



AGENDA

Ordinary Meeting of Council

12 March 2019

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

ON TUESDAY 12 MARCH 2019

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 26 February 2019 | |
| 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA
(Declarations also to be made prior to discussions on each item) | |
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| 6. MAYORAL REPORTS
Nil | |
| 7. NOTICES OF MOTION
Nil | |
| 8. QUESTIONS ON NOTICE FROM COUNCILLORS
QON19/002 Carbon Audit 3
QON19/003 DA508/17 New Dwelling Lot 63 DP1194047 George Bass Drive, Mossy Point 5 | |
| 9. PETITIONS
Nil | |

10. GENERAL MANAGER'S REPORTS

Nil

11. PLANNING AND SUSTAINABILITY REPORTS

Nil

12. INFRASTRUCTURE REPORTS

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15. DELEGATE REPORT

16. URGENT BUSINESS

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18. CONFIDENTIAL MATTERS

**DR CATHERINE DALE
GENERAL MANAGER**

QON19/002 CARBON AUDIT

E17.1041

Responsible Officer: Patrick McGinlay - Councillor

Attachments: Nil

The following question on notice was received from Councillor Patrick McGinlay:

Question

Background Assumptions:

1. Eurobodalla Shire Council voted to send its LEP Rural Lands Strategy component (referred to as 'Deferred Matters Areas') to the Minister for Planning, The Hon Anthony Roberts for final appraisal and gazettal.
2. The Deferred Matters Areas comprise some 38,000ha of land (26,600 ha of which is forested) which might possibly be impacted by planning changes including the removal of or modification to environmental protections (E3 and E2 lands).
3. Additionally, existing RU1 and RU4 areas of some 32,000ha will also be granted substantial increases in allowable uses (+60% and +140% respectively).
4. Changes to land uses resulting from the Rural Lands Strategy will inevitably release Carbon into the atmosphere, through land clearing, loss of forest, expansion of grazing activities etc. For example, with regard to Carbon sequestration capabilities alone, if only 10% of forest is lost from the Deferred Matters Areas, some 24,000 tonnes of C sequestration capacity per year will be lost (at 2.5 g/M2/day ref:<https://carbonwaterobservatory.csiro.au/carbon.html>). This is at the bottom end of suggested losses, and also does not incorporate Carbon mobilisation through loss of forest itself, nor disturbance to previously protected rural lands, wetlands and riparian zones from cattle grazing and other new uses.

Questions

Q1. Has Council prepared a Carbon Audit for the potential release of Carbon (as Carbon Dioxide or Methane) from the potential new land-use types and intensities in the Deferred Matters Areas and in the existing RU1 and RU4 zones?

Q2. Will Council make this Carbon Audit available to councillors and the general public? Please detail timing and method of release.

Q3. If Council has not prepared such a Carbon Audit why has it not done so given the possibility of significant changes to land-use patterns in much of the Shire's rural lands as a result of the RLS? Will it undertake to do so?

Q5. What Carbon offsets has Council already set in place or has proposed to set in place to deal with these new Carbon emissions? Please specify the offsets proposed, the amount of Carbon they will sequester and all expert advice as to how they were formulated and calculations made, locations, budgets and completion schedules.

Q6. What is the value of revenue foregone by not protecting these lands from development in terms of Australian Carbon Credit Units (ref: Australian Government Clean Energy Regulator <http://www.cleanenergyregulator.gov.au/OSR/ANREU/types-of-emissions-units/australian->

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[carbon-credit-units](#))? The current price (22/02/19) is \$15.25 per tonne of carbon dioxide equivalent ((tCO₂-e) ref: <http://www.demandmanager.com.au/certificate-prices/>).

Response

Q1 No.

There is no requirement for councils to undertake a Carbon Audit when preparing planning proposals.

Q2 There is no audit to make available.

Q3 Council has not prepared such an assessment as it is not required to be prepared as part of the planning process set out by the NSW Government.

Further, significant changes to land use patterns are not expected as a result of the Rural Lands Strategy or proposed amendments to the LEP which seek to implement the strategic direction adopted by Council following significant community consultation.

It would be impossible to make assumptions with any degree of accuracy as to the nature, location, and timing of any proposed development or if any land clearing would in fact be required to facilitate such development.

It is not proposed, nor would it be recommended that Council undertake an assessment or audit of the nature referred, as it is not a requirement of the planning process and could not be undertaken with any degree of accuracy for the reasons identified above. Such an assessment would therefore be of little to no credible value and subsequently a waste of resources.

Q5 (note there is no Q4) Council has not set aside any carbon offsets. There is no requirement for Council to offset any carbon emissions that may be caused by potential future development, and as outlined above, it would not be feasible to undertake an assessment of potential emissions with any degree of accuracy.

Q6 It is impossible to calculate such value for the reasons outlined in response to Q3.

In addition to responding to the questions, it is appropriate to correct some statements made under 'Background':

- The planning proposal does not propose to remove E3 zoned lands. There is no land currently zoned E3 within the Eurobodalla LGA. Protected lands such as wetlands and riparian areas remain protected under the SEPP. This does not change.*
- It is important to note that Clause 3.3 within the Eurobodalla LEP will continue to protect environmentally sensitive areas, ensuring that any exempt and complying development in these areas not be carried out.*

RECOMMENDATION

THAT the response to the question regarding Carbon Audit raised by Councillor Patrick McGinlay be received and noted.

QON19/003 DA508/17 NEW DWELLING LOT 63 DP1194047 GEORGE BASS DRIVE, MOSSY POINT

E17.1041

Responsible Officer: Anthony Mayne - Councillor

Attachments: Nil

The following question on notice was received from Councillor Anthony Mayne:

Question

A number of residents from the Broulee and Mossy Point area have raised concerns about the removal of trees on the large block of land at the corner of George Bass and Annetts Parade, Mossy Point.

Could Council outline the DA process in relation to the specific block in question, being DA Number 508/17 New Dwelling Lot 63 DP 1194047 George Bass Drive, Mossy Point, NSW?

Could Council please outline its role as it remains the consent authority and OEH as an advisory role, which appears to have been disregarded to a large extent.

OEH has objected to development on the subject land in 1992, 1997 and most recently July 2016 in the Eurobodalla Rural Land Review Planning Proposal. How has Council addressed these concerns through the DA process?

How does Council ensure that the rare coastal remnant Bangalay Sand Forest, an endangered ecological community, which provides wetland and conservation buffer values, is appropriately managed through the process?

Response

Development Application 508/17 was lodged in March 2017 seeking to build a dwelling on the subject land. The application was determined in June 2018 after an amended proposal was provided to Council. The original application was referred to the NSW Office of Environment and Heritage (OEH) as the land contains an Endangered Ecological Community (EEC). The advice received is detailed in the letter attached to the Question on Notice.

Following the advice received from OEH and Council's internal assessment, a request for further information was sent to the applicant in April 2017 and an amended proposal was received in 2018. There were a number of discussions between Council and the applicant/applicant's consultants in preparing the amended application.

The original and revised application were both supported by various reports, including a flora/fauna assessment undertaken in accordance with the relevant NSW Government legislation. The revised assessment addressed the concerns raised by OEH and concluded that the impacts were not significant, and therefore no grounds to refuse the Development Application. It is important to note that the flora/fauna assessment was carried out by a qualified ecologist, who is an accredited assessor under the OEH's own accreditation scheme.

The advice from OEH was not ignored. It is also important to note that as part of the proposal, the remainder of the land is to be conserved by a Vegetation Management Plan (VMP) that has been attached to the title of the land. Any subsequent landowner must abide by the terms of the

**QON19/003 DA508/17 NEW DWELLING LOT 63 DP1194047 GEORGE BASS
DRIVE, MOSSY POINT**

E17.1041

VMP, which included active conservation of the EEC and restoration of previously impacted areas.

