snowy Monaro region and its people, such as investment in new housing and infrastructure, integration of transport and planning, generation of employment lands and employment opportunities, promotion of new local industries and preservation of the environment, waterways and heritage fabric of local areas.</li> <li>• Realise the benefits of Michelago's proximity to Canberra, while preserving its historical significance and enhancing the environmental setting. Unlocking the economic benefits of Michelago's proximity to the Canberra employment market will further stimulate the Snowy Monaro regional economy both directly and indirectly, which will also strengthen the local community.</li> <li>• Create a strategic planning vision and statutory planning framework that facilitates public and private partnerships and encourages planning agreements. Enabling Council to work with industry on common priorities and objectives, such as the timely delivery of critical infrastructure and services, and where appropriate entering into planning agreements that are in the broader public interest. Such partnerships and agreements are common place in large metropolitan cities, however, almost never contemplated in regional parts of NSW.</li> <li>• Support housing diversity for a variety of lifestyles and budgets. With considerable changes predicted to the community demographics within the Snowy Monaro region, including an aging population, there is a strong need for quality accommodation to support a variety of lifestyles and budgets. The strategic planning and land use planning frameworks must be calibrated to support and facilitate a broad range of housing products and models, which are reflective of the market, and supports sustainability and affordability.</li> </ul>
<b>Howard Charles</b>	<ul style="list-style-type: none"> <li>• Michelago should be allowed to expand as much as is possible. This will bring a huge increase in rate income to the council. There will be many</li> </ul>



<p><b>OAM</b></p>	<p>other flow-on benefits for the whole region. The land is already completely overrun with African Lovegrass, so there will be very little loss of agricultural production. The late Wally Mills has already outlined a possible scheme for a water supply for Michelago.</p> <ul style="list-style-type: none"> <li>• Development around Murrumbateman, with large roof areas and extra-large water tanks mandated, has shown that limited availability of water should not be a constraining factor. This could apply to many areas of potential development in the region.</li> <li>• Nimmitabel should have many more areas available for “lifestyle” blocks than you have shown in the plan, particularly in a semi-circle around the eastern side. This is high ground with stunning views across the Monaro plains and easily serviced by the Kybeyan, Tom Groggin and Worrigal Roads. Nimmitabel has exciting potential to develop as a tourist town, aka Mogo or Tilba Tilba. As you have noted it also has great heritage and history. It is already well on the way to doing so and has the necessary infrastructure, vis General Store, Post Office, Pub and Service Station, (soon I hope) and a strong community spirit.</li> <li>• African Lovegrass is relentlessly spreading across Monaro and has the potential to destroy much of our agricultural industry. No efforts have been successful to date! It is vital that a far better resourced plan developed in conjunction with the farming community, involving all relevant bodies and carried out with far greater determination be instigated.</li> <li>• Cooma’s North Ridge Reserve is a unique and wonderful asset for Cooma, with significant Native Vegetation which should be preserved. It is in constant and growing use by a great many residents and I hope it will not be cut up for development. Greater efforts to control the spread of weeds are required urgently.</li> </ul>
<p><b>Ann Maree O’Brien Landscape Architect</b></p>	<ul style="list-style-type: none"> <li>• Better biodiversity mapping needed to inform planning decisions.</li> <li>• Biodiversity and significant landscape mapping to influence zoning decisions - consider every biodiversity landscape as an environmental overlay for all Zoning or future development decisions.</li> <li>• Co-locate recreational areas with Environmental Protection areas.</li> <li>• Protect significant landscapes.</li> <li>• Active transport connections needed between rec centre, Leesville, Bungarra, Moonbah, The Station, Crackenback, East Jindabyne and Discovery Park etc.</li> </ul>
<p><b>Anne and Charlie Maslin</b></p>	<ul style="list-style-type: none"> <li>• No mention of rail trail running from Michelago through Cooma and Nimmitabel to Bombala - potential for the towns and villages.</li> <li>• Rail trail has enormous potential to revitalise towns and villages with a tourist boost, planning should provide flexibility to provide for benefits.</li> <li>• The rail corridor became redundant in 1989 and has not changed since then - no stock sale centres are located on the corridor now. (Cooma?)</li> <li>• Stalls and popup kiosks around the Bombala river area - has community support and deserves focus.</li> <li>• Similarities of rail tail to Central Otago rail trail in NZ.</li> </ul>
<p><b>Craig Goggin</b></p>	<p>Potential for smaller semi-rural type lots close to the ACT border, particularly for</p>

	land not suitable for primary production.
<b>David Mitchell</b>	<ul style="list-style-type: none"> <li>• Tax Driven Managed investment schemes, lead to an ineffective and inefficient use of rural land.</li> <li>• Rural land should be utilised by the most efficient industry for that land without government interventions.</li> <li>• Tax driven MIS does not promote sound investment and is not a sound or sustainable business model to build industries.</li> <li>• This resulted in miss allocation of the nation’s land and water resources.</li> <li>• Does not allow investment to be market driven.</li> <li>• Promotes unfair business competition and has negative long term impacts on local communities.</li> </ul>
<b>Natalie Armstrong</b>	<ul style="list-style-type: none"> <li>• Mention is made of development for other villages in the Shire, citing lack of sewerage as a drawback to development. Delegate Township has had sewerage for over 30 years, and I feel that this should be mentioned.</li> <li>• No mention at all of the Delegate River, which the town was built on, an excellent free flowing stream rising in the high country of North Eastern Victoria. It has never been known to run dry and provides over 30% of the water to the lower Snowy River.</li> <li>• No mention of the Bundian Way project, the ancient Aboriginal pathway between the mountains and the sea, which is projected to bring many visitors to Delegate, the only town on the surveyed track. The project is at present awaiting more funding, but has the potential to be very big.</li> <li>• Biggest drawback of delegate is lack of regional public transport.</li> </ul>
<b>Elizabeth Price</b>	Considerable planning is needed to facilitate growth and maintain a quiet peaceful neighbourhood in Michelago.
<b>Geoff Bowland</b>	<ul style="list-style-type: none"> <li>• Allow Royalla type development in the hilly areas along the Monaro Hwy from the ACT Border to Michelago.</li> <li>• Maintain and enhance the character of our area - pristine and recreation character (mountains and lakes) and rural landscapes - more vegetation</li> <li>• Help Bombala to re-become the 'Star of the South' through Eden rail link etc.</li> <li>• Create new suburb of Gladstone encircling the Mt Gladstone reserve - utilising the reserve as a recreational area for residents.</li> <li>• Allow Michelago village to grow to around 5,000 people.</li> </ul>
<b>Gloria Cotterill</b>	<ul style="list-style-type: none"> <li>• Delegate needs improved road signage for wayfinding purposes.</li> <li>• No doctor is available in delegate and most health services cannot be accessed via the MPS</li> <li>• Delegate River is significant and should be considered.</li> <li>• Reticulated water and sewerage in the village.</li> <li>• The significant heritage and cultural heritage significance of Delegate needs to be explored including that it is the only village along the Bundian Way.</li> </ul>

	<ul style="list-style-type: none"> <li>Regional public transport is a huge issue in delegate and the surrounding area action is required.</li> <li>Delegate is relied on for services by many bordering Victorian villages/localities.</li> </ul>
<b>Graham Herbert</b>	<ul style="list-style-type: none"> <li>Project should be delayed until after Go Jindabyne Masterplan as issues of Bypass, Jindabyne High school and other planning matter should be determined first.</li> <li>Population projections are not accurate - Highview Estate still has over 100 approved residential blocks and 23 rural residential blocks this alone will cater for this growth in 12 years.</li> <li>How can Jindabyne retain its young population?</li> <li>Dedication aged care facilities are needed.</li> </ul>
<b>Dr Helen Monks</b>	<ul style="list-style-type: none"> <li>Two (2) corridors in discussion paper (Canberra – Cooma &amp; Cooma – Jindabyne) serve different purposes. Potential growth near Canberra has its own value and boosts viability of rail corridor.</li> <li>Rail tourism has increasing popularity globally. Potential for value add opportunities i.e. wine growing, distilleries and snowy mountains experience.</li> </ul>
<b>Bob and Jennifer Coles</b>	<ul style="list-style-type: none"> <li>Potential rezoning of land south of Cooma along Church/Maffra Road. Land currently zone RU1 but has no primary production value.</li> <li>Zone R5 Large Lot Residential exists around the area and may be a more suitable zoning.</li> <li>Development could provide more housing and appeal to 'tree changers'.</li> </ul>
<b>Joseph Hassan</b>	<p>The Bombala railway will unlock the potential of the region. Natural advantages of Eden make it a logical extension. Livestock and freight transport, rail could improve local economies and improve decentralisation outcomes.</p>
<b>Margaret McKinnon</b>	<ul style="list-style-type: none"> <li>Carbon Drawdown benefits for the region.</li> <li>Improved biodiversity protection is required.</li> <li>Rural land uptake by tree changers. Also consider eco-tourisms role.</li> <li>Buffer and connect the conservation zones and remnant vegetation.</li> <li>Encourage regeneration and restoration of ex-agricultural land.</li> <li>Maximise protection of <i>viminalis</i> woodland and increase protection of riparian zones.</li> <li>Rezone land to protect ridgelines, protect EEC's, increase connectivity, protect riparian areas, encourage regeneration and restoration.</li> <li>Consider cost benefits of rural lot size and environment protection zones.</li> <li>Provide incentives to restore degraded land.</li> <li>Consider a land classification system of restoration, regeneration, preservation and production.</li> <li>Update EEC and vegetation maps.</li> </ul>

<b>Peter Cottrell</b>	Does not support industrial area on approach to Berridale.
<b>Sue Rainsford</b>	Creating a lot below minimum lot size on dual zoned land e.g. Zones R5 Large Lot Residential and E3 Environmental Management – Bidgee Road case study
<b>Ron Goggin</b>	Consider smaller lots near Bredbo village – potential for 5 acre lots around the village zoning.

Specific comments regarding Jindabyne will be collated and sent to the Department of Planning and Environment's Go Jindabyne Masterplan team. Consultation Data from the Go Jindabyne Masterplan team has been received and will be considered as part of the Council's draft land use strategies.

### **NEXT STEPS**

It is considered that this process should be a constant feedback loop between Council and the community so that the community can have an understanding and ownership of the outcomes. As such it is proposed that the Listening Paper (attachment 1) is sent to all participants in the process and that it be placed on public exhibition for a minimum of two (2) weeks.

The listening paper is an easily understandable summary of the comments received from the community consultation sessions. This paper provides an opportunity for the community to read and see if all issues they raised have been identified. If the community believe important issues have not been considered then this provides a further opportunity for them to put that issue forward for consideration as part of the development of the land use strategies.

### **QUADRUPLE BOTTOM LINE REPORTING**

#### **1. Social**

The discussion paper consultation period had many social benefits and saw a wide range of views raised by a diverse cross section of the community. What was heard from the community will be converted into technical planning terms and considered in formulation of the land use strategies (Settlements Strategy & Rural Land Use Strategy).

These land use strategies once drafted will be publically exhibited giving the community a further opportunity to comment. These strategies will make clear recommendations which will inform the new delivery/implementation documents including the new LEP and DCP. These documents which each have their own legislated requirements regarding public exhibition will allow the community to again have further input.

This process is focused around the community and achieving positive outcomes for the region. Achieving good outcomes for the community is of substantial social benefit to Council and the region.

#### **2. Environmental**

This consultation period provided an opportunity for the community to raise ideas, issues and concerns which related to the built and natural environment.

#### **3. Economic**

Consultation was undertaken by Council staff within the existing resources allocated.

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

This process demonstrates Council leadership and vision to implement a strategic planning framework for the region. As outlined this is the first step but a significant step that puts genuine consultation with the community front and centre with a view to shaping the region for the next 20 years.

This consultation has contributed towards achieving the leadership strategies in the Snowy Monaro Community Strategic Plan, as shown below;

***Our council is strategic in its planning, decision making and, resource allocation***

- *Planning and decision making are holistic, integrated, and have due regard for the long term and cumulative impacts*
- *Sound governance practices direct Council business and decision-making*
- *We advocate to, and work with other levels of government, community and industry*
- *Council will manage service delivery in an efficient and sustainable way as an employer of choice*

***Our council delivers best value to the community***

- *Public services and processes are delivered reliably and efficiently in response to community needs*
- *Council utilises sound fiscal management practices, and pursues and attracts other sources of revenue*

***Our community is informed and engaged in decision making***

- *Our community has multiple opportunities to be consulted and engaged in the development of plans, services, and policies*
- *Residents have access to timely, relevant, and accurate information on issues that affect them*
- *Our community is empowered to fully participate in shaping the future of our region*

This discussion paper consultation process provided the community multiple opportunities to be genuinely consulted and to shape the strategic direction of the region. The discussion paper highlights some key planning and land use issues, providing residents timely relevant and accurate information. This process is designed to empower the community and provide them an opportunity to shape the future of the region.

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# Listening Paper

## *What you told us*

This paper is a summary of the face to face consultation with the Community on the Planning and Land Use Discussion Paper. The paper is designed to give the community a snapshot of what we heard from them and provides the community a opportunity to provide further feedback if they believe a key issue was missed.

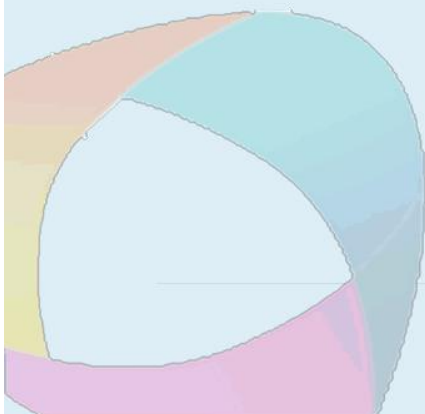
Snowy Monaro Planning and Land Use

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### Acknowledgement of Country

We wish to acknowledge the Traditional Owners and Custodians of the land upon which the Snowy Monaro Region has grown, the Ngarigo people, with connection to the Walgalu, Ngunnawal and Bidhawal people, and recognise their continuing connection to land, water, and community. Through thoughtful and collaborative planning, we aim to demonstrate our ongoing commitment to designing places where Aboriginal people are socially, culturally and economically included.



Snowy Monaro Regional Council Planning and Land Use Listening Paper  
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PO Box 714, COOMA NSW 2630  
Produced by the Economic Development and Tourism Unit of the Environment and Sustainability Directorate

Snowy Monaro Planning and Land Use Listening Paper

## Consultation Snapshot

Over 300 people participated in face to face consultation sessions across 11 Towns, Villages and Rural localities across the region

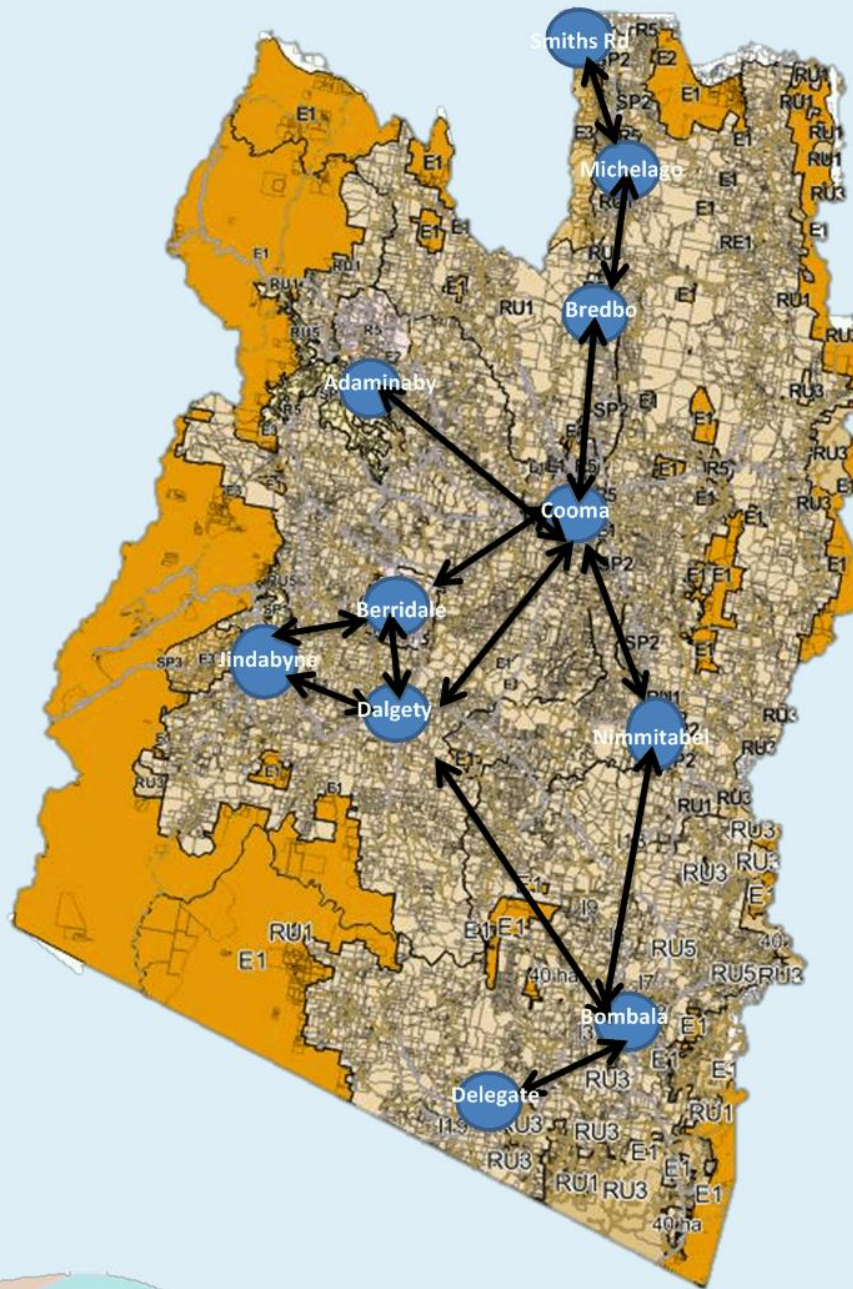
### Face to Face Consultation Sessions

Location	Number of People
Adaminaby	5
Cooma	65
Nimmitabel	45
Smiths Rd	30
Delegate	5
Bombala	45
Bredbo	5
Michelago	15
Jindabyne	75
Dalgaty	5
Berridale	5

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Snowy Monaro Planning and Land Use Listening Paper



Snowy Monaro Planning and Land Use Listening Paper

**Key Themes**

A number of themes came up throughout the region from Smiths Road to Delegate. These issues appeared to cut through and resinated with all communities across the region.

**Protect and Enhance the Rural Landscape**

The spectacular and unique landscape of the Snowy Monaro is core to its identity. The landscape attracts people to the region to visit and in some cases to live. The landscape is unique particularly within NSW.

At all locations throughout the region the communities told us that the rural landscapes of the region are important to them and need to be protected.



Image courtesy of Andrew Barns

**Weed Management**

Weed management was a big issue which again came up throughout the region. In particular African Lovegrass was of huge concern having spread

significantly in the last 15 years.

There were a number of different perspectives on how planning can best be utilised to manage this issue. One view is that smaller rural lots are needed as smaller pieces of land are easier to manage. Another view is that allowing smaller rural allotments historically has caused the existing weed problems.

Certainty a cohesive planning approach is required and this will need to included education and innovation.

**Protect Prime Agricultural Land**

Another key issue which came up throughout the region was a concern that

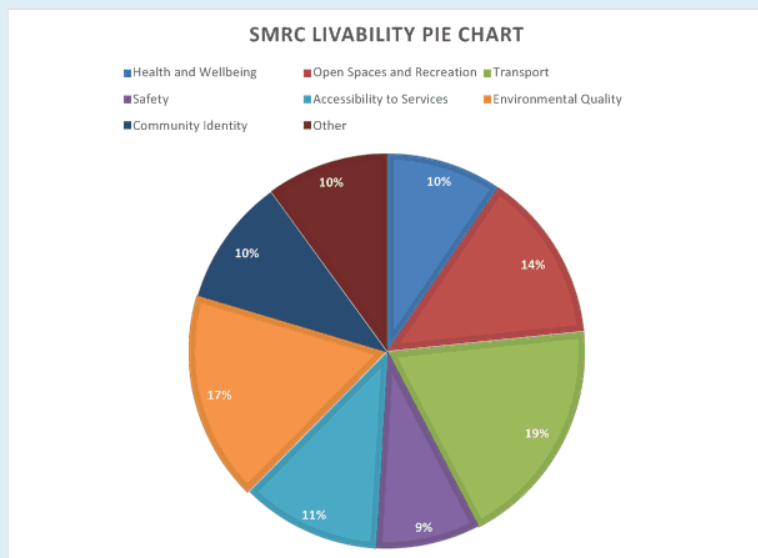
the prime agricultural land in the region could be lost. A key threat of course is mentioned above, weeds.



Image courtesy of Craig Willsmer

Another concern is fragmentation of rural land. There was a broad consensus that the prime agricultural land in the region should be identified mapped and zoned appropriately.

Below is a combined Liveability Pie Chart for the Snowy Monaro. While all aspects are import the need for transport and maintaining environmental quality lead came out as particularly important to most people.



Combined Snowy Monaro Region Liveability Pie Chart (569 votes)

### Adaminaby and Surrounds

The Adaminaby drop in session was held on 5 March and was the first of the community drop in sessions. Some key points raised by the Community members who attended are raised below.

There were concerns raised regarding care and housing for elderly into the future.

The Common' carries 200 head of cattle with calves. It is used for people who are moving to the area to put stock on until they find land - not used greatly but would like to retain its current use and size - should not be reduced or expanded.

there are connections to water and waste water. The land towards 'The Mill' could be useful for expansion.

Land at Scenic Drive is good to subdivide. There is also potential for lot averaging in rural areas. Some people want less land which means less weeds to deal with - may not be as good thing as some are not as on top of weeds as others. Keep productive land and cut a couple of blocks out of virgin bush land on creek

frontage to sell. Keep some bush for self - don't use creek for agricultural purposes.

Most people at Yaouk have a second income or retired - land is not primary source of income. There could be potential to subdivide western side of the valley at Yaouk. Access in these places not great - road is an issue (Yaouk).

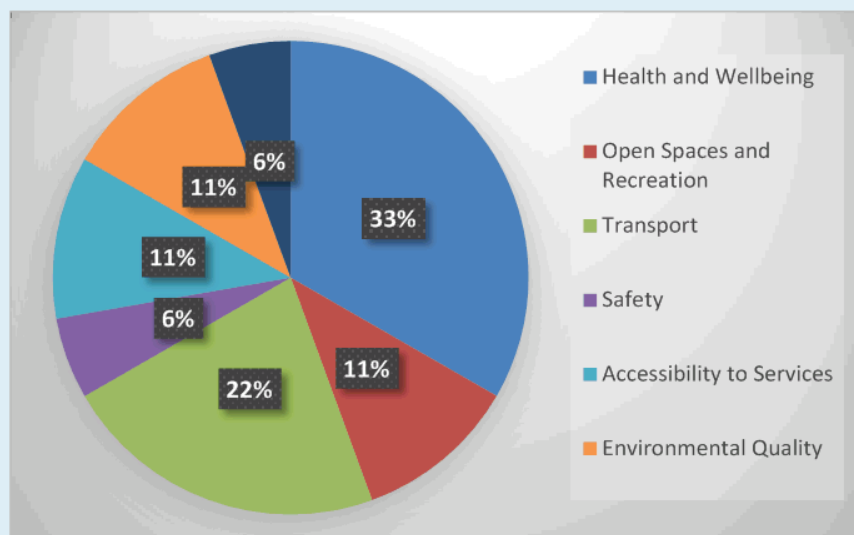
Sealing of Bobeyan Road is positive - lots of Canberra visitors to Adaminaby. Amenity could also be increased via Beautification with flowers around the township.

Environmental zones are acceptable - to protect ecosystems. Hopes Council opens some blocks for sale around Adaminaby/Old Adaminaby/Anglers Reach. Open Old Adaminaby and Anglers Reach for further development

Accommodation booked out by Snowy 2.0 - could bring people in to live and buy. Potential for business opportunities relating to the Snowy 2.0 project. Accommodation is already an issue.

Need more infrastructure/facilities/spaces etc. - comes with people. Currently 5 acre blocks around Scenic Drive - happy to have smaller lot sizes - more opportunities to build homes. Sewerage is an issue for the Village and a constraint for development. Aged care services - keep community bus. Aging population want to stay.

The figure below is the Liveability Pie Chart for Adaminaby



**Cooma**

The Cooma community Drop in session was held on 13 March at the Cooma Library key issues raised by the community members in attendance are outlined below.

Lovegrass is an issue - weeds are becoming uncontrollable via 'lifestylers', 'tree changers' or retirees.

Kybeyan - primary production needs to stay. Have balance between primary production and environmental protection Viable farm 26 ha.

Kybeyan has more moisture - cropping is viable. Many grazing farms are located in Kybeyan more land is required for this type of agricultural production to be viable. Weed and insect management good from veggie farming point of view.

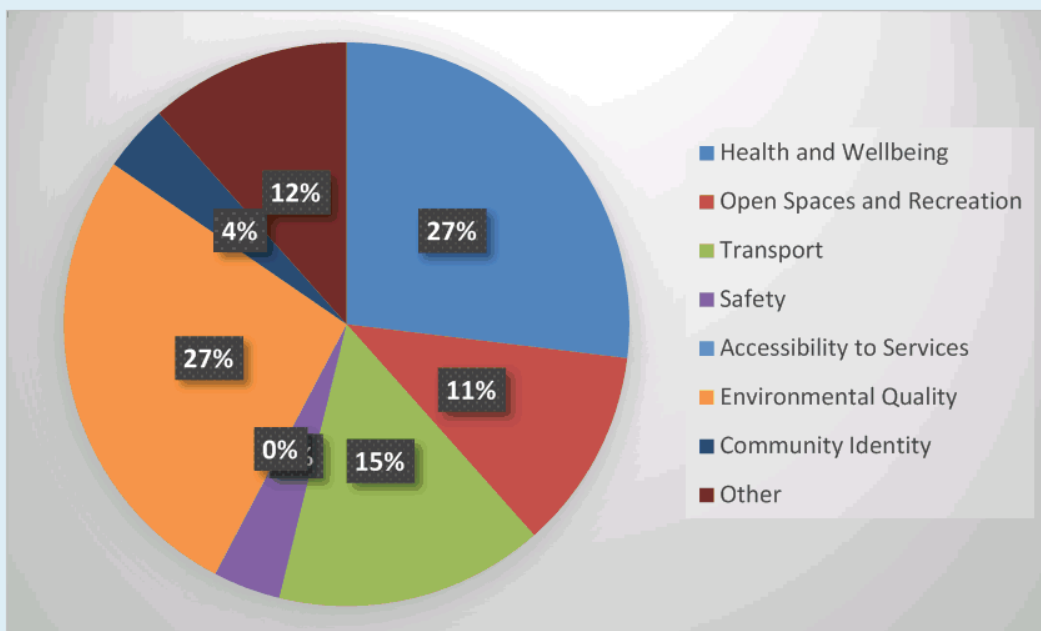
Around Numeralla zone R5 Large Lot Residential is good/productive for lifestyle farms. Historical farming areas don't have much environmental value. Environmental Protection Zones would promote wrong land management values.

Looking for rural residential properties - carry horse and are more private.



Image courtesy of Emma Malcolm

Graph Below - Cooma's Liveability Pie Chart



### Nimmitabel

A community drop in session was held on 14 March. A summary of issues raised is outlined below.

Blocks that are affordable, have access road, creek, fencing are attractive.

Need for dwelling entitlement for 100 acre (40 Hectare lots).

Nimmitabel offers easy access from Queanbeyan and Canberra.

Phone coverage is average - not good on Tom Groggin Road - blackspots around the region.

There was Broad support for solar power and wind turbines.

### NSW Farmers

On 2 April a meeting was held in Nimmitabel between the NSW Farmers and Councils Strategic Planning Staff. This meeting focused on issues surrounding rural land use. A summary of issues raised are listed below.

The significance of agricultural production to the region was raised in comparison to the dollar value of tourism.

Need to map significant agricultural land and protect via planning controls.

Highest and best economic use of land should be considered e.g. Agriculture over forestry. Government intervention can distort this and lead to significant dead weight loss.

Need to address weeds as they are a huge issue particularly in the north of the region heading south.

There is a lot of capacity for renewable energy in the region, although is a divisive issue.

Demand for rural residential land, vital to protect viable agricultural land. Marginal land could be fragmented for this purpose.



Image: Nimmitabel Mill, courtesy of Vickie Pollard

### Monaro Farming Systems

On 10 April Council's Strategic planning staff met with the Monaro Farming Systems in Nimmitabel.

Strategic Planning Staff gave a presentation to approximately 40 members of Monaro Farming Systems Outlining the key points in the discussion paper and encouraging members to get involved.

### Smiths Road

On 25 March a community drop in session was held at Smiths Road. A productive discussion was had and some key points outlined by the community included:

- Population increase.
- Difficulty sustaining large bits of land.
- Concerned that this process will be similar to 'ground hog day' as previous LEPs and strategies have left the community feeling disappointed.
- Need help regarding sustainability and growth of community
- Very little reference in the discussion paper of a road being created to Michelago. Not keen on through traffic - feel that an enhanced fire trail would be adequate for emergencies etc. and that the geography of the land would be cost prohibitive.
- Work with ACT Government to fix Angle Crossing Road - there has been an increase in traffic - quite busy.
- Recognise population growth would increase services. Educational opportunities would increase with population - ACT no longer taking NSW students at some

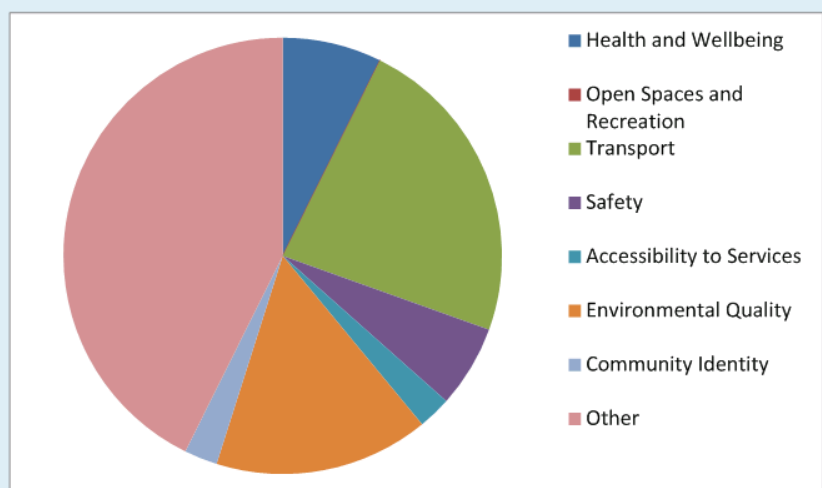
schools - Tharwa School closed.

- Some ACT departments don't realise that Smiths Road exists.
- Angle Crossing rises easily. Need more involvement with Council regarding cross boarder decisions that affects the community.
- More people want to move to the area - need smaller blocks with building entitlements to encourage more ratepayers - this needs to be considered.
- Main requirements are that the road and waste collection are kept up - community is self-sufficient otherwise.
- Need for strategic planning.
- Huge area over Smiths Road has an E3 zoning, even over agriculture land. Needs to be reconsidered to be R1 which would be more suitable as you can't do anything under the E3 zone. Community does

not feel that they have been listened to here.

- Need to consider the people that are moving here - need lot sizes to be more manageable for weeds and looking after the land.
- Weeds are invading due to the land being cleared and not farmed.
- People would look after their weeds on smaller lots.
- Zone E4 Environmental living would be a much more suitable zoning.
- Council maintains road down to the locked gate - allow development down to there.
- Want a maintained road to allow ambulances etc. down to the locked gate. Top end serviced by sealed road, gravel further down - just want waste and roads maintained.

The figure below is the Smiths Rd liveability pie chart – the other pronominally represents the need for better zoning.



**Delegate**

On 27 March a community drop in session was held in delegate. Key issues raised by the community are outlined below.

A High percentage of lone person households. There is an elderly population but younger people are starting to move to Delegate.

40ha for minimum lot size is too big. Blocks in town could be halved - they are very large.

River should have been considered in the discussion paper - it is never dry. Health services are poor in Delegate and if they are available they are by appointment only e.g. no Doctor and no women's health services.

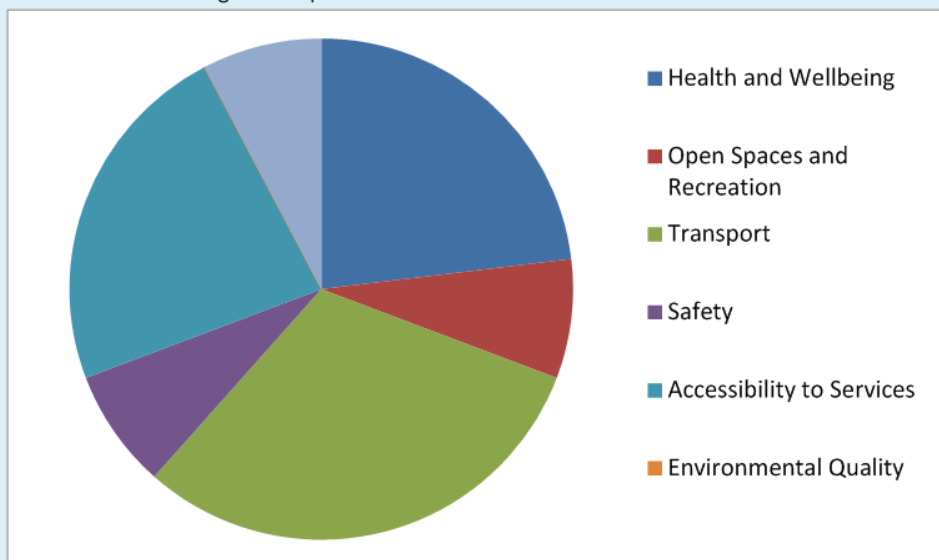
Heritage listings could provide tourist opportunities if managed properly. Small Victorian towns rely on Delegate.

There are weeds and pest issues on 40ha lifestyle blocks. Smaller lots are easier to maintain. Want productivity and capability mapping undertaken to protect the agricultural land - Local Land Services (LLS) and Department of Primary Industry (DPI)

could do this. Smaller rural land holdings around 300-400ha for starting farmers is suitable. 1000ha is too big and currently could cost \$4mil which is unaffordable. 1000ha is viable for farm size. Native vegetation impacts planning. Forestry can't clear to plant trees but can clear grass land. Farmers can't clear grassland - conflicting. Half of the Willmot pine plantation was not sustainable and ruined prime farm land. Bombala's population decreased in the late 90s to 2000s seems to be stabilising now. Anywhere with a population of less than 10,000 people is suffering - need a new industry to move in. Smaller lot sizes in the village are needed. More accommodation is needed. Flat at RTC, nurse's cottage and pub are the

only available place. More needed for visiting family members and tourists. Public transport to Bombala is a need. Victorian people are coming to Bombala for education, healthcare and retail. They use Delegate for the General Store, post office, school. Severe shortage of rentals in Bombala and Delegate. One property for rent in Delegate received 42 enquiries and is rented out for \$270 per week. Townhouses would be appropriate in the village. There are a number of vacant blocks in Delegate - some are for sale. Town has sewerage and is ideal to develop however water treatment plant needs to be upgraded.

**Figure Below is Delegates Liveability pie chart - shows the need for better transport**



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**Bombala**

On 27 March a community drop in session was held in Bombala. Below is a summary of key issues raised.

Bombala has issues with ageing population and skills shortage. Heritage conservation area - grants etc. discussed.

Designated industrial estate from years ago did not take off because it was not in sight. Believe there must be demand from industry to set up in a particular location. Visibility and becoming a known name is important. Don't think you can force industry into a particular location.

Heavy rail useless for passengers but good for freight as freight should not be trucked.

River is the best asset in town - walking, cycling, and exercising.

