



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

PUBLIC EXHIBITION COPY

**Ordinary Council Meeting
19 March 2020**

CONFLICTS OF INTEREST

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

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

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

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

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

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

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

COUNCIL CODE OF CONDUCT

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

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

COUNCIL CODE OF MEETING PRACTICE

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

Acknowledgement of Country

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

Webcasting

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

**ORDINARY COUNCIL MEETING
TO BE HELD IN RYDGES HOTEL, 10 KOSCUISKO ROAD, JINDABYNE NSW 2627**

**ON THURSDAY 19 MARCH 2020
COMMENCING AT 5:00PM**

BUSINESS PAPER

1. OPENING MEETING

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

An apology for this meeting was received from Councillor Miners.

4. CITIZENSHIP CEREMONIES

5. DISCLOSURE OF INTEREST

(Declarations also to be made prior to discussions on each item)

6. MATTERS DEALT WITH BY EXCEPTION

7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Meeting held on 20 February 2020

7.2 Closed Session of the Ordinary Council Meeting held on 20 February 2020

7.3 Extraordinary Council Meeting held on 5 March 2020

8. PLANNING AND DEVELOPMENT APPLICATION MATTERS

8.1 MOD4026/2017 Extend the Operational Time for Extractive Industry 4

8.2 DA 10.2019.1371.1 - Michelago Bank of Bins 20

9. OTHER REPORTS TO COUNCIL

9.1 KEY THEME 1. COMMUNITY

9.1.1 No Stopping Zones along the Lake Jindabyne foreshore - review of the 2019 winter traffic / camping management campaign. 37

9.1.2 Monthly Funds Management Report - February 2020 49

9.1.3 Draft Snowy Monaro Regional Council Heritage Strategy 2020-2023 55

9.1.4 Monaro Aquatic Services request to waiver difference in water usage 59

9.1.5 Request for Sponsorship of a Statue of Torah Bright 69

9.2 KEY THEME 2. ECONOMY

9.2.1 Attendance at the Illawarra Caravan & Camping expo 80

9.3	KEY THEME 3. ENVIRONMENT	
9.3.1	Update on Stormwater Drainage through 60 Ryrie Street - Michelago	86
9.3.2	Acquisition by Possessory Title - Lot 16 Section 1 DP 1242 - Berridale Memorial Park	100
9.3.3	Management Arrangements for the Cooma Cat Pound.	105
9.3.4	Further Consideration of Bundarra Rd Matters	109
9.3.5	Michelago Rural Fire Brigade request for Donation	134
9.3.6	Bombala and Delegate water supply projects	139
9.3.7	Planned Works - Myack Street Causeway - Berridale	157
9.4	KEY THEME 4. LEADERSHIP	
9.4.1	Minutes of Waste Management Committee Meeting held on 30 January 2020	160
9.4.2	Audit, Risk and Improvement Committee - Minutes of Meeting and Charter Review	182
9.4.3	Answers to Questions With Notice	212
9.4.4	Resolution Action Sheet Update	213
9.4.5	Road Naming	214
9.4.6	Bushfire Recovery Update	218
10.	NOTICE OF MOTION	
10.1	Kosciuszko Road Speed Limit	226
10.2	Sale of Forestry Corporations Softwood Industry	230
10.3	Snowy Hydro Traffic Movement Report	237
11.	MAYORAL MINUTES	
12.	QUESTIONS WITH NOTICE	
13.	CONFIDENTIAL MATTERS	240
13.1	Termination of Lake Wallace Grazing Lease <i>Item 13.1 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
13.2	Legal Actions and Potential Claims Against SMRC as at 29 February 2020 <i>Item 13.2 is confidential in accordance with s10(A)(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
13.3	Proposed Acquisition of Easement for Access to Middlingbank Quarry <i>Item 13.3 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
13.4	Purchase of Lot 3 DP 1242464 - Cooma Levee Bank	

Item 13.4 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.5 PROPOSED CLOSURE AND SALE OF PUBLIC PATHWAY IN KALKITE

Item 13.5 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

8.1 MOD4026/2017 EXTEND THE OPERATIONAL TIME FOR EXTRACTIVE INDUSTRY

Record No:

Responsible Officer:	Group Manager Development & Building Certification
Author:	Manager Development Assessment
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage
Delivery Program Objectives:	8.1.2 Land use is optimised to meet the social, environment and economic needs of the region
Attachments:	<ol style="list-style-type: none"> 1. Late correspondance referred to in Council resolution 18/10/18 <i>(Under Separate Cover)</i> 2. Last modificaton MOD0006/2007 <i>(Under Separate Cover)</i> 3. Plans and associated documents from original DA106/1999 <i>(Under Separate Cover)</i> 4. Submissions <i>(Under Separate Cover)</i> 5. Application Form <i>(Under Separate Cover)</i> 6. Owners Consent <i>(Under Separate Cover)</i>

Application Number:	MOD4026/2017
Applicant:	Jindabyne Sand And Gravel
Owner:	
DA Registered:	25/10/2016
Property Address	Lot 23 DP 709058 Rockwell Road Berridale NSW 2628
Property Description:	Lot 23 DP 709058 Ph Coolamatong
Property Number:	100415
Zone:	R5 – Large Lot Residential
Current Use:	Agriculture and extractive industry
Approved Development:	Extractive Industry
Modification Proposed:	Modification of condition 2 of the development consent, to extend the operational time frame for extractive industry for between 10 to 20 years.
Permitted in Zone:	Yes under State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
Recommendation:	<p>That the application be refused for the following reasons:</p> <ol style="list-style-type: none"> 1. Information in support of the application does not adequately demonstrate the quantity of material that has been extracted from the site since commencement of operation.

	2. The application has not adequately demonstrated that the extension of the operating life of the quarry will not lead to the extraction of more than the approved limit of 30,000 cubic metres of material.
--	---

EXECUTIVE SUMMARY

The purpose of this report is to seek determination of MOD4026/2017 being an application to modify DA106/1999 to extend the operational timeframe of an approved extractive industry at Lot 23 DP 709058 Rockwell Road Berridale.

The application was originally presented to Council for determination on 18/10/2018. At this meeting the application was recommended for approval however concerns were raised by the Councillors regarding late information that was presented prior to the meeting. A resolution was made that the determination be deferred until the late information could be considered.

The original consent (DA106/1999) was for the extraction of 30,000 cubic metres of material from the site with a maximum of 10,000 cubic metres of material per year. The original consent approved a three year time frame for extraction, lapsing in December 2003. The application was modified in 2003 to allow for a further three years and was again modified in 2006 with a lapsing date of 31 December 2009, this modification is the last for the development (MOD0006/2007). As such to date the operational life of the quarry has been extended from three to nine years. At no time in the previous modifications was it demonstrated how much material had been extracted of the original maximum of 30,000 cubic metres.

In response to submissions received regarding further extending the timeframe without knowledge of the total past extraction the applicant was contacted and additional information was requested. The applicants' response to Councils' request was that they believed the amount of material extracted was 1500 cubic metres. However no documentation or evidence was provided to substantiate this extraction total.

Council has provided the applicant a significant amount of time to provide documentation to substantiate the amount of material that has been extracted and to date the requested evidence has not been provided. As such it is considered that it is not possible to determine an appropriate additional time without evidence of the remaining quantities of material. Extending the time frame without this information may lead the extraction more than the original 30,000 cubic metres of material approved at the site.

The application was notified to adjoining land owners and subsequently three (3) objections were received. The objections were centred on the permissibility of the development as it has not been operating for a number of years (the last consent required that extraction was not to continue past 2009), that the land is zoned R5 and extractive industry is not permitted in the zone and the environmental and social impacts of continued use of the quarry.

A full assessment and consideration of the submissions is carried out in the body of the report.

It is recommended that the application for modification be refused. If Council decides to make a determination other than as included in the recommendation, it must follow the procedure adopted through resolution 18/18 on 15 February 2018.

RECOMMENDATION

That

- A. Pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979 (as amended)* it is recommended that MOD4026/2017 being an amendment to DA106/1999 for the extension of the operational timeframe for existing quarry on Lot 23 DP 709058 Rockwell Road Berridale is refused for the following reasons:
1. Information in support of the application does not adequately demonstrate the quantity of material that has been extracted from the site since commencement of operation.
 2. The application has not adequately demonstrated that the extension of the operating life of the quarry will not lead to the extraction of more than the approved limit of 30,000 cubic metres of material.
- B. Any person who made a submission is notified according to the regulations.

BACKGROUND

The application was originally presented to Council for determination on 18/10/2018. At this meeting it was recommended for approval however the determination was deferred to consider late information that been presented to Councillors by a solicitor acting for one of the objectors to the development.

COUNCIL RESOLUTION	→	363/18
That Council Defer the report MOD4026/2017 Extend Operational Time for Extractive Industry to consider the late information. ¶		
Moved Councillor Beer	→	Seconded Councillor Haslingden → CARRIED ¶

Record of Voting ¶

Councillors For: → Councillor Beer, Councillor Castellari, Councillor Corbett, Councillor Ewart, Councillor Haslingden, Councillor Last, Councillor Maslin, Deputy Mayor Miners, Councillor Old, Mayor Rooney and Councillor Stewart. ¶

Councillors Against: → Nil. ¶

The document presented to council from HWL Ebsworth is attached to this report. The matters raised in the subject correspondence have been addressed in the body of the report.

The subject quarry is located approximately 5km from Berridale along the Rockwell Road. The land uses surrounding the property are predominately agricultural in nature with dwellings situated to the north, south and south west. DA106/99 was lodged for an extractive industry on the above property in 1999. According to notes on the property file, the gravel pit had been in operation for a number of years preceding the lodgement of the development application. The original applicant sought the removal of not more than 30,000 cubic metres of material from the site with no more than 10,000 cubic metres to be extracted per year. The resultant pit was to be added to an existing dam on the property increasing it to approximately 1665 sqm, in size. No screening, crushing or processing of materials was to occur on site however material would be stockpiled for later collection.



Figure 1 - Location of the existing approved extractive industry on lot 23

DA106/1999 approved April 1999 for an extractive industry on lot 3 DP709058 Rockwell Road Berridale (please note DA106/1999 has a typographical error and it should read lot 23 DP709058). The consent provided a three (3) year period to extract not more than 10,000 cubic metres of material from the site per year. This would allow for the total extraction of not more than 30,000 cubic metres for the life of the quarry. The application was modified in 2003 and then again in 2006 to allow for further periods of three years each. This had the effect of extending the life of the extractive industry from three to nine years. This was based on the applicants advising that the limit of 30,000 cubic metres of material had not been reached.

Condition 2 of DA106/1999 imposed a three (3) year timeframe for extraction which would be in line with the maximum to be extracted (10,000 cubic metres) each year taking into consideration the total proposed to be removed being 30,000 cubic metres.

Condition 2 in the original development consent read as follows:

"In accordance with the plans and details submitted with the application Council advises that the development is approved for the extraction of a maximum of 10,000 cubic metres per year of material for a maximum of three (3) years. The consent will lapse on 31 December 2003 and all excavation equipment must be removed from the site and the site is to be fully landscaped (to comply with the provisions of the Environmental Planning and Assessment Act 1979)."

The applicant has advised that since the original approval was issued the amount of material extracted has not yet reached that which was proposed to be removed. The application has been modified twice (in 2003 and 2006) to extend the time period for additional three (3) year time

periods. The last of these modifications extended the extraction timeframe for the operation of the quarry until 2009.

MOD4026/2017 was submitted to Council proposing to again amend Condition 2 to allow for additional time to extract the material from site. The modification does not seek to increase the amount of extraction, the rate of extraction or size of the land to be quarried it seeks only to extend the allowable time period to operate the quarry. As such it is considered that the resulting development (after the modification is approved) is substantially the same as that which was approved in 1999.

Whilst it may appear that Condition 2 has the effect of causing the existing consent to lapse this is not the case. There is no power under the Environmental Planning and Assessment Act ("EPA Act") to impose a condition that has the effect of causing the consent itself to cease to be in force. The EPA Act can impose a condition that limits the time that the consent can operate and this is the case in this instance.

It is noted that the land on which the development was approved is now zoned R5 – Large Lot Residential, being a change from the rural zone that applied in 1999. R5 prohibits extractive industry under the Snowy River LEP 2013 (SRLEP 2013) to be carried out in the zone.

This does not however make the quarry an "existing use" as defined under the EPA Act. Section 4.65 of the EPA Act defines an existing use as:

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and*
- (b) the use of a building, work or land:*
 - (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
 - (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.*

In the case of the subject development application it cannot be considered an existing use for the following reasons:

1. There is an active consent on the land which has not lapsed as it was commenced within the original three year timeframe given in 1999 and Condition 2 does not have the effect of lapsing a consent but merely to limit the time frame in which the development can operate. Allowing s4.55 of the EPA Act to be used to modify the condition and allow for the use to development to continue.
2. Under Part 2 Clause 7(3)(a) State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP), extractive industries are permitted with consent on the property as the zone allows for different types of agricultural uses with and without development consent.

Part 2 Clause 7(3) (a) Extractive industry (Mining SEPP) – states:

Development for any of the following purposes may be carried out with development consent:

(a) extractive industry on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent),

In the R5 Zone in the SRLEP 2013 the following uses are permitted with and without consent:

Permitted without consent

Extensive agriculture; Home occupations

Permitted with consent

Agricultural produce industries; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Garden centres; Home-based child care; Home businesses; Home industries; Information and education facilities; **Intensive plant agriculture;** Jetties; Mooring pens; Moorings; Recreation areas; Respite day care centres; Roads; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water recreation structures

In order to determine a reasonable extension timeframe the amount of material that has been extracted to date needs to be determined. Additional information was requested from the applicant to provide evidence of volumes of material extracted to date from the site. The current applicant was not the original developer of the site and as such do not have historical records of extraction. Therefore the response provided was only an estimate of 1500m³, however no documentation or evidence was provided to substantiate this. As the applicant cannot provide evidence and Council has no records relating to maximum extraction, Council is not in a position to allow for another three (3) years as it may have the effect of exceeding the total approved extraction amount.

ASSESSMENT

Section 4.55 Environmental Planning and Assessment Act

In determining this development application, Council as the consent authority has taken into consideration the matters raised in Section 4.55(2) of the Environmental Planning & Assessment Act (the Act), which states that:

(2) Other modifications: A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development;

Assessing Officer Response: The applicant is seeking to have more time to extract the amount of material approved under the original consent. The applicant is not seeking to change the use of the site and as such it is considered the development to which the consent as modified relates is substantially the same development.

(b) it has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent;

Assessing Officer Response: Not relevant to the consideration of this application as no conditions were imposed by bodies other than Council when the application was approved in 1999.

(c) it has notified the application in accordance with the regulations, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations

Assessing Officer Response: The application was notified, in accordance with the Snowy River Development Control Plan 2013 and the relevant statutory regulations. Notification letters were sent out to adjoining landowners with a period of 14 days for receipt of submissions. Three (3) objections were received to the development application and these are considered below.

The objections were centred on the permissibility of the development as it has not been operating for a number of years (the last consent required that extraction was not to continue past 2009), that the land is zoned R5 and extractive industry is not permitted in the zone and the environmental and social impacts of continued use of the quarry.

A full assessment and consideration of the submissions is carried out in the body of the report.

Submission 1

Submission 1 is accompanied by correspondence from Navado Legal and Financial Group, as such these two documents will be considered together.

Issue Raised	Assessing Officer Consideration
Zoning of the land – The land is zoned R5 – Large lot residential, the activity described in the application is not permitted in the zone	Extractive industries are permitted in the R5 Zone under the Mining SEPP in which extractive industries are permitted with consent on land in which agricultural uses are permitted either with or without consent. In the SRLEP 2013 agricultural uses are permitted both with and without consent in the R5 zone.
The development is situated close to three homes which will be impacted by the development	An assessment using aerial photographs determined that the dwellings on adjoining properties were between 340m and 800m from the subject quarry. The quarry was approved under DA106/99 and the applicant has stated it has not yet extracted the amount of material approved

	<p>under that consent. This modification does not seek to extend the amount of material or increase the size of the approved operation, however no information has been provided to allow Council to determine the amount of material that has been extracted to date.</p> <p>To reflect the change to the zoning from when the original application was approved and the potential for more dwellings in close proximity of the pit it is considered appropriate to amend the conditions relating hours of operation and these will be reduced to mitigate the impact of the development on surrounding properties.</p>
Development has not been continuous in nature, no revegetation has occurred since ceasing of use	<p>The development on site is approved and the condition limiting the time for operation (like a condition limiting hours of operation) can be amended. It is not considered that the use has “ceased” under the meaning of the EP&A Act, therefore conditions required to be completed at cessation of use are not yet applicable.</p>
Access, safety and maintenance of roads	<p>The development has access to a public road and road upgrades were required as part of the development consent. When in operation the operator is required to place signage on the road to notify that trucks are entering and leaving the site. An inspection of the site in 2006 by Council officers deemed that the development was being carried out in accordance with the development consent. A letter on file from this time in relation to an inspection carried out by NSW DPI Mines Safety Officer attests that the quarry was found to “not have issues” on the date of inspection.</p> <p>The application currently before Council is not to increase the output of the quarry but to allow for additional time to operate within the approved consent. Traffic and safety issues were dealt with under the original assessment and this modification does not change the impacts assessed at that time.</p>
Not positive for Community and decision should be determined by Council	<p>The applicant is a local business.</p> <p>The application is being presented to Council for determination (refer comments in Civic Leadership section).</p>
Wrong Application given	When the submitter requested the most recent

	development approval for the site they were given MOD0006/2007, as this is the last modification to the original consent and has the most recent changes to the application. All documents have been provided to those who have requested them.
Abandonment of existing use and the permissibility of the modification	<p>As discussed above the use is not considered an “existing use” under the provisions of the EPA Act as ‘extractive industry’ is a permitted use under the Mining SEPP in this zone and under the provisions of s4.53 of the Act the consent has not lapsed as it was physically commenced within the time period given by the original approval in 1999.</p> <p>Condition 2 does not have the effect that the consent has ceased to be in force. The effect of Condition 2 is simply that after the ‘lapsing date’ referred to in the condition the development could not continue to be carried out.</p> <p>This does not prevent Condition 2 from being modified under s4.55 of the EPA Act as the consent remains in force.</p> <p>There is case law to the effect that where a condition of consent provides that development cannot be carried out after a certain period of time, then after that period of time the consent remains in force and can be modified under s4.55 to permit the development to recommence (Ref. <i>Kendall Street Developments Pty Ltd v Byron Shire Council (No 2)</i>[2004] NSWLEC 530)</p> <p>The development cannot continue after that date but the consent remains in force. Therefore in this case the consent remains in force but no work can be carried out in relation to the consent unless the modification is approved.</p>
<u>Submission 2</u>	
Issue Raised	Assessing Officer Consideration
No opportunity given to comment on past application	The current modification was notified in accordance with the provisions of the SRDCP 2013 and associated Regulations which furnished the submitter with the ability to comment on this application. No comment can be offered in relation to the processes undertaken in past modifications.

Lapsing of consent	As discussed above the consent is not deemed to have lapsed and can be modified under the provisions s4.55 (2) of the EPA Act.
Zoning of the land and permissibility of the use	As discussed above the zoning of the land R5 allows for the approval of extractive industries, however this is not required as the consent has not lapsed and condition 2 can be amended.
Safety and Environmental Issues Concerns with truck movements and impact on road network including both private and public roads	The modified development application does not seek to increase the quarry in size or scope. The concern is valid that extension of the timeframe may allow for additional material to be extracted. The impact of the development including access, truck movements and environmental issues were assessed at the time of the original approval and the consent conditioned accordingly. This application does not increase these impacts.
Application should be determined by Council	The owner of the subject property is related to a member of staff from the Jindabyne office. In accordance with Council's Code of Conduct the staff member involved has made a declaration of interest and has had no dealings with the assessment of the modified DA. As such it was considered appropriate for the modification to be determined by Council rather than under delegated authority. Refer also to comments in the 'Civic Leadership' section.
<u>Submission 3</u>	
Issue Raised	Assessing Officer Consideration
The development application relies on "existing use rights"	As discussed above the development does not need to rely on "existing use rights" for approval as the consent has not lapsed and the use is permissible in the zone under the provisions of the Mining SEPP.
The development is located in proximity to dwellings	The dwellings referred to in the submission were erected prior to the original approval of the development application for the quarry in 1999. No additional works outside of that which was approved in 1999 are proposed in this application.
Visual impact of Quarry	Upon completion of the approved extraction rehabilitation is required by condition of consent.
Access, safety and maintenance of roads	The development has access to a public road and road upgrades were required as part of the development

	<p>consent. When in operation the operator is required to place signage on the road to notify that trucks are entering and leaving the site. An inspection of the site in 2006 by Council officers deemed that the development was being carried out in accordance with the development consent. A letter on file from this time in relation to an inspection carried out by NSW DPI Mines Safety Officer attests that the quarry was found to “have not issues” on the date of inspection.</p> <p>The application currently before Council is not to increase the output of the quarry but to allow for additional time to operate within the approved consent. Traffic and safety issues were dealt with under the original assessment and this modification does not change the impacts assessed at that time.</p>
Location of the quarry in relation to Berridale. The land will not be a buffer between urban and rural land if approved.	<p>The use is permitted in the R5 zone under the provisions of the Mining SEPP. The location of the quarry is some 5km from Berridale and a small quarry extracting not more than 10,000 cubic metres in a year could not be considered to cause adverse impacts to the residents within Berridale township.</p>
Haulage Trucks are not appropriate for Rockwell Road.	<p>The use of heavy vehicles on Rockwell Road will not be increased over that which was considered reasonable under the original approval from the extractive industry. The use of vehicles such as those used in this development are not inconsistent with other heavy vehicles that use Rockwell Road (a public road) currently and will continue in the future. Road users (including pedestrians) need to be aware at all times of the different vehicles that use public roads, including heavy vehicles, bicycles, motorbikes, cars and smaller trucks.</p>

In determining this development application, Council as the consent authority has taken into consideration the matters raised in Section 4.55(3) of the Environmental Planning & Assessment Act (the Act), which states that:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT

The following report is an assessment of development application having regard to those matters to be considered under section 4.15 of the EPA Act which are:

- (a)(i) the provisions of any environmental planning instrument
- (a)(ii) the provision of any draft environmental planning instrument
- (a)(iii) an development control plan
- (a)(iiia) any planning agreement or draft planning agreement
- (a)(iv) any matters prescribed by the regulations
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
- (c) the suitability of the site for the development
- (d) any submissions made in accordance with this Act or the regulations
- (e) the public interest

State Environmental Planning Policies

The proposal has been assessed against the provisions of all known SEPP's and the development has been found to achieve an acceptable level of compliance. The SEPP's examined include:

<i>State Environmental Planning Policies</i>	<i>Compliance/Relevance</i>
SEPP (Rural Lands) 2008	The development is not considered to impact on the use of the surrounding land for the purposes of agricultural. The proposed modification does not change the scope of the approved development merely allowing more time to extract the approved amount of material from the site.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Extractive industry is permissible with consent under the provisions of Part 2 Clause 7(3) (a) Extractive industry (Mining SEPP). However as this is a modification to an existing approved extractive industry which does not increase the amount of material to be extracted or the size of the quarry the provisions of the SEPP do not specifically apply in this case.

Snowy River Local Environmental Plan 2013 (SRLEP 2013)

The proposed modifications are considered to be consistent with the aims and objectives of the plan and they are also permissible within the subject land's present zoning.

- The subject land is zoned: R5 – Large Lot Residential

- Schedule 1 Definition under LEP: Extractive Industry
- The proposal is not permitted under the Snowy River LEP 2013 however the use is permitted under the provisions of SEPP (Mining, Petroleum Production and Extractive Industries) 2007. The application however is not seeking a new use of the land but to continue an approved use through the modification of a condition restricting the operational timeframe of the development.
- The proposal is considered to be consistent with the aims and objectives of the plan.

The proposal has been examined in detail against the provisions of the SRLEP 2013 and has been found to achieve an acceptable level of compliance. The following specific provisions are of relevance to this assessment

7.3 Riparian land and watercourses	The lot on which the quarry is situated has on it a mapped watercourse and as such the provisions of this clause apply to the land. As the subject application is not changing the nature of the extractive industry in size or amount of material to be removed it is considered that this application does not impact on the water course or water quality. The original approval assessed the impact of the development on riparian environments and conditions of consent regarding sediment and erosion control were imposed to mitigate these impacts.
------------------------------------	--

Proposed Environmental Planning Instruments

There are no other proposed environmental planning instruments applying to this site which are relevant to the proposed development.

Snowy River Development Control Plan 2013 (SRDCP 2013)

The proposal has been examined in detail against the provisions of the SRDCP 2013 and has been found to achieve an acceptable level of compliance. The following provisions are of relevance to this assessment

Provision	Response/Acceptable Solution
A3 Public Notification	The development was notified in accordance with requirements.
C3 Car Parking, traffic & Access	The modification as proposed does not increase traffic generation or access above that which was assessed under the existing approval.
C8 Environmental Management	The existing approval includes conditions that relate to the maintenance of sediment and erosion control measures

	on site during operation of the extractive industry.
--	--

Planning Agreements

There are no planning agreements or draft planning agreements in place in relation to the proposed development.

Any matters prescribed by the regulations

The application generally complies with the *EP&A Regulation 2000*.

Impacts of the Development – Environmental, Social & Economic

The likely impacts of the development have been appropriately considered as part of this modified development application. The scope of potential negative environmental impacts of the proposal could not be adequately assessed as there was no evidence provided as to the amount of material extracted from the quarry to date. The recommendation for refusal of the application to extend the timeframe of extraction, is based on impacts that over extraction of the site may have, as the original development application based its assessment on the maximum removal of 30,000 cubic metres of material from the quarry.

The suitability of the site for the development

The proposed modification is not seeking to change the use of the site as a such the suitability of the site is considered to have been established with the original development assessment. This modification is not seeking change any aspect of the approved development other than to extend the time for the extraction of material from the site.

Submissions

Matters raised through submissions received are discussed above.

The public interest

The proposal is not considered to be contrary to the public interest.

Assessment under section 4.55 (4) of the EPA Act

“the modification of a development consent in accordance with this section shall not be construed as the granting of development consent under this Division but a reference in this or any other Act to a development consent shall be a reference to the development consent so modified”.

Assessing Officer Response: The current Section 4.55 proposal is not seeking development consent to any additional uses or activities not already approved or consented to on the land.

CONCLUSION

Whilst it is acknowledged that the site has not yet reached its final extraction level the applicant was not able to provide evidence, of how much of the original 30,000 cubic metres of material approved for removal remains. Without knowledge of how much material remains it is not possible to adequately determine an appropriate length of time to permit continued extraction. As such it is recommended that Council not support a change to condition 2 which allows for an extension to the operational timeframe of the quarry and refuses the modified development application for the following reasons:

1. Information in support of the application does not adequately demonstrate the quantity of material that has been extracted from the site since commencement of operation.
2. The application has not adequately demonstrated that the extension of the operating life of the quarry will not lead to the extraction of more than the approved limit of 30,000 cubic metres of material.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council has received submissions on planning issues associated with the development, however it is not considered that the extended operation of an approved quarry would have significant social impacts to the locality and the broader region. The recommended reasons for refusal are not on social impact grounds and the refusal of this application would not prejudice the submission of a new development application for extractive industry on this site.

2. Environmental

The scope of potential negative environmental impacts of the proposal could not be adequately assessed as there was no evidence provided as to the amount of material extracted from the quarry to date. The recommendation for refusal of the application to extend the timeframe of extraction, is based on impacts that over extraction of the site may have, as the original development application based its assessment on the maximum removal of 30,000 cubic metres of material from the quarry.

3. Economic

The modification will have minimal economic impact on Council as no change to the use is proposed.

4. Civic Leadership

The owner of the subject property is related to a member of staff from the Jindabyne office. In accordance with Council's Code of Conduct the staff member involved has made a declaration of interest and has had no dealings with the assessment of the modified DA. To avoid any doubt regarding the application of Council's 'Referral of Development Applications to Council' Policy as adopted at the February 2018 Council meeting, it was considered appropriate for the modification to be determined by Council rather than under delegated authority.

This page left intentionally blank.

8.2 DA 10.2019.1371.1 - MICHELAGO BANK OF BINS

Record No:

Responsible Officer:	Director Environment & Sustainability
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects
Delivery Program Objectives:	10.1.1 Council has a transparent and bold growth objective which provides a framework for decision making
Attachments:	<ol style="list-style-type: none"> 1. Development Plans (<i>Under Separate Cover</i>) 2. Site Plan (<i>Under Separate Cover</i>) 3. Statement Of Environmental Effects (<i>Under Separate Cover</i>) 4. Objector Submissions (Redacted) (<i>Under Separate Cover</i>) 5. Applicants Response to Objections (Redacted) (<i>Under Separate Cover</i>) 6. Draft Determination (<i>Under Separate Cover</i>)

Further Operational Plan Actions:

Applicant Number:	10.2019.1371
Applicant:	Council
Owner:	Council
DA Registered:	18/09/2019
Property Description:	UN: 105371245
Property Number:	UN: 105371245
Area:	Michelago
Zone:	RU5 Village and SP2 Infrastructure
Current Use:	RFS Shed
Proposed Use:	Waste Management Facility – Bank of Bins
Permitted in Zone:	Yes
Recommendation:	Approval
Application:	10.2019.1371.1
Officer:	Quinn Maguire
Date:	9/03/2020
Development Proposal:	Change of Use – Conversion of a decommissioned fire shed to house a Bank of Bins (BOB)
On Land Comprising:	Ryrie Street MICHELAGO 2620 UN: 105371245
Zone:	SP2 - Infrastructure

EXECUTIVE SUMMARY

Update for 19/03/2020 Meeting

Advice was received from Council's Manager Resource and Waste Services that consultation was organised by Councillor Rooney and undertaken on the 03/03/2020 per the requirements of the Council resolution dated 19/12/2019.

The persons in attendance were;

- Mandy Thurling – Council's Manager Resource and Waste Services
- Abigail Mcpherson – President of the Michelago Rural Fire Brigade
- Brent Wallis – Member of the Michelago Rural Fire Brigade

No issues were raised regarding the use of the building for a bank of bins.

There have been no changes to the proposed development; the following report is unchanged from what was submitted to the December 2019 Council meeting.

The purpose of this report is to seek approval for a change of use of an existing shed to a storage facility for a community bank of bins (B.O.B).

The proposed development involves the change of use of an existing shed (previously used by the RFS) to a bin storage facility. There will be minimal external changes to the building including the addition of two 'whirly birds' for ventilation, an awning over the pedestrian access door and replacement of a previously removed water tank (additionally some minor changes may be required for BCA compliance). Internally, the building will hold seventy-five 360L bins (40 for recycling and 35 for general waste) in a 103m² (approx.) area and an additional 18m² (approx.) area will be reserved for storage.

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

RECOMMENDATION

That

- Pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 (as amended)* that consent to DA 10.2019.1371.1 for a change of use for an existing building to a Waste Management Facility (Bank of Bins), is granted subject to the conditions attached;
- Any person who made a submission is notified according to the regulations.

BACKGROUND

The proposed development involves the change of use of an existing shed (previously used by the RFS) to a bin storage facility. There will be minimal external changes to the building.

Internally, the building will hold 75 x 360L bins (40 for recycling and 35 for general waste) in an area of 103m² (approx.) with an additional 18m² (approx.) area reserved for storage.

This facility will replace the current system of rural bin collection for the Michelago area which consists of a bin pickup once a week on Saturday mornings at a set location. The bins will be serviced at the same time as the weekly kerbside service (currently collected on Fridays).

The current shed was constructed in the early 1990s and was utilised by the Michelago RFS since this time, in 2018 an approval was issued for the erection of a new RFS shed next door to the existing shed.

1.0 ASSESSMENT

The application has been assessed against the provisions of the following documents:

State Environment Planning Policies (SEPPs)	Infrastructure SEPP (2007)
Local Environmental Plan (LEP) (including draft LEPs)	Cooma Monaro LEP 2013
Development Control Plans	Cooma Monaro DCP 2014

Application:	10.2019.1371.1
Officer:	Quinn Maguire
Date:	9/03/2020
Development Proposal:	Change of Use – Conversion of a decommissioned fire shed to house a Bank of Bins (BOB)
On Land Comprising:	Ryrie Street MICHELAGO 2620 UN: 105371245
Zone:	SP2 - Infrastructure
Notification /Advertising:	14 days, neighbours (including those separated by road) and advertisement in the Monaro Post
Type of Development:	Change of Use
Integrated Approval Bodies	N/A
External Referrals/Concurrence Authorities:	N/A
Internal Referrals:	<input checked="" type="checkbox"/> Building Surveyor <input checked="" type="checkbox"/> Development Engineer <input checked="" type="checkbox"/> Water/Waste Engineer
Additional information submitted:	Additional information submitted in response to submissions of objection

Compliance with the EPAA 1979:	The application has been considered with regard to the matters raised in section 4.15 of the Act. On balance, it is considered that the proposed development is acceptable and that development consent be granted.
Assessing Officer:	<i>Quinn Maguire</i>

2.0 PROPOSED DEVELOPMENT IN DETAIL

The proposed development involves the change of use of an existing shed (previously used by the RFS) to a bin storage facility. There will be minimal external changes to the building, including the addition of two 'whirly birds' for ventilation, an awning over the pedestrian access door and replacement of a previously removed water tank (however, additional changes may be required for BCA compliance). Internally, the building will hold 75 x 360L bins (40 for recycling and 35 for general waste) in an area of 103m² (approx.) with an additional 18m² (approx.) area reserved for storage.

This facility will replace the current system of rural bin collection for the Michelago area which consists of a bin pickup once a week at a set location. This collection involves all members using the service bringing their bins to the pickup location where the two Council trucks wait for 3 hours every Saturday morning.

Servicing the bins will be at the same time the kerbside collection is undertaken (currently on Fridays). This will remove the current requirement for staff and the collection vehicles to attend on both Fridays and Saturdays.

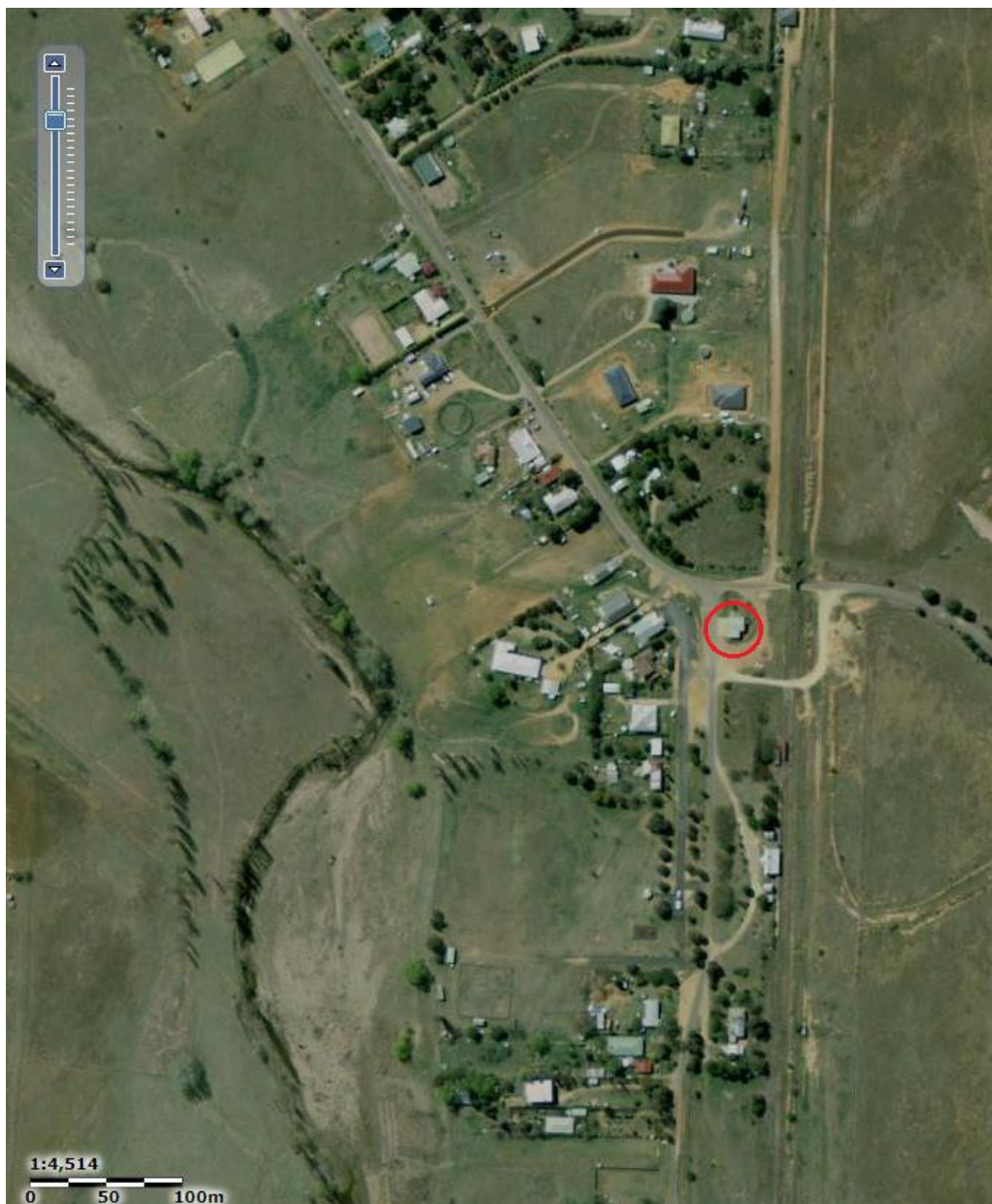
3.0 ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT

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

- (a)(i) the provisions of any environmental planning instrument
- (a)(ii) the provision of any draft environmental planning instrument
- (a)(iii) an development control plan
- (a)(iiia) any planning agreement or draft planning agreement
- (a)(iv) any matters prescribed by the regulations
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
- (c) the suitability of the site for the development
- (d) any submissions made in accordance with this Act or the regulations
- (e) the public interest

3.1 The suitability of the site for the development

The Subject Site



Date of Site Inspection	25/12/2019
Slope	gentle slope exists – no impediment to development exists
Significant vegetation	nil on-site evident
Adjoining development	RFS Shed on adjoining land Residential development, Community Hall, Childcare within general vicinity
Suitability of proposed works	generally acceptable having regard to constraints of the land
Streetscape	proposal generally compatible with adjoining development
Stormwater disposal	Overflow from rainwater tanks and runoff from hard stand areas to be directed to Council's mains

Services	Electricity connected to building, no other Council or mains services connected
Views	nil impact to and from site
Contamination	nil identified
Bushfire	the subject site is not classified as bushfire prone
Flooding	nil impact
Vehicular access	acceptable subject to conditions
Aboriginal sites	nil identified on-site
Threatened species	nil identified on-site
Grasslands	nil identified on-site
Rivers/streams	not applicable
Effluent disposal	Nil – no bathroom facilities
Prevailing winds	nil impact
Easements	nil affected by this proposal
Other matters	nil

Previous Development History

The site has an existing shed which was previously utilised by the Michelago branch of the RFS who have since built a new RFS shed next door which they will transition into in the near future.

3.2 The provisions of any environmental planning instrument

State Environmental Planning Policies

The proposal has been assessed against the provisions of all known SEPP's and the development has been found to achieve an acceptable level of compliance.

Cooma Monaro LEP 2013

- The subject land is zoned: RU5 Village and SP2 Infrastructure
- Definition of land usage under CMLEP 2013: Waste Management Facility
- The proposal is permissible with development consent from Council pursuant to Zone RU5 of the CMLEP 2013.
- The proposal is considered to be consistent with the aims and objectives of the plan.

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

Provision	Response
PART 5 Miscellaneous provisions	
Clause 5.3 Development near zone boundaries	Complies – Development considered to meet the objectives of both RU5 village and SP2 Infrastructure

PART 6 Additional local provisions	
Clause 6.10 Essential Services	Complies - development is considered to have adequate access to all required essential services

The proposal has also been examined in detail against the provisions of Council's LEP and has been found to achieve an acceptable level of compliance.

3.3 Provision of any proposed Environmental Planning Instruments

There are no other proposed environmental planning instruments applying to this site which are relevant to the proposed development.

3.4 Any Development Control Plan

Cooma-Monaro Development Control Plan 2014

In the assessment of this application, the following DCP provisions are of relevance and have been assessed for compliance:

Provision	Response
2 General Development Controls	
2.1 Streetscape	Complies –no specific requirements for
2.2 Building height and bulk	N/A
2.3 Building Setbacks	N/A
2.4 Crime and Safety	Complies- assessed on merits, applicant has proposed a number of safety measures including lighting, lockable doors, limited operating hours and surveillance systems, this is considered to be appropriate, conditions will be provided to ensure ongoing compliance
2.5 Vehicular access and roads	Complies- access considered suitable
2.6 Stormwater	Complies- all overflow from tanks and runoff from hardstand areas to be directed to Council's stormwater system
2.7 Energy efficiency	N/A
2.8 Erosion and sediment control	N/A
2.9 Landscaping	N/A
2.10 Off-street parking and delivery vehicle facilities	Complies - it is considered that four spaces are appropriate for the scale of the proposed development and expected use, it is noted that three of the spaces may be used for garbage truck access but this will be for an expected period of around an

	hour per week and is not considered to have a significant impact. Spaces need to be marked prior to occupation.
2.11 Infrastructure and Easements	Complies- no easements or infrastructure impacted by this development
3 Controls for Specific Development Types	
3.1 Alterations and Demolitions	
3.1.1 Alterations and additions to existing buildings	Complies – no significant alterations proposed, alterations and additions included in application are considered to be in keeping with the existing building
6. Provisions for Specific Locations	
6.6 Groundwater vulnerable land	Complies- no significant ground disturbance proposed, all roof and hard surface runoff to be directed to council infrastructure
8 Public Notification Requirements	
8.2 Prescriptive Requirements	14 days, adjoining neighbours and additionally advertised in the Monaro Post

The proposal has also been examined in detail against the provisions of Council's relevant Development Control Plan (Section 4.15(a)(iii) of the Act) and has been found to achieve an acceptable level of compliance.

3.5 Planning Agreement

There are no planning agreements in place in relation to the proposed development.

3.6 Any Matters prescribed by the Regulations (*Environmental Planning and Assessment Regulation 2000*)

Clause 93 – Fire safety change of use of buildings where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building

(1) Is the fire protection and structural capacity of the building will be appropriate to the building's proposed use.	Fire safety measures to be implemented prior to the issue of an occupation certificate, current building considered suitable for use however, some upgrades may be required.
(3) The building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.	

3.7 Impacts of the Development – Environmental, Social & Economic

Access, transport and traffic	Existing access considered suitable by Council's development engineers; however, additional parking space is to be paved and safety measures implemented (e.g. bollards) to ensure potential hazards are managed such as the location of the existing drain and pedestrian access area.
--------------------------------------	---

Impacts on supply of utilities	No significant impacts foreseen, development will be mostly self-sufficient
Water supply and potential impacts on surface and ground water	No significant impacts foreseen, current building gutters directed to ground around shed, new rainwater tank will help prevent any negative impacts from ground water runoff
Air quality, pollution and microclimate impacts (eg odour)	Some impacts expected; however, due to the facility being enclosed, the frequency of waste pickups and the use of odour mitigating measures it is expected that the impacts should not be significant.
Noise and vibration	<p>The proposed facility will replace the existing collection method which involves two garbage trucks being present in Michelago adjacent to this site for 3 hours every Saturday, (trucks are running with compactors operating for the entirety of the process) plus the vehicle movements for any persons using the service.</p> <p>In contrast to this the proposed development will be available for waste drop off 7am-8pm Weekdays and 8am-8pm on Weekends, this is not expected to increase the number of people using the service. In this way the times where noise may be emitted on the site are increased but the concentration of noise will greatly decrease.</p> <p>The time that trucks will be present on the site will reduce significantly from two trucks for 3hrs every Saturday morning, to 1-2 trucks (one for general waste every week, one for recycling every second week) for approximately an hour, once per week, on a week day, usually between the hours of 7:30am and 2:30pm.</p> <p>On this basis it is considered that the proposed development will greatly reduce concentrated noise emissions on the weekends in Michelago, and truck movements/noise will be limited to weekdays to aid in mitigating potential impacts</p> <p>Conditions will provided to ensure ongoing compliance with the proposed operating hours to help mitigate any potential noise impacts on the surrounding area.</p>

<p>Safety, security and crime prevention</p>	<p>The proposed facility will replace the existing collection method which involves two garbage trucks being present in Michelago for 3 hours every Saturday, (trucks are running with compactors operating for the entirety of the process) plus the vehicle movements for any persons using the service.</p> <p>In contrast to this the proposed development will be available for waste drop off 7am-8pm Weekdays and 8am-8pm on Weekends, however, this is not expected to increase the actual number of people using the service. In this way the number of days on which noise may be emitted on the site (vehicles, noise from people using the site) are increased but the concentration of noise will greatly decrease (there will not be a concentrated usage as there currently is for the present 3 hour Saturday service).</p> <p>The time that trucks will be present on the site will reduce significantly from two trucks for 3hrs every Saturday morning to 1-2 trucks (one for general waste every week, one for recycling every second week) for approximately an hour, once per week on a week day, usually between the hours of 7:30am and 2:30pm.</p> <p>On this basis it is considered that the proposed development will reduce concentrated noise emissions on Saturdays in Michelago, with noise emissions from collection vehicles limited to weekdays.</p> <p>Conditions will provided to ensure ongoing compliance with the proposed operating hours to help mitigate any potential noise impacts on the surrounding area.</p>
<p>Site and internal design issues</p>	<p>No significant issues identified.</p> <p>Some concerns raised in submissions regarding the proximity of the development to the centre of the Michelago township and community buildings, these are addressed as part of the public submissions considerations.</p>
<p>Cumulative impacts</p>	<p>The proposed development is expected to lower the number of truck movements in the Michelago village area particularly during the weekends. This also provides an ongoing ability for residents outside the village to participate in waste and recycling collection activities. Due to noise complaints made to the EPA regarding the Saturday morning stationary collection service, Council was required to assess alternative options.</p>
<p>Impact on pedestrian movements and safety</p>	<p>No significant impacts identified no existing pedestrian pathways in vicinity, conditions to ensure safety measures are implemented to ensure vehicles do not enter the pedestrian access area for the proposed development</p>

3.8 Public Submissions

The proposed development was placed on public exhibition and adjoining landowners were notified in accordance with the provisions of Chapter 8 of the Cooma-Monaro Development Control Plan 2014 for a period of 14 days.


The applicant provided responses to the initial submissions and submitters were notified for an additional period of 14 days.

