



# **AGENDA**

**Ordinary Meeting of Council**

**13 June 2017**



**ORDINARY MEETING OF COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS, MORUYA**

**ON TUESDAY 13 JUNE 2017**

**COMMENCING AT 10.00AM**

**AGENDA**

(Proceedings of this meeting will be recorded as per Eurobodalla Shire Council's Code of Meeting Practice)

- 1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE**
  - 2. APOLOGIES**  
Nil
  - 3. PUBLIC FORUM (AGENDA ITEMS ONLY)**
  - 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
4.1 Ordinary Meeting held on 23 May 2017
  - 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)
- Page No.**
- 6. MAYORAL REPORTS**
  - 7. NOTICES OF MOTION**  
Nil
  - 8. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil
  - 9. GENERAL MANAGER'S REPORTS**  
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	<i>Item CON17/002 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>
CON17/003	Personnel Matter
	<i>Item CON17/003 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>

**DR CATHERINE DALE  
GENERAL MANAGER**

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**GMR17/014 ENDORSEMENT OF EUROBODALLA COMMUNITY STRATEGIC PLAN E09.3480**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Under Separate Cover – Community Strategic Plan  
Under Separate Cover – Community Strategic Plan Indicator Framework  
Under Separate Cover – Confidential Submissions

Focus Area: Collaborative Communities

Delivery Program Link: C3.1 Coordinate the delivery of the Integrated Planning and Reporting Framework across the organisation

Operational Plan Link: C3.1.4 Community Strategic Plan review

### **EXECUTIVE SUMMARY**

The Community Strategic Plan (CSP) is the highest level plan that Council will prepare as part of the Integrated Planning and Reporting (IPR) framework. The CSP identifies and articulates the community's long term aspirations, priorities and vision.

Council first developed its CSP in 2010, with a comprehensive review conducted in 2012. The recent review of the Plan was conducted following the 2016 local government elections and in accordance with the Act.

In reviewing the CSP Council engaged with a broad range of stakeholders across the community. This included an independent community visioning survey in March 2016, a CSP specific survey and #myeurobodalla competition on Instagram from December 2016 to January 2017, a community roundtable workshop in February 2017 and a range of face to face, online and media engagements. Over 2,000 community members participated in the recent review process.

Our community vision to be friendly, responsible, thriving and proud has been reviewed by the community. It reflects the type of community we would like to be in ten to twenty years' time and aims to encourage commitment and a sense of common purpose and responsibility. To achieve our community vision Council has developed nine outcome areas with 34 supporting strategies. 43 key community indicators have also been developed to monitor the community's progress which Council will track and report on in four years' time.

The CSP has been prepared in accordance with Section 402 of the *Local Government Act* and the Integrated Planning and Reporting Guidelines. The draft document was exhibited for 28 days from 12 April to 9 May 2017. 22 public submissions were received and considered in the final version of the Community Strategic Plan (attached). A Community Indicator document has been developed and will be an attachment to the final Community Strategic Plan to assist Council track progress toward achieving our community's vision.

**GMR17/014 ENDORSEMENT OF EUROBODALLA COMMUNITY STRATEGIC PLAN**

**E09.3480**

**RECOMMENDATION**

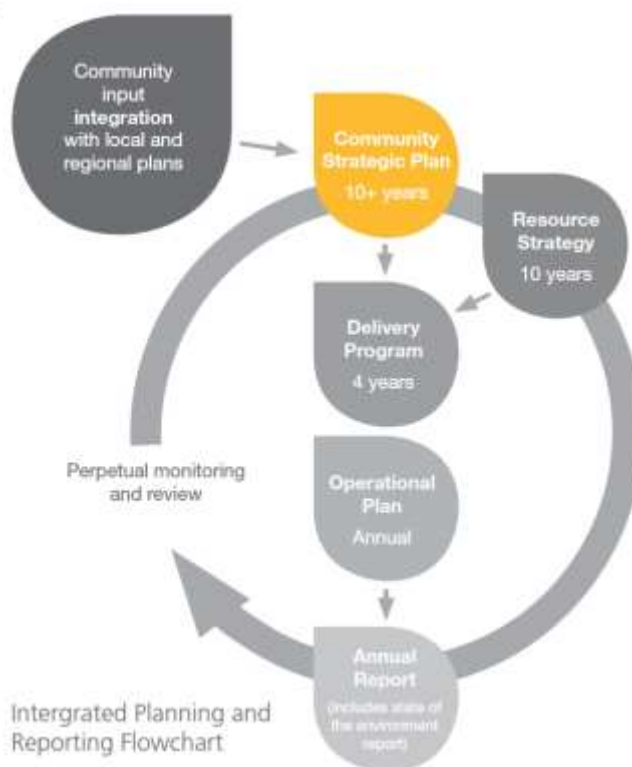
THAT:

1. Council endorse the Community Strategic Plan.
2. A copy of the Community Strategic Plan is posted on Council’s website and in accordance with the *Local Government Act 1993*, a copy will be provided to the Director-General by notifying the Minister of the appropriate URL link to access the plan within 28 days of adoption.

**BACKGROUND**

The *Local Government Act 1993* requires all NSW councils to review and adopt key Integrated Plans within 12 months following local government elections. Under NSW Integrated Planning and Reporting legislation, councils are required to prepare and endorse a Community Strategic Plan, Delivery Program and Operational Plan.

The Integrated Planning and Reporting Framework is detailed in Figure 1:



The CSP is the highest level plan that Council will prepare as part of the IPR framework. Council has a custodial role in initiating, preparing and monitoring the CSP on behalf of the community. However, it is not wholly responsible for its implementation. Other partners, such as other levels of governments, community organisations and businesses may also be engaged in delivering the long term objectives of the Plan.

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**GMR17/014 ENDORSEMENT OF EUROBODALLA COMMUNITY STRATEGIC  
PLAN**

**E09.3480**

**CONSIDERATIONS**

The Community Strategic Plan is a whole of community plan and is prepared by Council and the community. Its purpose is to identify the community's main priorities and aspirations for the future, and to provide strategies for achieving these goals. Essentially, it provides a roadmap for our future. In doing this, the planning process considers the issues and pressures that may affect the community.

The IPR Framework recognises that most communities share similar aspirations: a safe, healthy and pleasant place to live, a sustainable environment, opportunities for social interaction, opportunities for employment and reliable infrastructure. The difference lies in how each community responds to these needs. It also recognises that Council plans and policies should not exist in isolation and should be connected to Council's high level planning documents.

Underpinning this framework is Council's requirement to take a long term view and consider social, economic, environmental and civic leadership aspects, and the needs of current and future generations when making decisions.

Council first developed its CSP in 2010, with a comprehensive review conducted in 2012. The recent review of the Plan was conducted following the 2016 local government elections and in accordance with the Act.

In reviewing the CSP Council engaged with a broad range of stakeholders across the community. This included an independent community visioning survey in March 2016, a CSP specific survey and #myeurobodalla competition on Instagram from December 2016 to January 2017, a community roundtable workshop in February 2017 and a range of face to face, online and media engagements. Over 2,000 community members participated in the recent review process.

The community vision has been reviewed and developed by the community. It reflects the type of community we would like to be in ten to twenty years' time and is designed to encourage commitment and a sense of common purpose and responsibility.

Our vision is to be friendly, responsible, thriving and proud. To achieve this nine outcome areas have been developed with 34 supporting strategies, all linked to the community vision. The nine CSP outcomes include:

1. Strong communities, desirable lifestyle
2. Celebrated creativity, culture and learning
3. Protected and valued natural environment
4. Sustainable living
5. Vibrant and Diverse economy
6. Responsible and balanced development

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**GMR17/014 ENDORSEMENT OF EUROBODALLA COMMUNITY STRATEGIC  
PLAN**

**E09.3480**

7. Connected and accessible places
8. Collaborative and engaged community
9. Innovative and proactive leadership.

The CSP outcomes and strategies addresses social, environmental, economic and civic leadership goals and is based on social justice issues, in line with IPR guidelines.

**Community Indicators document**

The IPR framework requires Council to measure and report to the community on progress in implementing the CSP. Council will monitor its progress towards achieving the outcomes and strategies of the CSP using a set of 43 indicators outlined in the Community Indicator document.

The draft CSP listed 45 Community Indicators however due to difficulties in obtaining reliable and relevant data two have been removed.

The Community Indicators document will be an attachment to the final CSP and will allow Council to monitor and measure trends and progress over time in key areas to the community.

**Community Engagement**

The CSP has been developed with the community, through a number of engagement activities undertaken in both the original Plan (2010), review (2012) and in the recent review process in 2016-17.

Council endorsed a Community Engagement Strategy for the CSP review on 28 June 2016 and prepared [‘Our Story’](#), a snapshot of Eurobodalla in 2016, to inform discussion.

To inform the recent review of the CSP Council undertook the following engagement activities:

- An independent community visioning survey focusing on community wellbeing, with 810 community members participating.
- A CSP specific survey from December 2016 to January 2017, with 530 completed surveys returned. This survey included engaging with targeted stakeholders to maximise participation by all groups in the community, including direct email, visits to Council’s Youth Cafes and specific surveying of Aboriginal organisations.
- An Instagram competition #myeurobodalla to promote the survey and engage a wider age range with a total of 730 entries.
- 10 face to face events, including the Eurobodalla Show, Moruya NDIS Market Day, Narooma Rotary markets, Batemans Bay Markets and the South Durras Skate Competition to raise awareness and conduct surveys.
- Extensive coverage and information provided on Council’s website, Facebook and Council’s news and discussion forum [yoursay.esc.nsw.gov.au](http://yoursay.esc.nsw.gov.au).



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**E09.3480**

- Conducted a Community Round Table forum on 2 February, with 57 people participating.
- The draft CSP was placed public exhibition for the period of 12 April until 9 May 2017. 22 submissions were received and been provided to all Councillors to consider and incorporate in the final document where appropriate.

Overall more than 2,000 community members participated directly in the recent review of the CSP, providing ideas, experiences and priorities to inform and enrich the document.

**Summary of Submissions**

Council received 22 public submissions during the draft CSP exhibition period of 12 April until 9 May 2017. Councillors received and considered all submissions in the final Community Strategic Plan. The table below provides a summary of the issues raised in the submissions and Council’s response.

<b>Issue</b>	<b>Response</b>
Seek clarity on how progress is to be monitored with the need of more specific and tangible measures, goals and targets.	To supplement the Community Strategic Plan a Community Indicator document has been developed and will assist Council to monitor progress towards achieving the outcomes and strategies of the CSP. For each indicator the desired trend is stated providing goals and targets for the community to work towards.
The Plan requires more focus on the ‘thriving’ component.	Council is currently working on an Integrated Economic Growth and Development Strategy that will assist in attracting new business and industry into the area. Once on exhibition, Council encourages feedback on this strategy. In addition, Council's Business Development Strategic Plan and Destination Management Plan identifies key actions for enhancing the local economy and business development as well as attract visitors to the Eurobodalla. These plans are available on Council's website.
Concerns that the numbering of the outcomes imply priority.	The Community Strategic Plan outcomes are numbered from one to nine to assist with structuring and linking within the Plan and subsequent documents and it is not a representation of priority. The development of the outcomes was informed by community engagement including surveys, Instagram and a round table forum.
Council needs to do more than advocate and have ‘shovel ready projects’ and a priority list of	Council advocates for the community on a range of issues by seeking funding and other support from the NSW and Australian governments, and considering other

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<p>facilities and infrastructure that will attract State and Federal funding.</p>	<p>matters that might impact or interest the community. Council has identified key infrastructure projects which, if implemented, will have a marked impact on stimulating and sustaining the local economy as well as supporting an improved quality of life for our residents and visitors. Council's Infrastructure, driving the NSW economy document that lists identified projects is available on Council's website.</p>
<p>Additional partners be included under the Who can help?</p>	<p>The list of partners identified to help deliver the strategies of the CSP is not exhaustive. However additional partners have been included where appropriate in response to submissions received.</p>
<p>Many of the submissions raised issues that were outside the scope the CSP such as resources available to Council, The Canberra International Airport, dog control, welfare of companion animals, Huntfest, Market Garden growth, the tendering process and pathway measures.</p>	<p>The Delivery Program 2017-21 and Operational Plan 2017-18 is Council's response to the Community Strategic Plan and articulates the four year activities and annual actions Council is proposing to undertake to achieve the outcomes of the Community Strategic Plan. A number of the issues raised in the submissions that fall outside the scope of the CSP are addressed in Council's Delivery Program and Operational Plan. In addition, Council has a number of policies, plans and strategies that guide the delivery of the Council services such as the Companion Animals Management Plan, the Rural Lands Strategy and the Pathway Strategy. These documents are available on Council's website.</p>

**Changes to the exhibited Community Strategic Plan**

Below is a list of changes that have been made to the draft CSP since it was placed on exhibition:

- Page 1 - Grammatical changes.
- Page 2 - Grammatical changes. Have removed the "Reporting Progress" text as this is repeated on page 34. Boxed out last paragraph to clarify and emphasis the purpose of Delivery Program and Operational Plan.
- Pages 3 and 4 - Grammatical changes. Updated sentence structures. Included a hyperlink to Our Story.
- Page 5 - Grammatical changes. Updated statistical data with more recent data. Page 6 - Updated statistical data with more recent data.
- Page 10 - Grammatical changes. Addition of a paragraph to explain the numbering of the outcomes and strategies.
- Page 14 and 24 – Updated strategy 5.3.

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PLAN**

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- Pages 15, 17, 19, 23, 25 & 27 – Updated partners.
- Page 33 - Update number of indicators.
- Page 34 - Grammatical changes. Added further explanation for 'Control'.
- Page 35 - Grammatical changes.
- Page 36 - Removed indicator CI38 and CI45 due to lack of availability of reporting data.
- Pages 37 to 39 - Grammatical changes. Included a hyperlink to the NSW Government's plans.

**CONCLUSION**

The Community Strategic Plan has been prepared in accordance with Section 402 of the *Local Government Act* and the Integrated Planning and Reporting Guidelines. The draft document was exhibited for 28 days from 12 April to 9 May 2017. 22 public submissions were received and considered in the final version of the Community Strategic Plan (attached). A Community Indicator document has been developed and will be an attachment to the final Community Strategic Plan to assist Council track progress toward achieving our community's vision.

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**GMR17/015 ADOPTION OF POLICIES**

**E16.0297**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Policies for Adoption

Focus Area: Collaborative Communities

Delivery Program Link: C1.2 Manage the organisation to effectively and efficiently meet our statutory obligations

Operational Plan Link: C1.2.1 Respond to legislative and policy requirements set by the Department of Local Government

**EXECUTIVE SUMMARY**

All Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of Local policy – 'a Local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The following policies have been placed on public exhibition and no submissions were received:

1. Children's Services
2. Library Services
3. Liquid Trade Waste Regulation
4. Recycled Water
5. Water and Sewer Construction by Private Contractor
6. Kerb and Gutter Construction – Contribution by Property Owners
7. Pathway Construction – Contribution by Property Owners
8. Road and Pathway Opening
9. Vegetation Clearing – Roadside and Infrastructure Lines
10. Investment.

This report recommends adoption of those policies.

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**GMR17/015 ADOPTION OF POLICIES**

**E16.0297**

**RECOMMENDATION**

THAT Council adopt the following policies

1. Children's Services
2. Library Services
3. Liquid Trade Waste Regulation
4. Recycled Water
5. Water and Sewer Construction by Private Contractor
6. Kerb and Gutter Construction – Contribution by Property Owners
7. Pathway Construction – Contribution by Property Owners
8. Road and Pathway Opening
9. Vegetation Clearing – Roadside and Infrastructure Lines
10. Investment.

**BACKGROUND**

In accordance with Section 165 (4) of the *Local Government Act 1993*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months aft the declaration of the poll for that election.

**CONSIDERATIONS**

The following policies were placed on public exhibition and no submissions were received:

**Children's Services** - This policy is designed to ensure that Council continues to meet the needs of children, families and their educators via effective service provision in the Eurobodalla Shire.

The policy aims to:

- Promote an integrated framework for dealing with Children's Services.
- Ensure consistency and fairness in the manner in which the Council deals with children families, educators and staff.
- Ensure compliance with legislative requirements under the Children (Education and Care Services National Law Application) Act 2010.
- Promote awareness of the requirements of the Act with respect to The Education and Care Services National Regulations.
- Take such steps as are appropriate to ensure education and care provided to children is safe and appropriate to the needs of children and their families.
- Make the council's policies and requirements for Children's Services readily accessible and understandable to the public.

**Library Services** - This policy is designed to ensure that Council continues to provide effective Library services that meet community needs, with branches in Batemans Bay, Moruya and Narooma.

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**GMR17/015 ADOPTION OF POLICIES**

**E16.0297**

The policy aims to:

- Promote accessible, quality Library Services that meet community information and recreational needs.
- Ensure compliance with legislative requirements under the *NSW Library Act 1939*.
- Make Council's policies and code of practice requirements for Library Services readily accessible and understandable to the public.

The libraries remain a vital point of connection for our community – to information, technology and entertainment, generating social capital and enlivening the creativity and interaction of the community.

**Liquid Trade Waste Regulation** – This Policy is based on and complies with the NSW Liquid Trade Waste Regulation Guidelines.

The Policy provides for the management of liquid trade waste to the sewerage system in accordance with the NSW Liquid Trade Waste Guidelines and concurrence, as required, from the Secretary, NSW Department of Industry (DPI), Skills and Regional Development or the Secretary's nominee.

The purpose of the Policy is to provide a documented process to ensure the proper control of liquid trade waste and hence protection of public health, the environment, workers safety, and Council's sewerage system.

**Recycled Water** - Under Section 59A of the Local Government Act, Council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by Council (whether or not the land is owned by Council). The Act provides Council access to any land required to operate, repair, replace, maintain, remove, extend, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of Council, the works are used in an efficient manner for the purposes for which the works were installed.

**Water and Sewer Construction by Private Contractor** - Section 68 of the Local Government Act 1993 requires that water supply and sewerage work may only be carried out with the prior approval of Council.