The other side of the river should be considered for the walking path as the current plan is not viable - boundary fences, rubbish, walking past current facilities like STP, no toilet facilities etc. needs to be considered. North west side would be physically viable but construction cost vs

usage might not be viable.

Keen to keep primary production land - concerns regarding rezoning agricultural land.

680ha is a viable farm size once improvements have been completed. 40ha for hobby farms - 400-500ha for viable agricultural farm.

Feral animals and weeds coming out of pines - National Parks not managed (land conflict). Farmlets' are not good for weeds.

Supportive for freight and passengers using the rail line but possibly not viable due to the geography of the land.

Coffee stalls on the riverbank a great idea.

Danger of losing unique beauty and iconic views - don't want Monaro to become a windfarm - only

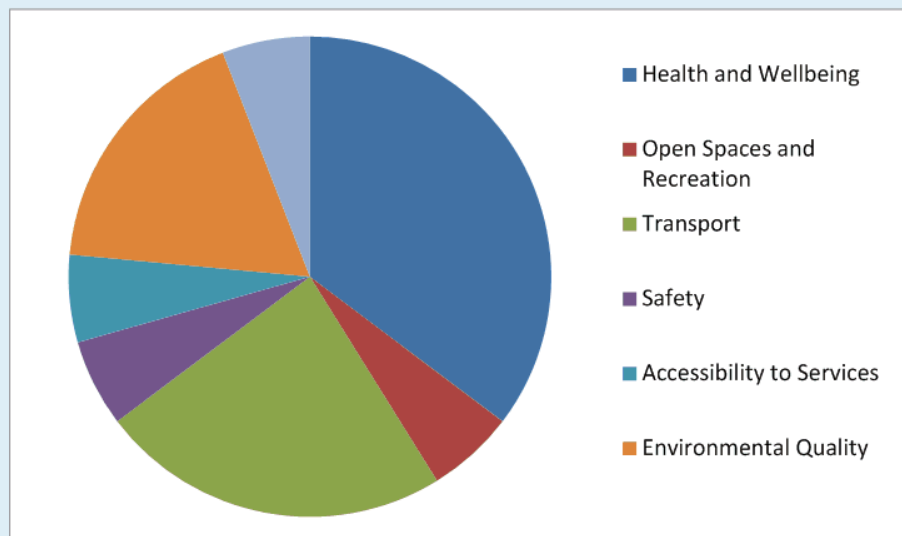
want a certain corridor where windfarms are allowed.

A heritage conservation area could be good if there is grant funding etc. Don't want to stifle and allow buildings to be modern if they blend.



Image: Bombala Pine Express, courtesy of Ruth Ford

Below is Bombala's Liveability Pie Chart, which shows the significance of health and wellbeing services to the community.





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### Bredbo

On 28 March a community drop in session was held in Bredbo key issues raised are outlined below.

Use planning controls to allow for more village size lots to encourage growth and development.

Village lots should be smaller between Bredbo and Silver Brumby

Large lots make controlling weeds difficult for land owners.

Want Bredbo to grow - ideally similar to Berridale with a few shops.

9000m2 blocks - roads are not sealed. These lots should be made smaller to allow development.

Community thinks kerb and guttering should not be up to the purchasers - explained is up to the developer.

Over 50% of the population are commuting to Canberra.

There are new community members that tend to stick to themselves - older members are moving to aged care.

There are significant community spaces in the village but people need to utilise them more.

Supportive of using the rail corridor for a freight and passenger line but not bikes as they would be riding through private property - toilets, dogs, privacy, cost, safety of bridges etc. needs to be considered.

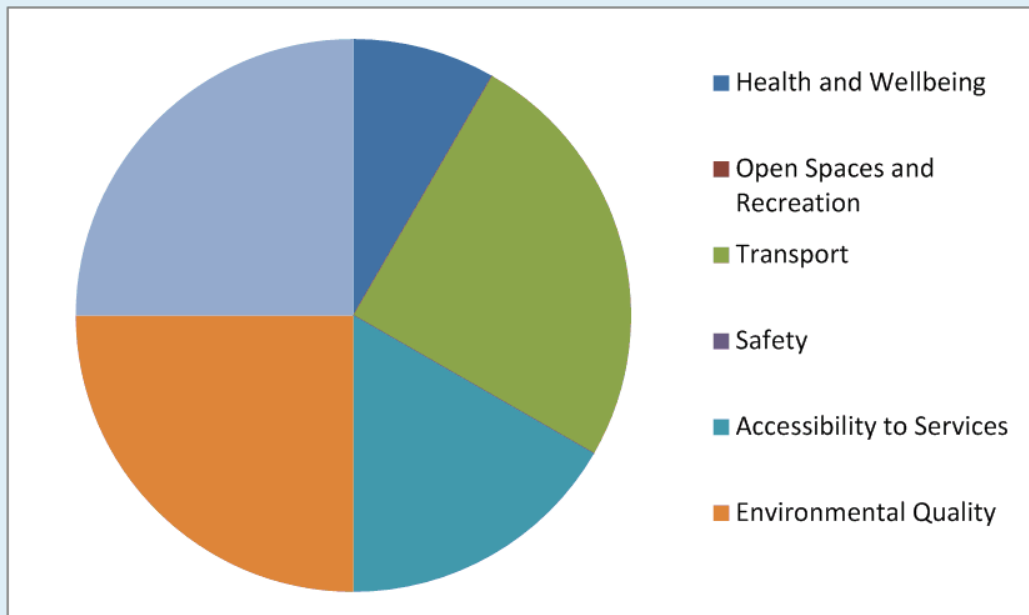
Murrumbidgee is good for swimming and fishing - some extra facilities in this area would be good.

Like having 1/2 acre lots and village feel - would be lost if density increased.



Image: courtesy of Tony Maxwell

Below is Bredbo's Liveability Pie Chart.



**Michelago**

On 28 March a drop in session was held in Michelago. Some issues raised are shown below.

Concerns raised regarding potential future conflict between rail and residences. Particularly the acoustic implication given the rail is elevated.

Need to maintain village character e.g. large lots and new building should have design aspects which mirror the heritage nature of the village and no tiled roofs only colour-bond.

Don't oppose development but want to retain rural village atmosphere of Michelago with certain criteria to set standards.

Additional energy efficiency requirements should be placed on new buildings to achieve 'sustainability'.

Previous work done in 2006 regarding tree line area and potential footprint of the village/town

Minimum lot size should be 1000sqm/1200sqm/1500sqm with a FSR to limit development on the lot e.g. 35%.

All new buildings should be orientated so they can be solar passive and self-sustaining.

The village/town should not grow along the highway and should not grow the western side of the highway.

The village should grow to the east of the railway. When connectivity was queried it was explained that one road link between the town east and west of rail will be sufficient.

Railway station is/should be the heart of the town and commercial centre should be located around this.

Access for the community to the Murrumbidgee for recreational activities should be considered. Four lane highway to Canberra is required.

*"Don't Googong us"*

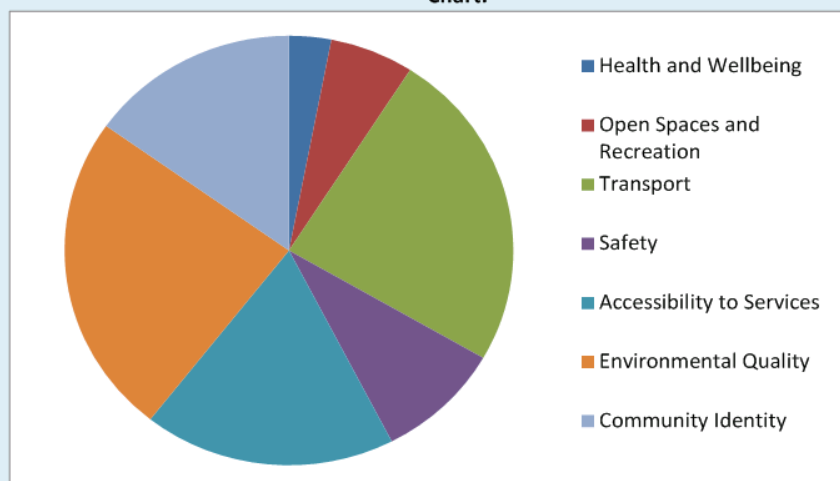
Birdlife in the region is diverse and there is potential of tourism around this.

Concerns regarding the amount of waste being produced shire wide and the need to reuse and recycle more.

Traffic is already an issue and do not want any more traffic in future.

The town/village want services such as health, education, retail, hospitality, hardware, garden etc. but also want to go to Canberra for services. Potential for solar farm (large scale solar).

**The figure below displays Michelago's Liveability Pie Chart.**



### Jindabyne and Surrounds

On 2 April a community drop in session was held in Jindabyne. Some of the key points raised are outlined below.

- Concern with change to minimum lot size from 40 - 250 in rural area - clear potential.
- Maintain areas around the town for agriculture - landscape is significant and should be protected.
- Do not want agricultural land chopped up.
- Link the three satellite villages.
- Land release needs to be done in a managed not 'higgily piggily'.
- Look at linkages between the villages - transport hub - transport corridor between Jindabyne and the resorts.
- Public transport/rail link is a great idea but needs to go to Jindabyne to Canberra.
- Affordable land issues.
- Rail link has a tourism potential to revitalise the towns and villages.
- Opposing chopping agricultural land into smaller blocks.
- Keep natural scenic beauty.
- Everyone likes the lake.
- Wild game - processing in rural areas.
- Maintaining Agricultural Land versus allowing for

large lot residential. Understand the implications however believe there will be a need for further growth areas around Jindabyne. Concerns over owner's ability to maintain larger lot sizes which require understanding of land and weed management etc.

- Short Term Holiday Letting- Issue around impact of air BnB is great for people you own a property but not so good for this that don't. There is very little accommodation available to year round and season workers. Not sure that any state or local DCP rules will work. Perhaps looking into zoning areas that restrict short term holiday letter maybe an option.
- Acacia Rose - looking for Council support on options to secure abseiling and Rock Climbing site on private property near Jindabyne Dame Wall. Land is for sale and existing agreement with land owner to use the site will no longer be available. The land is steep and no use to developer. Keen to explore options with Council for a zone change or something to ensure the site can continue to be used by the Community.

- Land holder down stream of Jindabyne Dam Wall (Carinya Lane) own Fishing lodge. Keen to see weir removed as it is not necessary and is contributing to poor river quality. Have already spoken with SHL and politicians about it.
- Types and style of development in Jindabyne – Streetscape continuity is being lost due to short term rental accommodation (e.g. Air BnB)
- Negative environmental and economic impact of Mowamba River Weir – Work with snowy hydro to have it removed and remediation works to take place.
- Importance of rural land zonings to reflect the landscape and existing uses
- Industrial/employment lands are needed and service Jindabyne and the resorts so should be provided in Jindabyne not Berridale. Land adjacent to Leesville industrial estate and next to airstrip could be suitable for such development.
- Need to keep biodiversity corridors intact via land zoning controls and other measures in the LEP e.g.

Snowy Monaro Planning and Land Use

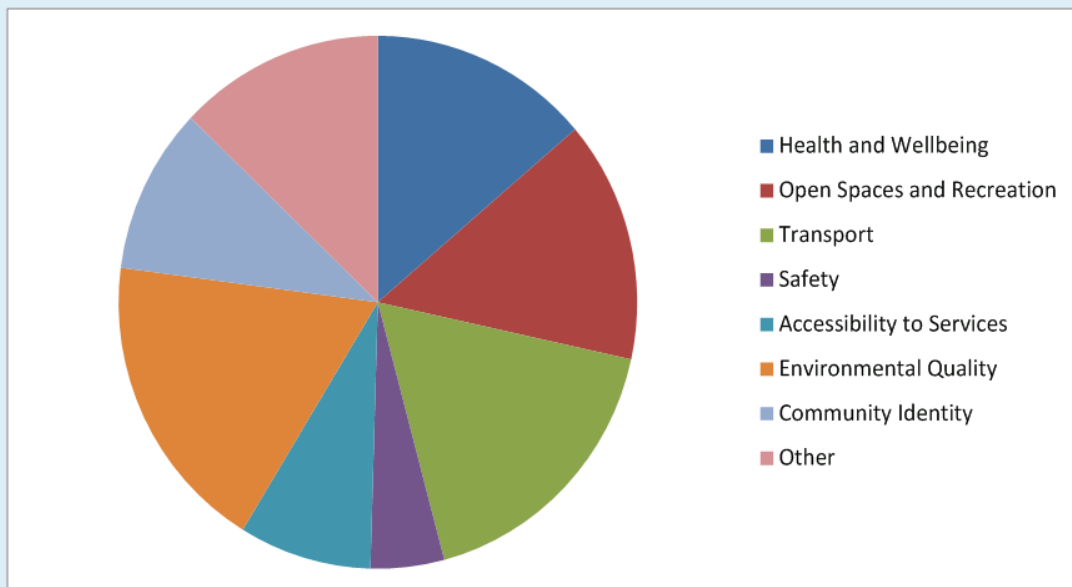
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- terrestrial biodiversity mapping.
- Corridors for animals to freely travel under main roads to prevent road kill.
- Rural land lot sizes need to be considered as per the landscape – primary production land needs to be protected via large lot sizes.
- Marginal land should be given smaller lot sizes to make management of weeds and pest animals more manageable.
- Lot averaging could be utilised to protect important agricultural land. Small lots needed 2-5ha with weed management plans.
- Weeds and pest animals need to be managed better

- Regional public transport is needed connecting resorts – Jindabyne – Berridale – Cooma and Canberra.
- Work with NPWS to reduce the costs of operating a bus into the National Park.
- Airfield in Jindabyne could be expanded to take in chartered flights
- Environmental protection zones should be more widely used to protect important environmental values.
- Should not cut up prime agricultural land.
- Provide housing diversity but consider the lifestyle people want e.g. 3000sqm lots are desirable. People want to feel like they are out of the city.

- Regional connections to Cooma, Canberra and Bega are significantly important for essential services such as health care.
- Provision for a bypass for Jindabyne should be considered but may not be necessary.
- Better access to the lake is required – e.g. pedestrian crossings from town centre to lake.
- More active and open space corridors linking Moonbah – Jindabyne and sports and rec are needed.

**Jindabyne’s Liveability Pie Chart is displayed below.**



Snowy Monaro Planning and Land Use

Listening Paper

**Dalgety**

On 3 April a community drop in session was held in Dalgety. Some of the key issues raised are outlined below.

- Quaint but not too much growth.
- Some places are for weekenders.
- Bigger blocks in town than what they are now - if subdivision 1/4acre minimum.
- Weeds have nothing to do with lot size but rather mindset. Council set the tone.
- Requirement for septic.
- River frontage is attractive.
- Chamber have discussed keeping the heritage precinct in place - significant tourism opportunity - would like to see this continue.
- Liaising with SMRC

regarding river access for recreation (paddling/fishing).

- Mix of lot sizes - town size is good. People want space and animals - land is cheaper at Dalgety.
- Keep rural feel but some development - keep thematic development plan.
- Issue with weeds and absentee owners/holiday letting - problem for farmers. A record of properties that are used for holiday letting should be kept and a tourism tax introduced to ensure adequate infrastructure for visitors. Lots of people AirBnB and they should be registered for safety.
- Keep nature reserve as a buffer in the river and around the river.
- Smaller lots on the road to Berridale as it has phone service and the

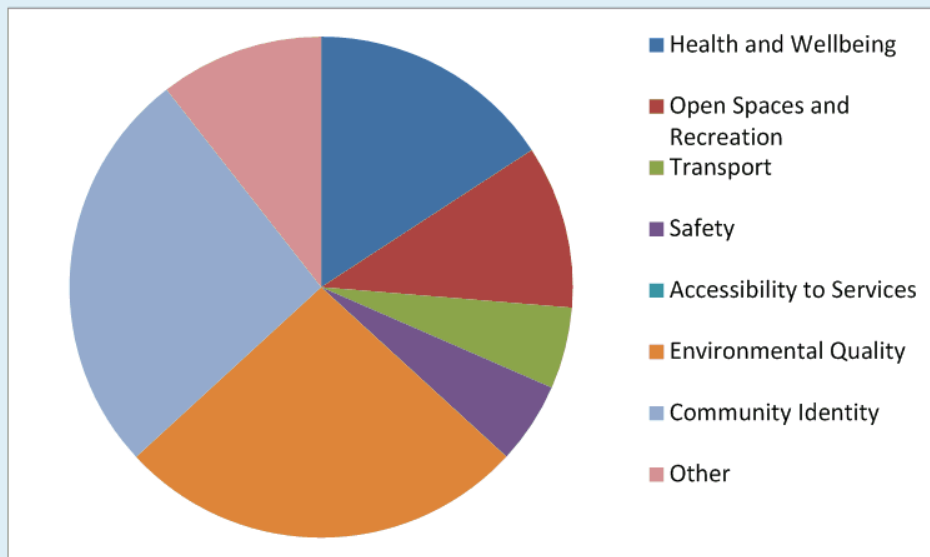
road is sealed - less work.

- People want it to stay as village but encourage people to live in Dalgety.
- People living in Dalgety go to Cooma, Berridale, Jindabyne, resorts for work or are self-employed farming contractors etc.



Image: Snowy River crossing Dalgety, courtesy of Jillian Graham

The figure below displays Dalgety's Liveability Pie Chart.



**Berridale**

On 3 April a community drop in session was held in Berridale. Some of the key issues raised are outlined below.

- Industrial estate has been there for over 30 years - less than 30% is in use so expansion is not justified. Don't want industrial estate close to residential area. It's an asset that you don't drive through industrial area.
- Use current industrial estate and explore further extension around that area - keep centralised.
- Area proposed for residential development is a flood area and is risky. It would load up the creek and anything below Mackay Street would be problematic. Develop between Rockwell, Bobundara and Dalgety roads for town growth.
- Myack Creek is a flood area around the STP and good agricultural land - preserve land that is prime production (marked on map).
- Aged care facilities should grow in Cooma, Berridale and Jindabyne as it is important to look after the elderly.
- Keep people in their homes as long as they are able to - the have

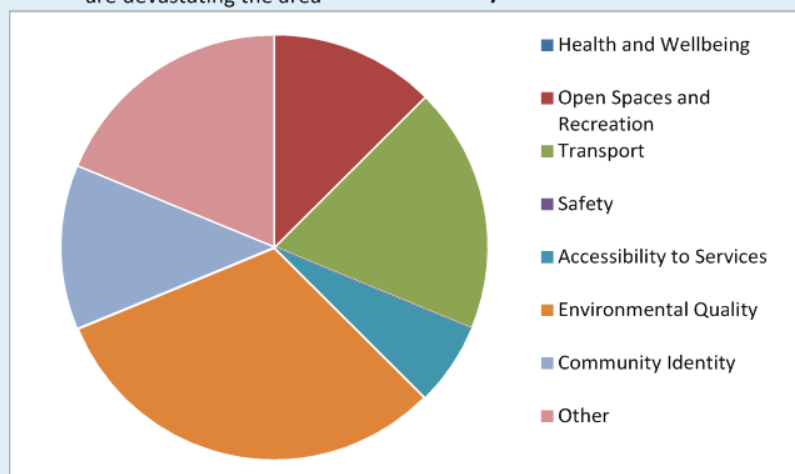
respite facility and then nursing home.

- Like zone RU5 Village for Berridale - productive and allows expansion.
- Berridale has capacity to grow out 5 kms with industry coming/education facility based on what industries are already here (agriculture etc). Young people have moved here over the last 12 months brings growth for schools and facilities etc. Some kind of training facility would keep school leavers.
- Berridale has a distinct landscape.
- Supportive of rail but it also needs to go to the mountains.
- Need better regional public transport.
- Subdivide non-productive land and keep primary agricultural land as primary agricultural land - \$74m industry.
- Weeds on smaller lots are devastating the area

and also have an impact on the landscape and tourism. Encourage development on low capability land.

- Cooma has been developed well. Jindabyne housing estates doesn't feel well planned. There is no space left in Jindabyne
- Development close to Canberra would not be beneficial to the shire.
- Vision for different types of employment as technology takes over - not mentioned in paper.
- 5 acre blocks close to townships - there is an expectation that it will be easy to split and sell. Losing lifestyle land choices and this is not sustainable as we will end up with too many small lots - will mean extra services required and tough on the planet. Maintain lifestyle of the area.

**Below is Berridale's Liveability Pie Chart**



### Youth Engagement

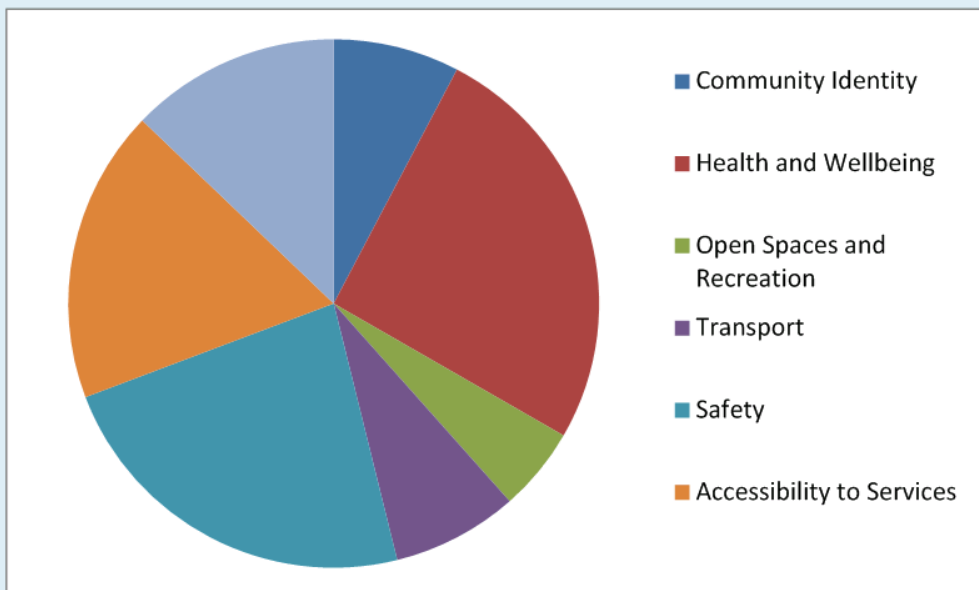
Youth Engagement was a core part of the consultation process as the youth will be most impacted in the 20 year planning horizon that Council is looking at. Throughout the region Council staff engaged face to face with over 300 people. Approximately 100 people were aged 25 or younger, this group of people are often difficult to engage with and as such the strategic planning team utilised different tactics to get valuable feedback.

### Youth Council

On 2 April a workshop was held with the youth Council. Some of the key issues raised include Things for young people to do

- More open space and recreation particularly localised to areas, so travel is not required.
- Safety
- Safe spaces for young people – Bombala after school space, Cooma study space and Jindabyne and indoor space.
- More and better footpaths
- Regional public transport.
- More education and employment opportunities.

Below is a liveability Pie chart completed by the Youth Council.

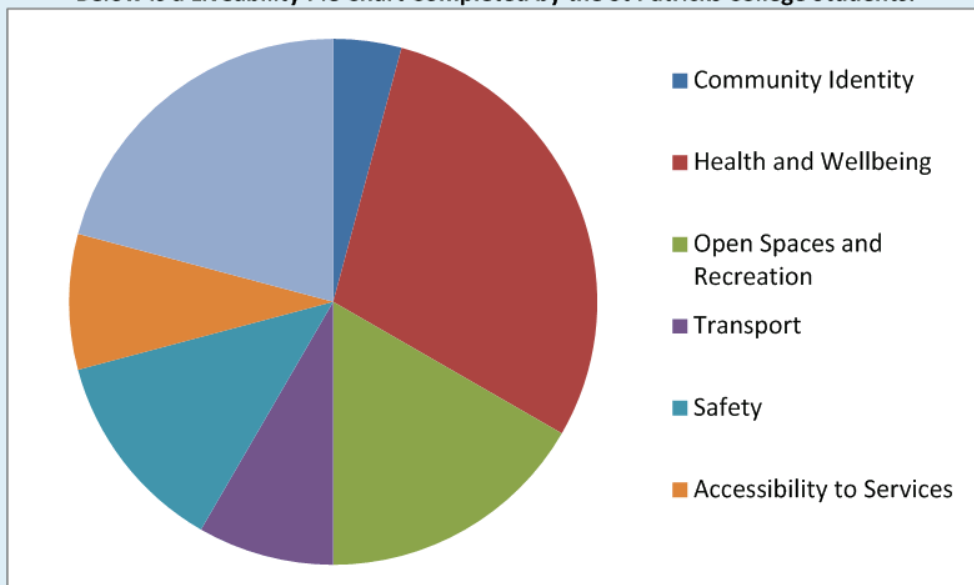


### St Patricks College

A workshop was held with St Patricks College Cooma on 26 March. Some key issues raised are summarised below:

- Fixing roads and providing constant maintenance. Providing transport alternatives to Cars.
- More sporting facilities.
- More footpaths and better quality.
- Cyclists and better road safety. More cycle paths and better education around cycling, road rules and road safety.
- Ageing population – bring in and maintain younger people through better employment opportunities.
- More recreational facilities for old people. Basketball court for Jindabyne. Indoor Pool for Cooma.
- Retail – more niche stores, sneaker stores, bigger retail stores.
- Senior education facilities – more high school options and further education options (University).
- Public transport – look at different technologies – regional public transport by self-driving cars.
- Lack of things for young people to do.
- Upgrade existing facilities.

Below is a Liveability Pie Chart Completed by the St Patricks College Students.



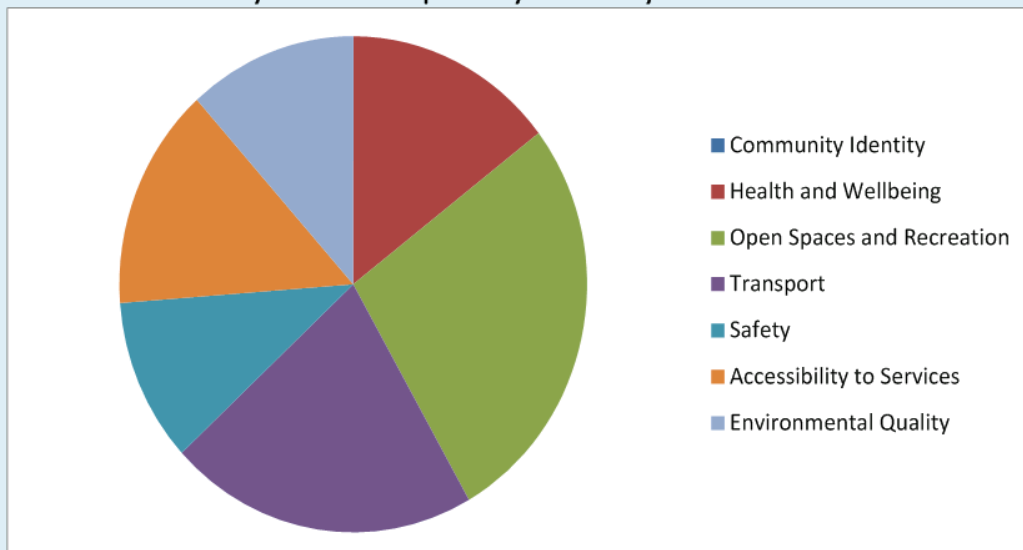


### Jindabyne Central School

On 12 April a workshop was held with Jindabyne Central School Students. Below is a summary of key issues raised:

- Public Transport – Connecting Jindabyne and surrounds (Resorts, Moonbah, Jindabyne, Tyrolean Village, East Jindabyne and Kalkite)
- School access, facilities and space
- More shops and Services – More variety, low budget options – potential for new shopping precinct on Barry Way.
- Indoor recreation facilities and an indoor space to hang out.
- Recreation on the lake.
- Skate Park upgrade – engage with people who use it for better design.
- Lighting improvements
- Pedestrian crossing – particularly between Lake Jindabyne and Town Centre.
- Cycle lanes
- Better equipment at Banjo Patterson Park.
- Indoor multi use sporting facility
- More parking – Town Centre
- Public transport
- Renewable energy and sustainability.

Below is a Liveability Pie Chart Completed by the Jindabyne Central School Students.

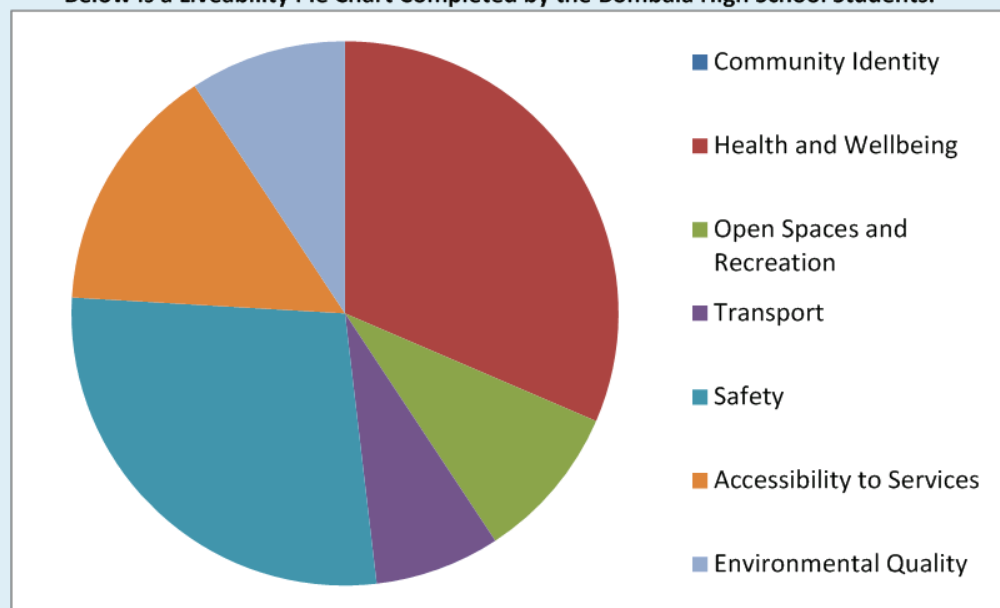


### Bombala High School

On 1 April a workshop was held with Bombala High School Students. Below is a summary of key issues raised.

- Quality Town Water - Better quality water catchment and water filtration
- Quality of roads - Maintenance, education, wider roads (shoulder), more sealed roads.
- Better Health Care Services - Land for expanded health facilities, mental health programs, aged care facilities, better housing standards for ageing population.
- River Water Quality - Education, clean up Australia Day programs, experts to come inspect and educate the community.
- Animal Pest and Weed Control - More people to help control pest animals, better education of weed problems, better state government programs to manage pest animals and weeds, better technology to remove weeds.
- Sport and Recreation Facilities - More seating in showground, four wheel drive tracks, flip out, fix the racecourse, gaming facility, paid entry drag strip, seating at the footy oval, better quality footy field and facilities.
- Things for young people to do and Employment opportunities - Lack of retail – meaning a lack of youth employment opportunities, further education opportunities (Tafe).

Below is a Liveability Pie Chart Completed by the Bombala High School Students.



Snowy Monaro Planning and Land Use

Listening Paper

### Conclusion

Snowy Monaro Regional Council would like to thank all community members who participated in this consultation period. Without the community entering this process in such a constructive and enthusiastic way it would not have been as successful as the community consultation period was.

There has been a lot of data collected from the community members involved and this will help inform the draft Settlements and Rural Land Use Strategies. All comments put forward will be considered in these draft strategies.

If you would like to put forward a comment or idea you believe was missed or not adequately conveyed please email it to:

Senior Strategic Land Use Planner: Alexandra Adkins

[Alexanda.adkins@snowymonaro.nsw.gov.au](mailto:Alexanda.adkins@snowymonaro.nsw.gov.au)

Or call him on: (02) 6455 1907



*Image: Moving the Mob, courtesy of Breanna Arnold*

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### 9.3.6 MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETINGS

Record No:

Responsible Officer: Group Manager Resource & Waste Management

Author: Resource & Waste Administration Officer

Attachments: 1. Minutes of the Waste Management Committee Meeting held  
on 22 November 2018

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2. Minutes of the Waste Management Committee Meeting held  
31 January 2019

3. Minutes of the Waste Management Committee Meeting held  
28 February 2019

4. Notes of the Waste Management Committee Meeting held 28  
March 2019

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#### EXECUTIVE SUMMARY

The Waste Management Committee met on 22 November 2018, 31 January 2019, 28 February 2019, 28 March 2019, The Committee's recommendations are presented for Council's consideration and adoption.

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**OFFICER'S RECOMMENDATION**

That Council

- A. Receive and Note the Minutes of the Waste Management Committee held on 22 November 2018.
- B. The recommendations of the meeting of the Waste Management Committee held on 31 January 2019 (WMC1/19) be adopted.
  - a. To support future annual events subject to financial support applications going through the Councils submission process.
  - b. Receive and note the Monaro High Yr 7's 2018 Litter Survey Report and that SMRC staff consider the recommendations provided by the students on Litter Prevention as part of Council planning of future projects.
  - c. Receive, note and authorise the policies provided in the attachments to be distributed for comment within the organisation and to authorise policies provided in the attachments to be presented to Council for adoption after the internal process.
  - d. That the CDS Revenue Share Agreement continue till the end of the current financial year when assessment of results can be conducted.
  - e. That the Manager Resource and Waste facilities continues to keep the Waste Management Committee updated.
  - f. That the Group Manager Resource and Waste Management continue to work on budgets. Future meetings to be held with the Waste Management Committee to discuss fees and charges.
  - g. That the meeting dates as outlined above be those for the Waste Management Committee for the year.
- C. The recommendations of the meeting of the Waste Management Committee held on 28 February 2019 be adopted.

COMMITTEE RECOMMENDATION WMC1/1

- a. THAT the minutes of the Waste Management Committee Meeting held on 31 January 2019 are confirmed as a true and accurate record of proceedings.

COMMITTEE RECOMMENDATION WMC2/1

- b. That the Councillors provide feedback on the three policies of Domestic Kerbside Collection Policy, Bank of Bins Policy and Event Waste Management Policy to the Group Manager Resource & Waste Management by Wednesday, 6 March, 2019. Feedback is to be considered with the draft documents to be advertised for comment.

COMMITTEE RECOMMENDATION WMC3/1

- c. That Council receive and note the information in the report on the Action Sheet

COMMITTEE RECOMMENDATION WMC4/1

d. That Council

- i. Receive and note the information in the report and endorse the support for the acceptance of waste and recyclable material collected by registered community groups during the Clean Up Australia Day events.
- ii. That costs associated with the disposal of Waste and Recyclables from Clean Up Australia Day be allocated to PJ 22005; Illegal Dumping.

COMMITTEE RECOMMENDATION

WMC5/1

e. That the following actions be undertaken to achieve cost savings across the Resource and Waste Management Department:

- i. That a draft survey be presented at the next Waste Committee meeting for distribution at Bredbo, Nimmitabel, Numeralla and Delegate Transfer Stations seeking preferred hours of operation at each site (reduction in operating hours in line with the identified cost saving initiatives) .
- ii. That community consultation occur on the reduction of operating hours at Council Transfer Stations.
- iii. That the annual Household Chemical CleanOut program be reduced to one location per year.
- iv. That community consultation occur with the Michelago community on the establishment of Bank of Bins and to discontinue the Saturday drop off collection service.
- v. That the amended list of fees and charges, as agreed, be provided to the finance department as part of the annual fees and charges approval process.

COMMITTEE RECOMMENDATION

WMC7/1

f. That the policies of Domestic Kerbside Collection Policy, Bank of Bins Policy and Event Waste Management Policy go out for comment and follow Council process.

D. Council receive and note the Committee notes (Nil Quorum) from the Waste Management Committee Meeting held 28 March 2019.