Summary of Submissions

Total Number of submissions	7
Number objecting	6
Number supporting	1

Submission – issues raised	Assessing Officer response
Noise from general use of the facility and collection of waste	<p>The proposed facility will replace the existing collection method which involves two collection trucks being present in Michelago for 3 hours every Saturday, (trucks are running with compactors operating for the entirety of the process) plus the vehicle movements for any persons using the service.</p> <p>In contrast to this the proposed development will be available for waste drop off 7am-8pm Weekdays and 8am-8pm on Weekends, this is not expected to increase the number of people using the service. In this way the times where noise may be present on the site are increased but the concentration of noise will greatly decrease.</p> <p>The time that trucks will be present on the site will reduce significantly from two trucks for 3hrs every Saturday morning to 1-2 trucks (one for general waste every week, one for recycling every second week) for approximately an hour, once a week on the usual village residential collection day, usually between the hours of 7:30am and 2:30pm.</p> <p>On this basis it is considered that the proposed development will reduce concentrated noise emissions from collection and resident vehicles on the weekends in Michelago, and truck movements/noise will be limited to weekdays to aid in mitigating potential impacts</p> <p>Conditions will be included to ensure ongoing compliance with the proposed operating hours to help mitigate any potential noise impacts on the surrounding area.</p> <p>Noise complaints had previously been lodged with the NSW EPA regarding the existing Saturday morning collection service. This proposal will provide an improved outcome in regard to noise emissions.</p> <p>Conditions are included to require the applicant to monitor noise, odour</p>

	and pest/vermin matters.
Potential smell from waste	<p>The applicant has confirmed that there will be odour abatement measures to mitigate the generation of odours from the proposed development. These include frequent removal of waste – the facility will be serviced by Council vehicles at least once a week for general waste and once a fortnight for recycling; however, residents utilising the service are asked to call Council if the bins are full before collection day so that additional servicing can be provided. The general waste bins will also be lined for easy cleaning and sanitisation, and odour mitigating pellets will be put in all bins.</p> <p>In addition to this, on inspection of the site it was noted that even on days with significantly high temperatures the interior of the building was significantly cooler than outside. It was also noted that because the facility is enclosed the lack of wind will also aid in preventing the spread of any odours present. Conditions are included to require the applicant to monitor noise, odour and pest/vermin matters.</p>
Potential attraction of rodents/pests/insects to the area	<p>Applicant has proposed frequent servicing of the facility to aid in the prevention of rodents/pests/insects to the area. In addition to this vermin abatement measures will be utilised including insect and pest repellents.</p> <p>Due to the facility being housed within an enclosed area there will be means of managing potential rodents/pests due to lack of access to the facility. Conditions are included to require the applicant to monitor noise, odour and pest/vermin matters.</p>
Proximity to Town/Community Hall impacting on neighbourhood amenity and surrounding land values	<p>The development is not directly neighbouring any residential building or community facility. The site is buffered by roads on the northern and western sides, with the eastern having a railway and to the south the new RFS shed. Development is sited a minimum of 20m from any community or residential building and in the context of the development and considering the mitigation measures proposed (discussed as other submission points) the proposed development is not foreseen to be a significant potential impact on the surrounding community or development. Conditions are included to require the applicant to monitor noise, odour and pest/vermin matters.</p>
Potential chemical/waste runoff	<p>Response provided by applicant <i>“Leachate generation will be minimised as the facility is housed within a building and is not open to the elements. Waste and Recycling materials will be enclosed in mobile garbage bins, with the waste bins also being lined. Bins are emptied into waste collection vehicles which are purpose built to contain the waste or recycling materials without leaking the leachate.”</i></p> <p>These measures are considered to be appropriate to mitigate significant impacts from the proposed development.</p> <p>It is noted that the facility will not accept chemical waste as it is still a domestic collection point and the proposed security measures will aid in</p>

	preventing disposal of inappropriate waste or identification if there is a breach.
Potential for rubbish to become loose and	<p>Due to the development being fully enclosed and that it will be serviced by vehicles designed specifically to contain the waste or recycling materials without leaking liquids or allowing rubbish to become loose.</p> <p>Additionally as the facility is housed within a building and is not open to the elements it mitigates issues of litter caused by wind and animals.</p>
Traffic Increase/congestion	<p>The proposed development will be available for waste drop off 7am-8pm Weekdays and 8am-8pm on Weekends, this is not expected to increase the number of people using the service. While this will increase the potential usage times the concentration of vehicles on weekends will greatly reduce.</p> <p>The time that trucks will be present on the site will reduce significantly from two trucks for 3hrs every Saturday morning to 1-2 trucks (one for general waste every week, one for recycling every second week) for 30min once a week on a week day between the hours of 7:30am and 2:30pm.</p> <p>On this basis it is considered that the proposed development will greatly reduce concentrated traffic movements on the weekends in Michelago, and garbage truck movements will be limited to weekdays to aid in mitigating potential traffic impacts.</p>
Visual Impacts	<p>Applicant has proposed some landscaping measures to improve the appearance of the building and vicinity. There are no other visual impacts identified, building is existing and no significant external changes are proposed, there is also no significant signage proposed other than signs showing opening hours or safety information.</p> <p>This type of development is considered to be consistent with other rural towns in the area; however, unlike the other 12 of these facilities within the Snowy Monaro area this facility will be enclosed which will make it less obvious and mitigate most of the significant visual impacts. See image below for example of existing open-air facility;</p> 
Impact on Tourism	The proposed development is not expected to have a significant impact on tourism in the area. Visually the shed already exists and the

	<p>proposed landscaping/plantings are foreseen to increase visual amenity. No signage is proposed to identify the building as a waste management facility.</p> <p>In addition to this truck movements on weekends will be significantly reduced and the time that garbage trucks will be operating in the area will also be significantly reduced.</p> <p>This type of development is considered to be consistent with other rural towns in the area (there are currently 12 of these facilities within the Snowy Monaro area)</p>
Potential health impacts	<p>See the above comments on rodents/pests. In addition to this the frequent removal of waste and upkeep of the facility will aid in preventing any health impacts on the surrounding community or those using the facility.</p>
Complaints about cost of Council rates or requests for compensation due to development	<p>These issues are not considered to be relevant to the proposed development and cannot be considered as part of this assessment. Waste and recycling services are not funded from General rates.</p>
Concerns over the ownership of the shed/materials	<p>Some submissions raised concerns that the existing shed should be considered the property of the RFS or the Michelago Community. The Business and Infrastructure Co-ordinator for the Monaro NSW RFS branch has provided comment including that Page 42 of the RFS Brigade Management Handbook states the following "<i>Brigade assets do not include: The brigade station</i>".</p> <p>In addition to this they also provided the following excerpt from the <i>Rural Fires Act 1997</i>;</p> <p><i>119 Maintenance and disposal of fire fighting equipment purchased from Fund</i></p> <p><i>(1) In this section: fire fighting equipment means fire fighting apparatus, buildings, water storage towers or lookout towers.</i></p> <p><i>(2) All fire fighting equipment purchased or constructed wholly or partly from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the fire fighting equipment has been purchased or constructed.</i></p> <p><i>(3) A council must not sell or otherwise dispose of any fire fighting equipment purchased or constructed wholly or partly from money to the credit of the Fund without the written consent of the Commissioner.</i></p> <p><i>(4) There is to be paid to the credit of the Fund:</i></p> <p><i>(a) if the whole of the cost of the purchase or construction of any fire fighting equipment was met by money to the credit of the Fund:</i></p> <p><i>(i) an amount equal to the proceeds of sale of any such equipment, and</i></p>

	<p><i>(ii) any amount recovered (whether under a policy of insurance, from the Bush Fire Fighters Compensation Fund under the Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987, or otherwise) in respect of the damage to, or destruction or loss of, any such equipment, and</i></p> <p><i>(b) if a part only of the cost of the purchase or construction of any such equipment was met by money to the credit of the Fund—an amount which bears to the amount that would be required by this subsection to be paid if the whole of that cost had been met by money to the credit of the Fund the same proportion as that part of the cost bears to the whole of that cost.</i></p> <p><i>(5) A council must take care of and maintain in the condition required by the Service Standards any fire fighting equipment vested in it under this section.</i></p> <p><i>(6) The Commissioner may, with the concurrence of the council in which fire fighting equipment is vested under this section, use any of the equipment not reasonably required by the council to deal with incidents in the area of the council to deal with incidents outside the area.</i></p>
That the proposed facility is unnecessary (due to existing collection)	The proposed development is intended to replace the existing waste collection method. While the village was recently provided with a standard kerbside collection, this facility is aimed to provide waste and recycling options for residents who live outside the village collection area. It has been advised that previous suggestions to establish Banks of Bins in areas outside the village area, to service residents not located within the village kerbside collection area, were not supported.
That the original intention was to demolish the shed	The assessment is confined to the details of the application, accordingly this point is not relevant to the merit considerations. In the event that the building is to be demolished in the future a separate development approval would be required.
That the proposed development is a “dump” or “tip” facility	The proposed development is defined as a ‘waste management facility’ or ‘waste transfer station’ – but there will be no waste being disposed of or processed at the site – all waste will be transported to a suitable facility away from the Michelago township

3.9 The public interest

The proposal has been considered in terms of the broader public interest. Matters raised through the notification period have been addressed above.

4.0 OTHER MATTERS

Developer Contributions	Nil
Property Vegetation Plan (PVP)	Nil

Crown Land	Nil
Approvals under other Acts	
Internal Referrals	Yes – Conditions provided

5.0 CONCLUSION:

The Snowy Monaro Regional Council is the consent authority for this application and is the owner of the property concerned.

It is considered that the proposed development generally complies with the relevant provisions of Section 4.15 of the Act, LEP, DCPs and Policies and it is generally acceptable having regard to the surrounding natural & built environment. Accordingly, approval is recommended subject to the imposition of the conditions of consent.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The proposed development is considered to address the needs of a section of the community, specifically those residents who are outside of the village collection area. Providing reasonable access times provides flexibility to residents as they will not have to attend on a specific day or time period to participate in waste and recycling activities. There is still an ability for residents to arrange to meet for other social activities when they utilise the facility.

2. Environmental

The proposed development is considered to have positive effects through:

- Providing a more accessible waste and recycling management system for the surrounding community
- Utilisation of an existing, re-purposed building
- Mitigating the effects of noise emissions when compared to the concentrated impact of two collection vehicles attending for a 3 hour period each Saturday
- Removing duplicated truck movements and making more efficient use of Council plant

3. Economic

The proposed development is considered to have positive economic impacts by providing the ability to use an existing, re-purposed Council asset, and will enable more efficient use of Council plant. The changed arrangement will reduce the overall number of truck movements, by removing the need to have collection vehicles attend Michelago on both Friday and Saturday, as collections will be completed on the one day.

4. Civic Leadership

The application is referred to Council for determination due to the number of submissions received and due to Council being the owner of the property.

This page left intentionally blank.

9.1.1 NO STOPPING ZONES ALONG THE LAKE JINDABYNE FORESHORE - REVIEW OF THE 2019 WINTER TRAFFIC / CAMPING MANAGEMENT CAMPAIGN.

Record No:

Responsible Officer:	Acting Director Environment & Sustainability
Author:	Manager Public Health and Environment
Key Theme:	1. Community Outcomes
CSP Community Strategy:	3.2 Positive social behaviours (including law and order) are fostered and encouraged to maintain our safe, healthy and connected communities
Delivery Program Objectives:	3.2.1 Council's public health and regulatory responsibilities are planned for and delivered to facilitate a safe community and raise awareness
Attachments:	1. No stopping zones along Lake Jindabyne.
Cost Centre	1130
Project	No stopping zone along the Lake Jindabyne foreshore – Review of the 2019 winter traffic / camping management campaign.
Further Operational Plan Actions:	Nil - This project was for the 2019 winter season.

EXECUTIVE SUMMARY

The number of winter visitors to Jindabyne expecting to use the lake foreshore area for unauthorised overnight camping, parking and partying has been increasing each year. This has caused an increase in the number of complaints about anti-social behaviour, littering and rubbish dumping. Council's Ranger Services are tasked with patrolling and regulating the foreshore areas around Lake Jindabyne.

A short term strategy has been developed to address these concerns. No stopping zones were approved through the local Traffic Committee with signage erected along the Lake Jindabyne's foreshore (see attachment 1). Following their installation, an education campaign was implemented to ensure potential campers were aware of the restrictions. Punitive measures (penalty infringement notices) were then used for visitors who chose to ignore the no stopping zones and parked / camped overnight along Lake Jindabyne's foreshore.

This report provides a brief update on the 2019 winter campaign and seeks approval to implement a similar campaign during winter 2020 and subsequent years (during the period 01 June to 31 October).

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

OFFICER'S RECOMMENDATION

That Council:

- A. Note the successful outcomes of the 2019 "No Stopping Zone" campaign.
 - B. Note that the demand for budget camping / parking, both in summer and winter, is increasing as tourist and visitor numbers coming to Jindabyne and the Snowy Monaro Region continue to grow.
-

9.1.1 NO STOPPING ZONES ALONG THE LAKE JINDABYNE FORESHORE - REVIEW OF THE 2019 WINTER TRAFFIC / CAMPING MANAGEMENT CAMPAIGN.

- C. Allocates an annual budget to maintain this campaign during the 2020 winter ski season and subsequent seasons.
- D. Notes a feasibility study will be undertaken during the 2020 winter ski season to investigate the strengths, weakness, opportunities and threats associated with the introduction of a paid parking permit for the Claypits carpark.
- E. Approves the installation of “No Stopping Zone” signs in the following designated areas restricting parking from 6pm until midnight and from midnight until 7am between 01 June and 31 October annually:
 - i. Wollondibby Inlet (6 sites)
 - ii. Claypits (8 sites)
 - iii. Town Centre (2 sites)
 - iv. Townsend Street / Cobbon Crescent (5 sites)
 - v. Other areas identified throughout the course of the campaign

BACKGROUND

The Snowy Monaro Regional Council manages a substantial portion of Snowy Hydro owned land (by way of a management lease) around the foreshore of Lake Jindabyne. The area extends from Stinky Bay to Wollondibby Inlet (see attachment 1). The land provides public access to Lake Jindabyne by way of formed and unformed roads and tracks for a variety of recreational activities. The promotion of this region as a landmark tourist/recreation destination has been very effective. Through the use of social media forums, the process of attracting more visitors to the region has become self-generating. The number of short term visitations to Lake Jindabyne has increased yearly. With the exception of the 2019-2020 summer holiday period, this has been both true for the winter snow and the summer holiday seasons. However, the peak time for visitors continues to be during the winter ski season.

As the popularity of the region has grown, the demand for its finite short-term accommodation has also increased. Consequently, the base price of budget accommodation has grown. The reduction in affordable short-term accommodation, coupled with an increased demand has resulted in a growing trend of unauthorised overnight camping / parking throughout the region. With the number of visitors choosing to camp and park along the Lake Jindabyne foreshore on the increase, the community has expressed concerns about a consequential escalation of anti-social behaviour.

As a result of the concerns raised, Council launched a project in the winter of 2018 to more effectively regulate the unauthorised overnight camping / parking along the Lake Jindabyne foreshore. The campaign involved the installation of parking signs making it an offence to park a motor vehicle overnight at identified camping / parking hotspots under Council control. Council advertised the installation of the signs through its social media channels and tasked its Rangers to regulate compliance. The 2018 campaign proved to be successful in reducing anti-social behaviour along the Lake Jindabyne foreshore.

Council repeated the 2018 campaign in the winter of 2019, with the following enhancements:

- employed a casual Ranger to undertake a focused enforcement campaign
- increased interaction with campers / parkers to educate them on the restrictions

- stopped unauthorised open fires along Lake Jindabyne's foreshore.

The 2019 winter campaign was considered a success when measured by the following:

1. NSW Police Force advised that the 2019 campaign was successful due to a reduction in the number of law and order incidents along Lake Jindabyne's foreshore. The campaign assisted Police officers to more effectively manage the campers.
2. Waste and litter incidents in the target area were constrained to the bin enclosure at the Claypits carpark where it could be easily removed by Council's contractors.
3. Despite increased camping / parking activity at Copper Tom, Hatchery Bay and Poo Bay, Snowy Hydro continues to support the campaign and its objectives. Snowy Hydro will be installing additional no camping signs on their land to support the work being undertaken.

Suggested improvements to the winter no stopping zone campaign were also received. It was recommended that Council introduce a parking permit fee for campers / parkers using the Claypits carpark. The broader impacts of such an initiative need to be fully understood before being implemented. Therefore, a recommendation noting that a feasibility study will be undertaken was included in this report.

The outcomes of the 2019 campaign are detailed in the following sections of this report.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The introduction of the no stopping zones resulted in the majority of the regular campers / parkers relocating to the Claypits carpark. The majority of the campers / parkers occupying the Claypits were low paid seasonal workers, either from the ski resorts or from local businesses in Jindabyne. They were largely a nomadic demographic, traveling between various localities to undertake seasonal work. The type of work performed by the campers / parkers was considered of great economic value to the local business community.

The campers / parkers valued the closeness of the Claypits carpark to ablution facilities and the Jindabyne town centre (where they shop). They also valued the safety of congregating in the one location. Most campers / parkers expressed a desire to keep a low profile. The campers / parkers had formed their own community, enforcing socially accepted norms, thereby mitigating most of the undesirable anti-social outcomes. While the Claypits toilet facilities did not have showers, the campers / parkers using the carpark either had a gym membership, were a member of the local indoor swimming pool or paid to use the facilities at the local caravan park.

The NSW Police Force advised that they regarded the introduction of no stopping zones and the associated enforcement activity undertaken by Council's Rangers as successful in preventing criminal offences along the Lake Jindabyne foreshore. The NSW Police Force attributed the following beneficial outcomes to the establishment and enforcement of the designated no stopping zones:

- (a) There was a reduction in criminal offences.
- (b) Police conducting enforcement activities advised the designated no stopping zones had tangible crime prevention benefits, because they were able to more effectively interact with campers / parkers and intervene with persons of concern without fuss or incident.

However, the campaign may have also caused the following negative outcomes:

9.1.1.1 NO STOPPING ZONES ALONG THE LAKE JINDABYNE FORESHORE - REVIEW OF THE 2019 WINTER TRAFFIC / CAMPING MANAGEMENT CAMPAIGN.

- (a) The success of the enforcement action moved some campers / parkers to areas not restricted by no stopping zones. This caused some social media attention advertising the alternative localities as free camping sites. Areas affected included Copper Tom, Hatchery Bay, Poo Bay and a few other isolated areas of the foreshore away from the Jindabyne town centre. Snowy Hydro were quick to act by getting the social media posts removed. Snowy Hydro advised they were looking to install additional signage in these areas prior to the 2020 ski season.
- (b) There was an increased amount of waste material being left adjacent to waste receptacles servicing the Claypits carpark. The material was routinely removed by Council's contractor. However, its presence was a continual concern to the community. The prompt removal of the waste by Council contractors meant there was no public health or environmental issues created by its presence.
- (c) The high volume of people using the Claypits toilets did cause its floors to look unkempt. However, the facilities were being cleaned and sanitised regularly and this appearance was largely cosmetic.

The NSW Police Force and a prominent member of the local community independently recommended the introduction of a parking permit fee to cover the cost of sanitation services to the Claypits toilet block and waste receptacles. The social strengths, weaknesses, opportunities and threats of the recommended parking permit fee should be investigated before making a decision on its implementation.

2. Environmental

The introduction of the no stopping zones and the evening Ranger to regulate compliance provided a noticeable improvement in environmental outcomes in the targeted areas (see attachment 1). There was a noticeable reduction in noise pollution, abandoned vehicles, human waste and excrement, animal incidents, less fires and smoke events, gravel road and track degradation, and drunken disturbances.

As previously noted, there was waste being left at the bins outside of the Claypits toilets and at other locations outside of the target areas. While unsightly, the waste material was promptly removed either by Council's contractors in the case of the Claypits or Snowy Hydro at the other locations. The prompt intervention prevented the waste from causing a pollution incident.

3. Economic

As previously mentioned, the campers / parkers are an essential part of the local economy. They provide inexpensive labour for local businesses and inject funds into the local economy when they shop in the area. History has also shown that seasonal workers build an attachment to the region, frequently returning in later life to become permanent residents in the community. This highlights some of the economic complexities when making a decision about how to best manage the campers / parkers.

The proposal of establishing a parking permit fee for the Claypits carpark during the winter months mentioned previously requires more in-depth consideration prior to making a decision. The complexity of the campers / parkers economic connection aside, there may be broader impacts to the local community which need thorough investigation. It is recommended that a feasibility study be undertaken containing a detailed survey of campers / parkers using the

9.1.1 NO STOPPING ZONES ALONG THE LAKE JINDABYNE FORESHORE - REVIEW OF THE 2019 WINTER TRAFFIC / CAMPING MANAGEMENT CAMPAIGN.

Claypits and local businesses, so the economic upstream and downstream impacts of a camping / parking permit fee can be fully understood.

Estimated Expenditure	Amount	Financial year	Ledger		Account string															
“No Stopping Zones” signage	\$1,500	2019/2020	G	L	1	0	1	1	3	0	1	0	0	1	6	1	1	4	3	
Sign Installation	\$2,000	2019/2020	G	L	1	0	1	1	3	0	1	0	0	1	6	1	1	4	3	
Ranger Salaries & on costs	\$14,400	2019/2020	G	L	1	0	1	1	3	0	1	0	0	1	6	0	0	0	6	
Funding (Income/reserves)	Amount		Ledger		Account string															
Penalty Infringements	\$18,300	2019/2020	G	L	1	0	1	1	3	0	1	0	0	1	4	1	2	4	2	

4. Civic Leadership

Council previously considered this issue in its preparation and adoption of the *Lake Jindabyne Southern Foreshore Management Plan 2005* and at its meetings of 07 June 2018 and 07 February 2019.

Council resolved (resolution 32/19) the following at its meeting 07 February 2019:

COUNCIL RESOLUTION	32/19
That Council	
A. Note the successful outcome of the trial "NO STOPPING" operation;	
B. Note that Ranger Services does not have the resources to repeat this operation;	
C. Note that the demand for "free" parking, both in summer and winter, is increasing as tourist and visitor numbers coming to Jindabyne and the Snowy Monaro Region is growing annually;	
D. that the recently announced <i>Jindabyne 2036 Masterplan</i> and/or a review of Council's <i>Lake Jindabyne Southern Foreshore Management Plan 2005</i> would be the appropriate instruments to facilitate the development of a long term solution to meet the increasing visitor demand for "free" parking/camping – (noting that there is now no such thing as "free" parking); and	
E. Support funding an additional Ranger on a casual basis for the winter season "no stopping" patrols during 2019.	
Moved Councillor Castellari	Seconded Councillor Haslingden CARRIED

Council resolved (resolution 215/18) the following at its meeting 07 June 2018:

9.1.1 NO STOPPING ZONES ALONG THE LAKE JINDABYNE FORESHORE - REVIEW OF THE 2019 WINTER TRAFFIC / CAMPING MANAGEMENT CAMPAIGN.

COUNCIL RESOLUTION

215/18

That Council

A. Approves the installation of "No Stopping Area" signs in the following designated areas from 6pm until midnight and from midnight until 7am from 7 June 2018 until 31 October 2018:

1. Sheet 1 – Wollondibby Inlet (6 sites)
2. Sheet 2 – Claypits (8 sites)
3. Sheet 3 – Town Centre (2 sites)
4. Sheet 4 – Townsend Street/ Cobbon Crescent – (5 sites);

B. Recognise this as a temporary measure for current winter season;

C. Embark on a campaign for a permanent solution to control and regulate camping around Lake Jindabyne; and

D. Advertise the signage through the press for campers and general public information.

Moved Councillor Beer

Seconded Councillor Castellari

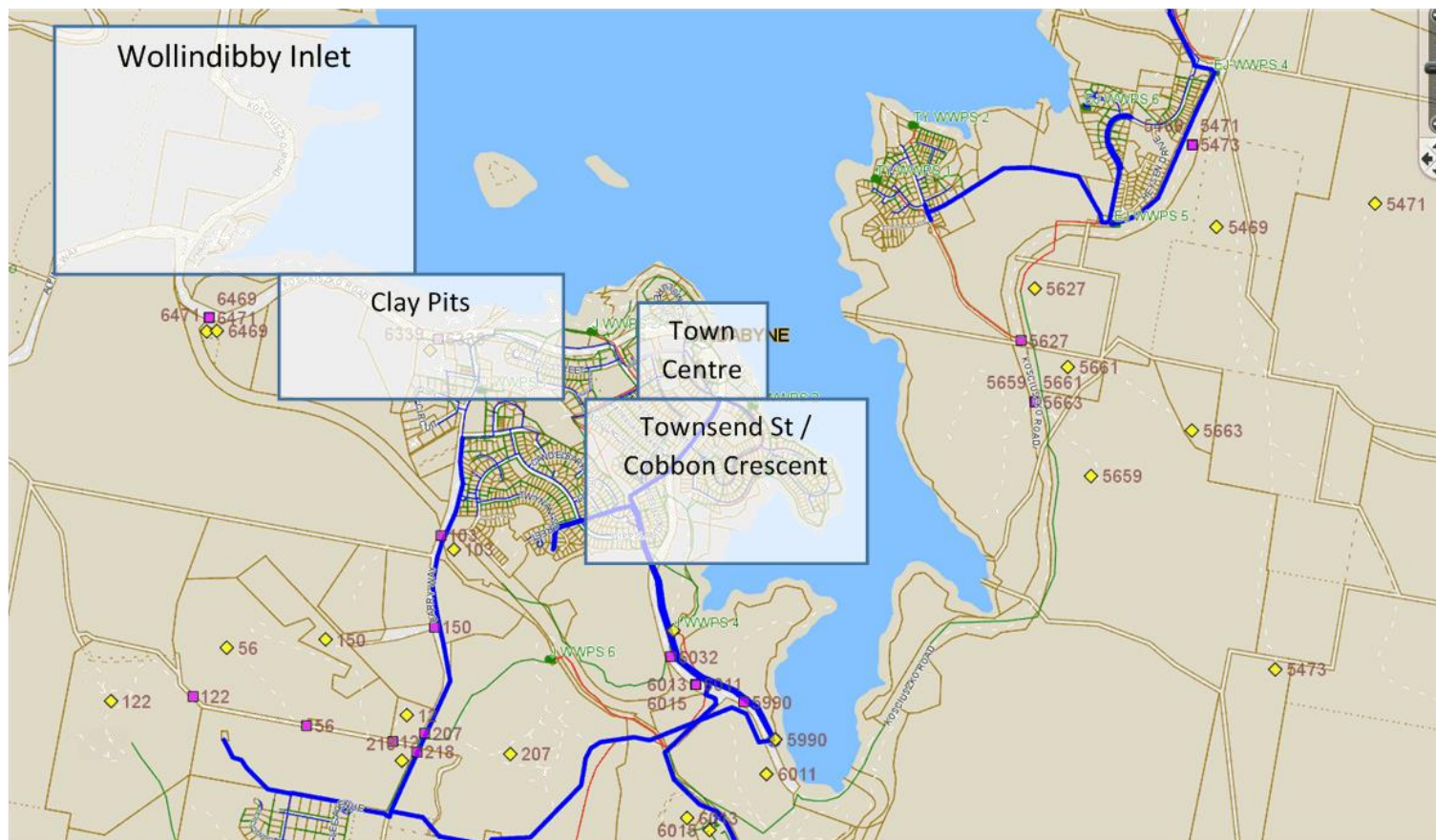
CARRIED

Since the *Lake Jindabyne Southern Foreshore Management Plan 2005* was adopted, the visitor pressures placed on the infrastructure and amenity of the Jindabyne Lake foreshore have increased. Taking into account previous trends it is predicted that the demand for overnight winter camping / parking along the Lake Jindabyne foreshore will continue to increase. This will further increase the pressure on both infrastructure and amenity along the Lake Jindabyne foreshore.

Council, as the key stakeholder in this matter, demonstrated its leadership by bringing together other stakeholders to formulate and implement a strategy to manage the overnight camping along the Lake Jindabyne foreshore. The 2019 winter camping / parking campaign conducted along the Lake Jindabyne foreshore demonstrated that Council was able to take decisive and effective action to implement short term solutions to resolve community concerns. It is recommended that the campaign be repeated in 2020 and in subsequent years, in addition to further studies being undertaken on the suggested parking permit fees.

Over the long term the recently announced *Jindabyne 2036 Masterplan* and/or a review of Council's *Lake Jindabyne Southern Foreshore Management Plan 2005* would be the most appropriate instruments to facilitate the development of a long term solution to meet the increasing visitor demand for budget camping / parking.

No stopping zones along the Lake Jindabyne Foreshore



Wollindibby Inlet



No Standing Signs



Bollards



Lease Boundary

Clay Pits



Town Centre



No Standing Signs

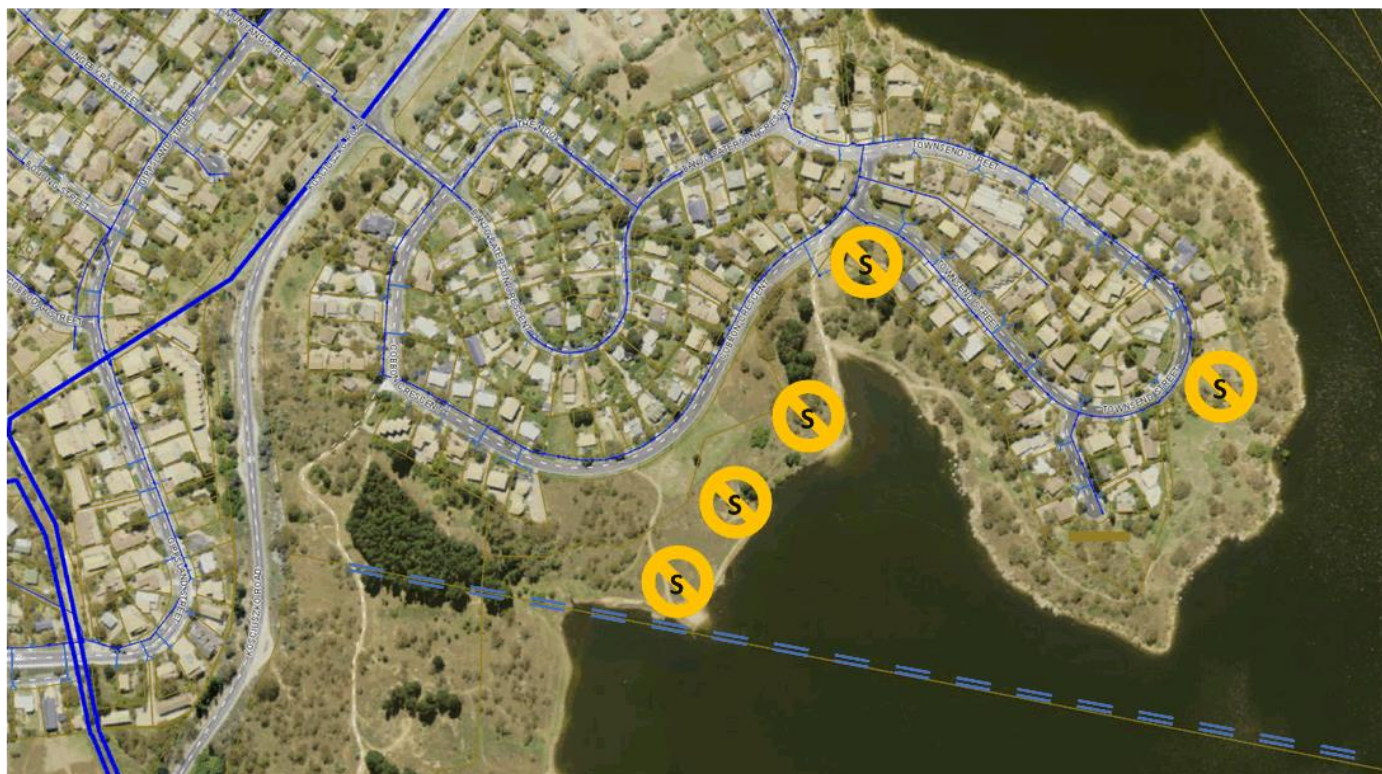


Bollards



Lease Boundary

Townsend St / Cobbon Crescent



No Standing Signs



Bollards



Lease Boundary

This page left intentionally blank.

9.1.2 MONTHLY FUNDS MANAGEMENT REPORT - FEBRUARY 2020

Record No:

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

EXECUTIVE SUMMARY

The following report details the funds management position for the reporting period ending 29 February 2020.

Cash and Investments are \$82,299,805.

Certification

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

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

OFFICER'S RECOMMENDATION

That Council:

- A. Receive and note the report indicating Council's cash and investments position as at 29 February 2020.
- B. Receive and note the Certificate of the Responsible Accounting Officer.

BACKGROUND

Council's Cash and Investments 29 February 2020:

Cash at Bank	2,391,151
Investments	79,908,654
Total	82,299,805

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Total Cash and Investments are available to provide services and infrastructure to the community in accordance with the 2020 budget, Council resolutions and other external restrictions.

2. Environmental

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

3. Economic

Total investments for Snowy Monaro Regional Council were \$79,908,654 on 29 February 2020.

Investment Register – 29 February 2020:

DATE INVESTED	FINANCIAL INSTITUTION	Short-Term Rating	Long-Term Rating	TYPE	CURRENT INVESTMENT	INTEREST RATE	MATURITY
n/a	National Australia Bank - At Call*	A1+	AA-	At Call	1,702,816	0.70%	At Call
n/a	Westpac Bank - At Call	A1+	AA-	At Call	1,205,838	0.15%	At Call
23-Mar-16	ING Bank	A1	A	TD	1,000,000	3.66%	22-Mar-21
23-Jun-16	Commonwealth Bank	A1+	AA-	TD	4,000,000	2.02%	23-Jun-21
21-Mar-17	Bank of Queensland	A2	BBB+	TD	1,000,000	3.15%	20-Mar-20
26-Jun-17	Bank of Queensland	A2	BBB+	TD	4,000,000	3.30%	25-Jun-21
29-Aug-17	Westpac Bank	A1+	AA-	TD	4,000,000	1.84%	29-Aug-22
15-Sep-17	Westpac Bank	A1+	AA-	TD	1,000,000	1.80%	15-Sep-21
06-Mar-18	ING Bank	A1	A	TD	1,000,000	2.86%	06-Mar-20
13-Mar-18	Rural Bank Limited	A2	BBB+	TD	4,000,000	2.80%	12-Mar-20
26-Jun-18	Bendigo and Adelaide Bank	A2	BBB+	TD	4,000,000	2.90%	25-Jun-20
29-Jun-18	National Australia Bank	A1+	AA-	TD	4,000,000	2.96%	29-Jun-23
11-Sep-18	RaboDirect	A1	A	TD	2,000,000	3.33%	08-Sep-23
13-Sep-18	AMP Bank	A2	BBB+	TD	2,000,000	2.85%	14-Sep-20
21-Nov-18	AMP Bank	A2	BBB+	TD	1,000,000	2.65%	21-May-20
17-Dec-18	Rabobank Australia	A1	A	TD	2,000,000	3.15%	16-Dec-22
19-Dec-18	Bendigo and Adelaide Bank	A2	BBB+	TD	2,000,000	2.80%	17-Dec-20
20-Mar-19	ME Bank	A2	BBB	TD	2,000,000	2.60%	19-Mar-20
10-Apr-19	Bankwest	A1+	AA	TD	1,000,000	2.20%	09-Apr-20
08-May-19	National Australia Bank	A1+	AA-	TD	1,000,000	2.30%	07-May-20
07-Jun-19	Rural Bank Limited	A2	BBB+	TD	4,000,000	2.10%	09-Jun-20
08-Aug-19	AMP Bank	A2	BBB+	TD	1,000,000	2.00%	07-Aug-20
27-Aug-19	ING Bank	A1	A	TD	3,000,000	1.44%	31-Aug-21
09-Sep-19	Macquarie Bank Limited	A1	A+	TD	3,000,000	1.55%	03-Sep-20
10-Sep-19	National Australia Bank	A1+	AA-	TD	3,000,000	1.65%	09-Sep-20
17-Sep-19	Bank of Queensland	A2	BBB+	TD	1,000,000	1.85%	19-Sep-23
23-Oct-19	Bank of Queensland	A2	BBB+	TD	1,000,000	1.80%	23-Oct-23
28-Oct-19	Suncorp Bank	A1	A+	TD	1,000,000	1.58%	28-Apr-20
26-Nov-19	Suncorp Bank	A1	A+	TD	1,000,000	1.50%	21-Aug-20
03-Dec-19	Australian Military Bank	A2	BBB+	TD	1,000,000	1.72%	02-Dec-21
05-Dec-19	Suncorp Bank	A1	A+	TD	2,000,000	1.50%	31-Aug-20
13-Dec-19	Bankwest	A1+	AA	TD	1,000,000	1.30%	12-Mar-20
13-Jan-20	Macquarie Bank Limited	A1	A+	TD	8,000,000	1.60%	14-Apr-20
26-Feb-20	Westpac Bank	A1+	AA-	TD	2,000,000	1.48%	24-Feb-21
27-Feb-20	MyState Bank Limited	A2	BBB+	TD	4,000,000	1.65%	23-Nov-20
					79,908,654		

Understanding Ratings:

Credit ratings are one tool used by Council when making decisions about purchasing fixed income investments. Credit ratings are opinions about credit risk.

Standard & Poor's ('S&P') is considered one of the Big Three credit-rating agencies, which also include Moody's Investors Service and Fitch Ratings. S&P publishes financial research and analysis on stocks, bonds and commodities. S&P is known for its stock market indices such as the U.S. based S&P 500, the Canadian S&P/TSX, and the Australian S&P/ASX 200. S&P ratings express their opinion about the ability and willingness of an issuer, such as a corporation, to meet its financial obligations in full and on time. Credit ratings are not absolute measure of default probability. Since there are future events and developments that cannot be foreseen, the assignment of credit ratings is not an exact science.

Credit ratings are not intended as guarantees of credit quality or as exact measures of the probability that a particular issuer will default. S&P issues both short-term and long-term credit ratings. Below is a partial list based, on Council's Investment Register.

Short-term credit ratings (term less than 1 year)

S&P rates the issuer on a scale from A1 to D. Within the A1 category it can be designated with a plus sign (+). This indicates that the issuer's commitment to meet its obligation is very strong.

A1: obligor's (*a person or corporation who owes or undertakes an obligation to another by contract or other legal procedure*) capacity to meet its financial commitment on the obligation is strong.

A2: is susceptible to adverse economic conditions however the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

Long-term credit ratings (term greater than 1 year)

S&P rates the issuer on a scale from AAA to D. Intermediate ratings are offered at each level between AA and CCC (for example; BBB+, BBB).

AA: has very strong capacity to meet its financial commitments. It differs from the highest-rated obligors (rated AAA) only to small degree. Includes AA-.

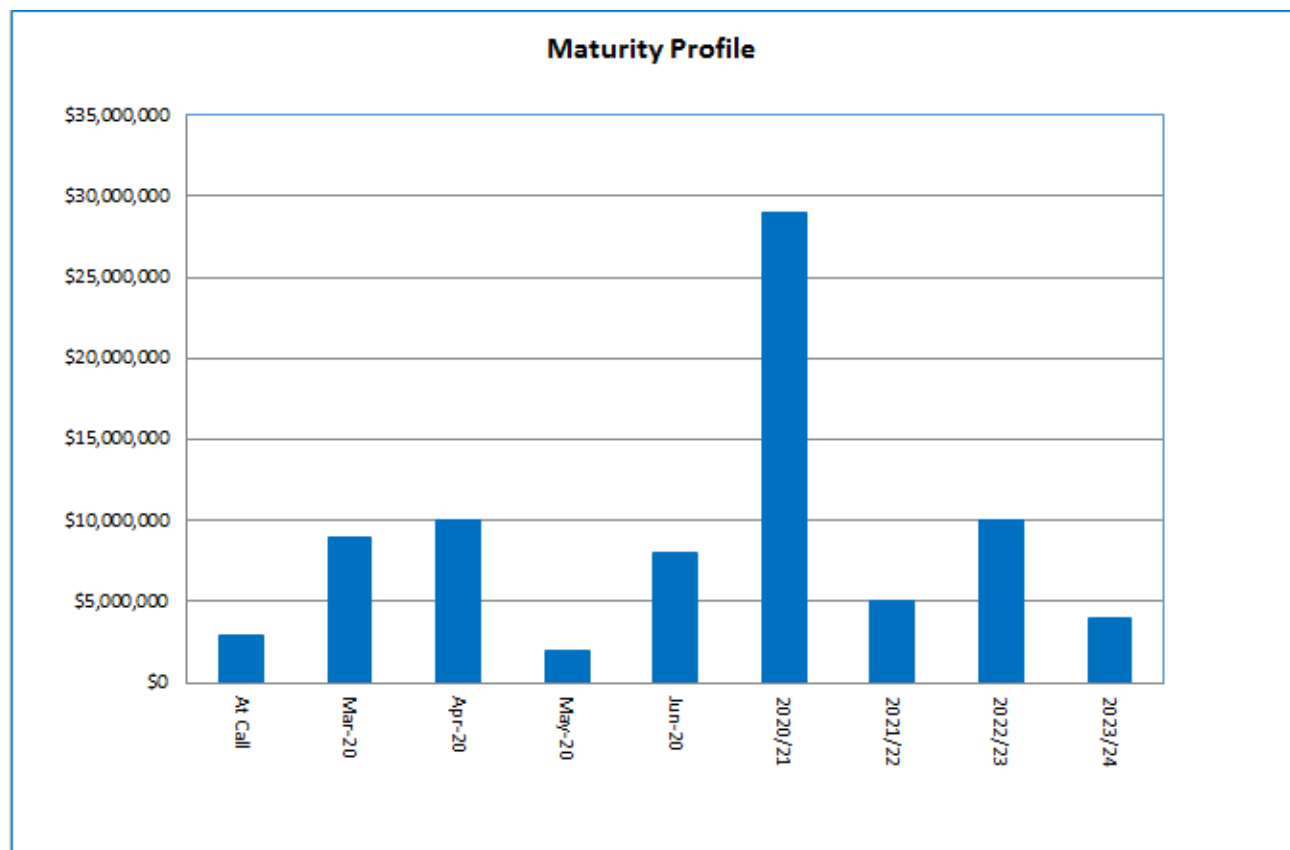
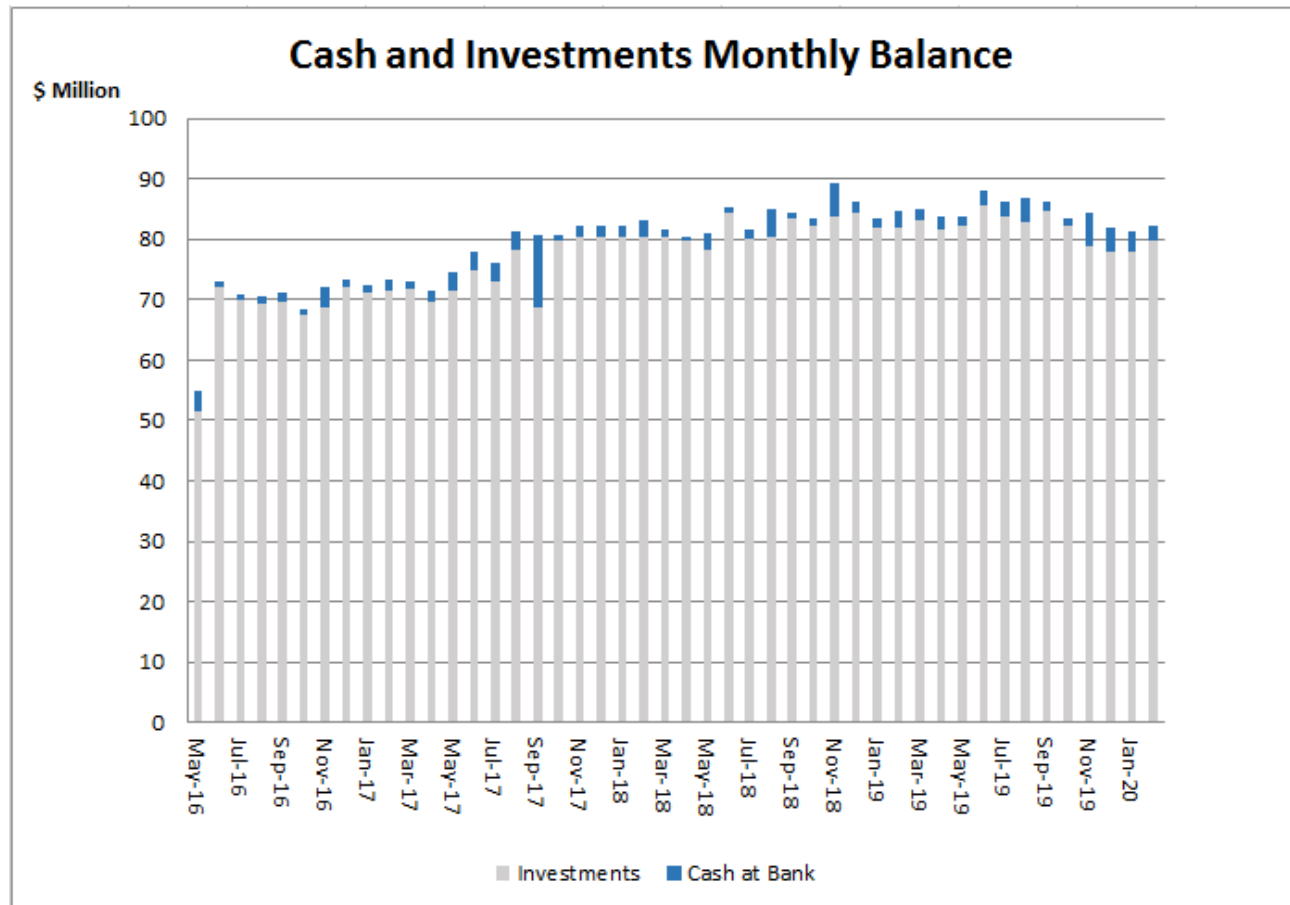
A: has strong capacity to meet its financial commitments but is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligors in higher-rated categories.