In regard to the previous advice from OEH objecting to the development of this land, it has been determined from an August 1997 Council report that:

- The 1992 advice from National Parks and Wildlife Service was to oppose the rezoning of the land to 1(c) Rural Small Holdings. The land was subsequently rezoned to Rural Small Holdings and this is the current zoning of the property today.*
- The advice in 1997 was from the National Parks and Wildlife Service (NPWS) and it related to an 81 lot subdivision (the Estuary Estate), which originally proposed the subdivision of the subject land into 16 lots. This proposal was not pursued because of concerns from NPWS about habitat loss for endangered species. The lot was created during the Estuary Estate development as a residual 13 hectare lot that may be subject to further development once the identified studies had been carried out.*
- The 2016 advice was from the Office of Environment and Heritage and related to the proposed zoning under the Rural Land Strategy Proposal which proposes part E2 and part E4 zones over the land.*

In assessing the development application, one of Council's key goals was to provide some certainty around the conservation of the land. A dwelling has been approved on the land and there are some impacts associated with that use but this has been offset by the remainder of the site being protected and measures put in place to actively conserve the Endangered Ecological Community.

RECOMMENDATION

THAT the response to the question regarding DA508/17 New Dwelling Lot 63 DP1194047 George Bass Drive, Mossy Point raised by Councillor Anthony Mayne be received and noted.

**IR19/003 OUTCOME OF APPLICATION FOR FUNDS FROM THE FIXING
COUNTRY ROADS GRANTS PROGRAM - GARLANDTOWN BRIDGE**

E19.1781

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: Nil
Outcome: Connected and Accessible Places
Focus Area: 7.1 Work in partnership to provide an integrated transport network
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network
Operational Plan Link: 7.1.2.1 Provide a safe efficient and integrated transport network

EXECUTIVE SUMMARY

An application was made to the NSW Government's Fixing Country Roads Grants program to upgrade the current Garlandtown bridge at North Head Drive, Moruya, to increase its load carrying capacity, and improve road user safety.

Council has been successful in obtaining funding of \$691,708, which will be supported by an additional \$400,000 in Council funding under the 2019-20 budget.

The offer of funding has been formally accepted and this report seeks Council's endorsement of the actions taken.

RECOMMENDATION

THAT Council endorse the actions taken to accept the grant funding offer under the NSW Restart NSW Fund of \$691,708 for the upgrade of Garlandtown Bridge.

BACKGROUND

The Fixing Country Roads Program was introduced by the NSW Government as a targeted program to help local councils assess and tackle freight connectivity issues.

Garlandtown Bridge has been identified as an important access to the Moruya Regional Airport. With the airport in an expansion phase, the bridge will see increased traffic of all types.

The existing bridge is a narrow two-way concrete bridge 6.7m wide x 11m long. The replacement bridge will be a two-lane bridge 11m wide, and designed to handle higher mass vehicles, and incorporating new widened approaches to the bridge.

This Fixing Country Roads grant is administered by Restart NSW, on behalf of the NSW Government.

CONSIDERATIONS

Council continues to work pro-actively to deliver on the following actions in the Delivery Program 2017-21 and Operational Plan 2018-19:

7.1 Work in partnership to provide an integrated transport network

**IR19/003 OUTCOME OF APPLICATION FOR FUNDS FROM THE FIXING
COUNTRY ROADS GRANTS PROGRAM - GARLANDTOWN BRIDGE**

E19.1781

7.4 Enhance connectivity into and out of Eurobodalla through improved air, road and marine transport links

The Grant application was made on 1 August 2018, and the successful funding was announced by the Minister for Roads, Maritime and Freight in November 2018, with the Minister acknowledging the engagement of the local community, industry and the NSW Government to secure the funding. A formal offer of Grant funding was received in January 2019.

Design Consultants will be appointed in May 2019. Bridge Construction Tenders will be called in November 2019, with bridge construction to commence in February 2020.

Legal

The Survey, Investigation and Design phase of the project will identify whether the following is required:

- Marine Park Permit;
- Fisheries Permit;
- Aboriginal Heritage Approval;
- Approval to remove vegetation;
- Acquisition of land to allow widening of the road.

The project will be performed in accordance with the relevant Standards and Legislation.

Policy

These works are consistent with our long term infrastructure asset management plans and strategies. Our plans and strategies aim to guide the delivery of infrastructure for the community to provide the level of service afforded within Council's short and long term financial constraints.

Environmental

The works will be designed and delivered with full consideration of the need to minimise and manage impacts on the environment. The contractor will be required to provide an Environmental Management Plan.

Asset

The upgrade of the bridge assists with the provision and renewal of existing assets.

Social Impact

Widening of the bridge will provide safer travel for road users, including cars, trucks and cyclists.

Economic Development Employment Potential

The widening of the bridge will enable larger trucks to access the Moruya Airport, ensuring current and future transport needs are met, as the expansion and growth of the airport continues.

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Financial

The total cost of the Garlandtown bridge project amounts to \$1,091,708 and is funded 63% by the grant, and 37% by Council.

The cost to Council equates to \$400,000 and is funded within existing capital budgets.

Community and Stakeholder Engagement

Letters of support were provided by The Hon Andrew Constance MP, Ms Ann Sudamalis MP, Broulee Mossy Point Community Associations, Canberra Region Joint Organisation, Eurobodalla Cyclists Club and the Regional Development Australia Far South Coast.

Information regarding the project will be provided on Council's website and on Council's noticeboard page in the local media.

CONCLUSION

Council has been successful in securing \$691,708 in funding under the NSW Government's Fixing Country Roads Grants program, administered by Restart NSW.

The grant has been formally accepted. This report seeks Council's endorsement of the actions taken to accept the grant.

IR19/004 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2018-19

E16.0002

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: Nil
Outcome: Connected and Accessible Places
Focus Area: 7.1 Work in partnership to provide an integrated transport network
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network
Operational Plan Link: 7.1.2.5 Coordinate the Local Traffic Committee

EXECUTIVE SUMMARY

The Local Traffic Committee is primarily a technical review committee. It advises Council on traffic control matters that relate to prescribed traffic control devices or traffic control facilities for which Council has delegated authority.

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting held 31 January 2019 were as follows:

- Signage and Line marking – New 'No Stopping' Sign, Median Island installation and adjustment to the Stop Holding Line at the intersection of Beach Road and Graydon Avenue, Denhams Beach
- Signage and Line marking – Hanging Rock Place, Batemans Bay
- Local Traffic Committee Terms of Reference
- Local Traffic Committee Meeting Dates for 2019
- Special Event Application – Rally of the Bay.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 7 for 2018-19 be received and noted.
2. Council Plan No. 5156 Set T Sheet 01 detailing the signage and line marking associated with the new 'No Stopping' sign and Median Island and adjustment to the Stop Holding Line at the intersection of Beach Road and Graydon Avenue, Denhams Beach be approved.
3. Council Plan No. 4069 Set N Sheets 10 detailing the signage and line marking associated with the upgrade of Hanging Rock Place, Batehaven be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 7 for 2018-19 was held on 31 January 2019. The meeting was attended by Councillor Anthony Mayne (Chair), Jesse Fogg

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E16.0002

(Roads and Maritime Services RMS), Senior Constable Scott Britt (NSW Police Force), Dave Hunter (Traffic Coordinator), Kate McDougall (Road Safety Officer), Joe Brierley (Aboriginal Health Worker) Jordan Nye (Community Development Officer), Kayleb Hawkins (Business Administration Trainee) and Matt Cormick (minute taker).

APOLOGIES

Danielle Brice (representative for the Hon Andrew Constance MP).

DEPUTATIONS

Council's Community Development staff, Jordan Nye and Kayleb Hawkins, and Aboriginal Health Worker, Joe Brierley, attended the meeting to discuss the necessary processes and procedures required to plan the traffic management for the 2019 Sorry Day Moruya Bridge Walk.