Private contractors may undertake water and sewer works other than work on Council's live water and sewer assets in accordance with this and related policies.

To ensure the integrity of Council's water supply and sewerage systems and to control and minimise the impact of construction work on levels of service for customers, approval for construction work on Council's "live" water and sewer assets shall not be granted.

Construction work on Council's "live" water and sewer assets may only be carried out by Council staff or by Contractors directly engaged by Council.

**Kerb and Gutter Construction – Contribution by Property Owners** - This Policy establishes Council's position in regard to seeking contributions from property owners toward the construction of kerb and gutter along their property frontage. These contributions fund a proportion of the total cost of the works, with the remainder being funded through rates and other sources.

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**GMR17/015 ADOPTION OF POLICIES**

**E16.0297**

Eurobodalla Shire has a significant number of streets built in the 1960s, '70s and '80s without kerb and gutter and appropriate drainage. Many of these streets have inadequate pavement width and strength to support current traffic volumes, and lack appropriate off-road pedestrian areas. Council has identified a need to replace these older pavements to minimise ongoing maintenance costs.

Council undertakes a program of capital upgrade works each year to reconstruct urban streets on a priority basis. This is a key element of Council's long-term asset management strategy for roads. These works improve the quality of life and safety for residents and the community, as well as improving aesthetics and property values.

Section 217 of the *Roads Act 1993* provides that Council, as the roads authority, may require the owner of land adjoining a public road to contribute up to half of the cost of providing kerb and guttering along the frontage of their property.

For new subdivisions and developments, the developer is required to provide and/or upgrade infrastructure (including kerb and gutter) to current standards at their full costs. This ensures appropriate infrastructure is provided for the development and these costs are not passed to the ratepayer.

**Pathway Construction – Contribution by Property Owners** – This Policy was developed to establish Council's position in regard to seeking contributions from property owners toward the construction of public pathways along their property frontage.

Eurobodalla Shire has a large number of urban streets without formed pathways, ie, either a footpath or shared pathway (for pedestrians, scooters and cyclists). Less than one in five urban roads has a pathway on at least one side. This is a result of the lower standard of infrastructure provided by developers in the 1960s, '70s and '80s.

This deficiency within the urban road network has been identified as a significant issue for our community, from an accessibility, transport and road safety perspective. This is particularly the case with our ageing population. To provide pathways to all urban streets is well beyond the funding capacity of Council and the local community. To address this network deficiency, Council has developed a Pathways Strategy. This strategy identifies key pathway linkages and provides a mechanism for assisting to determine priorities.

Council has a strong record of working with communities and pursuing grant funding, as well as self-funding a program of works each year. Nevertheless, the funding is insufficient to deliver on the pathway network identified within the Strategy without assistance from land owners benefitting from the pathway works.

Section 217 of the *Roads Act 1993* provides that Council, as the roads authority, may require the owner of land adjoining a public road to contribute up to half of the cost of providing a footway along the frontage of their property. The *Roads Act 1993* defines a footway as including facilities that also provide for cyclists.

For new subdivisions and/or developments above a single residence, the developer is required to provide appropriate pathways along their frontage at their full cost, as well as a Section 94 developer contribution (where a nexus is established).

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**GMR17/015 ADOPTION OF POLICIES**

**E16.0297**

**Road and Pathway Opening** - This Policy provides a standard procedure for the management of any works and activities undertaken under the Roads Act 1993 affecting Council's road reserves. These works or activities must provide construction to suitable standards, minimise Council's risk exposure and limit damage to Council's assets, including minimising the risk of reducing the life of those assets.

This Policy is designed to specifically address the process of controlling works and activities on Council road reserves and to provide a system for ensuring that Council's and the community's interests are protected as far as possible.

**Vegetation Clearing – Roadside and Infrastructure Lines** – This policy was developed to clarify the responsibilities of Council when undertaking clearing in road reserves for other infrastructure (eg, underground services), whether on public land or within private property, for maintenance or construction purposes. The management of risk from trees on private property is covered separately under the *Tree Risk Management on Council Controlled Land Policy*.

Council, as the roads authority under the *Roads Act 1993*, provides and maintains roads to support the social and economic wellbeing of the community. Council has a duty of care to manage the risks within its road reserves that may have an impact on infrastructure, people and/or the property/buildings. Section 88 of the *Roads Act 1993* stipulates that:

*“A roads authority may, despite any other Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard.”*

Vegetation adjacent to public infrastructure, such as underground services within private lands, may also pose a risk to the infrastructure, requiring removal of the vegetation; for instance, tree roots causing damage to underground services.

Where Council is aware of trees on private property that pose a significant risk to the public, eg, a tree near a public boundary at high risk of failure, Council may request the landowner to take appropriate action to ameliorate that risk. Council may also undertake tree/vegetation work to remove unwanted species (eg, non-endemic species), or to renew trees (eg, tree replacement in commercial business districts as part of the ongoing management of streetscapes).

When building new infrastructure and/or undertaking major clearing works, Council will prepare a Review of Environmental Factors (REF) in accordance with Part V of the *Environmental Planning & Assessment Act 1979* and/or the *State Environmental Planning Policy (Infrastructure) 2007*, to determine if the work may proceed, with or without measures to ameliorate any impacts of the clearing.

Customer requests seeking the removal or management of vegetation for safety reasons, to protect infrastructure from damage, to ensure infrastructure is performing its proper function, or in regard to removal of vegetation shall be tracked in Council's customer service request system.

**Investment** - This Policy is designed to ensure that Council's investments reflect the preference to reduce risk and comply with the current NSW Local Government Investing policy guidelines, 'best practice' and the current Ministerial Order.



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**GMR17/015 ADOPTION OF POLICIES**

**E16.0297**

The current Investment Policy is still current and reflects a prudent investing strategy that complies with the Act.

‘Divestment of Council investments in fossil fuel’ does not necessitate any change in the investment policy.

It is considered appropriate to adopt these policies.

**Legal**

**Children’s Services** – This policy ensures that Council complies with the Local Government Act 1993, the Children (Education and Care Services National Law Application) Act 2010 and the Education and Care Services National Regulations.

**Library Services** – This policy ensures that Council complies with the Local Government Act 1993 and the NSW Library Act 1939.

**Liquid Trade Waste Regulation** - Section 68 of the Local Government Act 1993 provides approval to discharge to Council’s sewerage system. However, Section 90(1) of the Local Government Act and Clause 28 of the Local Government (General) Regulation 2005 requires Council to obtain concurrence from the NSW Department of Industry, Skills and Regional Development (NSW Department of Industry) or the Secretary’s nominee.

**Recycled Water** - This policy ensures Council’s compliance with Section 59A of the Local Government Act 1993.

**Water and Sewer Construction by Private Contractor** - This policy ensures Council’s compliance with Section 59A of the Local Government Act 1993.

**Kerb and Gutter Construction – Contribution by Property Owners** - This policy ensures Council’s compliance with the Local Government Act 1993 and the Roads Act 1993.

**Pathway Construction – Contribution by Property Owners** – This policy ensures Council’s compliance with Section 217 of the Roads Act 1993.

**Road and Pathway Opening** – This policy ensures Council’s compliance with the Roads Act 1993.

**Vegetation Clearing – Roadside and Infrastructure Lines** – This policy ensures Council’s compliance with the Local Government Act 1993, the Roads Act 1993, Threatened Species Conservation Act 1995, Native Vegetation Act 2003 and State Environmental Planning Policy (Infrastructure) 2007.

**Community Engagement**

Council has placed the draft policies on public exhibition for a period of no less than 28 days. Copies were available for viewing on Council’s website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

No submissions were received.

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**GMR17/015 ADOPTION OF POLICIES**

**E16.0297**

**CONCLUSION**

The draft policies were placed on public exhibition for a period of no less than 28 days. The exhibition period is now complete and submissions were received. It is recommended that Council adopt the policies.

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**GMR17/017 POLICY REVIEW - CODE OF MEETING PRACTICE**

**E16.0297**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Code of Meeting Practice

Focus Area: Support Services

Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council operates

Operational Plan Link: SS1.2.2 Ensure transparency in council dealings

### **EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Code of Meeting Practice Policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT:

1. Council endorses the draft Code of Meeting Practice for public consultation.
2. The draft Code of Meeting Practice be placed on public exhibition for 42 days and, following the expiration of this period, the draft policy and any submissions be presented back to Council for adoption.

### **BACKGROUND**

The objectives of Eurobodalla Shire Council's Code of Meeting Practice are to ensure that:

- all meetings of Council are conducted in an orderly, consistent and efficient manner;
- all meetings of Council are conducted according to the principles of procedural fairness and due process;
- all councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views;
- opportunities for community engagement are provided through Council meetings;

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**GMR17/017 POLICY REVIEW - CODE OF MEETING PRACTICE**

**E16.0297**

- all councillors, Council employees and members of the public fully understand their rights and obligations as participants in meetings of Council; and
- proceedings are transparent and understandable to all persons participating in and observing meetings of Council.

Application and interpretation:

This Code may be cited as the Eurobodalla Shire Council Code of Meeting Practice.

The Code shall be interpreted in a manner which is consistent with the Local Government Act 1993 (the Act or LGA), the Local Government (General) Regulation 2005 (Regulation or Reg), the NSW Office of Local Government (OLG) *Practice Note 16: Meetings* (OLGPN16) and the Objectives of this Code.

This Code shall apply to all Council meetings (including meetings where the Council has resolved itself into a “committee of the whole” under sect. 373 of the Act), and to any meetings of committees comprising of all councillors which have been appointed pursuant to clause 260 of the Regulation.

Other committees comprising of councillors and Council employees or community members (including Boards) may adopt this Code or variations at their discretion.

This Code consolidates provisions in relevant sections of the Act and Regulation, along with Supplementary Provisions which have been adopted by this Council, consistent with the Act and Regulation. This Code should be read in conjunction with related legislation, Codes of Practice, guidelines and internal policies.

## **CONSIDERATIONS**

There is one minor changes to the Code of Meeting Practice, listed below.

1) Under 2.2 Notice of meetings to councillors the following two points have been moved from the practice notes and added as two subclauses under the Supplementary Provision (Supp Prov) to add clarity.

*(7) Circumstances may necessitate the distribution of reports after the time specified in subclause (2) above. Any such late reports, where possible, will be delivered to councillors prior to the commencement of the meeting.*

*(8) Where the General Manager determines that a late report is necessary, all endeavours will be made to give public notice of the late report including placing the report on the Council website and making copies available at the meeting.*

No other changes are recommended at this time, apart from minor referencing up dates.

### **Legal**

As required under the *Local Government Act 1993*.

### **Policy**

The objectives of Eurobodalla Shire Council’s Code of Meeting Practice are to ensure that:

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**GMR17/017 POLICY REVIEW - CODE OF MEETING PRACTICE**

**E16.0297**

- all meetings of Council are conducted in an orderly, consistent and efficient manner;
- all meetings of Council are conducted according to the principles of procedural fairness and due process;
- all councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views;
- opportunities for community engagement are provided through Council meetings;
- all councillors, Council employees and members of the public fully understand their rights and obligations as participants in meetings of Council; and
- proceedings are transparent and understandable to all persons participating in and observing meetings of Council.

**Community and Stakeholder Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 21 June 2017 until Tuesday 18 July 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Code of Meeting Practice should be publicly exhibited for 42 days. At the end of the public exhibition period the draft Code of Meeting Practice will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

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**PSR17/032 2017-2021 EMISSIONS REDUCTION PLAN**

**E07.1073**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services

Attachments: 1. Under Separate Cover - Draft 2017-2021 Emissions Reduction Plan  
2. Under Separate Cover - Confidential - Submissions

Focus Area: Sustainable Communities

Delivery Program Link: S4.3 Review and coordinate implementation of the Greenhouse Action Plan

Operational Plan Link: S4.3.1 Implement energy, water and waste reduction initiatives within Council

### **EXECUTIVE SUMMARY**

This report seeks Council's endorsement of the 2017-2021 Emissions Reduction Plan (ERP) that was exhibited for four weeks in April/May 2017. This report presents the public submissions on the draft ERP, changes made to the draft Plan in response to these submissions and recommends the adoption of the final Plan.

The Emissions Reduction Plan details the actions and targets Council will be committing to in order to reduce the emissions from its operations. Council will continue to implement a range of emission reduction activities and will introduce 21 new actions in the new ERP. New targets identified in the Plan include reducing Council energy emissions from the 2005/06 baseline by 80% by 2030 and sourcing 100% of Council's electricity from renewable energy by 2030.

A range of internal and external stakeholders were involved in developing the Plan. Council publicly exhibited the draft Plan for a period of 28 days in April/May 2017 and received a total of 27 written submissions of which 23 were from community members and four were from community groups. Feedback has been incorporated into the ERP where this is practical and have also been used to refine the actions in the implementation plan.

Of the submissions received, 20 were supportive of the draft ERP and two, whilst generally supportive, provided constructive feedback. Five submissions were skeptical of the science of climate change and critical of Council actions on this issue. There was united support for implementing actions that can deliver cost savings to Council.

The actions identified as a high priority from the public submissions and external stakeholders workshop, identified in order of priority included:

1. Investigate a large scale solar farm (action 17)
2. Investigate battery storage opportunities (action 18)
3. Harvest methane and reduce landfill methane emissions (actions 20, 21, W1, W2, W3, W4)
4. Divestment from fossil fuel industries (action 14), and
5. Investigating working towards 100% renewable energy (action 17).

Overall only minor changes have been made to the draft ERP with stakeholder and public submissions primarily supportive of Council actions and the EMP.

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**PSR17/032 2017-2021 EMISSIONS REDUCTION PLAN**

**E07.1073**

**RECOMMENDATION**

THAT Council:

1. Receive and note the feedback provided by community members during the public exhibition of the draft 2017-2021 Emissions Reduction Plan.
2. Write to all who made a submission thanking them for their input and advising of Council's decision.
3. Adopt the 2017-2021 Emissions Reduction Plan, as attached to this report.

**BACKGROUND**

Council has had a Greenhouse Action Plan since 2007 and this is now the third review and iteration of the Plan.

The current 2012-2017 Greenhouse Action Plan (GAP) was adopted by Council (Minute 12/190) on 24 July 2012. The Plan contains many actions covering the sub-headings of community, sustainable transport, energy efficiency, street-lighting, fleet, leadership, planning, renewable energy and waste. A corporate greenhouse gas emissions reduction target was established, to reduce the total Council greenhouse gas emissions from the 2005-06 baseline by 25% by 2020.

As reported to Council on 8 November 2016 in the Greenhouse Action Plan status report, the Plan has achieved significant emission savings of over 5,100 tonnes of CO<sub>2</sub> and cost savings of over \$1m per year to Council. The Plan is largely on track with many actions progressing well. Council is expected to meet its target of a 25% reduction by 2020 as a result of projects currently being completed.

At the Council meeting of 11 April 2017 (PSR17/016), it was resolved that:

1. *Council endorse the draft 2017-2021 Emissions Reduction Plan for public consultation*
2. *The draft 2017-2021 Emissions Reduction Plan be placed on public exhibition for a period of 28 days, the draft Plan and any public submissions be presented to Council for adoption*

Subsequent to this Minute, the draft Plan was placed on public exhibition from 12 April to 10 May 2017. A total of 27 public submissions were received during this time. A copy of these submissions is attached to this report.

Summarisation of the submissions received and the way these have been considered in the final version of the Emissions Reduction Plan, is included in this report as Appendices. The amended 2017-2021 Emissions Reduction Plan is attached to this report for Council endorsement.

**CONSIDERATIONS**

The ERP is principally focussed on emission reduction activities. The majority of actions are considered 'core' actions, that detail the strategies and processes that are currently done by Council and will continue to help reduce emissions.

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**PSR17/032 2017-2021 EMISSIONS REDUCTION PLAN**

**E07.1073**

There are also 21 'new' actions that will be delivered during the life of the new plan. Some of main new actions include:

- Facilitate electric vehicle charging infrastructure
- Complete the upgrade all of street lights to LEDs
- Develop a water demand management plan and water leak detection program
- Investigate opportunities to operate a biogas energy plant
- Investigate opportunities to use methane from landfill gas extraction
- Develop a Council Climate Adaptation Strategy
- Investigate a large scale solar farm and other ways to reach a 100% renewable energy target
- Investigate opportunities to use battery storage.

The new targets identified in the ERP for Council are:

- Reduce Council energy emissions from the 2005/06 baseline by 80% by 2030.
- Source 100% of Council's electricity from renewable energy by 2030.

Council also will continue to advocate and support communities in reducing emissions and renewables where possible.

**Policy**

The ERP is a four year plan which will then better link and be coordinated with the Delivery and Operational Plans of Council.

**Environmental**

The draft ERP will help deliver emission reductions from Council's operations. This will result in a positive environmental outcome by contributing to efforts to minimise the impacts of climate change.

**Asset**

Some of the actions will result in improving the efficiency of existing assets or creating some new capital assets. Whole of life costs are always considered in the development of new business cases, therefore impacts on asset maintenance and operations are considered. In some cases, such as the LED street lighting upgrade, projects will also result in considerable maintenance savings.

**Social Impact**

No significant sensitivities were found to be associated with the draft ERP and it is unlikely to have a negative social impact.

**Financial**

All the 'core' actions will be delivered using existing budgets. Many of the 'new' actions will also be delivered via existing operational budgets or integrated into future capital projects.

New projects will require a viable business case that demonstrates a positive return on investment. Priority actions that cannot be funded within existing budgets, will be reviewed annually and may be budgeted for, subject to review and determination by Council.



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**PSR17/032 2017-2021 EMISSIONS REDUCTION PLAN**

**E07.1073**

Several 'new' actions that require a budget have been itemised in the draft ERP. The allocation of a budget for these items will be considered as part Council prioritisation and budgeting process.

Additional grant opportunities will also be sought for projects.

**Community Engagement**

Council's Engagement Planning Tool was used to guide engagement. For the draft Emissions Reduction Plan, it was determined that the best approach was to involve key stakeholders during the development of a draft Plan and recommended that Council consults with the broader community on the draft.

