



SNOWY MONARO
REGIONAL COUNCIL

ATTACHMENTS TO REPORTS

(Under Separate Cover)

Ordinary Council Meeting

7 March 2019

**ATTACHMENTS TO REPORTS
FOR
ORDINARY COUNCIL MEETING
THURSDAY 7 MARCH 2019**

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Planning Proposal

at

Lot 32 DP 1118132 Barry Way

Jindabyne

Prepared for

Highview Estate Properties-Erina Investments Holdings P/L

Village Style Retirement Services P/L

November 2018

Amended December 2018

(Project No 1809)

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Preliminary

This Planning Proposal has been drafted in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals' dated August 2016.

Subject Site

The subject site is the western part of the site known as Lot 32 DP 1118132 Barry Way, Jindabyne as shown in appendix A, figure 1.

The land is irregular in shape having a frontage to Barry Way, proximate to its intersection with Jillamatong Street, Jindabyne. The subject site has a site area of approximately 1.5ha.

The land is currently zoned RU1 Primary Production under the *Snowy River Local Environmental Plan 2013* and adjoins land to the east that is part of the Highview Estate subdivision. It is only proposed to rezone part of the site as to enable it to be used for residential uses as the remaining part of the site is steep and contains a significant gully as such it is not suitable for residential use. It is proposed to rezone the subject site R2 Low Density Residential in accordance with the zoning of the immediately adjoining land to the north and east. It is the owner's intention to lodge an application for subdivision which will create the site that will be subject to the rezoning and an application for the erection of a childcare centre on the lot created by the subdivision.

Background

Under previous Environmental Planning Instruments, the subject site was reserved for construction of a bypass to Jindabyne, however, this proposal was later abandoned. On land immediately adjoining the subject site to the east, the development application for the Highview Estate subdivision utilised the **5.3 Development Near Zone Boundaries** provisions of the Snowy River Local Environmental Plan 2013, to allow for development of the subdivision 50m into the R1 Primary Production zoned land within the subject site, in accordance with the allowances under Clause 5.3(2)(a). The resultant subdivision as per the relevant consents, left a residual strip of land approximately 15m wide within the R1 Zone that is impractical for usage for primary production purposes or for residential development if the land was later rezoned for residential purposes. Development Consent has been issued by Council for the

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erection of a Seniors Housing development on the part of the site that is subject to the rezoning and this consent has been commenced.

This Planning Proposal is being prepared for the rezoning of that part of the site that is suitable to be included within the R2 Low Density residential zone with the remaining part of the site to be retained within the RU1 Primary Production and RE2 Private Recreation zones. The proposal also seeks to amend the lot size map to change the minimum lot size from 40ha to 700m².

PART 1 OBJECTIVES or INTENDED OUTCOMES

The objectives of this planning proposal are:

- To rezone part of the existing Lot 32 DP 1118132 from RU1 Primary Production to R2 Low Density Residential as identified in the zoning map attached to this Planning Proposal
- To amend the minimum lot size map in the SR LEP, 2013 to change the minimum lot size for the subject site from 40ha to 700m².

PART 2 EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending the Snowy River Local Environmental Plan 2013 zoning map as it currently applies to part of the subject site, by changing the zoning RU1 Primary Production to R2 Low Density Residential and by amending the minimum lot size map applying to the site from 40ha to 700m².

PART 3 JUSTIFICATION

As mentioned in the *Background* section of this report, the subject site was historically identified as the route for a bypass road to Jindabyne, however, the project was later abandoned. The provisions Clause 5.3(2)(a) of the Snowy River Local Environmental Plan 2013 were utilised to enable a use of the majority of the subject site, as part of the Highview Estate residential subdivision to the east. The utilisation of these provisions in respect of the subject site effectively left a narrow strip of land unfit for the purposes of primary production and considered more suitable to permissible uses within a R2 Low Density Residential zone, as the land has similar attributes to the land that has been developed to the east. Development

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consent has been issued by Council for the erection of a Seniors Housing development on the part of the site that is subject to the rezoning and this consent has been commenced.

Section A - Need for the Planning Proposal

1. Is the planning proposal a result of any Strategic Study or report?

The subject site was strategically assessed in the Jindabyne Growth Structure Plan (JGSP) 2007 and the plan recommends that the site be rezoned to an urban scale development. The JGSP was adopted by Snowy River Shire Council in May 2007, in relation to the subject site the plan states *"Develop small area of land immediately south of High view Estate for general residential"* (p.12).

The JGSP made the following recommendation in regards to the subject site, *"Incorporate provisions in the new Urban LEP to appropriately zone the area immediately to the south of Highview Estate for general residential development"* (p.12). In 2013 the new SR LEP was gazetted though this recommendation was not addressed and a 'like for like' zoning was proceeded with. This planning proposal seeks to address the oversight and fulfil this recommendation from the JGSP. Zone R2 Low Density Residential is considered the most suitable zone due to the location of the subject site and surrounding land zones.

2. Is the planning proposal the best means of achieving the objectives or intended outcome or is there a better way?

The Planning Proposal is considered the best means of achieving the objectives and intended outcomes in this regard. The RU1 Primary Production zoning over the subject site is not appropriate, having regard to the minimal effective width and useable site area for that purpose. The existing and potential future uses on the subject site would more appropriately relate to the R2 Low Density Residential zone and Highview Estate subdivision to the east and a rezoning is the best way to achieve this outcome.

Section B - Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft Strategies?)

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The South East Tablelands Regional Plan 2036 (SET RP) was released in July 2017 and applies to the region including Jindabyne. The following directions are relevant to the planning proposal.

Direction 3: Develop the Snowy Mountains into Australia's premier year-round alpine destination

The proposal will be consistent with this direction in that the rezoning of the land will provide opportunities for additional housing the residential zone which will enhance opportunities for visitation to the Snowy Mountains

Direction 24: Deliver greater housing supply and choice

The proposal will be consistent with this direction in that it will provide opportunities for additional housing which will promote increased housing choice within Jindabyne.

Direction 25: Focus housing growth in locations that maximise infrastructure and services

The planning proposal will be consistent with this direction in that the housing will be provided in Jindabyne where the infrastructure and services can be maximised.

4. Is the planning proposal consistent with the local councils Community Strategic Plan or other local Strategic Plan?

Town & Village Planning – Jindabyne

The subject site forms part of the western edge of the Jindabyne Action Plan, commencing a planning process for the urban areas of Jindabyne Kalkite, East Jindabyne and Tyrolean Village and their 3500 residents and visitors. The plan is still under development, but ultimately seeks to establish meaningful strategies for the coming 20 years so that long term planning issues such as climate change, ageing population, provision of community services and facilities, town centre revitalisation, transport, education and provision of infrastructure to sustain growth, can be addressed. The Planning Proposal is consistent with the Jindabyne Growth Plan, being within the relevant catchment of where the broad level of growth should occur, and other identified strategies for Jindabyne.

Snowy River Rural Lands Strategy

The Snowy River Rural Lands Strategy and Rural Lands Study represent Council's direction into the future on rural land.

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This document together with other strategic planning documents inform policy and planning on development of rural lands and settlement across the Shire.

The Planning Proposal to rezone the subject site which includes an unusable strip of land for primary production currently zoned RU1 Primary Production, to R2 Low Density Residential, will not conflict with the Rural Land Strategy or other strategic outcomes, given its unfit size and configuration for use as primary production.

Cooma-Monaro Comprehensive Koala Plan of Management

The CKPoM is required to be prepared in accordance with State Environmental Planning Policy No. 44 Koala Habitat Protection (SEPP 44). The management plan, which is currently in draft form, will seek to address the existing, future and continuing koala habitat issues to ensure the ongoing survival of the species in the study area.

The subject site is within the CKPoM catchment and identified as containing biodiversity under the Snowy River Local Environmental Plan 2013 mapping (see Appendix A to this report). Notwithstanding, given that the majority of the site has been developed as part of the Highview Estate subdivision, the residual area does not contain potential core habitat as defined under SEPP 44. This planning proposal will therefore not conflict with the aims, objectives or management measures within the Plan.

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

The following assessment of the planning proposal is provided in relation to relevant State Environmental Planning Policies (SEPP's).

Compliance with SEPP's is discussed only where applicable to the subject land or proposal.

State Environmental Planning Policy No. 44 Koala Habitat Protection (SEPP 44)

As discussed in the previous section whilst this policy applies to the subject site there is no koala habitat on the site therefore the provisions of the SEPP would not apply.

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Whilst numerous State Environmental Planning Policies apply to the subject site, none are specifically relevant or adversely affected by this Planning Proposal. The relevant State Environmental Planning Policies would apply specifically to future development of the site if it is rezoned and would be assessed with any development application.

State Environmental Planning Policy Rural Lands

The aims of State Environmental Planning Policy (Rural Lands) 2008 are to:

- facilitate the orderly and economic use and development of rural lands for rural and related purposes
- identify Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State (refer Attachment B)
- implement measures designed to reduce land use conflicts
- identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations
- amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

In general, the SEPP achieves this by:

- introducing rural planning principles to provide guidance for local councils when preparing new comprehensive LEPs or amending LEPs in respect to rural and environment protection zones
- introducing rural subdivision principles to provide guidance for local councils which seek to vary existing minimum lot sizes in rural and environment protection zones
- enabling subdivision of rural land for the purpose of primary production below the minimum lot size without allowance for a dwelling
- introducing heads of consideration for the assessment of land use conflict when councils consider development applications in rural areas
- removing concessional lot provisions from LEPs to minimise land use conflicts and fragmentation of rural lands

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- enabling the Minister to identify State significant agricultural land and limit certain types of development on such land
- enabling the Minister to establish rural lands planning panels to provide advice to the Director-General on developments that propose to vary development standards.

Rural Planning Principles

The rural planning principles in the SEPP identify the range of matters that should be considered when preparing LEPs for rural areas. Planned outcomes for rural lands should enable economic opportunity, protection of resources and environmental values, opportunities for a range of housing types in appropriately planned locations and the efficient provision of infrastructure. In general, the principles require councils to have regard for social, economic and environmental planning considerations when preparing a new LEP. Section 9.1 Direction 1.5 – Rural Lands requires that when a council prepares an LEP for land within a rural or environment protection zone it needs to be consistent with the rural planning principles listed in clause 7 of the SEPP. An assessment of this direction is provided in the following section of the Planning Proposal.

6. Is the planning proposal consistent with the applicable Ministerial Directions (s9.1 directions)?

The following assessment is provided in respect of the consistency of the planning proposal with relevant Section 9.1 Directions applying to planning proposals lodged after 1 September 2009. Section 9.1 Directions are only discussed where applicable. The planning proposal is consistent with all other S9.1 Directions or they are not applicable.

Direction 1.2 – Rural Zones

This direction applies when the planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone.

However, a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objectives of this direction,

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

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- (iii) is approved by the Director-General of the Department of Planning, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) is of minor significance.

In this regard the proposal is justified by the Jindabyne Growth Structure Plan 2007 is in accordance with the regional strategy and is of minor significance.

Direction 1.5 – Rural Lands

Direction 1.5 Rural Lands requires that when a council prepares an LEP for land within a rural or environment protection zone it needs to be consistent with the rural planning principles listed in clause 7 of the SEPP which are set out below.

7 Rural Planning Principles

The Rural Planning Principles are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*

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(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

In relation to the relevant Rural Planning Principles

- a) most of the subject site is currently permitted to be used for residential purposes under the provisions of Clause 5.3(2)(a) of the Snowy River LEP 2013. The remaining part of the site is not suitable for rural uses due to its size and narrow width.
- b) The proposal will not impact on the changing nature of agriculture and of trends, demands and issues in agriculture in the area.
- c) The proposal will only affect a small area of land in the rural zone and the rezoning of this land will not affect the social and economic benefits of rural land use and development.
- d) N/A
- e) The rezoning of the land will not impact on biodiversity, the protection of native vegetation, the importance of water resources and will avoid constrained land
- f) N/A
- g) The rezoning proposal will not be serviced by existing infrastructure.
- h) The Snowy River Rural Lands Strategy and Rural Lands Study has been addressed above and there is no regional strategy of the Department of Planning applicable to the land.

This planning proposal is consistent with the relevant rural planning principles as justified above and as such is consistent with ministerial direction 1.5 Rural Lands.

Direction 2.3 - Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The subject site is not far removed from the Jindabyne Winter Sports Academy at 207 Barry Way identified as a Heritage Item of Local Significance under Schedule 5 of the Snowy River Local Environmental Plan 2013 (see Figure 4 in Appendix A).

The Planning Proposal will have a negligible impact on this item and facilitate its conservation.

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An Aboriginal Heritage Assessment Report has been prepared for this part of the site as part of the application for subdivision of the Highview Estate. The report has not identified any items of Aboriginal heritage on the subject site.

As such the planning proposal is entirely consistent with this direction

3. Housing, Infrastructure and Urban Development

Direction 3.1 - Residential Zones Objectives

- (1) The objectives of this direction are:
- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
 - (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
 - (c) *to minimise the impact of residential development on the environment and resource lands.*

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- (a) *an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
 - (b) *any other zone in which significant residential development is permitted or proposed to be permitted.*
- (4) *A planning proposal must include provisions that encourage the provision of housing that will:*
- (a) *broaden the choice of building types and locations available in the housing market, and*
 - (b) *make more efficient use of existing infrastructure and services, and*
 - (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
 - (d) *be of good design.*
- (5) A planning proposal must, in relation to land to which this direction applies:

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- (a) *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) *not contain provisions which will reduce the permissible residential density of land.*

The Planning Proposal is consistent with this direction in that:

- It involves a small strip of RU1 Primary Production zoned land, partly used as part of the Highview Estate subdivision by way of the “rubber boundary provisions” of the SR LEP, 2013 and a residual area no longer suitable for use for primary production due to its narrow width and size.
- The rezoning of this land to R2 Low Density residential in accordance with the zoning of land immediately to the east will broaden the choice of building types and locations available within the housing market in this locality and take advantage of the existing infrastructure capacity, currently provided to the Highview Estate subdivision.
- It will form a logical boundary between urban development and the urban fringe.
- The land will be adequately serviced as the servicing of the land has been addressed in the development of part of the site for a seniors housing development and the Highview Estate.
- It does not include any provisions which seek to reduce the permissible residential density of the land to be rezoned.

Direction 3.4 - Integrating Land Use and Transport Objectives

(1) *The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*

- (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) *increasing the choice of available transport and reducing dependence on cars, and*
- (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) *supporting the efficient and viable operation of public transport services, and*
- (e) *providing for the efficient movement of freight.*

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- (4) *A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*
- (a) *Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
 - (b) *The Right Place for Business and Services – Planning Policy (DUAP 2001)*

The Planning Proposal involves the logical extension of a R2 Low Density Residential zone to include the subject site, where the Highview Estate subdivision is currently under construction. The further extension of the R2 zone to include the narrow residual strip of unused land will allow for future development consistent with the objectives of this direction and that will give effect to and are consistent with the aims, objectives and principles of the documents mentioned in 4 (a) and (b) above.

Direction 5.1 - Implementation of Regional Strategies

Clause (4) of the Direction requires planning proposals to be consistent with a Regional Strategy released by the Minister for Planning.

Direction 5.1 Identifies regional strategies which have been superseded by the South East and Tablelands Regional Plan 2036, this is addressed in direction 5.10 below.

The Regional Strategies identified in this direction are not applicable to the Planning Proposal.

Direction 5.2 - Sydney Water Catchment

The objective of this Direction is to protect water quality in the Sydney Water Drinking Catchment.

The subject site is not land located in Sydney Drinking water catchment and as such direction 5.2 is not relevant to this planning proposal.

Direction 5.10 – Implementation of Regional Plans

This direction requires that the planning proposal be consistent with the Regional Plan prepared by the Minister for Planning.

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The South East & Tablelands Regional Plan 2036 (SET RP) applies to the region including Jindabyne. Section B of this report indicates that the planning proposal is consistent with the SET RP.

Direction 6.1 - Approval and Referral Requirements

Clause (4) of the Direction requires a planning proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.

This planning proposal is consistent with this direction as no such inclusions or designation is proposed.

Direction 6.2 - Reserving Land for Public Purposes

The objectives of this direction are:

- (a) *to facilitate the provision of public services and facilities by reserving land for public purposes, and*
- (b) *to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.*

Clause 4 of the direction provides:

- (4) *A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).*

The Planning Proposal will not create, alter or reduce any existing zoning or reservations of land for public purposes.

Direction 6.3 - Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

- (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

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- (a) *allow that land use to be carried out in the zone the land is situated on, or*
- (b) *rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
- (c) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

The Planning Proposal will rezone the site to R2 Low Density Residential, an existing zone already applying in the Snowy River Local Environmental Plan 2013, without imposing any development standards or requirements additional to those already contained in that zone and the respective LEP. As such, the Planning Proposal is consistent with this Direction.

Section C - Environmental, Social and Economic Impact

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

Notwithstanding the general biodiversity affectation on Council's mapping, it is evident that no critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the Planning Proposal. A Flora and Fauna Assessment was carried out for the development of the Highview Estate on. However, since this time several species that may occur in this locality have been listed as Threatened Species. This may require some further investigation should the application for rezoning be supported.

The site has been heavily disturbed as part of the Highview Estate Subdivision, or the application for the seniors housing on the site. The narrow residual strip to the western boundary of the lot contains little remnant vegetation. It is therefore evident that the planning proposal is unlikely to have any significant environmental impact and is unlikely to result in threatened species, populations or their habitats being adversely affected.

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

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There are no other likely environmental effects as a result of the planning proposal.

There are no hazards of Flooding, Acid Sulfate Soils, Mine Subsidence and Unstable Land and the land is not identified as Bushfire Prone land on Councils Bushfire Prone Land Map.

9. How has the planning proposal adequately addressed any social and economic effects?

The likely social and economic benefits resulting from the rezoning of the land will be:

- No items or places of European or Aboriginal cultural heritage or proximate heritage items will be adversely impacted.
- A strip of land currently zoned R1 Primary Production will be rezoned R2 Low Density Residential, a more appropriate zoning of the land having regard to the existing Highview Estate subdivision currently under construction, partially within the subject site and immediately to the east of that area to be rezoned. The inclusion of the subject site for this purpose will have a positive social and economic impact on the availability of housing and other permissible uses in this locality.
- Employment resulting from potential future uses of the site for different purposes in accordance with the R2 Low Residential zone, which will have a positive economic outcome.

Section D - State and Commonwealth Interests

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

The existing adequate infrastructure is available within the Highview Estate subdivision immediately to the east and within that section of the subject site currently included. The Planning Proposal will not alter the adequacy of provision of infrastructure to cater for any future use of the land in accordance with that permissible under the R2 Low Density Residential zone, within the residual portion of the land.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

No consultation has yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued. Notwithstanding, it is evident that the

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requirements of any State and/or Commonwealth agencies will not likely result in any variations to this Planning Proposal.

Part 4 Mapping

The existing zoning map and a map showing the location of the subject site and that area to be rezoned are included in Appendix A. Extracts identifying the land zoning, height of building and minimum lot size and terrestrial bio-diversity affectations under the Snowy River LEP are also attached.

Amendments will be required to the following map sheets:

- Land Zoning Map – Sheet LZN_003AA
- Lot Size Map – Sheet LSZ_003AA

The subject site as identified in the plan in Figure 1 of Appendix A would be rezoned R2 Low Density Residential.

PART 5 COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN

S3.33 (2) (e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

No consultation has yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

Other Matters for Consideration

There are no other matters relevant to the consideration of this Planning Proposal.

CONCLUSION

This Planning Proposal provides for the rezoning of part of Lot 32 DP 1118132 from RU1 Primary Production to R2 Low Density Residential under the *Snowy River Local Environmental Plan 2013*.

The proposed rezoning will facilitate the rezoning of a strip of land within the RU1 Primary Production zone on the subject site which is located on the western edge of the Highview

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Estate immediately to the east. Part of the subject site is being developed as part of the Highview Estate subdivision under the provisions of Clause 5.3(2)(a) of the *Snowy River LEP 2013* with the residual land including a narrow strip of land. In accordance with the Planning Proposal, the subject site is suitable for including within the R2 Low Density Residential zone.

The Planning Proposal is consistent with The South East Tablelands Regional Plan 2036, Jindabyne Growth Structure Plan, Snowy River Town & Village Planning – Jindabyne, Snowy River Rural Lands Strategy and Cooma-Monaro Comprehensive Koala Plan of Management. The proposal is generally consistent with all relevant 9.1 Directions; Direction 1.2 – Rural Zones 2.3 Heritage Conservation, Direction 3.4 - Integrating Land Use and Transport Objectives, Direction 5.1 - Implementation of Regional Strategies, Direction 5.2 - Sydney Water Catchment, Direction 5.10 Implementation of Regional Plans. Direction 6.1 - Approval and Referral Requirements, Direction 6.2 - Reserving Land for Public Purposes and Direction 6.3 - Site Specific Provisions.

Whilst the site is identified as containing biodiversity, the site has been heavily disturbed as part of the Highview Estate Subdivision, or the application for the seniors housing on the site. The narrow residual strip to the western boundary of the lot contains little remnant vegetation. It is therefore evident that the planning proposal is unlikely to have any significant environmental impact and is unlikely to result in threatened species, populations or their habitats being adversely affected.

The Planning Proposal is unlikely to result in any adverse social or economic impact. There is adequate public infrastructure available for the existing and potential future uses of the land.

An assessment of the proposed Local Environmental Plan, in accordance with the Guide to Preparing Planning Proposals indicates that the planning proposal is worthy of support.

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APPENDIX A - Land to which the Planning Proposal applies

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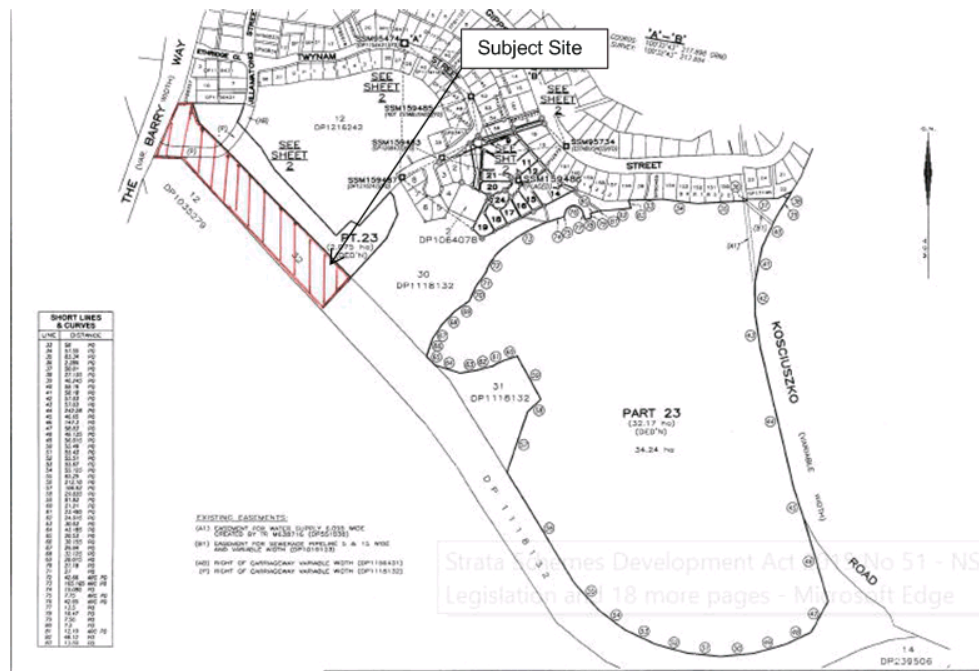


Figure 1: Extract from Deposited Plan 1118132 showing location of the subject site

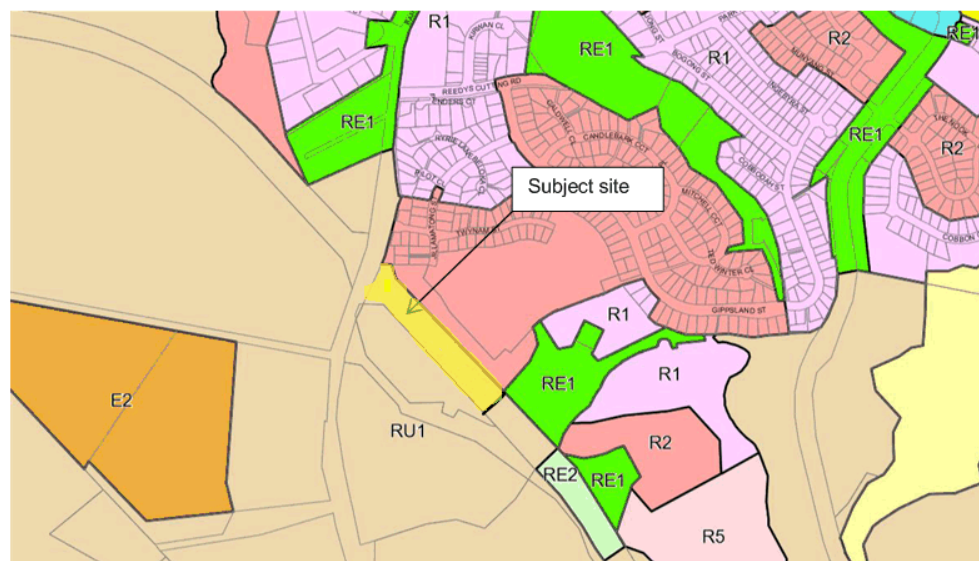


Figure 2: Existing zoning showing current RU1 zoning of the subject site (Source: Snowy River LEP 2013 mapping)

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Figure 3: Height of Buildings map – Area J – Maximum Building Height 9m (Source: Snowy River LEP 2013 mapping)

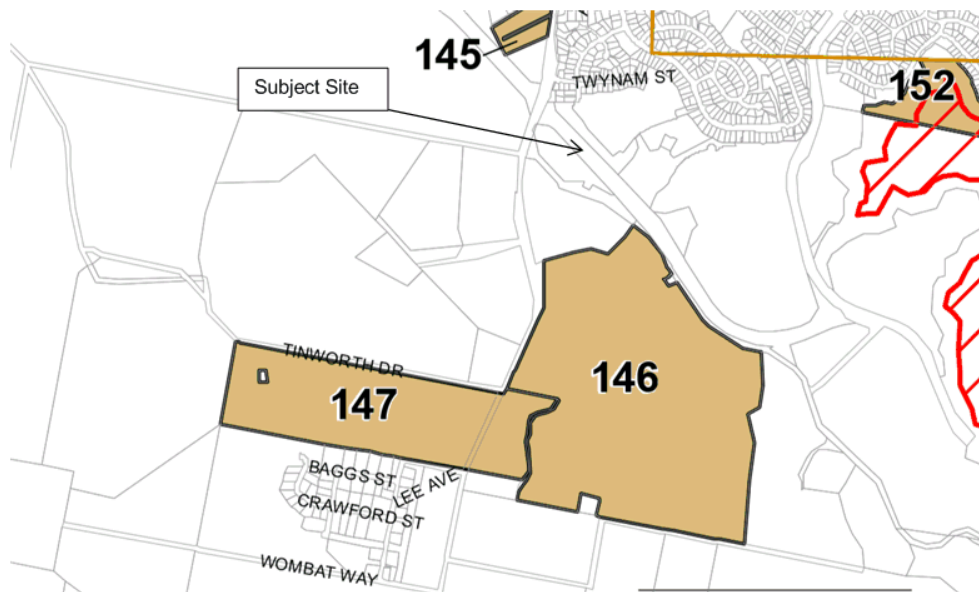


Figure 4: Heritage mapping showing proximity of Heritage Item 146 in respect of the subject site (Source: Snowy River LEP 2013 mapping)

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Figure 5: Biodiversity Mapping – (Source: Snowy River LEP 2013 mapping)



Figure 6: Aerial photo showing minimal vegetation within the subject site – (Source: Six maps)

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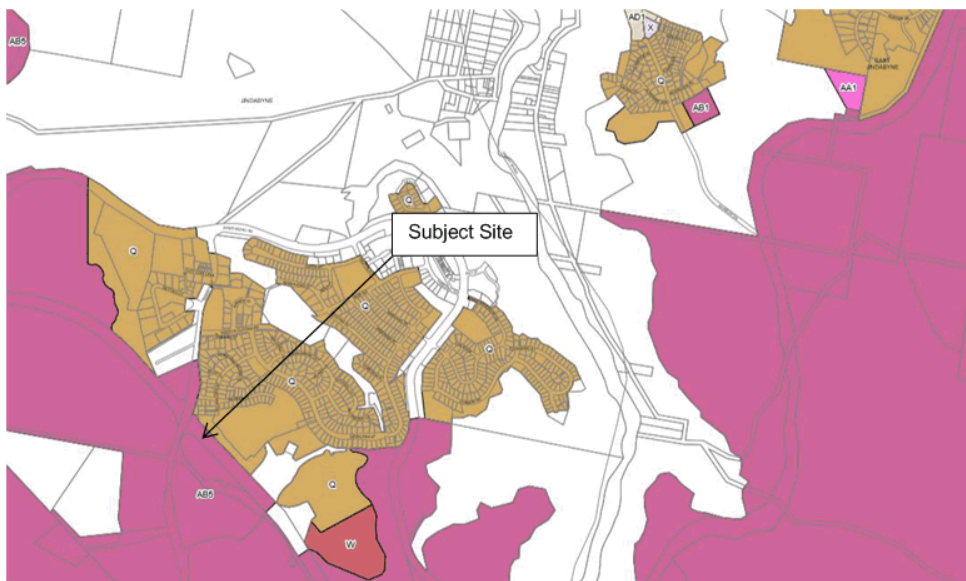


Figure 7: Minimum Lot Size Mapping – Area AB5 40ha. Adjoining land immediately to the east in Highview Estate – Area Q minimum lot size 700m² (Source: Snowy River LEP 2013 mapping)

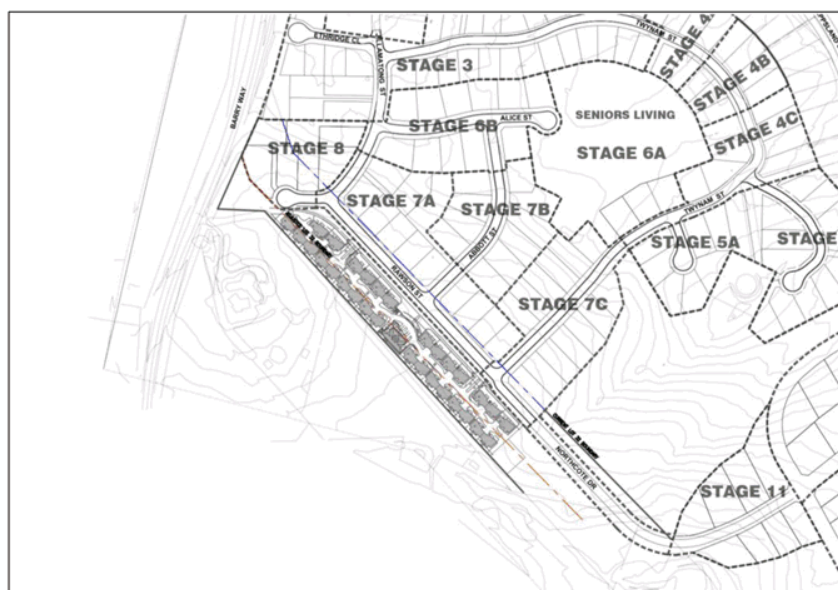


Figure 8 Showing existing Highview Estate and location of approved Seniors Living development on the subject site.



Snowy River Shire Council

STRUCTURE PLAN 2007

JINDABYNE GROWTH STRUCTURE PLAN



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Purpose of the Jindabyne Growth Structure Plan

The Jindabyne Growth Structure Plan identifies areas at the broad level to accommodate the growth of Jindabyne township. It has been developed through an analysis of the technical background studies and consideration of community aspirations for how growth and development should be directed.

The Jindabyne Growth Structure Plan focuses on providing new areas for residential and industrial uses. The structure plan allows us to broadly determine the direction for growth so that Jindabyne grows in an orderly and efficient manner that retains the very values that make it an attractive destination and place to live.

The Plan will benefit the community in a number of ways:

- By working with the community to determine appropriate areas for development it is anticipated the Plan will minimise future potential for land-use conflict;
- It will protect things of value to the community;
- Proper infrastructure planning will save the Council and community money; and
- The Plan will clearly address community needs as expressed throughout consultation.

The key criteria the Jindabyne Plan must address include the following:

To meet population projections for the next 20 years and ensure a diversity of housing choices

Our land supply for residential purposes needs to keep ahead of population growth and demand for housing. Within the next 20 years Jindabyne will need more land for residential purposes to support expected population growth. With careful management, a diversity of housing opportunities can be provided in both rural and urban settings and at a scale to meet the various market requirements.

To manage the future growth of Jindabyne

In order to manage growth we must determine where growth can occur. The plan will be looking at phasing growth, setting clear boundaries, and promoting a clear pattern for development to provide certainty for residents and to protect the integrity of existing settlements. A sound set of design principles for future development will be developed which are important for growth management planning.

To ensure that infrastructure is provided in an orderly and efficient manner

As much as possible we need to maximize our existing infrastructure usage to avoid building more, maintaining our existing services through regular assessment, and upgrading as required. At the same time we need to carefully monitor the appropriateness of the service levels we expect. Council is moving to address 20 years of supply with regard to water and sewer services. In particular Council needs to upgrade the Jindabyne Sewerage treatment plant if the town is to accommodate any more growth.



To ensure the natural and cultural heritage of Jindabyne is not destroyed by inappropriate development

The landscape setting of Jindabyne is important not just for its scenic values but also for its inherent conservation and heritage values. It is important to protect and manage development in areas that contribute to the scenic quality of the town as well as areas that have natural and heritage value.

To provide open spaces and natural areas that contribute to the protection of scenic and natural values

Further to the above point, the Jindabyne Plan will identify and provide for the management of areas for open space and recreation. In particular, it will initiate a greenways system that ties together corridors of habitat, parks, trails and land reserves.

To identify adequate land supply for diverse business uses as well as tourism

The Jindabyne Plan will identify adequate land supply for diverse business uses including opportunities for expanding tourism, maximizing proximity to Lake Jindabyne and Kosciuszko National Park and other employment opportunities.

To ensure future development meets the expectations of the community for social and cultural outcomes

In order to develop as a community, sufficient land will need to be identified for future planned community services. The Jindabyne Plan will complement the Snowy River Shire Social Plan and ensure land is nominated for the provision of community and cultural infrastructure.

The Project Area

The project area contains the town of Jindabyne and all of its outlying communities and villages, including Tyrolean Village, East Jindabyne, Kalkite, High Country Estate, Lakewood Estate and Cobbin Creek Estate.

A ring equaling a radius of 10km has been defined from the town centre (water tank on the top of Gippsland St). This ring was established through the Snowy River Shire Settlement Strategy 2002 and is a broad strategic ring. Within the rural areas contained within this ring Council proposes to be able to consider applications for rural living (small lot) subdivisions.





The process so far

The Jindabyne Growth Structure Plan is a result of both the collection and analysis of the technical information and feedback from the community. The plan is proposed to guide the development of the town for the next 20 years. To arrive at the broad direction detailed in the structure plan council has worked closely with the community to understand their needs and values to respond with growth options that reflect the technical constraints and social context of Jindabyne.

Developing a Vision

The first step in the process was to prepare a community vision to guide the future growth of Jindabyne. This was achieved during a series of other planning processes and workshops with the community. The new Jindabyne Plan will guide that vision on the ground. The vision is essentially a broad statement about what we want Jindabyne to be in the future. As well as the vision a set of principles (or rules) for guiding development were also determined. These principles reflect what the community has said is important for the continued life of the town. The community vision and guiding principle are detailed in the following pages.

The Physical and Social Context

An understanding of the project area was gained from a series of technical background studies. These studies were prepared by expert consultants and the findings were presented to the community at open days in November 2005. These background studies include:

- Snowy River Shire Residential Planning Project – An analysis of residential and housing needs (SGS Economics);
- Landscape Character Assessment (Inspiring Place);

- Analysis of Infrastructure Capacity & Needs Assessment (Rob Staples & Associates);
- Water Resources Study (The Planning Connection);
- Analysis of the Natural & Archaeological Values around Jindabyne, Adaminaby, Berridale and Dalgety (NGH Environmental).

A summary of the most relevant findings of these reports is provided in the Growth Options Discussion Paper 2006.

Developing the Growth Options

With a comprehensive understanding of both the physical and human aspects of Jindabyne a growth option discussion paper was developed and presented to the community for comment in October 2006.

The final Jindabyne Growth Structure Plan has been refined in response to the communities feedback. Some of the actions identified will be fulfilled through a range of Council activities while others may require collaboration with other agencies, the community and other key stakeholders.

What happens next?

The Jindabyne Growth Structure Plan is the first stage in the development of a new plan for Jindabyne. Infill development or redevelopment opportunities within the existing town boundary, the town centre, community facilities and commercial land will be considered in Stage 2 of the process. The work undertaken for the Structure Plan coupled with the work from Stage 2 will be combined to provide a single comprehensive Jindabyne Plan to guide the growth and development of the township for the next 20 years.

Eventually the directions contained in the Jindabyne Plan will form the basis of new statutory plans including a new Local Environmental Plan, new zoning and controls as well as a Development Control Plan for Jindabyne.



The Community's Vision and Guiding Principles

The following vision has evolved through the last few years of planning and consultation with the Jindabyne community.

Recognition as a linked collection of uniquely different rural residential communities, small residential villages and a central township.

Recognition as a year-round eco-friendly destination in which residential amenity is protected from the impacts of short-term visitors

Recognition as a holiday destination offering a diversity of year-round rural lifestyle and alpine recreational opportunities where movement within and between localities is facilitated by cycleways, walkways, bridle tracks and public transport services.

A core set of principles have been developed that will help guide the development of the Jindabyne plan and future decision-making generally. These principles are reflective of what the community has told Council through its various consultations to date. To develop in accordance with these principles it is clear that the community may need to make some trade-offs. The main principles are:

The atmosphere of our 'mountain town' should be maintained by a good mix of tourists and permanent residents.

This means we identify ourselves as a mountain town that is both an attractive place to live and to visit. The atmosphere of the mountain town contributes to the sense of place the community has for Jindabyne. Whilst we understand that tourism is the major economic driver of the town we need to diversify our economic base while maintaining Jindabyne as an attractive place to live. This may mean that we have to provide land for both tourist and resident development whilst achieving a degree of separation of residential areas from the impacts of tourist activity. It also means we need to provide for a range of accommodation types for residents including affordable housing.

The growth of Jindabyne should be supported but it needs to be well planned and based on population targets.

This means we will need to stage growth in accordance with agreed population targets and develop within the land's capability, attributes and infrastructure capacity. Well planned development must be based upon



good information and follow a sound planning process. This will rely upon Council resources to continually monitor development and review and update plans.

Tourism is the major economic driver within Jindabyne and this needs to be supported by the provision of a range of accommodation types.

This means that we will continue to plan for and provide a range of accommodation including a mix of motels, holiday dwellings, small scale bed and breakfasts, cabins, guesthouses and lodges. We will need to stay abreast of the nature of tourist demands and ensure that planning controls permit appropriately designed tourist development.

The unique setting of the town, including the vistas that can be enjoyed from many locations and the vegetated backdrops to the Lake, need to be protected.

This means we want to protect the important scenic values of the town. We want to protect the lake backdrops from inappropriate development and we do not want buildings interrupting important views. This may mean we restrict development on the vacant land around the lake and on our heavily treed hillsides.

There needs to be integration of recreational facilities and open space areas with the township's commercial and accommodation centre.

This means we need to provide and maintain clear connections between our recreational facilities and the township. This can be in the form of open space links, bicycle paths, bridle paths, and pedestrian connections between residential areas and the town. There is a need to maintain and enhance open space areas and access to the Lake Foreshore and increase the level

of enjoyment of these areas for locals and tourists. For future development, this may mean clear open space linkages between any new urban areas and the existing town.

The integrity of the rural residential communities, small villages and the township needs to be maintained, however there needs to be linkages.

This means we need to maintain the separation of the lakeside communities and the rural residential communities. We need to see the integrity of Tyrolean Village, East Jindabyne and Kalkite maintained. The community does not want to see Jindabyne spread into one big urban complex. At the same time there needs to be linkages (not just roads) but pathways and open space where practical.

The sense of community, place and quality of life Jindabyne offers needs to be supported and maintained.

This means we need to ensure that future development does not undermine the sense of community and quality of life the town already enjoys. This may mean we keep the scale of development low and we plan for safe communities. Through our planning processes we need to build on the existing community spirit and to look for opportunities to build partnerships to achieve outcomes.



Jindabyne Growth Structure Plan

The following areas are identified for future development at various scales. In some instances further detailed work is needed to refine the boundaries of the areas and nominate the appropriate mix and scale of development in response to the specific constraints of the site.

A series of recommended policy directions and actions are presented to guide the implementation of the Jindabyne Growth Structure Plan.

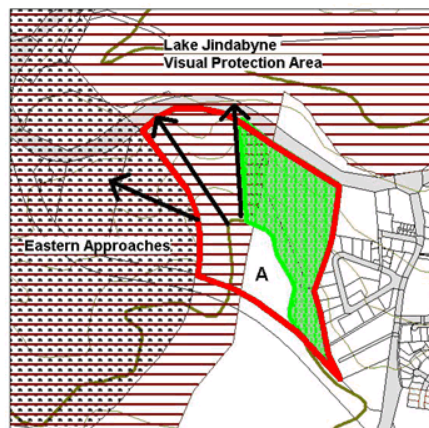
Finalisation of the Jindabyne Growth Structure Plan will:

- Send a clear message about the direction of growth at various scales;
- Ensure the communities vision and principles are built into decisions about growth;
- Determine a set of actions required to implement the plan—in some instances this means rezoning of land in others the impetus to undertake the required further work to pursue rezoning.

Refer to the attached Growth Options Plan when reading this section.



Area A (west of Lake Jindabyne, including and adjoining Snowy Mountains Grammar School)



Three options were put forward for this area.

1. Retain existing town boundary. Zone appropriately to protect Lake Foreshore from lakeside sprawl.
2. Allow limited development on the land immediately to the west of the Snowy Mountains Grammar School. Control with general residential zoning and development controls.
3. Allow development over the entire area extending in a westerly direction to the boundary of the Eastern Approaches and south to the alignment of the nominally shown road. Control with general residential zoning and development controls.

Discussion

The background study of infrastructure services which is one of a set of technical background studies concludes that this area can be relatively easily serviced with some further investigation required. Access on to MR286 is problematic however access through existing subdivision in Nettin Circuit is possible. Detailed engineering design for servicing and road layout to be determined at the subdivision scale.

The Landscape Character Assessment undertaken concludes that development over this entire area would detract from the landscape character of the region. There is some limited capacity for development on the land immediately west of the township facing north. However development over the entire area would be highly visible from the Alpine Way and from Kosciuszko Road on return from the ski fields and as such would intrude and alter the landscape character of this area.

Feedback from the community indicates that some development is acceptable in this area. Several submissions supported development of either part or all of this area. One submission was received which did not support any further development of areas visible from the Lake.

Any development of this area needs to be managed with development controls to minimize visual impacts. If development is to be considered over this area it must not be located on land with slopes >18 degrees (formally State Protected Land). Steeper areas should be avoided as they have greater visual prominence and the sparseness of vegetation in these areas means they have low visual absorption capacity i.e. development is more difficult to disguise. To manage the visual impact of development single dwellings combined with a mix of densities to the rear of the area may be appropriate.

Recommended Structure Plan Policy

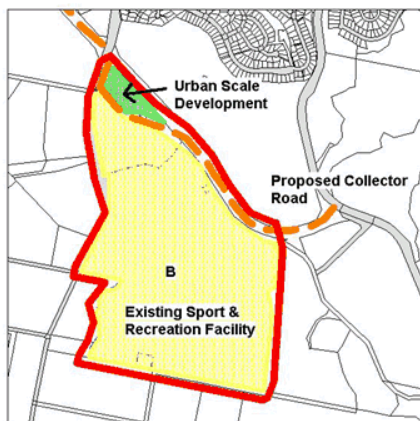
- Direct new general residential development to the area to the west of the township on land with slopes below 18 degrees that are north facing and below 1000m contour as show on the Jindabyne Growth Structure Plan (JGSP) Map.
- All new residential development subject to design principles and guidelines to manage visual impact.

Recommended Structure Plan Action

- Incorporate provisions in new Urban LEP to appropriately zone this area.
- Develop required design guidelines to manage visual impact.



Area B (Eastern side of Barry Way, south of Highview Estate, including Sport and Recreation land)



One option was put forward for this area.

- Develop small area of land immediately south of Highview Estate for general residential.
- Retain Sport and Recreation facility
- Re-align and maintain collector Road

Discussion

The area immediately adjoining and to the south of Highview Estate could easily be developed for urban scale development. Infrastructure can be readily provided to this portion of the area and development would have minimal adverse visual impacts.

The Sport and Recreation land is recognised for its existing use. There is potential to develop some of the Sport and Recreation land for residential purposes in negotiation with the NSW Department of Sport and Recreation.

There is community support for the option presented for this land. The Sport & Recreation Facility is viewed as a key asset and links to and from the facility need to be incorporated. Strong linkages to the recreation facility and the town will be pursued through the Open Space and Recreational Landuse Strategy.

Several submissions indicate support for maintaining an area for a future collector road to manage traffic and movement in and around Jindabyne. (refer to fact sheet for Collector Road) It is proposed that this road should be a collector road as opposed to a bypass road. Regardless acquisition of adequate area should be pursued so as to not preclude upgrading of the collector road to a by pass road should this be required in the longer term.

Further investigation is required to determine the optimal position of the road so that one, shared and appropriate access is provided.

Recommended Structure Plan Policy

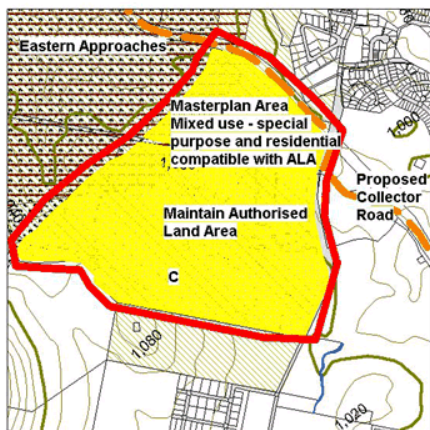
- Direct new general residential development to the area immediately to the south of Highview Estate as show on the JGSP Map.
- Manage residential subdivision to maintain amenity and minimise adverse impacts on adjoining land.
- Support retention of the Sport and Recreation Facility as an ongoing and secure recreation resource for the community.
- Continue to work collaboratively to investigate options for future residential development and associated contributions planning on part of the Sport and Recreation Land.
- Continue to pursue the acquisition of land in an appropriate position for a collector road to act as part of an overall strategy to manage traffic effectively in and around Jindabyne.
- Ensure strong pedestrian links between the existing town and the recreation facility.

Recommended Structure Plan Action

- Incorporate provisions in new Urban LEP to appropriately zone the area immediately to the south of Highview Estate for general residential development.
- Develop required design/subdivision guidelines to manage impacts on adjoining land.
- Undertake analysis to determine optimum access point for a collector road and continue discussions and negotiations with relevant stakeholders to gain a shared access road to complement a suite of measures needed to manage traffic and movement around Jindabyne.
- Develop and implement Open Space and Recreational Landuse Strategy.



Area C (Western side of Barry Way, south of the Jindabyne Cemetery / proposed by pass road to Tinworth Drive. The Airport)



Three options were put forward for this area.

1. Allow limited residential development over part of the area and maintain ALA.
2. Allow residential development over the area and relocate/upgrade ALA. Development to recognize ridgelines and protect for visual amenity.
3. Special purposes golf course/resort and maintain ALA.

Discussion

Currently a number of uses exist in this area including the Authorised Landing Area (ALA), the pony club and private land. Discussions regarding the future development of the area have raised the potential for resort or special purpose development, the future of the ALA and the potential for development for residential land or a combination of these uses.

The submissions received indicated support for the maintenance of the ALA on the basis that there are no other appropriate locations, it is an asset to the community and does not necessarily preclude residential development or other special use of areas around the ALA. (refer to Factsheet for ALA)

Given the type of uses existing in this location, the topography and visual issues associated with this area a master planning process would ensure that the detailed analysis of the appropriate uses that can co-exist is completed before a rezoning.

The structure plan offers a mix of options for residential development at various scales for the next 20 years. There are a number of areas identified for general residential use in the shorter term ie parts of Area B and Area G. The timeframe of this plan allows for a detailed master planning process to be undertaken to consider the most appropriate mix of uses given all of the constraints.

The master planning process can be initiated by Council and pursued by relevant stakeholders. A timely rezoning outcome is dependant on the participation of all of the relevant stakeholders.