This meeting is a follow up to informal discussions held by the Committee at the 7 September 2018 meeting.

This walk is an independent event organised by the Mens to Boys Aboriginal Group. It was agreed that formal Traffic Management and Control Plans are necessary and the Traffic Coordinator will prepare and sign the plans. Council can also assist with the submission of the ROL to RMS.

Councillor Anthony Mayne expressed his admiration on how last year's walk was undertaken and the positive impact to the success of the corresponding light show held on the grounds outside the Council Chambers.

The walk will commence on the north side of the bridge, however the organisers are still planning where to finish the work and what sort of activity will be held at the end.

As the walk is proposed for May 2019, the latest it can be presented to the Committee is the 4 April meeting.

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 6 for 2018-19 held on 11 December 2018 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

There were no outstanding items to discuss.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2019.RT.015 Signage and Line marking – New 'No Stopping' Sign, Median Island installation and Adjustment to the Stop Holding Line at the intersection of Beach Road and Graydon Avenue, Denhams Beach

A request has been received to improve the sight lines between vehicles at the intersection of Beach Road and Graydon Avenue, Denhams Beach.

Beach Road at this location has a single lane in each direction with adjoining parking lanes, separated by a continuous line marked edge line. Graydon Avenue has a stop sign and holding line at this 'T' intersection.

IR19/004 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2018-19

E16.0002

Due to the horizontal curve on Beach Road and a low fence on the adjoining property, the sight line to the north is impeded.

To improve the sight line between a vehicle stopped on Graydon Avenue and vehicles travelling south along Beach Road, it is proposed to move the stop holding line 1.8 metres forward.

The parking lane for about 40 metres will be converted to a left turning lane with associated line marked left turn arrows and 'No Stopping' signs. At the start of and within the left lane a concrete island will be installed.

To encourage vehicles to stay in the through travel lane, dashed continuity line marking 3.5 metres from the centreline is also proposed across the intersection along Beach Road.

Plan No. 5156 Set T Sheet 01 detailing the signage and line marking associated with relocation of the stop line at the intersection of Beach Road and Graydon Avenue was reviewed by the Committee.

The RMS representative suggested several minor changes to the plan including extending the 'No Stopping' further north. The Traffic Coordinator will amend the plan as necessary.

Recommendation:

That Council Plan No. 5156 Set T Sheet 01 detailing the signage and line marking associated with the new 'No Stopping' sign and Median Island and adjustment to the Stop Holding Line at the intersection of Beach Road and Graydon Avenue, Denhams Beach be approved.

2019.RT.016 Signage and Line marking – Hanging Rock Place, Batemans Bay

Over the past 18 months, Council has been upgrading a section of Hanging Rock Place, from Beach Road through to the tennis courts. This will result in an increase in formal carpark spaces and reduced risk to all road users including pedestrians.

The works include:

- Widening of the road to accommodate 90 degree on street parking and parallel parking bays
- Lengthening the Library / basketball / tennis facilities carpark to increase parking spaces
- New shared path on the northern side of the road connecting the tennis courts back to the shared path on Beach Road
- Installation of two road humps.

Plan No. 4069 Set N Sheets 10 detailing the signage and line marking associated with the Hanging Rock Place was reviewed by the Committee.

The RMS representative suggested including a pedestrian (zebra) crossing on the wider eastern road hump as this abuts a concrete path linking either side of the road. This is because there may be confusion over who has right of way between vehicles and pedestrians. Additionally concerns were raised that the two adjoining 90 degree spaces may encourage drivers to reverse across the road hump.

The Committee agreed that the installation of a pedestrian crossing and removal of the two adjoining carpark spaces should be investigated.

IR19/004 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2018-19

E16.0002

Recommendation:

That:

- i. Council Plan No. 4069 Set N Sheets 10 detailing the signage and line marking associated with the upgrade of Hanging Rock Place, Batehaven be approved.
- ii. Council investigate the installation of a pedestrian crossing on the eastern road hump and removal of the two adjoining carpark spaces.

INFORMAL ITEMS FOR DISCUSSION

2019.IN.002 Local Traffic Committee Terms of Reference

On 25 September 2018 the General Manager presented a report to the Ordinary Meeting of Council on Council Committees and External Bodies.

The Eurobodalla Local Traffic Committee (LTC) was identified in this report as an External Committee and adopted in Motion 18/287 was THAT Council appoint Councillor Anthony Mayne as its delegate to and chair of the Eurobodalla Local Traffic Committee.

<http://www.esc.nsw.gov.au/inside-council/council/meetings/2018/septermber/ordinary-council-meeting-25-september-2018/Agenda-Public.pdf>

The LTC Terms of Reference (TOR) document was included in an attachment to the General Managers report.

A copy of this TOR document can be found on Council's website

<http://www.esc.nsw.gov.au/inside-council/council/meetings/2018/septermber/ordinary-council-meeting-25-september-2018/TOR-full-document.pdf>

The TOR details the purpose of the LTC and includes references to various acts, regulations and guidelines the committee works within.

Some of the information contained in the TOR is:

- The purpose of the LTC includes to provide technical advice on traffic and road safety issues for those matters covered under the delegations for the regulation of traffic to the LTC.
- The LTC is primarily a technical review Committee. It advises Council on traffic control matters that relate to prescribed traffic control devices or traffic control facilities for which Council has delegated authority. The Committee considers the technical merits of proposals and ensures that they meet current technical guidelines.
- The Committee is made up of four voting members as follows:
 1. one representative of Council (Chairperson)
 2. one representative of the NSW Police
 3. one representative of the RMS
 4. the local State Member of Parliament (MP) or their nominee.

IR19/004 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2018-19

E16.0002

- The delegations to Councils are fully outlined in the RTA document, *Delegation to Councils - Regulation of Traffic*. This includes such items as installation of regulatory signage and line marking, special event approvals, public transport matters, road infrastructure installation, and other road safety matters. The Delegation requires Council to seek the advice of the NSW Police and the RMS prior to exercising their delegated functions.
- The tenure of the Eurobodalla Local Traffic Committee is two years and representatives must be willing to abide by the terms of reference for the committee.

The Committee agreed that in about February 2020, which is about 6 months prior to the biennial TOR review, discussion will be undertaken on some of the content of the TOR including the minimum number of meeting held each year.

Recommendation:

Agree the Terms of Reference for the Eurobodalla Local Traffic Committee are adopted by the committee for the next two year tenure period.

2019.SE.009 Special Event Application - Rally of the Bay

Traffic Management documents has been received for the Rally of the Bay car rally to be conducted within state forests and on Council roads, located in from the south west to the north west of Batemans Bay, on Saturday 29 June 2019.

This car rally has been conducted successfully in previous years. The service area will be located at Corrigans Reserve, Batehaven. The rally involves several stages using a mixture of state forest and public roads.

There will also be a "Ceremonial Start" to be conducted on Clyde Street, Batemans Bay. This will require the closure of Clyde Street from 7am to 10am on Saturday 29 June.

Council public roads which are proposed to be closed under race conditions within Eurobodalla are:

- Runnyford Road from Saltwater Road north to Bolaro Mountain Road
- Buckenbowra Road from west side of Mogo Village to Quartpot Road
- Quartpot Road from Buckenbowra Road to Bolaro Mountain Road
- Bolaro Mountain Road from Paradise Road to Runnyford Road
- River Road from 2km north of Kings Highway to Black Flat Road
- Old Nelligen Road from Iron Range Road east to 1km past Sproxtons Road.

These public road closures will be advertised by Council. Additional road closures are proposed further north within the Shoalhaven Local Government area.

Additionally State Forest roads to be closed under race conditions include Wallaby Road, Lyons Road, Clyde Ridge Road, Lookout Road, Tomboye Road, Shannons Road and Big Bit Road.

