



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

Administrator Delegations Meeting
17 July 2016

CONFLICTS OF INTEREST

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

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

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

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

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

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

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

COUNCIL CODE OF CONDUCT

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

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

COUNCIL CODE OF MEETING PRACTICE

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

Acknowledgement of Owners of Land

Council wishes to show our respect to the First Custodians of this land the Ngarigo people and their Ancestors past and present who pass on this duty of custodianship of the land to us the current custodians. We are proud to be Australian and celebrate the diverse backgrounds and cultures that make up our Nation – our Land.

**ADMINISTRATOR DELEGATIONS MEETING
TO BE HELD IN HEAD OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON MONDAY 17 JULY 2016
COMMENCING AT**

BUSINESS PAPER

- 1. OPENING OF THE MEETING**
- 2. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST**
(Declarations also to be made prior to discussions on each item)
- 3. STAFF REPORT**
 - 3.1 Consultancy Contract for the preparation of S64 Development Servicing Plans for water, sewer and stormwater services and Strategic Business Plans and Pricing for water and sewer services 2
 - 3.2 Weekly IPR Public Exhibition Update 7

3.1 CONSULTANCY CONTRACT FOR THE PREPARATION OF S64 DEVELOPMENT SERVICING PLANS FOR WATER, SEWER AND STORMWATER SERVICES AND STRATEGIC BUSINESS PLANS AND PRICING FOR WATER AND SEWER SERVICES

Record No:

Responsible Officer:	Director Service Delivery
Author:	Manager Water & Waste Services
Key Direction:	6. Managing Development and Service Delivery to Retain the Things We Value
Delivery Plan Strategy:	DP6.6 Ensure that the Shire's Local Water Utility is financially sustainable in the long term including investment in new and replacement infrastructure.
Operational Plan Action:	OP6.12 Review and implement the current S64 Development Servicing Plan for water and sewer to comply with the NSW Office of Water Guidelines. Administrator Delegation at its meeting on 08 July 2016 resolved that the matter be deferred to the meeting to be held on 15 July 2016.
Attachments:	1. Letter regarding the appointment of Voluntary Administrator and the ceasing of trading of Hydrosience ↓
Cost Centre	2020 Water Supply Management; 2120 Sewer Supply Management
Project	260049 - S64 DSP, SBP and Pricing for Sewer; 240046 - S64 DSP, SBP and Pricing for Water
Further Operational Plan Actions:	OP6.11 Review and implement the current Strategic Business Plans for water and sewer to comply with the NSW Office of Water Guidelines

EXECUTIVE SUMMARY

This report is prepared to inform the Administrator of the current position with regards to the Consultancy Contract for the Preparation of the Strategic Business Plans (SBP) including long term financial plans for water and sewer and Development Servicing plans (DSP) for water, sewer and stormwater and water and sewer pricing for the former Snowy River Shire Council which was awarded to Hydrosience.

The documents are 90% complete and the Councillor workshop was held on 18 April 2016. The next steps for the DSP are the appointment of an auditor and public exhibition of the DSP document which have not been carried out due to the timing of the announcement of the amalgamation. The public consultation for the levels of service and the SBP have also not been held.

BACKGROUND

On 20 June 2016, Council received a letter that Hydrosience had ceased trading and a voluntary administrator had been appointed (Refer attachment).

SMRC has now been advised by DPI Water to complete the former SRSC area DSP with the help of the Consultant who did the original plan and calculations and select an auditor from the list provided by DPI Water, place the document on public exhibition and hold public consultation of the Development Servicing plan for Adaminaby, Berridale, Dalgety and Jindabyne. (Note the DSP is location specific and as such will be a valid SMRC Best Practice Document).

The former Snowy River Council's DSP was adopted in 2008 and was long overdue for review (Review required every 5 years). The delay was primarily due to the Draft Guidelines not being approved by the Minister. Council approved to use the draft guidelines and progressed with the review of the DSP as denoted in Council's delivery and operational plans.

On 29th June Council received an e-mail with the announcement that the draft DSP guidelines have now been approved by the Minister for Lands and Water pursuant to section 306 (3) (C) of the Water Management Act 2000 (Refer attachment). The draft plan for the former SRSC area can now be completed to comply with the latest 2016 guidelines. The Cooma and Bombala area plans will need to be reviewed to meet the new guidelines.

These best practice plans are essential for Council to obtain funding under the Country Towns funding program. If we can demonstrate that the process for the drawing up of the amalgamated plans are under way, Council may be eligible to apply for the funding.