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# Resource and Waste Management Committee Minutes



**Address: IBD Meeting Room, 2<sup>nd</sup> Floor 81 Commissioner Street, Cooma NSW**

**Date: 22 November 2018**

**Time: 3:00 pm**

## Present:

Position	Member (Name)	Present/Apology
Chair	Councillor Rogan Corbett	Present
Secretary	Lorinda Coulton	Present
Committee Member	Councillor Lynley Miners	Present
Committee Member	Councillor James Ewart	Absent
Committee Member	Peter Smith	Present
Committee Member	Patrick Cannon	Present
Committee Member	Mathew Cross	Present
Committee Member	Mandy Thurling	Apology

## 1 Opening of the Meeting

The Chair, Councillor Rogan Corbett, opened the meeting at 3:08pm

## 2 Apologies

An apology for the meeting was received from Mandy Thurling, Manager Resource & Waste Services.

## 3 Adoption of Previous Minutes

Minutes of the meeting held on 14 September 2018 are confirmed as a true and accurate record of proceedings.

*Moved: Clr Lynley Miners*

*Seconded: Clr Rogan Corbett*

## **4 Business Arising from Previous Minutes**

### **4.1 NSW Justice Department**

The current manager of the NSW Justice Department in Cooma was not aware of original request. Communication has been sent out and no further action was required.

### **4.2 Burchalls Transport**

Communication was sent out to Burchalls Transport and no response either verbal or written has been received.

### **4.3 Heavy Rigid Truck Drivers**

The Resource and Waste Management department restructure will align wages with the Transport and Infrastructure Department (roads). Currently stable with numbers of staff and at capacity.

### **4.4 Cooma Pony Club request to wave asbestos fees**

Clr Lynley Miners advised that the Cooma Pony Club have received funding from Boco Rock Wind Farm and MP John Barilaro.

## **5 Correspondence**

Nil

## **6 REPORT OF DESIGNATED STAFF/DELEGATE – items for discussion**

### **6.1 Waste Audit to be conducted across region**

The Kerbside Waste Audit commenced on Monday, 19 November, 2018. The Resource and Waste team have received some queries about a van, which was conducting the audit.

The audit will be conducted over the next two weeks, with the results early next year.

From the results a more detailed approach to education and the future provision of services will be undertaken.

100 bins from both Cooma and Jindabyne and 30 from Bombala will be surveyed. The villages were not included in the audit as their collections had not commenced when the auditors were engaged.

### **6.2 Jindabyne Landfill – expected life span – rock wall extension and the future masterplan for the Jindabyne landfill site**

Discussions with an engineering firm regarding the lifespan of the Jindabyne Landfill are currently underway. The next lift will give more capacity to keep filling. Future options must be investigated as the lift will only extend the lifespan of the landfill cell between 5-7 years.

Planning for the rock wall extension is currently underway, which is required to extend the life of the landfill. Cost of the last extension was approximately \$800,000.

If organic waste was removed from the Jindabyne Landfill cell and processed at Cooma Landfill it would provide more air space extending the lifespan by a year, however the organic waste would have to be transported. Organic waste could be processed at Jindabyne Landfill. However, approvals must be in place and a licence is required.

Discussion occurred regarding the old quarry site for a future landfill cell. The hole is already there and with a clay liner. Expense would be saved without having to construct a hole for the landfill. Planning approvals are required to use the old Quarry site.

There could be possible impacts from the Jindabyne Masterplan. These impacts will be raised through the consultation process.

### **6.3 EPA and Council operation and site planning for Bombala and Delegate Landfills**

Response to EPA letters for the Bombala and Delegate landfill sites went through Council at the September 2018 meeting.

Bombala Landfill stormwater and leachate works are now in progress. The detailed design is being developed before construction activities can be contracted out.

The action list provided to EPA is currently been worked through.

Potential grants are being identified to assist with the cost.

Bombala landfill has 80% coverage, and the tip face has been reduced to a 40m x 40m tip face. The remainder of the landfill area has an interim cap. This has helped reduce the amount of wind blown litter.

Virgin Excavated Natural Material (VENM) is a constant struggle to source. Councils own trucks and contractors move VENM when required. Transport and Infrastructure have to source from the quarry as the product could not be sourced in alternate areas.

Feedback received on the improvements at Bombala is positive and neighbour on northern side is now pleased to have interaction with Council. Neighbour on western side has had difficulty with illegal dumping in their driveway (some items were no charge to dispose of). Signage has been installed to this problem.

### **6.4 Legacy Landfill sites**

Final report will be received from the consultants this week.

Cooma Steel tip is believed to be an old Snowy Hydro tip, (Crown Land reserve), which is located adjacent to a heritage site.

The old Cooma tip site is very steep and concerns may arise due to the proximity of Cooma Creek.

There are a total of 15 sites, which could potentially be problematic. Some sites are 30 years old and naturally rehabilitated. EPA to be consulted regarding best options for rehabilitation.

## **6.5 Harmonisation of commercial waste collection method of charging**

Discussions with Finance Department are underway to determine an appropriate way to move forward. However, best option is to wait and see what I.T system is implemented.

Former Snowy River Shire has chips in bins, which is counted at each collection.

Cooma area is a visual inspection and charged per m<sup>3</sup>.

Bombala has an annual charge applied to the rates notice.

## **6.6 Current capital works projects**

Dalgety Landfill rehabilitation funding of \$200,000 not received, therefore, at this stage the works will not go ahead.

Bombala Landfill stormwater and leachate dam design is in progress. The area is very tight to work with.

Delegate is awaiting a response from the EPA, which will be early next year.

## **6.7 Cathcart and Delegate Transfer Station removal and re-establishment**

Pictures of Cathcart and Delegate Transfer Station were distributed to those in attendance detailing the amount of dumping occurring at these sites.

Dumping is a continual problem with staff attending sites one or two times per week to clean up.

An alternative to these sites and consultation with the public must occur prior to their closure. The public will be consulted early next year regarding the removal and reestablishment of these sites.

## **6.8 Continuation of discussion into Waste Management deep dive document**

The document was sent out earlier this year for feedback. Clr Rogan Corbett outlined that some of the items were hard to follow. It is suggested that a separate meeting be held just to discuss the service review with the Councillors.

# **7 GENERAL BUSINESS**

## **7.1 Update on community and School education programs**

The Resource and Waste Education team have done sessions at schools and pop up stalls. They are currently facilitating Recycling Bites sessions for Councillors and staff.

The Calendar of Events was discussed and Clr Rogan Corbett suggested that a stall be held on Australia Day in the park.

The jacket Mayor Rooney was wearing on a Facebook post was made from 100% recycled content. The jacket was used to promote the garage sale trail.

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## **7.2 NSW Government's recycling support package**

Discussion of China's National Sword policy occurred. Concerns were raised over the future of waste for the region.

A sample of processed glass was provided. This material is processed at the Hume material recovery facility operated by Re.Group. The material can be used in a variety of ways for example as road base and pipe bedding. The Federal Government is looking to mandate recycled content through procurement activates, including infrastructure projects. This would reduce the waste of other products which are currently in use. More promotion and education of the product is required.

## **7.3 Container Deposit Scheme (CDS) partnership agreement between Re-Group and Council**

Re.Group is currently undertaking an assessment of the expected rebate. The first three months figures are currently being finalised and will be presented to Council for formal approval in December.

## **7.4 Resource and Waste Strategy**

The project is a little bit delayed. Due originally in March 2019, but will not be much later. It will provide a holistic view of the next 5 – 20 years. Public consultation will occur in the development of the strategy. Waste in the future is of concern. Plastics are a good product if they can be kept in the system and kept in use.

## **7.5 NSW Circular economy (Too Good To Waste) what are the likely outcomes**

To investigate Cooma and Jindabyne Landfill life of each site.

If a new clay lined cell is constructed it would cost at least a couple of million.

If VENM is received onto any site, a VENM certificate must be provided. This certificate states that the VENM is free from contaminates.

If an expansion of the compost is to occur an application would have to be submitted to EPA.

The glass sample provided is a product produced by Re.Group. You can feel the item with no fear of getting cut. The product can be used in pipe bedding, footpaths and road base. The process to produce this product is tough on machinery.

## **7.6 Waste management charge report on possible introduction of Tip Vouchers**

A report in response to Clr Stewart's notice of motion will be on the agenda at the next Council meeting.

Patrick Canon is currently working on this report, which is nearing completion. Sample tip vouchers from other Councils were provided at the meeting.

Resource and Waste needs to be operated like a business. Income needs to cover expenses. Care must be taken with what items and / or services are given away as this may require an increase in other waste fees to replace any lost revenue.

The fees for compost of \$30/m<sup>3</sup> or \$50/tonne. To produce the compost costs more but the process saves valuable airspace. The cost of production will get cheaper as improvements are made in efficiency.

## 7.7 Other items

Patrick Cannon showed a map of sites, which is currently in progress. The map will show an overview of sites and where things are.

## 8 Action Sheet

Reference	Date	Action	Assignee	Completed	Notes
8.1	12/04/2018	Development and implementation of Resource and Waste Strategy	Patrick Cannon		Subject to funding provided in the 2018/19 financial year  Copies of Resource and Waste strategies have been obtained from other councils, as well as CRJO's documents for review. Strategy will most likely not be completed by February 2019.
8.2	12/04/2018	EPA and Council operation and site planning for Bombala and Delegate Landfills	Patrick Cannon and Mathew Cross		A written report of site inspections from EPA has been received and a formal response and management plan and timeline will be drafted  Works to be costed and included in response to EPA. Report to Committee and Council to seek endorsement of proposed works.

Reference	Date	Action	Assignee	Completed	Notes
8.3	12/04/2018	Legacy Landfill Sites	Mathew Cross and Mark Doran		Ongoing investigations A report is to be prepared for ARIC and a third party assessor. A business case is to be prepared for the Acting General Manager in relation to resourcing work. The EPA is to be contacted to discuss how other regions are tackling this issue.
8.4	12/04/2018	Harmonisation of Commercial Waste method of Charging	Mandy Thurling		Ongoing investigations. Rural Areas moving to annual collection charge applied on rates notice. Consistent with how charge is applied to the Former Bombala Region
8.5	12/04/2018	Removal of the caged bin enclosure to the entrance of the Delegate Landfill	Mathew Cross and Patrick Cannon		Community Consultation and site closure and rehabilitation Improved layout to be considered.
8.6	12/04/2018	Cathcart Transfer Station Prior Street Cathcart be removed and the area rehabilitated	Mathew Cross and Patrick Cannon		Community Consultation is required and the possibility of relocation of the site to within the villages are to be investigated and site closure and rehabilitation
8.7	15/05/2018	Complete the agreed changes to Fees and Charges schedule and submit to Council for approval	Patrick Cannon	06/06/2018	Submit to SMRC prior to closure of the Fees & Charges community consultation Councillors requested that visual prompt be drafted to ensure that the public are aware of the volume of a cubic metre A \$value comparison of Fees and Charges of boundary councils to be drafted up.

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## 9. Date of next Meeting

The next meeting will be held at 2:30pm on 31 January, 2019 in IBD Meeting Room, second floor, 81 Commissioner Street, Cooma.

## 10 Close of Meeting

There being no further business the meeting concluded at 4:43pm

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**CHAIRPERSON**

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**DATE**

*(The minutes are to be signed and dated here by the Chairperson at the next meeting, certifying the above as a correct record.)*

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**SNOWY MONARO**  
REGIONAL COUNCIL

# **Minutes**

**Waste Management Committee Meeting**

**31 January 2019**

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**WASTE MANAGEMENT COMMITTEE MEETING  
HELD IN IBD MEETING ROOM. 2ND FLOOR, 81 COMMISSIONER STREET**

**ON THURSDAY 31 JANUARY 2019**

<b>MINUTES</b>
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Notes:

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<b><u>2.</u></b>	<b><u>APOLOGIES</u></b> .....	<b>2</b>
<b><u>3.</u></b>	<b><u>DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST</u></b> .....	<b>2</b>
<b><u>4.</u></b>	<b><u>ADOPTION OF MINUTES OF PREVIOUS MEETING</u></b> .....	<b>2</b>
	<b><u>4.1</u></b> <u>Waste Management Committee Meeting 22 November 2018</u> .....	<b>2</b>
<b><u>5.</u></b>	<b><u>BUSINESS ARISING</u></b> .....	<b>2</b>
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<b><u>7.</u></b>	<b><u>GENERAL BUSINESS</u></b> .....	<b>4</b>
	<b><u>7.1</u></b> <u>Waste Managment Committee Meeting minutes 22 November 2018</u> .....	<b>4</b>
	<b><u>7.2</u></b> <u>Resource and Waste Education Update Report November 2018, December</u> <u>2018 and January 2019.</u> .....	<b>5</b>
	<b><u>7.3</u></b> <u>Lakeside Scavenge Wrap Up - September 2018</u> .....	<b>6</b>
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	<b><u>7.5</u></b> <u>Resource and Waste Management Policies</u> .....	<b>8</b>
	<b><u>7.6</u></b> <u>CDS Revenue Share Agreement Update</u> .....	<b>9</b>
	<b><u>7.7</u></b> <u>Landfill and Transfer Station facilities update</u> .....	<b>9</b>
	<b><u>7.8</u></b> <u>2018/2019 budget and fees and charges discussion</u> .....	<b>10</b>
	<b><u>7.9</u></b> <u>Setting of meeting dates for the Waste Management Committee</u> .....	<b>10</b>
<b><u>8.</u></b>	<b><u>MATTERS OF URGENCY</u></b> .....	<b>11</b>
<b><u>9.</u></b>	<b><u>NEXT MEETING</u></b> .....	<b>11</b>

**MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING  
HELD IN IBD MEETING ROOM. 2ND FLOOR, 81 COMMISSIONER STREET**

**ON THURSDAY, 31 JANUARY 2019  
COMMENCING AT 2:30PM**

**PRESENT:** Councillor, Rogan Corbett  
Deputy Mayor, Lynley Miners  
Peter Smith, Director of Environment and Sustainability  
Patrick Cannon, Group Manager Resource and Waste Management  
Mathew Cross, Manager Resources and Waste Facilities  
Lorinda Coulton, Secretary

**1. OPENING OF THE MEETING**

The Chair, Councillor Rogan Corbett opened the meeting at 2:33PM

**2. APOLOGIES**

An apology for the meeting was received from Mandy Thurling, Manager Resource and Waste Services.  
Clr Ewart was absent from the meeting.

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

Nil

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

**4.1 WASTE MANAGEMENT COMMITTEE MEETING 22 NOVEMBER 2018**

**COMMITTEE RECOMMENDATION**

**WMC1/19**

THAT the minutes of the Waste Management Committee Meeting held on 22 November 2018 are confirmed as a true and accurate record of proceedings.

**Moved Deputy Mayor Miners**

**Seconded Mayor Corbett**

**CARRIED**

**5. BUSINESS ARISING**

Nil

**6. ACTION SHEET**

Reference	Date	Action	Assignee	Completed	Notes
6.1	12/04/2018	Development and implementation of Resource and Waste Strategy	Patrick Cannon		Subject to funding provided in the 2018/19 financial year  Copies of Resource and Waste strategies have been obtained from other councils, as well as CRJO's documents for review. Strategy will most likely not be completed by this financial year.
6.2	12/04/2018	EPA and Council operation and site planning for Bombala and Delegate Landfills	Patrick Cannon and Mathew Cross		A written report of site inspections from EPA has been received and a formal response and management plan and timeline will be drafted  Works to be costed and included in response to EPA. Report to Committee and Council to seek endorsement of proposed works.
6.3	12/04/2018	Legacy Landfill Sites	Mathew Cross and Mark Doran		Ongoing investigations  A report is to be prepared for ARIC and a third party assessor. A business case is to be prepared for the General Manager in relation to resourcing work. The EPA is to be contacted to discuss how other regions are tackling this issue.
6.4	12/04/2018	Harmonisation of Commercial Waste method of Charging	Mandy Thurling		Ongoing investigations.  Rural Areas moving to annual collection charge applied on rates notice. Consistent with how charge is applied to the Former Bombala Region

Reference	Date	Action	Assignee	Completed	Notes
6.5	12/04/2018	Removal of the caged bin enclosure to the entrance of the Delegate Landfill	Mathew Cross and Patrick Cannon		Community Consultation and site closure and rehabilitation  Improved layout to be considered.
6.6	12/04/2018	Cathcart Transfer Station Prior Street Cathcart be removed and the area rehabilitated	Mathew Cross and Patrick Cannon		Community Consultation is required and the possibility of relocation of the site to within the villages are to be investigated and site closure and rehabilitation

## 7. GENERAL BUSINESS

### 7.1 WASTE MANAGEMENT COMMITTEE MEETING MINUTES 22 NOVEMBER 2018

Record No:

Responsible Officer: Group Manager Resource & Waste Management

Author: Resource & Waste Administration Officer

Key Theme: 4. Leadership Outcomes

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

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

Attachments: 1. Resource and Waste Management Committee Minutes 22 November 2018

Cost Centre

Project

Further Operational Plan Actions:

### EXECUTIVE SUMMARY

The minutes of the Resource and Waste Management Committee of 22 November 2018 are presented for adoption by the committee as a true and accurate record of the meeting.

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

### OFFICER'S RECOMMENDATION

Refer item 4.1.

**7.2 RESOURCE AND WASTE EDUCATION UPDATE REPORT NOVEMBER 2018, DECEMBER 2018 AND JANUARY 2019.**

Record No:

Responsible Officer: Resource & Waste Operations Manager  
Author: Waste Administration Assistant  
Key Theme: 3. Environment Outcomes  
CSP Community Strategy: 7.1 Protect, value and enhance the existing natural environment  
Delivery Program Objectives: 7.1.3 Council delivers a range of initiatives to the Snowy Monaro community to enhance their awareness and engagement of sustaining our pristine natural environment  
Attachments: 1. Education Activities Photos - 2019  
2. Education Calendar of Events 2019  
Cost Centre 220010  
Project Resource and Waste Education  
Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

Councils Resource and Waste Education Team have developed an education calendar of proposed activities and events for 2019. This report outlines recent activities undertaken during the period of November, December 2018 as well as informing the committee of planned projects and events for January 2019 and beyond.

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

**OFFICER'S RECOMMENDATION**

That the Waste Management Committee receive and note the information in this report for activities and projects for the periods of November, December 2018 and for 2019.



**7.3 LAKESIDE SCAVENGE WRAP UP - SEPTEMBER 2018**

Record No:

Responsible Officer:	Group Manager Resource & Waste Management
Authors:	Waste Management Officer Resource & Waste Administration Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	7.1 Protect, value and enhance the existing natural environment
Delivery Program Objectives:	7.1.3 Council delivers a range of initiatives to the Snowy Monaro community to enhance their awareness and engagement of sustaining our pristine natural environment
Attachments:	1. Jindabyne Lakeside Scavenge Report September 2018 2. Jindabyne Lakeside Scavenge Monaro Post Article September 2018
Cost Centre	2201 - Education
Project	220010 Education
Further Operational Plan Actions:	

**EXECUTIVE SUMMARY**

The second Jindabyne Lakeside Scavenge was held on 15 September 2018 and coincided with World Clean-Up Day. 740kg of waste was collected from Jindabyne in the cleanup this year, which is a very similar amount to the previous year and a substantial quantity to be collected by volunteers over ½ a day.

Due to wild weather the location changed from Banjo Paterson Park to the Town Hall. However, this did not deter participants with 93 people participating and a further 17 people facilitating and sorting litter for the duration of the event.

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

**OFFICER'S RECOMMENDATION**

That the Committee receive and note the information in the report on Lakeside Scavenge event held in September 2018 and support future annual events subject to financial support application going through the Councils submission process.

**7.4 MONARO HIGH YR 7 LITTER SURVEY PRESENTATION SEPTEMBER 2019**

Record No:

Responsible Officer:	Group Manager Resource & Waste Management
Author:	Waste Management Officer

Key Theme:	3. Environment Outcomes
CSP Community Strategy:	7.1 Protect, value and enhance the existing natural environment
Delivery Program Objectives:	7.1.3 Council delivers a range of initiatives to the Snowy Monaro community to enhance their awareness and engagement of sustaining our pristine natural environment
Attachments:	<ol style="list-style-type: none"><li>1. Litter Survey Results Graph - Nijong Footbridge to Massie Street</li><li>2. Litter Survey Results Graph - Massie Street to Commissioner Street</li><li>3. Litter Survey Results Graph - Commissioner Street to Egan Street</li><li>4. Cooma Creek Restoration Student Litter Prevention Recommendations</li><li>5. Monaro High Yr 7 Litter Survey data Recording Sheets</li></ol>
Cost Centre	2201 - Education
Project	220010 Education
Further Operational Plan Actions:	

### EXECUTIVE SUMMARY

On 21 September 2018 Monaro High Year 7 Class met with Council Staff, Council representative, Cooma Landcare representatives and Cooma Waterwatch staff to present their findings and recommendations on a litter survey conducted around Cooma Creek over a 6 month period.

The Year 7 students worked on the project with the newly formed Cooma Landcare and Cooma Waterwatch to collect and record litter along the Cooma Creek in 3 designated areas:

- Nijong Footbridge to Massie Street
- Massie Street to Commissioner Street
- Commissioner Street to Egan Street

Students surveyed the creek, collected litter and recorded what was collected in each area. The students identified that plastic chip/snack wrappers were by far the most common litter item collected along the creek with close to 120 individual wrappers collected in each of the 3 areas.

The students used the collected data to create the attached survey graphs and litter reduction recommendations.

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

### OFFICER'S RECOMMENDATION

That the Committee

- A. Receive and note the Monaro High Yr 7's 2018 Litter Survey Report
- B. SMRC staff consider the recommendations provided by the students on Litter prevention as part of Council planning of future projects

## 7.5 RESOURCE AND WASTE MANAGEMENT POLICIES

Record No:

Responsible Officer: Group Manager Resource & Waste Management

Authors: Resource & Waste Administration Officer  
Resources & Waste Facilities Manager

Key Theme: 4. Leadership Outcomes

CSP Community Strategy: 10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects

Delivery Program Objectives: 10.1.4 Harmonisation of policies, procedures and processes deliver customer focused business practices

Attachments: 1. Domestic Kerbside Collection Policy  
2. Bank of Bins Policy  
3. Event Waste Management Policy

Cost Centre 2200 Waste Management Administration, 2210 Domestic Kerbside Collections

Project

Further Operational Plan Actions:

### EXECUTIVE SUMMARY

The Resource and Waste Management Department has developed a range of related policies for consideration. These policies enable the department to efficiently deal with requests from the community to vary the current waste management services provided and to operate the services provided more efficiently. The Domestic Kerbside Collection Policy, Bank of Bin Policy and Event Waste Management Policy are presented to the Waste Management Committee for consideration.

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

#### OFFICER'S RECOMMENDATION

That the Waste Committee:

- A. Receive and Note the Report
- B. Authorise the policies provided in the attachments to be distributed for comment within the organisation.
- C. Authorise the policies provided in the attachments to be presented to Council for adoption after the internal comment process has been completed, with consideration given to comments received

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## 7.6 CDS REVENUE SHARE AGREEMENT UPDATE

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In first quarter, of the financial year the revenue was less than expected. A full break down of calculations cannot be obtained at this time.

Council officers are attempting to obtain the relevant calculations and also to get figures from other Councils to compare level of rebate and calculations.

Issues recently with ReGroup closing unexpectedly shows Councils current position with disposal of recyclable. If something were to happen the recyclables would have to be transported further or alternatively landfilled.

China is still not accepting certain types of recycling, however this only effects 2% of ReGroup recycling.

Glass sand could in the future, subject to EPA approval, be used as VENM cover at Landfills. Also possible to use in civil works.

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

### OFFICER'S RECOMMENDATION

That the CDS Revenue Share Agreement continue till the end of the current financial year when assessment of results can be conducted.

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## 7.7 LANDFILL AND TRANSFER STATION FACILITIES UPDATE

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Discussion of future of making compost at Cooma Landfill and if the process should be moved to a different location. In its current location the space is intended to be used as Landfill. In the future the process of compost manufacturing is to be improved and to increase production. All alternatives must be investigated, then narrowed down to the most appropriate option. Encouragement of the diversion of waste must continue to occur to save air space in Landfills. Council owns a block of land next to the Cooma Landfill, however it is a lengthy process to establish a new Landfill location.

Tender for the design of Jindabyne Landfill wall has just closed. The construction of the wall will go to the maximum height.

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

### OFFICER'S RECOMMENDATION

That the Manager Resources and Waste Facilities continues to keep the Waste Management Committee updated.

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## **7.8 2018/2019 BUDGET AND FEES AND CHARGES DISCUSSION**

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Budgets are currently being finalised. Resource and Waste is an independent area to the other departments of the Council and must be thought of as a separate operating entity.

The Resource and Waste Department pays for internal overheads each year, such as I.T, payroll , People and Culture.

The fees and charges for waste disposal is on par with other Councils. The fees and charges must be affordable, however the fees and charges cannot be reduced as this may result in the services currently available being reduced.

In the first three months since the introduction of kerbside collection in the villages, of Michelago, Bredbo and Nimmitabel a 30% reduction of waste has resulted at the Transfer Stations. In the future a reduction of hours to these facilities maybe possible. A review of all facilities should be undertaken to allow for the best service possible for the community. Community consultation would occur prior to any changes.

Budgets are due on Monday, 4 February, 2019 with fees and charges due on Friday, 22 February, 2019.

Councillors Stewarts query regarding the rural waste charge, is currently being investigated. Ways to determine how to locate blocks of vacant land are been completed using rates and septic tank records. Also determining where the cut off regarding size of vacant land occurs.

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

### **OFFICER'S RECOMMENDATION**

That the Group Manager Resource and Waste Management continue to work on budgets. Future meetings to be held with the Waste Management Committee to discuss fees and charges.

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## **7.9 SETTING OF MEETING DATES FOR THE WASTE MANAGEMENT COMMITTEE**

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Meeting dates of

- Thursday, 28 February, 2019
  - Thursday, 28 March, 2019
  - Thursday, 30 May, 2019
  - Thursday, 25 July, 2019
  - Thursday, 26 September, 2019
  - Thursday, 31 October, 2019
-

- Thursday, 19 December, 2019

Meetings in February and March are to discuss fees and charges.

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

**OFFICER'S RECOMMENDATION**

That the meeting dates as outlined above be those for the Waste Management Committee for the year and

**8. MATTERS OF URGENCY**

Nil

**9. NEXT MEETING**

Thursday, 28 February 2019 at 2:30pm to be held in IBD Meeting Room, second floor, 81 Commissioner Street, Cooma.

There being no further business the Chair declared the meeting closed at 3:53pm

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CHAIRPERSON

The above minutes of the Waste Management Committee Meeting of Snowy Monaro Regional Council held on 31 January 2019 were confirmed by Committee at a duly convened meeting on 28 February 2019 at which meeting the signature hereon was subscribed.

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**SNOWY MONARO**  
REGIONAL COUNCIL

# **Minutes**

**Waste Management Committee Meeting**

**28 February 2019**

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**WASTE MANAGEMENT COMMITTEE MEETING  
HELD IN IBD MEETING ROOM, 2<sup>ND</sup> FLOOR, 81 COMMISSIONER STREET**

**ON THURSDAY 28 FEBRUARY 2019**

<b>MINUTES</b>
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Notes:

<b><u>1.</u></b>	<b><u>OPENING OF THE MEETING</u></b> .....	<b>2</b>
<b><u>2.</u></b>	<b><u>APOLOGIES</u></b> .....	<b>2</b>
<b><u>3.</u></b>	<b><u>DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST</u></b> .....	<b>2</b>
<b><u>4.</u></b>	<b><u>ADOPTION OF MINUTES OF PREVIOUS MEETING</u></b> .....	<b>2</b>
	<b><u>4.1</u></b> <u>Waste Management Committee Meeting 31 January 2019</u> .....	<b>2</b>
<b><u>5.</u></b>	<b><u>BUSINESS ARISING</u></b> .....	<b>2</b>
	<b><u>5.1</u></b> <u>Resource and waste management policies</u> .....	<b>2</b>
<b><u>6.</u></b>	<b><u>ACTION SHEET</u></b> .....	<b>3</b>
	<b><u>6.1</u></b> <u>Action Sheet</u> .....	<b>3</b>
<b><u>7.</u></b>	<b><u>GENERAL BUSINESS</u></b> .....	<b>5</b>
	<b><u>7.1</u></b> <u>Council Support for Clean Up Australia Day Annual Events Across the Snowy                     Monaro Region</u> .....	<b>5</b>
<b><u>8.</u></b>	<b><u>MATTERS OF URGENCY</u></b> .....	<b>6</b>
<b><u>9.</u></b>	<b><u>CONFIDENTIAL MATTERS</u></b> .....	<b>6</b>
	<b><u>9.1</u></b> <u>Resource and Waste Management Department Proposed 2019/20 Budget and                     Fees and Charges Overview.</u> ....	<b>6</b>
<b><u>10.</u></b>	<b><u>RESOURCE AND WASTE MANAGEMENT POLICIES</u></b> .....	<b>9</b>
<b><u>11.</u></b>	<b><u>NEXT MEETING</u></b> .....	<b>9</b>



**MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING  
HELD IN IBD MEETING ROOM, 2<sup>ND</sup> FLOOR, 81 COMMISSIONER STREET**

**ON THURSDAY, 28 FEBRUARY 2019  
COMMENCING AT 2.30PM**

**PRESENT:** Councillor, Rogan Corbett arrived at 2.36pm  
Deputy Mayor, Lynley Miners arrived at 2.55pm  
Councillor, James Ewart  
Peter Smith, Director of Environment and Sustainability  
Patrick Cannon, Group Manager Resource and Waste Management  
Mathew Cross, Manager Resources and Waste Facilities  
Mandy Thurling, Manager Resource and Waste Services  
Lorinda Coulton, Resource and Waste Administration Officer

**1. OPENING OF THE MEETING**

The Chair, Councillor James Ewart opened the meeting at 2.31pm

**2. APOLOGIES**

Nil

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

Nil

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

**4.1 WASTE MANAGEMENT COMMITTEE MEETING 31 JANUARY 2019**

**COMMITTEE RECOMMENDATION**

**WMC2/19**

THAT the minutes of the Waste Management Committee Meeting held on 31 January 2019 are confirmed as a true and accurate record of proceedings.

**Moved Councillor Corbett**

**Seconded Councillor Ewart**

**CARRIED**

**5. BUSINESS ARISING**

**5.1 RESOURCE AND WASTE MANGEMENT POLICIES**

**EXECUTIVE SUMMARY**

Feedback is required on the three policies of

1. Domestic Kerbside Collection Policy
2. Bank of Bins Policy

## 3. Event Waste Management Policy

From the Councillor's on the Waste Management Committee.

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

**COMMITTEE RECOMMENDATION****WMC3/19**

That the Councillors provide feedback on the three policies of Domestic Kerbside Collection Policy, Bank of Bins Policy and Event Waste Management Policy to the Group Manager Resource & Waste Management by Wednesday, 6 March, 2019. Feedback is to be considered with the draft documents to be advertised for comment.

**Moved Councillor Ewart****Seconded Councillor Corbett****CARRIED****6. ACTION SHEET****6.1 ACTION SHEET**

Record No:

Responsible Officer: Group Manager Resource & Waste Management  
 Author: Resource & Waste Administration Officer  
 Key Theme: 4. Leadership Outcomes  
 CSP Community Strategy: 10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects  
 Delivery Program Objectives: 10.1.1 Council has a transparent and bold growth objective which provides a framework for decision making  
 Attachments: Nil  
 Cost Centre  
 Project  
 Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

Reference	Date	Action	Assignee	Completed	Notes
1	12/04/2018	Development and implementation of Resource and Waste Strategy	Patrick Cannon		<p>Subject to funding provided in the 2018/19 financial year</p> <p>Copies of Resource and Waste strategies have been obtained from other councils, as well as CRJO's documents for review. Strategy will most likely not be completed by this financial year.</p>
2	12/04/2018	EPA and Council operation and site planning for Bombala and Delegate Landfills	Patrick Cannon and Mathew Cross		<p>A written report of site inspections from EPA has been received and a formal response, management plan and timeline will be drafted</p> <p>Works to be costed and included in response to EPA. Report to Committee and Council approved plan to be sent to EPA. Proposed works plan sent to EPA.</p> <p>Received a draft design and fill plan from consultant. Once finalised will be used to design stormwater and leachate system.</p>
3	12/04/2018	Legacy Landfill Sites	Mathew Cross and Mark Doran		<p>Ongoing investigations</p> <p>A report is to be prepared for ARIC and a third party assessor. A business case is to be prepared for the General Manager in relation to resourcing work. The EPA is to be contacted to discuss how other regions are tackling this issue.</p> <p>Report went to Council meeting on 7/02/2019 for information.</p> <p>Open discussions with EPA to occur.</p>

4	12/04/2018	Harmonisation of Commercial Waste method of Charging	Mandy Thurling	Ongoing investigations. Rural Areas moving to annual collection charge applied on rates notice. Consistent with how charge is applied to the Former Bombala Region
5	12/04/2018	Removal of the caged bin enclosure to the entrance of the Delegate Landfill	Mathew Cross and Patrick Cannon	Community Consultation to occur about site closure and rehabilitation Improved layout to be considered.
6	12/04/2018	Cathcart Transfer Station Prior Street Cathcart be removed and the area rehabilitated	Mathew Cross and Patrick Cannon	Community Consultation is required and the possibility of relocation of the site to within the villages are to be investigated with the proposed site closure and rehabilitation.

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

<b>COMMITTEE RECOMMENDATION</b>	<b>WMC4/19</b>
That Council receive and note the information in the report on the Action Sheet .	
<b>Moved Councillor Corbett</b>	<b>Seconded Councillor Ewart</b>
	<b>CARRIED</b>

#### Note 1 Attendance of Councillor

Clr Corbett joined the meeting at 2:36 pm during discussion of Item 6.1 – Action Sheet

## 7. GENERAL BUSINESS

### 7.1 COUNCIL SUPPORT FOR CLEAN UP AUSTRALIA DAY ANNUAL EVENTS ACROSS THE SNOWY MONARO REGION

Record No:

Responsible Officer: Group Manager Resource & Waste Management

Author: Waste Administration Assistant

Key Theme: 3. Environment Outcomes

CSP Community Strategy: 7.1 Protect, value and enhance the existing natural environment

Delivery Program Objectives: 7.1.3 Council delivers a range of initiatives to the Snowy Monaro community to enhance their awareness and engagement of sustaining

our pristine natural environment

Attachments: Nil  
 Cost Centre 220064  
 Project  
 Further Operational Plan Actions:

### EXECUTIVE SUMMARY

Clean Up Australia Day (CUAD) is a nationally run campaign and is supported by Councils both regionally and nationally. Snowy Monaro Regional Council provide support through the promotion of locally registered community organised events and site locations through the advertising of the event through local and council media channels and acceptance of waste and recycling at council resource and waste facilities without charge.

For the 2019 CAUD campaign Council has supported and promoted the event through newsletters, local and social media and the receiving of collected waste and recyclable material for disposal at Council's Waste Facilities at no charge to the registered community groups.

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

#### COMMITTEE RECOMMENDATION

WMC5/19

That Council receive and note the information in the report and endorse the support for the acceptance of waste and recyclable material collected by registered community groups during the Clean Up Australia Day events.

That costs associated with the disposal of Waste and Recyclables from Clean Up Australia Day be allocated to PJ 22005; Illegal Dumping.

Moved Councillor Ewart

Seconded Councillor Corbett

CARRIED

#### Note 2 Attendance of Councillor

Clr Miners joined the meeting at 2:55 pm during discussion of Item 7.1 – Council Support for Clean Up Australia Day Annual Events across the Snowy Monaro Region.

### 8. MATTERS OF URGENCY

Nil

### 9. CONFIDENTIAL MATTERS

#### 9.1 RESOURCE AND WASTE MANAGEMENT DEPARTMENT PROPOSED 2019/20 BUDGET AND FEES AND CHARGES OVERVIEW.

Record No:

Responsible Officer: Group Manager Resource & Waste Management

Author: Resource & Waste Operations Manager

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Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	<ol style="list-style-type: none"><li>1. Draft 2019-20 Resource and Waste Department Overview</li><li>2. Resource and waste Management Resource and Waste Management Department Draft Fees and Charges 2019-20</li><li>3. Proposed Revenue Policy Content - Waste Management - 2020</li></ol>
Cost Centre	2200 Resource and Waste management
Project	
Further Operational Plan Actions:	

### EXECUTIVE SUMMARY

SMRC is currently undergoing the development of the 2019/20 Council budget and Fees and Charges. In undertaking this process the Resource and Waste Department is proposing a number of changes to the current Fees and Charges in order to generate an operating surplus, allowing funds to be built up in reserves to assist with ongoing management of the waste operations. This report is seeking endorsement of the proposed fees from the Waste Committee before the proposed fees are advertised to the community.