Recommended Structure Plan Policy

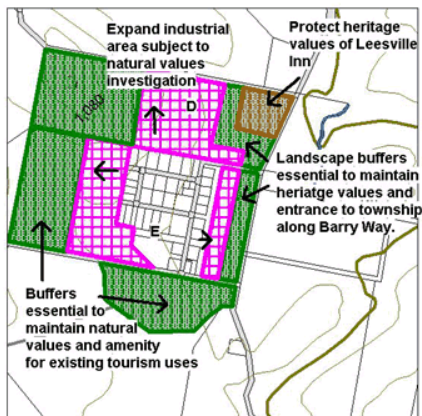
- Maintain Authorised Landing Area and continue to review potential upgrade and its role through a master planning process.
- Support a mix of development of the site subject to a detailed master plan to determine appropriate location, style and scale of development that can coexist with the maintenance of the ALA prior to and informing rezoning of specific areas.

Recommended Structure Plan Action

- Approach relevant landowners to contribute to a master plan and servicing planning process to initiate process for rezoning.



Area D (Area extending west and south of Tinworth Drive including land containing the Old Leesville Inn) and Area E (Leesville Estate – current Industrial Zone).



Initially Area D and Area E were considered separately with one option for each area.

Area D—Development potential constrained by high biodiversity values, significant heritage item and proximity to industrial estate. Development potential likely to be mixture of low density (rural residential), environmental protection and industrial buffer.

Area E—Extend industrial estate to Barry Way with landscaped buffer. Environmental protection to west and south.

Discussion

This area is constrained by potentially high biodiversity values, heritage values, topography and existing uses surrounding the area.

Initially expansion to the south was suggested as this area is less constrained by both natural and heritage values. However the area to the south is less suited to industrial development than the area to the north given its rolling topography and the existence of tourism developments scattered throughout the area.

It is recommended that a detailed biodiversity study and heritage investigation is undertaken to determine the direction and extent of development that can occur whilst maintaining these important values.

Expansion of the industrial area to the north could be considered subject to investigation into the natural and heritage values and their requirements. The area would require significant buffers and would need to be confined on the flatter land to minimise visual impact.

Expansion to the north subject to the resolution of the other constraints is preferable as the exiting access to Leesville could be utilized, the area is relatively flat and would be contiguous with the existing estate. This option is also compatible with the recommendation to maintain the ALA as these uses can co-existed.

Expansion forward to the Barry Way needs further investigation regarding flooding, biodiversity values, emergency use, buffers and will require community consultation regarding options for this section of the area.

It is recommended that detailed study is required to determine the most suitable area for industrial expansion and detailed access and infrastructure investigation. Resolution of these issues is needed prior to rezoning land for industrial expansion.

Recommended Structure Plan Policy

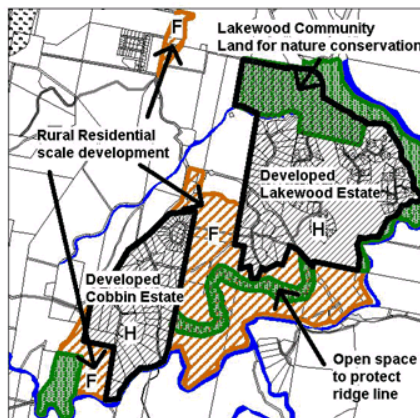
- Subject to satisfactory resolution of biodiversity and heritage constraints direct Industrial development to a limited area to the north as shown on the JGSP Map.

Recommended Structure Plan Action

- Undertake detailed study of biodiversity values over the entire area to determine development potential.
- Undertake analysis of heritage and cultural values of the area to determine development potential and strategies appropriate to maintain heritage values should development be considered.
- Undertake a detailed planning process to determine the most appropriate area for industrial expansion and management of heritage and biodiversity values.



Area F (Land directly adjoining and surrounding existing rural residential estates) and Area H Developed Lakewood and Cobbin Estates.



One option was put forward for this area.

- Rural residential scale development with limited development within creek areas and ridgelines to protect visual amenity and provide for potential recreation trails.
- Originally the area to the north of Lakewood Estate was marked for rural residential development. However the area was set aside for nature conservation purposes in the original Lakewood subdivision and as such is now proposed to remain as open space/nature conservation.

Recommended Structure Plan Policy

- No further development of the Lakewood Community Land extending north from Lakewood Estate as shown on the JGSP. This area as well as the other areas nominated for open space will complement open space networks being developed through the Jindabyne Open Space Strategy.
- Direct rural residential style development to the remaining land in Area F as shown on the JGSP Map to retain the rural approach to town, minimise visual impacts and maintain the character of existing neighbouring Rural Residential Estates.
- Develop Open Space links through this area.

Recommended Structure Plan Action

- Incorporate provisions in LEP to allow rural residential development in the areas nominated on the JGSP Map.
- Develop and implement Open Space and Recreational Landuse Strategy.
- Apply water sensitive urban design techniques to maintain the health of Cobbin and Mowamba Creek to all new subdivision proposals and applications.
- Develop required design guidelines to manage visual impact.

Discussion

The areas proposed for rural residential estate development must be connected to town water and sewerage services. These areas are not the most easily serviced areas however they can be provided with town services.

This scale of development serves to maintain the integrity and character of the existing rural residential estates. In addition siting lower scale development along the Barry Way provides a gradual escalation of development as proximity to the township increases.

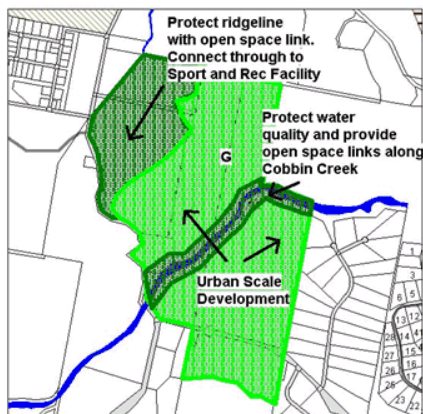
The small area of rural residential development proposed opposite the current industrial estate is marked for this type of low scale development to maintain the open rural approach to the township. This area is not considered appropriate for industrial expansion as it not contiguous with the existing industrial area and would have adverse visibility impacts on the entrance to town.

Open space links through creek areas and ridgelines will be required. The Lakewood Community Land will complement the open space areas existing and proposed.

Generally submissions were supportive of the options for this land. One submission raised that lower density development is more appropriate over the Mowamba corridor area. It is considered that a combination of setbacks and open space adjoining the Mowamba Creek can adequately protect the water quality of the creek whilst allowing rural residential scale development that is connected to town services.



Area G (Land to the south of Sport and Rec land, immediately adjoining to the east of the Barry Way and includes land occupied by part of the Station Resort)



One option was put forward for this area.

- General residential development with limited development within creek areas and ridgelines to protect visual amenity and provide for potential recreation trails.
- Potential redevelopment of Station Resort.

Discussion

This area includes the Station Resort which is currently serviced. The majority of this area can be readily serviced with town water and sewerage and as such it is proposed that this area is well suited for urban scale development. Detailed engineering design for servicing and access to be determined through master planning process.

This area is a priority area for general residential development to cater for expansion of the township as it can be readily serviced and the topography is such that development can be sited to maintain views and vistas and the character on approach to Jindabyne.

Feedback during the exhibition period generally supported urban scale development in this area. The maintenance of public access and water quality of Cobbin Creek was raised and as such open space links and trails in this area will be essential to incorporate in this area.

It will also be important to maintain the minor hill form in close proximity to the Barry Way in open space as a visual boundary.

Continued discussion with Perisher Blue will be required in determining potential for redevelopment and in developing a specific contributions plan for the area with relevant stakeholders.

Given the issues for consideration a master planning process is required prior to rezoning. This process can be initiated by Council and pursued by relevant stakeholders. A timely rezoning outcome is dependant on the participation of all of the relevant stakeholders.

Recommended Structure Plan Policy

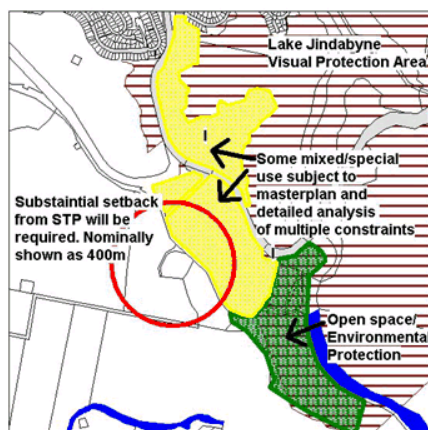
- Support general residential development of the site subject to a detailed master plan to determine appropriate density and scale of development prior to and informing rezoning of specific areas.
- Ensure open space, recreational land and public access to creeks are provided through a detailed planning process.
- Work collaboratively to develop a specific S64 and S94 Plan for the area to be rezoned urban.

Recommended Structure Plan Action

- Approach relevant landowners to contribute to a master planning process required for rezoning.
- Apply water sensitive urban design techniques to maintain the health of Cobbin and Mowamba Creek to all new subdivision proposals and applications.
- Develop a specific S64 and S94 Plan for the area to be rezoned urban in collaboration with relevant stakeholders.
- Implement Open Space and Recreational Landuse Strategy.



Area I (Copper Tom Point)



One option was put forward for this area.

- Special purpose/open space/ environmental management.

Initially the area did not include to two areas on the south side of MR286. These areas were originally marked for open space/environmental protection. In response to submissions these further areas are added to Area I for consideration in a detailed master planning process for the entire area. One area is marked for open space/environment protection as an extension of the snowy river corridor.

Discussion

The area known as Copper Tom Point and the area on the opposite side of MR 286 is constrained by a number of factors including access, visibility, setbacks, its role in open space networks and in nature conservation. It can be easily serviced with town water and sewer however connection to the existing road network presents some difficulties.

The area is wholly contained within the Lake Jindabyne Visual Protection Area and is located at a key entrance point to the township as such consideration of the impacts of development on the visual character of the area is paramount.

It is proposed that this area could accommodate some low scale residential use and/or special use development such as a community heritage centre or other high quality design special use facility. To determine the detailed scale, siting and nature of development capable on this area to maintain the visual amenity of this key area can be considered through a master planning process.

The area being a large tract of undeveloped land in a visually prominent area at the entrance to town is unique and has the potential to offer land for a wide community benefit and potentially some limited general residential area.

During the exhibition period the owners of the land express that further development potential is desirable. Through consultation it is also clear that the community value this area for the open space and recreational value it provides. Its visual prominence at the entrance to town coupled with the above points means that these competing uses need detailed exploration and balancing provided by a master planning process.

Recommended Structure Plan Policy

- Undertake a master planning process prior to any rezoning to determine development capability in response to a detailed constraints analysis.

Recommended Structure Plan Action

- Approach relevant landowners to contribute to a master planning and servicing planning process required for rezoning.



A) Barry Way and B) Mowamba and C) Avonside Rural Living Area

One option was put forward for these areas:

Rural Living subject to the following:

- No development to be visible within 1km of the Barry Way or Cobbin-Beloka Road.
- No development on state protected land (slopes >18%).
- Development within 1km and 5km of the Barry Way or Cobbin-Beloka Road to demonstrate visual impact is minimized where visible from the roads.
- No development on ridgelines.
- No new access onto existing main roads.
- Access in Avonside Rural Living area must be provided from Avonside Road.

Discussion

The opportunity to undertake small lot subdivision in the nominated areas was met with mixed feedback from the community. Many submissions supported the opportunity for rural living but had concerns with the detailed requirements on issues like water, access and visual controls. Other submissions raised concerns with rural living subdivision including conflict between uses and the sustainability of this type of development.

The policy position of Council to date has been to support this style of development around our towns and villages. This position is not new and is detailed in the Snowy River Settlement Strategy and reflected in the Draft Rural LEP 2006.

Whilst it is recommended that the opportunity for rural living style development should be provided it is acknowledge that this style of residential development needs to be tightly managed to minimize adverse impacts. Access, water, landuse conflict and visual issues need to be managed so that undue costs are not transferred to the community, council and or the landowners that are already located in our rural areas.

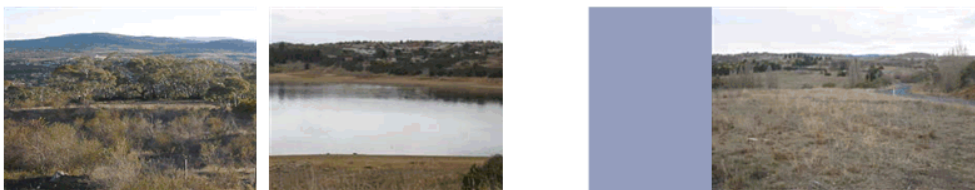
It is proposed to allow rural living style development in the proposed areas with additional detailed controls in the Rural DCP to manage potential impacts. Refinement of visual, access and water controls is necessary to ensure that this style of development is closely managed.

Recommended Structure Plan Policy

- Support and direct rural living opportunities in the Mowamba, Barry Way and Avonside Rural Living Areas as shown on the JGSP.
- Strictly manage impacts through statutory controls including LEP provisions and Rural Development Control Plan.
- No development on slopes >18%

Recommended Structure Plan Action

- Incorporate provisions in LEP to allow rural living development in the Mowamba, Barry Way and Avonside Rural Living Areas as shown on the JGSP.
- Develop Rural DCP to manage potential impacts and provide detailed requirements on specific issues like water, access and visibility.



D) East Jindabyne and E) Kalkite Rural Living Area

One option was put forward for these areas:

Rural Living subject to the following:

- No new access to be created onto the Kosciuszko Road.
- No development to be visible within 1km of the Kosciuszko Road.
- Development within 1km and 5km of the Kosciuszko Road to demonstrate visual impact is minimized where visible from the roads.
- No development within the Lake Jindabyne Visual Protection Area.
- No development on state protected land (slopes >18%)
- No development on ridgelines

Discussion

Feedback received during the exhibition period supported the opportunity to pursue rural living style development in both of these areas.

The major issue that was raised during exhibition was that the proposed control to not allow rural living development within the Jindabyne Visual Protection Area. Concern was raised that this control is excessively limiting particularly as development can be sited and designed in a sensitive way to minimise adverse visual impacts. A policy to not allow any development in the visual catchment of the lake would also be in conflict with the Draft Rural LEP 2006 which allows development however it is required that visual intrusion is to be minimised within the Visual Protection Area.

It is therefore considered that rural living development should be able to be considered by Council within the Lake Jindabyne Visual Protection Area however development needs to be tightly managed to minimise adverse impacts.

Development must also not be located on land with slopes >18% (formally State Protected Land). Steeper areas should be avoided as they have greater visual prominence, may be heavily treed and are prone to erosion.

It is proposed to allow rural living style development over the East Jindabyne and Kalkite Rural Living areas with additional detailed controls in the Rural DCP to manage potential impacts. Refinement of visual, access and water controls is necessary to ensure that this style of development is closely managed.

Recommended Structure Plan Policy

- Support and direct rural living opportunities in the East Jindabyne and Kalkite Rural Living Areas as shown on the JGSP.
- Strictly manage impacts through statutory controls including LEP provisions and Rural Development Control Plan.
- Development within the Lake Jindabyne Visual Protection Area must be designed to minimize intrusion into view from the Lake and be sited and designed to minimize adverse impacts on the visual character of the area.
- No development on slopes >18%

Recommended Structure Plan Action

- Incorporate provisions in LEP to allow rural living development in the East Jindabyne and Kalkite Rural Living Areas as shown on the JGSP.
- Develop Rural DCP to manage potential impacts and provide detailed requirements on specific issues like water, access and visibility.



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

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

Prepared for and on behalf of Snowy Monaro Regional Council

by Zenith Town Planning,

4 April 2017



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INTRODUCTION

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

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

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

Proposed development

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

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

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

Table 1: Properties subject to the existing impoundment

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



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

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

Table 2: Properties subject to the proposed impoundment

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



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

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

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

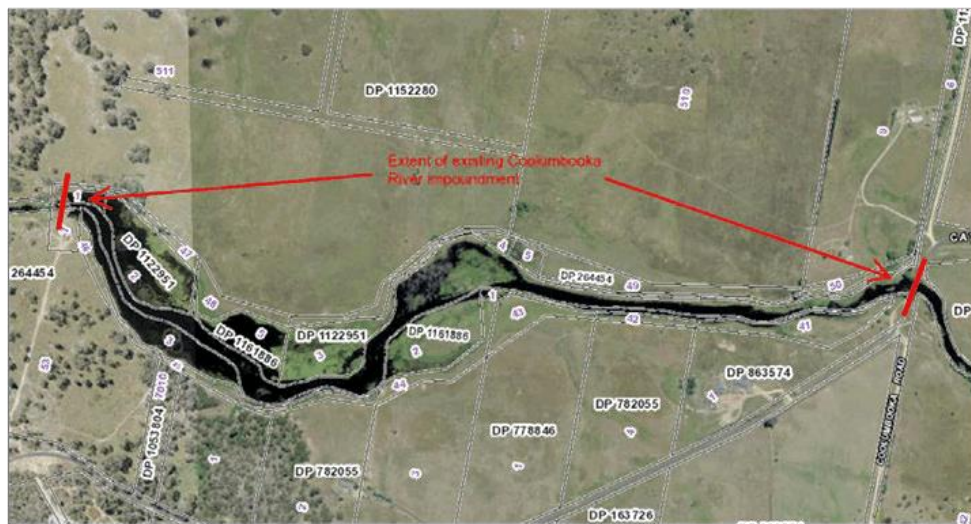


Figure 1: The existing impoundment. Source: SIX Maps

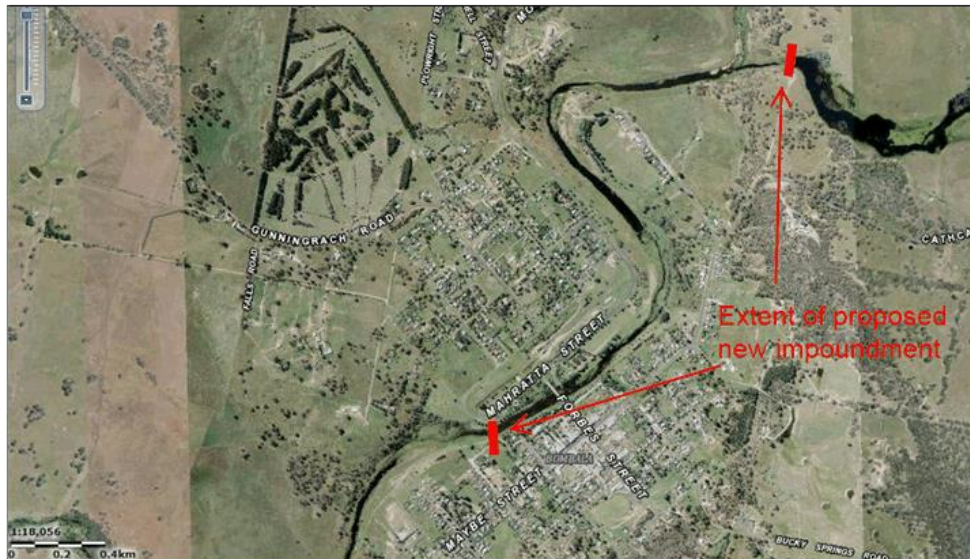


Figure 2: The proposed impoundment. Source: SIX Maps

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

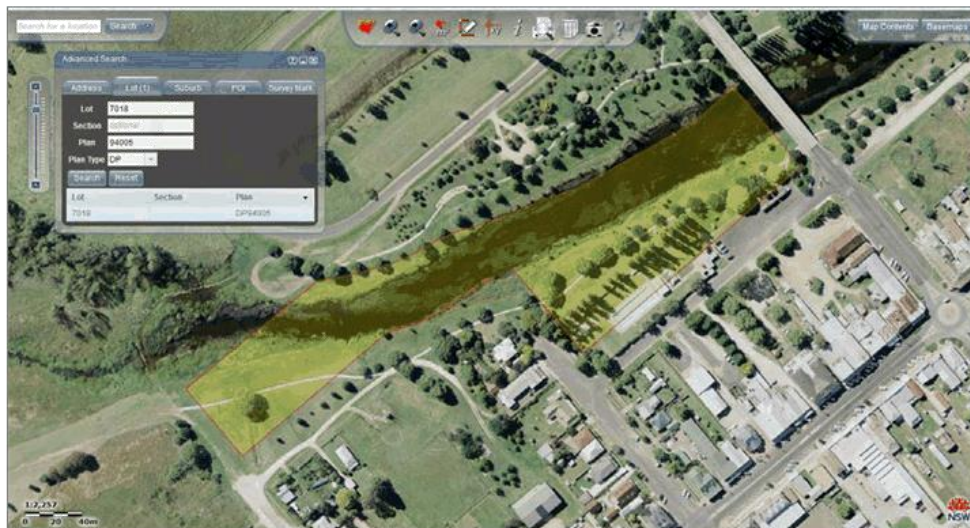


Figure 3: Image of Lot 7018 DP 94005 Bombala River. Source: SIX Maps



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

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

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

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

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

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

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

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

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

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

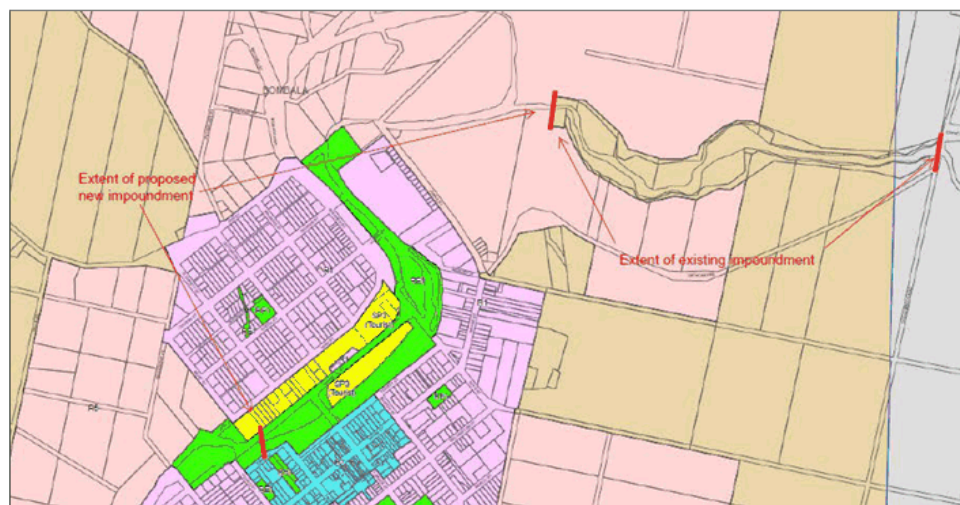


Figure 5: Extract from the Bombala LEP 2012 Land Zone Map Sheet LZN_004G

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



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

PART 1: OBJECTIVES OR INTENDED OUTCOMES

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

PART 2: EXPLANATION OF PROVISIONS

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

Amendments to *Lot Size Map Sheet LSZ_004G* will also be made to indicate that a 'nil' minimum lot size applies to the land proposed to rezoned SP2 Infrastructure.

PART 3: JUSTIFICATION FOR THE PLANNING PROPOSAL

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

SECTION A- NEED FOR THE PLANNING PROPOSAL

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

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

Council resolved on 13 November 2016 to include the *proposed new weir to increase the standing water level by 2 metres across the Bombala River immediately upstream of the proposed truck route crossing* in the final version of the Bombala



Masterplan. This plan specifies improvements to the public domain of Bombala township.

Council resolved on 22 February 2017 to forward the planning proposal to the Department of Planning and Environment with a request for a Gateway Determination.

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

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

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

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

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

SECTION B- RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

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

The *draft South East and Tablelands Regional Plan* was released for public exhibition by the Department of Planning and Environment in May 2016. Direction 2.4 of the draft plan is to *protect and secure the region's water resources*. It is noted that the future growth and development of the region, coupled with the uncertainties of



drought and climate change, mean that long term planning for water supply must be an integral part of strategic planning.

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

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

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

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

Bombala Land Use Strategy

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

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

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

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

46 Granting or amending water supply work approvals

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

- (a) the Upper Snowy River Water Source,*
- (b) the Thredbo River Water Source,*
- (c) the Lower Snowy River Water Source,*
- (d) the Delegate River Water Source,*



- (e) the Bombala River Water Source,
- (f) the Tombong Creek to Little River Water Source,
- (g) the Matong Creek to Stony Creek Water Source,
- (h) the Pinch River Water Source,
- (i) the Genoa River Water Source.

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

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

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

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

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

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

SEPP	Intent	Comment
SEPP (Infrastructure) 2007	To provide certainty and flexibility in the provision of public infrastructure	Section 125 (2) of <i>State Environmental Planning Policy (Infrastructure) 2007</i> (2) permits the following development without consent when carried out by or on behalf of a public



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



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



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

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

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



Ministerial Direction	Objectives & application	Comment
	<p>for rural and related purposes</p> <p>This direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone</p>	<p>Infrastructure. It will also apply a 'nil' minimum lot size to land currently zoned RU1 and to which a lot size of 40ha applies.</p> <p>As demonstrated in the response to question 5 above, the proposal is consistent with the Rural Planning Principles of <i>SEPP (Rural Lands) 2008</i> and is therefore consistent with this direction</p>
<p>4.3 Flood Prone Land</p>	<p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's <i>Flood Prone Land Policy</i> and the principles of the <i>Floodplain Development Manual 2005</i>, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>This direction applies when</p>	<p>Part of the area of land that is subject to this planning proposal is mapped as Flood Planning Area on <i>Bombala LEP 2012 Flood Planning Map Sheet FLD_004G</i>.</p> <p>The impact of a weir up to 2m high had been modelled as one of the scenarios in the recent <i>Bombala Floodplain Management Plan</i>. This plan was prepared in accordance with the NSW Government's <i>Flood Prone Land Policy</i> and the principles of the <i>Floodplain Development Manual 2005</i>.</p>



Ministerial Direction	Objectives & application	Comment
	<p>an RPA prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	<p>The analysis of flood behaviour indicated that there would be no impact on the 1:100 flood level as the waterway restriction feature was actually some 1 km further downstream.</p> <p>It is likely that an improvement to water quality will result from the use of the Bombala River water over the existing Coolumbooka weir source. This is largely due to the nature of the parent geology characteristics in the catchments. The Bombala catchment is largely granite-based which provides substantial areas of sandy river bed which aids natural filtration. The Coolumbooka River catchment contains peat swamps elevated in the catchment which impart high levels of colour, taste and odour into the water making chemical treatment necessary. With such treatment comes the associated cost and environmental impacts.</p> <p>Although inconsistent with clause (5) of this direction by aiming to rezone land within a flood planning area from recreation and rural zones to a special use zone, the</p>



Ministerial Direction	Objectives & application	Comment
		<p>inconsistency is minor given that the development that may proceed subject to an amendment to <i>Bombala LEP 2012</i> is in accordance with the <i>Bombala Floodplain Management Plan</i> and will bring benefits in terms of water quality without adverse impacts on flood behavior</p>
<p>6.1 Approval and Referral Requirements</p>	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p>	<p>The planning proposal is consistent with this direction as it does not contain provisions requiring the concurrence, consultation or referral of a Minister or public authority and does not identify development as designated development</p>
<p>6.2 Reserving Land for Public Purposes</p>	<p>The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>This direction applies when an RPA prepares a planning proposal.</p>	<p>The intention of the planning proposal prepared for and on behalf of the RPA is to rezone certain land to SP2 Infrastructure is to secure that land for the provision of the town water supply for Bombala. Council, as the relevant planning authority, has resolved to prepare the planning proposal and is expected to adopt the planning proposal following consultations with the community and agencies,</p>



Ministerial Direction	Objectives & application	Comment
		<p>subject to any necessary changes. In doing so, Council would approve the creation of the SP2 Infrastructure zone to reserve the land for the public purpose of town water supply.</p> <p>The approval of the Secretary of the Department of Planning and Environment would be sought at the time the planning proposal is submitted to be made.</p> <p>Council is not intending to acquire any private land affected by the rezoning as the actual impact on the land is likely to be minimal given the minor increase in water levels and the topography of the land. However, this would be subject to negotiation with landowners depending on the consequences of raising water levels. It is understood that if Council does resolve to acquire land at some point in the future then an amendment would need to be made to the <i>Land Reservation Acquisition Map of Bombala LEP 2012</i>.</p> <p>The planning proposal is not</p>



Ministerial Direction	Objectives & application	Comment
		inconsistent with this direction
6.3 Site specific provisions	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. It applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out</p>	<p>This planning proposal will amend Bombala LEP 2012 to allow a water storage facility to be carried out.</p> <p>By rezoning the relevant section of the Bombala River as SP2 Infrastructure, the planning proposal allows that use to be carried out in the zone without imposing any development standards or requirements. The planning proposal is consistent with this direction</p>

SECTION C- ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

A Terrestrial and Aquatic Biodiversity Assessment has been carried out by Envirokey Pty Ltd. The assessment found that the area of investigation (that area that is proposed to be impounded to extend the existing Coolumbooka River weir) is mostly dominated by non-native vegetation including four species of noxious weed. Two native vegetation communities were found to occur within the vicinity of the proposal which corresponded with the NSW Vegetation Types Database. These were *Snow Gum - Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands (SR637)* and *Tea-tree tall riparian shrubland, South Eastern Highlands, South East Corner and Australian Alps (SR657)*. The biometric vegetation type SR637 meets with the identification guidelines for the threatened ecological community known as *Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin,*



South East Corner and NSW South Western Slopes Bioregions - Southern Rivers (Tablelands Snow Gum Grassy Woodland) listed as endangered under the NSW Threatened Species Conservation Act 1995 (TSC Act). No threatened flora species were found within the vicinity of the proposal, nor are any expected to occur given the previous disturbance that has occurred. The Bombala River also forms part of the Endangered Ecological Community of the Snowy River Catchment listed under the Fisheries Management Act 1994 (FM Act) as the Aquatic Ecological Community in the Catchment of the Snowy River in NSW.

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

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

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

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

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



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

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

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

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

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

In accordance with the commitment of the NSW Government to support the preparation of an integrated water cycle management strategy, Snowy Monaro Regional Council intends to prepare such a strategy that will demonstrate water demand and establish an efficient water use framework. Council introduced water efficiency measures to new development through the *Bombala Development Control Plan 2012* as a first step towards demand management of potable water.

SECTION D- STATE AND COMMONWEALTH INTERESTS

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

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

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

Council submitted an application in April 2016 with the NSW Department of Primary Industries – Water for a surface water license under section 10 of the *Water Act 1912*



to expand the existing impoundment to enable the collection of an additional 50 to 60 megalitres per annum on Lot 7018 DP 94005 Bombala River. A response dated 13 May 2016 was received by Council advising that the application is incomplete and cannot be registered without the following additional information:

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

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

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

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

PART 4: MAPPING

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

Lot Size Map Sheet LSZ_004G is also to be amended to indicate that a 'nil' minimum lot size applies to land that is proposed to be zoned SP2.

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



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

The proposed application of a 'nil' minimum lot size to land that is currently subject to a 2 hectare lot size in the case of land zoned R5 Large Lot Residential or 40 hectares in the case of land zoned RU1 Primary Production is shown in Figure 7.

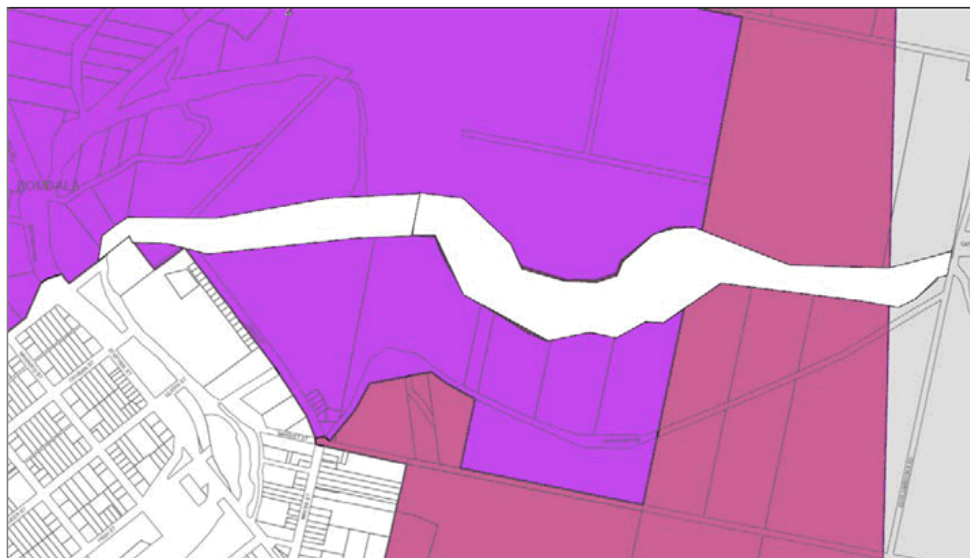


Figure 7: Indicative proposed 'nil' minimum lot size of SP2 Water Storage Facility (extract from Lot Size Map Sheet LSZ_004G)

PART 5: COMMUNITY CONSULTATION

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

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

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

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



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

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

PART 6: PROJECT TIMELINE

Action	Indicative month & year
Gateway determination	29 March 2017
Agency consultation	May-June 2017
Community consultation exhibition period	May-June 2017
Consideration of submissions	July 2017
Council endorsement	July 2017
Provision to Department of Planning & Environment prepare instrument	July 2017
Date of notification	August 2017



RECEIVED
- 3 APR 2017

BY:

Our ref: PP_2017_SMONA_001_00 ; (17/03950)

Mr Dean Lynch
Administrator
Snowy Monaro Regional Council
81 Commissioner Street
COOMA NSW 2630

Dear Mr Lynch

Planning Proposal (PP_2017_SMONA_001_00) to amend Council Local Environmental Plan 2012.

I am writing in response to a letter from Council's consultant, Zenith Town Planning, dated 6 March 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* and additional information received on 9 March 2017 in respect of the Planning Proposal to rezone land near Bombala to SP2 Infrastructure (Water Storage Facility) Zone.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, that the Planning Proposal's inconsistencies with Section 117 Directions 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are justified based on the additional information provided by Zenith Town Planning on the 9 March 2017.

Please note that the conditions of the Gateway Determination require that the planning proposal is to be revised prior to community consultation to address any inconsistencies with Directions 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes based on the additional information provided by Council's consultant Zenith Town Planning.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

Council has not requested, and has not been issued with, an Authorisation to use its delegation for plan making. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made six weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Graham Judge of the Department's Southern Region office to assist you. Mr Judge can be contacted on 6229 7906.

Yours sincerely



Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and Environment

Encl:
Gateway Determination



Gateway Determination

Planning Proposal (Department Ref: PP_2017_SMONA_001_00): to rezone land near Bombala to SP2 Infrastructure Zone for a water storage facility.

I, the Director Regions, Southern, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under Section 56(2) of the *Environmental Planning and Assessment Act, 1979* that an amendment to the Bombala Local Environmental Plan (LEP) 2012 to rezone land near Bombala to SP2 Infrastructure for a water storage facility should proceed subject to the following conditions:

1. The planning proposal is to be revised prior to community consultation and consultation with state agencies to address s117 Direction 4.3 Flood Prone Land and include additional information on any potential flood impacts associated with the expansion of the water storage facility.
2. The planning proposal is to be revised prior to community consultation and consultation with state agencies to address s117 Direction 6.2 Reserving Land for Public Purposes.
3. The Explanation of Provisions in the planning proposal is to be revised to indicate that the Lot Size Map will be amended to show 'nil' minimum lot size for land proposed to be zoned SP2 Infrastructure Zone.
4. Council is to provide a copy of the revised planning proposal to the Department's Director Regions, Southern for consideration prior to consultation with state agencies and the community.
5. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (a) the Planning Proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans (Department of Planning and Environment 2016)*.
6. Council must notify all affected private landholders as part of the community consultation.
7. Consultation is required with the following public authorities and / or organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage (biodiversity and flooding)
 - WaterNSW
 - Department of Primary Industries – Fisheries
 - Land and Property Management Authority
 - Transport for NSW
 - Forestry Corporation

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.



8. A public hearing is not required to be held into the matter by any person or body under Section 56(2) (e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
9. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.
10. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Vers: 1.0 November 2015.

Dated *29th* day of *MARCH* 2017



Karen Armstrong ✓
**Director Regions, Southern
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning



Contact: Bob Britten
Phone: 02 6491 7809
Email: bob.britten@dpi.nsw.gov.au

Our ref: V15/3876#69,
File No:
Your Ref:

General Manager
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630

16 May 2017

Attention: Grantley Ingram

Dear Grantley,

Re: DPI Water Consultation – Planning Proposal (PP_2017_SMONA_001_00) to amend Bombala LEP

Thank you for seeking comments on the proposed amendment to Bombala Local Environmental Plan 2012 – to permit the expansion of a water storage facility on a section of the Bombala River to facilitate town water supply.

DPI Water has reviewed the information and reports provided. The proposed rezoning of the Bombala River (Lot 7018 DP 94005) component is not supported, on the basis of significant reservation with regard to the suitability of the intended purpose of the rezoning, which is to enable the construction of a storage weir on the Bombala River. The proposed development of the Bombala River channel within the town precinct as a town water supply storage is not adequately justified or supported. The submitted information does not adequately demonstrate that the proposed use of the site and intended works are likely to be within the objectives and principles of the Water Management Act 2000 (WMA).

The Department recognises issues which have arisen with regard to meeting Bombala's town water supply requirements during serious drought periods. Advice has been provided in line with future water supply development should be based on both a justified water requirement and development within a framework of water use efficiency and best management practice for TWS. It is to be noted that the [NSW Government's Best-Practice Management of Water Supply and Sewerage Framework \(PDF, 23.9 KB\)](#) requires local water utilities to prepare and implement a sound 30-year Integrated Water Cycle Management (IWCM) Strategy.

Key elements which should be addressed include:

- The proposed rezoning should sit within a broader strategy for the sustainable water use in Bombala, consistent with the principles of the Water Management Act 2000 and DWE guidelines including NSW Best- Practice Management (BPM) of Water Supply and Sewerage Framework incorporating:
 - Integrated Water Cycle Management Planning (IWCM) recommended as an appropriate planning mechanism to manage the urban water services in an integrated manner. Council's overall water requirements and the best integrated solutions will not be fully realised until the IWCM is

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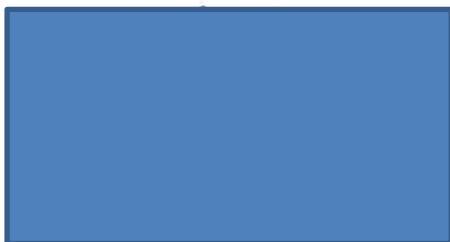
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underway or completed. At this stage the overall economics / benefits / costs of proposals remains unclear.

- Environmental Assessment is considered preliminary with a number of issues identified, but not effectively addressed at this stage. Identified issues include "Loss of vegetation and Habitat", impacts to Threatened Ecological Communities (*Tablelands Snow Gum Grassy Woodland* and the *"Aquatic Ecological Community in the Catchment of the Snowy River in NSW"*), Connectivity of habitat within the Bombala River and dispersal potential of immature platypus. Mitigation measures discussed are brief and considered non-specific with regard to environmental outcomes. Viable outcomes should align with the objectives of the WMA.
- The NSW Weirs Policy is a key document for consideration in the future development of the site. The goal of the State Weirs Policy is to halt and, where possible, reduce and remediate the environmental impact of weirs. The Principles of this policy should be addressed and incorporated at this early stage of development planning. A copy of this policy is attached.

For further information please contact Bob Britten, Water Regulation Officer at DPI Water (Bega office) on t: (02) 6491 7809; e: bob.britten@dpi.nsw.gov.au

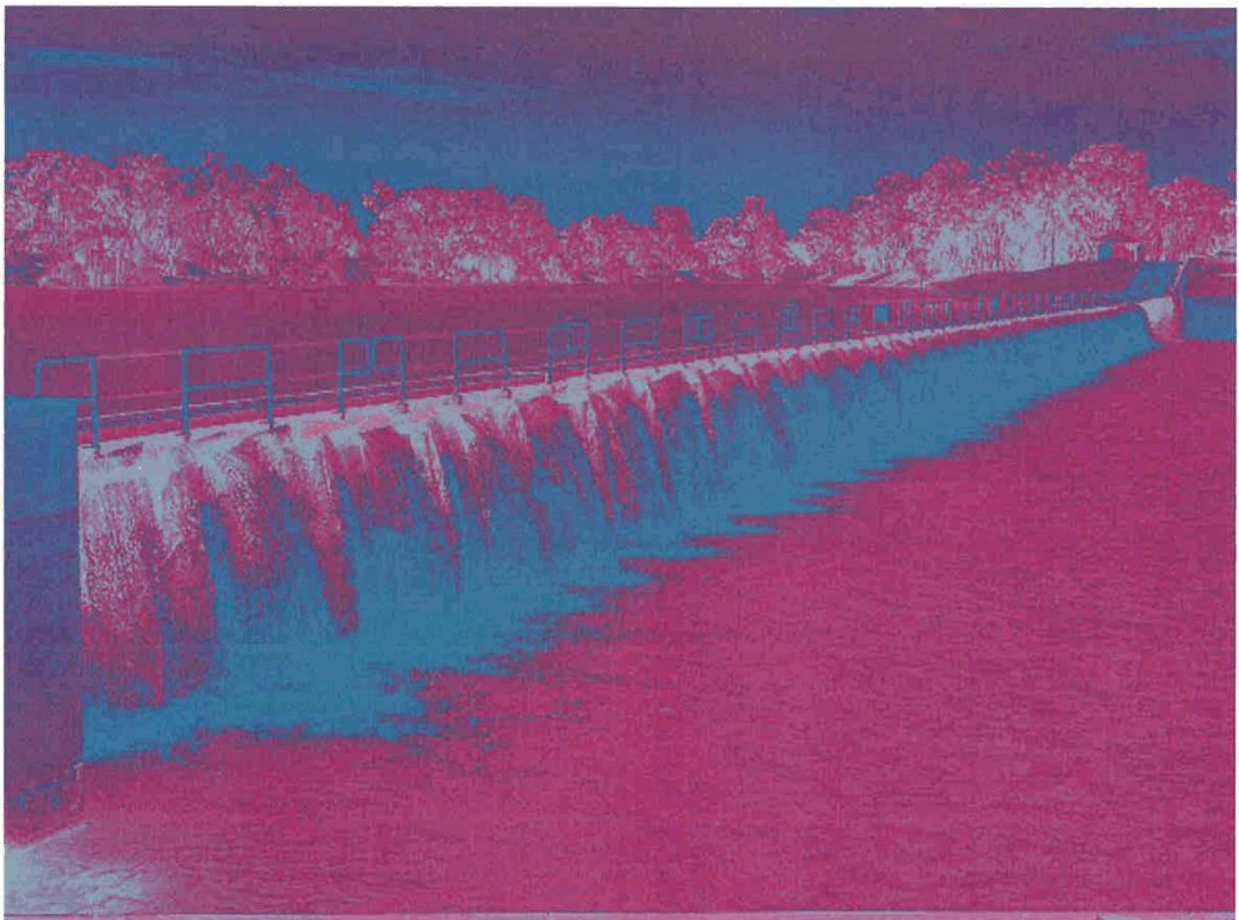
Yours sincerely



Vickie Chatfield
Regional Manager
Water Regulation



NSW Weirs Policy



NSW Weirs Policy

CONTEXT

In 1994 the Council of Australian Governments recognised that widespread natural resource degradation has occurred in Australia that has impacted on the quality and/or quantity of the nation's water resources. It adopted a framework for the efficient and sustainable reform of the water industry that included making formal allocations to the environment, based on the best scientific information available.

In September 1995, the Minister for Land and Water Conservation announced that a State-wide review of weirs would take place as part of the water industry reforms. The State Weirs Policy provides the framework for that review and establishes the goals and principles for the ongoing approval and management of weirs.

The State Weirs Policy is a further component of the *State Rivers and Estuaries Policy*, which was approved by the NSW Government in 1991. The *State Rivers and Estuaries Policy* establishes the framework for the management of rivers and estuaries of NSW and related ecosystems, such as wetlands. It is based on the Total Catchment Management philosophy, defined in the Catchment Management Act 1989 as "the coordinated and sustainable use and management of land, water, vegetation and other natural resources on a catchment basis so as to balance resource utilisation and conservation". Other policies under this framework include the State Wetlands Policy, Estuaries Policy and the Sand and Gravel Extraction Policy.

BACKGROUND

WHAT IS A WEIR ?

A weir is a structure (including a dam, lock, regulator, barrage or causeway) across a defined watercourse that will pond water, restrict flow or hinder the movement of fish along natural flow paths, in normal flow conditions.

THE ROLE OF WEIRS

There are estimated to be over 3,000 weirs on rivers in New South Wales. In some rivers significant lengths of stream are impounded behind weirs. For example 40% of the Barwon-Darling River is in weir pools.

Most weirs were originally built to provide a reserve of water for towns or properties to carry them through dry periods. Others were built to facilitate diversion of water into effluent streams or onto floodplains to spread the productive benefits of water over a wider area. In more recent years, weirs have been built to help river operators manage releases from dams or to increase water depth for pumps and diversion channels in major irrigation developments. In a few cases weirs have been built for purely recreational or aesthetic purposes. Some weirs in the Murray River were built to improve navigation.

WHY ARE WEIRS A PROBLEM ?

Weirs have served an important role in the amenity of the towns and properties they serve, but in recent years it has become apparent that this has been at a significant environmental cost. For example:

- the still waters in weir pools are less biologically productive than natural river channels, as native species adapted to diverse and free-flowing stream conditions are disadvantaged;
- riparian vegetation is drowned in the weir pool or killed by water-logging in low-lying areas of adjoining floodplains;
- weirs act as a trap for sediments, nutrients and pollutants;

- invertebrate and detrital drift is reduced, reducing biological productivity and diversity below weirs;
- weir conditions favour water stratification in summer and the growth of algae and development of algal blooms;
- weirs obstruct native fish migration and reduce native fish populations;
- the relatively stable conditions in weir pools give alien species, such as carp, an advantage over native species;
- weir pools may affect groundwater systems by maintaining artificially high water levels, resulting in groundwater mounding;
- inundation of surrounding areas destroys flora and fauna habitat, including that of threatened species;
- weirs accumulate sediments and prevent their downstream flow, resulting in erosion and scouring downstream of the weir;
- a constant level of discharge from weirs can result in geomorphological changes to rivers, tending to make them wider and shallower; and
- weirs can alter temperature regimes downstream, resulting in an adverse impact on native flora and fauna.

Another issue is that circumstances and community needs may have changed over the years since a weir was constructed. For example, an alternative water supply may now be available and an old weir may no longer serve its original purpose. Some of these, particularly those near towns, may have developed secondary uses as recreational and visual amenities for local communities, but others are now redundant and could be removed.

A number of older weirs need major maintenance or refurbishment. Before significant expenditure is incurred, the owners and the community should consider if the cost would be better spent on an alternative supply, or significant design changes, which will reduce the environmental impact of the weir.

Because of changing circumstances and the growing awareness of the adverse impacts most weirs have on the environment, it is time to evaluate the need for existing weirs, to remove redundant weirs, to devise ways to minimise the impact of weirs retained and to critically consider any proposals for new construction.

GOAL AND PRINCIPLES

GOAL

The goal of the State Weirs Policy is to halt and, where possible, reduce and remediate the environmental impact of weirs.

PRINCIPLES

The goal is to be supported by the adoption of the following management principles:

1. *The construction of new weirs, or enlargement of existing weirs, shall be discouraged.*
2. *Weirs that are no longer providing significant benefits to the owner or user shall be removed, taking into consideration the environmental impact of removal.*
3. *Where retained, owners shall be encouraged to undertake structural changes to weirs to reduce their environmental impact on the environment.*

For example:

- reducing the crest level and pool storage volume to the minimum necessary to satisfy the purposes for which the weir is required;
- modification of the weir to reduce its impact. For example, installing a larger outlet to permit the release of environmental flows or water level variation, or installing a dropboard or gated opening to allow free flow when the weir is not needed; and
- constructing a fishway or modifying an existing fishway to reduce the weir's impact on fish passage.

4. *Where retained, owners of weirs with regulatory works shall prepare and adhere to operational plans to reduce the environmental impact of those weirs.*

For example:

- achieving water level variations;
- setting minimum rates of change for discharge and storage draw-down to mimic natural changes of water level within and downstream of the weir;
- raising gates fully during any portion of the year when a weir is not needed, such as in the non-irrigation season or during significant unregulated flows; and
- raising gates at times critical to maintenance of river health, wetlands, fish etc.

5. *Where retained, gates, offtake structures and fishways on all weirs shall be maintained in good working order.*

6. *Wetlands and riparian vegetation adjacent to weirs should be protected from permanent inundation.*

7. *Areas of environmental degradation caused by the impacts of weirs upstream and downstream of weir pools, should where possible be rehabilitated.*

8. *A respect for the environmental impact of weirs should be encouraged in all agencies and individuals who own, manage or derive benefits from weirs.*

The State Weirs Policy will have three components. The first relates to the approval to build a new, or expand an existing weir. The second is a review of all existing weirs (Weir Review Program). The third addresses the provision of fishways.