To develop the draft Plan, Council staff engaged and discussed options with internal staff stakeholders and the Sustainability Matrix Group. External stakeholders were primarily involved through a workshop on 20 March 2017 and councillors during a briefing on 7 March 2017.

Feedback received from the external stakeholder workshop is summarised in Appendix 1. The feedback received from this workshop was generally very supportive of the Plan. Comments were largely constructive or additional suggestions. Many of these suggestions have been accommodated within the scope of the ERP, while some suggestions are beyond the resources of Council to address and cannot be progressed further at this time.

Council publicly exhibited the draft Plan from 12 April to 10 May 2017 and 27 written submissions were received. This included submissions from 23 community members and four community groups including the Climate Council of Australia, the South coast Health and Sustainability Alliance, Eurobodalla Greens and Eurobodalla 350.org.

Feedback has been incorporated into the ERP where practical and has also been used to refine some actions in the implementation plan. Appendix 2 summarises submissions and shows how they have been considered.

General comments received on the Plan:

- Of the 27 submissions received 20 were supportive of the draft ERP and two, whilst generally supportive, provided constructive feedback.
- Five submissions were skeptical of the science of climate change and critical of Council actions on this issue.
- There was united support for implementing actions that can deliver cost savings to Council.

**CONCLUSION**

The Emissions Reduction Plan has been developed with input from internal and external stakeholders as well as members of the community. The feedback and submissions received showed strong support for Council to continue implementing cost-effective emissions reduction activities that deliver cost savings to Council.

It is recommended that Council adopt the 2017-2021 Emissions Reduction Plan.

**PSR17/032 2017-2021 EMISSIONS REDUCTION PLAN**

**E07.1073**

**Appendix 1 – Feedback from external stakeholders workshop**

Feedback received	How the feedback will be incorporated or considered
Monitor developments in efficiency and initial costs of electric and hybrid vehicles, with a view to changing over to electric vehicles.	This will be implemented and is documented in Actions F1, F5 and F6.
Planning rules for new housing developments to ensure house siting and design can maximise sun access. Possibly provide rights to sun access. <b>+ 1 comment agreeing.</b>	Section 5.2 - Solar Access, of the <i>Eurobodalla Residential Zones Development Control Plan</i> , already protects solar access and was introduced in November 2011.
Encourage retail and health industry to participate in community funded solar, eg, Clear Sky Solar and RePower	Council cannot provide investment advice, but will assist community renewable energy projects where possible, as per Actions C3 and R1.
Possibility of Council as an energy retailer - like the Southern Phone set-up, but for electricity.	This may be an option that is considered as part of the investigations into a large scale renewable energy generation project in Actions 17 and 19.
Pumped hydro power.	This may be investigated further, as per Action R2 and R3.
Council should help citizens to move to renewables.	Council has limited capacity and resources to directly support the community to move to renewables. As per Action C1, Council may assist in this role if funding opportunities arise.
Tree trade-off: people who need to remove trees in an urban situation pay to plant one elsewhere.	Some larger developments may be required to offset the trees that have been cleared with additional plantings, or by protecting other areas of habitat in accordance with NSW Government biodiversity controls.
E-health - using computer consultations for public health.	As per Action C8, Council supports the development of local health services that reduce the need to travel.
Open day for good solar design houses - so people can see 'real life' adaptations.	As per Action C1, Council may be able to assist with some community education. In this example, Council will help promote local participants in Sustainable House Day.
Reduce the number of street lights in some residential areas.	This has not been considered as it may result in reduced road and public safety.
Reduce plastic bag usage. Council can provide calico bags (with Council logo) for Council supported events.	Council actively educates and advocates for reduced plastic bag use already. This issue is not addressed within the scope of the ERP. Reference is made to Council's Resolution - NOM17/007.
Use methane gas from landfill to heat the new swimming pool.	This will be considered as an option as part of the investigations being completed in Action 20.
Process food waste to compost at a commercial scale, eg, circularfood.com <b>+ 2 comments agreeing.</b>	Opportunities to support methods to divert food waste will continue to be investigated, as per Action W2.
Use of waste heat (from landfill methane) for greenhouse food production.	This will be considered as an option as part of the investigations being completed in Action 20.

**PSR17/032 2017-2021 EMISSIONS REDUCTION PLAN**

**E07.1073**

Do more work to ensure BASIX requirements are met and not bypassed.	Meeting the BASIX requirements is a condition of consent for new residential developments. As the certifying authority, Council ensures all BASIX requirements are met on all applications.
Insist that all plumbers lag the hot water pipes.	This is already enforced by Council for new developments.
Electric bikes for Council staff in Moruya.	Past investigations into this suggestion did not demonstrate a viable economic case for this project, but it may be considered again in the future.
GPS tracking of fleet can save millions.	This will be investigated further as part of Action 13.
Increase current divestment target from 2/3 to as close as possible to 100%.	As per Action 14, the progress and outcomes of this strategy will be reviewed as required.
A Eurobodalla grid and our own renewables generation - for example Newstead or Hepburn Wind, Victoria.	As per Actions 17, 18 and 19, large scale solar and battery storage opportunities will be investigated.
Solar farm with: - fair price for electricity sold - storage by battery - purchase electricity from Eurobodalla solar owners at a fair price.	This has been interpreted as an aggregated 'solar farm' utilising the collective generation of distributed community solar owners. This is beyond the scope of Council resources at this time.
Business recycling 240L bin.	This is not currently offered by Council, but is available from commercial operators within Eurobodalla Shire.
Can Council be more proactive about sharing what they have already done with the wider public on an ongoing basis? Media?	As per core Action L4, Council will continue to try and promote positive stories.
Could Council purchase 100% Greenpower for its buildings and sites? <b>X 2 comments agreeing.</b>	Council currently procures electricity through Local Government Procurement. By aggregating our usage with many other councils, we can secure very favourable rates. Choosing an alternative energy retailer would void this discount, but also cost an additional premium for green power. This could cost an estimated extra \$700,000/year. Council has deemed it a higher priority to reduce energy emissions on a permanent basis than to offset them every year.
Find out total Eurobodalla emissions and lead a reduction program by residents and businesses.	Some community emissions have been published in the ERP (page 13-14). Council will continue to try and quantify other community emissions. Council resources to lead a reduction program is limited to what has been outlined in Section 6.1 of the ERP.
Aim to source 100% renewable energy by 2025, instead of 2030. <b>X 2 submissions.</b>	The current date for this target has been set at 2030. However, should a viable business case suggest that this is possible at an earlier date, it will be considered by Council at that time.

**PSR17/032 2017-2021 EMISSIONS REDUCTION PLAN**

**E07.1073**

**Appendix 2. Feedback received from the public exhibition**

Submissions received	How the submission will be considered
Suggests Council joins the free Cities Power Partnership program run by the Climate Council of Australia. The program can help promote and support the ERP.	This recommendation is supported and is consistent with Action L4. It will help Council to promote positive outcomes achieved so far, and also learn from other leading councils.
Details of the costs and benefits should be provided. <b>X 4 submissions.</b>	Detailed cost/benefit analyses have and will be completed for emission reduction projects. Where possible, they have been provided in the plan. Where this has not been possible, the process for project and budget approvals has been detailed in Section 7.1 of the ERP. Costs incurred to date have been added to the plan.
General support for the progress that Council has made and for the new ERP. <b>X 20 submissions.</b>	Support noted.
The aim to source 100% renewable energy by 2030 is complicated, risky and will help create disarray in the energy market.	Sourcing 100% renewable energy may well be risky and complicated. For this reason, Council will be completing detailed investigations and feasibility studies, and will not be investing in significant additional energy assets without developing a sound business case.
Global warming is a myth perpetuated by self-interested bureaucrats from the UN and the IPCC and other levels of government. It aims to destroy capitalism and replace it with a UN form of global socialism/communism. Council should prove that human emissions of CO2 drive global warming before taking action. Council should not do anything until the predicted effects of climate change become far more certain. Council should prove that local emission reductions would provide any real benefits to the local or world climate. Council should acknowledge and review alternative views and evidence on climate science, and acknowledge that increased levels of CO2 have beneficial effects on agriculture and plant growth. <b>X 3 submissions.</b>	The science of climate change has been well documented by many highly reputable agencies, and has not been included in this iteration of the ERP. It is not Council's responsibility to duplicate this work. There is sufficient scientific evidence, as well as economic incentives, to support taking action on climate change.
Remove targets and fossil fuel divestment actions. <b>X 2 submissions.</b>	The targets are aspirational and Council will not be forced to adhere to them. The fossil fuel divestment strategy has already been adopted by Council and will be reviewed annually by Council.
Prioritise the investigation of battery storage opportunities. <b>X 11 submissions.</b>	Battery storage will be investigated, as per Action 18.
Prioritise the investigation of the feasibility of a large scale solar farm. <b>X 11 submissions.</b>	A solar farm will be investigated, as per Actions 17 and 19.
Prioritise reducing methane and methane harvesting at landfill. <b>X 9 submissions.</b>	Opportunities for reducing methane emissions will be completed via core Actions W1, W2, W3, W4, and new Actions 20 and 21.
Supports action on developing electric vehicle charging stations.	Electric vehicle charging stations will be investigated, as per Action 12.

**PSR17/032 2017-2021 EMISSIONS REDUCTION PLAN**

**E07.1073**

Supports the fossil fuel divestment strategy. <b>X 2 submissions.</b>	This will be implemented, as per Action 14.
The closure of Hazelwood Power Station is a result of extremist environmental activists. This is part of a plan to destroy the Australian coal industry. This is indicative the operations of the environmental extremists in non-Government agencies and the UN, and which the draft ERP is intended to support.	The ERP has been developed through a review of relevant literature, as well as through consultation with Council staff and external stakeholders. The plan is intended to deliver cost savings and emissions reductions where they are practical and cost-effective.
Council should buy two electric vehicles each year, charged from Council solar power.	As per Actions F1 and F4, vehicle selection will be objectively assessed on merit. Electric vehicles will be purchased to trial (as per F7), or when their whole of life costs are lower than conventional vehicles.
Free fuel for Council vehicles should only be provided for work purposes.	Provisions for car operators will continue to be reviewed, as per Action F6. Free fuel is not provided. Private use of vehicles is funded by a lease fee.
Specifications for new appliances should be stronger, with at least 4.5 star ratings.	Energy star ratings frequently change as appliances improve. Wording has been modified slightly.
The pools should be a priority for energy efficiency measures and operations.	The pools already have solar water heating, heat pumps and pool blankets, and solar power at Narooma. The pools have recently had an energy audit completed. As a result, a solar power system is being installed at Moruya Pool, and the heating for this pool is being upgraded as well. Every effort will be made to ensure that contractors are operating the pools efficiently.
Council should run a program to help schools install solar power.	Many schools already have solar power, and Council does not have the internal resources to run a program like this.
Council should offer rebates for the purchase of energy efficient appliances, and increase the promotion of solar power to businesses and residents.	Council offers water saving incentives for washing machines and dual flush toilets. Energy Saving Certificates are already available for a range of appliances from the NSW Government. As per Action C1, Council will continue to try and promote these schemes and the benefits of solar power to the public.
Strengthen the wording on the serious negative impacts of climate change.	A conservative approach to language about the potential impacts has been adopted. However, a strong approach to action has been taken by Council.
The large scale solar farm study should investigate whether it is possible to partner with community groups or individuals, so they can also reap some benefits from the project.	This is consistent with the intent of Actions C3 and R1, and will be considered.

**PSR17/032 2017-2021 EMISSIONS REDUCTION PLAN**

**E07.1073**

<p>Residential development and 'sprawl' would be more sustainable if it does not occur on agricultural land, and if more residential development were allowed away from town centres.</p>	<p>The <i>Eurobodalla Local Environmental Plan 2012</i> already provides for sufficient land for future residential subdivisions over the next 30 years through residential zoning and identification of land release areas.</p>
<p>Information on the benefits of efficient masonry heaters should be included under Action P2.</p>	<p>This will be considered when information on sustainable housing is updated.</p>
<p>An adaptation strategy should be based on scientific evidence.</p>	<p>Council prepared a detailed report to determine the most appropriate response to sea level rise. This report considered local and regional tidal conditions, and international projections for sea level rise under a range of different concentration pathways. The report will be supported by the Eurobodalla Coastal Management Program, which is currently under preparation.</p>
<p>Help with the development of solar industries and jobs in the area.</p>	<p>As per Action C2, the development of sustainable businesses will be supported in Eurobodalla Shire.</p>
<p>Support residents to install compostable toilets, rather than creating obstacles.</p>	<p>Council has over 100 composting toilets approved for use in Eurobodalla Shire, with a wide variety of design types represented. Council supports the use of composting toilets, where they are suitable for the site, and applies the relevant NSW Government regulations when assessing proposals. Where a composting toilet is approved for use, it is subject to ongoing inspections, as are all onsite sewage management systems.</p>

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**PSR17/033 DRAFT INTEGRATED ECONOMIC GROWTH AND DEVELOPMENT STRATEGY E15.9300**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services  
Attachments: 1. Under Separate Cover - Draft Integrated Economic Growth and Development Strategy  
Focus Area: Sustainable Communities  
Delivery Program Link: S5.1 Review and prepare planning strategies, policies and studies  
Operational Plan Link: S5.1.6 Integrated growth and development strategy

### **EXECUTIVE SUMMARY**

The purpose of this report is to present the draft Integrated Economic Growth and Development Strategy (the Strategy) to Council to endorse for community consultation. The preparation of the Strategy was a key action in Council's Fit for the Future Improvement Action Plan.

The draft Strategy has been developed with input from key stakeholders from business sectors and relevant government agencies through one-on-one interviews and two facilitated workshops. It provides the following vision for a productive and prosperous Eurobodalla Shire:

*"To increase economic growth and improve the economic and social wellbeing of the community by sustainably building upon our valued natural assets and other strategic advantages".*

The draft Strategy highlights that economic growth of any kind is not the objective, but that sustainable economic development that protects important community values that underpin the local economy are desired. It outlines the strategic policy context for economic development in Eurobodalla, provides a snapshot of our key economic data and industry sectors and highlights the drivers of economic growth in Eurobodalla and the national and global trends that will impact on local development.

The draft Strategy is accompanied by a draft Action Plan that outlines a range of detailed strategies and actions to deliver economic growth of the right kind for Eurobodalla.

It is proposed to place the draft Strategy on public exhibition for broad community input. Following the close of the public exhibition period, submissions received will be considered and the draft Strategy will be reviewed having regard to those submissions. A final Strategy will then be reported to Council for adoption.

### **RECOMMENDATION**

THAT:

1. Council endorse the draft Integrated Economic Growth and Development Strategy for public exhibition for a period of six weeks from 21 June 2017 to 4 August 2017.
2. A further report be put to Council at the conclusion of the public exhibition period.

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**PSR17/033 DRAFT INTEGRATED ECONOMIC GROWTH AND DEVELOPMENT  
STRATEGY**

**E15.9300**

**BACKGROUND**

In June 2015 Council endorsed a Fit for the Future Improvement Plan which identified the preparation of an Integrated Economic Growth and Development Strategy as a key action. Work commenced on the preparation of a draft Strategy in early 2016 with a total of 32 business sector interviews undertaken. Key stakeholders from the following sectors were interviewed:

- aged services
- agriculture
- building and development
- childcare
- education
- healthcare
- hospitality
- manufacturing
- real estate
- retail
- tourism
- youth employment.

Councillors were provided briefings on the progress of developing the draft Strategy on 16 February, 3 May and 18 October 2016, and a Council briefing on the draft Strategy was held on 6 June 2017.

On 18 May 2016 Council held a facilitated workshop with the key stakeholders that were interviewed along with representatives of Council's Business and Tourism Advisory Committees and relevant government agencies. The input from key stakeholders during the business sector interviews and at the facilitated workshop, along with research into best practice community and economic development examples nationally and internationally, informed the preparation of a draft Strategy.

Following the Council briefing on 6 June 2017, a second facilitated workshop was held to enable feedback to be provided by business sector representatives on the draft Strategy. Feedback received has been incorporated into the draft Strategy which is now presented to Council for endorsement to place on public exhibition for broader community input.

In preparing the draft Strategy, it was important to recognise that local government has limited influence in achieving increases in economic growth. External factors such as natural disasters and national / global economic conditions have significant impacts on economic growth at state, regional and local levels. While directly correlating the actions of the draft Strategy to economic growth may be difficult, the premise of the draft Strategy is that implementing the actions will contribute toward economic growth and development.

It is important also to recognise that there are many stakeholders who have an impact on economic growth, from governments at all levels to industry associations, businesses themselves and community members. As such, the draft Strategy is not just a strategy that



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**PSR17/033 DRAFT INTEGRATED ECONOMIC GROWTH AND DEVELOPMENT  
STRATEGY**

**E15.9300**

outlines actions proposed to be taken by Council, but addresses the roles that all stakeholders play in delivering sustainable economic development for Eurobodalla.

**CONSIDERATIONS**

A draft Integrated Economic Growth and Development Strategy has been prepared in accordance with Council's Fit for the Future Improvement Plan and in consultation with key stakeholders. The draft Strategy provides the following vision for a productive and prosperous Eurobodalla:

*"To increase economic growth and improve the economic and social wellbeing of the community by sustainably building upon our valued natural assets and other strategic advantages".*

The draft Strategy highlights that economic growth of any kind is not the objective, but that sustainable economic development that protects important community values that underpin the local economy are desired.

The draft Strategy is accompanied by a draft Action Plan that outlines a range of detailed strategies and actions to deliver economic growth of the right kind for Eurobodalla.

The preparation of the draft Strategy and Action Plan was based on the input provided by key stakeholders across a range of business sectors, including tourism, education, health, retail, manufacturing and others, from Council's Business and Tourism Advisory Committees and from relevant government agencies. At the first facilitated workshop held on 18 May 2016, participants were asked to identify their objectives for economic growth, what they think is working well and what further actions are needed. The common themes that emerged were:

Objectives:

- set out a clear vision for economic growth in Eurobodalla
- foster business and employment growth
- foster links between businesses, industry sectors and the public and private sectors.

