



**ORDINARY-POLICY & STRATEGY
MEETING**

BUSINESS PAPER

30 JULY 2020

THE MEETING WILL BE HELD AT 2.00PM
VIA VIDEO LINK

Disclosure of Pecuniary Interests at meetings (extract from the Code of Conduct – Section 4)

4.28 Councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:

- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- (b) at any time during which the council or committee is voting on any question in relation to the matter.

4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

4.31 Disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

Disclosure of Political Donations and Gifts

The *Environmental Planning and Assessment Act 1979* places obligations on Councillors, staff, applicants and any person who makes a public submission, to disclose information relating to political donations and gifts during the environmental plan making or development assessment process.

The fact that political donations or gifts have been made by applicants / proponents of a planning application should not affect whether an application is approved or refused. Political donations or gifts should not be relevant in making a determination. The matter should be determined on its merits. Nor do they provide grounds for challenging the determination of any applications.

For further information, visit www.planning.nsw.gov.au/donations

Furthermore, for each planning decision made at a Council or Committee Meeting, the names of Councillors who supported the decision and those that oppose the decision must be recorded. (*Sec. 375A of the Local Government Act 1993*)

Use of mobile phones and the unauthorised recording of meetings (extract from the Code of Meeting Practice – Section 15)

15.21 Councillors, council staff and members of the public must ensure that mobile phones

are turned to silent during meetings of the council and committees of the council.

15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Livestreaming of Meetings

(extract from the Code of Meeting Practice – Section 5)

This meeting is live streamed on Council's website to allow the community to follow Council debates and decisions without the need to attend meetings in person. Members of the public attending or speaking at a meeting agree to have their image, voice and personal information (including name and address) recorded and publicly broadcast. Snowy Valleys Council does not accept liability for any defamatory remarks or inappropriate comments that are made during the course of a meeting. Any part of the meeting that is held in closed session will not be streamed.

5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

Photography

Flash photography is not permitted at a meeting of the Council or a Committee of the council without the consent of the Chief Executive Officer.

Public Forum

(extract from the Code of Meeting Practice – Section 4)

4.1 The Council may hold a public forum prior to each Ordinary Council meeting for the purpose of hearing oral submissions on items of business to be considered at the meeting.

4.2 Public forums are to be chaired by the mayor or their nominee.

Those attending must comply with the terms and conditions of the Code of Meeting Practice which can be viewed on Councils website;

<http://www.snowyvalleys.nsw.gov.au/Council/Governance/Policies>



Thursday 30 July 2020

Via Video Link

2.00pm

AGENDA

1. ACKNOWLEDGEMENT OF COUNTRY

We would like to acknowledge the traditional custodians of this land and pay respects to Elders past and present.

2. APOLOGIES AND LEAVE OF ABSENCE

3. DECLARATIONS OF PECUNIARY INTEREST

Pursuant to Section 4 of the Code of Conduct, Councillors are required to declare any direct or indirect pecuniary interest in any matters being considered by Council.

4. CONFIRMATION OF MINUTES

Nil

5. URGENT BUSINESS WITHOUT NOTICE

6. GOVERNANCE AND FINANCIAL REPORTS

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7. MANAGEMENT REPORTS

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8. CONFIDENTIAL

9. MEETING CLOSURE

6. GOVERNANCE AND FINANCIAL REPORTS**6.1 DRAFT BORROWING POLICY - FOR PUBLIC EXHIBITION**

REPORT AUTHOR: CHIEF FINANCIAL OFFICER
RESPONSIBLE DIRECTOR: CHIEF FINANCIAL OFFICER

EXECUTIVE SUMMARY:

This report seeks the endorsement of Council to place the following policy on public exhibition for a minimum of 28 days.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on the DRAFT Borrowing Policy.**
2. **Endorse the DRAFT Borrowing Policy SVC-FIN-PO-106-01 and in accordance with the *Local Government Act 1993*, s160, place the DRAFT Borrowing Policy on public exhibition for a period of no less than 28 days.**
3. **Note that if submissions are received during the public exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the policy.**
4. **Adopt the policy if no submissions are received on the day after the completion of the public exhibition.**

BACKGROUND:

From time to time Council considers funding of expenditure by external borrowing. Consistent with part 12 of the *Local Government Act 1993*, Council may borrow for any purpose allowed under the Act. Council's Borrowing Policy has been developed to ensure compliance with legislative requirements contained in the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and other statutory and legislative requirements.

REPORT:

The Borrowing Policy has been developed to provide clear guidelines and information for Council officers and Councillors. The purpose of the policy is to detail the principles upon which Council bases its decisions when considering any type of expenditure to be funded by borrowing.