The Traffic Management Plan and associated Traffic Control Plans were reviewed by the Committee

Consultation is underway between the event organiser and the Batemans Bay Chamber of Commerce, rural property owners and shop owners / managers. Once approved by the Committee, the event organisers will notify bus and taxi operators.

IR19/004 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2018-19

E16.0002

Recommendation:

That the submitted Traffic Management and Control Plans for the Rally of the Bay, to be conducted in the state forests from the south west to the north west of Batemans Bay on Saturday 29 June 2019, be approved.

GENERAL BUSINESS

- The representative for NSW Police raised several issues relating to matters on the Princes Highway. The RMS and Police will liaise separately to resolve.
- The representative for NSW Police asked if the parking signage to the south of the Mogo service station could be altered to reduce queuing on the Princes Highway. The RMS representative and Traffic Coordinator agreed to investigate, initially by consulting with the adjoining property owners and Chamber of Commerce.
- The Chair passed on thanks from the cycling community regarding the electronic Variable Message Sign displaying information over the summer holiday period on the vehicle / bicycle separation road rule.
- The Committee acknowledged the announcement by the NSW Government that \$30 million will be allocated to construct an intersection at Princes Highway and Glenella Road. This will be the final works required to link the southern suburbs of Batemans Bay via George Bass drive. The Committee agreed this will have a major benefit to road safety, the local economy and the environment.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 7 March 2019 in Council's Committee Room.

CCS19/007 LICENCE FOR AUSTRALIAN 4 DAY ENDURO - MORUYA

E07.1162

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: Nil
Outcome: Innovative and Proactive Leadership
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community
Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

Far South Coast Motorcycle Club (the Club) has successfully won the rights to hold the 2019 Australian 4 Day Enduro Championship (A4DE) competition in Moruya. The Club has applied for a licence to utilise the Moruya Showground site from 23 April to 6 May 2019 for this event.

The A4DE event is a four day event where the hub is based at the Moruya Showground both before, during and after the main '4 Day' event. From the Showground the competitors travel to various locations to compete in time trials and skills tests including State Forest land and private land. There is no motorcycle racing at the showground.

The Showground Management Committee is supportive of the event. All proper approvals for the event on State Forest and private land are being obtained.

The intention to grant a 14 day licence to the Club is being publicly notified from 13 March 2019 for 28 days in accordance with Section 47A of the *Local Government Act 1993* and Council's Community Engagement Framework.

Subject to no objections being received during the notification period it is considered reasonable and appropriate that a 14 day licence be granted to the Far South Coast Motorcycle Club to stage the 2019 Australian 4 Day Enduro Championship within Crown Reserve 580020 Moruya Showground.

RECOMMENDATION

THAT:

1. Subject to no objections being received during the notification period Council as Crown Land Manager grant a 14 day licence in accordance with Section 2.20 of the *Crown Land Management Act 2016* to the Far South Coast Motorcycle Club to stage the 2019 Australian 4 Day Enduro Championship within Crown Reserve 580020 with terms and conditions including:
 - (a) The licence period be from 23 April to 6 May 2019 inclusive.
 - (b) The licence fee be \$2,000 inclusive of GST.
 - (c) Payment of an event related camping fee in accordance with Council's Fees and Charges.

CCS19/007 LICENCE FOR AUSTRALIAN 4 DAY ENDURO - MORUYA

E07.1162

- (d) Payment of a bond in the amount of \$1,000 to be made 30 days prior to the event.
 - (e) The provision of an event management plan acceptable to Council for the event.
 - (f) To repair and make good any damage occasioned by the Licensee's use of the licensed area during the event.
2. If any objections are received during the notification period a further report be presented to Council for consideration.

BACKGROUND

This Enduro competition will attract 350 riders, 1200 support crew and family, 100 event officials, numerous volunteers and several hundred spectators throughout the event. It is expected that 95% of the people associated with the event will be from outside of the Eurobodalla area. Previous A4DE events in regional areas have directed over \$2.5million into the local economy as most riders and support crew are accommodated in the local area for the event.

The Club is a not-for-profit local club and its aim is to encourage motorsport recreation on the far south coast of NSW by supporting juniors, masters and amateurs through to professional riders. The Club has submitted an application to stage the main A4DE event at Moruya Showground on 1, 2, 3 and 4 May 2019. The licence request allows for the event setup, pre-event registration, event period and post event clean up and bump out. This timeline is shown below:

- April 23 – April 30: Pre-event setup/logistics/ Registration (use of pavilion, arena and arena surrounds. Shared use of remainder of Showground)
- May 1 – May 4: Event Underway (Use of full showground site excluding basketball stadium)
- May 5 – May 6: Post event clean up and bump out (Use of pavilion and arena. Shared use of remainder of Showground).

The staging of the A4DE event could provide a significant boost to the local economy of the region and have a positive impact on local food, hospitality and trade services, boost recreational motorcycling in the local area, and increase tourism visitation to the region. The licence is to allow for eight days prior to the event, four days during the event and two days post event. The pre and post event dates will only be utilising the Showground arena and pavilion, whilst during the event, the entire Showground site will be in use.

The showground is where all the registrations, Parc ferme and scrutineering will take place. The Parc ferme is the secure area where all bikes are returned to the pits and must remain when not competing. This ensures all the bikes are secure and prevents unauthorised access to the bikes. Many competitors will also camp at the showground.

Bikes will be trailered to the event however the bikes will be ridden to and from the tests from the showground each day. They ride in groups of four and adhere to normal road rules, all bikes

CCS19/007 LICENCE FOR AUSTRALIAN 4 DAY ENDURO - MORUYA

E07.1162

are road registered. Bikes will leave from 8am and generally return by 4pm. Bikes are then locked in the secure compound and cannot be ridden until the next day.

This event is the pinnacle finale for the national championship of endurance motorcycle racing in Australia.

The event is to be based at Moruya Showground with competitive motorcycle racing taking place in State Forest and private property throughout the Eurobodalla Shire area. The event will be utilising local businesses for accommodation, catering, security, waste services, event site setup etc, whilst also including local charity organisations such as Moruya Rotary for food service during the event.

A sketch of the licence area is set out below.



Crown Reserve 580020 Moruya Showground

CONSIDERATIONS

Legal

Council has been appointed Crown Land Manager to manage Crown Reserves within the Shire under the provisions of Section 3.22 of the *Crown Land Management Act 2016*.

www.legislation.nsw.gov.au/#/view/act/2016/58/part3/div3.4/sec3.22

Council, as Crown Land Manager, can only issue a licence for a period up to five years after giving public notice and considering any submissions in accordance with Section 47A of the *Local Government Act 1993*.

www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div2/sec47a

CCS19/007 LICENCE FOR AUSTRALIAN 4 DAY ENDURO - MORUYA

E07.1162

Moruya Showground is Crown Land under the control of Council as Crown Land Manager and has an active Section 355 management committee. Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal land rights and interests.

Policy

In line with the provisions of Council's Code of Practice - *Licencing of Council controlled Public Reserves and Associated Buildings*, an Expression of Interest (EOI) was called in February 2018 for parties interested in seeking a licence for periods up to five years to use any Council owned or controlled public reserves.

www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Licencing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

The event complies with Council's Events Policy.

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Events-Policy.pdf

Environmental

It is expected that the event will have minimal impact on the reserve.

Asset

It will be a condition of the licence that the Licensee is to repair and make good any damage occasioned by the Licensee's use of the licensed area during the event.

Social Impact

This event is to be based at Moruya Showground with competitive motorcycle racing taking place in State Forest and private property throughout the Eurobodalla Shire area. The event will provide spectators and enthusiasts the opportunity to view national and international standard competitive racing.

