



# **AGENDA**

**Ordinary Meeting of Council**

**10 May 2016**



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

**ON TUESDAY 10 MAY 2016**

**COMMENCING AT 10.00AM**

**AGENDA**

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

- 1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE**
- 2. APOLOGIES**  
Nil
- 3. PUBLIC FORUM (AGENDA ITEMS ONLY)**
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
4.1 Ordinary Meeting held on 26 April 2016
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)
- 6. MAYORAL REPORTS**  
Nil
- 7. NOTICES OF MOTION**  
Nil
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil
- 9. PETITIONS**  
Nil
- 10. GENERAL MANAGER'S REPORTS**  
Nil

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**DR CATHERINE DALE  
GENERAL MANAGER**

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**PSR16/007 DRAFT TOMAKIN, MOSSY POINT, BROULEE AND MOGO FLOOD STUDY E14.8350**

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

Attachments: 1. Under Separate Cover - Tomakin, Mossy Point, Broulee and Mogo Flood Study

Focus Area: Sustainable Communities

Delivery Program Link: S5.5 Plan for the impact of climate change on settlement including coastal hazard, flood impacts, bushfire

Operational Plan Link: S5.5.2 Tomaga/Mogo River Catchment Flood Study

### **EXECUTIVE SUMMARY**

This report presents Council with the draft Tomakin, Mossy Point, Broulee and Mogo Flood Study (the flood study). The flood study is stage one of the floodplain management process. Stage one is a technical study only; it does not recommend management options to reduce flood impacts. Council's adopted projections for sea level rise were also applied to examine flood behaviour and the tidal response to projected conditions of climate change.

The draft flood study presents modelled results for a range of flood probabilities. The 1% flood event is the standard probability applied for residential planning, as recommended by the NSW Government in the NSW Floodplain Development Manual 2005 (p K-4).

Flood planning levels modelled by the existing flood study have both increased and decreased across the wider study area compared to existing flood planning controls. This is a result of site specific investigations, accurate modelling and a detailed consideration of estuarine dynamics in projecting the impacts of sea level rise.

Extensive consultation with the community occurred during the preparation of the flood study. This included direct mail outs, community surveys, a public workshop and a field trip with Mogo business owners.

This report recommends endorsing the flood study to be exhibited for a six week period between Monday 16 May and Friday 24 June 2016.

### **RECOMMENDATION**

THAT Council:

1. Endorse the draft Tomakin, Mossy Point, Broulee and Mogo Flood Study for public exhibition between 16 May and 24 June 2016.
2. Write to property owners and local residents' associations within the draft flood planning area to advise them of the exhibition.
3. Make copies of the study available on Council's website, administration centre and local libraries.
4. Present a report at the conclusion of the exhibition to Council advising the Council of any

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**PSR16/007 DRAFT TOMAKIN, MOSSY POINT, BROULEE AND MOGO FLOOD  
STUDY**

**E14.8350**

issues raised by the community.

**BACKGROUND**

Specialist consulting firm, WMA Water, were engaged to prepare a flood study for the Tomaga River catchment, Broulee and Candlagan Creek. The suburbs included in the study were:

- Tomakin
- Mossy Point
- Broulee
- Mogo.

The study included an examination of existing flood behaviour, specifically examining previous flood events. Council's adopted projections for sea level rise were also applied to examine flood behaviour under projected conditions of climate change.

This study is the first accurate flood information Council has obtained for Tomakin, Broulee and Mossy Point. The results for Mogo and the area adjacent to the Moorings development are an update on previous studies. The study area for Mogo was extended beyond the previous study to capture an additional sub-catchment and lands adjacent to the recently upgraded sections of Tomakin Road and Dunns Creek Road.

The study was prepared with funding assistance provided through the NSW Floodplain Management Program administered by the Office of Environment and Heritage (OEH).

**CONSIDERATIONS**

A range of flood scenarios were examined to investigate flood behaviour in the study area. The scenarios included very common events to the probable maximum flood. The scenarios are presented as a range of probabilities, or likelihoods of a flood event occurring in any given year. For example, 20%, 5% and 1% scenarios were modelled.

**RESULTS**

Modelled flood levels increased at Mogo in comparison to the previous Mogo study. Other increases above current flood planning levels were determined for:

- the swale adjacent to Elizabeth Drive in Broulee
- Connells Close at Mossy Point
- the Landing at Tomakin.

Modelled flood levels decreased at the Tomaga River entrance and the areas of Broulee adjacent to Candlagan Creek.

**PSR16/007 DRAFT TOMAKIN, MOSSY POINT, BROULEE AND MOGO FLOOD STUDY**

**E14.8350**

Flooding modelled in Broulee is primarily due to ponding of rainfall, not river or wider catchment flooding. As rain falls and soil becomes waterlogged, flood water accumulates until ocean boundary conditions enable the water to drain away.