What is working well?

- good examples of intra and inter industry collaboration
- good approach to tourism promotion
- growth in value of small-scale agriculture
- growing diversification of businesses.

What further actions are needed?

- more and better collaboration across sectors
- more research and evidence-based initiatives
- focus on infrastructure that supports business and tourism
- development of strong business cases to support investment
- support for more small-scale agriculture, and arts and cultural facilities.

At the second facilitated workshop held on 22 May 2017, feedback on the draft Strategy was provided and in particular input was sought on prioritising the proposed actions and identifying relevant performance measures to report on the progress of implementing the actions. The stakeholders invited to participate in this workshop were also provided with an opportunity to

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**PSR17/033 DRAFT INTEGRATED ECONOMIC GROWTH AND DEVELOPMENT  
STRATEGY**

**E15.9300**

provide more detailed comments on the draft Strategy until 29 May 2017. The draft Strategy and Action Plan has now been finalised for broader community consultation taking into account the input of key stakeholders at and following the workshop.

The draft Strategy builds upon a wide range of existing strategies and policies at a national, state, regional and local level and takes on board lessons learnt from best practice national and international experience in community and economic development. Global trends and impacts on economic growth and development are identified as are the development of skills to capitalize on these global trends.

The draft Strategy will contribute toward achieving the friendly, responsible, thriving and proud community that is the community's overarching vision as outlined in the Eurobodalla Community Strategic Plan (CSP).

In the 2017 review of the CSP, the community outlined the following vision for Eurobodalla's future:

*Friendly*

- Pride of place, ease of access, community harmony, and a mobile and healthy population that is encouraged and motivated to participate in community life.

*Responsible*

- Appreciation of our natural surroundings that support our economy and lifestyle. Responsible planning and management practices to maintain our biodiversity and unique character. To minimise our impact and make best use of valuable resources.

*Thriving*

- Work together to enable positive investment and employment opportunities. An innovative, diverse and resilient economy with business confidence, market strength and industry diversity.

*Proud*

- A collaborative community that is engaged. Informed, proactive and involved. Responsible decision making and a sound financial position supported by capable leaders, functional assets and efficient operations.

The draft Strategy and Action Plan advances these vision statements in a number of ways, including through the following strategies:

- Planning for a vibrant and diverse economy
- Planning to address social and environmental trends
- Encourage business and development that aligns with Eurobodalla's unique qualities
- Improve infrastructure that facilitates market access and business opportunities
- Build relationships to improve services and an "open for business" culture.

The draft Strategy provides an economic snapshot of the Eurobodalla, focusing on the key industry sectors being:

- Tourism (including accommodation, food services, tours, attractions and experiences)
- Health care and social assistance (including aged care)

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**PSR17/033 DRAFT INTEGRATED ECONOMIC GROWTH AND DEVELOPMENT  
STRATEGY**

**E15.9300**

- Education and training
- Construction
- Retail
- Agriculture (small to medium-scale and value-adding)

Strategic drivers of the Eurobodalla economy are identified as:

- Skills and skills development
- Internet and telecommunications
- Capacity to export (this includes tourism related activity)
- Knowledge based and creative skills
- Natural assets and other strategic advantages
- Ageing population

Actions to implement the draft Strategy are structured into:

- A. Major initiatives
- B. Actions that will address the key determinants of long-term regional economic growth (as determined by the Regional Australia Standing Council), being:
  - B1 Human capital
  - B2 Sustainable communities and population change
  - B3 Access to markets
  - B4 Comparative advantages and business competitiveness
  - B5 Effective cross sectoral and intergovernmental partnerships and integrated regional Planning

All of the actions include source documents, rationale for the actions and key roles in terms of delivery and support. Each action in the draft Strategy has been prioritised and includes performance measures.

**Policy**

The draft Strategy has been developed having regard to the broader strategic policy context at a national, state, regional and local level. The draft Strategy will help to achieve the community's vision as outlined in the draft 2017 Community Strategic Plan and actions in the draft Action Plan are consistent with the draft Delivery Program 2017-21 and draft Operational Plan 2017-18.

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**PSR17/033 DRAFT INTEGRATED ECONOMIC GROWTH AND DEVELOPMENT  
STRATEGY**

**E15.9300**

**Environmental**

The draft Strategy emphasises the goal of sustainable economic development which meets community expectations with regard to the natural assets that they value. The draft Action Plan includes specific actions relating to supporting environmentally sustainable businesses, encouraging business and development that aligns with Eurobodalla's unique qualities and protecting and enhancing the unique qualities that are valued by residents and attract visitors.

**Social Impact**

The draft Strategy and Action Plan recognises that the right kind of economic growth in Eurobodalla will have positive social impacts on residents. The draft Action Plan includes specific actions relating to community development, including in relation to education and skills development, health services and facilities, improved telecommunications and accessibility for all.

**Economic Development Employment Potential**

The draft Strategy and Action Plan seeks to provide a comprehensive plan for sustainable economic development in Eurobodalla that increases employment potential, particularly in businesses and industries that align with our values and unique qualities. The draft Action Plan has a strong focus on infrastructure to support economic growth and specific actions relating to growth in small-to-medium businesses.

**Community and Stakeholder Engagement**

We have engaged with key stakeholders in the preparation of the draft Strategy through 32 business sector interviews and two facilitated workshops.

Council will place the draft Strategy on public exhibition for a period of not less than 42 days from 21 June to 4 August 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

As part of the exhibition period, write to the local business Chambers and relevant government agencies to seek further input.

**CONCLUSION**

A draft Integrated Economic Growth and Development Strategy has been prepared taking into account the ideas, comments and issues raised by key local stakeholders over the last 18 months. It has also been developed having regard to lessons learnt from successful community and economic development examples nationally and globally.

The draft Strategy and accompanying draft Action Plan aim to ensure the right kind of economic growth and development that protects important community values that underpin the local economy are achieved.

It is proposed to place the draft Strategy on public exhibition for broad community input. Following the close of the public exhibition period, submissions received will be considered and the draft Strategy will be reviewed having regard to those submissions. A final Strategy will then be reported to Council for adoption.

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**PSR17/034 BATEMANS BAY MACKAY PARK PRECINCT - SHORT TERM INTERIM USE AND DISPOSAL OF EQUIPMENT E12.6442**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services

Attachments: Nil

Focus Area: Support Services

Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services

Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

### **EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an update on the potential for short-term interim use of the former Batemans Bay Bowling Club, including:

- costs involved to facilitate community use of the facility
- costs involved with demolition and temporary car park construction (Resolution of Council – 22 November 2016)
- potential use of the facility for the new Batemans Bay bridge construction site office by the NSW Roads and Maritime Service (NSW RMS)
- disposal of items from the former Batemans Bay Bowling Club.

### **RECOMMENDATION**

THAT:

1. The report on the short-term interim use of the former Batemans Bay Bowling Club be received and noted.
2. Council proceed with the disposal of items from the former Batemans Bay Bowling Club, and in doing so, consider how interested community groups may be able to receive items they are interested in at minimal, or no, cost to them.
3. Council receive a further report on options regarding the temporary use of the former Batemans Bay Bowling Club, once the position of the NSW RMS is known.

### **BACKGROUND**

In April 2016, Council purchased the former Batemans Bay Bowling Club site. This strategic purchase resulted in all land to the west of the Princes Highway across from the Batemans Bay town centre, being in public ownership.

On 28 June 2016, Council considered a Notice of Motion and resolved to investigate the short-term use of the Bowling Club site and to hold an open day at the site for interested members of the community to view and tour the inside of the building and assess its condition.

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**PSR17/034 BATEMANS BAY MACKAY PARK PRECINCT - SHORT TERM INTERIM USE AND DISPOSAL OF EQUIPMENT E12.6442**

On 12 July 2016, Council resolved to call for submissions for the interim short-term use of the Bowling Club, noting that previous submissions had been received on this matter that should be considered in this process. The open day was held on 16 July 2016.

A detailed briefing was provided to councillors on the short-term interim use on 15 November 2016 that outlined community submissions and various options for proceeding with the short-term interim use.

Council, at the ordinary meeting held on 22 November 2016, considered a report on the options for proceeding with the redevelopment of the Batemans Bay Mackay Park precinct and resolved:

*'THAT Council:*

- 1. Prepare formal project proposal documents, in accordance with the Office of Local Government guidelines on Public Private Partnerships, for the redevelopment of the Batemans Bay Mackay Park Precinct to commence.*
- 2. Proceeds with preparation of concept plan and business case documents for the preferred mix of development outcomes, including an aquatic strategy to guide aquatic centre development in the context of Eurobodalla aquatic centres and a background document outlining what an arts and cultural facility for the broader precinct could include, also in the context of arts and cultural facilities throughout Eurobodalla.*
- 3. Obtain an estimated costing for the demolition of the club building including the costing of establishing a temporary car parking facility on the resultant greenfield site.'*

## **CONSIDERATIONS**

### Community use of the facility

Since the purchase of the former bowling club, requests for short-term interim use have been submitted in five ways:

1. as part of initial community consultation on preferred development outcomes of the precinct
2. submissions made on the open day
3. in response to a call for submissions for short-term interim use
4. submissions received after a call for submissions for short-term interim use
5. submission from the Batemans Bay Chamber of Commerce prior to Council purchasing the site outlining options for use of the building.

In considering the requests for short-term interim use, there are a range of issues to be considered, including:

- start-up costs (preparing the building for use)
- ongoing maintenance and management costs
- provision of a booking service
- provision of access
- need for a presence on site
- provision of security (internal)

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**PSR17/034 BATEMANS BAY MACKAY PARK PRECINCT - SHORT TERM INTERIM USE AND DISPOSAL OF EQUIPMENT E12.6442**

- prioritisation of use
- income
- right balance in terms of cost and community expectations.

When assessing the various requests that have been submitted it was attempted to identify sections within the building where use was requested; to isolate those sections to identify costs; and to make those sections ready to use. Analysis of requests indicated that it is not possible to identify such sections, as the entire building is requested for use and isolating areas would not be possible due to constraints around emergency access/exit and access to toilets and other services. Therefore, in considering the cost of making the building ready for use, the entire building must be prepared.

In identifying the costs associated with preparing the building, and considering ongoing costs, it is necessary to consider initial, upfront costs, and then costs associated with renewal of components of the building that have reached or will reach 'end of life' status.

Repair costs to make the building ready for occupation have been estimated at \$90,000.00 for general repair work (Asset Condition Assessment - SPM Assets Pty Ltd, 2014), including \$30,000.00 to upgrade the existing air conditioning system to an operational state (Eurobodalla Shire Council obtained costing). In addition, the asset condition assessment identifies an approximate cost of \$86,000.00 per annum to address necessary 'end of life' renewal/replacement works, or an additional \$344,000.00 by 2021.

It is also estimated that operating costs would be approximately \$10,000.00 per month for utilities and management support. Therefore, for a four year period, costs would total \$434,000.00, plus an additional amount for operating costs estimated to be \$480,000.00. There would potentially be a revenue stream from venue hire, but it is difficult to quantify how much this would be.

Demolition and temporary car park construction

Following the Council Resolution of 22 November 2016 to obtain an estimated costing for the demolition of the building and establishing a temporary car park, these costings have been obtained. A quotation for demolition was obtained that included:

- completion of a waste management plan
- erection of safety fencing
- removal of all asbestos sheeting, as per the *Code of Practice: How to Safely Remove Asbestos (NWHSC:2011)*
- provision of an asbestos clearance report
- demolition of structure, footings, and bowling greens in accordance with *Australian Standard and Code of Practice for Demolition Work (2012)*
- separation of steel for recycling
- removal of all waste to approved waste facilities

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**PSR17/034 BATEMANS BAY MACKAY PARK PRECINCT - SHORT TERM INTERIM USE AND DISPOSAL OF EQUIPMENT E12.6442**

- crushing of concrete, which is to be stockpiled and left onsite
- remaining site to be leveled and left in neat order.

The cost of the quotation was \$258,500.00 (including GST). Due to the cost of these works, they would be subject to a formal tendering process, at which time the price may vary.

The cost of establishing a temporary car park has been estimated at \$400,000.00. Therefore, the total estimate of cost for this option is \$658,500.00. In terms of ongoing cost/revenue, monthly utility costs that are currently being incurred (approximately \$1,500.00 per month) would be savings to Council. There would be a maintenance cost estimated at \$4,000.00 per annum. Expanded car parking would be of benefit for events and overflow parking for the CBD.

Potential use as the Batemans Bay bridge reconstruction site office

Following the recent announcement by the NSW RMS regarding the construction of a new bridge over the Clyde River at Batemans Bay, NSW RMS have contacted Council to discuss the potential use of the former bowling club as a site office for the construction of the new bridge. NSW RMS have advised that they are looking at multiple locations for a site office as part of its planning process for the new bridge. Discussions are still in the early stages and there are a number of unknowns to work through such as the length of time the site would be required and annual rent, but this option could provide Council with a revenue stream while in use.

Potentially, the site could be required until 2021 but this timing would enable Council to focus on securing funding, private sector partners and necessary approvals for the redevelopment of the precinct over the next three to four years before commencing the redevelopment. Alternatively, should funding and contracts with private sector partners be in place, the redevelopment could be staged with the southern portion of the precinct redeveloped first and the northern part redeveloped when the NSW RMS vacate the site, if they make use of the site. Further discussions are required with the NSW RMS to progress consideration of this option.

In addition to discussions with the NSW RMS, a business operator recently approached Council with a request to utilise the commercial kitchen at the former bowling club to bake goods for use and sale offsite. The proposal would not require a shop front or any public access. Further discussions could be held with this business operator about this proposal, and when the short-term interim use is reported back to Council for a decision, a recommendation can be made regarding proceeding with this approach. The various legal matters related to use of public land will be considered and reported back to Council in relation to this proposal.

Disposal of items from the former Batemans Bay Bowling Club

During community engagement on the short-term interim use of the former bowling club, a number of community groups expressed interest in either purchasing, or being given items from within the club. These requests ranged from shade structures from the bowling greens to memorabilia and cutlery/crockery. Proceeding with the disposal of these items will not compromise a future decision on the short-term interim use of the bowling club. Disposal of these items will require an expression of interest process to allocate or sell items to various groups.



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**PSR17/034 BATEMANS BAY MACKAY PARK PRECINCT - SHORT TERM INTERIM USE AND DISPOSAL OF EQUIPMENT E12.6442**

**Legal**

Future short-term interim use of the former bowling club will require legal consideration in terms of commercial or community groups applying to use Council facilities. This will be further considered and reported to Council following further discussions with the NSW RMS regarding their consideration of the use of the former bowling club as a construction site office for the new Batemans Bay bridge.

**Community and Stakeholder Engagement**

Council previously consulted with the community on the short-term interim use of the former bowling club, calling for expressions of interest in July 2016. The submissions were assessed to assist in determining the likely costs for preparing the building for this use.

Community and stakeholder engagement is ongoing in relation to the planning for the redevelopment of the Batemans Bay Mackay Park precinct.

**CONCLUSION**

Costings have been identified for two options for the future of the former Batemans Bay Bowling Club. Costs for community use, for a four year period, are estimated to be \$434,000.00 (\$90,000.00 initial costs, and \$86,000.00 per annum for repairs and renewals), plus \$10,000.00 per month operating costs (\$480,000.00 for four years), which could be offset by some revenue from venue hire.

Costs for demolition and construction of a temporary car park are estimated to be \$658,000.00 (demolition - \$258,000.00; car park - \$400,000.00), plus \$4,000.00 per annum for maintenance in the short-term.

Discussions have also commenced with the NSW RMS regarding potential use of the former bowling club as a site office for the new Batemans Bay bridge construction. Should NSW RMS wish to proceed with this option and an agreement be entered into, a lease fee would be payable to Council. Discussions with a business operator will also continue about the potential use of the commercial kitchen before reporting back to Council.

Following requests from various community groups, it is also recommended that Council proceed with a process to dispose of items from within the former bowling club.

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**IR17/038 EUROBODALLA PATHWAYS STRATEGY 2017**

**E07.1434**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments:

1. Under Separate Cover - Eurobodalla Pathway Strategy 2017
2. Under Separate Cover - Eurobodalla Pathway Strategy 2017 Appendices
3. Under Separate Cover - Eurobodalla Pathway Strategy 2017 maps
4. Under Separate Cover - Summary of Submission Responses
5. Under Separate Cover - Confidential - Pathways Strategy Submissions non-survey

Focus Area: Liveable Communities

Delivery Program Link: L5.3 Provide and develop Council's shared pathway and cycleway network

Operational Plan Link: 5.3.2 Seek grant funding and partnership opportunities to develop network

### **EXECUTIVE SUMMARY**

This report seeks Council's endorsement of the Eurobodalla Pathways Strategy 2017.

This Strategy is a guiding document for the development of new pathway facilities for pedestrians and cyclists within Eurobodalla. This includes both formal footpaths and shared pathways.

Council has a strong record of working with our community, other levels of Government and using Council's own resources over the last decade to greatly enhance the pathway network across Eurobodalla.

The development of this revised 2017 Eurobodalla Pathways Strategy has been aided by our Pathways Strategy Sunset Advisory Committee. This community based Advisory Committee consists of two Councillors and four community members from across Eurobodalla representing pedestrians, cyclists and people with a disability. Council is highly appreciative of the community members' input into the development of this Pathways Strategy. We record our thanks to community members Danielle Brice, Brad Rossiter, Elaine Heskett, Edward Proudfoot and Vicki Jones for the time they have volunteered to help oversight the development of this Strategy.

The draft Strategy has been subject to extensive community engagement. This engagement plan included media releases advertising the Strategy, drop in sessions, community surveys and written submissions to Council, over an extended exhibition period of 42 days. There were 182 respondents to the survey and an additional 57 written submissions received by Council. The Advisory Committee reviewed all information from the engagement process, and with various changes made to the Strategy now submitted to Council for approval.