Economic Development Employment Potential

The staging of the A4DE event could provide a significant boost to the local economy of the region and have a positive impact on local food, hospitality and trade services, boost recreational motorcycling in the local area, and increase tourism visitation to the region.

Financial

The proposed fee structure for this event is \$2,000 inclusive of GST. This fee is based on similar fee structures at the Moruya Showground for the Moruya Show Society and Rodeo as per Council's 2018/19 Fees and Charges. Any event related camping will be charged in accordance with Council's Fees and Charges. It is expected that the A4DE will have minimal impact on the reserve. A bond of \$1,000 should be applied and provided 30 days prior to the staging of the event.

Community and Stakeholder Engagement

An Expression of Interest (EOI) was called from interested parties wishing to conduct activities on Council controlled public reserves for a period of up to five years. No other party expressed an interest in using the reserve during the same period.

CCS19/007 LICENCE FOR AUSTRALIAN 4 DAY ENDURO - MORUYA

E07.1162

The intention to grant a licence to the Club within Crown Reserve 580020 Moruya Showground is being publicly notified from 13 March 2019 for 28 days in accordance with Section 47A of the *Local Government Act 1993* and Council's *Community Engagement Framework*.

A licence for the A4DE is consistent with the purposes of the reserve as identified in the current Moruya Showground Plan of Management.

CONCLUSION

Far South Coast Motorcycle Club (the Club) has submitted an event application to hold the A4DE at Crown Reserve 580020 Moruya Showground from 23 April to 6 May 2019 inclusive. This is a national sporting event which will bring the elite riders of professional off-road motorcycling to the Eurobodalla Shire.

A licence for 14 days is requested by the Club to utilise Moruya Showground site from 23 April to 6 May 2019 allowing for the event setup, pre-event registration, event period and post event clean up and bump out.

It is considered appropriate that a fourteen-day licence be granted for this event subject to no objections being received during the notification period.

CCS19/008 LAND ACQUISITION FOR ROAD WIDENING - RIDGE ROAD, CENTRAL TILBA E17.1158

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments: 1. Confidential - Land Acquisition for Road Widening - Ridge Road, Central Tilba

Outcome: Innovative and Proactive Leadership

Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations

Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

EXECUTIVE SUMMARY

Upgrading of part of Ridge Road, Central Tilba from an unsealed road to a sealed road is planned to be undertaken in the 2018-19 financial year.

The upgrade project includes reconstructing Ridge Road from the end of the existing seal (approx. 1km east of intersection with Punkalla-Tilba Road) for a distance of approximately 960m east towards Old Highway, Corunna.

Land acquisition of part Lot 3 DP 788728, part Lot 1 DP 1161464, part Lot 3 DP 786109 and part Lot 4 DP 786109 is required for the road widening works and is to be dedicated as public road.

The land owners of the properties have been consulted and have consented in writing to the works. Their details are set out in the confidential attachment.

All survey and legal costs associated with the land acquisition will be borne by Council.

Funding of \$515,000 for the project, including land acquisition and construction works, has been allocated to this project in the Delivery Program 2017-21/Operational Plan 2018-19 (DP/OP) for 2018-19 financial year.

RECOMMENDATION

THAT

1. All actions necessary be taken for the acquisition of land required for road purposes of part Lot 3 DP 788728, part Lot 1 DP 1161464, part Lot 3 DP 786109 and part Lot 4 DP 786109 in accordance with Council's Land Acquisition and Disposal Policy.
2. If the acquisition of part Lot 3 DP 788728, part Lot 1 DP 1161464, part Lot 3 DP 786109 and part Lot 4 DP 786109 cannot be negotiated by agreement, Council make application to the Minister for Local Government and the Governor to acquire part Lot 3 DP 788728, part Lot 1 DP 1161464, part Lot 3 DP 786109 and part Lot 4 DP 786109 for public road purposes by compulsory process in accordance with Council's power under Section 177(1) of the *Roads Act 1993* and in accordance with Council's *Land Acquisition and Disposal Policy*.

CCS19/008 LAND ACQUISITION FOR ROAD WIDENING - RIDGE ROAD, CENTRAL TILBA E17.1158

3. All survey and legal costs associated with the land acquisitions be borne by Council.
4. Compensation for the land be determined following a valuation by a Registered Valuer.
5. Authority be given to affix the Common Seal of Council to the necessary documentation associated with the land acquisition.

BACKGROUND

At its meeting on 14 June 2016 Council resolved to compulsorily acquire Crown land Lots 7, 8 and 9 DP 1215462 for the Ridge Road upgrade project. On 5 September 2018 the Minister for Local Government approved Council's application to compulsorily acquire the land and that land will now be gazetted as public road.

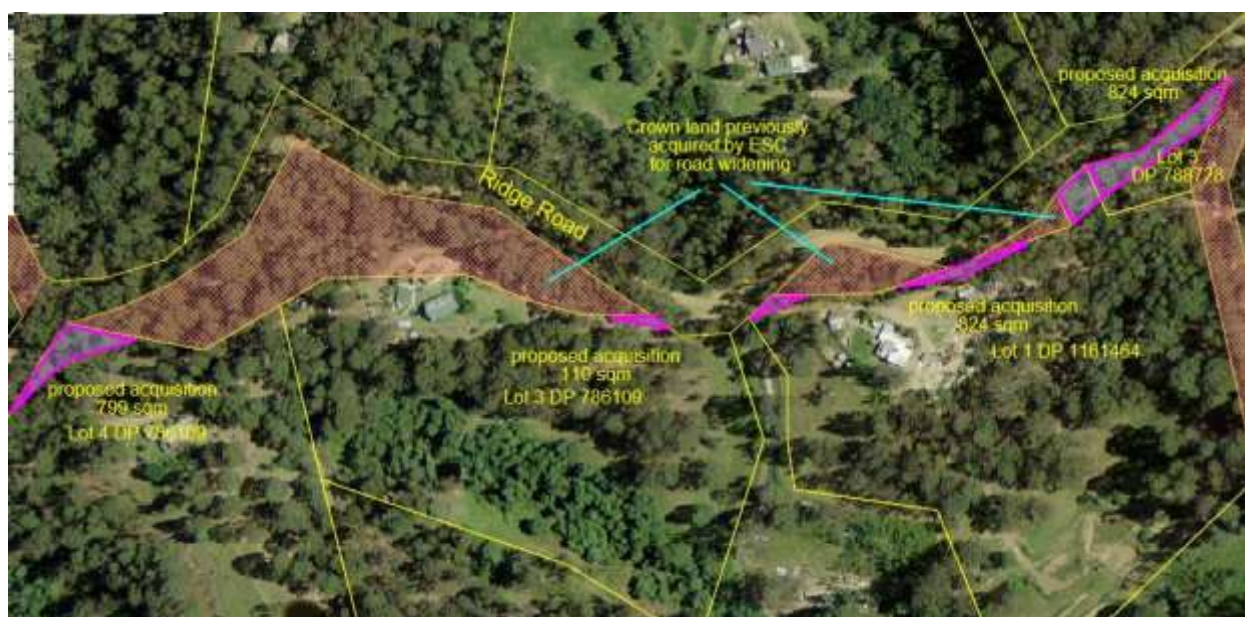
After further investigation and survey works Council's Infrastructure Services team determined that acquisition of part Lot 3 DP 788728, part Lot 1 DP 1161464, part Lot 3 DP 786109 and part Lot 4 DP 786109 was also required.

This upgrade project is part of Council's ongoing road reconstruction program to improve and maintain the road network as part of Council's asset management strategy and long term financial plan for renewing existing road assets. It aims to improve safety and provide a higher level of service for road users.

The proposed works necessitate acquisition of land of approximately 3549 square metres for road widening. Following acquisition, the land will be transferred to Council and gazetted as public road.

CONSIDERATIONS

The acquisition areas are shown in the sketch below.