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

OFFICER'S RECOMMENDATION

1. That Council receive and note the information in the report on:
 - The status of the Consultancy Contract and the Best Practice Plans for the former Snowy river Shire Council
 - As advised by DPI Water, Council to proceed with the completion of the Development Servicing Plan (DSP) for Adaminaby, Berridale, Dalgety and Jindabyne with the Consultant who is now working independent of the Company that went into voluntary administration. (Note the DSP is location specific and as such will be a valid SMRC Best Practice Document).
2. That Council approve the preparation of the following Best Practice documents for the merged Council:
 - Seek quotes from Consultants to combine the Strategic Business Plans and long term Financial Plans of the Former Council areas to meet the latest Strategic Business Plans Guidelines issued by DPI Water and review the water and sewer pricing for the amalgamated area.
 - Seek quotes from Consultants for the preparation of the Development Servicing Plans for the Cooma and Bombala water supply and wastewater service areas to meet the 2016 Development Servicing Plan Guidelines issued by DPI Water

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Water Supply and Wastewater Services are essential services for the wellbeing of the Community.

2. Environmental

Compliance with the licences for wastewater treatment prior to discharge minimises the pollution of the receiving bodies and ensuring environmental controls are in place for the water and wastewater operations will mitigate any adverse effects from these activities.

3. Economic

Best Practice Plans provide strategies and long term financial plans to ensure financial viability to deliver the services which are beneficial to public health. It is vital that appropriate level of funding is available to deliver legislated levels of service to the community. The main sources of funding available are from pricing and developer contributions.

4. Civic Leadership

Council approved the review of the S64 Development Servicing Plans (DSP) and Strategic Business Plans (SBP) to meet the 2012 draft guidelines for the DSP and the 2011 guidelines approved by the Minister for the SBP (DOC281/14). The delay in finalising the review was due to the delay in the approval of the draft guidelines for the DSP.

3.1 CONSULTANCY CONTRACT FOR THE PREPARATION OF S64 DEVELOPMENT SERVICING PLANS FOR WATER, SEWER AND STORMWATER SERVICES AND STRATEGIC BUSINESS PLANS AND PRICING FOR WATER AND SEWER SERVICES

Further progress on the best practice plans for the merged Council will provide direction on how the merged services could provide cost effective service to the community.

Determination by Administrator

Approved by Administrator Dean Lynch in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act 1993.*

Signature:

Date:



CHARTERED ACCOUNTANTS
SPECIALISING IN INSOLVENCY &
RECONSTRUCTION SOLUTIONS

20 June 2016

Gnai Ahamat
Snowy River Shire Council
PO Box 314
SINGLETON NSW 2330

Email: gnai.ahamat@snowyriver.nsw.gov.au

Dear Sir/Madam,

HYDROSCIENCE CONSULTING PTY LTD
ACN 120 716 887
(ADMINISTRATOR APPOINTED)
("the company")

Job Number A961 – Snowy Best-practice

I was appointed Voluntary Administrator of the above company on 4 June 2016 pursuant to Section 436A of the *Corporations Act 2001*.

From my investigations, it would appear that the company was providing services to you in relation to the above job.

Please note that the company has ceased trading.

Should you have any queries regarding this matter, please contact the writer or Manfred Holzman on (02) 9222 9070.

Yours faithfully,
HYDROSCIENCE CONSULTING PTY LTD
(ADMINISTRATOR APPOINTED)



JUSTIN HOLZMAN
Voluntary Administrator

Manfred Holzman & Associates – Principal: Manfred Holzman CA

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Sydney NSW 2000, AUSTRALIA
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3.2 WEEKLY IPR PUBLIC EXHIBITION UPDATE

Record No:

Responsible Officer:	Deputy Director Service Support
Author:	Governance Officer
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.13 Through clear and consistent communications, Council provides the community with timely feedback in progress towards goals.
Operational Plan Action:	OP7.38 Continue to implement the strategies and actions of the 2014 - 2017 Communication Strategy to ensure that communication methods meet the needs of the organisation and the community.
Attachments:	I
Cost Centre	
Project	Integrated Planning & Reporting
Further Operational Plan Actions:	OP7.40 Support and encourage public engagement methods which invite comment from community and informs the decision making.

EXECUTIVE SUMMARY

The 2017 suite of Integrated Planning and Reporting (IPR) documents were placed on public exhibition on Thursday 30 June 2016, for a period of 28 days.

Throughout this exhibition period a weekly report will be submitted to the Administrator to assist with any required amendments through the review of submission.

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

OFFICER'S RECOMMENDATION

That Council receive and note the weekly IPR public exhibition update report, no submission have been received to date.

BACKGROUND

Snowy Monaro Regional Council (SMRC) was established on the 12 May 2016 through the merger of the former Bombala, Cooma Monaro and Snowy River Shire Council's. As of this date each of the former council areas draft Integrated Planning and Reporting (IPR) documents; that had been placed upon public exhibition for consultation with their communities, were removed as the individual documents did not represent the new entity.

A review of each of the former council area 2017 Operational Plan's was undertaken resulting in the creation of the draft SMRC 2017 Operational Plan. In accordance with the guidelines handed down by the NSW Government, all newly merged councils must place their IPR documents on public exhibition for a minimum period of 28 days and have the suite of documents adopted by the 1 August 2016.