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**IR17/038 EUROBODALLA PATHWAYS STRATEGY 2017**

**E07.1434**

**RECOMMENDATION**

THAT:

1. Council adopt the Eurobodalla Pathways Strategy 2017.
2. Council write to members of Pathways Strategy Sunset Advisory Committee thanking them for their contribution.

**BACKGROUND**

The *Eurobodalla Shared Path Strategy 2010* has provided strategic direction to the provision of pathways across Eurobodalla. This strategy required review and updating.

Council's *Improvement Plan*, prepared for our Fit for the Future submission to IPART, also identified that the need to "review, exhibit and adopt a Pathways Strategy".

Council established the Pathways Strategy Sunset Advisory Committee in May 2016 to assist in the oversight of the engagement strategy for the development of a new Pathways Strategy.

The draft Strategy was submitted to Council on 9 August 2017 with Council resolving that:

"IR16/039 EXHIBITION OF DRAFT EUROBODALLA PATHWAYS STRATEGY 2016 - 2026

16/248 MOTION Councillor Brice/Councillor Innes

THAT:

1. Council endorse the draft Eurobodalla Pathways Strategy 2016 for public exhibition for a minimum of 42 days.
2. The results of the public exhibition of the draft Eurobodalla Pathways Strategy 2016 be referred to the Pathways Strategy Sunset Advisory Committee to review and make recommendations to Council.
3. The results of the public exhibition and Pathways Strategy Sunset Advisory Committee's recommendations be reported to Council for consideration prior to adopting the Eurobodalla Pathways Strategy 2016 (amended as determined by Council)."

Council has undertaken extensive community engagement on the draft Strategy (as outlined under 'community and stakeholder engagement'). The draft Strategy has been updated taking account of the feedback from the community, the Advisory Committee and to reflect current information (eg completion of works during 2016-17).

**CONSIDERATIONS**

The Eurobodalla Pathways Strategy 2017 is a guiding document for the development and implementation of new pathway facilities for pedestrians and cyclists within Eurobodalla. This includes both formal footpaths and shared pathways.

The Strategy aims to:

- improve the safety of pedestrians and cyclists through appropriate separation with vehicles
- develop a practical network of facilities with continuous links to key destinations
- encourage walking and cycling as alternative modes of transport

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**IR17/038 EUROBODALLA PATHWAYS STRATEGY 2017**

**E07.1434**

- encourage greater use of public transport through better connectivity with bus routes and stops
- improve accessibility for people with differing abilities and ages
- improve social outcomes for young people and those without access to a motor vehicle
- allow people improved opportunities to get out for a walk or a bicycle ride to socialise with others, thereby helping their mental and physical wellbeing
- promote environmental, recreational, health and economic benefits of walking and cycling.

Our community has consistently identified pathways as a high priority through various community surveys. This is also reflected by the significant contribution community groups have made into pathways at Tuross Head, Broulee, South Durras, South Head and Dalmeny-Kianga-Narooma.

**Environmental**

The provision of formal pathways encourages a more active community. Together with the obvious health benefits, the provision of formal connections to commercial districts, recreation facilities, schools and other facilities reduces the need for people to drive, reducing the environmental impacts.

The integration of pathways with bus routes, also encourages greater use of public transport, reducing the number of vehicle trips and the need for parking.

**Asset**

The works identified in the Pathways Strategy will guide Council's program for the provision of formal footpaths and shared pathways. Identified works also include the provision of road crossings and ancillary facilities such as bicycle racks at major locations such as commercial centres, sporting facilities and community buildings.

The Pathways Strategy also reinforces the need for developers to provide appropriate pathways as part of all subdivisions, medium density and commercial developments (where a nexus is evident), as part of the development approvals process. This ensures the provision of pathways is provided as part of the development, rather than adding to the future burden on ratepayers.

Council's long term financial plans are updated annually to reflect the funding required to provide for the whole of life costs of maintaining and depreciating new pathways added to the network.

**Social Impact**

The delivery of new pathways and associated facilities in accord with the Pathways Strategy will have positive social impacts for the community including:

- improved safety of pedestrians and cyclists through separation with vehicles
- improved accessibility for the whole community including people with a disability
- improved access to public transport facilities
- improved health outcomes by encouraging a more active community.

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**IR17/038 EUROBODALLA PATHWAYS STRATEGY 2017**

**E07.1434**

**Economic Development Employment Potential**

The Strategy recognises the economic benefit pathways provide by connecting pedestrians and cyclists to business activities, accommodation and recreation areas including beaches and popular lookouts.

The tourism value of the pathways network is also well recognised, with safe shared pathway networks now a feature for visitors to Eurobodalla. The Dalmeny-Kianga-Narooma, Tuross Head, Broulee, South Durras, Batemans Bay and South Head pathways are all examples of shared pathways heavily used by visitors during peak period.

**Financial**

This revised draft Pathways Strategy includes pathway projects and facilities with a combined value of approximately \$11.7 million based on preliminary estimates. Council has budgeted just over \$3.5 million in capital works over the next ten years in the Long-term Financial Plan to implement the Strategy on a priority basis.

Council will continue to advocate to Government for grants, and work with community groups, developers and landowners to optimise the outcomes for the community.

The 2017-18 draft Operational Plan includes a total allocation of \$430,536. This includes the base allocation of \$351,776 plus an additional \$78,760 funding made available through developer and landowner contributions.

Council has also advocated to the NSW and Australian Government to provide additional funding to advance the pathways program in 2017-18 and beyond.

The Pathways Strategy includes an objective methodology for prioritising projects taking account of a range of factors including safety, access to key destinations (including links to schools/TAFE/University, recreation facilities/clubs, CBDs/shops, hospitals), separation with vehicles, provision of connecting linkages, integration with public transport, cost, and tourism and economic benefits. The final priority of work is impacted by other factors such as grant funding, community contributions and integration with other programmed works.

Each year, Council determines the draft annual program of works prior to advertising for broad community feedback as part of the annual Operations Plan. Councillors then consider this community feedback prior to Council making its determination in adopting the final program.

The Strategy provides a sound basis to inform future grant applications. The majority of these grants come from the Roads and Maritime Services with a strong emphasis on the transport and safety benefits of shared pathways and appropriate pedestrians facilities to aid safe crossing of roadways.

IPWEA NSW has recently advocated to the NSW Government to introduce an active walking program to enhance the current funding program, which focuses on shared pathways only.

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**IR17/038 EUROBODALLA PATHWAYS STRATEGY 2017**

**E07.1434**

**Community and Stakeholder Engagement**

The development of the Pathways Strategy has been aided by our Pathways Strategy Sunset Advisory Committee. This community based Advisory Committee consists of two Councillors and four community members from across Eurobodalla representing pedestrians, cyclists and people with a disability. Council is highly appreciative of the community members' input into the development of this Pathways Strategy. We record our thanks to community members Danielle Brice, Brad Rossiter, Elaine Heskett, Edward Proudfoot and Vicki Jones for the time they have volunteered to help develop this Strategy.

To allow the broader community to review, comment and have their views presented prior to finalisation of the Strategy, the Advisory Committee assisted Council to develop a community engagement plan. This engagement plan included media releases advertising the Strategy, drop in sessions, community surveys and written submissions to Council, over an extended exhibition period of 42 days.

There were 182 respondents to the survey and an additional 57 written submissions received by Council. The Advisory Committee reviewed all information from the engagement process, and various changes were consequently made to the Pathway Strategy submitted to Council for approval.

A summary of the responses to the submissions is attached. A copy of all submissions has been provided to Councillors as a confidential attachment.

**CONCLUSION**

The Eurobodalla Pathways Strategy 2017 has been prepared working closely with the Pathways Strategy Sunset Advisory Committee.

This report seeks Council's endorsement of the Eurobodalla Pathways Strategy 2017.

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**IR17/039 NAMING OF CORRIGANS BEACH RESERVE INCLUSIVE PLAYGROUND E85.3187**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Public Submissions - Naming Proposal Corrigans Beach Reserve Inclusive Playground

Focus Area: Support Services

Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services

Operational Plan Link: SS3.3.2 Provide survey, investigation and design services

### **EXECUTIVE SUMMARY**

At its meeting held 14 February 2017, Council resolved to support in principle the naming of the new inclusive playground at Corrigans Beach Reserve, the Variety Inclusive Playground, subject to approval from the Geographical Names Board (GNB). Variety Australia have donated \$98,400 in assets towards stage one of the new playground. This naming proposal is in recognition of Variety's contribution.

Variety have now committed a further \$138,000 to the next stage of the playground which is greatly appreciated.

To ensure consistency and fairness in the manner in which Council deals with the naming of roads, reserves and facilities, Council's Naming of Parks, Reserves, Sports Fields and Public Pathways Policy has been followed. The policy is based on GNB guidelines, noting that facilities within a public place do not require formal approval of the GNB.

This naming proposal was placed on public exhibition for a period of 28 days to allow broader community input with the closing date being 4 April 2017. Two submissions were received putting forward alternative names.

The submissions are provided as a confidential attachment to this report. The submissions highlight the extensive involvement of the broader community beyond that provided by Variety Australia. The submissions also highlight the need to identify the location. The alternative names put forward include:

- 1) Batemans Bay All Access Park
- 2) Corrigans All Access Park
- 3) Corrigans Reserve Playground
- 4) The Bay Push Playground
- 5) Variety Playground.

The recommendations below offer alternatives to allow Council to determine the name of the park, as this decision rests with the Council.

Option 1 is the name as advertised.

Option 2 allows incorporation of "Batemans Bay" as the location to highlight its connection to the regional centre, taking account of feedback from the community. This option offers an advantage that each time the name is used in print or photos are taken at the playground, the location of the playground will be highlighted. It may also allow Variety to duplicate this model more widely across Australia and the world as a model playground.

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**IR17/039 NAMING OF CORRIGANS BEACH RESERVE INCLUSIVE PLAYGROUND**

**E85.3187**

**RECOMMENDATION**

THAT:

1. Council name the new inclusive playground at Corrigans Beach Reserve, 'Variety Inclusive Playground' or;
2. Council name the new inclusive playground at Corrigans Beach Reserve, 'Batemans Bay Variety Inclusive Playground'.

**BACKGROUND**

At its meeting held 14 February 2017, Council resolved to support in principle the naming of the new inclusive playground at Corrigans Beach Reserve, the Variety Inclusive Playground.

In line with Council's Naming of Parks, Reserves, Sports Fields and Public Pathways Policy, the proposal was placed on public exhibition for a period of 28 days. Two submissions were received within the public exhibition period and both have put forward alternative names.

**CONSIDERATIONS**

Stage 1 of the new inclusive playground at Corrigans Beach Reserve was achieved due to the significant effort and fundraising by the community largely through the wonderful efforts of the Bay Push, well supported by Council.

The President of The Bay Push is a member of Variety Australia and Variety have donated significant funding towards the new playground. The Bay Push have submitted to have the playground named in recognition of the significant contribution made by Variety.

All naming proposals require public advertising allowing community input. During the exhibition period, two submissions were received putting forward alternative names. The submissions are attached to this report and the alternative names are:

- 1) Batemans Bay All Access Park
- 2) Corrigans All Access Park
- 3) Corrigans Reserve Playground
- 4) The Bay Push Playground
- 5) Variety Playground.

Council may choose the advertised name, one of the options put forward or an alternative.

Two options are provided within the recommendations to allow Council to determine this matter.

Option 1 is the name as advertised.

Option 2 allows incorporation of "Batemans Bay" as the location to highlight its connection to the regional centre, taking account of feedback from the community. This option offers an advantage that each time the name is used in print or photos are taken at the playground, the location of the playground will be highlighted. It may also allow Variety to duplicate this model more widely across Australia and the world as a model playground.



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**IR17/039 NAMING OF CORRIGANS BEACH RESERVE INCLUSIVE PLAYGROUND**

**E85.3187**

**Policy**

This proposal complies with Council's Naming of Parks, Reserves, Sports Fields and Public Pathways Policy that has been developed to comply with the GNB guidelines. However, facilities within a public place do not require formal approval of the GNB. The GNB have advised that when the name of a facility has been agreed upon, Council may wish to advise them. The GNB will then record the name of the playground in their digital topographical database and the name will be shown on future maps.

**Asset**

The playground and reserve in which it is situated is a Council asset. This playground provides a regional scale facility with something for people of all abilities. The playground is consistent with Council's existing Disability Action Plan, and the new draft Disability Action Plan currently on public exhibition.

**Financial**

Funding for the signage for the park will be funded from the overall project funding. The signage will be designed once Council has adopted the name of the playground.

**Community Engagement**

This naming proposal was placed on public exhibition for a period of 28 days with the closing date being 4 April 2017. The naming proposal was available on Council's website and advertised in local newspapers.

The submissions are provided as a confidential attachment to this report. The submissions highlight the involvement of the broader community beyond that provided by Variety Australia. The submissions also highlight the need to identify the location. The alternative names put forward include:

1. Batemans Bay All Access Park
2. Corrigans All Access Park
3. Corrigans Reserve Playground
4. The Bay Push Playground
5. Variety Playground.

**CONCLUSION**

Council may choose to name facilities within its reserves in accord with Naming of Parks, Reserves, Sports Fields and Public Pathways Policy. Council advertised the name "Variety Inclusive Playground" to seek broader community input.

Alternate views have been submitted for Council's consideration and determination.

Two alternate options have been recommended to Council.

The decision on the naming rests with Council.

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**IR17/040 FUNDING OFFER - COMMUNITY DEVELOPMENT GRANTS PROGRAM E98.2412**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P1.2 Undertake advocacy activities to deliver major initiatives and infrastructure to support future growth

Operational Plan Link: P1.2.1 Advocate for improved infrastructure and funding to support regional initiatives

### **EXECUTIVE SUMMARY**

The Hon. Fiona Nash MP, Minister for Regional Development, has advised Council of a successful grant offer of \$350,000 (GST exclusive) under the Community Development Grants Program for the Narooma Swimming Pool Upgrade project.

This funding will enable Council to remove the asbestos roof, refurbish the entry and provide a new gym space and inclusive children's water play area.

This grant funding offer provides 100% funding towards the project. Council staff have accepted the grant. This report seeks Council's endorsement of this action.

Works will be carried out in the 2017-18 financial year. Consultation will be undertaken with the community on the design of the gym space and inclusive water play area. The works on the replacement of the roof and repainting of the entrance will be undertaken as soon as resources can be arranged.

### **RECOMMENDATION**

THAT Council endorse action taken in accepting the grant funding offer of \$350,000 from the Department of Infrastructure and Regional Development under the Community Development Grants Program.

### **BACKGROUND**

Narooma Swimming Pool was built in the 1960's and has been identified as requiring further works to upgrade the appearance, functionality and appeal of the facility. A portion of the roofing is of original construction and contains asbestos materials.

A funding proposal was put to the Australian government in the lead up to the last election resulting in a commitment in June 2016 to provide funds to remove and replace the asbestos roof, refurbish the entry, provide space for the inclusion of gym equipment and build a new inclusive children's water play space. The concept behind the upgrade was to provide:

- i) A fun, colourful, inclusive water play space in line of sight from the foreshore. This facility would allow the decommissioning and removal of the outdated and problematic outdoor toddlers' pools
- ii) A space to permit inclusion of the gym equipment overlooking the foreshore
- iii) Address the asbestos issue by replacing the roof and guttering

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**IR17/040 FUNDING OFFER - COMMUNITY DEVELOPMENT GRANTS PROGRAM E98.2412**

- iv) Provide a more welcoming entrance to the pool by refreshing the painting and undertaking minor improvements.

These works are aimed at providing an added attraction to the Narooma pool with a view to increasing utilization and lower the ongoing operational cost of the pool.

**CONSIDERATIONS**

The Honorable Fiona Nash, Minister for Regional Development has advised Council of a successful grant offer of \$350,000 (GST exclusive) under the Community Development Grants Program for the Narooma Swimming Pool Upgrade project.

This confirmation is welcome and will now allow the works to proceed in the 2017-18 financial year. Detailed designs will now be developed and the necessary approvals obtained to allow the works to proceed.

The majority of the works can be achieved whilst the pool is open to the public.

Council staff have already accepted the grant and this report seeks Council's endorsement of this action.

**Economic Development Employment Potential**

The vibrancy this project will bring to the Narooma CBD will support existing businesses, economic development and employment growth and aligns with the priorities and objectives in the following plans:

1. [Eurobodalla Shire Council Community Strategic Plan](#)
2. [Eurobodalla Disability Action Plan](#)
3. [South Coast NSW Destination Management Plan](#)
4. [Eurobodalla Destination Management Plan](#)
5. [Regional Development Australia – Far South Coast Strategic Regional Plan.](#)

**Asset**

The proposed works will allow critical renewal works to be undertaken by replacing the existing asbestos roof and guttering. This aids Council in renewing its assets and in meeting the Fit for Future renewal ratios. The removal of the asbestos roofing also removes a future potential risk from this public building.

The ongoing costs of the proposed new infrastructure should be offset by the additional income received through additional patronage.

The replacement of the existing toddlers' pools removes an old and outdated piece of infrastructure. This will also improve the operational efficiency of the main pool in terms of maintaining the required pool water quality.

The new water play space is safer (no body of water), easier to manage and is to be located in a prominent area to encourage greater visibility of the attractions within the pool.

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**IR17/040 FUNDING OFFER - COMMUNITY DEVELOPMENT GRANTS PROGRAM**

**E98.2412**

**Financial**

This offer provides 100% funding towards the construction project. It is anticipated that the current revenue of the centre will be increased by the inclusion of the waterplay facility and gym.

**Community and Stakeholder Engagement**

Council's Engagement Planning Tool was used to guide the best way to engage and it is recommended that Council informs and consults with the community and stakeholders. Stakeholders are identified as pool patrons (pool users).

To inform the community about the grant and the proposed works to replace the asbestos roof and refurbish the pool entrance works at the pool, Council will distribute a media release and make it available on Council's website; and place signs and information about the works at the pool.