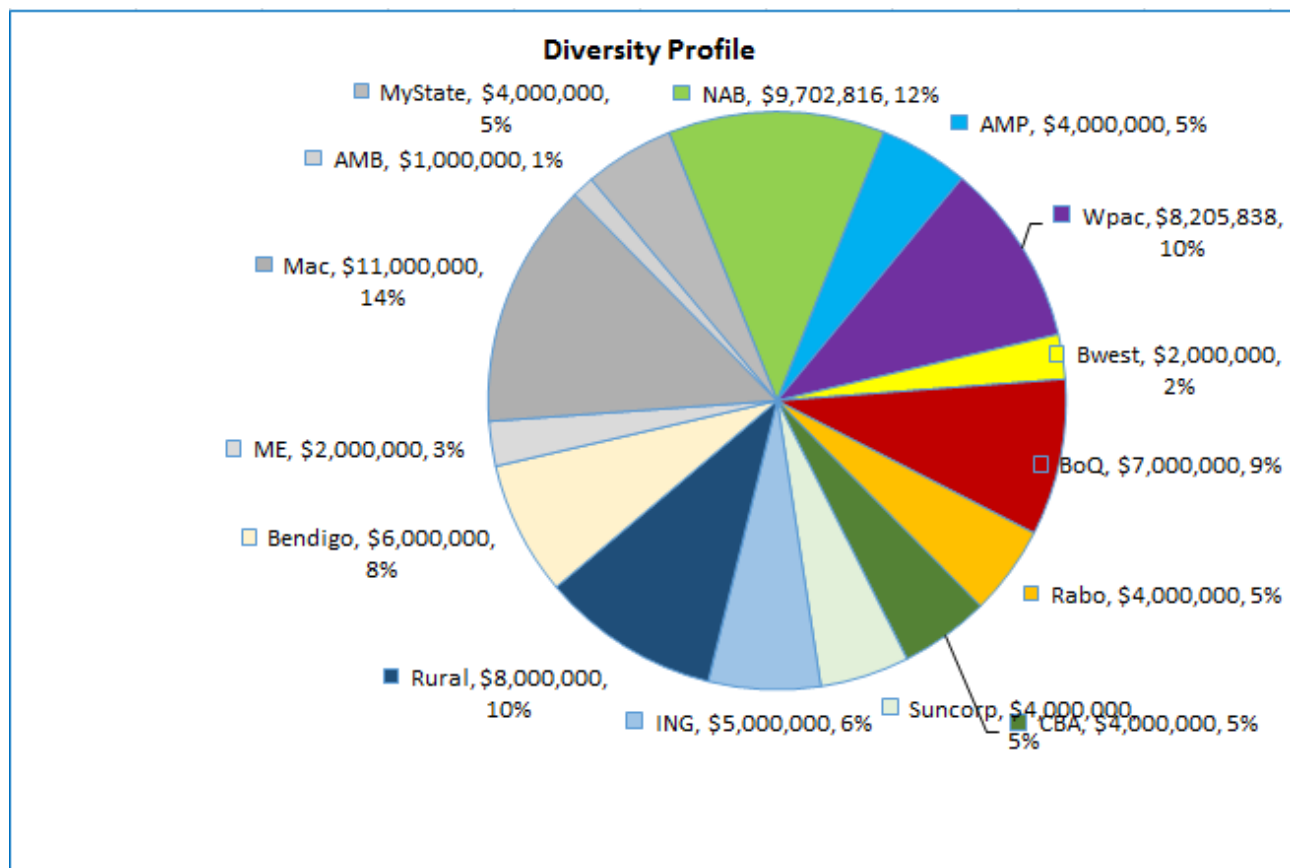
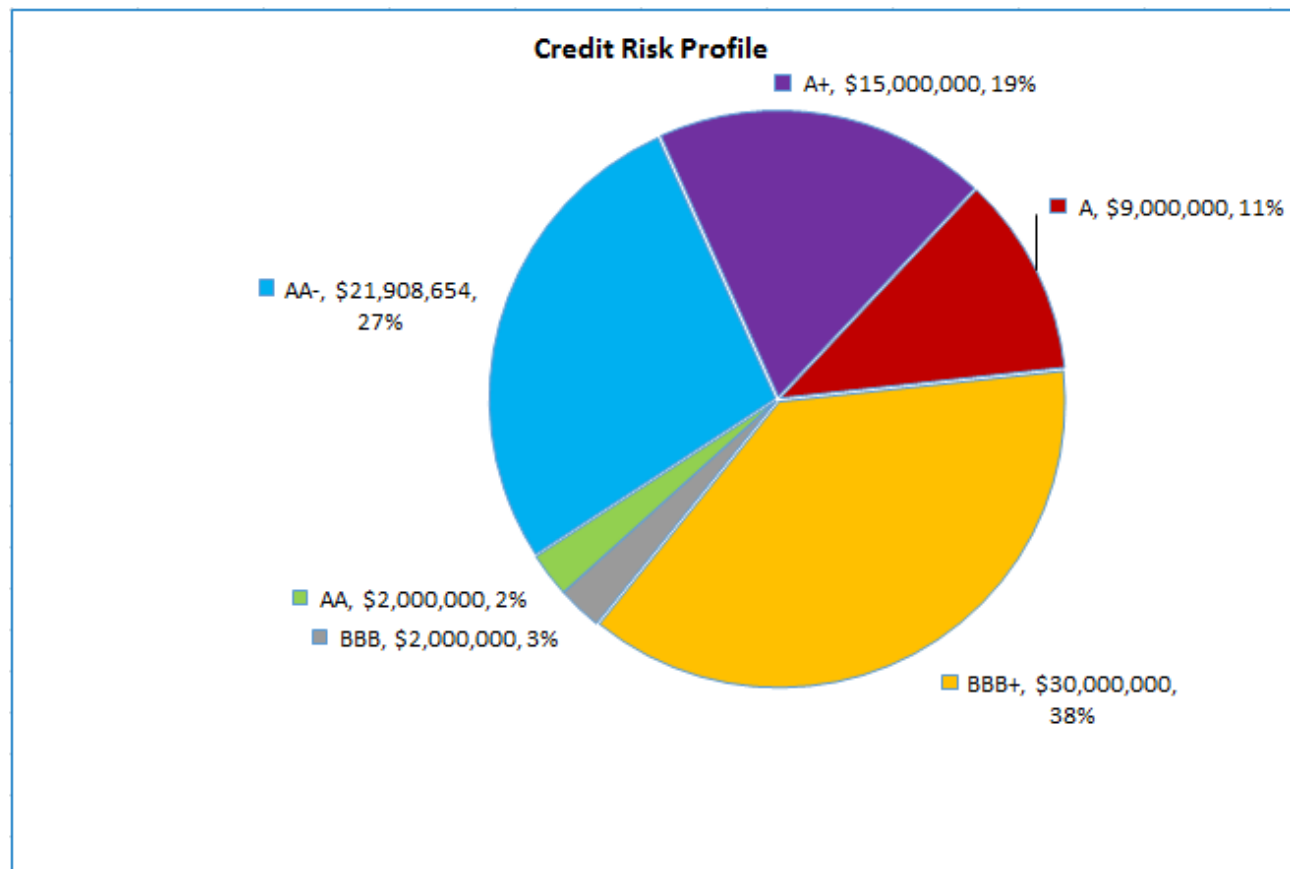
BBB: has adequate capacity to meet its financial commitments. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitments.

Ratings from 'AA' to 'CCC' may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the major rating categories.

Source: S&P Global Ratings

Cash and Investments Charts:





Investment Portfolio Return:

Benchmarking is used by Council as a gauge for the performance of its portfolio against its investing universe (*universe*: securities sharing a common feature – liquidity, return patterns, risks and ways to invest). A suitable benchmark to review the return on Council's portfolio is the Bank Bill Swap Rate (BBSW), or Bank Bill Swap Reference Rate – a short-term interest rate used as a benchmark for the pricing of Australian dollar derivatives and securities – most notably floating rate bonds.

Month	YTD Annualised Return	Monthly Average Interest Return	90 Day Bank Bill*	Margin
February	2.28%	2.11%	0.85%	1.26%
January	2.30%	2.15%	0.89%	1.26%
December	2.33%	2.17%	0.92%	1.25%
November	2.36%	2.26%	0.89%	1.37%
October	2.37%	2.25%	0.93%	1.32%
September	2.41%	2.31%	0.95%	1.36%
August	2.46%	2.48%	0.97%	1.51%
July (2019)	2.45%	2.45%	1.01%	1.44%

**The Australian Financial Market Association (AFMA)*

4. Civic Leadership

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

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

9.1.3 DRAFT SNOWY MONARO REGIONAL COUNCIL HERITAGE STRATEGY 2020-2023

Record No:

Responsible Officer:	Acting Director Environment & Sustainability
Author:	Group Manager Development & Building Certification
Key Theme:	1. Community Outcomes
CSP Community Strategy:	2.1 Our culturally diverse heritage is preserved and celebrated for the richness it brings to our regional identity
Delivery Program Objectives:	2.1.2 Council celebrates and enriches the heritage fabric throughout the region
Attachments:	1. Draft Snowy Monaro Regional Council Heritage Strategy 2020-2023 (<i>Under Separate Cover</i>) 2. Snowy Monaro Draft Local Strategic Planning Statement Extract Implementation Plan (<i>Under Separate Cover</i>)
Cost Centre	8020
Project	
Operational Plan Actions:	7.1.1 Business as Usual Promote Development Application pre-lodgement meeting services for potential applicants and communicate with our stakeholders the development application process.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council a draft Snowy Monaro Regional Council Heritage Strategy 2020-2023 (the Strategy) (Attachment 1) for endorsement to place on public exhibition for a period of not less than 28 days.

The Strategy is a key component of Council's Snowy Monaro 2040 Community Strategic Plan (CSP) and 2018-2021 Delivery Plan incorporating the 2019 Operation Plan which requires the preparation and adoption of an Integrated Heritage Strategy by April 2020.

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

OFFICER'S RECOMMENDATION

That Council;

- A. Receives the report from Group Manager Development and Building Certification; and
- B. Endorse the public exhibition of the draft Snowy Monaro Regional Council Heritage Strategy 2020-2023 seeking comment from the community.

BACKGROUND

During the development of Council's Community Strategic Plan it was identified that the Snowy Monaro Community values the local heritage and expressed it be celebrated and enriched throughout the region. In response Council has committed its intent to respect and acknowledge

those who came before us, the traditional custodians of the land in the Snowy Monaro region and all of our communities that have contributed to our rich history.

In line with this commitment Council's CSP and 2018-2021 Delivery Plan incorporating the 2019 Operation Plan set an action for an Integrated Heritage Strategy to be developed and adopted by April 2020. The following outlines this direction;

CSP Community Outcome Two;

Our regions diverse cultural identify is preserved and we foster creative expression and spaces.

CSP Strategy 2.1;

Our culturally diverse heritage is preserved and celebrated for the richness it brings to our regional identity.

2018-2021 Delivery Program Objective – Strategy 2.1.2;

Council celebrates and enriches the heritage fabric throughout our region.

Operation Plan Action 2.1.2.1;

Finalise an Integrated Heritage Strategy.

In the initial preparation of the Strategy consultation with Council's consultant Heritage Advisor was undertaken. Several recommendations and comments received resulted in a number of strategies and actions being drafted. These comments aligned with Council's premise that actions need to be achievable, effective and measurable.

The Strategy is primarily focused on historic heritage i.e. buildings and streetscapes and not aboriginal cultural heritage. This position has been taken as an Aboriginal Heritage Study is proposed for the region as Planning Priority 9.1 within the Implementation Plan for the draft Local Strategic Planning Statement (LSPS) (Attachment 2). The LSPS is currently on public exhibition. Once the study is completed, relevant recommendations will be considered in the preparation of a new Heritage Strategy required to be developed in 2023.

Council currently receives grant funding from the NSW Heritage Office for 2019-20 and 2020-21 financial year periods. The funding provided is to financially assist Council to co-ordinate and manage the following programs;

1. **Heritage Advisor Service.** Council currently engages the services of Mr Pip Giovanelli to provide advisor services for our community on heritage related matters and specialised assessments/advice of heritage listed items subject of a Development Application. This service is funding on a dollar for dollar basis with Council up to a grant funding amount of \$7,000. Any costs over this amount is funded through budget allocations.
 2. **Heritage Places Program.** Council currently provides funding to applicants on a dollar for dollar basis for approved projects/works on heritage lists items that will provide significant heritage preservation and enhancement. Grant funding of \$6,250 is yet to be received. Additional funds up to a total outlay of \$20,000 by Council on all projects. Applications are sought and received from listed item owners for projects under defined criteria and all applications are assessed by Council staff and consultant Heritage Advisor. Projects are awarded funding up to \$4,000 on a dollar for dollar basis.
-

The development of The Strategy has been aligned with the timeline for completion and adoption of the consolidated Snowy Monaro Local Environmental Plan (LEP). With an anticipated increase in the number of heritage listings within the new LEP, the Strategy will provide increased education for our community and assist owners with access to grant funding that may become available for listed heritage items to preserve the significance aspects of these items.

The Strategy is an integral part of the development of the LSPS which is currently on public exhibition. The relevant section from this document relates to Planning Priority 9.4 being to protect and enhance the cultural and built heritage of the Snowy Monaro Region. (Attachment 2)

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The actions proposed to be implemented as part of the Strategy will ensure that our community are provided with the resources and direction to assist with the preservation and enhancement of our cultural history and our health and social wellbeing are maintained for our community.

2. Environmental

The actions proposed to be implemented as part of the Strategy are aimed at protecting our regions cultural identity which includes heritage listed items and conservation areas along with incentives to encourage appropriate re-use and restoration of these items.

3. Economic

The actions contained within the Strategy have been budgeted for within allocated funds. However, it should be noted that a review of resources and funding streams will need to be undertaken upon completion of Conservation Management Plans proposed for Council owned or managed heritage assets. This review will ensure that any works associated with the on-going maintenance of these assets is achievable.

Estimated Expenditure	Amount	Financial year	Ledger		Account string															
Budget Group 6 Expenses	\$76,900	2019-2020	G	L	1	0	8	0	2	0										
Funding (Income/reserves)	Amount		Ledger		Account string															
Budget Group 4 Grant Funding	\$13,250	2019-2020 2020-2021	G	L	1	0	8	0	2	0	1	0	0	1	4	1	4	3	0	

4. Civic Leadership

With the development of the Strategy Council has demonstrated its commitment to providing an efficient, effective and measureable approach to heritage management for our community. The actions contained within meet legislative requirements, provide a transparent and accessible direction for our community on the management of heritage related matters and directly engages our community through proposed actions.

Consultation Program

The Strategy is a significant component of the strategic planning policy framework of Council and as such community input on the actions proposed is required. The recommended method for this consultation will be via public exhibition of the Strategy through media formats such as the local media outlets, Council' website and on Council's "Your Say" website. Council's consultant Heritage Advisor has provided initial comments in the development of the draft document and further comments will be sought upon conclusion of the public exhibition on any relevant submissions received.

9.1.4 MONARO AQUATIC SERVICES REQUEST TO WAIVER DIFFERENCE IN WATER USAGE

Record No:

Responsible Officer:	Acting Director Operations and Infrastructure
Author:	Commercial Land Officer
Key Theme:	1. Community Outcomes
CSP Community Strategy:	1.3 Recreation, sporting and leisure facilities encourage all ages to live in an active and healthy lifestyle
Delivery Program Objectives:	1.3.3 Council's recreational facilities, parks and public open spaces are safe, well managed and accessible
Attachments:	1. Copy of Water Account 2. Letter to Request Water Rates Waiver 3. Images of Cooma Pool before clean up 4. Images of Cooma Pool before clean up 5. Images Cooma Pool before clean up 6. Images Cooma Pool Before Clean Up
Cost Centre	1710
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Monaro Aquatic Services have written to Council requesting that a portion of their current water account (30.9.2019 to 31.1.2020) be waived due to increased water costs relating to the fires.

The region was covered in a large amount of ash which resulted in the pools being closed. The clean up at Cooma pool was considerable causing an increase of around 2435 kilolitres of water usage.

The Local Government Act (S. 610E and 610F) requires such a proposal to be advertised for a minimum of 28 days to seek public comment and to consider any submissions made through that process.

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

OFFICER'S RECOMMENDATION

That Council

- A. Advertise the proposal to waive \$7,645.90 for additional water usage at the Cooma Swimming Pool due to clean-up activities resulting from the bushfires, for 28 days; and
 - B. In the event that no negative submissions are received, authorise the Chief Executive Officer to waive the fees without the need for a further Council Resolution.
-

BACKGROUND

Monaro Aquatic Services are the current contractors who manage the Cooma pool. Council has received correspondence from Monaro Aquatic Services requesting a waiver of a portion of their current water notice.

Monaro Aquatic Services received a water notice covering 30 September 2019 to 31 January 2020. The water usage on this account was 4896kl which is a 2435kl increase on the usage for the same period last year.

Due to the ash storm that impacted much of the region in early January all of the outdoor pools had to be closed for a number of days varying from approximately 4 days for the Cooma pool, to almost two weeks for Adaminaby.

The impacts on the Cooma Pool included the following:

- The toddler pool had to be emptied for manual cleaning due to the amount of ash;
- The main pool was able to be cleaned but a lot of water was used with the manual vacuum, due to it being a non-return system, to ensure the ash was completely removed;
- The pool covers were covered in ash which took a substantial effort with a combination of scrubbing and pressure washing;
- The pool concourse also required scrubbing and pressure washing due to ash becoming thick and slippery;
- The walls, surrounds, shade sails, solar panels and sky lights all took several washes to remove all of the ash;
- The amenities took a full day for staff to pressure wash and scrub; and
- Backwashing of all 10 pumps was carried out several times to ensure that all ash was removed from the water and filters and that clean water was going back into the system.

In addition to the ash, attendance numbers for this season were adversely impacted due to the smoke that shrouded the area for almost 6 weeks. This has affected the normal income that Monaro Aquatic Services would generate. In January 2019 the attendance figures for the Cooma Pool were 3429 compared to 2869 in January 2020, a reduction of 560 visits.

Section 610E(1) of the Local Government Act provides:

A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.

Section 610E(2) further provides that a Council must not determine a category of cases in relation to this section unless it has given public notice of the proposal, in the same way it is required to give public notice of a fee (Section 610F(2) or (3)).

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Monaro Aquatic Services does an excellent job of maintaining and managing this asset for Council. There was an enormous amount of work over a very short amount of time to ensure that the Cooma pool was back up and running for the community to use.

If Council was to approve the requested waiver (valued at \$7645.90) it would be providing some assistance at a time where local businesses have suffered as a result of the fires.

2. Environmental

No environmental impacts.

3. Economic

The total value of the requested waiver is \$7,645.90 calculated on 2435 kilolitres at 3.14 per kilolitre, meaning the water fund will be forfeiting that amount of revenue, based on Council's adopted fees and charges.

This will be lost revenue for the Water Fund.

Council could consider recouping this as a donation through the next round of community donations, however, that would require submission of an application for the next donation round, and if successful, would see a large reduction in the amount of funding available for other community groups.

4. Civic Leadership

There is no discretionary provision for waiving fees due to natural events, therefore a Council resolution is required. The provisions of the Local Government Act must be applied (Sections 610E and 610F).



T 1300 345 345
F 02 6455 1799
E council@snowymonaro.nsw.gov.au
www.snowymonaro.nsw.gov.au

PO Box 714
COOMA NSW 2630
ABN 72 906 802 034

Water Notice



Monaro Aquatic Services
7 Hain Street
COOMA NSW 2630



019
1001703
R1_3623

FOR THE PERIOD
30/09/2019-31/01/2020

DATE OF ISSUE: 19/02/2020
ASSESSMENT NO.: 10037729
PAYMENT REFERENCE: 20037727
DUE DATE: 20/03/2020

PROPERTY LOCATION AND DESCRIPTION

43 Massie Street COOMA NSW 2630 Lot: 6 Sec: 16 DP: 758280

METER NO.	TYPE	OPENING DATE	READING	CLOSING DATE	READING	USAGE (KL)	NUMBER OF DAYS	AVE DAILY KL
19W707040	1-Metric	30/09/2019	2120	31/01/2020	7016	4,896.00	123	39.805
Total Water Consumption						4896		

METER NO.	TARIFF CODE	USAGE (KL)	PRICE PER KL	TOTAL CHARGE
19W707040	NONRES	4896	\$3.14	\$15373.44
Total Current Water Charge		4896		\$15,373.44
Arrears or Credits B/F				\$0.00
Net Payable				\$15,373.44

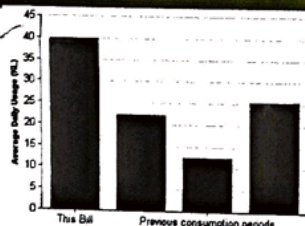
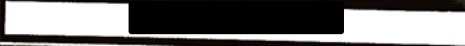
Year to date Consumption-7016KL

This Invoice contains GST of \$0.00.

GO GREEN. GO ELECTRONIC.

Receive your water notices via email

Register now at snowymonaro.enotices.com.au
with eNotices reference number:



DEDUCT PAYMENTS SINCE	DUE DATE	NET PAYABLE
14/02/2020	20/03/2020	\$15,373.44



Bill Code: 90340
Reference No: 20037727

Telephone & Internet Banking – BPAY

Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card or transaction account. More info: www.bpay.com.au

Note: Any overdue amounts attract a daily interest charge until finalised.

WATER NOTICE PAYMENT SLIP

(ATTACH THIS PORTION TO YOUR REMITTANCE)

ASSESSMENT NO. 10037729
NAME Monaro Aquatic Services
NET AMOUNT DUE \$15,373.44
DUE DATE 20/03/2020
PAYMENT REFERENCE 20037727

IF RECEIPT REQUIRED
PLEASE TICK BOX ☐

WATER - COOMA BRANCH



MONARO AQUATIC SERVICES

ABN: 21476718059

43 MASSIE STREET

COOMA NSW 2630

monaroaquatics@gmail.com

***The General Manager
Mr Peter Bascomb
Snowy Monaro Shire Council
81 Commissioner Street
Cooma NSW 2630***

28th February 2020

Dear Peter,

We have just received our latest Water Notice for the period 30/09/2019/-31/01/2020. Assessment No: 10037729. The amount was \$15,373.44 this is more than double our rates for the same period last year, which were \$7,530.66.

After the ash storm on 4th January 2020, the pool had to be closed for over 5 days due to the damage caused by fallen ash throughout the facility, including in the pools themselves, the bathrooms, the pool covers and pool surrounds.

Council staff advised us that we may need to empty the pools for cleaning. We were hesitant to do this knowing it would then take at least another four weeks to refill and heat, leaving the patrons without the pool for a much longer period over the usually hot school holidays. We did have to empty the toddler's pool as it was unable to be manually cleaned with the amount of ash sticking to the bottom like mud.

The main pool was able to be cleaned with a manual vacuum, this used a lot of water as it is a non-return system to ensure the ash was completely removed. The pool covers were filthy with ash and took a lot of scrubbing and pressure

washing. Our pool concourse was thick with very slippery sludge and also had to be pressure washed and scrubbed.

The walls and surrounds of the pool facility, the shade covers, solar panels and sky lights were all covered in thick soot, which took several washes to remove totally.

The amenities took a full day with staff to pressure wash and clean thoroughly.

To ensure the pool quality was of the correct standard, before allowing patrons to use the pool, backwashing of all 10 pumps was carried out several times to flush them properly. This consists of flushing dirty water from the filters and pushing fresh water back into the system.

As you can see we have had to use a lot of extra water over this period to get the facility up to standard to be able to reopen in a timely manner without impacting the community any further.

Water usage for the same period last year was 2461 kl and this period was 4896 kl a difference of 2435 kl.

As the facility was closed for several days and then further impacted by the smoke from the fires over the whole school holiday period, Monaro Aquatics was already struggling to break even. Would Council consider wavering the difference in our usage of water for our current notice?

Please see attached photos for reference.

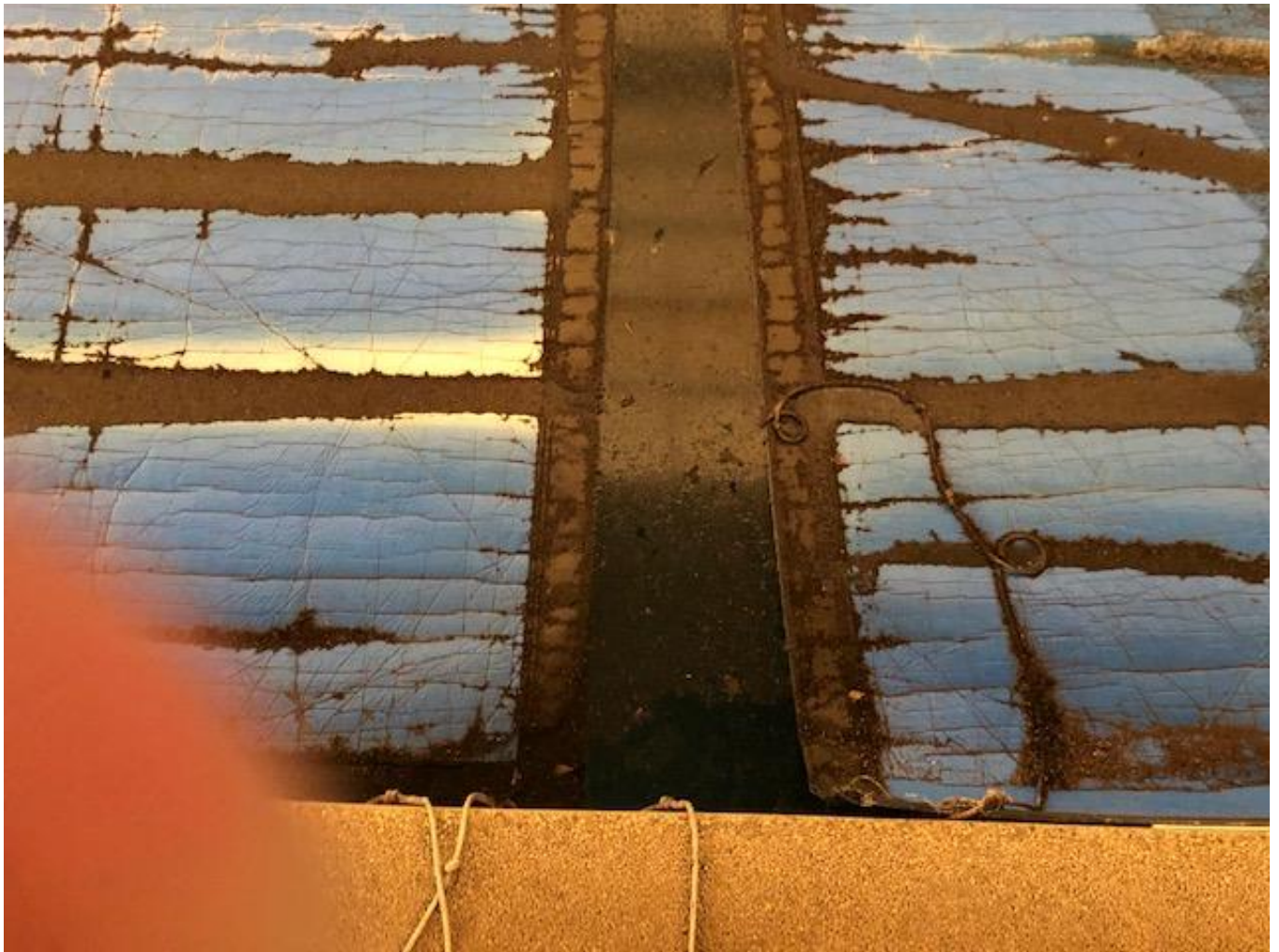
Thank you for taking this into consideration.

We look forward to hearing from you.

Kind Regards

Michelle Thomas & Lorraine Alford

Monaro Aquatic Services









9.1.5 REQUEST FOR SPONSORSHIP OF A STATUE OF TORAH BRIGHT

Record No:

Responsible Officer:	Acting Director Operations and Infrastructure
Author:	Open Space & Recreation Manager
Key Theme:	1. Community Outcomes
CSP Community Strategy:	2.2 Support and promote the arts recognising the broad and diverse contribution it makes to community identity and wellbeing
Delivery Program Objectives:	2.2.1 A range of regional level arts and cultural activities are delivered and promoted in partnership with the community
Attachments:	1. Great Australian Women
Cost Centre	General revenue
Project	Great Australia Women Statue of Torah Bright
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Council has received a request for the sponsorship of a bronze statue of Torah Bright that will be used as part of the Great Australian Women – Statues of Inspiration exhibition to be located along the Riverwalk in Melbourne for a 6 month period in 2021. The cost of the sponsorship is \$67,000 to allow the statue to be created and exhibited in Melbourne. At the conclusion of this project Council would take ownership of the statue, and would also be responsible for the cost of removal, relocation and installation of the statue to a site within the Snowy Monaro Regional Council area – which is estimated to cost an additional \$10,000 to \$15,000 plus ongoing maintenance costs.

Staff have requested written confirmation that this project has approval from Torah Bright but at the time of completing this report, this has not been received.

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

OFFICER'S RECOMMENDATION

That Council acknowledges Torah Bright's achievements but does not agree to commit funds towards this sponsorship proposal as it is unlikely that it will demonstrate an appropriate level of benefit to the community.

BACKGROUND

Council has received an invitation from Gillie and Marc artists to sponsor a statue of Torah Bright for their Great Australian Women – Statues of Inspiration project. Council has not, at this time, received confirmation of approval from Torah Bright.

The basis of the request is:

GREAT AUSTRALIAN WOMEN - Statues of Inspiration

What: Gillie and Marc will be bringing 10 amazing women in bronze to Riverwalk in Melbourne to celebrate women and gender equality. It will be a monumental exhibition with worldwide press, the women will speak at an unveiling and the ABC has also expressed interest in a documentary.

When: International Womens Day on March 8, 2021 for a 6 month exhibit.

Details: Torah Bright was nominated by the public as one of the women they would like to see as part of the exhibition. Gillie and Marc will be working with her to design and create the statue. We would love to invite Torah Bright and your council to speak at the unveiling among the other women. This exhibit will have all the major news channel with approx. 8 million people visiting over the course of the 6 months.

Costs and Sponsorship: Gillie and Marc, the artists will be donating all of their time and money to create this landmark Public Event. They just need the cost of the bronze materials sponsored to make this project a reality. We will be reaching out to sponsors who will have their logo on a sign next to their chosen woman statue. This will be theirs to keep permanently after the exhibit at a location of their choosing.

The full proposal is attached to this report. If you are able to only fund a portion the organisers could potentially speak to Torah Bright's other sponsors to see if they would also like to put some money in.

Cost: The full sponsorship cost (as per the attachment) is \$67,000 – this does not include the cost of relocation and installation of the statue once the exhibition has closed nor the ongoing maintenance costs.

While not as substantial as a full-size bronze statue, Ms Bright and other Olympians from our area are publicly recognised in the commemorative park in Sharp Street (near McDonalds), with other athletes of renown shown on the Snowy Monaro sporting wall of fame, located within the Centennial Plaza complex.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The financial cost of proceeding with this project will unlikely generate appropriate benefit to the community.

2. Environmental

Minimal impact on the environment –the site for the relocation of the statue will determine the approvals required.

3. Economic

Council need to consider if the cost aligns with the potential tourism and community benefit that may be generated from this project. Whilst Council recognise Torah's achievements at this time the cost is prohibitive and there has been no community consultation to determine if this project deemed a suitable use of Council resources. There is no budget allocation for this project.

9.1.5 REQUEST FOR SPONSORSHIP OF A STATUE OF TORAH BRIGHT

Estimated Expenditure	Amount	Financial year	Ledger		Account string															
Sponsorship cost	\$67,000	2020																		
Removal and reinstallation	\$10,000-\$15,000	2021																		

4. Civic Leadership

Council's Donations and Sponsorship Policy states that organisations that are requesting donations or sponsorship should reside in the Snowy Monaro Regional Council area. This project would be a one-off sponsorship amount with the statue becoming an additional permanent asset to be managed and maintained by Council.

GREAT AUSTRALIAN WOMEN

STATUES OF INSPIRATION



01

The Founders

Gillie and Marc have been called the most successful and prolific creators of public art in New York's History by the New York Times. Creating some of the world's most innovative public sculptures, Gillie and Marc are re-designing what public art should be, spreading messages of love, equality, and conservation around the world. Their highly coveted sculptures and paintings can be seen in art galleries and public sites in over 250 cities. They're Archibald Prize Finalists and have won the Chianciano Biennale in Italy, among other notable awards and accolades.

Referred to by the media as "the world's most loving artists", this artistic duo has worked side by side for more than 30 years, creating art as one and spreading the love they have for each other with the world. The artists first met on a film shoot in Hong Kong and 7-days later they ran away to Nepal to get married on the foothills of Mount Everest. They've been inseparable ever since.

Both Gillie and Marc have been very vocal as advocates for gender equality, and as a professional couple, live as equals at home and in the workplace - because that is how a truly loving and respectful relationship should co-exist. Their decisions and responsibilities are shared, and Marc would never assume that he is more capable than Gillie because he is a man. Nor would she let him!

Founders of the global public art project Statues For Equality, Gillie and Marc have seen huge success with their launch of 10 statues of inspirational women on the iconic Avenue of the Americas in NYC. The launch was met with overwhelming support and applause. Globally covered by the press it had over 250 million unique visits in August alone. Presidents and governments across the globe applauded the mission as well as members of the public, thrilled to finally be able to see inspiring female faces in the art of the city. With the addition of these statues, the number of statues depicting women went from 3% to 10% overnight. The project is ongoing with more statues to be added.



02

About

Australia is a place filled with extreme environments, pulsing cities, and full of inspirational women. Fighting for social justice, making advancements in health care and science, blazing the sports fields, and making their mark in parliament, the list of amazing women and their achievements is vast.

This is a thing of pride for Australia, a pride for the strong and talented women that fill the country. They are an inspiration for all and our leaders of the future.

Internationally renowned Australian public artists Gillie and Marc Schattner, want to create a celebration of some of the most inspirational Australian women of our time to be displayed for all to see. Having seen huge international success with their project of the same mind, Statues For Equality, in New York City, they want to bring the spotlight to the women of their own country with a celebration of inspirational Australians along Melbourne's iconic river walk.



03

The Idea

Expertly crafted in everlasting bronze, larger than life statues of some of the most inspirational Australian women of our time will wind down the iconic river walk in the heart of Melbourne.

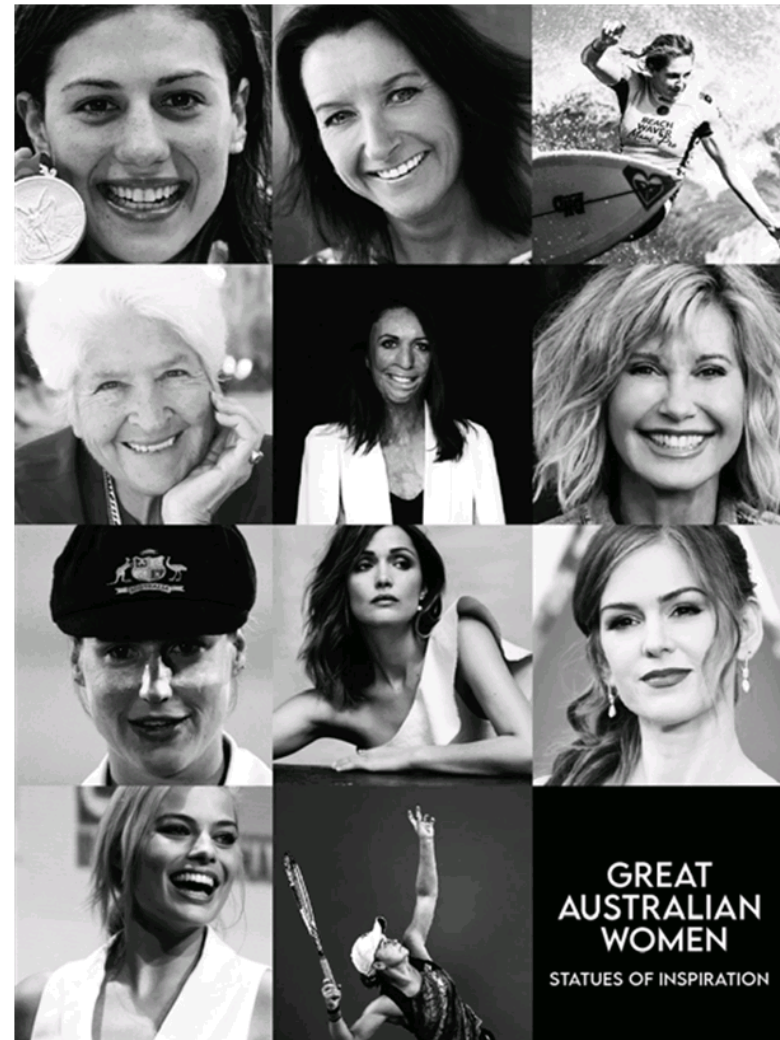
A picturesque location that is immensely popular with both locals and tourists alike, the statues will be seen by millions, bringing the stories and achievements of these amazing women to the people and giving inspiration to all who see them as a beautiful artistic walk.

This walk is not just a public art exhibition, it is a celebration of all Australians. It is a celebration of the incredible women of this country, their achievements, and how they have shaped this country.

But it is also a celebration for the rest of Australia, a time to be proud of the people that this country has raised and supported and the creativity, ingenuity, and perseverance that has changed the world.

This exhibition is an opportunity to celebrate success and provide inspiration for future generations.

The statues will be exhibited on the river walk for 6 months before being relocated to a permanent home with their sponsors.



04

The Benefits

Public art brings huge benefits to the local community. Public artists for the past 30 years and creating monumental works all over the world, Gillie and Marc have seen the effects a statue can bring to the community. Through their work, they have raised thousands of dollars for animal conservation, been sent hundreds of messages thanking them for the inspiration their statues have brought, and given communities a visual slice of their history that they will be able to celebrate forever.

Public art brings huge numbers to visit them. With national coverage and an added point of interest, a destination can see an increase of visitor numbers by thousands, even millions, increasing the revenues for businesses, big and small, that surround them. After seeing their friends and families posting images on their social media profiles, the interest can reach a global scale very quickly.

They also bring inspiration and joy. Reading the stories and seeing the faces of real people of our day is a fantastic way for people to build real connections with that person, picking up ideas for how they can better themselves and make the world a better place in turn. It is the perfect way to show the world Australia's greatest names, sending them away with awe of the incredible people that this country raises.

This project is also a wonderful way to elevate the amazing women in Australia and taking a tangible step towards gender equality. Only 3% of the public statues in Melbourne depict women. By adding more female faces, it sends a clear message that the acts of women are just as important and worth celebrating as men. It sends the message to little girls that they can achieve anything they set their minds to and shows little boys that a successful woman is something just as normal as a successful man. Creating equality is integral to the advancement of humanity. With the entire population being allowed to prove themselves and shine, rather than just half, there can be more innovation, creativity, advancement, and mental stability for all.



05

Partner Package

Gillie and Marc will be asking companies, organisations, and individuals to sponsor a statue, nominating a woman that they believe deserves recognition on the walk of inspiration. Once a woman has been nominated, that woman's approval will be asked before work will begin on crafting the finished product.

The statues will be exhibited to the public along Melbourne's iconic river walk for 6 months before being given to their sponsor to be exhibited wherever they please.

INDICATION OF COSTS

Prices are +gst

Each woman will be larger than life (1.5 x scale) women statues in bronze including large base (2.2m high approx). Each statue will have a bronze plaque attached to the base plus a separate information standing sign in stainless steel. There will be an additional information sign to explain the project. All logos and credit will go on signage and global website.

- 1 Statue \$67,000
(Includes delivery and installation to Riverwalk only plus signage)

This will be for ownership following the exhibiton at Riverwalk.
Delivery and installation costs to new location are not included.



06

Get In Touch

WE WOULD LOVE TO HEAR FROM YOU!

EMAIL

jessie@statuesforequality.com

WEBSITES:

www.statuesforequality.com

www.gillieandmarc.com

PHONE

New York +1 (917) 724-2896

Sydney +61 2 9700 7103



This page left intentionally blank.

9.2.1 ATTENDANCE AT THE ILLAWARRA CARAVAN & CAMPING EXPO

Record No:

Responsible Officer:	Acting Director Environment & Sustainability
Author:	Tourism Promotion and Event Coordinator
Key Theme:	2. Economy Outcomes
CSP Community Strategy:	6.1 The Snowy Monaro region is a destination that offers a variety of quintessential year – round experiences, attractions and events
Delivery Program Objectives:	6.1.1 Promote tourism and enhance the Snowy Monaro Region as a year round destination of choice through a collaborative approach between all stakeholders and interest groups
Attachments:	1. Illawarra Caravan and Camping Expo - SMRC stall
Cost Centre	
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Two staff members from the Snowy Monaro Regional Council's tourism team represented the region at the Illawarra Caravan and Camping expo held on 14 – 16 February 2020. The Expo is held every year, but this year's event presented a particularly excellent opportunity to promote tourism to bushfire affected regions.

The Expo was attended by over 12,000 people over the course of the weekend. Council's presence there provided an opportunity to gain exposure for the region and present information to prospective tourists including updates about bushfire affected areas, reopening of the southern area of Kosciuszko National Park, various caravan and camping locations as well as generally promoting the region as a year round destination for events and activities. Some local produce was also included in the display and made available for sale (see pictures in the attachment).

The stall was a collaborative tourism effort, supported by the Caravan & Camping Industry Association (CCIA) who offered a free stall, with Destination Southern NSW covering the cost of travel and accommodation. NSW National Parks provided an accommodation prize for a newsletter contact drive, which will be used to support future marketing undertaken by the SMRC Tourism team and Tourism Snowy Mountains. Contact was also made with local organisations and businesses to supply advertising material and local produce for display or sale.

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

OFFICER'S RECOMMENDATION

That Council receive and note the information in the report on tourism promotion of the region undertaken by SMRC staff at the recent Illawarra Caravan and Camping Expo.

BACKGROUND

Council's Tourism Manager Donna Smith was contacted by Sean Haylan, GM Destination Southern NSW on Monday 3 February, extending an offer to attend the upcoming Illawarra Caravan and Camping Showing on 14-16 February 2020. The Caravan & Camping Industry Association (CCIA) and Destination Southern NSW offered support to cover any cost associated with expo stall fees, accommodation and travel.

The timing of the offer left a fairly brief period for preparation, however within 10 days Council staff had made contact with local producers, business chambers and caravan & camping operators to request the supply of advertising material & items to display, with a good response received. This resulted in a tourism stall (see pictures in the attachment) that provided a broad coverage of tourism travel opportunities across the region including:

- Snowy Mountains brochures from Tourism Snowy Mountains
- Cooma Visitors Centre's Regional Attractions guide
- Free copies of Snowy Mountains Magazine and The Snow Post publications
- Handouts for major regional events during 2020, caravan and camping sites, NPWS campgrounds, Macenmist Truffles, Dalgety Caravan Park, Wildbrumby Schnapps and Jindabyne Chamber '100 things to do in Jindabyne' flyers
- Visitor Centre merchandise including bottles with all SMRC town listings, Snowy Mountains cookies, Snowy Mountains Olive Oil, Crackenback candles, local craft, Stories of the High Country and the Monaro in Pictures books
- NPWS booklets and App information
- Pop up banners from Destination Jindabyne, Jindabyne Chamber, NPWS, Snowy Hydro Scheme and SMRC Tourism

The CCIA reported 12,181 attendees across the three days and Council staff fielded a range of enquiries from those who had never visited the area, some who only visited in particular seasons and others that were regular visitors and wanted updates following the fires.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The purpose of Council's attendance at the Expo was to promote visitation to the region. Based on the many direct conversations staff were able to have with event attendees, it seems likely that new and returning visitors to the region will be a direct result of Council's presence there.

2. Environmental

There are no environmental impacts associated with this event.

3. Economic

As stated above, the primary purpose for attending the exhibition was to promote visitation to the Snowy Monaro which in turn will boost the visitor economy across the region. This boost is multi-dimensional and will see benefits not just in the short term but ongoing as well. Council tourism staff were able to disseminate updates on major roads closures and bushfire affected areas to promote that the area was open and that tourists could return immediately if they wished. The exposure to over 12,000 attendees will mean that visitation resulting from the event could well

extend into the medium and longer term holiday plans of many attendees who cannot visit in the short term. In addition, besides promoting visitation, there were other benefits to our local visitor economy.

By accepting to host a stall:

- The CCIA committed to purchasing 51 bottles of local schnapps from the Wildbrumby Schnapps Distillery as stall holder gifts.
- 167 email addresses were registered for future marketing purposes.
- A total of \$334.50 sales were made from local handmade goods, including Snowy Mountains cookies and Made on the Monaro products.
- CCIA staff browsing the stall requested a more extensive list of local produce be emailed for possible use in celebrity chef “Fast Ed’s Travel Cookbook” at the Sydney Super show expo.

The CCIA waived stall holder fees for a double site with an approximate value of \$6,000. Destination Southern NSW has reimbursed Council any costs associated with travel and accommodation.

4. Civic Leadership

Council’s attendance at the Expo demonstrates that it is actively involved in promoting the region well beyond its borders by very practical means.

Illawarra Caravan & Camping Expo

Snowy Monaro stall







Visitors Centre information guides



JUL BREDDO: Thru-hike season at Mounts: www.mtsmrc.com.au
THREDDO: Thru-hike season at Mounts: www.mtsmrc.com.au
JINDABINE: Snowy Mountains Music Festival: www.mtsmrc.com.au

AUG THREDDO: Winter of Events: www.threddo.com.au/events
PERISH: Winter of Events: www.perish.com.au
JINDABINE: Snowy Mountains Music Festival: www.mtsmrc.com.au

SEP ADAMINABY: High Country Music Muster, date TBC @HighCountryMusicMuster ** Spring Fun Sports Day: THREDDO: Winter of Events: www.threddo.com.au/events ** September Kids Snow Festival: PERISH: Winter event schedule: www.perish.com.au DAUGETTY: Daugerty Team Planning: daugertyteamplanning.com

OCT BOMBALA: Bombala Races ** Playgroup month: THREDDO: Kids Snow Festival: BERRIDALE: Berridale Lions Spring Fair: COOMA: BOMBALA: Rockcastle Automotive Monaro Stages Rally: www.rockcastle.com.au COOMA: Ultimate Rock Sports Challenge: www.ultimaterocksports.com.au ** Gold-Fox Rally: www.goldfoxrally.com.au DELEGATE: Delegate Celebrate Our Heritage Weekend: SNOWY MOUNTAINS: Outdoor long weekend - the official snow season concludes & Fly fishing season in streams & rivers commences. ** Snowy River Snowy Race, Rockcastle National Park

NOV ADAMINABY: Adaminaby Races: www.adaminabyraces.com.au BREDDO: Monaro Championship Sheep Dog Trials: COOMA: Car Club: www.carclub.com.au 2 day event ** Australian National Bunting Championships: ** Cooma MOTORSPORT: Berridale, next in 2021 ** Mount Gladstone MTB race ** Rotary Country Roads & Blues Festival and markets, The Snowy Race (first one in 2020) ** Snowy Cooma Cup Championships: ** Monaro Caravan Carnival: BOMBALA: Bombala Rotary: Firefly Markets: ** The Historic Engine & Machinery Rally: ** Bombala Blue Snow JINDABINE: Roundabout Wandering event: SNOWY MOUNTAINS: Snowy Mountains Trail Festival: www.snowymountains.com.au MICHAEL: Michael Spring Fair: michaelsspringfair.com

DEC COOMA: Cooma Showdowns Cup ** Centennial Park, Cooma Christmas Cards ** JYFU: Holden Nationals: www.jyfu.com.au JINDABINE: The Man From Snowy River: Robo: ** Cards by the Sea

There are also regular events & activities such as the Historic Bombala Homestead tours, country markets held across the Snowy Monaro region, Monaro open garden self drive tour, trivia and open mic nights, pub painting, art exhibitions... and if you view the regional event calendar at www.visitcooma.com.au/events_calendar or download the Snowy Guide app.