Council's policy position is that long-term borrowing will only be utilised for capital improvements that cannot be financed from existing sources, or for income-producing assets or assets that can be matched to a revenue stream. Borrowing will not be used to finance current operations.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**Integrated Planning and Reporting Framework:
CSP Outcome 2028**

Theme 5: Our Infrastructure

Delivery Outcomes

4.5 Council demonstrates strong leadership through a governance framework which drives progress towards achieving the community vision

Operational Actions

4.5.5 Coordinate Policy Harmonisation Project

SUSTAINABILITY ASSESSMENT:

N/A

Financial and Resources Implications

N/A

Costs and Benefits:

N/A

Policy, Legal and Statutory Implications:

The *Local Government Act 1993* governs Council's ability to borrow funds.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

To mitigate risk to Council to ensure that the organisation is compliant with legislation.

OPTIONS:

Council may endorse, amend or decline the recommendations made in this report.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The policy, as per the recommendation, will be advertised for a minimum of 28 days for public feedback. Any relevant and applicable feedback will be collated by Council Officers and returned to Council for consideration.

Attachments

- 1 DRAFT Borrowing Policy - SVC-FIN-PO-106-01 (under separate cover) [⇒](#)

7. MANAGEMENT REPORTS**7.1 DRAFT LIQUID TRADE WASTE POLICY - FOR PUBLIC EXHIBITION**

REPORT AUTHOR: PLUMBING DRAINAGE & WASTEWATER OFFICER
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

Liquid trade waste is described as any discharge to a wastewater collection system that is not of a domestic origin. Liquid trade waste can present a number of issues to the wastewater reticulation network and treatment plant.

Council policies are intended to be workable and relatively simple, such that Council has the ability to provide acceptable and efficient customer service. This policy provides the detailed explanations to enable council officers to make informed decisions on trade waste discharges. This policy document is based on the model policy contained in the NSW Department of Planning, Industry and Environment (DPIE) Liquid Trade Waste Regulation Guidelines.

This report proposes a harmonisation of the Tumut and Tumbarumba liquid trade waste policies to cover liquid trade waste discharges in all Snowy Valleys Council's wastewater networks.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on the Draft Liquid Trade Waste Policy (SVC-HB-PO-035-01) from the Executive Director Infrastructure.**
- 2. Approve the Draft Liquid Trade Waste Policy SVC-HB-PO-035-01 for Public Exhibition for a period of no less than 28 days, including amendments (if any) as requested at this meeting**
- 3. Note if submissions are received during the exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the policy**
- 4. Adopt the draft Liquid Trade Waste Policy as presented, including amendments (if any), if there are no submissions or changes required.**

BACKGROUND:

The draft Liquid Trade Waste Policy has been developed to accommodate the Snowy Valleys Council's requirement for the management of non-residential discharges into its wastewater network. The draft Snowy Valleys Council Liquid Trade Waste Policy is a harmonisation of the two previous Council's (Tumut and Tumbarumba) existing policies. It is a requirement of Section 160 of the Local Government Act 1993 that the draft Liquid Trade Waste policy is displayed on public exhibition for a period of no less than 28 days.

REPORT:

Snowy Valleys Council provides wastewater collection services to the community; this service is funded by users through annual access charges for residential lots and for non-residential connections, quarterly usage charges also apply based on water usage.

In addition to annual access and usage charges, non-residential trade waste dischargers are subject to additional charges depending of the nature of the discharge and levels of contamination present.

Access and usage charges are set to recover the costs of providing wastewater services, including operations and maintenance activities, and to raise the income necessary for the long term financial sustainability of the wastewater businesses, including investments required for replacement of aging infrastructure and upgrades required due to increasing levels of compliance, increasing public expectations and to reduce environmental impacts.

The adoption of the draft Liquid Trade Waste Policy will allow Snowy Valleys Council to effectively regulate wastewater and trade waste dischargers in accordance with the NSW Framework for Regulation of Liquid Trade Waste and best practice management of Water Supply and Wastewater Guidelines.

The draft SVC Policy is in accordance with the NSW Department of Planning, Industry and Environment's (DPIE) current liquid trade waste policy requirements and incorporates feedback from DPIE. This policy mirrors the previous policies of the Tumut and Tumbarumba Councils.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 5: Our Infrastructure

Delivery Outcomes

5.4 Provide a program to deliver and improve public amenities and infrastructure which meets an acceptable community standard

Operational Actions

5.2.4 Maintain and improve public facilities, buildings, amenities within budget

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Ensuring adequate wastewater services are provided to the community.	Not all areas of the community are able to be serviced by wastewater collection systems.
Environmental	Ensuring appropriate measures and controls for wastewater discharged to the reticulation networks are in place to minimise any potential impact of the treated wastewater effluent on the receiving environment.	Nil
Economic	Providing wastewater services to as many areas of our community as possible at an appropriate, fair and equitable cost.	Nil
Governance	Council provides and regulates appropriate wastewater systems in line with best practice management.	Nil

Financial and Resources Implications

The resources required to administer this policy are already included in the wastewater business.