APPROVALS FOR NEW OR EXPANDED WEIRS

For the purposes of this part of the policy, weir means a licensable “work” as described under the Water Act 1912, and could include any dam, lock, weir, regulator, barrage or causeway which effects the quantity or flow of water in a river or lake. This part of the policy applies to privately owned and publicly owned weirs. This does not, however, include off-river storages or farm dams on small, ephemeral streams.

Note that the State Weirs Policy does not act to the exclusion of any applicable EIA or heritage protection legislation, notably the *Environmental Planning and Assessment Act 1979*.

A proposal to build a new weir or enlarge an existing weir should not be approved unless it can be demonstrated that the primary component of the proposal is necessary to maintaining the essential social and economic needs of the affected community.

In determining the need for a new or expanded weir, the following general principles apply:

- Provision for fish passage cannot be used as a sole justification to approve a proposal to enlarge an existing weir.
- An increase in town water supply for the purposes of meeting projected population demand cannot be used as a justification to approve a proposal to build a new, or expand an existing weir, if environmentally friendlier alternatives to meeting that demand exist, which are also economically feasible.
- Provision for future industrial expansion (such as, but not limited to, tourism) cannot be used as a justification to build a new, or expand an existing weir.
- Subject to the usual EIA process, a proposal for the construction of new, or expansion of an existing weir, that will result in a net environmental benefit may be approved

(eg. this may include options to offset the impact of new or enlarged structures by the removal of existing ones).

(ie those weirs not requiring to be licensed under the *Water Act 1912*) and other in-stream structures such as road crossings, which have the hydraulic effect of a weir. Information about some of these weirs and structures, especially riparian rights weirs and road crossings, will be acquired through local knowledge.

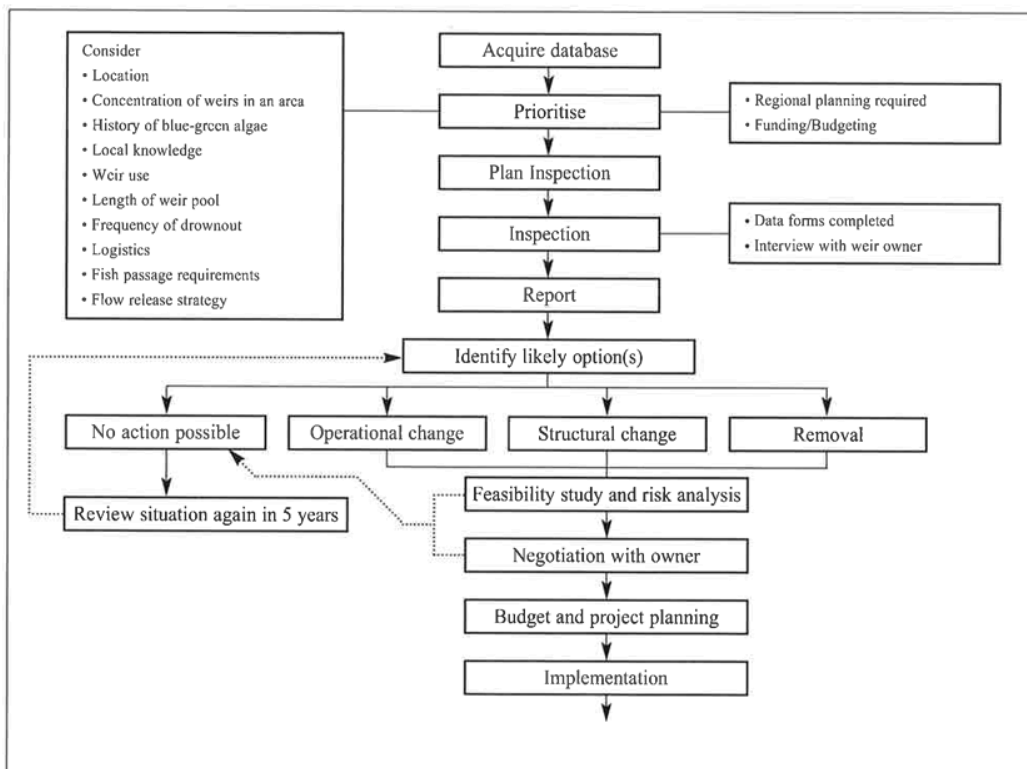
WEIR REVIEW PROGRAM

The aim of the Weir Review program is to examine the impacts of existing works and to develop a strategy which would lead to an enhanced environmental outcome. It will be achieved through undertaking an environmental audit of all weirs throughout the State, and assessing the appropriateness of the existence and/or operation of each weir, against a set of established criteria.

The review process will also cover all publicly and privately owned licensed weirs, and unlicensed weirs, including riparian rights weirs

The program will be implemented in two stages - an inventory and a review stage. The inventory will provide a comprehensive database on the weirs in each region. The review stage will evaluate the environmental impact of each weir against its socio-economic value.

From the results of the review, options for modifications to a weir will be explored. These might include structural changes, changes in weir operation rules or even removal of the weir. However, weirs will not be removed or changes made without consideration of the needs of the communities they serve and the socio-economic impact of removal. Following is the process of weir review. See Figure 1 below.



WEIR IDENTIFICATION

The first step in the weir review process will be to identify the number, location, purpose and size of the weirs in each region. A Weir Inventory Database has been adapted by the Department of Land and Water Conservation (DLWC) from a database developed by the Murray-Darling Basin Commission.

The database will record information on weir ownership, mode of operation, purpose, licensing and weir type, location, structural characteristics, some hydrological characteristics and environmental data.

TRIGGERS FOR REVIEW

A review of a weir may be triggered by any of the following:

- license renewal;
- consideration of a weir for modification under the Algal Management Program;
- consideration of a weir for inclusion of a fishway;
- weirs identified as having a serious environmental impact eg. groundwater, wetlands, water quality, etc.;
- weirs whose purpose is now redundant; and
- DLWC operational structures.

LICENCE RENEWAL

Licences for weirs are renewed every five years, or ten years for town water supplies. This gives the DLWC an opportunity to ask the owner to show cause why the licence for the structure should be renewed and for additional conditions to be imposed. The process would be:

- When the renewal notice is issued, the licensee will be forwarded background information on the environmental impact of weirs and the review process, and a pro-forma requesting updated information on the weir's structure, its current use, operating rules and justification for its retention. It will be the owner's responsibility to provide this information to the satisfaction of the DLWC.

- The information will be used to update the database on weirs, and for a review of the weir by DLWC regional staff, who may also draw on expertise from other government agencies.
- If a clear need for the weir can be established and no significant adverse impacts are identified, the licence will be renewed, subject to normal licensing procedures.
- If a significant impact is apparent or no clear and strong need for the weir is identified, follow up field inspection and discussion with the owners and other interested parties will occur. This will aim to determine if:
 - the weir can be removed,
 - the weir should be modified, or
 - additional conditions should be imposed on its use.

Where there is significant public use or interest in a weir, wider community consultation should be included in the investigation.

- On the basis of this investigation the DLWC may either refuse to renew the licence, or issue the renewal with conditions prescribing modifications or changed operating rules, or renew with existing conditions.

Weirs which are subject to licensing under the Water Act but not licensed, should be the subject of ongoing action to bring them into line with the Act's requirements. Before any licence is issued to authorise a structure, it should be subject to the same review process outlined above for renewal of existing licences.

ALGAL MANAGEMENT PROGRAM

Weirs being identified as structures of concern under the Algal Management Program shall be subject to a full review before a decision is made about an appropriate algal management strategy.

FISHWAYS

Once a weir is being seriously considered for inclusion of a fishway, a comprehensive review shall be included in the initial evaluation of the site before any significant expenditure on design or construction of a fishway is incurred.

WEIR ASSESSMENT

Each weir should be evaluated to determine the options for modification. Options may include doing nothing, weir removal, operational modifications or structural modifications such as lowering the crest height, constructing a larger diameter flow through pipe or installation of syphons, or fitting a fishway.

Consideration must be given to whether or not there is a realistic chance of effecting some change, either operational or structural on the weir. The likelihood of any action being taken must be assessed within the context of the current dependence and importance of the weir.

If it is likely that an operational or structural change, or removal may occur, a more detailed feasibility study should be undertaken and should include:

- socio-economic impact assessment of options;
- negotiation with owners/users;
- considerations regarding cumulative impacts of weirs in a locality; and
- environmental impact assessment of options including:
 - continuous impact of “do nothing” option
 - environmental benefits of options
 - environmental risks of options.

PROVISION OF FISHWAYS

Where necessary, weirs considered to have a significant impact on the movement of fish shall be formally considered for inclusion of a fishway.

The Fisheries Management Act 1994 requires that NSW Fisheries must be notified whenever a weir or any barrier to fish movement is constructed, altered or modified. If the Minister for Fisheries requests it, a fishway must be included in the design. Where the DLWC or NSW Fisheries identifies a weir as having a significant impact on the movement of fish, licensees should be advised and the weir review

process commenced without waiting for the normal renewal process.

A State Government program has been established, coordinated by the DLWC and NSW Fisheries to provide adequate fish passage in rivers to ensure the maintenance of native fish stocks for species conservation, ecosystem maintenance, and economic and cultural uses. The Fishways program seeks to identify weirs which are a significant barrier to fish passage. It will also design and trial a range of structural and operational solutions for fish passage.

The fishways program is strongly linked to the Weir Review program through the Weir Inventory, which is currently being developed by DLWC. Weirs targeted by either program will automatically trigger a broader review of options, as well as specific consideration of fishway requirements.

STATE WEIR REVIEW COMMITTEE

Progress on the weir review will be reported through the existing *State of the Rivers and Estuaries* Reports, and the proposed *State of the Catchment* Reports. A State Weir Review Committee will be established to further develop the weir review program and to give feedback on the approval process for new or expanded weirs. This committee will be comprised of representatives of:

- DLWC Resource Management;
- DLWC Water Business;
- EPA;
- NSW Fisheries;
- NSW Agriculture;
- Local Government Association;
- Catchment Management Committees;
- NSW Farmers Association;

- NSW Irrigators Council; and
- NSW Conservation interests (eg, Australian Conservation Foundation, Nature Conservation Council).

The role of the Committee will be, amongst other things:

- to review and refine criteria for weir review;
- to review and refine criteria for approval to construct new or expanded weirs;
- to provide advice on State priorities for weir management;
- to recommend on funding priorities;
- to promote the goal and principles of the State Weirs Policy; and
- to conduct an annual audit over the implementation and performance of the State Weirs Policy.

WHOLE OF GOVERNMENT APPROACH

DEPARTMENT OF LAND AND WATER CONSERVATION

The Department of Land and Water Conservation is the agency responsible for coordinating the implementation of the water reforms. The department will work closely with the community and other government agencies to define the mix of environmental, economic and social outcomes it wants, then manage the development, use and protection of our natural resources to achieve these outcomes.

ENVIRONMENT PROTECTION AUTHORITY

The Environment Protection Authority (EPA) is leading the process for recommending to the Government interim environmental (river flow and water quality) objectives for New South Wales intrastate rivers.

The EPA will audit the achievement of environmental objectives.

NSW AGRICULTURE

NSW Agriculture is committed to helping NSW food and fibre industries and our rural communities to be economically viable and environmentally sustainable.

NATIONAL PARKS AND WILDLIFE SERVICE

The National Parks and Wildlife Service is concerned with ensuring healthy and sustainable water resources in the future, including an equitable share of water for the environment.

NSW FISHERIES

NSW Fisheries will use the findings of its NSW Rivers Survey to pinpoint areas where there are problems - especially with carp - and seek remedial action to improve conditions for native fish and fish habitat, e.g. better water quality, increased water flows and removal of impediments to flow.

HEALTHY RIVERS COMMISSION

The Healthy Rivers Commission is holding independent public inquiries into individual rivers. The Commission will recommend longer term environmental objectives for each river and strategies to achieve them.



RECEIVED
23 MAY 2017

BY:

Our reference: DOC17/280501-01
Contact: Carlie Armstrong (02) 6229 7002

The General Manager
Snowy Monaro Regional Council
PO Box 714
Cooma NSW 2630
Attention: Mr Grantley Ingram

Dear Mr Ingram,

Planning Proposal (PP_2017_SMONA_001_00) to Amend Bombala Local Environmental Plan 2012

Thank you for your referral to the NSW Environment Protection Authority (EPA) of the above planning proposal on 01 May 2017. The EPA understands that the proposed amendment will permit the expansion of a water storage facility on a section of the Bombala River and rezoning of land associated with the existing Coolumbooka River storage for the purposes of securing town water supply.

The EPA is not an approval body in the assessment of the proposed amendment of the LEP. Accordingly the EPA does not have any comments on the proposed amendment of the LEP. However, the EPA is the Appropriate Regulatory Authority (ARA) pursuant to Section 6 of the *Protection of the Environment Operations Act 1997* (POEO Act) for activities carried on by a State of Public Authority. Accordingly, EPA is the ARA for activities carried on by Snowy Monaro Regional Council (Council), including works to expand water storage on Bombala River. In this regard, pending approval of the amendment to the LEP and prior to any works to construct the proposed weir, the EPA provides the following comments for consideration:

Water (Sediment and Erosion Control – Construction Phase)

Activities at the site must be carried out to ensure that any discharge from the premises complies with Section 120 of the POEO Act. Stormwater management and sediment and erosion control should be managed in a manner consistent with the guidelines "Managing Urban Stormwater: Soils and Construction" (*Landcom, 2004*). Sediment and erosion control measures

Page 2

must consider clean water diversion around the construction site in order to reduce the volume of "clean" water to be controlled.

During construction of the weir, particular care must be taken to avoid pollution of waters and to ensure that stormwater discharge criteria and work plans are developed in consideration of the general framework outlined in the NSW Water Quality Objectives and Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC and ARMCANZ, 2000).

Noise

Noise generated during the construction phase of the project must be managed in a manner consistent with the principles stated in the "Industrial Noise Policy" (NSW EPA, 2000). The amenity of any residents adjacent to the proposal must be considered.

Air

Council must ensure that dust is managed on site to reduce the potential for pollution of waters or impact on amenity of adjacent residents.

General

The EPA emphasise that all activities must be carried out with due diligence, duty of care, and in accordance with best management practices. All staff associated with operations at the site of the proposed works must be aware of the strict liability provisions of the POEO Act, particularly section 120 of the Act which prohibits the pollution of waters. In this regard, all personnel involved in the works for the proposal should be aware of the details of the works plans, legislation and associated pollution controls, and the environmental sensitivity of the receiving waters before any works commence.

The EPA would appreciate the opportunity to provide further comments once the environmental assessment for construction of the weir has been developed.

Thank you for discussing this matter with the EPA. If you have any queries or wish to discuss this matter further, please contact Carlie Armstrong or myself on (02) 6229 7002.

Yours sincerely



15-5-2017

Mr Matthew Rizzuto
Unit Head - South East Region
Environment Protection Authority



PP_2017_SMONA_001_00
DOC17/250451

Grantley Ingram
Deputy Director Service Planning
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630
via email: council@snowymonaro.nsw.gov.au

Dear Mr Ingram

RE: Planning Proposal to Permit Water Storage Facility at Bombala

Thank you for referring the above planning proposal to permit a water storage facility at Bombala to the Office of Environment and Heritage (OEH) for our review and advice. We have reviewed the biodiversity, Aboriginal cultural heritage and flooding potential impacts of the proposed plan amendment.

The proposal is for Snowy Monaro Regional Council to construct a water storage weir on the Bombala River to augment the existing town water supply storage capacity. The weir is to be located on top of a natural sandbar at central point in town and would most likely incorporate a gabion rock basket and fish ladder. The structure would raise the level of the existing pool by about 1.5 metres, which would extend upriver to the existing weir on Coolumbooka River, where the elevation of the water level is not expected to exceed about 10 centimetres.

It is recognised that proposal has only currently a concept design at the LEP amendment stage to enable it to be made a permissible use in the zone. That final design will be confirmed and detailed assessment carried out as part of the Review of Environmental Factors for the project.

Biodiversity

OEH has reviewed the *Terrestrial and Aquatic Biodiversity Assessment Bombala Weir and Low-level Bridge* February 2016 by Envirokey and supports its recommendations and conclusions.

EnviroKey report concludes that the proposal is unlikely to have a 'significant effect' on any listed threatened species, communities, populations and their habitats and the current rezoning proposal should proceed. Also that the mitigation measures detailed within Chapter 5 should be adopted and implemented.

Of particular importance is the recommendations in regard to the area as platypus habitat. Two individuals were observed utilising the area during the site survey. This is going to require carefully planning and design in the detailed assessment at the REF stage.

OEH support the recommendation that a qualified ecologist would inspect the banks of the river where proposed bridge and weir construction would be undertaken prior to works beginning to ensure no platypus burrows are present. That a contingency plan would be formulated if so. Also that a Platypus management plan would be created following the management guides set out by the Australian Platypus Conservancy (<http://www.platypus.asn.au>) and Platypus Spot (www.platypusspot.org). This should be resolved before

the detailed design is finalised as it would provide an opportunity to incorporate platypus friendly measures into the project.

In this regard *Queanbeyan Platypus Awareness and Conservation Strategy 2012* prepared by Australian Platypus Conservancy has many relevant design considerations for urban friendly riparian environment for the species. This document and other sources of information can be found at www.qcc.nsw.gov.au/Environment/Sustainability/Platypus-Awareness-and-Conservation/Platypus-Awareness-and-Conservation

Aboriginal cultural heritage

In relation to Aboriginal cultural heritage matters; OEH advises that several Aboriginal sites are known to occur around the Bombala township and within the general locality of both the existing and proposed impoundments of the Coolumbooka Weir. These sites were recorded during previous archaeological assessments which concluded that there is potential for further evidence of Aboriginal heritage values to occur across the current subject area. As the planning proposal itself indicates, while no Aboriginal objects are recorded on AHIMS in the immediate area this may be because no Aboriginal cultural heritage survey has been conducted rather than reflecting an actual absence of Aboriginal objects. The Bombala River itself is a significant landscape feature that is often associated with Aboriginal people's traditional use of an area.

As such, OEH advises that while the current planning proposal may not specifically impact any Aboriginal objects at this time, any future development in this area will require a comprehensive Aboriginal cultural heritage assessment to be undertaken. Details regarding specific requirements for the preparation of Aboriginal cultural heritage assessments and AHIP applications can be found within the guidance material listed below;

OEH Guidelines

- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW. OEH 2011. Available online at: <http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf>
- Code of practice for archaeological investigation of Aboriginal objects in New South Wales, DECCW 2010. Available online at: <http://www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf>
- Aboriginal cultural heritage consultation requirements for proponents 2010. DECCW 2010. Available online at: <http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>
- Applying for an Aboriginal Heritage Impact Permit guide for applicants, OEH (2011). Available online at: <http://www.environment.nsw.gov.au/resources/cultureheritage/20110280AHIPguideforapplicants.pdf>

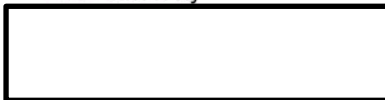
Flooding

The planning proposal makes reference to hydraulic assessment of the weir being in the FRMS. OEH has reviewed both the flood study and floodplain risk management study for Bombala and can't find any explicit reference to any proposed water supply weir in the Bombala River or potential impacts.

Could Council please forward a copy of the report in this regard.

Please contact Miles Boak on (02) 62297095 or by email miles.boak@environment.nsw.gov.au if you have any further questions regarding this development application.

Yours sincerely



ALLISON TREWEEK
Senior Team Leader - South East Planning
Regional Operation Division

24/5/17.



Department of
Primary Industries

OUT17/21143

The General Manager
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630
Council@snowymonaro.nsw.gov.au

Dear Sir/Madam,

Planning Proposal: PP 2017 SMONA 001 00. Amend Bombala Local Environmental Plan 2012

Thank you for your referral of 18 April 2017, received on 27 April 2017, seeking comment on the proposal from DPI Fisheries, a division of NSW Department of Primary Industries.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture and marine protected areas within NSW.

The Department understands that the 'Planning Proposal' is to enable the construction of a new weir (approximately 2m high) on the Bombala River between Caveat and Young Streets Bombala. The resulting weir pool/lake is expected to inundate the beds of the Bombala River and the Coolumbooka River to beyond the confluence of the two rivers and up to the existing Coolumbooka Weir.

Please note that the Department's assessment does not concur with the way the project has been characterised as "an extension of the existing weir pool". The proposal involves the construction of a new weir which will create a new weir pool and inundate a previously un-impacted section of river channel. The Department considers that the footprint of the proposal, as shown in the Planning Proposal (Zenith) and Biodiversity Assessment (Envirokey), is likely to be incorrect. The diagrams show the weir pool/lake extending up the Coolumbooka River from the Bombala/Coolumbooka confluence but do not show the weir pool/lake extending up the Bombala River from the Bombala/Coolumbooka confluence. The weir pool is likely to extend further up the Bombala River than shown and is therefore likely to affect additional properties.

Both the Bombala and Coolumbooka Rivers are considered by the Department to be Type 1 (highly sensitive), Class 1 (major) key fish habitats under the *Policy and*

Guidelines for Fish Habitat Conservation and Management (2013). Both are also highly valued as recreational fishing areas.

As identified by both the Planning Proposal (prepared by Zenith) and Biodiversity Assessment (prepared by Envirokey), the Bombala and Coolumbooka Rivers are included as part of the Endangered Ecological Community (EEC) of the Snowy River Catchment in NSW under Schedule 4 of the FM Act. The proposal for amending the Bombala LEP 2017 to permit the construction of a new weir and creation of a water storage facility on the Bombala River and to rezone land associated with the existing Coolumbooka weir pool/lake is therefore of significant interest to the Department. It should also be noted that the provisions of section 34A of the *Environmental Planning and Assessment Act 1979* are applicable to this proposal.

A new weir across the Bombala River would obstruct fish passage to in excess of 50km of the upper reaches of the river. The Department would require a high quality fishway to be included in the design of the weir in accordance with section 218 of the FM Act. Significant offsets to compensate for the loss of flowing river habitat, likely impacts on the EEC and recreational fishing would also be required. Additionally, the "installation and operation of instream structures and other mechanisms that alter natural flow regimes of rivers and streams" is listed as a key threatening process under the FM Act. Construction and operation of the proposed weir would fall within this classification. It should be noted that approval to construct a weir (i.e. undertake a Key Threatening Process) within a core area of a listed EEC will require a Species Impact Statement to be prepared under the FM Act.

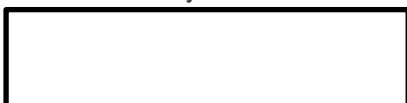
While the Department acknowledges the need to rezone the land to enable a weir to be constructed, we note that "the planning proposal has not resulted from a strategic study or report". The Department's view is that Council needs to consider completing an Integrated Water Cycle Management Study to:

1. demonstrate that additional Town Water Supply is required to meet future demand,
2. canvass the full range of options for supplying additional demand and
3. settle on a preferred option which balances economic, social and environmental considerations.

In light of the fact that the main purpose of the proposal is to allow for the construction of a new weir for town water supply, the Department recommends the issues raised above should be adequately addressed by the planning proposal.

If you require any further information, please contact Senior Fisheries Manager, Allan Lugg, on (02) 4428 3401.

Yours sincerely



Dr Geoff Allan
Deputy Director General DPI Fisheries

Date: 30 May 2017

Our Ref: STH12/00088/02
Contact: Andrew Lissenden 4221 2769
Your Ref: PP_2017_SMONA_001_00



6 June 2017

Grantley Ingham
Snowy Monaro Regional Council
BY EMAIL: council@snowymonaro.nsw.gov.au

**PLANNING PROPOSAL – TO AMEND BOMBALA LOCAL ENVIRONMENTAL PLAN 2012
TO PERMIT A WATER STORAGE FACILITY ALONG SECTIONS OF THE BOMBALA RIVER
(PP_2017_SMONA_001_00)**

Dear Grantley

Roads and Maritime Services (RMS) refers to your email to Transport for NSW dated 18 April 2017 regarding the above planning proposal (PP) and subsequent email from Transport for NSW dated 15 May 2017 seeking RMS comment.

RMS has reviewed the information provided and wishes to seek clarification of the following in order to provide an informed comment:

- *SP2 Infrastructure Zoning*: The proposal seeks to rezone land inclusive of the lot that contains the Classified Road and associated bridge that crosses the Bombala River to SP2 Infrastructure (refer to Attachment 1). This bridge as well as a separate bridge over the Coolumbooka River at Bombala/Crankkies Plains, which adjoins the PP area (refer to Attachment 2) are controlled, inspected and maintained by the RMS.

RMS acknowledges the intent of the proposed rezoning so as to allow water supply systems and permit the expansion of a water storage facility on the affected land which, based on the submitted PP, includes the above lot on which the bridge that crosses the Bombala River is located. It is also acknowledged that the rezoning will allow a range of works in the proposed SP2 zone as 'development permitted without consent' or as 'exempt development'.

Concern is therefore raised that works could occur within close proximity to the existing bridges without any consultation with RMS. A review of the submitted PP and the provisions of *State Environmental Planning Policy (Infrastructure) 2007* has failed to locate any requirement for consultation to occur with RMS. Noting this concern, RMS seeks advice on what measures will be put in place to ensure that consultation with RMS is undertaken prior to the commencement of any works that may impact on the Classified Road and associated bridge structures that cross the Bombala River and Coolumbooka River (i.e. no works shall be carried out within either bridges footprint

Roads & Maritime Services

unless it is authorised by RMS – refer to comments below under the heading 'Existing Bridges' for details on each bridges footprint).

- *Flooding Impacts/assessment:* Noting the above comments and the general comments provided below in relation to each of the bridge structures that may be impacted upon, RMS at this time is unclear as to what impacts the PP will have on each structure. The main concern relates to the existing bridge over Bombala River at Bombala (RMS Bridge No. 7585). The RMS drawings for this bridge do not contain Australia Height Datum (AHD) details. As such, the levels provided can't be correlated with the proposed weir structure and resultant maximum water level. As this bridge has not been designed to be submerged, additional flood information is required to satisfy RMS that the bridge will not be impacted upon.

In addition to the above, RMS provides the following general comments for Council's consideration:

- *Existing Bridges:* There are currently two bridges that are controlled, inspected and maintained by RMS that may be affected by the PP (refer to Attachment 2). Additional details on each is provided below:
 - Bridge over Bombala River at Bombala (RMS Bridge No. 7585):
 - This is a plank concrete bridge with eight spans with a total bridge length of 121m and overall width of 13m. The bridge was built in 1986;
 - The bridge is suitable for Higher Mass Limit (HML) loading;
 - No works should be carried out within the bridge footprint unless is authorised by RMS. The total bridge footprint is defined by its length and width that is 121 m and 15m;
 - The bridge drawings that RMS have do not have Australia Height Datum (AHD). As such, the levels can't be correlated with the proposed weir structure. A survey will be required.
 - The latest inspection conducted on the bridge in March 2107 noted a flood level on Pier 1 which was one metre down from the soffit of the headstock. The river level was 6.5m during the inspection; and
 - The bridge hasn't been designed to submerged, so a flood study/assessment required for the proposed area so as to clearly identify any impacts of the proposal on the bridge.
 - Timber Truss Bridge over Coolumbooka River at Bombala (RMS Bridge No. 6129):
 - It has a two timber-truss span and four timber girder span. The total length and width of the bridge are 87m and 6m. The bridge was built in 1893 and under the timber truss strategic the bridge has been identified for replacement within 10 years.
 - The bridge is suitable only for General Access (ST42.5 and TDT50T);
 - No works shall be carried out within the bridge footprint unless is authorised by RMS. The total bridge footprint is defined by its length and width that is 87m and 10m;
 - The bridge drawings doesn't have Australia Height Datum (AHD) so the levels can't be correlated with the proposed weir structure; and
 - Flood in 2011 reported water level 300mm over the top of the bridge deck.

Roads & Maritime Services

RMS will reconsider the PP once the above issues/clarification is provided. Please ensure all future correspondence relating to this matter is sent to development.southern@rms.nsw.gov.au and quote RMS reference STH12/00088/02.

If you have any questions please contact Andrew Lissenden on 4221 2769.

Yours faithfully



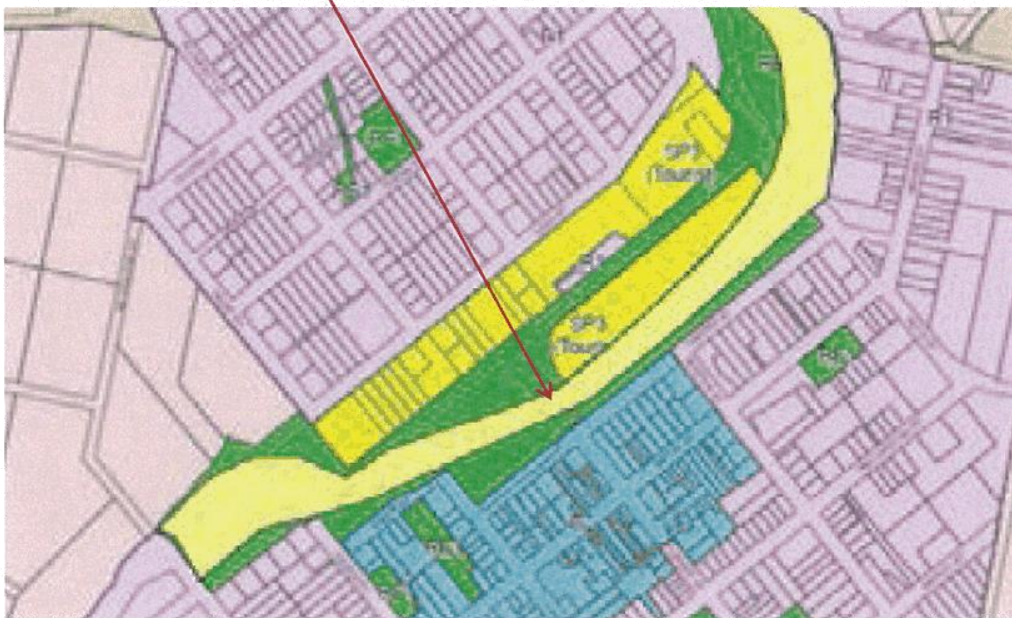
Andrew Lissenden
A/Manager Land Use
Southern Region

Roads & Maritime Services

Attachment 1



RMS bridge/asset that it is proposed to rezone SP2
– Water Storage Facility – Bridge No. 7585



Roads & Maritime Services

Attachment 2



Roads & Maritime Services



RECEIVED
19 JUN 2017

BY:

The General Manager
Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630

Attention: Grantley Ingram

**Exhibition of Planning Proposal (PP_2017_SMONA_001_00) to Amend Bombala
Local Environmental Plan 2012**

Dear Mr Sir/Madam

Thank you for your letter 18 April 2017 requesting Transport for NSW (TfNSW) review and comment on the amendments to the Bombala Local Environmental Plan 2012.

TfNSW have reviewed the documentation supplied in support of the above proposal and have no comment at this stage of the planning process. Please note that Roads and Maritime Services (RMS) will be providing a separate submission.

Thank you again for requesting TfNSW comment on this proposal. If you have any further questions, Mr Lee Farrell, Transport Planner at TfNSW, would be pleased to take your call on (02) 8202 2944. I hope this has been of assistance.

Yours sincerely

A rectangular box with a black border, used to redact the signature of Mark Ozinga.

6/6/17

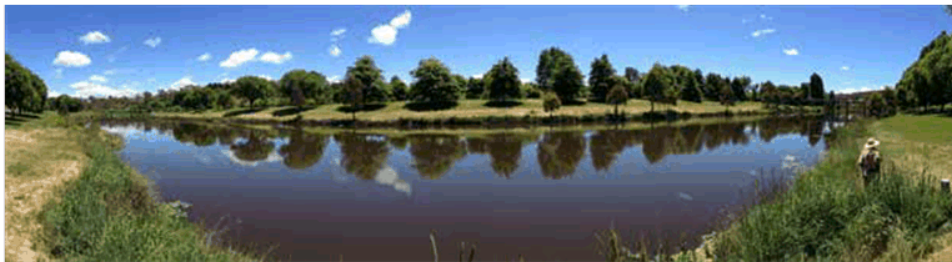
Mark Ozinga
**Principle Manager, Land Use Planning and Development
Freight, Strategy and Planning Division**

CD17/04706



Terrestrial and Aquatic Biodiversity Assessment

Bombala Weir and Low-level Bridge



A report prepared for Zenith Town Planning

FEBRUARY 2016

Report No. 15.EcIA-104

Citation

EnviroKey (2016) Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. A report prepared by EnviroKey for Zenith Town Planning. Report No. 15.EcIA-104. Final Report. Version 1.0. 19 February 2016.



Project Title: Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge

Project Identifier : 15.EcIA.104

Project Location: \\ENVIROKEY\Public\Projects\Zenith

Revision	Date	Prepared by (name)	Reviewed by (name)	Approved by (name)
Draft	16.12.2015	JW, LS	SS	Steve Sass (CEnvP)
Final Draft	29.01.2016	JW	SS	Steve Sass (CEnvP)
Final	19.02.2016	JW	SS	Steve Sass (CEnvP)

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Disclaimer

The scope of work for this report was defined by time and budgetary constraints and the availability of other reports and data.

EnviroKey accept no liability or responsibility for or in respect of any use of or reliance upon this report and its supporting material in whole or in part by any third party. Information in this report is not intended to be a substitute for site specific assessment or legal advice in relation to any matter.

Envirokey Pty. Ltd
PO Box 7231 Tathra NSW 2550 t 02 6494 5422
www.envirokey.com.au info@envirokey.com.au
ABN 35150812570

Executive Summary

EnviroKey were engaged by Zenith Town Planning to carry out a Terrestrial and Aquatic Biodiversity Assessment (TABA) that would be used to inform a planning proposal to rezone land that is subject to the Bombala Local Environmental Plan (LEP) 2012 for a proposal to construct a weir and low-level bridge at Bombala.

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

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

The footprint of the proposal was not finalised therefore the direct and indirect impact of the proposal could not be calculated. However, it is anticipated that some introduced grassland/trees would be removed during the construction of the weir and low-level bridge and some of the 0.845 hectares of native vegetation (not including planted natives) would be impacted by the elevated water levels associated with the weir should the proposal proceed.

Based on the current concept design, the proposal is 'unlikely' to have a significant effect on any listed threatened flora and fauna species, communities, populations and their habitats in accordance with the TSC Act and FM Act. However, once a design is finalised and the rezoning proceeds, detailed assessment would be required as part of the Review of Environmental Factors of the proposed activities. Additional assessment would also be

required to determine whether the proposal is '*likely*' to have a significant effect on any EPBC Act listed threatened and migratory biota and their habitats or other matters of national environmental significance. A series of mitigation measures are proposed to minimise potential impact to biodiversity.

Definitions & Acronyms used within this report

Area of Investigation - includes the subject site and any additional areas that are likely to be affected by the proposal, either directly or indirectly

BBAM - Biometric/Biobanking Assessment Methodologies

BVT - Biometric Vegetation Type

CMA - Catchment Management Authority

DotE - Department of the Environment

EP&A Act - NSW *Environmental Planning and Assessment Act 1979*

EPBC Act - Commonwealth *Environment Protection and Biodiversity Conservation Act 1995*

FM Act - NSW *Fisheries Management Act 1994*

LGA - Local Government Area

Likely - taken to be a real chance or possibility

Locality - means the area within a 10 km radius of the proposal

migratory species - a species specified in the schedules of the EPBC Act

NV Act - NSW *Native Vegetation Act 2003*

OEH - NSW Office of Environment & Heritage

region - means a biogeographical region that has been recognised and documented such as the Interim Biogeographical Regions of Australia (IBRA) (Thackway and Creswell 1995). The study area is located within the South Eastern Highlands Bioregion

RMS - Roads and Maritime Authority

SIS -Species Impact Statement

SPRAT - Species Profile and Threats Database for species listed in the schedules of the Commonwealth EPBC Act

TEC - Threatened Ecological Community

threatened biota - means those threatened species, endangered populations or endangered ecological communities considered known or likely to occur in the study area

threatened species - a species specified in the schedules of the TSC Act or the EPBC Act

TSC Act - NSW *Threatened Species Conservation Act 1995*

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1 INTRODUCTION

1.1 BACKGROUND

EnviroKey were engaged by Zenith Town Planning to carry out a Terrestrial and Aquatic Biodiversity Assessment (TABA) that would be used to advise an amendment to rezone land under the Bombala Local Environmental Plan (LEP) 2012 for a proposal to construct and operate a weir and low-level bridge at Bombala.

1.2 THE PROPOSAL

Bombala Council propose to carry out the construction of a two lane low-level bridge across Bombala River and the construction of a water storage weir on the Bombala River to augment the existing town water supply storage capacity. The bridge and weir would be constructed adjacent to each other on the Bombala River, at the location of the Bombala River Walk foot bridge about 360 metres west-south-west of the existing Monaro Highway road bridge. The weir would be located on top of a natural sandbar and would most likely incorporate a gabion rock basket and fish ladder. The structure would raise the level of the existing pool by about 1.5 metres, which would extend upriver to the existing weir on Coolumbooka River, where the elevation of the water level is not expected to exceed about 10 centimetres. The road bridge would be a two lane concrete bridge to meet with relevant Roads and Maritime Services (RMS) heavy vehicle specifications. The design span would be about 37 metres with a multi-span structure proposed. The abutment design style has not been finalised at this stage.

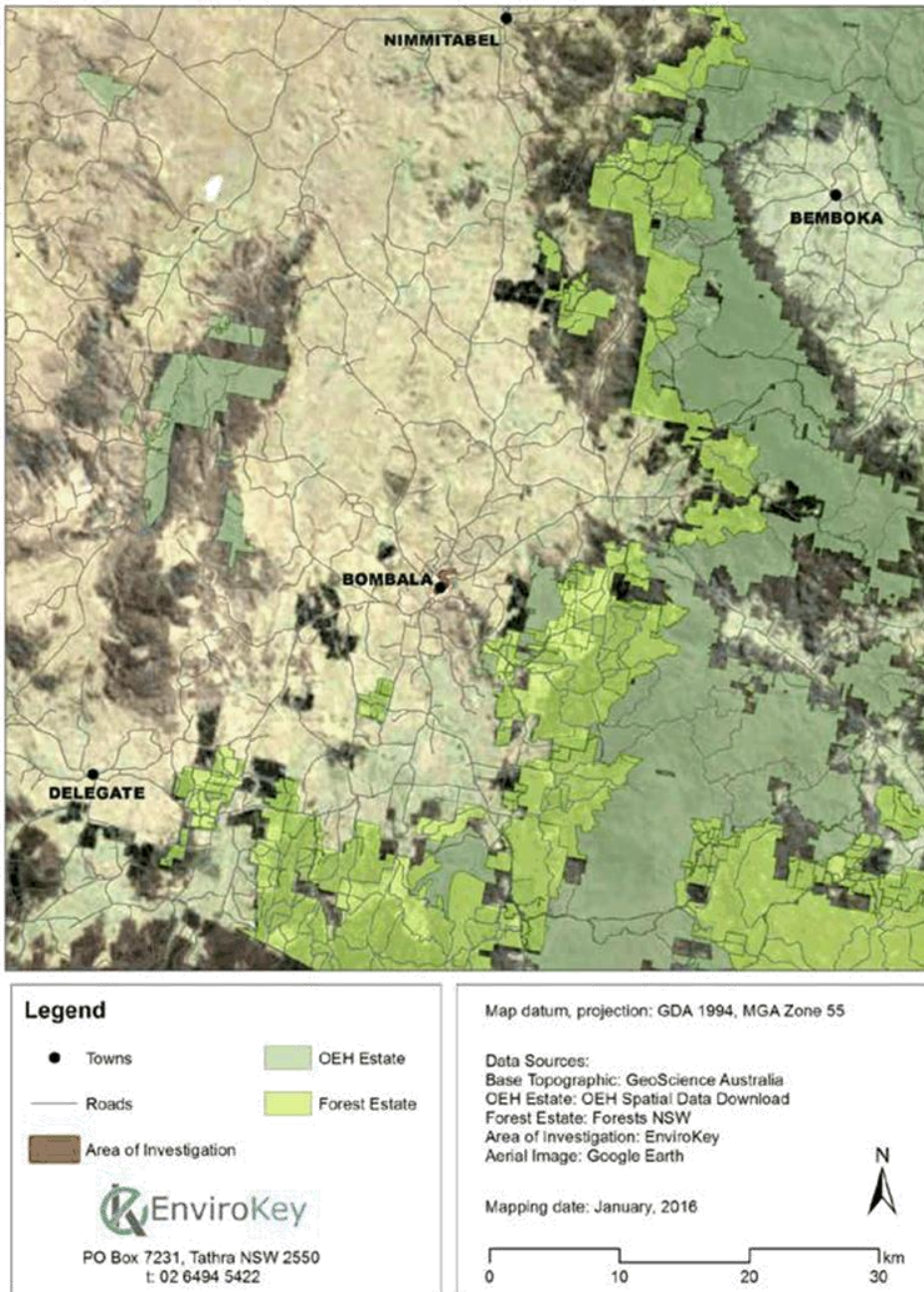
The regional location of the proposal is provided in **Map 1** while the proposal is identified on **Map 2**. The proposal is required to augment the existing water storage supply for the town of Bombala and also provide a bridge that may be able to provide a heavy vehicle bypass of the Bombala Town Centre.

1.3 AREA OF INVESTIGATION

The study area or area of investigation is located in Bombala adjacent to the Bombala River, in the South Eastern Highlands Bioregion (NPWS 2003; Thackway and Creswell 1995), Bombala local government area (LGA), South East Local Land Service (LLS) region (Previously Southern Rivers Catchment Management Authority (CMA), Monaro (Part C) sub-region) and the Monaro Plains Meta-sediments landscape system (Mitchell 2002). The regional location of the proposal is provided (**Map 1**).

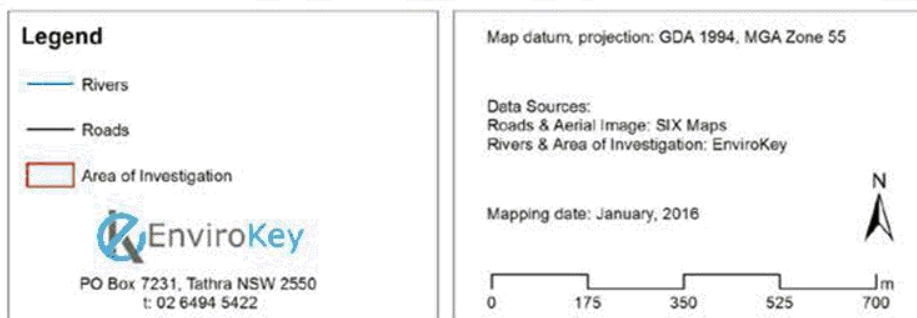
The extent of the area of investigation has been developed to allow flexibility in preparing the final design for the proposal by considering a larger area than required and to allow this TABA to consider any potential indirect impact of the proposal (**Map 2**).

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Map 1: Regional location of the area of investigation.

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Map 2: Location and extent of the area of investigation.

1.4 LEGISLATIVE CONTEXT

1.4.1 *NSW Environmental Planning and Assessment Act 1979*

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for the assessment of Bombala Council activities. Council projects are assessed and approved or determined under the following regimes:

1. **Part 5** applies to the majority of council projects. Usually a review of environmental factors (REF) is prepared to assess the environmental impact of a project prior to commencing the work.
2. **Part 5.1** applies to State significant infrastructure. These major projects require approval from the Minister for Planning and Infrastructure. An environmental impact statement is prepared in accordance with the requirements of the Director-General of the Department of Planning and Infrastructure.
3. **Part 4** applies to projects that require development consent from a consent authority (usually a local council). A statement of environmental effects or environmental impact statement (for designated development) is prepared to assess environmental impact.
4. **Division 4.1 of Part 4** applies to State significant development. These major projects require approval from the Minister for Planning and Infrastructure. An environmental impact statement is prepared in accordance with the requirements of the Director-General of the Department of Planning and Infrastructure.

Clause 5A and 5C of the EP&A Act requires that the **significance** of the impact of the proposal on terrestrial and aquatic threatened species, populations and endangered ecological communities is assessed as follows:

1. **Part 5.1** – the proponent must demonstrate the proposal would improve or maintain biodiversity outcomes. Threatened species assessment guidelines have been developed to assist in making this assessment. Assessment of biodiversity issues is to be in accordance with the requirements of the Director-General of the Department of Planning and Infrastructure.
2. **Part 5** (and Part 4 where relevant) – a **seven-part test** is prepared in accordance with Clause 5A(2).

1.4.2 *Threatened Species Conservation Act 1995*

The *Threatened Species Conservation Act 1995* (TSC Act) specifies seven factors which must be considered by decision-makers regarding the effect of a proposed development or activity on threatened species, populations or ecological communities, or their habitats (DECC 2007). These factors form part of the threatened species assessment process under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and are collectively referred to as the 'seven-part test' (DECC 2007).

Determining authorities have a statutory obligation, under Part 5 of the *EP&A Act*, to consider whether a proposal is likely to significantly affect threatened species, populations or ecological communities, or their habitats by applying the seven-part test. If the determination is made that there is likely to be a significant effect then either of the following must be carried out:

- A Species Impact Statement (SIS) must be prepared and the concurrence of the Director-General of the Office of Environment and Heritage (OEH) obtained prior to the consent authority making a determination
- The proposal may be modified such that a significant effect on threatened species, populations or ecological communities, or their habitats is unlikely (DEC 2004).

This TABA considers species, populations and communities listed under this act, which occur or have the potential to occur within the study area in order to characterise the potential impact (**Appendix 6**). As the final design has not yet been developed, the TABA provides a qualitative analysis rather than applying the 7-part test.

1.4.3 *Environment Protection and Biodiversity Conservation Act 1999*

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation.

Under the EPBC Act, actions that have, or are likely to have a significant impact on a matter of national environmental significance (NES) require approval from the Australian Government Minister for the Department of the Environment (DotE) (DotE 2013).

The nine matters of NES that are protected under the EPBC Act are:

- Listed threatened species and communities
- Listed migratory species
- Wetlands of international importance
- Commonwealth marine environment
- World heritage properties
- National heritage properties
- The Great Barrier Reef Marine Park
- Nuclear actions
- A water resource, in relation to coal seam gas development and large coal mining development.

This TABA considers species, populations and communities listed under this act which occur or have the potential to occur within the study area in order to characterise the potential impact (**Appendix 6**). As the final design has not yet been developed, the TABA provides a qualitative analysis rather than applying a EPBC Significance Assessment.

1.4.4 Fisheries Management Act 1994

The FM Act aims to conserve fish stocks, key habitats, threatened species, populations and ecological communities of fish and marine vegetation. It also aims to promote viable commercial fishing, aquaculture industries and recreational fishing.

The NSW *Fisheries Management Act 1994* aims to conserve fish stocks, key habitats, threatened species, populations and ecological communities of fish and marine vegetation. It also aims to promote viable commercial fishing, aquaculture industries and recreational fishing.

Under Part 7, Division 8, Clause 218 of the FM act, a public authority that proposes to construct, alter or modify a dam, weir or reservoir on a waterway (or to approve of any such construction, alteration or modification):

- (a) Must notify the Minister of the proposal, and
- (b) Must, if the Minister so requests, include as part of the works for the dam, weir or reservoir, or for its alteration or modification, a suitable fishway or fish by-pass.

This TABA considers the species, populations and communities listed under this Act which occur or have the potential to occur within the study area in order to characterise the potential impact of the proposal (**Appendix 6**).

1.4.5 State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy (SEPP) No. 44 Koala Habitat Protection encourages the conservation and management of natural vegetation areas that provide habitat for Koalas to ensure that permanent free-living populations will be maintained over their present range across 107 local government areas (LGA). Local councils listed under Schedule 1 of SEPP44 cannot approve development in an area affected by the policy without an investigation of core koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat.

SEPP 44 aims to identify areas of *potential* and *core* Koala Habitat. These are described as follows:

- *Potential Koala Habitat* is defined as areas of native vegetation where the trees listed in Schedule 2 of SEPP 44 constitute at least 15 percent of the total number of trees in the upper or lower strata of the tree component
- *Core Koala Habitat* is defined as an area of land with a resident population of koalas, evidenced by attributes such as breeding females, and recent and historical records of a population.

Bombala LGA is listed within Schedule 1 of SEPP 44. Therefore the provisions of this SEPP are of relevance to the proposal and it is considered further within **Section 4.11** of this TABA.