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

### COMMITTEE RECOMMENDATION

That the Waste Committee:

- A. Receive and Note the Report;
  - B. Increase the Waste Management Charge to \$121 per assessment with the charge not being applied to vacant farmland assessments;
  - C. Endorse the fees and charges as agreed to at the Waste Committee meeting, and;
  - D. Endorse the Revised Fees and Charges to be advertised to the community for comment through the annual budget development process:
- 

### Note 3 No Motion

Discussion was held regarding the Budget and Fees and Charges. Councillors have requested further details on the proposed fees and charges and also the proposed budget. Clarification is also sought regarding the vacant farmland waste management charge resolution from previous Council meeting. The meeting was adjourned until Thursday, 14 March, 2019.

Meeting was adjourned at 4.00pm due to further information required for discussion on budgets, fees and charges until Thursday, 14 March, 2019 at 3:30pm to be held in IBD Meeting Room, second floor, 81 Commissioner Street, Cooma.

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The Chair, Councillor Rogan Corbett re-opened the meeting at 3.23pm on Thursday, 14 March, 2019

**PRESENT:** Councillor, Rogan Corbett  
Deputy Mayor, Lynley Miners  
Councillor, James Ewart arrived 3.42pm  
Peter Smith, Director of Environment and Sustainability arrived at 3.35pm  
Patrick Cannon, Group Manager Resource and Waste Management  
Mathew Cross, Manager Resources and Waste Facilities  
Mandy Thurling, Manager Resource and Waste Services  
Lorinda Coulton, Resource and Waste Administration Officer  
Matt Payne, Chief Financial Officer arrived at 3:30pm

**Note 4 Attendance of Manager**

Matthew Payne, Manger Finance joined the meeting at 3.30pm during discussion of Item 11 – Resource and Waste Management Department Proposed 2019/20 Budget and Fees and Charges Overview.

**Note 5 Attendance of Director**

Peter Smith, Director of Environment and Sustainability joined the meeting at 3.35pm during discussion of Item 11 – Resource and Waste Management Department Proposed 2019/20 Budget and Fees and Charges Overview.

**Note 6 Attendance of Councillor**

Clr Ewart joined the meeting at 3.42pm during discussion of Item 11 – Resource and Waste Management Department Proposed 2019/20 Budget and Fees and Charges Overview.

Further discussion was held regarding the additional information obtained.

- Proposed Cost Saving Initiatives

Review of Transfer Station visits indicated that visits to Delegate Transfer Station averaged 1.7 per hour, while Berridale is at 6.8 visits per hour and Adaminaby is at 6.1 visits per hour. Other Transfer Stations where between these two attendance rates. Attendance rates should aim for all sites to be over seven visits per hour.

A 30% downturn has occurred in visits to both Bredbo and Nimmitabel Transfer Stations and a 28% downturn to Michelago Collection Point since the introduction of kerbside collection.

There is a potential to save \$100,000 per annum in cost associated with the operation of Council's Transfer Stations by reducing the hours of operation which will also increase the average attendance rates. This will require community consultations.

There is the potential to save of \$50,000 per annum if Michelago Saturday morning collection service was replaced with Bank of Bin services.

The Household Chemical CleanOut program cost \$20,000 per year for it to be held in two locations. The committee discussed reducing the program to one site per year, saving \$10,000 per annum.

Legacy sites rehabilitation discussions with the EPA still to occur. List of priority sites still to be

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developed. Limited opportunity to apply for grants from the EPA and are only a fraction of the funds required for the rehabilitation works.

Processing of green waste stock piles at Cooma Landfill is factored into the budget and investigations need to occur in the future to determine if purchasing of own machine is a viable option when the current contract ends, in approximately eighteen months.

Cost of rollout of FOGO to former Snowy River Shire Council is approximately \$300,000 but would add on one year of life to the Jindabyne Landfill. At present the FOGO charged on rates does not cover the cost of collection and processing.

Discussion – Committee discussed the proposed fees and charges. Requested that a small number of fees be reduced slightly with the view of smaller increases over 2-3 years. The committee agreed to the amended list which is to be provided to the finance department.

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

**COMMITTEE RECOMMENDATION**

**WMC6/19**

That the following actions be undertaken to achieve cost savings across the Resource and Waste Management Department:

That a draft survey be presented at the next Waste Committee meeting for distribution at Bredbo, Nimmitabel, Numeralla and Delegate Transfer Stations seeking preferred hours of operation at each site (reduction in operating hours in line with the identified cost saving initiatives) .

That community consultation occur on the reduction of operating hours at Council Transfer Stations.

That the annual Household Chemical CleanOut program be reduced to one location per year.

That community consultation occur with the Michelago community on the establishment of Bank of Bins and to discontinue the Saturday drop off collection service.

That the amended list of fees and charges, as agreed, be provided to the finance department as part of the annual fees and charges approval process.

**Moved Councillor Ewart**

**Seconded Councillor Corbett**

**CARRIED**

**10. RESOURCE AND WASTE MANAGEMENT POLICIES**

A brief discussion was held regarding the Domestic Kerbside Collection Policy, Bank of Bins Policy and Event Waste Management Policy.

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

**COMMITTEE RECOMMENDATION**

**WMC7/19**

That the policies of Domestic Kerbside Collection Policy, Bank of Bins Policy and Event Waste Management Policy go out for comment and follow Council process.



**Moved Deputy Mayor Miners**

**Seconded Councillor Corbett**

**CARRIED**

## **11. NEXT MEETING**

Thursday, 28 March, 2019 at 2.30pm to be held in IBD Meeting Room, second floor, 81 Commissioner Street, Cooma.

There being no further business the Chair declared the meeting closed at 4.29pm

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### CHAIRPERSON

The above minutes of the Waste Management Committee Meeting of Snowy Monaro Regional Council held on 28 February 2019, adjourned till 14 March, 2019 and were confirmed by Committee at a duly convened meeting on 28 March 2019 at which meeting the signature hereon was subscribed.



# Waste Management Committee Notes

**Address: IBD Room, second floor – 81 Commissioner Street Cooma**

**Date: Thursday, 28 March 2019 Time: 2:30pm**

## Present:

Position	Member (Name)	Present/Apology
Chair	Councillor Rogan Corbett	Present
Minutes Secretary	Lorinda Coulton	Present
Committee Member	Councillor Lynley Miners	Absent
Committee Member	Councillor James Ewart	Apology
Committee Member	Peter Smith	Apology
Committee Member	Patrick Cannon	Present
Committee Member	Mandy Thurling	Present
Committee Member	Mathew Cross	Present

## 1 Opening of the Meeting

The Chair, Rogan Corbett, opened the meeting at 2:33 pm

## 2 Apologies

An apology for the meeting was received from, James Ewart, Councillor and Peter Smith, Director of Environment and Sustainability.

## 3 Declaration of Pecuniary Interest/Conflicts of Interest

Nil

## 4 Adoption of Previous Minutes

### 4.1 Nil Quorum

The chair noted that under the Committee's charter a quorum will consist of a majority of voting members, including at least two independent members. At today's meeting, because of the absence of two independent members, the Committee does not have sufficient members to form a quorum. It was

determined that while the meeting should continue, formal decisions could not be made.

## **5 Business Arising from Previous Minutes**

Nil

## **6 Action Sheet**

### **6.1 Action Sheet**

Each item of the Action Sheet was discussed

## **7 General Business**

### **7.1 Transfer Stations Hours of Operation Surveys**

Information sheet to be included when surveys go out to community for consultation

### **7.2 Self-Compacting Solar Powered Public Street Bins**

Discussions of the solar powered compact bin occurred. Concern was raised about the performance of the bins in cold climate conditions and also the overall cost to repair the bins.

### **7.3 Snowy Monaro Regional Council Impact Report Garage Sale Trail 2018**

A Council Excellence Award for received from the Garage Sale Trail. The Garage Sale Trail is part of a 3 year program, through CRJO.

### **7.4 Resource and Waste Education update report February 2019, and March 2019**

Discussion of Resource and Waste Education report

## **8 Matters of Urgency**

### **8.1 Michelago Collection Point**

The construction of the Michelago RFS Shed has commenced. The site is also the location for Michelago Collections on Saturday mornings. Alternative areas were discussed for collections. Inspections to occur of determine a future location for collections. Councillors to be advised of outcome.

## **9 Date of next Meeting**

T.B.A

## **10 Close of Meeting**

There being no further business the meeting concluded at 3:10pm

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**CHAIRPERSON**

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**DATE**

*(The minutes are to be signed and dated here by the Chairperson at the next meeting, certifying the above as a correct record.)*

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**9.3.7 SCFMPP-206 DELEGATE SHOWGROUND KIOSK  
SCFMPP-130 BOMBALA EXHIBITION HALL**

Record No:

Responsible Officer: Director Operations & Infrastructure  
Author: Group Manager Asset Management & Engineering  
Key Theme: 3. Environment Outcomes  
CSP Community Strategy: 8.2 Improve and maintain our public owned infrastructure and assets and facilities to a high standard  
Delivery Program Objectives: 8.2.3 Stronger Communities fund project delivers improved community infrastructure and assets through the Major Projects Program (MPP)  
Attachments: 1. Schedule of Prices (*Under Separate Cover*) - **Confidential**  
2. Price breakdown (*Under Separate Cover*) - **Confidential**  
Cost Centre SCFMPP-206 PJ100075  
SCFMPP-130 PJ100058  
Project Delegate Showground Kiosk Upgrades (Package 1)  
Bombala Exhibition Hall Supper Room Upgrades  
Further Operational Plan Actions:

**EXECUTIVE SUMMARY**

The purpose of this report is to inform council of the outcomes of the design, development and tender evaluation process for the proposed Delegate Showground Kiosk (Package 1) upgrades and the Bombala Exhibition Hall – Supper Room upgrade works package for approval and award. Information in the report and attached documentation provide the breakdown of costs to complete the construction as designed.

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

**OFFICER’S RECOMMENDATION**

That Council

- A. Review and award the packaged works contract to Davone Constructions Pty Ltd as per PWA Tender recommendation.
- B. Authorise the expenditure and allocate an amount of \$273,933 Incl GST

**BACKGROUND**

In May 2017 Council, adopted the Stronger Communities Fund Major Projects Program, consisting of 100 projects across the Region. PP-206 Delegate Showground Kiosk Upgrades (Package 1) and PP-130 Bombala Exhibition Hall Supper Room Upgrades were selected out of the recommended projects.

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9.3.7 SCFMPP-206 DELEGATE SHOWGROUND KIOSK  
SCFMPP-130 BOMBALA EXHIBITION HALL

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PWA was engaged by SMRC to undertake design, development and manage the tender and procurement process using NSW Government policies and guidelines.

Community consultation meetings were held and feedback was incorporated into the final designs.

The project tender process was as follows.

Tender Open: Tuesday 21 March 2019

Tender Close: Thursday 11 April 2019

PWA conducted the OPEN tender process via the Vender Panel with advertisements calling for submissions in all local print media as well the SMH.

Three (3) offers were received. (2 Conforming and 1 Non-Conforming). Both Conforming companies were from outside the LGA)

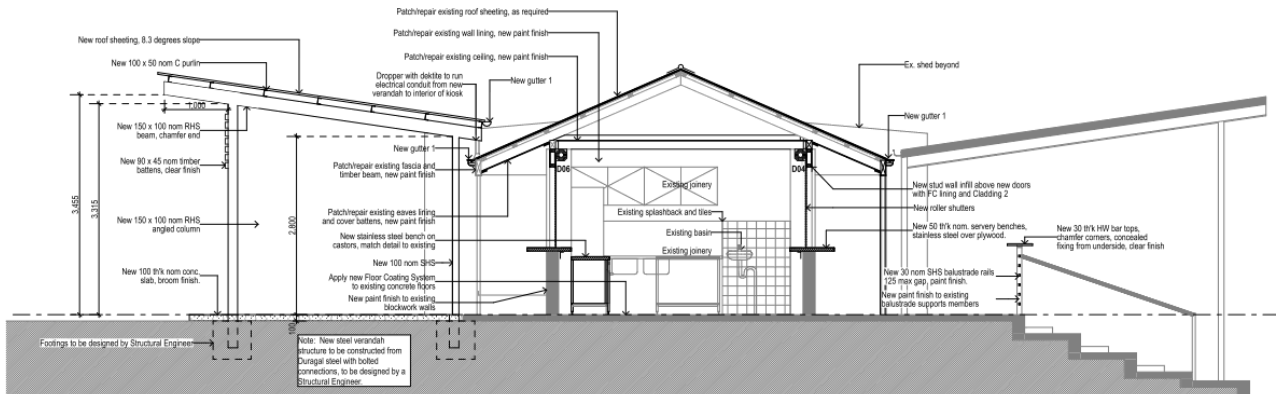
Attached is a copy of the **Tender Evaluation Report** (Confidential) of the tender submissions and a copy of the **Project Cost estimate and Budget** (Confidential).

### **Project Objective**

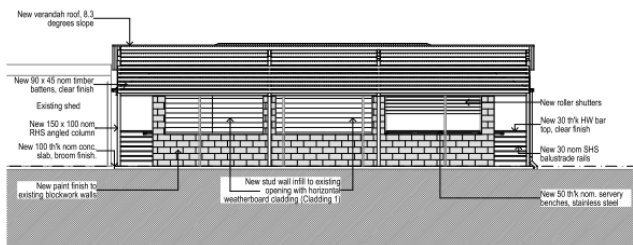
The objective of PP206 Delegate Showground Kiosk is to revamp and improve the functionality, security, vermin control and guttering and drainage as well as provide improved users facilities.

- Patch / Repair roof sheeting as required
  - Patch / Repair ceilings as required
  - Patch / Repair existing eaves
  - Apply new non-slip floor coatings
  - Install new servery counters and bars, Balustrades and support members
  - Install new Roller Shutters
  - Painting throughout
-

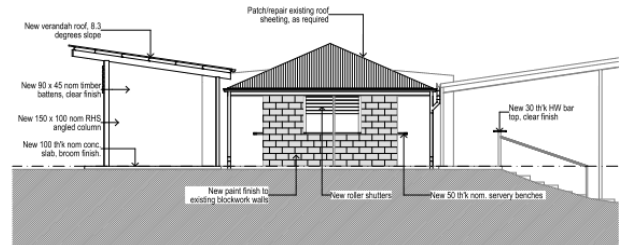
9.3.7 SCFMPP-206 DELEGATE SHOWGROUND KIOSK  
SCFMPP-130 BOMBALA EXHIBITION HALL



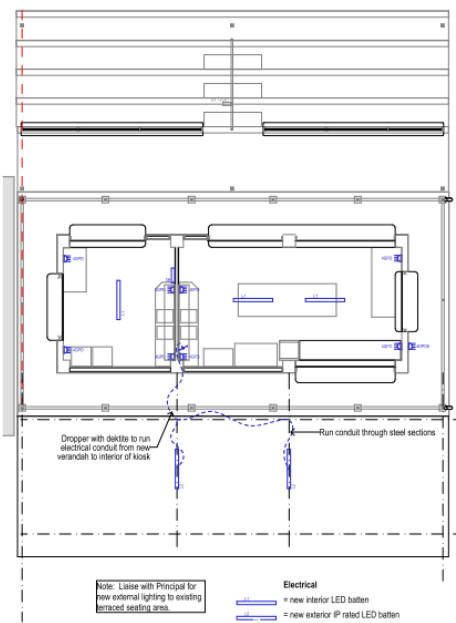
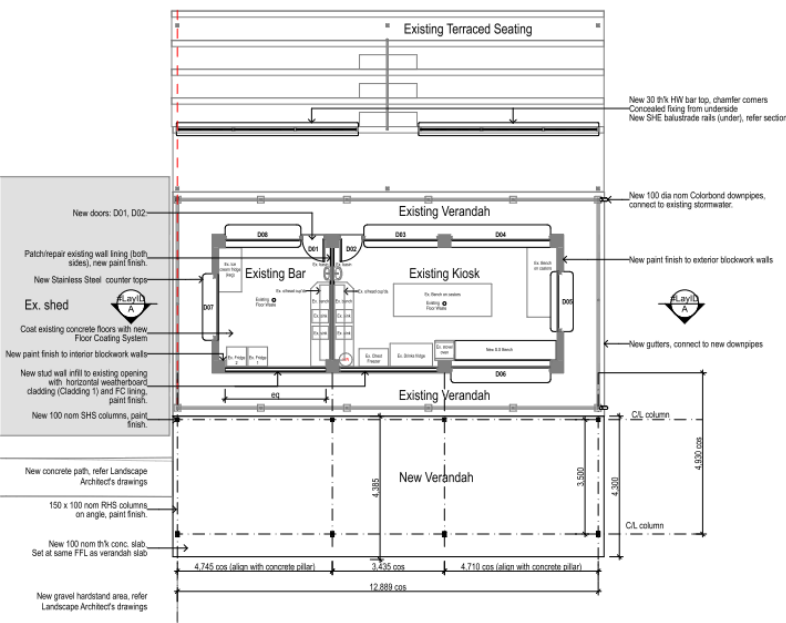
Section A  
1:50



South Elevation  
1:100



West Elevation  
1:100



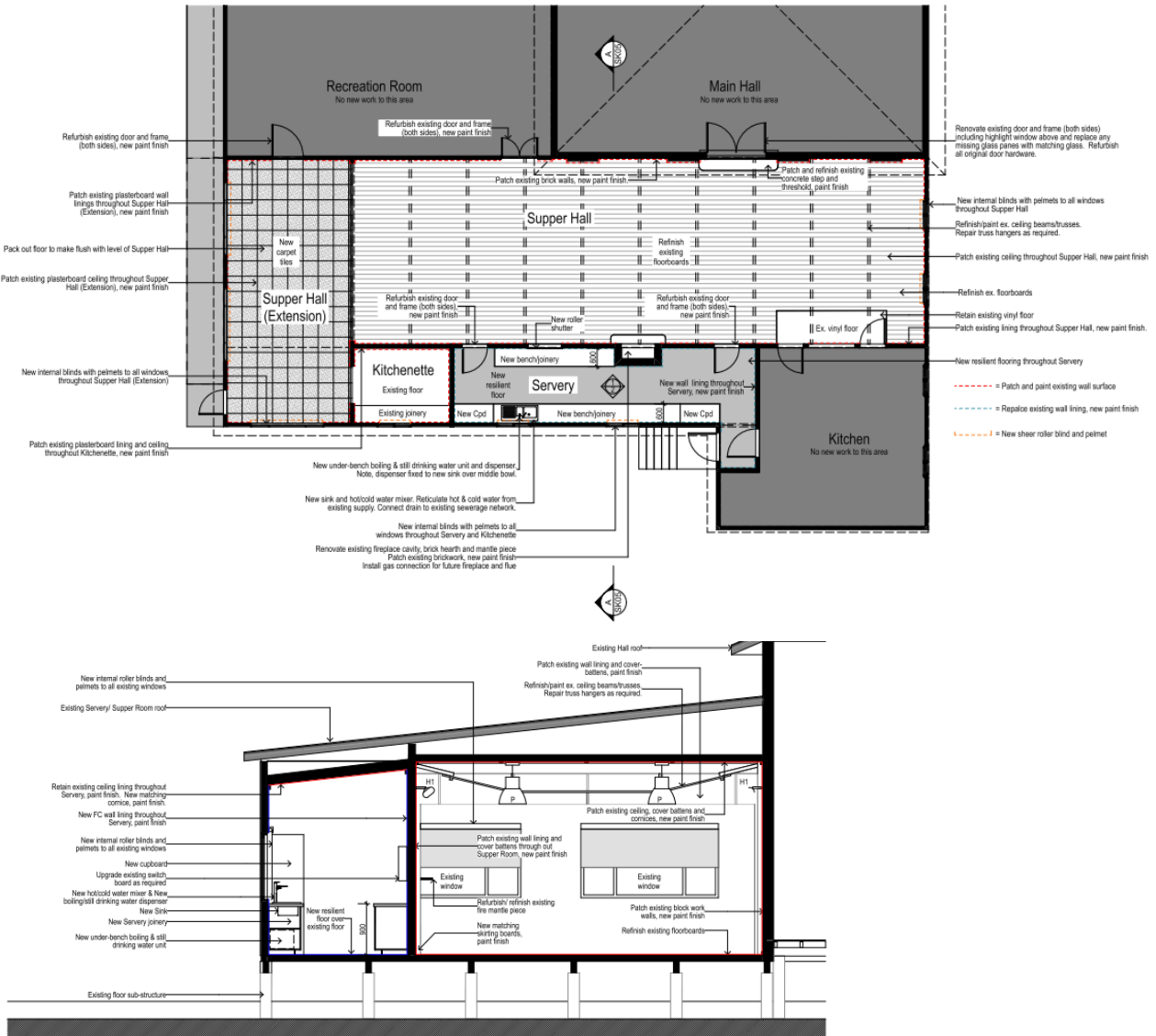
**Project Objective**

The objective of PP130 – Bombala Exhibition Hall Supper Room is to revamp and improve the facilities of the servery area of the supper room.

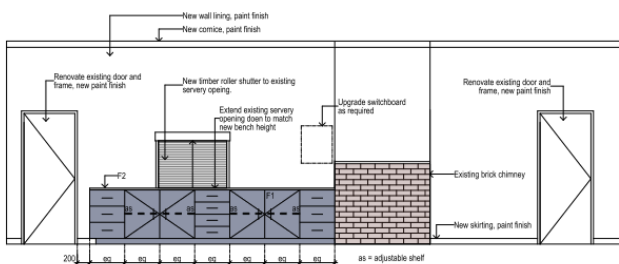
- Repairs as required to Supper Room ceiling
- New Joinery, counters and cupboards

9.3.7 SCFMPP-206 DELEGATE SHOWGROUND KIOSK  
 SCFMPP-130 BOMBALA EXHIBITION HALL

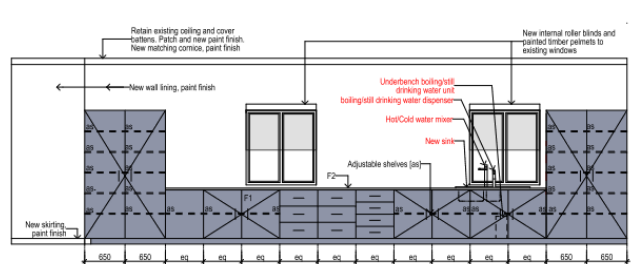
- Painting throughout
- Carpet and resilient finishes to floor areas
- Electrical upgrades as required
- Blinds and window coverings
- New doors and Hardware



Section A  
 1:50



Servery Elevation 1  
 1:50



Servery Elevation 2  
 1:50

ADVANCE COPY  
 16/5/19



## QUADRUPLE BOTTOM LINE REPORTING

### 1. Social

The Stronger Communities Fund was established by the NSW Government to provide recently merged councils with funding to kick start the delivery of projects that improve community infrastructure and services.

Councils are to fund projects that deliver new or improved infrastructure or services to the community.

Projects that are prioritised for funding must meet the following criteria:

- have been through a community consultation process
- demonstrate social and/or economic benefits to the community
- consider issues of sustainability and equity across the broader community
- demonstrate project feasibility and value for money, including full lifecycle costs;
- did not have funds allocated by the former councils
- give consideration to the processes and procedures outlined in the capital expenditure review guidelines issued by the Office of Local Government.

### 2. Environmental

A compulsory component of the tender assessment is submission of a Schedule of Environmental Management. If the applicant did not meet this assessment criteria, they have not been considered. Council places a high emphasis on environmental impact and management.

### 3. Economic

Estimated Expenditure	Amount	Financial year	Ledger		Account string														
			P	J	1	0	0	0	7	5									
PP-206 Delegate Showground Kiosk Upgrades	\$110,836	18/19	P	J	1	0	0	0	7	5									
PP-130 Bombala Exhibition Hall Supper Room Upgrades	\$156,657	18/19	P	J	1	0	0	0	5	8									
<b>Funding (Income/reserves)</b>	<b>Amount</b>	<b>\$267,493</b>	<b>Ledger</b>		<b>Account string</b>														

### 4. Civic Leadership

This project aligns with the NSW Premier's priorities of tackling childhood obesity by improving recreational facilities and improving building infrastructure. These building projects promote

9.3.7 SCFMPP-206 DELEGATE SHOWGROUND KIOSK  
SCFMPP-130 BOMBALA EXHIBITION HALL

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increased opportunities for participation in recreational activities and an improvement to the local facilities.

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**9.3.8 TENDER FOR REALIGNMENT OF WATER MAINS IN SHORT ST AND SHARP ST IN COOMA AND NETTIN CIRCUIT IN JINDABYNE**

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Water and Waste Engineer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	7.2 Water, waste, sewer and stormwater management practices are contemporary and efficient
Delivery Program Objectives:	7.2.2 Water and sewer infrastructure is maintained and improved to provide a quality service
Attachments:	1. Tender Evaluation Report ( <i>Under Separate Cover</i> ) - <b>Confidential</b>
Cost Centre	13-2020
Project	240233, 240038, 240230
Further Operational Plan Actions:	

**EXECUTIVE SUMMARY**

The tender for the realignment of water mains in Short St and Sharp St in Cooma and Nettin Circuit in Jindabyne was advertised on the Vendor Panel website. It was a public tender and was open to all contractors through the Vendor Panel platform.

The tender closed on 14 March 2019. A total of 4 tenders were received All tenders met with the non-price criteria and were further evaluated for price criteria (Refer attached tender evaluation report).

The evaluating officers' recommendation is to award the tender to the lowest tender.

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

**OFFICER'S RECOMMENDATION**

That Council approves

- A. The award of this tender to UTILSTRA Pty Ltd for the amount of \$277,712.80 which comprises of lump sum and rate items based on the recommendation in the tender evaluation report.
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9.3.8 TENDER FOR REALIGNMENT OF WATER MAINS IN SHORT ST AND SHARP ST IN COOMA AND NETTIN CIRCUIT IN JINDABYNE

## BACKGROUND

The water mains at Sharp St and Short St in Cooma and Nettin Circuit have been identified for immediate replacement due to service interruptions and water quality issues from the last few years.

Benefits from the replacement of water mains in the identified areas:-

1. Reduction in water supply interruptions
2. To avoid potential claims for the damage due to water main burst
3. Reduce the water quality complaints

The tender was published through the vendor panel platform and four competitive tenders have been received for the project. The submitted tenders have been evaluated based on the set criteria in the request for tender document.

## QUADRUPLE BOTTOM LINE REPORTING

### 1. Social

The availability of clean drinking water that meets Australian Drinking Water Guidelines is vital for the social wellbeing of the community. Reliable water supply service is the principal to maintain the set service charter of Council.

### 2. Environmental

The realignment of water mains will address the issues of water supply service in the areas. This will also improve the quality of service to the community and reduce the potential risk to the environment.

### 3. Economic

4. Estimated Expenditure	Amount	Financial year	Ledger		Account string																									
Water mains replacement	\$110,000	2018-2019	P	L	2	4	0	2	3	3																				
	\$110,000				2	4	0	0	3	8																				
	\$110,000				2	4	0	2	3	0																				
Funding (Income/reserves)	Amount		Ledger		Account string																									
Reserve	\$330,000																													
	\$																													
	\$																													

The proposed realignment of the water mains project will be fully funded from Reserve.

### 5. Civic Leadership

Council needs to ensure that the communities that are provided with water and sewerage services have water supply that meet the drinking water quality standards and the sewerage treatment does not have any adverse effects on the environment.

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#### 9.4.1 CLASSIFICATION AND CATEGORISATION OF CROWN LAND IN COUNCIL'S CARE AND CONTROL

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Land & Property Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.3 Advocate and work with other levels of government, community and industry to improve outcomes
Delivery Program Objectives:	10.3.1 Council connects, recognises, advocates and works in collaboration with all leaders across the community and beyond our boundaries
Attachments:	1. Spreadsheet - Crown land for categorisation 2. Maps for Crown Land (page nos. coincide with row nos. on the spreadsheet) ( <i>Under Separate Cover</i> )
Cost Centre	1515 – Crown land
Project	PJ150388 – Crown Lands Management Plans

#### EXECUTIVE SUMMARY

At present we are standing at the start of a new era of Crown land management which began with the commencement on 1 July 2018 of the Crown Land Management Act 2016. One of the key changes in the new legislation is that for the first time new legislation specifically references the Native Title Act 1993, and how this Act operates when making decisions about the use and management of Crown land.

The Crown Land Management Act 2016 also clarifies the roles and responsibilities of councils and other organisations who can deal with Crown land without oversight from the Minister for Lands or the Department of Industry – Crown Lands.

The first step for Council is to categorise Crown land which has either been gazetted to Council's Trusteeship or devolved to Council and submit the proposal to the Minister for concurrence.

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

#### OFFICER'S RECOMMENDATION

That Council approve the proposed categorisation of Crown land as per attachment 1 to this report.

#### BACKGROUND

##### Crown Lands Management Act 2016

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The Crown Lands Management Act 2016 (CLM Act) commenced on 1 July 2018. In August 2018 Snowy Monaro Regional was awarded \$81,688.00 to assist in the preparation of compliant Plans of Management for Crown land under the Trusteeship of Council.

Other avenues for funding the plans of management include application to the Crown Reserves Improvement Fund program for grant funds to assist in the preparation of plans of management. However, as this is a competitive process, funding is not guaranteed.

The new Crown Lands Management Act 2016 authorises local councils to manage the Crown reserves for which they are the appointed Crown lands manager as if it they were public land under the *Local Government Act 1993* (LG Act). Council management of Crown reserves under the LG Act was widely supported by local councils as part of the Crown Land Legislation White Paper process. It is anticipated that over time, this approach will bring efficiencies for councils through the streamlined management arrangements.

Generally, councils will manage this land as if it were community land. Under the LG Act, a plan of management must be adopted for all community land, which categorises the land and governs its use and management.

Councils must ensure that there is a compliant plan of management for all Crown reserves they manage as community land by 30 June 2021, being three years from the commencement of the CLM Act. A compliant plan of management must be in place before the three-year deadline to ensure that the Crown land is lawfully used and occupied. Ensuring lawful use and occupation is an essential part of council's role as the manager of Crown land.

The new CLM Act 2016 means that Council will manage Crown land as they would community land with particular note to the following:

- In exceptional circumstances land may be managed as operational land, subject to Ministerial consent.
  - Councils generally will not be required to seek the Minister's approval for dealings on Crown reserves.
  - Council **must:**
    - (a) Assign a category related to the reserve purpose and
    - (b) Prepare a Local Government Act Plan of Management (POM) **within 3 years.**
  - Plans of Management will be prepared and adopted in accordance with the provisions of the Local Government Act 1993.
  - Plans of Management will be informed by reserve purpose (through categorisation).
  - The category applied to community land must be that which council considers most closely relates to the reserve purpose.
  - Table of Crown lands and corresponding categories should be submitted to the Crown asap.
  - At the same time submit an application for the Minister's consent to any proposed change of categorisation which would constitute an additional purpose .
  - The Minister cannot give consent to altering the category of land if it is considered that it would be likely to materially harm the use of the land for its reserve purpose.
-

- It will not be necessary to undergo the community consultation process with the first plan of management for Crown land unless it is proposed to change the category.

It is proposed to submit the attached spreadsheet to the Minister subject to Council's concurrence with the suggested amendments.

Where an additional use of "General Community Use" has been added to the category, the intention was to facilitate the opportunity for maximum community use.

Amendments to the classification will be addressed when the further process of "vesting" of Crown lands to Council takes place later in the year. At this time Council may apply to have any Crown land on which Council infrastructure is located, vested in Council as operational land subject to native title and Aboriginal land claims being either withdrawn or compensated.

### **Crown Land Devolved to Council**

Crown land which is in the Trusteeship of Council must be managed in accordance with the Local Government Act as if it was community land. Council does not need to refer to the Crown for consent every time an improvement to the reserve is undertaken. The Plan of Management for the reserve will dictate the limitations to the management of the reserve

Crown land which is devolved to Council will continue to be administered under the Crown Lands Management Act 2016. Council must seek the consent of the Crown before undertaking any improvements on the reserve.

It is proposed that Council seek the consent of the Crown to have the Crown lands which are devolved to Council moved into the Trusteeship of Council so that all the Crown land will be managed under the Local Government Act as if it was community land.

This will also permit the Plan of Management for Crown land to be comprehensive, and enable Council to manage all the Crown land under the Local Government Act as if it was community land.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

It is the responsibility of Crown Lands Managers to ensure that Crown land is protected and that its use is consistent with the purpose for which the land was set aside.

### **2. Environmental**

It is the responsibility of Crown Lands Managers to observe environmental protection principles in relation to the management and administration of Crown Land.

### **3. Economic**

The application for Minister's approval of the categorisation of Crown land does not attract a fee. The moving of devolved Crown land to the Trusteeship of Council does not attract a fee.

### **4. Civic Leadership**

Council's management of Crown Lands in accordance with the Local Government Act as if it were community land ensures that the community benefits from a Plan of Management which protects and enhances public land for future generations.