To consult with community, which means that Council will ask for feedback and listen to and acknowledge the feedback provided, it is recommended that prior to developing a draft design, Council invites pool patrons to share their ideas for the water play space and gym area at a meeting. The meeting will be promoted through local media and signs at the pool.

Following this and as part of the Development Application process, Council will show how the feedback influenced the development of the draft design, and seek further feedback when the draft design is placed on public exhibition as part of the Development Application process.

Any further feedback received during the public exhibition will be reported to Council so it can be considered before a decision is made.

To inform and let the community know about the public exhibition of the design:

- the draft design will be made available on Council's website on the Your Say page, and at the Batemans Bay, Moruya and Narooma libraries and Moruya Customer service centre
- the public exhibition will be advertised in Council's Noticeboard which appears in the print editions of some local papers, and on Council's website
- a media release will be distributed to Eurobodalla's media organisations and resident, community and business groups.
- it will be promoted on Council's Facebook page.

**CONCLUSION**

The Department of Infrastructure and Regional Development has offered \$350,000 for the upgrade of the Narooma pool. This grant has been accepted and this report seeks Council's endorsement of this action.

The grant will fund the provision of the replacement of the asbestos roof, repainting and minor upgrade of the entrance, provision of a new inclusive water play area and a space for gym equipment.

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**IR17/040 FUNDING OFFER - COMMUNITY DEVELOPMENT GRANTS PROGRAM E98.2412**

This proposal will have a positive effect for Narooma as well as offering an opportunity to increase patronage to the pool and lower the ongoing operational costs of the pool.

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**FBD17/037 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development  
Attachments: 1. Confidential - Submissions - Community Grants Policy  
Focus Area: Support Services  
Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council operates  
Operational Plan Link: SS1.2.2 Ensure transparency in council dealings

**EXECUTIVE SUMMARY**

All Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The draft Community Grants Policy has been on exhibition and submissions received were in support of the policy. It is recommended that this policy be adopted.

**RECOMMENDATION**

THAT the Community Grants Policy be adopted effective the 1 July 2017 to be in line with the 2017-18 budget period.

**BACKGROUND**

The draft Community Grants Policy was first placed on public exhibition from 1 January 2017 to 7 February 2017 with no public submissions received. Council received two internal submissions which requested the addition of an annual grant called 'Youth Grants' and an additional four yearly grant called 'Waste – Commodity Recycling Grant'. The draft Community Grants Policy was placed on public exhibition for a second time from 5 April 2017 to 2 May 2017. At the same time letters were sent to organisations that had previously received financial assistance from Council in the past.

At the end of the second exhibition period, five submissions were received which were in support of the draft policy.

To be consistent with the 2017-2018 budget period it is recommended that the policy to be adopted be effective 1 July 2017.

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**FBD17/037 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

**CONSIDERATIONS**

**Legal**

Council can financially assist others under section 356 of the *Local Government Act 1993*, for the purpose of 'exercising its functions'. Allocations of such funds must be distributed in accordance with the provisions of section 356.

**Policy**

There is inequity in the current policy and procedures, as many community groups with applications of merit may miss out on the opportunity to apply for financial assistance (grants), while other groups receive multiple funding payments on an ongoing basis without needing to re-apply.

A revised draft Community Grants Policy will provide greater clarity around the types of financial assistance provided to the community by Council. It will continue to meet the purpose of the current policy while aligning better with the Operational Plan and budget and enhancing transparency in reporting.

Revised procedures for application, assessment and allocation of funding will improve the management and implementation of the policy.

**Social Impact**

The draft Community Grants Policy makes the process fairer and more consistent and transparent as it allows individuals and community group's access to assistance that they may not have been aware of.

**Financial**

The current Operational Plan and budget 2016-17 provides for \$169,475 worth of donations and grants.

Many recipients currently receive programmed donations every year without being required to re-apply or provide acquittal advice to Council. This prevents Council from being able to review its return on investment or determine if the recipients' requirements for funding continue to be of merit. Some recipients are receiving financial assistance funding from several different sources within Council, whereas other community groups may not be aware of their eligibility for assistance. The new policy will provide consistency across the community.

**Community Engagement**

The draft Community Grants Policy was first placed on public exhibition from 1 January 2017 to 7 February 2017 with no public submissions received. The draft Community Grants Policy was placed on public exhibition for a second time from 5 April 2017 to 2 May 2017. At the same time letters were sent to organisations that had previously received financial assistance from Council in the past.

**CONCLUSION**

The draft Community Gants Policy was publicly exhibited for a second time commencing on 5 April 2017 until 2 May 2017. During this time five submission were received, which were in

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**FBD17/037 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

support of the draft Policy. It is recommended that the Community Grants Policy be adopted effective the 1 July 2017.



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**FBD17/038 POLICY REVIEW - EVENTS POLICY**

**E88.0056**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development

Attachments: 1. Under Separate Cover - Events Policy

Focus Area: Support Services

Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council operates

Operational Plan Link: SS1.2.2 Ensure transparency in council dealings

### **EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Events Policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT:

1. Council endorses the draft Events policy for public consultation.
2. The draft Events policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

### **BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

The purpose of the Events Policy is to establish the Council's position regarding all community and commercial events held with the Eurobodalla Shire that require Council approval. It established key protocols for event delivery that ensure events are well managed and

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**FBD17/038 POLICY REVIEW - EVENTS POLICY**

**E88.0056**

contribute to and benefit the local community whilst ensuring local amenity and public safety are duly considered and managed.

**Changes**

The draft policy has been reviewed with minor referencing updates and additional clarification that Council has two roles identified by this policy:

- The support of event development in line with council strategies as amended from time to time
- To process applications for approvals of events on public land.

The policy will be reviewed once the Eurobodalla Draft Events Strategy 2016-2020 has been considered and adopted by Council. This strategy was developed to assist event organisers, to support and develop new and existing events and to work closely with business and industry associations. Finalisation and presentation to Councillors of this strategy will only occur after finalisation of the Destination Action Plan.

**CONSIDERATIONS**

**Legal**

This policy ensures Eurobodalla Shire Council's compliance with the *Local Government Act 1993*, the *Crown Lands Act 1989* and the *Road Act 1993*.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 21 June 2017 until Tuesday 18 July 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Events Policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Events Policy will be presented to Council for consideration to adopt.

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**FBD17/039 POLICY REVIEW - EXTINGUISHMENT OF EASEMENTS**

**E06.0365**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development  
Attachments: 1. Under Separate Cover - Extinguishment of Easements Policy  
Focus Area: Support Services  
Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services  
Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

**EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Extinguishment of Easements Policy has been reviewed and, as it is no longer required, the proposed repeal of the policy is recommended to be placed on public exhibition before the policy is presented to Council for repeal.

**RECOMMENDATION**

THAT:

1. Council endorses the repeal of the Extinguishment of Easements Policy for public consultation.
2. The proposed repeal of the Extinguishment of Easements Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the policy for consideration to repeal.

**BACKGROUND**

This policy was designed to ensure a consistency of approach to the extinguishment of easements over private property when no longer required by Council.

Easements can be created for a variety of purposes such as pedestrian or vehicular access, stormwater drainage, water supply and sewerage purposes.

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**FBD17/039 POLICY REVIEW - EXTINGUISHMENT OF EASEMENTS**

**E06.0365**

If Council acquires an easement it is usual to pay compensation under the *Land Acquisition (Just Terms Compensation) Act 1991* [www.austlii.edu.au/au/legis/nsw/consol\\_act/latca1991442/](http://www.austlii.edu.au/au/legis/nsw/consol_act/latca1991442/) to the landowner for the potential detriment to the land and to pay other associated valuation, legal and administrative costs.

Extinguishment of an easement can enhance the value of the property through removal of the encumbrance.

The policy is no longer required as the content has been incorporated into Council's Land Acquisition and Disposal Policy.

**Changes**

The policy has been reviewed and its content has been incorporated into the Land Acquisition and Disposal policy. As such the Extinguishment of Easements Policy can be repealed.

**CONSIDERATIONS**

This policy applies to the extinguishment of easements over private property when no longer required by Council.

The policy is no longer required as the content has been incorporated into Council's Land Acquisition and Disposal policy.

**Social Impact**

Extinguishment of an easement can enhance the value of the property through removal of the encumbrance.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 21 June 2017 until Tuesday 18 July 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The Extinguishment of Easements Policy is no longer required as the purpose of the policy is included in the Land Acquisition and Disposal policy.

The proposed repeal of the Extinguishment of Easements Policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the Extinguishment of Easements Policy will be presented to Council for consideration to repeal.

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**FBD17/040 POLICY REVIEW - LAND ACQUISITION AND DISPOSAL POLICY**

**E06.0635**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development  
Attachments: 1. Under Separate Cover - Land Acquisition and Disposal Policy  
Focus Area: Support Services  
Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services  
Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

**EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Land Acquisition and Disposal Policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

**RECOMMENDATION**

THAT:

1. Council endorses the draft Land Acquisition and Disposal Policy for public consultation.
2. The draft Land Acquisition and Disposal Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

**BACKGROUND**

Eurobodalla Shire Council will from time to time acquire or dispose of its land assets or its interest in land.

Council's policy aims to ensure that the processes to acquire or dispose of land assets or its interest in land is transparent and adheres to the relevant legislation.

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**FBD17/040 POLICY REVIEW - LAND ACQUISITION AND DISPOSAL POLICY**

**E06.0635**

The policy aims to:

1. Ensure Eurobodalla Shire Council has open and accountable processes to consider the acquisition and disposal of land assets or its interest in land.
2. Ensure best value is achieved in Council land dealings.
3. Establish the criteria under which Council will consider acquisition and disposal of land or its interest in land.

Section 186 of the *Local Government Act 1993* prescribes what purposes Council can acquire land.

All land and easement acquisitions for properties not listed on the open market must be undertaken in strict accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* [www.austlii.edu.au/au/legis/nsw/consol\\_act/latca1991442/](http://www.austlii.edu.au/au/legis/nsw/consol_act/latca1991442/).

Authority to compulsorily acquire land is granted under the *Roads Act 1993* [www.austlii.edu.au/au/legis/nsw/consol\\_act/ra199373/](http://www.austlii.edu.au/au/legis/nsw/consol_act/ra199373/) or the *Local Government Act 1993*.

### **CONSIDERATIONS**

This policy applies to all acquisition and disposal of Council lands. Council, as custodian of public assets, acquires and disposes of all property interests in open market format to ensure due probity of process and optimal financial return and minimal risk.

#### **Changes**

The Land Acquisition and Disposal Policy has been amended to incorporate two new sections on Extinguishment of Easements and the Transfer of Crown Roads to Council following the repeal of separate policies concerning these topics.

#### **Legal**

This policy ensures Eurobodalla Shire Council's compliance with the *Local Government Act 1993*; the *Real Property Act 1900* [www.austlii.edu.au/au/legis/nsw/consol\\_act/rpa1900178/](http://www.austlii.edu.au/au/legis/nsw/consol_act/rpa1900178/); the *Land Acquisition (Just Terms Compensation) Act 1991*; and the *Roads Act 1993*.

The sale of Council land cannot be delegated and, as required by the *Local Government Act 1993*, all sales must be effected by a resolution of Council.

#### **Policy**

The Land Acquisition and Disposal Policy has been amended to incorporate two new sections on Extinguishment of Easements and the Transfer of Crown Roads to Council following the repeal of separate policies concerning these topics.

#### **Asset**

This policy aims to ensure best value is achieved in Council land dealings.

#### **Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 21 June 2017 until Tuesday 18 July 2017. Copies will be available

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**FBD17/040 POLICY REVIEW - LAND ACQUISITION AND DISPOSAL POLICY**

**E06.0635**

for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Land Acquisition and Disposal Policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Land Acquisition and Disposal Policy will be presented to Council for consideration to adopt.

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**FBD17/041 POLICY REVIEW - TRANSFER OF CROWN ROADS TO COUNCIL**

**E16.0297**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development  
Attachments: 1. Under Separate Cover - Transfer of Crown Roads to Council Policy  
Focus Area: Support Services  
Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services  
Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

**EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councilor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Transfer of Crown Roads to Council Policy has been reviewed and, as it is no longer required, the proposed repeal of the policy is recommended to be placed on public exhibition before the policy is presented to Council for repeal.

**RECOMMENDATION**

THAT

1. Council endorses the repeal of the Transfer of Crown Roads to Council Policy for public consultation.
2. The proposed repeal of the Transfer of Crown Roads to Council Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the policy for consideration to repeal.

**BACKGROUND**

This policy was designed to ensure that Council will only accept Crown roads as public roads if the required standard of road is constructed at the beneficiary's cost at the time of transfer.

A Crown road may need to be transferred to Council for a private development to proceed where the road provides the only means of legal access to that development. When Council becomes the roads authority it also assumes the liability for the roads. Eurobodalla Shire Council will comply with *Roads Act 1993, Section 151*.



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**FBD17/041 POLICY REVIEW - TRANSFER OF CROWN ROADS TO COUNCIL**

**E16.0297**

Council will only consent to the transfer of a Crown road to a public road under the care and control of Council if:

1. The Crown road reserve cannot be closed to become a private access; or
2. Access cannot be practically provided by an easement over private land: and
3. The road is constructed at the beneficiary's cost at the time of transfer to the minimum standard required by Council.

This policy may be reviewed and updated as necessary when legislation requires it, or Council's functions, structure or activities changes; or when technological advances or new systems change the way that Council manages the transfer of Crown roads.

The Transfer of Crown Roads to Council Policy is no longer required as the content has been incorporated into Council's Land Acquisition and Disposal Policy.

**CONSIDERATIONS**

The Transfer of Crown Road to Council Policy has been reviewed and its contents incorporated into the Land Acquisition and Disposal Policy.

The Transfer of Crown Roads to Council Policy is no longer required and should be repealed.

**Community and Stakeholder Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 21 June 2017 until Tuesday 18 July 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The Transfer of Crown Roads to Council Policy is no longer required as the purpose of the policy is incorporated into the Land Acquisition and Disposal Policy.

The proposed repeal of the Transfer of Crown Roads to Council Policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the Transfer of Crown Roads to Council Policy will be presented to Council for consideration to repeal.

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**FBD17/042 POLICY REVIEW - WATER USAGE CHARGING POLICY**

**E16.0297**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development

Attachments: 1. Under Separate Cover - Water Usage Charging Policy

Focus Area: Support Services

Delivery Program Link: SS1.1 Manage Council's financial assets and obligations

Operational Plan Link: SS1.1.3 Levying and collection of rates and charges

### **EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The purpose of this report is to inform Councillors of the review of the Water Usage Charging Policy. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT

1. Council endorses the draft Water Usage Charging Policy for public consultation.
2. The draft Water Usage Charging Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

### **BACKGROUND**

Council provides a water supply service which is funded by users of the service through annual and usage charges. This policy applies to owners of property that are connected to Council's water supply systems and explains how Council determines water usage accounts. The policy aims to:

- Confirm who is responsible for the payment of water usage charges.
- Explain how water usage accounts are calculated.
- Detail Council's requirements for dealing with disputed water meter readings.
- Provide concessions where a concealed leak has resulted in a significant increase in a customer's water use, for home haemodialysis patients and for public hospitals.

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**FBD17/042 POLICY REVIEW - WATER USAGE CHARGING POLICY**

**E16.0297**

- Promote an integrated framework for determining water supply usage accounts.
- Ensure consistency and fairness in the manner in which the Council deals with water supply customers.
- Ensure compliance with legislative requirements under the *Local Government Act 1993*.
- Make the Council's policies and requirements for water supply and charging readily accessible and understandable to the public.

**CONSIDERATIONS**

The Water Usage Charging Policy has been reviewed. The internal plumbing system minimum test pressure carried out following leak repairs on undetected leaks has been increased from 800KPa to 1500KPa, as per the Plumbing and Drainage Australian Standard AS3500.

A copy of the draft policy has been provided to the Audit, Risk and Improvement Committee for its consideration.

**Legal**

Eurobodalla Shire Council will comply with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

**Policy**

The owner(s) of a property is responsible for all water usage that is recorded on the water meter/s servicing that property.

No allowance will be made where customers use water from a metered water supply servicing their property for the maintenance of adjacent public land.

**Financial**

Water usage charges payable are determined by multiplying the measured quantity of water less any approved concessions by the water usage charge in Council's Fees and Charges published annually as part of the Operational Plan.

A minimum charge of \$10 per usage account shall be charged.

**Community and Stakeholder Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 21 June 2017 until Tuesday 18 July 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Water Usage Charging Policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Water Usage Charging Policy will be presented to Council for consideration to adopt.

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**CAR17/017 NAIDOC WEEK GRANTS**

**E16.0297**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services

Attachments: 1. Confidential - NAIDOC Week Grants Confidential Attachment

Focus Area: Liveable Communities

Delivery Program Link: L1.3 Implement recreation and community development initiatives

Operational Plan Link: L1.3.4 Coordinate Healthy Communities, Seniors Week and NAIDOC Week grants

**EXECUTIVE SUMMARY**

The Eurobodalla NAIDOC Week Grants aim to promote understanding of the history, culture and achievements of Aboriginal and Torres Strait Islander people by providing funds to celebrate NAIDOC and support participation in NAIDOC Week activities.

The criteria for Eurobodalla NAIDOC Week Grants reflect Council's social, cultural and management planning commitments to community development.

The total grant amount available in the 2016-17 NAIDOC Week grants is \$3163.00. The confidential attachment lists applicants recommended for the 2016-17 funding round.

This year a total of 8 applications were received requesting \$6,433. In 2015-16, 21 applications were received requesting \$10,996.70.

**RECOMMENDATION**

THAT Council approve the recommendations detailed in the confidential attachment, awarding NAIDOC Week grants to 7 organisations in the 2016-17 funding round.

**BACKGROUND**

A subcommittee, including a member of the Aboriginal Advisory Committee and two Council staff members has reviewed all applications, with recommendations listed as per the confidential attachment.

Historically applications received for this grant funding from the community far outweigh the total funds available.

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**CAR17/017 NAIDOC WEEK GRANTS**

**E16.0297**

**CONSIDERATIONS**

Council's NAIDOC week grants provide opportunities for the broader community to engage and celebrate NAIDOC week.