1.4.6 *Native Vegetation Act 2003*

The objectives of the *Native Vegetation Act 2003* (NV Act) are to provide for, encourage and promote the management of native vegetation on a regional basis in the social, economic and environmental interests of the State, further, aims of the NV Act are:

- (a) to prevent broad scale clearing unless it improves or maintains environmental outcomes
- (b) to protect native vegetation of high conservation value having regard to its contribution to such matters as water quality, biodiversity, or the prevention of salinity or land degradation
- (c) to improve the condition of existing native vegetation, particularly where it has high conservation value
- (d) to encourage the revegetation of land, and the rehabilitation of land, with appropriate native vegetation.

Vegetation that falls within the definition of this Act would be cleared as part of the proposed activity however, clearing that is excluded from the provisions of section 25 of the NV Act includes;

“(g) any clearing that is, or is part of, an activity carried out by a determining authority within the meaning of Part 5 of the Environmental Planning & Assessment Act 1979 if the determining authority has complied with that Part, ...”

The proposal would be assessed as a Part 5 development (under the *EP&A Act 1979*) and carried out by Bombala Council, a determining authority as defined by the Act. Therefore the work is not subject to this legislation. The proposal would result in some clearing or damage to native vegetation. The amount and location of clearing of native vegetation has not been finalised however the potential impact of the proposal has been given consideration within this TABA.

1.4.7 *Noxious Weeds Act 1993*

Part 3 of the *Noxious Weeds Act 1993* outlines the obligations of a public authority to control noxious weeds. Noxious Weeds are investigated within this TABA.

1.4.8 *Ecologically Sustainable Development*

Ecologically sustainable development (ESD) involves the effective integration of social, economic and environmental considerations in decision-making processes. In 1992, the Commonwealth and all state and territory governments endorsed the *National Strategy for Ecologically Sustainable Development*. In NSW, the concept has been incorporated in legislation such as the *EP&A Act and Regulation*.

For the purposes of the EP&A Act and other NSW legislation, the Intergovernmental Agreement on the Environment (1992) and the *Protection of the Environment Administration Act 1991* outline the following principles which can be used to achieve ESD.

- (a) The precautionary principle: that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation

In the application of the precautionary principle, public and private decisions can be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment
- (ii) an assessment of the risk-weighted consequences of various options
- (b) Inter-generational equity: that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations
- (c) Conservation of biological diversity and ecological integrity: that conservation of biological diversity and ecological integrity should be a fundamental consideration.

The aims, structure and content of this TABA are guided by these principles. The precautionary principle has been adopted in the assessment of impact with all potential impact considered and mitigated where a risk is present. Where uncertainty exists, measures have been suggested to address it.

1.5 STUDY AIMS

This TABA aims to:

- Provide a brief description of the proposed activity
- Provide the results of the desktop analysis (legislative context, literature review, database searches)
- Identify and describe the flora and fauna values of the study area including descriptions of field methodologies used and the results of the field survey
- Identify species and communities of conservation significance which are present or have the potential to be present, including threatened flora, fauna, their habitats and threatened ecological communities
- Provide maps and photographs detailing vegetation communities, habitat extent and condition and the location of any significant flora and fauna species present.
- Identify the potential direct and indirect impact of the proposed work
- Undertake an evaluation of the potential for threatened and migratory biota listed within the schedules of the Commonwealth *Environment Protection and Biodiversity*

Conservation Act 1999, NSW Threatened Species Conservation Act 1995 and NSW Fisheries Management Act 1994 to occur in the study area

- Provide a series of recommendations designed to reduce risks and minimise the impact of the proposed work on flora and fauna.

In preparing this TABA, EnviroKey have considered the following documents that guide biodiversity assessments in NSW: '*Guidelines for threatened species assessment: draft*' (DEC/DPI 2005), '*Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities – working draft*' (DEC 2004), '*Threatened Species Assessment Guidelines – The Assessment of Significance*' (DECC 2007) and EPBC Act *Matters of National Environmental Significance: Significant Assessment Guidelines* (DotE 2013).

2 METHODOLOGY

2.1 QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

The TABA was prepared by suitably qualified and experienced personnel under the authority of a Scientific Licence (SL100110) issued under Clause 22 of the *National Parks and Wildlife Regulation 2002* and section 132C of the *National Parks and Wildlife Act 1974* by the NSW OEH and an Animal Research Authority (09/2596) approved by, and in accordance with, the Animal Care and Ethics Committee (ACEC) of the Director-General of Industry and Investment NSW. Details of the qualifications and experience of these personnel are provided (**Appendix 1**).

2.2 DATABASE SEARCHES

2.2.1 *NSW Office of Environment & Heritage: Threatened Species Profile database*

While Catchment Management Authority's (CMA) now cease to exist (now replaced by Local Land Services), the NSW Office of Environment & Heritage (OEH) allow for the searching of a Catchment Management Authority (CMA) and subsequently CMA sub-regions for threatened biota that are known or predicted to occur in that region (OEH 2015c). The study area is located within the Monaro (Part C) CMA sub-region of what was formerly the Southern Rivers CMA.

A search conducted on the 16 November 2015 identified that 66 threatened biota, threatened ecological communities (TEC) and endangered populations are known to, or are predicted to occur within that CMA sub-region. These comprised:

- Seven species of amphibian
- Four species of bat
- Twenty-two species of bird
- Nine species of terrestrial mammal
- Five species of reptile
- Sixteen species of flora
- Three threatened ecological communities.

An evaluation of the likelihood of these biota occurring within the study area and the potential for them to be impacted by the proposal is considered further within **Chapter 4** and **Appendix 6**.

2.2.2 *NSW BioNet: A whole-of-government system for flora and fauna sightings*

BioNet is a portal for accessing a range of government-held information from several NSW government agencies (OEH 2015b). These being:

- NSW Office of Environment and Heritage
 - National Parks and Wildlife Service
 - Royal Botanic Gardens and Domain Trust
- Department of Primary Industries.
 - Forests NSW
 - Fisheries NSW
- Australian Museum.

A search of the BioNet database conducted on 19 November 2015 was completed for entities in the locality across a 10 kilometre radius within the following categories:

- Threatened in NSW
- Threatened Nationally
- CAMBA (migratory species)
- JAMBA (migratory species)
- ROKAMBA (migratory species).

That search revealed the presence of:

- Twenty-four species of threatened and migratory fauna
- Five species of threatened flora.

Under OEH data licence agreement (CON09007), the spatial locations of these records were mapped at a scale permissible by this agreement (1:250,000) within this assessment (**Map 3, 4 & 5**).

An evaluation of the likelihood of these biota occurring within the study area and the potential for them to be impacted by the proposal, is considered further within **Chapter 4, Appendix 6**.

2.2.3 Protected Matters Search Tool

The protected matters search tool identifies matters of national environmental significance (NES) or other matters protected by the EPBC Act that may occur within the nominated search area (DotE 2015).

A search using this tool was conducted on the 16 November 2015 for matters of NES within the locality (10 kilometre radius). This search revealed the following:

- Three listed threatened ecological communities
- Twenty-five listed threatened species
- Ten listed migratory species.

An evaluation of the likelihood of these biota occurring within the study area and the potential for them to be impacted by the proposal, is considered further within **Chapter 4 and Appendix 6**.

Extra information provided by the search tool that may also have relevance to this assessment includes:

- Two areas of Commonwealth Land
- Thirteen listed marine species
- One State and Territory reserves
- Two regional forest agreement
- Twenty-seven invasive species.

The Protected Matters Search Tool results are provided in **Appendix 2**.

2.2.4 Records Viewer: Threatened and Protected Fish Species

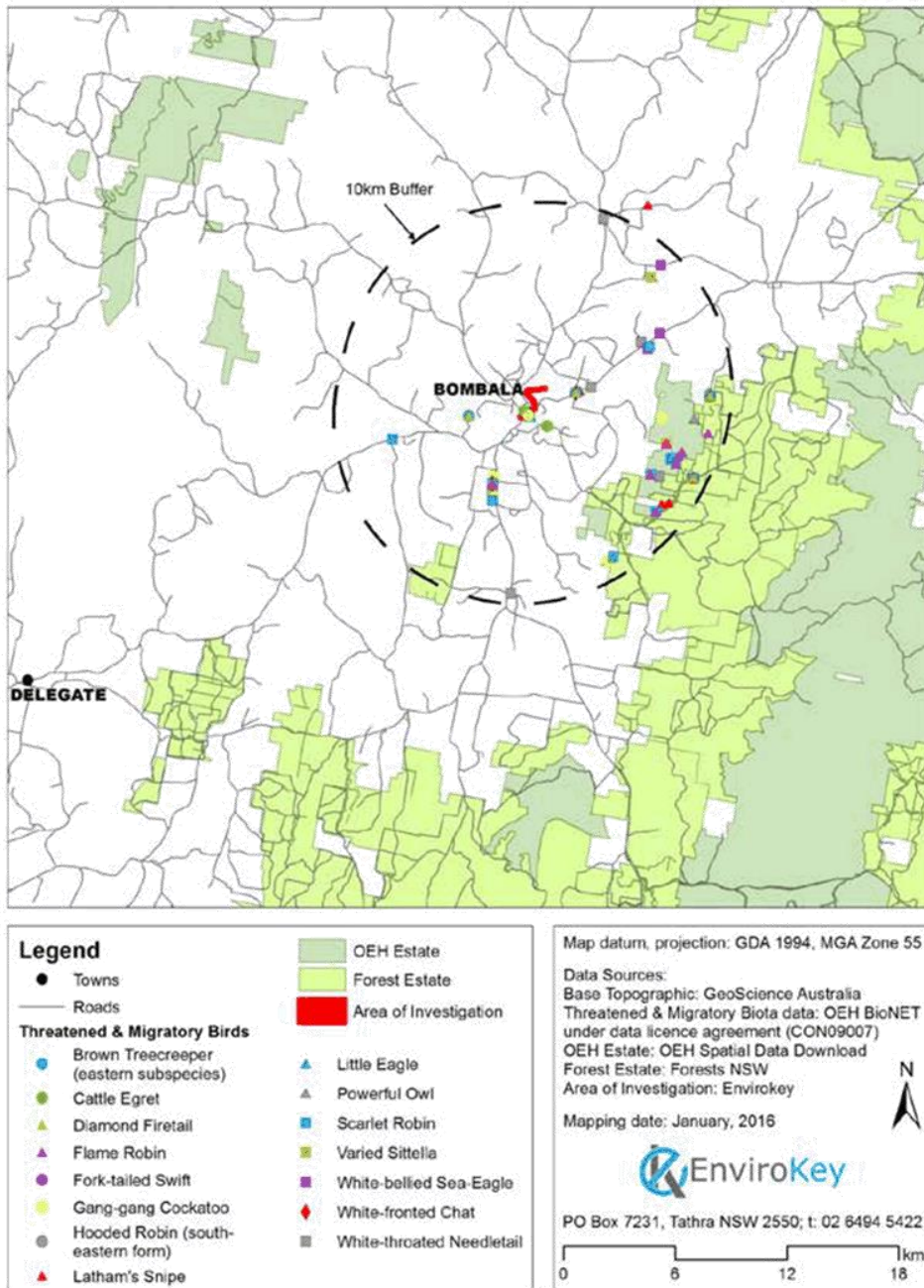
The Records Viewer has been developed to provide access to records of threatened and protected fish species held by Industry & Investment (I&I) NSW (I&INSW 2015). Records come from a variety of sources including:

- Field survey records by I&I NSW
- Data from specific I&I NSW research projects
- Community sightings from the Protected, Threatened and Pest Species Sighting Program
- Scientific literature and published reports
- Scientific, broodstock and aquarium collection permit returns.

A search of the Records Viewer conducted on 20 November 2015, revealed that there are eleven records of a threatened fish species, River Blackfish (*Gadopsis marmoratus*) in the Bombala LGA. These records occur mostly in the Delegate River, upstream of the confluence between Bombala River and Delegate River (also in Little Plains River). None of these records are within the locality (10 kilometre radius) of the proposal, the closest record is about 18 kilometres west of the study area, at the end of Quidong Road in the Delegate River. However there is an endangered population, River Blackfish in the Snowy River catchment. Bombala River flows into Delegate River which flows into Snowy River therefore the area subject to this proposal would be included as part of the Snowy River catchment and included as potential habitat for the endangered population of River Blackfish.

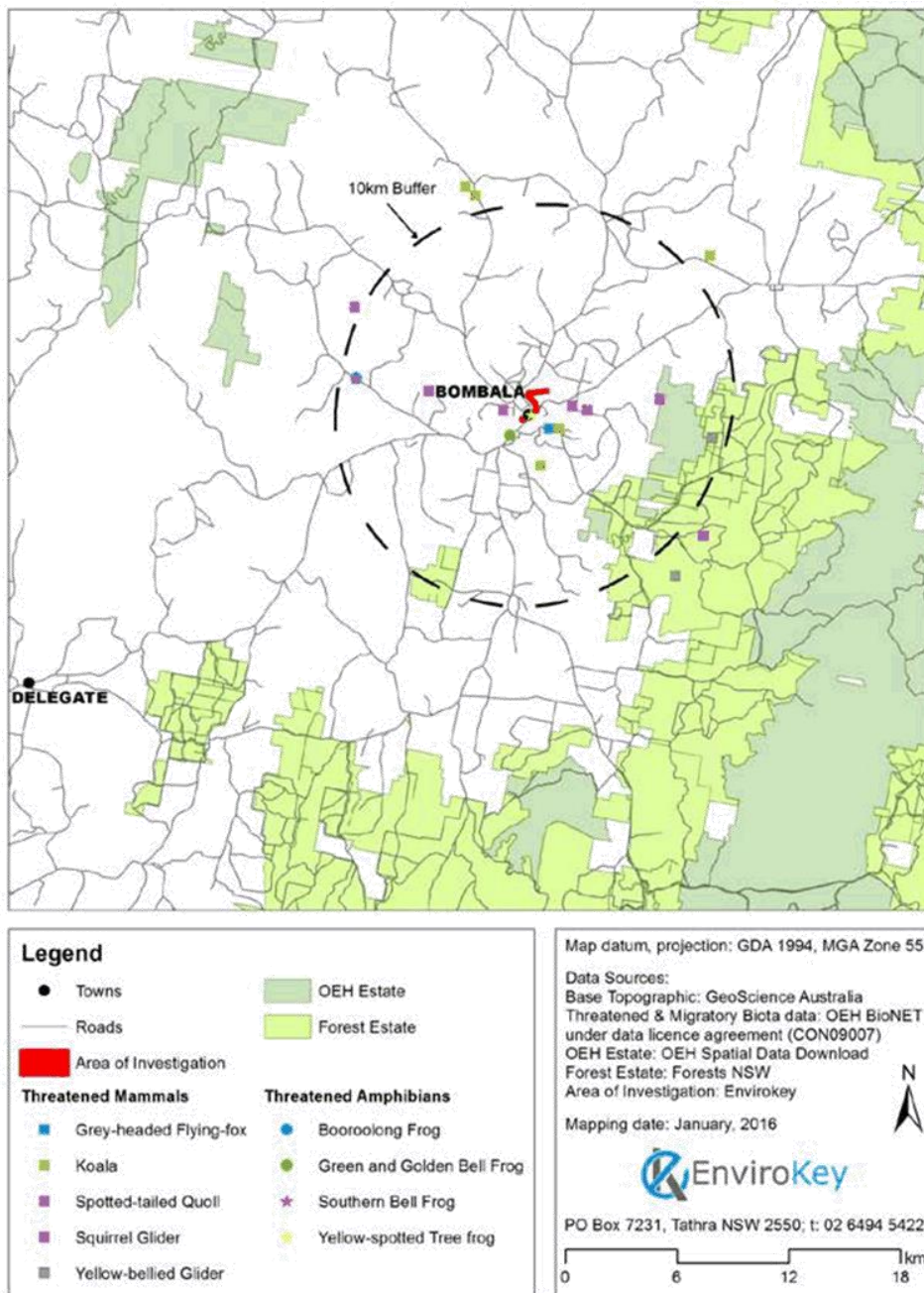
An evaluation of the likelihood of aquatic species occurring within the study area and the potential to be impacted by the proposal are considered further within **Chapter 4** and **Appendix 6** in accordance with the Policy and Guidelines for fish habitat conservation and management (DPI 2013).

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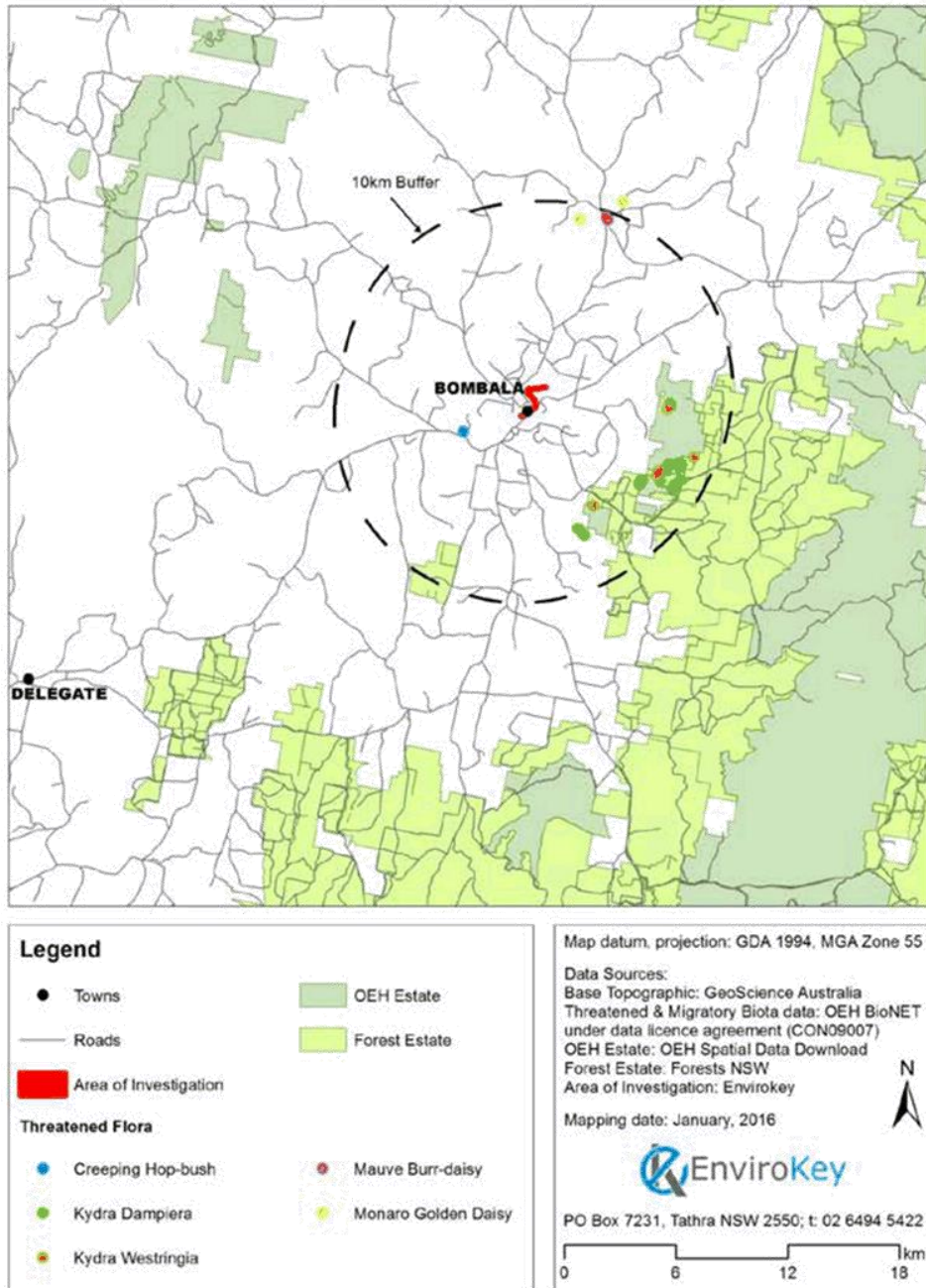
Map 3: Threatened birds previously recorded within the locality.

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EcIA-104



Map 4: Mammals and amphibians previously recorded in the locality.

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104



Map 5: Threatened flora previously recorded in the locality.

2.2.5 *DPI Noxious Weeds Declarations*

A search of the Department of Primary Industries (DPI) Noxious Weeds Declarations for Bombala LGA was conducted. This search revealed 115 entries in that database (**Appendix 3**).

Noxious weeds are considered within **Section 3.3** and **4.4** of this TABA.

2.3 LITERATURE REVIEW

A literature review for any relevant local information was conducted on 20 November 2015 using the internet using the following key words: Bombala, Environmental Assessment, Terrestrial Biodiversity, Aquatic Biodiversity, Plan of Management. These searches revealed the following documents:

- Bombala Local Environmental Plan 2012
- Bombala State of the Environment Report 2004
- Bombala Community Strategic Plan 2013/2025

Where appropriate, the contents of these documents are considered throughout this TABA.

No previous environmental assessments from proposals or any work carried out near this proposal were identified.

2.4 SURVEY EFFORT

EnviroKey have carried out targeted field surveys to develop a comprehensive understanding of the flora, fauna, vegetation communities and fauna habitats in the vicinity of the proposal. This section provides the details of the survey effort completed while a summary is provided (**Table 1**). **Map 6 & 7** identifies the spatial locations of the fauna surveys.

2.4.1 *Area of Investigation*

An 'Area of Investigation' was defined as an area extending about 10 metres either side of the Bombala River to encompass the area that would most likely be inundated by rising water levels. The 'Area of Investigation' is shown on **Map 2**. Where any area of threatened ecological community (TEC) was identified, the total patch size was considered, even if it extended beyond the boundaries of the Area of Investigation.

2.4.2 *Botanical Surveys*

Botanical survey was carried out over 8 person hours on 16 November 2015. The vegetation communities of the study area were stratified into sampling units to ensure that the full range of potential vegetation types was systematically sampled. Within each unit, the 'random

meander' method (Cropper 1993) was conducted to enable a classification to the latest vegetation mapping for the region (Benson 2006; 2008).

The methodology used to classify vegetation as native or non-native was in accordance with the definitions of the NSW *Native Vegetation Act 2003* and as used within the NSW Biometric/Biobanking assessment methodologies (BBAM) (DECC 2008; DECCW 2010) and the published benchmarks for each vegetation type. Vegetation was classified as native where at least one of the following criteria was met:

- Groundcover comprised greater than 50 percent live indigenous species, and 10 percent or more of the area has some form of vegetative cover whether dead or alive
- Indigenous species overstorey percent cover is at least 25 percent of the corresponding vegetation class benchmark.

Vegetation condition was assigned based on the Vegetation Communities Database and associated benchmarks (OEH 2015a). Therefore, this TABA provides a quantitative assessment of vegetation condition in the study area to aid in the determination of potential impact of the proposal.

2.4.3 *Threatened Ecological Communities*

Vegetation communities were analysed and compared with the NSW Biometric Vegetation Communities database, determinations made by the NSW Scientific Committee in relation to the TSC Act, and information from Species Profile and Threats Database (SPRAT - EPBC Act) to determine if any were part of a threatened ecological community (TEC).

2.4.4 *Diurnal Birds*

Diurnal bird surveys were conducted using the widely accepted 'standardised method' (Watson 2003). Within the vicinity of the proposal, five 20 minute surveys were completed. Any species of bird observed or identified from call recognition, were recorded during the field survey period. Surveys were completed across a range of environmental variables including morning and afternoon periods to encompass the range of avifaunal assemblages and their periods of activity. Locations of diurnal bird surveys are provided in **Map 6**.

2.4.5 *Nocturnal Fauna Surveys*

Nocturnal fauna surveys consisted of spotlighting and echolocation call recording transects using an ANABAT SD1 detector unit. **Table 1** details the survey effort completed during the TABA. Call playback consisted of transmitting a pre-recorded call of an individual species, with a two minute listening period between each call. Spotlighting surveys were conducted by walking transects within the area of investigation, looking for eye shine and any moving nocturnal fauna. A 50W handheld spotlight was used for the duration of nocturnal fauna survey.

2.4.6 Systematic Reptile Search (Herpetofauna)

A systematic reptile search was conducted across the entire area of investigation. The survey consisted of searching for active and inactive reptiles. For active animals, any visible individuals were recorded. For inactive animals, hand searches comprised raking through leaf litter, inspections of cracks and crevices in rocks, trees and fallen timber, searches under rocks, and any other searchable items such as roadside litter. Survey effort totaled about two person hours.

2.4.7 Systematic Amphibian Search

A systematic amphibian search was conducted. Searches were completed after sunset with animals identified by aural identification. A total of one person hour was dedicated to this survey method.

2.4.8 Platypus Survey

A Platypus survey was undertaken focusing on the existing pool created by the natural sandbar within the Bombala River which would be subject to this proposal. The survey was carried out by static observation of the pool at dusk, looking for signs of Platypus including ripples on the surface or active animals coming to the surface to breathe after foraging on the bottom. The banks of the Bombala River were also observed opportunistically during the flora and fauna surveys for any active Platypus burrows.

2.4.9 Habitat Assessment

A general habitat assessment was conducted across the study area to develop an understanding of the proximate resources available to flora and fauna. A particular emphasis was given to those resources that are most likely to influence the likelihood of occurrence for threatened and migratory species. These included potential movement corridors, clusters of hollow-bearing trees and native grasslands.

2.4.10 Echolocation Call Analysis

Echolocation calls recorded during the field survey (see **Table 1** for survey effort) were identified using Analoow software by visually comparing call traits with those within 'The Bat Calls of NSW: Region based guide to the echolocation calls of microchiropteran bats' (Pennay *et al.* 2004), 'Australian Bats 2nd Edition' (Churchill 2008) and a reference call collection held by EnviroKey. Analysis was completed by one of the authors (Steve Sass) given his extensive experience with the bats of the NSW southern tablelands and microchiropteran bat call analysis. Due to the lack of 'local' reference calls, and the high level of intra-specific variability and inter-specific overlap in call characteristics, a conservative approach was taken when analysing calls. It should be noted that members of the *Nyctophilus* genus were unable to be identified to species level due to a lack of differentiation between species and are identified to genus level only.

A call was defined as a sequence of three or more consecutive pulses of similar frequency. A pulse separated from another sequence by a period of five seconds was considered to be a separate call. Scattered sequences, where intermittent pulses were not separated by more than five seconds, were recognised as a single pass. Due to variability in the quality of calls and the difficulty in distinguishing some species, each file was assigned a confidence rating as follows:

D = Definite: Species identification not in doubt.

PR = Probable: Call most likely to represent a particular species, but there exists a low probability of confusion with species of similar call types.

PO = Possible: Call characteristics are comparable with the species, but there exists a reasonable probability of confusion with one or more bat similar species or the quality or length of call prohibits a confident identification.

With regard to threatened species and in consideration of the precautionary principle, any file thought to be that of a threatened species regardless of confidence ranking was considered to be present.

2.4.11 Nomenclature

Nomenclature for fauna was guided by the following texts: Birds (Morcombe 2004), Mammals (except microchiropteran bats) (Menkhorst and Knight 2010), Microchiropteran Bats (Churchill 2008), Frogs (Tyler and Knight 2009) and Reptiles (Swan *et al.* 2004) except where modified by recent taxonomic review (Sass 2011a; b; Swan 2013). Where no common name is provided within these texts, a generally accepted name is used. For flora, nomenclature follows that of the Flora of NSW (PlantNET 2015).

2.5 LIMITATIONS

A common limitation of many biodiversity studies is the short period of time in which they are conducted. When combined with a lack of seasonal sampling this can lead to either low detection rates or false absences being reported. This is also particularly relevant to highly mobile species that may not have been in the study area at the time of the survey. Given this, further analysis was conducted to evaluate which threatened and migratory biota were likely to occur within the vicinity of the proposal based on the presence of habitat. This is detailed within **Appendix 6**.

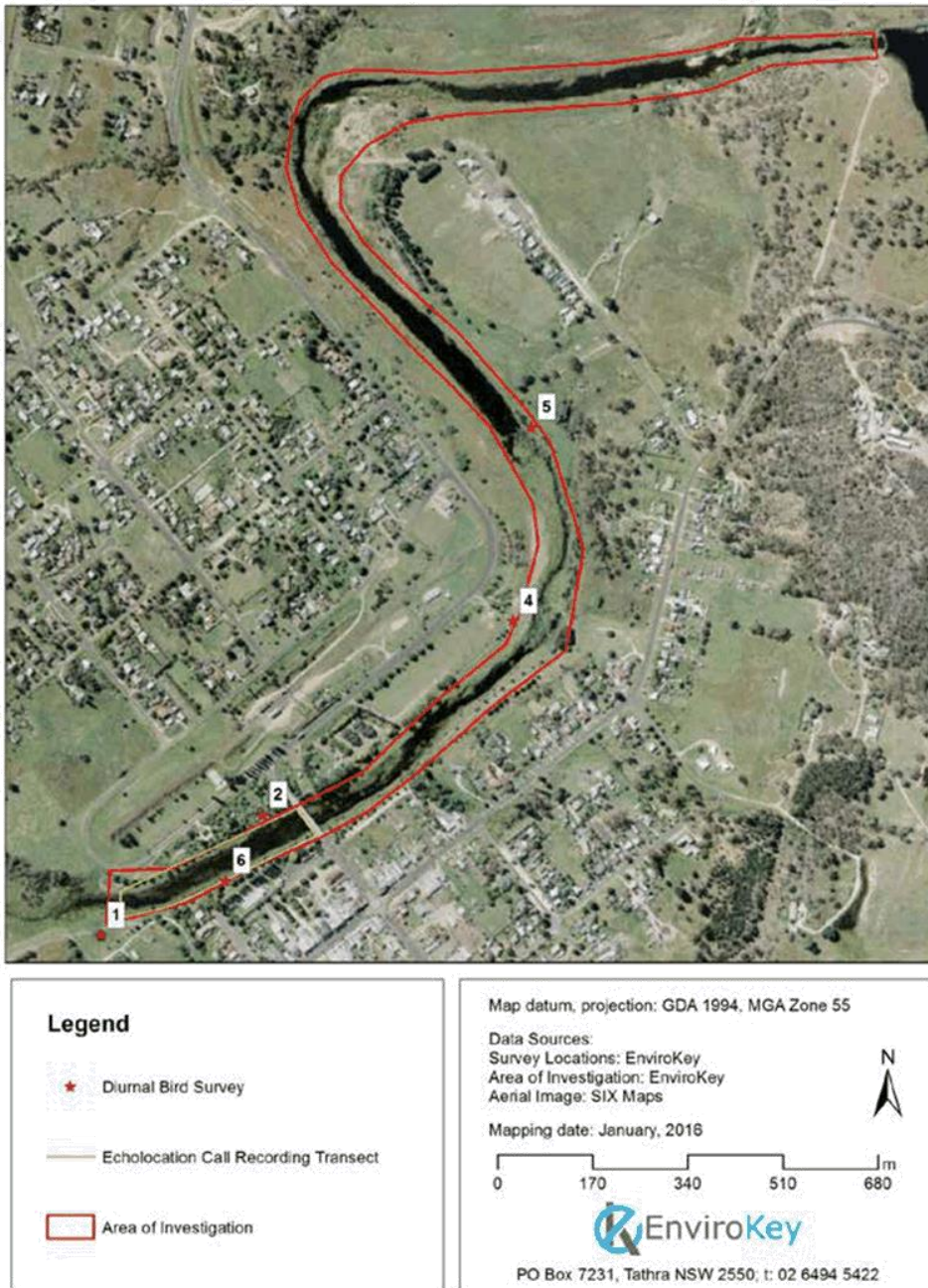
Table 1: Survey effort completed for this study.

Date	Survey type	Survey location and effort
16 November, 2015	Botanical survey	One person x eight hours
16 November, 2015	Bird surveys	Five x 20 minute bird surveys.

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Date	Survey type	Survey location and effort
16 November, 2015	Nocturnal surveys.	One person x two hours over one night including spotlighting and echolocation call recording (calling frogs also recorded).
16 November, 2015	Systematic Reptile search.	One person x two hours within the area of investigation.
16 November, 2015	Systematic Amphibian search	One person-hour in the vicinity of low-lying areas (amphibians were also recorded opportunistically over the area of investigation).
16 November, 2015	Platypus survey	One person-hour in the vicinity of the existing pool in Bombala River plus opportunistically during fauna and flora surveys.
16 November, 2015	Culvert Inspection (using a 50W spotlight to inspect for microchiropteran bats).	As culverts were encountered within the area of investigation.
16 November, 2015	Habitat Surveys including sign and scat searches	One person x two hours along the length of the proposal.

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Map 6: Locations of fauna surveys within the area of investigation.

3 EXISTING ENVIRONMENT

3.1 LANDSCAPE CONTEXT

The study area is located within the South Eastern Highlands Bioregion of NSW (Thackway and Creswell 1995). The bioregion lies just inland from the coastal bioregions of the South East Corner and the Sydney Basin, bounded by the Australian Alps and South Western Slopes bioregions to the south and west. The bioregion includes most of the ACT and extends south into Victoria. The total area of the bioregion is 8,749,155 hectares (Thackway and Creswell 1995). The study area is located within the South East LLS Region (previously Southern Rivers CMA region (OEH 2015c) and the Monaro (Part C) sub-region (NPWS 2003)).

The dissected ranges and plateau of the Great Dividing Range are topographically lower than the Australian Alps, which lie to the west. The bioregion extends to the Great Escarpment in the east and to the western slopes of the inland drainage basins. The highlands are part of the Lachlan fold belt that runs through the eastern states as a complex series of metamorphosed Ordovician to Devonian sandstones, shales and volcanic rocks intruded by numerous granite bodies. Topographically, the dominant features of the bioregion are plateau remnants, granite basins with prominent ridges formed on contact metamorphic rocks and the western ramp grading to the South Western Slopes (Thackway and Creswell 1995).

3.2 LANDUSE

Land use adjoining this section of the Bombala River and Coolumbooka River consisted predominately of landscaped parkland with introduced tree plantings and walking tracks which are part of the Bombala River Walk. There are two patches of native woodland on the southern side of Coolumbooka River, just downstream from the existing weir, with one patch part of a much larger patch extending outside of the study area. The Monaro Highway crosses the river with a two lane bridge in the middle of the area of investigation while there are two foot bridges within the area of investigation. The section between the river and Monaro Highway consisted mostly of vacant land adjacent to residential properties.

3.3 FLORA & VEGETATION COMMUNITIES

3.3.1 *Flora Species Richness*

The field survey identified a total of 87 flora species. These comprised:

- 23 native species (including two planted native species)
- 64 introduced species.

No threatened flora were identified during the field survey, nor are any expected to occur there given the current level of disturbance.

A full list of flora species recorded during the field survey is detailed within **Appendix 4**.

3.3.2 Vegetation Communities

In the vicinity of the proposal, non-native vegetation dominates. However, two native vegetation communities are present. This section provides details of the native vegetation community. Given the lack of habitat value of non-native vegetation, these areas are no longer considered.

SR637 Snow Gum - Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands

Biometric Vegetation type (BVT) Snow Gum - Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands (SR637) (in the Southern Rivers CMA) (OEH 2015a) occurs within a small portion of the area of investigation. This community corresponds with the vegetation description by Tozer *et al* (2006), vegetation unit Frost Hollow Grassy Woodland (GW p22). Frost Hollow Grassy Woodland (GW p22) represents a revision and extension of GW 22 identified by Tindall *et al* (2004). The woodland is best described as a low open eucalypt woodland with a sparse shrub layer and dense, diverse groundcover of grasses and forbs. However, the woodland within the study area is dominated by introduced flora species.

SR657 Tea-tree tall riparian shrubland, South Eastern Highlands, South East Corner and Australian Alps

Biometric Vegetation type (BVT) Tea-tree tall riparian shrubland, South Eastern Highlands, South East Corner and Australian Alps (SR657) (in the Southern Rivers CMA) (OEH 2015a) occurs within a small portion of the area of investigation. This community occurs mainly in riparian situations in montane to sub-alpine areas with a Tea-tree canopy dominant. The shrubland within the area of investigation was dominated by a Tea-tree (*Leptospermum spp.*) with a predominately native groundcover consisting mostly of Wallaby Grass (*Rytidosperma spp.*).

Table 2 provides a summary of these vegetation communities within the area of investigation. **Map 7** details the extent of SR637 and SR657 in the area of investigation.

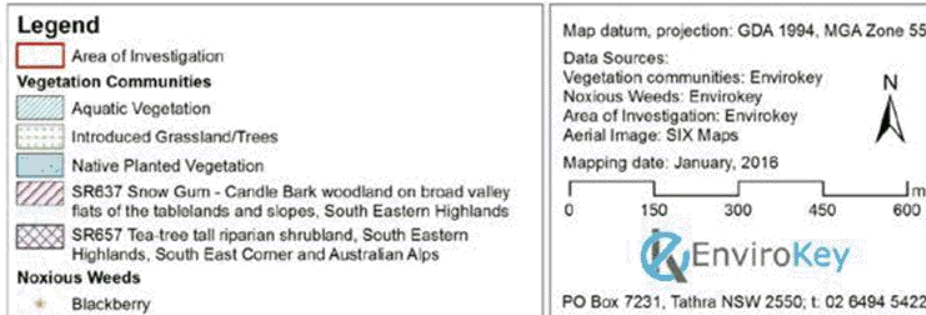
Table 2: Summary of BVT SR637 and SR657 within the study area.

BVT	Descriptor	Response
SR637	Extent within footprint (approx.)	About 0.432 hectares of this community occurs in the area of investigation (detailed in Map 7).
	Description	Canopy: An open woodland dominated by Ribbon Gum (<i>Eucalyptus viminalis</i>). Canopy height up to 15 metres. Understorey: Shrub or small tree layer absent in this patch of vegetation.

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BVT	Descriptor	Response
		Groundcover: Mostly dominated by introduced species including introduced grasses.
	Condition	Moderate to good condition due to canopy cover within 25 percent of the lowest benchmark in the BBAM benchmark database for this community.
	Threatened flora	None recorded and potential for threatened species to occur is considered to be low given groundcover mostly dominated by introduced flora.
	Threatened community?	Yes, this community corresponds with the description for the TSC Act listed threatened ecological community (TEC) <i>Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions - Southern Rivers</i> . This community is listed as endangered under the TSC Act.
SR657	Extent within footprint (approx.)	About 0.403 hectares of this community occurs in the area of investigation (detailed in Map 7).
	Description	Canopy: There was no canopy species present. Understorey: A layer of Tea-tree (<i>Leptospermum spp.</i>) were present in this patch of vegetation. Groundcover: Mostly dominated by Wallaby Grasses (<i>Rytidosperma spp.</i>).
	Condition	Moderate to good condition due to canopy cover within 25 percent of the lowest benchmark in the BBAM benchmark database for this community.
	Threatened flora	None recorded and potential for threatened species to occur is considered to be low given the current and historic uses of this area.
	Threatened community?	No, this is not a threatened ecological community.

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Map 7: Vegetation communities present within the study area.

3.4 FAUNA AND THEIR HABITATS

3.4.1 Fauna Species Richness

A total of 47 fauna species were recorded during the field surveys which comprised:

- Three species of frog
- 33 species of bird
- Eight species of mammal (including two introduced species and two bats)
- Three species of reptile.

The fauna species detected in the surveys are typical of those occurring in highly modified landscapes such as in the vicinity of the proposal.

A list of all fauna species recorded during surveys is detailed within **Appendix 5**.

3.4.2 Fauna Habitats

Three general fauna habitats are present within the study area (woodland/shrubland, introduced grassland/trees and aquatic habitat) (**Map 8**). This section provides discussion on each of these fauna habitats.

Woodland/shrubland

Woodland habitat comprises a small proportion of the north-eastern end of the area of investigation downstream from the existing weir on Coolumbooka River and also native tree plantings in the middle of the area of investigation. The woodland areas consisted of a canopy of Ribbon Gum with a groundcover dominated by introduced flora. Given the size, quality and condition of the patch and the proximity to cleared, rural land, this is likely to provide important resources for woodland fauna at the landscape scale (Lindenmayer and Fischer 2006). Key microhabitat resources such as fallen timber and leaf litter were present, but in low quantities. No mistletoe plants were observed within the woodland. Mistletoe is considered a keystone resource for woodland and forest fauna (Watson 2001) and its absence is a likely determinant of low bird diversity (Watson 2002). In the case of the area of investigation, bird diversity was considered moderate but this was most likely as a result of the Bombala River which supplies a constant water source.

The shrubland part of this habitat type consisted of a shrub layer dominated by a Tea-tree with a mostly grassy groundcover. It was located on a broad, flat expanse on a sandy substrate on the inside of a broad curve in the Bombala River. Though the vegetation here was mostly native, there were numerous car tracks and evidence of a reasonably high traffic load, most likely from people accessing the river to swim. This habitat present is at best, in low to moderate condition.

The planted vegetation consists of numerous *Eucalyptus* species which have been planted along the banks of Bombala River. These were most likely planted at the time of or after the creation of Bicentennial Park in 1988; therefore they are relatively young trees. None of

these trees would develop hollows for a significant amount of time and there was little in the way of microhabitat features on the ground except in locations where high river flows had deposited debris brought downstream during flood events. The groundcover here was also dominated by introduced species. This habitat present is at best, in low condition.

Photographic examples of this fauna habitat are provided in **Figure 1**.



Figure 1: Woodland/shrubland habitat including planted native trees within the area of investigation.

Introduced Grassland/Trees

This habitat type consists of predominately introduced species of grasses and herbs in open areas with no canopy cover or with a canopy of planted trees. The cleared area adjacent to Bombala River is most likely a result of historic land practices such as clearing of canopy vegetation for agriculture in the area or the construction of roads and the town of Bombala. Additionally this part of Bombala River has been planted with various native trees for the creation of the Bicentennial Park which also includes various rotundas and seating areas. The Bicentennial Park was opened in 1988 and most of the introduced trees were planted at this time. Various maintenance activities including regular mowing mean that key microhabitat resources such as fallen timber, surface rocks and leaf litter are virtually non-existent. Two walking track bridges and the Monaro highway bridge cross the Bombala River within this habitat type. The cracks and crevices underneath these structures could potentially provide habitat for microbat species (see **Figure 2**).

Examples of the introduced grassland/trees are provided in **Figure 2**.



Figure 2: Introduced grassland/tree habitat within the area of investigation.

Aquatic Habitat

Aquatic habitat in the vicinity of the proposal is considered highly modified. Riparian areas are dominated by non-native vegetation. The river channel varies likely influenced by rain events, however, it is between 15-30 metres wide, with pool depth estimated at greater than three metres. The aquatic substrate is best described as gravelly sand. Aquatic vegetation was dominated by emergent and floating species. Where native species occurred, these included River Clubrush (*Schoenoplectus validus*), Marshwort (*Nymphoides monatana*) and Tall Sedge (*Carex appressa*). Though the water appeared to be moderately turbid, there was also evidence of recent flooding which would have contributed to the decreased water clarity. A small Billabong or Oxbow Lake like water body was present at the north-eastern end of the area of investigation. This water body was separate from the main river channel however it would most likely be inundated during times of flooding. The vegetation here was mostly dominated by introduced species however it was very dense and overhanging the water and there appeared to be a high density of Eastern Long-necked Turtles (*Chelodina longicollis*).

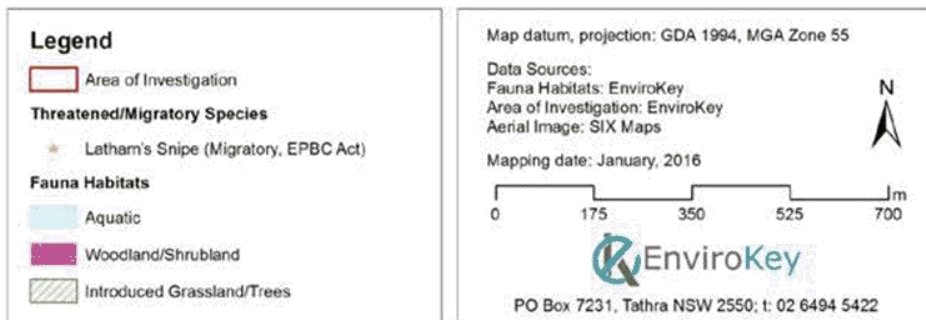
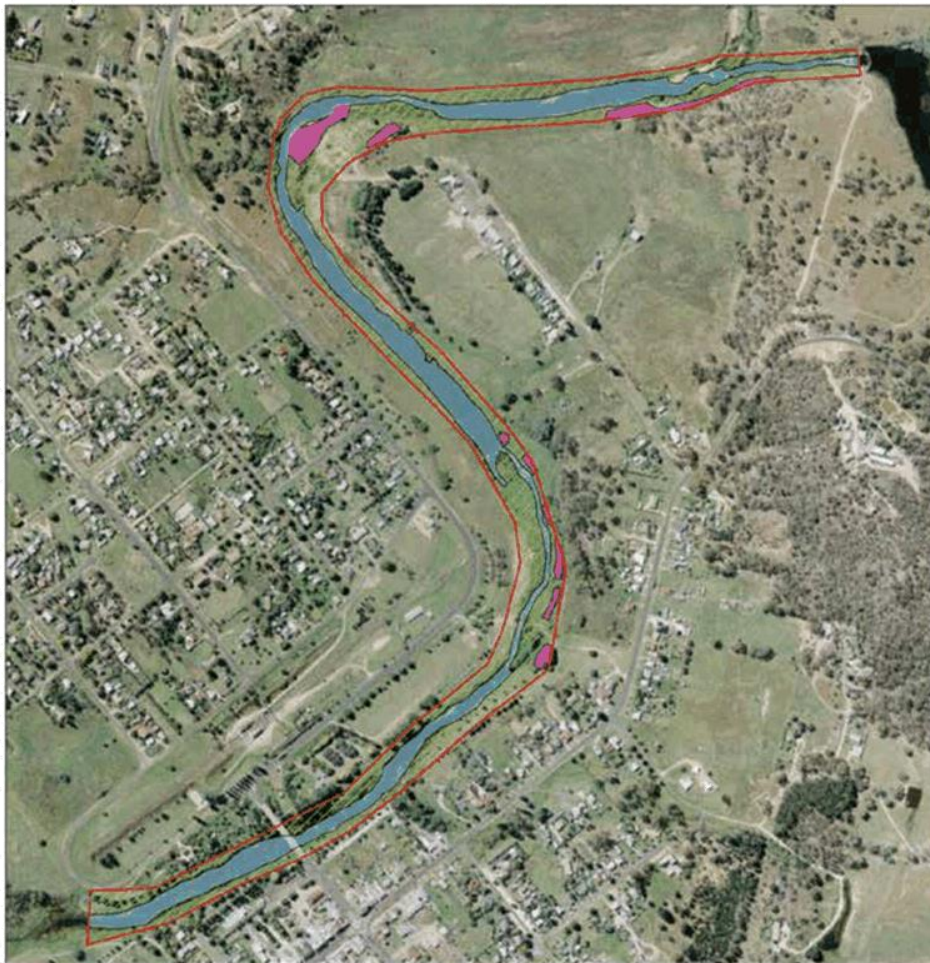
The banks of the Bombala River within the area of investigation were searched extensively for signs of Platypus burrows during the field surveys. Though no burrows were identified, two individual animals were observed within the large existing pool. Though the vegetation along the banks was dominated by introduced species, it was very dense therefore the Platypus burrows were probably well camouflaged. Generally, Platypus build a burrow under

the roots of a tree on the bank of a river which would assist in stopping erosion issues around the mouth of the burrow. However, the dense vegetation within the area of investigation appears to limit erosion. Very little erosion was observed during the field surveys. Generally ideal habitat for the Platypus is a fairly shallow river or stream with relatively steep earth banks consolidated by the roots of native vegetation and with its growth overhanging the bank (Scott and Grant 1997). However in this situation in the Bombala River, the Platypus have colonized an area which is dominated by introduced vegetation and with little root structures consolidating the river banks. According to Scott and Grant (1997), weirs with less than three metre wall heights do not prevent dispersal or movement of Platypus. However they are more prone to predation as they move around the wall by walking on land.

Hollow-bearing trees

No hollow bearing trees were observed within the area of investigation.

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Map 8: Fauna Habitats within the area of investigation.