Snowy Guide

SNOWY MONARO REGIONAL COUNCIL

CARAVAN & CAMPING GUIDE

Snowy Monaro Region

<p>ADAMINABY</p> <p>Alpine Tourist Park - 6454 2436 2 Lorne St, Adaminaby www.alpinepark.com.au info@alpinepark.com.au Self contained cabins are caravans. Unpowered is powered sites. Heated amenities block, skis drying room, camp kitchen with gas BBQ. Coin operated laundry.</p> <p>ADAMINABY</p> <p>Rainbow Pines Tourist Park - 6454 2357 Lucas St, Old Adaminaby www.rainbowpines.com.au info@rainbowpines.com.au Self contained cabins, ensuite camping sites, unpowered & powered sites. Sites & tackle shop, boat ramp, BBQ area, amenities block.</p>	<p>ADAMINABY</p> <p>Anglers Reach Caravan Park - 6454 2223 Perrinville Road, Anglers Reach www.anglersreach.com.au info@anglersreach.com.au Self contained cabins & vans, powered is unpowered sites. Convenience store with liquor. Boat, fishing gear hire is ramp. Fuel also available.</p> <p>ADAMINABY</p> <p>Southern Cross Motor Inn & Caravan Park - 6456 3289 1 Maddingbank Rd, Berridale www.southerncrossmotorinn.com.au info@southerncrossmotorinn.com.au Self contained lodges in motel style accommodation. Unpowered is powered sites. Restaurant & bar onsite. Ski hire available.</p>	<p>ADAMINABY</p> <p>Anglers Reach Lakeside Village - 6454 2276 5 Howling Rd, Anglers Reach www.anglersreachcabins.com.au info@anglersreachcabins.com.au Can house self contained cabins with equipped kitchens, BBQ on deck of each cabin. No camping. Boat hire available.</p> <p>BREDDO</p> <p>Historic Breddo Inn - 6454 4109 1 Monaro Highway, Breddo www.breddoinn.com.au info@breddoinn.com.au Free unpowered camping at rear. Hot breakfast on certain days at extra cost. Bites lunch & dinner 7 days.</p>
<p>COOMA</p> <p>Snowy Mountains Tourist Park - 6452 8528 280 Sharp St, Cooma www.snowymountainstouristpark.com.au info@snowymountainstouristpark.com.au On site vans, powered is unpowered sites, self contained cabins, facilities include amenities block, tennis court, playground & games room, BBQ facilities.</p> <p>JINDABINE</p> <p>NIMA Jindabine Holiday Park - 6456 2246 6 Kosciuszko Rd, Jindabine www.nimajindabine.com.au info@nimajindabine.com.au Self contained cabins is unpowered, powered sites, boat ramp, dump point, store, amenities, guest laundry, tennis court, BBQ areas, school holiday activities.</p>	<p>DALGETY</p> <p>Snowy River Holiday Park - 6456 5000 1 Hamilton St, Dalgety www.snowyriverholidaypark.com.au info@snowyriverholidaypark.com.au Self contained cabins, powered is unpowered sites with fully equipped camp kitchen. Amenities block with drying room & full disability bathroom.</p> <p>KOSCIUSZKO NP</p> <p>Kosciuszko Tourist Park - 6456 2224 Swamp Creek, Kosciuszko Rd www.kosciuszko.com.au info@kosciuszko.com.au Self contained chaises, unpowered is powered sites, BBQ areas, dump point, drying room, laundry. No pets permitted into National Park.</p>	<p>JINDABINE</p> <p>Discovery Park Jindabine - 6456 2090 6552 Kosciuszko Rd, Jindabine www.discoveryholidaymarks.com.au info@discoveryholidaymarks.com.au Self contained cabins is unpowered, powered sites, boat ramp, dump point, store, amenities block, guest laundry, spa/sauna. Hot & cold hire.</p> <p>LAKE EUCUMBERNE</p> <p>Braemar Bay Holiday Park - 6456 8805 Braemar Bay, Lake Eucumbene Cove www.braemarbayholidaypark.com.au info@braemarbayholidaypark.com.au Self contained cabins & houses, unpowered & powered sites. Convenience shop, essentials, bathing equipment. Boat ramp.</p>

Information correct to best of our knowledge as of 1/2/2020

List compiled by the Cooma Visitors Centre: info@visitcooma.com.au
1800 636 525 www.visitcooma.com.au

Donates pet friendly - please call to check individual park policy

SNOWY MONARO REGIONAL COUNCIL

9.3.1 UPDATE ON STORMWATER DRAINAGE THROUGH 60 RYRIE STREET - MICHELAGO

Record No:

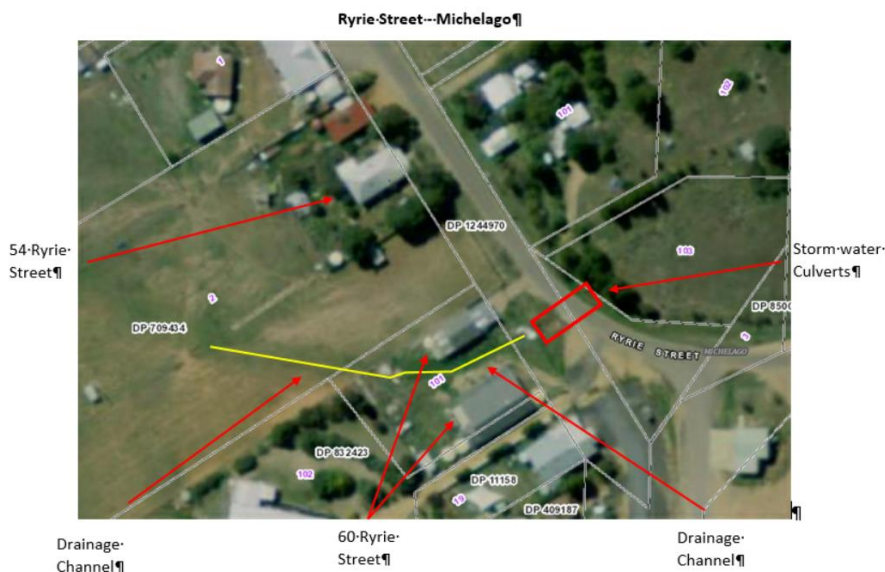
Responsible Officer:	Acting Director Operations and Infrastructure
Author:	Group Manager Transport & Infrastructure
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.2 Improve and maintain our public owned infrastructure and assets and facilities to a high standard
Delivery Program Objectives:	8.2.6 Council's infrastructure is maintained to meet compliance standards and to deliver high level services
Attachments:	1. 60 Ryrie Street - Stormwater Options Report 2. Ryrie Street - Assessment & Recommendations 3. Legal Advice - 60 Ryrie Street - Michelago (<i>Under Separate Cover</i>) - Confidential
Cost Centre	1870 Stormwater Drainage
Project	Stormwater Infrastructure
Further Operational Plan Actions:	N/A

EXECUTIVE SUMMARY

At the meeting of Council on 17 October 2019 a Question on Notice from Councillor Rooney was presented as follows:

"What progress has been made on remediating the storm water drain running through two properties in Michelago Village?"

This question stemmed from works undertaken by Council staff in 2017 to improve storm water drainage across Ryrie Street, Michelago, which necessitated cleaning the drainage channel through 60 Ryrie Street.



The purpose of this report is to provide Councillors with an update on the discussions, investigations and progress to resolve storm water drainage through 60 Ryrie Street, Michelago.

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

OFFICER'S RECOMMENDATION

That Council Receive and Note the report providing an Update on Stormwater Drainage through 60 Ryrie Street – Michelago.

BACKGROUND

Key Actions and Options:

30 March 2017. Council staff undertook works through the property at 60 Ryrie Street Michelago in order to:

- Clear drainage structure/line through 60 Ryrie Street Michelago; and
- All material from drainage line inside property boundary will remain on property and be shaped as part of the channelling as requested by the property owner.

12 May 2017. Meeting between Council staff and the owner of 60 Ryrie Street followed by a separate meeting with the owner of 54 Ryrie Street.

September 2017. Public Works investigated the impacts of Storm water through 60 Ryrie Street (report attached), which presented a number of options for discussion/consideration:

- Option 1. Move of the existing culvert across Ryrie Street approximately 25 metres northward; a grass swale could be constructed to the most western corner of 60 Ryrie Street within the adjacent property (54 Ryrie Street).



- Option 2. Have the (new) culvert discharge into a pipeline to the same destination point as the (existing) swale.

9.3.1 UPDATE ON STORMWATER DRAINAGE THROUGH 60 RYRIE STREET - MICHELAGO



- Option 3. Pipe the existing culvert through the affected property (60 Ryrie Street) discharging at the fence line into the adjacent property following the natural watercourse. This option comes with the recommendation of the establishment of a formal storm water easement.



April May 2018. Further visit by Mayor Rooney and Group Manager to meet with residents of both 54 and 60 Ryrie Street. This meeting discussed the possibility of extending the existing culvert under Ryrie Street through the property at 60 Ryrie Street. This pipe would be buried and ground levelled to ensure pedestrian safety between the two properties.

December 2018. Legal advice received from Blaxland Mawson & Rose (attached) in relation to work carried out by Council staff in 60 Ryrie Street. This was necessary following correspondence from the owner of 60 Ryrie Street that raised questions over the signature on Council's Permit to Enter and therefore the authority upon which works were conducted.

October 2019. Further investigation plus a meeting with the property owner of 60 Ryrie Street, followed by a report (attached) into the likely engineering challenges associated with construction of stormwater infrastructure aligned with options 1, 2 and 3. Within this discussion there was hesitation from the property owner to accept an easement if Option 1 were to be implemented.

Way Forward. There is no solution that will satisfy the owners of both 60 and 54 Ryrie Street even though stormwater has flowed through both properties along a natural swale for many years. It is works undertaken by staff to clear the drainage channel through 60 Ryrie Street that has led to this issue even though Council had the legal right to do so.

An undertaking was provided by Mayor Rooney at a meeting in 2018, that a piped solution would be implemented through 60 Ryrie Street, which would stop at the fence-line between the two properties. Unfortunately the owner of 60 Ryrie Street would not approve entry to the property for levels to be taken and is hesitant to allow an easement through the property.

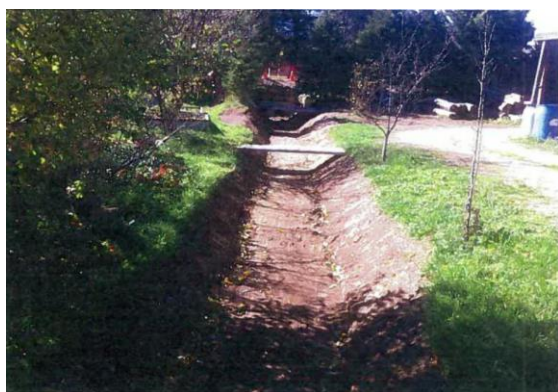
Staff could continue with the solution (Option 3) to extend the stormwater pipe through 60 Ryrie Street to the property boundary with 54 Ryrie Street. This would require the fence between the two properties to be removed allowing stormwater to pass freely along the swale through 54 Ryrie Street. However, the owners of 54 Ryrie Street would likely challenge this option.

Staff could investigate further the design and costs for implementation of options 1 and 2 (Option 1 being the most preferred). This would mean construction of a culvert under Ryrie Street before construction of a swale along the boundary fence-line of 54 Ryrie Street. Once the design and costs are known, further discussions with property owners, along with an updated report to Council could be provided.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

There are a number of concerns expressed by the residents of both 54 and 60 Ryrie Street and no solution will satisfy both property owners. There is also the view that works undertaken by staff in 2017 were conducted in accordance with the Roads Act 1933 and therefore no further action by Council is required. However, it is acknowledged that works to clear the drainage channel through 60 Ryrie Street did exacerbate the problem of pedestrians crossing the drainage channel safely



The following photograph also demonstrates the effect the boundary fence has on the flow of stormwater from 60 Ryrie Street into 54 Ryrie Street. It is within Councils delegation to have that

fence removed and this would provide a short term solution to stormwater build-up within 60 Ryrie Street but would not address the safety of pedestrians crossing the drainage channel.



It should be reiterated at this stage that structures to cross the drainage channel were in place prior to any works commencing by Council.

2. Environmental

The environmental issues would be identified and addressed once a solution had been identified. The movement of stormwater is subject to a number of environmental considerations and this would be implemented

3. Economic

A detailed cost analysis of work has yet to be undertaken but estimates of the 3 options considered range from \$15,000 (approximately) through to \$150,000.

4. Civic Leadership

The legislation under which works in April 2017 were carried-out is as follows:

Roads Act 1993 No 33

Part 7 Division 1 Section 94

94 Roads authority may carry out drainage work across land adjoining public road etc

- (1) A roads authority may, for the purpose of draining or protecting a public road, carry out drainage work in or on any land in the vicinity of the road.
- (2) The powers conferred by this section may not be exercised in or on land on which rail infrastructure facilities owned by Rail Corporation New South Wales. Transport Infrastructure Development Corporation are situated.
 - (2A) In this section, rail infrastructure facilities has the same meaning as it has in the Transport Administration Act 1988.
- (3) The road Authority must pay compensation to the owner of the land for any loss or damage arising from the exercise of any power under this section.

Roads Act 1993 No33

Part 7 Division 1 Section 96

96 Fences and floodgates

- (1) For the purpose of preventing obstruction to the free flow of surface drainage from a public road, or to the free flow of a watercourse that crosses a public road, the appropriate roads authority may direct the occupier of any land in the vicinity of the public road:
 - (a) to alter a fence (including a rabbit proof fence) on the land, or
 - (b) to provide floodgates in any such fence, or
-

- (c) to repair any such fence or floodgates.
 - (2) The direction may specify:
 - (a) the manner in which or the standard to which, and
 - (b) the period (being at least 28 days) within which, the direction must be complied with.
-

Michelago

Briefing - Stormwater Impacts Upon 60 Ryrie Street

In regards to your e-mail on the 19th September 2017 to Garry Barnes subject Complaint – Ryrie Street – Stormwater Drainage.

Observations

An inspection was conducted of 60 Ryrie Street, Michelago on the 20th September 2017. It was observed from Ryrie Street that a stormwater culvert underneath the road discharges into this property flowing down a constructed water way that had been recently cleaned out to remove any obstacles and improve its capacity.

However this waterway is obstructed at its discharge point from the property by a timber panel fence that has been constructed along the northern boundary. It has insufficient clearance above the natural surface to cater for most stormwater events that could be anticipated to flow down the drain.

The work conducted by Council would not have increased the height of the ponding water experienced within the property unless the pipe culvert was substantially blocked and causing stormwater flow to be diverted elsewhere.



Figure 1. Google Maps Photo 1 (2008) Looking Southwards. Note fence is not the timber panel fence that is there now.



Figure 2. Google Maps Photo 2 (2008) Looking Northwards.

There are a few possible actions Council could take but this is very dependent on the type of complaint being made and to some degree the co-operation of the landowners in the area. I can only assume that the complaint relates to the extent of the flooding that occurred in the photos provided. I'll also assume there is no stormwater easement through the property. Whilst the owners have raised a couple of panels 150 mm above the natural surface it by no means would cater for the majority of stormwater runoff events. This would cause water to pond upstream of the fence and flood the owner's backyard to varying degrees depending on the size of the storm event.

Apart from the moral and ethical questions involved in this example, the property owner appears to have the majority of the responsibility as they have (or previous owner have) erected a solid timber panel fence that replaced the previous wire mesh and strand fencing that was there in March 2008 (Google Maps). The property owners would also have been well aware of this situation at the time of purchasing the property.

I also observed 180 metres northwards back towards the School another property with the same problem of a culvert discharging into private property with the owners having to install their own "mini" culvert and causeway in the low section of their gravel driveway. Their driveway appears to go through an obvious shallow natural waterway (depression) that would experience concentrated stormwater flows.

As Council is already aware it can apply the provisions under the Roads Act (1993) Part 7 Division 1 Section 96 (1).

Options

With the advice of there being a stormwater flood study being prepared these options should be considered in conjunction with the recommendations in this report.

Option 1.

The existing culvert could potentially be moved approximately 25 metres northwards (see Six Maps Figure) towards the school so that water is discharged into a vacant area of the adjacent block. This would obviously require some civil works and potentially the creation of a formal stormwater easement (prudent) that should be surveyed and registered on the owner's property title plans. Councils' could use its powers to establish this easement or

more normally the property owner is amenable to the proposal (as it generally does not impose any property development limitations for the owner).

Option 1.

From the culvert, a grass swale could be constructed to the most western corner of 60 Ryrie Street within the adjacent property.

Option 2.

A more costly alternative would be to have the culvert discharge into a pipeline to the same destination point as the swale. The following is provided to give some indicative costs for this option.

It must be noted that the current pipe culvert dimensions were not obtained and so a 600 mm diameter pipe is the assumed dimension. The following costing is obtained from rates supplied in the Rawlinson Manual.

New Stormwater Pipeline (60 metres)

Item	Costs \$
Survey and Title Registration Fees	\$15,000
Trench Excavation 85 metres	\$5,865
Materials "BlackMax" 600 mm Diameter Poly Stormwater Pipe	\$14,820
Total	\$35,685

New Culvert

Item	Costs \$
Old Culvert Demolition and Rehabilitation	\$5,000
Trench Excavation	\$1,368
Headwalls	\$4,500
Materials Concrete 600 mm Diameter Pipe	\$3,420
Sealing	\$1,000
Total	\$15,000

Prices include appropriate labour costs.



Figure 3. Six Maps Aerial Photo 1 - Topographic Overlay. Note the watercourse (Near Red Flag Icon) natural waterway passes to the north of 60 Ryrie Street through the adjacent block.

Option 3.

The third option is to pipe the existing culvert through the affected property discharging at the fenceline into the adjacent property following the natural watercourse. This option comes with the recommendation of the establishment of a formal stormwater easement.

Stormwater Flood Study

Advice has been provided that stormwater Flood Studies are to be conducted within a number of towns and villages throughout the region including Michelago. I would recommend that the brief to the consultants be carefully developed so that Council is provided with the necessary information to make decisions with regard to future development.

The former Cooma Monaro Shire Council saw Michelago as one of its main development areas with active promotion to attract investment from the ACT. It appears that new houses

are regularly being built. If this is still the case it is recommended that the development of a Stormwater Management Plan be developed following the flood study findings. This should identify where the establishment of appropriate easements and new/upgraded stormwater infrastructure are required so that they can be proactively developed. This will assist Council Planners in applying the appropriate development conditions and contributions at the DA stage and also ensure Council investment in infrastructure is targeted.

Other Considerations

From the photos provided by Council there appears to be an underground tank within the vicinity of the area prone to minor inundation. If this is a septic tank that has trenches the ponding water could be infiltrating and flooding the trenches. This would not allow the trenches to perform to their design and in fact may be flushing the septic trenches out into the wider environment potentially impacting on human health and the environment.

STORMWATER DRAINAGE 60 RYRIE ST, MICHELAGO

Site Assessment and Recommendations

Preface

This site assessment and recommendation builds on Peter Sullivan's initial investigation and report of 4 October 2017.

Contour/ Flood Data

The attached contour map clearly shows a flow path through 60 and 54 Ryrie St.

The inundation maps contained in Council's recently completed Flood Studies for Michelago show this as well. [See Figures D1 to D5 and Figure 51.]

Site Inspection

There are 2 x 600 mm RC pipe culverts crossing Ryrie St, which discharge into a trapezoidal channel through 60 Ryrie St.

There is a small opening in the fence at the back of 60 Ryrie St, where flow discharges into 54 Ryrie St, and makes its way to a natural shallow swale.

The cover over the pipes crossing Ryrie St is well in excess of the minimum 600 mm required for a sealed road.

On observation, ie without the benefit of accurate levels, it appears that the invert of the channel through 60 Ryrie St has been graded fairly evenly through the property. The invert at the U/S end of the channel (correctly) matches that of the D/S end of the culverts.

Issue: 60 Ryrie St

The channel through 60 Ryrie St is 'carved' between two buildings. For the most part, it is approx. 450 mm deep.

Due to the trapezoidal shape, it is difficult to maintain the grass at the bottom and sides of channel.

There are several makeshift 'bridges' over the channel to provide pedestrian access across the property.

It is understood that the owner's primary issue is:

- Prior to Council cleaning out the drain, it had been more of a shallow swale which was relatively easy to maintain. However, in cleaning out the drain, Council has made it substantially deeper than what it was.

Considerations/ Options

1. Size of Pipe Culverts Crossing Ryrie St.

The existing 2 x 600 RC culverts would have considerable capacity. This begs the question: would 1 x 600 or 2 x smaller pipes suffice ?

2. Invert of Pipe Culverts Crossing Ryrie St.

Regardless of the possible options downstream of the culverts, the pipes are deeper than they need to be.

If the culverts were raised, the invert of any open drain downstream of the culverts could be higher than is currently the case, thereby reducing the depth of cut through the property.

Option:

Raise the culverts crossing Ryrie St, whilst maintaining adequate cover over the pipes.

There is sufficient depth of cover existing, to be able to raise the culverts meaningfully, whilst maintaining a minimum 600 mm cover. Depending on their condition, the existing pipes could be re-used (with new rings if RRJ).

Should 1 x 600 pipe or 2 x smaller pipes be sufficient (see 1 above), the cost would be reduced.

3. Flow Path Through 60 Ryrie St

From discussion, the owner's objection to the current situation seems to be, not so much to the presence of a flow path through the property, but more the depth of the channel after clearing/ regrading by Council.

If the invert of the channel was raised by 300 to 400 mm, the flow path could be reshaped into a shallow swale, which may not require 'bridges' for access across the property and which could be easily maintained.

This would be feasible if the culverts crossing Ryrie St were raised (see 2 above).

Accurate survey would be required to assess this option.

Please note:

- Given the floor level of the lower building on 60 Ryrie St, it may be prone to flooding in the event of moderate storm flows. This may be exacerbated by the swale/ channel having a higher invert, thereby reducing the hydraulic capacity of the drain. The owner may or may not accept this risk, but must be made aware of it.
- The fence at the D/S end of the drain would need to be modified to allow sufficient capacity during storm events, ie so that it would not impede flow during storm events, or result in backing up of the drain.

4. Alternative Option

A possible alternative option would be to bypass 60 Ryrie St, and direct/ divert stormwater flows onto 54 Ryrie St.

If the pipe culverts crossing Ryrie St can be relocated/ raised sufficiently (whilst maintaining adequate cover), and storm flows directed/ diverted to the corner of 60/ 54 Ryrie St, it may be feasible to discharge at the front of 54 Ryrie St, into a shallow swale created adjacent to the fence line which, depending on grade, would 'daylight' at some point.

Accurate survey would be required to assess this option.

5. Existing Natural Swale Through 54 Ryrie St.

The existing natural shallow swale, running diagonally through 54 Ryrie St, constitutes a natural flow path / floodway.

Regardless of any option, this existing swale must not be disturbed.

Recommendations

In view of the above, I recommend the following:

1. Assess/ review the hydraulic capacity required for the pipe culverts crossing Ryrie St, to determine the size of pipe culverts actually required to handle storm flows for a nominated (ARI) storm event.
2. Obtain a detail and contour survey of the site. This should include:
 - Ryrie St (full width of road reserve) in front of 60 Ryrie St and part of 54 Ryrie St
 - Existing 2 x 600 mm pipe culverts crossing Ryrie St
 - Existing small S/W pipe discharging into the side of the channel at the front of 60 Ryrie St
 - Any other stormwater infrastructure or flow paths
 - 60 Ryrie St
 - 54 Ryrie St, say 8 m width, along the common boundary with No. 60.

This information would allow the options to be assessed, to arrive at a definitive solution.

Regardless of any option, Council would be wise to establish an easement over the stormwater infrastructure and the drainage path.



Garry Barnes
Public Works Advisory

1 November 2019

9.3.2 ACQUISITION BY POSSESSORY TITLE - LOT 16 SECTION 1 DP 1242 - BERRIDALE MEMORIAL PARK

Record No:

Responsible Officer:	Acting Director Operations and Infrastructure
Author:	Land & Property Officer
Key Theme:	1. Community Outcomes
CSP Community Strategy:	2.1 Our culturally diverse heritage is preserved and celebrated for the richness it brings to our regional identity
Delivery Program Objectives:	2.1.2 Council celebrates and enriches the heritage fabric throughout the region
Attachments:	1. Berridale Memorial Park 2. Advice from BMR - Title search Berridale Memorial Park
Cost Centre	1510 –Property Management Services

EXECUTIVE SUMMARY

During a period of community consultation with respect to the trees on the Berridale Memorial Park (located on lot 16 Section 1 DP 1242) a title search was carried out which revealed that the Park was owned by George Albert Rogers and Russell Aubrey Rogers.

In view of the time lapse since George and Russell Rogers inherited the property (1909) and that attempts to trace them have failed to reveal their whereabouts, it may be assumed that Messrs Rogers are now deceased. The property has been in Council's name with Council paying water rates for some time. Investigations carried out by Council's solicitor revealed that the original owner, Mr Charles Rogers died in 1909 and lot 16 was inherited by George and Russell Rogers. Council maintains the land and it is now proposed to apply for possessory title.

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

OFFICER'S RECOMMENDATION

That Council

- A. Apply for possessory title over lot 16 Section 1 DP 1242 (Berridale Memorial Park); and
- B. Classify lot 16 Section 1 DP 1242 as community land upon acquisition.

BACKGROUND

Berridale Memorial Park is the location of the Berridale War Memorial and a significant number of pine trees which were planted to commemorate local fallen soldiers.

Investigations to confirm the ownership of the Berridale Memorial Park revealed that the land is privately owned by George Albert Rogers and Russell Aubrey Rogers as tenants in common in equal shares.

A search was carried out by Council's solicitor to confirm the ownership of the land as Council records indicated that it was owned by Council. A copy of the report from Council's solicitors is attached to this report.

The land was formerly part of a large number of parcels in a Crown Grant described as Volume 31 Folio 125. The other parcels were transferred to a range of different owners in the late 19th and early 20th century, and the residue, being the land now comprised in lot 16, section 1, deposited plan 1242 vested in the name of Charles Rogers on 15 January 1908.

The land was transferred to George Albert Rogers and Russell Aubrey Rogers as the surviving executors of the estate of Charles Rogers, who died on 17 May 1909.

In view of the timelines it may be assumed that George Albert Rogers and Russell Aubrey Rogers are also now deceased.

Enquiries made to the RSL revealed that they had no knowledge of the history and ownership of Memorial Park Berridale with the exception of the trees which had been planted to commemorate fallen soldiers.

The land has been in Council's name for some years and Council has always maintained the land and paid the water rates. The Park does not attract land rates.

It is now proposed to apply for Possessory Title so that Council can continue to maintain the property for posterity.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The Berridale Memorial Park has been maintained by Council as if it was Council public land for some years now. The maintenance and protection of this heritage park is of vital importance to the local community.

2. Environmental

Claiming possessory title will empower Council to properly maintain and protect the Berridale Memorial Park into the future.

3. Economic

The estimated cost of acquiring lot 16 Section 1 DP 1242 is \$2,640 including GST (estimated by Council's solicitor).

4. Civic Leadership

Berridale Memorial Park is of critical importance to the Berridale community and if Council owns the Park it will be preserved and maintained into the future with due consideration being given to the historical value of the Park.



Please reply to Cooma office.

Our Ref: MH:JT:19428.
Your Ref:

6 December 2019

Snowy Monaro Regional Council
PO Box 714
COOMA NSW 2630

ATTENTION: LYNETTE BOTTRILL

By email only: lynette.bottrill@snowy.monaro.nsw.gov.au

Dear Ms Bottrill

**RE: SNOWY MONARO REGIONAL COUNCIL & BERRIDALE
SUB-BRANCH OF THE RETURNED SERVICES LEAGUE
OF NSW; TRANSFER OF LOT 16 IN SECTION 1 IN
DEPOSITED PLAN 1242**

We refer to your email message of 29 October 2019 and confirm that our Sydney Agents have completed a search of the Deeds Register in relation to the above land.

The land was formerly part of a large number of parcels in a Crown Grant described as Volume 31 Folio 125. The other parcels were transferred to a range of different owners in the late 19th and early 20th century, and the residue, being the land now comprised in Lot 16, Section 1, Deposited Plan 1242 vested in the name of Charles Rogers on 15 January 1908.

We enclose a copy of a Transmission Application dated 16 August 1951, indicating that the land in question was transmitted to the current registered proprietors, George Albert Rogers and Russell Aubrey Rogers, as the surviving executors of the estate of Charles Rogers, who died on 17 May 1909.

We understand from your instructions that the registered proprietors are now presumed to be deceased. Presumably the Will of the late Charles Rogers either made no disposition of the land in question or, if it did, the beneficiaries named in the Will dated 21 February 1908 have long since died.

Unless the Berridale Sub-Branch of the RSL is in a position to produce some evidence of the creation of a trust to hold the land on behalf of the Sub-Branch, then the Sub-Branch has no entitlement to the land. In those



*The partners and staff at Blaxland Mawson and Rose advise that our Cooma office will be closed
from 12 noon on Friday 20 December 2019 and will re-open on Monday 6 January 2020 at 9 am.*

Our Bombala office will re-open on Monday 13 January 2020 at 9 am.

We wish you a Merry Christmas and a happy and safe holiday season.



**Blaxland
Mawson
& Rose**

Solicitors

Serving the Monaro
Since 1868
ABN 90 516 497 474



PARTNERS

Mark Herbert

Accredited Specialist – Business Law

Joanne van der Plaats

Emma Schlachter

SOLICITORS

Sarah Perkins

Hannah Walker

Cooma Office

39 Bombala Street

PO Box 149

COOMA NSW 2630

DX 5522 COOMA

Phone: (02) 6452 1266

Email: info@bmr lawyers.com.au

Bombala Office

114 Maybe Street

PO Box 19

Bombala NSW 2632

Phone: (02) 6458 3686

Email: bombala@bmr lawyers.com.au

www.bmr lawyers.com.au



"Liability limited by a scheme
approved under Professional
Standards Legislation."

THE LAW SOCIETY OF NSW
PROFESSIONAL STANDARDS SCHEME

- 2 -

6 December 2019

circumstances, Council would be in a position to make an application for possessory title of the land. Alternatively, if Council does not wish to acquire the land, we could make a search of the Probate registry of the Supreme Court to locate the Will of the late Charles Rogers and identify the beneficiaries who may have been entitled to the land pursuant to the Will. If those beneficiaries are deceased we will then have to search the Probate Registry for their Wills, to identify whether any further beneficiaries, still living, may be entitled to the land.

Please let us have your instructions. We look forward to hearing from you.

Yours faithfully

BLAXLAND MAWSON & ROSE

Per: 

MARK HERBERT

Partner

mark@bmrlawyers.com.au

Encl. - 1

9.3.3 MANAGEMENT ARRANGEMENTS FOR THE COOMA CAT POUND.

Record No:

Responsible Officer:	Acting Director Environment & Sustainability
Author:	Manager Public Health and Environment
Key Theme:	1. Community Outcomes
CSP Community Strategy:	3.2 Positive social behaviours (including law and order) are fostered and encouraged to maintain our safe, healthy and connected communities
Delivery Program Objectives:	3.2.1 Council's public health and regulatory responsibilities are planned for and delivered to facilitate a safe community and raise awareness
Attachments:	Nil
Cost Centre	1120
Project	Management arrangements for the Cooma Pound
Further Operational Plan Actions:	Nil

EXECUTIVE SUMMARY

Council has previously maintained a verbal agreement with the volunteer branch of the Royal Society for the Protection of Cruelty to Animals (RSPCA), where the RSPCA agreed to take on the operational management of the Cooma Cat Pound.

Consideration has been given to the legal liability surrounding the informal agreement with the RSPCA. The *Companion Animals Act 1998* (the Act) provides liability protection for authorised officers and persons when seizing, surrendering, selling or destroying animals. The authorisation of RSPCA volunteers under the Act requires the signing of a formal agreement with RSPCA NSW. Such an agreement has not been formalised and RSPCA NSW have advised that they are no longer willing for their volunteers to manage the operations of the Council pound.

After several months of negotiations, the RSPCA and Council's Ranger Service Team agreed it was in the best interest of the cats, the community and both organisations for Council to resume full operational management of the Cooma Cat Pound.

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

OFFICER'S RECOMMENDATION

That Council:

- A. Notes that the Ranger Services team will resume full management of the Cooma Cat Pound, commencing Monday 23 March 2020;
 - B. Thanks the RSPCA for the generous support they have given to the community through the management of the Cooma Cat Pound.
-

BACKGROUND

The former Cooma Monaro Shire Council maintained a verbal agreement with the volunteer branch of the RSPCA, whereby the RSPCA managed the Cooma Cat Pound at an operational level. Council provided the RSPCA with veterinarian approved sanitisers necessary to effectively clean and sanitise the Cooma Cat Pound. Council also maintained the physical structure of the building. The RSPCA undertook the remainder of the operational management of the Cooma Cat Pound, which included:

- cleaning and sanitising the enclosures
- feeding the seized cats
- rehoming the surrendered cats
- receive and release of seized and surrendered cats
- maintained official records of seized, surrendered and released cats
- microchipping of cats.

Other than the maintenance of the facilities and the provision of a sanitiser, minimal financial support was provided.

Both the operation of the cat pound facilities and the circumstances which allows the seizure of a cat are regulated by the Act and its subsidiary legislation. Importantly, the Act limits the circumstances whereby a cat can be seized and impounded. Circumstances leading to the seizure and impounding of a cat are as follows:

- If the cat is in a prohibited place, such as a food premises or a wildlife protection area and if the owner of the cat is present and refuses to remove the cat after being directed by a Ranger, only then may the cat be seized [s.30(1) & s.30(4) the Act].
- Any person may seize a cat for its own protection, but only when it is in a prohibited place, such as a food premises or a wildlife protection area [s.30(3) the Act].
- Any person may seize a cat when it is causing or is threatening to cause an injury or death to a human or another animal. However, the cat must be returned to its owner. Therefore, only cats whose ownership cannot be identified may be impounded [s.32(1) & s32(6) the Act].

Considering these limitations, the circumstances whereby Council may impound a cat should be rare.

However, over the past five years the Cooma Cat Pound has been consistently full. The RSPCA advised that a local school was trapping cats and they were impounding them at the Cooma Cat Pound. The school was concerned about the cats injuring staff and students. The owners of the cats could not be identified, because the animals were not microchipped nor did they have name tags. Most of the cats failed the rehoming temperament test. The RSPCA felt they had an ethical obligation to their donors and the cats. As such, they were trying to rehabilitate the animals. In addition to the ethical conflicts, the management of the Cooma Cat Pound had placed an increased strain on the RSPCA's finite resources.

Following discussions with the RSPCA, Council's Ranger Service Team agreed that it was in the best interest of the cats, the community and both organisations for Council to resume full operational management of the Cooma Cat Pound.

1. Social

Accordingly, animal management programs are highly emotive. As such, the decision under advisement in this report was presented to the RSPCA Cooma Volunteer Branch at their meeting on Monday 17 February 2020. The RSPCA NSW were also consulted. The decision has the full support of the RSPCA Cooma Volunteer Branch and RSPCA NSW.

Cats may be categorised as domestic, stray or feral. Domestic cats are pet or house cats living with people. Their ecological requirements are intentionally provided by humans. Stray cats rely only partly on humans for provision of their ecological requirements, and include animals in urban fringe situations, dumped animals, and cats kept on farms for rodent control. Feral cats are free-living. They have minimal or no reliance on humans for their ecological requirements, and survive and reproduce in self-perpetuating populations. Individual cats can shift between categories in their lifetimes.

Over the last 200 years, cats are one of the primary causes of the decline and extinction of many Australian native species, including species of hopping-mice, small rodents, hare-wallaby, bettong, bandicoot and several species of birds. They have also had a serious impact on populations of bilby, mala and numbat.

Council's Rangers manage domestic and stray cats within the limitations of the Act, while feral cats are managed within the context of the Regional Strategic Pest Animal Management Plan by the Local Land Services. The changes being made to the management of the Cooma Cat Pound will have no tangible impact on these programs.

The running of the Cooma Cat Pound and management of issues arising from cats will not present any significant additional cost to Council and will be managed within current budgetary constraints. Costs provided are estimates only and may fluctuate depending on the activities of the community of cat owners in the region.

Estimated Expenditure	Amount	Financial year	Ledger		Account string																
Consumables	\$500		G	L	1	0	1	1	2	0	1	0	0	1	6	1	0	0	1		
Maintenance	\$500		G	L	1	0	1	1	2	0	1	0	0	1	6	1	0	0	1		
Microchipping	\$500		G	L	1	0	1	1	2	0	1	0	0	1	6	1	0	0	1		
Euthanasia	\$1500		G	L	1	0	1	1	2	0	1	0	0	1	6	1	0	0	1		
Funding	Amount		Ledger		Account string																

9.3.3 MANAGEMENT ARRANGEMENTS FOR THE COOMA CAT POUND.

(Income/reserves)																			
Impounding Fees	\$500		G	L	1	0	1	1	6	0	1	0	0	1	4	1	1	5	6
Sale of Cats	\$500		G	L	1	0	1	1	6	0	1	0	0	1	4	1	1	5	6
Registration Fees	\$1500		G	L	1	0	1	1	6	0	1	0	0	1	4	1	1	5	6

4. Civic Leadership

The Act requires council to manage domestic and stray cats within its local government district, this includes the operations of a cat pound for the purpose of receiving seized and surrendered cats. The Act provides limited liability protection for authorised persons working at cat pounds. The verbal agreement between Council and the Cooma Branch of the RSPCA did not establish the appointment of authorised officers / persons under the Act. This put the operations undertaken at the cat pound outside of the legal protections provided by the Act.

Council made contact with RSPCA NSW in attempt to establish a formal agreement and organise for the appointment of appropriate RSPCA volunteer personnel to manage the operations of the Cooma Cat Pound. RSPCA NSW indicated that they do not want their volunteer branches involved with the management of Council pounds. As such, they were not prepared to enter into a formalised legal agreement. Without a formalised agreement it would not be possible to authorise the Cooma Branch of the RSPCA under the Act. Therefore, the continued operational management of the Cooma Cat Pound by the Cooma Branch of the RSPCA leaves both Council and the RSPCA legally vulnerable.

Council has resumed operational management of the Cooma Cat Pound and is transitioning towards full control on 23 March 2020, allowing the RSPCA to remove equipment.

Council is demonstrating civic leadership by accepting the operational management of the Cooma Cat Pound.

9.3.4 FURTHER CONSIDERATION OF BUNDARRA RD MATTERS

Record No:

Responsible Officer:	Chief Executive Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	<ol style="list-style-type: none">1. 18 July 2019 Original Bundarra Rd Report2. 17 October 2019 Second Bundarra Rd Report3. Right of Carriageway4. 17 October 2019 Second Report Confidential Attachments (<i>Under Separate Cover</i>) - Confidential5. Closing Council Public Road - Guidelines6. Process for Purchasing Crown Roads
Cost Centre	
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Council has considered the issue of access from Bundarra Rd on two previous occasions.

The current situation remains unsatisfactory to the two principle parties and this report seeks to provide Council with an opportunity to further consider the matter.

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

OFFICER'S RECOMMENDATION

That Council reaffirm its position adopted in resolution 368/19 adopted at its meeting of 17 October 2019.

BACKGROUND

Council has considered the matter of access by the Southern Tablelands 4WD Club through Lot 20 DP 655382 twice before. At its 18 July 2019 meeting Council resolved as follows:

COUNCIL RESOLUTION

258/19

That Council

- A. Negotiate with the owner of lot 15 to realign the road over the track through his property.
-

- B. Engage the services of a surveyor to survey the off-line section of Bundarra Road through lot 15.
- C. Close the section of Bundarra Road which is off line.
- D. Dedicate the section of Bundarra Road to be closed to the landowner in compensation.
- E. Take ownership of the bridge which has been constructed over the creek.
- F. Acquire the land within the proposed road reserve 20 wide in accordance with a survey plan.
- G. Apply to the Crown to have the Crown reserve road which passes through lot 20 transferred to Council as a Council public road.
- H. Acquire approximately 3ha of lot 20 around the Crown reserve road in order to create a more viable access to the bridge.
- I. Gazette the length of Bundarra Road as a Council public road from the intersection of Jerangle Road to the creek .
- J. Authorise the expenditure amount of \$60,000 in the 2020 Financial Year Budget with funding to be provided from Other Internal Reserves account 35116.

Moved Councillor Castellari

Seconded Councillor Haslingden

CARRIED

Following representation to the General Manager by the owners of Lot 20, staff submitted a further report for Council's consideration to the meeting of 17 October 2019, at which Council resolved as follows:

COUNCIL RESOLUTION 368/19

That Council:

- A. Note that Part G of Resolution 258/19 has been implemented and the Crown Road that passed through Lot 20 DP 655382 has been transferred to Council;
- B. Not proceed with the implementation of parts E, H and I from Resolution 258/19;
- C. Refer the matter back to the relevant parties indicating that it is a civil matter that should be resolved by the parties without Council's engagement;
- D. Formally apologise to the owners of Lot 20 DP 655382 for Council's action in seeking the transfer of the Crown Road that previously formed part of their Enclosure Permit; and
- E. Ask the General Manager to assist the parties in finding independent mediation services to assist with the issue.

Moved Councillor Ewart Seconded Councillor Corbett Carried

Both Council and the author of the original report have formally apologised to the owners of Lot 20.

Both parties have subsequently met separately with the CEO and have indicated that they do not believe that mediation will work, and have requested that Council take further action.

The owners of Lot 20 have requested that Council seek to close the road and transfer ownership of the land to them. They do not agree with the staff suggestion that the practical, "on ground" situation is the same as prior to Council's original resolution. Staff suggest that there is a public road that traverses their Lot 20, the difference being that the road is now a Council, rather than Crown, road. The owners of Lot 20 argue that as they no longer have an enclosure permit over the former Crown road, the whole of Lot 20 is effectively unavailable for use.

There are, however, numerous unfenced Council roads that traverse grazing properties. Stock control in these situations is typically managed through the installation of cattle grids. Given that the only access to what is now a Council road is only via the same Right of Carriageway that provided access to the Crown road, staff do not believe that there is any need to change the situation.

The 4WD Club, as owners of some the lots that enjoy the benefit of the Right of Carriageway, argue that the public road, as currently survey pegged, is not trafficable, primarily due to a large rock. The Club also suggests that the survey pegs that mark the road may not be accurately placed. They seek Council's help through the removal of the rock and the conduct of a new survey to accurately determine the route of the road.

It would seem that the parties are at an impasse and seek Council action to move the matter forward.

It would appear that Council has three options, namely:

1. Maintain the status quo, namely that Council encourages the parties to seek a mediated solution.
2. Close that section of road which was transferred to Council following Council's original resolution and sell the land to the owners of Lot 20.

The *Roads Act 1993* provides three criteria, all of which must be met, before a Council road can be closed.

38A WHEN COUNCIL MAY CLOSE COUNCIL PUBLIC ROAD

A council may propose the closure of a council public road for which it is the roads authority if--

- a) the road is not reasonably required as a road for public use (whether for present or future needs), and
- b) the road is not required to provide continuity for an existing road network, and
- c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.

Further, the guidelines for the closure of a Council public road states that all owners or parties with an interest in land that adjoins the road must provide written agreement to the closure (see Attachment 5).

While the process to purchase a Crown road is different (see attachment 6) there are similar requirements to ensure that parties that have an interest in a road are not disadvantaged.

3. Accept the responsibility to ensure that the section of road is trafficable by undertaking a survey and, if found necessary, remove the rock that allegedly limits access. This does not alter the issue of access past the Council road, including the issue of the creek crossing. Council undoubtedly would subsequently face pressure to provide a safe creek crossing. Council is under no legal obligation to maintain the road.

It has been suggested that the road could be returned to the Crown. Staff consider that it is extremely unlikely that Crown would accept the road back.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Prior to Council's original resolution, there existed a situation whereby the 4WD Club did not have legal and practical access to their land. The club had sought to rectify this by negotiating a Right of Carriageway through the property subsequently purchased by Mr & Mrs Hall but the RoC is flawed as it does not fully encompass the "track in use". This is acknowledged by club representatives.

This has led to current scenario where the Club is not able to access their property using the negotiated Right of Carriage way.

It has also been alleged that even if Council were to ensure the section of road was trafficable, the club members would not be able to access their property as they do not have a RoC over the track in use as it traverses another property past that of the Halls. This has not been confirmed by staff.

2. Environmental

Not applicable.

3. Economic

Not applicable.

4. Civic Leadership

The report considered by Council at 18 July meeting was flawed and it was subsequently necessary for Council reconsider the matter. At its 17 October 2019 meeting Council sought to return the matter, as far as possible, to its pre-July resolution state.

Nothing has changed since 17 October 2019 that that would suggest to staff to recommend that Council should now change its position.

REPORT TO ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 18 JULY 2019

Page 171

9.3.2 ESTABLISHMENT OF ACCESS TO LOT 10 DP 7505534 AND LOT 73 DP 750565 - SOUTHERN TABLELANDS 4 WHEEL DRIVE CLUB

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Land & Property Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	8.2 Improve and maintain our public owned infrastructure and assets and facilities to a high standard
Delivery Program Objectives:	8.2.1 Council maximises its Asset utilisation to deliver services today and into the future
Attachments:	1. Bundarra Road
Cost Centre	1802 – Road Management Operations
Project	To be advised

EXECUTIVE SUMMARY

On 27 February 2019 the Southern Tablelands 4 Wheel Drive Club wrote to Council regarding assistance to establish coinciding legal and practical access to their property being Lot 10 DP 750554 and lot 73 DP 750565.

The Club previously accessed their property using a registered right of carriageway(ROC) accessed via Bundarra Road which followed a track in use since 2007.

Lot 1 DP 440253 has new owners and they've requested the Club cease passing through their property as the Club has no legal right to do so. The owners of lot 1 shared a video of the Club passing through their property, bumper to bumper, with headlights shining into their home which is very close to the track.

Realignment of Bundarra Road over the constructed road, acquisition of part lot 20 DP 655382 and opening of a section of Crown reserve road as a Council public road will give all residents legal, practical and coinciding access to the bridge after which a negotiated amendment to the Right of Carriageway will provide access for the 4WD to their property.

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

OFFICER'S RECOMMENDATION

That Council

- A. Negotiate with the owner of lot 15 to realign the road over the track through his property;
 - B. Engage the services of a surveyor to survey the off-line section of Bundarra Road through lot 15;
 - C. Close the section of Bundarra Road which is off line;
 - D. Dedicate the section of Bundarra Road to be closed to the landowner in compensation;
 - E. Take ownership of the bridge which has been constructed over the creek;
-

REPORT TO ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 18 JULY 2019

Page 172

9.3.2 ESTABLISHMENT OF ACCESS TO LOT 10 DP 7505534 AND LOT 73 DP 750565 - SOUTHERN TABLELANDS 4 WHEEL DRIVE CLUB

- F. Acquire the land within the proposed road reserve 20 wide in accordance with a survey plan;
- G. Apply to the Crown to have the Crown reserve road which passes through lot 20 transferred to Council as a Council public road;
- H. Acquire approximately 3ha of lot 20 around the Crown reserve road in order to create a more viable access to the bridge;
- I. Gazette the length of Bundarra Road as a Council public road from the intersection of Jerangle Road to the creek; and
- J. Authorise the expenditure amount of \$60,000 in the 2020 Financial Year Budget with funding to be provided from Other Internal Reserves account 35116.

BACKGROUND

On 27 February 2019 the Southern Tablelands 4 Wheel Drive Club wrote to Council regarding assistance to establish coinciding legal and practical access to their property being Lot 10 DP 750554 and lot 73 DP 750565.

The Club previously accessed their property using a registered right of carriageway(ROC) accessed via Bundarra Road which followed a track in use since 2007.

Lot 1 DP 440253 has new owners and they've requested the Club cease passing through their property as the Club has no legal right to do so. The owners of lot 1 shared a video of the Club passing through their property, bumper to bumper, with headlights shining into their home which is very close to the track.

The owners of lot 1 DP 440253 have also approached Council very distressed that a substantial number of vehicles associated with the 4WD Club were illegally entering their property at night to access the Club's property.

The Bundarra Road runs from the intersection with Jerangle Road and traverses lot 36 DP 750526 and lot 1 DP 523697 on alignment of a Council public road. Once it enters lot 15 DP 750526 Bundarra Road leaves the Council road and veers north west where it enters lot 20 DP 655382 on a right of carriageway which joins a Crown reserve road.

The "track in use" crosses the Crown reserve road and enters lot 1 DP 440253 without any legal right to do so. At this point there is a bridge across the creek which has been constructed without consent on Crown land. The Crown has stated that they did not approve the construction of the bridge and therefore they do not own it.

On the western side of the creek the track is on top of a Crown reserve road after it passes over the bridge and from there the track passes over a right of carriageway.

The problem arises where vehicles pass through lot 1 DP 440253 immediately before crossing the creek.

The right of way marked 'A' on the attached plan demonstrates that the Crown reserve road provides access from lot 20 to the bridge. However, if traffic stays on the Crown reserve road there is a very sharp bend onto the bridge which longer vehicles would find difficult to navigate.

In order to provide legal access for the 4WD Club from Jerangle Road it will be necessary for Council :

REPORT TO ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 18 JULY 2019

Page 173

9.3.2 ESTABLISHMENT OF ACCESS TO LOT 10 DP 7505534 AND LOT 73 DP 750565 - SOUTHERN TABLELANDS 4 WHEEL DRIVE CLUB

-
- To negotiate with the owner of lot 15 to realign the road over the track through his property.
 - Close the section of Bundarra Road which is off line
 - Dedicate the section of Bundarra Road to be closed to the landowner in compensation.
 - To take ownership of the bridge which has been constructed over the creek.
 - To acquire the land within the proposed road reserve 20 wide in accordance with a survey plan through the process of Land Acquisition (Just Terms Compensation) Act 1991.
 - To apply to the Crown to have the Crown reserve road which passes through lot 20 transferred to Council as a Council public road.
 - To acquire part lot 20 DP 655382 for the purpose of road.
 - To gazette the length of Bundarra Road as a Council public road from the intersection of Jerangle Road to the creek .
 - Council staff have inspected the bridge and found that the construction is sound and it is in good condition.

The right of carriageway which passes through lot 20 only benefits the 4WD Club even though a significant number of properties are accessed this way. It is therefore suggested that Council request that the Crown transfers the Crown reserve road which passes through lot 20 to Council. Encroachment by vehicles onto lot 1 DP 440253 could then be avoided. To achieve this it will be necessary for Council to acquire a small portion of lot 20 (approx.. 3 ha) between the boundary of lot 15 and the creek to facilitate widening of the road and reduction of the angle of the road access onto the bridge.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Realignment of Bundarra Road over the constructed road, acquisition of the Crown reserve road through lot 20 and acquisition of part lot 20 surrounding the Crown reserve road will provide legal access to the landowners and a more viable approach to the bridge.