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1	OBJECTID	Reserve Number	Reserve Type	Reserve Name	Management Type	Manager	Purpose	Lots & DP	Proposed Classification	Proposed Categories	Justification
2	367	1008	RESERVE	COOMA FESTIVAL SWIMMING POOL	RESERVE TRUST	Cooma (R1008)	Public Recreation	Lots 6-8 Section 16 DP 758280 Parish Cooma County Beresford	Community	Public Recreation	
3	667	130028	RESERVE	BLACK LAKE	RESERVE TRUST	Reserve Trust Bombala Shire Council Crown Reserves	Public Recreation	Lots 98, 168 DP 756822, Lot 7017 DP 1002690, Lot 7012 DP 1002691 Parish Burnima County Wellesley	Community	Public Recreation/General Community Use	
4	674	130055	RESERVE	VULCAN ST PLAYGROUND	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Purposes; Public Recreation	Lot 7040 DP 1023424 Parish Cooma County Beresford	Community	Public Recreation/General Community Use	
5	675	130056	RESERVE	FRANK NORRIS PARK	RESERVE TRUST	Frank Norris Park Reserve Trust	Public Recreation	Lot 3 DP 162826, Lot 2 DP 504978, Lots 1-2 DP 508517, Lot 1 DP 727588, Lots 484-485 DP 727589 Parish Cooma County Beresford	Community	Public Recreation	
6	677	130062	RESERVE	LAKE WILLIAMS	RESERVE TRUST	Nimmitabel Recreational Lake Reserve Trust	Public Recreation	Lot 7300 DP 1148883 Parish Nimmitabel County Wellesley	Community	Public Recreation	
7	679	130067	RESERVE	RAINBOW PINES TOURIST CARAVAN PARK	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Caravan Park; Public Recreation	Lots 376-377 DP 821745 Parish Seymour County Wallace	Operational	Caravan Park & Camping Area / Area of Cultural Significance	This Park is operated privately under a lease with Council and the Crown. The leased area is not for general community use nor is it for recreational purposes for other than those residents/visitors at the Park. The Park is heritage listed (local) because the first school house in Old Adaminaby is located within the Park and it is currently used as the residence.
8	680	130068	RESERVE	RAINBOW PINES TOURIST CARAVAN PARK	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 378 DP 821745 Parish Seymour County Wallace	Community	General Community Use / Area of Cultural Significance	A heritage church is located on lot 378 as well as public toilets
9	681	130074	RESERVE	NORTH RIDGE RESERVE	RESERVE TRUST	North Cooma (R130074) Reserve Trust	Environmental Protection; Public Recreation; Rural Services	Lots 5-6 DP 727473 Parish Binjura County Beresford, Lots 1-2 DP 727473 Parish Cooma County Beresford	Community	Environmental Protection/Natural Area/Rural Services/Public Recreation	
10	855	17293	RESERVE	CATHCART RACECOURSE	RESERVE TRUST	Bombala Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 7010 DP 96557, Lot 7011 DP 1026687 Parish Cathcart County Wellesley	Community	General Community Use/Public Recreation	
11	1109	26720	RESERVE	APEX PARK	RESERVE TRUST	Bombala Shire Council Crown Reserves Reserve Trust	Access To Water; Public Recreation	Lots 7017-7018 DP 94005, Lot 7016 DP 94006, Lots 7014-7015 DP 94008, Lots 5-6 DP 749463, Lot 360 DP 756819, Lot 7024 DP 1024462, Lot 7013 DP 1026178, Lot 701 DP 1028118 Parish Bombala County Wellesley	Community	General Community Use/Access to Water/Public Recreation	
12	1129	28590	RESERVE	DALGETY SHOWGROUND	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 7002 DP 1028523 Parish Bobundara County Wallace	Community	General Community Use/Showground	

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13	1232	36804	RESERVE	CATHCART RESERVE.	RESERVE TRUST	Bombala Shire Council Crown Reserves Reserve Trust	Public Recreation	Lots 5-9 Section 17 DP 758239, Lot 701 DP 1027930, Lot 7301 DP 1129139 Parish Cathcart County Wellesley	Community	General Community Use/Public Recreation	
14	1268	41241	RESERVE	CRAIGIE RESERVE CRAIGIE / MILA ROAD	RESERVE TRUST	Bombala Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 30 DP 756840 Parish Lawson County Wellesley	Community	General Community Use/ Public Recreation	
15	1332	44106	RESERVE	ANEMBO HALL	RESERVE TRUST	Looma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 184 DP 750559 Parish Sherlock County Beresford	Community	General Community Use	
16	1357	45246	RESERVE	CNR CLARKE AND WOLFE STS NIMMITABEL	RESERVE TRUST	Looma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 7022 DP 92823 Parish Nimmitabel County Wellesley	Community	General Community Use/Public Recreation	
17	1378	46001	RESERVE	BIBBENLUKE OVAL	RESERVE TRUST	Bombala Shire Council Crown Reserves Reserve Trust	Public Recreation	Lots 7009-7011 DP 1028739 Parish Burnima County Wellesley	Community	General Community Use/ Public Recreation	
18	1414	469	RESERVE	BENT STREET RESERVE	RESERVE TRUST	Looma-Monaro Shire Council Crown Reserves Reserve Trust	Preservation Of Water Supply	Lot 469 DP 750535 Parish Cooma County Beresford	Operational	Preservation of Water Supply	This land should be classified Operational land to ensure the security of the town water supply
19	1420	471	RESERVE	LIONS PARK (CAMPBELL ST)	RESERVE TRUST	Looma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lots 7025-7026 DP 1023421 Parish Cooma County Beresford	Community	General Community Use	
20	1496	49820	RESERVE	BERRIDALE LIONS PARK	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Public Recreation; Water Supply	Lot 132 DP 729678 Parish Myack County Wallace	Community	General Community Use	
21	1801	51688	RESERVE	NIMMITABEL PARK	RESERVE TRUST	Looma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lots 7016-7017 DP 1055333 Parish Nimmitabel County Wellesley	Community	General Community Use	
22	1865	52350	RESERVE		RESERVE TRUST	Dalgety Rubbish Depot (R52350) Reserve Trust	Rubbish Depot	Lot 129 DP 756676 Parish Bobundara County Wallace	Operational	Rubbish Depot	Council operational facilities need to be classified appropriately
23	1875	52654	RESERVE		RESERVE TRUST	Old Adaminaby Sanitary Depot (R52654) Reserve Trust	Sanitary Depot	Lot 150 DP 756728 Parish Wallgrove County Wallace	Operational	Public Purposes	This is an unused sanitary depot. Council will need to consider its proposed future use.
24	1890	530002	DEDICATION	CENTENNIAL PARK	RESERVE TRUST	Looma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 701 DP 1023496 Parish Cooma County Beresford	Community	General Community Use	

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25	1891	530003	DEDICATION	COOMA SHOWGROUND	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Athletic Sports; Public Amusement; Public Recreation; Showground	Lots 37-38, 139 DP 750535 Parish Cooma County Beresford	Community	General Community Use/Showground
26	1894	530022	DEDICATION	NIMMITABEL SHOWGROUND	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Athletic Sports Ground; Showground	Lot 7023 DP 1055342, Lots 18-19 DP 1118024 Parish Nimmitabel County Wellesley	Community	General Community Use/Showground
27	1905	530035	DEDICATION	MOUNT GLADSTONE LOOKOUT	RESERVE TRUST	Mount Gladstone Recreation Reserve Trust	Public Recreation	Lot 182 DP 39639 Parish Jillimatong County Beresford	Community	General Community Use
28	1906	530039	DEDICATION	BILL JEFFERIES MEMORIAL PARK	RESERVE TRUST	Bombala Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 7022 DP 1057292 Parish Hayden County Wellesley	Community	General Community Use
29	1907	530040	DEDICATION	BOMBALA RACECOURSE	RESERVE TRUST	Bombala Racecourse And Recreation Ground Trust	Public Recreation; Racecourse	Lot 1 DP 884132 Parish Bombala County Wellesley	Community	General Community Use/Racecourse
30	1921	530101	DEDICATION	BREDBO HALL	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Hall	Lot 1 Section 2 DP 758158 Parish Bransby County Beresford	Community	General Community Use
31	1923	530106	DEDICATION	BOLARO STREET	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 360 DP 750535 Parish Cooma County Beresford	Community	General Community Use
32	2000	54817	RESERVE	NUMERALLA HALL	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Hall	Lots 1-2 Section 3 DP 758797 Parish Numeralla County Beresford	Community	General Community Use
33	2084	56109	RESERVE	PEAK VIEW MEMORIAL HALL	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 59 DP 750541 Parish Good Good County Beresford	Community	General Community Use
34	2191	57868	RESERVE	DELEGATE RUBBISH DEPOT	RESERVE TRUST	Bombala Shire Council Crown Reserves Reserve Trust	Rubbish Depot; Sanitary Purposes	Lot 306 DP 46282, Lot 289 DP 756837 Parish Hayden County Wellesley	Operational	Landfill
35	2547	62525	RESERVE		RESERVE TRUST	Bibbenluke Rubbish Depot (R62525) Reserve Trust	Rubbish Depot	Lot 161 DP 756822 Parish Burnima County Wellesley	Operational	Landfill
36	2561	62761	RESERVE	NIMMITABEL	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation; Resting Place	Lot 196 DP 756849 Parish Nimmitabel County Wellesley	Community	General Community Use

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37	2831	67833	RESERVE	BERRIDALE HALL/POOL/SPORTSGROUN D/BAANYA HALL	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Public Recreation	Lots 157-158 DP 727609, Lots 1-2 DP 1192048 Parish Coolamatong County Wallace, Lots 155, 159 DP 727609 Parish Myack County Wallace	Community	General Community Use	
38	2839	68053	RESERVE	NUMERALLA TENNIS COURTS	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 128 DP 750553, Lot 7010 DP 1026658, Lots 7012-7013 DP 1026660 Parish Numeralla County Beresford	Community	Public Recreation	
39	2895	69212	RESERVE	DALGETY MEMORIAL HALL	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Public Hall; Public Recreation	Lot 97 DP 756676 Parish Bobundara County Wallace	Community	General Community Use	
40	2993	70568	RESERVE	MICHELAGO SPORTSGROUND	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lots 6-13 DP 11158 Parish Monkellan County Murray	Community	General Community Use	
41	3224	7482	RESERVE	BREDBO SHOWGROUND	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 161 DP 750525 Parish Bransby County Beresford	Community	General Community Use	
42	3246	75476	RESERVE	OLD MILL	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 7019 DP 1057289 Parish Nimmitabel County Wellesley	Community	General Community Use	
43	3451	78543	RESERVE	BREDBO CENTENNIAL PARK	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 702 DP 94967 Parish Bransby County Beresford	Community	General Community Use	
44	3465	78626	RESERVE		RESERVE TRUST	Cooma Sanitary Purposes (R78626) Reserve Trust	Sanitary Purposes	Lot 7003 DP 1033078 Parish Cooma County Beresford	Operational	Public Purposes	The land is used for core Council business and should be classified appropriately as Operational land.
45	3535	79394	RESERVE	NUMERALLA OVAL	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 7016 DP 1026656, Lot 7014 DP 1026657 Parish Numeralla County Beresford, Lot 7015 DP 1122198 Parish Unknown County Unknown	Community	General Community Use	
46	3697	81535	RESERVE	KYBEYAN RECREATION RESERVE	RESERVE TRUST	Kybeyan Recreation Reserve Trust	Public Recreation	Lot 42 DP 750546 Parish Kybeyan County Beresford	Community	General Community Use	
47	3734	81880	RESERVE	MT GLADSTONE	RESERVE TRUST	Mount Gladstone Recreation Reserve Trust	Public Recreation	Lot 181 DP 39639, Lots 7004-7005 DP 1001505 Parish Jilimatong County Beresford	Community	General Community Use	
48	3789	82496	RESERVE	ANDO PARK	RESERVE TRUST	Bombala Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 1 DP 756862 Parish Wellsmore County Wellesley	Community	General Community Use	

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49	3810	82675	RESERVE		RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Plantation	Lots G, K, R DP 28078, Lot T DP 28080, Lot 295 DP 729877, Lot 293 DP 729878 Parish Bolaira County Wallace	Community	General Community Use	
50	3811	82678	RESERVE	ADAMINABY POOL & CHILDRENS PLAYGROUND	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Children'S Playground; Public Recreation	Lots 1-2 DP 1192026 Parish Bolaira County Wallace	Community	General Community Use/Public Recreation	
51	3850	82926	RESERVE	NIJONG RECREATION RESERVE	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 1 DP 163959, Lot 339 DP 750535 Parish Cooma County Beresford	Community	General Community Use/Public Recreation	
52	3903	83257	RESERVE	PART EXHIBITION GROUND. OLD CATTLE YARDS	RESERVE TRUST	Bombala Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 1 Section 31 DP 758129 Parish Bombala County Wellesley	Community	General Community Use	
53	3911	83379	RESERVE		RESERVE TRUST	Reserve Trust Delegate Rubbish Depot (R83379)	Rubbish Depot	Lot 303 DP 756837 Parish Hayden County Wellesley	Operational	Rubbish Depot	
54	3937	83545	RESERVE	ADAMINABY SHOWGROUND AND MUSEUM	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 294 DP 729879, Lot 155 DP 756677 Parish Bolaira County Wallace	Community	General Community Use/Public Recreation	
55	3941	83602	RESERVE	SELLAR ST PARK	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Children'S Playground	Lot 7305 DP 1142883 Parish Cooma County Beresford	Community	General Community Use	
56	3982	83824	RESERVE	COOMA CREEK (MURRAY/EGAN STS)	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 701 DP 1023416 Parish Cooma County Beresford	Community	General Community Use/Natural Area	
57	4062	84386	RESERVE		RESERVE TRUST	Bredbo Rubbish Depot (R84386)	Rubbish Depot	Lot 202 DP 750525 Parish Bransby County Beresford	Operational	Rubbish Depot	
58	4094	84628	RESERVE	SOUTHERN CLOUD MEMORIAL	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 2 Section 8A DP 758280 Parish Cooma County Beresford	Community	Area of Cultural Significance/Public Recreation	
59	4100	84661	RESERVE	PUNT HILL RD	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 7006 DP 1028564 Parish Maffra County Wellesley	Community	Public Recreation	
60	4108	84698	RESERVE	ROCK FLAT MINERALS	RESERVE TRUST	Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 49 DP 750537 Parish Dangelong County Beresford	Community	Public Recreation	

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61	4146	84967	RESERVE	MEMORIAL DRIVEWAY PARK		Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 318 DP 750535 Parish Cooma County Beresford	Community	Public Recreation	
62	4189	85199	RESERVE		RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 7001 DP 94307 Parish Numbla County Wallace	Community	Public Recreation	
63	4202	85279	RESERVE	ROTARY OVAL		Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lots 4-7 DP 36707, Lot 5 DP 38292, Lot 5 Section 25 DP 758280, Lot 7031 DP 1023417 Parish Cooma County Beresford	Community	General Community Use/Public Recreation	
64	4208	85336	RESERVE	OLD COOMA COMMON		Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Plantation	Lot 7037 DP 1023422, Lot 7316 DP 1139429 Parish Cooma County Beresford	Community	General Community Use	
65	4285	85745	RESERVE	BADJA RESERVE		Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lots 7004-7005 DP 96533, Lot 7006 DP 96534, Lot 69 DP 750564 Parish Undoo County Beresford	Community	Public Recreation	
66	4344	86051	RESERVE	CHAKOLA		Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 7001 DP 93938 Parish Woolumla County Beresford	Community	General Community Use/Public Recreation	
67	4419	86484	RESERVE		RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Camping; Public Recreation	Lot 28 DP 219584 Parish Clyde County Wallace	Operational	Caravanning & Camping	The caravan park is leased for the purpose of a business operation of caravan park and camping area. Access is limited to guests of the park and it is therefore not appropriate for the land to be classified as Community Land.
68	4438	86601	RESERVE	NANNY GOAT HILL		Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 1 Section 56 DP 758280 Parish Cooma County Beresford	Community	General Community Use	
69	4626	87410	RESERVE	PUMPING STATION RESERVE		Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Access; Drainage; Public Recreation	Lot 7301 DP 1133658 Parish Unknown County Unknown	Operational		This reserve is used primarily for operational purposes including a carpark to service the infrastructure and would be more appropriately classified as operational land..
70	4722	88071	RESERVE	DALGETY RESERVOIR		Snowy River Shire Council Crown Reserves Reserve Trust	Reservoir	Lot 1 DP 909011 Parish Bobundara County Wallace	Operational		Council's town water supply should be located on Operational land to ensure security of the supply
71	4845	88709	RESERVE	SNOWY OVAL		Cooma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 2 DP 547586 Parish Cooma County Beresford	Community	General Community Use	
72	5051	89438	RESERVE		RESERVE TRUST	Bombala Shire Council Crown Reserves Reserve Trust	Kindergarten	Lot 7 Section 8 DP 758346 Parish Hayden County Wellesley	Community	General Community Use	

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73	5110	89710	RESERVE	LIONS ISLAND	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 17 DP 242010 Parish Clyde County Wallace	Community	General Community Use	
74	5183	89998	RESERVE	NORTH RIDGE RESERVE	RESERVE TRUST	Cooma Flora And Fauna Trust	Public Recreation Promotion Of The Study And The Preservation Of Native Flora And Fauna	Lots 204-206 DP 750535, Lot 7339 DP 1165250 Parish Cooma County Beresford	Community	General Community Use/Natural Area	
75	5194	90236	RESERVE	JERANGLE TENNIS COURTS	RESERVE TRUST	Looma-Monaro Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 1 DP 541927 Parish Rowland County Beresford	Community	General Community Use	
76	5320	91048	RESERVE	JINDABYNE SPORTSGROUND	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 5 DP 238614, Lots 1-2 DP 261367 Parish Clyde County Wallace	Community	General Community Use	
77	5373	91277	RESERVE	PART BOMBALA RACECOURSE	RESERVE TRUST	Bombala Racecourse And Recreation Ground Trust	Public Recreation; Racecourse	Lot 7306 DP 1151936 Parish Bombala County Wellesley	Community	General Community Use	
78	5407	91402	RESERVE		RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Public Recreation	Lot 7001 DP 756679 Parish Buckenderra County Wallace	Community	General Community Use	
79	5501	92116	RESERVE	OLD CATHCART WASTE SITE	RESERVE TRUST	Bombala Shire Council Crown Reserves Reserve Trust	Rubbish Depot	Lot 400 DP 40131 Parish Cathcart County Wellesley	Operational		Rubbish Depot is core Council business and this facility should be classified as Operational land
80	5604	94741	RESERVE		RESERVE TRUST	Numeralla Rubbish Depot (R94741) Reserve Trust	Rubbish Depot	Lot 136 DP 42000 Parish Numeralla County Beresford	Operational		Rubbish Depot is core Council business and this facility should be classified as Operational land
81	5623	95503	RESERVE	ADAMINABY DOCTORS RESIDENCE	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Health Services	Lot 67 DP 28078 Parish Bolaira County Wallace	Community	General Community Use	
82	5638	95599	RESERVE		RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Public Recreation	Lots 1, 10-15 Section 18 DP 758008 Parish Seymour County Wallace	Community	General Community Use	
83	5909	97337	RESERVE	ROCKY PLAINS FIRE SHED	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Bush Fire Brigade Purposes	Lot 215 DP 729707 Parish Bullenbalong County Wallace	Community	General Community Use	
84	5931	97490	RESERVE		RESERVE TRUST	Bush Fire Brigade Purposes (R97490) Reserve Trust	Bush Fire Brigade Purposes	Lot 702 DP 1028740 Parish Burnima County Wellesley	Community	General Community Use	
85	6013	97830	RESERVE	DALGETY BUSH FIRE SHED	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Bush Fire Brigade Purposes	Lot 7005 DP 1057226 Parish Bobundara County Wallace	Community	General Community Use	

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86	6014	97831	RESERVE	SNOWY RIVER HOLIDAY PARK	RESERVE TRUST	Snowy River Shire Council Crown Reserves Reserve Trust	Caravan And Camping Park	Lot 97 DP 756676, Lot 7003 DP 1057226 Parish Bobundara County Wallace	Operational		The caravan park is leased for the purpose of a business operation of caravan park and camping area. Access is limited to guests of the park and it is therefore not appropriate for the land to be classified as Community Land.
87	6015	97836	RESERVE		RESERVE TRUST	Dalgety Public Recreation (R97836) Reserve Trust	Public Recreation	Lot 7004 DP 1057226 Parish Bobundara County Wallace	Community	General Community Use	
88	6405	1016848	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lots 158-159, 375-376 DP 750535 Parish Cooma County Beresford	Community	General Community Use	
89	6406	1016849	DEDICATION	ROMAN CATHOLIC CEMETERY	DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Cemetery	Lot 147 DP 750535 Parish Cooma County Beresford	Community	General Community Use	
90	6407	1016851	DEDICATION	GENERAL CEMETERY ADDITION	DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Cemetery Extensions	Lots 362-364 DP 750535 Parish Cooma County Beresford	Community	General Community Use	
91	6418	1017128	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lot 7300 DP 1135772, Lot 98 DP 1142474 Parish Tivy County Wellesley	Community	General Community Use	
92	6433	1017548	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lots 128-134 DP 756841 Parish Maffra County Wellesley	Community	General Community Use	
93	6442	1017849	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Cemetery	Lot 7303 DP 1142403, Lot 5 DP 1143418 Parish Numeralla County Beresford	Community	General Community Use	
94	6530	1020748	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lot 7003 DP 94969 Parish Bransby County Beresford	Community	General Community Use	
95	6584	1022948	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lots 1-2 DP 1125138, Lot 7300 DP 1145739 Parish Michelago County Beresford	Community	General Community Use	
96	6590	1023128	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lot 7300 DP 1149982 Parish Stannard County Beresford	Community	General Community Use	
97	6591	1023188	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lot 7300 DP 1146385 Parish Wangrah County Beresford	Community	General Community Use	
98	6621	1024248	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lot 6 DP 112069, Lots 304-305 DP 756837, Lots 7309, 7311-7312 DP 1147903 Parish Hayden County Wellesley	Community	General Community Use	
99	6622	1024268	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Addition; General Cemetery	Lot 7310 DP 1147903 Parish Hayden County Wellesley	Community	General Community Use	
100	6625	1024348	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lot 1 DP 1122655, Lots 1-2 DP 1124906, Lot 7304 DP 1147644 Parish Bombala County Wellesley	Community	General Community Use	

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101	6722	1028448	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lot 1 DP 724285, Lot 1 DP 724289, Lot 1 DP 724448, Lot 1 DP 724809, Lot 1 DP 1122075, Lots 1-3 DP 1122841, Lots 7300-7301 DP 1154450 Parish Gordon County Wallace	Community	General Community Use	
102	6787	1031168	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lot 1 DP 1145427, Lot 7300 DP 1160930 Parish Seymour County Wallace	Community	General Community Use	
103	6788	1031368	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lots 16-22 DP 756730 Parish Wilson County Wallace	Community	General Community Use	
104	6795	1031868	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lot 7029 DP 1053855, Lot 1 DP 1152444 Parish Nimmitabel County Wellesley	Community	General Community Use	
105	6808	1032968	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	General Cemetery	Lot 7341 DP 1168016 Parish Cooma County Beresford	Community	General Community Use	
106	6866	130021	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Rubbish Depot	Lot 7002 DP 1023884, Lot 7003 DP 1033078, Lot 7301 DP 1133948 Parish Cooma County Beresford Lot 7062 DP 1054066,	Operational		Rubbish Depot is core Council business and this facility should be classified as Operational land
107	6868	130060	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lots 7060-7061 DP 1055334 Parish Nimmitabel County Wellesley	Community	General Community Use	
108	6890	14600	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Cemetery Extensions; Plantation	Lot 7001 DP 1054195 Parish Nimmitabel County Wellesley	Community	General Community Use	
109	6901	15618	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 309 DP 722766 Parish Hayden County Wellesley	Community	General Community Use	
110	6902	15620	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 7018 DP 94182 Parish Hayden County Wellesley	Community	General Community Use	
111	6974	2062	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 171 DP 724514 Parish Gladstone County Beresford	Community	General Community Use	
112	6986	2208	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 170 DP 722765 Parish Burnima County Wellesley	Community	General Community Use	
113	6987	2210	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 1 DP 723774 Parish Burnima County Wellesley	Community	General Community Use	
114	7032	2903	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 7003 DP 1023413 Parish Bunyan County Beresford	Community	General Community Use	
115	7073	34431	RESERVE	R C CEMETARY	DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Preservation Of Graves	Lot 12 Section 24 DP 758776 Parish Nimmitabel County Wellesley	Community	General Community Use	

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116	7074	34432	RESERVE	C OF E CEMETARY	DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Preservation Of Graves	Lot 11 Section 24 DP 758776 Parish Nimmitabel County Wellesley	Community	General Community Use	
117	7117	41889	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Rubbish Depot	Lot 184 DP 750535 Parish Cooma County Beresford	Operational		Rubbish Depot is core Council business and this facility should be classified as Operational land
118	7168	45544	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Cemetery Extensions	Lot 7003 DP 1050404 Parish Gordon County Wallace	Community	General Community Use	
119	7175	466	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Preservation Of Water	Lot 7300 DP 1133271 Parish Cooma County Beresford	Community	General Community Use	
120	7180	470	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 7019 DP 1029433 Parish Cooma County Beresford	Community	General Community Use	
121	7186	47476	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 57 DP 750562 Parish Throsby County Beresford	Community	General Community Use	
122	7195	48064	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Cemetery Extensions	Lot 7008 DP 94131 Parish Bombala County Wellesley	Community	General Community Use	
123	7196	48146	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Preservation Of Graves	Lot 7014 DP 1026687 Parish Cathcart County Wellesley	Community	General Community Use	
124	7197	48148	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Preservation Of Graves	Lot 7013 DP 1026687 Parish Cathcart County Wellesley	Community	General Community Use	
125	7198	48150	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Preservation Of Graves	Lot 7012 DP 1026687 Parish Cathcart County Wellesley	Community	General Community Use	
126	7287	530074	DEDICATION		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	War Memorial	Lot 294 DP 756837 Parish Hayden County Wellesley	Community	War Memorial	
127	7337	56542	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Cemetery	Lot 7006 DP 1026678 Parish Burnima County Wellesley	Community	General Community Use	
128	7652	72722	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 148 DP 756819 Parish Bombala County Wellesley	Community	General Community Use	
129	7684	7479	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 1 Section 8 DP 758158 Parish Bransby County Beresford	Community	General Community Use	
130	7707	76778	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 141 DP 724558 Parish Kydra County Beresford	Community	General Community Use	
131	7724	7813	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Preservation Of Graves	Lot 7001 DP 1029630 Parish Milford County Beresford	Community	General Community Use	
132	7740	78965	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Night Soil Depot; Rubbish Depot	Lot 163 DP 756849, Lot 7004 DP 1057291 Parish Nimmitabel County Wellesley	Operational		Rubbish Depot is core Council business and this facility should be classified as Operational land

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133	7745	79026	RESERVE	H.M.JOSEPH RESERVE	DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 7021 DP 1028364 Parish Bombala County Wellesley	Community	General Community Use
134	7766	80551	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 7033 DP 1032167 Parish Cooma County Beresford	Community	General Community Use
135	7779	81106	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 258 DP 750535 Parish Cooma County Beresford	Community	General Community Use
136	7822	83562	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Cemetery Purposes	Lot 210 DP 729856, Lot 1 DP 729857 Parish Clyde County Wallace	Community	General Community Use
137	7860	84981	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Cemetery	Lots 284-286 DP 729866, Lots 1-2 DP 729867 Parish Bolaira County Wallace	Community	General Community Use
138	7862	85039	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Cemetery Purposes	Lot 7002 DP 94183 Parish Lawson County Wellesley	Community	General Community Use
139	7909	86475	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Resting Place	Lot 70 DP 727510 Parish Thredbo County Wallace	Community	General Community Use
140	7913	86818	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Resting Place	Lot 159 DP 750534 Parish Coolringdon County Beresford	Community	General Community Use
141	7920	87040	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Hall	Lot 6 Section 4 DP 758103 Parish Burnima County Wellesley	Community	General Community Use
142	7934	87267	RESERVE	ENDEAVOUR RESERVE	DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Preservation Of Fauna; Public Recreation	Lots 243, 358 DP 756819, Lot 7006 DP 1028733, Lot 7007 DP 1055335, Lot 7301 DP 1148084 Parish Bombala County Wellesley	Community	General Community Use/Natural Area
143	7960	87744	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Access; Public Recreation	Lots 7001-7002 DP 96158 Parish Cooper County Wellesley	Community	General Community Use
144	7991	87977	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 438 DP 750535 Parish Cooma County Beresford	Community	General Community Use
145	8029	88396	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation; Water Supply	Lot 188 DP 729384 Parish Abington County Wallace	Community	General Community Use
146	8040	88533	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation; Showground	Lot 1 DP 186900, Lot 1 DP 971373 Parish Hayden County Wellesley	Community	General Community Use
147	8190	89902	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 187 DP 28950 Parish Bolaira County Wallace	Community	General Community Use
148	8217	90489	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Access; Public Recreation	Lot 7001 DP 1030634 Parish Stannard County Beresford	Community	General Community Use

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149	8219	90664	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 7001 DP 93946 Parish Murroo County Wallace	Community	General Community Use
150	8223	90721	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 7003 DP 1032162, Lot 7002 DP 1069616, Lot 7004 DP 1074325, Lot 7003 DP 1074326, Lot 7302 DP 1149213 Parish Rowland County Beresford	Community	General Community Use
151	8249	90980	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Hall	Lot 4 Section 3 DP 758301 Parish Hayden County Wellesley	Community	General Community Use
152	8275	91410	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lots 209-211 DP 257432 Parish Townsend County Wallace	Community	General Community Use
153	8378	968	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 257 DP 750535 Parish Cooma County Beresford	Community	General Community Use
154	8379	969	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lots 255-256 DP 750535 Parish Cooma County Beresford	Community	General Community Use
155	8380	96951	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 2 DP 628143 Parish Corrowong County Wellesley	Community	General Community Use
156	8382	970	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lots 246-247 DP 750535, Lot 7337 DP 1157413 Parish Cooma County Beresford	Community	General Community Use
157	8407	9946	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Access To Water; Public Recreation; Water	Lot 7008 DP 96557 Parish Cathcart County Wellesley	Community	General Community Use
158	8408	9951	RESERVE		DEVOLVED TO COUNCIL	Snowy Monaro Regional Council	Public Recreation	Lot 328 DP 756826 Parish Cathcart County Wellesley	Community	General Community Use

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## 9.4.2 POPULATION DATA

Record No:

Responsible Officer:	Director Environment & Sustainability
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. Census data with .ID information
Cost Centre	
Project	
Further Operational Plan Actions:	

### EXECUTIVE SUMMARY

A number of different variations of the ABS Census data are often quoted in both internal and external documents that Council uses.

The Executive Leadership Team (GM and Directors) have endorsed the use of the official ABS 2016 census data as the preferred population data sets for use in our internal and external documents. Other data sets may be used, with appropriate references, as required.

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

#### OFFICER'S RECOMMENDATION

That Council receive and note the information in the report on Population Data.

### BACKGROUND

A number of different variations of the ABS Census data are often quoted in both internal and external documents that Council uses. It is recommended that a standard data set be used in Council's internal and external documents.

For example, in some commentaries, the population of some centres has been quoted as "*X% per annum*", whereas the growth refers to the change in population between the 2016 and 2011 censuses – i.e. the growth has been over a 5 year period.

In other examples, population comparisons have been made but using different ABS Census collection code data.

Some comparisons have also used the 'enumerated' population figure (being the count of people in a locality on census night) rather than the 'usual resident population' figure (being the place of usual residence on census night).

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The 'enumerated' figure can show significant differences to the 'usual' figure, for example, in localities which are popular holiday areas.

The official ABS data from the 2011 and 2016 Censuses can be accessed from the ABS website at the following link:

<https://www.abs.gov.au/websitedbs/D3310114.nsf/home/census>

In the 'Quick Stats' section, various towns and localities can be searched for, with the corresponding ABS data set retrieved as either:

Urban Centre and Locality (UCL)

Statistical Area Level 2 (SA2)

State Suburb Code (SSC)

The ABS website provides the following commentary (extracts shown in *italics*) about these statistical area descriptions, with links to additional information:

***State Suburbs (SSC):*** *A good starting point for understanding your local suburb or rural locality. State Suburbs are an approximation of the officially recognised boundaries of suburbs (in cities and larger towns) and localities (outside of cities and larger towns). In rural areas these provide data on very small geographic areas but this can mean that only basic data is available.*

[http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1270.0.55.003~July%202016~Main%20Features~State%20Suburbs%20\(SSC\)~9](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1270.0.55.003~July%202016~Main%20Features~State%20Suburbs%20(SSC)~9)

***Statistical Area Level 2 (SA2):*** *These areas represent suburbs within cities or catchments of rural towns. Their purpose is to represent a community that interacts together socially and economically.*

[http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1270.0.55.001~July%202016~Main%20Features~Statistical%20Area%20Level%20%20\(SA2\)~10014](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1270.0.55.001~July%202016~Main%20Features~Statistical%20Area%20Level%20%20(SA2)~10014)

***Urban Centres and Localities (UCLs) and Significant Urban Areas (SUAs):*** *These areas represent individual urban areas (cities and towns) as well as rural areas within each state.*

<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1270.0.55.004~July%202016~Main%20Features~Different%20Definitions%20of%20Urban~6>

It should be carefully noted that there may be more than one dataset for a locality, for example, Cooma is provided with data for each of the 3 descriptions above, and it is important to correlate the data to the corresponding map which shows the geographical area that the data relates to.

Another source of data is through the .ID ('Dot ID') link provided on Council's webpage:

<https://profile.id.com.au/snowy-monaro/population>

A quick comparison between the ABS Census data site and the .ID information reveals that there are different figures available for essentially the same locality area. This is where caution needs to be exercised, as some of the .ID data relies on projections, whereas the official census information relates to the census count and verified residential address information, as at the census date.

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.ID draws its information from the ABS, but uses different formulas and projection assumptions to arrive at population estimates.

It should be noted that the .ID information does not cover all of the generally identified locality areas as distinct population centres.

It is also important to ensure that when making population comparisons between different locations, that the same data set criteria is used, for example, using one centre's data based on the SA2 criteria but comparing to another location as a UCL might not provide a 'like for like' comparison.

The attached tables, and corresponding census collection area maps illustrate some of the differences.

It should be noted that not all localities/areas have directly comparable data. For example, the geographical areas for some of the census code locations changed between the 2011 and 2016 censuses, so direct comparisons are not available.

It is recommended that when using population data, that the specific data set be referenced, and identified as either the UCL, SSC, or SA2 code for ABS Census data, or if using the .ID information, that the '*Usual Resident Population*' figure be used.

Where projected population figures are used, it should be referenced as "*The 2017 estimated resident population for (town or area) subject to verification at the next Census*". The corresponding maps (as shown in the attachment) could also be used to provide context.

It is important to ensure that Council reports, papers, strategies, submissions, grant applications, commentaries and the like are consistent in the way that population data is presented and referenced.

It is understood that the Go Jindabyne project will include an analysis of demographic data, which will also be useful for Council purposes.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

Nil adverse social outcomes

### **2. Environmental**

Nil adverse environmental outcomes

### **3. Economic**

Nil economic impact

### **4. Civic Leadership**

It is important from a Civic Leadership perspective to use census data in a consistent and accurate manner

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Census data – from Australian Bureau of Statistics

<https://www.abs.gov.au/websitedbs/D3310114.nsf/home/census>

Search from 'Quick Stats', comparisons between 2016 and 2011 Census data.

Census Results for centres/areas – Place of Usual residence on Census night

Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Adaminaby (UCL)	210	226	-16	-7.0	Adaminaby town area only
Berridale (UCL)	957	912	+45	+4.9	Berridale town area
Bombala (UCL)	1197	1211	-14	-1.2	Bombala town area
Bombala (SA2)	2390	2419	-29	-1.2	Majority of former Bombala Council area
Delegate (UCL)	277	269	+8	+2.9	Delegate town area
Cooma (UCL)	6379	6301	+78	+1.24	Cooma town area excluding Yallakool Rd area
Cooma (SSC)	6681	6664	+17	+.25	Cooma town area including Yallakool Rd
Cooma (SA2)	6742	6674	+68	+1.02	Cooma town area, including Yallakool and Mittagang Rd to Cooma Creek
Cooma Region (SA2)	3280	3176	+104	+3.27	Majority of former CMSC without Cooma town area, excl. Michelago/ Smiths Rd
Jindabyne – Berridale (SA2)	6951	6663	+288	+4.32	Berridale to Jindabyne and south following approx. SRSC boundary to Victoria
Jindabyne (UCL)	1771	1727	+44	+2.55	Jindabyne town area only – but excludes some of the newer streets in highview
Jindabyne (SSC)	2629	2441	+188	+7.7	Jindabyne town area and area west of Lake, and South west of Snowy River towards Vic border, but excluding East Jindabyne,
East Jindabyne (SSC)	697	551	+146	+26.5	Includes East Jindabyne and an a large area south-east of Kosciuszko Rd
Canberra Corridor	1606	1481	+125	+8.4	Taken from .ID

NOTES: statistical areas are defined by ABS and maps show the general catchment area on the website when searches are made. Not all centres have the same census codes.