Selection for NAIDOC week grants is determined by the following criteria:

- Not for profit (incorporated or bona fide Eurobodalla based community group)
- Able to contribute to activity (in kind or financial)
- Adequate insurance cover
- Benefit to Community (positive event or activity, encourages participation, promotes understanding of NAIDOC, promotes partnerships with Aboriginal organisations)
- Demonstrates creativity and originality.

There were a total of 8 applications received this year.

A subcommittee of three people including a representative from the Aboriginal Advisory Committee reviewed the applications.

A confidential summary sheet is attached.

**Social Impact**

The determinants of health that influence Indigenous peoples' health and wellbeing also include cultural factors, racism, disconnection from language and land and spiritual social and emotional wellbeing. Eurobodalla has a higher percentage of Aboriginal people living in the community compared to the state average. Annual NAIDOC week activities and celebrations are an important cultural event on the Aboriginal and Torres Strait Islander calendar and promote understanding and acceptance in the wider community of the unique place first Australians occupy in our cultural landscape.

Council's NAIDOC week grants demonstrate a commitment from Council to support and promote Aboriginal cultural activities within the Aboriginal and non-Aboriginal community.

**Economic Development Employment Potential**

NAIDOC grants provide Community and not for profit groups much needed funds to support the payment of Aboriginal artists, cultural educators and elders during NAIDOC week activities as well as providing a platform for promotion and publicity.

**Community and Stakeholder Engagement**

We have informed the community of the NAIDOC grants through providing information on Council's website; Online News; distributing information and applications directly via email mailing lists and distributing media releases.

We have consulted with the Aboriginal Advisory Committee and called for a representative to assess the applications. A subcommittee was approved to make recommendations.

**Financial**

In 2016-17 \$1663.00 of unallocated funding from the Healthy Communities and Seniors week grants were added to the NAIDOC week grants budget. Council therefore has a budget of \$3163 for grants to support the activities of community groups, schools and/or non-profit

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**CAR17/017 NAIDOC WEEK GRANTS**

**E16.0297**

organisations in celebrating NAIDOC Week. The combined total of applications recommended by the subcommittee for funding is \$3163.00.

**CONCLUSION**

In line with the directions of social, cultural and management planning processes, it has been identified that working in collaboration with local not-for-profit groups to promote and initiate community focused activities during NAIDOC Week has valuable outcomes.

This report outlines the selection criteria for Eurobodalla NAIDOC Week Grants and recommends funding 7 of the 8 projects as per the confidential attachment.

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**CAR17/018 DOG RECREATION AREAS - BATEMANS BAY**

**E16.0041**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services

Attachments: 1. Confidential - Dog Recreation Areas - Batemans Bay confidential attachment

Focus Area: Liveable Communities

Delivery Program Link: L1.3 Implement recreation and community development initiatives

Operational Plan Link: L1.3.8 Support capacity building of community and recreation groups

### **EXECUTIVE SUMMARY**

This report details the communications and correspondence in relation to the development of an off-leash dog training venue in the Batemans Bay area and the process undertaken to identify and assess potential sites for Council consideration.

The report outlines the following:

- the 20 suggested locations, developed in consultation with the stakeholders
- a review of the 20 sites, including details and budgetary implications for each
- detailed information on three preferred sites, taken from the list of 20
- consideration of short term and long term options.

Specific desired components of a dog recreation facility were identified by the community stakeholder group which have been included in the review information. They include access to water; visibility; security; parking; lighting; size of the facility; fencing, bins, seating and appropriate topography. These components were included in the assessment process and costs identified, where applicable.

### **RECOMMENDATION**

THAT Council:

1. Select a site for the location of an on-leash recreational dog park in the Batemans Bay area, from the three potential sites detailed in the confidential attachment, being:
  - Surf Beach Reserve
  - Corrigan's Reserve
  - Mundarra Way, Surfside.
2. Work with the Batemans Bay Dog Training Club to secure funds for infrastructure required for an off leash dog park.
3. Publicly exhibit for twenty eight (28) days a draft amendment to the Companion Animal Management Plan 2015-2019 on the use of the selected site as a 24 hour on leash (long term off-leash) area for dogs. Animals would be required to be under the care and control of a competent person at all times.

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**CAR17/018 DOG RECREATION AREAS - BATEMANS BAY**

**E16.0041**

**BACKGROUND**

In May 2016, communications were received from members of the public relating to the need for a fenced dog park in Batemans Bay. Initial enquiries came about as a result of Council's call for 'Expressions of Interest' for the short term use of the former Batemans Bay Bowling Club site. One submission suggested the use of one of the bowling greens as a fenced park.

Staff liaised with 4-5 residents who indicated an interest in the development of an off-leash dog park in the Bay area. Phone, email and face to face communications have been ongoing since that time.

On the 13 December 2016 (report 16/357 and NOM 16/10) Council adopted the following:  
THAT:

- 1. Council address existing and emerging demand for dog recreational venues in the Shire, with a staged approach that considers demand (current and potential), community engagement to date and cost within a responsible recreation planning context.*
- 2. Council, by 31 March 2017, seek further information from the Batemans Bay Dog Park Supporters Group and other interested parties regarding the provision of dog recreational and training facilities in the Batemans Bay area and that Council support in principle the establishment of such amenities.*
- 3. Council plan for the provision of a fenced dog training and recreation facility at the Moruya Showgrounds as part of the forward budget and master planning processes.*

A petition signed by almost 1000 individuals, requesting the establishment of a formal dog park in the Bay area, has been received by Council.

Two reference group meetings to discuss the issue in detail have taken place this year. The second meeting enabled all attendees to provide suggestions and recommendations for preferred locations in the Batemans Bay area. All suggested sites have been reviewed and key stakeholders have been updated.

Multiple internal staff meetings have been undertaken to research and review site information and consider impacts and issues. The Companion Animal Management Plan (CAMP) 2015-19 has been considered. Potential sites have been identified by both staff and residents, and staff have carried out on-site inspections.

**CONSIDERATIONS**

As part of the assessment of each site, feedback was received from the following Council's Planning, Property, Events, Infrastructure and Parks sections along with the 4-5 members of the community stakeholder group.

Consideration was given to planning and legal issues, including planning zones, land ownership, proposed land use, current land use, current Plans of Management, current licence agreements, community events and community access, as well as stated community requirements including visibility, location, size and access to water.

A staged approach is proposed, with an on-leash venue identified initially to enable dog recreational activities to begin. As dog recreational activities grow, Council will work with the Batemans Bay Dog Training Club to identify funds and funding sources and prioritise infrastructure requirements. This is in line with the process followed in Narooma and Moruya.



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**CAR17/018 DOG RECREATION AREAS - BATEMANS BAY**

**E16.0041**

The confidential attachment outlines all considerations and costs associated with each site, including why some sites were assessed as not suitable.

**Legal**

The *Companions Animal Act 1998* provides the legal framework for the effective and responsible care and management of companion animals. Council's Companion animal Management Plan 2015 – 2019 provides the mechanism to identify dog exercise areas and requirements.

**Policy**

The Companion Animal Management Plan 2015-2019 includes details on animal, community and environmental issues, as well as monitoring and the process for the review of exercise areas and prohibitions.

A major focus of the plan is the dog exercise areas. This includes time-share, off leash, leashed and prohibited areas. Council strategies aim to balance competing uses for finite space considerately and in accord with relevant legislation.

To effect the recommendation of a site in the Batemans Bay area, an amendment to the CAMP will be required, seeking public comment via public exhibition of the proposal for 28 days.

**Social Impact**

In the Eurobodalla Shire there is a fenced off-leash dog area formalised at NATA Oval in Narooma and a non-fenced space at the Moruya Showground, where formalized dog training occurs. There are a range of time-share, off-leash, leashed and prohibited areas across the shire including beaches and reserves.

Many residents with dogs undertake formal classes and training to assist behavior and socialization for both the owner and their pet. These are currently accessed via the sites mentioned above or elsewhere out of the shire.

Approximately half of the pet dogs in the Eurobodalla are registered to the Batemans Bay area, with 80% of pet dogs reported as living in the family home as part of the family.

Dog parks provide opportunities for social interaction and active recreation to take place.

The stakeholder group of 4-5 residents Council is working with have indicated a desire to undertake specialized instruction with dogs, including agility training, which requires equipment and containment for the dogs. This type of activity may also lead to competitions being held.

The establishment of a dog recreation venue in Batemans Bay will provide a local site in the north of the shire which may impact on Moruya Dog Club participation numbers, as some Batemans Bay and surrounds participants commute to Moruya for this activity.

**Financial**

All financial costs associated with the advertisement of the nominated land as a formal dog park is borne by Council. The requirements to fulfil further changes to the Companion Animal Management Plan 2015-19 will be undertaken with existing staff resources.

Increased maintenance costs for increased levels of service at the selected site, such as mowing, will be incorporated into existing maintenance schedules.

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**CAR17/018 DOG RECREATION AREAS - BATEMANS BAY**

**E16.0041**

**Community and Stakeholder Engagement**

Written communications from the stakeholder group have been received and responded to since May 2016. Phone communications have also been ongoing since this time. Two reference group meetings have taken place. The second meeting enabled all attendees to provide suggestions and recommendations for preferred locations in the Batemans Bay area.

To effect the recommendation of a site in the Batemans Bay area, an amendment to the CAMP will be required, seeking public comment and submissions via public exhibition of the proposal for 28 days on the usage or otherwise of the selected site as a 24 hour off-leash area for dogs.

**CONCLUSION**

There is a present request to establish an off-leash dog area in the Batemans Bay area, with 4-5 stakeholders actively championing the issue with Council. The 20 sites identified have been reviewed with three preferred sites considered in detail, as per the attachment.

Initially an on-leash facility is proposed. Council will work with the Batemans Bay Dog Training Club to identify funds and funding sources to address prioritised infrastructure requirements as the club grows. This is in line with the process followed in Narooma and Moruya.

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**CAR17/019 DOG RECREATION AREAS - NELLIGEN**

**E16.0041**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services

Attachments: Nil

Focus Area: Liveable Communities

Delivery Program Link: L1.3 Implement recreation and community development initiatives

Operational Plan Link: L1.3.5 Improve community awareness and usage of recreation facilities

### **EXECUTIVE SUMMARY**

This report seeks approval to seek community feedback for the purpose of amending the Council's Companion Animal Management Plan (CAMP) 2015-19 to formalise an off-leash dog area at Lot DP 145 726765, at the end of Tennis Court Lane, Nelligen.

The parcel of land has been informally utilised by locals as an off-leash area for over 12 months and, to-date, Council has received no complaints regarding this use.

The area and use has been reviewed by relevant staff and deemed to be appropriate for purpose. The amendment to the CAMP will enable local residents to exercise their dogs without offence. It is recommended that Council publicly advertise the draft amendment to the CAMP to seek community feedback on the formalisation of the proposal to enable an off-leash dog area for Lot DP 145 726765, Nelligen.

### **RECOMMENDATION**

THAT Council:

1. Publicly exhibit for twenty eight (28) days a draft amendment to the Companion Animal Management Plan 2015-19 on the usage of Lot DP 145 726765, Nelligen as a 24 hour off-leash area for dogs. Animals would be required to be under the care and control of a competent person at all times.
2. A further report be provided to Council containing a revised Companion Animal Management Plan 2015-19 inclusive of considerations of the submissions received during the exhibition period.

### **BACKGROUND**

On the 13 December 2016 (report 16/357 and NOM 16/10) Council adopted the following:

THAT:

1. Council address existing and emerging demand for dog recreational venues in the Shire, with a staged approach that considers demand (current and potential), community engagement to date and cost within a responsible recreation planning context.
2. Council, by 31 March 2017, seek further information from the Batemans Bay Dog Park Supporters Group and other interested parties regarding the provision of dog recreational and training facilities in the Batemans Bay area and that Council support in principle the establishment of such amenities.

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**CAR17/019 DOG RECREATION AREAS - NELLIGEN**

**E16.0041**

*3. Council plan for the provision of a fenced dog training and recreation facility at the Moruya Showgrounds as part of the forward budget and master planning processes.*

As part of the ongoing consultation regarding the establishment of off-leash dog areas with 4-5 interested members of the Batemans Bay and Nelligen communities, a request was made for Council to consider allowing 24 hour off-leash dog access to Lot DP 145 726765, at the end of Tennis Court Lane in Nelligen. This is an area of open space adjacent to the tennis courts, bordered by Clyde Boulevard. The area has natural barriers and does not require fencing.

The spokesperson for the Nelligen dog owners who use the space indicated that no further infrastructure was required and requested that if the CAMP is favourably amended that the Council then remove the 'No Dogs' signs.

The area of land is adjacent to the Nelligen tennis courts. The Nelligen tennis club no longer exist and Council receives minimal income from the use of the tennis courts. There are no regular bookings and casual bookings are almost non-existent.

Staff have undertaken a site visit and have reviewed the suitability and impact on the site in view of the CAMP and have resolved to propose this process for Council to consider amendment to the CAMP to update the site usage.

**CONSIDERATIONS**

**Legal**

The Companions Animal Act 1998 provides the legal framework for the effective and responsible care and management of companion animals. The Companion animal Management Plan 2015 – 2019 provides the mechanism to identify dog exercise areas and requirements. The plan will require amendment via the required process to enable the new use.

**Policy**

The Companion Animal Management Plan 2015-2019 includes details on animal, community and environmental issues, as well as monitoring and the process for the review of exercise areas and prohibitions.

A major focus of the plan is the dog exercise areas. This includes time-share, off leash, leashed and prohibited areas.

To effect the recommendation of a site in the Batemans Bay area, an amendment to the CAMP will be required, seeking public comment via public exhibition of the proposal for 28 days.

**Environmental**

The use of this land as an off-leash area will have minimal impact on the environment.

**Social Impact**

Council strategies aim to balance competing uses for finite space considerately and in accord with relevant legislation. The area in question is already being used for off-leash dog recreation activities, which requires formalization.

The potential amendment to this restriction will provide the Nelligen community with an area to exercise their dogs without fear of committing an offence. The area is suitable for the purpose, with natural barriers and open space for the proposed activity.

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**CAR17/019 DOG RECREATION AREAS - NELLIGEN**

**E16.0041**

**Financial**

All financial costs associated with the advertisement of the nominated land as a leash free area is borne by Council. The requirements to fulfil further changes to the Companion Animal Management Plan 2015-2019 will be undertaken with existing staff resources.

No additional infrastructure is required, with only the 'No Dogs' sign to be removed.

**Community and Stakeholder Engagement**

It is proposed that the amendment be put on public exhibition for twenty eight (28) days. This includes amendment to the Companion Animal Management Plan 2015-2019 requesting public comment and submissions on the usage or otherwise of Lot DP 145 726765, Nelligen as a 24 hour off leash area for dogs. Animals would be required to be under the care and control of a competent person at all times.

The proposed amendment will be on public exhibition for a period of not less than 28 days. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

Eurobodalla Shire Council seeks a draft amendment to the Companion Animal Management Plan 2015 – 2019 following public comment on the usage of Lot DP 145 726765, Nelligen as a 24 hour off-leash area for dogs. Animals would be required to be under the care and control of a competent person at all times.

A further report will be provided to Council on submissions received.

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**CAR17/020 POLICY ADOPTION - ARTS AND CULTURAL SERVICES POLICY**

**E16.0297**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services

Attachments: 1. Under Separate Cover - Arts and Cultural Services Policy

Focus Area: Collaborative Communities

Delivery Program Link: C1.2 Manage the organisation to effectively and efficiently meet our statutory obligations

Operational Plan Link: C1.2.1 Respond to legislative and policy requirements set by the Department of Local Government

### **EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*.

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.
- Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.

The Arts and Cultural Services policy has been reviewed. Council resolved at its meeting of 28 March to place the draft policy on public exhibition for 28 days. No submissions were received during the exhibition period.

In line with the report submitted to Council on 28 March 2017 it is proposed to change the name of the policy from Arts and Cultural Services to Creative Arts Services. Culture is a broad term that encompasses a range of endeavours that do not fall specifically within the creative arts sphere. This change will assist Council in providing focussed attention to the arts and creative industries sector.

This report recommends adoption of the draft policy. It also recommends changing the name of the draft policy from Arts and Cultural Services to Creative Arts Services.

### **RECOMMENDATION**

THAT:

1. Council change the name of the policy from Arts and Cultural Services to Creative Arts Services; and
2. Council adopt the Creative Arts Services policy.

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**CAR17/020 POLICY ADOPTION - ARTS AND CULTURAL SERVICES POLICY**

**E16.0297**

**BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

This policy is designed to position the role of arts and culture as instrumental to engaging communities, cultivating new industries, celebrating, promoting and developing the Eurobodalla's distinctive characteristics, economy and reputation as a strong and vibrant community.

**CONSIDERATIONS**

**Changes**

In line with the report submitted to Council on 28 March 2017 it is proposed to change the name of the policy from Arts and Cultural Services to Creative Arts Services. Culture is a broad term that encompasses a range of endeavours that do not fall specifically within the creative arts sphere. This change will assist Council in providing focussed attention to the arts and creative industries sector. No other changes are recommended.

**Community and Stakeholder Engagement**

Council consulted with the community and sought their feedback during the public exhibition phase by exhibiting the draft policy on Council's website, at libraries, and at the Customer Service Centre in Moruya, for a period of 28 days.

**CONCLUSION**

The draft Art and Cultural Services policy was publicly exhibited for 28 days. No submissions were received. It is recommended the name of the Arts and Cultural Services policy be changed to Creative Arts Services policy. The Creative Arts Services policy is now presented to Council for consideration to adopt.

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**CAR17/021 POLICY REVIEW - COMMUNITY GARDENS**

**E16.0297**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services  
Attachments: 1. Under Separate Cover - Community Gardens Policy  
Focus Area: Support Services  
Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council operates  
Operational Plan Link: SS1.2.2 Ensure transparency in council dealings

**EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Community Gardens policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

**RECOMMENDATION**

THAT:

1. Council endorses the draft Community Gardens policy.
2. The draft Community Gardens policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

**BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

The purpose of this policy is to outline Council's position on the concept of community gardens and to clarify the roles of Council and community groups who apply for community gardens on Council owned or managed land within the Eurobodalla Shire.