The new access will also negate the need for the public to trespass onto lot 1 DP 440253.

2. Environmental

It is anticipated that the impact on the environment will be generally positive.

3. Economic

It is proposed to negotiate with the 4WD Club for them to contribute to the construction of the newly acquired road through lot 20 DP 655382.

REPORT TO ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 18 JULY 2019

Page 174

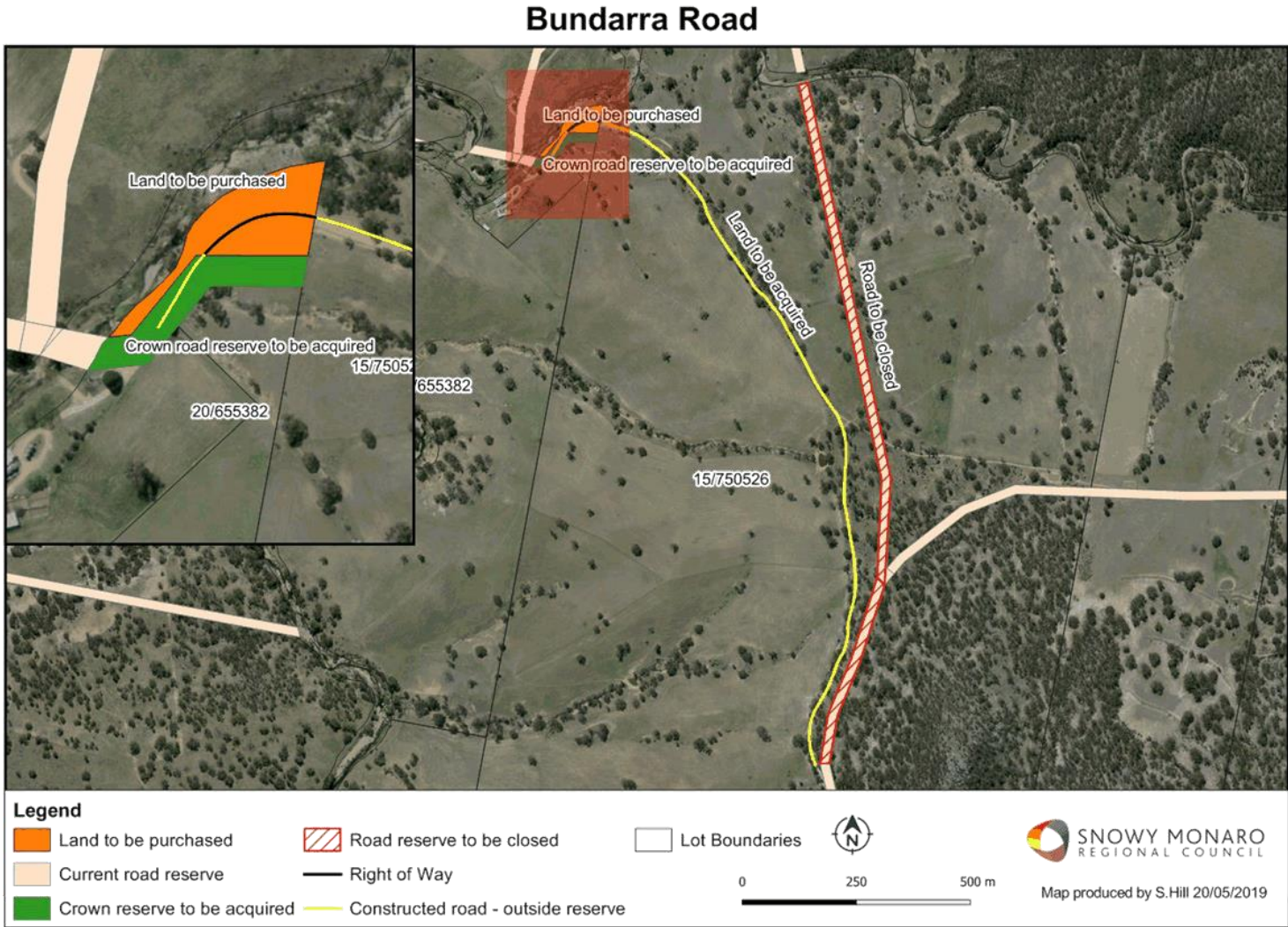
9.3.2 ESTABLISHMENT OF ACCESS TO LOT 10 DP 7505534 AND LOT 73 DP 750565 - SOUTHERN TABLELANDS 4 WHEEL DRIVE CLUB

Estimated Expenditure	Amount	Financial year	Ledger	Account string
Survey of constructed road	\$20,000	2020	PJ	tba
Legal costs for transfer of closed road in compensation	\$3,000.00	2020	PJ	tba
Transfer of Crown reserve road to Council	\$450.00	2020	PJ	tba
Acquisition of part lot 20 near creek	\$6,550	2020	PJ	tba
Construction of road over Crown road to be acquired and part lot 20	\$30,000	2020	PJ	tba
Funding (Income/reserves)	Amount		Ledger	Account string
Other Internal Reserves	\$60,000	2020	PJ	tba
	\$			
	\$			

4. Civic Leadership

Council ensures that Council public roads are within the road reserve and that they can be traversed safely. Realigning the road so that it is aligned with the bridge so as to provide a safe crossing over the bridge will reduce Council's risk of liability.

9.3.2 ESTABLISHMENT OF ACCESS TO LOT 10 DP 7505534 AND LOT 73 DP 750565 - SOUTHERN TABLELANDS 4 WHEEL DRIVE CLUB
ATTACHMENT 1 BUNDARRA ROAD



This page left intentionally blank.

This page left intentionally blank.

REPORT TO ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 17 OCTOBER 2019

Page 65

9.1.5 RECONSIDERATION OF RESOLUTION NUMBER 1/19 - BUNDARRA RD

Record No:

Responsible Officer:	General Manager
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	<ol style="list-style-type: none">1. Council Report - Bundarra Rd July 20192. Bundarra Rd - Attachment to Original Report3. Right of Carriageway4. Southern Tablelands 4WD Property (<i>Under Separate Cover</i>) - Confidential5. Other Property Benefitted by Right of Carriageway (<i>Under Separate Cover</i>) - Confidential6. Aerial Photos - Bundarra Rd (<i>Under Separate Cover</i>) - Confidential7. Solicitor's Advice Regarding Previous Resolution regarding Bundarra Rd (<i>Under Separate Cover</i>) - Confidential8. Mr & Mrs Hall - Property (<i>Under Separate Cover</i>) - Confidential9. Mr & Mrs Hall - Detail (<i>Under Separate Cover</i>) - Confidential10. Government Gazette Notice

EXECUTIVE SUMMARY

At its meeting of 18 July, Council adopted an officer's recommendation the intent of which was to address some perceived access issues of the Bundarra Rd. The request to transfer a section of Crown Road to Council (Part G of resolution 258/19) was put into effect with a letter to the department on 19 July.

Subsequent to the July meeting the situation has been reviewed. The view has been formed that the dispute over access to a number of lots relying on a Right of Carriageway was a civil matter in which Council should not been involved.

An assessment of whether extending the public road access past the boundary of Lot 20 DP 655382 is in the community benefit. Such action is not seen as warranted.

REPORT TO ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 17 OCTOBER 2019

Page 66

9.1.5 RECONSIDERATION OF RESOLUTION NUMBER 1/19 - BUNDARRA RD

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

OFFICER'S RECOMMENDATION

That Council:

- A. Note that Part G of Resolution 258/19 has been implemented and the Crown Road that passed through Lot 20 DP 655382 has been transferred to Council;
- B. Not proceed with the implementation of parts E, H and I from Resolution 258/19;
- C. Refer the matter back to the relevant parties indicating that it is a civil matter that should be resolved by the parties without Council's engagement; and
- D. Formally apologise to the owners of Lot 20 DP 655382 for Council's action in seeking the transfer of the Crown Road that previously formed part of their Enclosure Permit.

BACKGROUND

This report makes no judgement on the validity of the arguments provided by the parties affected by the Right of Carriageway. The purpose of the report is to review whether there is a need for action to be taken by Council.

A review of Council records indicates that Council has not taken any action or made any decision that would obligate Council to provide legal access. There was a time when it was permissible to construct a dwelling on rural land without seeking development approval.

Access by the Southern Tablelands Four Wheel Drive Club via the Right of Carriageway established in 2012 is therefore an issue between the landowner of the affected lot and the owner of the lots benefitted.

There does not appear to be any broader community value in extending the length of Bundarra Road beyond its current public access point. There have not been requests from the public for access and the residents in the area see such access as a negative outcome.

It would be, however, standard practice to modify a crown reserve to ensure that it fully contained the track-in-use. It is therefore not considered necessary to modify those parts of the resolution that relate to the crown reserve.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The intent of this report is to remove Council as much as possible from a matter that should have remained a civil dispute.

2. Environmental

Nil in addition to the status quo.

3. Economic

The recommendation, if adopted, would reduce the expenditure required to that necessary to give effect to the relocation of the crown road.

REPORT TO ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 17 OCTOBER 2019

Page 67

9.1.5 RECONSIDERATION OF RESOLUTION NUMBER 1/19 - BUNDARRA RD

4. Civic Leadership

The earlier resolution reads as follows:

MINUTES OF THE ORDINARY COUNCIL MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 18 JULY 2019

Page 54

COUNCIL RESOLUTION

258/19

That Council

- A. Negotiate with the owner of lot 15 to realign the road over the track through his property.
- B. Engage the services of a surveyor to survey the off-line section of Bundarra Road through lot 15.
- C. Close the section of Bundarra Road which is off line.
- D. Dedicate the section of Bundarra Road to be closed to the landowner in compensation.
- E. Take ownership of the bridge which has been constructed over the creek.
- F. Acquire the land within the proposed road reserve 20 wide in accordance with a survey plan.
- G. Apply to the Crown to have the Crown reserve road which passes through lot 20 transferred to Council as a Council public road.
- H. Acquire approximately 3ha of lot 20 around the Crown reserve road in order to create a more viable access to the bridge.
- I. Gazette the length of Bundarra Road as a Council public road from the intersection of Jerangle Road to the creek .
- J. Authorise the expenditure amount of \$60,000 in the 2020 Financial Year Budget with funding to be provided from Other Internal Reserves account 35116.

Moved Councillor Castellari

Seconded Councillor Haslingden

CARRIED

Note 55: Record of Voting

Councillors For: *Councillor Castellari, Councillor Corbett, Councillor Ewart, Councillor Haslingden, Councillor Old, Mayor Rooney and Councillor Stewart.*

Councillors Against: *Councillor Last, Councillor Maslin and Deputy Mayor Miners.*

Req: R094880 / Doc: DP 1176124 P / Rev: 27-Jun-2012 / Sts: SC OK / Prt: 27-Jun-2012
Ref: and public map/88q/Post Surveyors Use Only / Src: W

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

PURSUANT TO SEC(88)B OF THE CONVEYANCING ACT 1919 IT IS INTENDED TO CREATE:

1. RIGHT OF CARRIAGEWAY OVER TRACK IN USE



Use PLAN FORM 6A
for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

I, in approving this plan certify
(Authorised Officer)
that all necessary approvals in regard to the allocation of the land
shown herein have been given

Signature:
Date:
File Number:
Office:

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and
Assessment Act 1979 have been satisfied in relation to:

the proposed set out herein
(insert 'subdivision' or 'new road')

* Authorised Person/General Manager/Accredited Certifier

Consent Authority:
Date of Endorsement:
Accreditation no:
Subdivision Certificate no:
File no:

* Delete whichever is inapplicable.

DP1176124

Registered:  27.6.2012

Title System: TORRENS

Purpose: EASEMENT

PLAN OF

RIGHT OF CARRIAGEWAY OVER TRACK IN
USE APPROXIMATE POSITION THROUGH
LOT 20 DP655382 LOTS 43, 53, 44 & 10
DP750565

LGA: COOMA MONARO
Locality: JERANGLE
Parish: WANGRAH & BREDBO
County: BERESFORD

Survey Certificate

I, ...PETER BERNARD WILLIAMS
of ...4D Surveying PO Box 528 Queanbeyan NSW 2620
a surveyor registered under the *Surveying and Spatial Information
Act, 2002*, certify that the survey represented in this plan is accurate,
has been made in accordance with the *Surveying and Spatial
Information Regulation, 2006* and was completed
on:30.05.2011.....
The survey relates to ...RIGHT OF CARRIAGEWAY OVER TRACK
..... IN USE ONLY
(specify the land actually surveyed or specify any land shown in the
plan that is not the subject of the survey)

Signature Dated: 30.05.2011
Surveyor's Seal and Spatial Information Act, 2002

Datum Line:NA.....
Type: Rural

Plans used in the preparation of survey/compilation

B2652-1765	B1268-1765
B4754-1765	B1177-1765
B4180-1765	B3466-1765
B2653-1765	DP440253
B2651-1765	

(if insufficient space use Plan Form 6A annexure sheet)


SURVEYOR'S REFERENCE: 17396

* OFFICE USE ONLY

Req: R094880 /Doc: DP 1176124 P /Rev: 27-Jun-2012 /Sts: SC.OK /Prt: 27-Jun-2012
Ref: ~~independent~~ /Seq: 508 /Src: W

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF RIGHT OF CARRIAGEWAY OVER TRACK IN USE APPROXIMATE POSITION THROUGH LOT 20 DP655382 LOTS 43, 53, 44 & 10 DP750565	DP1176124
	Registered:  27.6.2012

* OFFICE USE ONLY

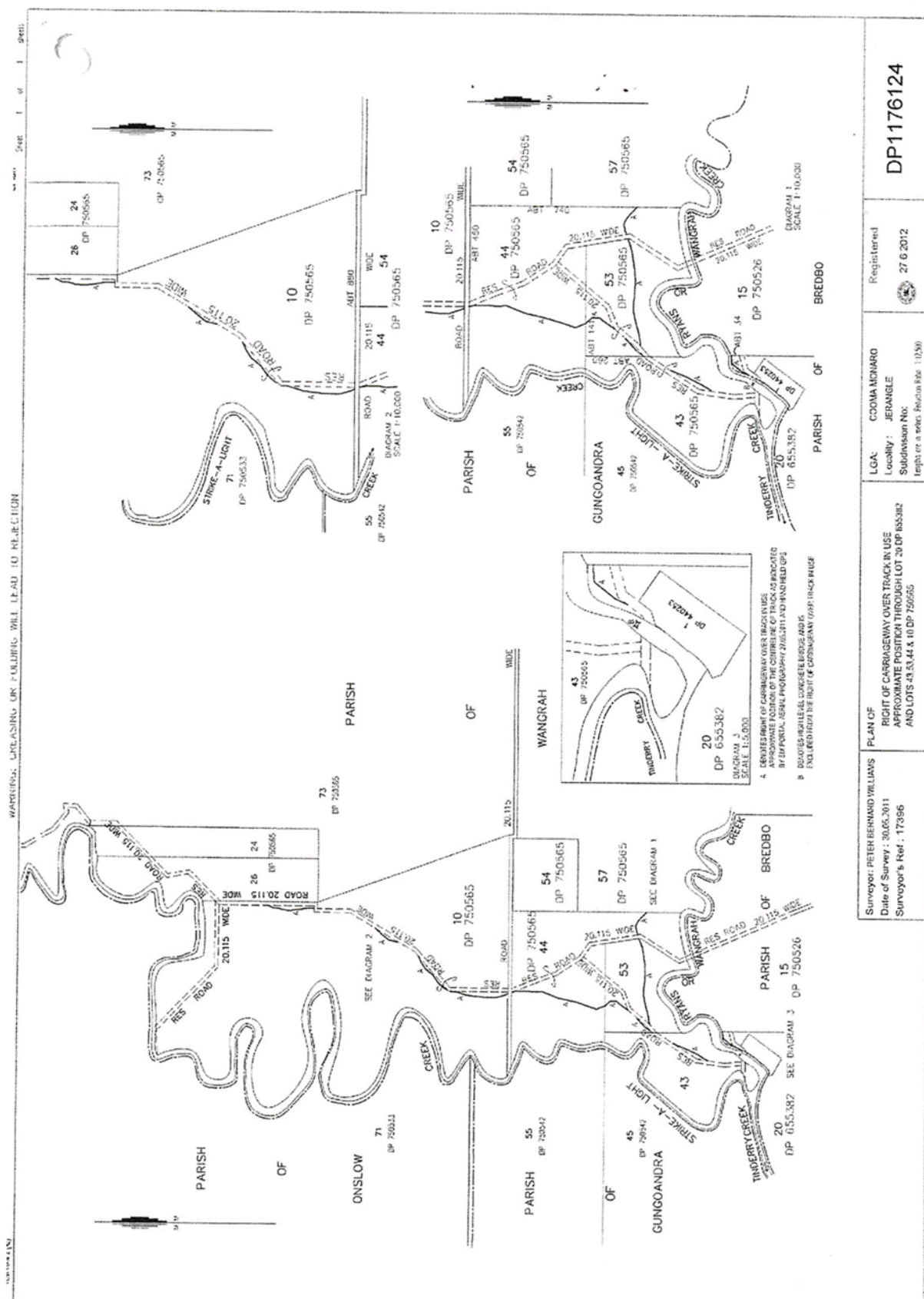
Subdivision Certificate No:

Date of Endorsement:

Executed by SOUTHERN TABLELANDS
FOUR WHEEL DRIVE CLUB INCORPORATED
by its duly authorised signatories:

Signature
James W
Name

SURVEYOR'S REFERENCE: 17396



INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED
PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919

Lengths are in metres

Sheet 1 of 2 sheets

PLAN: DP 1176124

Full name and address of
Registered Proprietor of
Lots 20 DP 655382,
Lots 10, 43, 44 and 53 DP 750565:

Richard Lewis Southwell of ..



RD
NSW

PART 1

1. Identity of easement firstly
referred to in abovementioned
plan:

Right of carriageway over track in use

SCHEDULE OF LOTS, ETC, AFFECTED

Lots Burdened

Lot 20 DP 655382

Lots 10, 43, 44 and 53 DP 750565

Lots Benefited

Lot 10 DP 750554, Lot 73
DP 750565, Lot 54 DP 750565
and Lot 57 DP 750565

Lot 10 DP 750554, Lot 73
DP 750565, Lot 54 DP 750565
and Lot 57 DP 750565

PART 2

SIGNED in my presence by the said
RICHARD LEWIS SOUTHWELL
who is personally known to me:

)
)
)



INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED
PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919

Sheet 2 of 2 sheets

EXECUTED by SOUTHERN TABLELANDS)
FOUR WHEEL DRIVE CLUB INCORPORATED)
by its duly authorised signatories:)

Signature

Signature of Authorised Signatory

Name of Authorised Signatory

[Redacted Signature]

[Redacted Name]



- » Home
- » Compiled Plans
- » Plan types
- » Plan preparation
- » Subdivision certificates
- » Signatures
- » Approved forms
- » Plan orientation
- » Permanent survey marks
- » Exemptions by Surveyor General
- » Boundary definition
- » Linear boundaries
- » Natural boundaries
- » Stratum boundaries
- » Crown plans
- » Lease plans
- » Pipeline plans
- » Conversion of Old System
- » Easements and restrictions
- » Minerals
- » Public reserves and drainage reserves
- » **Roads**
 - » General principles
 - » Existing roads in deposited plans
 - » Opening new public road
 - » Acquisitions for road purposes
 - » New roads created in a deposited plan
 - » Proposed road widening
 - » Temporary and isolated roads
 - » Crown roads
 - » Leases affecting roads
 - » Minerals under roads
 - » **Closing roads**

[Home](#) » [Deposited plans](#) » [Roads](#) » [Closing roads](#)

Council public roads

Only a Council (or other public authority) may apply to close a Council public road. Private individuals wishing to initiate the closing of a Council public road should contact their local Council in the first instance.

A public road that was formerly vested in the council on closing remains vested in the council as operational land for the purposes of the *Local Government Act 1993*, except where the road was never constructed or used by the public. In these cases, an unformed road upon closure vests in the Crown and may comprise all or part of the residue of a certificate of title or old system deed.

Council roads to vest in the Council

Where the land remains vested in the local Council and future dealings or disposal will be a matter for the Council.

A deposited plan suitable for registration in NSW LRS will be required prior to final closing action. The plan must be a plan of survey and may show the closed road as a single lot or as multiple lots (plus easements) in accordance with a proposed disposal. The Council must submit the plan to Crown Lands Division for investigation and signature by an authorised officer prior to lodgment and registration in NSW LRS. Crown Lands will provide a letter indicating how new titles are to issue which should be lodged with the plan.

The plan will be for road closing purposes and the heading should refer to 'Plan of road to be closed under the *Roads Act 1993*'. A statement of intention, in regard to each lot proposed to be closed, should be included in the panel provided for statements in the Administration Sheet. The certificate(s) of title which include the fee of the road should be disclosed.

On registration of the plan and completion of all other actions by Crown Lands the road ceases to be public road see s.38 *Roads Act 1993*.

Council road to vest in the Crown

Where the land will vest in the Crown as Crown land any future disposal or dealing will be a matter for Crown Lands.

Council should indicate in schedule 5 of the application if they are lodging the application on behalf of an adjoining landowner that is interested in purchasing the land, or for some other purpose.

Closure of roads created in subdivisions before 1920

For roads created in private subdivisions before 1920 the Council must check:

that there is evidence of common law dedication
whether the road forms any residue of a subdivided title and
if there are any doubts about the status taken action under ss.16 and 17 *Roads Act 1993* to dedicate the road as public road.

Until 1920 under common law, land may have become public road as a result of an intention by the owner to dedicate and an acceptance by the public. Ways that the intention to dedicate could be established under common law include:

by written evidence expressing that intention or
by a course of action from which the intention could be inferred.

Acceptance by the public could be established by:

written evidence of acceptance
use of the road by the public
the existence of public utilities within the road (electricity supply, sewerage services, etc)
expenditure of local council money on the upkeep of the road see s.249 *Roads Act 1993*.

Until 1 January 1920 roads provided in a private subdivision of freehold land usually comprise the residue of the subdivided title and remain in the name of the original subdivider. Section 16(2) *Roads Act 1993* permits the Council, after serving notice on the owner, to publish a notice in the Government Gazette that the road is dedicated as public road.

Note Roads in the Australian Agricultural Company's land grant (Shires of Gloucester and Great Lakes) may only be closed if they have been dedicated to the public as public road by means of a notice in the Government Gazette or by prescription. Roads not dedicated as public roads remain old system land in the name of the Company. Title to these lands may only be obtained by the preparation of a Primary Application claiming the road by possession.

» Crown public roads

» **Council public roads**

» Temporary public roads

» Act 4 William IV No.11 roads

» Deposited plans for road closure

» Plans annexed to dealings

» Housing Authorities

» Special purpose plans

» Preliminary examination

» Lodgment

» Amendment

» RGs website change logs

Application to close a Council public road

The Council must complete the required [Application to Close Public Road form CL31-30](#) (PDF 59.3 KB) and lodge it with the nearest regional office of Crown Lands. For more information see www.crownland.nsw.gov.au.

The Council must attach a diagram showing:

dimensions and area of road to be closed
adjoining property information
location of any existing public utilities
location and type of any fences, buildings or structures on or near the road.

The Council must pay the required deposit and provide a statement with the following information, regarding road construction:

evidence of construction which has taken place
the unnecessary nature of the road
any alternate public access, if relevant
any intentions regarding disposition of the land
the name and phone number of a council contact officer
any proposal for public display.

The Council must provide written consents/agreements of:

all owners and holders of interests in lands adjoining the road(s)
any affected public authorities
NSW Fisheries (where the road adjoins or gives access to a river or lake)
Roads and Maritime Services (where the closing affects or forms a junction with a State Highway, Trunk Road or Main Road)
The Land Information Unit, RailCorp Property (where the road adjoins railway land).

NSW Land Registry Services

Office of the Registrar General

Accessibility

Sitemap

Privacy

Access to information

Copyright

Disclaimer

Contact us



The road purchase application process

Crown roads

Crown roads are part of the state's public road network and are administered by the NSW Department of Planning, Industry & Environment (the department) under the *Roads Act 1993* (the Act). Crown roads are often referred to as 'paper roads', as the majority are not constructed. There are many Crown roads within the public road network that are not used or required for public access. In these cases, Crown roads may be sold or closed without compromising the broader public interest.

The option to purchase Crown road/s can facilitate termination of an enclosure permit or use of the land other than for grazing. Other benefits resulting from the purchase of a Crown road may include:

- consolidation of a property
- certainty of ownership, where private residence or other infrastructure encroaches on the road corridor
- conditions of an approved Development Application
- driveway or road construction, to service low-level traffic requirements or private developments
- to facilitate land management or environmental improvements.

Before applying to purchase a Crown road

Before you apply, you should seek general agreement from other neighbouring land owners whose properties adjoin or may be affected by the proposal. This may include government land or waterway managers such as National Parks or NSW Fisheries (Recreational Fishing).

Advising the adjoining or affected land owners prior to lodging your application may also minimise possible conflict over access and future ownership once the department notifies your neighbours of the proposal. If you can obtain general agreement from the neighbouring land owners it may limit potential conflict with neighbours over access and future ownership of a Crown road.

If agreement cannot be reached with the affected landholders, an application may still be lodged and any access issues will be assessed and determined by the department. Where suitable, the department may support the sale of Crown roads on the condition that a registered easement provides continued legal access to an affected property. If the department determines a Crown road is required for access and you are unable to negotiate alternative legal access, it is likely that the road purchase application will be refused.

How to submit a road purchase application

1. Discuss your road purchase proposal with neighbours whose property may be affected.
2. Gather your Lot/DP details and complete the 'Crown Road Purchase Application' form available on the department's website www.industry.nsw.gov.au/lands/access/roads
3. Prepare a diagram clearly detailing the Crown road/s that you propose to purchase.
4. Post your application form, diagram and application fee to:

NSW Department of Planning, Industry & Environment — Crown Lands
PO Box 2215
Dangar NSW 2309

The department will provide written confirmation that your application has been received. Please note that receiving a road purchase application does not assure application approval.



The Crown road purchase application process

After an application has been received, the department will consider the suitability for the Crown road/s to be withdrawn from the public road network for the purpose of sale. The department administers road purchase applications in accordance with the statutory requirements provided for in the [Roads Act 1993](#) and [Roads Regulation 2008](#); the department's policy, Administration of Crown roads; and the supporting guidelines.

The minimum processing time for a successful road purchase application is 10–11 months. This estimate relates to applications with no complex issues or unforeseeable administrative delays. Complex negotiations during the consultation with affected land owners will generally influence processing time frames.

The processing time is from the date of application commencement and not the date of application receipt. The statewide interest in the purchase of Crown roads has led to a backlog of road purchase applications awaiting processing and should be factored into your planning.

The 28-day submission period

The department advises affected and interested parties of all proposed road purchases to ensure procedural fairness. Public consultation occurs through:

- publishing an advertisement in a local newspaper and inviting submissions from interested parties
- notifying all adjoining and affected landowners
- notifying relevant public authorities (for example, NSW Fisheries)
- listing the proposal on the department's road purchase application [online search facility](#).

Interested parties can lodge a written submission to the department within the 28-day submission period provided. Parties lodging a submission should:

- quote the relevant file reference number
- include supporting documents (for example, fencing diagrams, photos, tenure details)
- direct the submission to the listed case officer in the notice of proposal.

Assessment of submissions

The department acknowledges that each application can present unique issues. Each application is considered on a case-by-case basis, taking into account all information; this includes conclusions drawn from the department's preliminary investigation, submissions received and the negotiated outcomes during the consultation process.

Factors taken into consideration before reaching a decision include, but are not limited to:

- current use of the road for access, including any topographical or environmental constraints
- maintaining the primary (or most practicable) legal access, where already available to each property*
- alternative access needs (if any) to surrounding properties
- maintaining legal access to other Crown land (for example, reserves) or waterways
- current authorised use of the road by other parties such as enclosure permit or licence
- location of existing fences
- asset encroachments within the road reserve
- existing easements which either incorporate use of the road or pass over the road.

*Property as defined by the property identification number recorded with the Valuer General

The assessment will result in one of the following outcomes:

- the road can be purchased in either whole or part, or
- the road can be purchased conditional to registration of an easement, or
- the road cannot be purchased as it is required for public access or for other government purpose, or



- a combination of the above.

The decision to approve a Crown road purchase rests with the minister administering the [Crown Land Management Act 2016](#) or a delegate of the minister. The department advises the applicant and all objectors/relevant parties upon decision of the road purchase application.

Easements

Easements to maintain legal access

A registered access easement may allow the purchase of a Crown road while maintaining legal access to an affected property. Affected parties have to agree to their property access changing from Crown road to registered easement (for example, right of carriageway or right of access). When a road under application is the only or a formed primary legal access, the department will not support the sale of the road unless the affected property owner provides written agreement to the road being sold with an easement registered over that road to maintain their legal access.

Easements for existing infrastructure

The proposed road purchase may impact existing infrastructure on the Crown road (for example, transmission lines). Assets of this type generally have registered easements over the adjacent freehold lands but not over the Crown road. Registering an easement over the affected Crown road site may allow the purchase of a Crown road to proceed, while maintaining the easement connectivity for the existing infrastructure over the road.

Where affected parties agree to an easement proposal, a Section 88B Instrument ([Conveyancing Act 1919](#)) will be lodged with the plan for registration by NSW Land Registry Services. The fee for each easement imposed on title is payable by the road purchase applicant. A plan of survey may be required if the road for closure and/or the proposed easement does not comply with NSW Land Registry Services compiled plan guidelines. The cost of a plan of survey is payable by the road purchase applicant.

Following easement registration, disputes between parties becomes a private matter in which the department cannot assist.

Application and purchase costs

The following fees apply in addition to the value of the road for purchase:

- | | |
|---|--|
| • Road purchase application fee | \$660.00—paid upon application lodgement |
| • Purchase processing fee | \$305.80 |
| • Plan compilation fee [±] | \$346.50 |
| • NSW Land Registry Services lodgement fees (adjusted annually) | |
| ◦ Transfer dealing | \$286.60 |
| ◦ Amendment of a folio of the Register [^] | \$143.50 |
| ◦ Section 88B Instrument (if required) | \$143.50 for each easement |
| ◦ Deposited plan | \$302.20 for each lot |
| • Stamp Duty (Ad Valorem) | |
| • GST (improved land only) | |

[±]The plan compilation fee covers the cost of a compiled plan prepared by the department from a range of source documents. The applicant may require the services of a registered surveyor in more complex instances at the applicant's cost.

[^]The amendment fee is only required when road purchase is paid in instalments. The department lodges a dealing form upon payment of the final instalment, to remove a titling notation regarding balance of purchase monies.



The purchase price of Crown roads will generally be based on the land value of the applicant's adjoining land. This value is set in accordance with the Valuer General's Register of Land Values (the land values used to determine local council rates). The value used is the 'general' base date type as at the date the application was lodged with the department.

The department offers two options for road purchase payment to successful road purchase applicants:

- payment in full (being the total price), or
- payment by three equal instalments.

The invoice (for the full purchase price or first instalment) will include any associated purchase costs. Late payment fees apply to debts that remain in arrears after 28 days from the due date.

The department maintains the right to withdraw the offer and sell the road to another interested party if the first payment (either whole or instalment amount) is not made within 28 days of the due date.

Paying by instalments

This payment option allows the purchaser to purchase the roads by paying the purchase price by three equal payments over two years. The first invoice includes payment of fees and costs. The subsequent instalment will be due 12 months from the first invoice. The final payment is paid 24 months after the first invoice. This payment option includes conditions of purchase and obligations of the purchaser. More details are outlined in the Schedule 2 of the Roads Regulation 2008 under the *Roads Act 1993* available at www.legislation.nsw.gov.au.

When the road sale is transferred to the purchaser, the title will include a notation in the second schedule to protect the Crown's interest in the land until the department receives the full purchase price of the road and associated fees and costs. Sale of the property cannot occur until the purchase price is paid in full.

Unsuccessful road purchase applications

Any existing Enclosure Permit will continue over Crown roads which do not proceed to sale. The department may also consider applying an Enclosure Permit to Crown roads in unsuccessful road purchase applications to formalise the use of the road for the purpose of grazing. The holder of the Enclosure Permit is required to pay annual rent or take steps to fence the road out of freehold property. More information can be found at the department's website <https://www.industry.nsw.gov.au/lands/use>.

An Enclosure Permit allows a property owner to enclose a Crown road within their property. The permit alleviates the need and expense of having to fence the road out of the property, but:

- does not provide the holder with any title to the Crown road
- requires the land to remain available for access if required
- authorises grazing as the only permissible use of the land.

More information

Please direct Crown road purchase enquiries to the Newcastle roads project team:

Email: roads.newcastle@crowmland.nsw.gov.au

Phone: 1300 886 235 (Option 2, Option 2)

Web: www.industry.nsw.gov.au/lands

© State of New South Wales through the NSW Department of Planning, Industry & Environment. You may copy, distribute and otherwise freely deal with this publication for any purpose, provided that you attribute the NSW Department of Industry as the owner. The information contained in this publication is based on knowledge and understanding at the time of writing (July 2019). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and reliable.

9.3.5 MICHELAGO RURAL FIRE BRIGADE REQUEST FOR DONATION

Record No:

Responsible Officer:	Acting Director Environment & Sustainability
Author:	Acting Group Manager for Resource and Waste Management
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	7.2 Water, waste, sewer and stormwater management practices are contemporary and efficient
Delivery Program Objectives:	7.2.3 Innovative solutions and infrastructure supporting waste and recycling operations to reduce landfill have been investigated
Attachments:	1. Email - Michelago Fire Shed request for Donation
Cost Centre	
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The proposed development to convert the former Michelago Rural Fire Service (RFS) building for the purpose of housing a Bank of Bins (BOB) both for the disposal of waste and recyclable material has resulted in a request for a donation from the Michelago Rural Fire Brigade in lieu of the funds raised by the Michelago community to initially build the former Michelago RFS shed.

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

OFFICER'S RECOMMENDATION

That Council

- A. Receive and note request for donation from the Michelago Rural Fire Brigade in lieu of funds raised by the Michelago community to build the former Michelago RFS shed.
- B. That the Michelago Rural Fire Brigade be advised to complete Council's application for Support and Donations, to formalise the request for donation process.

BACKGROUND

The proposed development to convert the former Michelago Rural Fire Service (RFS) building for the purpose of housing a Bank of Bins (BOB) both for the disposal of waste and recyclable material has resulted in a request for a donation to the Michelago Rural Fire Brigade in lieu of the funds raised by the Michelago community to initially build the former Michelago RFS shed.

The former Michelago RFS building was approved for construction on the Council Ryrie Street Road Reserve in 1992 and remains in place.

As part of this project other works will also be undertaken around the outside of the building such as landscaping and any facade improvements such as installation of whirly bird ventilation systems, security cameras and lighting and key entry systems.

Replacement water tanks will also be installed to the benefit of the Michelago RFS allowing them access to further water sources within the town.

For the proposed Bank of Bins community consultation took place on Tuesday 17 September 2019 with staff attending a community meeting, as part of the notification and submission process for Development Application 10.2019.1371.1 between Wednesday 18 September to Thursday 10 October 2019 and as a result of Council resolution 460/19 further consultation took place on Tuesday 3 March 2020.

COUNCIL RESOLUTION

1/19

That the item be deferred to the 19 March 2020 Council Meeting to allow for further consultation with the Michelago Community in the interim.

Moved Councillor Haslingden Seconded Councillor Rooney CARRIED

As a result of the consultation on Tuesday 3 March 2020, an email was received from the President of the Michelago Rural Fire Brigade requesting a donation in lieu of the community raising the funds to build the former Michelago RFS shed in question. The donation request is for the value of \$8000.00 as the brigade has had offers of this amount to purchase the building (copy of email attached). The Michelago community believe because they raised the funds to build the former RFS shed that a donation would compensate for funds raised.

Information below has been provided by Monaro NSW RFS regarding the Michelago RFS shed being a Council asset and not an RFS asset as believed by the Michelago community.

(Extract below from email received 30 October 2019)

Information received from Monaro NSW RFS regarding Council retaining the former (old) Michelago Fire Shed as an asset of Council.

Below is an extract of the Rural Fires Act, which is pertinent to consider in this situation,

Rural Fires Act 1997 No 65

Current version for 26 October 2018 to date (accessed 23 October 2019 at 12:39)

[*Part 5 Division 7 Section 119*](#)

119 Maintenance and disposal of fire fighting equipment purchased from Fund

(1) In this section:

fire fighting equipment means fire fighting apparatus, buildings, water storage towers or lookout towers.

(2) All fire fighting equipment purchased or constructed wholly or partly from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the fire fighting equipment has been purchased or constructed.

(3) A council must not sell or otherwise dispose of any fire fighting equipment purchased or constructed wholly or partly from money to the credit of the Fund without the written consent of the Commissioner.

(4) There is to be paid to the credit of the Fund:

(a) if the whole of the cost of the purchase or construction of any fire fighting equipment was met by money to the credit of the Fund:

(i) an amount equal to the proceeds of sale of any such equipment, and

- (ii) any amount recovered (whether under a policy of insurance, from the Bush Fire Fighters Compensation Fund under the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*, or otherwise) in respect of the damage to, or destruction or loss of, any such equipment, and
- (b) if a part only of the cost of the purchase or construction of any such equipment was met by money to the credit of the Fund—an amount which bears to the amount that would be required by this subsection to be paid if the whole of that cost had been met by money to the credit of the Fund the same proportion as that part of the cost bears to the whole of that cost.
- (5) A council must take care of and maintain in the condition required by the Service Standards any fire fighting equipment vested in it under this section.
- (6) The Commissioner may, with the concurrence of the council in which fire fighting equipment is vested under this section, use any of the equipment not reasonably required by the council to deal with incidents in the area of the council to deal with incidents outside the area.

Firstly, consideration has to given to where the money came from to build the actual shed. If it came from the Rural Fire Fighting Fund (RFFF), as in the case of their new shed, all money raised from the disposal would have to be credited back to the RFFF.

In its petition, the brigade makes claim that all or part (not fully clarified in the petition) of the shed was funded donated material, labour and money from local residents, and have stated that the shed belongs to the local community represented by the Michelago RFB. However, below is an extract from page 42 of the RFS Brigade Management Handbook.

(Extract from page 42 of the RFS Brigade Management Handbook)

Brigade assets do *not* include:

› The brigade station;

- › vehicles or boats that have been provided by the local council or the NSW RFS; or
- › firefighting or other equipment provided by the local council or the NSW RFS.

From this, it can be concluded that the station is a vested asset of Council.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council is responsible for providing its residents with an environmentally and economically sound option for domestic waste and recycling disposal services. The proposed BOB service allows residents to dispose and manage their household waste at a time which is more convenient to their circumstances.

2. Environmental

Council is committed to providing Snowy Monaro Regional Council residents with an effective and efficient waste and recycling disposal service through the use of regular kerbside collection services, landfill facilities, transfer stations, collection points and Bank of Bins (BOBs). This ensures that environmentally sustainable disposal habits can be developed thus reducing waste to landfill and increasing the recycling throughout the region.

3. Economic

Michelago Rural Fire Brigade request for donation in lieu of funds raised by the community to build the former Michelago RFS shed.

9.3.5 MICHELAGO RURAL FIRE BRIGADE REQUEST FOR DONATION

Estimated Expenditure	Amount	Financial year	Ledger		Account string															
Request for Donation	\$8000.00	2020																		
Funding (Income/reserves)	Amount		Ledger		Account string															
	\$																			

4. Civic Leadership

The reuse of an existing asset to benefit the community by providing a safe and secure place for the Bank of Bins improves not only waste services for the Michelago community but also demonstrates good civic leadership by re-purposing an existing building.

From: [REDACTED]
To: [Mandy Thurling](#)
Subject: Michelago fire shed
Date: Tuesday, 3 March 2020 9:37:27 PM

Attention Mandy Thurling

In reference to the Michelago fire shed being used as a bank of bins.

Brent Wallis and myself Abigail McPherson had a meeting Tuesday March 3rd with Mandy Thurling, we discussed the use of the old fire shed as a bank of bins. We informed Mandy that we the community built the shed ourselves with community raised funds. We also discussed If we were unable to keep said shed we would be happy to accept a donation to the Michelago fire brigade of \$8000, we have had numerous offers to purchase it, as is for \$8000.

We believe this figure would be an acceptable amount.

Look forward to hearing your response on this matter.

Kind Regards
Abigail McPherson
President MRFB

Sent from my Samsung Galaxy smartphone.

-----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.

9.3.6 BOMBALA AND DELEGATE WATER SUPPLY PROJECTS

Record No:

Responsible Officer:	Acting Director Operations and Infrastructure
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	7.2 Water, waste, sewer and stormwater management practices are contemporary and efficient
Delivery Program Objectives:	7.2.1 Water and sewer management services and operations meet legislative and quality requirements
Attachments:	<ol style="list-style-type: none">1. Extract from Deputy Premier media release - 19 June 20182. Mayor letter to DPC re funding - 27 July 20183. Acting Gm acceptance of \$200,000 funding for options study - 26 October 20194. Letter from Minister Blair re conditional funding - Safe and Secure Water Fund - January 20195. Proposed test bore locations - Bombala6. Proposed test bore locations - Delegate
Cost Centre	
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

At the Council meeting of 19 February 2020, an open forum speaker (Mrs Gimbert) requested better communication regarding progress with the Bombala and Delegate Water Supply projects. This report is to provide an update on progress with these projects.

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

OFFICER'S RECOMMENDATION

That Council receive and note the information contained in the report.

BACKGROUND

The address from Mrs Gimbert at the Council meeting of February 2020, held in Bombala, outlined understandable concern regarding the time this project is taking.

The following is provided as context as to the progress with the project to date:

Required improvements to the water supply treatment facilities and infrastructure for both the Bombala and Delegate reticulated water supplies have been recognised for many years, and have been elevated since the Council merger in May 2016.

The Delegate Water Supply is defined as 'non-potable' due to the level of treatment provided to the water supply. The water is chlorinated, but not filtered or fluoridated.

SMRC initially expended around \$675,000 in 2017/2018 to upgrade the Bombala Water treatment Plant including the electrical and control system, various valves, and reservoir cleaning, with air scouring of reticulation mains to improve the quality of water delivered through the system. Additional works have been undertaken since then to further improve the drinking water quality from the treatment system.

Council's Water and Wastewater staff provided a power-point presentation in March 2018 to highlight improvements made to the condition of the Bombala water treatment plant and with some basic operational deficiencies that were contributing to poor water delivery.

Following considerable community input and lobbying, the Deputy Premier and Member for Monaro, the Hon. John Barilaro MP, announced at a public meeting in Bombala on 9 March 2018 that the NSW Government would provide \$15million to upgrade the Bombala and Delegate water supply schemes.

A later announcement also confirmed \$3.5million for improvements to the Bombala Sewage Treatment Plant, being *"in addition to the NSW Government's Commitment to provide \$15million for upgrades to water systems of Bombala and Delegate."* (extract of Media release dated 19 June 2018 attached).

The funding announcement was warmly received by the community and Council, however, details of the mechanics around accessing the promised funding took some time to navigate.

The Mayor wrote a letter to Department of Premier and Cabinet (DPC) on 27 July 2018 requesting details of formalisation of the offer from the Deputy Premier and of the process to be followed.

On 26 October 2018, the Acting General Manager signed a Statement of Acceptance of Funding from the NSW Government Department of Premier and Cabinet for *"up to \$200,000 to engage a suitably qualified consultant selected from a competitive selection process to complete an Options Study for the Bombala and Delegate water systems"*.

The agreement was conditional on:

- A brief for the options study being agreed by DoI Water and DPC
- A funding contract being in place with SMRC and the selected consultant to deliver the Options Study.

A copy of that document is attached.

It is important to note that there appears to be a presumption that Council has already been handed a cheque for \$15million – this is not the case.

There is also an apparent misunderstanding that all that is required to "fix" the treatment systems is to simply 'plug in' filtration or other treatment process, which is also not the case.

Since the time the acceptance of the 'up to' \$200,000 offer was signed, the following actions have been undertaken:

- Confirmation of conditional funding received from Minister for Primary Industries, Regional Water, Trade and Industry (the Hon Niall Blair MLC) in January 2019 stating *"that a business case for the preferred option(s) as identified in the options analysis undertaken by Council with funds provided from Dept Premier and Cabinet is a requirement for the project to proceed to funding agreement."*
-

- It should be noted that the letter from Minister Blair stated that the funding amount was “up to \$15million” – a subtle but significant clarification on the previous announcements. This letter also referred to a “Business Case for the preferred option(s) as identified in the options analysis...” A copy of that letter is attached.
- Finalise an agreed brief of works for the Options Study with DoI Water and DPC in accordance with the funding agreement
- Completion of a competitive tender process to select a suitably qualified consultant to deliver an Options Study (Tender date 11 October 2018)
- Completion of Tender assessment and selection of successful tenderer, and subsequent award of contract for the Options Study (Tender awarded to GHD on 5 March 2019)
- Initial inspection conducted by consultant and Council officers on 16 April 2019; post inspection teleconference with DoI (water), GHD, and Council on 17 April 2019; it was identified by both the designer and DoI Water to investigate bores for the water supplies; single quotation received for the drilling – subsequent report to Council would be needed for work to proceed (refer report to Council 20 June 2019).
- Report to Council meeting 20 June 2019 – item 13.5 – Council resolves to approve the award of groundwater supply source investigation for Bombala and Delegate water supply areas, as recommended by DoI Water and the design consultant (Resolution 242/19). Additional raw water testing conducted through drought period and lower flow over summer.
- Applications for approval for test bores lodged with Natural Resource Access Regulator (NRAR) in January 2020 (note applications had previously been lodged by consultants however, those applications were made under the Water Act 1912 and the NRAR required the applications to be made under the Water Management Act 2000).
- Part 5 assessment undertaken for proposed test bore sites – completed in January 2020
- Aboriginal Cultural Assessment reports completed for proposed bore sites – completed in January 2020
- Approvals for test bores received 19 February 2020
- Commencement of test bore drilling indicatively advised for week beginning 16 March 2020 (actual commencement dates to be confirmed).

From here:

In accordance with the funding agreement, the options report is required to be submitted to the funding body. Completion of the options report will require completion of the bore drilling and sustainability/water quality results. The actual timeframe is not known at this stage.

Regular updates will be provided as the various project components are finalised.

Water and Sewer Committee.

Council established a Water and Sewer Committee (Resolution 11/19 – 17 January 2019) with member Councillors nominated as Clr Rooney (Mayor at that time), Clr Beer, Clr Maslin, and Clr Miners (Deputy Mayor).

The first meeting of the Committee was held on 27 May 2019, with the minutes presented to and adopted by the Council at its meeting of 20 June 2019 (Resolution 223/19). Items adopted by Council through those minutes (in relation to the Bombala and Delegate Water projects) included:

- Initial inspection conducted by consultant and Council officers on 16 April 2019;
- post inspection teleconference with DoI Water, GHD, and Council on 17 April 2019;
- Identified by both the designer and DoI Water to investigate bores for the water supplies;
- Single quotation received for the drilling – subsequent report to Council would be needed for work to proceed (refer report to Council 20 June 2019 as noted above).

The next meeting of the Committee was held on 29 October 2019 – with minutes subsequently adopted by exception at the Council meeting of 21 November 2019 (Resolution 418/19). Items adopted by Council through those minutes (in relation to the Bombala and Delegate Water projects) included:

- Draft (options) report from GHD lacked critical data and ALS has been engaged to undertake additional weekly raw water testing – this will present a much clearer picture of the raw water supply for design options. (Note added – importantly, testing of the raw water quality in times of reduced/low flow and warmer seasonal conditions provides additional data to ensure any treatment system upgrades are suitably designed to treat the variable raw water characteristics).
- Discussion on bore options, licensing agreements and funding.