In accordance with the Local Government Act 1993 section 405, Council must have an annual Operational Plan, adopted before the beginning of each financial year, outlining the activities to be undertaken that year, as per the Delivery Program developed and adopted by each term of Council. This adoption normally takes place before the 30 June each year, with the new plans commencing on 1 July, the start of the financial year. However due to the merger proclamations headed down by the NSW Government, the deadline for merged councils to completed their IPR documents has been pushed out until 1 August.

As outlined by the NSW Government, the Operational Plan and associated budget, revenue policy and fees and charges should be based primarily on the direction provided in the delivery programs and long term financial plans of the former council. The review process identified a number of similarities between the three former council's plans, allowing the plans to be merged into one document.

The draft 2017 Operational Plan, while developed with minimal consultation, is an extension of the former council areas forth, and final, year of the Delivery Program 2014 – 2017. Council has been directed to continue operates "business as usual", the actions within these plans will allow Council to delivery services and provide infrastructure to our communities. Over the next 12 months Council will undertake meaningful consultation with our community to develop a suite of IPR documents that incorporates the needs and aspirations of the new regional council community.

The processes by which Council undertakes our corporate planning and community consultation will continue to evolve and improve throughout the merger implementation, informing and guiding the development of our Integrated Planning and Reporting documents continuing to ensure the long term sustainability of the Snowy Monaro Regional Council.

The Draft Suite of IPR Documents placed on public exhibition included:

1. Four Year (2014 - 2017) Delivery Program and One Year Operational Plan (includes 2016/17 Budget);
2. Revenue Policy; and
3. Schedule of Fees and Charges for 2016/17.

The documents are available on Council's website and displayed at Council Offices in Berridale, Bombala, Cooma and Jindabyne. They are also on display at the Bombala Library, Cathcart store and Delegate RTC, along with the Adaminaby, Bredbo, Dalgety, Nimmitabel and Michelago Post Offices. Advertisements and media releases have been placed and distributed through the appropriate media avenues.

The public submissions are summarised and reported to Council. Given that the submissions contain information that should not be disclosed under privacy legislation and regulations they will not be made available to the general public.

When Council resolves to adopt the Delivery Program 2014 – 2017 and Operational Plan 2017, all submissions received will then be responded to by the responsible officers of Council.

Formal resolutions are now required by Council in order to comply with the *Local Government Act 1993*.

Submissions -

At the conclusion of the week's reporting period Council has not received any submissions relating to the draft IPR Suite of Documents on public exhibition.

However some cosmetic amendments have been identified and will be included.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The content of the IPR suite of documents enables Council to work toward achieving its aims in relation to access and equity. Access and equity activities are those which promote fairness in the distribution of resources to those most in need; recognise and promote people's rights and; improve the accountability of decision makers.

The plans ensure that people have fairer access to the economic resources and services essential to meeting their basic needs and improving the quality of life; give people better opportunities for genuine participation and the opportunity to be involved in the decisions affecting their lives.

All community members are provided with an opportunity to submit feedback and recommendations relating to the public exhibition of the Draft IPR Documents, as the actions and related budget, along with the Fees & Charges may impact them. All submissions are considered carefully by both staff and the Administrator.

2. Environmental

A key direction of the Community Strategic Plan is to "Sustain Our Environment for Life". In addition, the content of the IPR suite of documents is underpinned by sustainability principles. The quadruple bottom line, a requirement of the IPR Framework is in place to ensure Council considers the impacts of decisions on four key areas; this includes consideration of any impacts on the environment.

3. Economic

The recommendations made in relation to the submissions relating to the Draft IPR Documents are made in the best interest of the community. All economic impacts that come from these recommendations have been considered and where necessary the budget has been amended to reflect these changes. The budget presented for adoption is a balanced budget. To ensure the long term financial sustainability of the Shire, Council must consider both the long and short term ramifications of each decision.

4. Civic Leadership

In accordance with the guidelines handed down by the NSW Government, all newly merged councils must place their IPR documents on public exhibition for a minimum period of 28 days and have the suite of documents adopted by the 1 August 2016.

On 29 June 2016, Council met and resolved as follows:

COUNCIL RESOLUTION

64/16

That Council:

- A. Endorse the amended draft suite of IPR Documents and authorise them to be placed on public exhibition for a period of 28 days during this period submissions covering the Suite of IPR Documents may be made and received up until close of business on 27 July 2016;
- B. Receive a further report concerning all submissions received following the exhibition period, to enable consideration of any submissions prior to the formal adoption of the 2014-2017 Delivery Program and 2017 Operational Plan; and
- C. Undertake community consultation during the period of public exhibition.

Approved by Administrator Lynch

Following consideration of the all submissions received the IPR documents were reviewed and amended prior to presenting a final report to council for their consideration and adoption before the 1 August 2016.

Council is fulfilling its legislative role by ensuring appropriate planning is undertaken in accordance with the Section 406 (1) of the Local Government Act 1993 and the Division of Local Government Guidelines. The suite of IPR Documents will ensure the long term sustainability of the Shire.

Determination by Administrator

Approved by Administrator Dean Lynch in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act 1993.*

Signature:

Date: