



AGENDA

Ordinary Meeting of Council

11 April 2017

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

ON TUESDAY 11 APRIL 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	
3. PUBLIC FORUM (AGENDA ITEMS ONLY)	
4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	
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	
NOM17/005 Electric Vehicles.....	3
8. QUESTIONS ON NOTICE FROM COUNCILLORS	
QON17/002 Dog Recreation Venues	6
9. GENERAL MANAGER'S REPORTS	
GMR17/007 Motions for submission to the National General Assembly	8
GMR17/009 Eurobodalla Community Strategic Plan Exhibition	13
GMR17/010 Delivery Program Review - Citizens' Jury	18
GMR17/011 Adoption of Policies	23
10. PLANNING AND SUSTAINABILITY REPORTS	
PSR17/016 Draft Emissions Reduction Plan	26

PSR17/017	Declaration of Fossicking Districts	33
PSR17/018	Policy Review - Recreational Horse-Riding on Beaches.....	47
11.	INFRASTRUCTURE REPORTS	
IR17/017	Policy Review - Vegetation Clearing - Roadsides and Infrastructure Lines.....	50
IR17/018	Policy Review - Kerb and Gutter Construction - Contribution by Property Owners	53
IR17/019	Policy Review - Road and Pathway Opening.....	55
IR17/020	Policy Review - Pathway Construction - Contributions by Property Owners	57
IR17/021	Local Traffic Committee No 6 for 2016-17	59
12.	FINANCE AND BUSINESS DEVELOPMENT REPORTS	
FBD17/020	Easement to Drain Water - Bay Street, Narooma.....	65
FBD17/022	Assignment of Lease - Tuross Head	68
FBD17/023	Tuross Head Progress Association - Fees for use of Kyla Park Hall.....	73
FBD17/024	Policy Review - Investment Policy.....	76
13.	COMMUNITY, ARTS AND RECREATION REPORTS	
CAR17/006	Policy Review - Library Services	78
CAR17/007	Advisory Committees - Aboriginal, Disability Inclusion and Public Art	80
14.	DELEGATE REPORT	
15.	URGENT BUSINESS	
16.	DEALING WITH MATTERS IN CLOSED SESSION	91
17.	CONFIDENTIAL MATTERS	

DR CATHERINE DALE
GENERAL MANAGER

NOM17/005 ELECTRIC VEHICLES

E00.4623

Responsible Officer: Jack Tait - Councillor

Attachments: Nil

Councillor Jack Tait has given notice that at the Ordinary Meeting of Council on 11 April 2017, he will move the following motion.

MOTION

THAT Council:

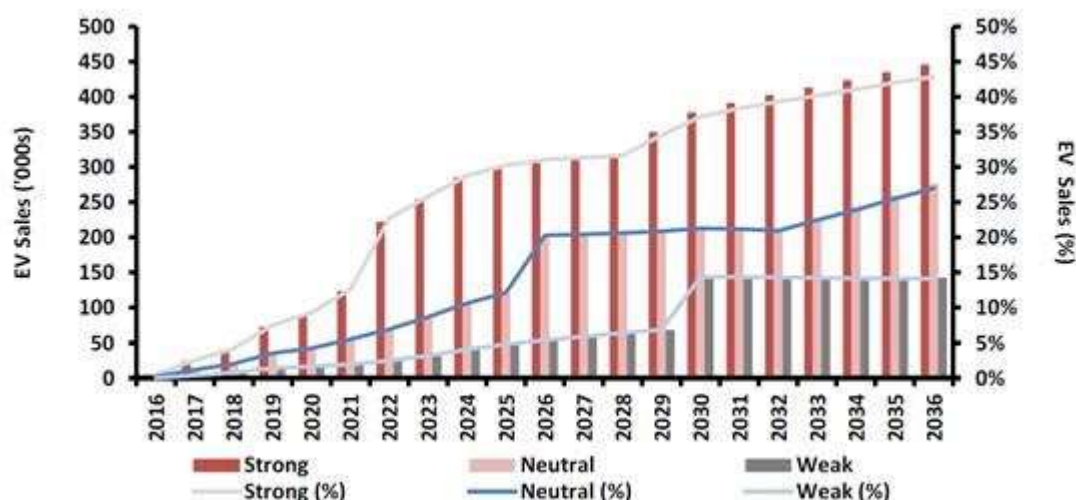
1. Write to the New South Wales, Victorian and ACT Governments seeking their support for an electric highway along the NSW Coast between Sydney and Melbourne and linking Canberra and Batemans Bay.
2. Write to and encourage Bega Valley Shire, Queanbeyan-Palerang Regional and Shoalhaven City Councils, Regional Development Australia Far South Coast and South East Australian Transport Strategy Inc., to advocate for the establishment of an electric highway along the NSW Coast between Sydney and Melbourne and linking Canberra and Batemans Bay.
3. Continue to assist local businesses with the provision of advice on how to establish electric car charging facilities.
4. Utilise a web site to promote the location of electric car charging stations within the Eurobodalla and at locations linking the Eurobodalla to Sydney, Melbourne and the ACT.
5. Investigate and report back to Council on the potential establishment of electric vehicle charging stations at its visitor information centres.

BACKGROUND

Electric vehicles will become a rapidly growing segment of the car market. As shown in the graph below, electric vehicles are predicted to comprise 29%-45% of new vehicle sales by 2036 in a neutral or strong uptake scenario.

NOM17/005 ELECTRIC VEHICLES

E00.4623



⁽¹⁾Australian-Energy Market Operator (2016) *AEMO Insights, Electric Vehicles*,
[www.aemo.com.au/-/media/Files/Electricity/NEM/Planning_and_Forecasting/NEFR/2016/AEMO-insights EVC 24-Aug.pdf](http://www.aemo.com.au/-/media/Files/Electricity/NEM/Planning_and_Forecasting/NEFR/2016/AEMO-insights_EVC_24-Aug.pdf) (sourced 22/2/17)

With the increasing uptake in electric vehicles, there will be an increasing demand for charging stations to support their operation and use. This represents an opportunity for the Eurobodalla. Those areas which have the infrastructure in place to support travel with the use of electric vehicles will be able to promote themselves as being electric vehicle ready, providing the opportunity to capture the economic and tourism benefits that will come from visitors to the area. The provision of electric vehicle charging stations in strategic locations will provide the opportunity for the owners of electric vehicles to escape the bounds of our major cities and to visit regional areas. The Eurobodalla has the potential to capitalise on its clean natural image by ensuring the infrastructure is in place to enable owners of electric vehicles to escape the city and come and enjoy what the Eurobodalla has to offer.

In Western Australia, RAC has developed the first 'electric highway' in Australia, with the provision of a number of electric vehicle charging stations enabling drivers of electric vehicles to travel from Perth to Augusta and return.

In the Eurobodalla there are already charging facilities at the Batemans Bay Soldiers Club and The Bower. The provision of such facilities by private business provides them a point of difference in promoting the area and their business.

Council needs to take on an advocacy role to promote, with adjoining councils, the concept of an 'electric highway' along the NSW Coast between Sydney and Melbourne and linking Canberra and Batemans Bay.

Council should also continue to assist local businesses with the provision of advice on how to establish electric car charging facilities, and via the web, promote the location of electric car charging stations available within the Eurobodalla and at locations linking the Eurobodalla to Sydney, Melbourne and the ACT.

NOM17/005 ELECTRIC VEHICLES

E00.4623

Council should also investigate the potential to have electric vehicle charging stations at its visitor information centres.

By being proactive, becoming electric vehicle ready and promoting the opportunity for the owners of electric vehicles to visit the Eurobodalla, we have an opportunity to capture the benefits arising from a market segment that is forecast to grow rapidly, bringing significant benefits to our local economy.

QON17/002 DOG RECREATION VENUES

e16.0041

Responsible Officer: Anthony Mayne - Councillor

Attachments: Nil

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

Question

Could Council receive an update on progress regarding the existing emerging demand for dog recreation venues and meetings held with interested parties since December 2016?

Response

At the Ordinary Meeting of Council on 13 December 2016 Council resolved the following:

THAT Council:

- 1. 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.*

Since December 2016, the following activities have been undertaken to progress Council's resolution:

Council identified a number of possible dog recreational venues and identified the key stakeholders to consult with, in both Batemans Bay and Nelligen.

A meeting was held with interested community members from Batemans Bay and Nelligen on 28 February 2017. The components of an ideal dog park were discussed. They include shade, water, toilets, lighting, space for small dogs, space for large dogs, close to the CBD, parking, high visibility, storage and fencing.

Batemans Bay

As a result of the meeting, Batemans Bay community representatives provided a list of possible sites in Batemans Bay. This, along with sites identified by Council, were discussed. Since the meeting Council has reviewed a total of 20 proposed sites, including both Council and community suggestions.

Issues that affect the suitability of sites include:

- Land ownership (not council owned);
- Future use of land (land earmarked for sale);

QON17/002 DOG RECREATION VENUES

E16.0041

- Environmental conservation zoning, therefore not suitable;
- Land use is currently organised sport.

Based on the issues listed above, the list of 20 has been shortlisted to four possible sites, with some issues remaining with three of those sites.

This data will be provided to those who attended the February meeting. Another meeting will be scheduled for April/May to discuss the four sites.

Once this has occurred the matter will be brought back to Council for consideration.

Nelligen

The Nelligen group had a specific request regarding a location for dog recreation facilities near the existing tennis courts in Nelligen. Council staff will visit the site and confirm details, however it is anticipated that this request can be achieved. If so, the Nelligen request will be the subject of a separate briefing and Council report.

RECOMMENDATION

THAT the response to the question regarding Dog Recreation Venues raised by Councillor Anthony Mayne be received and noted.

**GMR17/007 MOTIONS FOR SUBMISSION TO THE NATIONAL GENERAL
ASSEMBLY**

E17.1021

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

The 2017 National General Assembly (NGA) will be held from 18 - 21 June at the National Convention Centre, Canberra.

The NGA is the premiere event in the local government calendar and is an opportunity for key local government representatives to debate issues of national significance, hear from political and academics speakers as well as to develop policy and fiscal strategy for the coming year. There are typically over 800 delegates who attend.

Australian Local Government Association (ALGA) is now calling for Notices of Motions for this year's National General Assembly. Under the theme of 'Building Tomorrow's Communities', this year's NGA will focus debate on motions that address how councils can work in partnership with the Australian Government in particular, to meet the current and future needs of local communities. The motions will be categorised under the following six sub-themes:

1. Governance- community driven planning and development
2. Innovation – identifying and harnessing the key pillars of growth
3. Liveability – maximising amenity, design and community cohesion
4. Data driven public policy – using high quality data to grow the evident base
5. Social capital - improving the capacity of citizens and optimising workforce trends
6. Technology and Infrastructure – identifying and investing in tomorrow's foundations.

Motions must be received by ALGA no later than 11:59pm on Friday 21 April 2017. Further information on Motions can be found at

http://www.conferenceco.com.au/alga_nga/Motions.html

It is proposed that Council will submit two motions under the sub-theme Liveability. Both motions were originally endorsed by Council on 14 February 2017.

**GMR17/007 MOTIONS FOR SUBMISSION TO THE NATIONAL GENERAL
ASSEMBLY**

E17.1021

RECOMMENDATION

THAT the following Motions be submitted for consideration at the National General Assembly to be held from 18 -21 June 2017:

1. A National education program be developed on the issues associated with balloon release in relation to littering and helium usage, and to encourage the banning of the release of balloons.
2. Preference be given to financial institutions that do not invest in, or finance, the fossil fuel industry where council's investment is compliant with its Investment Policy and the investment rate of interest is comparable to other similar investments that may be on offer to council at the time of investment.

BACKGROUND

Local government plays a significant role in the national economy and critical roles in their local economies. The NGA provides an important opportunity for the sector to unite and build on the work of the ALGA Board and State and Territory Local Government Associations and to strengthen the contribution that local government makes.

The assembly is an opportunity for individual councils to identify matters of national relevance to the sector and to submit notices of motion to seek support at the NGA for these matters to be considered by ALGA as national policy, for its advocacy role or for more immediate action by ALGA on behalf of the sector.

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally
2. be consistent with the themes of the NGA
3. complement or build on the policy objectives of your state and territory local government association
4. be from a council which is a financial member of their state or territory local government association
5. propose a clear action and outcome
6. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. All motions require a clear national objective, a summary of key arguments in support of the motion and endorsement from the Council.

**GMR17/007 MOTIONS FOR SUBMISSION TO THE NATIONAL GENERAL
ASSEMBLY**

E17.1021

Motions must be lodged electronically not later than 11.59pm on Friday 21 April 2017.

CONSIDERATIONS

It is recommended Council submit two Motions to the National General Assembly under the sub-theme of Liveability. These Motions are the Banning of the Release of Balloons and Divestment of Investments in Fossil Fuels supporting Financial Institutions.

Banning of the Release of Balloons – At its meeting on 14 February 2017, Council endorsed a ‘no balloon release’ policy at Council events and on Council managed reserves. Balloon release has an adverse impact on the environment and continues to be an item of litter that is identified in cleanups. Balloons and the associated debris can travel long distances and cause negative impacts, particularly in our waterways.

Approximately 95% of released balloons rise to 8,500 metres where they expand in the cold and thin air, become brittle and shatter into spaghetti-like pieces that then sink back to earth. The remaining 5% do not reach a high enough altitude to burst and therefore, drift with the wind hundreds of kilometres before descending back to the land or the sea. Due to predominant winds and currents, balloons and other marine debris often accumulate in predictable areas, overlapping with the foraging and nesting areas of marine animals.

The impact of litter reaching our marine environment is well known and documented with 663 species affected worldwide. Even balloons that are classified as ‘biodegradable latex’ can last months or even years before breaking down, and pose a threat to marine life during that time. Balloon release has an adverse impact on the environment and continues to be an item of litter that is identified in cleanups. Balloons and the associated debris can travel long distances and cause negative impacts, particularly in our waterways. The impacts from balloons on marine life include deformity and loss of limbs, internal injuries and blockages, and death through starvation, suffocation and strangulation.

In November 2000 the NSW Government enacted the Protection of the Environment Operations Amendment (Balloons) Act 2000. Since that date, it is illegal to release 20 or more gas-inflated balloons at or about the same time. It is deemed an aggravated offence where a person releases more than 100 balloons. There are a number of exceptions to these offences, for example whether the balloons are released specifically for scientific purposes.

Every balloon released is littering and can be subject to the enforcement of litter laws. The New South Wales legislation is largely not monitored nor enforced, with balloons being released on some commemorative occasions, and the provision of balloons as promotional signage or giveaways by community groups and businesses.

Divestment of Investments in Fossil Fuels supporting Financial Institutions – At its meeting on 14 February 2017, Council endorsed to give preference, when investing, to financial institutions that do not invest in, or finance, the fossil fuel industry where Council’s investment is compliant with its ‘Investment Policy’ and the investment rate of interest is comparable to other similar investments that may be on offer to Council at the time of investment.

**GMR17/007 MOTIONS FOR SUBMISSION TO THE NATIONAL GENERAL
ASSEMBLY**

E17.1021

The intent of this motion is aimed at environmental protection by taking action to combat climate change. Carbon emissions through the use of fossil fuels are, according to overwhelming scientific evidence, one of the key contributors to global warming and climate change.

One of the few mechanisms that smaller institutions and entities like councils can use to influence the broader movement to protect our shared environment, is by limiting or excluding investment, directly or indirectly, in the fossil fuel industry.

This can be achieved by moving ratepayer owned and Council managed investment capital from financial institutions that support the fossil fuel industry, to those that do not.