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**CAR17/021 POLICY REVIEW - COMMUNITY GARDENS**

**E16.0297**

This policy applies to Council owned community land as classified under the Local Government Act 1993 (the Act) and Crown land where Council is the Trust Manager. Development consent is not required for community gardens on community land.

Community garden groups with a licence for the use of Council owned or managed land are acting by or on behalf of Council in accordance with the Act and as such minor development as outlined in the State Environmental Planning Policy (Infrastructure) 2007, would be exempt. This would include but is not limited to, pergolas, rain water tanks, sheds of a certain size and fencing. The size, location and number of these structures are required to be shown on the site plan and will form part of the licence conditions.

A licence agreement must be established between Council and the eligible community group for the purpose of establishing and operating a community garden on Council owned or managed land.

**Changes**

The policy has been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates.

**CONSIDERATIONS**

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 21 June 2017 until Tuesday 18 July 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Community Gardens policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Community Gardens policy will be presented to Council for consideration to adopt.

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**CAR17/022 POLICY REVIEW - PROPERTY - USE BY COMMUNITY ORGANISATIONS**

**E16.0297**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services  
Attachments: 1. Under Separate Cover - Property – Use by Community Organisations Policy  
Focus Area: Support Services  
Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council operates  
Operational Plan Link: SS1.2.2 Ensure transparency in council dealings

**EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Property – Use by Community Organisations policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

**RECOMMENDATION**

THAT:

1. Council endorses the draft Property – Use by Community Organisations policy.
2. The draft Property – Use by Community Organisations policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

**BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

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**CAR17/022 POLICY REVIEW - PROPERTY - USE BY COMMUNITY ORGANISATIONS**

**E16.0297**

Many community organisations rely on the use of public land (either Council-owned or Crown land under Council's care, control and management) to conduct their activities or to develop infrastructure and improvements to achieve their objectives.

This policy aims to establish a consistent and fair framework to deal with requests for the use of public land by a diverse range of community organisations.

The policy aims to:

- promote an integrated framework for dealing with requests by community organisations for the use, or allocation, of public land;
- ensure consistency and fairness in the manner in which Council deals with such requests;
- ensure compliance with legislative requirements under the Local Government Act 1993 and the Crown Lands Act 1989;
- promote awareness of the requirements of these Acts with respect to the use of public land by community organisations;
- make Council's policies and requirements for such use readily accessible and understandable to the public;
- ensure that the proposed use is appropriate to the land identified and to its environmental and other values.

Eurobodalla Shire Council will comply with the Local Government Act 1993 and the Crown Lands Act 1989 and any regulations made thereunder.

**Changes**

The policy has been reviewed and an additional consideration has been added, listed as:

**3.5 Council Approval**

Council approval is required for all uses of community land by community organisations. Fees will apply.

**CONSIDERATIONS**

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 21 June 2017 until Tuesday 18 July 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Property – Use by Community Organisations policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Property – Use by Community Organisations policy will be presented to Council for consideration to adopt.

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**DR17/005 2017 NATIONAL FLOODPLAIN MANAGEMENT CONFERENCE**

**EXX.XXXX**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Focus Area: Collaborative Communities

Delivery Program Link: C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner

Operational Plan Link: C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives

**EXECUTIVE SUMMARY**

Councillor James Thomson represented Eurobodalla Shire Council at the 57<sup>th</sup> National Floodplain Conference which was held on the 16-19 May in Newcastle and he presents his delegate's report on the Conference.

**RECOMMENDATION**

THAT the Delegates Report from Clr James Thomson on the 2017 Floodplain Management Conference be received and noted.

Topics for discussion included:

Changing the language around flood prediction. We are moving away from calling a flood a 1 in 100 year event to a 1% AEP event. AEP stands for Average Exceedence Possibility. 1% AEP is equivalent to a 1 in 100 year event.

Duncan McLucky from Office of Environment and Heritage (OEH) discussed flash flooding and the definition of flash flooding. By definition, a flash flood peaks in under 6 hours. This makes managing an event very difficult as you have very little time to predict and respond to outcomes.

Justin Robinson from the Bureau of Meteorology spoke on flood warning services and flood classifications. Flood classifications simply put are minor – moderate – major and are very important when working with emergency services, Council etc. Justin spoke of the importance of providing clear, easy to understand information through flash flood warning systems during flash flood events to emergency services, local government and the general public, keeping in mind that timing is very short and an event can be very localised.

A speaker from the Water Research Laboratory of UNSW explained experiments using real people in water flumes that were used to design risk curves. This is a tool that emergency services and planners can use to gage the risk of people moving through floodwater in different situations.

Katherine Hays and Andrew Gissing from Macquarie University debated shelter in place strategies verses evacuating, the risks involved and public advice. Emergency services prefer evacuation but acknowledge that some events don't allow enough time, in which case it may be less risky to shelter in place. The other big problem is that even with good advice, many people will refuse to evacuate.

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**DR17/005 2017 NATIONAL FLOODPLAIN MANAGEMENT CONFERENCE**

**EXX.XXXX**

Ian Dinman, President of Floodplain Management Australia, opened the conference on Wednesday 17 May. His speech "Preparing for the next great flood" was the theme of the conference. Some of the main points of his speech were that 1 in 3 Newcastle properties are located on floodplain, floods kill more people in Australia than any other natural disaster and floodplain management is not about stopping floods – but planning for them to achieve minimal damage to people and property.

A standout session was a case study of the June 1867 floods in NSW by Stephen Yeo. The event was almost certainly caused by an east coast low and caused flooding from the Hawkesbury to Moruya rivers. The Hawkesbury Napean river valley flooded catastrophically, killing 33 people. If the same flood happened today over 90,000 people would be at risk.

The conference continued to explore different ideas around flash flood prediction and creating flood warning systems. Improving community engagement for floodplain management was identified as an important goal.

The Newcastle Harbour boat cruise was an interesting and eye opening experience. To see how large and busy the port is, is phenomenal. The main materials moving in and out of the port are coal, grain and agri-fertilizer.

I attended the FMA May quarterly meeting and Annual General Meeting as a voting delegate for Council. The only change to the executive was the Queensland director Con Degroot stepping down and the appointment in his place of Dwayne Honour.

I have attached a link to the conference program:

<http://floodplainconference.com/program.php>.

The FMA conference was a very technical one, pitched towards planners, engineers and hydrologists, but very useful for Councillors. As policy setters, we need to be aware of the ongoing work and advancements in flood mitigation and planning as it directly affects our communities.

My takeaway thought from the conference is 'Good flood planning is essential' – there is no point planning during a flood event. All levels of government need to be prepared and we need good communication with the public to keep them prepared.

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## 16. DEALING WITH MATTERS IN CLOSED SESSION

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 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

THAT pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

#### CON17/002 Personnel Matter

Item CON17/002 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.

#### CON17/003 Personnel Matter

Item CON17/003 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

#### A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

#### ETHICAL DECISION MAKING

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

#### CONFLICT OF INTEREST

A conflict of interest is a clash between private interest and public duty. There are two types of conflict: Pecuniary – regulated by the *Local Government Act* and Department of Local Government; and Non-Pecuniary – regulated by Codes of Conduct and policy, ICAC, Ombudsman, Department of Local Government (advice only).

#### THE TEST FOR CONFLICT OF INTEREST

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

#### IDENTIFYING PROBLEMS

- 1st** Do I have private interests affected by a matter I am officially involved in?
- 2nd** Is my official role one of influence or perceived influence over the matter?
- 3rd** Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

## AGENCY ADVICE

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Community Committee members by various pieces of legislation, regulation and Codes.

CONTACT	PHONE	EMAIL	WEBSITE
Eurobodalla Shire Council Public Officer	4474-1000	council@eurocoast.nsw.gov.au	www.esc.nsw.gov.au
ICAC	8281 5999	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Local Government Department	4428 4100	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	8286 1000 Toll Free 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

Reports to Committee are presented generally by 'exception' - that is, only those items that do not comply with legislation or policy, or are the subject of objection, are discussed in a report.

Reports address areas of business risk to assist decision making. Those areas include legal, policy, environment, asset, economic, strategic and financial.

### Reports may also include key planning or assessment phrases such as:

*Setback* Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);

*Envelope* taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;

*Footprint* the percentage of a lot taken up by a building on a site plan.

Acronym	Meaning	Description
ACR	Australian Capital Region	The political and strategic grouping of the ACT government and 17 adjacent councils.
AEP	Annual Exceedance Probability	For floods expressed as a % eg 1% = 1:100 year event. The NSW Flood Guidelines nominate types of development and controls.
AHD	Australian Height Datum	Floor levels for buildings set to remain at or above flood level (expressed as 'freeboard').
APZ	Asset Protection Zone	Area to be cleared and maintained around habitable buildings in bushfire prone areas.
AS	Australian Standard	Standards set by national body as minimum construction, service, system, planning or design requirements.



<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
BCA	Building Code of Australia	Prescribes minimum standards or performance base for building construction.
CAMP	Companion Animal Management Plan	Required by state law, plan nominating management of dogs and cats and areas for access for the exercise of dogs (eg beaches and reserves).
CC	Construction Certificate	Floor plans approved by council or private certifier in compliance with development conditions and BCA.
COPW	Condition of Public Works Report	Required by state law to define the condition of infrastructure assets, the cost to upgrade to defined standards, the current costs of maintenance and desired levels of maintenance.
CP	Cultural Plan	A cultural plan enables identification of cultural assets, identity and needs as well as providing a framework to develop cultural initiatives to increase opportunities for residents.
CSR	Complaint and Service Request	Requests received from public by phone, letter, email or Councillor to attend to certain works (eg pothole) or complain of certain service or offence (eg dogs barking).
DA	Development Application	Required by state law to assess suitability and impacts of a proposed development.
DAP	Disability Action Plan	Council plan outlining proposed works and services to upgrade facilities to progressively meet Disability Discrimination Act.
DCP	Development Control Plan	Local planning policy defining the characteristics sought in residential, commercial land.
DECCW	Department of Environment, Climate Change and Water (formerly EPA, NPWS, DEC)	State agencies (former Environment Protection and National Parks), DNR managing state lands and natural resources and regulating council activity or advising on development applications.
DWE	Department of Water and Energy	State agency managing funding and approvals for town and country water and sewer services and State energy requirements.
DoP	Department of Planning	State agency managing state lands and regulating council activity or advising on development applications or strategic planning.
DLG	Department of Local Government	State agency responsible for regulating local government.
DoL	Department of Lands	State agency managing state lands and advising on development applications or crown land management.
DoC	Department of Commerce	State agency (formerly Public Works) managing state public water, sewer and buildings infrastructure and advising/supervising on council infrastructure construction.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
DoH	Department of Health	State agency responsible for oversight of health care (community and hospital) programs. Also responsible for public warning of reportable health risks.
DOTAR	Department of Infrastructure, Transport and Regional Development and Local Government	Federal agency incorporating infrastructure, transport system, and assisting regions and local government.
EBP	Eurobodalla Bike Plan	Strategic Plan identifying priorities and localities for cycleways in the Shire.
EIS	Environmental Impact Statement	Required for designated and state developments researching and recommending solutions to social, economic and environmental impacts.
EMP	Estuary Management Plan	Community based plan, following scientific research of hydrology and hydraulics, recommending actions to preserve or enhance social, economic and environmental attributes of estuary
EMS	Environmental Management System	Plans prepared by council (such as waste management and strategic planning) around AS14000.
EOI	Expressions of Interest	Often called in advance of selecting tenders to ascertain capacity and cost of private sector performing tasks or projects on behalf of council.
EP&A	Environment Planning & Assessment Act	State law defining types of development on private and public lands, the assessment criteria and consent authorities.
ESC	Eurobodalla Shire Council	
ESD	Ecologically Sustainable Development	Global initiative recommending balance of social, economic and environmental values in accord with 7 ESD principles.
ESS	Eurobodalla Settlement Strategy	Council strategy prepared with assistance of government to identify best uses and re-uses of urban lands, the appropriate siting of private and public investment (eg institutions, employment areas or high density residential) based on current and planned infrastructure and land capacity.
ET	Equivalent Tenement	Basis of calculation of demand or impact of a single dwelling on water and sewer system.
FAG	Financial Assistance Grant	Federal general purpose grant direct to local government based on population and other 'disability' factors.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
FSR	Floor Space Ratio	A measure of bulk and scale, it is a calculation of the extent a building floor area takes up of an allotment.
GIS	Geographic Information System	Computer generated spatial mapping of land and attributes such as infrastructure, slope, zoning.
IPART	Independent Pricing & Regulatory Tribunal	State body that reviews statutory or government business regulatory frameworks and pricing levels.
IPWEA	Institute Public Works Engineers Australia	Professional association.
IWCMS	Integrated Water Cycle Management Strategy (or Plan)	Council plan identifying risk and social, economic and environmental benefit of proposed augmentation to water, sewer and stormwater systems.
IWMS	Integrated Waste Management (Minimisation) Strategy	Council plan identifying risk and social, economic and environmental benefit of proposed augmentation of waste (solids, effluent, contaminated, liquid trade waste).
LEP	Local Environment Plan	The statutory planning instrument defining the zones and objectives of urban and rural areas.
LGAct	Local Government Act	State law defining the role of Mayor, Councillors, staff, financing, approvals etc.
LGMA	Local Government Managers Australia	Professional association.
LGNSW	Local Government NSW	Representative advisory and advocacy group for councils in NSW.
MOU	Memorandum of Understanding	Agreement in principle between parties (eg council and agency) to achieve defined outcomes.
NPWS	National Parks & Wildlife Service	Now merged into DECCW.
NRM	Natural Resource Management	
NVC	Native Vegetation Act 2003	State law defining means of protection of threatened legislation and approval processes to clear land.
OC	Occupation Certificate	Issued by council or private certifier that building is safe to occupy and in compliance with development conditions and BCA.
OSMS	On site sewage management system	Includes septic tanks, aerated systems, biocycles etc.
PCA	Principal Certifying Authority	The person or organisation appointed by applicant to inspect and certify structures.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
PIA	Planning Institute of Australia	Professional association.
POEO	Protection of the Environment Operations Act	State law outlining standards for emissions and discharges and penalties for pollution.
PoM	Plan of Management (usually for community land)	Council plan nominating type of uses for community land and range of facilities progressively to be provided on land.
PPP	Public Private Partnerships	
PTS	Public Transport Strategy	Council strategy to initiate mechanisms to promote and facilitate public transport (bus, taxi, community transport, cycles) in design of subdivisions, developments and council works.
REF	Review of Environmental Factors	Council examination of risk and social, economic and environmental benefit of proposed works, assessed against state planning, environment and safety laws.
REP	Regional Environment Planning Policy	Outlines compulsory state planning objectives to be observed in development assessment and strategic planning.
RFS	Rural Fire Service	State agency responsible for providing equipment and training for volunteer firefighter brigades, and the assessment and approval of developments in bushfire prone lands.
RLF	Regional Leaders Forum	The group of mayors and general managers representing the councils in the ACR.
RMS	Roads & Maritime Service	State agency responsible for funding, construction and maintenance of state roads, the approval of council works on arterial roads and development applications.
S64	S64 Contributions Plan	Developer contributions plan to enable, with council and state funds, the augmentation of water, sewer and stormwater infrastructure.
S94 S94A	S94 Contributions Plan S94A Contributions Plan Levy Plan	Developer contributions to enable construction of public infrastructure and facilities such as roads, reserves, carparks, amenities etc.
SCG	Southern Councils Group	Political and strategic grouping of councils along the NSW south coast from Wollongong to the border, lobbying government for assistance (eg highways) and resourcing sharing initiatives.
SCRS	South Coast Regional Strategy	Regional Strategy prepared by DoP for ESC, BVSC and part SCC to guide new LEPs.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
SEA	Strategic Environment Assessment	Spatial assessment of environmental constraints of land considered in design and assessment of subdivision and infrastructure.  Scientific research behind assessment of capacity of land and waterways in rural residential and urban expansion lands to sustain human settlement.
SEPP	State Environmental Planning Policy	Outlines compulsory state planning objectives.
SNSWLHD	Southern NSW Local Health Districts	State board commissioned with oversight of health care in Highlands, Monaro and Far South Coast.
SoER	State of the Environment Report	Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social, economic and environmental features of the Shire and appropriate responses to address or preserve those issues.
SP	Social Plan	Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social framework of the community, their services and facilities and economic interactions.
.....SP	Structure Plan	Plan promoting landuses and siting of infrastructure and facilities in towns (eg, BBSP – Batemans Bay Structure Plan).
SRCMA	Southern Rivers Catchment Management Authority	State agency commissioned with assessment and monitoring of health and qualities of catchments from Wollongong to the border, and determine directions and priorities for public and private investment or assistance with grants.
STP	Sewer Treatment Plant	Primary, secondary and part tertiary treatment of sewage collected from sewers before discharge into EPA approved water ways or irrigation onto land.
TAMS	Total Asset Management System	Computer aided system recording condition and maintenance profiles of infrastructure and building assets.
TBL	Triple Bottom Line	Commercial term coined to encourage business to consider and disclose social and environmental risk, benefit and costs in the conduct of business to guide investors as to the long term sustainability and ethics of a business. Taken up by Council to record the basis of prioritisation, the review of condition, the monitor of progress and the financial disclosure of preventative or maintenance investment in council based social and environmental activities.
ToR	Terms of Reference	
TSC	Threatened Species Conservation Act 1995	State law governing the protection of nominated species and relevant assessment and development controls.

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<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
WCF	Water Cycle Fund	Combination of water, sewer and stormwater activities and their financing arrangements.
WSUD	Water Sensitive Urban Design	Principle behind the IWCMS and council development codes requiring new developments to reduce demand and waste on water resources through contemporary subdivision and building design.