The adoption of streamlined policy and documentation enables the efficient processing of applications and administration of trade waste customers by Council staff.

Costs and Benefits:

The expected costs of introducing this policy are negligible.

The expected benefits include: increased efficiency of service, improved clarity around responsibilities of trade waste customers, reduced environmental risks from improving quality of discharges to the wastewater networks and reputational benefits for Council from ensuring that wastewater networks and treatment systems are operated following best practice guidelines.

Policy, Legal and Statutory Implications:

This policy complies with the following legislation, including specific subsections, as appropriate:

- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Water Management Act 2000

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Implementation of the best practice guidelines and annual wastewater reporting to the NSW Department of Planning, Industry and Environment (DPIE), assist with ensuring that Council's wastewater services are managed for sustainable business operations and positive environmental outcomes.

OPTIONS:

Council may choose to:

- Endorse the proposed Liquid Trade Waste Policy, without amendment, for public exhibition;
- Endorse the proposed Water and Sewer Charging Policy, with amendment, for public exhibition;
- Require further changes to the policy and protocols presented and relevant feedback can be incorporated with the policy resubmitted for consideration at a future meeting.
- Adopt the proposed Liquid Trade Waste Policy (with or without amendment) and following public exhibition, should no submissions be made and/or no further changes are required.

COUNCIL SEAL REQUIRED:

Not required

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The policy will be placed on public exhibition for a period of 28 days for the purpose of community feedback.

Subject to feedback or any further changes, an additional report will be presented to Council, commenting on feedback and amending the policy where this is considered appropriate.

Attachments

- 1 DRAFT - Liquid Trade Waste Policy - ECM_3051996 (under separate cover) ⇨
- 2 DRAFT - Liquid Trade Waste Approval Renewal Form - ECM_3052603 (under separate cover) ⇨
- 3 DRAFT - Liquid Trade Waste Application Form - Retail Food Outlet - ECM_3052604 (under separate cover) ⇨
- 4 DRAFT - Liquid Trade Waste Application Form - High Risk and Large Dischargers - ECM_3052605 (under separate cover) ⇨

- 5 DRAFT - Liquid Trade Waste Application Form - Service Stations Mechanical Workshops - ECM_3052606 (under separate cover) [⇒](#)
- 6 DRAFT - Liquid Trade Waste Application Form - Tankered Waste - ECM_3053167 (under separate cover) [⇒](#)
- 7 DRAFT - Liquid Trade Waste Application Form - Laboratory Health Services Photogenic Dental - S - ECM_304499 (under separate cover) [⇒](#)

7. MANAGEMENT REPORTS**7.2 DRAFT WATER AND WASTEWATER CHARGING POLICY - FOR PUBLIC EXHIBITION**

REPORT AUTHOR: WATER & WASTEWATER ENGINEER
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

Snowy Valleys Council provides water supply and wastewater collection services to the community; these services are funded by users through annual access and quarterly usage charges.

Access and usage charges are set to recover the cost of providing water and wastewater services, including operations and maintenance activities, and to raise the income necessary for the long term financial sustainability of the water supply and wastewater businesses, including investments in new and replacement infrastructure.

Council policies are intended to be workable and relatively simple, such that Council has the ability to provide acceptable and efficient customer service.

This report proposes a new water and wastewater charging policy, including revised options for customers where there is a water account dispute and/or undetected water leak, and further clarification for several issues not adequately addressed elsewhere.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive this report on the Draft Water and Wastewater Charging Policy from the Executive Director Infrastructure**
- 2. Place the DRAFT Water and Wastewater Charging Policy SVC-ENG-PO-105-01 on public exhibition for a period of no less than 28 days, including amendments (if any) as requested at this meeting**
- 3. Following the required public consultation period, a further report shall be presented outlining the public submissions and any amendments to the policy**
- 4. Adopt the Draft Water and Wastewater Charging Policy as presented, including amendments (if any), if no submissions are received during the exhibition period**

BACKGROUND:

Snowy Valleys Council provides water supply and wastewater collection services to the community; these services are funded by users through annual access and quarterly usage charges.

Access and usage charges are set to recover the cost of providing water and wastewater services and to raise the income necessary for the long term financial sustainability of the water supply and wastewater businesses.

Infrastructure required to service developments is funded by developers through construction costs and headworks (developer) charges, as is necessary to ensure that ratepayers are not funding the impact of development on the existing infrastructure.

Fees and charges for water supply and wastewater services across the former Tumbarumba and Tumut Shire Councils were harmonised for Snowy Valleys Council in 2019/20.

The former Tumbarumba Shire Council policy documents incorporated water billing and dispute resolution, that is, the "Sewer, Water and Water Meter Policy" which also referred to procedure (TSC-COR-PO-073-0); both former Councils had financial hardship policies.