If a sufficient number of councils were to do the same, the impact financially would be very significant, and have the potential to influence many other financial institutions to move their support away from fossil fuels, into more sustainable and environmentally responsible energy sources and infrastructure.

At present, there are already nine NSW Councils that have put in place divestment strategies similar to that proposed in this Motion.

Policy

Motions submitted will be reviewed by a committee of the ALGA Board as well as by State and Territory Local Government Associations, to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government.

The motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant State/Territory Local Government Association, and will not be included in the Business Papers.

Motions that are agreed to at the National General Assembly become Resolutions. These Resolutions are then considered by the ALGA Board when setting national local government policy and when the Board is making representations to the Federal Government at Ministerial Councils, during meetings and in ALGA publications. The ALGA Board is not bound by any resolutions passed at the NGA.

Environmental

Liveability is defined as the sum of factors that add up to a community's quality of life, including the built and natural environments, economic prosperity, social stability and equity, educational opportunity, and cultural, entertainment and recreation possibilities. Maximising the liveability of tomorrow's communities, wherever they are, is Local Government's core business. Both motions fall within the sub-theme Liveability and aim to improve the impact our actions have on the natural environment.

**GMR17/007 MOTIONS FOR SUBMISSION TO THE NATIONAL GENERAL
 ASSEMBLY**

E17.1021

CONCLUSION

The NGA is the premiere event in the local government calendar and is an opportunity for key local government representatives to debate issues of national significance, hear from political and academics speakers as well as to develop policy and fiscal strategy for the coming year. It is proposed that Council will submit two motions for consideration under the sub-theme Liveability.

GMR17/009 EUROBODALLA COMMUNITY STRATEGIC PLAN EXHIBITION

E09.3480

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Community Strategic Plan

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 Coommunity 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. 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 business may also be engaged in delivering the long term objectives of the Plan.

The draft CSP has been prepared in accordance with Section 402 of the Local Government Act and the Integrated Planning and Reporting Guidelines and must be exhibited for 28 days, prior to adoption by Council.

The draft CSP is a whole of community plan, reviewed and developed in partnership with the community. It identifies and articulates the community's long term aspirations, priorities and vision.

Council first developed its community Strategic Plan in 2010, with a further comprehensive review in 2012. In accordance with the Act Council is required to review its IPR documents following an ordinary council election to ensure currency of the plans, hence the current review.

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.

In reviewing the CSP Council has 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 current review process.

Our community vision has been reviewed and developed by the community. It reflects the kind 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 Council has developed nine outcome areas with supporting strategies, all linked to the community vision. The draft CSP addresses social, environmental, economic and civic leadership goals and is based on social justice issues, in line with IPR guidelines.

GMR17/009 EUROBODALLA COMMUNITY STRATEGIC PLAN EXHIBITION

E09.3480

Progress will be monitored against community indicators and Council has identified key partnerships and strategic regional and state priorities that link with the draft CSP.

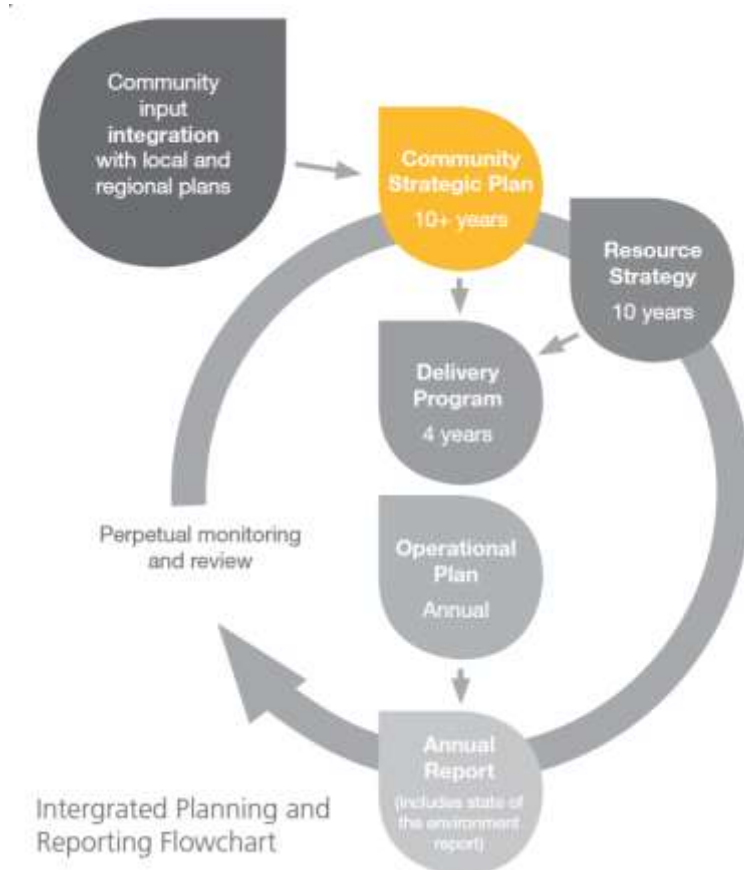
RECOMMENDATION

THAT the draft Community Strategic Plan be placed on public exhibition from 12 April 2017 until 9 May 2017.

BACKGROUND

Local councils in NSW are required to undertake their planning and reporting activities in accordance with the local government Integrated Planning and reporting framework.

The IPR framework is detailed in Figure 1



The draft CSP outlines our community vision, to be *friendly, responsible, thriving and proud*. Under this vision are nine outcomes:

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

GMR17/009 EUROBODALLA COMMUNITY STRATEGIC PLAN EXHIBITION

E09.3480

6. Responsible and balanced development
7. Connected and accessible places
8. Collaborative and engaged community
9. Innovative and proactive leadership.

To achieve the vision and outcomes of the CSP there are a further 34 Strategies which show how we will go about achieving the outcomes and vision of our community.

CONSIDERATIONS

The draft CSP is a whole of community plan, reviewed and developed in partnership with the community. It identifies the community's long term aspirations, priorities and vision, with objectives and strategies in place to articulate and meet that vision.

The Integrated Planning and Reporting 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.

This framework allows NSW councils to draw their various plans together, understand how they interact and achieve the maximum leverage from their efforts by planning holistically for the future.

Councils need to take a long term view and consider social, economic and environmental aspects, and the needs of current and future generations when making decisions. This underpins the planning and reporting framework.

Each Community Strategic Plan must adequately address social, environmental, economic and civic leadership considerations. This approach is generally referred to as 'the quadruple bottom line'. This approach ensures that the Community Strategic Plan is balanced and takes a holistic view.

In order to comprehensively address social, environmental, economic and civic leadership considerations Council tested each issue, outcome and strategy and considered the implications. This approach allows all elements to be reviewed thoroughly and opens the way for more innovative approaches in implementing the Plan.

Throughout the Draft Plan, we have shown how each outcome and strategy links back to the four key areas to highlight the integrated approach Council has taken in its forward planning.

Community Engagement

The draft CSP has been developed with the community, with a range of engagement processes undertaken in both the original Plan (2010), review (2012) and in the current review process.

GMR17/009 EUROBODALLA COMMUNITY STRATEGIC PLAN EXHIBITION

E09.3480

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 current review of the CSP Council commissioned an independent community visioning survey in March 2016 focused on community wellbeing, with 810 community members participating.

Council conducted a CSP specific survey from December 2016 to January 2017, with an Instagram competition #myeurobodalla running alongside, to promote the survey and engage a wider age range. A total of 530 community members completed the survey and there were 730 entries in the Instagram competition. The survey was structured around the key questions of:

- Where are we now?
- Where do we want to be?
- How will we get there?

To raise awareness of the CSP review and engage with the community Council attended 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.

Extensive coverage and information was provided on Council’s website, Facebook and Council’s news and discussion forum yoursay.esc.nsw.gov.au Hardcopy surveys were provided at each library and council conducted an Instagram competition, #myeurobodalla, in partnership with local business.

In addition to the broad engagement, Council also undertook targeted engagement to maximise participation by all groups in the community, including direct email, visits to Council’s Youth Cafes and specific surveying of Aboriginal organisations. On 2 February 2017, Council conducted a Community Round table, with 57 people participating.

Over 2,000 community members participated directly in the current review of the CSP, providing ideas, experiences and priorities to inform and enrich the document.

Council will place the draft CSP on public exhibition for a period of not less than 28 days commencing on 12 April 2017 until 9 May 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 Community Strategic Plan (CSP) is the highest level plan that Council will prepare as part of the Integrated Planning and Reporting (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.

GMR17/009 EUROBODALLA COMMUNITY STRATEGIC PLAN EXHIBITION

E09.3480

The draft CSP has been prepared in accordance with Section 402 of the Local Government Act and the Integrated Planning and Reporting Guidelines and must be exhibited for 28 days, prior to adoption by Council.

GMR17/010 DELIVERY PROGRAM REVIEW - CITIZENS' JURY

E09.3479

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Council Response to Recommendations of the Eurobodalla Citizens' Jury 2016

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: C3.1.1 Prepare the Council's Delivery Plan and Operational Plan

EXECUTIVE SUMMARY

The purpose of this report is to present Council's response to the Eurobodalla Citizens' Jury Report and 86 recommendations, and acknowledge the significant time and commitment of the community member jurors who participated. The Citizens' Jury process was conducted in late 2016.

Every four years Council is required to engage with the community to formally review its Delivery Program. This process complements and adds to Council's regular engagement activities, which can include surveys, advisory committees, meetings, newsletters, workshops and forums.

In line with previous engagement processes, Council has received, considered and responded to the Citizens' Jury report and recommendations.

The Eurobodalla Citizens' Jury was made up of 28 randomly selected everyday people from our community. Participants were taken through a comprehensive exploration of the work done by Council and considered the question *'Is Council spending your money on the right things? If not, what should we change?'*

The Eurobodalla Citizens' Jury met in person seven times between September and November 2016 for a total of 36.5 hours to deliberate meaningfully and find common ground. Each session was independently facilitated.

To support and inform the Citizens' Jury process three stakeholder consultations were initially held, with over 100 people attending. In addition, 39 submissions to the Citizens' Jury were received and 22 speakers presented. Interest and participation in the associated online community hub www.yoursay@esc.nsw.gov.au was significant, with 84 community members registered and 1,860 individual visits during the Citizens' Jury process.

The Citizens' Jury Final report was tabled at the Council meeting on 13 December 2016 and Council undertook to respond to the Jury's 86 recommendations by March 2017.

During the period from December 2016 to March 2017 Council addressed each of the Citizens' Jury recommendations. Concurrently, Council prepared the draft Delivery Program 2017-21 and Operational Plan 2017-18. Council's response has been prepared by the end of March 2017, to be presented at the 11 April 2017 meeting.

GMR17/010 DELIVERY PROGRAM REVIEW - CITIZENS' JURY

E09.3479

Council's Citizens' Jury response document follows the same topic areas structure as the Citizens' Jury report. The response includes an overview of each issue area, a summary response to each recommendation and a detailed response for clarification.

The response report indicates where council undertakes or plans to undertake the proposed activity and where Council will not undertake the recommendation, and why. Reference to the draft Operational Plan 2017-18 has been included where applicable, although this has yet to be adopted by Council and may change (content and /or referencing numbers). Responses have also been cross referenced within the document for ease of use.

Of the 86 Citizens' Jury recommendations, 76 align with the draft Delivery Program 2017-21 and Operational Plan 2017-18 and three represent new activities for Council consideration. Of the seven that are not supported, detailed information supporting the decision making process is provided.

RECOMMENDATION

THAT Council:

1. receives the response to the Eurobodalla Citizens' Jury 2016 Report;
2. place the Eurobodalla Citizens' Jury 2016 Report on its website and copies also be made available at each of the three libraries;
3. note that a copy of the Eurobodalla Citizens' Jury 2016 Report has been sent to jury members; and
4. thank the jury members for their time and contribution.

BACKGROUND

The Citizens' Jury process

The review and development of Council's Delivery Program 2017-21 has included a Citizens' Jury deliberative consultation process, conducted by not-for-profit research organisation New Democracy Foundation (nDF). An independent facilitator was also engaged to conduct the meetings.

Prior to the first meeting of the Citizens' Jury, nDF ran three community information sessions to brief stakeholders. Over 100 community members with an interest in Council operations attended.

At the community information sessions nDF outlined the Citizens' Jury process and invited people to make a submission to the jury on an issue or priority that mattered to them. The Jury received 39 community submissions, which is nearly double the average number usually received for similar jury processes.

During September to November the Jury meet a total of seven times for 36.5 hours of face-to-face meetings at various locations throughout the Shire. At these independently facilitated meetings the Jurors were encouraged to weigh competing viewpoints, identify experts of their choosing and request Council information. Outside of the meetings the Jurors spent numerous hours in their own time researching and reading all the different information they were

GMR17/010 DELIVERY PROGRAM REVIEW - CITIZENS' JURY

E09.3479

provided. They were given time to reach a consensus view about Council priorities and the range and level of service provided in a genuine, thoughtful and meaningful way.

During July 2016 nDF sent 5,000 mail invitations to a random sample of physical addresses within the Shire. From the recipients that registered their interest, nDF then randomly selected the final Jury to reflect the demographics of the area based on age, gender, location and ratepayer status. nDF verified that each participant had received an initial invitation.

As the starting point for discussion Council prepared the [Eurobodalla Citizens' Jury Briefing Book](#) which provided detailed information on Council income, expenditure, service delivery and infrastructure. In addition to this informative briefing book nDF coordinated a further 63 requests of information in which Council provided responses to throughout the process and arranged 22 speakers, as per juror requests.

Each meeting was open to community member to observe, but not participate, in the deliberative sessions. Jurors were given the option to close part or all of a meeting to discuss sensitive issues, if required. No jury member requested this option and all meetings remained open at all times. Across all meeting approximately 20 observers attended.

The report consisted of 86 recommendations to be considered.

The engagement and commitment of members of the Citizens' Jury was significant, with the equivalent of two additional meetings scheduled into the program to allow further deliberation to occur.

The Citizens' Jury report and recommendations was tabled at the [Ordinary Council Meeting 13 December 2016](#) with a response to be provided by March 2017.

CONSIDERATIONS

The Legislative Context

Council has a legislative requirement to review the Delivery Program every four years, in line with the Council term. This review must consider all services and programs, in consultation with the community.

Council's Fit for the Future Improvement Plan includes an action to review all Council activities and levels of service, to ensure we identify and meet community needs and deliver value for money.

To meet our legislative and Fit for the Future requirements in relation to the review and development of the Delivery Program 2017-21 Council conducted an innovative engagement method in the form of a Citizens' Jury. The jury considered the question *'Is Council spending your money on the right things? If not, what should we change?'*

The Citizens' Jury Report and recommendations

The Citizens' Jury report and recommendations was tabled on 13 December 2016, with a response to be provided by March 2017.

The Eurobodalla Citizens' Jury final report was structured around the following nine focus areas:

GMR17/010 DELIVERY PROGRAM REVIEW - CITIZENS' JURY

E09.3479

- Employment, Economic and Business Development
- Aboriginal and Broader Community Involvement
- Community Services
- Environment and Rural Lands
- Long Term Vision and Innovation
- Advocacy and Facilitation
- Pathways
- Roads, Rates and Rubbish
- Arts Development.

The report consisted of 86 recommendations to be addressed.

Since December 2016 Council has worked to respond to each recommendation, identifying where there may be correlation with existing activities, where it might represent a new activity and where Council does not support the adoption of a recommendation, and why.

At the same time, Council has been preparing the draft Delivery Program 2017-21 and Operational Plan 2017-18. These Plans are still being finalised, and some actions may change. However, reference to draft Operational Plan actions has been included in Council's response to the Citizens' Jury, where applicable, to highlight the link between the Citizens' Jury community engagement and Council's strategic planning process.

Of the 86 Citizens' Jury recommendations, 76 align with the draft Delivery Program 2017-21 and Operational Plan 2017-18 and three represent new activities for Council consideration. They are:

- an action to advocate for the streamlining of government processes;
- a Local Government Week activity to include a resident 'think tank'; and
- the investigation of a mobile library service.

Of the seven that are not supported, detailed information supporting the decision making process is provided.

Financial

The project has been delivered within the allocated budget.

Community Engagement

The Eurobodalla Citizens' Jury was chosen to provide Councillors and the community with an alternative and collaborative engagement method, and a way to hear the informed views of people who may not usually engage with Council.

In Council's Community Engagement Framework collaboration is a high level of engagement and it is described as partnering with the community to identify preferred solutions, and looking to stakeholders for direct advice and innovation in formulating solutions, incorporating that advice and recommendations into the decision to the maximum extent possible.

GMR17/010 DELIVERY PROGRAM REVIEW - CITIZENS' JURY

E09.3479

The Jury has been successful in delivering effective engagement. The Framework sets out that effective community engagement can provide a better understanding of community needs and expectations and the opportunity to identify issues and perspectives that might not otherwise be known. It can build positive relationships between Council and its community, increase understanding of Council projects and plans, keep the community more informed about Council responsibilities and actions and give the community ownership of decisions and outcomes.

Throughout the jury process, Council has kept the community informed through providing accurate and timely information on Council's website, the online interactive engagement hub www.yoursay@esc.nsw.gov.au Council's digital and print residents newsletters, Facebook, advertising in Council's noticeboard page in two local papers, writing to stakeholders and community groups and distributing a media release. This was in addition to the written invitation sent to 5,000 households.

The Citizens' Jury response has been made available on Council's website as an attachment to this Council report.

CONCLUSION

To meet our legislative and Fit for the Future requirements in relation to the review and development of the Delivery Program 2017-21 Council conducted a Citizens' Jury consultation process.

Every four years Council is required to engage with the community to formally review its Delivery Program. This process complements and adds to Council's regular engagement activities, which can include surveys, advisory committees, meetings, newsletters, workshops and forums.

In late 2016 Council conducted an innovative Citizens' Jury engagement process to inform the development of the Delivery Program 2017-21. This provided a fresh way to hear the informed views of people from across the shire.

In line with previous engagement processes, Council has received, considered and responded to the Citizens' Jury report and recommendations.

The Eurobodalla Citizens' Jury considered the question *'Is Council spending your money on the right things? If not, what should we change?'*

The Citizens' Jury provided a report with 86 recommendations for consideration and review by Council. Council's response details where Citizens' Jury recommendations correlate with Council's planned activities and where recommendations are not supported, and why. Of the 86 Citizens' Jury recommendations, 76 align with the draft Delivery Program 2017-21 and Operational Plan 2017-18 and three represent new activities for Council consideration. Of the seven that are not supported, detailed information supporting the decision making process is provided.

The engagement and commitment of members of the Citizens' Jury was significant. Wider community involvement was also positive, with a range of community members making submissions and attending deliberative sessions. This added to the success of the process and enriched the engagement achieved.

GMR17/011 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. Compliance Policy
2. Copper Chrome Arsenate (CCA) Management Policy
3. Pesticides/Herbicides Policy
4. Water Saving Incentives Policy
5. Gathering Information for Risk Management Policy.

This report recommends adoption of those policies.

RECOMMENDATION

THAT Council adopt the following policies:

1. Compliance Policy
2. Copper Chrome Arsenate (CCA) Management Policy
3. Pesticides/Herbicides Policy
4. Water Saving Incentives Policy
5. Gathering Information for Risk Management Policy.

GMR17/011 ADOPTION OF POLICIES

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 at the declaration of the poll for that election.

CONSIDERATIONS

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

1. Compliance Policy – The purpose of this policy is to provide a structure for consistency and transparency in decision making, and to facilitate a balanced approach to compliance and enforcement activities for which Council is responsible. It is also intended to assist Council staff to act promptly, effectively and consistently in response to allegations of unlawful activity.
2. Copper Chrome Arsenate (CCA) Management Policy - This Policy clarifies Copper Chrome Arsenate (CCA) Management within Council controlled lands.
3. Pesticides/Herbicides Policy - This policy clarifies Pesticides/Herbicides Use Notification standards within Council controlled lands.
4. Water Saving Incentives Policy – This policy was developed to manage our water supply in accordance with NSW Best Practice Management of Water Supply and Sewerage Guidelines.
5. Gathering Information for Risk Management Policy - This policy recognises the importance of gathering information and records in the day-to-day operations of Council and the management of risk and incidents, and of those records meeting acceptable evidence standards for court.

It is considered appropriate to adopt these policies.

Legal

Compliance Policy - Council sought legal advice upon the adoption of the current policy in 2011 and the draft policy remains unchanged with only minor additional information.

Copper Chrome Arsenate (CCA) Management Policy –Council will comply with the Agriculture & Veterinary Chemicals (Administration) Act 1992.

Pesticides/Herbicides Policy - This policy complies with the NSW legislation - *Pesticides Regulation 2009*.

Water Saving Incentives Policy - This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Gathering Information for Risk Management Policy - It is a recommendation from Statewide Mutual (Council's Insurer) that Council have in place a systematic process to consistently record information about risks, hazards and incidents to enable it to respond in a coordinated manner.

GMR17/011 ADOPTION OF POLICIES

E16.0297

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.

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 no submissions were received. It is recommended that Council adopt the policies.

PSR17/016 DRAFT EMISSIONS REDUCTION PLAN

E07.1073

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

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

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

The current Greenhouse Action Plan (GAP) 2012-2017 is due for review. This plan has delivered strong results in reducing both emissions and costs to Council. The next version of the Plan will focus principally on emissions reduction opportunities and as such it is suggested to be titled the Emissions Reduction Plan (ERP).

Council is on track meet its current target of a 25% emissions reduction by 2020, and will have saved over 14,000 tonnes of CO₂ and over \$1m per year in the process. New actions in the ERP will help Council capitalise on emerging opportunities for further energy and cost savings. Actions will include completing the projects identified in the Energy Performance Contract, complete the upgrade all of street lights to LEDs, investigate opportunities to operate a biogas energy plant at Surf Beach sewage treatment works, investigate opportunities to use methane from landfill gas extraction, facilitate electric car charging infrastructure, develop a Council Climate Adaptation Strategy, investigate a large scale solar farm and other ways to use 100% renewable energy and investigate opportunities to use battery storage.

Recommended targets for Eurobodalla Shire Council for 2030 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.

There is sufficient time for emerging opportunities to develop into practical and economically viable solutions before 2030 to make these targets achievable. The ERP focusses on implementing high impact and cost-effective actions. No actions will be committed to without a sound business case that demonstrates a positive return on investment.

A range of internal and external stakeholders have been consulted in the development of the draft Plan. The draft ERP will be placed on public exhibition to allow for further feedback from the community.

PSR17/016 DRAFT EMISSIONS REDUCTION PLAN

E07.1073

RECOMMENDATION

THAT Council

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.

BACKGROUND

Council has been actively addressing climate change for many years with two consecutive Greenhouse Action Plans having been implemented from 2007 to 2017.

The 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 CO₂ and cost savings of over \$1m per year to Council. The Plan is largely on track with many actions progressing well and some targets achieved. In 2015-16, compared to the 2005-06 baseline:

- Building emissions are down 36%
- Streetlighting emissions were down 14% and will be down 39% when the light emitting diode (LED) upgrade is completed this financial year
- Council is now sourcing over 20% of its electricity from renewable energy.

New projects being completed in 2017 will deliver significant further reductions, such as:

- An Energy Performance Contract on the 23 largest Council sites. This is a competitive energy auditing process which will reduce energy use by 12% at target sites. This will save over 725 tonnes of CO₂ and \$155,000 per year.
- Over 2,600 LED street lights are currently being installed on residential roads in Eurobodalla in 2017 which will save over 450 tonnes of CO₂ and \$200,000 per year in energy and maintenance costs.
- A landfill methane gas extraction and destruction project will save an estimated 5,000 equivalent tonnes of CO₂ per year at Surf Beach landfill and an estimated 3,500 equivalent tonnes of CO₂ per year at Brou landfill.

Council is expected to meet its target of a 25% reduction by 2020 as a result of these projects.

PSR17/016 DRAFT EMISSIONS REDUCTION PLAN

E07.1073

CONSIDERATIONS

In the 2016 survey of Eurobodalla residents, 73% of people are concerned about the environment, with climate change rated as the most important environmental issue. 84% of people surveyed suggested “advice on sustainability, renewable energy and climate change” from Council is important. The Citizen’s Jury made a number of recommendations about pursuing opportunities in renewable energy and the growing clean energy economy.

It is timely to review the GAP and develop a new plan looking forward. All of the discrete projects from the last GAP have largely been completed and a great deal has changed in the energy and technology landscape since the last GAP was developed in 2012.

Scope

The content of the new draft Plan is principally focussed on emission reduction activities.

A dedicated climate change adaptation plan will be developed separately and is one of the key actions in this Plan. This will enable the draft Emissions Reduction Plan to focus on more targeted actions related to emissions and as such is appropriately to be titled the Emissions Reduction Plan (ERP).

The content and actions for the 2017-2021 ERP has been developed from a number of sources including:

- a review of relevant actions by other councils and other levels of government
- consultation with internal staff and council
- Citizens Jury responses
- consultation with external stakeholders.

The majority of actions are considered ‘core’ actions, that detail the strategies and processes that are currently undertaken by Council and will continue to be done to reduce emissions. There are also a number of ‘new’ actions that will be delivered during the life of the new plan.

New actions

Key ‘new’ actions for the draft ERP include:

- Implement identified energy and water conservation measures from the Energy Performance Contract at Council's largest energy using sites.
- Formalise minimum standards for Council when purchasing new energy and water using appliances, and when planning new construction projects.
- 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 at Surf Beach sewage treatment works.
- Investigate opportunities to use methane from landfill gas extraction
- Facilitate electric car charging infrastructure
- Develop a Council Climate Adaptation Strategy
- Investigate a large scale solar farm and other ways to reach a 100% renewable energy target

PSR17/016 DRAFT EMISSIONS REDUCTION PLAN

E07.1073

- Investigate opportunities to use battery storage.

Targets

Having an emissions reduction target has helped Council to attract grant funding and generate positive results in working towards a goal. The draft Emissions Reduction Plan will operate beyond the current target year of 2020. Therefore it is recommended to adopt a new target as part of the plan.

Greenhouse gas emissions have been modelled for Council's operations until 2030 and demonstrate that it is possible to reduce energy emissions significantly. It is recommended to commit to a new target to reduce Council energy emissions from the 2005-06 baseline by 80% by 2030. This represents an ambitious, yet realistic goal that would make a significant contribution towards addressing climate change.

This target includes all the emissions from fleet, street lighting, gas and electricity. It does not include methane emissions from sewer or landfill. Methane emissions from these sources are a significant proportion of Council's emissions. However, as a large part of these emissions are from old 'legacy' waste that has been deposited over the life of the landfills, and because they are generated by a growing community population, they can be very difficult to manage and reduce. Council will continue to work on reducing emissions from these sources but they have been excluded from the emissions reduction targets.

As shown in Figure 1 it is possible to achieve an 80% reduction in energy related greenhouse gas emissions by 2030. This will be assisted by improvements in fleet efficiency driven by a national vehicle emissions standard. If the development of electric vehicles accelerates then there may be opportunities for greater cuts to fleet emissions. Streetlighting energy usage will be greatly reduced by LED upgrades and ultimately powered by renewable energy. It will also depend upon Council being able to source or generate 100% of its electricity from renewable energy. There is a level of uncertainty regarding whether this will be feasible. However there is also considerable cause for optimism and time for emerging opportunities to develop into practical and viable solutions before 2030.

Recommended targets for Eurobodalla Shire Council for 2030 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.

PSR17/016 DRAFT EMISSIONS REDUCTION PLAN

E07.1073

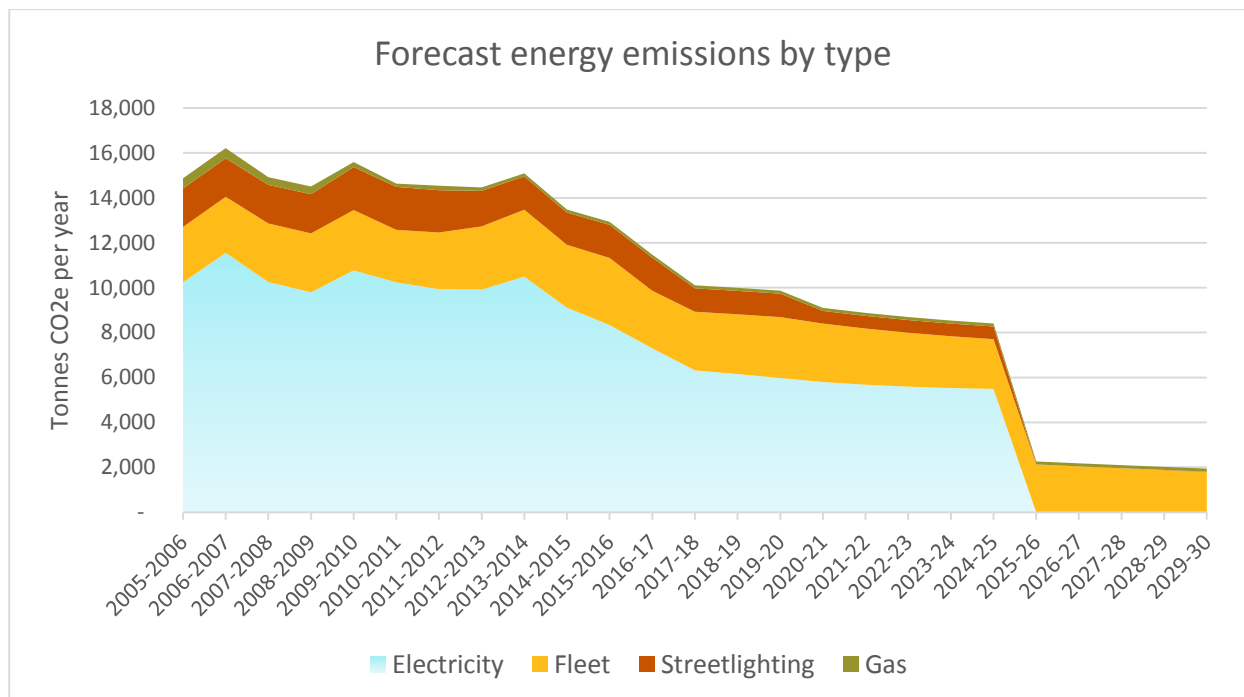


Figure 1. Forecast emissions can be reduced by over 80% by 2030

Policy

The current 2012-2017 Greenhouse Action Plan is due for review. Developing this plan now as a four year plan, will enable it to synchronise with the Delivery and Operational Plans. As the next version of the Plan will focus principally on emissions reduction opportunities, it is suggested to be titled the Emissions Reduction Plan (ERP).

Environmental

The draft ERP will help deliver emission reductions from Council's operations. This will result in a positive environmental outcome by helping 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.

PSR17/016 DRAFT EMISSIONS REDUCTION PLAN

E07.1073

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 budgeted, subject to review and determination by Council.

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 of the review of the draft Plan.

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 recommend 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. Endeavours have been made to incorporate a broad cross-section of ideas and aspirations reflected in the actions of the draft ERP.

Stakeholders were notified of when the draft Plan would be presented to Council.

Stakeholders invited to be involved in the development of the draft included the following:

- South Coast Health and Sustainability Alliance (a local organisation focused on promoting and facilitating more renewable energy)
- Narooma Rotary (organised the 2016 Narooma Renewable energy expo)
- NSW Office of Environment and Heritage, Regional Clean Energy Coordinator
- Eurobodalla Landcare Committee (a local environment interest group)
- Coastwatchers (a local environment interest group)
- Clean Energy for Eternity (a largely Bega Valley based group with expertise in community renewable energy)
- South East Local Land Services
- Eurobodalla 350.org (an advocacy group focusing on climate change)
- Various local solar and energy companies
- Councillors

To inform and let the community know about the public consultation period, Council will place the draft Plan on exhibition for a period of not less than 28 days commencing on April 12 until 10 May 2017.

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

Following the public exhibition period, a further report will be presented to Council with information about feedback received and how it has been considered. Copies of all submissions will also be provided to Councillors for their consideration.

PSR17/016 DRAFT EMISSIONS REDUCTION PLAN

E07.1073

CONCLUSION

The existing Greenhouse Action Plan has delivered good results to Council and the community. A new draft 2017-2021 Emissions Reduction Plan will maintain a strong focus on emerging opportunities to continue to cut emissions and energy costs. A range of new projects will be pursued that will deliver significant savings to energy emissions in the coming years.

PSR17/017 DECLARATION OF FOSSICKING DISTRICTS

E02.6950

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: 1. A Guide to Fossicking in NSW
Focus Area: Productive Communities
Delivery Program Link: P2.1 Provide tourism destination marketing and visitor services
Operational Plan Link: P2.1.5 Engage in strategic tourism partnerships

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council that the NSW Government program of declaring Fossicking Districts in NSW is expanded to include the Eurobodalla Shire.

Council has received correspondence from the NSW Department of Industry, Office for Resources and Energy and the NSW and ACT Prospectors and Fossickers Association Inc (NAPFA) encouraging Eurobodalla to give consent to the declaration of the Eurobodalla Shire as a Fossicking District.

Given the potential benefit to our Shire, this report recommends that Council gives consent to the declaration of the Eurobodalla Shire as a Fossicking District.

RECOMMENDATION

THAT Council consent to the declaration of the Eurobodalla Shire as a Fossicking District.

BACKGROUND

Recreational fossicking is recognised by the NSW government and the activities of the approximately 50,000 fossickers are estimated to be worth about \$20 million per annum to regional NSW. It is very popular amongst retirees and is a subject of interest on the <http://www.thegreynomads.com.au/fossick/> website.

The NSW Department of Industry, Office for Resources and Energy document [A Guide to Fossicking in New South Wales](#) demonstrates how well defined and regulated fossicking is in NSW. The guide shows the basic rules for small scale searches and sets out the legislation that fossickers must comply with before starting. It also shows whether permission to fossick is required, and how to obtain it. A copy of the guide is attached to this report.

The declaration of Fossicking Districts in NSW is an established NSW Department of Industry – Resources and Energy program that is designed to develop opportunities for regional tourism by making it easier for fossickers to access certain land. The program maps areas of the state that may be suitable for recreational fossicking and displays them on the Resources and Energy website.

Twenty-seven local government areas have taken up the opportunity to host declared districts and offer themselves to a growing niche tourism market. Bega Valley is the most recent, giving consent in January 2017.

PSR17/017 DECLARATION OF FOSSICKING DISTRICTS

E02.6950

CONSIDERATIONS

In Eurobodalla, much of the land suitable for fossicking is in State forests, as are many of our heritage listed mine sites. Eurobodalla Shire has an existing heritage tourism product that will be further promoted by the declaration of a Fossicking District.

For Eurobodalla to be declared a Fossicking District, Council needs to write to the NSW Department of Industry, Office for Resources and Energy providing agreement.

Legal

The Office for Resources and Energy has advised Council that “The legal effect of a declared fossicking district is that fossickers do not need the permission of the holder of a mineral or petroleum exploration licence over the land in question. However, they will still need the permission of local landholders, assessment and mining lease holders, and holders of mineral claims or opal prospecting licences.”

Policy

The declaration of our Shire as a Fossicking District responds to Key Direction Five: “Tourism Product & Experience Development” of the Eurobodalla Destination Management Plan 2011 to 2020.

Environmental

Fossicking is defined in [A Guide to Fossicking in New South Wales](#) as a very small scale and manual activity and as such is not likely to have more than a minimal impact on the natural environment. It is also prohibited in National Parks.

Social Impact

Some areas that would be potentially attractive to fossickers are also areas within which mining heritage items are located. Vandalism of some heritage items has been an occasional but disappointing issue in these isolated locations. It is possible that increased visitation to these sites may be a deterrent to those wishing to senselessly damage our heritage.

Economic Development Employment Potential

The program represents a potential boost to tourism by presenting a new tourist product to an expanding audience. Demand for the product in South East NSW is demonstrated by the fact that one of the few businesses catering to prospecting and fossicking, DETECT-A-DEN, is located in Batemans Bay.

The declaration of a fossicking district would be promoted through Council’s tourism website and linked to existing material promoting the Eurobodalla’s geological attractions and gold mining history. A media release would be matched with direct promotion to the websites of interested groups such as <http://www.napfa.net/> and <http://www.thegreynomads.com.au/>.

PSR17/017 DECLARATION OF FOSSICKING DISTRICTS

E02.6950

Community Engagement

The proposal was referred to Council's Heritage Advisory Committee for consideration. At its meeting on Monday 3 April 2017, the committee received a presentation from the NSW and ACT Prospectors and Fossickers Association Inc. on their association and the fossicking practices of its members. The committee resolved to recommend to Council that the Eurobodalla Shire be declared a Fossicking District.

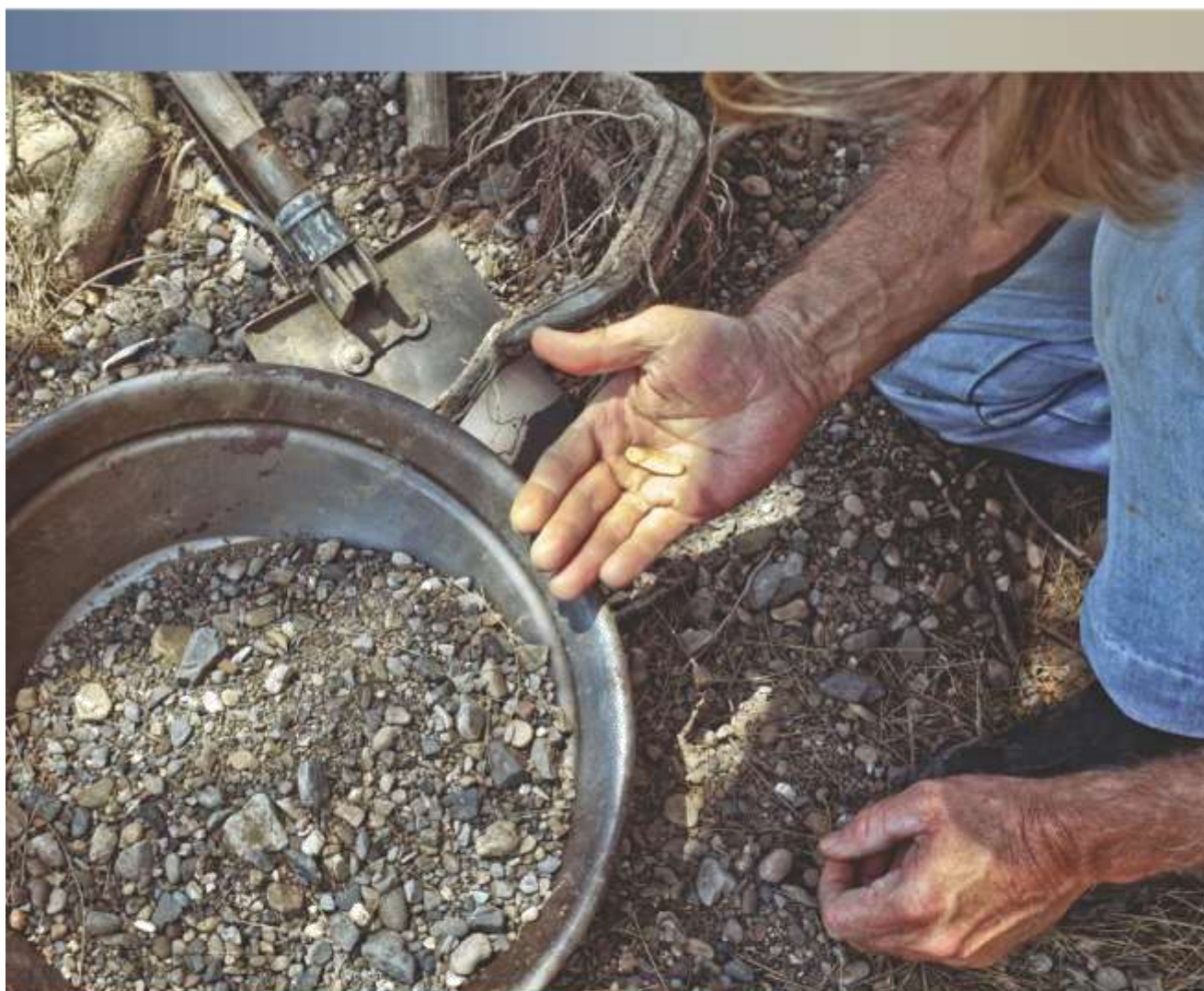
CONCLUSION

The declaration of the Eurobodalla Shire as a Fossicking District has the potential to expand the awareness of our mining and geological heritage beyond the region and boost local tourism.



Industry &
Investment

Fossicking: A guide to fossicking in New South Wales



Guidelines for Fossicking

Fossicking is the small scale search for and collection of, minerals, gemstones or mineral bearing material from the surface (or by digging from the surface) with hand-held implements. This activity may only be undertaken for recreational, tourist or educational purposes.

Fossicking offers an opportunity to discover the beauty and diversity of this state's mineral wealth. It combines leisure, pleasure and 'treasure' all in one. Best of all, no licence is required under the *Mining Act 1992*.

However, some basic rules must be followed.

In these guidelines the NSW Department of Industry and Investment is referred to as Industry & Investment NSW.

What legislation governs fossicking in NSW?

The main provisions that apply to fossicking are Section 12 of the *Mining Act 1992* and Clause 12 of the *Mining Regulation 2010* ([link](#)).

Other relevant legislation

As a fossicker you must ensure that you comply with all relevant legislation.

Other Acts that apply to fossicking include: the *Forestry Act 1916*, *Native Title Act 1993* (*Commonwealth*), *Fisheries Management Act 1994*, *National Parks and Wildlife Act 1974* (in relation to Aboriginal cultural heritage), *Water Management Act 2000* and *Protection of the Environment Operations Act 1997*.

See below for further information on the *Forestry Act 1916* and the *Fisheries Management Act 1994*.

If you require further information about the *National Parks and Wildlife Act 1974*, *Water Management Act 2000* and the *Protection of the Environment Operations Act 1997* ([links](#)) you should contact the Department of Environment, Climate Change and Water.

What techniques can be used for fossicking?

Fossicking on land or waters that may be subject to native title is restricted by the terms of the *Native Title Act 1993* (*Commonwealth*). Land subject to native title can be taken to be any land other than freehold land, land held under perpetual Western Lands leases and some specific leasehold and reserved lands.

Fossicking can be done on land or waters subject to native title using hand held implements, which include picks, shovels, hammers, sieves, shakers and gold pans. However, regardless of the implements used, no excavation is permitted.

On land or waters that are **not** subject to native title, fossicking is not restricted to hand held implements, but power-operated equipment cannot be used for the purpose of surface disturbance, excavation or processing.

Metal detectors can be used in fossicking activities on any land where fossicking is permitted.

What techniques cannot be used for fossicking?

Neither explosives nor dredges can be used in fossicking.

Power-operated equipment cannot be used on land or in waters for surface disturbance, excavation or processing. Power operated equipment includes mechanical, hydraulic, pneumatic, battery and electrical equipment or machinery.

Where can fossicking take place?

As a general rule, fossicking in accordance with the legislation can take place on any land, provided that permission is obtained from the landowner or land manager, except in National Parks where fossicking is prohibited.

Note: To fossick in State forests you need permission from Forests NSW, in the form of a special purpose permit.

What consents/permissions do I need?

- for private land – the permission of the landholder;
- for Crown land that is managed, controlled or under trusteeship - the permission of the trustee or manager of that public or local authority. To fossick on these lands the consent of the appropriate authority (e.g. Land and Property Management Authority, Forests NSW, local council, Livestock Health and Pest Authorities, Trustees of Commons) is required. Information about the ownership or status of land can be obtained from local councils or the Land and Property Management Authority. You can contact Forests NSW (a division of Industry & Investment NSW) for information about State forest land;
- for land held under a lease, licence or permissive occupancy under the *Crown Lands Act 1989*, the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1900* - the permission of the lessee, licensee or occupant. Information about the ownership and status of land may be sought from local councils or the Land and Property Management Authority;

- for land that is covered by an exploration licence, assessment lease, mining lease, mineral claim or opal prospecting licence under the *Mining Act 1992* – the permission of the titleholder. However, permission is not required from the holder of an exploration licence where the licence is affected by a Fossicking District. Information regarding the location of titles and fossicking districts can be obtained from Industry & Investment NSW's Maitland, Orange and Lightning Ridge offices or by searching the TASMap facility:
<http://www.minerals.nsw.gov.au/tasmap/>;
- where native title rights and interests in land or waters have been determined to exist under the Commonwealth's *Native Title Act 1993* - the permission of the relevant registered native title body. For information about registered native title claims in NSW go to:
<http://www.nntt.gov.au/Native-Title-In-Australia/Pages/ACT-New-South-Wales.aspx>.

Fossickers must comply with any conditions or requirements of the landholder. These could include, for example, which tracks to use, which paddocks to avoid, the use of gates, or periods of access.

Note: A landholder cannot permit the carrying out of activities that are prohibited under the *Mining Act 1992*, the *Mining Regulation 2010* or under other legislation.

Who owns fossicked gems and minerals?

Any publicly owned mineral that is recovered in the course of lawful fossicking becomes the property of the person who found it at the time it is removed from the land on which it was found.

Where minerals are privately owned, ownership of those minerals needs to be agreed between the fossicker and the landholder.

How much can I take?

Fossicking is limited to taking no more than the amounts prescribed in the *Mining Regulation 2009* during any single period of 48 hours. This includes 10 kg of mineral-bearing material, 5 kg of minerals (other than gold or gemstones), 50 grams of gold (or 5 nuggets of 10 grams or greater) or 100 grams of gemstones. Gemstones refer to Group 6 and Group 7 minerals listed in Schedule 2 of the *Mining Regulation 2010* and include diamond, sapphire, ruby, corundum and opal.

Other restrictions on fossicking

The *Mining Regulation 2010* also prohibits:

- the damage or removal of any bushrock.
- the disturbance of more than 1 cubic metre of any soil, rock or other material during any single period of 48 hours.

How should I leave a fossicking site?

Any fossicking site must be left in a clean and tidy condition. If you have disturbed the site you need to restore it as close as possible to its pre-disturbed condition. Soil, rock or other material that has been excavated must be replaced before you make any further excavations. You must remove all refuse, including bottles, cans, etc from the site.

What happens if I breach fossicking requirements?

If you do not comply with the requirements of the *Mining Act 1992* and the *Mining Regulation 2010* ([link](#)), you are liable to a penalty of up to \$5,500 on conviction for each breach.

For fossicking activities in waterways that result in breaches of the *Fisheries Management Act 1994*, you may incur on-the-spot fines or court-awarded penalties of up to \$110,000 for individuals or up to \$220,000 for corporations on conviction, as well as having to pay for aquatic habitat restoration works.

Please refer to 'How do I protect waterways when I fossick?' below to ensure you comply with the *Fisheries Management Act 1994*.

Personal Protection/Safety

While fossicking you should be aware of personal safety.

The following list highlights some potential safety risks, although it is not an exhaustive list of possible risks or the measures that could be taken to avoid them.

- Appropriate clothing, including a broad-rimmed hat and/or a jumper or raincoat.
- An appropriate sun-protection cream.
- Appropriate eye protection, e.g. goggles or safety glasses when smashing rocks.
- Appropriate/protective sturdy footwear. Good soles provide a sound grip and can help prevent you from slipping. Open footwear, such as sandals, is not appropriate.
- Appropriate hand protection. Gloves help protect your hands.
- Take extreme care when fossicking near old mine workings or pits, and do not enter these sites.
- Avoid visiting isolated areas alone. Always let someone know of your plans.
- An adequate supply of water.
- A basic knowledge of first aid.
- Be aware of logging trucks and other heavy vehicles on some State forest roads.

Note: Personal safety (and the safety of others who might be impacted by fossicking activities) is the responsibility of the persons undertaking fossicking. Industry & Investment NSW is not responsible for the safety of people who are engaged in or impacted by fossicking activities.

How do I protect waterways when I fossick?

If you fossick, you must take steps to protect the environment, in particular any waterway (including the bank of the waterway) that is likely to be habitat for native fish.

Sediments may be extracted in freshwater areas for the purpose of fossicking. Gemstones and alluvial gold collect in crevices in stream beds and in gravel bars on the insides of stream bends. These may be recovered by panning, but it is more common for the gem-seeker to use sieves made especially for this purpose.

Disturbance to the bed of the waterway and in-stream washing and sorting of materials collected to extract the gemstones can result in direct impacts on aquatic habitats or indirect impacts such as siltation and smothering of in-stream gravel beds and aquatic vegetation. Siltation also reduces water quality for in-stream fauna and can affect the gills of fish, causing respiratory distress or disease.

The *Fisheries Management Act 1994* regulates a range of activities including those that harm the habitat of native fish (including threatened species of fish) and recreational fishing. Following the guidelines and avoiding the activities listed below will assist you in complying with this Act:

- removing or disturbing any material that is important habitat for fish (including threatened species of fish) from the bed or banks of a waterway including woody debris (snags) greater than 3m in length, large cobbles, rocks or boulders (greater than 500mm in diameter) or aquatic vegetation; or
- placing or reshaping any material across a waterway that may obstruct the free passage of fish.

If you wish to undertake recreational fishing while fossicking, please ensure you comply with the fishing regulations as summarised in the [Freshwater Fishing Guide](#) (link).

You should avoid disturbing mud, clay or fine silt that causes significant turbidity in a waterway, as this could lead to a breach of the *Protection of the Environment Operations Act 1997*.

Fossicking in NSW State forests

State forests are administered by Forests NSW. People wishing to fossick in a State forest must obtain a special purpose permit (link to <http://www.dpi.nsw.gov.au/forests/permits>).

Fossicking is not permitted in the following areas in State forests:

- flora or timber reserves;
- areas zoned Forest Management Zone 1; and
- any areas held under lease under the *Crown Lands (Continued Tenures) Act*, without the consent of the landholder.

Native title has not been extinguished in most State forests. Therefore in most cases excavation is not allowed.

Where Native Title rights and interests have been determined under the Commonwealth's *Native Title Act 1993* to exist in State forests, for example under an Indigenous Land Use Agreement, the fossicking permit applicant is required to consult with the relevant registered native title body before a permit can be issued by Forests NSW. This is particularly the case for fossicking activity in Forests NSW North East Region. Applicants should first contact the North East Region on (02) 6652 0111 on the need for consultation if seeking a permit in this Region.

Permits will not be issued for areas of State forests closed for harvesting, fire fighting or when the forest is officially closed due to extreme weather conditions.

Permits are usually issued for a 12 month period and incur a fee.

Permit holders must:

- a) ensure that the site of any fossicking is left in a clean and tidy condition and that any permitted excavation is filled in before making any further excavations; and
- b) indemnify Forests NSW against claims brought by any person against Forests NSW resulting from any activity carried out by the permit holder.

While fossicking you must not interfere with the rights of other legitimate forest users such as campers, swimmers, hunters or those with permits for organised recreational and research activities. Information about events in State forests can be obtained from Forests NSW. Fossickers must not interfere with and should heed the directions of Forests NSW staff or contactors.

Fossickers should note that some State Forests are open for conservation hunting. To obtain information on these forests visit the Game Council at the following link (*link to <http://www.gamecouncil.nsw.gov.au/>*).

Who do I contact about fossicking in State forests?

Special purpose permits for fossicking are administered by Forests NSW regional offices. Information about regional offices can be obtained from <http://www.dpi.nsw.gov.au/aboutus/about/office> (*link*) or by calling 1300 655 687.

Fossicking in Lightning Ridge and White Cliffs

The basic fossicking requirements apply to fossicking in Lightning Ridge, including the requirement to obtain the titleholder's consent to fossick in an area subject to an Opal Prospecting Licence (OPL) granted under division 2, part 10 of the *Mining Act 1992* or Mineral Claim granted under part 9 of the *Mining Act 1992* (*insert links*) at Lightning Ridge.

OPLs and mineral claims are handled by the Lightning Ridge office of Industry & Investment NSW. The office is located at the NSW Miners Association Building, Lot 60 Morilla Street, Lightning Ridge, telephone: 6829 9200. Staff from that office can tell you if there is an OPL or a mineral claim on a particular parcel of land.

Legislative provisions under the *Mining Act 1992* and the *Mining Regulation 2010*

Mining Act 1992

Section 12 of the *Mining Act 1992* states that:

- (1) For the purposes of this or any other Act or law, it is declared that fossicking is a lawful activity.
- (2) Subsection (1):
 - (a) does not affect any other Act or law that prohibits, regulates or restricts fossicking or that has the effect of prohibiting, regulating or restricting fossicking and, in particular, does not make fossicking a lawful authority or lawful excuse for the purposes of any such Act or law, and
 - (b) does not confer on any person a right of entry on to land (other than land prescribed by subsection (2A)) for fossicking purposes.

(2A) For the purposes of subsection (2)(b), the prescribed land is Crown land (within the meaning of the *Crown Lands Act 1989*):

(a) that is not held under a lease, licence or permissive occupancy under the *Crown Lands Act 1989*, the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*, and

(b) that is not under the management or control of a trustee or a public or local authority.

(3) Any publicly owned mineral that is recovered in the course of lawful fossicking becomes the property of the person by whom it is found at the time it is severed from the land on which it is found.

(4) A person must not carry out fossicking on any land the subject of an authority, mineral claim or opal prospecting licence except with the consent of the holder of the authority, claim or licence.

Maximum penalty: 50 penalty units.

(5) Subsection (4) does not apply to the carrying out of fossicking on land the subject of an exploration licence if the land is within a fossicking district.

(6) A person must not carry out fossicking on any land that is, or in waters that are, the subject of an approved determination of native title under the Commonwealth *Native Title Act* to the effect that native title exists, except with the consent of the relevant registered native title body corporate with respect to that native title.

Maximum penalty: 50 penalty units.

Mining Regulation 2010

Clause 12 of the *Mining Regulation 2010* states that:

(1) Any soil, rock or other material that is disturbed in the course of work carried out for the purpose of fossicking for minerals must:

(a) be removed and stockpiled separately, and

(b) after completion of the work, be replaced in order to reconstruct the original soil profile.

Maximum penalty: 50 penalty units.

(2) A person must not carry out work that includes any of the following activities for the purpose of fossicking:

(a) the use of any equipment other than hand-held implements on any land or waters that are subject to native title,

(b) the excavation or clearing of any land or waters that are subject to native title,

- (c) the use of power-operated equipment for the purpose of surface disturbance, excavation or on-site processing on any land,
- (d) the use of explosives on any land,
- (e) the damage or removal of any bushrock,
- (f) the removal of more than the prescribed amount of material from any land during any single period of 48 hours,
- (g) the disturbance of more than 1 cubic metre of any soil, rock or other material during any single period of 48 hours.

Maximum penalty: 50 penalty units.

Note. The language of part of this subclause mirrors the language of part of section 24LA (Low impact future acts) of the *Native Title Act 1993* of the Commonwealth. That section refers, in part, to an act (in relation to particular land or waters) that does not consist of, authorise or otherwise involve "the excavation or clearing of any of the land or waters" or "mining (other than fossicking by using hand-held implements)".

(3) In this clause:

gemstone means a Group 6 or Group 7 mineral.

Note. Group 6 and Group 7 minerals are listed in Schedule 2.

power-operated equipment means any equipment powered by mechanical or electrical means.

prescribed amount, in relation to material, means:

- (a) 10 kilograms of mineral-bearing material (other than the material referred to in paragraphs (b)–(e)), or
- (b) 5 kilograms of minerals (other than gold or gemstones), or
- (c) 50 grams of gold (except where found as nuggets of 10 grams or greater), or
- (d) 5 nuggets of 10 grams or greater of gold, or
- (e) 100 grams of gemstones.



PSR17/018 POLICY REVIEW - RECREATIONAL HORSE-RIDING ON BEACHES

E16.0297

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: 1. Under Separate Cover - Recreational Horse Riding on Beaches 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 draft Recreational Horse-Riding on Beaches 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 exhibition for 28 days of the draft Recreation Horse-Riding on Beaches policy for public consultation.
2. The draft Recreational Horse-Riding on Beaches 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.

PSR17/018 POLICY REVIEW - RECREATIONAL HORSE-RIDING ON BEACHES

E16.0297

Horse-riding is a popular recreation and sporting activity in Eurobodalla. Appreciation and enjoyment of coastal areas on horseback is a quality experience for horse-riders, however this activity can impact upon the environment and therefore must be managed.

Horse-riding on beaches is permissible in approved areas. Signs have been erected on those beaches where horse-riding is not permitted. Riding contrary to signage is an offence and may be the subject of a fine under s632(1) of the *Local Government Act*.

Changes

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

CONSIDERATIONS

It is proposed that the Recreational Horse-Riding on Beaches policy will be incorporated into the Companion Animals Management Plan (CAMP) where the latter is due for review in 2019. If it is determined that the CAMP incorporates the provisions for riding horses on beaches, the Recreational Horse-Riding on Beaches Policy would be repealed.

Legal

Signs are erected where horse riding is not permitted on a beach. Failing to comply with this notice is an offence under s632(1) of the *Local Government Act 1993*.

Environmental

Whilst horse-riding in Eurobodalla is a popular pastime, the activity can impact upon the environment and therefore must be managed. Those beaches that do not permit horse-riding have been signposted and failure to comply with these notices is an offence under s632(1) of the *Local Government Act*.

Social Impact

Horse-riding on beaches is an enjoyable past time for residents and visitors alike and also supports the local horse riding industry who utilise Bengello Beach. However, there needs to be a management framework so that this activity can be undertaken so that there is no detrimental impact on the enjoyment of others sharing the beaches.

Community Engagement

Council will place the draft policy on public exhibition for a period of no less than 28 days commencing on Wednesday 19 April 2017 until Tuesday 16 May 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

Council will also notify local pony clubs, Mirrabooka Riding Club and the Moruya Jockey Club of the public exhibition of the draft policy.

CONCLUSION

The draft Recreational Horse-Riding on Beaches policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received

PSR17/018 POLICY REVIEW - RECREATIONAL HORSE-RIDING ON BEACHES

E16.0297

during the exhibition period and the draft Recreational Horse-Riding on Beaches policy will be presented to Council for consideration to adopt.

**IR17/017 POLICY REVIEW - VEGETATION CLEARING - ROADSIDES AND
INFRASTRUCTURE LINES**

E06.0375

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Vegetation Clearing – Roadsides and
Infrastructure Lines Policy

Focus Area: Productive Communities

Delivery Program Link: P3.2 Develop, renew and maintain the road network

Operational Plan Link: P3.2.1 Deliver capital and renewal works program

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 Vegetation Clearing – Roadsides and Infrastructure Lines 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 Vegetation Clearing – Roadsides and Infrastructure Lines policy.
2. The draft Vegetation Clearing – Roadsides and Infrastructure Lines 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 (the Act)*, 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.

Eurobodalla Shire Council's policy was developed to clarify the responsibilities of Council when undertaking clearing in road reserves for other infrastructure (eg, underground services),

**IR17/017 POLICY REVIEW - VEGETATION CLEARING - ROADSIDES AND
INFRASTRUCTURE LINES**

E06.0375

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.

This policy ensures Eurobodalla Shire Council’s compliance with the *Local Government Act 1993*.

Changes

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

Community Engagement

Council will place the draft policy on public exhibition for a period of no less than 28 days commencing on Wednesday 19 April 2017 until Tuesday 16 May 2017. Copies will be available for viewing on Council’s website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**IR17/017 POLICY REVIEW - VEGETATION CLEARING - ROADSIDES AND
INFRASTRUCTURE LINES**

E06.0375

CONCLUSION

The draft Vegetation Clearing – Roadsides and Infrastructure Lines 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 Vegetation Clearing – Roadsides and Infrastructure Lines policy will be presented to Council for consideration to adopt.

**IR17/018 POLICY REVIEW - KERB AND GUTTER CONSTRUCTION -
CONTRIBUTION BY PROPERTY OWNERS**

E06.0375

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Kerb and Gutter Construction – Contribution by Property Owners Policy

Focus Area: Productive Communities

Delivery Program Link: P3.4 Provide, maintain and renew stormwater and flood management infrastructure

Operational Plan Link: P3.4.2 Maintain stormwater and flood mitigation systems

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 Kerb and Gutter Construction – Contribution by Property Owners 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 Kerb and Gutter Construction – Contribution by Property Owners policy.
2. The draft Kerb and Gutter Construction – Contribution by Property Owners 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 (the Act)*, 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.

**IR17/018 POLICY REVIEW - KERB AND GUTTER CONSTRUCTION -
CONTRIBUTION BY PROPERTY OWNERS**

E06.0375

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.

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.

Changes

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

Community Engagement

Council will place the draft policy on public exhibition for a period of no less than 28 days commencing on Wednesday 19 April 2017 until Tuesday 16 May 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 Kerb and Gutter Construction – Contribution by Property Owners 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 Kerb and Gutter Construction – Contribution by Property Owners policy will be presented to Council for consideration to adopt.

IR17/019 POLICY REVIEW - ROAD AND PATHWAY OPENING

E06.0375

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: 1. Under Separate Cover - Roads and Pathway Opening Policy
Focus Area: Liveable Communities
Delivery Program Link: L5.3 Provide and develop Council's shared pathway and cycleway network
Operational Plan Link: 5.3.1 Deliver capital and renewal works program

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 Road and Pathway Opening 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 Road and Pathway Opening policy
2. The draft Road and Pathway Opening 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 (the Act)*, 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 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.