No date was set for the next meeting, however, it is suggested that a further meeting be held in April as there are several other important water and sewer projects running concurrently which will require Committee input.

As the Committee's minutes are available as public documents when they are reported to Council meetings, these can be used as a basis for public information updates.

The previous committee meeting minutes are available as attachments to the relevant reports contained in Council business papers, and can be accessed on Council's website.

It is further acknowledged that the previous Director of Operations and Infrastructure had been nominated to communicate with Mrs Gimbert to provide periodic updates as to progress with these projects.

Although unaware of that action, upon being contacted by Mrs Gimbert on 5 February 2020, the Acting Director had spoken directly with Mrs Gimbert on two separate occasions prior to the February Council meeting to provide verbal advice regarding the projects. This advice was provided to Council during the open forum discussions at the February Council meeting.

Other projects also underway in the water and sewer area include:

- Bombala STP augmentation – project commenced
 - Timor Street Pump Station and rising main – design being finalised, tender will be required
 - Integrated Water Cycle Management Plan – tender brief being finalised (50% funding from DPI Water and Council to fund remaining 50%).
-

- Design of Adaminaby STP upgrade and augmentation – waiting final comments from DPI Water to provide to designers
- Review of Section 64 plans – workshop held with Councillors; further background work undertaken, another workshop to be held
- Michelago water and wastewater options studies (\$60,000 received (50%) from Safe and Secure Water Program – Council to fund remainder) – RFQ finalised and interest to be sought
- Snowy Monaro Village Water Safety Program (\$40,000 funding (50%) approved from Safe and Secure Water Program; Council to fund remainder)
- Drinking Water Program – workshops arranged for early May (initially with Water and Sewer Committee)
- Options study for filtration plants for Jindabyne and East Jindabyne Water supply - \$35,000 approved from Safe and Secure Water Program (Council to fund remainder). Preparing an RFQ.
- Refurbishment of Fluridation plants for Jindabyne and East Jindabyne – works underway
- Upgrade of Pump Stations SPS1 and SPS6 – Jindabyne – scope to be finalised
- Water Meter replacement program – original scope completed (around 180 meters); oldest meters being prioritised for next round – mostly in former Bombala and former Snowy areas
- Sewer Mains replacement program - continuing

The Water and Sewer Committee are updated in relation to these items.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Improved drinking water quality will assist with improved social outcomes.

2. Environmental

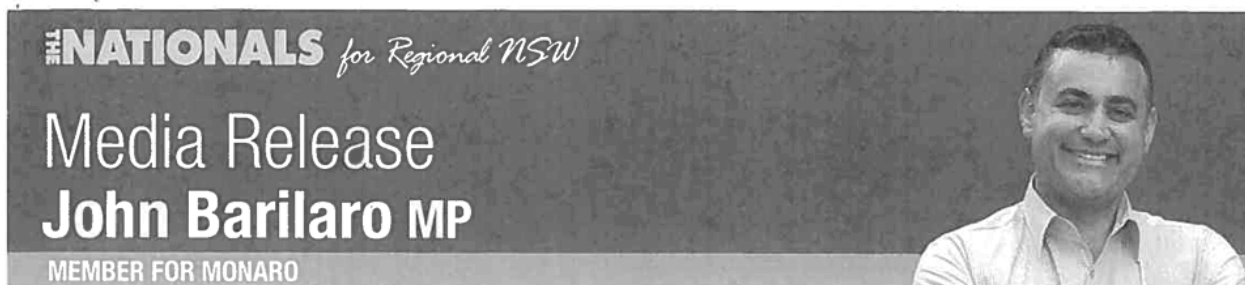
Relevant legislative and agency requirements must be followed to ensure positive environmental outcomes from the works undertaken.

3. Economic

Council is using grant funds to progress the required studies and actions, in accordance with the funding body's arrangements.

4. Civic Leadership

Council has previously resolved to undertake various activities in line with the funding body's requirements, including selection of consultants to undertake an options study, and to undertake groundwater supply source investigations. Council has also adopted recommendations from the Water and Sewer Committee.



Tuesday, 19 June 2018

NSW BUDGET: BUILDING MONARO'S FUTURE

Communities throughout the Monaro will benefit from the delivery of the 2018-19 NSW Budget, Member for Monaro John Barilaro announced today. The 2018-19 Budget has reported a surplus of \$3.9 billion in 2017-18.

Over \$300 million has been allocated in this year's budget towards a number of important roads, law and order, health and education projects across the Monaro.

"The funding announced in this budget will set in stone many key projects that will transform the Monaro for generations to come," Mr Barilaro said

"I'm proud to be part of a government that has handed down an incredible budget that funds projects for the future and puts the needs of the community first."

POLICE STATIONS:

Mr Barilaro announced that the Braidwood Police Station would undergo a significant upgrade with the announcement of a \$1.2 million redevelopment.

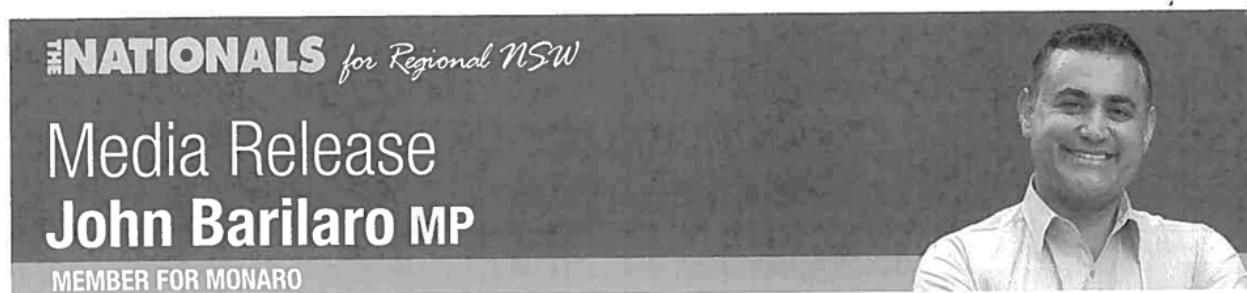
"The Braidwood station services a large area and our local hard-working men and women in blue will have new modern facilities and equipment thanks to the NSW Government's commitment to redevelop this important station," Mr Barilaro said.

Following the recent announcement of the final design of the brand new Queanbeyan Police Station, the NSW Budget includes \$20.1 million in funding for the knockdown and rebuild of the brand new, state of the art facility.

"The NSW Government is clearly committed to providing police with the support and resources they need to do their job and keep our communities safe and secure." Mr Barilaro said.

BOMBALA SEWAGE AND WATER:

Bombala residents will be pleased to hear that \$3.5million will be invested in the Bombala sewage plant.



This funding is in addition to the NSW Government's commitment to provide \$15million for upgrades to water systems of Bombala and Delegate.

"The water and sewage system in Bombala has been neglected for decades, and this investment will see these systems brought up to standard," Mr Barilaro said.

"For many communities this is a basic amenity, but this funding is so important for the communities of Delegate and Bombala," he said.

ROADS:

The NSW Budget includes over \$110million for roads projects across the Monaro.

Included in this year's budget is \$22million for the construction of a new bridge on Nerriga Road at Charleyong.

"Nerriga Road is part of a vital transport route for our region, connecting Braidwood and Nowra via Nerriga," Mr Barilaro said.

"Funding for the bridge replacement was allocated in the 2017/18 Budget and today's announcement will allow the NSW Government to expand the project and construct a bridge that will improve safety and accessibility for all road users, particularly freight operators," he said.

Mr Barilaro said the \$70 million Queanbeyan-Palerang Roads Package will see funding for continued works on Nerriga Road and Old Cooma Road.

"Work has started on sealing the final 16.5km of unsealed parts of Nerriga Road, which together with Charleyong Bridge will see this transport route brought up to excellent standards," Mr Barilaro said.

"Phase two of the \$70 million Queanbeyan-Palerang Roads Package will fund the much needed duplication of Old Cooma Road, connecting Googong with the Edwin Land Parkway and the forthcoming Ellerton Drive extension.

"The 4.5km duplication and off-road shared path will revolutionise travel in the region and provide for the growth of Googong in the future," he said.

HEALTH:

COOMA HOSPITAL



Enquiries John Rooney
Our Ref 3092127
Cooma Office

27 July 2018

Mr Tim Reardon
Secretary
Department of Premier and Cabinet
GPO Box 5341
Sydney NSW 2001

Dear Sir

Bombala Sewage and Water

Following on from the public meeting attended by the Deputy Premier in Bombala on Friday 9 March, Council staff have had several formal and informal meetings with Office of Water and NSW Health regarding the Bombala and Delegate water quality.

Several short term and remedial procedures were implemented to improve the water quality viz. reservoir cleaning and "air scouring" of the water reticulation system. The water quality has improved significantly and staff are working to deal with the odour issue.

High level technical staff from Office of water visited both Bombala and Delegate water facilities on 23&24 April to assess the situation. A report has since been provided to Council detailing the existing situation and the way forward.

Since the Deputy Premier's announcement through a Press Release (dated 19 June NSW Budget: Building Monaro's Future-attached), Council is yet to receive a formal offer and the process to be followed.

SMRC proposes to engage Public Works Authority to coordinate

- An Options Study for the Bombala and Delegate Water Supply System
- A Detailed Design of a new plant or existing plant upgrade
- Subsequent Construction of the Plant based on detailed design

SNOWY MONARO REGIONAL COUNCIL

We await your advice on the process to be followed to bring these projects to fruition and request release of \$200,000 to commence the Option Study.

Should you have any queries regarding this letter please contact Council's Transport and Infrastructure Department on 1300 345 345.

Yours faithfully

A large black rectangular redaction box covering the signature of John Rooney.

John Rooney

Mayor



Premier
& Cabinet

Statement of Acceptance of Funding

On behalf of Snowy Monaro Regional Council, I hereby accept the offer of up to \$200,000 (ex. GST) to engage a suitably qualified consultant selected from a competitive tendering process to complete an Options Study for the Bombala and Delegate water systems.

Snowy Monaro Regional Council will manage a contract with the selected consultant to deliver the agreed brief of works for the Options Study for the Bombala and Delegate water system.

The Department of Premier and Cabinet will pay invoices from the selected consultant up to a total of \$200,000 (ex. GST) for works that are verified by Snowy Monaro Regional Council.

I understand that the offer is conditional on:

- A brief for the Options Study being agreed by DoI Water and Department of Premier and Cabinet; and
- A funding contract being in place with Snowy Monaro Regional Council and the selected consultant to deliver the Options Study.

Signed.....

Name

Position... ACTING GENERAL MANAGER

Date... 26.10.2018

Please return this letter and signed acceptance to:

jonathan.wheaton@dpc.nsw.gov.au



The Hon Niall Blair MLC
Minister for Primary Industries
Minister for Regional Water
Minister for Trade and Industry

BN18/8691

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



Dear Mr Bascomb,

Peter

I am pleased to advise that the Bombala and Delegate water treatment project has obtained approval for funding from the Safe and Secure Water Program.

The NSW Government has recognised that this is a high priority project for the community of Bombala and will provide up to \$15 million for the delivery of these important improvement works.

Council is advised that the government funding under the Safe and Secure Water Program is subject to the local water utilities completing the necessary environmental impacts assessments, community consultation and obtaining all relevant statutory approvals, including Section 60 approval under the *Local Government Act 1993*, before construction can commence.

This approval is part of the NSW Government's \$1 billion Safe and Secure Water Program to ensure regional communities have the right infrastructure for the future. The Safe and Secure Water Program enables local water utilities to construct modern infrastructure to provide safe, secure and reliable water and sewerage services for their communities.

Please be advised that a business case for the preferred option(s), as identified in the options analysis undertaken by Council with funds provided by the Department of Premier and Cabinet, is a requirement for the project to proceed to funding agreement.

Everyone in NSW deserves access to reliable and high-quality water and potable water that meets the Australian drinking water guidelines and is the NSW Government's desired minimum standard for water supply systems.

Council is also advised that the Department of Industry – Water can provide technical assistance and advice to Council during the preparation of the options analysis and business case as well as during the delivery of the project.

.../2

-2-

The Hon Niall Blair MLC

I have asked that Mr Peter Ledwos, Regional Manager South, be available to assist Council for this project. He can be contacted on (02) 4224 9731 or peter.ledwos@dpi.nsw.gov.au.

Congratulations on receiving funding for this important project.

Yours sincerely



The Hon Niall Blair MLC
Minister for Primary Industries
Minister for Regional Water
Minister for Trade and Industry

20 DEC 2018

*Review of Environmental Factors
Bore Installation Jonas St Bombala*

1. INTRODUCTION

It is understood that Snowy Monaro Regional Council (SMRC) requires a Review of Environmental Factors (REF) to assess the installation of investigation bores in Jonas Street, Bombala. The works areas are two small separate areas, approximately 30 m x 80 m each, adjacent to the Bombala River.

SMRC is the proponent and determining authority for the project, which would be assessed under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The REF has been prepared to meet the requirements of Section 5A of the EP&A Act, specifying a duty to consider environmental impact.

The assessment covers the environmental impacts of the installation of the two groundwater bores. The report does not provide a detailed assessment of the hydrological impacts of groundwater extraction at the site.

2. THE PROPOSAL

2.1. BACKGROUND

Bombala's town water is currently sourced from the Coolumbooka River. Alternatives are required to ensure better quality and quantity of potable water supply. Bore water to supplement the river water supply and a water treatment plant to improve water quality are currently being explored.

2.2. PROPOSAL OBJECTIVES

The objectives of the works are to establish if bore water could be used to supplement the potable water supply. Subject to yield and quality, the addition of bore water, when required, could be used to provide a continuing, higher quality supply for the town. The objectives of the proposal are:

- Drilling of bore holes into alluvial soil at two locations, to investigate water table depth and water flow and quality.

Two separate council land areas off Jonas Street have been proposed for the works zone, one borehole in each location. If groundwater is successful in Location 1, then Location 2 will no longer be required.

If adequate, ancillary works would include establishment of a permanent bore, water and electricity connections and potentially an all-weather reservoir access track. These works are not assessed in this REF.

2.3. LOCATION OF THE PROPOSAL

The proposal sites are located in the SMRC Local Government Area (LGA).

- Location 1 is located on the north western end of Jonas Street Bombala and is approximately 30 m long by 80 m wide.
- Location 2 is located on the south western side of Jonas Street Bombala and is approximately 30 m long by 80 m wide.

Both locations are situated on Council land. Jonas Street is located 375 m north west of the Bombala town centre. Both are adjacent to the Bombala River.

Locations 1 and 2 are indicated on Figure 2 1.

Review of Environmental Factors
Bore Installation Jonas St Bombala



Figure 2-1 Proposal Site Locations

NGH Pty Ltd | 19-892 - Final v1

1 INTRODUCTION

This Review of Environmental Factors (REF) has been prepared for Snowy Monaro Regional Council (SMRC) to assess the environmental impacts of a proposal to install groundwater bores adjacent to the existing Delegate potable water reservoir, and potentially the pump station beside the Delegate River.

SMRC is the proponent and determining authority for the project, which would be assessed under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The REF has been prepared to meet the requirements of Section 111 of the EP&A Act, specifying a *duty to consider environmental impact*.

The assessment covers the environmental impacts of the water supply upgrade including installation of the groundwater bores. The report does not provide a detailed assessment of the hydrological impacts of groundwater extraction at the site.

2 THE PROPOSAL

2.1 BACKGROUND

The Delegate Water Supply scheme draws water from the Delegate River, which is then chlorinated, pumped to a 283 kL concrete reservoir tank, and gravity fed into the town reticulation system. Constructed in 1958, the tank is past its 50 year design life, although it remains in good condition for its age (Public Works Advisory 2017).

The quality of the existing water supply from the river is poor due to high concentrations of iron and manganese in low flow periods, and high turbidity levels in high flow periods. The water is soft with low pH values in low flow periods. Treatment with chlorine at the intake station further reduces pH values, typically to below 6.5. NSW health declared Delegate water supply as 'non-potable' in 2013 (Public Works Advisory 2017). A water quality test report for water in the reticulation system is provided in Appendix C.

Treating iron, manganese and turbidity is not currently part of the water treatment process. The Delegate water supply is not filtered and is on permanent boil water alert.

The proposal to extract groundwater would provide an alternative, cleaner water source for Delegate's town water supply. Subject to yield and quality, the bores would be used to provide a continuing, permanent supply for the town. Ancillary works would include water and electricity connections, an all-weather reservoir access track upgrade and potentially an upgrade of the existing rising main between the pump station and the reservoir.

2.2 PROPOSAL OBJECTIVES

The objectives of the proposal are to:

- improve the quantity, quality and reliability of water supply to the town of Delegate
- provide an alternative water supply source to the Delegate River
- improve the safety and stability of vehicle access to the reservoir in wet weather.

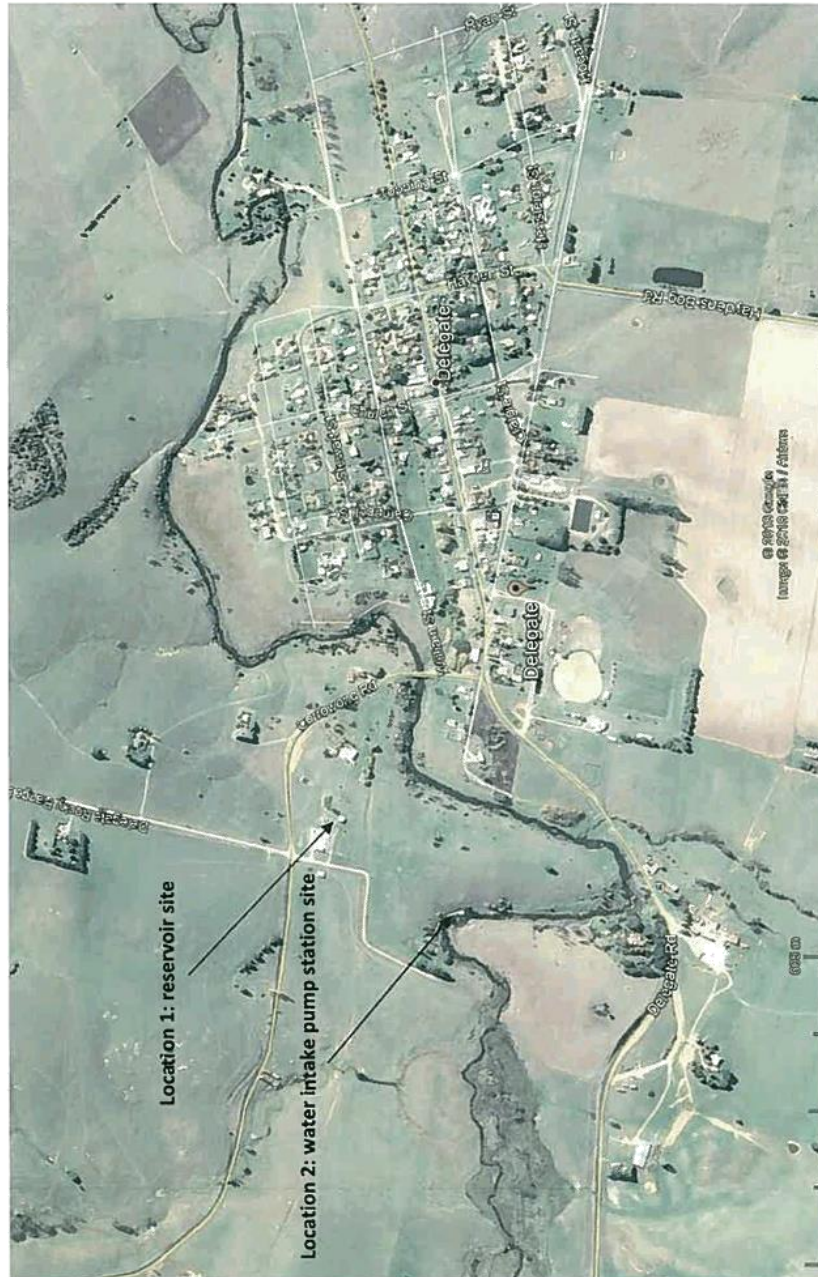


Figure 2-1 Locality map (Source base map: Google Earth)

18-266 Final v1

6

2.3 LOCATION OF THE PROPOSAL

The proposal site is located beside Rocky Range Road in the Snowy Monaro Regional Council Local Government Area (LGA). Location 1, the existing reservoir site, is identified as Lot 1 DP 348134. Location 2, the pump station site, is identified as Lot 8 DP 1167423. The sites are approximately 650 metres west of the town of Delegate. The reservoir site is owned by Snowy Mountains Forests Pty Ltd, and contains a security fenced works depot used by this company. The block also contains the water supply reservoir tank, telecommunications tower, power pole, access track and underground electrical cabling. The reservoir site and access track is surrounded by stock fencing. The existing pump station on Delegate River is located 300 metres to the south of the reservoir site. Locations 1 and 2 are indicated on Figure 2-1.

2.4 DESCRIPTION OF THE ACTIVITY

2.4.1 Infrastructure elements

The following infrastructure elements are proposed:

- Test bores
 - **Location 1:** the proposal would involve the installation of up to three ground water bores adjacent to the Delegate potable water reservoir.
 - **Location 2:** if the bores adjacent to the reservoir don't produce the required yield, additional bores would be installed on existing hardstand in the intake water pump station area.
 - The number of bores depends on yield requirement for the water supply. The daily demand on current water supply is between 200-550 kL/day.
 - The bores are expected to be drilled to a depth of around 100-150m. During installation, a pit 1m x 1m in area would be excavated for each bore.
 - Spoil from the bore casing (125mm diameter) would be disposed of at an appropriate stable and secure location off-site.
- Production bores
 - Once the test bores have been tested for water quality and yield the bores would be converted to production bores and appropriate licencing secured from Department of Industry - Water. It is likely that Council would need more than one bore water supply for continuous supply in the summer months.
 - A housing structure and concrete pads would be constructed over each of the production bores.
- Connections - water and electricity
 - Each bore would require connection to the existing reservoir. Trenches 900mm wide and 600mm deep are proposed.
 - An existing electricity supply is located within the reservoir site. From this point, an underground electricity line would be installed to power the bore pumps. If possible, it would follow the existing track route, to minimise additional areas of disturbance. For the reservoir site, a trench 900mm wide and 900mm deep is proposed, approximately 70m long.

This page left intentionally blank.

9.3.7 PLANNED WORKS - MYACK STREET CAUSEWAY - BERRIDALE

Record No:

Responsible Officer:	Acting Director Operations and Infrastructure
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.2 Our local road network is planned, built and repaired to improve movement across the region
Attachments:	<ol style="list-style-type: none">1. Berridale Community Meeting Minutes 30 October 2019 (<i>Under Separate Cover</i>)2. Meeting Discussion Points 16 December 2019 (<i>Under Separate Cover</i>)3. Public Comments - Proposed tree removal memorial Park (<i>Under Separate Cover</i>)4. Memorial Park - Aboricultural Tree Assessment - February 2020 (<i>Under Separate Cover</i>)

Cost Centre

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

The requirement for an upgrade to Myack Street, Berridale was identified in the Berridale Landscape Masterplan, which was a study undertaken at the request of the community in 2014. Within the masterplan, works to Myack Street were deemed necessary to alleviate drainage issues that impacted vehicle and pedestrian movement at the heart of Berridale's CBD.

The Berridale Landscape Masterplan, along with flood studies of Myack Street conducted in 2015 and 2019 informed the design process to improve stormwater drainage through Myack Street and Memorial Park. However, the historical and social significance of the park and trees therein was not fully investigated nor understood by Council staff.

The proposal created significant angst within the community, and resulted in public meetings being held to enable the community to voice its concerns. A petition was handed to the Mayor with several hundred signatures regarding the memorial park trees issue.

This report is submitted to Council to provide an update on this item.

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

OFFICER'S RECOMMENDATION

That Council receive and note the information in the report.

BACKGROUND

The planned works within Memorial Park, which highlighted the removal of seven (7) trees, met with significant community concern, and which resulted in Snowy Monaro Regional Council issuing a formal apology, which acknowledged the historical significance of the trees planted in Memorial Park and their connection with our community.

Since the apology was issued, there have been two (2) public meetings, chaired by Mayor Peter Beer and attended by Council staff. The purpose of these meetings was to capture community concerns, provide a platform for the community to vocalise their concerns, and to discuss a way forward. The minutes and summary of discussions from public meetings on 30 October 2019 and 16 December 2019 are attached for information.

Throughout the community consultation process, members of the public have questioned the ability of proposed works to accommodate significant rain events or reduce the effect of storm water through Myack Street, Berridale.

The public has also made it clear that they will not accept the removal of any trees from Berridale Memorial Park.

It was intended to provide a further report to Council regarding the engineering aspects of the proposed works, and to include updates on the condition of the trees, with a further tree report being received in February 2020 (copy attached).

However, the significant flooding event experienced in Berridale in February requires additional consideration of the technical aspects of raising Myack Street at the causeway including the proposal to increase the drainage area beneath the road.

A further report will be presented to Council when that has been completed.

No work will be undertaken in the area in the meantime.

Although this represents a further delay in delivering a project previously identified through the Berridale Landscape Masterplan, finding the right balance between community expectation around preserving the commemorative trees and improving the effectiveness of the Myack Street causeway is essential.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The social and historical connection between Berridale and trees planted along Jindabyne Road was captured through both the Berridale Tree Assessment & Management Report (2014) and Berridale Landscape Masterplan (2015), and has been further highlighted from community concerns raised in regard to the proposed improvements to the Myack Street causeway.

Options provided to address the performance of the causeway during minor flooding events will have an impact on at least some of the trees in the memorial if the proposed works proceed.

2. Environmental

The most recent tree condition report outlines some suggestions in regard to the impacts of the proposed works on the trees in the memorial park, however, it also suggests that a Tree Management Plan would be required whether the works are to proceed or not.

Further consideration needs to be given to the flooding effects following the flood event experienced in Berridale in February.

3. Economic

The project is grant funded

4. Civic Leadership

Key dates in 2019-20 surrounding the provision of information to the public are as follows:

- 15 February 2019. Construction Plans provided by PMO to Construction.
 - 7 August 2019. Part 5 Assessment completed.
 - 4 September 2019. Public Meeting with Council Staff organised at Berridale Inn.
 - 2 October 2019. Placement of notices in Ten (10) locations around Berridale.
 - 12 October 2019. Contact from Mrs Mould to Mayor expressing concern over Council plans to remove trees from Memorial Park.
 - 14 October 2019:
 - Availability of Tree Condition Report;
 - Planned commencement date for construction activities; and
 - Construction work postponed.
 - 16 October 2019:
 - Proposed Media Release drafted for approval;
 - Brief prepared on status of War Memorials in Berridale; and
 - Brief prepared on extracts from December 2014 Flood Study and comments in the 2014 Landscape Masterplan.
 - 24 October 2019. Council Apology prepared for approval and release.
 - 25 October 2019. Draft Agenda prepared for approval and release.
 - 30 October 2019. Public Meeting, Country Club, Berridale.
 - 11 November 2019. Community Feedback Forms released.
 - 8 December 2019. Opportunity for Community Feedback closed.
 - 16 December 2019. Public Meeting, Community Hall, Berridale.
 - 15 February 2020 – significant flood event in Berridale.
-

9.4.1 MINUTES OF WASTE MANAGEMENT COMMITTEE MEETING HELD ON 30 JANUARY 2020

Record No:

Responsible Officer:	Acting Group Manager for Resource and Waste Management
Author:	Resource & Waste Administration Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects
Delivery Program Objectives:	10.1.1 Council has a transparent and bold growth objective which provides a framework for decision making
Attachments:	1. Minutes of Waste Management Committee Meeting held on 30 January 2020
Cost Centre	
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

The Waste Management Committee met on 30 January 2020. The Committee's recommendations from the meeting are presented for Council's consideration and adoption.

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

OFFICER'S RECOMMENDATION

That council

- A. Receive and note the Minutes of the Waste Management Committee held on 30 January 2020; and
- B. Adopt the recommendations of the Waste Management Committee meeting held on 30 January 2020 listed in this report WMC8/20

BACKGROUND

The Waste Management Committee met on 30 January 2020. The minutes of this meeting are provided as attachment 1.

The Committee has made a recommendation for consideration by Council.

COMMITTEE RECOMMENDATION

WMC8/20

That Council

- A. Approve the acceptance of waste and recyclable material at Snowy Monaro Regional Council waste facilities, without charge, to registered groups during the Clean Up Australia Day events;
- B. Approve Resource and Waste staff to collect and dispose of materials on Clean Up Australia Day from registered sites where suitable transport to deliver collected materials to Council's Waste Facilities is not available;
- C. Agree to promote Clean-Up Australia Day on an annual basis via social media, council's website and in the Council page in the Monaro Post; and
- D. Endorse the disposal and collections costs associated with the support identified to be allocated to PJ220005 – Illegal Dumping.
- E. That a prize be presented on an annual basis to the winning participant/s of Clean Up Australia Day to ensure that community members are aware of Council support.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Council is responsible for providing its residents with an environmentally and economically sound option for domestic waste and recycling management services. The recommendations which have been adopted by the Waste Committee have considered the social impacts to the community.

2. Environmental

Council is committed to providing Snowy Monaro Regional Council residents with an effective and efficient waste and recycling disposal service through the use of regular kerbside collection services, landfill facilities, transfer stations, collection points and Bank of Bins (BOBs). This ensures that environmentally sustainable disposal habits can be developed thus reducing waste to landfill and increasing the recycling throughout the region. Council's services and site operations are required to meet minimum acceptable standards and EPA requirements.

3. Economic

Economic impacts of the actions endorsed by the Waste Committee have been identified within the reports presented to the Waste Committee. In particular, the proposed revised operating hours for various transfer stations is reflective of the Committee's and Council's previous request to identify operational savings for the 2019/20 operational year and beyond.

4. Civic Leadership

Council is showing strong civic leadership through the recommendations which have been made by the Waste Committee. Such recommendations have considered past reports along with the social, economic and environmental impacts of the recommendations.

Hi



Minutes

Waste Management Committee Meeting

30 January 2020

**WASTE MANAGEMENT COMMITTEE MEETING
HELD IN LEVEL 3 MEETING ROOM, 81 COMMISSIONER STREET, COOMA NSW 2630
ON THURSDAY 30 JANUARY 2020**

MINUTES

1.	OPENING OF THE MEETING.....	2
2.	APOLOGIES.....	2
3.	DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST.....	2
4.	ADOPTION OF MINUTES OF PREVIOUS MEETING	2
4.1	Waste Management Committee Meeting 5 November 2019	2
5.	BUSINESS ARISING.....	2
6.	ACTION SHEET	3
7.	GENERAL BUSINESS	12
7.1	Financial Impact to Resource and Waste Operations from the decision to Waiver of Disposal Fees - January 2020	12
7.2	Cleanup of Delegate Transfer Station January 7 2020	13
7.3	Waste Management Committee Meeting Dates and Locations.....	14
7.4	Harmonisation of Commercial Waste method of Charging	15
7.5	Proposal to enter into the Paintback Scheme.....	16
7.6	Resource and Waste Education Update Report - October to December 2019	17
7.7	Council Support for Clean Up Australia Day Events in the Snowy Monaro Region - 1 March 2020	17
7.8	Fees and Charges 2020 / 2021	18
7.9	Adaminaby Transfer Station Operational Hours.....	18
8.	MATTERS OF URGENCY.....	19
9.	NEXT MEETING.....	19

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 2

**MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING
HELD IN LEVEL 3 MEETING ROOM, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON THURSDAY, 30 JANUARY 2020
COMMENCING AT 1:00PM**

PRESENT: Deputy Mayor, Lynley Miners
Councillor, Rogan Corbett
Mathew Cross, Acting Group Manager Resource and Waste Management
Mandy Thurling, Manager Resource and Waste Services
Mark Doran, Resource and Waste Management Project Manager
Lorinda Coulton, Resource and Waste Administration Officer

1. OPENING OF THE MEETING

The Chair opened the meeting at 1:00PM

2. APOLOGIES

An apology for the meeting was received from Councillor James Ewart and Gina McConkey, Acting Director of Environment and Sustainability.

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 WASTE MANAGEMENT COMMITTEE MEETING 5 NOVEMBER 2019

COMMITTEE RECOMMENDATION

WMC1/20

That the minutes of the Waste Management Committee Meeting held on 05 November 2019 are confirmed as a true and accurate record of proceedings.

Moved Deputy Mayor Miners

Seconded Councillor Corbett

CARRIED

5. BUSINESS ARISING

Nil

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 3

6. ACTION SHEET

Reference	Date	Action	Assignee	Notes
1	12/04/18	Development and implementation of Resource and Waste Strategy	Mandy Thurling and Mathew Cross	<p>Subject to funding provided in the 2018/19 financial year.</p> <p>Copies of Resource and Waste strategies have been obtained from other councils, as well as CRJO's documents for review. Strategy will most likely not be completed by this financial year.</p> <p>12/4/19 Item now forms part of the 2019/20 Council DP/OP program</p> <p>26/9/19 RFQ specification is nearing completion. Document scheduled to be issued in early October</p> <p>5/11/2019 This week will see the engagement of the consultants to undertake the development of the SMRC Regional Waste Strategy.</p> <p>Strict timelines will need to be adhered to, to ensure that the final waste strategy document is presented to Council in June 2020 for adoption.</p> <p>12/12/2019 Consultants now engaged, process now commenced.</p> <p>30/1/2020 Community consultation has been delayed due to recent bush fire emergencies in the area. Consultation will occur in March with locations of Cooma, Jindabyne and Bombala each receiving face to face consultation and an additional survey will be available for the public to complete and return.</p>

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 4

Reference	Date	Action	Assignee	Notes
2	12/04/18	EPA and Council operation and site planning for Bombala and Delegate Landfills	Mathew Cross	<p>26/2/19 A written report of site inspections from EPA has been received and a formal response, management plan and timeline will be drafted.</p> <p>Works to be costed and included in response to EPA. Report to Committee and Council approved plant to be sent to EPA. Proposed works plan sent to EPA.</p> <p>12/4/19 Received a draft design and fill plan from consultant. Once finalised will be used to design stormwater and leachate system.</p> <p>30/5/19 The draft is now a proposed design for storm water and leachate.</p> <p>26/9/19 Final design received for Bombala Landfill. Operational changes are currently incorporated into daily operations. Tender documents are under preparation.</p> <p>26/9/19 Quotes for Delegate Landfill extend investigations are currently being sought.</p> <p>30/1/20 Detailed drawings getting developed for Bombala to allow for a price estimate to be determined through the roads/construction department. Delays with EPA are occurring due to recent bush fire emergencies.</p>

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 5

Reference	Date	Action	Assignee	Notes
3	12/04/18	Legacy Landfill Sites	Mathew Cross and Mark Doran	<p>Ongoing investigations.</p> <p>A report is to be prepared for ARIC and a third party assessor. A business case is to be prepared for the General Manager in relation to resourcing work. The EPA is to be contacted to discuss how other regions are tackling this issue.</p> <p>Report went to Council meeting on 7/2/2019 for information.</p> <p>30/5/19 Open discussions with EPA to occur.</p> <p>5/9/19 Email sent to EPA with draft program of sites to visit.</p> <p>26/9/19 Email sent to EPA again on 19/9/19. Still awaiting response on proposed dates and attendees to visit sites.</p> <p>5/11/2019 Met with the EPA 2 weeks ago. EPA visited 4 legacy site to gain an overview of the rehabilitation requirements of different sites.</p> <p>Purpose of the meeting was to discuss a risk based approach to the rehabilitation of sites which could allow some sites to be rehabilitated to a lesser standard than currently.</p> <p>Individual closure plans will be required to be submitted to EPA before final rehabilitation cost estimates can be determined.</p> <p>Development of closure plans will require additional resources to complete.</p> <p>30/1/2020 ongoing, however looking at utilising some sites for disposal of bushfire material.</p> <p>Mark Doran outlined project relating to the disposal of bushfire waste from Snowy Hydro, National Parkes and Wildlife Services. Material will include asbestos. Investigations into contract with Snowy Hydro and utilising former Maffra Road, Cooma Legacy site are occurring.</p>

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 6

Reference	Date	Action	Assignee	Notes
4	12/04/18	Harmonisation of Commercial Waste method of Charging	Mandy Thurling	<p>22/3/19 Ongoing investigations.</p> <p>12/4/19 Review of commercial pricing structure is currently underway with all possible options to be investigated. Item now forms part of the 2019/20 Council DP/OP program</p> <p>23/9/2019 Ongoing investigations and options</p> <p>5/11/2019 Investigation of options is ongoing. A report is intended to be presented at the next Waste Committee meeting with recommendations for consideration.</p> <p>12/12/2019 Report presented in today's Waste Management Committee Meeting.</p> <p>30/1/2020 Report presented at today's Waste Management Committee Meeting.</p>

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 7

Reference	Date	Action	Assignee	Notes
5	12/04/18	Removal of the caged bin enclosure to the entrance of the Delegate Landfill	Mathew Cross	<p>22/2/19 Community Consultation to occur about site closure and rehabilitation.</p> <p>Improved layout to be considered.</p> <p>25/7/19 Consultation with community is commencing.</p> <p>25/7/19 consultation with Councillor Bob Stewart, Councillor Anne Maslin and Councillor Sue Haslingden to occur.</p> <p>16/8/19 Email sent to all Councillors regarding the removal of the Delegate BOB and the response from Delegate Progress association</p> <p>26/9/19 Council endorsed the actions from the last committee meeting at the OCM 19/9/19. Requires meeting to occur prior to 17 October 2019</p> <p>5/11/2019 The committee was updated on the meeting held on the 17 October with 4 Councillors.</p> <p>The EPA have also communicated their concerns with Council about the management of the sites, the environmental impact caused form illegal dumping, the potential for Council to be liable for clean-up costs and potential fines.</p> <p>Local Land Services have also previously raised concerns about the facility and the impact to Biosecurity through feral animal impacts as the site is not secure.</p> <p>The committee believes that the proposed community meetings for Cathcart and Delegate should be combined with the community consultation for the development of the Waste Strategy which is to be held in January/February.</p>

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 8

Reference	Date	Action	Assignee	Notes
				<p>One option suggested by the committee is that if the bins are removed from the Delegate bin enclosure, the previous opening hours of the waste facility could be reinstated for a period of time, possibly until the end of the financial year. This would assist the community with adjusting to the changes associated with waste disposal in the region. The current Delegate waste facility operating hours would then be reinstated from 1 July 2020. This could be put forward during the community consultation.</p> <p>30/1/2020 Included in the Waste Strategy consultation process, which is delayed due to the bushfire emergency. A report is presented to today's meeting.</p>

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 9

Reference	Date	Action	Assignee	Notes
6	12/04/18	Cathcart Transfer Station Prior Street Cathcart be removed and the area rehabilitated	Mathew Cross	<p>22/2/2019 Community Consultation is required and the possibility of relocation of the site to within the villages are to be investigated with the proposed site closure and rehabilitation.</p> <p>25/7/19 consultation with Councillor Bob Stewart, Councillor Anne Maslin and Councillor Sue Haslingden to occur.</p> <p>26/9/19 Council endorsed the actions from the last committee meeting at the OCM 19/9/19. Requires meeting to occur prior to 17 October 2019</p> <p>5/11/2019 The committee was updated on the meeting held on the 17 October with 4 Councillors.</p> <p>The EPA have also communicated their concerns with Council about the management of the sites, the environmental impact caused from illegal dumping, the potential for Council to be liable for clean-up costs and potential fines.</p> <p>Local Land Services have also previously raised concerns about the facility and the impact to Biosecurity through feral animal impacts as the site is not secure.</p> <p>The committee believes that the proposed community meetings for Cathcart and Delegate should be combined with the community consultation for the development of the Waste Strategy which is to be held in January/February</p> <p>30/1/2020 Included in the Waste Strategy consultation process, which is delayed due to the bushfire emergency.</p> <p>A report is presented to today's meeting.</p>

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 10

Reference	Date	Action	Assignee	Notes
WMC21/19 A.	30/02019	Community consultation to occur regarding establishing an enclosed BOB within the confines of the former Michelago RFS shed and proposed BOB within the grounds of the Colinton RFS.	Mandy Thurling	<p>26/9/19 community consultation occurred on 17/9/19 regarding establishment of Michelago RFS shed been used as a BOB.</p> <p>Captain of Colinton RFS has expressed a number of concerns about the establishment of a BoB on the land near the RFS Shed. An alternative location is now being investigated.</p> <p>23/09/2019 Community consultation was undertaken at Michelago Hall on Tuesday 17 September – 19 community residents were in attendance and voice their concerns over the repurposing of the Michelago RFS Shed for the purpose of housing bins for disposal of waste and recyclables for the Michelago rural residents.</p> <p>Further investigations and consultations required matter ongoing.</p> <p>Community survey will be distributed through the Michelago rural community.</p> <p>12/12/2019 community survey distributed with a closure date of 3 January 2020.</p> <p>30/1/2020 Mandy advised of discussions held with Councillor Rooney and will verify if surveys or community consultation are to occur.</p>
WMC21/19 B.	30/05/19	Establishment and servicing of the enclosed BOB within the confines of the former Michelago RFS shed	Mandy Thurling	<p>26/9/19 DA for Michelago RFS shed has been submitted to planning.</p> <p>15/11/2019 submissions received as part of the DA process.</p> <p>12/12/2019 DA to go to December 2019 Council meeting.</p> <p>30/1/2020 – Discussion on Council recommendation regarding further community consultation relating to the Michelago RFS shed.</p> <p>Council Resolution 2/19</p> <p>That the item be deferred to the 19 March 2020 Council Meeting to allow for further consultation with the Michelago Community in the interim.</p>

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020 Page 11

Reference	Date	Action	Assignee	Notes
WMC34/19 B.	05/11/19	Snowy Monaro Regional Council Waste Strategy Nominate Councillor Corbett to assist with reviewing documentation during development of the Waste Strategy as required during the project	Mandy Thurling and Mathew Cross	12/12/2019 Consultants now engaged, process has now commenced. 30/1/2020 Ongoing
WMC35/19 A.	05/11/19	Survey of residents in the Moonbah area regarding proposed Domestic Waste and Recycling Bank of Bins Service Arrangements	Mandy Thurling	12/12/2019 Creation of survey underway. 30/1/20 Moonbah survey and cover letter was distributed on Tuesday 28 January 2020 to 243 residents in the Moonbah area. Residents have a month to return the survey.
WMC35/19 B.	05/11/19	Report to Waste Management Committee advising of outcomes of survey for residents proposed Bank of Bins in the Moonbah area	Mandy Thurling	12/12/2019 Survey to be distributed shortly to residents of the area. 30/1/20 Moonbah survey and cover letter was distributed on Tuesday 28 January 2020 to 243 residents in the Moonbah area. Residents have a month to return the survey.
WMC7/19	28/02/19	That the policies of Domestic Kerbside Collection Policy, Bank of Bins Policy and Event Waste Management Policy go out for comment and follow Council process.	Patrick Cannon COMPLETED	30/5/19 Internal consultation has occurred. Policy documents to be finalised with some amendments to be made. 26/9/19 The Committee is to receive a further report on the Draft Domestic Kerbside Collection Policy at Today's meeting 5/11/2019 The Committee recommended to remove the wording for "Category 2 Domestic Kerbside Service Exemptions" in the draft Policy. 12/12/2019 Draft policies have been distributed for comment internally. Policies will go to December 2019 Council meeting for adoption. 30/1/20 All policies endorsed by Council at December Council meeting. Submitting requisite docs to be finalised and placed onto Council website.

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020 Page 12

Reference	Date	Action	Assignee	Notes
WMC36/19 A	05/11/19	Decline request from petitioners for kerbside collection service for Carinya Lane Jindabyne	Mandy Thurling COMPLETED	12/12/2019 correspondence currently drafted for review to be sent to petitioners.
WMC36/19 B.	05/11/19	Write to all property owners of both Carinya and Charlottes Lanes detailing the outcome of the petition	Mandy Thurling COMPLETED	12/12/2019 correspondence currently drafted for review to be sent to property owners.
WMC37/19 A.	05/11/19	Amend wording in Draft Domestic Kerbside Policy to remove "Category 2 Domestic Kerbside Service Exemption"	Patrick Cannon COMPLETED	12/12/2019 wording has been amended.
WMC37/19 B.	05/11/19	Amended Draft Domestic Kerbside Policy to be presented to Council for adoption	Patrick Cannon COMPLETED	12/12/2019 Draft Domestic Kerbside Policy will be presented to December 2019 Council meeting for adoption.

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

COMMITTEE RECOMMENDATION	WMC2/20
That the Committee receive and note the information in the Action Sheet.	
Moved Deputy Mayor Miners	Seconded Councillor Corbett
	CARRIED

7. GENERAL BUSINESS

7.1 FINANCIAL IMPACT TO RESOURCE AND WASTE OPERATIONS FROM THE DECISION TO WAIVER OF DISPOSAL FEES - JANUARY 2020

Record No:

Responsible Officer: Acting Director Environment & Sustainability

Authors: Manager Resource and Waste Facilities
Group Manager Resource & Waste Management

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 13

Key Theme:	3. Environment Outcomes
CSP Community Strategy:	7.2 Water, waste, sewer and stormwater management practices are contemporary and efficient
Delivery Program Objectives:	7.2.3 Innovative solutions and infrastructure supporting waste and recycling operations to reduce landfill have been investigated
Attachments:	Nil
Cost Centre	
Project	PJ220042 Adaminaby Transfer Station PJ220045 Delegate Transfer Station PJ220047 Berridale transfer Station PJ220049 Nimmitabel Transfer Station PJ220055 Numeralla Transfer Station PJ220051 Bredbo Transfer Station PJ220072 Cathcart Transfer Station PJ220043 Bombala Landfill PJ220044 Cooma Landfill PJ220046 Jindabyne Landfill

Further Operational Plan Actions:

EXECUTIVE SUMMARY

During January 2020 the fees associated with domestic waste and domestic green waste were waived in response to the bushfire emergency within the LGA. This report details the costs borne by Council associated with the waiving of those fees during this period.

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

COMMITTEE RECOMMENDATION	WMC3/20
That Waste Committee	
A. Receive and note this report;	
B. Report to Council the need for a Council policy detailing Resource and Waste operations during a period of emergency to align with Snowy Monaro Local Emergency Management Plan; and	
C. Report to Council the updated figures for the complete free disposal period.	
Moved Deputy Mayor Miners	Seconded Councillor Corbett
	CARRIED

7.2 CLEANUP OF DELEGATE TRANSFER STATION JANUARY 7 2020

Record No:

Responsible Officer:	Acting Director Environment & Sustainability
Author:	Manager Resource and Waste Facilities
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	7.2 Water, waste, sewer and stormwater management practices are contemporary and efficient

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 14

Delivery Program Objectives: 7.2.3 Innovative solutions and infrastructure supporting waste and recycling operations to reduce landfill have been investigated

Attachments: Nil

Cost Centre

Project 220045 – Transfer Station - Delegate

Further Operational Plan Actions:

EXECUTIVE SUMMARY

Delegate Transfer Station has continuing issues related to the free disposal of waste in the caged bin enclosure situated at the front of the premises. The volume of excessive waste that is being deposited in and around the bins provided continues to be abused and creating issues for staff and the surrounding environment. On January 7 2020, a significant quantity of mixed waste was left unattended at this site, the subsequent clean up required three staff at a cost of \$2000 to clean up the site and dispose of the material correctly. This report details the clean-up effort and the cost breakdown for delivery of service.

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

COMMITTEE RECOMMENDATION

WMC4/20

That the Waste Committee

- A. Receive and note this report;
- B. Acknowledge Resource and Waste Department implement OCM resolution 212/18 7 June 2018, and remove the caged bin enclosure at Delegate Transfer Station consistent with the resolution.