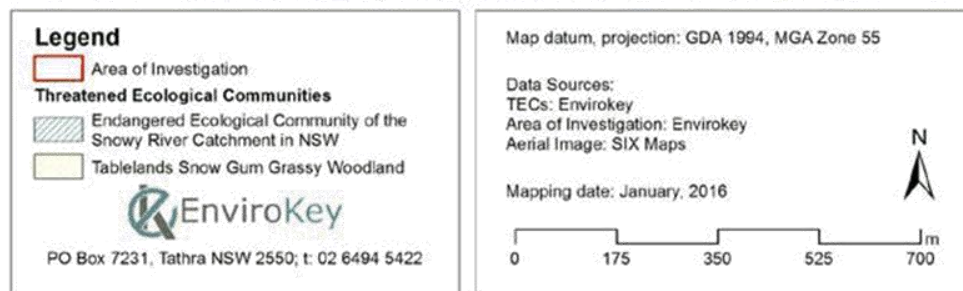
3.5 THREATENED ECOLOGICAL COMMUNITIES

Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions (Tablelands Snow Gum Grassy Woodland) threatened ecological community (TEC) is listed as 'endangered' under the NSW *Threatened Species Conservation Act 1995*. The field survey identified one patch of Tablelands Snow Gum Grassy his TEC within the area of investigation. This community is described as an open-forest, woodland or open woodland and may also occur as a secondary grassland where the trees have been removed, but the groundlayer remains. The main tree species are *Eucalyptus pauciflora* (Snow Gum), *E. rubida* (Candlebark), *E. stellulata* (Back Sallee) and *E. viminalis* (Ribbon Gum), either alone or in various combinations. The community commonly occurs on valley floors, margins of frost hollows and on footslopes and undulating hills between approximately 600 and 1400 m in altitude on a variety of substrates, including basalt, sediments, granite, colluvium and alluvium (OEH 2015). The patch of existing vegetation consists of a canopy of Ribbon Gum on undulating hills at about 720 metres elevation. Weed invasion and disturbance and clearing of vegetation, are two key threats to this community. The proposal has the potential to increase these two threats to this community. Currently the existing patch is at threat from environmental weeds (English Hawthorn), aggressive pasture grasses (including Cocksfoot) and escapes from silviculture (including Cotoneaster and Radiata Pine). The extent of the Tablelands Snow Gum Grassy Woodland TEC (TSC Act) within the vicinity of the proposal is detailed in **Map 9**.

The Bombala River also forms part of the Endangered Ecological Community of the Snowy River Catchment, listed under the *Fisheries Management Act 1994* as the *Aquatic Ecological Community in the Catchment of the Snowy River in NSW* (DPI 2011). The area covered by this determination includes all rivers, creeks and streams of the Snowy River catchment within the State of New South Wales and including the Snowy River, Eucumbene River, Thredbo River, Gungarlin River, Mowamba River, Bombala River, Maclaughlin River, Delegate River, Pinch River and Jacobs River. This area includes the river bed channel inundated by the man-made lakes Jindabyne, Eucumbene, Island Bend and Guthega but excludes the ecological communities that have developed in the waters of the impounded man-made lakes (Final Determination 2011).

The extent of the Endangered Ecological Community of the Snowy River Catchment within the vicinity of the proposal is detailed in **Map 9**.

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Map 9: Extent of threatened ecological communities within the area of investigation.

3.6 GROUNDWATER DEPENDENT ECOSYSTEMS

Groundwater dependent ecosystems (GDE) are generally defined as natural ecosystems that require access to groundwater to meet all or some of their water requirements so as to maintain their ecological processes.

Bombala River flows through the middle of the area of investigation. Bombala River is classed as a 'river' ecosystem type and an 'ecosystem that relies on the surface expression of groundwater' with a 'high potential for groundwater interaction.'

3.7 THREATENED SPECIES AND ENDANGERED POPULATIONS

No threatened flora or fauna listed under the TSC Act, EPBC Act or FM Act were detected within the vicinity of the proposal during the field surveys. The desktop analysis conducted for this TABA indicates that there are a number of species that have been recorded in the locality (within a 10 kilometre radius of the proposal). **Map 3, 4 & 5** indicates the previous records of threatened species that have been recorded within the locality. There is a small cluster of records around Bombala where there would most likely have been a high level of historical surveys.

No endangered populations are listed within the Bombala LGA by the TSC Act, and none were identified during the field surveys.

An assessment for the potential of other threatened species to occur within the vicinity of the proposal, but went undetected in surveys, is provided in **Appendix 6**. Using the data collected during the desktop analysis and field surveys, the following criteria were applied to each entity to determine the likelihood of threatened and migratory species occurring within the study area:

- No (no suitable habitat present and the species not previously recorded within the locality; or for flora where suitable habitat is present, study area extensively searched during the appropriate time of year for detection and species not present)
- Unlikely (no suitable habitat is present, species has limited dispersal capability but previously recorded within the locality)
- Low (some suitable habitat present and the species known from the locality. Species may infrequently visit the study area enroute to foraging resources, but do not depend on the habitats of the study area for survival)
- Moderate (Study area contains habitat that could support a population of a species)
- High (Study area contains habitat that is likely to support a population of the species including roosting, breeding and foraging habitat)
- Yes (Species recorded during the field survey, or recently recorded in the study area).

This revealed that a total of five threatened and migratory biota with a moderate to high, or known potential to occur in the vicinity of the proposal.

3.8 MIGRATORY AND MARINE SPECIES

One migratory species as listed under the EPBC Act was detected during the field survey (**Map 8**). This being Latham's Snipe (*Gallinago hardwickii*).

An assessment for the potential for other migratory species to occur within the vicinity of the proposal but went undetected is provided in **Appendix 6**.

No marine species are expected to occur given the absence of habitat.

3.9 WILDLIFE CONNECTIVITY CORRIDORS

The field surveys and air photograph interpretation identified that there are no well-developed terrestrial wildlife corridors within the area of investigation. This is due to the barrier created by the presence of Bombala River and also the Monaro Highway.

Bombala River is considered a wildlife corridor for aquatic biota. However, this is minimised given that the existing weir upstream of Bombala (Columbooka River) is a significant barrier to fish and aquatic biota movement given the absence of a fish ladder. Platypus which were observed in the river would also use it for dispersal, particularly any immature animals which would move out from the home pool of their parents looking for new areas of habitat to colonise.

3.10 STATE ENVIRONMENTAL PLANNING POLICY NO. 44

State Environmental Planning Policy No 44 (SEPP44) – Koala Habitat Protection encourages the conservation and management of natural vegetation areas that provide habitat for Koalas to ensure that permanent free-living populations will be maintained over their present range across 107 council areas. SEPP44 aims to identify areas of *potential* and *core* Koala Habitat. These are described as follows:

- *Potential Koala Habitat* is defined as areas of native vegetation where the trees listed in Schedule 2 of SEPP44 constitute at least 15 percent of the total number of trees in the upper or lower strata of the tree component
- *Core Koala Habitat* is defined as an area of land with a resident population of koalas, evidenced by attributes such as breeding females, and recent and historical records of a population.

Bombala LGA is listed within Schedule 1 of this planning instrument and one tree species, Ribbon Gum (*Eucalyptus viminalis*), listed in Schedule 2 of SEPP44 as a 'feed tree species' was identified within the potential footprint of the proposal. Therefore further consideration of SEPP44 is carried out in **Section 4.11** of this TABA.

4 POTENTIAL IMPACT

Bridge and weir construction and operation can have a range of potential impacts to biodiversity. The potential impact as a result of this proposal is summarised below and in the following sections. These include:

- Loss of native vegetation (including threatened ecological communities) and their habitats through clearance or flooding
- Loss of fauna habitats
- Direct mortality of protected and threatened fauna
- Loss of connectivity through the degradation of wildlife and habitat corridors
- Invasion and spread of weeds and pest fauna species
- Changes to water quality as a result of the work in or adjacent to aquatic habitats and alterations to natural hydrological flows
- Edge effects from noise, vibration and light
- Introduction or increased exposure to key threatening processes that may affect terrestrial and aquatic species, populations, ecological communities and their habitat (including threatened biota)
- Regional cumulative impact affecting the long-term viability and survival of common and threatened species, populations and ecological communities and their habitats.

With regard to the current proposal, Bombala Council should aim to:

- Avoid and minimise impact
- Mitigate impact where avoidance is not possible
- Offset where residual impact cannot be avoided.

Preliminary measures to mitigate impact during the construction and operation of the proposal are presented in **Chapter 5**.

4.1 LOSS OF VEGETATION AND HABITAT

Clearing of native vegetation is a key threatening process listed under the TSC Act and the EPBC Act (also refer to **Section 4.9**).

Though the footprint of the proposal has not been finalised, it would potentially result in the clearing of some vegetation though this would most likely be confined to introduced grassland or trees. Native vegetation and habitat, confined to the Snow Gum - Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands (BVT SR637) and Tea-tree tall riparian shrubland, South Eastern Highlands, South East Corner and Australian Alps (SR657) would potentially be impacted by rising water levels associated with the construction of the weir. The impact associated with rising water levels is expected to be minimal at this location due to the relatively small increase. The total area of these patches within the area of investigation is about 0.835 hectares. BVT SR637 subject to

potential impact, has been extensively cleared in the Southern Rivers CMA, up to 95 percent (OEH 2015). SR657 has an estimated clearance of about 10 percent and would also only be subject to minimal impact. The impact as a result of flooding within SR657 would be greater due to the location closer to the weir therefore the potential water rise would be greater however this is a riparian vegetation community and more likely to cope with the higher water levels. Further impact on the aquatic vegetation would occur as a result of bridge construction such as pylons and the construction of a weir within the Bombala River.

At this stage, ancillary facilities such as stockpile sites and machinery compounds for the bridge and weir construction have not been determined.

The construction works adjacent to and within the Bombala River has the potential to create a significant impact through erosion and sedimentation of the river. Clearing vegetation on the banks of the river would result in exposed and disturbed soil surfaces which could be exposed to increased runoff resulting in sedimentation. Work required within the river such as during the construction of pylons and the wall of the weir would also result in the potential for the creation of highly turbid water flowing downstream. This could potentially impact on flora and fauna species, for example, sedimentation reduces the quality of habitat for benthic invertebrates which could impact platypus abundance (Scott and Grant 1997).

Potential impacts on native vegetation are unlikely to result in a significant effect once applied through the Assessment of Significance (7-part test).

4.1.1 Threatened Ecological Communities

Of the 0.432 hectares of native vegetation within the area of investigation mapped as SR637, all of this is consistent with the description for Tablelands Snow Gum Grassy Woodland threatened ecological community (TEC). It is currently unknown how much of the Tablelands Snow Gum Grassy Woodland TEC would be impacted however it is unlikely to be a significant due extent of this community outside of the area of investigation and that the impact would be limited to some minor flooding.

There is also expected to be direct impact to the *Aquatic Ecological Community in the Catchment of the Snowy River in NSW* through the construction of a road bridge and a weir within the Bombala River. Additionally the construction of the weir would result in the water level being raised.

However, within consideration of the concept design, it is unlikely that the proposal would have a significant effect on these TEC's, such that their local extent would be placed at risk of extinction.

4.1.2 Threatened Species Habitat

Field surveys did not identify any threatened species within the immediate vicinity of the proposal. One migratory species listed under the EPBC Act was identified, Latham's Snipe (*Gallinago harwickii*). The habitats present are in low condition given the fragmented nature of the vegetation, the dominance of introduced flora, and the surrounding residential land.

Targeted surveys within the area of investigation failed to identify any threatened species within the area of investigation.

As discussed, the proposal would potentially result in impact to some native vegetation as a result of flooding however this would be minimal. Introduced vegetation would also be removed.

Thirteen threatened and migratory fauna species have some potential to occur in the study area as assessed in **Appendix 6**.

With consideration of the concept design, and the likely occurrence of threatened biota in the locality, it is unlikely that the proposal would have a significant effect on these biota, such that their local extent would be placed at risk of extinction.

4.2 WILDLIFE CONNECTIVITY AND HABITAT FRAGMENTATION

The proposal is unlikely to have a negative effect on terrestrial wildlife corridors or markedly increase habitat fragmentation.

Current connectivity between vegetation on either side of the existing Monaro Highway or Bombala River is very low. The proposal has the potential to impact on the connectivity of habitat within the Bombala River unless a fish ladder is incorporated into the weir design. Dispersal potential for immature Platypus searching for new habitat may also be negatively impacted.

4.3 INJURY AND MORTALITY

Fauna injury or mortality can occur during the clearing phase of construction during the removal of habitat and from collision with vehicles or juvenile platypus dispersal during the operation of the proposal.

4.3.1 Construction Impact

It is anticipated that some diurnal and mobile fauna species such as birds and larger reptiles may be able to move from the path of construction equipment during any clearing operations, other fauna species such as those that are less mobile and nocturnal, are less likely to move away from clearing and machinery movement activities. Construction impact would also apply in aquatic habitats dependent on the construction proposed.

4.3.2 Operational Impact

Operational impact would result in the flooding of an area of vegetation adjacent to the existing pool within the Bombala River. The vegetation here would most likely die as a result. However some may adapt and colonise the new edge of the river bank. The elevated water level would also potentially result in the flooding of existing Platypus burrows which would result in individuals needing to construct new burrows or move to new habitat areas.

4.4 WEEDS

A total of 64 weed species were recorded from field surveys within the area of investigation. Of these, four are listed as a declared noxious weeds in the Bombala LGA; African Lovegrass (*Eragrostis curvula*), Blackberry (*Rubus fruticosus sp. agg.*) and two species of Willow (*Salix spp.*) (DPI 2015). Blackberry and African Lovegrass is scattered through the area of investigation with only Blackberry able to be mapped given the sporadic nature of the grass. Willows are located along the banks of the Bombala River. There is some potential to disperse noxious and environmental weed plant material, with the most likely cause of which would be through the movement of soil by construction vehicles and machinery involved with the initial clearing and earthworks.

African Lovegrass and Blackberry are listed as a Class 4 Locally Controlled noxious weed. This means that the growth of this species must be managed in a manner that continuously inhibits the ability of the plant to spread. *Salix spp.* are Class 4 Locally Controlled noxious weed, which must not be sold, propagated or knowingly distributed.

The potential impact of weeds as a result of the proposal is considered manageable.

4.5 PESTS AND PATHOGENS

Red foxes and rabbits are all known from the locality (both were identified during field surveys). Two key threatening processes (KTP) as listed by the TSC Act and the EPBC Act relate to the invasion and establishment of these species. It is unlikely that the proposal, given the relatively minor nature of the clearing of native vegetation, would lead to increased levels of predation or competition by these species.

Pathogens result in disease in flora and fauna and can be found living in organisms such as fungus, bacteria and virus. One pathogen known from inland NSW and listed as a KTP is of relevance to this proposal, dieback caused by *Phytophthora*, which is listed under the TSC Act and EPBC Act.

Pathogen management should be implemented throughout all stages of the proposal where appropriate.

4.6 CHANGED HYDROLOGY

Changes to hydrology can be temporary or long-term. These may include the temporary diversion of a waterway and barriers that impede water flow. The proposal is likely to have some impact to hydrology given that the weir would impede water flow. However, the existing weir on the Coolumbooka River upstream of the confluence of the Bombala River already contributes to the changed hydrology of the Bombala River.

4.7 GROUNDWATER DEPENDENT ECOSYSTEMS

According to the Groundwater Dependent Ecosystems (GDE) Atlas, Bombala River is mapped as permanent water source. The design of the proposal is to restrict and impede water flow therefore there is the potential for impact to GDE downstream of the proposal. This would be especially relevant during periods of drought when the water level falls below that of the weir and the river downstream would potentially stop flowing resulting in a decrease of water supply for any GDE in the area.

4.8 NOISE, VIBRATION AND LIGHT

Noise, vibration and light impact already pre-exists on Monaro Highway from vehicular movements and light impact from adjacent residential properties and street lights is also present therefore potential impact is restricted to impact as a result of construction work.

Construction noise and vibration are likely to result from the proposal but would be limited to the construction period and during daylight hours. While it is important to remember that no multi-species study has found all species to be sensitive to noise and vibration, it is generally agreed that for species that vocalise frequently such as birds and amphibians, there is some potential for negative effects over the long-term. In the context of the proposal, the work is expected to be conducted over a relatively short time frame and confined to discrete areas. Potential impact, if any, is therefore considered to be relatively minor and temporary.

The proposal would not require the use of construction lighting, and it is likely that the proposal would not exacerbate existing light impact to that already pre-existing.

4.9 IMPACT ON RELEVANT KEY THREATENING PROCESSES

Key threatening processes are listed under the TSC Act, FM Act and EPBC Act that have the potential to either:

- Adversely affect threatened species, populations or ecological communities
- Causes common species, populations or ecological communities to become threatened.

There are a number of listed key threatening processes that are of relevance to aspects of the proposal. These are provided in summary in **Table 4**.

Table 3: Key threatening processes relevant to the proposal.

Key threatening process	Listed Act	Type of threat	Potential impact
Clearing of native vegetation	TSC Act	Habitat loss/change	The proposal would result in the clearing of native vegetation.
Land Clearance	EPBC Act		
Infection of native plants by <i>Phytophthora cinnamomi</i>	TSC Act	Pathogen	Infected root material can be dispersed by earth moving equipment

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Key threatening process	Listed Act	Type of threat	Potential impact
			and other vehicles.
Dieback caused by the root-rot fungus (<i>Phytophthora cinnamomi</i>)	EPBC Act		
Alteration to the natural flow regimes of rivers and streams and their floodplains and wetlands	FM Act	Habitat loss/change	The proposal would result in the alteration to the flow of Bombala and Coolumbooka Rivers.

4.10 CUMULATIVE IMPACT

There are a number of other projects that could potentially be carried out in the region, as listed on the NSW Department of Planning website. These include the Bombala Sawmill and Boco Rock Wind Farm.

The native vegetation to be impacted by the proposal is a threatened ecological community. It is considered an over-cleared vegetation type though according to the Biometric Vegetation Type (cleared by about 95 percent). It is expected that the proposal would have a minimal impact on the extent of this community.

There are no known projects that would involve impeding the flow of the Bombala River.

4.11 SEPP 44 KOALA HABITAT

As detailed in **Section 3.10**, Bombala LGA is listed within Schedule 1 of SEPP 44. SEPP 44 aims to identify areas of *potential* and *core* Koala Habitat. These are described as follows:

- *Potential Koala Habitat* is defined as areas of native vegetation where the trees listed in Schedule 2 of SEPP 44 constitute at least 15 percent of the total number of trees in the upper or lower strata of the tree component
- *Core Koala Habitat* is defined as an area of land with a resident population of koalas, evidenced by attributes such as breeding females, and recent and historical records of a population

Given the presence a tree species listed under Schedule 2 of SEPP 44, Ribbon Gum (*Eucalyptus viminalis*) which occurs as part of the Tablelands Snow Gum Grassy Woodland onsite and it does constitute 15 percent of the canopy, the vegetation in the vicinity of the proposal is considered *Potential Koala Habitat*. A review of existing records indicated that there are Koala records within the locality of the proposal however there is no evidence of current occupation by Koalas. Given this, *Core Koala Habitat* as defined by SEPP 44 is not considered to occur.

In the context of the existing fragmentation of the landscape and that widespread clearing has already occurred in these landscapes, it is unlikely that Koala would even persist in the vicinity of the proposal should it occur in the wider locality. With consideration of these factors and the concept design, it is unlikely that the proposal would impact on Koala.

5 PRELIMINARY MITIGATION MEASURES

EnviroKey proposes a series of preliminary mitigation measures designed to address the potential impacts identified in **Chapter 4** which can be summarised as follows:

- Loss of vegetation and fauna habitat
- Fauna mortality during construction
- Spread of weeds.
- Changes to water quality as a result of the work in or adjacent to aquatic habitats and alterations to natural hydrological flows
- Alteration to flow of Bombala River.

In addressing the potential impact, the objectives of these mitigation measures are to:

- Maintain and protect biodiversity where possible including the minimisation of the loss of native vegetation and habitat
- Maintain existing water quality
- Minimise the potential for weed incursion
- Minimise fauna mortality.

Specific mitigation measures considered necessary for this proposal as follows:

Pre-clearing process

- If any unexpected threatened fauna or flora are discovered, work would stop and a consulting ecologist with relevant experience or the Office of Environment and Heritage (OEH) would be contacted.

Exclusion zones

- Any clearing required would be the smallest extent required to undertake the proposal.

Re-establishment of native vegetation

- Revegetation would be carried out using native plants grown from local provenance seed.
- Any canopy trees to be removed, introduced or native, would have the crowns (leaves and small branches) and trunks where possible, mulched and used to stabilise planting areas during the planting process.

Re-use of woody debris.

- Where possible, woody debris greater than 100 millimetres and less than 300 millimetres in diameter would be re-used

Weed management

- A weed management plan should be implemented
- Five declared noxious weeds for the Bombala LGA occur within the area of investigation. Noxious weeds should be removed, where possible, to an appropriate waste management facility
- Machinery should be cleaned using a high pressure water spray to remove any soil which could transfer weed propagules from the underside and tracks before beginning work onsite
- All machinery should be cleaned using a high pressure water spray to remove any soil which could transfer weed propagules from the underside and tracks before being transferred to be used on any other sites.

Aquatic habitats

- Stormwater Monitoring would be put in place to monitor the flow for suspended particles. Ideally a system should be put in place to ensure that turbid stormwater flow does not reach the Bombala River
- A qualified ecologist would inspect the banks of the river where proposed bridge and weir construction would be undertaken prior to works beginning to ensure no platypus burrows are present. A contingency plan would be formulated to relocate a resident animal should one be found.
- A Platypus management plan would be created following the management guides set out by the Australian Platypus Conservancy (<http://www.platypus.asn.au>) and Platypus Spot (www.platypusspot.org).

6 CONCLUSION

This TABA has considered the biodiversity within the vicinity of the proposal by:

- Conducting a desktop analysis to consider biodiversity across the locality
- Conducting a field assessment that is consistent with OEH guidelines
- Adopting the precautionary principle in the general assessment of impact
- Providing appropriate recommendations to mitigate potential impact to an acceptable level.

In the absence of a detailed design, the current concept design has been considered throughout this TABA. EnviroKey concludes that the proposal is *unlikely* to have a 'significant effect' on any listed threatened species, communities, populations and their habitats and that the current rezoning proposal should proceed. Detailed assessment in accordance with s5A of the NSW *Environmental Planning & Assessment Act 1979* should be applied once a final design is confirmed as part of the Review of Environmental Factors. Preliminary mitigation measures detailed within **Chapter 5** should be adopted, implemented and maintained where appropriate and may change pending the final design and the mitigation required.



Mr. Steve Sass

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B.App.Sci (Env.Sci) (Hons)

Certified Environmental Practitioner, Environment Institute of Australia & New Zealand

Practicing Member, Ecological Consultants Association of NSW

OEH Accredited Biobanking Assessor

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8 APPENDICES

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APPENDIX 1 – QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Name and Qualifications	Experience
<p>Steve Sass B.App.Sci (Env.Sci) (Hons) Director / Principal Ecologist</p> <p>Certified Environmental Practitioner, EIANZ Member, Ecological Consultants Association of NSW</p>	<p>Steve is a highly experienced Consulting Ecologist having undertaken hundreds of terrestrial and aquatic ecological surveys and assessments across Australia since 1992. He has an in-depth working knowledge of environmental and biodiversity legislation across all states and territories which allows him to provide detailed and accurate assessments and formulate practical solutions to clients and specific projects on a case-by-case basis.</p> <p>Steve is a past Councillor of the Ecological Consultants Association of NSW. Steve was recently invited by OEH to become a sitting member of a team to develop Priority Action Statements for a number of species listed as Endangered under the NSW <i>Threatened Species Conservation Act 1995</i>.</p> <p>Previous and current research holds Steve in high regard within both the scientific and ecological consultants' community. To date, Steve has published, submitted or has in preparation, twenty-nine manuscripts within peer-reviewed scientific journals, many of which are related to threatened reptile species survey, monitoring or management.</p> <p>Steve has extensive experience in southern NSW. Over the past eight years, he has completed or provided specialist biodiversity advice to more than 800 environmental assessments for projects such as residential and industrial developments, highway upgrades and telecommunications, water, sewerage, energy, mining and electricity network infrastructure projects. Recently, Steve completed a REF for a river restoration project on the Thredbo River, near Gaden Hatchery and a 25km shared track that follows the Thredbo River, between Bullocks Flat and Gaden Hatchery. Near Bombala, Steve prepared the Reptile Relocation Strategy for the Boco Rock Wind Farm for commonwealth listed threatened reptile species and his work was instrumental in the final approval and biodiversity offset strategy.</p> <p>Steve is the Principal Ecologist of EnviroKey. For the TABA, he was the project manager, assisted with report preparation and carried out a certification of the report.</p>
<p>Joshua Wellington B. Sc (Environmental) Senior Project Manager / Ecologist</p>	<p>Joshua is an experienced Ecologist having completed surveys in NSW, QLD and VIC since 2008.</p> <p>In the field, Joshua's fauna and flora skills make him a valuable part of the ecological impact assessment team. He is highly conversant with the fauna of the southern tablelands and Australian Alps having undertaken dozens of surveys in the region.</p> <p>Joshua's experience includes the field assessment and reporting for Review of Environmental Factors and Environmental Management Plans for various infrastructure projects within government and private industry.</p> <p>For this study, Joshua completed the fauna survey. Joshua was also the primary author of the TABA.</p>
<p>Linda Sass</p>	<p>Linda is an experienced ecologist having conducted flora and fauna surveys across NSW over the past 8 years. She has</p>

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EcIA-104

Name and Qualifications	Experience
B. Gn.St (Sci), B.A, Dip. Ed (Sec) Director / Senior Ecologist Member, Ecological Consultants Association of NSW (ECA)	extensive experience with the flora and fauna of southern and western NSW. In recent years, she has completed flora surveys for a proposed water pipeline in western NSW, a biodiversity study of an existing mining operation on the Cobar Peneplain, and extensive flora and fauna surveys along MR279 for numerous investigations and assessments as part of the Gocup Road Route Strategy. For this TABA, Linda completed the flora surveys and conducted an internal review of the report.
Stephanie Plattner B.Sc (Spatial Science) GIS Analyst	Stephanie has extensive experience in ArcGIS having worked in private industry and government agencies for the past 6 years. Stephanie produced the maps in this report.

APPENDIX 2 – PROTECTED MATTERS SEARCH TOOL RESULTS



Australian Government
Department of the Environment

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 16/11/15 09:09:07

[Summary](#)

[Details](#)

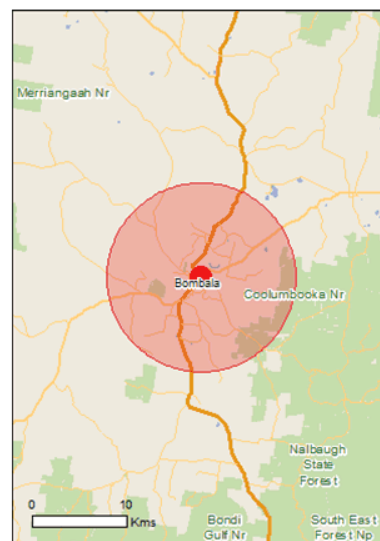
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

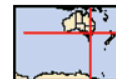
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Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance:	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	3
Listed Threatened Species:	25
Listed Migratory Species:	10

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Land:	2
Commonwealth Heritage Places:	None
Listed Marine Species:	13
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Commonwealth Reserves Marine:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	1
Regional Forest Agreements:	2
Invasive Species:	27
Nationally Important Wetlands:	1
Key Ecological Features (Marine)	None

Details

Matters of National Environmental Significance

Listed Threatened Ecological Communities [Resource Information]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Name	Status	Type of Presence
Natural Temperate Grassland of the Southern Tablelands of NSW and the Australian Capital Territory	Endangered	Community likely to occur within area
Upland Wetlands of the New England Tablelands and the Monaro Plateau	Endangered	Community likely to occur within area
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically Endangered	Community may occur within area

Listed Threatened Species [Resource Information]

Name	Status	Type of Presence
Birds		
Anthochaera phrygia Regent Honeyeater [82338]	Critically Endangered	Foraging, feeding or related behaviour may occur within area
Botaurus poiciloptilus Australasian Bittern [1001]	Endangered	Species or species habitat may occur within area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat may occur within area
Lathamus discolor Swift Parrot [744]	Endangered	Species or species habitat may occur within area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
Fish		
Prototroctes maraena Australian Grayling [26179]	Vulnerable	Species or species habitat likely to occur within area
Frogs		
Heleioporus australiacus Giant Burrowing Frog [1973]	Vulnerable	Species or species habitat likely to occur within area
Litoria castanea Yellow-spotted Tree Frog, Yellow-spotted Bell Frog [1848]	Endangered	Species or species habitat likely to occur within area
Litoria raniformis Growling Grass Frog, Southern Bell Frog, Green and Golden Frog, Warty Swamp Frog [1828]	Vulnerable	Species or species habitat may occur within area

9.3.3 PLANNING PROPOSAL TO AMEND BOMBALA LOCAL ENVIRONMENT PLAN 2012 TO
INTRODUCE ZONE SP2 INFRASTRUCTURE

ATTACHMENT 9 ENVIROKEY BIODIVERSITY ASSESSMENT

Name	Status	Type of Presence
Mammals		
Dasyurus maculatus maculatus (SE mainland population)		
Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat known to occur within area
Isodon obesulus obesulus		
Southern Brown Bandicoot (Eastern) [68050]	Endangered	Species or species habitat may occur within area
Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)		
Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat likely to occur within area
Potorous tridactylus tridactylus		
Long-nosed Potoroo (SE mainland) [66645]	Vulnerable	Species or species habitat may occur within area
Pseudomys fumeus		
Konoom, Smoky Mouse [88]	Endangered	Species or species habitat may occur within area
Pteropus poliocephalus		
Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour may occur within area
Plants		
Calotis glandulosa		
Mauve Burr-daisy [7842]	Vulnerable	Species or species habitat likely to occur within area
Dodonaea procumbens		
Trailing Hop-bush [12149]	Vulnerable	Species or species habitat likely to occur within area
Grevillea acanthifolia subsp. paludosa		
Bog Grevillea [21872]	Endangered	Species or species habitat may occur within area
Leucochrysum albicans var. tricolor		
Hoary Sunray, Grassland Paper-daisy [56204]	Endangered	Species or species habitat likely to occur within area
Pelargonium sp. Striatellum (G.W.Carr 10345)		
Omeo Stork's-bill [84065]	Endangered	Species or species habitat likely to occur within area
Prasophyllum petilum		
Tarengo Leek Orchid [55144]	Endangered	Species or species habitat may occur within area
Prasophyllum sp. Wybong (C.Phelps ORG 5269)		
a leek-orchid [81964]	Critically Endangered	Species or species habitat may occur within area
Thesium australe		
Austral Toadflax, Toadflax [15202]	Vulnerable	Species or species habitat likely to occur within area
Westringia kydrensis		
[56456]	Endangered	Species or species habitat likely to occur within area
Reptiles		
Tymanocryptis pinguicolla		
Grassland Earless Dragon [66727]	Endangered	Species or species habitat likely to occur within area
Listed Migratory Species		[Resource Information]
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
Migratory Marine Birds		

Name	Threatened	Type of Presence
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Migratory Terrestrial Species		
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat known to occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat likely to occur within area
Migratory Wetlands Species		
Ardea alba Great Egret, White Egret [59541]		Species or species habitat likely to occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Pandion haliaetus Osprey [952]		Species or species habitat may occur within area

Other Matters Protected by the EPBC Act

Commonwealth Land [Resource Information]
The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Name
Commonwealth Land - Commonwealth Trading Bank of Australia
Commonwealth Land - Telstra Corporation Limited

Listed Marine Species

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Birds		
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Ardea alba Great Egret, White Egret [59541]		Species or species habitat likely to occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within

Name	Threatened	Type of Presence area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Lathamus discolor Swift Parrot [744]	Endangered	Species or species habitat may occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat known to occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area
Pandion haliaetus Osprey [952]		Species or species habitat may occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat likely to occur within area
Rostratula benghalensis (sensu lato) Painted Snipe [889]	Endangered*	Species or species habitat may occur within area

Extra Information

State and Territory Reserves [\[Resource Information \]](#)

Name	State
Coolumbooka	NSW

Regional Forest Agreements [\[Resource Information \]](#)

Note that all areas with completed RFAs have been included.

Name	State
Eden RFA	New South Wales
Southern RFA	New South Wales

Invasive Species [\[Resource Information \]](#)

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit, 2001.

Name	Status	Type of Presence
Birds		

9.3.3 PLANNING PROPOSAL TO AMEND BOMBALA LOCAL ENVIRONMENT PLAN 2012 TO
INTRODUCE ZONE SP2 INFRASTRUCTURE

ATTACHMENT 9 ENVIROKEY BIODIVERSITY ASSESSMENT

Name	Status	Type of Presence
Alauda arvensis Skylark [656]		Species or species habitat likely to occur within area
Anas platyrhynchos Mallard [974]		Species or species habitat likely to occur within area
Carduelis carduelis European Goldfinch [403]		Species or species habitat likely to occur within area
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]		Species or species habitat likely to occur within area
Passer domesticus House Sparrow [405]		Species or species habitat likely to occur within area
Sturnus vulgaris Common Starling [389]		Species or species habitat likely to occur within area
Turdus merula Common Blackbird, Eurasian Blackbird [596]		Species or species habitat likely to occur within area
Mammals		
Bos taurus Domestic Cattle [16]		Species or species habitat likely to occur within area
Canis lupus familiaris Domestic Dog [82654]		Species or species habitat likely to occur within area
Capra hircus Goat [2]		Species or species habitat likely to occur within area
Felis catus Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Feral deer Feral deer species in Australia [85733]		Species or species habitat likely to occur within area
Lepus capensis Brown Hare [127]		Species or species habitat likely to occur within area
Mus musculus House Mouse [120]		Species or species habitat likely to occur within area
Oryctolagus cuniculus Rabbit, European Rabbit [128]		Species or species habitat likely to occur within area
Rattus rattus Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
Sus scrofa Pig [6]		Species or species habitat likely to occur within area
Vulpes vulpes Red Fox, Fox [18]		Species or species habitat likely to occur within area

9.3.3 PLANNING PROPOSAL TO AMEND BOMBALA LOCAL ENVIRONMENT PLAN 2012 TO
INTRODUCE ZONE SP2 INFRASTRUCTURE

ATTACHMENT 9 ENVIROKEY BIODIVERSITY ASSESSMENT

Name	Status	Type of Presence
Plants		
Cytisus scoparius Broom, English Broom, Scotch Broom, Common Broom, Scottish Broom, Spanish Broom [5934]		Species or species habitat likely to occur within area
Genista sp. X Genista monspessulana Broom [67538]		Species or species habitat may occur within area
Nassella neesiana Chilean Needle grass [67699]		Species or species habitat likely to occur within area
Nassella trichotoma Serrated Tussock, Yass River Tussock, Yass Tussock, Nassella Tussock (NZ) [18884]		Species or species habitat likely to occur within area
Pinus radiata Radiata Pine Monterey Pine, Insignis Pine, Wilding Pine [20780]		Species or species habitat may occur within area
Rubus fruticosus aggregate Blackberry, European Blackberry [68406]		Species or species habitat likely to occur within area
Salix spp. except S.babylonica, S.x calodendron & S.x reichardtii Willows except Weeping Willow, Pussy Willow and Sterile Pussy Willow [68497]		Species or species habitat likely to occur within area
Senecio madagascariensis Fireweed, Madagascar Ragwort, Madagascar Groundsel [2624]		Species or species habitat likely to occur within area
Ulex europaeus Gorse, Furze [7693]		Species or species habitat likely to occur within area

Nationally Important Wetlands		[Resource Information]
Name	State	
Monaro Lakes	NSW	

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Coordinates

-36.907 149.242

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [Office of Environment and Heritage, New South Wales](#)
- [Department of Environment and Primary Industries, Victoria](#)
- [Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [Department of Environment, Water and Natural Resources, South Australia](#)
- [Parks and Wildlife Commission NT, Northern Territory Government](#)
- [Department of Environmental and Heritage Protection, Queensland](#)
- [Department of Parks and Wildlife, Western Australia](#)
- [Environment and Planning Directorate, ACT](#)
- [Birdlife Australia](#)
- [Australian Bird and Bat Banding Scheme](#)
- [Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [Museum Victoria](#)
- [Australian Museum](#)
- [South Australian Museum](#)
- [Queensland Museum](#)
- [Online Zoological Collections of Australian Museums](#)
- [Queensland Herbarium](#)
- [National Herbarium of NSW](#)
- [Royal Botanic Gardens and National Herbarium of Victoria](#)
- [Tasmanian Herbarium](#)
- [State Herbarium of South Australia](#)
- [Northern Territory Herbarium](#)
- [Western Australian Herbarium](#)
- [Australian National Herbarium, Atherton and Canberra](#)
- [University of New England](#)
- [Ocean Biogeographic Information System](#)
- [Australian Government, Department of Defence Forestry Corporation, NSW](#)
- [Geoscience Australia](#)
- [CSIRO](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EcIA-104

APPENDIX 3 – NOXIOUS WEED DECLARATIONS

11/20/2015

NSW WeedWise

Weeds declared in the Local Control Authority area of Bombala Council

[Select another Local Control Authority area](#)

Weed	Class	
African boxthorn <i>Lycium ferocissimum</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
African feather grass <i>Cenchrus macrourus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
African lovegrass <i>Eragrostis curvula</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
African turnip weed - eastern <i>Sisymbrium thellungii</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
African turnip weed - western <i>Sisymbrium runcinatum</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Alligator weed <i>Alternanthera philoxeroides</i>	2	Regionally Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Anchored water hyacinth <i>Eichhornia azurea</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Annual ragweed <i>Ambrosia artemisiifolia</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Arrowhead <i>Sagittaria calycina</i> var. <i>calycina</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Artichoke thistle <i>Cynara cardunculus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Asparagus - climbing asparagus fern <i>Asparagus plumosus</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Asparagus - ground asparagus <i>Asparagus aethiopicus</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Asparagus weeds <i>Asparagus</i> species	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Athel pine <i>Tamarix aphylla</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Bear-skin fescue <i>Festuca gautieri</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Black knapweed <i>Centaurea X moncktonii</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Black willow <i>Salix nigra</i>	2	Regionally Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Blackberry <i>Rubus fruticosus</i> species aggregate	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Boneseed <i>Chrysanthemoides monilifera</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of</i>

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	subsp. <i>monilifera</i>	<i>the plant</i>
	Bridal creeper <i>Asparagus asparagoides</i>	4 Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
	Bridal veil creeper <i>Asparagus declinatus</i>	1 State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
	Broomrapes <i>Orobanche</i> species	1 State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
	Burr ragweed <i>Ambrosia confertiflora</i>	5 Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
	Cabomba <i>Cabomba caroliniana</i>	5 Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
	Cape broom <i>Genista monspessulana</i>	3 Regionally Controlled Weed <i>The plant must be fully and continuously suppressed and destroyed and the plant must not be sold, propagated or knowingly distributed</i>
	Cayenne snakeweed <i>Stachytarpheta cayennensis</i>	5 Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
	Chilean needle grass <i>Nassella neesiana</i>	3 Regionally Controlled Weed <i>The plant must be fully and continuously suppressed and destroyed and the plant must not be sold, propagated or knowingly distributed</i>
	Chinese violet <i>Asystasia gangetica</i> subsp. <i>micrantha</i>	1 State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
	Clockweed <i>Oenothera curtiflora</i>	5 Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
	Corn sowthistle <i>Sonchus arvensis</i>	5 Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
	Dodder <i>Cuscuta</i> species	5 Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
	Espartillo - broad kernel <i>Amelichloa caudata</i>	5 Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
	Espartillo - narrow kernel <i>Amelichloa brachychaeta</i>	5 Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
	Eurasian water milfoil <i>Myriophyllum spicatum</i>	1 State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
	Fine-bristled burr grass <i>Cenchrus brownii</i>	5 Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
	Fireweed <i>Senecio madagascariensis</i>	3 Regionally Controlled Weed <i>The plant must be fully and continuously suppressed and destroyed and the plant must not be sold, propagated or knowingly distributed</i>
	Flax-leaf broom <i>Genista linifolia</i>	4 Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
	Fountain grass <i>Cenchrus setaceus</i>	5 Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
	Frogbit <i>Limnobium laevigatum</i>	1 State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
	Gallon's curse <i>Cenchrus biflorus</i>	5 Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
	Gamba grass	5 Restricted Plant

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<i>Andropogon gyanus</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Giant reed	4	Locally Controlled Weed
<i>Arundo donax</i>		<i>The plant must not be sold, propagated or knowingly distributed</i>
Glaucous starthistle	5	Restricted Plant
<i>Carthamus leucocaulos</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Golden dodder	4	Locally Controlled Weed
<i>Cuscuta campestris</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Golden thistle	5	Restricted Plant
<i>Scolymus hispanicus</i>		<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Gorse	2	Regionally Prohibited Weed
<i>Ulex europaeus</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Green cestrum	3	Regionally Controlled Weed
<i>Cestrum parqui</i>		<i>The plant must be fully and continuously suppressed and destroyed</i>
Grey willow	2	Regionally Prohibited Weed
<i>Salix cinerea</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Groundsel bush	2	Regionally Prohibited Weed
<i>Baccharis halimifolia</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Harrisia cactus	4	Locally Controlled Weed
<i>Harrisia species</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
Hawkweeds	1	State Prohibited Weed
<i>Hieracium species</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Horehound	4	Locally Controlled Weed
<i>Marrubium vulgare</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Horsetails	1	State Prohibited Weed
<i>Equisetum species</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Hydrocotyl	1	State Prohibited Weed
<i>Hydrocotyle ranunculoides</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Hymenachne	1	State Prohibited Weed
<i>Hymenachne amplexicaulis</i> and hybrids		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Illyrian thistle	4	Locally Controlled Weed
<i>Onopordum illyricum</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Italian bugloss	4	Locally Controlled Weed
<i>Echium italicum</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Karoo thorn	1	State Prohibited Weed
<i>Vachellia karroo</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Kidney-leaf mud plantain	1	State Prohibited Weed
<i>Heteranthera reniformis</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Kochia	1	State Prohibited Weed
<i>Bassia scoparia</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Koster's curse	1	State Prohibited Weed
<i>Clidemia hirta</i>		<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Lagarosiphon	1	State Prohibited Weed
<i>Lagarosiphon major</i>		<i>The plant must be eradicated from the land and that land must be kept free of</i>

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		<i>the plant</i>
Leafy elodea	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
<i>Egeria densa</i>		
Lippia	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed except incidentally in hay or lucerne</i>
<i>Phyla canescens</i>		
Long-leaf willow primrose	3	Regionally Controlled Weed <i>The plant must be fully and continuously suppressed and destroyed and the plant must not be sold, propagated or knowingly distributed</i>
<i>Ludwigia longifolia</i>		
Mexican feather grass	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Nassella tenuissima</i>		
Mexican poppy	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<i>Argemone mexicana</i>		
Miconia	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Miconia</i> species		
Mikania vine	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Mikania micrantha</i>		
Mimosa	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Mimosa pigra</i>		
Mossman River grass	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<i>Cenchrus echinatus</i>		
Nodding thistle	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
<i>Carduus nutans</i> subsp. <i>nutans</i>		
Pampas grass	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
<i>Cortaderia</i> species		
Parthenium weed	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Parthenium hysterophorus</i>		
Paterson's curse	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
<i>Echium plantagineum</i>		
Perennial thistle	3	Regionally Controlled Weed <i>The plant must be fully and continuously suppressed and destroyed</i>
<i>Cirsium arvense</i>		
Pond apple	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Annona glabra</i>		
Prickly acacia	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Vachellia nilotica</i>		
Prickly pear - common pear	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
<i>Opuntia stricta</i>		
Prickly pear - Hudson pear	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
<i>Cylindropuntia rosea</i>		
Prickly pear - smooth tree pear	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
<i>Opuntia monacantha</i>		
Prickly pear - tiger pear	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold,</i>
<i>Opuntia aurantiaca</i>		

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NSW WeedWise

			<i>propagated or knowingly distributed</i>
Prickly pear - velvety tree pear	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
<i>Opuntia tomentosa</i>			
Red rice	5	Restricted Plant	<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<i>Oryza rufipogon</i>			
Rhus tree	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
<i>Toxicodendron succedaneum</i>			
Rubber vine	1	State Prohibited Weed	<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Cryptostegia grandiflora</i>			
Sagittaria	4	Locally Controlled Weed	<i>The plant must not be sold, propagated or knowingly distributed</i>
<i>Sagittaria platyphylla</i>			
Salvinia	2	Regionally Prohibited Weed	<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Salvinia molesta</i>			
Scotch broom	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
<i>Cytisus scoparius</i> subsp. <i>scoparius</i>			
Scotch thistle	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
<i>Onopordum acanthium</i>			
Senegal tea plant	1	State Prohibited Weed	<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Gymnocoronis spilanthoides</i>			
Serrated tussock	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
<i>Nassella trichotoma</i>			
Siam weed	1	State Prohibited Weed	<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Chromolaena odorata</i>			
Silverleaf nightshade	4	Locally Controlled Weed	<i>The plant must not be sold, propagated or knowingly distributed</i>
<i>Solanum elaeagnifolium</i>			
Smooth-stemmed turnip	5	Restricted Plant	<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<i>Brassica barrelieri</i> subsp. <i>oxyrhina</i>			
Soldier thistle	5	Restricted Plant	<i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
<i>Picnomon acarna</i>			
Spiny burrgrass - longispinus	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
<i>Cenchrus longispinus</i>			
Spiny burrgrass - spinifex	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
<i>Cenchrus spinifex</i>			
Spongeplant	1	State Prohibited Weed	<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Limnobium spongia</i>			
Spotted knapweed	1	State Prohibited Weed	<i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
<i>Centaurea stoebe</i> subsp. <i>micranthos</i>			
St. John's wort	4	Locally Controlled Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed</i>
<i>Hypericum perforatum</i>			
Stemless thistle	4	Locally Controlled Weed	

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<i>Onopurdum acaulon</i>		<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Sweet briar <i>Rosa rubiginosa</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Taurian thistle <i>Onopurdum tauricum</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Texas blueweed <i>Helianthus ciliaris</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>
Tropical soda apple <i>Solanum viarum</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Viper's bugloss <i>Echium vulgare</i>	4	Locally Controlled Weed <i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread</i>
Water caltrop <i>Trapa species</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Water hyacinth <i>Eichhornia crassipes</i>	2	Regionally Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Water lettuce <i>Pistia stratiotes</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Water soldier <i>Stratiotes aloides</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Willows <i>Salix species</i>	4	Locally Controlled Weed <i>The plant must not be sold, propagated or knowingly distributed</i>
Witchweeds <i>Striga species</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Yellow burrhead <i>Limnocharis flava</i>	1	State Prohibited Weed <i>The plant must be eradicated from the land and that land must be kept free of the plant</i>
Yellow nutgrass <i>Cyperus esculentus</i>	5	Restricted Plant <i>The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with</i>

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APPENDIX 4 – FLORA SPECIES RECORDED DURING THE FIELD SURVEY

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Key: C = Common, O = Occasional, U = Uncommon, **Bold** = Threatened Species, * = Listed Noxious.

Scientific Name	Common Name	Family
Native Species		
<i>Acacia linearifolia</i>	Narrow-leaved Wattle	Fabaceae
<i>Acacia mearnsii</i>	Black Wattle	Fabaceae
<i>Acacia sp. (planted)</i>	Wattle	Fabaceae
<i>Carex appressa</i>	Tall Sedge	Cyperaceae
<i>Cynodon dactylon</i>	Couch	Poaceae
<i>Eleocharis sp.</i>	A Spike-sedge	Cyperaceae
<i>Eragrostis sp</i>	A grass	Poaceae
<i>Eucalyptus elata</i>	River Peppermint	Myrtaceae
<i>Eucalyptus nicholii</i>	Narrow-leaved Black Peppermint	Myrtaceae
<i>Eucalyptus pauciflora</i>	Snow Gum	Myrtaceae
<i>Eucalyptus sp. (planted)</i>	Eucalyptus	Myrtaceae
<i>Eucalyptus stellulata</i>	Black Sallee	Myrtaceae
<i>Eucalyptus viminalis</i>	Manna Gum	Myrtaceae
<i>Juncus falcatus</i>	Rush	Juncaceae
<i>Leptospermum spp.</i>	Tea-tree	Myrtaceae
<i>Nymphoides monatanana</i>	Marshwort	Menyanthaceae
<i>Oxalis sp.</i>	Oxalis	Oxalidaceae
<i>Pultenaea sp.</i>	Pultenaea	Fabaceae
<i>Rytidosperma spp.</i>	Wallaby Grass	Poaceae
<i>Schoenoplectus validus</i>	River Clubrush	Juncaceae
<i>Triglochin procera</i>	Water Ribbons	Juncaginaceae
<i>Vittadinia cuneata</i>	Fuzzweed	Asteraceae
<i>Wahlenbergia littoricola</i>	Coastal Bluebell	Campanulaceae
Introduced Species		
<i>Acer buergerianum</i>	Trident Maple	Sapindaceae
<i>Acetosella vulgaris</i>	Sheep Sorrel	Polygonaceae
<i>Arctotheca calendula</i>	Capeweed	Asteraceae
<i>Avena fatua</i>	Wild Oats	Poaceae
<i>Brachypodium sylvaticum</i>	False Broome	Poaceae
<i>Brassica sp.</i>	Mustard	Brassicaceae

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Scientific Name	Common Name	Family
<i>Bromus catharticus</i>	Prairie Grass	Poaceae
<i>Bromus diandrus</i>	Great Brome	Poaceae
<i>Bromus sp.</i>	A grass	Poaceae
<i>Buglossoides arvensis</i>	Sheepweed	Boraginaceae
<i>Capsella bursa-pastoris</i>	Shepards Purse	Brassicaceae
<i>Cerastium glomeratum</i>	Mouse-ear Chickweed	Caryophyllaceae
<i>Conium maculatum</i>	Hemlock	Apiaceae
<i>Cotoneaster sp.</i>	Cotoneaster	Malaceae
<i>Crataegus monogyna</i>	Hawthorn	Malaceae
<i>Dactylis glomerata</i>	Cocksfoot	Poaceae
<i>Ehrharta erecta</i>	Panic Veld Grass	Poaceae
<i>Eragrostis curvula</i>	African Lovegrass	Poaceae
<i>Eschscholzia californica</i>	Californian Poppy	Papaveraceae
<i>Festuca arundinacea</i>	Tall Fescue	Poaceae
<i>Foeniculum vulgare</i>	Fennel	Apiaceae
<i>Fraxinus sp.</i>	Ash	Oleaceae
<i>Fumaria sp.</i>	Fumitory	Fumaricaceae
<i>Gallium aparine</i>	Goosegrass	Rubiaceae
<i>Gamochaeta sp.</i>	A Cudweed	Asteraceae
<i>Hedera helix</i>	English Ivy	Araliaceae
<i>Hirschfeldia incana</i>	Hairy Brassica	Brassicaceae
<i>Holcus lanatus</i>	Yorkshire Fog	Poaceae
<i>Iris germanica</i>	Bearded Iris	Iridaceae
<i>Lavendula sp.</i>	Lavender	Lamiaceae
<i>Lolium perenne</i>	Perennial Ryegrass	Poaceae
<i>Malus ioensis</i>	Bechtel Crab Apple	Rosaceae
<i>Medicago polymorpha</i>	Burr Medic	Fabaceae
<i>Medicago sp.</i>	Medicago	Fabaceae
<i>Modiola caroliniana</i>	Red-flowered Mallow	Malvaceae
<i>Oenothera stricta</i>	Common Evening Primrose	Onagraceae
<i>Pennisetum clandestinum</i>	Kikuyu	Poaceae
<i>Phalaris aquatica</i>	Phalaris	Poaceae

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Scientific Name	Common Name	Family
<i>Pinus radiata</i>	Radiata Pine	Pinaceae
<i>Plantago lanceolata</i>	Lamb's Tongues	Plantaginaceae
<i>Platanus × acerifolia</i>	London Plane	Platanaceae
<i>Ranunculus repens</i>	Creeping Buttercup	Ranunculaceae
<i>Rosa sp.</i>	Rose	Rosaceae
<i>Rubus fruticosus agg.</i>	Blackberry	Rosaceae
<i>Rumex crispus</i>	Curled Dock	Polygonaceae
<i>Salix fragilis</i>	Crack Willow	Salicaceae
<i>Salix matsudana</i>	Tortured Willow	Salicaceae
<i>Salvia aethiopsis</i>	Woolly Sage	Lamiaceae
<i>Setaria parviflora</i>	Slender Pidgeon Grass	Poaceae
<i>Silene gallica var. gallica</i>	French Catchfly	Caryophyllaceae
<i>Silene gallica var. quinquevulnera</i>	Spotted Catchfly	Caryophyllaceae
<i>Silybum marianum</i>	Variegated Thistle	Asteraceae
<i>Solanum nigrum</i>	Black-berry Nightshade	Solanaceae
<i>Sonchus oleraceus</i>	Sow Thistle	Asteraceae
<i>Taraxacum officinale</i>	Dandelion	Asteraceae
<i>Tragopogon porrifolius</i>	Salsify	Asteraceae
<i>Trifolium arvense</i>	Haresfoot Clover	Fabaceae
<i>Trifolium dubium</i>	Yellow Suckling Clover	Fabaceae
<i>Trifolium repens</i>	White Clover	Fabaceae
<i>Trifolium sp</i>	A Clover	Fabaceae
<i>Ulmus americana</i>	American White Elm	Ulmaceae
<i>Ulmus parvifolia</i>	Chinese Elm	Ulmaceae
<i>Various Conifers (planted)</i>	Cypress Pine	Cupressaceae
<i>Vicia sativa</i>	Common Vetch	Fabaceae

APPENDIX 5 – FAUNA SPECIES RECORDED DURING THE FIELD SURVEYS

Legend

- Bird 1 Diurnal bird survey number
- Opp Species detected opportunistically during field surveys
- Plat Species observed during Platypus surveys
- Herp Species detected during herpetological field surveys
- Anabat Species detected by ANABAT recorder
- Noct Species detected during nocturnal spotlight surveys
- * Species detected
- † Introduced species
- Bold** Threatened or migratory species

Taxa	Scientific Name	Common Name	Bird 1	Bird 2	Bird 3	Bird 4	Bird 5	Bird 6	Opp	Plat	Herp	Anabat	Noct
Amphibia	<i>Crinia signifera</i>	Clicking Froglet							*				
Amphibia	<i>Limnodynastes peronii</i>	Striped Marsh Frog							*				
Amphibia	<i>Litoria ewingii</i>	Ewing's Treefrog							*			*	
Aves	<i>Acanthiza chrysorrhoa</i>	Yellow-rumped Thornbill		*					*				
Aves	<i>Acrocephalus australis</i>	Australian Reed-Warbler	*	*		*		*					
Aves	<i>Anas castanea</i>	Chestnut Teal	*										
Aves	<i>Anas superciliosa</i>	Pacific Black Duck	*	*			*	*					
Aves	<i>Anthochaera carunculata</i>	Red Wattlebird	*	*	*	*	*						
Aves	<i>Ardea pacifica</i>	White-necked Heron					*						

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Taxa	Scientific Name	Common Name	Bird 1	Bird 2	Bird 3	Bird 4	Bird 5	Bird 6	Opp	Plat	Herp	Anabat	Noct
Aves	<i>Cacatua galerita</i>	Sulphur-crested Cockatoo				*							
Aves	<i>Cacatua sanguinea</i>	Little Corella					*						
Aves	<i>Carduelis carduelis</i>	European Goldfinch				*	*						
Aves	<i>Chenonetta jubata</i>	Australian Wood Duck					*						
Aves	<i>Corvus mellori</i>	Little Raven	*	*	*		*	*					
Aves	<i>Cracticus tibicen</i>	Australian Magpie		*	*		*						
Aves	<i>Egretta novaehollandiae</i>	White-faced Heron				*	*						
Aves	<i>Eolophus roseicapillus</i>	Galah	*	*				*					
Aves	<i>Eurystomus orientalis</i>	Dollarbird			*								
Aves	<i>Fulica atra</i>	Eurasian Coot	*	*		*	*	*					
Aves	<i>Gallinago hardwickii</i>	Latham's Snipe					*						
Aves	<i>Gallinula tenebrosa</i>	Dusky Moorhen	*										
Aves	<i>Grallina cyanoleuca</i>	Magpie-lark	*										
Aves	<i>Hirundo neoxena</i>	Welcome Swallow	*	*		*		*					
Aves	<i>Lichenostomus chrysops</i>	Yellow-faced Honeyeater			*		*						
Aves	<i>Malurus cyaneus</i>	Superb Fairy-wren	*	*	*	*	*						
Aves	<i>Pachycephala rufiventris</i>	Rufous Whistler		*			*	*					

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Taxa	Scientific Name	Common Name	Bird 1	Bird 2	Bird 3	Bird 4	Bird 5	Bird 6	Opp	Plat	Herp	Anabat	Noct
Aves	<i>Pardalotus punctatus</i>	Spotted Pardalote		*									
Aves	<i>Pardalotus striatus</i>	Striated Pardalote	*		*	*	*						
Aves	<i>Passer domesticus</i> [†]	House Sparrow [†]			*								
Aves	<i>Phalacrocorax sulcirostris</i>	Little Black Cormorant					*						
Aves	<i>Platycercus elegans</i>	Crimson Rosella		*									
Aves	<i>Rhipidura albiscapa</i>	Grey Fantail			*		*	*					
Aves	<i>Rhipidura leucophrys</i>	Willie Wagtail	*										
Aves	<i>Smicromis brevirostris</i>	Weebill		*									
Aves	<i>Sturnus vulgaris</i> [†]	Common Starling [†]					*						
Aves	<i>Strepera graculina</i>	Pied Currawong	*			*	*	*					
Aves	<i>Turdus merula</i>	Common Blackbird	*	*			*	*					
Mammalia	<i>Austronomus australis</i>	White-striped Free-tailed Bat										*	
Mammalia	<i>Ornithorhynchus anatinus</i>	Platypus								*			
Mammalia	<i>Oryctolagus cuniculus</i>	Rabbit [†]							*				
Mammalia	<i>Tachyglossus aculeatus</i>	Short-beaked Echidna							*				
Mammalia	<i>Trichosurus vulpecula</i>	Common Brushtail Possum											*
Mammalia	<i>Vespadelus darlingtoni</i>	Large Forest Bat										*	

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Taxa	Scientific Name	Common Name	Bird 1	Bird 2	Bird 3	Bird 4	Bird 5	Bird 6	Opp	Plat	Herp	Anabat	Noct
Mammalia	<i>Vombatus ursinus</i>	Wombat							*				
Mammalia	<i>Vulpes vulpes</i> [†]	Fox [†]							*				
Reptilia	<i>Austrelaps ramsayi</i>	Highlands Copperhead							*				
Reptilia	<i>Chelodina longicollis</i>	Eastern Long-necked Turtle							*				
Reptilia	<i>Lampropholis delicata</i>	Grass Skink							*				

APPENDIX 6 – THREATENED AND MIGRATORY BIOTA EVALUATION

Legend for Table 5

V = Vulnerable
E = Endangered
CE = Critically Endangered
M = Migratory
POP = Endangered Population
TSC = NSW *Threatened Species Conservation Act 1995*
EPBC = Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*
FM = NSW *Fisheries Management Act 1994*

Table 4: Assessment of the known or predicted threatened and migratory biota known from the Southern Rivers CMA, Monaro (Part C) subregion and their likelihood of occurrence within the vicinity of the proposal.

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
AMPHIBIANS				
Giant Burrowing Frog <i>Heleioporus australiacus</i> V TSC V EPBC	The Giant Burrowing Frog is distributed in south eastern NSW and Victoria, and appears to exist as two distinct populations: a northern population largely confined to the sandstone geology of the Sydney Basin and extending as far south as Ulladulla, and a southern population occurring from north of Narooma through to Walhalla, Victoria. In these areas, it is found in heath and forest on a variety of soil types except those that are clay based and required 2 nd or 3 rd order stream for breeding purposes.	No	No	No
Green and Golden Bell Frog <i>Litoria aurea</i> E TSC V EPBC	Inhabits marshes, dams and stream-sides, particularly those containing bulrushes (<i>Typha</i> spp.) or spikerushes (<i>Eleocharis</i> spp.).	No	Yes	Unlikely
Booroolong Frog	The Booroolong Frog is restricted to NSW and north-	No	Yes	Unlikely

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
<i>Litoria booroolongensis</i> E TSC E EPBC	eastern Victoria, predominantly along the western-flowing streams of the Great Dividing Range. Lives along permanent streams with some fringing vegetation cover such as ferns, sedges or grasses.			
Yellow-spotted Tree Frog <i>Litoria castanea</i> CE TSC E EPBC	There is only a single known population of the Yellow- Spotted Tree Frog, which occurs near Dalton. Historically, this species occurred in two separate highland ranges, on the New England Tableland and on the southern and central highlands from Bathurst/Orange to Bombala. This species requires large permanent ponds or slow flowing streams with plenty of emergent vegetation such as bulrushes.	No	Yes	Unlikely
Southern Bell Frog <i>Litoria raniformis</i> E TSC V EPBC	Currently, the species is known to exist only in isolated populations in the Coleambally Irrigation Area, the Lowbidgee floodplain and around Lake Victoria. Usually found in or around permanent or ephemeral Black Box/Lignum/Nitre Goosefoot swamps, Lignum/Typha swamps and River Red Gum swamps or billabongs along floodplains and river valleys. They are also found in irrigated rice crops, particularly where there is no available natural	No	Yes	Unlikely

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	habitat.			
Alpine Tree Frog <i>Litoria vereauxi alpina</i> E TSC V EPBC	The Alpine Tree Frog occurs mainly in woodland, heath, grassland and herb field at montane, subalpine and alpine altitudes.	No	No	No
Southern Corroboree Frog <i>Pseudophryne corroboree</i> CE TSC CE EPBC	The Southern Corroboree Frog is limited to sphagnum bogs of the northern Snowy Mountains, in a strip from the Maragle Range in the north-west, through Mt Jagungal to Smiggin Holes in the south. Its range is entirely within Kosciuszko National Park.	No	No	No
REPTILES				
Pink-tailed Worm Lizard <i>Aprasia parapulchella</i> V TSC V EPBC	The Pink-tailed Legless Lizard is only known from the Central and Southern Tablelands, and the South Western Slopes. Inhabits sloping, open woodland areas with predominantly native grassy groundlayers, particularly those dominated by Kangaroo Grass (<i>Themeda australis</i>).	No	No	No
Striped Legless Lizard <i>Delma impar</i> V TSC V EPBC	Found mainly in Natural Temperate Grassland but has also been captured in grasslands that have a high exotic component. Also found in secondary grassland near Natural Temperate Grassland and occasionally in open Box-Gum Woodland.	No	No	No
Little Whip Snake	The Little Whip Snake is found within an area	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
<i>Suta flagellum</i> V TSC	bounded by Crookwell in the north, Bombala in the south, Tumbarumba to the west and Braidwood to the east. Occurs in Natural Temperate Grasslands and grassy woodlands, including those dominated by Snow Gum <i>Eucalyptus pauciflora</i> or Yellow Box <i>E. melliodora</i> . Also occurs in secondary grasslands derived from clearing of woodlands. Found on well drained hillsides, mostly associated with scattered loose rocks.			
Grassland Earless Dragon <i>Tympanocryptis pinguicolla</i> E TSC E EPBC	Restricted to a small number of Natural Temperate Grassland sites dominated by wallaby grasses (<i>Rytidosperma spp.</i>), spear grasses (<i>Austrostipa spp.</i>), Poa Tussock (<i>Poa sieberiana</i>), Red Grass (<i>Bothriochloa macra</i>), and occasionally Kangaroo Grass (<i>Themeda australis</i>). Introduced pasture grasses occur at many of the sites supporting this species, which has also been captured in secondary grassland.	No	No	No
Rosenberg's Goanna <i>Varanus rosenbergi</i> V TSC	Found in heath, open forest and woodland. Associated with termites, the mounds of which this species nests in; termite mounds are a critical habitat component.	No	No	No

MICROCHIROPTERAN BATS

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
Eastern False Pipistrelle <i>Falsistrellus tasmaniensis</i> V TSC	Prefers moist habitats, with trees taller than 20m. Generally roosting in eucalypt hollows, but has also been found under loose bark on trees and buildings.	No	No	No
Eastern Bentwing-bat <i>Miniopterus schreibersii oceanensis</i> V TSC	Caves are the primary roosting habitat, but also use derelict mines, storm-water tunnels, buildings and other man-made structures.	No	No	No
Southern Myotis <i>Myotis macropus</i> V TSC	Generally roost in groups of 10 - 15 close to water in caves, mine shafts, hollow- bearing trees, storm water channels, buildings, under bridges and in dense foliage. Forage over open streams and open pools catching insects and small fish by raking their feet across the water surface.	No	No	No
BIRDS				
Fork-tailed Swift <i>Apus pacificus</i> M EPBC	Mostly occur over inland plains but sometimes above foothills or in coastal areas. They often occur over cliffs and beaches and also over islands and sometimes well out to sea.	No	Yes	No
Great Egret <i>Ardea alba</i> M EPBC	Great Egrets prefer shallow water, particularly when flowing, but may be seen on any watered area.	No	No	No
Cattle Egret <i>Ardea ibis</i> M EPBC	The Cattle Egret is found in grasslands, woodlands and wetlands, and is not common in arid areas. It also uses	No	Yes	Moderate

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	pastures and croplands, especially where drainage is poor. It will also forage at garbage dumps, and is often seen with cattle and other stock.			
Australasian Bittern <i>Botaurus poiciloptilus</i> V TSC E EPBC	Favours permanent freshwater wetlands with tall, dense vegetation, particularly bullrushes (<i>Typha spp.</i>) and spikerushes (<i>Eleocharis spp.</i>).	No	No	No
Gang-gang Cockatoo <i>Callocephalon fimbriatum</i> V TSC	In summer, generally found in tall mountain forests and woodlands, particularly in heavily timbered and mature wet sclerophyll forests. In winter, may occur at lower altitudes in drier more open eucalypt forests and woodlands, and often found in urban areas.	No	Yes	Unlikely
Glossy Black-Cockatoo <i>Calyptorhynchus lathami</i> V TSC	Inhabits open forest and woodlands of the coast and the Great Dividing Range up to 1000 m in which stands of she-oak species, particularly Black She-oak (<i>Allocasuarina littoralis</i>), Forest She-oak (<i>A. torulosa</i>) or Drooping She-oak (<i>A. verticillata</i>) occur.	No	No	No
Speckled Warbler <i>Chthonicola sagittata</i> V TSC	The Speckled Warbler lives in a wide range of <i>Eucalyptus</i> dominated communities that have a grassy understorey, often on rocky ridges or in gullies.	No	No	No
Spotted harrier <i>Circus assimilis</i>	Occurs in grassy open woodland including <i>Acacia</i> and mallee remnants, inland	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
V TSC	riparian woodland, grassland and shrub steppe. It is found most commonly in native grassland, but also occurs in agricultural land, foraging over open habitats including edges of inland wetlands.			
Brown Treecreeper <i>Climacteris picumnus victoriae</i> V TSC	Found in eucalypt woodlands (including Box-Gum Woodland) and dry open forest of the inland slopes and plains inland of the Great Dividing Range; mainly inhabits woodlands dominated by Stringybarks or other rough-barked eucalypts, usually with an open grassy understorey, sometimes with one or more shrub species; also found in mallee and River Red Gum (<i>Eucalyptus camaldulensis</i>) Forest bordering wetlands with an open understorey of acacias, saltbush, lignum, cumbungi and grasses; usually not found in woodlands with a dense shrub layer; fallen timber is an important habitat component for foraging; also recorded, though less commonly, in similar woodland habitats on the coastal ranges and plains.	No	Yes	Unlikely, woodland patch has no native shrub layer.
Varied Sittella <i>Daphoenositta chrysoptera</i> V TSC	The Varied Sittella is sedentary and inhabits most of mainland Australia except the treeless deserts and open grasslands. They inhabit eucalypt woodlands	No	Yes	Low

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	and prefer rough-barked trees and mature trees with hollows or dead branches.			
White-fronted Chat <i>Epthianura albifrons</i> V TSC	It occurs mostly in the southern half of the state, in damp open habitats along the coast, and near waterways in the western part of the state. Along the coastline, it is found predominantly in saltmarsh vegetation but also in open grasslands and sometimes in low shrubs bordering wetland areas.	No	Yes	No
Latham's Snipe <i>Gallinago hardwickii</i> M EPBC	Latham's Snipe are seen in small groups or singly in freshwater wetlands on or near the coast, generally among dense cover. They are found in any vegetation around wetlands, in sedges, grasses, lignum, reeds and rushes and also in saltmarsh and creek edges on migration. They also use crops and pasture.	Yes	Yes	Yes
Little Lorikeet <i>Glossopsitta pusilla</i> V TSC	Forages primarily in the canopy of open Eucalyptus forest and woodland, yet also finds food in Angophoras, Melaleucas and other tree species. Riparian habitats are particularly used, due to higher soil fertility and hence greater productivity.	No	No	No
Painted Honeyeater <i>Grantiella picta</i> V TSC	Inhabits Boree, Brigalow and Box-Gum Woodlands and Box-Ironbark Forests. A specialist feeder on the fruits	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
V EPBC	of mistletoes growing on woodland eucalypts and acacias. Prefers mistletoes of the genus <i>Amyema</i> .			
White-bellied Sea-eagle <i>Haliaeetus leucogaster</i> M EPBC	The species is normally seen perched high in a tree, or soaring over waterways and adjacent land, particularly along coastlines, lakes and rivers.	No	Yes	Unlikely
Little Eagle <i>Hieraaetus morphnoides</i> V TSC	Occupies open eucalypt forest, woodland or open woodland. Sheoak or <i>Acacia</i> woodlands and riparian woodlands of interior NSW are also used.	No	Yes	Unlikely
White-throated Needletail <i>Hirundapus caudacutus</i> M EPBC	For a time it was commonly believed that they did not land while in Australia. It has now been observed that birds will roost in trees, and radio-tracking has since confirmed that this is a regular activity.	No	Yes	Unlikely
Swift Parrot <i>Lathamus discolor</i> E TSC E EPBC	Migrates to the Australian south-east mainland between March and October. On the mainland they occur in areas where eucalypts are flowering profusely or where there are abundant lerp (from sap-sucking bugs) infestations. Favoured feed trees include winter flowering species such as Swamp Mahogany <i>Eucalyptus robusta</i> , Spotted Gum <i>Corymbia maculata</i> , Red Bloodwood <i>C. Gummifera</i> , Mugga Ironbark <i>E. Sideroxylon</i> , and White Box	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	<i>E. Albens.</i>			
Square-tailed Kite <i>Lophoictinia isura</i> V TSC	Found in a variety of timbered habitats including dry woodlands and open forests. Shows a particular preference for timbered watercourses. In arid north-western NSW, has been observed in stony country with a ground cover of chenopods and grasses, open acacia scrub and patches of low open eucalypt woodland.	No	No	No
Hooded Robin <i>Melanodryas cucullata cucullata</i> V TSC	Prefers lightly wooded country, usually open eucalypt woodland, acacia scrub and mallee, often in or near clearings or open areas. Requires structurally diverse habitats featuring mature eucalypts, saplings, some small shrubs and a ground layer of moderately tall native grasses.	No	Yes	No
Rainbow Bee-eater <i>Merops ornatus</i> M EPBC	It is most often found in open forests, woodlands and shrublands, and cleared areas, usually near water. It will be found on farmland with remnant vegetation and in orchards and vineyards. It will use disturbed sites such as quarries, cuttings and mines to build its nesting tunnels.	No	No	No
Black-faced Monarch <i>Monarcha melanopsis</i> M EPBC	They are found in rainforests, eucalypt woodlands, coastal scrub and damp gullies. It may be found in more open	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	woodland when migrating			
Satin Flycatcher <i>Myiagra cyanoleuca</i> M EPBC	The Satin Flycatcher is found in tall forests, preferring wetter habitats such as heavily forested gullies, but not rainforests.	No	No	No
Turquoise Parrot <i>Neophema pulchella</i> V TSC	Lives on the edges of eucalypt woodland adjoining clearings, timbered ridges and creeks in farmland.	No	No	No
Barking Owl <i>Ninox connivens</i> V TSC	Inhabits woodland and open forest, including fragmented remnants and partly cleared farmland. It is flexible in its habitat use, and hunting can extend in to closed forest and more open areas. Sometimes able to successfully breed along timbered watercourses in heavily cleared habitats (e.g. western NSW) due to the higher density of prey on these fertile soils.	No	No	No
Powerful Owl <i>Ninox strenua</i> V TSC	Inhabits a range of vegetation types, from woodland and open sclerophyll forest to tall open wet forest and rainforest. The Powerful Owl requires large tracts of forest or woodland habitat but can occur in fragmented landscapes as well. The species breeds and hunts in open or closed sclerophyll forest or woodlands and occasionally hunts in open habitats.	No	Yes	No
Blue-billed duck <i>Oxyura australis</i>	Prefers deep water in large permanent wetlands and swamps with dense aquatic	No	No	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
V TSC	vegetation. The species is completely aquatic, swimming low in the water along the edge of dense cover. Blue-billed Ducks usually nest solitarily in Cumbungi over deep water between September and February. Partly migratory.			
Olive Whistler <i>Pachycephala olivacea</i> V TSC	The Olive Whistler inhabits the wet forests on the ranges of the east coast. Mostly inhabit wet forests above about 500m however, in winter months they may move to lower altitudes.	No	No	No
Eastern Osprey <i>Pandion haliaetus</i> V TSC M EPBC	Eastern Osprey are generally found only on the coast in south-eastern Australia, but occasionally ranging inland on rivers.	No	No	No
Scarlet Robin <i>Petroica boodang</i> V TSC	The Scarlet Robin lives in dry eucalypt forests and woodlands. The understorey is usually open and grassy with few scattered shrubs.	No	Yes	Unlikely
Flame Robin <i>Petroica phoenicea</i> V TSC	Breeds in upland tall moist eucalypt forests and woodlands, often on ridges and slopes. Prefers clearings or areas with open understoreys.	No	Yes	Moderate
Pink Robin <i>Petroica rodinogaster</i> V TSC	Inhabits rainforest and tall, open eucalypt forest, particularly in densely vegetated gullies.	No	No	No
Rufous Fantail <i>Rhipidura rufifrons</i>	A rainforest and wet sclerophyll inhabitant.	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
M EPBC				
Australian Painted Snipe <i>Rostratula australis</i> E TSC V EPBC	Prefers fringes of swamps, dams and nearby marshy areas where there is a cover of grasses, lignum, low scrub or open timber.	No	No	No
Painted Snipe <i>Rostratula benghalensis s. Lat</i> M EPBC	In NSW, this species has been recorded at the Paroo wetlands, Lake Cowell, Macquarie Marshes and Hexham Swamp. Most common in the Murray- Darling Basin. Prefers fringes of swamps, dams and nearby marshy areas where there is a cover of grasses, lignum, low scrub or open timber.	No	No	No
Diamond Firetail <i>Stagonopleura guttata</i> V TSC	Found in grassy eucalypt woodlands, including Box- Gum Woodlands and Snow Gum <i>Eucalyptus pauciflora</i> Woodlands.	No	Yes	Low, patch size small
Masked Owl <i>Tyto novaehollandiae</i> V TSC	Pairs have a large home- range of 500 to 1000 hectares. Lives in dry eucalypt forests and woodlands from sea level to 1100 m. A forest owl, but often hunts along the edges of forests, including roadsides.	No	No	No
Regent Honeyeater <i>Xanthomyza phrygia</i> CE TSC E EPBC M EPBC	Regent Honeyeaters inhabit woodlands that support a significantly high abundance and species richness of bird species. These woodlands have significantly large numbers of mature trees, high canopy cover and	No	No	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EclA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	abundance of mistletoes.			
MAMMALS				
Eastern Pygmy-possum <i>Cercartetus nanus</i> V TSC	Found in a broad range of habitats from rainforest through sclerophyll (including Box-Ironbark) forest and woodland to heath, but in most areas woodlands and heath appear to be preferred.	No	No	No
Spotted-tailed Quoll <i>Dasyurus maculatus</i> V TSC E EPBC	Recorded across a range of habitat types, including rainforest, open forest, woodland, coastal heath and inland riparian forest, from the sub-alpine zone to the coastline.	No	Yes	Unlikely (patch size small)
Southern Brown Bandicoot (eastern) <i>Isodon obesulus obesulus</i> E TSC E EPBC	The species is largely crepuscular (active mainly after dusk and/or before dawn). They are generally only found in heath or open forest with a heathy understorey on sandy or friable soils. They occur in a variety of habitats in south-eastern Australia including heathland, swamp habitat, open forest, dry sclerophyll forest with heathy understorey and grasslands.	No	No	No
Broad-toothed Rat <i>Mastacomys fuscus</i> V TSC	The Broad-toothed Rat lives in a complex of runways through the dense vegetation of its wet grass, sedge or heath environment, and under the snow in winter. This relatively warm under-snow space enables it to be active throughout winter.	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
Yellow-bellied Glider <i>Petaurus australis</i> V TSC	Occur in tall mature eucalypt forest generally in areas with high rainfall and nutrient rich soils.	No	Yes	No
Squirrel Glider <i>Petaurus norfolcensis</i> V TSC	Inhabits mature or old growth Box, Box-Ironbark woodlands and River Red Gum forest west of the Great Dividing Range and Blackbutt-Bloodwood forest with heath understorey in coastal areas. Prefers mixed species stands with a shrub or Acacia midstorey.	No	No	No
Brush-tailed Rock-wallaby <i>Petrogale penicillata</i> E TSC V EPBC	Occupy rocky escarpments, outcrops and cliffs with a preference for complex structures with fissures, caves and ledges, often facing north.	No	No	No
Brush-tailed phascogale <i>Phascogale tapoatafa</i> V TSC	Prefer dry sclerophyll open forest with sparse groundcover of herbs, grasses, shrubs or leaf litter. Also inhabit heath, swamps, rainforest and wet sclerophyll forest.	No	No	No
Koala (combined populations of QLD, NSW and ACT) <i>Phascolarctos cinereus</i> V TSC V EPBC	Inhabit eucalypt woodlands and forests. Home range size varies with quality of habitat, ranging from less than two ha to several hundred hectares in size.	No	Yes	Unlikely, patch size too small.
Long-nosed Potoroo <i>Potorous tridactylus</i> V TSC V EPBC	Inhabits coastal heaths and dry and wet sclerophyll forests. Dense understorey with occasional open areas is an essential part of habitat, and may consist of grass-	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	trees, sedges, ferns or heath, or of low shrubs of tea-trees or melaleucas. A sandy loam soil is also a common feature.			
Smoky Mouse <i>Pseudomys fumeus</i> CE TSC E EPBC	Prefers heath habitat on ridge tops and slopes in sclerophyll forest, heathland and open-forest from the coast (in Victoria) to sub-alpine regions of up to 1800 metres, but sometimes occurs in ferny gullies.	No	No	No
Grey-headed Flying-fox <i>Pteropus poliocephalus</i> V TSC V EPBC	Occur in subtropical and temperate rainforests, tall sclerophyll forests and woodlands, heaths and swamps as well as urban gardens and cultivated fruit crops. Roosting camps are generally located within 20 km of a regular food source and are commonly found in gullies, close to water, in vegetation with a dense canopy.	No	Yes	Unlikely
FISH				
Australian Grayling <i>Prototroctes maraena</i> V EPBC	Occurs in clear, gravel-bottomed streams with alternating pools and riffles, and granite outcrops.	No	No	No
FLORA				
Mauve Burr-daisy <i>Calotis glandulosa</i> V TSC V EPBC	Found in subalpine grassland (dominated by <i>Poa</i> spp.), and montane or natural temperate grassland dominated by Kangaroo Grass (<i>Themeda australis</i>) and Snow Gum (<i>Eucalyptus</i>	No	Yes	No

Terrestrial and Aquatic Biodiversity Assessment: Bombala Weir and Low-level Bridge. Report 15.EcIA-104

Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	<i>pauciflora</i>) Woodlands on the Monaro and Shoalhaven area.			
Kydra Dampiera <i>Dampiera fusca</i> E TSC	Recorded in montane heath, also amongst rock platform and tors interspersed with closed heath. Habitat in the Canberra area is generally restricted to granite ridgetops and plateaux on very shallow soils supporting heath, scrub and heathy snow gum and/or mallee woodland.	No	Yes	No
Leafy Anchor Plant <i>Discaria nitida</i> V TSC	Generally occurs on or close to stream banks and on rocky areas near small waterfalls. The species occurs in both woodland with heathy riparian vegetation and on treeless grassy sub-alpine plains. In NSW the Leafy Anchor Plant grows mostly within Kosciuszko National Park, south from the Blue Water Holes - Yarrangobilly Caves area to south-west of Jindabyne, at altitudes above 900 m.	No	No	No
Creeping Hop-bush <i>Dodonaea procumbens</i> V TSC V EPBC	Grows in Natural Temperate Grassland or fringing eucalypt woodland of Snow Gum (<i>Eucalyptus pauciflora</i>).	No	Yes	No
Small-leaved Gum <i>Eucalyptus parvula</i> E TSC V EPBC	This species has a very small distribution in the eastern edge of the Monaro, in a narrow 100km strip from Big Badja Mountain (north-east of Cooma) to Nunnock	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	Swamp in South-East Forests National Park, north-east of Bombala. Grows at and above an elevation of 1100 m in acidic soil on cold wet grassy flats.			
Silver-leafed Gum <i>Eucalyptus pulverulenta</i> V TSC V EPBC	The Silver-leafed Gum is found in two quite separate areas, the Lithgow to Bathurst area and the Monaro (Bredbo to Bombala). Grows in shallow soils as an understorey plant in open forest, typically dominated by Brittle Gum (<i>Eucalyptus mannifera</i>), Red Stringybark (<i>E. macrorhynca</i>), Broad-leafed Peppermint (<i>E. dives</i>), Silvertop Ash (<i>E. sieberi</i>) and Apple Box (<i>E. bridgesiana</i>).	No	No	No
Rough Eyebright <i>Euphrasia scabra</i> E TSC	Occurs in or at the margins of swampy grassland or in sphagnum bogs, often in wet, peaty soil.	No	No	No
Baeuerlen's Gentian <i>Gentiana baeuerlenii</i> E TSC E EPBC	The original collection was made in the 1890s from 'Quidong', west of Bombala, however the species has not been recorded again in NSW. In the late 1980s a small population of less than 20 plants was discovered in Namadgi National Park in the ACT. This population has not been observed since the early 1990s and the last time it was found the population had declined to only four plants. In Namadgi National Park the species grows as an	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	inter-tussock herb of grassland and sedgeland (<i>Poa labillardieri</i> and <i>Carex gaudichaudii</i>) in a moist area on the lower slope of a broad valley.			
Bog Grevillea <i>Grevillea acanthifolia</i> <i>subsp. paludosa</i> E TSC E EPBC	Bog Grevillea is known from two small populations: Nalbaugh National Park south-east of Bombala; Bega Swamp near Bemboka. The species is found in peaty swamps. Within such habitat it grows on densely vegetated low hummocks.	No	No	No
Hoary Sunray <i>Leucochrysum</i> <i>albicans</i> var. <i>tricolor</i> E EPBC	The Hoary Sunray occurs at relatively high elevations in woodland and open forest communities, in an area roughly bounded by Goulburn, Albury and Bega. Associated with Grassland and grassy woodland	No	No	No
Omeo Stork's-bill <i>Pelargonium</i> sp. <i>Striatellum</i> E TSC E EPBC	Known from only 3 locations in NSW, with two on lakebeds on the basalt plains of the Monaro and one at Lake Bathurst. A population at a fourth known site on the Monaro has not been seen in recent years. It has a narrow habitat that is usually just above the high-water level of irregularly inundated or ephemeral lakes, in the transition zone between surrounding grasslands or pasture and the wetland or aquatic communities.	No	No	No
Tarengo Leek Orchid	Grows in open sites within	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
<i>Prasophyllum petilum</i> E TSC E EPBC	Natural Temperate Grassland at the Boorowa and Delegate sites. Also grows in grassy woodland in association with River Tussock (<i>Poa labillardieri</i>), Black Gum (<i>Eucalyptus aggregata</i>) and tea-trees (<i>Leptospermum spp.</i>) at Captains Flat and within the grassy groundlayer dominated by Kangaroo Grass under Box-Gum Woodland at Ilford (and Hall, ACT).			
Majors Creek Leek Orchid <i>Prasophyllum sp.</i> Majors Creek CE TSC	Currently only known from one site at Majors Creek south of Braidwood. Grows in the groundlayer of grassy woodland dominated by Swamp Gum (<i>Eucalyptus ovata</i>).	No	No	No
A Leek-orchid <i>Prasophyllum sp.</i> Wybong CE EPBC	Known to occur in open eucalypt woodland and grassland.	No	No	No
Monaro Golden Daisy <i>Rutidosis leiolepis</i> V TSC V EPBC	Found in Natural Temperate Grassland on the Monaro. Occurs in sub-alpine grasslands in Kosciuszko National Park. Grows on basalt, granite and sedimentary substrates.	No	Yes	No
Silky Swainson-pea <i>Swainsona sericea</i> V TSC	Found in Natural Temperate Grassland and Snow Gum Eucalyptus pauciflora Woodland on the Monaro. Found in Box-Gum Woodland in the Southern Tablelands and South West	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	Slopes.			
<i>Thelymitra alpicola</i> <i>Thelymitra alpicola</i> V TSC	Grows in subalpine and montane heathlands in moist to wet sites around the edges of sphagnum bogs, beside streams or in soaks and swamps	No	No	No
Austral Toadflax <i>Thesium australe</i> V TSC V EPBC	Occurs in grassland or grassy woodland often in association with Kangaroo Grass.	No	No	No
Kydra Westringia <i>Westringia kydrensis</i> E TSC E EPBC	The species occurs in heath on rocky areas at Kydra Reefs, south-east of Cooma. Occurs in heathland with larger shrubs of <i>Allocasuarina nana</i> and <i>Banksia canei</i> . Grows on shallow rocky granite or quartzite soils.	No	Yes	No

THREATENED ECOLOGICAL COMMUNITIES

Aquatic Ecological Community in the Catchment of the Snowy River in NSW E FM	The area covered by this determination includes all rivers, creeks and streams of the Snowy River catchment within the State of New South Wales and including the Snowy River, Eucumbene River, Thredbo River, Gungahlin River, Mowamba River, Bombala River, MacLaughlin River, Delegate River, Pinch River and Jacobs River.	Yes	Yes	Yes
Montane Peatlands and Swamps E TSC	Montane Peatlands and Swamps comprises a dense, open or sparse layer of shrubs with soft-leaved	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
	sedges, grasses and forbs. It is the only type of wetland that may contain more than trace amounts of <i>Sphagnum</i> spp., the hummock peat-forming mosses. Small trees may be present as scattered emergents or absent.			
Natural Temperate Grassland of the Southern Tablelands of NSW and the Australian Capital Territory E EPBC	Natural Temperate Grassland is a natural grassland community dominated by a range of perennial grass species and, in highly intact sites, containing a large range of herbaceous species including daisies, peas, lilies, and orchids.	No	Yes	No
Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions E TSC	Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland mainly occurs on valley floors, margins of frost hollows, footslopes and undulating hills between approximately 600 and 1400 m in altitude. It occurs on a variety of substrates including granite, basalt, metasediments and Quaternary alluvium.	Yes	Yes	Yes
Upland Wetlands of the New England Tablelands and the Monaro Plateau E TSC E EPBC	This community is composed of a series of high altitude wetlands in the New England Tablelands of Northern NSW and the Monaro Plateau. Generally above 900m altitude and associated with basalt soils.	No	No	No
White Box-Yellow Box-	White Box Yellow Box	No	No	No

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Species Scientific Name Legal Status	Habitat	Recorded during survey	Recorded previously in locality	Likelihood of species occurring within study area
Blakely's Red Gum Grassy Woodland and Derived Native Grassland E TSC CE EPBC	Blakely's Red Gum Woodland is an open woodland community (sometimes occurring as a forest formation), in which the most obvious species are one or more of the following: White Box <i>Eucalyptus albens</i> , Yellow Box <i>E. melliodora</i> and Blakely's Red Gum <i>E. blakelyi</i> .			



Our ref: IRF18/1241

Mr Mark Adams
Group Manager - Economic Development and Tourism
Snowy Monaro Regional Council
Po Box 714
COOMA NSW 2630

Dear Mr Adams

Planning proposal PP_2017_SMONA_001_00 – Alteration of Gateway determination

I refer to your letter seeking an extension of time to complete planning proposal PP_2017_SMONA_001_00 proposing to rezone land at Bombala to SP2 Infrastructure (Water storage facility).

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 29 March 2017 for PP_2017_SMONA_001_00 by extending the timeframe by 12 months. The Alteration of Gateway determination is enclosed.

Unless significant progress is made on the planning proposal before the revised timeframe for completion, it is unlikely that a further extension will be provided. Council may wish to consider not proceeding with the current planning proposal and submit a fresh proposal when all issues have been addressed.

If you have any questions in relation to this matter, I have arranged for Mr Nathan Foster to assist you. Mr Foster can be contacted on 4224 9459.

Yours sincerely



03/04/2018
Jeffrey Horn
Acting Director Regions, Southern
Planning Services

Encl: Alteration of Gateway determination



Alteration of Gateway Determination

Planning proposal (Department Ref:PP_2017_SMONA_001_00)

I, Acting Director, Regions, Southern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 29 March 2017 for the proposed amendment to the Bombala Local Environmental Plan 2012 as follows:

1. Delete:

condition 9 "The time frame for completing the LEP is to be 12 months from the date of the Gateway determination"

and replace with:

a new condition 9 "The time frame for completing the LEP is to be 24 months from the date of the Gateway determination"

Dated 3rd day of April 2018.



Jeffrey Horn
Acting Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

Policy



Title of Policy	SMRC [Debt Management Policy]		
Responsible Department	Finance	Document Register ID	
Policy Owner	Chief Financial Officer	Review Date	March 2021
Date of Council Meeting	7 March 2019	Resolution Number	
Legislation, Australian Standards, Code of Practice	Local Government Act 1993 Local Government (General) Regulations 2005 (NSW) Civil Procedures ACT 2005 Office of Local Government – Debt Management and Hardship Guidelines 2018		
Aim	To ensure the efficient and effective recovery of Rates and Charges and Sundry debts owed to Council by applying the principles of integrity, consistency, confidentiality and compliance to the relevant statutory requirements in all proceedings for both the Council and the debtor. To recover monies owed to Council in a timely, efficient and effective manner in order to ensure effective cash flow management.		

1. POLICY

Council recognises that it is in the community interest to maximise the collection of Rates and Charges and to recover interest, costs and expenses where these are necessarily incurred by Council. However, Council recognises that the collection of all debt needs to be balanced with identification and consideration of individual cases of genuine hardship.

2. DEFINITIONS

LGA – refers to NSW Local Government Act 1993

Pensioner – an eligible pensioner as defined in Clause 134 of the Local Government (General) Regulations 2005

Application form – Council’s financial hardship application form for the purpose of applying for assistance under this policy

3. Debt Recovery Processes for Rates and Charges

3.1 The Rates Reminder Notice

A Rates Final Reminder Notice shall be issued in accordance with the debt management and hardship guidelines from the NSW Office of Local Government for those ratepayers who have not made previous satisfactory payment arrangements. The Reminder Notice will be issued 14 days after the

due date for outstanding debts greater than a materiality threshold set within Council's Debt Management Procedure. Conditions relating to payment arrangements include;

- a) Mutually suitable arrangements may be entered into with ratepayers requesting extensions to pay outstanding amounts under section 564 of the LGA.-Interest will continue to accrue on any arrears during the period of the arrangement.
- b) All requests for extensions or payment arrangements are to be made in writing or by completing Council's Application for Payment Arrangement form. Payments can be made either weekly, fortnightly, monthly or by other suitable arrangements.
- c) If the arrangement is in arrears for a period greater than 14 days, without prior notification, Council will contact the ratepayer in writing advising that legal action may commence as a result of the default arrangement.

3.2 Proceeding with Legal Action

- a) If Council receives no response from the debtor after the due date of the Rates Reminder Notice or as a result of a defaulted payment arrangement notification Council may commence legal action.
- b) Legal Action will commence for amounts set by Council's Debt Management Procedure. A 'Letter of Demand' will be issued to the ratepayer from Council's external debt recovery agent giving the ratepayer 7 days to respond.
- c) If payment in full or an arrangement for payment has not been received within 15 days of the sending of the 'Letter of Demand' then Council's external debt recovery agent may issue and serve a 'Statement of Claim'. The debtor may, within 28 days of the service of the Statement of Claim lodge a defence to the claim made by Council.
- d) If the debtor does not file any defence, pay the claim or make payment arrangement, Council's external debt recovery agent may apply for 'Default Judgment'. The Default Judgment may be recorded against the debtors credit file by a credit reporting agency and may affect their capacity to obtain credit or to refinance in the future. The Judgment is valid for 12 years.
- e) After obtaining Default Judgment Council may recover the debt via a 'Writ of Execution', a garnishee against the debtor's salary or bank account, or issue an Examination Notice/Order as well as Rent for Rates Notice.
- f) Bankruptcy proceedings are optional to Council, authorised only by the General Manager, at their discretion and will commence if previous action has secured judgement.
- g) Any legal expenses incurred by Council from the recovery of outstanding rates and charges awarded by a court can be charged against the debtor under section 550 of the Local Courts Act 1970.

3.3 Proceeding with Legal Action (Local Government Act)

- a) Pursuant to Section 712 of the Local Government Act, proceedings for the recovery of a rate or charge may be commenced at any time within 20 years from the date when the rate or charge became due and payable.
- b) All rates and charges payable by the same person, whether in respect of the same or of different land, may be recovered in a single action

- c) Section 605 of the Local Government Act 1993, allows Council to add to the amount of a rate or charge any reasonable out-of-pocket expenses incurred in tracing the person liable to pay the rate or charge.
- d) The Local Government Act 1993 allows further options for Council to recover outstanding debts.
- e) Section 569 allows Council the option to garnishee rent if the rateable property is let by the debtor to a tenant. A Notice must be served on the tenant under this Section before the garnishee can be attempted.
- f) Where rates have remained unpaid for more than 5 years, Council may under Section 713(1) sell the property for unpaid rates.

4 Debt Recovery Procedures for Sundry Debtors

4.1 Recovery action may commence when accounts are outstanding 60 days and over.

- a) All debtor accounts are strictly 30 days from the date of invoice.
- b) Payment arrangements may be made for the payment of sundry debtor accounts if requested. These debts will be paid under a suitable arrangement for a maximum period of 6 months
- c) Monthly statements are to be forwarded to debtors. Outstanding amounts of more than 30 days are to be regarded as overdue.
- d) Where amounts are outstanding for more than 60 days, credit will cease.
- e) If Council does not receive payment within 14 days after the issue of the monthly statement and the account is more than the threshold amount set within the Debt Management Procedure, Council will send a 'Letter of Demand' to the debtor.
- f) If Council does not receive payment within the 14 day period as stated on the 'Letter of Demand' legal action will be commenced. Legal action against Sundry Debtors will follow the same procedures as stated in this document under "3.2 Proceeding with Legal Action for rates".
- g) This policy will not apply to amounts due from Government Departments and such amounts shall be recovered by prompt action with the Government Department direct.

4.2 The Writing Off of Sundry Debtors

Section 610E provides for circumstances where a Council may waive payment of, or reduce an approved fee other than rates and charges. A record is to be kept of all bad debts write offs.

4.3 Special Circumstances

Where special circumstances exist, the matter is to be referred to the General Manager for determination.

5 Debt Recovery Process for Water Supply and Sewerage Charges

5.1 Water and sewerage accounts are issued on completion of the triannual water meter readings and are due 30 days after the date of issue.

5.2 A Final Reminder notice will be issued 14 days after the due date of the water usage account.

- a) If Council receives no response from the ratepayer after the due date of the Final Reminder Notice or as a result of a defaulted payment arrangement notification, Council may commence legal action. Legal action against Water Supply and Sewerage Charges will follow the same procedures as stated in this document under “3.2 Proceeding with Legal Action for rates”.
- b) Any legal expenses incurred by Council from the recovery of outstanding rates and charges can be charged against the debtor under the Local Courts Act 1970.
- c) All rates and charges (including water usage charges) payable by the same person, whether in respect of the same or of different land, may be recovered in a single action.
- d) The General Manager is delegated with the authority to approve the restriction and/ or disconnection of the water supply to premises that have ignored the notice of intent, or have not entered into and adhered to a suitable arrangement.

6 Hardship Consideration

Applications for Hardship Rate Relief must be submitted to the General Manager on the appropriate form under the provisions of Council’s Financial Hardship and Assistance Policy. Each application will be considered on its merits.

Documentation

List the name and document reference number of any other document referred to in this document, including any related policies and procedures

Financial Hardship and Assistance Policy

Debt Management Procedure

Reminder Notice

Application for Payment Arrangement

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



Title of Policy	SMRC [Financial Hardship and Assistance Policy]		
Responsible Department	Finance	Document Register ID	
Policy Owner	Chief Financial Officer	Review Date	March 2021
Date of Council Meeting	7 March 2019	Resolution Number	
Legislation, Australian Standards, Code of Practice	Local Government Act 1993 Local Government (General) Regulations 2005 (NSW) Civil Procedures ACT 2005 Office of Local Government – Debt Management and Hardship Guidelines 2018		
Aim	To provide financial assistance to ratepayers experiencing genuine financial hardship and to establish guidelines for assessment of hardship applications by applying the principles of integrity, fairness, respect and compliance to the relevant statutory requirements.		

1 POLICY

Council acknowledges that ratepayers may experience genuine financial hardship from time to time and as a result, may need assistance to meet their rates, charges and sundry debtor payment responsibilities. This policy establishes the circumstances in which financial assistance will be provided and the various types of voluntary financial assistance Council will provide to ratepayers, pursuant to provisions within the LGA.

2 DEFINITIONS

LGA – refers to NSW Local Government Act 1993

Pensioner – an eligible pensioner as defined in Clause 134 of the Local Government (General) Regulations 2005

Application form – Council’s financial hardship application form for the purpose of applying for assistance under this policy

Undetectable Leak – where water has leaked from pipeline breaks or connections in the ground, under slabs or within walls and the leak is not clearly visible by the owner. It does not include leakage from an appliance, water pump, hot water system, and irrigation system or rainwater tank.

3 Legislative Obligations and/or relevant standards

Sections 564,567 & 601 LGA.

4 Financial Hardship Assistance – Rates, Charges and Sundry Debtors

Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for assessment of hardship applications applying the principles of fairness, integrity, appropriate confidentiality, and compliance with relevant statutory requirements. It applies to all applications for alternative payment arrangements, or writing off of rates, fees, annual charges and interest accrued on such debts. Assessment of financial hardship is made internally following a set of guidelines and the completion of Council's 'Financial Hardship Relief Application Form'. Criteria for income and asset values shall be determined in accordance with the Centrelink 'Pensions - Income and Assets Test' as reviewed annually in September.

- a) Council may enter into a formal agreement with a ratepayer requesting an extension to pay outstanding amounts by periodical payments. Council or the ratepayer may initiate a proposal for a periodical payment agreement under section 564(1) of the LGA and in accordance with Council's Debt Recovery Policy.

- b) Council may write off or reduce the accrued interest on rates and charges if the person complies with the periodical agreement in accordance with section 564(2) of the LGA. When assessing the writing off of interest in accordance with section 564(2) the following circumstances should be considered:-
 - i) The ratepayer is experiencing genuine hardship and has completed Council's Financial Hardship Application detailing their income, assets and expenses.
 - ii) The ratepayer has previously had a good payment record.
 - iii) The ratepayer is a first time owner in Snowy Monaro Regional Council, and circumstances beyond the ratepayers control resulted in an incorrect address for the service of notices.
 - iv) Prolonged or serious illness of the ratepayer, or the immediate family of the ratepayer, the loss of employment, natural disasters or other extraordinary circumstances have led to the Rates and Charges becoming overdue.

If the ratepayer fails to make the periodical payment in accordance with the agreement, the payment plan may be cancelled. Full payment of the amount outstanding will be due immediately and the recovery of the debt will commence or continue as per Council's Debt Management Policy.

- c) Council may write off accrued interest on rates or charges payable by a person under Section 567 of "the Act" and the Local Government (General) Regulation 2005 where:
 - i) the person was unable to pay the rates or charges when they became due for reasons beyond the person's control, or
 - ii) the person is unable to pay accrued interest for reasons beyond the person's control, or
 - iii) payment of the accrued interest would cause the person hardship

Applications must be made on the appropriate form, Council's Financial Hardship Application form. Each individual case will be considered by the Council and on its particular merits and circumstances.

Upon application and in accordance with this policy, the General Manager or his/her delegate may waive interest charges in line with Council Delegations Register.

- d) Under section 577 of the LGA, in order to avoid hardship, Council may extend the pensioner concession to ratepayers who jointly occupy a dwelling and are jointly liable for the rates and charges as an eligible pensioner, if it considers it proper to do so.

5 Water loss due to circumstances beyond owners control

Refer to SMRC Water Pricing and Billing Policy

6 Support Services for Ratepayers

As Council staff are unable to provide financial advice, ratepayers should be referred to the following agencies:

Federal Government National Debt Helpline 1900 007 007 or visit (<http://www.ndh.org.au>).

State Government Law Access Service 1300 88 529 or visit (<http://www.lawaccess.nsw.gov.au/>).

Documentation

List the name and document reference number of any other document referred to in this document, including any related policies and procedures

Debt Management Policy

SMRC Water Pricing and Billing Policy

Financial Hardship Relief Application

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



Title of Policy	SMRC Water Pricing and Billing		
Responsible Department	Operations and Infrastructure	Document Register ID	
Policy Owner	Group Manager Water and Wastewater	Review Date	April 2021
Date of Council Meeting	6 December 2018	Resolution Number	553/18
Legislation, Australian Standards, Code of Practice	a) Local Government Act 1993 b) Water Management Act 2000 c) Local Government (General) Regulation 2005 d) Best Practice Management of Water Supply and Sewerage Guidelines e) Water Supply, Sewerage and Trade Waste Pricing Guidelines Note: The most recent edition of the above documents shall apply to the policy		
Aim	To provide appropriate pricing signals that enable customers to balance the benefits and costs of using the water supply services and promote efficient use of resources.		

1 Purpose

To implement Best-Practice water pricing tariff that is a cost-reflective two part tariff and involves pay-for-use pricing which complies with NSW Best Practice Management of Water Supply and Sewerage Framework encompassing IPART's 1996 Pricing Principles for Local Water Utilities, the COAG Strategic Framework for Water Reform and National Competition Policy.

To encourage all customers to use water efficiently and conserve water thereby resulting in reduced water bills and reduced impact on the environment.

To introduce appropriate pricing that reflects the cost of providing the service and to raise the annual income required for the long term financial sustainability of the water supply and sewerage business including investments in new and replacement infrastructure.

2 Policy Details

2.1 Water Pricing and Tariffs

Water pricing shall comprise of a two part tariff that meets Best Practice guidelines. The two part tariff consists of the following charges:

- a) **Annual Access Charge** and
- b) **Usage Charge** - A single step Charge per kL for annual water consumption.
- c) **The Access and Usage charge** shall be as stated in the annual Revenue Policy or the Annual Fees and Charges

In accordance with the Best Practice Pricing requirements, Residential and Non-Residential tariffs will be set as described in detail below:

2.1.1 Residential Customer's Water Tariff

Access Charge - The Annual Access Charge for residential customers will be a flat annual charge as set in the Revenue Policy for that particular year.

Usage Charge - The usage charge for residential customers shall be a single step charge. The charge per kL will be the charge as set in the Annual Revenue Policy or the Fees and Charges for that particular year.

2.1.2 Non-Residential Customer's Water Tariff

Access Charge - The Access Charge for non-residential customers will be based on the diameter of connection. In accordance with Best-Practice Pricing Guidelines, the Access Charge for non-residential properties shall be proportional to the square of the size of the water supply service connection and meter size. The annual charge will be the charge as set in the Annual Revenue Policy or the Fees and Charges for that particular year. The charge is determined by the following formula:

$$AC = AC20 \times D^2 / 400$$

Where:

AC = Customer's Annual Access Charge (\$)

AC20 = Annual Access Charge for a 20mm diameter water supply service connection

D = Diameter of customer's water supply service connection (mm)

Usage Charge - The usage charge for non-residential customers shall be a single step charge. The charge per kL will be the charge as set in the Revenue Policy or the Fees and Charges for that particular year.

2.1.3 Non-Residential Property – Fire Meters

- (a) No access charges shall apply to water meter connections required as fire meters for non-residential properties.
- (b) These meters must be dedicated for firefighting purposes only and should not have any consumption. If any consumption is noted the customer shall be informed that access and usage charges will apply if it is used for any other purposes.

2.2 Residential and non-residential strata, flats, dual occupancies and vacant properties.

Each Strata Title, Flat, Dual occupancy and vacant property shall be treated as a single assessment with a 20mm service connection and will be charged Access Charges.

Pursuant to S552 of the Local Government Act, all properties (including vacant properties) located within 225m of a water supply service shall be charged Access Charges.

The annual charge that will apply will be the charge as set in the annual Revenue Policy or the Fees and Charges in the Operational Plan for that particular year

2.3 Water Accounts / Water Billing

Water meters are read tri-annually around October, February and June of the financial year. Accounts are issued for the usage between readings. Each account will be calculated on the number of kilolitres (kL) passing through the relevant property's water meter. The charge per kL (1000 litres) is subject to annual review and is set in the Annual Revenue Policy or the Fees and Charges.

The Access Charge will be proportionally charged over the 3 billing periods. The Access charge is also subject to annual review and is set in the Annual Revenue Policy or the Annual Fees and Charges.

2.4 Water Accounts Applicable to Strata Properties / Rural Bulk Meters

The charging of strata properties and rural bulk meters shall be as follows:

- a) Reading of Main Meter/Parent meter only – When a group of strata units, flats, or dual occupancies are served by one parent water meter, Council will read the main parent meter only and all water that passes through this meter shall be billed to the Body Corporate / Owner
- b) It is the Body Corporate's responsibility to apportion the usage charges between the individual strata
- c) The Access Charges shall be billed to each strata owner individually.

2.5 Payments of Accounts and Interest Charges

Accounts must be paid on or before the due date or interest shall apply on overdue accounts as per Section 566 of the Local Government Act 1993. Recovery action in relation to overdue/outstanding accounts will be forwarded to Debt Recovery

2.6 Hardship Relief

Requests for assistance by ratepayers citing hardship shall be made in writing to the Council.

2.7 Pensioner Rebates / Donations

Other than the subsidy payable by the Office of Local Government, no other financial assistance shall be given to pensioners.

Water charges exemptions or reduction of charges shall not apply and any requests for a reduction of charges (eg. Patients on dialysis machines), shall be made to Council in writing and treated as a donation which will be reviewed annually.

2.8 Broken Meters / Non Recording meters

In the event of a water meter not operating or being broken at the time of reading, the charge for consumption will be calculated as follows:

- a) On the average pro-rata consumption for the previous three years for the relevant billing period eg. October, June or February readings.

2.9 Water loss due to circumstances beyond owners control

In situations where excessive water consumption has been incurred due to circumstances beyond the owner's control, such as broken pipes etc, Council will consider adjusting accounts on the following basis:

- a) The applicant lodges a written request detailing the circumstances
- b) Evidence is provided in writing from a registered plumber that the problem has been or will be rectified
- c) **Such adjustments will be on a "once only" basis**

Authority to be delegated to the General Manager to authorise such adjustments

The abovementioned refund will be applicable to **residential customers only**.

NOTE: Under S637 of the Local Government Act, a person who willfully or negligently wastes or misuses water from a public water supply is guilty of an offence and may be fined unless he/she is able to prove that the waste was not within his/her knowledge.

2.10 Water meter tests

Consumers concerned that they have been charged for excessive consumption will be encouraged to test for leaks before requesting a water meter test. Such a water meter test is carried out on payment of the prescribed fee and is fully refundable if a meter is found to register at a level of inaccuracy of 3% or more. The water account will be adjusted accordingly. The prescribed fee is in Council's Fees and Charges

2.11 Downsizing of water connections and replacement of meters

To avoid high cost of annual access charges, customers may choose to downsize the water connection size, if there is no hydraulic requirement for a larger diameter connection. Application for downsizing shall be made to Council in writing.

The application must include a certification from a hydraulic engineer that the downsizing will not affect the hydraulic capacity required by the customer including any fire- fighting capabilities if required for the property. Council will proceed with the changes to the connection on receipt of payment of the prescribed fee.

2.12 Additional water meter readings

Additional Meter Readings may be carried out as follows:

- a) Application for meter readings upon sale of property shall be made to Council on Councils application form for the issuance of a settlement payment. (Note: verification of the existing meter is required prior to payment of the fees. A fee is charged in accordance with Council’s Fees and Charges.)
- b) Any extraordinary meter readings for any other purpose will also incur the same fee even if a final bill is not required.

2.13 Education

Whenever suitable, information shall accompany water accounts that will clearly explain Council’s water charging policy and provide suggestions to assist people to conserve water. This information will also be available on Councils website.

Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

3 Version History

Date Published	Version	Detail reason for issue or amendments	Author/document Owner
07/06/2018	1	Adopted version	GBA
04/10/2018	1	Draft Proposed Revision	GBA
	2		

Strengthening local government

Office of Local Government

DEBT MANAGEMENT AND HARDSHIP GUIDELINES

November 2018



GUIDELINES UNDER SECTION 23A OF THE
LOCAL GOVERNMENT ACT 1993

DEBT MANAGEMENT AND HARDSHIP GUIDELINES

NOVEMBER 2018

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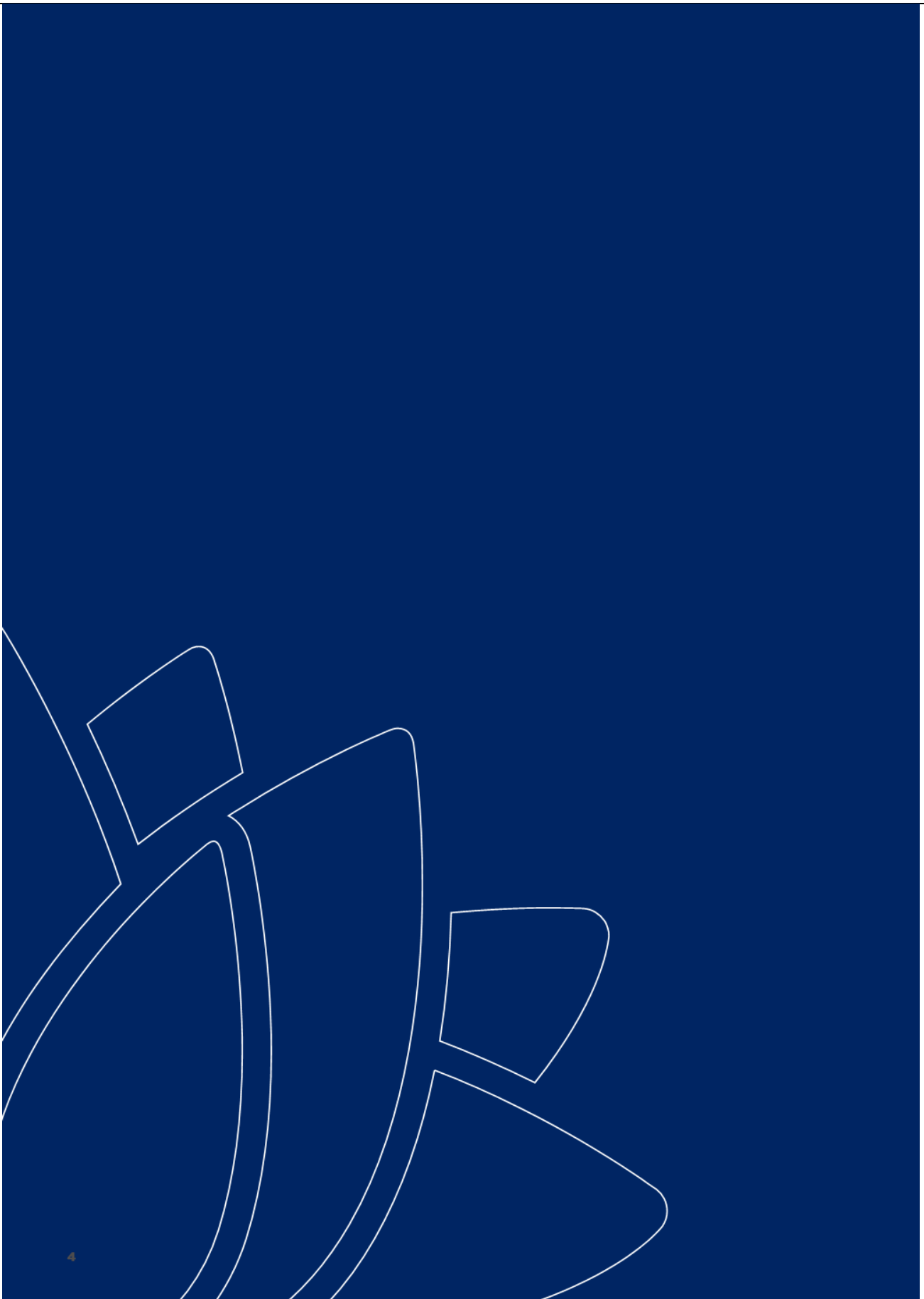
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Foreword

Council rates and charges fund a vast array of services, infrastructure and facilities that local communities rely on. It is therefore vital that councils have good policies and processes in place to ensure rates and charges are collected promptly, fairly and efficiently, while minimising the risk of debt from overdue payments.

Local communities expect governments, including councils, to have modern payment processes in place that best suit current day needs, including electronic payments of rates and charges and options to smooth out payments across the year for more substantial bills.

It is important for councils to recover debt from unpaid rates and charges fairly and equitably. Councils are encouraged to give special consideration for people facing hardship to limit unnecessary fees, interest and legal costs that can cause additional financial stress in difficult times.

To support NSW councils to develop and apply modern, fair and effective debt recovery and hardship policies and practices in line with the requirements of the *Local Government Act 1993*, the NSW Office of Local Government, in conjunction with the NSW Department of Justice, has published these section 23A Debt Management and Hardship Guidelines.

The Guidelines set out information that councils must take into account when developing and implementing debt management and hardship policies, as well as best practice examples of easy-to-follow communication, hardship assessment, early mediation and dispute resolution.

They should be implemented alongside appropriate financial management practices to enable councils to maintain financial sustainability and achieve financial performance benchmarks.

Tim Hurst
Chief Executive
Office of Local Government

Part 1:
Debt Management
and Hardship for
Local Government

1.1 Introduction

NSW councils collect rates and charges each year in line with the *Local Government Act 1993*. Councils receiving funds on time are in a better position to be financially sustainable and continue to deliver the services and facilities local communities need and expect.

Each council should adopt robust, fair and transparent policies and procedures outlining how they will communicate with ratepayers, collect monies owing, assess hardship claims and, where necessary, recover overdue payments to manage debt.

Good debt management by councils generally flows from having good rates and charges collection processes in place.

The Office of Local Government has worked with the NSW Department of Justice to prepare these *Debt Management and Hardship Guidelines*.

The Guidelines support councils to review and update existing debt management policies and practices to collect rates and waste charges, water and sewerage charges, and align them to best practice across the sector. They provide guidance on proactive measures councils can take to ensure prompt payment and minimise default, as well as how to follow up ratepayers and recover any debts incurred fairly and effectively.

When recovering debt, and at other times, councils must consider whether a ratepayer is facing hardship and the best way to support a person in hardship to pay their bills. Guidance on developing relevant hardship policies and procedures is also included.

Councils must take these section 23A Guidelines into account when exercising debt management and hardship functions or making relevant decisions. Debt Management and Hardship policies may be prepared separately or as a comprehensive article but must be integrated in their application.

Some helpful definitions for key terms in these Guidelines are set out at **Appendix A**.

1.2 Status and scope of Guidelines

The Guidelines are issued under section 23A of the *Local Government Act*. Councils must therefore take the Guidelines into account when implementing local debt management and hardship policies and/or procedures. They apply to all NSW councils, whether or not debt recovery functions are outsourced.

While the Guidelines have been developed with particular reference to collecting debts from individual ratepayers, much of the information will also be relevant to the collection of other debts, such as from businesses or other organisations.

Councils must always seek and be guided by their own independent legal advice on these matters.

The Guidelines have drawn on best practice material in a number of NSW council policies and the *Debt collection guideline: for collectors and creditors (Commonwealth, 2015)* and the *Debt Recovery Guidelines – Responsible collection of State debts: Guidelines for Revenue NSW to collect State debt* (Revenue NSW). Valuable and timely feedback from the Revenue Professionals and a number of its member council practitioners is also acknowledged.

1.3 Objectives

The Guidelines assist councils to develop policies and procedures that provide for:

- efficient and effective collection of council rates, charges and outstanding debt
- contemporary and flexible options to collect money from ratepayers
- fair and equitable treatment of ratepayers, including those facing hardship
- how to identify and work with ratepayers in hardship when collecting money
- reduced use of expensive court processes to recover debts
- improved financial sustainability of councils, including performance in managing outstanding rates and charges, and
- compliance with legislative requirements, including the *Local Government Act* and privacy laws.

1.4 Legal framework

The Local Government Act provides the legal framework for how councils set and levy rates and charges each year and recover debt from overdue rates and charges, including for waiving or reducing rates in cases of hardship. A best practice debt recovery summary flowchart is set out at **Appendix B**.

Rates and charges are set in a council's Revenue Policy as part of their Integrated Planning and Reporting requirements. Rates and charges are made by 1 August each year. Notices state rates owing, any arrears and interest, any postponed rates, amount due and date to pay. Notices also advise that interest accrues after the due date, at a daily rate set by council up to a cap set yearly under the *Local Government Act*.

Councils are permitted to agree to periodic payments of rates and charges, write off accrued interest and postpone rates payments. In extreme cases, councils may also sell land to recover unpaid rates and charges. Councils may also provide discount incentives for prompt payment in full, if desired.

Hardship provisions are stipulated to encourage councils to have fair and equitable policies in place to assess hardship claims, particularly for pensioners, and procedures that make it as easy as possible for ratepayers in hardship to pay.

The NSW Government encourages councils to incorporate modern and flexible periodic and electronic payment systems and other incentives to make it as easy as possible for ratepayers to pay promptly and to minimise the risk of debt.

Relevant legislative excerpts from the *Local Government Act* and a list of other relevant laws are at **Appendix C**.

1.5 Principles

The advice and options in this Guideline are based on best practice from across the local government sector, with reference to a set of guiding principles.

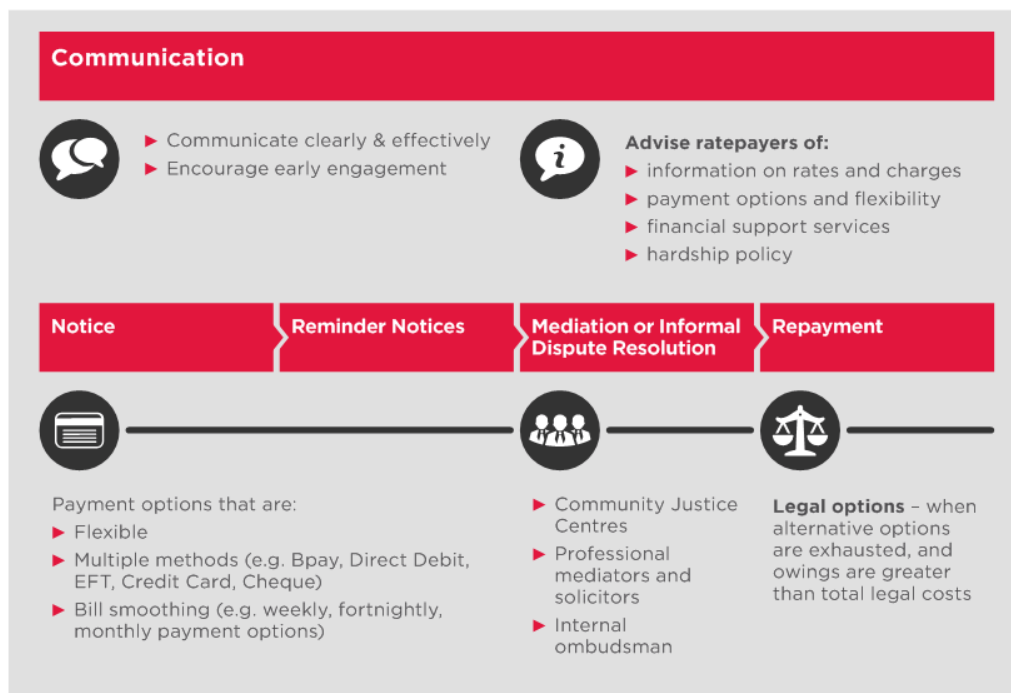
Councils should consider the following guiding principles in establishing or reviewing their own policies and practices to support effective debt management:

- **clear and accessible communication** – easy-to-understand information about rates and charges, how to pay, hardship, who to contact and the council's approach to overdue rates and dealing with hardship claims
- **local flexibility** – providing payment options and processes that meet local needs and the special circumstances of those facing hardship

- **fair, equitable and respectful treatment** – of all ratepayers, including respectful communication with those facing hardship
- **a 'stop the clock' approach** – to suspend debt recovery, legal action and interest accrual while a ratepayer's hardship application is awaiting determination, or while they are complying with an approved payment arrangement
- **informal action first** – timely action to prompt payments and communicate relevant information when following-up overdue amounts prior to taking formal action
- **minimise costs** – try to achieve payment without increasing ratepayer debts
- **maintain confidentiality and privacy** – information provided by applicants is treated confidentially and only used for appropriate purposes, such as to assess a hardship application
- **regular review of policies and procedures** – to identify good practice and areas for improvement, and
- **consistent debt management and hardship** approaches and policies.

1.6 Good practice summary flowchart

Figure 1 below summarises the good practice approaches to debt recovery and hardship taken by a number of NSW councils. These are further expanded on and explained in the following sections of the Guidelines.





Part 2:

Ensuring prompt payment

When ratepayers act and pay promptly, and when councils are fair and realistic, the need for debt management is reduced. Below are some practical ways that councils can assist ratepayers to act promptly to meet their financial commitments.

2.1 Information for ratepayers

Most ratepayers act responsibly if they are given enough information about the rates and charges they owe, as well as reasonable opportunity and flexibility to pay in an easy and timely way that takes their needs into account.

Councils should support this approach by ensuring that their policies and procedures:

- allow for alternative payment options including flexible payment arrangements before rates are due – for example, periodic payments (i.e. weekly, fortnightly, monthly or quarterly), and electronic payment options
- authorise council staff to make suitable payment arrangements with ratepayers that have not paid on time, such as a Time to Pay agreement
- include helpful information on rates notices to encourage ratepayers to contact council early if they may have difficulty paying, and
- encourage staff to refer ratepayers making enquiries to financial counsellors and other low cost support services.

Councils can take proactive steps to reduce overdue payments and support ratepayers experiencing hardship such as:

- promoting debt recovery and hardship policies
- developing clear, simple information, such as 'fact sheets' about rates and charges and options available to make sure they are paid on time

- translating material into other languages commonly used in their local area or including a list of local language services
- promoting flexible payment options in other communication materials, and
- improving access to policies, e.g. having key search terms to find them online (i.e. "debt recovery", "local government", "rates", "hardship").

Councils may also consider offering a discount on rates for ratepayers that promptly pay their rates in full under section 563 of the *Local Government Act*.

2.2 Rates and charges notices

Councils recover rates and charges owed by issuing a notice under section 546 of the *Local Government Act*. Information that must be included on rates and charges notices is listed in clause 127 of the *Local Government (General) Regulation 2005*.

Some ratepayers have difficulty navigating and understanding the complex and detailed information in rates notices. To support understanding and timely payments, councils should include in their policies and procedures how they will ensure notices have accurate, easy to understand and accessible information.

For example, while formatting is not prescribed, councils should design rates notices to be accessible and easy to understand. Councils with diverse communities should consider translating key information on rates notices into relevant languages.

Some important information to highlight prominently on, or with, notices includes:

- name of rateable person – every effort should be made to identify this
- the rate or charge amount due
- any outstanding rate or charge overdue and any interest charges
- when each payment is due
- payment options
- how to contact the council with any questions about the notice
- where to go for further information, such as a link to the council website, on:
 - a council's financial hardship policy
 - any English as a Second Language (ESL) services, and
 - local financial counselling services.

Good Practice Case Study

A number of councils are sending out a flyer with their rates notices to provide advice to ratepayers about what to do if they cannot pay on time.

2.3 Modern and flexible payment options

Ongoing advances in technology are making it easier than ever for councils to create easy payment options for ratepayers. Communities expect councils to provide modern and flexible options that support easy payment and take into account different needs and circumstances.

Electronic billing and payments

Electronic billing and payments help to make sure that bills are received and payments are made on time, including for ratepayers living or travelling outside the local government area, and allow ratepayers to schedule payments and avoid going in person to a council during regular work hours.

NSW council policies should enable ratepayers the opportunity to make payments electronically and enable ratepayers to enter into an agreement to receive their rates notices electronically (via email).

Periodic payments and payment smoothing

Most people need to budget in advance for significant annual expenses, such as rates, waste, water and sewerage charges, as well as other utilities and insurances.

Councils should provide flexible options to enable periodic payment as do most modern businesses and governments. This may include 'payment smoothing' to reduce the impact of large bills by spreading payments evenly out across the year.

Allowing ratepayers to make small, consistent payments helps councils obtain rates and charges on time and helps ratepayers manage their budget more easily. Councils should consider combining this with a direct debit option, potentially with a discount incentive, to create seamless, automatic payments.

Council should enable periodic payment options, including payment smoothing, to help ratepayers pay on time. This may be as frequently as monthly, fortnightly or weekly to balance convenience to ratepayers with what is practical for councils.

Section 564 of the *Local Government Act* enables councils to enter into agreements with ratepayers that allow periodic payments to be made, at the council's discretion.

Councils should consider preparing a template agreement to make it easier to provide this option to all ratepayers.

Centrepay

Centrepay is a voluntary way for people to pay bills directly from their Centrelink payments through regular automatic deductions.

Councils should consider using and promoting Centrepay to ratepayers as an easy way to pay rates and charges through regular deductions from Centrelink payments. There is no cost to the ratepayer and councils pay a small transaction fee based on an agreement negotiated with the Commonwealth Department of Human Services.

Benefits to councils include reduced administrative costs, a secure option that helps ratepayers on lower fixed incomes to automatically pay bills on time, and a reduced risk of overdue rates and charges and recovery costs. Further information is at: www.humanservices.gov.au/individuals/services/centrelink/centrepay

2.4 Contacting ratepayers, currency of contact details and privacy laws

Councils should include information in their policies and procedures about their approach to proactively contacting ratepayers to collect rates and charges and recover debt beyond the legal requirements to serve rates and charges notices under section 127 of the *Local Government (General) Regulation* (see **Appendix C**).

Policies and procedures should include information about:

- **reasonable and appropriate contact** – for the council to contact a ratepayer about rates and charges payments and any outstanding debt
- **ensuring contact details are current** – for what a council will do in this case, for example, if a rates notice is returned to the council
- **reasonable and appropriate follow-up** – to again contact a ratepayer
- **conduct towards a ratepayer** – in line with the law and the council's Code of Conduct and including respect and courtesy as well as protection from misleading, humiliating, intimidating, demeaning or abusive conduct
- **how information will be used and confidentiality and privacy will be maintained**, and
- **strategies for dealing with inappropriate behaviour from ratepayers** – potentially including training, escalation of matters to be handled by senior staff and ceasing contact in extreme situations.

Councils, or their debt recovery agent if this function is outsourced, should proactively update contact details and contact ratepayers about rates and charges owed, and outstanding debts while maintaining confidentiality and meeting privacy protection laws.

Councils should consider reviewing their Privacy Management Plans and Privacy Notification/Consent Forms to ensure they have resident and ratepayer permission to share personal information between internal business units of the council for general administrative purposes, including the collection of rates and charges.

Taking a proactive contact approach will help resolve payment issues and outstanding debt quickly and cheaply with little adverse impact on finances and ratepayers.

Appendix D to this Guideline provides further detail about best practice on contacting people to recover debt based on other relevant debt recovery guidelines.

2.5 Payments by pensioners

Under the *Local Government Act* eligible pensioners are currently entitled to a \$250 discount on their annual rates and domestic waste management service charges, as well as an \$87.50 discount on each of their annual water and sewerage charges in NSW, with the subsidy cost shared between the NSW Government (55%) and councils (45%).

Councils can choose to provide and meet further pensioner discounts on these rates and charges for hardship or in certain circumstances (s575).

The Local Government Act outlines separate requirements and flexibility for pensioners in relation to overdue rates and charges which councils must consider when adopting local debt management and hardship policies. Councils should balance the need to ensure financial sustainability with factors such as local socio-economic conditions and social justice principles.

Strategies councils should consider for pensioners include:

- working to achieve payment through informal means
- actively promoting flexible payment options, such as time to pay (s564)
- mandatory review before commencing legal action to recover debts
- deferring rates payments
- writing off debts (s582 and 583), and
- considering individual circumstances of pensioners.

These strategies are also relevant for other ratepayers.

Further information about pensioners is under **section 3.4** and **section 4** of these Guidelines.

2.6 Measuring council performance

Councils should monitor and report on their financial performance to ensure they are financially sustainable. This reporting provides each council with a means to check how they are going over time and identify areas where further attention is needed.

A key indicator of council financial performance is outstanding rates and charges. For this purpose, these payments are outstanding if they have been overdue for at least 30 days.

The local government performance indicator for outstanding rates and charges is presented as a ratio. This ratio reflects the impact of uncollected rates and charges on liquidity and the efficiency of council's debt recovery practices by comparing outstanding amounts to the total amount of rates and charges levied by each council.

The Office of Local Government has set councils a performance benchmark of:

- less than 5% for councils in city and coastal areas, and
- less than 10% for other regional and rural areas.

In 2016-17, outstanding rates and charges for NSW councils ranged from 1.1% to 35.7%, with outstanding amounts owed ranging from \$140,000 to \$25.98 million. The figures clearly show that, while some councils are meeting their performance benchmark, others are not.

Councils should regularly check the total value of outstanding rates and charges as well as their performance against the State-wide performance indicator.

Part 3:
Recovering debts fairly
and effectively

Councils and communities rely on rates and charges to fund vital local services and facilities. Councils need effective debt recovery policies in place to recover rates and charges in a timely way to ensure they remain financially sustainable and able to continue to deliver quality services.

However, from time to time some ratepayers will face difficulties, such as loss of employment or illness, and councils need to take a fair and flexible approach to managing their debts.

To balance these considerations, councils should have policies that first seek to recover outstanding payments using a fair and effective process that promptly determines how each debt will be paid outside a formal court process. This minimises overall costs to the individual ratepayer, who may already be facing difficulties, and cost to the community.

Council Activity in the NSW Local Courts

In 2013 NSW councils filed 34,098 actions in the Local Court. Of these claims, around 95% were for unpaid rates and charges. The average claim was \$1,600 and over 80% were for less than \$2,000. Almost 70% of these matters settled, were paid or written off by councils prior to judgement.

In around 27% of these matters the ratepayer did not file a notice of defence in the court action. This means that these ratepayers were either not aware of the proceedings, did not understand the court process, were not willing to make a response to the claims, or were unable to seek representation.

3.1 Debt management options

Each council should determine how best to resource their debt collection and recovery role based on local circumstances and need.

While some councils undertake this role in-house, others engage professional businesses or debt recovery agents.

Agents acting on behalf of councils do so under express or implied authority. The council is ultimately liable for the agent's actions in recovering debt and the debt management process, as for any in-house debt recovery process.

Where councils choose to outsource debt collection and recovery, they should have appropriate contracts and operations in place that take into account **sections 2.4** and **3.2** of these Guidelines and the following principles:

- **contacting ratepayers** – this should require clear, fair and efficient processes to identify, locate and contact ratepayers to recover debt
- **provision of information and documents** – this should facilitate prompt and efficient processes for agents relaying requests to the council, and for councils to respond to those requests, and for collection activity to be suspended at times when it is arranged for the council to respond directly about account information or documents

- **conflicts of interest** – this should require any conflicts to be identified, declared and managed, including circumstances where the same business is performing other work for the council and/or is representing council in any subsequent legal action
- **personal conduct** – this should require agents to approach ratepayers with respect, courtesy and discretion
- **pensioners and others facing hardship** – this should set out special requirements for how these ratepayers are to be assessed and managed to meet council's legal obligations and policies
- **use of alternative resolution options** – this should set out the council's requirements around attempting to resolve matters informally before filing in court and/or to follow certain dispute resolution guidelines or procedures, and
- **confidentiality and privacy** – this should set out how personal information must be managed, including limiting provision and use of information.

3.2 Reminder notices and payment arrangements

Even councils that proactively use best practice to support ratepayers to pay rates and charges on time will have some outstanding payments to manage each year.

Councils are required to issue an annual rates and charges notice and reminders of each quarterly instalment one month prior to the relevant due date.

If a rates instalment is overdue, councils should issue ratepayers with a reminder notice, advising that full payment is required by a stipulated due date, unless a payment agreement has been made or a deferred payment has been approved.

Where contact details are out of date or rates notices are returned to the council, there is little advantage in issuing multiple reminder notices. In this case, councils should make attempts to obtain current ratepayer contact details. See **Appendix D** for information about how some councils achieve this.

Payment arrangements and repayment negotiations

Generally, if a ratepayer fails to meet two payment arrangements, councils issue a reminder notice advising that full payment is required within the date specified, after which debt recovery action will commence.

Councils are encouraged to work with ratepayers by taking a flexible and realistic approach, such as by:

- making reasonable allowances for ongoing living expenses
- considering if the ratepayer is on a fixed low income (for example a disability pension or other welfare payments) and prospects of future income, and
- any other debts owing to different creditors.

Under no circumstances should councils provide ratepayers with financial advice. Any repayment arrangement reached should be fully and accurately documented and a copy provided to the ratepayer.

Where this prompts a ratepayer to reveal financial or other difficulties preventing payment, councils should follow special policies and procedures to assess and deal with hardship, as discussed in **Section 4**.

Council policies and procedures should include information about how best to deal with non-payment.

*Councils should consider checking currency of contact details at the reminder notice stage, if they appear out of date, and how best to bring the notice to the ratepayer's attention (see also **section 2.4 and Appendix D**).*

Some councils offer prominent 'Change of Name' and 'Change of Address' services online for ratepayers and regularly undertake electronic ratepayer contact detail updates.

Office of Local Government

Councils should develop a template reminder notice for overdue payments including:

- amount owing and date on which payment was due
- any interest charges that apply, or will apply, under the Act
- advice that the ratepayer should contact council immediately to discuss an alternative payment arrangement if unable to pay in full
- contact details to discuss the debt
- advice that the council officer will be respectful, courteous and discreet when working with the ratepayer to resolve the matter
- notification that, if payment is not made, council will first seek resolution through internal dispute resolution but may need to resort to legal proceedings
- notification that all legal costs and expenses incurred in recovering rates will be charged against the property under the Act
- advice where to find further information about local support services, including free legal advice or financial counselling
- confirmation that council may agree to a payment arrangement before or after legal action has commenced but may continue legal action if the ratepayer does not comply with their arrangement with council, and
- notification, if relevant, that the ratepayer will be listed on the Credit Reference listing by credit bodies if payment is not made by a certain date.

If a ratepayer does not pay by the date on the reminder notice, council should consider issuing a final notice or letter of demand before taking legal action. Council should again try to find current contact details prior to sending the notice.

The final notice should repeat the reminder notice information, refer to the previous reminder notice and confirm that council will take further action without notice unless payment is made or the ratepayer negotiates an alternative arrangement with council.

3.3 Counselling, mediation and informal dispute resolution (IDR)

Local court data shows that councils file many claims for small debts at a much greater rate than State and Commonwealth governments, electricity and water providers combined. This results in unnecessary time, cost, use of court resources and stress on ratepayers. It can also indicate poor debt management practices.

Council should let ratepayers know about legal and financial counselling options, as well as any mediation or dispute resolution processes in place to help resolve issues.

Importantly, if a ratepayer is actively participating in a dispute resolution process, has made an application for financial hardship that has not yet been determined, or is complying with a payment arrangement made with a council in good faith, any action to sell the debt, retrieve the debt or start legal proceedings should be suspended (and then only be commenced if liability is confirmed).

Any business or agent acting on the council's behalf must also be aware of the council's policy in relation to mediation and dispute resolution. Further detail about different levels of mediation and dispute resolution is below.

Referring ratepayers to legal and financial advice

Councils can outline options for ratepayers to access support services to help resolve legal or financial issues and/or negotiate arrangements to manage debt. This will be mutually beneficial as it may result in an early agreement about payment arrangements.

Community legal centres and financial counsellors assist people resolve debt issues by providing free, tailored expert advice. Solicitors from these centres or Legal Aid can provide legal advice and assistance to ratepayers.

Financial counsellors provide a mix of social, financial and paralegal advice and advocacy on debt issues. Assistance can include:

- assessing whether or not the debt is legally owed
- advice around protected income and assets (in broad terms, where a ratepayer's sole income is social security and they have only basic household assets, a creditor may be unable to enforce a debt against them), and
- advice about budgets, options for reducing expenses and possible debt repayment strategies, and
- negotiating with other creditors to free up income that can assist people to pay rates and other essential charges.

Support services councils should refer ratepayers to

*www.moneysmart.gov.au/managing-your-money/managing-debts
Financial Advice, including financial counsellor search function*

*www.legalaid.nsw.gov.au/get-legal-help/find-a-service
Legal Aid service (Legal Advisers)*

*Community Legal Centres in different local government areas:
www.clcnsw.org.au/find_legal_help*

Mediation, negotiation and informal dispute resolution (IDR)

Mediation or informal dispute resolution is a quick, cheap, flexible and confidential process. It can help preserve business or personal relationships.

Mediation or informal dispute resolution is a key option to support councils to reach a payment arrangement with a ratepayer and many councils report high success rates using this. This should occur before any legal action is commenced. It may also occur during resolution of a legal claim or after a court has made a judgement.

Council policies should include Informal Dispute Resolution options. Timely mediation to resolve debt informally, prior to filing in court, benefits both councils and the ratepayers. It is effective and efficient best practice.

Options for mediation and informal dispute resolution differ across NSW and include:

- **Community Justice Centres** – these centres provide free, community mediation services and can assist with many disputes, including debts
- **Professional mediators and solicitors** – a list of people able to assist at cost is available through the Law Society of NSW and District Court of NSW – this is usually only appropriate for larger outstanding debts, and
- **Internal Ombudsmen.**

3.4 Specific considerations for pensioners

Where a ratepayer that owes council a debt for rates and charges is a pensioner, additional options for support and flexibility may exist.

Councils should bring these options to the attention of ratepayers as soon as possible to minimise further costs accruing to those ratepayers and should set out in their policies and procedures how pensioner matters will be handled and relevant factors to consider in assessing applications.

For further information about pensioners refer to **Section 4** of these Guidelines.

3.5 Water and sewerage charges

Like rates and waste charges, councils levy ratepayers for water and sewerage services council provides. To the extent possible, the overall debt collection and recovery process should be consistent with the recovery of rates and charges.

Also like for rates and waste charges, pensioners are eligible for a discount on their water and sewerage charges.

While some special considerations apply to collecting these charges and responding to overdue payments, councils should also ensure they have appropriate policies and procedures in place to manage non-payment for water and sewerage charges.

Notifying ratepayers and occupiers

Particular considerations that should be included as part of these policies will apply where council may consider restricting water supply due to non-payment.

Councils should be aware that:

- a decision to restrict water supply must be consistent with the *Local Government (General) Regulation* and allow sufficient water use to maintain personal hygiene
- if payment is not made after a reminder notice is issued, council may choose to issue a notice of Intention to Restrict Water Supply
- notices should advise what action will be taken and a time period set by council, together with other matters usually set out on a reminder notice for rates
- notices should be sent to the legal owner of the property affected at his or her last known address and a copy sent to the 'Occupier' at the property address
- if council receives no response to a Notice of Intention to Restrict, a further Water Restriction Notice should be served on the occupier, and, the property owner at their last known address. This further notice should state when service will be restricted, at least 7 days from the date of the notice
- arrangements for payment should not be entered into directly with tenants
- if payment is not received and a restrictor is installed, a notice should be given to the occupier advising that water supply has been restricted or, if that is not possible, left at the property address, and
- the final notice should state that water supply will not be restored until payment is made, including a reconnection fee.

3.6 Writing off debt

If a debt cannot be recovered, or a council chooses not to take any further action, outstanding debts should be settled, where legally allowable.

One option is to reduce or write-off an outstanding debt. This can happen before, during or after any legal action is commenced, and may include:

- rates and charges in certain circumstances – clause 131 *Local Government (General) Regulation*
- accrued interest – s.567 *Local Government Act*
- pensioners' rates and charges – s.582 and 583 *Local Government Act*, and
- sundry fees and charges – s.610E, *Local Government Act* (after public notice).

Further information about the procedures for these actions is set out in the [Council Revenue and Rating Manual](#).

Bad debts may be written off by a General Manager with delegated authority. For example, an elected council may resolve that the General Manager can write off debts below a certain amount or in specific circumstances without council resolution in accordance with the *Local Government Act*, such as in cases where it is believed that an attempt to recover the amount would not be cost effective.

3.7 External Dispute Resolution options

Businesses in many industries belong to an external dispute resolution (EDR) scheme. Specialist collection and debt purchasing agencies may also decide to join a scheme. At times, these schemes can help to resolve disputes that are unable to be resolved through the council's internal or informal dispute resolution processes.

Some councils are members of the Energy and Water Ombudsman scheme (EWON). Councils may wish to consider joining such a scheme for water charges. Further information is available at: www.ewon.com.au/.

The benefits of external review are that it provides an independent and transparent process to present a case, explain decisions and often resolve issues before the need for court action. It can also inform continual improvement in council policies and procedures.

Council policies should specify any circumstances in which outstanding payment issues are to be elevated to more formal dispute resolution processes.

3.8 Legal options

While there are a number of local government court claims for unpaid rates in NSW each year, only 0.1% go to a final hearing. Almost all disputes are resolved through negotiation or other informal dispute resolution processes prior to judgement, and this is often required before a claim can be heard.

Court claims dealing with unpaid rates and charges can waste time, resources and cause unnecessary stress to ratepayers. Excessive court claims by councils can be a sign of poor debt recovery practices.

Councils should take legal action in court as a last resort rather than a matter of practice. This should only occur if an informal payment arrangement with a ratepayer is not successful, a ratepayer breaches an existing payment arrangement or a ratepayer has a long history of not paying rates and charges.

In considering whether to commence legal proceedings, councils should also consider the amount of a debt, how overdue it is and action taken to date. Special considerations may apply if the ratepayer is a pensioner, has a mental illness, is in hardship or otherwise requires assistance to defend a legal claim.

Councils should develop and apply a set of principles or criteria as part of their policies to assist in their decision about whether to proceed with legal action. This could include whether the ratepayer has:

- attempted to contact council or make instalments
- previously failed to pay their rates
- complied with any alternative arrangements to make payments
- more than one rates instalment outstanding, and
- participated willingly in mediation or other attempts to settle the debt.

Filing in court

Only when other options are exhausted – and a council determines the next best option is to file in court – councils may use the NSW Department of Justice Online Registry to file forms including Statements of Claim and applications for default judgement. This may reduce the need to engage agents to file matters for councils. Further information is at: onlineregistry.lawlink.nsw.gov.au/content/.

NSW Government Civil Justice Strategy

The Department of Justice is developing a new Civil Justice Strategy that places a strong emphasis on dispute resolution prior to filing in court, particularly by State agencies and councils. This strategy recognises that more than 95% of court matters settle before final judgements and that the formal justice system should be involved in civil matters such as outstanding debts only where necessary.

Statements of Claim

Councils can recover debts in the Local Court for up to \$100,000. A flowchart of the debt recovery process is at **Appendix B**. The Small Claims Division handles debts up to \$10,000. This provides a lower cost process with less formality, less technicality in proceedings and fewer rules of evidence. Costs that can be awarded are therefore capped to a fixed amount. Most matters are usually dealt with by court assessors rather than magistrates.

Court orders and recovery action

The court may order that a ratepayer owes a council a debt. If not paid, the council or agent may take recovery action. This should only be authorised by a council officer with appropriate delegation. Council policies that contemplate legal action should provide guidance about how to choose an appropriate course of action such as an examination summons or garnishee order. Councils should only ever choose options that are commensurate with the nature of the debt owed.

Sale of land for unpaid rates

Under Chapter 17, Division 6 of the *Local Government Act*, councils are able to sell land to recover rates and charges in certain circumstances where the debts have been outstanding for more than five years. Councils should only resort to this option as a last resort, particularly where a ratepayer lives on the property and the debt owing is a small amount. Councils should be guided by sound policies and procedures if taking this action.

If a property is sold and the amount received by council is less than the outstanding rates and charges, the council should consider the debt paid in full as per Section 719 of the *Local Government Act*.

If the amount received is more than the amount outstanding, the council will hold the money for persons having estates or interests in the land immediately before the sale according to their respective estates and interests.

Section 720 of the *Local Government Act* provides for councils to pay the balance of the purchase money or any part of the balance to or among the persons who are, in its opinion, clearly entitled to it. Receipt by the person of any payment made under this section is an effectual discharge of the council's liability.

Part 4:
**Ensuring hardship is fairly
and effectively assessed**

Councils should act proactively, fairly, realistically and flexibly when they think a ratepayer may be experiencing hardship. They should also take into account the individual circumstances causing hardship. This will better ensure that the ratepayer is supported to meet their financial commitments.

Councils should ensure hardship information is easily accessible and understandable to ratepayers.

Councils should ensure that their hardship and debt management policies and procedures are integrated well, even if they are written as separate policies.

4.1 Understanding hardship

Hardship is difficulty in paying debts when repayment is due. Any person who cannot pay their rates or charges due to hardship can apply to council for assistance at any time. Ratepayers should be encouraged to seek assistance from the council as soon as practical. The council should then consider each case on its merits.

Short term hardship can arise from a temporary change in circumstances:

- Loss or change in income
- Illness
- Loss arising from an accident
- Natural disaster or emergency situation
- Death in the family
- Separation, divorce or other family crisis
- Family violence, and/or
- Some other temporary financial difficulty due to loss of income or increase in essential expenditure.

Many of the principles, policies and processes that apply to debt management, as outlined in the earlier sections of these Guidelines, also apply to hardship. Below is additional information that councils should take into account when preparing and implementing hardship policies and procedures.

Long term hardship can arise from any of the reasons listed above, or it can relate to the problem of managing living costs with a low or fixed income such as a pension or superannuation payment.

4.2 Clear and upfront communication with ratepayers about hardship

As for debt management generally, councils should adopt and widely communicate local hardship policies and procedures in an easy to understand and accessible format. This should include having fact sheets, forms and other information on the council's website.

Where possible, councils should include information about language services to support the hardship claim process.

Councils should additionally define and clearly communicate financial support contacts, or information about where contacts can be found, as part of their debt management and hardship communication strategies. Key contacts could include:

- Financial Counsellors Association
- Financial Rights Legal Centre
- Mortgage Hardship Service
- National Debt Helpline, and/or
- any other relevant services in the local area.

Councils should clearly communicate key sections of their debt management and hardship policy to ratepayers, including alternative payment options available to ratepayers (**section 2.3**), privacy provisions for ratepayers engaging with council (**section 2.4**), and arrangements for pensioners (**section 2.5** of this Guideline).

4.3 Assessing applications for hardship assistance

Councils should have information in their policies and procedures about how they will consistently assess hardship applications.

Resources, such as hardship factsheets and application forms, should be easily accessible on the council website to allow ratepayers to make an application. Information should include a contact point in the council for any queries a ratepayer has. Applications should be able to be submitted by the ratepayer or by another person on their behalf.

How applications may be assessed

As each local community is different, councils should develop a methodology for assessing hardship based on local circumstances. Applications may be assessed by the council or a delegate (e.g. a Hardship Committee or council employee). Factors to be considered may include, but are not limited to, whether the ratepayer:

- has provided appropriate evidence of financial and/or other hardship
- receives Centrelink benefits
- receives other benefits (e.g. emergency relief funding)
- whether the applicant could be considered in acute financial hardship, for example, if an individual earns below 75% of the minimum [weekly wage](#)
- is experiencing domestic or family violence involving financial abuse
- has been referred by an accredited financial counsellor, welfare agency or legal assistance service, or
- has a payment history that indicates they have difficulty in meeting payments in the past.
- has appropriately completed a hardship application form (if required).

Councils may wish to consider best practice hardship processes of peer councils and/or talk to Legal Aid NSW or local financial support agencies when developing their hardship assessment processes.

Capacity to pay

An individual's capacity to pay should be assessed as part of this process. The payment amount and/or payment plan should take into account and reflect a ratepayer's personal circumstances including, but not limited to:

- the ratepayers total disposable income and current financial commitments
- the number of children and/or dependents of the ratepayer, and/or
- advice from an accredited financial counsellor.

Financial hardship and council assistance

There are several ways the council may help a ratepayer who is experiencing financial hardship including, but not limited to:

- a payment plan or agreement (s564 of the *Local Government Act*) so that rates and charges (whether overdue or not) are paid on a weekly, fortnightly or monthly basis
- interest may be waived or reduced for a set period of time
- a pensioner rebate (additional to the legislated rebate) may be given
- interest, rates or charges may be written off, waived, reduced, or deferred for eligible applicants (s564, s577, s601 *Local Government Act*).

When a payment plan is being arranged, the delegated council officer should work with the applicant to ensure the plan is realistic in terms of the applicant's capacity to pay.

When a payment plan is agreed the applicant should be given written notice of:

- how long the plan will last
- the amount of each instalment payable under the plan
- the due date of each instalment
- what action the council will take if the applicant misses a payment
- who to contact if the applicant's circumstances change, and
- details of any payment deferral options (e.g. s601, *Local Government Act*).

Penalty interest charges may normally be written off or reduced if:

- if the applicant complies with their payment plan, or
- if the applicant is a 'first time' defaulter with a good payment history and there are mitigating circumstances.

Hardship application decisions and appeals

The council, or delegate deciding hardship applications, should generally make a recommendation to the General Manager about whether or not to grant hardship. The General Manager would then make a decision.

The applicant should be informed of the General Manager's decision in writing within a reasonable timeframe after making the application (say 14 days) and should be given reasons for the decision.

If not satisfied with the outcome, the applicant should be able to appeal the decision, potentially to the elected council. Any hardship request considered by the elected council should be done at a closed meeting.

Length of payment arrangements

Any form of assistance provided under a local debt management and hardship policy may be for 6 months, 12 months, or a period agreed to between both parties. A further application for hardship consideration may be made after this period.

Cancelling hardship arrangements

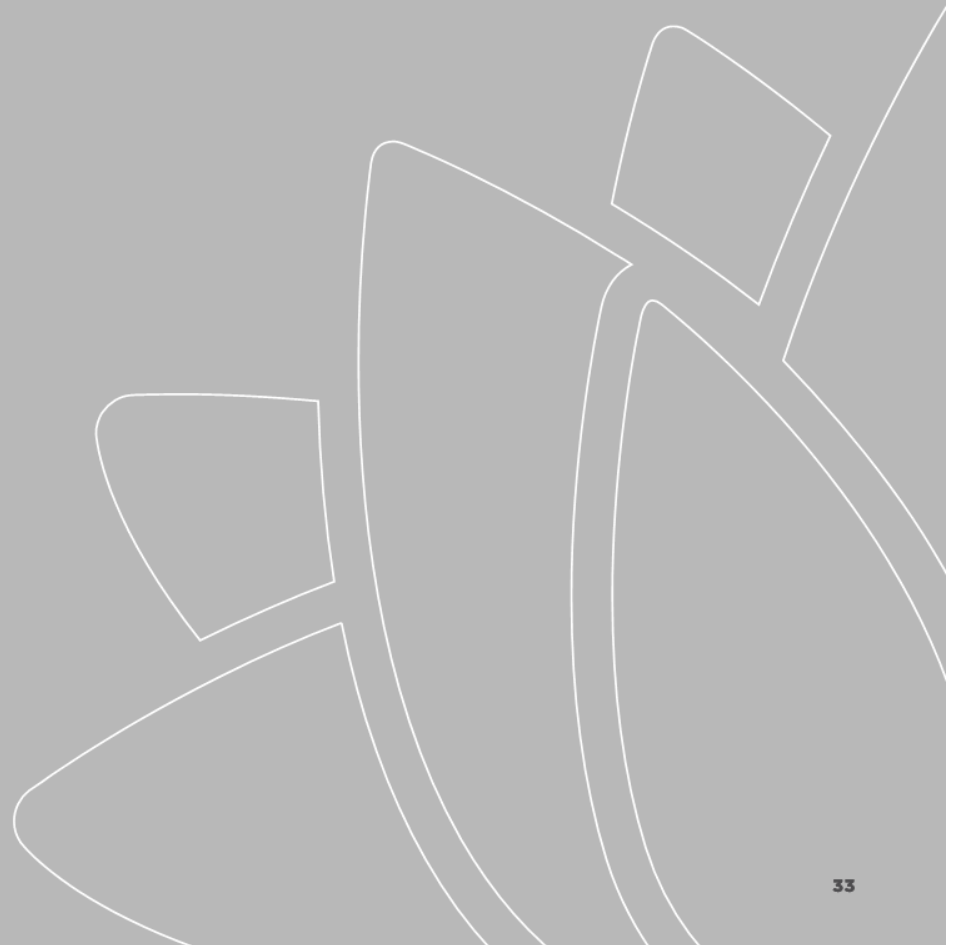
A hardship arrangement may be cancelled if the ratepayer:

- fails to comply with their payment plan
- no longer owns the land
- advises the council that financial hardship no longer applies, or
- provides false or misleading evidence of financial hardship to council.

Where a ratepayer fails to comply with their payment plan or contact the council about failing to pay, council should send a reminder to make a payment or contact the council.

If the ratepayer does not respond within an appropriate timeframe, say ten business days, and the council determines the payment plan is unlikely to be met, the payment plan may be cancelled and this decision communicated to the ratepayer in writing. The ratepayer's debt would then become subject to the normal debt recovery processes of the council.

Relevant checklists are in **Appendices E** and **F**.



Appendices

Appendix A

Definitions

Term	Definition
Agent	A person who has the express or implied authority to undertake collection activity on behalf of a council in circumstances where a debt has not been sold or assigned
Authorised representative	A person such as a financial counsellor, solicitor, financial advisor, carer, trustee or guardian who has been authorised by a ratepayer to act on their behalf
Capacity to pay	A payment amount or plan that takes account a ratepayer's personal circumstances including, but not limited to: <ul style="list-style-type: none"> a) total disposable income and current financial commitments b) number of children and/or other dependents of the ratepayer, or c) advice from an accredited financial counsellor
Costs	Amounts incurred by a council in recovering overdue debts (e.g. Court, interest and professional costs) which can be legally recovered from the ratepayer
The Council	The elected representatives, or councillors, who form the governing body of a local council.
Council policy	Policy created and approved by the General Manager of a council and/or the elected body
Credit listing	The listing of an unpaid debt on a person's credit report
Credit report	Any record or information that: <ul style="list-style-type: none"> • is being or has been prepared by a credit reporting agency • has any bearing on an individual's <ul style="list-style-type: none"> - eligibility to be provided with credit - history in relation to credit, or - capacity to repay credit, or • is used or has the capacity to be used as a factor in establishing an individual's eligibility for credit.
Debt collector	A person collecting a debt in the course of a business, including councils, agencies collecting a debt on a council's behalf and independent collection agencies
Debt Recovery Procedure	A council procedure that defines the processes to implement to meet the objectives of a council's debt recovery policy
Default Judgment	In cases where the ratepayer does not respond to a Summons issued to them, the Court may make a default judgment whereby it will make a decision without having the matter heard in Court
Financial counsellor	A person who provides information, support and advocacy to assist people in financial difficulty

Term	Definition
Garnishee	Legal document issued by the court ordering third parties who hold funds on behalf of the defendant (eg. an employer) to pay funds to a council. Garnishees can be issued against a defendant's wages, bank accounts or other third party holding funds on behalf of the defendant.
Hardship	Hardship is any situation where an individual is having difficulty paying legally owed debt. This can result from life changes (for example, because of illness, unemployment or changed financial circumstances) restricting the short-term capacity to pay
Judgment debt	A debt confirmed by an order or judgment of a court
Notice of Demand	Demand letter from a council or a council's legal recovery representative issued in accordance with the Australian Competition and Consumer Commission and the Australian Securities and Investments Commission guidelines
Penalty interest	Interest raised in accordance with the <i>Local Government Act</i> and as adopted by a council in its Revenue Policy
Pensioner	An eligible pensioner as defined in clause 134 of the <i>Local Government (General) Regulations 2005</i>
Rateable valuation	Land value used for rating purposes i.e. net of allowances allowed by the <i>Valuation of Land Act 1916</i> and s.585 <i>Local Government Act</i>
Reasonableness	Assessed according to an objective standard, taking into account all relevant circumstances
Rent for rates	Section 569 of the <i>Local Government Act</i> allows a council to order tenants of properties with overdue rates to pay rent to a council in lieu of unpaid rates, under specific circumstances
Sale of Land	In accordance with s713 of the <i>Local Government Act</i> , a council has the authority to sell land which has any unpaid rates or charges for more than 5 years, or 1 year for vacant land, where the owing debt exceeds the land valuation
Write off	The accounting procedure for cancelling a debt that is no longer collectable resulting in its removal from the ratepayer's balance sheet account

Appendix B

Debt recovery process flowchart

	Debt recovery process	Council / delegated authority	Debtor
1	Rate and charges notice s546 Act 1 August	<ul style="list-style-type: none"> Flexible payment options Financial hardship policy Debt recovery policy Debt communication 	<ul style="list-style-type: none"> Contract Council Ensure contract details are correct Payment of Council debt <ul style="list-style-type: none"> Fixed Flexible Apply for hardship arrangements
2	Rate and charges instalment notice s546 Act 30 days		
3	Notification of outstanding debt 14 days	<ul style="list-style-type: none"> Confirm debtor contact details are correct Debit review Early dispute Resolution (EDR) Financial Counsellors 	<ul style="list-style-type: none"> As above Payment of council debt, via agreement
4	Final reminder notification 14 days	<ul style="list-style-type: none"> As above Develop payment agreement Defer payment requirements, s576 Write off interest, s/ debt, s582 Refer for legal action if not paid Sale of land, s713 	<ul style="list-style-type: none"> As above
5	Statement of claim 14 days	<ul style="list-style-type: none"> Debt review File claim Process claim Report 	<ul style="list-style-type: none"> As above
6	Notice of motion default judgement 14 days		Quarterly payment by: <ul style="list-style-type: none"> 31 August 30 November 28 February 31 May
7	Recovery action Weeks, months, years		

Note: Red indicates action referred to the NSW Local Courts, whereby rates, charges and fees remain unpaid after a final reminder notification.

Appendix C

Local Government Act and regulations – excerpts

The *Local Government Act 1993* (the Act) provides the legal framework for how councils in NSW may set and levy rates and charges and recover debt from overdue rates and charges. This is supported in provisions in the *Local Government (General) Regulation 2005*. Some relevant excerpts are set out in the tables below.

Councils must take a range of other laws into account when undertaking these activities. This Guideline does not capture all other legislation, in relation to which councils should take their own advice.

Local Government Act 1993

Section 546 How is a rate or charge levied?

- (1) A rate or charge is levied on the land specified in a rates and charges notice by the service of the notice.
- (2) The notice may be served at any time after 1 July in the year for which the rate or charge is made or in a subsequent year.
- (3) A notice that is required to effect an adjustment of rates or charges may be served in the year for which the rate or charge is made or a subsequent year.
- (4) The notice may include more than one rate, more than one charge and more than one parcel of land.
- (5) It is not necessary to specify the name of the rateable person or the person liable to pay the charge in the notice if the council does not know the person's name.

Section 562 Payment of rates and annual charges

- (1) Annual rates and charges may be paid in a single instalment or by quarterly instalments.
- (2) If payment is made by quarterly instalments, each instalment is to be a quarter of the rates or charges, disregarding any remainder, together, in the case of the first instalment, with the remainder. However, if the amount of an instalment, other than the first instalment, is not a multiple of 10 cents, the amount of each instalment in excess of a multiple of 10 cents is to be subtracted from that instalment and added to the first instalment.
- (3) Except as provided by subsection (4):
 - (a) if payment is made in a single instalment, the instalment is payable by 31 August, and
 - (b) if payment is made by quarterly instalments, the instalments are payable by 31 August, 30 November, 28 February and 31 May.
- (4) If the rates and charges notice is not served by 1 August:
 - (a) the single instalment (if payment is made in a single instalment), or
 - (b) the first 2 instalments (if payment is made by quarterly instalments),
is or are payable by 30 November, or by the day that is 30 days after service of the notice, whichever is the later.
- (5) On or before 31 October, 31 January and 30 April, a council must send reminder notices (to be sent separately from the rates and charges notice) to each person whose rates and charges are being paid by quarterly instalments.

Section 563 Discount for prompt payment in full

A council may discount the amount of a rate or charge to such extent as it determines if the whole of the discounted amount of the rate or charge is paid by a date nominated by the council

Section 564 Agreement as to periodical payment of rates and charges

- (1) A council may accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person.
- (2) The council may write off or reduce interest accrued on rates or charges if the person complies with the agreement.

Section 566 Accrual of interest on overdue rates and charges

- (1) Interest accrues on rates and charges that remain unpaid after they become due and payable.
- (2) Interest accrues on a daily basis.
- (3) The rate of interest is that set by the council but must not exceed the rate specified for the time being by the Minister by notice published in the Gazette.
- (4) Accrued interest is, for the purpose of its recovery, taken to be a rate or charge which is due and payable.
- (5) Interest continues to accrue on unpaid rates or charges even though judgment for payment of the rates or charges may have been obtained in a court. Interest is not payable on the judgment debt, despite any other Act.

Section 567 Writing off of accrued interest

The council may write off accrued interest on rates or charges payable by a person if, in its opinion:

- (a) the person was unable to pay the rates or charges when they became due and payable for reasons beyond the person's control, or
- (b) the person is unable to pay the accrued interest for reasons beyond the person's control, or
- (c) payment of the accrued interest would cause the person hardship.

Section 570 Transfer of land in payment of rates or charges

A council may accept a transfer of the land in respect of which rates or charges are or accrued interest is due and payable in full satisfaction of the rates, charges or accrued interest.

Section 577 Extension of concession to avoid hardship

(1) If a council considers it proper to do so to avoid hardship, the council may, by order, direct that:

(a) a person specified in the order:

- (i) who occupies a dwelling as his or her sole or principal place of living, which dwelling is the sole or principal place of living of an eligible pensioner, and
- (ii) who is jointly liable with that eligible pensioner or with that eligible pensioner and one or more other persons in respect of the land on which that dwelling is situated, and
- (iii) in respect of whom a reduction of rates or charges would not, if that person were solely liable in respect of that land, be required to be made under this Division, or

(b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a),

is, on and from the effective date of the order, taken, for the purposes of this Division, to be or to have been an eligible pensioner.

(2) If a council considers it proper to do so to avoid hardship, the council may, by order, direct that:

(a) an eligible pensioner specified in the order who, although not liable, or although liable jointly with one or more other persons, to do so, has, for such period as, in the opinion of the council, warrants the making of an order under this section in respect of that person, paid the whole of the rates or charges for the land on which that dwelling is situated or is, in the opinion of the council, likely to pay the whole of the rates or charges in circumstances that in the opinion of the council warrant the making of an order under this subsection, or

(b) any person belonging to a class of persons specified in the order being persons referred to in paragraph (a),

is, on and from the effective date of the order, taken, for the purposes of this Division, to be or to have been the person solely liable in respect of the land on which the dwelling is situated.

(3) An order under this section has effect according to its tenor.

Section 578 When does an order under sec 577 take effect?

(1) An order under section 577 takes effect (or is taken to take effect) on such date as is specified in the order (the effective date), being a date in the year commencing on 1 July during which the order is made, whether or not that date is before or after the date on which the order is made.

(2) If a council makes an order under section 577 that is taken to take effect on a date that is before the date of the making of the order, the council may, in that order or in a subsequent order, give such directions as to refunding any rates or charges that have been paid and the charging of interest on overdue rates or charges and as to such other matters as the council thinks fit.

(3) An order under subsection (2) has effect according to its tenor.

Section 579 When and how is an application made for the purposes of this Division?

- (1) An application under this Division is to be made within the time and in the manner prescribed by the regulations.
- (2) If no such regulations are in force, the application is to be made within the time and in the manner fixed by resolution of the council and, if an application is made for an order referred to in section 577, as the council may require.
- (3) If, pursuant to an application made under this Division, a reduced rate or charge applies, the council may, if the eligibility of the applicant for a reduction in a subsequent rate or charge is verified by the council as prescribed by the regulations, reduce the subsequent rate or charge without requiring a further application under this Division.

Section 580 Variation by regulation of amounts of reductions

The amount by which a rate or charge is to be reduced in accordance with this Division may be varied from time to time by the regulations.

Section 582 Abandonment of pensioners rates and charges

A council may waive or reduce rates, charges and interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth.

Section 583 Writing off of pensioners rates and charges

- (1) A council is to write off amounts of rates, charges and interest which are reduced or waived under this Division.
- (2) A council may not take proceedings to recover an amount so written off unless the amount has been written off because of a wilfully false statement in an application under this Division or except as provided by section 584.

Section 585 Who may apply for postponement of rates?

The rateable person for land described in any of the following paragraphs may apply to the council for a postponement of rates payable for the land in the current or following rating year (or in both years):

- (a) a parcel of land on which there is a single dwelling-house used or occupied as such and which is zoned or otherwise designated for use under an environmental planning instrument for the purposes of industry, commerce or the erection of residential flat buildings, not being land referred to in paragraph (b) or (c),
- (b) a parcel of land (which may comprise one or more lots or portions in a current plan) on which there is a single dwelling-house used or occupied as such and which is zoned or otherwise designated under an environmental planning instrument so as to permit its subdivision for residential purposes, not being land referred to in paragraph (c),
- (c) a parcel of rural land (which may comprise one or more lots or portions in a current plan) which is zoned or otherwise designated under an environmental planning instrument so as to permit its use otherwise than as rural land, or its subdivision into two or more lots or portions, one or more of which has an area of less than 40 hectares.

Section 595 Rates to be written off after 5 years

- (1) If 5 years have elapsed since the commencement of a rating year for which part of the rates levied on land have been postponed under this Division, the part postponed and any interest accrued on that part must be written off by the council.
 - (2) Nothing in this section affects the right of the council to recover rates and interest, even though they have been written off under this section, if it subsequently appears to the council that they should not have been written off.
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Section 601 Hardship resulting from certain valuation changes

- (1) A ratepayer who, as a consequence of the making and levying of a rate on a valuation having a later base date than any valuation previously used by a council for the making and levying of a rate, suffers substantial hardship, may apply to the council for relief under this section.
- (2) The council has a discretion to waive, reduce or defer the payment of the whole or any part of the increase in the amount of the rate payable by the ratepayer in such circumstances, for such period and subject to such conditions as it thinks fit.
- (3) An applicant who is dissatisfied with a council's decision under this section may request the council to review its decision and the council, at its discretion, may do so.

Section 710 Service of notices on persons

- (1) A notice required by or under this Act to be served on a person may be served as provided by this section.
 - (2) The service may be:
 - (a) personal, or
 - (b) by delivering the notice at or on the premises at which the person to be served lives or carries on business, and leaving it with any person apparently above the age of 14 years resident or employed at the premises, or
 - (c) by posting the notice by prepaid letter addressed to the last known place of residence or business or post office box of the person to be served, or
 - (d) by transmitting the notice by facsimile transmission to a number specified by the person (on correspondence or otherwise) as a number to which facsimile transmissions to that person may be sent, or
 - (d1) by transmitting the notice by electronic mail to an email address specified by the person (on correspondence or otherwise) as an address to which electronic mail to that person may be transmitted, or
 - (e) by fixing the notice on any conspicuous part of the land, building or premises owned or occupied by the person, or
 - (f) in the case of an offence involving a vehicle, by attaching the notice to the vehicle, or
 - (g) if the person to be served maintains a box at a document exchange established in New South Wales, by depositing the notice in that box or leaving it at another such exchange for transmission to the first mentioned exchange for deposit in that box.
 - (2A) Subsection (2) (d1) does not authorise a notice to be transmitted to a person by electronic mail unless the person has requested the council, in writing, that notices of that kind be transmitted to the person by electronic mail, and has not subsequently withdrawn the request.
 - (2B) A person's request under subsection (2A) is taken to have been withdrawn in relation to a particular kind of notice only if the person has informed the council, in writing, that notices of that kind are no longer to be transmitted to the person by electronic mail.
 - (2C) While a person's request under subsection (2A) has effect in relation to a particular kind of notice, the address to which notices of that kind are to be transmitted is:
 - (a) the email address indicated in the request, or
 - (b) if the person subsequently directs the council, in writing, to transmit notices of that kind to a different email address, that different address.
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- (3) If a notice is deposited in a box, or left at a document exchange, service of the notice is, until the contrary is proved, taken to be effected 2 days after the day on which the notice is so deposited or left.
- (4) In addition to the means of service prescribed by subsection (2):
- (a) in any case where the person to be served is, or after inquiry appears to be, absent from New South Wales, the service may be on the agent of that person by any of the means prescribed by subsection (2) (a), (b), (c) or (d), and
- (b) in any case where the land, building or premises are unoccupied and the owner or the owner's address or place of residence is not known to the council, service by the council may be by advertisement in the approved form published in:
- (i) a newspaper circulating in the area or part of the area in which the land, building or premises are situated that is published in print form at intervals not exceeding 26 days, or
- (ii) a manner determined by the council having regard to the object of bringing notices to the attention of owners in cases of that kind, and
- (c) in the case of the service of a rates and charges notice, the service may be effected by delivering the notice to the premises at which the person to be served lives or carries on business and depositing it in a box or receptacle at, on or in the proximity of those premises that is provided, used or designed for the reception of letters addressed to that person.
- (5) The notice may be addressed by the description of "rateable person" or "owner" or "occupier" of the land, building or premises (naming or otherwise sufficiently indicating the same) in respect of which the notice is served, and without further name or description.
- (6) The notice may be wholly printed, wholly written or partly printed and partly written.
- (7) If a notice has been served by any of the means prescribed by this section, all inquiries required under this section are taken to have been made, and the service is conclusive evidence of them.
- (8) Proof by affidavit or orally that a notice has been posted, or its transmission by electronic mail has been initiated, in accordance with this section is conclusive evidence of service.
- (9) For the purposes of this section, a justice of the peace is authorised to take and receive an affidavit, whether any matter to which the affidavit relates is or is not pending in any court.
-

Section 713 Sale of land for unpaid rates and charges

- (1) For the purposes of this Division, a rate or charge is overdue if:
- (a) in the case of vacant land, it has remained unpaid for more than one year, or
 - (b) in the case of any other land, it has remained unpaid for more than 5 years, from the date on which it became payable.
- (2) A council may, in accordance with this Division:
- (a) sell any land (including vacant land) on which any rate or charge has remained unpaid for more than 5 years from the date on which it became payable, and
 - (b) sell any vacant land on which any rate or charge has remained unpaid for more than one year but not more than 5 years from the date on which it became payable, but only if:
 - (i) the council obtains a valuation of the land from the Valuer-General, and
 - (ii) the total amount of unpaid rates or charges on the land exceeds the valuation, and
 - (iii) the council sells the land within 6 months after the date when the council received the valuation.
- (3) The council must not sell any such land unless the general manager or the public officer certifies in writing:
- (a) what rates and charges (including overdue rates and charges) are payable on the land, and
 - (b) when each of those rates and charges was made and how it was levied, and
 - (c) when each of those rates and charges became payable, and
 - (d) what amounts are payable by way of overdue rates and charges on the land, and
 - (e) what amounts are payable by way of rates and charges (other than overdue rates and charges) on the land.
- (4) The council may, in the case of adjoining parcels of land (whether in the same or different ownerships) each of which may be sold under this Division:
- (a) sell them separately or as a single parcel and under whatever conditions of sale it considers proper, and
 - (b) do such things as it considers appropriate for the purpose of selling the land at its full value.
-

Local Government (General) Regulation 2005

cl.127 Rates and charges notices

- (1) A rates and charges notice must contain the following information:
- (a) the land to which it relates,
 - (b) the land value of the land to which it relates and the base date of the general valuation from which the land value is derived,
 - (c) particulars of each rate or charge levied on the land by the notice,
 - (d) if the rate consists of a base amount to which an ad valorem amount is added, particulars of the base amount,
 - (e) the date the notice is taken to have effect,
 - (f) particulars of any outstanding arrears of rates and charges levied on the land and of any interest payable on those amounts,
 - (g) the total amount due and the dates for payment of the rates or charges concerned,
 - (h) the amounts payable for, and the due dates for payment of, instalments of rates or charges,
 - (i) particulars of any waiver of an amount of special rate in consideration of payment of a lump sum,
 - (j) a statement that concessions are available to eligible pensioners for any quarter in which they are eligible pensioners,
 - (k) particulars of any concession extended in respect of payment of the rates,
 - (l) particulars of any discount for prompt payment in full of a rate or charge,
 - (m) particulars of any postponement of rates or postponed rates,
 - (n) particulars of any option to pay a lump sum towards the capital cost of any works, services or facilities instead of a special rate in the notice,
 - (o) a statement that if payment is not made on or before the due date or dates interest accrues on the overdue amount,
 - (p) a statement as to how to make inquiries about the notice,
 - (q) the text, or a summary, of the following provisions of the Act (if applicable):
 - (i) section 524 (Notice of change of category),
 - (ii) section 525 (Application for change of category),
 - (iii) section 526 (Appeal against declaration of category),
 - (iv) section 555 (What land is exempt from all rates?),
 - (v) section 556 (What land is exempt from all rates, other than water supply special rates and sewerage special rates?),
 - (vi) section 557 (What land is exempt from water supply special rates and sewerage special rates?),
 - (vii) section 562 (Payment of rates and annual charges),
 - (viii) section 563 (Discount for prompt payment in full),
 - (ix) section 564 (Agreement as to periodical payment of rates and charges),
 - (x) section 566 (Accrual of interest on overdue rates and charges) (xi) section 567 (Writing off of accrued interest), (xii) section 574 (Appeal on question of whether land is rateable or subject to a charge),

Appendix D

Best practice procedures for contacting ratepayers

Councils should contact ratepayers if they have not paid their rates after a reminder notice is issued, and potentially in other circumstances in which rates and charges are owed.

Council officers can contact local residents and ratepayers without breaching their obligation to protect their privacy.

The following is an overview of some issues and practical considerations when contacting ratepayers about outstanding debt. If there is any doubt, councils should seek and be guided by their own legal advice.

When can a ratepayer be contacted?

1. When you have a reasonable purpose for contacting a ratepayer

You must only contact a ratepayer for a *reasonable purpose* and only to the extent necessary. It may be necessary and reasonable if your purpose is to:

- make a demand for payment
- offer to work with the ratepayer to reach a flexible repayment arrangement
- accurately explain the consequences of non-payment, including any legal remedies available to the collector/creditor, and any service restrictions that may apply in the case of utilities
- make arrangements for repayment of a debt
- put a settlement proposal or alternative payment arrangement to the ratepayer
- review existing arrangements after an agreed period
- ascertain why earlier attempts to contact the ratepayer have not been responded to within a reasonable period, if this is the case
- ascertain why an agreed repayment arrangement has not been complied with, if this is the case

- investigate whether the ratepayer has changed their residential location without informing you, when there are grounds for believing this has occurred, or
- other similar purposes.

You may also contact a person at their request.

Whether or not a purpose is reasonable may depend on the personal circumstances of each ratepayer – e.g., if you know a person cannot make repayments (for example, because they are in jail) then continuing to contact them to demand payment is not reasonable or appropriate unless you know, or have good reason to think it is likely, that the ratepayer's financial situation has improved.

There may be circumstances where contact is made for a reasonable purpose, or contact is made initially for a reasonable purpose, and yet other relevant considerations mean the contact becomes unreasonable or unacceptable. Relevant considerations may include the ratepayer's mental illness or intellectual disability, or the ratepayer's incarceration.

If you make contact with a ratepayer in order to convey a demand for payment it may be contact for a reasonable purpose. However, if the ratepayer disputes liability and requests proof of a debt, and you continue to pursue that person without properly investigating the claims, then this will not be contact for a reasonable purpose.

2. It is necessary and reasonable to contact the ratepayer (again)

It is not acceptable to harass a ratepayer. Make a written record of all contact with ratepayers and check these records before contacting a ratepayer. For this purpose *contact* is interpreted widely and includes:

- telephone calls and text messages – whether or not the person receives the call if you leave a message;
- all written correspondence – for example, this includes letters, emails, text messages, faxes, social media, instant chats and other private messages; and
- face to face contact – including contact at their work, home or elsewhere.

Importantly, if you phone a ratepayer and leave a message on their voice mail, and you also send the ratepayer an email, and a text message, then you will have made three separate contacts with that person.

Once you have made contact, leave a reasonable interval before next contacting the ratepayer. Give the ratepayer time to respond to your previous communications, and/or to organise payments if this has been agreed.

If you have spoken to the ratepayer and it is understood that the ratepayer requires a few days to speak to third parties or consider options, then contacting the ratepayer on the following day may be considered unreasonable, even though it is within the recommended limits.

3. It is a reasonable time to contact the ratepayer, given their circumstances and reasonable wishes

The following table sets out general guidance on what may be a reasonable time to contact a ratepayer.

Type of contact	Day	Reasonable contact times
Contact by telephone	Monday to Friday	7:30am – 9pm
	Weekends	9am – 9pm
	National public holidays	No contact recommended
Face to face contact	Monday to Friday	9am – 9pm
	Weekends	9am – 9pm
	National public holidays	No contact recommended
All contact at the ratepayer’s workplace	Ratepayer’s normal working hours if known, or 9 am to 5 pm on weekdays	

There may be reasons why contact during the above times is unreasonable, or contact outside these times is reasonable. For example, a ratepayer may ask that contact be made at other or more restricted times for various reasons, such as, because he or she is a shift worker, is responsible for children, or caring for a family member. He or she may also not wish to be contacted when other family members are present. In these and other such cases, the reasonable wishes of the ratepayers should be respected, and contact limited to the times requested.

However, you may alter the time of contact if, after reasonable efforts over a reasonable period of time to contact the ratepayer during normal hours or at the times requested, you have not been able to do so.

Generally, you should not contact a ratepayer more than three times per week, or 10 times per month at most (when contact is actually made, as distinct from attempted contact) and only when it is necessary to do so. This does not apply to face-to-face contact – you should not make more than one face-to-face contact with a ratepayer per month.

Think carefully about where to contact a ratepayer. In general, face to face visits should be an option of last resort after less intrusive means have failed. Particular care should be taken in visiting a person’s home or workplace.

Office of Local Government

Ensure the person is the correct ratepayer before discussing their debt

Before discussing the reason for making contact or any other confidential information, make sure you are speaking to the correct ratepayer. It is important that you do not reveal directly or indirectly that the ratepayer has a debt to another person. Particular care should be taken when calling a ratepayer's workplace.

If the ratepayer has requested contact by a particular means (such as email) or specifically asked not to be contacted a certain way, adopt that preference and avoid contacting them by other channels as far as possible.

Rate payers have the right to have an authorised representative (such as a financial counsellor, financial advisor, community worker, solicitor, guardian or carer) represent them or advocate on their behalf. Where possible, it is helpful if this advice is provided formally to council, such as in writing, to ensure council does not inadvertently discuss private information with unauthorised individuals.

If you know, or should know, a ratepayer has chosen to have another person represent them, you should not contact the ratepayer directly unless:

- the ratepayer specifically requests direct communication with you
- the representative does not consent to represent the ratepayer or tells you he or she does not have instructions from the ratepayer about their debt
- the representative does not respond to your communications within a reasonable time (normally seven days) and you advise the representative in writing after the reasonable time has passed that if they do not respond within the next seven days, you will make direct contact with the ratepayer; and
- you advised the ratepayer you require a written authority which states that you are only to communicate through his or her representative, and you do not receive this in a reasonable time (normally seven days).

Note: that this does not apply where the ratepayer's representative is a solicitor.

Further exceptions may apply where the representative is not a qualified legal practitioner, qualified accountant or a financial counsellor.

Provide the ratepayer with current information about their debt

Make sure the ratepayer is told what they owe, when it was due, any payments they have made and what the payment was for. He or she may then request further information or documents.

It is also important to make sure that the ratepayer has contact details for the person or team managing their debt for council, such as contact phone number, postal address and email address, and that this information is included in all written correspondence to them.

Conduct towards ratepayer must be respectful and appropriate at all times

A ratepayer approached about an outstanding debt is entitled to respect and courtesy at all times by a council, debt collector or any of their agents or representative.

Inappropriate conduct, as outlined below, is likely to breach the law and the council's Code of Conduct. Ratepayers should never be subjected to

- **abusive, offensive, obscene, discriminatory language or disrespectful or demeaning remarks** – about character, situation in life, financial position, physical appearance, intelligence or other characteristics or circumstances
- **embarrassment or humiliation** – for example, by sending open correspondence to the ratepayer via a shared post-box, posting messages in a public online forum, making employers or co-workers aware that the ratepayer is being pursued for a debt, or creating an impression that the ratepayer is under surveillance
- **aggressive, threatening or intimidating behaviour** – for example, by shouting at or continually interrupting the ratepayer, or by refusing to listen to what they say
- use, or threat of violence or physical force, or

- **misleading information** – about the nature or extent of a debt, consequences of non-payment, identity (for example, falsely stating you work for a solicitor, court or government agency), or action not legally permitted to take (for example, to seize goods).

Strategies for dealing with inappropriate behaviour by a ratepayer

Inappropriate behaviour by a ratepayer does not justify unprofessional conduct by the collector and council staff and agents should deal with this using strategies such as:

- ensuring appropriate training of staff
- attempting to defuse inappropriate behaviour and refocus discussion on the outstanding debt and arrangements for its repayment
- escalating the matter to a senior staff member who has authority and training to manage such situations
- attempts to propose a viable and achievable repayment arrangement, and
- in the event of violence or other extreme conduct, cease contact immediately and refer the matter to the police.

Ensuring contact details are up to date

Currency of contact details is a huge issue for collecting rates and charges. Many councils feel that there is little advantage in sending additional correspondence or notices requesting payment when the address is not current.

Council policies and procedures may specify what the council will do to keep contact details current. When rates and charges notices are returned to the council, some councils proactively check other business areas of the council for more recent contact details, send information to both postal and physical addresses (where known), use internet searches and databases to ascertain more recent contact details, contact real estate agencies, keep a return mail register and undertake other searches.

Keep accurate, up to date records and protect the ratepayer's privacy

You should ensure you maintain accurate, complete and up-to-date records of all communication with ratepayers, including the time, date and nature of calls, records of any face to face contact, all correspondence sent and all payments made.

Councils and other organisations acting on their behalf should always treat a ratepayer's personal information with respect and ensure that they meet the requirements of the *Privacy and Personal Information Protection Act 1998* (the PPIPA) and their Privacy Management Plan prepared under the Act. Personal information means information or an opinion, whether it is true or not, about an individual that can reasonably allow the individual to be identified.

Particular care should be taken in collecting information about the ratepayer and their financial circumstances as well as disclosing that information, whether directly or inadvertently, to other people. For example, telling a ratepayer's neighbour the reason for trying to find the ratepayer would inappropriately disclose personal information about the ratepayer, as would leaving messages with inappropriate detail that may be seen or accessed by other people.

Councils use *Privacy Notification/Consent Forms* to enable the collection and use of personal information from ratepayers. The information collected cannot be used or disclosed for a purpose other than that for which it was collected, unless the ratepayer has consented or another exception applies.

Councils may consider reviewing their Privacy Notification/Consent Forms to request consent from residents and ratepayers for their personal information to be shared between internal business units of the council for purposes specified in the consent form, including for general administrative purposes including the collection rates and charges.

Appendix E

Hardship checklist for local government staff

No	Proposed action by a council	Progress
1	Has the council undertaken a risk assessment of likely defaulting ratepayers to proactively manage financial hardship?	
2	Has the council publically advertised or contacted applicable ratepayer(s) to identify payment options of rates?	
3	Has the council identified if interpretative services are required for the ratepayer?	
4	Has the council referred the rate payer to a financial Counsellor?	
5	Has the council entered into mediation or Informal Dispute Resolution (IDR)?	
6	Has the council deferred payment of additional charges while the hardship application is being assessed?	
7	Has the council developed a payment schedule?	
8	Has the council exhausted all possible options to managed hardship and recover debt prior to referring to the local courts?	
9	Has council reviewed the progress of payment against the signed payment plan?	
10	Are there other options to recover the debt?	

Appendix F

Hardship assistance application checklist for ratepayers

No	Proposed action by ratepayer	Y / N
1	Have you read your council's debt management and/or hardship policies?	
2	Have you compiled the required information noted in the application form?	
3	Have you contacted the nominated council officer to discuss options for the payment of rates or charges?	
4	Have you contacted a financial advisor?	
5	Have you identified an acceptable payment plan?	
6	Have you discussed your options with your local council?	

Further information

Relevant agencies

NSW Office of Local Government

Physical Address 5 O'Keefe Avenue NOWRA NSW 2541
Telephone 02 4428 4100
Fax 02 4428 4199
TTY 02 4428 4209
Email olg@olg.nsw.gov.au
Postal Address Locked Bag 3015, NOWRA NSW 2541.
Website www.justice.nsw.gov.au

NSW Department of Justice

Physical Address Parramatta Justice Precinct, 160 Marsden Street
Telephone 02 8688 7777
Fax 02 8688 7980
Postal Address Locked Bag 5111, Parramatta NSW 2124.
Website www.justice.nsw.gov.au

NSW Online Registry

Telephone 1300 679 272 (Call Monday – Friday 8:30am – 4.30pm)
Website www.onlineregistry.lawlink.nsw.gov.au

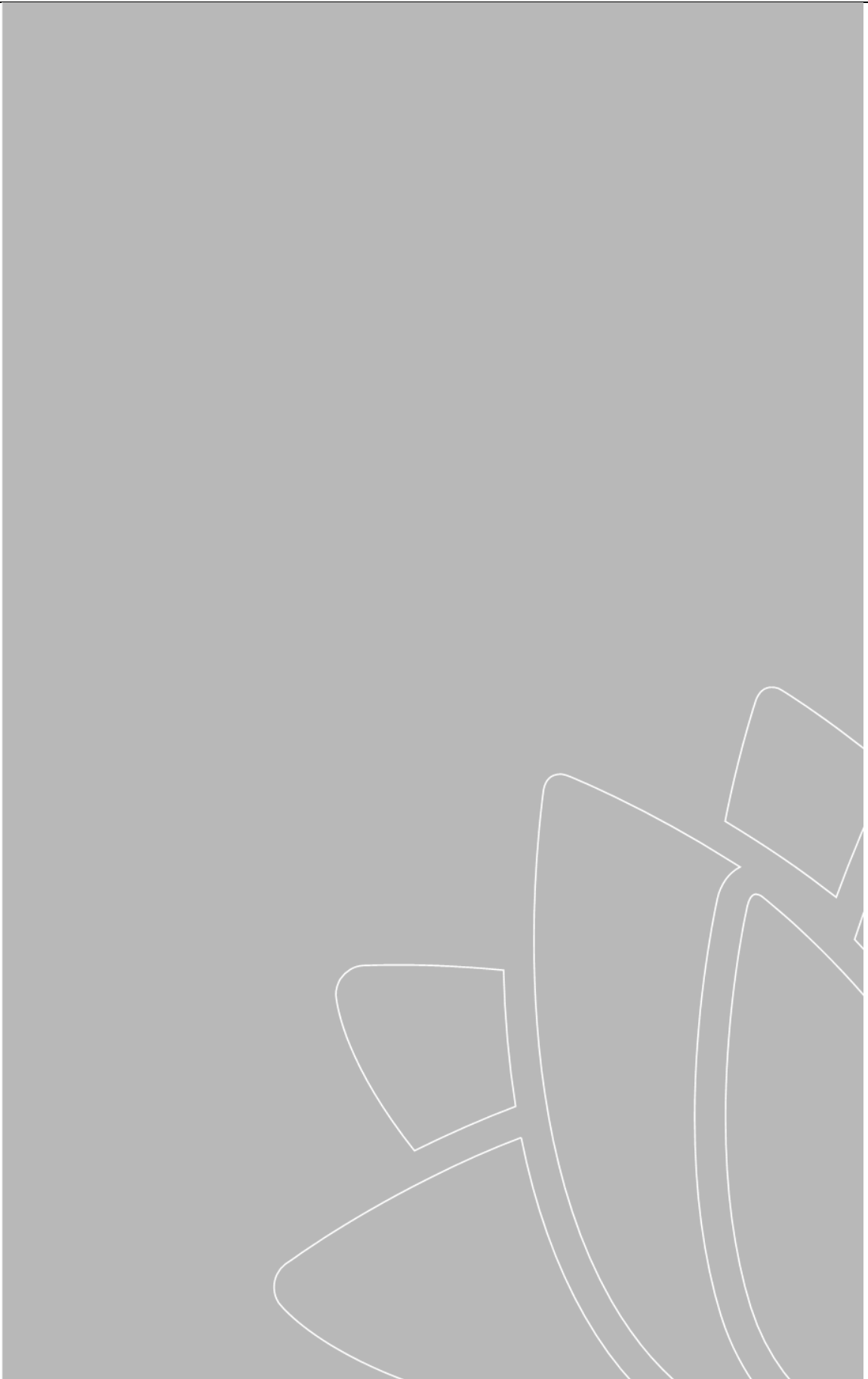
Energy and Water Ombudsman

Physical Address Level 11, 133 Castlereagh Street, Sydney (please make an appointment)
Telephone 1800 246 545
Postal Address Reply Paid 86550, Sydney South NSW 1234.
Website www.ewon.com.au

Further guidance

Commonwealth of Australia (2007), *A guide for business: Debt Collection Guideline for collectors and creditors*, Australian Competition and Consumer Commission and Australian Securities and Investment Commission.

Revenue NSW, *Debt Recovery Guidelines – Responsible collection of State debts: Guidelines for Revenue NSW to collect State debt*







Tue 5/02/2019 1:56 PM

Lauren Sewell

Proposed Road Naming - Penderlea Hill Road

To: Joanna Clarke; Sarah Hill

Hi Jo and Sarah,

Thank you for your time and understanding with this process, we are all very grateful for the opportunity to contribute to such a significant event and to ensure we get the name right.

As a resident group, we ask the council to select one of the following two proposed names - Deerson Lane or Black Sallee Lane.

The two proposals are quite different. Deerson Lane is in recognition of the Deerson family, Garth and Mrs Deerson (deceased), first wife Jane and their four children, who owned and resided on the land that has now been subdivided, necessitating the naming of our access track.

Black Sallee Lane would also be a suitable name because it's pretty, locally significant and environmentally conscious. The Black Sallee trees (Eucalyptus Stellulata) are one of a very small number of Snow Gum types, which thrive in our harsh winter conditions (just like us). To sit on a high point and look across an expanse of our forested properties in the late afternoon light is one of the most beautiful and calming sights you can see. Acknowledging and respecting the significance of our natural environment and the role it plays in our future is imperative to its preservation.

We entrust the final decision to council and look forward to hearing your decision.

Best,
Lauren

-----Safe Stamp-----
Your Anti-virus Service scanned this email. It is safe from known viruses.
For more information regarding this service, please contact your service provider.

6.7.5 Acceptable Road Names

Names of early settlers, war servicemen and women and other persons who have contributed to the heritage of an area, local history themes, flora, fauna, ships etc. are usually most suitable for applying to roads.

Gender diversity in the selection of names is encouraged, as are names reflecting NSW multicultural heritage. Aboriginal names are also supported and shall be in a local language chosen in consultation with the Local Aboriginal Land Council.

Local interest groups, developers or individuals are encouraged to work with the Local Government to locate/define new names according to these suggestions.

When selecting road names, the following shall be considered:

- Road names shall not be offensive, racist, derogatory or demeaning (refer to NSW Anti-Discrimination legislation).
- Road names shall not be misspelt. In particular, the spelling of personal names shall be able to be validated by reference to primary sources.
- Commercial and business names shall not be used, particularly where the name can be construed to be promoting the business. However, business names no longer in use and which promote the heritage of an area are acceptable. Refer to AUM Chapter 7 - Procedure 7.3.4 - Suitability Advice for details on how an exemption can be requested for consideration in these cases.
- Road types shall not be used in the formation of a road name, for example Promenade Road, Court Street etc. even if the road type is also a surname.
- The use of given or first names in conjunction with a surname is not acceptable for road naming (but can be considered for place naming. Refer to GNB guidelines on place naming).

6.7.6 Commemorative Road Names

Naming often commemorates an event, person or place. The names of people who are still alive shall not be used because community attitudes and opinions can change over time.

Acts of bravery, community service and exceptional accomplishments are typical grounds for this recognition. The name of persons who gave their lives in service for their country are often used as commemorative names. The person commemorated should have contributed significantly to the area.

Ownership of land that has been developed is not considered as a significant reason for naming purposes.

The initials of a given name are not to be used in any instances.

Local Government shall make every effort to gain consent from family members of the person who is being commemorated. Supporting evidence that shows attempts by a Local Government to consult with family members should be provided during the lodgment of the proposal, but it is acknowledged that some names may be from an era for which this is not possible.



Notice of Motion

Submitted for Meeting of. Snowy Monaro Regional Council
(Council or name of Committee)

Date of Meeting Council Meeting 21st Feb. 2019

Submitted by Councillor Peter BEER
(Councillor Name)

Motion:

The Council That as a result of the Council Meeting held on 7th Feb. and the decision concerning the future development of Michelago, a briefing session be held; the purpose to inform Councillors of ^{at least} the following matters.

- 1) Information on any lodged D.A.s or Submissions for the growth of Michelago
- 2) The basis for statements concerning the growth of Michelago to be the "2nd largest town within the SMRC."
- 3) The links between the South East and Tablelands Regional Plan and the future development of Michelago.
- 4) The relationship between the

Council's Code of Meeting Practice provides as follows:

21.1 It is the duty of the Chairperson at a meeting of Council to receive and put to a meeting any lawful motion that is brought before the meeting.

22.2 The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.

21.3 Any Motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected (cl 238 of the Regulation)

22 In the absence if a Councillor who has placed a notice of Motion on the business paper for a meeting of Council:

a) Any other Councillor may move the motion at the meeting; or

b) The Chairperson may defer the motion until the next meeting of Council at which the motion can be considered (cl 243 of the Regulation)



Notice of Motion

Submitted for Meeting of. Snowy Monaro Regional Council
(Council or name of Committee)

Date of Meeting Council Meeting 21st Feb. 2019

Submitted by Councillor Peter BEER
(Councillor Name)



Motion:

The Council

Questions in Council adopted
Snowy Monaro Planning and Land Use
Discussion Paper, Michelago and
Smiths Road (P69 - P74); with the
South EAST and tablelands Regional Plan
and the statement about Growth from
Council.

Council's Code of Meeting Practice provides as follows:

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