IR17/019 POLICY REVIEW - ROAD AND PATHWAY OPENING

E06.0375

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.

Changes

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

Community Engagement

Council will place the draft policy on public exhibition for a period of no less than 28 days commencing on Wednesday 19 April 2017 until Tuesday 16 May 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 Road and Pathway Opening 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 Road and Pathway Opening policy will be presented to Council for consideration to adopt.

**IR17/020 POLICY REVIEW - PATHWAY CONSTRUCTION - CONTRIBUTIONS BY
PROPERTY OWNERS**

E06.0375

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: 1. Under Separate Cover - Pathway Construction – Contributions by
Property Owners Policy
Focus Area: Liveable Communities
Delivery Program Link: L5.3 Provide and develop Council's shared pathway and cycleway
network
Operational Plan Link: 5.3.1 Deliver capital and renewal works program

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 Pathway Construction – Contributions by Property Owners 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 Pathway Construction – Contributions by Property Owners policy.
2. The draft Pathway Construction – Contributions by Property Owners 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 (the Act)*, 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.

Eurobodalla Shire Council's 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.

**IR17/020 POLICY REVIEW - PATHWAY CONSTRUCTION - CONTRIBUTIONS BY
PROPERTY OWNERS**

E06.0375

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).

Changes

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

Community Engagement

Council will place the draft policy on public exhibition for a period of no less than 28 days commencing on Wednesday 19 April 2017 until Tuesday 16 May 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 Pathway Construction – Contributions by Property Owners 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 Pathway Construction – Contributions by Property Owners policy will be presented to Council for consideration to adopt.

IR17/021 LOCAL TRAFFIC COMMITTEE NO 6 FOR 2016-17

E16.0002

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P3.1 Undertake advocacy activities to further the development of transport infrastructure and support future growth

Operational Plan Link: P3.1.2 Coordinate the Local Traffic & Development Committees

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 the Councillor's review. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 16 March 2017 were as follows:

- Signage – Timed Parking to allow school drop-off and pick-ups on Sunshine Bay Road, Sunshine Bay
- Signage – No Stopping Police Vehicles Excepted on Perry Street, Batemans Bay
- Signage and Linemarking – Give Way at the intersection of Iluka Avenue and Garagarang Street, Malua Bay
- Signage – Bus Zone and No Stopping on the Princes Highway, Bodalla
- South East Australian Transport Strategy – May 2017 meeting in Batemans Bay.

RECOMMENDATION

THAT:

1. Council Plan No.5156 Set AB Sheet 02 detailing the proposed No Stopping Police Vehicles Excepted signage to be installed in the period from 26 April 2017 until 15 December 2017, located in the off-street car park on Perry Street, Batemans Bay be approved.
2. Council Plan No.5156 Set BB Sheet 03 detailing the proposed Give Way signage and associated line-marking at the intersection of Iluka Avenue and Garagarang Street, Malua Bay be approved.
3. Council Plan No.5156 Set E Sheet 01 Amendment A detailing the proposed modification to the bus zone and addition of No Stopping signs on the Princes Highway, Bodalla be approved.
4. The minutes of the Eurobodalla Local Traffic Committee Meeting No 5 of 2016-17 held on 23 February 2017 be received and noted.

IR17/021 LOCAL TRAFFIC COMMITTEE NO 6 FOR 2016-17

E16.0002

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 6 for 2016-17 was held on 16 March 2017 in Council's Committee Room. It was attended by Councillor Anthony Mayne (Chairperson), Mrs Danielle Brice (representative for the Hon Andrew Constance MP), Kelly Cherry (Roads and Maritime Services), Senior Constable Scott Britt (NSW Police Force), Dave Hunter (Traffic Officer), Heidi Hanes (Road Safety Officer), Leisa Tague (Events Development Coordinator) and Matt Cormick (Minute Taker).

Apologies - Nil

The Chairperson introduced and welcomed the new representative for Roads and Maritime Services (RMS), Kelly Cherry, who replaces Jesse Fogg.

Councillor Mayne also informed the Committee that he would be leaving the meeting at about 10.00am due to other commitments and the Traffic Officer would take over the Chair.

MINUTES OF PREVIOUS MEETING

The Minutes of the Eurobodalla Local Traffic Committee Meeting No 5 for 2016-17 held on 23 February 2017 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

2017.IN.006 - Review of Outcomes - Christmas Holiday Season 2016/17 traffic congestion mitigation measures within the Eurobodalla on the Princes and Kings Highways

Infringement statistics gathered from the 2016-17 summer holidays revealed a 43% increase from the previous summer. The MP's representative asked if additional information regarding infringements statistics could also be provided to the community. The Police representative will investigate and liaise with the Road Safety Officer to determine how this information can be best disseminated, including if it can be incorporated into forthcoming road safety campaigns.

2017.RT.005 – Signage – Timed Parking to allow school drop-off and pick-ups on Sunshine Bay Road, Sunshine Bay

After further consultation with the Sunshine Bay Public School, it was agreed that a combination of time limited 5 minute and 2 hour parking signs will be installed. The signs have been ordered and once received they will be installed as soon as practical.

The Chairperson asked who has responsibility for safety issues around school drop-off and pick-up zones. The Traffic Officer informed the Committee that the schools are generally responsible for the road safety education of students and communication with parents and carers, to get the students to and from vehicles. The NSW Government also provides advice and other assistance, including Transport for NSW (TfNSW) school road safety programs and safety around school grants. Council's Road Safety Officer works closely with the schools and RMS around the use of Children's Crossings. A Department of Education Road Safety Coordinator and Police Youth Liaison Officer operate locally to assist with education and advice. The RMS administers school zone areas.

IR17/021 LOCAL TRAFFIC COMMITTEE NO 6 FOR 2016-17

E16.0002

Council and the Police assist where appropriate, including installing and maintaining regulatory signage and parking/traffic enforcement. Safety assessments for the road reserve adjoining all schools are ongoing.

The Chairperson referred to recent complaints about parking near Sunshine Bay School. The Traffic Officer is aware of these complaints, which are being addressed. It is noted that several motorists had received parking infringements while picking up students and parking in No Stopping or Bus Zones.

Sunshine Bay Public School is about to start the TfNSW Centre for Road Safety student marshalling initiative to provide parents and carers a safe environment to drop off and collect their children from school. Further detail on this process is contained within the Local Traffic Committee report to the Ordinary Meeting of Council held on 13 December 2016.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2017.RT.009 – Signage– Bus Zone and No Stopping on the Princes Highway, Bodalla

A resident has reported that her child experienced a near miss with a car when walking along the footpath next to the bus stop on the Princes Highway, Bodalla.

This bus stop and associated bus zone are located adjacent to the northbound lane of the highway between Sutcliffe Street and Eurobodalla Road. The bus zone is used as an interchange to allow school students to change buses, and the bus zone services various schools from Moruya to Narooma. Also, the bus zone caters for student drop-offs and pick-ups. The main parking location for parents and carers is on the side road behind the bus shelter that is accessed via the Rural Fire Service (RFS) driveway.

The Committee reviewed Council Plan No.5156 Set E Sheet 01 Amendment A detailing the proposed modification to the bus zone and addition of No Stopping signs on the Princes Highway, Bodalla.

The exact location of the near miss was where the footpath meets the driveway to the RFS building, within the current bus zone. The vehicle was travelling north and turned left into the driveway and it is likely that the driver's vision was partly obstructed by a parked bus.

Marshalls Bus Service has also recently requested that the bus zone be increased in length to cater for an additional bus. Currently, the school bus zone caters for 5 buses with the lengths between 9 metres and 13 metres.

It is proposed to extend the school bus zone 38 metres further south to accommodate the additional bus and No Stopping section. A No Stopping section at the driveway, finishing 16 metres south of the driveway, will reduce the risk of a collision between pedestrians and vehicles. The No Stopping zone time will be restricted from 7.30am to 8.30am and 3.30pm to 4.30pm during School Days.

Adjoining property owners and the local bus companies have been consulted and no negative feedback has been received.

The MP's representative raised the issue of safety if school students walk across the highway. The recent reduction of the speed zones from 60km/h to 50km/h on a section of the highway in Bodalla did not include the school bus zone area.

IR17/021 LOCAL TRAFFIC COMMITTEE NO 6 FOR 2016-17

E16.0002

The Traffic Officer advised that speed was unlikely to be a contributing factor with the reported near-miss. All school buses stop on the western (northbound) side of the highway, looping around Sutcliffe Street and Eurobodalla Road as necessary. There is a concrete footpath that links a pedestrian refuge located about 200 metres to the south. This location allows access to the eastern side of the highway for those students who choose to walk to and from the bus stop.

The MP's representative supported the modifications to the bus zone and acknowledged this is separate to other road safety concerns.

The Chairperson asked if this school bus zone could be considered a 40km/h school zone. The Police representative indicated that the flashing '40km/h' signs on buses were legally enforceable, effectively making the speed zone during school bus operations the same as a school zone.

The Committee agreed to meet onsite during the morning peak to gain a better understanding of the conditions and surrounding area of the bus zone on the Princes Highway at Bodalla.

Recommendation:

That Council Plan No.5156 Set E Sheet 01 Amendment A detailing the proposed modification to the bus zone and addition of No Stopping signs on the Princes Highway, Bodalla be approved.

The Chairperson left the meeting and handed the chair over to the Traffic Officer.

2017.RT.007 – Signage – No Stopping Police Vehicles Excepted on Perry Street, Batemans Bay

A request has been received from the developer of the property 13A Orient Street to provide 4 temporary parking spaces for one of the tenants of the adjoining premises. The tenant, the NSW Police Local Area Command, is located within 13 Orient Street.

13A Orient Street is currently a vacant lot on the foreshore. The construction of a multi-story structure is planned to commence soon. Access to this lot is via a right-of-carriage laneway, bounded by 11 and 13 Orient Street. Currently, the parking is available for the NSW Police at the rear of their tenancy and this is accessed via this laneway. The laneway is proposed to be temporarily closed during construction. As the NSW Police Local Area Command is part of an essential service, it is considered reasonable to provide temporary alternative parking arrangements in a Council road related area.

The nearby off-street carpark in Perry Street has been determined as a suitable location for the temporary signage. It is proposed to install the signage only in the period after Easter and before the Christmas holidays to minimise the disruption to the wider community. The period is from 26 April 2017 until 15 December 2017.

The Committee reviewed Council Plan No.5156 Set AB Sheet 02 detailing the proposed No Stopping Police Vehicles Excepted signage in the Perry Street carpark.

Recommendation:

That Council Plan No.5156 Set AB Sheet 02 detailing the proposed No Stopping Police Vehicles Excepted signage to be installed from 26 April 2017 until 15 December 2017, located in the off-street car park on Perry Street, Batemans Bay be approved.

IR17/021 LOCAL TRAFFIC COMMITTEE NO 6 FOR 2016-17

E16.0002

2017.RT.008 – Signage and Line-marking – Give Way at the intersection of Iluka Avenue and Garagarang Street, Malua Bay

A resident has reported having experienced several near misses when driving through the intersection of Iluka Avenue and Garagarang Street, Malua Bay.

A review of the intersection has revealed that due to the approach angles of the 3 road legs, it is not obvious which driver would have the right of way. Additionally, there is a steep approach from Garagarang Street from the south, and the vertical sight line is poor.

There is no record of crashes in the past 5 year period.

The resident has also advised that many cars park on the street at the intersection, particularly in the holiday seasons. The parked vehicles restrict the sight lines for drivers travelling through the intersection.

It is proposed to install a Give Way sign and associated holding and double barrier linemarking so that the junction operates as a T intersection. This will give drivers a certainty of who has priority, and also restricts vehicles from parking on the road within 3 metres of the double barrier lines.

The Committee reviewed Council Plan No.5156 Set BB Sheet 03 detailing the proposed Give Way signage and associated line-marking located at the intersection of Iluka Avenue and Garagarang Street.

The RMS representative said that an addition TB1 holding line is normally installed in accordance with the RMS delineation guideline. The Traffic Officer will investigate.

Recommendation:

That Council Plan No.5156 Set BB Sheet 03 detailing the proposed Give Way signage and associated linemarking located at the intersection of Iluka Avenue and Garagarang Street, Malua Bay be approved.

INFORMAL ITEMS FOR DISCUSSION

There were no Informal items to discuss.

GENERAL BUSINESS

South East Australian Transport Strategy

Prior to leaving the meeting, the Chairperson advised that Council will host the next South East Australian Transport Strategy (SEATS) meeting on 18-19 May 2017. This advocacy group is highly regarded and is an important part of the region's links to road safety and economic development. For further information: <http://www.seats.org.au/>

Police Notification of Special Events

Council's Events Development Coordinator presented an updated Traffic Management Plan template including a modification to the 'Police Notification' section. The Police representative advised that a new system will be implemented to ensure special event applicant's Police notifications are received, and are sent to the appropriate officers. Council will continue to assist to ensure all details on (particularly major) events with a significant impact on traffic are provided to the Police in a timely manner.

IR17/021 LOCAL TRAFFIC COMMITTEE NO 6 FOR 2016-17

E16.0002

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee is to be held on Thursday 20 April 2017 in the Council's Committee Room commencing at 9.30am.

FBD17/020 EASEMENT TO DRAIN WATER - BAY STREET, NAROOMA

**87.4889.D
/ E05.9312**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development
Attachments: 1. Confidential - Easement to drain water
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

As part of Council's Urban Stormwater Renewal Program, Bay Street, Narooma has been identified for renewal and upgrade.

This project will upgrade the efficiency and capacity of the urban stormwater drainage system to assist with issues currently being experienced by residents during heavy rainfall events.

The proposed works necessitate creating an easement over Lot 2 DP 392385 and Lots 10, 13 and 14 Section 19 DP 758754 to drain water.

This report recommends acquiring easements to drain water within Lot 2 DP 392385 and Lots 10, 13 and 14 Section 19 DP758754.

RECOMMENDATION

THAT

1. All actions necessary be taken for the acquisition of easements for drainage purposes within Lot 2 DP 392385 and Lots 10, 13 and 14 Section 19 DP 758754 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey, valuation and legal costs including the registered proprietors' reasonable legal costs associated with the acquisition of the easements be borne by Council.

BACKGROUND

As part of Council's Urban Stormwater Renewal Program, Bay Street, Narooma has been identified for renewal and upgrade.

The scope of works are to be completed over two financial years commencing in late June 2017. The project will include the construction of stormwater pipes and pits that will connect the existing stormwater lines.

The proposed works necessitate creating an easement over Lot 2 DP 392385 and Lots 10, 13 and 14 Section 19 DP 758754 to drain water.

The names of the registered proprietors are set out in the Confidential Attachment to this Report.

FBD17/020 EASEMENT TO DRAIN WATER - BAY STREET, NAROOMA

**87.4889.D
/ E05.9312**

CONSIDERATIONS

The location of the proposed easement is shown on the sketch below.



Lot 2 DP 392385 and Lots 10, 13 and 14 Section 19 DP758754, Narooma – site of proposed easement

Legal

The proposed works necessitate creating an easement over Lot 2 DP 392385 and Lots 10, 13 and 14 Section 19 DP758754 giving Council the legal means to construct and maintain the stormwater infrastructure.

The acquisition of an interest in land for easement purposes is in accordance with *Local Government Act 1993* Section 186 (1).

www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/s186.html

Policy

The acquisition of easements for drainage purposes will proceed in accordance with Council's Land Acquisition and Disposal Policy and Code of Practice for Acquiring Land for Public Purposes. www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf

FBD17/020 EASEMENT TO DRAIN WATER - BAY STREET, NAROOMA

**87.4889.D
/ E05.9312**

Asset

Council's Urban Stormwater Renewal Program works at Bay Street, Narooma will improve the drainage in this area.