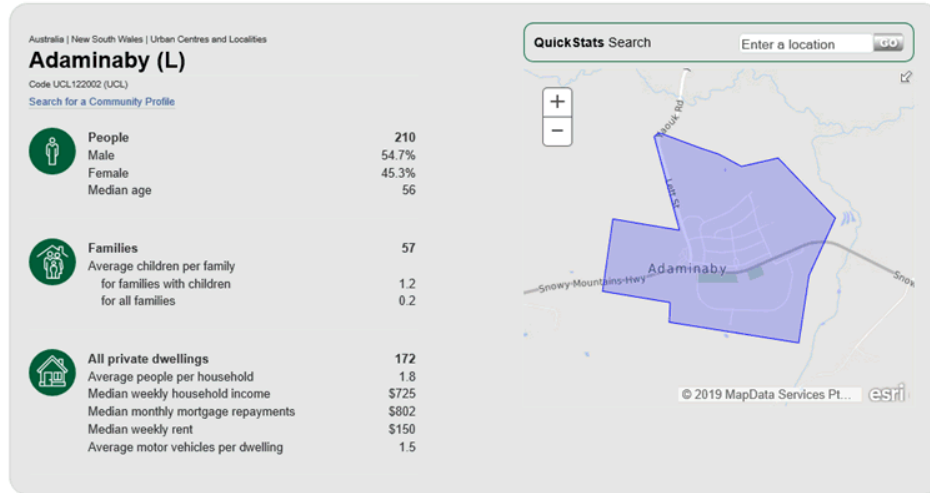
UCL = Urban Centres and Localities

SA2 = Statistical Area Level 2

SSC = State Suburb Code

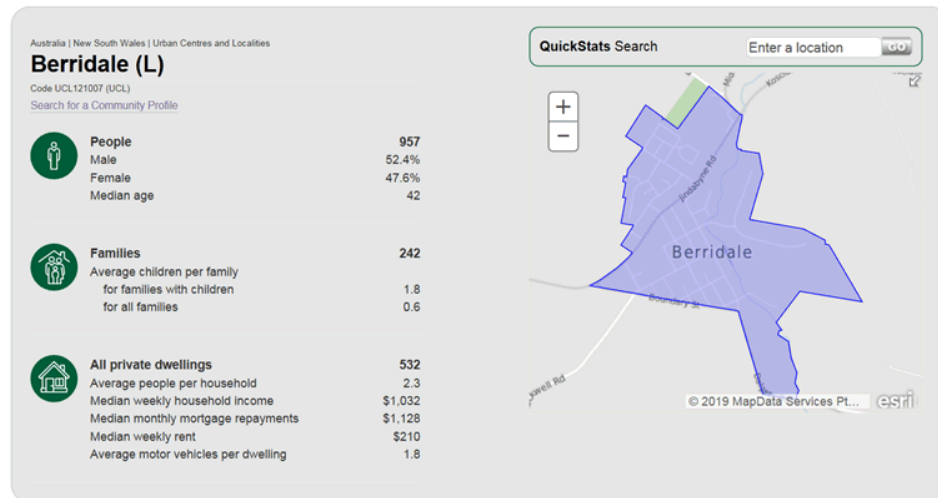
Examples of the variations in census collection code areas and descriptors are below

**2016 Census QuickStats**



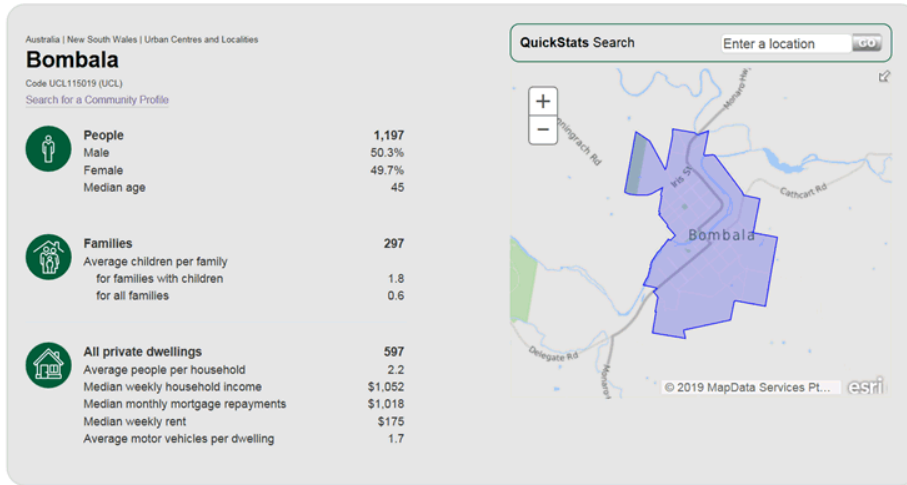
Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Adaminaby (UCL)	210	226	-16	-7.0	Adaminaby town area

**2016 Census QuickStats**



Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Berridale (UCL)	957	912	+45	+4.9	Berridale town area

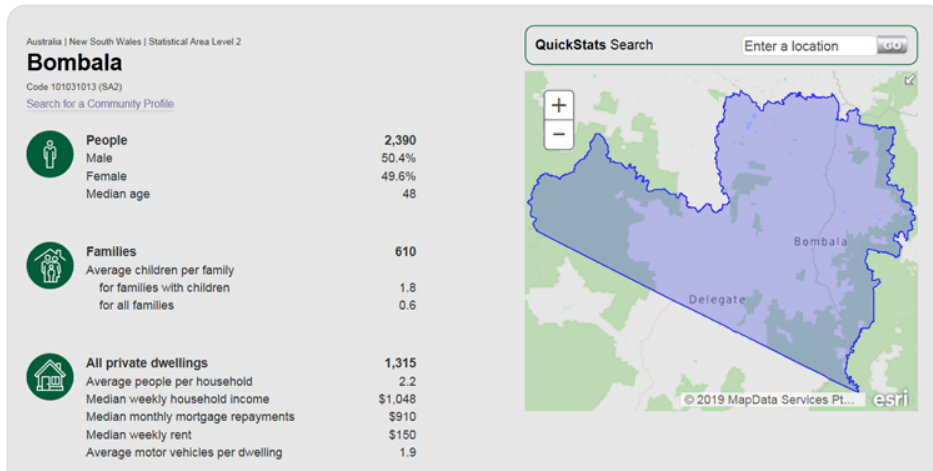
2016 Census QuickStats



Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Bombala (UCL)	1197	1211	-14	-1.2	Bombala town area

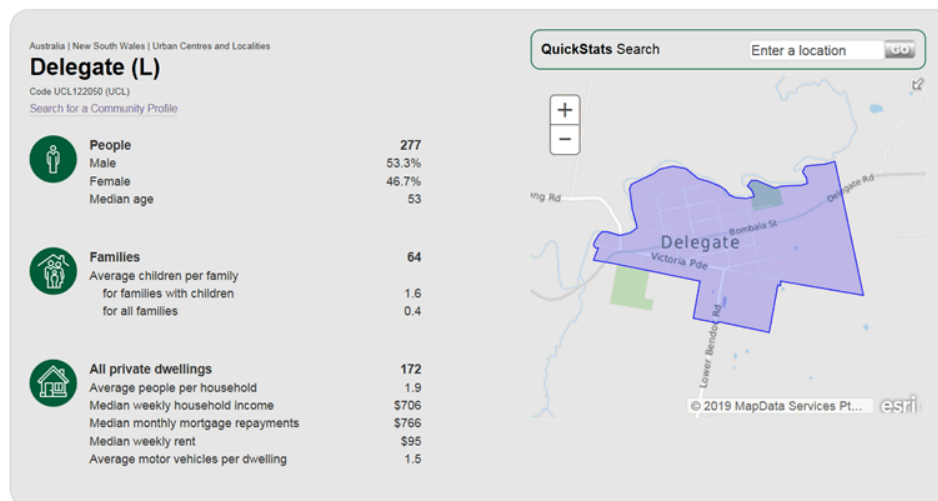
[ABS Home](#) > [Census](#) > [Quickstats](#)

2016 Census QuickStats



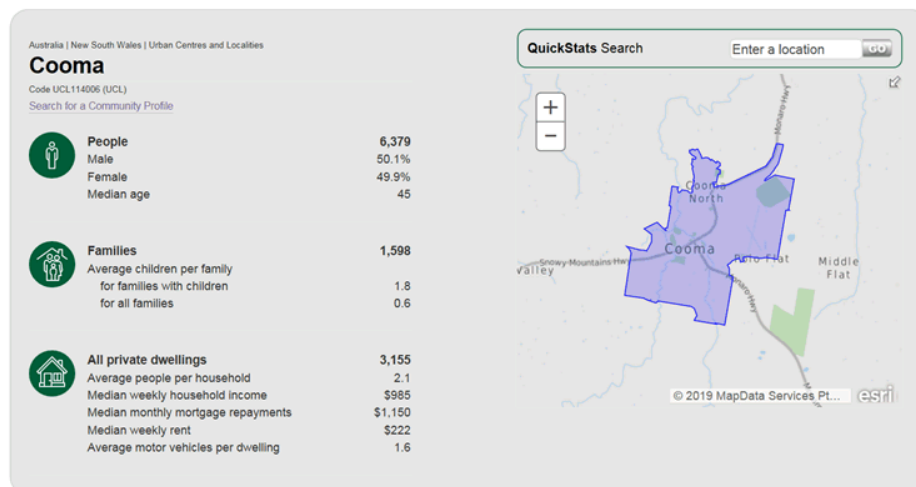
Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Bombala (SA2)	2390	2419	-29	-1.2	Majority of former Bombala Council area

2016 Census QuickStats



Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Delegate (UCL)	277	269	+8	+2.9	Delegate town area

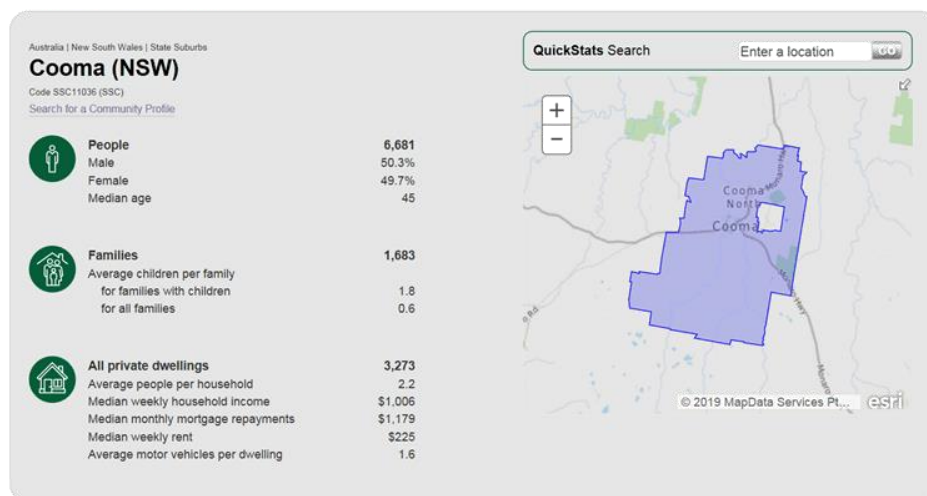
2016 Census QuickStats



Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Cooma (UCL)	6379	6301	+78	+1.24	Cooma town area excluding Yallakool Rd and Mittagang Rd North of Yallakool Rd

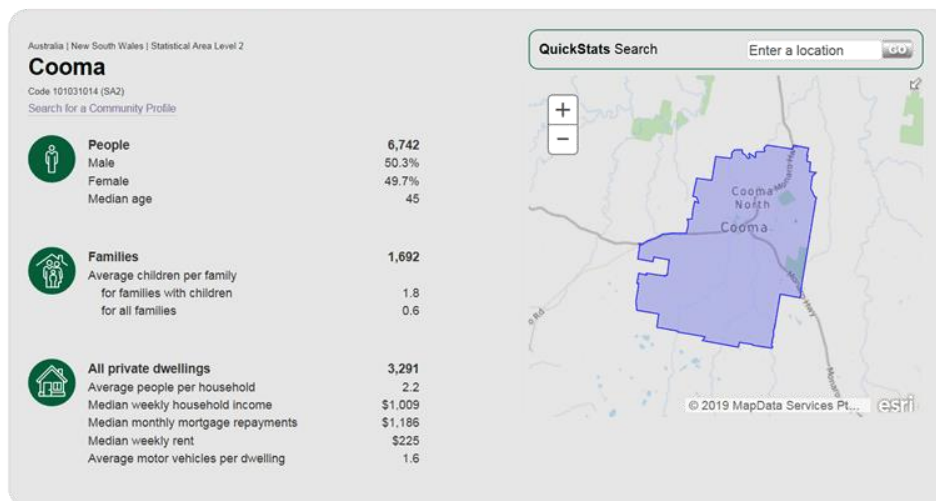


### 2016 Census QuickStats



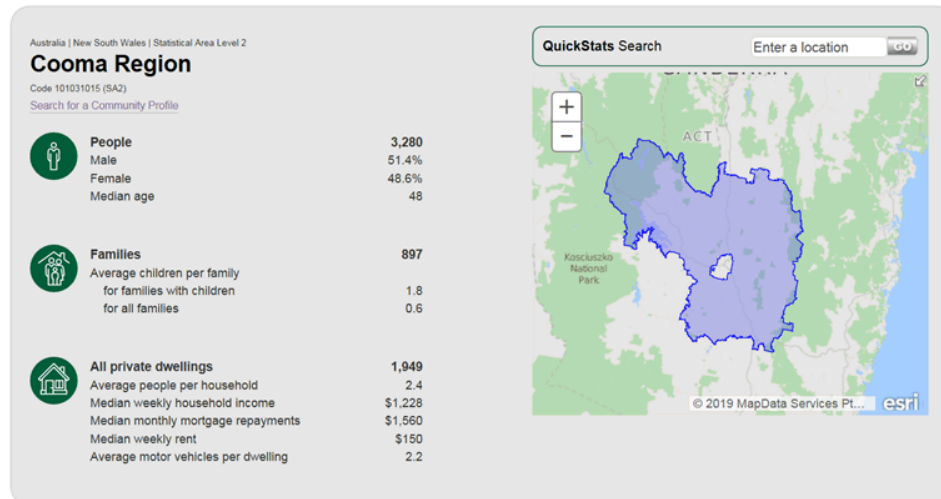
Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Cooma (SSC)	6681	6664	+17	+.25	Cooma town area including Yallakool Rd, excluding Polo Flat

### 2016 Census QuickStats



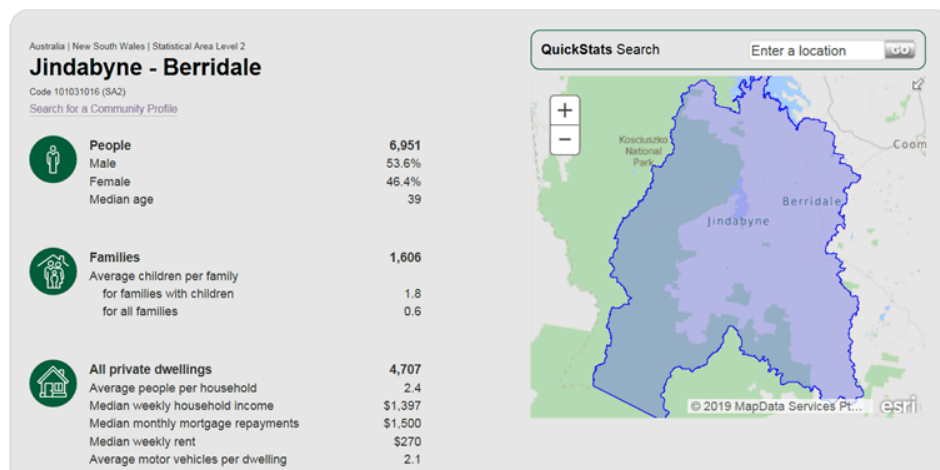
Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Cooma (SA2)	6742	6674	+68	+1.02	Cooma town area, Yallakool and Mittagang Rd to Cooma Creek, Polo Flat, and an area near Cooma Steel

### 2016 Census QuickStats



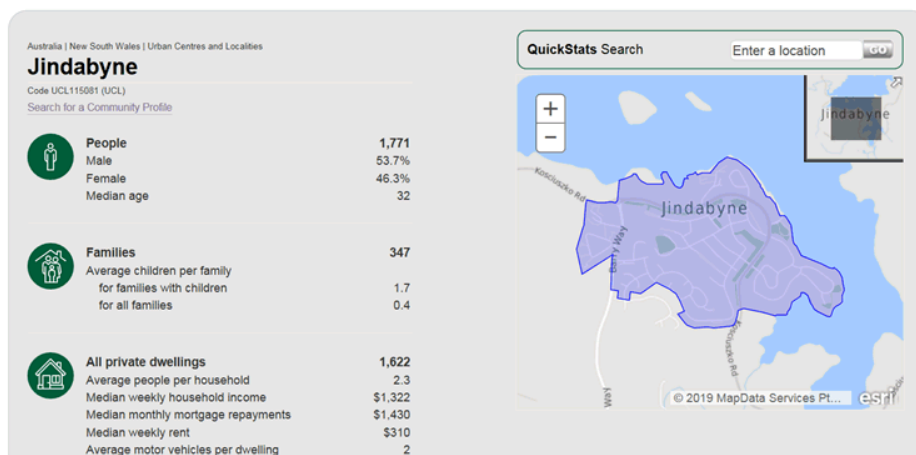
Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Cooma Region (SA2)	3280	3176	+104	+3.27	Majority of former CMSC without Cooma town area, excl. Michelago/Smiths Rd

### 2016 Census QuickStats



Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Jindabyne – Berridale (SA2)	6951	6663	+288	+4.32	Berridale to Jindabyne and south following approx. SRSC boundary to Victoria

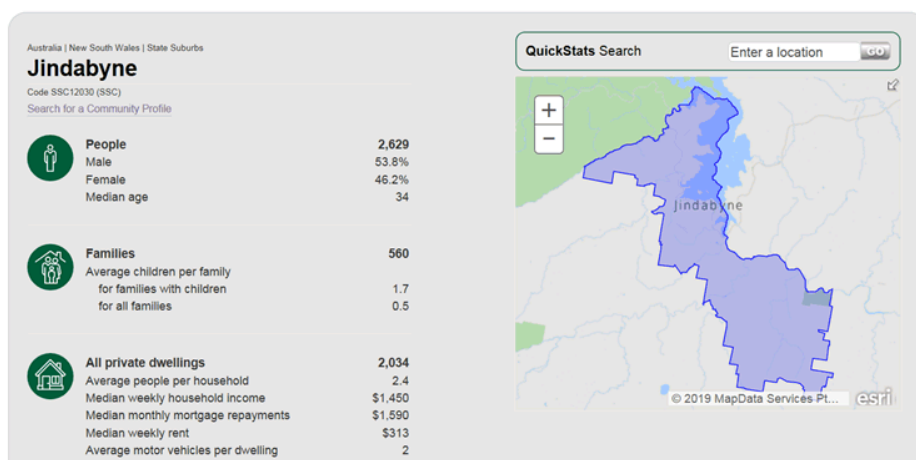
### 2016 Census QuickStats



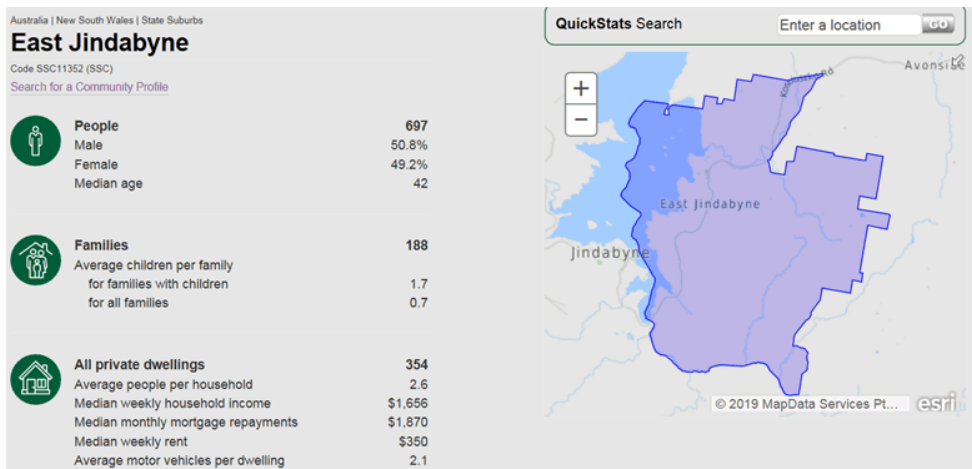
Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Jindabyne (UCL)	1771	1727	+44	+2.55	Jindabyne town area only – but excludes some of the newer streets in Highview

[ABS Home](#) > [Census](#) > [Quickstats](#)

### 2016 Census QuickStats



Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Jindabyne (SSC)	2629	2441	+188	+7.7	Jindabyne town area and area west of Lake, and South west of Snowy River towards Vic border, but excluding East Jindabyne



Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
East Jindabyne (SSC)	697	551	+146	+26.5	Includes East Jindabyne and an a large area south-east of the highway

NOTE: The geographical State Suburb Code (SSC) census areas for Berridale and Adaminaby changed between the 2011 and 2016 censuses, therefore direct comparisons could not be made.

**Information from '.ID'**

The following Data is taken from ".ID" - available on SMRC website at:

<https://www.snowymonaro.nsw.gov.au/918/Community-and-Economic-Profile>

Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Berridale-Avonside	1455	1367	+88	+6.4%	Taken from .ID (Usual Resident Population)
Bombala	1308	1321	-13	-1%	Taken from .ID (Usual Resident Population)
Canberra Corridor	1606	1481	+125	+8.4	Taken from .ID (Usual Resident Population)
Cooma	7374	7207	167	+2.3%	Taken from .ID (Usual Resident Population)
Cooma Urban Area	6389	6300	+89	+1.4%	Taken from .ID (Usual Resident Population)
Jindabyne	4094	3804	+290	+7.6%	Taken from .ID (Usual Resident Population)

Note: "Usual Resident Population" means the usual place of residence on Census night.

.ID also provides "Estimated Resident Population" figures, provided for years between official Census counts, with the following qualification:

***"The ERP is not an official count but an experimental estimate which is subject to review after the next Census."***

The .ID 'Estimated Resident Population' figures (2017) are provided for some areas below, with the corresponding ABS Census figures (2016) for 'Usual Resident Population' shown in the table below the map.

## Berridale - Avonside

### About the profile areas

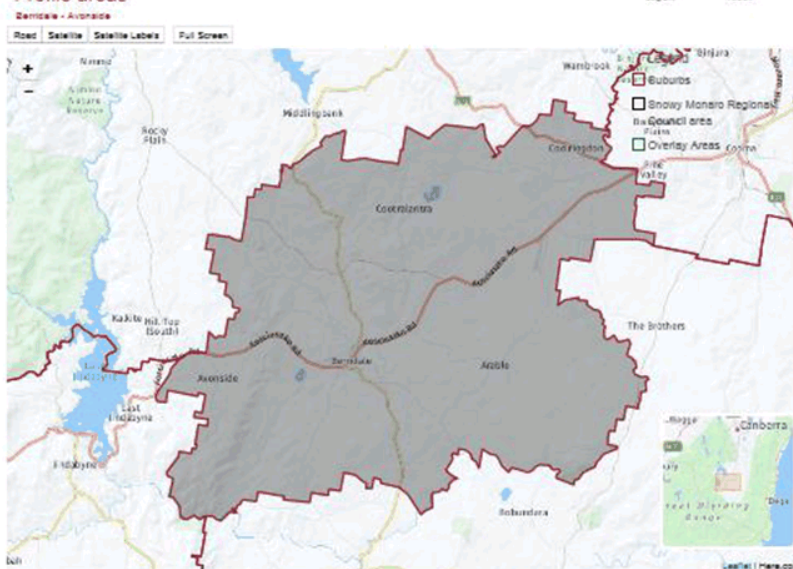
The 2017 Estimated Resident Population for Berridale - Avonside is 1,473, with a population density of 0.02 persons per hectare.

### Location and boundaries

Berridale - Avonside is bounded by the localities of Middlingbank and Wambook in the north, Slacks Creek, the Snowy Mountains Highway and the localities of Pine Valley, Cooma and The Brothers in the east, the localities of Bobundara and Dalgety and the Snowy River in the south, and the locality of East Jindabyne, Geikie Creek Road, Kosciuszko Road and the localities of Hill Top and Rocky Plain in the west.

Important Statistics	Population	Land area	Population density
	<b>1,473</b>	<b>68,071</b>	<b>0.02</b>
	2017 ABS GRP	ha (851 Km <sup>2</sup> )	persons per hectare

### Profile areas



Compiled and presented in profile.id by .id, the population experts.

### Included areas

This area encompasses the localities of Arable, Avonside, Berridale, Coolingdon and Coolralantra.

Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Berridale-Avonside	1455	1367	+88	+6.4%	Taken from .ID (Usual Resident Population)

## Bombala

### About the profile areas

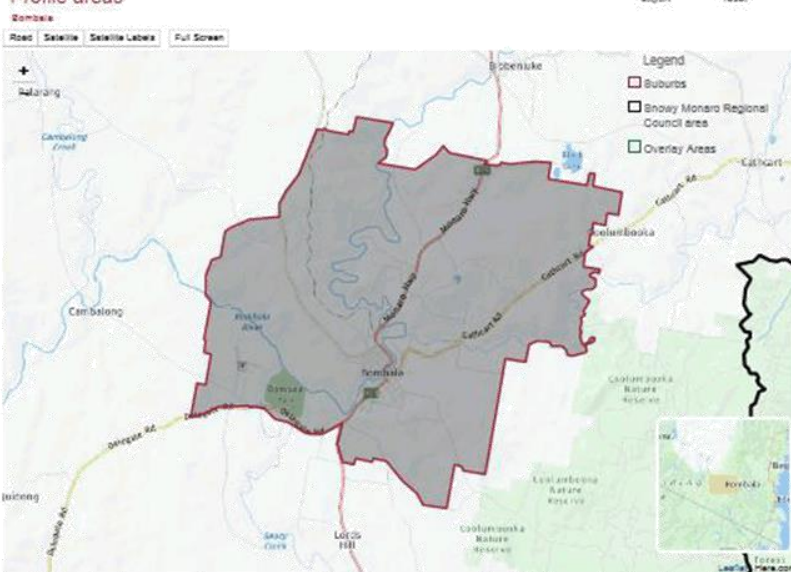
The 2017 Estimated Resident Population for Bombala is 1,318, with a population density of 0.11 persons per hectare.

### Location and boundaries

Bombala is bounded by the localities of Bukalong and Bibbenluka in the north, the locality of Coolumbooka in the east, the locality of Rosemeath, the Monaro Highway and the locality of Lords Hill in the south, and the localities of Cambalong and Palarang and Gunningrah Road in the west.

Important Statistics	Population	Land area	Population density
	<b>1,318</b>	<b>11,983</b>	<b>0.11</b>
	2017 ABS ERP	ha (120 km <sup>2</sup> )	persons per hectare

### Profile areas



Compiled and presented in profile.id by .id, the population experts.

Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Bombala	1308	1321	-13	-1%	Taken from .ID (Usual Resident Population)

## Canberra Corridor

### About the profile areas

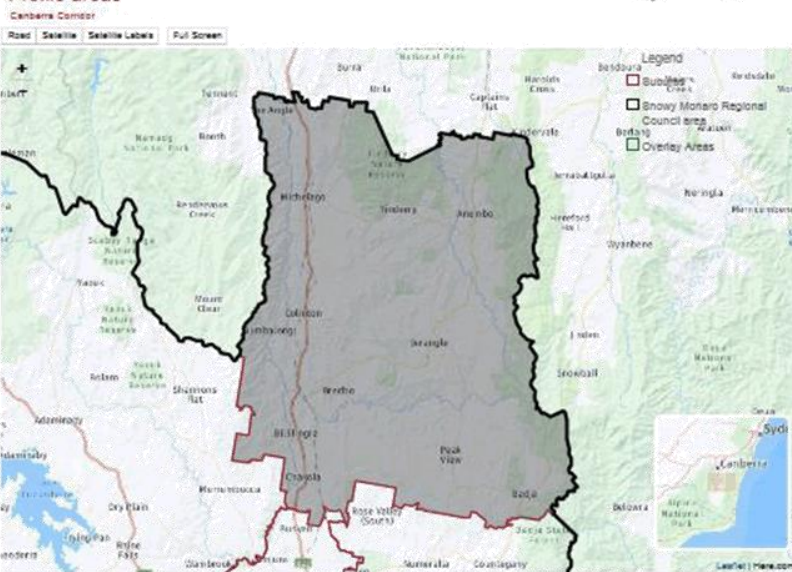
The 2017 Estimated Resident Population for Canberra Corridor is 1,678, with a population density of 0.01 persons per hectare.

### Location and boundaries

Canberra Corridor is bounded by the Queanbeyan-Palerang Regional Council area in the north and north-east, Eurobodalla Shire in the south-east, the localities of Countegany, Numeralla, Rose Valley and Buryan in the south, and the localities of Murrumbucca and Shannons Flat and the Australian Capital Territory in the west.

Important Statistics	Population	Land area	Population density
	1,678	216,117	0.01
	2017 ABS ERP	ha (2,161 Km <sup>2</sup> )	persons per hectare

### Profile areas



Compiled and presented in profile.id by .id, the population experts.

### Included areas

Canberra Corridor encompasses the localities of Anembo, Badja, Billilngra, Bredbo, Bumbalong, Chakola, Clear Range, Colinton, Jerangle, Jingera, Michelago, Peak View and The Angle, and the Snowy Monaro Regional Council area parts of the localities of Burra, Tinderry and Williamsdale.

Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Canberra Corridor	1606	1481	+125	+8.4	Taken from .ID (Usual Resident Population)



## Cooma

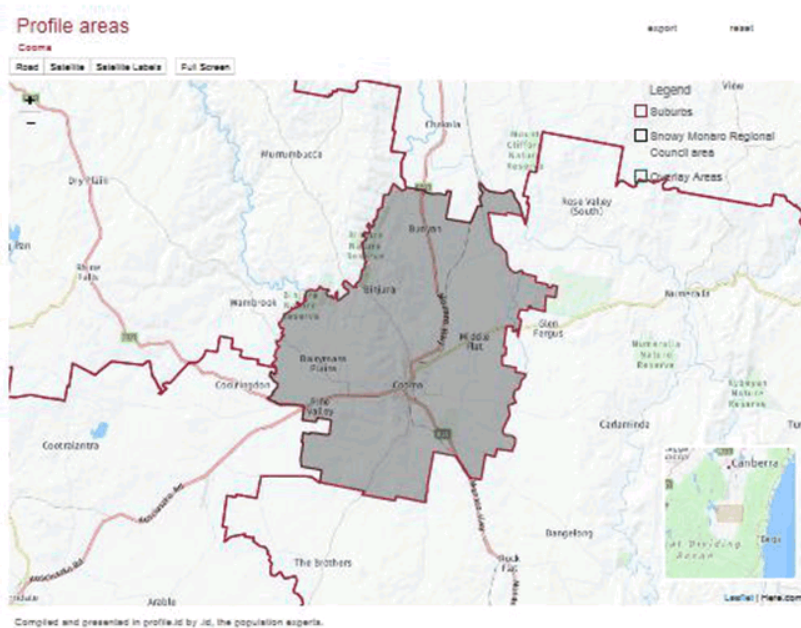
### About the profile areas

The 2017 Estimated Resident Population for Cooma is 7,494, with a population density of 0.27 persons per hectare.

### Location and boundaries

Cooma is bounded by the Murrumbidgee River, the locality of Chakola and the Numeralla River in the north, Cottage Hill Road, Rock Flat Creek, the localities of Rose Valley and Glen Fergus, Rock Flat Creek and the locality of Dangelong in the east, the localities of Rock Flat and The Brothers in the south, and the locality of Coolringdon, the Snowy Mountains Highway and Slacks Creek in the west.

Important Statistics	Population	Land area	Population density
	<b>7,494</b>	<b>27,349</b>	<b>0.27</b>
	2017 ABS GRP	ha (273 Km <sup>2</sup> )	persons per hectare



### Included areas

This area encompasses the localities of Binjura, Bunyan, Cooma, Dairyman's Plains, Middle Flat, Pine Valley and Polo Flat.

Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Cooma	7374	7207	167	+2.3%	Taken from .ID (Usual Resident Population)

## Cooma Urban Area

### About the profile areas

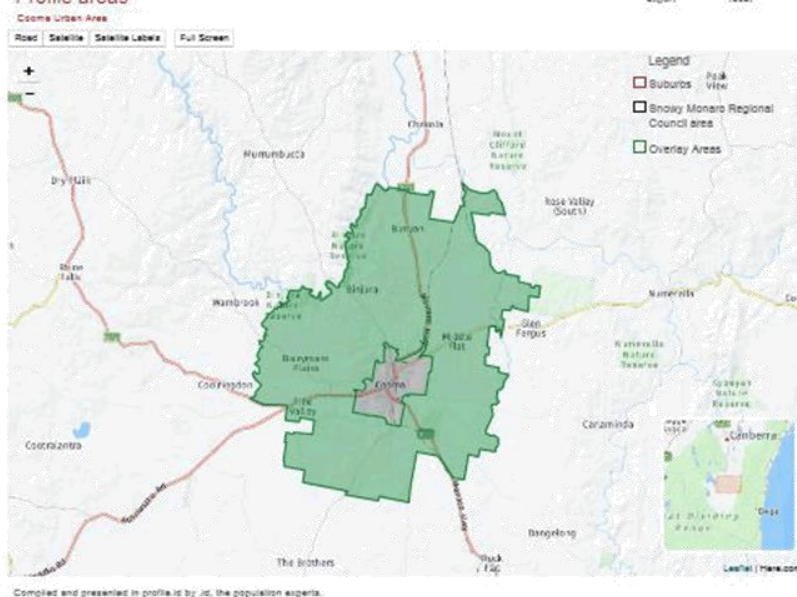
The 2017 Estimated Resident Population for Cooma Urban Area is 6,489, with a population density of 3.69 persons per hectare.

### Location and boundaries

Cooma Urban Area is bounded by the Monaro Highway and Numeralla Road in the north, the non-urban part of the locality of Polo Flat, Carlaminda Road and the Monaro Highway in the east, and the non-urban parts of the locality of Cooma in the south and west.

Important Statistics	Population	Land area	Population density
	<b>6,489</b>	<b>1,757</b>	<b>3.69</b>
	2017 ABS ERP	ha (10 km <sup>2</sup> )	persons per hectare

### Profile areas



### Included areas

Cooma Urban Area encompasses the urban parts of the localities of Cooma and Polo Flat.

Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Cooma Urban Area	6389	6300	+89	+1.4%	Taken from .ID (Usual Resident Population)

## Jindabyne

### About the profile areas

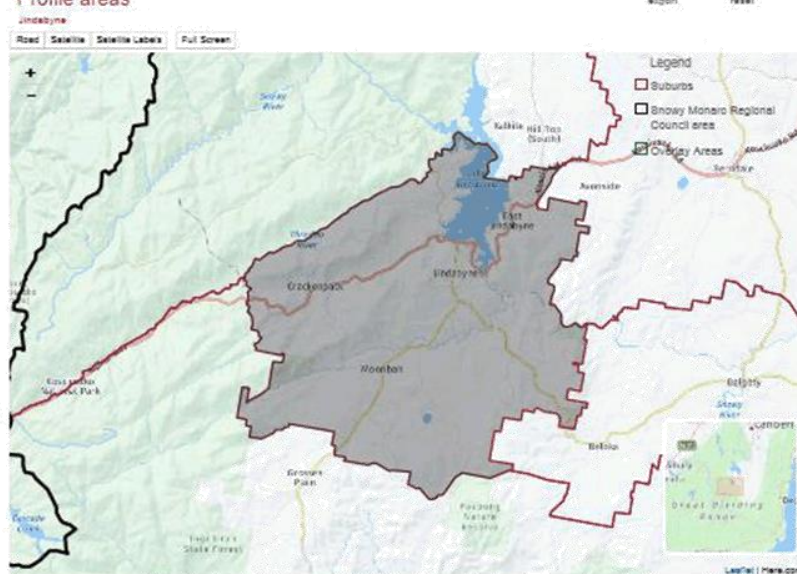
The 2017 Estimated Resident Population for Jindabyne is 4,206, with a population density of 0.10 persons per hectare.

### Location and boundaries

Jindabyne is bounded by the localities of Kosciuszko National Park, Kalkite and Hill Top in the north, Geikie Creek Road, the locality of Avonside, the Snowy River and the localities of Dalgety and Beloka in the east, the localities of Paupong, Ingebirah and Grosses Plain in the south, and Kosciuszko National Park and the Thredbo River in the west.

Important Statistics	Population	Land area	Population density
	4,206	40,152	0.10
	2017 ABS ERP	ha (402 km <sup>2</sup> )	persons per hectare

### Profile areas



Compiled and presented in profile by .id, the population experts.

### Included areas

This area encompasses the localities of Crackenback, East Jindabyne, Jindabyne and Moonbah.