The former Tumbarumba policy serves the basis for expansion to cover Snowy Valleys Council's water supply and wastewater billing matters and dispute resolution. Water supply and wastewater connections, and other non-billing matters, are to be covered in separate policies.

Council policies are intended to be workable and relatively simple, such that Council has the ability to provide acceptable and efficient customer service, including resolution of water billing disputes; the need to respond quickly to customer enquiries is a Key Performance Indicator (KPI).

REPORT:

The purpose of the proposed water and wastewater charging policy is to improve customer service through addressing key issues, as briefly summarised in the table below:

Item	Issue	Comments
1	Responsibilities	The policy introduces specific sections covering responsibilities for both customers and Council.
2	Description of Access and Usage Charges	<p>The policy elaborates on the access and usage charges applicable to residential and non-residential properties for water supply and wastewater services.</p> <p>Water and wastewater access and usage charges are applied to:</p> <ul style="list-style-type: none"> Promote efficient water use and distribute costs equitably among customers; Be simple to understand and implement; Raise sufficient annual income for long-term financial sustainability; Comprise a two-part tariff including a uniform annual access charge per property and a uniform water usage charge/kL for all consumption measured at the customer's water meter. Incorporate a uniform wastewater bill for residential properties and a 2-part tariff for non-residential customers wastewater charges; Apply appropriate fees and charges for liquid trade waste dischargers in accordance with the liquid trade waste policy.
3	Water Billing Disputes	<p>This section provides additional information for how Council will adjust accounts in the event of a fault with the water meter.</p> <p>The policy proposes adjustment of the concession applied under the former Tumbarumba Shire Council policy, this concession is now provided in a section specifically for the purpose of undetected leaks, see item 4 below.</p>
4	Undetected Water Leaks	<p>The policy introduces a specific section addressing undetected water leaks.</p> <p>Customers are responsible for all water which has passed through the water meter at their property. Accordingly, customers are responsible for water leaks which occur as a result of the failure of internal water lines or devices, including breaks and repairing water leaks downstream</p>

Item	Issue	Comments
		<p>of a water meter within their property.</p> <p>In the event of a burst or leaking pipe, customers must arrange and pay for a licensed plumber to undertake the necessary repair work.</p> <p>An undetected water leak is one which is hidden from view, either underground or under concrete, and a property owner could not reasonably be expected to be aware of its existence.</p> <p>Where an undetected water leak has been found and repaired, the property owner can now lodge an application for relief from some of the water account charges. For non-residential properties, this application can include the wastewater and/or trade waste usage charges as applicable.</p> <p>Relief is in the form of a partial rebate which has conditions, and is provided as an act of good faith and in the interests of good public relations with the community. The water leak must have been repaired by a licensed plumber and relief is only available once in any three year period.</p> <p>Where water leak amounts are beyond the limits of the policy, it is proposed that delegation be provided to the CEO for expedient resolution and authorisation.</p>
5	Special Meter Reads	<p>An updated special meter read form is provided for Snowy Valleys Council, replacing the form used for Tumbarumba Shire Council.</p> <p>This form is applicable for all circumstances other than during the quarterly meter reads, for which Council, will re-read a meter, at no cost to a customer, in the event that the meter reading suggests a water leak.</p> <p>A water leak is typically indicated where consumption is significantly higher than in previous billing periods.</p>
6	Fire Service Access and Usage Charges	<p>The policy clarifies that Council will require all fire services to be metered, with access and usage charges applicable, as defined in this section.</p> <p>Except for the instance of a confirmed firefighting response, all water used through a metered fire service will be charged for. Council will provide reductions to water consumption in the event of a fire, as per the procedure introduced into the policy.</p> <p>Additional information regarding how access charges will be applied, are also included.</p>
7	Non-Residential Wastewater Charges with Water Leaks	<p>The policy clarifies that in the event of adjustments to water accounts due to either a fault with a water meter and/or undetected leaks, Council will reduce the corresponding wastewater charges consistent with the reduction applied to the water account.</p> <p>This requirement was not specified in previous policies.</p>

Council policy should be workable and relatively simple in order to ensure acceptable and prompt resolution of issues; the need to respond quickly must be supported and enabled by policy.

The proposed water and wastewater charging policy is to be placed on public exhibition for the purpose of seeking feedback from the community, to ensure that any concerns or suggestions are considered for inclusion.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 1: Towns and Villages

Delivery Outcomes

1.7 Manage Council's resources in a manner which is equitable and ensures organisational sustainability

Operational Actions

1.7.3 Ensure long term financial stability of Council through forecasting balanced budgets inline with service management plans

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Ensuring adequate water supply and wastewater services are provided to the community, with due consideration to circumstances which may reasonably be outside of a customer's control, such as undetected leaks.	Not all areas of the community are able to be serviced by water supply and wastewater collection systems.
Environmental	Ensuring appropriate water tariff and recovery measures are in place to minimise water abstracted from water sources.	Nil
Economic	Providing water supply and wastewater services to as many areas of our community as possible at an appropriate cost.	Potential for a reduced revenue from usage charges where rebate applications are approved.
Governance	Council provides and regulates appropriate water and wastewater systems in line with best practice management.	Nil

Financial and Resources Implications

This policy has the potential for a minor loss of income from water usage charges depending upon the number of customers seeking concessions for undetected water leaks.