Moved Deputy Mayor Miners

Seconded Councillor Corbett

CARRIED

7.3 WASTE MANAGEMENT COMMITTEE MEETING DATES AND LOCATIONS

Record No:

Responsible Officer: Acting Group Manager for Resource and Waste Management

Author: Resource & Waste Administration Officer

Key Direction: 4. Leadership Outcomes

Delivery Plan Strategy: 10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects

Operational Plan Action: 10.1.2 Integrated Planning and Reporting guides long term planning and organisational sustainability

Attachments: Nil

Cost Centre

EXECUTIVE SUMMARY

Proposed Waste Management Committee Schedule for 2020.

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 15

Month	Date	Time	Location
February 2020	Thursday 13 February	2:30pm	Cooma Office, Level 3 Meeting Room
April 2020	Thursday 16 April	2:30pm	Cooma Office, Level 3 Meeting Room
June 2020	Thursday 11 June	2:30pm	Cooma Office, Level 3 Meeting Room
August 2020	Thursday 13 August	2:30pm	Cooma Office, Level 3 Meeting Room
October 2020	Thursday 8 October	2:30pm	Cooma Office, Level 3 Meeting Room
December 2020	Thursday 10 December	2:30pm	Cooma Office, Level 3 Meeting Room

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

COMMITTEE RECOMMENDATION

WMC5/20

That the Committee receive and note the schedule of proposed Waste Management Committee meeting dates and locations through to December 2020. Additional meetings may be called as required.

Moved Deputy Mayor Miners

Seconded Councillor Corbett

CARRIED

7.4 HARMONISATION OF COMMERCIAL WASTE METHOD OF CHARGING

Record No:

Responsible Officer: Acting Director Environment & Sustainability
Author: Acting Group Manager for Resource and Waste Management
Key Theme: 4. Leadership Outcomes
CSP Community Strategy: 10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects
Delivery Program Objectives: 10.1.4 Harmonisation of policies, procedures and processes deliver customer focused business practices
Attachments: Nil
Cost Centre
Project
Further Operational Plan Actions:

EXECUTIVE SUMMARY

An assessment has been undertaken into the harmonisation of commercial collection charges across the Council region. This proposed method of charging will allow for the alignment of commercial waste/recycling/food organics and garden organic (FoGo) collection fees and charges, from the current methods of charging currently used across the region.

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

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 16

COMMITTEE RECOMMENDATION

WMC6/20

That the Committee adopt the

A. Recommendation for the proposed harmonisation of fees and charges for Commercial waste, recycling and FoGo collection services across the Council region.

Moved Deputy Mayor Miners

Seconded Councillor Corbett

CARRIED

7.5 PROPOSAL TO ENTER INTO THE PAINTBACK SCHEME

Record No:

Responsible Officer: Acting Director Environment & Sustainability

Authors: Group Manager Resource & Waste Management
Acting Group Manager for Resource and Waste Management
Manager Resource and Waste Facilities
Resource & Waste Administration Officer

Key Theme: 3. Environment Outcomes

CSP Community Strategy: 7.2 Water, waste, sewer and stormwater management practices are contemporary and efficient

Delivery Program Objectives: 7.2.3 Innovative solutions and infrastructure supporting waste and recycling operations to reduce landfill have been investigated

Attachments: 1. Service Agreement Legal Reveiw Letter - Blaxland Mawson Rose

Cost Centre Cooma Landfill PJ220044, Jindabyne Landfill PJ220046

Project

Further Operational Plan Actions:

EXECUTIVE SUMMARY

Council's Resource and Waste Management are seeking to partner with the Paintback Scheme to ensure that Australia's unwanted paint and packaging's are responsibly disposed of and that an innovative reuse of the material is found. This agreement will form part of the static Community Recycling Centres (CRC) at Cooma and Jindabyne Landfills and the mobile CRC which will be rostered on at various transfer sites to allow regional communities access to the service.

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

OFFICER'S RECOMMENDATION

That the Resource and Waste Management Committee recommend that Council defer the item until further verification that the scheme will pose no risk to Council.

ITEM DEFERRED

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 17

7.6 RESOURCE AND WASTE EDUCATION UPDATE REPORT - OCTOBER TO DECEMBER 2019

Record No:

Responsible Officer: Group Manager Resource & Waste Management
Author: Resource & Waste Education Officer

Key Theme: 3. Environment Outcomes
CSP Community Strategy: 7.1 Protect, value and enhance the existing natural environment
Delivery Program Objectives: 7.1.3 Council delivers a range of initiatives to the Snowy Monaro community to enhance their awareness and engagement of sustaining our pristine natural environment

Attachments: Nil
Cost Centre
Project 220010 Waste Education
Further Operational Plan Actions:

EXECUTIVE SUMMARY

Council's Resource and Waste Department continue promote and improve on educating the community on best methods of recycling and waste diversion ensuring that less waste is disposed of to landfill.

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

COMMITTEE RECOMMENDATION

WMC7/20

That the Waste Management Committee receive and note the information in this report for Resource and Waste Education updates for the period of October to December 2019.

Moved Deputy Mayor Miners

Seconded Councillor Corbett

CARRIED

7.7 COUNCIL SUPPORT FOR CLEAN UP AUSTRALIA DAY EVENTS IN THE SNOWY MONARO REGION - 1 MARCH 2020

Record No:

Responsible Officer: Group Manager Resource & Waste Management
Author: Resource & Waste Education Officer

Key Theme: 3. Environment Outcomes
CSP Community Strategy: 7.1 Protect, value and enhance the existing natural environment
Delivery Program Objectives: 7.1.3 Council delivers a range of initiatives to the Snowy Monaro community to enhance their awareness and engagement of sustaining our pristine natural environment

Attachments: Nil
Cost Centre

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 18

Project PJ220005 – Illegal Dumping

Further Operational Plan Actions:

EXECUTIVE SUMMARY

Clean Up Australia Day (CUAD) is a national campaign supported by LGA's across Australia. Snowy Monaro Regional Council supports locally registered Clean Up events through promotion on council media networks and acceptance of waste and recyclable collected materials at Council's resource and waste facilities without charge.

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

COMMITTEE RECOMMENDATION

WMC8/20

That Council

- A. Approve the acceptance of waste and recyclable material at Snowy Monaro Regional Council waste facilities, without charge, to registered groups during the Clean Up Australia Day events;
- B. Approve Resource and Waste staff to collect and dispose of materials on Clean Up Australia Day from registered sites where suitable transport to deliver collected materials to Council's Waste Facilities is not available;
- C. Agree to promote Clean-Up Australia Day on 1 March 2020 via social media, council's website and in the Council page in the Monaro Post; and
- D. Endorse the disposal and collections costs associated with the support identified to be allocated to PJ220005 – Illegal Dumping.
- E. That a prize be presented to winning participant/s of Clean Up Australia Day to ensure that community members are aware of Council support.

Moved Deputy Mayor Miners

Seconded Councillor Corbett

CARRIED

7.8 FEES AND CHARGES 2020 / 2021

Manager Resource and Waste Services outlined the fees and charges, which are currently getting drafted and reviewed for next financial year.

Due to the current circumstances of bush fires and the devastation across the region and surrounding regions only slight increases in fees are likely to occur.

Additional meetings will be called to discuss the fees and charges along with the budget for next financial year.

Councillor Corbett outlined that more advertising of fees and charges is required to ensure the public are aware when the document is available for public comment.

7.9 ADAMINABY TRANSFER STATION OPERATIONAL HOURS

Deputy Mayor Lynley Miners advised the increase in population occurring in the Adaminaby area due to Snowy Hydro 2.0 and the recent bush fires.

Deputy Mayor Lynley Miners also advised of the need to increase the Adaminaby Transfer Station hours to incorporate another day during the week. This will allow for the additional waste created in local businesses and organisations to be taken to the facility as well as allowing new residents to fully utilise the Adaminaby Transfer Station.

MINUTES OF THE WASTE MANAGEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 30 JANUARY 2020

Page 19

COMMITTEE RECOMMENDATION

WMC9/20

That the committee

- A Authorise the distribution of a survey throughout the Adaminaby community to determine which additional day is more preferred;
- B Survey is to outline that the new Saturday operational hours will be 10am-2pm and facility will be open for an additional four hours during the week, once a preferred day is determined.

Moved Deputy Mayor Miners

Seconded Councillor Corbett

CARRIED

8. MATTERS OF URGENCY

Nil

9. NEXT MEETING

There being no further business the Chair declared the meeting closed at 2:29PM.

CHAIRPERSON

The above minutes of the Waste Management Committee Meeting of Snowy Monaro Regional Council held on 13 February 2020 were confirmed by Committee at a duly convened meeting on at which meeting the signature hereon was subscribed.

9.4.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE - MINUTES OF MEETING AND CHARTER REVIEW

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Senior Internal Auditor
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.1 Independent audit and risk framework drives accountability
Attachments:	1. Audit, Risk and Improvement Committee (ARIC) - Signed Minutes of Meeting held on 5 December 2019 2. Audit, Risk and Improvement Committee (ARIC) Charter
Cost Centre	3136 - Internal Audit

EXECUTIVE SUMMARY

The Audit, Risk and Improvement Committee met on 5 December 2019 in Committee Room, Cooma. The confirmed minutes of meetings are presented for Council's information. The Committee recommended updates to its Charter which is attached to this report for Council's approval.

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

OFFICER'S RECOMMENDATION

That Council

- A. Receive and note the confirmed minutes of meeting of Council's Audit, Risk and Improvement Committee held on 5 December 2019.
- B. Approve the attached Audit, Risk and Improvement Committee Charter and authorise publication on Council's website.

BACKGROUND

The Snowy Monaro Regional Council Audit, Risk and Improvement Committee (Committee) was established in June 2016. The current charter was adopted by Council in April 2019. The Committee comprises four independent members and one councillor.

The Committee provides independent assurance and assistance to Council and indirectly the community members in respect to risk management, the control framework, legislative compliance, internal audit and external accountability responsibilities. The Committee relies on the work of Internal Audit to provide more in-depth assessment of the council's risk and control environment.

The Committee, at its meeting on 4 March 2020 [Recommendation Number: ARIC13/20] reviewed its charter and recommended the following updates:

- Overall format to align with Council's style guide along with detailed clause numbering
- Inclusion of providing indirect assurance to community members
- Minor grammatical and content changes across document
- Update to reporting lines diagram
- Change from annual review to every two years

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Advantages to the community from the Audit, Risk and Improvement Committee result in independent oversight of controls and operations, giving assurance to the Community that Council is systematically addressing risk, ensuring compliance and providing best practice.

2. Environmental

It is not expected that there will be any impact on the environment through the actions of the Audit, Risk and Improvement Committee.

3. Economic

Costs for the operations of the Audit, Risk and Improvement Committee are met in the budget as set.

4. Civic Leadership

An effective Audit, Risk and Improvement Committee has the potential to strengthen the control environment (of which it is part) and assist the General Manager and council to fulfil their stewardship, leadership and control responsibilities. The Audit, Risk and Improvement Committee has its own Charter which is resolved by Council. The Audit, Risk and Improvement Committee Charter outlines the authority, role and responsibility of the Audit, Risk and Improvement Committee.



SNOWY MONARO
REGIONAL COUNCIL

Minutes

Audit, Risk and Improvement Committee Meeting

5 December 2019

**AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
 HELD IN COMMITTEE ROOM, 81 COMMISSIONER STREET, COOMA NSW 2630**

ON THURSDAY 5 DECEMBER 2019

MINUTES

1.	OPENING OF THE MEETING.....	2
2.	APOLOGIES.....	2
3.	DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST.....	2
4.	ADOPTION OF MINUTES OF PREVIOUS MEETING	2
4.1	Audit Risk And Improvement Committee Meeting 12 September 2019	2
4.2	Extraordinary Audit Risk And Improvement Committee Meeting 23 October 2019	3
5.	BUSINESS ARISING.....	3
5.1	Audit, Risk and Improvement Committee Recommendations	3
6.	PRESENTATIONS.....	4
7.	SPECIAL AGENDA ITEMS	4
7.1	Presentation - Corporate Information System (CIS) Project Update	4
7.2	Presentation - Project Management Framework	4
8.	REPORTS	5
8.4	Management Letter for the Year Ended 30 June 2019 - Audit Office of NSW	6
8.5	External Provider Recommendations.....	6
8.6	Quarterly Budget Review Statement (QBRs) to September 2019	7
8.7	Chief Executive Officer Report	8
8.1	Internal Audit Activities - September to November 2019	9
8.2	Internal Audit - Quality Assurance and Improvement Program (QAIP).....	9
8.3	Internal Audit Recommendations	10
8.8	Status Report - Risk Management - September to November 2019	11
8.9	Audit, Risk and Improvement Committee Charter Review	12
8.10	Audit, Risk and Improvement Committee Schedule of Review	13
9.	GENERAL BUSINESS	14
9.1	2019 Annual Report	14
10.	NEXT MEETING.....	14

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL
COUNCIL
HELD ON THURSDAY 5 DECEMBER 2019 Page 2

**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD IN COMMITTEE ROOM, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON THURSDAY, 5 DECEMBER 2019
COMMENCING AT 10AM**

PRESENT:

Voting Attendees:

Melissa Tooke, Chair
Miles Pearson, External Member
John Barbeler, External Member
Adam Vine, External Member (via video)
Councillor Anne Maslin, Council Member (via video)

Non-Voting Attendees:

Peter Bascomb, Chief Executive Officer
Tarang Kamath, Senior Internal Auditor
Marg Nicholls, Acting Organisational Risk Officer

Guests:

David Rawlings, Acting Director Corporate and Community Services
Lawrissa Chan, Director - Financial Audit - Audit Office of NSW (via telephone)
Linda Nicholson, Group Manager Asset Management and Engineering Services
Matt Payne, Chief Financial Officer
Michael Kharzoo, Audit Leader - Financial Audit - Audit Office of NSW (via telephone)

1. OPENING OF THE MEETING

The Chair opened the meeting at 10am with Acknowledgement of Country and showing respect to the First Custodians of Snowy Monaro Lands.

2. APOLOGIES

Nil

3. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

Nil

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

4.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 12 SEPTEMBER 2019

COMMITTEE RECOMMENDATION

ARIC53/19

THAT the minutes of the Audit Risk And Improvement Committee Meeting held on 12 September 2019 are confirmed as a true and accurate record of proceedings.

Moved Mr Pearson

Seconded Chair Tooke

CARRIED

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 5 DECEMBER 2019 Page 3

4.2 EXTRAORDINARY AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 23 OCTOBER 2019

COMMITTEE RECOMMENDATION		ARIC54/19
THAT the minutes of the Extraordinary Audit Risk And Improvement Committee Meeting held on 23 October 2019 are confirmed as a true and accurate record of proceedings.		
Moved Mr Pearson	Seconded Chair Tooke	CARRIED

5. BUSINESS ARISING

5.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE RECOMMENDATIONS

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Senior Internal Auditor
Key Direction:	4. Leadership Outcomes
Delivery Plan Strategy:	10.2 Sound governance practices direct Council business and decision making
Operational Plan Action:	10.2.1 Independent audit and risk framework drives accountability
Attachments:	1. Audit, Risk and Improvement Committee Recommendations
Cost Centre	3136 – Internal Audit

EXECUTIVE SUMMARY

The Audit, Risk and Improvement Committee (Committee) makes resolutions in relation to the reports presented at its meetings. This paper serves to provide a report on the progress of the Committee recommendations.

The following officer's recommendation is submitted for the Audit, Risk and Improvement Committee consideration.

COMMITTEE RECOMMENDATION		ARIC55/19
That the Audit, Risk and Improvement Committee		
A. Receive and note the progress report on Committee recommendations from the meetings of this Committee.		
B. Request a paper on Council's system to review and maintain its policy register at its meeting in March 2020.		
Moved Chair Tooke	Seconded Mr Pearson	CARRIED

Attendance of Acting Director Corporate and Community Services

Acting Director Corporate and Community Services joined the meeting at 10:15am during discussion of Item 5.1 Audit, Risk and Improvement Committee Recommendations.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 5 DECEMBER 2019 Page 4

6. PRESENTATIONS

7. SPECIAL AGENDA ITEMS

7.1 PRESENTATION - CORPORATE INFORMATION SYSTEM (CIS) PROJECT UPDATE

Record No:

Responsible Officer: Chief Executive Officer
Author: Senior Internal Auditor
Key Theme: 4. Leadership Outcomes
CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives: 10.2.1 Independent audit and risk framework drives accountability
Attachments: Nil

EXECUTIVE SUMMARY

This report is a placeholder in Special Agenda Items section for the presentation to give the opportunity to the Committee to make recommendations on the presentation.

The following officer's recommendation is submitted for the Committee's consideration.

COMMITTEE RECOMMENDATION

ARIC56/19

That Audit, Risk and Improvement Committee

- A. Receive and note the information in the presentation on Corporate Information System Project.
- B. Recommend that the Senior Internal Auditor provide a status report on the CIS project as part of the Internal Audit Activities report at the March 2020 meeting.

Moved Mr Barbeler

Seconded Mr Pearson

CARRIED

Attendance of Group Manager Asset Management and Engineering Services

Group Manager Asset Management and Engineering Services joined the meeting at 10:42am during discussion of Item 7.1 Presentation - Corporate Information System (CIS) Project Update.

Attendance of Councillor

Clr Maslin was absent from the meeting from 11:04am during discussion of Item 7.1 Presentation - Corporate Information System (CIS) Project Update returning at 11.06am during same Item.

7.2 PRESENTATION - PROJECT MANAGEMENT FRAMEWORK

Record No:

Responsible Officer: Chief Executive Officer
Author: Senior Internal Auditor
Key Theme: 4. Leadership Outcomes

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL
COUNCIL
HELD ON THURSDAY 5 DECEMBER 2019

Page 5

CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making

Delivery Program Objectives: 10.2.1 Independent audit and risk framework drives accountability

Attachments: Nil

EXECUTIVE SUMMARY

This report is a placeholder in Special Agenda Items section for the presentation to give the opportunity to the Committee to make recommendations on the presentation.

The following officer's recommendation is submitted for the Committee's consideration.

COMMITTEE RECOMMENDATION

ARIC57/19

That Audit, Risk and Improvement Committee receive and note the information in the presentation on Project Management Framework.

CARRIED

Attendance of Senior Internal Auditor

Senior Internal Auditor was absent from the meeting from 11:28am during discussion of Item 7.2 Presentation - Project Management Framework returning at 11:30am during same Item.

Attendance of Chief Financial Officer

Chief Financial Officer joined the meeting at 12pm during discussion of Item 7.2 Presentation - Project Management Framework.

Attendance of Independent Member

Mr Pearson was absent from the meeting from 12:06pm during discussion of Item 7.2 Presentation - Project Management Framework returning at 12:06pm during same Item.

Attendance of Group Manager Asset Management and Engineering Services

Group Manager Asset Management and Engineering Services left the meeting at 12:18pm at the conclusion of Item 7.2 Presentation - Project Management Framework.

Attendance of Chief Executive Officer

Chief Executive Officer was absent from the meeting from 12:19pm at the conclusion of Item 7.2 Presentation - Project Management Framework returning at 12:21pm.

8. REPORTS

Note: Item 8.4, 8.5, 8.6 and 8.7 Addressed before Item 8.1

Item 8.4 was addressed before item 8.1 as a result of a scheduled call with the Audit Office of New South Wales. Items 8.5, 8.6 and 8.7 addressed before item 8.1 in the interest of guests attending the meeting.

Attendance of Acting Organisational Risk Officer

Acting Organisational Risk Officer was absent from the meeting from 12:19pm at the conclusion of Item 7.2 Presentation - Project Management Framework returning at 12:26pm during discussion of item 8.4 Management Letter for the Year Ended 30 June 2019 - Audit Office of NSW.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 5 DECEMBER 2019 Page 6

Attendance of Director - Financial Audit and Audit Leader - Financial Audit - Audit Office of NSW

Director - Financial Audit and Audit Leader - Financial Audit - Audit Office of NSW joined the meeting over telephone at 12:22pm during discussion of Item 8.4 Management Letter for the Year Ended 30 June 2019 - Audit Office of NSW.

8.4 MANAGEMENT LETTER FOR THE YEAR ENDED 30 JUNE 2019 - AUDIT OFFICE OF NSW

Record No:

Responsible Officer:	Acting Director Corporate and Community Services
Author:	Chief Financial Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.1 Independent audit and risk framework drives accountability
Attachments:	1. Placeholder - Final Management Letter to be distributed separately
Cost Centre	4010 Finance

EXECUTIVE SUMMARY

Council received the Management Letter on the Final Phase of the Snowy Monaro Regional Council Audit for the Year Ended 30 June 2019 from the Audit Office of NSW on 8 November 2019.

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

COMMITTEE RECOMMENDATION

ARIC58/19

That the Audit Risk and Improvement Committee receive and note the Management Letter on the Final Phase of the Snowy Monaro Regional Council Audit for the Year Ended 30 June 2019.

CARRIED

Attendance of Director - Financial Audit and Audit Leader - Financial Audit - Audit Office of NSW

Director - Financial Audit and Audit Leader - Financial Audit - Audit Office of NSW left the meeting at 12:47pm at the conclusion of Item 8.4 Management Letter for the Year Ended 30 June 2019 - Audit Office of NSW.

8.5 EXTERNAL PROVIDER RECOMMENDATIONS

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Senior Internal Auditor
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 5 DECEMBER 2019 Page 7

Delivery Program Objectives: 10.2.1 Independent audit and risk framework drives accountability
Attachments: 1. Interim management letter for the year ending 30 June 2019_Summary
2. Interim management letter for the year ending 30 June 2019_Detail
Cost Centre 3136 – Internal Audit

EXECUTIVE SUMMARY

External Audits are performed at Snowy Monaro Regional Council for various stakeholders. This report serves to inform the Audit, Risk and Improvement Committee (the Committee) of the results of audits performed, progress on recommendations of the audits and relevant information provided by the stakeholders.

The following officer's recommendation is submitted for Audit, Risk and Improvement Committee's consideration.

COMMITTEE RECOMMENDATION

ARIC59/19

That the Audit, Risk and Improvement Committee note the attached progress reports on recommendations from the Audit Office of New South Wales in Interim Management Letter 2019.

CARRIED

8.6 QUARTERLY BUDGET REVIEW STATEMENT (QBRs) TO SEPTEMBER 2019

Record No:

Responsible Officer: Chief Financial Officer
Author: Management Accountant
Key Direction: 4. Leadership Outcomes
Delivery Plan Strategy: 11.2 Council utilises sound fiscal management practices, pursues and attracts other sources of income
Operational Plan Action: 11.2.2 Provision of statutory reporting enables our leaders to make decisions on Council's financial sustainability
Attachments: 1. QBRs September 2019
Cost Centre 4010 Financial Services

EXECUTIVE SUMMARY

Council adopted its 2020 Operational Plan on the 20 June 2019, including details of Estimated Income and Expenditure. The September quarterly budget review statement was adopted under Council Resolution 431/19 (on 21 November 2019).

The following officer's recommendation is submitted for the Audit Risk and Improvement Committee's

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 5 DECEMBER 2019

Page 8

consideration.

COMMITTEE RECOMMENDATION

ARIC60/19

That Audit Risk and Improvement Committee receive and note the Council adopted September 2019 Quarterly Budget Review Statement.

CARRIED

Attendance of Acting Director Corporate and Community Services

Acting Director Corporate and Community Services left the meeting at 1:24pm at the conclusion of Item 8.6 Quarterly Budget Review Statement (QBRs) to September 2019.

Adjournment of Meeting

At 1:24pm the meeting adjourned for lunch.

Resumption of Meeting

The meeting resumed at 1:42pm.

8.7 CHIEF EXECUTIVE OFFICER REPORT

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Senior Internal Auditor
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.1 Independent audit and risk framework drives accountability
Attachments:	Nil
Cost Centre	3136 – Internal Audit

EXECUTIVE SUMMARY

The Audit, Risk and Improvement Committee, at its meeting on 5 December 2018, requested (Resolution No. ARIC97/18) *that a verbal report by the General Manager regarding Council plans and direction be included in all meetings as a standard agenda item.*

This report also incorporates the former Fraud and Corruption Control Report. It advises the Committee of any allegations of fraudulent or corrupt conduct reported to the Chief Executive Officer or to an external body such as ICAC.

The following officer's recommendation is submitted for the Committee's consideration.

COMMITTEE RECOMMENDATION

ARIC61/19

That the Audit, Risk and Improvement Committee receive and note the information in the verbal report provided by the Chief Executive Officer.

CARRIED

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 5 DECEMBER 2019 Page 9

Attendance of Acting Director Corporate and Community Services

Acting Director Corporate and Community Services joined the meeting at 1:52pm during discussion of Item 8.7 Chief Executive Officer Report.

8.1 INTERNAL AUDIT ACTIVITIES - SEPTEMBER TO NOVEMBER 2019

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Senior Internal Auditor
Key Direction:	4. Leadership Outcomes
Delivery Plan Strategy:	10.2 Sound governance practices direct Council business and decision making
Operational Plan Action:	10.2.1 Independent audit and risk framework drives accountability
Attachments:	1. Internal Audit Strategic Plan 2019-2022_20191205_with track changes
Cost Centre	3136 – Internal Audit

EXECUTIVE SUMMARY

This report serves to inform the Audit, Risk and Improvement Committee (the Committee) of the Internal Audit activities for the period September to November 2019.

The following officer's recommendation is submitted for the Committee's consideration.

COMMITTEE RECOMMENDATION

ARIC62/19

That the Audit, Risk and Improvement Committee

- A. Receive and note the information in the report Internal Audit activities for the period 1 September 2019 to 30 November 2019.
- B. Approve the updates to the Annual Plan for Financial Year 2019/20
- C. Request that a tentative date for the Rates Management Audit be determined and communicated.

Moved Mr Barbeler

Seconded Mr Pearson

CARRIED

Attendance of Chief Executive Officer

Chief Executive Officer left the meeting at 2:23pm during discussion of Item 8.1 Internal Audit Activities - September to November 2019.

8.2 INTERNAL AUDIT - QUALITY ASSURANCE AND IMPROVEMENT PROGRAM (QAIP)

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Senior Internal Auditor

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
 HELD ON THURSDAY 5 DECEMBER 2019 Page 10

Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.1 Independent audit and risk framework drives accountability
Attachments:	1. Quality Assurance and Improvement Program for 2018-2019 2. QAIP 2.4 Actual versus Budgeted Analysis_Summary 3. QAIP 2.4 Actual versus Budgeted Analysis_Audit-wise 4. QAIP 2.5 Audit-wise Customer Feedback Summary 5. QAIP 2.5 Audit-wise Customer Feedback Detail 6. QAIP 3.2 Annual Self-Assessment against the Standards 2018-2019 7. QAIP 3.4 Annual Customer Feedback Survey Results_Summary 8. QAIP 3.4 Annual Customer Feedback Survey Results_Detail 9. QAIP 3.9 Annual IIA Standards Assertion 2018-19
Cost Centre	3136 - Internal Audit

EXECUTIVE SUMMARY

A Quality Assurance and Improvement Program (QAIP) is required for an Internal Audit Function to be compliant with the *International Standards for the Professional Practice of Internal Auditing* (the Standards) contained within the *International Professional Practices Framework* (IPPF) issued by the Institute of Internal Auditors (IIA).

This report presents the results of the QAIP for financial year 2018-2019.

The following officer's recommendation is submitted for the Committee's consideration.

COMMITTEE RECOMMENDATION	ARIC63/19
That Audit, Risk and Improvement Committee receive and note the information in the attached Quality Assurance and Improvement Program 2018-2019 and supporting documents.	
	CARRIED

Attendance of Independent Member

Mr Vine was absent from the meeting from 2:31pm during discussion of Item 8.2 Internal Audit - Quality Assurance and Improvement Program (QAIP) returning at 2:33pm during same Item.

8.3 INTERNAL AUDIT RECOMMENDATIONS

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Senior Internal Auditor
Key Direction:	4. Leadership Outcomes
Delivery Plan Strategy:	10.2 Sound governance practices direct Council business and decision making
Operational Plan Action:	10.2.1 Independent audit and risk framework drives accountability

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
HELD ON THURSDAY 5 DECEMBER 2019 Page 11

Attachments: 1. Internal Audit Recommendations Progress Report
2. Internal Audit Recommendation Summary Report
Cost Centre 3136 – Internal Audit

EXECUTIVE SUMMARY

Internal Audit recently moved to capturing audits, findings and recommendations in the audit register provided in the CAMMS Risk module. Progress to date on internal audit recommendations is updated by responsible officers in the CAMMS Risk module. Internal Audit uses this system to monitor, follow-up and validate progress on recommendations. Prior to each meeting, Internal Audit extracts and prepares a report for the Audit, Risk and Improvement Committee. There are 11 recommendations that have been completed since the last meeting, 29 recommendations that are not due and one overdue recommendation.

The following officer's recommendation is submitted for the Committee's consideration.

COMMITTEE RECOMMENDATION

ARIC64/19

That the Audit, Risk and Improvement Committee

- A. Receive and note the information in the report on internal audit recommendations
- B. Receive and note the information in the attached reports:
 - (a) Internal Audit Recommendations Progress Report
 - (b) Internal Audit Recommendations Summary Report
- C. Acknowledge that the following recommendations are now overdue and are expected to be completed by the dates mentioned below:
 - (a) MIR 18-19_01 - Review of Suspicious Vendor Transactions
 - (i) Recommendation 18-19_01/07- From 30 November 2019 to 31 May 2020
 - (ii) Recommendation 18-19_01/11- From 31 August 2019 to 29 February 2020
 - (b) Audit 18-19_03 - Investments made by Council
 - (i) Recommendation 18-19_03/06 - From 30 November 2019 to 31 March 2020

Moved Mr Pearson

Seconded Councillor Maslin

CARRIED

Attendance of Acting Director Corporate and Community Services

Acting Director Corporate and Community Services left the meeting at 2:51pm during discussion of Item 8.3 Internal Audit Recommendations.

8.8 STATUS REPORT - RISK MANAGEMENT - SEPTEMBER TO NOVEMBER 2019

Record No:

Responsible Officer: Executive Manager Innovation & Business Development
Author: Acting Organisational Risk Officer

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL COUNCIL
 HELD ON THURSDAY 5 DECEMBER 2019 Page 12

Key Direction: 4. Leadership Outcomes
 Delivery Plan Strategy: 10.2 Sound governance practices direct Council business and decision making
 Operational Plan Action: 10.2.1 Independent audit and risk framework drives accountability
 Attachments: 1. CAMMS Progress Report - Enterprise Risk Management Framework
 2. Work Health & Safety Report - October 2019
 Cost Centre 3135 – Risk Management
 Project Operational Report
 Further Operational Plan Actions:

EXECUTIVE SUMMARY

This status report provides an update on the activities relating to Enterprise Risk for the period September to November 2019.

The position of Organisation Risk Management Coordinator is vacant and a seconded part time resource is undertaking some of the critical work while recruitment is underway.

The following officer's recommendation is submitted for the Audit, Risk and Improvement Committee's consideration.

COMMITTEE RECOMMENDATION

ARIC65/19

That the Audit, Risk and Improvement Committee:

- A. Receive and note the information in the risk management status report for the period September to November 2019.
- B. Recommend that when the Internal Audit into WHS is undertaken, the scope should include how corrective actions are implemented and monitored.

Moved Mr Pearson

Seconded Mr Barbeler

CARRIED

8.9 AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER REVIEW

Record No:

Responsible Officer: Chief Executive Officer
 Author: Senior Internal Auditor
 Key Theme: 4. Leadership Outcomes
 CSP Community Strategy: 10.2 Sound governance practices direct Council business and decision making
 Delivery Program Objectives: 10.2.1 Independent audit and risk framework drives accountability
 Attachments: 1. Audit, Risk and Improvement Committee Charter
 Cost Centre 3136 - Internal Audit

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL
COUNCIL
HELD ON THURSDAY 5 DECEMBER 2019 **Page 13**

EXECUTIVE SUMMARY

The Audit, Risk and Improvement Committee (ARIC) Charter is being reviewed for numerous reasons including feedback from ARIC Members, recommendations by ARIC Chair, Organisation Structure Re-design and update to Council document format prescribed in Style Guide.

The following officer's recommendation is submitted for the Committee's consideration.

COMMITTEE RECOMMENDATION

ARIC66/19

That Audit, Risk and Improvement Committee

- A. Receive and note the information contained in the attached updated Audit, Risk and Improvement Committee Charter.
- B. Review the attached draft updated charter and provide feedback to Senior Internal Auditor by 3 February 2020 for endorsement at the meeting in March 2020.

Moved Mr Barbeler

Seconded Mr Vine

CARRIED

8.10 AUDIT, RISK AND IMPROVEMENT COMMITTEE SCHEDULE OF REVIEW

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Senior Internal Auditor
Key Direction:	4. Leadership Outcomes
Delivery Plan Strategy:	10.2 Sound governance practices direct Council business and decision making
Operational Plan Action:	10.2.1 Independent audit and risk framework drives accountability
Attachments:	1. ARIC Schedule of Review
Cost Centre	3136 – Internal Audit

EXECUTIVE SUMMARY

Attached the Schedule of Review for the Audit, Risk and Improvement Committee for information.

The following officer's recommendation is submitted for the Committee's consideration.

COMMITTEE RECOMMENDATION

ARIC67/19

That the Audit, Risk and Improvement Committee receive and note the information contained in the attached Schedule of Review for the coming periods.

CARRIED

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL
COUNCIL
HELD ON THURSDAY 5 DECEMBER 2019 Page 14

9. GENERAL BUSINESS

9.1 2019 ANNUAL REPORT

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Senior Internal Auditor
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	12.1 Our community has multiple opportunities to be consulted and engaged in the development of plans, services and policies that affect the region
Delivery Program Objectives:	12.1.2 Community strategic planning is managed in partnership with the community
Attachments:	1. SMRC 2019 Financial Year Annual Report (<i>Under Separate Cover</i>)
Cost Centre	3120
Project	Integrated Planning and Reporting

EXECUTIVE SUMMARY

The purpose of this report is to formally submit the Council Adopted SMRC 2019 Annual Report to the Audit, Risk and Improvement Committee (ARIC), as required by Charter Ref# 5.3.4 of the *ARIC Schedule of Review*. The purpose of an Annual Report is to provide open and transparent reporting to the community of the Snowy Monaro region.

The 2019 Annual Report details the achievements against the 2018/19 Operational Plan activities and budget as well as a summary overview of the work undertaken in each Directorate.

The following officer's recommendation is submitted for the Committee's consideration.

COMMITTEE RECOMMENDATION

ARIC68/19

That the Audit, Risk and Improvement Committee receive and note in information in the attached SMRC 2019 Financial Year Annual Report.

CARRIED

10. NEXT MEETING

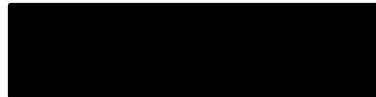
Mr Pearson advised that he will be overseas and will attend the next meeting via video conference.

Wednesday, 4 March 2020

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF SNOWY MONARO REGIONAL
COUNCIL
HELD ON THURSDAY 5 DECEMBER 2019

Page 15

There being no further business the Chair declared the meeting closed at 3:30pm.

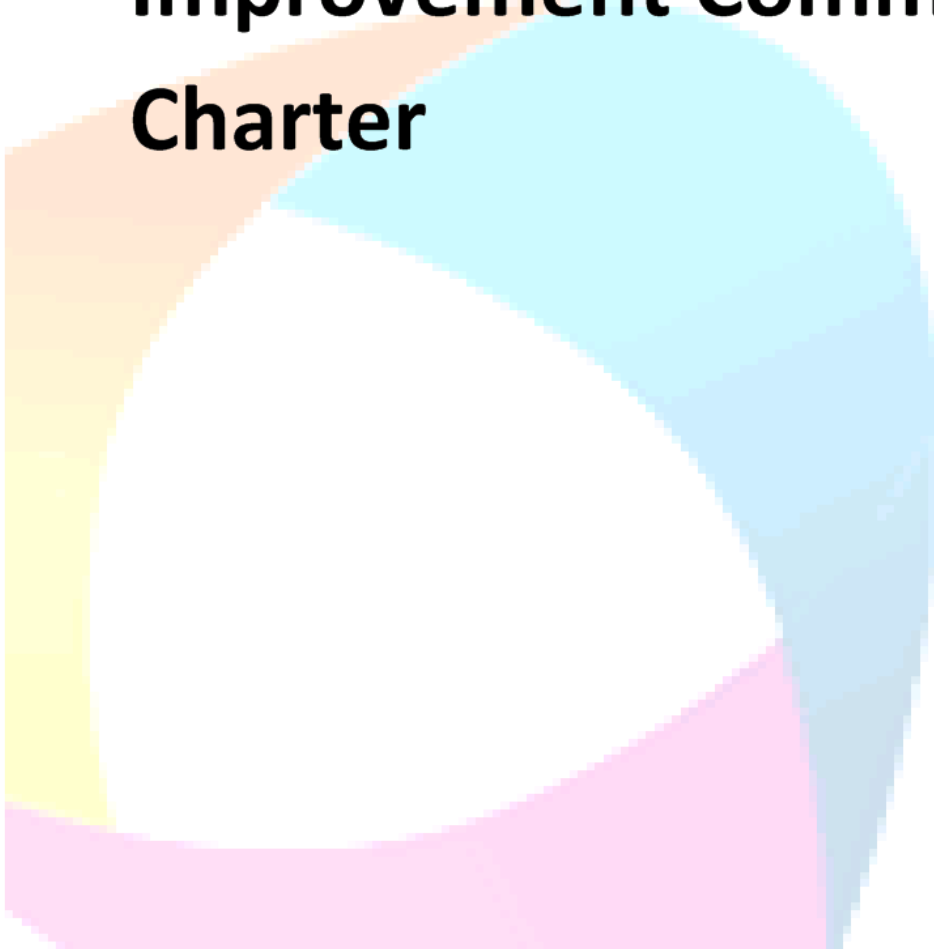


CHAIRPERSON

The above minutes of the Audit Risk And Improvement Committee Meeting of Snowy Monaro Regional Council held on 5 December 2019 were confirmed by Committee at a duly convened meeting on 4 March 2020 at which meeting the signature hereon was subscribed.



Audit, Risk and Improvement Committee Charter



Record of Versions

Date Published	Reason for Amendments	Resolution	Author/Document Owner
10/06/2016	New Document	1/16	General Manager
23/09/2016	Change to committee name and other minor typographical updates to charter	40/16	Internal Auditor
20/09/2017	Change of quorum requirements	ADA144/17	Internal Auditor
17/04/2019	Update to reporting lines diagram and inclusion of Organisational Risk Officer	160/19	Senior Internal Auditor

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

Contents

1	Objective	4
2	Authority	4
3	Snowy Monaro Regional Council Assurance Environment	4
4	Composition and Tenure	5
4.1	Composition	5
4.2	Term of Membership	6
4.3	Skills	6
5	Roles and Responsibilities	6
5.1	Overview	6
5.2	Risk Management	7
5.3	Control framework	7
5.4	External accountability	8
5.5	Legislative Compliance	8
5.6	Internal Audit	8
5.7	External audit	9
5.8	Responsibilities of members	9
6	Reporting	10
7	Administrative Arrangements	10
7.1	Meetings	10
7.2	Attendance at Meetings and Quorums	11
7.3	Secretariat	11
7.4	Conflicts of Interest	11
7.5	Induction	11
7.6	Assessment Arrangements	11
7.7	Review of Charter	12

1 Objective

- 1.1 The Objective of the Audit, Risk and Improvement Committee (Committee) is to provide independent assurance and assistance to Snowy Monaro Regional Council (Council), and indirectly the community members, on risk management, the control framework, legislative compliance, internal audit and external accountability responsibilities.

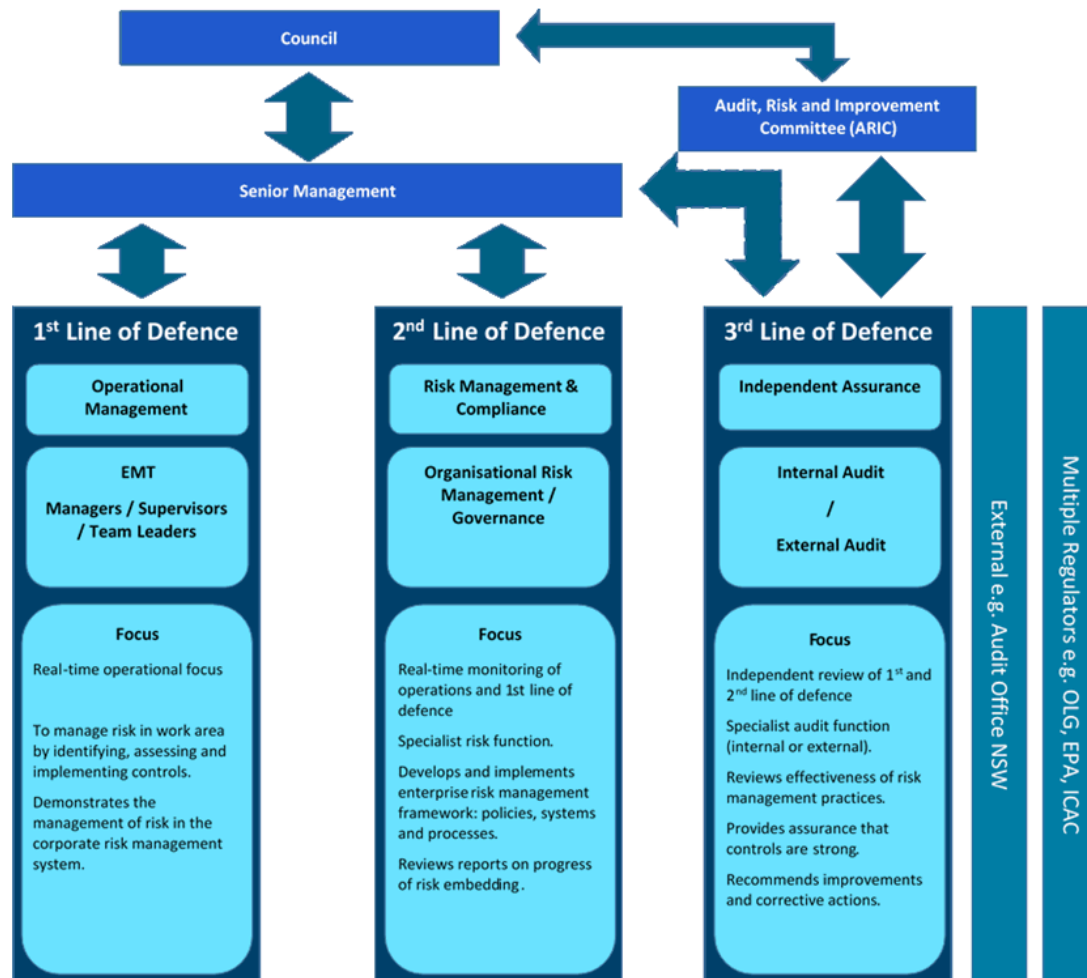
2 Authority

- 2.1 Council authorises the Committee within the scope of its role and responsibilities through the Chair to:
- a. Obtain any information it needs from any employee or external party (subject to their legal obligations to protect information).
 - b. Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations).
 - c. Request of the Chief Executive Officer the attendance of any employee at Committee meetings.
 - d. Obtain external legal or other professional advice considered necessary to meet its responsibilities. Prior discussion must be undertaken with the Chief Executive Officer who will determine appropriateness of any reimbursement if any by Council.

3 Snowy Monaro Regional Council Assurance Environment

- 3.1 Snowy Monaro Regional Council has adopted an Enterprise Risk Management Framework to provide assurance to Council, the Committee and the Chief Executive Officer.
- 3.2 Council uses a '3 Lines of Defence' Combined Assurance Model to define its assurance environment:
- i. The 1st Line of Defence is concerned with management controls and generally has a real-time focus.
 - It is aimed at review of governance and compliance arrangements to demonstrate 'checks and balances' are working effectively.
 - ii. The 2nd Line of Defence centres on risk oversight and involves some degree of real-time activity, with a mandate to review 1st Line of Defence activities.
 - This encompasses the work of specialist areas like risk management, technical and regulatory compliance, and safety.
 - This aims to confirm the effectiveness of governance and compliance arrangements, and to identify and action improvements.
 - iii. The 3rd Line of Defence involves independent assurance that evaluates the adequacy and effectiveness of both 1st Line and 2nd Line risk management approaches.
 - This is typically undertaken by internal auditors, to independently confirm governance and compliance effectiveness, and to recommend improvements
- 3.3 This approach demonstrates how assurance activities co-ordinate to provide assurance to the Council, the Committee, and the Chief Executive Officer.

3.4 At Council this can be illustrated as:



4 Composition and Tenure

4.1 Composition

4.1.1 The Committee will consist of:

- a. **Voting members**
 - i. 1 x Councillor representative
 - ii. 4 x Independent members (one of whom is recruited as Chair)
- b. **Non-voting members**
 - i. Chief Executive Officer
 - ii. Senior Internal Auditor
 - iii. Organisational Risk Management Coordinator
- c. **Invitees (non-voting) for specific agenda items**
 - i. Representatives of the external auditor
 - ii. Other Council officers may attend by invitation from the Committee through the Chief Executive Officer.

4.2 Term of Membership

- 4.2.1 Two independent members shall be appointed for a maximum term of four years and two independent members shall be appointed for a maximum term of three years and shall be appointed as follows:
- a. Two external members (one of whom shall be the Chair) shall be appointed for an initial period of two years with an additional two year appointment subject to a satisfactory performance assessment of their contribution to the Audit Committee.
 - b. Two external members shall be appointed for an initial period of two years with an additional one year appointment subject to a satisfactory performance assessment of their contribution to the Audit Committee.
- 4.2.2 The performance review of independent members (other than the Chair) will be undertaken by the Chair in conjunction with the Chief Executive Officer.
- 4.2.3 The performance review of the Chair will be undertaken by the Council representative as Committee member in conjunction with the Chief Executive Officer.
- 4.2.4 External members may be re-appointed at the end of their tenure following a public advertisement and expression of interest process.
- 4.2.5 Vacancies shall be filled by public advertisement; an evaluation of candidates and a recommendation for appointment to Council.

4.3 Skills

- 4.3.1 The independent members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Council.
- 4.3.2 At least one independent member of the Committee shall have accounting or related financial management experience and an understanding of accounting and auditing in a public sector environment.
- 4.3.3 At least one independent member of the Committee shall have internal auditing or related auditing experience.
- 4.3.4 At least one independent member of the Committee shall have risk management experience.

5 Roles and Responsibilities

5.1 Overview

- 5.1.1 The Committee has no executive powers but assists the Council by providing independent assurance and assistance to Council and indirectly the community members.
- 5.1.2 The Committee is directly responsible to the Council for the exercise of its responsibilities.
- 5.1.3 In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council operations rests with the Chief Executive Officer.
- 5.1.4 The responsibilities of the Committee may be revised or expanded in consultation with or as resolved by Council.

- 5.1.5 The Committee's role includes assisting Council in its governance and exercising of due care, diligence and skill in relation to:
- a. Internal control systems;
 - b. Risk management systems;
 - c. Business policies and practices;
 - d. Protection of Council's assets;
 - e. Compliance with applicable laws, regulations, standards and best practice guidelines; and
 - f. Continuous Improvement

5.2 Risk Management

- 5.2.1 Review whether management has in place a current and appropriate risk management framework that is consistent with AS/NZS ISO 31000:2018.
- 5.2.2 Review risk management plans and provide advice to the Chief Executive Officer.
- 5.2.3 Seek assurance from management and Internal Audit that risk management processes are operating effectively.
- 5.2.4 Seek assurance from management and Internal Audit as to the adequacy and effectiveness of internal controls.
- 5.2.5 Review risk reports and provide advice to the Chief Executive Officer.
- 5.2.6 Review whether a sound and effective approach has been followed in developing risk management plans for major projects or undertakings.
- 5.2.7 Review the impact of the agency's risk management on its control environment and insurance arrangements.
- 5.2.8 Review Council's fraud control plan and be satisfied that Council has appropriate processes and systems in place to capture and effectively investigate fraud related information.
- 5.2.9 Review whether a sound and effective approach has been followed in establishing Council's business continuity planning arrangements, including whether disaster recovery plans have been tested periodically.