Lot 4 DP 786109, Lot 3 DP 786109, Lot 1 DP 1161464 and Lot 3

DP 788723 – Ridge Road, Central Tilba

CCS19/008 LAND ACQUISITION FOR ROAD WIDENING - RIDGE ROAD, CENTRAL TILBA E17.1158

Legal

A Plan of Proposed Subdivision of Lot 3 DP 788728, Lot 1 DP 1161464, Lot 3 DP 786109 and Lot 4 DP 786109, will be prepared and lodged at New South Wales Land Registry Services and the parts required for the road widening be dedicated as public road.

Acquisition of part Lot 3 DP 788728, part Lot 1 DP 1161464, part Lot 3 DP 786109 and part Lot 4 DP 786109 will be in accordance with the provision of the *Land Acquisition (Just Terms Compensation) Act 1991*.

If the acquisition of part Lot 3 DP 788728, part Lot 1 DP 1161464, part Lot 3 DP 786109 and part Lot 4 DP 786109 cannot be negotiated by agreement, Council make application to the Minister for Local Government and the Governor to acquire these lots for public road purposes by compulsory process in accordance with Council's power under Section 177(1) of the *Roads Act 1993* and in accordance with Council's *Land Acquisition and Disposal Policy*.

Policy

The acquisition of land for road widening is in accordance with Council's *Land Acquisition and Disposal Policy*.

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf

Asset

This project is part of Council's ongoing road reconstruction program to improve and maintain the road network as part of Council's asset management strategy and long term financial plan for renewing existing road assets.

Social Impact

The project aims to improve safety and provide a higher level of service for road users.

Financial

Compensation for the land be determined following a valuation by a Registered Valuer.

Together with compensation, Council will be responsible for costs associated with the acquisition including survey and legal fees, and the land owners' reasonable legal costs.

Funding of \$515,000 for the project, including land acquisition and construction works, has been allocated to this project in the Delivery Program 2017-21/Operational Plan 2018-19 (DP/OP) for 2018-19 financial year.

Community and Stakeholder Engagement

The land owners of the properties have consented in writing to the road works.

CONCLUSION

Upgrading of part of Ridge Road, Central Tilba from an unsealed road to a sealed road is planned to be undertaken in the 2018-19 financial year.

CCS19/008	LAND ACQUISITION FOR ROAD WIDENING - RIDGE ROAD, CENTRAL TILBA	E17.1158
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Land acquisition of part Lot 3 DP 788728, part Lot 1 DP 1161464, part Lot 3 DP 786109 and part Lot 4 DP 786109 is required for the road widening works and is to be dedicated as public road. The land owners have consented in writing to the road works.

CAR19/001 PUBLIC ART ADVISORY COMMITTEE REPORT

E06.0162

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

Attachments: 1. Public Art Advisory Committee site map
2. Public Art Advisory Committee specifications
3. Information about the site at Spinnaker Reach

Outcome: Celebrated Creativity, Culture and Learning

Focus Area: 2.1 Support and encourage the expression of our vibrant creative arts sector

Delivery Program Link: 2.1.1 Develop and promote creative arts activities and industries

Operational Plan Link: 2.1.1.3 Coordinate the Public Art Advisory Committee and associated projects

EXECUTIVE SUMMARY

This report outlines recommendations from Council's Public Art Advisory Committee (PAAC) meeting in December 2018, regarding site options for the sculpture acquisition for the Batemans Bay Business and Tourism Chamber (Chamber) Sculpture on Clyde event 2019.

The Sculpture on Clyde (SoC) event has been held in August annually since 2017. Each year Council has received an application from the Chamber for the winning sculpture to be installed on public land. While this has been a great opportunity for the development of our community, there have been issues regarding the best location and the technical requirements for installation on each occasion.

This report aims to refine the process, further, again providing clear requirements for the Chamber with the aim of enabling appropriate siting and artwork information prior to the 2019 event. This will include the site where the work will be placed and site specific information that may assist the artistic process.

To this end, the PAAC recommend supporting the Chamber with an appropriate site option well in advance of the sculpture event. While the PAAC recommend a specific site, the Chamber will still be required to submit a Public Art application to the PAAC regarding the specific winning piece once the event is over. The PAAC will assess the application and a Council report will be prepared seeking Council approval prior to acceptance and installation, in line with previous years.

The PAAC also recommends artists supply the Chamber with engineering specifications and information on the artwork entered to ensure the Chamber, PAAC, and Council's Infrastructure staff, can assess the winning entry and be in a position to know that it is fit for environmental and safety conditions and is relevant to the location in which it will be installed.

The PAAC recommendations are provided to Council to consider for the purposes of supplying the Chamber with support information for their sculptural acquisition.

CAR19/001 PUBLIC ART ADVISORY COMMITTEE REPORT

E06.0162

RECOMMENDATION

THAT Council

1. allocate site nine at 'Spinnaker's Reach' as the site for the winning acquired work from Sculpture on Clyde 2019 (as per attached map), pending the subsequent PAAC public art application process;
2. support the requirement for the Chamber to provide the required technical information for the 2019 winning sculpture with their Public Art application prior to installation approval; and
3. support the request that a member of the PAAC be part of the Sculpture on Clyde judging panel or provide a consultative role at the time of judging to support the site and installation requirements.

BACKGROUND

The 2018 Sculpture on Clyde event culminated in a submission to Council, via the PAAC, to install three sculptures instead of the expected single acquisition. A report was put to Council to consider the ensuing PAAC recommendations.

At the Council meeting on 13 November 2018 Council resolved via motion 18/335

THAT Council

1. *Endorse the Public Art Advisory Committee (PAAC) recommendation to accept the sculpture Dance to be installed at the recommended site B on the attached map (Attachment 2) and to mount the work on a plinth;*
2. *Endorse the PAAC recommendation to accept the sculpture Portal, including the preferred orientation and site, as indicated at site A on the attached map (Attachment 2);*
3. *Endorse the PAAC recommendation to decline acceptance of the sculpture Pelican;*
4. *Allocate up to \$20,000 toward installation and lighting of the sculptures Dance, Portal and Buoyansea.*

The Chamber is supportive of the resolutions and is currently working with Council to install the approved sculptures and lighting. As a result of the location and placement of the two additional sculptures in the vicinity of the previous year's sculpture 'Buoyansea', a 'sculpture walk' is now evolving on the Beach Road foreshore.

Council would also encourage the Chamber to collaborate with Council in developing an overall plan for the event, setting out a vision and direction that all parties can work towards achieving.

CONSIDERATIONS

At its December 2018 meeting the PAAC were asked to consider and recommend preferred site options for the forthcoming SoC event to provide the Chamber with certainty and to assist them with artist briefing in a timely manner. The PAAC considered the developing sculpture walk in the current foreshore location, previously requested and proposed sculpture sites,

CAR19/001 PUBLIC ART ADVISORY COMMITTEE REPORT

E06.0162

future infrastructure works in the CDB, technical requirements and other issues around installation and process in relation to recommending preferred site/s for the 2019 event.

Recommended site

In considering a site for the 2019 Sculpture on Clyde winning work, the PAAC agreed that the best curatorial choice for the next installation should be the site at Spinnaker's Reach (identified previously as site nine).

Site nine is a prominent and accessible site that has an excellent visual and artistic relationship with the artworks already in situ and had previously been requested by the Chamber as a site option in 2018.

Spinnaker's Reach was the original site of Perry's Mill and as such played an important role in the development of the Batemans Bay township. The PAAC recommends that the heritage of this site be considered to support and provide information for context for artists and offer exciting creative possibilities for a site-specific work. An attachment is supplied to provide information on the site. This will be sent to the Chamber as an example of site considerations, as it may assist with their curatorial role.

The PAAC agreed that providing artists with clarity and a context for their creative work is of high importance. Site nine will achieve this as well as ensure longevity of placement as it is well away from any potential works within the CBD. It also has the potential to communicate a unique 'story' about Batemans Bay's heritage.