Centre/area	Census 2016	Census 2011	Change	% change 2016 v 2011	Comments
Jindabyne	4094	3804	+290	+7.6%	Taken from .ID (Usual Resident Population)

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### 9.4.3 MODEL CODE OF CONDUCT

Record No:

Responsible Officer:	Group Manager Governance
Author:	Governance Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. 250.2016.1.3 Policy Code of Conduct - 2019 for Adoption
Cost Centre	3120

#### EXECUTIVE SUMMARY

Following the release of the revised Model Code of Conduct and Administration Procedures for the Model Code of Conduct, a workshop was held with Councillors on 24 January 2019, to explain the key changes.

At the 21 February Council Meeting, Council resolved to place document 250.2016.1.3 Policy Code of Conduct - 2019 Draft Revision out for community consultation. During the consultation period no submissions were received.

The Policy is now being submitted to Council for adoption.

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

#### OFFICER'S RECOMMENDATION

That Council:

- A. Receive and note this report;
- B. Note that no submissions were made during the public exhibition period; and
- C. Adopt 250.2016.1.3 Policy Code of Conduct

#### BACKGROUND

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

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

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

The Snowy Monaro Regional Council (SMRC) Code of Conduct will include the addition of a supplementary clause for Social Media (clause 8.21).

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

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

### **Related Policies and Procedures**

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

Following the revision of the Policy Code of Conduct, associated policies are currently being reviewed and updated and will be provided to Council in the coming months, prior to public exhibition this will include:

- Payment of Expenses and Provision of Facilities for Mayor and Councillors
- Communications – Media
- Gifts and Benefits
- Councillor and Staff Interaction Policy
- Credit Card Policy
- Public Interest Disclosures (PID) Internal Reporting

Once adopted training will be undertaken with staff and Councillors on the amendments to 250.2016.1.3 Policy Code of Conduct.

### **QUADRUPLE BOTTOM LINE REPORTING**

#### **1. Social**

The standards of the Code of Conduct apply to all Council Officials and Staff, as well as representatives on Council Committees. In addition there are standards prescribed in the Code regarding community member behaviour in Council forums.

#### **2. Environmental**

Principles of sustainability are always considered when providing advice and information to Council and direction and support to business units.

#### **3. Economic**

There is no economic implications on adopting the amendments to this policy.

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

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
  - enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
  - act in a way that enhances public confidence in local government.
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# Policy

<b>Title of Policy</b>	<b>SMRC Code of Conduct</b>		
<b>Responsible Department</b>	Corporate Governance	<b>Document Register ID</b>	250.2016.1.3
<b>Policy Owner</b>	Governance	<b>Review Date</b>	
<b>Date of Council Meeting</b>	21 February 2019	<b>Resolution Number</b>	16/16
<b>Legislation, Australian Standards, Code of Practice</b>	<p>Local Government Act 1993</p> <p>Local Government (General) Regulation 2005</p> <p>Children and Young Persons (Care and Protection) Act 1998</p> <p>Crimes Act 1900</p> <p>Election Funding Act 2018</p> <p>Environmental Planning and Assessment Act 1979</p> <p>Government Information (Public Access) Act 2009</p> <p>Health Records and Information Privacy Act 2002</p> <p>Independent Commission Against Corruption Act 1988</p> <p>NSW Anti-Discrimination Act 1977</p> <p>Ombudsman Act 1976</p> <p>Privacy and Personal Information Protection Act 1998</p> <p>Public Interest Disclosures Act 1994</p> <p>The Ombudsman Amendment (Child Protection and Community Services) Act 1998</p> <p>Work Health and Safety Act 2011</p> <p>Disability Discrimination Act 1992</p> <p>Human Rights and Equal Opportunity Commission Act 1986</p> <p>Racial Discrimination Act 1975</p> <p>Sex Discrimination Act 1984</p> <p>State Records Act 1998</p> <p>Health Privacy Principles</p> <p>Information Protection Principles</p>		
<b>Aim</b>	Snowy Monaro Regional Council endorses the Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW Issued by Premier & Cabinet, Division of Local Government, December 2018.		

## **1 Policy Details**

### **1.1 Introduction**

Snowy Monaro Regional Council has a commitment to providing all staff with a common understanding of the professional standards of behaviour required in our work within Council for the Community and as such has also produced guidelines which must be read in conjunction with the Model Code of Conduct.

### **1.2 The Model Code of Conduct**

The *Model Code of Conduct* sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

### **1.3 SMRC Code of Conduct**

The Snowy Monaro Regional Council Code of Conduct includes all clauses from the Model Code of Conduct with the addition of a supplementary clause on Social Media Clause 8.21.

### **1.4 Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW**

Sections 440 and 440AA of the Act require every council to adopt a code of conduct and procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and *Model Code Procedures* respectively.

In adopting procedures for the administration of their adopted codes conduct, councils may supplement the Model Code Procedures. However provisions of a council's adopted procedures that are not consistent those prescribed under the Model Code Procedures will have no effect.

### **1.5 Conduct Reviewer and Conduct Review Panel**

The New Model Code of Conduct allow councils to centralise the management of code of conduct complaints through a joint organisation, a regional organisation of councils or another shared arrangement should they choose to do so.

SMRC will seek to use the Canberra Region Joint Organisation (CRJO) reviewer panel in the management of Code of Conduct Complaints.



## **1.6 Complaints Coordinator**

In accordance with the Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, the Complaints Coordinator shall be Council's Public Officer.

### **Documentation**

#### **Model Documents**

The Model Code of Conduct for Local Councils in NSW 2018

Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW 2018

#### **Supporting Documents**

Model Privacy Management Plan for Local Government

#### **Policies and Procedures**

250.2016.2.1 - Policy - Payment of Expenses and Provision of Facilities for Mayor and Councillors

250.2016.55.2 - Policy - Purchasing and Tendering

250.2016.4.1 - Policy – Communications

250.2016.81.2 - Procedure – Credit/Purchase Card

250.2016.67.1 - Policy – Grievance

250.2017.338.1 - Policy – Public Interest Disclosures (PID) – Internal Reporting

250.2016.174.1 - Policy - Motor Vehicle Leaseback and Private Use

#### **Forms**

250.2016.85.1 - Form – Councillor and Employees Register of Gifts and Benefits

### **Variation**

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

# **Snowy Monaro Regional Council Code of Conduct**

**2019**

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## PART 1 INTRODUCTION

This *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s or joint organisation’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s or joint organisation’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

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## PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA

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local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

## **PART 3**

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## GENERAL CONDUCT OBLIGATIONS

### General conduct

- 3.1 You must not conduct yourself in a manner that:
- is likely to bring the council or other council officials into disrepute
  - is contrary to statutory requirements or the council's administrative requirements or policies
  - is improper or unethical
  - is an abuse of power
  - causes, comprises or involves intimidation or verbal abuse
  - involves the misuse of your position to obtain a private benefit
  - constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

### **Fairness and equity**

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

### **Harassment and discrimination**

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- is not wanted by the person
  - offends, humiliates or intimidates the person, and
  - creates a hostile environment.

### **Bullying**

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
  - the behaviour creates a risk to health and safety.
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- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
  - b) belittling or humiliating comments
  - c) spreading malicious rumours
  - d) teasing, practical jokes or 'initiation ceremonies'
  - e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
  - b) disciplinary action for misconduct
  - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - d) directing a worker to perform duties in keeping with their job
  - e) maintaining reasonable workplace goals and standards
  - f) legitimately exercising a regulatory function
  - g) legitimately implementing a council policy or administrative processes.

### **Work health and safety**

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
  - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
  - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

### **Land use planning, development assessment and other regulatory functions**

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
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3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

### **Binding caucus votes**

3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

### **Obligations in relation to meetings**

3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).

3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.

## **PART 4**

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## **PECUNIARY INTERESTS**

### **What is a pecuniary interest?**

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

### **What interests do not have to be disclosed?**

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
  - (b) your interest as a ratepayer or person liable to pay a charge
  - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
  - (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the
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- council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
  - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
  - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
  - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
  - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
    - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - ii) security for damage to footpaths or roads
    - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
  - (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
  - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
  - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
  - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
  - (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
  - (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

### **What disclosures must be made by a designated person?**

4.8 Designated persons include:

- (a) the general manager
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- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

### **What disclosures must be made by council staff other than designated persons?**

4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

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- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

### **What disclosures must be made by council advisers?**

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

### **What disclosures must be made by a council committee member?**

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

### **What disclosures must be made by a councillor?**

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
  - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

### **Disclosure of interests in written returns**

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
  - (b) 30 June of each year, and
  - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
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- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

### **Disclosure of pecuniary interests at meetings**

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
  - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
  - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
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- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

## PART 5

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## **NON-PECUNIARY CONFLICTS OF INTEREST**

### **What is a non-pecuniary conflict of interest?**

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

### **Managing non-pecuniary conflicts of interest**

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
  - 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
  - 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
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- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
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5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

### **Political donations**

5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.17 For the purposes of this Part:

- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
- b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.

5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

### **Loss of quorum as a result of compliance with this Part**

5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
  - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
  - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and

- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

### **Other business or employment**

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

- a) conflict with their official duties
- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

### **Personal dealings with council**

5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by

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council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

## **PART 6**

## **PERSONAL BENEFIT**

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
  - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.

### **Gifts and benefits**

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

### **How are offers of gifts and benefits to be dealt with?**

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient,
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manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

### **Gifts and benefits of token value**

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

### **Gifts and benefits of more than token value**

6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

### **"Cash-like gifts"**

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6.13 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

### **Improper and undue influence**

6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.

6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

## **PART 7**

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## **RELATIONSHIPS BETWEEN COUNCIL OFFICIALS**

### **Obligations of councillors and administrators**

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
  - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
  - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

### **Obligations of staff**

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
  - b) ensure that their work is carried out ethically, efficiently, economically and effectively
  - c) carry out reasonable and lawful directions given by any person having authority to give such directions
  - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
  - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.
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### Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

## **PART 8**

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## **ACCESS TO INFORMATION AND COUNCIL RESOURCES**

### **Councillor and administrator access to information**

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

### **Councillors and administrators to properly examine and consider information**

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

### **Refusal of access to information**

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

### **Use of certain council information**

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- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
  - b) not use that council information for private purposes
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
  - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

### **Use and security of confidential information**

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - b) protect confidential information
  - c) only release confidential information if you have authority to do so
  - d) only use confidential information for the purpose for which it is intended to be used
  - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
  - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
  - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

### **Personal information**

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
  - b) the *Health Records and Information Privacy Act 2002*
  - c) the Information Protection Principles and Health Privacy Principles
  - d) the council's privacy management plan
  - e) the Privacy Code of Practice for Local Government

### **Use of council resources**

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
  - b) the representation of employees with respect to grievances and disputes
  - c) functions associated with the role of the local consultative committee.
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- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

### **Internet access**

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.
- 8.21 You must not use social media to post comments, photos, sound recordings or other information that:
- a) compromises your capacity to perform your official duties in an unbiased manner
  - b) has the potential to have a negative impact on your working relationships within the council or with external parties
  - c) is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
  - d) has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
  - e) divulges confidential council information
  - f) breaches the privacy of other council officials or those that deal with council
  - g) contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or
  - h) could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.

### **Council record keeping**

- 8.22 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
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- 8.23 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.24 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.25 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

### **Councillor access to council buildings**

- 8.26 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.27 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.28 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

## **PART 9**

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## **MAINTAINING THE INTEGRITY OF THIS CODE**

### **Complaints made for an improper purpose**

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
  - b) to damage another council official's reputation
  - c) to obtain a political advantage
  - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under the Procedures
  - g) to take reprisal action against a person for making a complaint alleging a breach of this code
  - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
  - i) to prevent or disrupt the effective administration of this code under the Procedures.

### **Detrimental action**

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.

### **Compliance with requirements under the Procedures**

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
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9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

### **Disclosure of information about the consideration of a matter under the Procedures**

9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

### **Complaints alleging a breach of this Part**

9.15 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

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## **SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21**

### Part 1: Preliminary

#### Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

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*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

### **Matters relating to the interests that must be included in returns**

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
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3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
  
  4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.
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## **Part 2: Pecuniary interests to be disclosed in returns**

### **Real property**

5. A person making a return under clause 4.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
  
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
  
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
  
8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

### **Gifts**

9. A person making a return under clause 4.21 of this code must disclose:
    - a) a description of each gift received in the period since 30 June of the previous financial year, and
    - b) the name and address of the donor of each of the gifts.
  
  10. A gift need not be included in a return if:
    - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
    - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
    - c) the donor was a relative of the donee, or
    - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
  
  11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.
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### **Contributions to travel**

12. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

### **Interests and positions in corporations**

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
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16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

### **Interests as a property developer or a close associate of a property developer**

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:

*close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

*property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

### **Positions in trade unions and professional or business associations**

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.
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### **Dispositions of real property**

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

### **Sources of income**

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
    - (i) a description of the occupation, and
    - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the
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person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

### Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
  - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

### Discretionary disclosures

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34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.



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## **SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21**

### **'Disclosures by councillors and designated persons' return**

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

### **Important information**

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

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You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

**Disclosure of pecuniary interests and other matters** by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]

[date]

#### A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

#### B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

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applicable)

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2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

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Name and address of settlor

Name and address of trustee

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3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

*[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]*

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#### C. Gifts

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Description of each gift I received at any time since 30 June	Name and address of donor
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#### D. Contributions to travel

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Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
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#### E. Interests and positions in corporations

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Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

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#### G. Positions in trade unions and professional or business associations

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Name of each trade union and each professional or business association in which I held any position (whether remunerated or	Description of position
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not) at the return date/at any time since 30 June

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H. Debts

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Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

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I. Dispositions of property

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1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

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2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

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J. Discretionary disclosures

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## **SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37**

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

### **Important information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the      day of      20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest <sup>5</sup>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>6</sup> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	

<sup>5</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>6</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

<p>Proposed change of zone/planning control  <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i></p>	
<p>Effect of proposed change of zone/planning control on councillor or associated person  <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i></p>	

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]*

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

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#### 9.4.4 ANSWERS TO QUESTIONS WITHOUT NOTICE

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Secretary Council and Committees
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. Questions with Notice - 16 May 2019 Council Meeting - Updates to End of April 2019 ( <i>Under Separate Cover</i> )
Cost Centre	3120 Governance
Project	
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

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

Master Working Copy - In Progress Councillor Questions for the period ending April 2019 is attached to this report.

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

#### OFFICER'S RECOMMENDATION

That Council receive and note In Progress Councillor Questions for the period ending April 2019.

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### 9.4.5 RESOLUTION ACTION SHEET UPDATE

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Secretary Council and Committees
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1.1.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.
Operational Plan Action:	OP7.7 Provide timely, accurate and relevant information to Council to enable informed decision making.
Attachments:	1. In Progress Actions - Council Meeting 16 May 2019 - Includes all Actions up to end of April 2019 ( <i>Under Separate Cover</i> )
Cost Centre	3120 Governance
Project	
Further Operational Plan Actions:	

#### EXECUTIVE SUMMARY

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

The In Progress Resolution Action Sheet for period ending April 2019 is attached to this report.

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

#### OFFICER'S RECOMMENDATION

That Council receive and note the In Progress Resolution Action Sheet Update for the period ending April 2019.

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#### 9.4.6 COUNCILLOR FEES FOR THE 2020 FINANCIAL YEAR

Record No:

Responsible Officer:	Director Corporate and Community Services
Author:	Group Manager Governance
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. Local Government Remuneration Tribunal - Annual Report and Determination 15 April 2019
Cost Centre	3110
Project	Councillor Remuneration

#### EXECUTIVE SUMMARY

To consider the determination of the Local Government Remuneration Tribunal and set the Mayor and Councillor Fees from 1 July 2019 in accordance with that determination.

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

#### OFFICER'S RECOMMENDATION

That Council

- A. Pursuant to Section 248 of the *Local Government Act 1993*, Council fix the annual fee for Councillors for the period 1 July 2019 to 30 June 2020, as the maximum annual amount determined being \$20,280 per councillor payable monthly in arrears as prescribed by the Act;
  - B. Pursuant to Section 249 of the *Local Government Act 1993*, Council fix the annual fee for the period 1 July 2019 to 30 June 2020, as the maximum annual amount determined being \$44,250, for payment to the Mayor subject to the deduction there from of such amounts calculated on a daily pro-rata basis, to be paid to the Deputy Mayor in respect of those periods of time when the Mayor is prevented, by absence, illness or otherwise, from acting in the Office of Mayor and the Deputy Mayor is specifically requested to do so by the Mayor.
  - C. Authorise the expenditure in the 2020 Financial Year Budget with funding to be provided from cost centre 3110.
-

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## BACKGROUND

### 2019 Determination by Remuneration Tribunal

On 15 April 2019 the Local Government Remuneration Tribunal (the Tribunal) made determinations under Section 239 and 241 of the *Local Government Act 1993* of the annual fees to be paid to mayors and councillors effective on and from 1 July 2019.

It has been Council practice in the past to set its fees at the maximum in accordance with LGNSW advice.

A copy of the Remuneration Tribunal 2019 Annual Determination is attached to this report.

### Current Fee allocation for the period 1 July 2018 to the 30 June 2019

The following fees were determined by the Tribunal for the period 1 July 2018 to 30 June 2019 for Regional Rural Councils.

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Regional Rural	\$8,970	\$19,790	\$19,100	\$43,170

The following fees were adopted by Council on 20 September 2018, Resolution No. 335/18, for the period from 1 July 2018 to 30 June 2019.

Mayoral Fee: \$43,170

Councillor Fee: \$19,790

## QUADRUPLE BOTTOM LINE REPORTING

### 1. Social

Supporting appropriate remuneration to the elected members of Council promotes accountability, performance and transparency due to increased scrutiny by the community of the decision makers. It is noted that the report acknowledges the future of Local Government and the importance of the role of an elected member.

### 2. Environmental

The recommendation of this report will not have an impact on environmental sustainability, however it should be noted that a key role of an elected member is to ensure that prior to any decision being made, each Councillor considers the impacts of the decision with regards to sustainability of the organisation, environment or otherwise.

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### 3. Economic

The following information is provided to outline minimum and maximum financial impacts based on the fees applicable to a Regional Rural Council for the 2020 Financial Year.

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Regional Rural	\$9,190	\$20,280	\$19,580	\$44,250

The information below shows that there are sufficient funds approved in the 2020 FY budget to support a Council decision up to the maximum fee allocation.

Account	Amount in Adopted Budget	Actual based on minimum Fee	Amount based on maximum fee
63200 - Mayor Allowance	\$46,125	\$19,580	\$44,250
63201 – Councillor Fee (11 Councillors)	\$223,133 (\$20,285 per Councillor)	\$101,090 (\$9,190 Per Councillor)	\$223,080 (\$20,280 Per Councillor)
<b>Total</b>	<b>\$269,258</b>	<b>\$120,670</b>	<b>\$267,330</b>

\*S249 (2) states this fee must be paid to the Mayor in addition to the Councillor Fee.

\*\* Actual Budget in 2020 FY was \$76,875, of which \$46,125 was apportioned for the Mayoral Allowance and an additional budget of \$30,750 was allocated in the event the Local Government of NSW determined Councillors were to be paid for attendance at training in addition to reimbursement of expenses. The review has not yet determined a fee for this purpose.

### 4. Civic Leadership

The *Local Government Act 1993* provides:

#### **Division 5 What fees, expenses and facilities may be paid or provided to councillors?**

##### **248 Fixing and payment of annual fees for councillors**

- (1) A council must pay each councillor an annual fee.
- (2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (3) The annual fee so fixed must be the same for each councillor.
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

##### **248A Annual fees or other remuneration not to be paid during period of suspension**

*A council must not at any time pay any fee or other remuneration, or any expenses, to which a councillor would otherwise be entitled as the holder of a civic office, in respect of any period during which:*

- (a) the councillor is suspended from civic office under this Act, or
- (b) the councillor's right to be paid any such fee or other remuneration, or expense, is suspended under this Act, unless another provision of this Act specifically authorises payment to be made, or specifically permits a person to authorise payment to be made, when the suspension is terminated.

##### **249 Fixing and payment of annual fees for the mayor**

- (1) A council must pay the mayor an annual fee.*
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

**250 At what intervals are fees to be paid?**

*Fees payable under this Division by a council are payable monthly in arrears for each month (or part of a month) for which the councillor holds office.*

**251 What is the consequence of paying fees?**

- (1) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a fee under this Division.*
  - (2) A fee paid under this Division does not constitute salary for the purposes of any Act.*
-

**Local  
Government  
Remuneration  
Tribunal**

Annual Report  
and  
Determination

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

**15 April  
2019**

## Local Government Remuneration Tribunal

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## Local Government Remuneration Tribunal

# Executive Summary

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The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Planning and Public Spaces by 1 May each year as to its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

### Categories

The Tribunal did not undertake a broad review of the categorisation of councils and considered only those requests where an individual submission was made. The Tribunal found that the current allocation of councils into the current categories is appropriate.

The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020. The criteria applicable to each of the categories are published in Appendix 1 of the determination and are unchanged from 2018.

### Fees

The Tribunal has determined that the minimum and maximum fees applicable to each category will be increased by 2.5 per cent which is consistent with the government's policy on wages.



## Local Government Remuneration Tribunal

# Section 1 Introduction

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1. The role of Assessor assisting the Local Government Remuneration Tribunal (the Tribunal), pursuant to section 236 (1) (b) of the *Local Government Act 1993* (the LG Act) was undertaken by Mr Ian Reynolds from 1 July 2015 until the expiration of his appointment on 27 November 2018. The Tribunal thanks Mr Reynolds for his contributions over those years.
2. On 28 November 2018, Dr Robert Lang was re-appointed as the Tribunal and Mr Brian Bell PSM was appointed to the role of Assessor assisting the Tribunal pursuant to section 236 (1) (b) of the LG Act. The role of Assessor assisting the Tribunal pursuant to 236 (1) (a) continues to be undertaken by Mr Tim Hurst, CEO, Office of Local Government, Department of Planning and Environment.

# Section 2 Background

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3. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
4. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
5. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A (1) of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
6. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy pursuant to section 242A (3) of the LG Act.

### Local Government Remuneration Tribunal

7. The Tribunal's determinations take effect from 1 July in each year.

## Section 2 2018 Determination

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1. The Tribunal considered ten requests for re-categorisation having regard to the case put forward and the criteria for each category. A multi variable approach was adopted in assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
2. The Tribunal noted that at the time of making the determination only the population data as of 2016 was available.
3. The Tribunal found that the current categorisation for the ten councils was appropriate and noted that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations in the medium term.
4. The Tribunal's 2018 Determination was made on 17 April 2018 and provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.

## Section 3 2019 Review

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5. The Tribunal wrote to all mayors in December 2018 advising of the commencement of the 2019 Annual Review. In doing so the Tribunal noted that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.
6. The Tribunal also stated that it does not intend to alter the groups that apply to individual councils unless there is a very strong case to do so. Any requests for a review should be supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
7. The Tribunal also wrote to the President of Local Government NSW (LGNSW) in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal thanks the President and Chief Executive for making the time to meet with the Tribunal.
8. In response to this review the Tribunal received 20 submissions from individual councils and a submission from LGNSW. Those submissions addressed the allocation of councils into

### Local Government Remuneration Tribunal

those categories and fees. The Tribunal also received a submission from a joint organisation requesting that the Tribunal determine the fees for members of the boards of joint organisations. A summary of the matters raised, and the Tribunal's consideration of those matters is outlined below.

#### Categorisation

9. Ten submissions received from councils requested re-categorisation now and two submissions requested re-categorisation when the Tribunal considers the categories in detail in 2020. Each of the ten requests for re-categorisation now were considered having regard to the case put forward and the criteria for each category.
10. At the time of making the determination the Tribunal had available to it the 30 June 2018 population data released by the Australian Bureau of Statistics (ABS) on 27 March 2019. In reviewing the submissions received the Tribunal also applied a multi variable approach assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
11. The Tribunal finds that the allocation of councils into the current categories is appropriate but again notes that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations.
12. A few submissions have suggested alternative categorisation models. The Tribunal will consider this in detail in the 2020 review. The Tribunal intends to commence the 2020 annual review earlier than usual to ensure there is time to review the existing model and to examine alternatives. The Tribunal is of the preliminary view that a case may exist to revise the number of categories, and their applicable criteria, particularly for regional and rural councils.
13. A summary of the Tribunal's findings for each of the 2019 applications for re-categorisation is outlined in the following paragraphs.

#### Metropolitan Large

14. Canterbury-Bankstown and Penrith have sought re-categorisation to new categories noting that no changes to the categories of councils are planned until 2020. Canterbury-Bankstown has proposed a new categorisation model for consideration in the 2020 review. The proposed model would provide different categories for metropolitan councils. Penrith

### **Local Government Remuneration Tribunal**

has again sought to be re-categorised to a new category - 'Metropolitan Large – Growth Centre'.

15. Both councils may wish to provide further details for consideration in the 2020 annual review.

#### **Metropolitan Medium Councils**

16. Inner West has again sought to be re-categorised to Metropolitan Large. The Tribunal outlined in the 2018 determination that Inner West did not demonstrate enough additional criteria to warrant re-categorisation at that time, but with population growth the council would likely be more comparable with other Metropolitan Large councils in the short to medium term.
17. The Tribunal has again considered in detail the features of Inner West having regard to the other criteria for Metropolitan Large councils. The Tribunal finds that Inner West does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as other Metropolitan Large councils. This is supported by development and planning information published by the Greater Sydney Commission.
18. Inner West's June 2018 population of 198,024 is below the indicative population of other Metropolitan Large councils. Based on existing growth predictions it is likely Inner West will meet the minimum population threshold for inclusion in Metropolitan Large in 2020.

#### **Metropolitan Small Council**

19. Willoughby and Camden have sought to be re-categorised to Metropolitan Medium.
20. Willoughby's June 2018 population of 80,339 is below the indicative population of Metropolitan Medium Councils. The Tribunal outlined in the 2018 determination that Willoughby sought recognition of its scale of operations and businesses and regional significance of its centres and high percentage of non-resident visitors and workers. The Tribunal found the characteristics of the council were more appropriately aligned with those of other Metropolitan Small councils and found no case for it to be re-categorised at that time.
21. Willoughby's 2019 submission argues there is an over emphasis on resident population and no recognition of the complexity or burden on high volumes of non-resident populations.
22. As previously stated, the Tribunal considers a range of factors (not only population) in determining categories as required under section 240 of the LG Act. The Tribunal has again considered in detail the features of Willoughby having regard to the other criteria for other

### **Local Government Remuneration Tribunal**

Metropolitan Medium councils and finds that Willoughby has not demonstrated the criteria to warrant inclusion in the Metropolitan Medium group at this time.

23. Camden's 2018 population of 94,159 is below the indicative population of Metropolitan Medium councils. The Tribunal has considered the features of Camden having regard to the other criteria for Metropolitan Medium councils. The Tribunal finds that Camden does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as Metropolitan Medium councils. The Tribunal notes however that the ABS identifies that Camden has the largest and fastest population growth in NSW. Based on existing growth predictions it is likely Camden will meet the minimum population threshold for inclusion in Metropolitan Medium in 2020.

#### **Regional Strategic Area Councils**

24. Central Coast has sought to be re-categorised to Regional City. The council submits that its characteristics are more like Newcastle and Wollongong (Regional City) and substantially different to Lake Macquarie (Regional Strategic Area). The Tribunal finds that Central Coast has not demonstrated the additional criteria to warrant inclusion in the Regional City group.

#### **Regional Rural Councils**

25. Shellharbour and Port Macquarie have sought re-categorisation to Regional Strategic Area.
26. Shellharbour's June 2018 population of 72,240 is significantly below the indicative population of Regional Strategic Area councils. In addition, the submission was not supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
27. Port Macquarie's June 2018 population of 83,131 is significantly below the indicative population of Regional Strategic Area councils. The Tribunal finds that Port Macquarie has not demonstrated the additional criteria to warrant inclusion in the Regional Strategic Area group.
28. Port Macquarie (as an alternative) and Mid-Coast sought to be re-categorised to a new category between Regional Strategic Area and Regional Rural. Both councils may wish to provide further details for consideration in the 2020 annual review.

#### **Rural Councils**

29. Muswellbrook and Federation have sought to be re-categorised to Regional Rural.

### Local Government Remuneration Tribunal

30. Muswellbrook's June 2018 population of 16,383 and Federation's June 2018 population of 12,462 are well below the indicative population of Regional Rural councils. Both councils have not demonstrated the additional criteria to warrant inclusion in the Regional Rural group.
31. The Tribunal also undertook a review of Hilltops having regard to its 2018 submission and the Tribunal's findings that re-categorisation at that time was not warranted:

*"41. Hilltops Council has sought to be re-categorised from Rural to Regional Rural. The new Hilltops Council is an amalgamation of three former councils in the Rural category (Young, Boorowa and Harden). The submission states that the new council has increased complexity of business and should be recognised as Regional Rural.*

*42. The Tribunal notes that Hilltops has a population of 19,150 (2016) which is just below the indicative population range of Regional Rural councils. The category of Regional Rural currently includes one council – Broken Hill – which has a population similar to that of Hilltops. Broken Hill warrants categorisation as Regional Rural in recognition of the degree of regional servicing it provides to far western NSW. It is not considered that Hilltops provides the same degree of regional services and on that basis re-categorisation is not warranted at this time."*

32. Hilltops' June 2018 population of 18,782 is below the indicative population range of Regional Rural councils. The Tribunal has reviewed the additional criteria and finds no reason to alter its findings as outlined in the 2018 determination.

### Fees

33. The LGNSW submission requested that the Tribunal increase fees by the allowable maximum of 2.5 per cent. The submission also repeated its view that the current arrangement for setting fees is inadequate and does not compensate elected members for the significant workload and range of responsibilities which are expanding. Comparative information was presented in respect to board fees, fees paid to mayors and councillors of councils in Queensland, and salaries for members of Parliament. A report detailing the findings of an independent review conducted on current remuneration paid to councillors and mayors was also provided. The LGNSW submission

### Local Government Remuneration Tribunal

also requested that the Tribunal make a recommendation in support of the payment of superannuation.

34. Several submissions sought an increase to the allowable maximum of 2.5 per cent and raised similar issues to LGNSW in respect to the current fees not being adequate compensation for increased responsibilities and workload required to carry out mayoral and councillor duties and non-payment of superannuation. Several submissions also sought an increase significantly higher than the allowable 2.5 per cent or that fees be increased by benchmarking them to Principal CBD fees or population per councillor or using the base salary and allowances for Members of Parliament in the relevant region.
35. Two submissions also raised the matter of fees for deputy mayors. The Tribunal addressed this matter in the 2018 determination and will make no further comment.
36. The Tribunal has considered the submissions received. The Tribunal is mindful that the roles and responsibilities of councillors and mayors in NSW are outlined in the LG Act and notes that they are not necessarily comparable to the roles and responsibilities of councillors and mayors in other states, members of Parliament or members of boards and committees.
37. The Tribunal again notes that some of the other matters raised by submissions are more appropriately dealt with in the context of the current Local Government reform agenda and are outside the Tribunal's powers.
38. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
39. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.

## Local Government Remuneration Tribunal

### Other matters

40. The submission from LGNSW and several councils have again raised the matter of the non-payment of superannuation. The Tribunal addressed this matter in the 2018 determination as outline below and will make no further comment:

*“54. The matter of the non-payment of superannuation has been previously raised in submissions to the Tribunal and is not a matter for the Tribunal to determine. Section 251 of the LG Act confirms that councillors are not employees of the council and the fee paid does not constitute a salary under the Act. The Tribunal notes that the Australian Tax Office has made a definitive ruling (ATO ID 2007/205) that allows councillors to redirect their annual fees into superannuation on a pre-tax basis and is a matter for councils (Ref: Councillor Handbook, Oct 2017, Office of Local Government p.69).”*

41. The Tribunal also received a submission from the Canberra Region Joint Organisation (CRJO) although no invitation to do so was issued by the Tribunal. The CRJO has requested that the Tribunal set chair and member fees for joint organisations in the 2019 annual determination.
42. The Tribunal is constituted under Chapter 9, Part 2, Division 4 of the LG Act. The Tribunal’s determinations apply to Councils, Mayors and Councillors within the meaning of Chapter 9 of the LG Act.
43. Joint organisations, including the Board of a joint organisation, are constituted under Chapter 12, Part 7 of the LG Act. The Tribunal’s jurisdiction does not apply to joint organisations, as provided for in section 400ZH(3)(e) of the LG Act.
44. On that basis the Tribunal has no power to consider the CRJO submission and it is a matter that the CRJO may wish to raise with the Minister for Planning and Public Spaces who is the Minister responsible for the LG Act. The Tribunal has written to the CRJO in the above terms.

### Conclusion

45. The Tribunal’s determinations have been made with the assistance of the two Assessors - Mr Brian Bell and Mr Tim Hurst. The allocation of councils into each of the categories,



### **Local Government Remuneration Tribunal**

pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, are outlined in Determination No. 2.

**The Local Government Remuneration Tribunal**

*(Signed)*

**Dr Robert Lang**

**Dated: 15 April 2019**

Local Government Remuneration Tribunal

## Section 4 Determinations

### Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2019

**Table 1: General Purpose Councils - Metropolitan**

Principal CBD (1)
Sydney

Major CBD (1)
Parramatta

Metropolitan Large (8)
Blacktown
Canterbury-Bankstown
Cumberland
Fairfield
Liverpool
Northern Beaches
Penrith
Sutherland

Metropolitan Medium (9)
Bayside
Campbelltown
Georges River
Hornsby
Ku-ring-gai
Inner West
Randwick
Ryde
The Hills

Metropolitan Small (11)
Burwood
Camden
Canada Bay
Hunters Hill
Lane Cove
Mosman
North Sydney
Strathfield
Waverley
Willoughby
Woollahra

### Local Government Remuneration Tribunal

**Table 2: General Purpose Councils – Non-Metropolitan**

Regional City (2)	Regional Strategic Area (2)
Newcastle	Central Coast
Wollongong	Lake Macquarie

Regional Rural (37)	Rural (57)
Albury	Balranald
Armidale	Bellingen
Ballina	Berrigan
Bathurst	Bland
Bega	Blayney
Blue Mountains	Bogan
Broken Hill	Bourke
Byron	Brewarrina
Cessnock	Cabonne
Clarence Valley	Carrathool
Coffs Harbour	Central Darling
Dubbo	Cobar
Eurobodalla	Coolamon
Goulburn Mulwaree	Coonamble
Griffith	Cootamundra-Gundagai
Hawkesbury	Cowra
Kempsey	Dungog
Kiama	Edward River
Lismore	Federation
Lithgow	Forbes
Maitland	Gilgandra
Mid-Coast	Glen Innes Severn
Mid-Western	Greater Hume
Orange	Gunnedah
Port Macquarie-Hastings	Gwydir
Port Stephens	Hay
Queanbeyan-Palerang	Hilltops
Richmond Valley	Inverell
Shellharbour	June
Shoalhaven	Kyogle
Singleton	Lachlan
Snowy Monaro	Leeton
Tamworth	Liverpool Plains
Tweed	Lockhart
Wagga Wagga	Moree Plains
Wingecarribee	Murray River
Wollondilly	Murrumbidgee
	Muswellbrook
	Nambucca
	Narrabri
	Narrandera
	Narromine
	Oberon
	Parkes
	Snowy Valleys
	Temora
	Tenterfield
	Upper Hunter
	Upper Lachlan
	Uralla
	Walcha
	Walgett
	Warren
	Warrumbungle
	Weddin
	Wentworth
	Yass

**Local Government Remuneration Tribunal**

**Table 3: County Councils**

<b>Water (4)</b>
Central Tablelands
Goldenfields Water
Riverina Water
Rous

<b>Other (6)</b>
Castlereagh-Macquarie
Central Murray
Hawkesbury River
New England Tablelands
Upper Hunter
Upper Macquarie

**Local Government Remuneration Tribunal**

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

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2019 are determined as follows:

**Table 4: Fees for General Purpose and County Councils**

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

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

**The Local Government Remuneration Tribunal**

*(Signed)*

**Dr Robert Lang**

**Dated: 15 April 2019**

## Local Government Remuneration Tribunal

# Appendices

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## Appendix 1 Criteria that apply to categories

### Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

### Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

### Local Government Remuneration Tribunal

#### Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

#### Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

#### Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

### Local Government Remuneration Tribunal

#### Regional City

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

#### Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

#### Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.