Council's pricing strategy, in accordance with Best-Practice requirements, sets 70% of its operations and maintenance revenue from residential user charges.

The application process requires written evidence from a licensed plumber and sets a time limit on the number of requests within a given period (3 years); as such, there is reduced scope for misuse of the concession process.

The adoption of a streamlined method of applying concessions for undetected leaks enables the efficient processing of applications by Council staff.

Costs and Benefits:

The expected costs of introducing this policy are negligible.

The expected benefits include: increased efficiency of service, social/community benefits enabling residents whom genuinely have an undetected leak at their property to receive a concession, and reputational benefits for Council as a compassionate organisation regarding social matters and efficient service delivery.

Policy, Legal and Statutory Implications:

This policy complies with the following legislation, including specific subsections, as appropriate:

- Local Government Act 1993;
- Local Government (General) Regulation 2005; not limited to Part 6 Water Services.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Annual water and wastewater performance reporting to the Department of Primary Industries (DPI), quarterly meter reading and the preparation and review of water and wastewater financial plans, including pricing strategies, all assist with ensuring that Council's fees and charges, water production / consumption and revenue is managed for sustainable business operation.

OPTIONS:

Council is not obligated to provide concessions for undetected water leaks; however, this is considered to be good customer service.

Council can choose to:

- endorse the proposed Water and Wastewater Charging Policy, without amendment, for public exhibition;
- endorse the proposed Water and Wastewater Charging Policy, with amendment, for public exhibition;
- require further changes to the policy and protocols presented, relevant feedback can be incorporated and the policy resubmitted for consideration at a future meeting.
- adopt the proposed Water and Wastewater Charging Policy (with or without amendment) and following public exhibition, should no submissions be made and/or no further changes are required.

COUNCIL SEAL REQUIRED:

No.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The policy will be placed on public exhibition for a period of 28 days for the purpose of community feedback. Subject to feedback or any further changes, an additional report will be presented to Council, commenting on feedback and amending the policy where this is considered appropriate.

Attachments

- 1 DRAFT - Water and Wastewater Charging Policy - ECM3053428 (under separate cover) ⇨
- 2 DRAFT - Water Leak Rebate Application Form - ECM3053421 (under separate cover) ⇨
- 3 DRAFT - Special Meter Reading Form - ECM3053426 (under separate cover) ⇨
- 4 DRAFT - Water Meter Testing Application Form - ECM3053582 (under separate cover) ⇨
- 5 DRAFT - Water Meter Works Notice Form - ECM3024628 (under separate cover) ⇨

7. MANAGEMENT REPORTS**7.3 DRAFT STOCK GRIDS AND GATES POLICY - FOR PUBLIC EXHIBITION**

REPORT AUTHOR: MANAGER TECHNICAL SERVICES
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

This report seeks the approval of Council to place the Draft Stock Grids and Gates Policy (SVC-ENG-PO-012-01) on public exhibition for a minimum of 28 days, consistent with the requirements of the Local Government Act 1993.

The policy provides guidelines for the management of gates and grids on roads owned and managed by Council as detailed in the Roads Management Policy.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive this report on the Draft Stock Grids and Gates Policy (SVC-ENG-PO-012-01) from the Executive Director Infrastructure**
2. **Approve the Draft Stock Grids and Gates Policy for Public Exhibition for a period of no less than 28 days**
3. **Note if submissions are received during the exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the policy**
4. **Adopt the Stock Grids and Gates Policy (SVC-ENG-PO-012-01) if no submissions are received on the day after the completion of the public exhibition**

BACKGROUND:

The development of a new Snowy Valleys Council Stock Grids and Gates Policy provides guidance for land owners, the community and Council across the entire Local Government Area on the management of gates and grids on roads owned and managed by Council.

REPORT:

Under Part 9 Division 2 of the Roads Act 1993, Snowy Valleys Council has authority to provide or deny approval for the placement of stock grids and gates on Council roadways.