The PAAC also recommends that the Chamber encourage artists to evidence that they have taken the site into consideration in the creation of their artwork, as it will be considered for placement in the public domain.

The PAAC believes that nominating one clear, strong site that all artists work to is the way to achieve the best results for an artwork of excellence on the Batemans Bay foreshore. This will then improve timeframes for installation as sites are not being negotiated after the event.

Engineering

The PAAC recommends that Council require the Chamber to obtain the following technical information from the artists as part of the SoC entry process, and submit such information with their subsequent Public Art application once the winning entry is awarded.

The aim is to make the judging and installation process as smooth as possible, to reduce time lags in trying to access appropriate information at the installation stage and ensure safety, quality and sustainability in the public domain.

The information required includes:

- Design plans and/or drawings that include dimensions and weight
- Proposed materials

CAR19/001 PUBLIC ART ADVISORY COMMITTEE REPORT

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- Installation plan
- Maintenance plan
- Expected lifespan of the final work.

If the artists supply the required information (which is a routine requirement for sculptural competitions elsewhere) then the Chamber can evidence that the engineering requirements are to requirement when submitting the Public Art application for assessment by the PAAC.

Judging

The PAAC advises Council, sharing expertise in relation to public art. The PAAC is also offering support to the Chamber's Sculpture on Clyde committee.

The PAAC recommend that a member of the PAAC committee should be part of the judging panel for Sculpture on Clyde 2019 in order to support the best outcomes for public art in Eurobodalla. Given the high degree of ownership of the event the Chamber has, the PAAC also offer to support in a consultative role to assist with meeting the requirements of the Council's Public Art Policy.

Policy

Council has a Public Art Policy and these recommendations support the aims and is guided by the processes outlined in the accompanying Code of Practice. The Policy can be viewed at: <http://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Public-Art-policy.pdf>

Economic Development Employment Potential

The Chamber's Sculpture on Clyde event has been instrumental instigating a sculpture walk in Batemans Bay for all to enjoy and visit. The sculptures installed to-date provide this shire with valuable assets, enhancing local landscapes and engaging our community and visitors in the arts.

Financial

Council has approved \$20,000 this financial year to assist with installation and additional lighting to support the installation of *Portal* and *Dance*. This is currently underway.

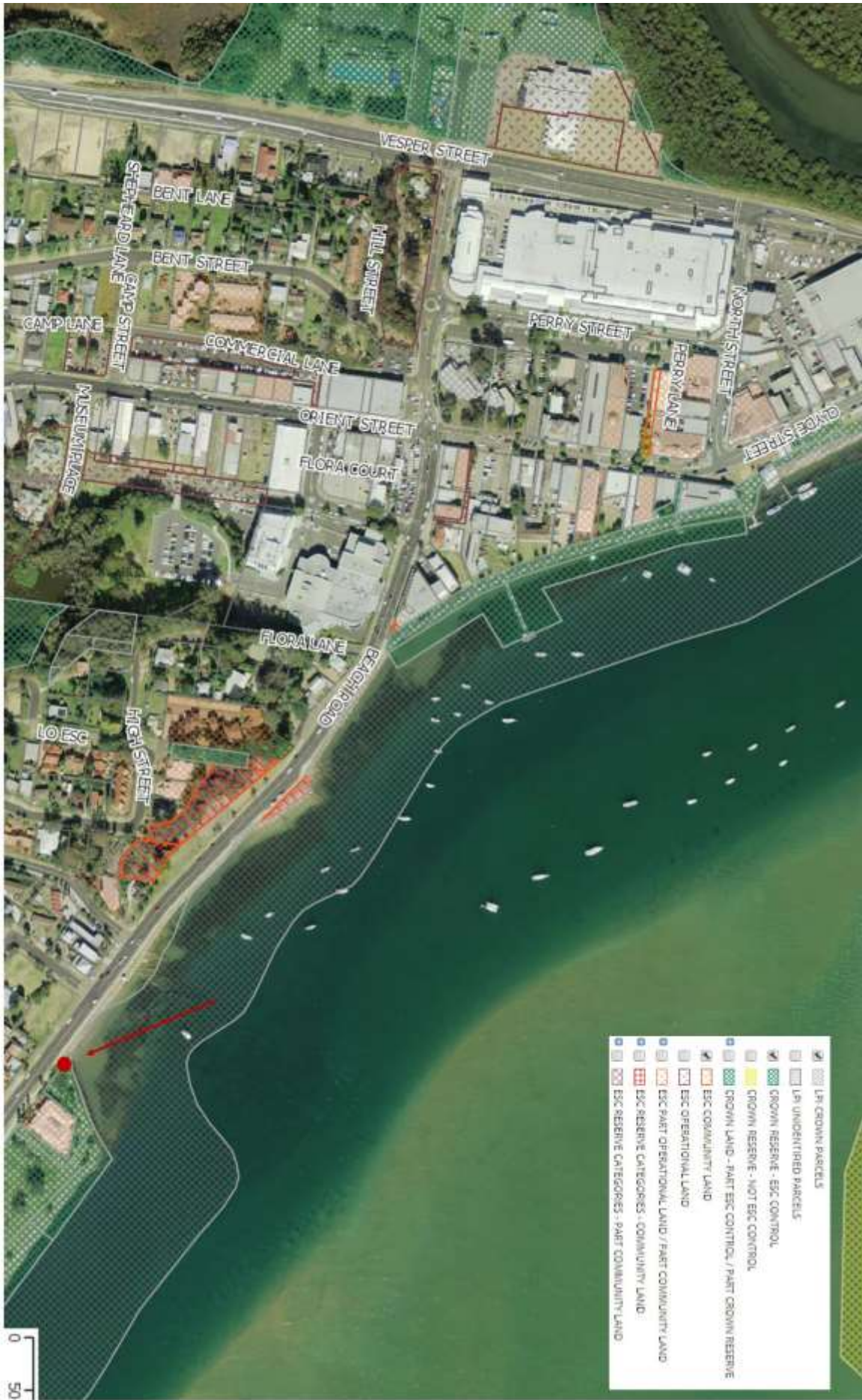
Community and Stakeholder Engagement

Council's PAAC, on behalf of the community, has provided recommendations for Council's consideration.

We have consulted with the residents who reside next to the installations.
Council will continue to liaise regularly with the Chamber in relation to the sculptures.

CONCLUSION

The PAAC has carefully considered site options and information that is required to support the Chamber with their sculpture acquisitions and provide recommendations to Council to consider in relation to the installation of sculptures on public land.



Public Art Advisory Committee

Engineering specifications for public artworks

Artists whose work is to be considered for placement in the public domain must evidence that they have considered the following in the design and fabrication of their work:

Longevity and Materials

- Construction, materials and finishes must be of a high quality and standard suitable for a coastal location, durable for exposure to salty air and water, strong winds and ultraviolet rays.
- They should be made to last a minimum of ten years and should provide for a practical maintenance schedule.
- Artists need to supply a structural certification by a qualified engineering company or business. Points to observe but are not limited to:
 - tensile integrity of the materials;
 - artwork to withstand winds up to 70km p/h;
 - no use of toxic substances that are potentially harmful to people and environment;
 - all mild steel has been hot dip galvanised after any welding has taken place;
 - dissimilar metals are not in contact with one another. For instance, stainless steel requires stainless steel bolts and screws;
 - no flammable materials used;
 - colour treatments selected, whether painted or printed, are UV stable (Darker colours, reds and oranges are more susceptible to UV and fading);
 - reflective surfaces are recommended because they will maintain colour better over time.