### Local Government Remuneration Tribunal

#### Rural

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

#### County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

#### County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

(n2019-1018)

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### 9.4.7 QUARTERLY BUDGET REVIEW STATEMENT (QBR) TO MARCH 2019

Record No:

Responsible Officer:	Director Corporate and Community Services
Key Direction:	4. Leadership Outcomes
Delivery Plan Strategy:	11.2 Council utilises sound fiscal management practices, pursues and attracts other sources of income
Operational Plan Action:	11.2.2 Provision of statutory reporting enables our leaders to make decisions on Council's financial sustainability
Attachments:	1. Quarterly Budget Review - March 2019
Cost Centre	4010 Financial Services

#### EXECUTIVE SUMMARY

Council adopted its 2019 Operational Plan on the 28 June 2018, including details of Estimated Income and Expenditure.

The quarterly budget review statement for the period ended 31 March 2019 is now reported to Council.

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

#### OFFICER'S RECOMMENDATION

That Council

- A. Receive the quarterly budget review statement (QBR) for the period ended 31 March 2019
- B. Authorise the adjustments to the Council's budgeted Income & Expenditure, Capital Expenditure and Cash & Investments as shown in the QBR.

#### BACKGROUND

Clause 203 (1) of the *Local Government (General) Regulation 2005* (the Regulations) requires a council's responsible accounting officer to prepare and submit a QBR to the governing body of council.

The attached report covers proposed variations to the original budget and includes a review of Council's;

- Operating income and expenses,
- Capital budget, and,
- Cash and investments

The report also includes a statement by the responsible accounting officer regarding the unsatisfactory projected net operating result and recommended remedial action.

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Overall there is a positive impact of \$170k to the Net Operating Result before Capital Items from \$6,045k (Revised Budget 2018/19) to \$5,875k (Projected Year End Result).

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

This report provides a summary of Council's financial performance to aid decision making for Council's financial sustainability and ability to deliver services to the community.

### **2. Environmental**

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

### **3. Economic**

Refer to the attached report for the details of the revised budget estimates for operating income and expenditure, capital expenditure and cash and investments / reserve balances.

### **4. Civic Leadership**

Council's operational plan sets out its achievements, goals and revenue policy, including estimated income and expenditure. The QBRS plays an important role in monitoring council's progress against the plan and the ongoing management of Council's annual budget.

The 2019 budget was adopted under Council Resolution 256/18 (on 28 June 2018).

The September quarterly budget review statement was adopted under Council Resolution 556/18 (on 6 December 2018).

The December quarterly budget review statement was adopted under Council Resolution 70/19 (on 21 February 2019).

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Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19

**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

**31 March 2019**

It is my opinion that the Quarterly Budget Review Statement for Snowy Monaro Regional Council for the quarter ended 31 March 2019 indicates that Council's projected financial position at 30 June 2019 remains unsatisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

This opinion is based on the following factors;

1. The estimated net operating result before capital grants and contributions had a slight favourable increase by \$170k but remains at a loss (\$5.875m).
2. Net operating deficits continue to impact council's ability to fund asset renewals to the same level that they are depreciating. This is further strained by the significant level of capital grant funding for new assets as opposed to renewals. This report includes \$3.2 million in capital grant funding for additional Stronger Community and Stronger Country Community funds. While new assets are great for the community and the grant funding supports the initial construction or acquisition cost, Council is left with the long term operating cost of the assets without additional funding.

Proposed remedial action to deal with this position include;

A focus on improving the profitability of business units that are currently being subsidised, for example, residential aged care.

Cost and efficiency benefits are being investigated as part of council's ongoing Long Term Financial planning.

A focus on staff leave management plans to reduce employee leave liability provisions and prevent a net operating cost of climbing leave balances.

A focus on operating grant funding opportunities or capital grants for renewal of existing infrastructure.

**Signed:** \_\_\_\_\_

**date:** 6/05/2019

Matt Payne  
Responsible Accounting Officer

Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19

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Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
 for the period 01/01/19 to 31/03/19

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 March 2019

**Income & Expenses - Council Consolidated**

(\$000's)	Original Budget 2018/19	Approved Changes				Revised Budget 2018/19	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBR	Sep QBR	Dec QBR					
<b>Income</b>										
Rates and Annual Charges	30,173					30,173			30,173	29,092
User Charges and Fees	14,129					14,129			14,129	9,362
Interest and Investment Revenues	1,759					1,759			1,759	1,698
Other Revenues	1,501					1,501	170	1	1,671	960
Grants & Contributions - Operating	18,671			3,815	203	22,689	488	2	23,177	15,656
Grants & Contributions - Capital	5,617	152	291	15		6,075	(801)	3	5,274	4,006
Net gain from disposal of assets	836			98		934			934	471
<b>Total Income from Continuing Operations</b>	<b>72,686</b>	<b>152</b>	<b>291</b>	<b>3,928</b>	<b>203</b>	<b>77,260</b>	<b>(143)</b>		<b>77,117</b>	<b>61,245</b>
<b>Expenses</b>										
Employee Costs	29,077	622				29,699			29,699	21,845
Borrowing Costs	298					298			298	126
Materials & Contracts	16,990	1,731	92	1,367	174	20,354	488	2	20,842	12,031
Depreciation	18,547					18,547			18,547	-
Other Expenses	8,385		12	(65)		8,332			8,332	7,562
<b>Total Expenses from Continuing Operations</b>	<b>73,297</b>	<b>2,353</b>	<b>104</b>	<b>1,302</b>	<b>174</b>	<b>77,230</b>	<b>488</b>		<b>77,718</b>	<b>41,564</b>
<b>Net Operating Result from Continuing Operation</b>	<b>(611)</b>	<b>(2,201)</b>	<b>187</b>	<b>2,626</b>	<b>29</b>	<b>30</b>	<b>(631)</b>		<b>(601)</b>	<b>19,681</b>
Discontinued Operations - Surplus/(Deficit)						-			-	
<b>Net Operating Result from All Operations</b>	<b>(611)</b>	<b>(2,201)</b>	<b>187</b>	<b>2,626</b>	<b>29</b>	<b>30</b>	<b>(631)</b>		<b>(601)</b>	<b>19,681</b>
<b>Net Operating Result before Capital Items</b>	<b>(6,228)</b>	<b>(2,353)</b>	<b>(104)</b>	<b>2,611</b>	<b>29</b>	<b>(6,045)</b>	<b>170</b>		<b>(5,875)</b>	<b>15,675</b>

Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
 for the period 01/01/19 to 31/03/19

**Income & Expenses Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details	
<b>1</b>	<b>Other Revenues</b>	
	Insurance claim for storm damage to Dalgety Showground Pavilion As referenced by the capital budget variations in the December 2017 Quarterly Budget Review Statement but not reflected in the Income and Expenses Review	\$170,000
<b>2</b>	<b>Grants and Contributions - Operating Income / Materials and Contracts Expenses</b>	
	Additional Vegetation Management Grants received; Various Crown Land Projects	\$142,978
	Orange Hawkweed	\$48,257
	Orange Hawkweed - South East Regional Weed Committee	\$37,500
	Ox-Eye Daisy	\$1,300
	Weeds Action Program	\$258,027
	<b>Total</b>	<b>\$488,062</b>
<b>3</b>	<b>Grants &amp; Contributions - Capital</b>	
	Capital grants linked to Water and Sewer uncompleted works for 2018/19 included in 2019/20 Operational Plan Budget	-\$4,000,000
	Additional Capital Grants received for Milestone 1 of the Stronger Country Communities Fund totalling	\$2,032,215
	Additional Capital Grants received for SES Unit Building Grant for the installation of new roller doors at the Bombala SES shed	\$5,471
	Additional Capital Grants received for Stronger Communities Fund Projects	\$1,161,093
	<b>Total</b>	<b>-\$801,221</b>

Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
 for the period 01/01/19 to 31/03/19

**Capital Budget Review Statement**

Budget review for the quarter ended 31 March 2019

**Capital Budget - Council Consolidated**

(\$000's)	Original Budget 2018/19	Approved Changes				Revised Budget 2018/19	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBR	Sep QBR	Dec QBR					
<b>Capital Expenditure</b>										
- Plant & Equipment	3,277	2,483	41	349	6,150	679	1	6,829	2,346	
- Software	4,000			(500)	3,500			3,500	445	
- Land & Buildings	2,039	962	585	8	3,836	680	2	4,516	578	
- Roads, Bridges, Footpaths	10,853	4,501	272	373	15,999	203	3	16,202	5,796	
- Water & Sewer	15,842				15,842	(9,534)	4	6,308	1,476	
- Other infrastructure	3,991	3,169	600	100	7,860	1,034	5	8,894	2,446	
Loan Repayments (Principal)	928		1,268		2,196			2,196	365	
<b>Total Capital Expenditure</b>	<b>40,930</b>	<b>11,115</b>	<b>2,766</b>	<b>330</b>	<b>55,383</b>	<b>(6,938)</b>		<b>48,445</b>	<b>13,452</b>	
<b>Capital Funding</b>										
Capital Grants & Contributions	5,312	152	291	15	5,770	801		4,969	611	
Restricted Cash Reserves	34,782	10,963	2,475	217	48,509	(6,137)		42,372	12,370	
Receipts from Sale of Assets										
- Plant & Equipment	836			98	934			934	469	
- Land & Buildings					170	170		170	2	
<b>Total Capital Funding</b>	<b>40,930</b>	<b>11,115</b>	<b>2,766</b>	<b>330</b>	<b>55,383</b>	<b>(6,938)</b>		<b>48,445</b>	<b>13,452</b>	
<b>Net Capital Funding - Surplus/(Deficit)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>	<b>-</b>	



Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
 for the period 01/01/19 to 31/03/19

**Capital Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details	
<b>1</b>	<b>Capital Expenditure - Plant &amp; Equipment</b>	
	Gross up Plant and Vehicle replacement budget originally reported as net of sale or trade in proceeds	\$836,000
	Uncompleted works for 2018/19 included in 2019/20 Operational Plan Budget	-\$156,846
	<b>Total</b>	<b>\$679,154</b>
<b>2</b>	<b>Capital Expenditure - Land &amp; Buildings</b>	
	Additional capital Grant received for the Stronger Communities Fund	\$1,061,093
	Additional Capital Grant received for Milestone 1 of the Stronger Country Communities Fund	\$68,452
	Additional Capital Grants received for SES Unit Building Grant for the installation of new roller doors at the Bombala SES shed	\$5,471
	Uncompleted works for 2018/19 included in 2019/20 Operational Plan Budget	-\$454,965
	<b>Total</b>	<b>\$680,051</b>
<b>3</b>	<b>Capital Expenditure - Roads, Bridges, Footpaths</b>	
	Additional Capital Grant received for Milestone 1 of the Stronger Country Communities Fund	\$502,886
	Uncompleted works for 2018/19 included in 2019/20 Operational Plan Budget	-\$300,000
	<b>Total</b>	<b>\$202,886</b>
<b>4</b>	<b>Capital Expenditure - Water &amp; Sewer</b>	
	Uncompleted works for 2018/19 included in 2019/20 Operational Plan Budget	-\$9,534,000
<b>5</b>	<b>Capital Expenditure - Other Infrastructure</b>	
	Additional capital Grant received for the Stronger Communities Fund	\$100,000
	Additional Capital Grant received for Milestone 1 of the Stronger Country Communities Fund	\$1,460,877
	Council resolved on the 19 July 2018 to reallocate a budget \$97,000 from the 2017/18 Capital Works program to a project in the 2018/19 Capital Works program CR233/18. The 2017/18 Capital Works vote is lost at year end and as such is not included in the 2018/19 estimates.	\$97,600
	Uncompleted works for 2018/19 included in 2019/20 Operational Plan Budget	-\$624,606
	<b>Total</b>	<b>\$1,033,871</b>

Snowy Monaro Regional Council

**Quarterly Budget Review Statement**

for the period 01/01/19 to 31/03/19

**Cash & Investments Budget Review Statement**

Budget review for the quarter ended 31 March 2019

**Cash & Investments - Council Consolidated**

(\$000's)

**Externally Restricted <sup>(1)</sup>**

	Original Budget 2018/19	Approved Changes				Revised Budget 2018/19	Variations for this Mar Qtr		Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBR	Sep QBR	Dec QBR		Mar	Qtr			
Section 94 Developer Contributions Combined	1,559				1,559				1,559	1,759	
Section 64 Developers Contributions Water Combined	1,858				1,858				1,858	1,858	
Section 64 Developers Contributions Sewer Combined	1,273				1,273				1,273	1,273	
Hostel Entry Contributions- Snowy	880				880				880	880	
Hostel bonds - Yallambee	3,460				3,460				3,460	3,460	
Crown Land	21				21				21	21	
Crown Land - Holiday Parks (incl Jindabyne)	910				910				910	1,053	
Unexpended Grants Reserve	3,365	(3,035)			330				330	3,035	
Other Contributions	8				8				8	8	
HACC Vehicle Replacement - combined	627				627				627	458	
former Bombala Stormwater levy reserve	41				41				41	41	
Kamoto-Cooma Friendship Scholarship Fund	42				42				42	42	
Boco Rock Wind Farm - Cooma	251				251				251	251	
Boco Rock Wind Farm - Bombala	181				181				181	181	
Combined Water Supply Works Reserve	12,295	(91)			12,204		2,302		14,506	13,840	
Combined Sewerage Works Reserve	14,196	(111)	(1,268)		12,817		2,837		15,654	17,178	
Domestic Waste Management Reserve	4,393		(207)		4,186				4,186	4,360	
<b>Total Externally Restricted</b>	<b>45,360</b>	<b>(3,237)</b>	<b>(1,475)</b>	<b>-</b>	<b>40,648</b>		<b>5,139</b>		<b>45,787</b>	<b>49,698</b>	

(1) Funds that must be spent for a specific purpose

**Internally Restricted <sup>(2)</sup>**

Employee Leave Entitlement	3,067				3,067				3,067	3,067
Plant Replacement	2,778	(1,770)	(41)	24	991				991	3,186
Quarry Operations	96				96				96	96
Uncompleted Works & Projects	3,954	(3,954)			-		1,536		1,536	4,812
Other Internal Reserves	881	(276)	(141)	(383)	38		(43)		76	1,117
Waste Services (Non Domestic)	312	12		(275)	49				49	1,023
Deposits, Retentions & Bonds	682				682				682	682
Yallambee Lodge Building & Equipment	1,632	(24)		(35)	1,573				1,573	1,632
Unexpended Grants - Merger Implementation	(2,247)			3,465	1,218				1,218	2,216

Unexpended Grants - Stronger Communities	4,067	(4,067)			-		-	13,509	
Former Bombala LGA	2,005		(422)	(500)	1,083	(381)	702	3,144	
Former Cooma LGA	-				-		-	-	
Former Snowy LGA	533		(500)		(81)	(48)	-	740	
<b>Total Internally Restricted</b>	<b>17,760</b>	<b>(10,079)</b>	<b>(1,104)</b>	<b>2,296</b>	<b>(43)</b>	<b>8,830</b>	<b>1,160</b>	<b>9,990</b>	<b>35,224</b>
(2) Funds that Council has earmarked for a specific purpose									
<b>Unrestricted</b> (ie. available after the above Restrictions)	-	-	-	-	-	-	-	-	-
<b>Total Cash &amp; Investments</b>	<b>63,120</b>	<b>(13,316)</b>	<b>(2,579)</b>	<b>2,296</b>	<b>(43)</b>	<b>49,478</b>	<b>6,299</b>	<b>55,777</b>	<b>84,922</b>

Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19

**Cash & Investments Budget Review Statement**

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

The Cash at Bank figure included in the Cash & Investment Statement totals \$84,922,183

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
The date of completion of this bank reconciliation is 01/04/19

**Reconciliation Status**

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

	<b>\$ 000's</b>
Cash at Bank (as per bank statements)	1,726
Investments on Hand	83,196
<b>Reconciled Cash at Bank &amp; Investments</b>	<u>84,922</u>
<b>Balance as per Review Statement:</b>	<u>84,922</u>
Difference:	-

Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19

**Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 March 2019

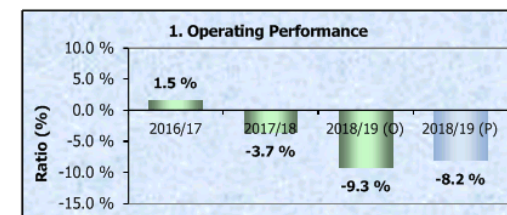
(\$000's)	Current Projection		Original Budget 18/19	Actuals Prior Periods	
	Amounts 18/19	Indicator 18/19		17/18	16/17

NSW Local Government Industry Key Performance Indicators (OLG):

**1. Operating Performance**

Operating Revenue (excl. Capital) - Operating Expenses	-5,875	-8.2 %	-9.3 %	-3.7 %	1.5 %
Operating Revenue (excl. Capital Grants & Contributions)	71,843				

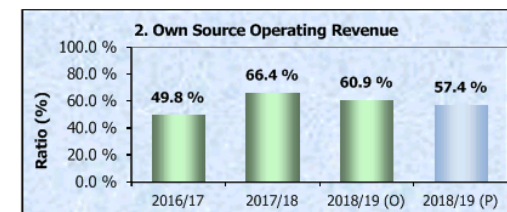
This ratio measures Council's achievement of containing operating expenditure within operating revenue.



**2. Own Source Operating Revenue**

Operating Revenue (excl. ALL Grants & Contributions)	44,302	57.4 %	60.9 %	66.4 %	49.8 %
Total Operating Revenue (incl. Capital Grants & Cont)	77,117				

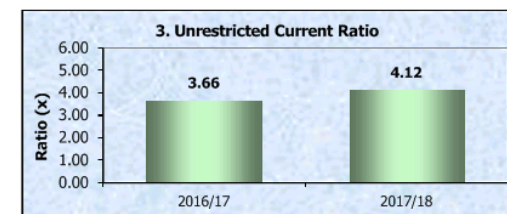
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions. The decline in the proposed budget for this ratio is linked to the additional \$3.5m merger implementation fund grant.



**3. Unrestricted Current Ratio**

Current Assets less all External Restrictions		4.12	3.66
Current Liabilities less Specific Purpose Liabilities			

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council. 2019 budget ratios will be provided in future quarterly reports.



Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
 for the period 01/01/19 to 31/03/19

**Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 March 2019

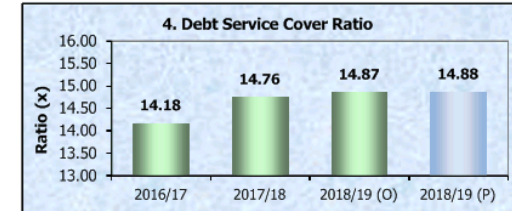
(\$000's)	Current Projection		Original Budget 18/19	Actuals Prior Periods	
	Amounts 18/19	Indicator 18/19		17/18	16/17

NSW Local Government Industry Key Performance Indicators (OLG):

**4. Debt Service Cover Ratio**

Operating Result before Interest & Dep. exp (EBITDA)	18,244	14.88	14.87	14.76	14.18
Principal Repayments + Borrowing Interest Costs	1,226				

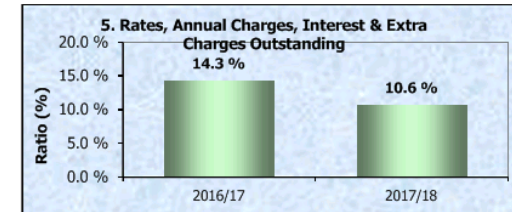
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.



**5. Rates, Annual Charges, Interest & Extra Charges Outstanding**

Rates, Annual & Extra Charges Outstanding	10.6 %	14.3 %
Rates, Annual & Extra Charges Collectible		

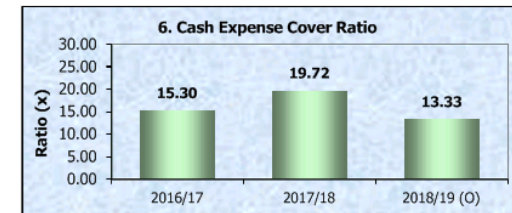
To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts. The finance team are implementing steps to report on this ratio quarterly in future periods.



**6. Cash Expense Cover Ratio**

Current Year's Cash & Cash Equivalents (incl. Term Deposits)	13.33	19.72	15.30
Operating & financing activities Cash Flow payments			

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.



Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
 for the period 01/01/19 to 31/03/19

**Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 March 2019

(\$000's)	Current Projection		Original Budget 18/19	Actuals Prior Periods	
	Amounts 18/19	Indicator 18/19		17/18	16/17

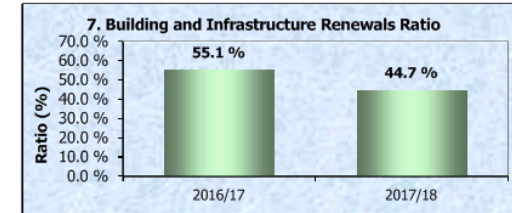
NSW Local Government Infrastructure Asset Performance Indicators (OLG):

**7. Building and Infrastructure Renewals Ratio**

$\frac{\text{Asset Renewals (Building, Infrastructure \& Other Structures)}}{\text{Depreciation, Amortisation \& Impairment}}$

44.7 % 55.1 %

To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating. 2019 budget ratios will be provided in future quarterly reports.

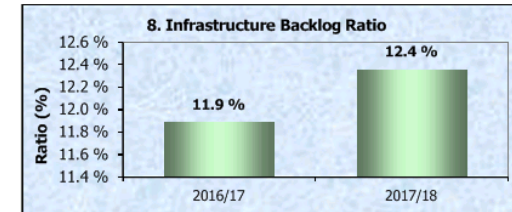


**8. Infrastructure Backlog Ratio**

$\frac{\text{Estimated cost to bring Assets to a satisfactory condition}}{\text{Total value of Infrastructure, Building, Other Structures \& depreciable Land Improvement Assets}}$

12.4 % 11.9 %

This ratio shows what proportion the backlog is against the total value of a Council's infrastructure. The 2019 ratio will be determined at the end of the financial year.

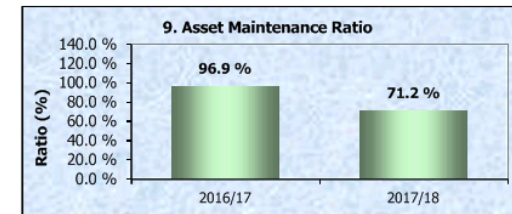


**9. Asset Maintenance Ratio**

$\frac{\text{Actual Asset Maintenance}}{\text{Required Asset Maintenance}}$

71.2 % 96.9 %

Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the Infrastructure Backlog growing. The 2019 ratio will be determined at the end of the financial year.



Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19

**Contracts Budget Review Statement**

Budget review for the quarter ended 31 March 2019  
**Part A - Contracts Listing** - contracts entered into during the quarter;

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
HOMZ4U Pty Ltd	Michelago Rural Fire Brigade Shed - Building Fitout	71,887	11/03/19	4 months	Y	
Cooma Steel Pty Ltd	Michelago Rural Fire Brigade Shed - Shed and Siteworks	248,223	11/03/19	4 months	Y	



Snowy Monaro Regional Council

**Quarterly Budget Review Statement**  
for the period 01/01/19 to 31/03/19

**Consultancy & Legal Expenses Budget Review Statement**

Consultancy & Legal Expenses Overview

<b>Expense</b>	<b>YTD Expenditure</b> (Actual Dollars)	<b>Budgeted</b> (Y/N)
Consultancies	397,007	Y
Legal Fees	238,172	Y

**Definition of a consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

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#### 9.4.8 COUNCIL MEETING SCHEDULE AND PUBLIC FORUM

Record No:

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

#### EXECUTIVE SUMMARY

At the 21 February 2019 ordinary Council meeting resolution 63/19 was adopted to trial one Council meeting per month from April to June 2019. In addition Council will be required to adopt a new Code of Meeting Practice in June 2019.

This report proposes Council maintain one ordinary Council meeting per month ongoing, however to improve the quality of the meetings and community input, changes to the report publication, public forum and Councillor briefing schedules is recommended as a result of the initial trial.

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

#### OFFICER'S RECOMMENDATION

That Council

- A. Agree to schedule one ordinary Council meeting per month to be held on the fourth Thursday of the month, commencing at 5.00pm from July 2019; and
- B. Agree to schedule Public forum on the third Thursday of the month commencing at 5.30pm; and
- C. Agree to Councillor briefing sessions occurring on the third Thursday of the month commencing at 2.30pm; and
- D. Agree to the business papers being published on the third Monday of the month.

#### BACKGROUND

At the 21 February 2019 Council meeting the following resolution was adopted.

#### COUNCIL RESOLUTION

63/19

That Council

- A. Hold one Ordinary Council meeting per month only on the third Thursday of each month commencing at 5.00pm for a trial period from April to June 2019,

<p>B. Hold a pre-meeting from 3:30pm – 5:00pm before each Ordinary Council meeting;</p> <p>C. Hold Councillor briefing sessions on the first Thursday of each month commencing at 4:00pm, with the exception of January; and</p> <p>D. Commence the Council meeting at 5:00pm on the third Thursday of the month, immediately adjourn the Council meeting for Public Forum and when completed, resume the Council meeting</p>	<p><b>Moved Councillor Castellari</b></p>	<p><b>Seconded Councillor Corbett</b></p>	<p><b>CARRIED</b></p>
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The following observations have been made that inform the recommendations to Council in this report:

- One Council meeting per month usually means a larger paper for Councillors to review and seven days does not necessarily provide all Councillors with the time to review content and seek clarifications where required,
- Council have deferred decisions on reports following representations made at public forum to allow them an opportunity to consider or further evaluate the community concerns before making a decision,
- The number of community members seeking an opportunity for public forum is greater than the current draft code of meeting practice would allow,
- Councillors are currently inclined to allow extensions to public forum speakers and engage in questions exceeding the current 30 minute allocation in the Code of Meeting Practice that consequently has an impact on the length of the Council meeting,
- One ordinary Council meeting per month has had a positive impact on the efficiencies for staff with regard to business paper production and meeting scheduling.

As a result of these observations, and with intention to continue to improve community engagement and improve efficiencies, a recommendation is being made to continue with one ordinary Council meeting per month and improve public forum access by adopting a new monthly schedule.

In the event Council adopt the recommendation, minor changes may be required to the draft Code of Meeting Practice to align the proposed changes, in addition publication of revised meeting dates and times would be advertised to the community.

The table below provides detail of the key monthly schedule dates and the benefits of these changes to the community, Councillors and staff:

<b>Monthly Schedule</b>		<b>Benefits</b>
<b>Week 1</b>	Council Resolutions and Questions are actioned.	<ul style="list-style-type: none"> <li>■ Council staff provide updates on resolutions and questions for reporting to council from the prior month.</li> </ul>

<b>Week 2</b>	Council Business Reports and Notices of Motion would be required to be signed off.	<ul style="list-style-type: none"> <li>■ Councillor Notices of Motion would be required by the second Wednesday of the month for inclusion in the business paper.</li> </ul>
<b>Week 3</b>	Council Business Paper published the third Monday of the month.	<ul style="list-style-type: none"> <li>■ This will allow the paper to be available before the Public Forum session on the third Thursday</li> <li>■ The additional time will allow Councillors more time to read the paper for the Council meeting.</li> <li>■ Councillors requiring paper copies will receive them on the Tuesday but have electronic access from the Monday afternoon.</li> <li>■ Moving report publication to the third week of the month allows time for months statutory reporting to be completed after end of month</li> </ul>
	Councillor briefing sessions held third Thursday of the month commencing at 2.30pm	<ul style="list-style-type: none"> <li>■ By moving this to align to public forum it still maintains Councillor sessions to the current two days per month, however in consecutive weeks.</li> </ul>
	Public Forum held the third Thursday of the month commencing at 5.30pm.	<ul style="list-style-type: none"> <li>■ If Public Forum is held the week before the Council meeting it allows a week for any concerns raised by the public to be considered before the council meeting rather than deferring and delaying decisions on business papers at the Council meeting.</li> <li>■ Councillors could potentially allow additional speakers and also amend the draft Meeting Practice to allow questions and extensions of time if the circumstance arises.</li> <li>■ It removes any emotion of making decisions on a business paper straight after a public petition on any matter.</li> </ul>
<b>Week 4</b>	Council Meeting fourth Thursday of the Month Commencing at 5pm (Pre meeting Commencing at 3.30pm)	<ul style="list-style-type: none"> <li>■ Allows for the meeting to be managed to a reasonable and WHS compliant timeframe with public forum removed.</li> </ul>

## QUADRUPLE BOTTOM LINE REPORTING

### 1. Social

Establishment of meeting cycles and times for Council and its committees recognises and promotes people's rights and improves the accountability of decision makers as well as giving the

community better opportunities for genuine participation and consultation about decisions affecting their lives.

## **2. Environmental**

Council's consideration and setting of meeting times itself will not have a negative impact on environmental sustainability.

## **3. Economic**

There are no economic impacts from the recommendations in this report.

## **4. Civic Leadership**

Council is required by the *Local Government Act 1993* to meet at least 10 times in each year, in different months. Aligning the meeting times to the proposed schedule will improve allocation of resources to operational and community needs.

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## 10.1 NOTICE OF MOTION TO RESCIND A RESOLUTION - SMEC HYDRAULIC MUSEUM

Record No:

Responsible Officer: General Manager  
Author: Councillor Sue Haslingden  
Attachments: 1. 16 May 2019 NoM Cr Haslingden  
2. 16 May 2019 NoM Cr Haslingden - Cr Maslin Signature  
3. 16 May 2019 NoM Cr Haslingden - Cr Castellari Signature

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Councillor Suzanne Haslingden has given notice that at the Ordinary Meeting of Council on 16 May 2019, she will move the following motion.

### MOTION TO RESCIND RESOLUTION

We hereby give notice of the following motion of rescission:

“That the Council resolution relating to

Minutes No. 163/19

Item No. 10.3

Title SMEC HYDRAULIC MUSEUM

Passed at the Council meeting held on 17 APRIL 2019

<b>COUNCIL RESOLUTION</b>	<b>163/19</b>
That Council	
A. Fully support the concept of the SMEC Hydraulic Museum	
B. Communicate to the current SMEC working party that Council at present is unable to assign resources to this project given the number of current projects already underway.	
<b>Moved Councillor Haslingden</b>	<b>Seconded Councillor Beer</b> <b>CARRIED</b>

be and is hereby RESCINDED”.

### Notice of Motion:

*Should the rescission motion be adopted we give notice that it is our intention to move the following motion in lieu of which due notice is hereby given.*

That Council fully support the concept of the SMEC Hydraulic Fluid Mechanics Museum

### BACKGROUND

The amendment passed at the April 2019 meeting reads in part B that at present, Council is unable to assign resources to the project given the number of current projects already underway.

It is very clear that this project is not a current one and potentially supersedes projects that have popped up through the merger.

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This project, according to the Report to Council April 2019 that also included a chronology, became a 'working together, stronger together' project back in April 2016. The recent report to Council also identifies that copies of information are available to Councillors, but have not been reproduced as attachments to the April 2019 report due to the volume involved. So currently, Councillors are potentially not fully informed regarding this project.

Three years later the SMEC Working Group are still trying to progress the project with Council. Over one year ago the feasibility study was concluded and presented to Council.

By identifying that Council fully supports the concept of the SMEC Hydraulic Museum communicates that Council is 'still at the table' and will also aim to consider the outstanding Officer's Recommendation Part C from the February 2018 minutes.

### **GENERAL MANAGER'S RESPONSE**

Clause 9. 1 of Council's Code of Meeting Practice provides as follows:

#### **9.1 Notices of Motion**

- (1) *The deadline for lodging notices of motion in writing for inclusion on the business paper for consideration at any meeting of the Council, shall be eleven (11) days prior to the meeting.*
  - (2) *A councillor must give notice of business in writing no later than 4.00pm on the Tuesday that follows the ordinary meeting of council.*
  - (3) *At an Ordinary meeting Councillors may give notice of motions in writing to be listed as matters on the business paper for the next Ordinary meeting of Council.*
  - (4) *The rules applying to the content of Questions also apply to the content of Notices of Motion.*
  - (5) *Councillors are to ensure, where it is intended that staff be asked to carry out some specific defined action, that a Notice of Motion is written in such a way that, if carried, the motion carries such clear and unambiguous direction.*
-



**Notice of Motion to Rescind a Resolution**

To: The General Manager  
Snowy Monaro Regional Council

**Motion to Rescind Resolution**

We hereby give notice of the following motion of rescission:

“That the Council resolution amended to read:

That Council

- A. Fully support the concept of the SMEC Hydraulic Museum
- B. Communicate to the current SMEC working party that Council at present is unable to assign resources to this project given the number of current projects already underway.

Am/ pb

Minutes No.

Item No. 10.2

**PASSED AT THE COUNCIL MEETING HELD ON : APRIL 17 2019**

**BE AND IS HEREBY RESCINDED”.**

**Notice of Motion:**

*Should the rescission motion be adopted we give notice that it is our intention to move the following motion in lieu of which due notice is hereby given.*

That Council fully support the concept of the SMEC Hydraulic Fluid Mechanics Museum.

**Additional information**

**Background**

The amendment passed at the April 2019 meeting reads in part B that at present, Council is unable to assign resources to the project given the number of current projects already underway.

It is very clear that this project is not a current one and potentially supersedes projects that have popped up through the merger.

This project, according to the Report to Council April 2019 that also included a chronology, became a ‘working together, stronger together’ project back in April 2016. The recent report to Council also identifies that copies of information are available to Councillors, but have not been reproduced as

	Issue Date:	Revision Date:	Page 1 of 2
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attachments to the April 2019 report due to the volume involved. So currently, Councillors are potentially not fully informed regarding this project.

Three years later the SMEC Working Group are still trying to progress the project with Council. Over one year ago the feasibility study was concluded and presented to Council.

By identifying that Council fully supports the concept of the SMEC Hydraulic Museum communicates that Council is 'still at the table' and will also aim to consider the outstanding Officer's Recommendation Part C from the February 2018 minutes.

Dated this 1<sup>st</sup> day of May 2019

Sue Haslingden (Name of Councillor) \_\_\_\_\_  (Signature of Councillor)

Anne Maslin (Name of Councillor) \_\_\_\_\_ (Signature of Councillor)

John Castellari (Name of Councillor) \_\_\_\_\_ (Signature of Councillor)

PO Box 714 COOMA NSW 2630 | 1300 345 345 | council@snowymonaro.nsw.gov.au |  
www.snowymonaro.nsw.gov.au

SMEC Fluid Mechanics Museum

Rescission Motion.

We would like to rescind part B of the motion from the April SMRC Meeting:

MOTION

That Council

- A. Fully support the concept of the SMEC Hydraulic Museum
- B. Communicate to the current SMEC working party that Council at present is unable to assign resources to this project given the number of current projects already underway.

Am/ pb

COUNCILLOR ANNE MASLIN :



SMEC Fluid Mechanics Museum

Rescission Motion.

We would like to rescind part B of the motion from the April SMRC Meeting:

MOTION

That Council

- A. Fully support the concept of the SMEC Hydraulic Museum
- B. Communicate to the current SMEC working party that Council at present is unable to assign resources to this project given the number of current projects already underway.

Am/ pb



John Castellari  
1/5/19

### 13. CONFIDENTIAL MATTERS

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

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

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

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

#### RECOMMENDATION

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

##### **13.1 Accrued Interest and Legal Fees on Unpaid and Outstanding Rates**

Item 13.1 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

##### **13.2 Replacement of Council's Volvo L70D Wheel Loader. Plant number 9449**

Item 13.2 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 discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

##### **13.3 Shared Path Detail Design to Murrumbidgee River Reserve**

Item 13.3 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

##### **13.4 Legal Actions and Potential Claims Against SMRC as at 30 April 2019**

Item 13.4 is confidential in accordance with s10(A)(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law

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and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**13.5 Endorsement of General Manager's Performance Agreement.**

Item 13.5 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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