This Policy is designed to clarify for permit holders the responsible parties and guidelines for which Council will manage grids and gates within the road corridor.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**Integrated Planning and Reporting Framework:****CSP Outcome 2028**

Theme 5: Our Infrastructure

Delivery Outcomes

5.3 Provide and partner with other agencies to deliver an effective, safe local transport network

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	This policy is intended to ensure that stock grids and gates do not impede on the safe and efficient passage of road users.	Some landholders may chose not to comply with this policy impacting on the accessibility of public roads.
Environmental	Nil	Nil
Economic	Landowners are responsible for the costs associated with the installation, maintenance and removal of stock grids and gates.	Council may incur costs to make safe if the landholder fails to make sure stock grids and gates located on public roads are safe.
Governance	This policy is consistent with the requirements of the Roads Act which requires the application of a permit system for the monitoring and maintenance of stock gates and grids	No foreseen impact

Financial and Resources Implications

The development and implementation of a new Stock Grid and Gates Policy does not have any direct impact on budgets for the organisation. The development of the Procedure for inspection and fees and charges will aim to be net neutral.

Policy, Legal and Statutory Implications:

This policy complies with the following legislation, including specific subsections, as appropriate:

- Local Government Act 1993;
- Local Government (General) Regulation 2005;

The Roads Act 1993 also informs the Stock Grid and Gates Policy and procedure.

Failure to comply with these documents could present legal and statutory issues for Council.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Failure to comply with the requirements of the Roads Act in respect to permission and management of grids and gates within the road corridor could pose reputational and business risk for council.

These assets present a public risk for road users unfamiliar with them. If unmaintained and without proper inspection regimes or appropriate maintenance, these structures can become a liability for Council and the benefitting landholders.

OPTIONS:

Council may choose to:

- Endorse the proposed Stock Grid and Gates Policy, without amendment, for public exhibition;

- Endorse the proposed Stock Grid and Gates Policy, with amendment, for public exhibition;
- Require further changes to the policy and protocols presented and relevant feedback can be incorporated with the policy resubmitted for consideration at a future meeting.
- Adopt the proposed Stock Grid and Gates Policy (with or without amendment) and following public exhibition, should no submissions be made and/or no further changes are required.

COUNCIL SEAL REQUIRED:

Not required.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The Policy, as per the recommendation, will be advertised for a minimum of 28 days for public feedback.

Any relevant and applicable feedback will be collated by Council Officers and returned to Council for consideration.

Attachments

- 1 Draft Public Gates and Grids Policy - SVC-ENG-PO-012-01 (ID2049929) (under separate cover) [⇒](#)

7. MANAGEMENT REPORTS**7.4 DRAFT STREET ACTIVITY POLICY - FOR PUBLIC EXHIBITION**

REPORT AUTHOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

This report seeks the approval of Council to place the Draft Street Activity Policy (SVC-COR-PO-031-01) on public exhibition for a minimum of 28 days, consistent with the requirements of the Local Government Act 1993.

RECOMMENDATION:**THAT COUNCIL:**

- 1. Receive the report on Draft Street Activity Policy for Public Exhibition from Executive Director Community & Corporate.**
- 2. Note the submissions received from the community as part of the consultation process for informing the list of road names included in the Draft Street Activity Policy**
- 3. Approve the Draft Street Activity for Public Exhibition for a period of no less than 28 days**
- 4. Note if submissions are received during the exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the policy**
- 5. Adopt the Draft Street Activity (SVC-COR-PO-031-01) if no submissions are received on the day after the completion of the public exhibition**

BACKGROUND:

This policy recognises the value to community groups and the broader community of the opportunity to use Council footpaths and other public land for fund raising, information provision, entertainment and services.

This policy aims to establish the circumstances under which approvals may be granted for certain activities on public roads (including footpaths) and public car parks within the Snowy Valleys Council Local Government Area (LGA).

REPORT:

The valuable contribution street activity can make to the local culture and economy is widely recognised. Elements of street activity in the form of special events, street trading and busking can add to the richness of a vibrant street environment and contribute to an innate sense of safety and security for users.

The primary purpose of this policy is to provide a framework of guiding principles and decision-making criteria for the creation of appropriate street activity now and in the foreseeable future

The Street Activity Policy provides the framework for appropriate street activity within the Snowy Valleys Local Government Area, while acknowledging that in a mixed use environment, this activity must be carefully managed for equity and fairness to all and to protect the town amenity and heritage.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**Integrated Planning and Reporting Framework:****CSP Outcome 2028**

Theme 4: Communication & Engagement

Delivery Outcomes

1.5 Support and promote community and tourism events and festivals

Operational Actions

1.5.1 Facilitate, deliver and provide support to Council and Community Events and Programs

SUSTAINABILITY ASSESSMENT:**Financial and Resources Implications**

The development and implementation of a Street Activity Policy is an internal process and does not impose any additional financial or resource implications for the organisation

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

Local Government Act 1993

Roads Act 1993

Crown lands Act 1989

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Nil

OPTIONS:

Council may endorse, amend or decline the recommendations made in this report.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Street Activity Policy, as per the recommendation, will be advertised for a minimum of 28 days for public feedback.