Social Impact

This project will upgrade the efficiency and capacity of the urban stormwater drainage system to assist with issues currently being experienced by residents during heavy rainfall events.

Financial

Compensation will be determined by registered valuers in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*. Together with the compensation, Council will be responsible for all reasonable costs associated with the easements including survey and legal fees.

Based on previous similar acquisitions of easements sufficient funds are available within allocated budgets. www.austlii.edu.au/au/legis/nsw/consol_act/latca1991442/

Community Engagement

Council has written to the affected residents regarding the proposed drainage easement and no objections have been received to the proposal. Infrastructure staff will be in contact with the affected residents prior to the commencement of works.

CONCLUSION

As part of Council's Urban Stormwater Renewal Program, Bay Street, Narooma has been identified for renewal and upgrade.

The proposed stormwater drainage works necessitate creating an easement over Lot 2 DP 392385 and Lots 10, 13 and 14 Section 19 DP758754 to drain water.

It is considered appropriate that Council support the recommendation.

FBD17/022 ASSIGNMENT OF LEASE - TUROSS HEAD

E80.0163

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

Attachments: 1. Under Separate Cover - Confidential - Assignee Information
2. Under Separate Cover - Confidential - Assignee company structure
3. Under Separate Cover - Confidential - Annual Report
4. Under Separate Cover - Confidential - Current Lessees
5. Under Separate Cover - Confidential - Construction works

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 Tuross Beach Holiday Park is located partially on Council owned land and partially on Crown Reserve under the trusteeship of the Eurobodalla (Central) Reserve Trust for which Council is Trust Manager.

Council as landowner and Trust Manager granted separate 30-year leases over the respective lands in May 2012.

The lessees of the Tuross Beach Holiday Park are intending to sell their caravan park business, including the leases and through their solicitors are seeking Council's consent to the Transfer of the leases.

The proposed assignee is considered acceptable and accordingly this report recommends consent be granted to the transfer of the two leases. The report also recommends consent be given to the new assignee to mortgage the leases.

RECOMMENDATION

THAT:

1. Council consent to the current lessees to assign lease AI150059T over part of the Tuross Beach Holiday Park to the party named in the confidential attachment to Report FBD17/023, subject to 3 below.
2. Council as Trust Manager for the Eurobodalla (Central) Reserve Trust grant consent to the current lessees to assign the lease AI738066A over part of the Tuross Beach Holiday Park to the party named in the confidential attachment to Report FBD17/023, subject to all costs associated with the assignment including Council's legal costs being borne by the current lessees.
3. Both assignments be subject to:
 - (a) The assignee undertaking to attend to construction works within twelve months of the assignment. The details and value of the works are set out in the confidential attachment.

FBD17/022 ASSIGNMENT OF LEASE - TUROSS HEAD

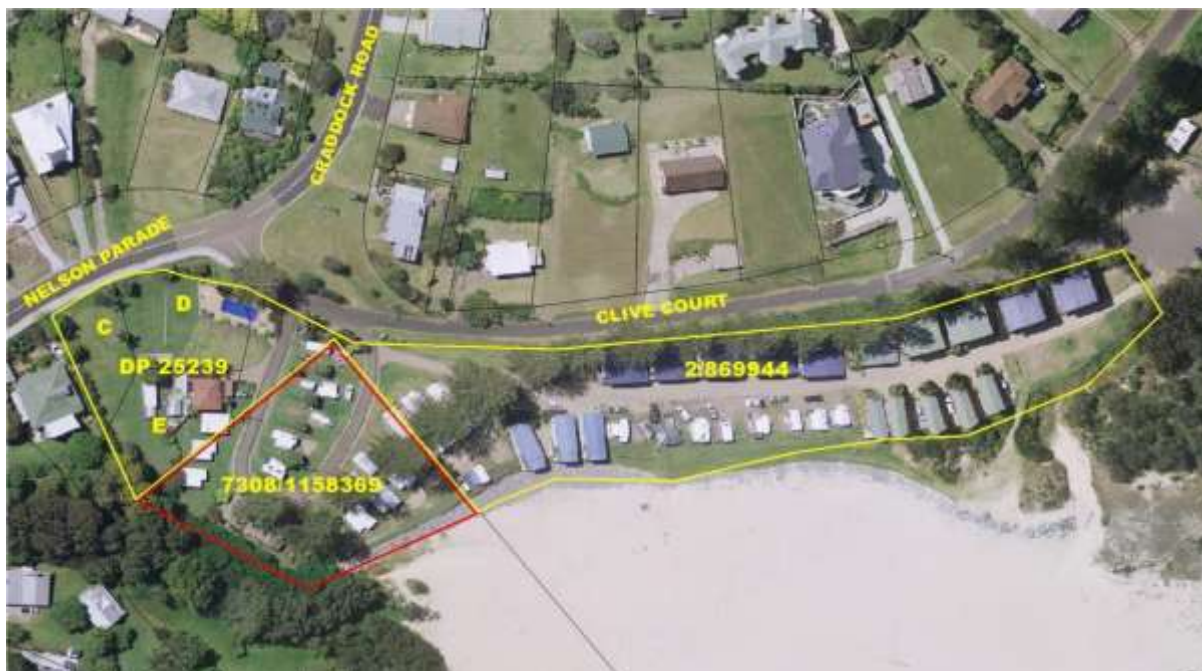
E80.0163

- (b) All costs associated with the assignment of the leases including Council's legal costs being borne by the current lessee.
- 4. Council consent to the assignee obtaining a mortgage over Lease AI150059T.
- 5. Council, as Trust Manager for the Eurobodalla (Central) Reserve Trust, consent to the assignee obtaining a mortgage over Lease AI738066A, subject to consent from the Minister administering the Crown Lands Act 1989.
- 6. Both consents to the mortgage of the leases be subject to all costs including Council's legal costs being borne by the assignee.
- 7. Consent be given to affix the Common Seal of Council to:
 - (a) The Deed of Assignment associated with the assignment of leases AI150059T and AI738066A; and
 - (b) The Transfers of Leases AI150059T and AI738066A.

BACKGROUND

The Tuross Beach Holiday Park is located partially on Council owned land and partially on Crown Reserve under the trusteeship of the Eurobodalla (Central) Reserve Trust for which Council is Trust Manager.

A plan of the park is shown below with Council's land edged yellow and the Crown reserve edged red.



Council as landowner and Trust Manager granted separate 30-year leases over the respective properties commencing 1 May 2012.

FBD17/022 ASSIGNMENT OF LEASE - TUROSS HEAD

E80.0163

Solicitors acting for the current lessees, whose names are set out in a confidential attachment, have requested consent for the assignment of the leases to the assignee also named in a confidential attachment.

The proposed new lessee company has advised it wishes to mortgage the leases to finance the purchase of the business.

Previously at its Ordinary meeting held on 12 April 2016 Council consented to the assignment of these leases to another assignee company however that matter did not proceed due to commercial matters between the two parties.

CONSIDERATIONS

Legal

1) Assignment

The two leases, AI150059T over Council's property being Lots C, D and E DP 25239 and Lot 2 DP 869944 and AI738066A over Crown Reserve being Lot 7308 DP 1158369 can be assigned in accordance with the identical provisions in each lease which state:

6.1 Assignment

- (a) *The Lessee shall not assign or transfer this Lease or by any act or Lease procure either of those things.*
- (b) *An assignment or transfer is deemed not to be in breach of subclause (a) if, before it takes effect, the following conditions are satisfied:*
 - 1) *the Lessee establishes to the reasonable satisfaction of the Lessor that the proposed assignee or transferee is respectable, responsible and solvent;*
 - 2) *the proposed assignee or transferee enters into a covenant with and in a form reasonably required by the Lessor that the proposed assignee or transferee will duly perform and keep the covenants and agreements on the Lessee's part herein contained;*
 - 3) *in the event that the proposed assignee or transferee is a corporation other than a public company listed on a stock exchange or a statutory authority the Lessor may require the provision of appropriate guarantees of the performance by such corporation of its obligations, covenants and agreements pursuant to this Lease.*

Upon completion of such assignment or transfer the assignor or transferor shall have no further obligation as Lessee under this Lease except in respect of any unremedied antecedent breach and the Lessor shall if required by the assignor or the transferor execute an appropriate deed of release in its favour.

6.2 Assignment or Sublease

Subject to clause 6.1 the Lessee shall not otherwise assign transfer demise sublet or part with possession of or grant any licence affecting or otherwise deal with or dispose of the Premises or any part thereof or by any act or Lease procure the Premises or any part thereof to be assigned

FBD17/022 ASSIGNMENT OF LEASE - TUROSS HEAD

E80.0163

transferred demised sublet to or put in the possession of any person without the written consent of the Lessor.

Information provided regarding the proposed assignee company including its financial details, which have been assessed by Council's finance department, indicates the company is "respectable, responsible and solvent" in accordance with Clause 6.1(b) of the lease. The information is provided in the confidential attachment.

Similarly to the previous proposed assignment, given the financial standing of the shareholder company, insistence on a guarantee is not considered imperative Clause 6.1(b(3)).

The proposed new assignee is also not an ASX listed company, although the single shareholder like the previous proposed assignee company, is.

2) Mortgage

In respect of the proposed mortgage, the leases state:

6.3 Mortgages

The Lessee may with the consent of the Lessor and the Minister mortgage or charge their interest in this Lease provided that the Lessor may require, as a condition of granting its consent to any such mortgage or charge, that the mortgagee or chargee enter into a covenant with the Lessor in the form reasonably required by the Lessor that the mortgagee or chargee will notify the Lessor if the Lessee is in default under the terms of the mortgage or charge and that should the mortgagee or charge enter into possession of the Premises for the purpose of realising its security or otherwise then the said mortgagee or charge will duly perform and keep the covenants and agreements on the part of the Lessee herein contained and in which the Lessor covenants with the proposed mortgagee or charge to perform and keep the covenants and agreements on the Lessor's part herein contained relating to the giving of notice rectification of default and disposal of the Lessee's interest in this Lease.

In accordance with Clause 6.3, it is considered reasonable to consent to the mortgage of the leases subject to:

- (a) The mortgagee undertaking to perform ALL the mortgagor's obligations under the lease, and
- (b) Consent being given from the Minister administering the Crown Lands Act, 1989.

3) Capital Works

The lease requires the current lessees to undertake certain construction works within the first five years of the commencing date of the lease. Construction was due to be completed by the end of April 2017 however works have not yet commenced. The current lessees advised they had anticipated the sale of their business and the obligation of the new infrastructure passing to a new lessee. Now there will be insufficient time for works to be approved and constructed

FBD17/022 ASSIGNMENT OF LEASE - TUROSS HEAD

E80.0163

in accordance with the time provision of the lease and therefore the lessees will be technically being in breach of the lease conditions.

It is therefore proposed to extend the date for the completion of the works by 12 months subject to the agreement by the Lessee that the value of works will be for a minimum amount as set out in the confidential attachment, noting that a value of the works was not included in the lease. The details and value of the works are set out in the confidential attachment.

This requirement will be a condition in the proposed Deed of Assignment.

Economic Development Employment Potential

Tuross Beach Holiday Park is an important local tourism asset and the transfer of the leases to a suitable lessee is considered beneficial.

Financial

The transfer of the leases will have no immediate financial effect on the leasing of the caravan park, however increased trading may result in increased lease fees in future rent reviews.

In respect of the proposed mortgages, in the event of foreclosure, the financial position of the lease would be secured by the mortgagee who would be responsible for all the obligations under the lease.

All costs associated with the assignment of the lease including Council's legal costs should be borne by the lessee.

Community Engagement

There is no requirement to engage the community on the assignment of a lease.

CONCLUSION

From the information provided in respect of the proposed assignee there would appear to be no reason to withhold consent to the assignment of the leases over the Tuross Beach Holiday Park nor to giving consent to the mortgage of the leases, subject to final finance checks.

**FBD17/023 TUROSS HEAD PROGRESS ASSOCIATION - FEES FOR USE OF KYLA
PARK HALL**

E80.0051

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

Attachments: Nil

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

The Tuross Head Progress Association (THPA) has requested a donation from Council equivalent to the prescribed fee for use of the Kyla Park Hall to hold its monthly meetings.

In December 2012, Council agreed to make a one-off donation equivalent to the prescribed fee for the THPA for use of the Kyla Park Hall until 30 June 2016. The Tuross community also received the benefit of the sale of the land made vacant by the demolition of the old Tuross Progress Hall with priority projects selected by the community now complete.

Generally Council does not donate user fees to not-for-profit community groups as these groups are granted a 40% discount for regular hire of public halls under the adopted Fees and Charges.

RECOMMENDATION

THAT Council does not donate user fees to not-for-profit community groups as these groups are granted a 40% discount for regular hire of public halls under the adopted Fees and Charges.

BACKGROUND

The Tuross Hall Sunset Committee was established in 2011 to oversee the sale of two blocks of land made vacant by the demolition of the old Tuross Progress Hall. Refurbishment of the Kyla Park Hall was carried out and priority projects were selected by the community, recommended by the Sunset Committee and approved by Council using the remainder of the land sale income. Most of the works were delivered in 2015-16 and included:

- Nelson Parade boardwalk and shared pathway
- One Tree Point headland viewing platform
- One Tree Point picnic facilities upgrade.

In December 2012, Council adopted new and revised charges for the newly-refurbished Kyla Park Hall following advertising of the proposed charges.

The only submission received at the time of advertising the new and revised charges was from the THPA. The THPA requested fee-free access to Kyla Park Hall for its THPA monthly meetings.

**FBD17/023 TUROSS HEAD PROGRESS ASSOCIATION - FEES FOR USE OF KYLA
PARK HALL**

E80.0051

Historically the only reason Council has donated fees for individual users of public facilities is for community fund raising events. Generally Council has not donated fees for regular use by a community group.

However, at the Ordinary Meeting of Council held on 18 December 2012 Council resolved to:

Minute no 12/342:

THAT Council:

- 1. Adopt the fee structure as advertised;*
- 2. Make a donation equivalent to the prescribed fee for the Tuross Head Progress Association for use of the Kyla Park Hall until 30 June 2016;*
- 3. Recognise the history of the Tuross Head Progress Association's previous arrangements with the Tuross Hall and also recognise this arrangement as a one-off arrangement;*
- 4. Note that any properly constituted meeting of a future Kyla Park Hall management committee would be exempt from hall hire charges.*

The THPA has recently written to Council requesting it give consideration to making a further donation equivalent to the prescribed fee for its use of the Kyla Park Hall for its monthly meetings.

A meeting was held with the Director Finance and Business Development, the Director Community, Arts and Recreation, and the President and Secretary of the THPA on Monday 6 March 2017, to outline Council's current policy on the donation of fees and charges, however the THPA would like Council to consider its request.

CONSIDERATIONS

Community based not for profit associations receive up to a 40 per cent discount for regular hire and 20 per cent discount for casual hire on the standard hire rates for public halls. These discounts are provided for in the existing, adopted fees structure.

Should Council agree to donate the Kyla Park Hall hire fees for the THPA to hold monthly meetings at the facility, other community associations may have increased expectations of receiving similar treatment. Any donation of user fees affects the income received from community facilities and reduces the funds available for asset maintenance.

The current fee of \$22.00 + GST per hour for use of Kyla Park Hall for a non-function, with the 40 per cent discount applied is \$13.20 + GST per hour. The draft Fees and Charges for 2017-18 has this fee set at \$24.00 + GST per hour or \$14.40 + GST per hour with the 40 per cent discount applied.