5.3 Control framework

- 5.3.1 Review whether management's approach to maintaining an effective internal control framework, including over external parties such as contractors and advisors, is sound and effective.
- 5.3.2 Review whether management has in place relevant policies and procedures and that these are periodically reviewed and updated.
- 5.3.3 Determine whether the appropriate processes are in place to assess, at least once a year, whether laws, regulations, policies and procedures are complied with.
- 5.3.4 Review whether appropriate policies and procedures are in place for the management and exercise of delegations.
- 5.3.5 Consider how management identifies any required changes to the design or implementation of internal controls.
- 5.3.6 Review whether management has taken steps to embed a culture which is committed to

ethical and lawful behaviour.

5.4 External accountability

- 5.4.1 Assess the policies and procedures for management review and consideration of the financial position and performance of the agency including the frequency and nature of that review (including the approach taken to addressing variances and budget risks).
- 5.4.2 Review procedures around early close and year-end.
- 5.4.3 Review the financial statements and provide advice to the Chief Executive Officer (including whether appropriate action has been taken in response to audit recommendations and adjustments), and recommend their signing by the responsible financial officers and Councillors.
- 5.4.4 Satisfy itself that the financial statements are supported by appropriate management signoff on the statements.
- 5.4.5 Review cash management policies and procedures.
- 5.4.6 Review policies and procedures for collection, management and disbursement of grants and tied funding.
- 5.4.7 Review the processes in place designed to ensure that financial information included in Council's annual report is consistent with the signed financial statements.

5.5 Legislative Compliance

- 5.5.1 Determine whether management has appropriately considered legal and compliance risks as part of Council's risk assessment and management arrangements.
- 5.5.2 Review the effectiveness of the systems for monitoring compliance with applicable laws and regulations and associated government policies.

5.6 Internal Audit

- 5.6.1 Act as a forum for communications between the Chief Executive Officer, Senior Management, External Audit and Internal Audit.
- 5.6.2 Review and provide advice to the Chief Executive Officer on internal audit policies and procedures.
- 5.6.3 Review the risk based audit methodology.
- 5.6.4 Review the internal audit coverage and annual work plan, ensure the plan is based on Council's risk management plan, and recommend approval of the plan.
- 5.6.5 Advise the Chief Executive Officer of the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved internal audit plan.
- 5.6.6 Oversee the coordination of audit programs conducted by internal audit and external audit and other review functions.
- 5.6.7 Review audit findings and related recommendations that have been assessed as significant according to the risk.
- 5.6.8 Present to Council if recommendations related to findings are not implemented.
- 5.6.9 Provide advice to the Chief Executive Officer on significant issues identified in audit reports and action taken on these issues, including identification and dissemination of

good practice.

- 5.6.10 Monitor management's implementation of internal audit recommendations.
- 5.6.11 Review the internal audit charter to ensure appropriate organisation structures, authority, access and reporting arrangements are in place.
- 5.6.12 Periodically review the performance of internal audit.

5.7 External audit

- 5.7.1 Act as a forum for communication between the Council, Chief Executive Officer, Senior Management, Internal Audit and External Audit.
- 5.7.2 Provide input and feedback on the financial statements and performance audit coverage proposed by external audit and provide feedback of the audit services provided.
- 5.7.3 Review all external plans and reports in respect of planned or completed audits and monitor management's implementation of audit recommendations.
- 5.7.4 Provide advice to the Chief Executive Officer on action taken on significant issues raised in relevant external audit reports and better practice guides.

5.8 Continuous Improvement

- 5.8.1 Review the overall approach and arrangements in place that support management implementing a successful culture of continuous improvement to drive productivity and efficiency gains.
- 5.8.2 Monitor continuous improvement initiatives, programmes, projects etc. including but not limited to:
 - a. Organisational / operational reviews
 - b. Service reviews
 - c. Organization planning
 - d. Development of performance criteria / data requirements and the collection of data for performance reporting against such criteria
- 5.8.3 Review the annual performance of Council against its documented key performance criteria and provide advice to the Chief Executive Officer on the adequacy of Council's performance against the documented criteria.
- 5.8.4 Identify and recommend to the Chief Executive Officer, Council activities, services, business processes, systems etc. that may benefit from a review, through the Committee's exercise of its functions.

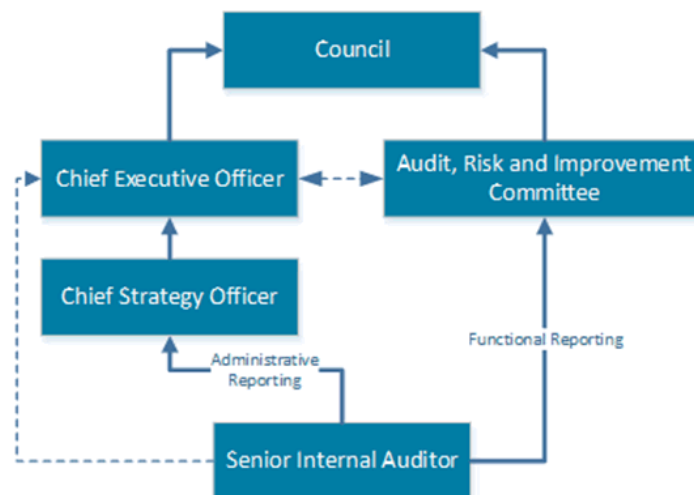
5.9 Responsibilities of members

Members of the Committee are expected to:

- 5.9.1 Understand the relevant legislative and regulatory requirements appropriate to Council;
- 5.9.2 Contribute the time needed to study and understand the papers provided;
- 5.9.3 Apply good analytical skills, objectivity and good judgment; and
- 5.9.4 Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of inquiry.

6 Reporting

- 6.1 The Committee will regularly, but at least once a year, report to Council on its operation and activities during the year. The report should include:
- 6.1.1 An overall assessment of Council's risk, control and compliance framework, including details of any significant emerging risks or legislative changes impacting Council.
 - 6.1.2 A summary of the work the Committee performed to fully discharge its responsibilities during the preceding year.
 - 6.1.3 Details of meetings, including the number of meetings held during the relevant period and the number of meetings each member attended.
 - 6.1.4 A summary of Council's progress in addressing the findings and recommendations made in internal and external reports.
 - 6.1.5 A summary of the Committee's assessment of the performance of internal audit.
- 6.2 The Committee's Minutes will be presented to Council for information only, through a report to Council.
- 6.3 The Committee must at all times ensure it maintains a direct reporting line to and from Internal Audit and act as a mechanism for Internal Audit to report to the Chief Executive Officer on functional matters.
- 6.4 The following reporting line is prescribed:



7 Administrative Arrangements

7.1 Meetings

- 7.1.1 The Committee will meet at least four times per financial year. An extraordinary meeting may be held to review Council's financial statements.
- 7.1.2 The need for any additional meetings will be decided by the Chair, though other Committee members or the Chief Executive Officer may make requests to the Chair for additional meetings.
- 7.1.3 A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities

as detailed in this Charter.

- 7.1.4 Meetings will follow Council's Code of Meeting practice.

7.2 Attendance at Meetings and Quorums

- 7.2.1 A quorum will consist of a majority of voting members in attendance.
- 7.2.2 Meetings can be held in person, by telephone or by video conference.
- 7.2.3 The Senior Internal Auditor and Organisational Risk Management Coordinator will be invited to attend each meeting unless requested not to do so by the Chair.
- 7.2.4 The Committee may also request through the Chief Executive Officer, for other employees to participate for certain agenda items, as well as the external auditor.
- 7.2.5 The Committee will meet separately (in camera) with the Senior Internal Auditor and / or Organisational Risk Management Coordinator and / or the external auditor, in the absence of management on at least one occasion per year.

7.3 Secretariat

- 7.3.1 The Council will provide secretariat support to the Committee.
- 7.3.2 The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained.
- 7.3.3 Minutes shall be approved by the Chair and circulated to each member and committee observers as appropriate within three weeks of the meeting being held.

7.4 Conflicts of Interest

- 7.4.1 Councillors, Council staff and members of Council committees must comply with the applicable provisions of Council's code of conduct in carrying out the functions as Council officials.
- 7.4.2 Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic.
- 7.4.3 Details of any conflicts of interest should be appropriately recorded in the minutes.
- 7.4.4 Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist.
- 7.4.5 The final arbiter of such a decision is the Chair of the Committee.

7.5 Induction

- 7.5.1 New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

7.6 Assessment Arrangements

- 7.6.1 The Chair will initiate a review of the performance of the Committee in full at least once every two years.

- 7.6.2 The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

7.7 Review of Charter

- 7.7.1 At least once every two years the Committee will review this Charter. The review will include consultation with the Council.
- 7.7.2 Any substantive changes to this Charter will be recommended by the Committee and formally approved by Council.

Recommended by Audit, Risk and Improvement Committee: 4 March 2020 [ARIC13/20]

Resolved by Council: Date [Resolution Number]

9.4.3 ANSWERS TO QUESTIONS WITH NOTICE

Record No:

Responsible Officer:	Acting Director Corporate and Community Services
Author:	Secretary Council and Committees
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. In Progress Questions with Notice - Updates to end of February 2020 <i>(Under Separate Cover)</i>
Cost Centre	3120 Governance
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

In order to provide Councillors with updates on questions asked by Councillors, a report has been generated with a summary of questions that are current and have recently been completed, for the period ending February 2020/

The Councillor Questions In Progress for the period ending February 2020 is attached to this report.

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

OFFICER'S RECOMMENDATION

That Council receive and note the Councillor Questions In Progress report for the period ended February 2020.

9.4.4 RESOLUTION ACTION SHEET UPDATE

Record No:

Responsible Officer:	Acting Director Corporate and Community Services
Author:	Secretary Council and Committees
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1.1.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.
Operational Plan Action:	OP7.7 Provide timely, accurate and relevant information to Council to enable informed decision making.
Attachments:	1. In Progress Resolution Action Sheet for period ending February 2020 (<i>Under Separate Cover</i>)
Cost Centre	3120

EXECUTIVE SUMMARY

In order to provide Councillors with updates on resolutions of Council, a report has been generated with a summary of action that are current and have recently been completed, for the period ending February 2020.

The In Progress Resolution Action Sheet for period ending February 2020 is attached to this report.

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

OFFICER'S RECOMMENDATION

That Council receive and note the In Progress Resolution Action Sheet Update for the period ending February 2020.

9.4.5 ROAD NAMING

Record No:

Responsible Officer:	Acting Director Corporate and Community Services
Author:	Land, Property & GIS Admin Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	12.3 Our community is empowered and supported in facilitating community outcomes
Delivery Program Objectives:	12.3.2 Council has two-way mechanisms in place to encourage people to maintain their involvement in the regions community planning and decision making
Attachments:	1. Proposed Taylors Lane Dalgety
Cost Centre	
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Council is asked to consider the proposal for the naming of a private road Taylors Lane, part of a new subdivision and accessed from Jimenbuen Road, Dalgety.

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

OFFICER'S RECOMMENDATION

That Council:

- A. Endorse the name Taylors Lane for advertising prior to the gazettal process;
- B. Proceed to gazette the road name if the Geographical Names Board concurs with the names and no objections are received during the advertising period.

BACKGROUND

A road naming proposal has been received for a subdivision on Jimenbuen Road, Dalgety. The proposed name Taylors Lane refers to Tom and Molly Taylor and sons who were one of the last drover families of the Snowy Mountains and suppliers of horses to the Snowy Scheme.

The name of the person developing a subdivision is usually precluded by Council's Road Naming Procedure which does not allow the use of a living person's name for a road name. In this instance Taylors Lane is proposed because of the links to their ancestors who were a locally significant family.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Naming of roads assists with the efficient delivery of services and helps emergency services to locate properties and assets quickly.

2. Environmental

Nil

3. Economic

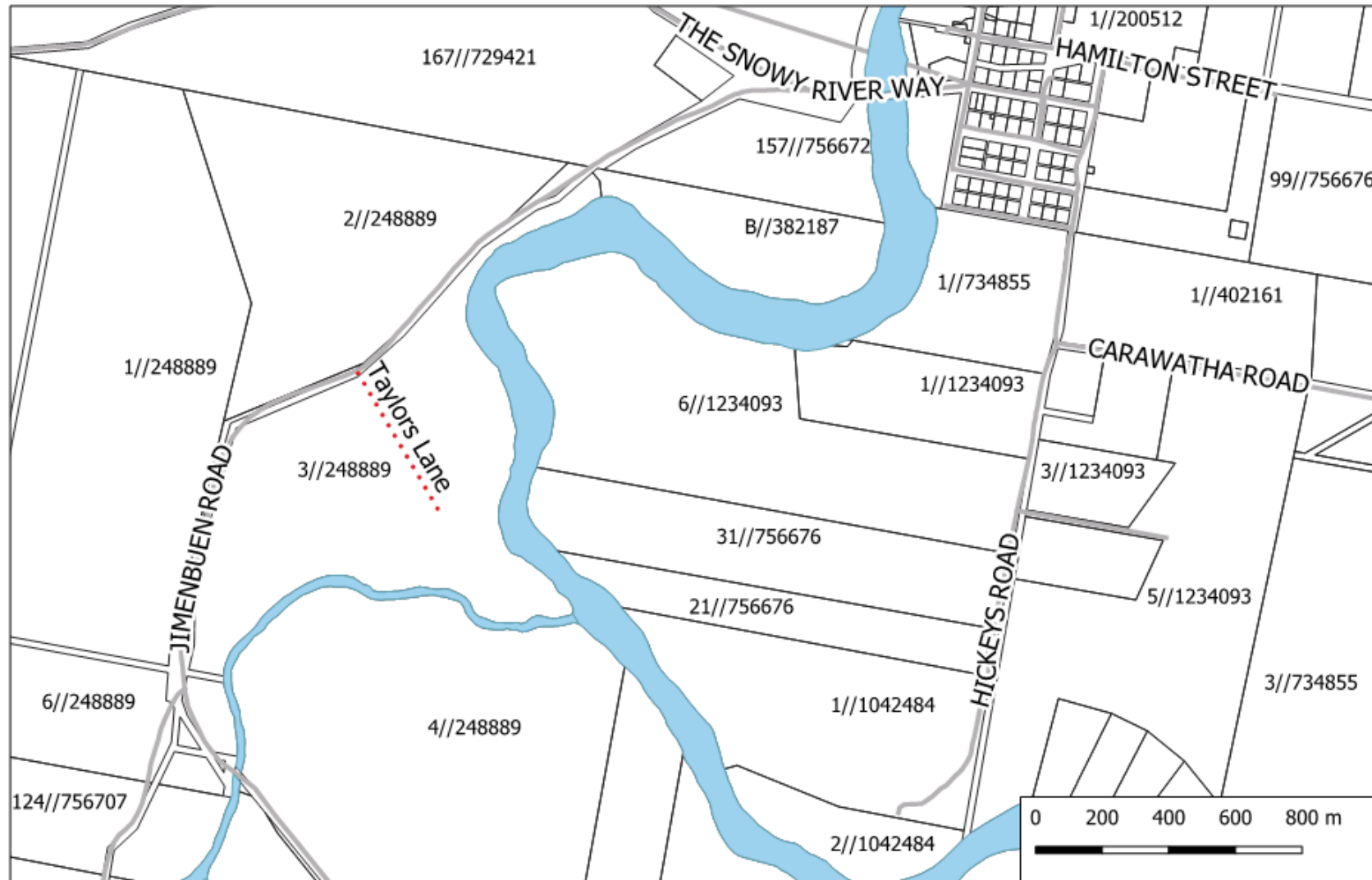
Any costs associated with this proposal and addressing of subsequent lots are covered as part of the subdivision process.

4. Civic Leadership

Road naming is undertaken according to the Council's road naming procedure and the NSW Address Policy and User Manual. Council provides the opportunity for Authorities to comment on the proposal as part of this process.



Proposed Taylors Lane, Dalgety



This page left intentionally blank.

9.4.6 BUSHFIRE RECOVERY UPDATE

Record No:

Responsible Officer:	Chief Executive Officer
Author:	Local Recovery Officer
Key Theme:	4. Leadership Outcomes
CSP Community Strategy:	10.2 Sound governance practices direct Council business and decision making
Delivery Program Objectives:	10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community
Attachments:	1. SMRC Recovery Committee Membership List
Cost Centre	
Project	
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

This is an information report to update the Councillors on the activities being undertaken to assist the community with the recovery after the impacts of the 2019/20 bushfires.

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

OFFICER'S RECOMMENDATION

That Council receive and note the Bushfire Recovery Update.

BACKGROUND

Governance & Strategy Development:

SMRC Recovery Committee has been established and held its first meeting on 21 February 2020.

The Recovery Committee has a broad membership list (see Attachment) to bring together the relevant government agencies to ensure a coordinated approach to the local recovery activities. Its role is to provide the strategic decision making for recovery.

The Recovery Committee has a key role in restoring confidence to the community. This is achieved by assessing the consequences of the natural disaster and coordinating activities to rebuild, restore and rehabilitate the social, built, economic and natural environments of the affected community.

Recovery Sub Committees

The following Sub Committees have been established by the SMRC Recovery Committee to focus on key issue areas:

- Health & Well Being – Chair Kristy Harvey
- Infrastructure – Chair Peter Smith
- Tourism & Business – Chair Mark Adams
- Agriculture – Chair Brett Jones (supported by Luke Pope, LLS)
- Environment & Planning – Chair Gina McConkey

Working Groups are also to be established to focus on the community engagement and communications:

- Communications – Nathan Thompson
- Community Engagement

Each Sub Committee and Working Group will develop an action plan.

Mayoral Relief Committee

A Committee has been established to develop guidelines and consider applications for support. The feedback from the community has shown that there are a wide variety of situations that exist and it will be difficult to develop a set of funding pools that will cover all situations. The Committee will consist of the Mayor, Deputy Mayor (or substitute) and the Chief Executive Officer. The committee will develop guidelines for common request areas and review the requests for support to determine areas in need.

Community Recovery Activities

Community Meetings & Support Services

The following recovery meetings have been held since the recovery phase commenced:

- Rockton Residents who lost their homes
- Numeralla Community Meeting
- Bombala Community Meeting
- Adaminaby Community Meeting
- Bredbo Community Meeting
- Jindabyne Community Meeting
- Cooma Community meeting
- Bumbalong Road residents

By the end of February all first round Community meetings have been held. Additional meetings will be scheduled based on the needs of the Community. In particular the focus for Cooma and Jindabyne will be on support for businesses.

Second round meetings are in planning for March and April.

Community Recovery Assistance Point days have been held in:

- Bombala
 - Numeralla
 - Adaminaby
-

- Cooma
- Jindabyne

Future meetings will be held subject to review based on Community needs.

Assistant Recovery Officers have been appointed. This is well received by the community and is effective.

- Robin Guthrie – Bombala & surrounds
- Linda Fletcher - Adaminaby/Numeralla & surrounds

Blaze Aid Camps

Camps are in the process of being established at:

Bombala – Land holders are registering for help. The camp is established and they are seeking volunteers.

Bredbo – Establishment of this camp presented some problems due to available facilities being inadequate to support the camp requirements. Land holders are registering for help. The camp is established and some volunteers are onsite.

Cooma – This camp is still in the planning stage but will proceed quickly. Facilities are being reviewed as to which is the best location for the camp.

ADF support

The Cooma and Bombala based ADF contingent has been recalled. They have been a fantastic support to the Region and will be missed.

SMRC will be able to call on ADF support from a contingent based in Canberra. This Canberra contingent will be available to the Southern Region of NSW.

ADF task requests for support continue to be raised.

High Level Community Situation Report

Following community meetings a high level community profile of the current situation has emerged, this picture will evolve with further community engagement and feedback.

- Significant economic impacts due to timber plantation damage – Bombala and surrounds.
 - Loss & damage at Cabramurra will impact Snowy 2.0 – FIFO workers now located at Adaminaby which is creating stress on this community. The positive is that the town accommodation is full and people are spending in the town. Tourism related business are struggling.
 - Selwyn Snow Resort was significantly damaged and will not be open for snow/ski season 2020. This will place additional pressure on Thredbo and Perisher ski resorts and the supporting towns of Cooma and Jindabyne. Infrastructure at both resorts are currently stretched for parking and additional visitors will impact.
 - Tourism businesses in Adaminaby will struggle due to loss of Selwyn snow fields and Kosciusko National Park area due to significant damage.
 - Businesses not fire affected have been significantly affected with loss of trade due to roads closed, tourist evacuation zones being declared and general lack of tourism visitation.
-

- Property loss – rural covering loss of homes and significant damage to landholders' infrastructure (sheds, fences, water tanks, pumps, pipes etc.) This extends to primary producers and many hobby farmers, holiday homes.
- Mental Health support will be needed on an ongoing basis in the community.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The program is designed to support the social recovery of the community within the available funding.

2. Environmental

There are significant environmental impacts and funds have been allocated towards assisting with the recovery operation for wildlife, who have been majorly impacted by the events.

3. Economic

At an Extraordinary Council meeting held on 5 March 2020 the Council determined a schedule for the expenditure of the funding provided to the Council towards covering its costs of the recovery. The budget allocations reflect the changed components of the program as a result from the Extraordinary Council meeting. In future reports the actual expenditure will be listed to allow the community to identify where the funds are flowing out to the community.

	Source	Actual	Budget
Expenditure			
Recovery centre and support			\$310,000
Mayoral relief fund			\$475,000
Financial advisory service for business			\$80,000
Research on economic impacts and effective support			\$50,000
Economic support programs			\$240,000
Improved fire resilience on Council facilities			\$50,000
Wildlife rescue support			\$20,000
Total Expenditure			\$1,225,000
Funding (Income/reserves)		Amount	
Initial recovery support	Grant	\$1,000,000	\$1,225,000
Total Funding Allocation			\$1,225,000

4. Civic Leadership

Council is demonstrating leadership by providing support to the many people in the community affected by the event, whether directly or indirectly.

This page left intentionally blank.

SMRC Recovery Committee – Proposed Membership list

Agency	Name	Mobile Phone	Email
Recovery Coordinator (Chair if appointed)	Andrea Forsyth		Andrea.forsyth@smrc.nsw.gov.au
Local Council or lead agency relevant to event impacts	Peter Bascomb		Peter.bascomb@smrc.nsw.gov.au
Local Emergency Management Officer (LEMO)	Linda Nicholson		Linda.nicholson@snowymonaro.nsw.gov.au
Local Council Community Services	Kristy Harvey		kristy.harvey@smrc.nsw.gov.au
Local Council Communications Officer	Nathan Thompson		Nathan.thompson@smrc.nsw.gov.au
Local Council Economic Development Officer	Mark Adams		Mark.Adams@smrc.nsw.gov.au
Local Council Environment and Planning Officer	Gina McConkey		Gina.McConkey@smrc.nsw.gov.au
Local Council Biosecurity Officer	Brett Jones		Brett.Jones@smrc.nsw.gov.au
Local Council Operations and Infrastructure Officer	Peter Smith		Peter.Smith@smrc.nsw.gov.au
Combat agency managing response to event – RFS	Jim Darrant		jim.darrant@rfs.nsw.gov.au
REOCON / LEOCON - NSW Police Force	C.I. Mick Tranby		tran1mic@police.nsw.gov.au
Regional Emergency Management Officer (REMO)	Paul Lloyd		lloy1pau@police.nsw.gov.au
Family and Community Services / Disaster Welfare	Shane Meijer		Shane.Meijer@facs.nsw.gov.au
Department of Primary Industries	Luke Pope		Luke.pope@lls.nsw.gov.au
NSW Public Works	Nicole Bailey		Nicole.bailey@finance.nsw.gov.au
NSW Health – Functional Area Coordinator	Rhonda Stewart		Rhonda.stewart@health.nsw.gov.au
NSW Transport – Functional Area Coordinator	Alex Codina		Alex.codina@transport.nsw.gov.au

Agency	Name	Mobile Phone	Email
NSW Environment Protection Authority	Nigel Sargent		Nigel.sargent@epa.nsw.gov.au
Insurance Council of Australia	Karl Sullivan		ksullivan@insurancecouncil.com.au
Office of the NSW Small Business Commissioner	Tyler Wakefield		tyler.wakefield@smallbusiness.nsw.gov.au
Community Reference Group Rep.	Mayor Peter Beer		Peter.beer@snowymonaro.nsw.gov.au
Office of Emergency Management	Alex Chidzey		alexander.chidzey@justice.nsw.gov.au
DPIE – Regional Coordinator	Heidi Stratford		Heidi.stratford@dpc.nsw.gov.au
ADF	TBC		
Service NSW	Christine Kosorukow		Christine.kosorukow@service.nsw.gov.au
National Parks & Wildlife	TBC – Dave Darlington		

Note: This list is a guide only and is designed to be tailored for each event. Other agencies may be added or removed as necessary.

This page left intentionally blank.

10.1 KOSCIUSZKO ROAD SPEED LIMIT

Record No:

Responsible Officer: Chief Executive Officer
Author: Councillor John Castellari
Attachments: Nil

Councillor John Castellari has given notice that at the Ordinary Meeting of Council on 19 March 2020, he will move the following motion.

MOTION

That Council direct the CEO to approach Transport NSW to request a review of the appropriateness of the speed limit on the Kosciuszko Road (highway) just north of the Snowy Valley Hotel, East Jindabyne, (as indicated in attached maps) through to the recently installed 80 kph limit just north of Rainbow Drive, with a view to setting the speed limit at 80 kph or lower.

BACKGROUND

Summary

This issue has been pursued by residents for over three years now and the accident rate is increasing. The intersection of Jerrara Drive and the highway is the only entrance/exit to and from East Jindabyne, which is currently experiencing accelerated population growth and associated increase in traffic movements.

Trucks in particular gather speed downhill past the intersection because they are keen to keep the momentum for the uphill section that follows; this is true in both directions, as the intersection sits between two steep gradients. A reduced speed limit would decrease pressure on all drivers, especially those driving heavy vehicles, to maintain speed.

A recent truck accident (5 February 2020) on this stretch of road resulted in the death and maiming of many cattle and significant injuries to the driver of a car which collided with the truck. The highway, which is the main road access to Jindabyne, was closed for 21 hours, causing general chaos to traffic. Recent bushfires in the area also make it absolutely crucial that the road is safe to travel.

The population has doubled in 5 years with many young families moving into the area; there is significant residential construction under way or planned.

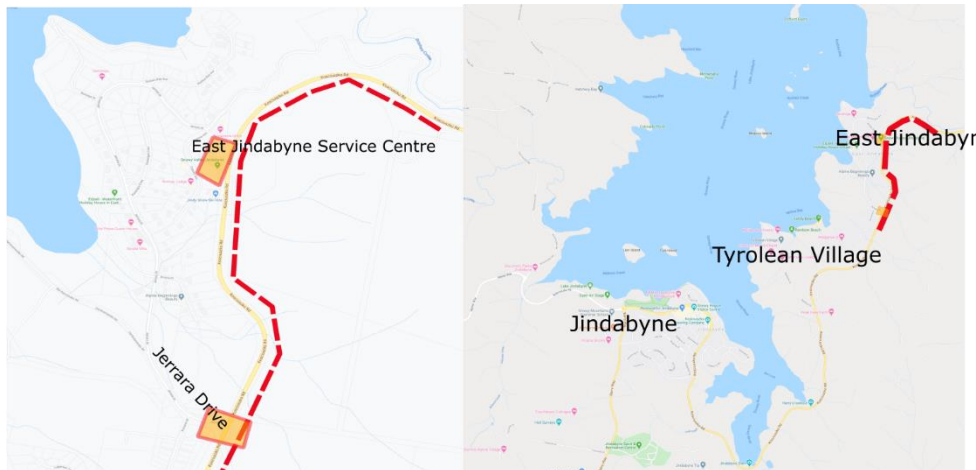
This stretch of road includes a service station, café and a hotel, requiring commercial traffic to re-enter the highway with vehicles moving at 100kph or more.

Approaches by residents to State government have been unsuccessful and they are now asking Council to seek a speed limit review on their behalf.

Detailed background

The Jindabyne East Residents Committee, representing over 80 households in the East Jindabyne village, has approached me as Councillor to assist them with a road safety matter they have been trying to resolve for more than three years now. I have been advised by staff that the most effective way to resolve this issue would be to have the CEO approach Transport NSW and request a review of the speed limit, currently 100kph.

Residents would like the speed limit reduced on the Kosciuszko Road ('the highway') from 100kph to at least 80kph for a 3km stretch in the vicinity of East Jindabyne (red section in maps below).



Residents are asking for the speed limit to be reduced from 100 to 80 kph because of three safety concerns:

1. Highway junction at Jerrara Drive (Orange Square in bottom of left map above). Jerrara Drive junction carries all the traffic into and out of East Jindabyne, a village that has doubled in size in the last 5 years and which will double again within the next 10 (owing to three new residential subdivisions). The sections of the highway that flank this intersection are both steep descents, bounded by two sharp corners. A car turning out from Jerrara Drive across two lanes heading southbound has 6 to 8 seconds to do so after first sighting a vehicle on the highway at either, or both, bends. For small cars, this manoeuvre takes about 4 seconds, leaving very little room for error. For heavy vehicles (school bus, construction vehicles) and for vehicles with trailers, which are prevalent in East Jindabyne due to large amounts of construction and lake-based recreation, the danger is even greater. During the ski season and the summer months, both Jerrara Drive and the highway experience very high traffic loads due to tourism, making the total risk of a serious accident at this intersection a serious concern.
 2. Highway junction with East Jindabyne service centre (orange square in top of left map above). This centre comprises a hotel, service station, ski hire shop and a highly popular coffee shop. The service station also acts as the mail centre for all the residents of East Jindabyne and surrounding areas. Thus, the flow of traffic into and out of the centre is high, especially during the winter season. There are two aspects to the danger, namely:
 - (a) There are two locations at which vehicles enter and exit the service station/shops area. On one of these (the south one) there are no markings and so cars use it to both enter and exit the service area from the highway. They do so at speed because of pressure from fast-moving highway traffic.
-

(b) A steep descent and blind corner on the highway to the north of the junction makes both of these exit/entrances dangerous for south-bound vehicles.

3. Topography of this highway section. Independent of the hazards associated with the two junctions described above, the topography on this section of the highway is such that, with the exception of approximately 300m surrounding the Jerrara Drive junction, the recommended speed is below 85kph.

Thus, the change of speed limit from 100kph to 80kph for this 3km section will **make no material difference to highway users** but will greatly **improve the safety of a large number of residents and visitors to East Jindabyne.**

Over the past 3 years, residents have engaged with the RMS official responsible for their area (Mr Fogg, who is based in Wollongong), the NSW Roads Minister and the Hon. Mr Barilaro. They have repeatedly put the case to them, as well as demonstrating very strong public support (via a petition) for the speed reduction. The responses from the RMS and the Minister can be summarised as: (a) the regulations regarding line of sight and distance from the junctions meet the standards under the regulations; (b) there have not been enough accidents in this 3km section to justify the change; (c) there is adequate signage on speed and pullover lanes; and (d) they will continue to review the situation.

The danger on this highway section was brought home once again on 5 February 2020 when a cattle truck rolled over on the steep bend to the north of Jerrara Drive resulting in serious injury to the driver of an oncoming car and the loss of life and suffering of many cattle.

The accident also caused serious disruption to the community: the road was closed for 21 hours and, because of the single entrance/exit to East Jindabyne (Jerrara Drive), caused chaos to the school bus run, commuters, businesses and services operating between Cooma, Berridale Jindabyne, East Jindabyne and its surrounding settlements.

The grave marker at the Jerrara Drive-highway intersection is a daily reminder of the fatal accident that occurred there about 10 years ago. The lived experience, according to residents, is that this section of the highway is dangerous under its current speed zoning at 100kph.

Councillors may be aware of several other situations in our LGA where the highway speed limit was reduced partly as a result of safety concerns from residents (Bredbo, Cooma North, Adaminaby, Tyrolean Village, and a section of the Alpine Way to Perisher).

GENERAL MANAGER'S RESPONSE

Clause 9. 1 of Council's Code of Meeting Practice provides as follows:

9.1 *Notices of Motion*

- (1) *The deadline for lodging notices of motion in writing for inclusion on the business paper for consideration at any meeting of the Council, shall be eleven (11) days prior to the meeting.*
 - (2) *A councillor must give notice of business in writing no later than 4.00pm on the Tuesday that follows the ordinary meeting of council.*
 - (3) *At an Ordinary meeting Councillors may give notice of motions in writing to be listed as matters on the business paper for the next Ordinary meeting of Council.*
 - (4) *The rules applying to the content of Questions also apply to the content of Notices of Motion.*
-

10.1 KOSCIUSZKO ROAD SPEED LIMIT

- (5) *Councillors are to ensure, where it is intended that staff be asked to carry out some specific defined action, that a Notice of Motion is written in such a way that, if carried, the motion carries such clear and unambiguous direction.*
-

10.2 SALE OF FORESTRY CORPORATIONS SOFTWOOD INDUSTRY

Record No:

Responsible Officer: Chief Executive Officer
Author: Councillor Sue Haslingden
Attachments: 1. Notice of Motion - Councillor Haslingden

Councillor Sue Haslingden has given notice that at the Ordinary Meeting of Council on 19 March 2020, she will move the following motion.

MOTION

The Council immediately write to the NSW Treasurer Mr Dom Perrottet, the Premier Ms Gladys Berejiklian and the Deputy Premier and Minister for Forestry Mr John Barilaro outlining that SMRC does not support the sale of the Forestry Corporation of NSW's Softwood industry (that would include the Bombala holdings) as SMRC believes the sale would have a detrimental long term effect on many of the *978 local Monaro jobs.

(*Agriculture, Forestry and Fishing Statistic profile.id.com.au/Snowy-Monaro/industries).

BACKGROUND

To fund ambitious infrastructure projects, the NSW Government have been considering selling off the softwood component of Forestry Corporation NSW.

This has been halted for the time being, due to impacts of the recent bushfires.

The deal was to involve a long-term lease of the land, and a right to grow timber (rather than the sale of the land).

Separating trees from the land is a serious miscalculation as the region and Government have already experienced when it introduced schemes and policy to provide tax breaks to create investors in forestry. The management company owned the land, whereas the investors owned the trees. The management company then charged considerably to manage the trees on behalf of the investor.

The regional fall out is still ongoing from 2010, an entangled web of investors who have rights over the trees but not the land. The land has been sold to overseas. Many thousands of hectares that were once farming properties.

A key issue is the Native Vegetation Act, where land can no longer be cleared. So cleared land is a scarce commodity for large scale monocultures such as pine plantations.

I believe we as a Local Government area that is home to a significant section of the softwood estate should voice a comment to Government as to where we stand regarding the sale of the Forestry Corporation's softwood plantations.

We do not want to see jobs jeopardised nor do we do not want to experience unlevel playing fields based on land use.

Agri Investor Daniel Kemp 3 September 2019:

'NSW Treasurer Dominic Perrottet and Deputy John Barilaro have been exploring options to potentially privatise the Govts commercial softwood plantation business.

Forestry Corporation of NSW's softwood division covers around 230,000 ha of radiata pine forests, producing timber for use in residential construction. This output is sold almost entirely into Australia's domestic market (Australian dollar asset into Australian dollar market/less volatility and currency issues).

It is one of the largest single softwood plantations in Australia or New Zealand and would therefore attract significant interest from the market.

Previously there have been attempts by government to get a sale off the ground but have stalled due to political issues around these assets in rural areas, particularly around jobs.

A good starting sale point was AU\$1 billion. Because NSW is the only state left in Australia running a softwood plantation of significant scale, Mr Perrottet said the time was right to assess whether a long-term lease of the softwood plantation was in the public interest. The long-term lease of the states electricity assets have unlocked around A\$30 billion for vital infrastructure across NSW.

Mr Barilaro has added that his focus during the process would be 'the protection of regional jobs'.

(link for above: <https://www.agriinvestor.com/nsw-explores-sale-softwood-forest-asset-recycling-extension/>)

NSW Govt drops forestry privatization push. Jodie Stephen. Port Macquarie News. February 20, 2020:

The Coalition has decided not to sell of the business after a five-month investigation which took into account recent damage to the state's forestry assets.

About 25 per cent of Forestry Corporation's softwood division suffered fire damage over the summer.

"The recent bush fire crisis has demonstrated that we need to keep this valuable asset in the hands of experienced state forestry workers who are skilled in both fire and wildlife management, skills that are needed more than ever," Mr. Walton said in a statement.

The scoping study (to sell) possibly cost \$1.3 million dollars.

(link for above: <https://www.portnews.com.au/story/6640116/nsw-govt-drops-forestry-privatisation-push/>)

NSW Government dumps plan to sell off forestry corporation because of bushfire damage to plantations. Ashleigh Raper. 20 February 2020.

As quoted by the ABC, Mr Perrottet has said “We are committed to ensuring the forestry industry recovers from the fires and the thousands of people who are employed in the sector have a strong and secure future.”

Yet this wasn’t of concern during the push to sell the lease.

Rather it was a backflip and came in on the back of “The significant damage to the sector caused by the recent bushfires was obviously a key factor in the decision made by the NSW Government” says Mr Perrottet.

(link for above: <https://www.abc.net.au/news/2020-02-20/timber-plantations-will-not-be-privatised-state-government/11983622>)

NSW government may lease commercial softwood plantations. 10 September 2019.

Deputy Premier John Barilaro said any lease of the softwood plantations would only proceed on the basis that it posed no risk to the regional jobs involved.

“My focus throughout this process is the protection of regional jobs,” Mr Barilaro said.

“I can assure Forestry Corporation workers, that as the Minister for Forestry, I am determined to grow the harvestable forestry estate across NSW, increasing timber supplies and creating more jobs and better opportunities in the sector.

“We support the decision to assess our options on the softwood business but want to reassure those people working in the plantations, they will not be left out in the cold. “This is all about what’s best for the people in NSW and that starts with the people employed on site,” he said.

<https://www.timberbiz.com.au/nsw-government-to-lease-commercial-softwood-plantations/>

GENERAL MANAGER’S RESPONSE

Clause 9. 1 of Council’s Code of Meeting Practice provides as follows:

9.1 Notices of Motion

- (1) *The deadline for lodging notices of motion in writing for inclusion on the business paper for consideration at any meeting of the Council, shall be eleven (11) days prior to the meeting.*
 - (2) *A councillor must give notice of business in writing no later than 4.00pm on the Tuesday that follows the ordinary meeting of council.*
 - (3) *At an Ordinary meeting Councillors may give notice of motions in writing to be listed as matters on the business paper for the next Ordinary meeting of Council.*
 - (4) *The rules applying to the content of Questions also apply to the content of Notices of Motion.*
 - (5) *Councillors are to ensure, where it is intended that staff be asked to carry out some specific defined action, that a Notice of Motion is written in such a way that, if carried, the motion carries such clear and unambiguous direction.*
-

This page left intentionally blank.



Notice of Motion

Submitted for Meeting of. General Council Meeting
(Council or name of Committee)

Date of Meeting 19 March 2020

Submitted by Sue Haslingden
(Councillor Name)

Motion:

The Council immediately write to the NSW Treasurer Mr Dom Perrottet, the Premier Ms Gladys Berejiklian and the Deputy Premier and Minister for Forestry Mr John Barilaro outlining that SMRC does not support the sale of the Forestry Corporation of NSW's Softwood industry (that would include the Bombala holdings) as SMRC believes the sale would have a detrimental long term effect on many of the *978 local Monaro jobs.

(*Agriculture, Forestry and Fishing Statistic profile.id.com.au/snowy-monaro/industries).

Background:

To fund ambitious infrastructure projects, the NSW Government have been considering selling off the softwood component of Forestry Corporation NSW.

This has been halted for the time being, due to impacts of the recent bushfires.

The deal was to involve a long-term lease of the land, and a right to grow timber (rather than the sale of the land).

Separating trees from the land is a serious miscalculation as the region and Government have already experienced when it introduced schemes and policy to provide tax breaks to create investors in forestry. The management company owned the land, whereas the investors owned the trees. The management company then charged considerably to manage the trees on behalf of the investor.

The regional fall out is still ongoing from 2010, an entangled web of investors who have rights over the trees but not the land. The land has been sold to overseas. Many thousands of hectares that were once farming properties.

A key issue is the Native Vegetation Act, where land can no longer be cleared. So cleared land is a scarce commodity for large scale monocultures such as pine plantations.

I believe we as a Local Government area that is home to a significant section of the softwood estate should voice a comment to Government as to where we stand regarding the sale of the Forestry Corporation's softwood plantations.

We do not want to see jobs jeopardised nor do we do not want to experience unlevel playing fields based on land use.

We do want a vibrant forestry industry that contributes locally and regionally. Until that has been clearly demonstrated, presented and discussed with SMRC, we stand firm in supporting that there be NO sale of the Forestry Corporation of NSW's softwood industry.

Agri Investor Daniel Kemp 3 September 2019:

'NSW Treasurer Dominic Perrottet and Deputy John Barilaro have been exploring options to potentially privatise the Govts commercial softwood plantation business.

Forestry Corporation of NSW's softwood division covers around 230,000 ha of radiata pine forests, producing timber for use in residential construction. This output is sold almost entirely into Australia's domestic market (Australian dollar asset into Australian dollar market/less volatility and currency issues).

It is one of the largest single softwood plantations in Australia or New Zealand and would therefore attract significant interest from the market.

Previously there have been attempts by government to get a sale off the ground but have stalled due to political issues around these assets in rural areas, particularly around jobs.

A good starting sale point was AU\$1 billion. Because NSW is the only state left in Australia running a softwood plantation of significant scale, Mr Perrottet said the time was right to assess whether a long-term lease of the softwood plantation was in the public interest. The long-term lease of the states electricity assets have unlocked around A\$30 billion for vital infrastructure across NSW.

Mr Barilaro has added that his focus during the process would be 'the protection of regional jobs'.

(link for above: <https://www.agriinvestor.com/nsw-explores-sale-softwood-forest-asset-recycling-extension/>)

NSW govt drops forestry privatization push. Jodie Stephen. Port Macquarie News. February 20, 2020:

The Coalition has decided not to sell of the business after a five-month investigation which took into account recent damage to the state's forestry assets.

About 25 per cent of Forestry Corporation's softwood division suffered fire damage over the summer.

"The recent bush fire crisis has demonstrated that we need to keep this valuable asset in the hands of experienced state forestry workers who are skilled in both fire and wildlife management, skills that are needed more than ever," Mr. Walton said in a statement.

The scoping study (to sell) possibly cost \$1.3 million dollars.

(link for above: <https://www.portnews.com.au/story/6640116/nsw-govt-drops-forestry-privatisation-push/>)

NSW Government dumps plan to sell off forestry corporation because of bushfire damage to plantations. Ashleigh Raper. 20 February 2020.

As quoted by the ABC, Mr Perrottet has said "We are committed to ensuring the forestry industry recovers from the fires and the thousands of people who are employed in the sector have a strong and secure future."

Yet this wasn't of concern during the push to sell the lease.

Rather it was a backflip and came in on the back of “The significant damage to the sector caused by the recent bushfires was obviously a key factor in the decision made by the NSW Government” says Mr Perrottet.

(link for above: <https://www.abc.net.au/news/2020-02-20/timber-plantations-will-not-be-privatised-state-government/11983622>)

NSW government may lease commercial softwood plantations. 10 September 2019.

Deputy Premier John Barilaro said any lease of the softwood plantations would only proceed on the basis that it posed no risk to the regional jobs involved.

“My focus throughout this process is the protection of regional jobs,” Mr Barilaro said.

“I can assure Forestry Corporation workers, that as the Minister for Forestry, I am determined to grow the harvestable forestry estate across NSW, increasing timber supplies and creating more jobs and better opportunities in the sector.

“We support the decision to assess our options on the softwood business but want to reassure those people working in the plantations, they will not be left out in the cold. “This is all about what’s best for the people in NSW and that starts with the people employed on site,” he said.

<https://www.timberbiz.com.au/nsw-government-to-lease-commercial-softwood-plantations/>

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)

PO Box 714 COOMA NSW 2630 | 1300 345 345 | council@snowymonaro.nsw.gov.au |
www.snowymonaro.nsw.gov.au

10.3 SNOWY HYDRO TRAFFIC MOVEMENT REPORT

Record No:

Responsible Officer: Chief Executive Officer
Author: Councillor John Last
Attachments: 1. Notice of Motion - Councillor Last

Councillor John Last has given notice that at the Ordinary Meeting of Council on 19 March 2020, he will move the following motion.

MOTION

That Council

- A. Request Snowy Hydro to provide full details of traffic movements from the plant at Polo Flat Road and the proposed route through the town of Cooma including detailed traffic movements, types of vehicles and weights, both laden and unladen and hours of movements. Such traffic movements are in respect of the factory to be established at Polo Flat, and in relation to materials from that factory to be moved to works in connection with the proposed tunnels to be constructed; and
- B. That the aforementioned information be provided within 21 days from the date of the Council meeting.

BACKGROUND

Nil.

GENERAL MANAGER'S RESPONSE

Clause 9. 1 of Council's Code of Meeting Practice provides as follows:

9.1 Notices of Motion

- (1) *The deadline for lodging notices of motion in writing for inclusion on the business paper for consideration at any meeting of the Council, shall be eleven (11) days prior to the meeting.*
 - (2) *A councillor must give notice of business in writing no later than 4.00pm on the Tuesday that follows the ordinary meeting of council.*
 - (3) *At an Ordinary meeting Councillors may give notice of motions in writing to be listed as matters on the business paper for the next Ordinary meeting of Council.*
 - (4) *The rules applying to the content of Questions also apply to the content of Notices of Motion.*
 - (5) *Councillors are to ensure, where it is intended that staff be asked to carry out some specific defined action, that a Notice of Motion is written in such a way that, if carried, the motion carries such clear and unambiguous direction.*
-

Notice of Proposed Resolution

I hereby give Notice of our intention to move the following resolution:

That this Council requests Snowy Hydro to provide full details of traffic movements from the plant at Polo Flat and the proposed route through the town of Cooma including detailed traffic movements, type of vehicles and weights, both laden and unladen and hours of movements. Such traffic movements are in respect of the factory to be established at Polo Flat, and in relation to materials from that factory to be moved to works in connection with the proposed tunnels to be constructed.

That the aforesaid information be provided within 21 days from the date of the meeting.

Dated this 20th day of March 2020.

Mover: JOHN LAST

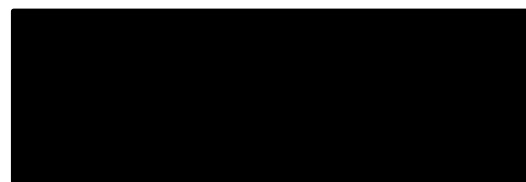
Name



Signature

Seconder: Sue Haslingden

Name



Signature

This page left intentionally blank.

13. CONFIDENTIAL MATTERS

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

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

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

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

RECOMMENDATION

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

13.1 Termination of Lake Wallace Grazing Lease

Item 13.1 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.2 Legal Actions and Potential Claims Against SMRC as at 29 February 2020

Item 13.2 is confidential in accordance with s10(A)(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.3 Proposed Acquisition of Easement for Access to Middlingbank Quarry

Item 13.3 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.4 Purchase of Lot 3 DP 1242464 - Cooma Levee Bank

Item 13.4 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage

on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

13.5 PROPOSED CLOSURE AND SALE OF PUBLIC PATHWAY IN KALKITE

Item 13.5 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

2. The press and public be excluded from the proceedings of the Council in Closed Session on the basis that these items are considered to be of a confidential nature.
3. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as confidential and be withheld from access by the press and public, until such time as the Council resolves that the reason for confidentiality has passed or become irrelevant.
4. That the resolutions made by the Council in Closed Session be recorded in the Minutes of the Council Meeting.
5. That upon this recommendation being moved and seconded, the Chairperson invite representations from the public as to whether this part of the meeting should be closed to consider the nominated item.