Any relevant and applicable feedback will be collated by Council Officers and returned to Council for consideration.

Attachments

- 1 Draft Street Activities Policy (under separate cover) [⇒](#)

7. MANAGEMENT REPORTS

7.5 CEMETERIES POLICY - FOR ADOPTION

REPORT AUTHOR: COORDINATOR OPEN SPACE & FACILITIES
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR INFRASTRUCTURE

EXECUTIVE SUMMARY:

Snowy Valleys Council exhibited the Draft Cemeteries Policy, which resulted in three external submissions being received.

These submissions were reviewed and in part, implemented into the policy.

This report seeks the adoption of the amended Cemeteries Policy.

RECOMMENDATION:

THAT COUNCIL:

1. **Receive this report on the Cemeteries Policy – feedback from public and internal exhibition**
2. **Note the three submissions received for the Draft Cemeteries Policy**
3. **Adopt the Cemeteries Policy - SVC-COR-PO-014-01 with changes**
4. **Write to the submitters, thanking them for their input and advising them of the outcome to their submission**

BACKGROUND:

The Cemeteries Policy is intended to provide guidelines on the operation and maintenance of Council's cemeteries across the Local Government Area.

This includes Council's obligations and duties for interment, providing public access, administration and the general maintenance and upkeep of its cemeteries.

REPORT:

Snowy Valleys Council exhibited the Draft Cemeteries Policy for public feedback for a minimum of 28 days.

Three submissions were received to the policy.

The table below provides a summary of the submissions and amendments made to the policy:

Submission date	Submission Summary	Comments
28 April 2020	4.4 - Grave reservations. <i>The costs involved with reserving a plot, is this then credited against the costs of interment when made? If not what is the reservation fee actually paying for?</i>	The fee for reserving a plot for future use is intended to cover the cost of establishing and maintaining the reservations area along with the administration associated with the reservation.

Submission date	Submission Summary	Comments
28 April 2020	<p>4.7 - Monuments.</p> <p><i>The section saying "Council shall not be held liable for any damage to headstones or monuments caused by normal wear and tear, ground maintenance or other parties".</i></p> <p><i>We strongly disagree with this statement. Families spend a lot of time and at times money to have memorials designed, manufactured and installed. If an individual, business or council has caused damage to such works, they should be responsible for the repair. This leads to an issue that SVC has with the current version of the memorial application.</i></p>	<p>Council takes all care in maintaining its cemeteries, however this care and maintenance does not extend to the maintenance of individual headstones or monuments. Council may undertake repairs to make safe in response to specific instances of damage caused vandalism and/or in response to issues of risk to public safety.</p> <p>The cost of any make safe work may be recovered from the interment right holder depending on the situation. Damaged caused by Council will be repaired by Council at its cost. The cost of damage caused by others may be recovered from the person/s or company that caused the damage if possible.</p>
28 April 2020	<p>Memorial works being carried out within SVC cemeteries. "Application for permission to carry out monument"</p> <p><i>Does this form a part of the SVC cemetery policy?</i></p> <p><i>Council's point (4.7) damages to monuments statement. The current application for permission to carry out our monumental, asks: As the contracted Mason I confirm that I have: (1) Public Liability Insurance (2) System of safe Works (3) Workers compensation (4) Liability Insurance for all vehicles (5) white card for all workers.</i></p> <p><i>This is currently a tick and flick exercise, no proof requested. From this as stated above, if damage does occur, there would be insurance to cover it.</i></p>	<p>Councils adopted schedule of fees and charges requires contractors engaged to undertake memorial works in any of the cemeteries to pay an annual bond for working in the cemetery to ensure that the cost of any damage that may be caused can be recovered, otherwise the bond is refunded.</p> <p>The application form for permission to carry out works in a Council cemetery will be amended to ensure that appropriate insurances along with the relevant work health systems are attached to the application.</p>
28 April 2020	<p>Section 4.1 - (General Provision)</p> <p><i>"Council is responsible for the maintenance of cemetery grounds of all public cemeteries in the LGA I wish to draw attention to the high conservation value of sections of the</i></p>	<p>Council will consider and incorporate the conservation of indigenous flora into the Service Management Plans for the maintenance and operation of the cemetery</p>

Submission date	Submission Summary	Comments
	<i>grounds of both Tumbarumba Cemetery, and Rosewood Cemetery. Rosewood Cemetery contains a representation of the original flora pre-European settlement.</i>	sites.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

Integrated Planning and Reporting Framework:

CSP Outcome 2028

Theme 5: Our Infrastructure

Delivery Outcomes

1.7 Manage Council's resources in a manner which is equitable and ensures organisational sustainability

Operational Actions

4.5.8 Complete Policy Harmonisation for Assets and Infrastructure

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	This policy aims to provide adequate and appropriate places for interment and quiet remembrance.	Some members of the community may not be satisfied with the level of maintenance and upkeep provided.
Environmental	Council recognises that Cemeteries are an important part of history that should be preserved. In some cases cemeteries also contain a significant representation of flora that should also be conserved.	The history and conservation value of cemeteries may be lost due to lack of maintenance and care.
Economic	This policy is linked to Councils fees and charges which are intended to balance the cost of operating and maintaining Councils cemeteries with affordability and providing an adequate level of service.	The available budget and subsequent level of maintenance applied to Councils cemeteries may not meet expectations.
Governance	This policy provides obligations and duties for interment, providing public access, administration and the general maintenance and upkeep of Councils cemeteries.	Some members of the community may not be satisfied with the obligations and duties applied to the management of Councils cemeteries.

Financial and Resources Implications

This policy was developed utilising internal resources, there are no further financial or resource implications associated with the development of this Policy.

Policy, Legal and Statutory Implications:

This policy replaces the former Tumut Shire Cemeteries Policy and the former Tumbarumba Shire General Cemeteries Policy.

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

This Cemeteries Policy seeks to guide Councils obligations and duties for interment, providing public access, administration and the general maintenance and upkeep of its cemeteries.

However, some members of the community may not be satisfied with the level of service provided.

OPTIONS:

Council may:

- Resolve to adopt the Cemeteries Policy
- Resolve to amend and adopt the Cemeteries Policy

COUNCIL SEAL REQUIRED:

Not required.

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The draft policy was put on exhibition for community feedback.

Council received feedback from three members of the public who raised generally consistent concerns with some of the content.

The policy was then reviewed in line with this feedback and appropriate amendments have been made.

Attachments

- 1 Draft Cemeteries Policy - SVC-COR-PO-014-01 (ID3035663) (under separate cover) [⇒](#)
- 2 ECM_3042510_v1_20200428 - Anonymous User completed Feedback Form - Draft Cemeteries Policy (under separate cover) [⇒](#)
- 3 ECM_3043301_v1_20200428 email from AJ to CEO - request extension of time for public comment to Cemeteries (under separate cover) [⇒](#)

7. MANAGEMENT REPORTS**7.6 ALCOHOL FREE ZONES POLICY - FOR ADOPTION**

REPORT AUTHOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE
RESPONSIBLE DIRECTOR: EXECUTIVE DIRECTOR COMMUNITY AND CORPORATE

EXECUTIVE SUMMARY:

The purpose of this report is to present the draft Alcohol Free Zones Policy to Council for adoption. Two submissions were received in respect of this policy.

RECOMMENDATION:**THAT COUNCIL:**

1. **Receive the report on Adoption of Draft Alcohol Free Zone Policy**
2. **Adopt the Alcohol Free Zones Policy SVC-HB-PO-080-01**

BACKGROUND:

The Alcohol Free Zone policy identifies the location and duration of alcohol free zones and alcohol prohibited zones within the Snowy Valleys Council Local Government Area.

REPORT:

The principal objective of an Alcohol Free Zone is to prevent disorderly behaviour caused by the consumption of alcohol in public areas to improve public safety.

Alcohol Free Zones can only be established by Council in accordance with Ministerial Guidelines and the Local Government Act in consultation with and endorsement by Police. The zones apply only to roads and roadways.

Snowy Valleys exhibited the Draft Alcohol Free Zones for public exhibition from the 15 May to the 13 June 2020.

One internal submission was received in respect of this policy. This requested that the Playground/Skate Park/Pump Track situated on Fitzroy Street Tumut be included in this policy. The policy has been updated to accommodate that request. This includes references to additional legislation to extend the application of the policy to areas other than roadway reserves.

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**Integrated Planning and Reporting Framework:****CSP Outcome 2028**

Theme 4: Communication & Engagement

Delivery Outcomes

4.2 Deliver a communication strategy which ensures the community receives information in a timely and convenient manner

Operational Actions

4.3.4 Promote and implement safety and well-being initiatives in accordance with Councils Resourcing Strategy and Safety Plans

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Engagement of communities in the LGA through community groups	Nil
Environmental	Provide a vision for increased perception of safe and secure environment	Nil
Economic	Nil	Nil
Governance	Meeting the obligations with regards to legislative compliance	Nil

Financial and Resources Implications

Nil

Costs and Benefits:

Nil

Policy, Legal and Statutory Implications:

The following legislation was considered:

Local Government Act 1993

Environmental Planning and Assessment Act 1979

RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:

Nil

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

The formulation of this policy was in consultation with the public through:

- Media: newspaper, website, and libraries
- Exhibition opened: 15 May 2020
- Exhibition closed: 13 June 2020

Attachments

- 1 Draft Alcohol Free Zones Policy - SVC-HB-PO-080-01 (ID3047215) (under separate cover) [⇒](#)