There is no category within the draft Community Grants Policy for donating hire fees to regular users of council facilities.

The Kyla Park Hall Management Committee is eligible for fee-free use of the hall for its meetings on issues relating to the management of the hall.

FBD17/023 TUROSS HEAD PROGRESS ASSOCIATION - FEES FOR USE OF KYLA PARK HALL	E80.0051
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Asset

Any donation of user fees affects the income received from community facilities and reduces the funds available for asset maintenance.

Financial

To permit equitable charging for the flexible layout of the refurbished Kyla Park Hall, the fees and charges for the use of the hall were revised in 2012.

Fees received for the use/hire of community facilities provide funds for asset maintenance.

The fee for hire of Kyla Park Hall by a not-for-profit user group would be \$14.40 per hour based on the draft 2017-18 Fees and Charges. This may represent a larger donation if Council is approached by other user groups with the expectation of a donation of user fees for any council building across the Shire, as a precedent would have been set.

Community Engagement

Fees and Charges are reviewed annually in line with the Delivery Program/Operational Plan and are available for comment during that time.

CONCLUSION

The THPA request consideration of the donation of Kyla Park Hall usage fees for the association. For reasons of equity it is considered the most recent request for fee-free use of Kyla Park Hall by THPA is not justified given the agreed works for the Tuross Head community which are now completed.

Community based associations receive reductions in fees and charges of up to 40 per cent discount for regular hire. These discounts are provided for in the existing adopted fee structure.

FBD17/024 POLICY REVIEW - INVESTMENT POLICY

E16.0297

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

Attachments: 1. Under Separate Cover - Investment Policy

Focus Area: Support Services

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

Operational Plan Link: SS1.1.2 Undertake forward budgeting and financial reporting

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 Investment Policy and the recommendation it be placed on public exhibition before the policy is presented to Council for adoption.

RECOMMENDATION

THAT

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

BACKGROUND

In accordance with section 165(4) of the *Local Government Act 1993* (the Act), 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.

Eurobodalla Shire Council's Investment 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.

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

FBD17/024 POLICY REVIEW - INVESTMENT POLICY

E16.0297

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

CONSIDERATIONS

The draft Investment Policy has been reviewed and no substantive changes are recommended at this time.

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

Legal

Council will comply with all appropriate legislation.

Policy

The policy reflects the current NSW Local Government Investing policy guidelines, ‘best practice’ and the current Ministerial Order.

Financial

Financially the preservation of capital is the principal objective together with the allocation of investments to ensure sufficient liquidity.

Community Engagement

Council will place the draft policy on public exhibition for a period of no less than 28 days commencing on Wednesday 19 April 2017 until Tuesday 16 May 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 Investment Policy should be publicly exhibited for 28 days. A copy of the draft policy has been provided to the Audit, Risk and Improvement Committee for its consideration.

At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Investment Policy will be presented to Council for consideration to adopt.

CAR17/006 POLICY REVIEW - LIBRARY SERVICES

E16.0297

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

Attachments: 1. Under Separate Cover - Library Services Policy

Focus Area: Sustainable 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 Library Services 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 Library Services policy.
2. The draft Library Services 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.

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.

CAR17/006 POLICY REVIEW - LIBRARY SERVICES

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.

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 no less than 28 days commencing on Wednesday 19 April 2017 until Tuesday 16 May 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 Library Services 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 Library Services policy will be presented to Council for consideration to adopt.

CAR17/007 ADVISORY COMMITTEES -

ABORIGINAL, DISABILITY INCLUSION AND PUBLIC ART

E93.5498;

E12.6216;E06.0162

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

Attachments: 1. Public Arts Advisory Committee - Terms of Reference
2. Confidential - List of Applicants
3. Under Separate Cover - Confidential - Applications

Focus Area: Liveable Communities

Delivery Program Link: L1.4 Undertake advocacy activities to improve collaboration, health, service availability and funding

Operational Plan Link: L1.4.1 Coordinate Aboriginal Advisory Committee, Police Liaison Committee and associated projects

EXECUTIVE SUMMARY

Council facilitates the Eurobodalla Aboriginal Advisory committee (EAAC), Disability Inclusion Action Plan committee (DIAP) and Public Art Advisory committee (PAA). Each committee includes community, and in some cases, organizational representation, and operate in line with approved Terms of Reference.

Expressions of interest were sought from 8 February to 10 March 2017 for community representatives on the EAAC, DIAP and PAA committees. The Terms of Reference for each of the Committees outlines the selection criteria.

The purpose of this report is to inform Council of the nominations received for the community representative positions on the committees and appoint representatives to each.

RECOMMENDATION

THAT Council:

1. Appoint seven (7) persons to the Eurobodalla Aboriginal Advisory Committee (EAAC) as recommended in the confidential attachment;
2. Appoint eight (8) persons to the Disability Inclusion Action Plan Advisory Committee (DIAP) as recommended in the confidential attachment; and
3. The following change to the Public Art Advisory Committee (PAAC) Terms of Reference be adopted:
Page 2 – Composition – delete the words “three community members” and add “four community members”;
4. Appoint four (4) persons to the Public Art Advisory Committee as recommended in the confidential attachment.

**CAR17/007 ADVISORY COMMITTEES -
ABORIGINAL, DISABILITY INCLUSION AND PUBLIC ART**

**E93.5498;
E12.6216;E06.0162**

BACKGROUND

The Eurobodalla Aboriginal Advisory committee (EAAC), Disability Inclusion Action Plan committee (DIAP) and Public Art Advisory committee (PAA) provide an opportunity for community members with specific interest or backgrounds to share their knowledge and perspective, and advise Council on issues that affect our community.

The Terms of Reference for the committees were adopted in October 2016, outlining the role of each committee. The tenure of membership for these committees is four years, in line with Council elections.

The Expression of Interest process was made public through Council's newsletter, website and Facebook page, advertising in two local papers, writing to stakeholders and via a media release. The Terms of Reference for the Committees were also published on Council's website. A period of one month from 8 February to 10 March 2017 was provided to submit expressions of interest.

Council has received a high number of applications, reflecting the positive role and reputation of the committees and the community's interest in participating and sharing their experience and perspectives.

CONSIDERATIONS

Aboriginal Advisory Committee (AAC)

The composition of this committee includes a member from each of the Local Aboriginal land Councils, the chairperson or nominee of Gulaga Joint Board of Management, the chairperson or nominee of the Eurobodalla Koori Employment Network and seven community members. This ensures all sectors and geographic regions of the Aboriginal community are represented.

Seven nominations were received to fill seven community representative positions on the Aboriginal Advisory Committee.

The confidential attachment recommends all seven nominations be accepted by Council.

Disability Inclusion Advisory Committee (DIAC)

The composition of this committee includes eight community representatives who have a lived experience of disability or have specialist knowledge or interest in disability services. Up to three of the community positions may be filled by individuals who work in a disability related area.

Thirteen nominations were received to fill eight community representative positions on the Disability Inclusion Advisory Committee. The review panel assessed each application and, in some cases, contacted individuals' to seek further information in order to shortlist candidates.

A confidential attachment recommends eight nominations be accepted by Council.

**CAR17/007 ADVISORY COMMITTEES -
ABORIGINAL, DISABILITY INCLUSION AND PUBLIC ART**

**E93.5498;
E12.6216;E06.0162**

Public Art Advisory Committee (PAAC)

Fourteen nominations were received to fill three community representative positions on the Public Art Advisory Committee

The composition of this committee includes three representatives who are to be qualified and/or experienced in some area of the arts relevant to public art and are to have their principal residence in Eurobodalla Shire. Due to the high standard and number of submissions, this report recommends the Terms of Reference be changed to enable four representatives to be appointed to the committee instead of three.

The review panel assessed each application and, in some cases, contacted individuals' to seek further information in order to shortlist candidates.

A confidential attachment recommends three nominations be accepted by Council.

Community Engagement

Advisory committees are an important way that Council engages with its community and stakeholders. Committee members contribute their experience and knowledge and provide advice, feedback and recommendations to Council.

In Council's Community Engagement Framework advisory committees are considered to be one of the highest levels of engagement and a way of partnering with the community. Council looks to its advisory committees for advice and innovation in formulating solutions.

The community was informed about the opportunity to submit an expression of interest to join the three advisory committees in a number of ways including:

- Council's online subscriber newsletter *Council News*
- Council's website and Facebook page
- Council's Noticeboard advertisement appearing in the print editions of two local papers
- media release distributed to local media as well as to community and business organisations, and
- through letters, emails and phone calls to members of the current advisory committees.

**CAR17/007 ADVISORY COMMITTEES -
ABORIGINAL, DISABILITY INCLUSION AND PUBLIC ART**

**E93.5498;
E12.6216;E06.0162**

CONCLUSION

Aboriginal Advisory Committee

Seven nominations were received to fill seven community representative positions on the Eurobodalla Aboriginal Advisory committee. The geographical spread is proportionate with 3 applicants from the north, 2 from the centre and 2 from the south of our shire. Applicants were scored on their connection to Eurobodalla, geographic location and skills.

A confidential attachment recommends seven nominations be accepted by Council for the Eurobodalla Aboriginal Advisory committee.

Disability Inclusion Action Plan Advisory Committee

Thirteen nominations were received to fill eight community representative positions on the Disability Inclusion Advisory Committee. Eight applicants were selected due to their lived experience of disability, often in multiple capacity or multiple family members, and for carers, in relation to their role as either primary or secondary care giver.

A confidential attachment recommends eight nominations be accepted by Council for the Disability Inclusion Action Plan committee.

Public Art Advisory Committee

Fourteen nominations were received to fill three community representative positions on the Public Art Advisory Committee

Each candidate was assessed according to the criteria in the Terms of Reference: The review panel assessed each application and, in some cases, contacted individuals' to seek further information in order to shortlist candidates. Three community members were selected based on their level of qualification and experienced in the arts relevant to public art, and in meeting the required selection criteria.

A confidential attachment recommends three nominations be accepted by Council.

Public Art Advisory Committee

Terms of Reference

April 2017

CONTENTS

Introduction and Background	1
Purpose of the Public Art Advisory Committee	1
Title and Delegations	1
Objectives	1
Membership of the Committee	1
Tenure to the Committee	1
Composition	2
Recruitment Process	2
Delegations of Committee	2
Reporting Hierarchy	2
Contact Officer	2
Responsibilities of Committee Members	2
Responsibilities of Chairperson	3
Responsibilities of Council	3
General Meetings	3
Distribution of Information	4
Variation to Terms of Reference	4
Appendix 1: Websites	5

Introduction and Background

The Community Strategic Plan 'One Community' identifies the long term priorities that we are healthy and active and our community is a great place to live.

The Delivery Program identifies the need to support the development of recreation and cultural opportunities, experiences, programs and events.

The Operational Plan further identifies the need to enhance a sense of place and identity for our community by ensuring a broad range of recreation and cultural services, events and programs are available through direct provision, support, partnerships and advocacy.

TERMS OF REFERENCE

Purpose of the Public Arts Advisory Committee

To provide expert cultural and artistic advice and guidance to Council and staff on planning public art and related matters.

Title and Delegations

- The committee shall be referred to as the Public Art Advisory Committee.
- The committee shall function as a non delegated advisory committee of Council.

Objectives

To support the growth of a diverse and vibrant community life.

Membership of the Committee

A quorum of the committee shall be 3 and members will have voting rights. The Chairperson has voting rights. Eurobodalla Shire Council staff do not have voting rights.

Tenure to the Committee

- Representatives to participate on the Public Art Advisory Committee will be given formal notification by Council in writing.
- Community representatives, will be selected on a skills basis by Council - the tenure of the membership will be four years in line the Council elections.
- A member absent from three consecutive meetings without acceptable apology will be replaced.
- Representatives must be willing to abide by the terms of reference for the committee.

Composition

- Four community representatives.
Community representatives are to be qualified and/or experienced in some area of the arts relevant to public art, and are to have their principal residence in the Eurobodalla Shire (selected by Council from nominations).
- Councillor representative – one Councillor plus one designated alternate (selected by Council).
- Director, Community, Arts and Recreation Services or nominee (non-voting).
- Director, Infrastructure Services or nominee (non-voting).
- Director, Planning and Sustainability Services or nominee (non-voting).

Recruitment process

Council will advertise positions on the committee through media and corporate communication channels.

Delegations of Committee

To advise Council.

Reporting Hierarchy

Minutes of each meeting will be distributed to Councillors through the Councillor newsletter.

Recommendations and Council response will be communicated through the General Manager.

Contact Officer

Contact officer for the committee is Coordinator, Arts and Culture.

Responsibilities of Committee Members

- To advise and make recommendations to Council on matters relating to public art.
- To give advice to the best of their knowledge and ability that will help achieve the objectives of the committee.
- Facilitate in a timely way any tasks allocated to and accepted by them.
- Behave in a manner that respects the interests and viewpoints of other members.
- To declare any potential or actual conflicts of interest on matters that are brought before the committee.
- All committee members will abide by the Council's Policy for Code of Meeting Practice and the Division of Local Government Model Code of Conduct for Local Councils in NSW.

Responsibilities of the Chairperson

- To chair the meeting and exercise functions, as determined by the committee.
- To be the spokesperson for the committee, as directed by the committee.
- To advocate for the committee and represent its decisions.
- To sign off minutes endorsed by the committee.
- Extraordinary meetings may be called by the Chairperson.

Responsibilities of Council

Council will provide secretarial support, including minute taking, and professional officer support, as appropriate.

Matters concerning Council activities that may be considered public art will be referred to the committee for its consideration.

The ongoing role of the committee will be reviewed annually. Relevant matters will be referred to the committee for consideration. Committee recommendations will be referred to Council for action.

Council at its discretion may review the role or structure of the committee.

General meetings

- The Chairperson will be a Councillor elected by Council. The alternate Councillor or a staff representative, nominated by the committee at the meeting, will Chair in the event of the Chairperson being absent.
- The committee is to meet a minimum 4 times per annum.
- Replacement of members between terms will be via the recruitment process outlined on page 2 of this document.
- Other interested individuals may be invited to attend meetings as observers, or be invited to present to the meeting, however they will only be recognised by consent of the Chairperson.
- The Chairperson of the committee will be able to call special meetings of the committee as necessary for the effective conduct of the committee and establish limited working parties as required.
- A quorum of the committee shall be a total of three members (committee members or councillors) with voting rights.
- Pursuant to Section 10(2) of the Local Government Act 1993, the Chairperson of the committee can exercise the power of expulsion of persons not recognised as being entitled to be present at a meeting of the Committee.

Distribution of Information

Recommendations of the committee are to be reported to Council and minutes distributed to Councillors through the Councillor newsletter.

Media releases are approved by the Chairperson of the committee and distributed by Council according to Council's Media Policy.

The Chairperson is the spokesperson for the committee.

Individual committee members may not issue a media release on behalf of the committee.

Variation to the Terms of Reference

The *Terms of Reference* may be added to, repealed or amended by resolution of the Council, in consultation with or upon the recommendation of the committee.

APPENDIX 1 - WEBSITES

Eurobodalla Shire Council

<http://www.esc.nsw.gov.au/>

Eurobodalla Shire Council's Code of Meeting Practice

<http://www.esc.nsw.gov.au/inside-council/council/council-policies>

Division of Local Government Model Code of Conduct for Local Councils in NSW

<http://www.esc.nsw.gov.au/inside-council/council/council-policies>

Strategies

<http://www.esc.nsw.gov.au/inside-council/community-and-future-planning/strategies>

24. 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
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.

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.