Safety considerations

- The prevention of serious injury is an important consideration in the construction and location of artworks. It is recommended that safety considerations need to be balanced with awareness that children will, inevitably, play in public spaces. Artworks should consider the need for play, learning and fun. Kid safe NSW provides some guidelines that will be useful in creating engaging and safe artworks.
<https://www.kidsafensw.org/playground-safety/playground-hazards/>
- Compliance with the following Australian Standard requirements for Playgrounds:
 - A maximum free height of fall of 1.5m for supervised early childhood settings.
 - Fall zone beneath and around playground equipment where the free height of fall is more than 0.5m that is loose-fill - at least 300mm of suitable sand or mulch.
 - No gaps in which a child could become trapped, especially by the head, neck or chest. Gaps that can trap limbs, fingers, hair and clothing should be avoided.
 - No sharp corners or edges to the artwork, including the potential for timber to splinter or metal to cut.
- Applicants must provide a project plan/documentation that includes:
 - Design plans and/or drawings of the proposal dimensions
 - Proposed materials
 - Installation plan
 - Maintenance plan
 - Expected lifespan of the final work.
 - Crane lift points on items over 50kg
 - Resistant to graffiti

Spinnaker Reach Information

Some information about the history of the site over the last 150 years has been included below.

The Batemans Bay foreshore and surrounds has a long and rich cultural history prior to this time and we acknowledge the traditional custodians of this land.

Those wishing to explore the Aboriginal history of the site should respect local customs and traditional knowledge and are advised to seek the relevant permissions from the Batemans

Walbanga Custodian Elders via email: wcesec@outlook.com

or

Batemans Bay Local Aboriginal Land Council
3/34D Orient Street, Batemans Bay, 2536
PO Box 542 Batemans Bay NSW 2536
Ph: 02 4472 7390

Information can also be found at:

<http://www.esc.nsw.gov.au/living-in/about/culture-and-heritage/culture-and-heritage-studies/aboriginal-heritage-study/>

<http://www.esc.nsw.gov.au/living-in/about/culture-and-heritage/culture-and-heritage-studies/>



The following information about the site at Spinnaker Reach and the Perry Turnery and Spoke Factory has been sourced through the Batemans Bay Historical Society.

For further information and inspiration regarding this site, a visit to the Old Courthouse Museum in Batemans Bay is highly recommended.

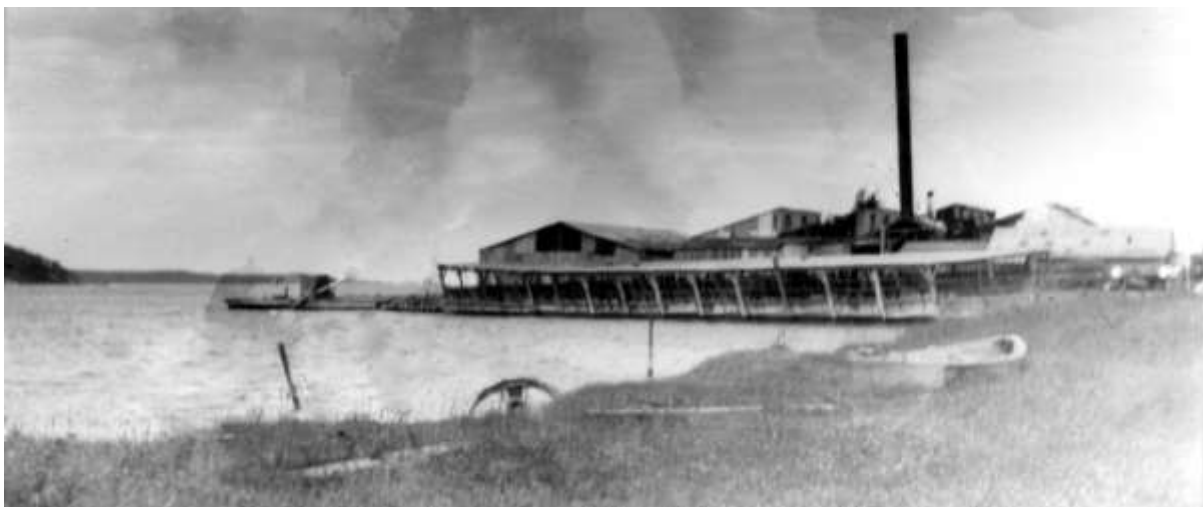
www.oldcourthousemuseum.com

The Perry Turnery and Spoke Factory was built on the site of Guy's Old Sawmill, an earlier milling enterprise that had been established by Francis Guy, operating since the 1860s.



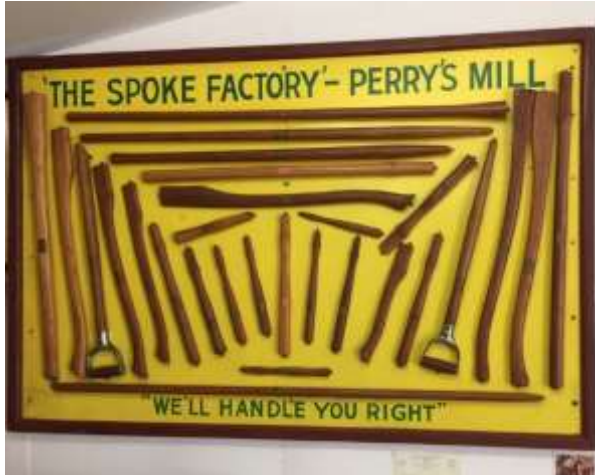
The early mill can be seen here at the outcrop of land on the foreshore.

Perry's factory was opened with great fanfare in 1902 and was then hailed as the largest spoke factory in the Southern Hemisphere, at that time turning out roughly 500 spokes per week. This number grew to over 1400 per week in the 1940's.



View of Spinnaker Reach and the factory in the 1950's

The factory ran continuously until 1974, converting from a basic sawmill in the late part of the 19th century to a spoke and handle factory. The mill supplied many of the wheel spokes used by Cobb and Co, as well as field artillery parts to the Australian Army during World War I.



With the arrival of mass produced motor cars, the spoke business went into decline. The mill switched to the manufacture of spindles until the forerunner of Telstra began laying underground cables. After this time the mill turned almost exclusively to the manufacture of tool handles.



The factory in its heyday was the largest employer in the district and an incredibly important component of the local economy. It employed skilled artisans, labourers, as well as bushmen and carters. The building, constructed of wood and iron was a prominent part of the Clyde River foreshore for over 100 years, despite having been burned to the ground twice. It was finally dismantled in 1985 to make way for the residential units that occupy the site at the present time.

A visitor from the Braidwood Dispatch and Mining Journal described the internal workings of the factory in April 1941, where spotted gum and ironbark was turned and processed.

“Drawn in from the bush by lorries and tractors and sometimes down the river in a crazy looking old paddle-punt, the huge logs (often 50 feet long, by any girth up to 11 feet) are finally broken down by powerful and vicious looking circular saws.”

“Hundreds of belts and swiftly revolving shafts and pulleys are working everywhere and the air seems filled with sawdust and steam.”

In the 1950’s a columnist from the Illawarra Daily Mercury recalls the outside of the building;

“We were attracted to it, as we passed, by what appeared to me to be finely gathered hanging hessian, but on close observation proved to be thousands of lengths of dowelling, standing from roof to floor, drying out.”



The factory whistle salvaged from a wrecked boat at Long Beach.



The factory employee time stamper

View of Spinnaker Reach and Perry's Mill in 1982 shortly before demolition



The Perry Turnery and Spoke Factory was eventually demolished and the land sold for residential development in 1985, but not before scavengers had carried off most items of value that were still at the site.



Spinnaker Reach today.



17. 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.

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
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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.

Acronym	Meaning	Description
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.

Acronym	Meaning	Description
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.

Acronym	Meaning	Description
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.

Acronym	Meaning	Description
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.

Acronym	Meaning	Description
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.

Acronym	Meaning	Description
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.