The reasons for the differences can be explained as follows:

1. No previous studies existed for Candlagan Creek and Broulee.
2. Previous flood levels applied in Tomakin and Mossy Point were based on advice from older flood studies that did not include a consideration of climate change.
3. The new study includes ocean inundation, catchment flooding and sea level rise.
4. Site specific studies have allowed for more accurate assessment of sea level rise.
5. Broulee flood levels were based on observations of flooding that occurred in the 1970s. This was estimated to be a 20% AEP event, not a 1% AEP event.
6. Current Broulee planning controls are not based on a flood level; rather a height above the road crest or ground level. This height is lower than the flooding that occurred in the 1970s. Therefore, actual proposed flood planning level is in some parts of Elizabeth Drive significantly higher than the existing flood planning levels. The height above the 1970's flood level is shown in table 2 below.
7. Flood levels for Mogo have increased (+42 to +52cm) due to better numerical models and a more detailed assessment of sub-catchments than applied by the previous study.
8. Flood levels adjacent to Candlagan Creek (-30cm to -19cm) have decreased due to better assessment of creek dynamics, better terrain data and improved numerical models.

Table 1 presents the results from the flood study for a 1% design flood event. The 1% event is applied as the reference flood for planning as recommended by the NSW Government in the NSW Floodplain Development Manual 2005 (p K-4). This amount of rainfall input into the model for a 1% event is determined by the Australian Rainfall and Runoff Guidelines (Engineers Australia).

Table 1: comparison of flood study model results with existing flood planning levels

Location	Flood Level	SLR	Flood Planning Level - 500mm freeboard	Flood level	SLR	Flood Planning Level - 500mm freeboard	Difference (+/-)
<b>Location</b>	<b>Previous Flood Levels</b>			<b>Study Results</b>			
<b>TOMAKIN</b>							
Foreshore at Spit	2.8	3.14	3.64	2.57	2.83	3.33	-0.31
Cnr Ainslie Pde	2.8	3.14	3.64	2.91	3.17	3.67	+0.03
George Bass Dve E of bridge	2.5	2.84	3.34	2.8	3.12	3.62	+0.28
George Bass Dve W of bridge	2.6	2.94	3.44	2.94	3.17	3.67	+0.23
Moorings/The Landing	2.67	3.01	3.5	3.05	3.26	3.76	+0.26
West of Moorings	2.75	3.09	3.6	3.16	3.30	3.8	+0.20
<b>BROULEE</b>							

**PSR16/007 DRAFT TOMAKIN, MOSSY POINT, BROULEE AND MOGO FLOOD STUDY**

**E14.8350**

Candlagan (upstream of Coronation Dve bridge)	2.8	3.14	3.64	2.69	2.84	3.34	-0.30
Candlagan (upstream of George Bass Dve bridge)	2.8	3.14	3.64	2.85	2.95	3.45	-0.19
<b>MOSSY POINT</b>							
(Connells Close)	2.4	2.74	3.24	2.78	3.06	3.56	+0.32
<b>MOGO</b>							
Upstream Princes Hwy	8.68	0	9.18	9.10	n/a	9.60	+0.42
Goba Street	9.30	0	9.80	9.82	n/a	10.32	+0.52
Jeremadra Creek (upstream PH)			No Previous study	7.09	n/a	7.59	N/A

Table 2: comparison of modelled flood depths with observed flood depths at Broulee from 1974 flooding

Location	Approximate Flood Depth Observed 1974	Estimate of AEP	Modelled Flood Depth 1%	Difference (+/-)
90 Elizabeth Drive	0.60	20% AEP	1.00	+0.40
86 Elizabeth Drive	0.60		1.20	+0.60
72 Elizabeth Drive	0.70		1.25	+0.55
62 Elizabeth Drive	0.60		0.96	+0.36
56 Elizabeth Drive	0.65		1.18	+0.53
52 Elizabeth Drive	0.40		1.04	+0.64
36 Elizabeth Drive	0.10		0.69	+0.59
34 Elizabeth Drive	0.10		0.83	+0.73
28 Elizabeth Drive	0.10		0.55	+0.45

The observed levels from 1974 were recorded as marks on telegraph poles along Elizabeth Drive. The marks were brought to our attention during the first round of consultation and were therefore able to be immediately considered in the first draft of the flood study.

**Legal**

The primary responsibility for land use planning and flood risk management rests with a local council. Councils must plan for and manage flood prone land and the preparation of a flood study is an important step in the process of executing these responsibilities.

A council is exempt from liability pursuant to section 733 of the *Local Government Act 1993* for decisions relating to flood risk management that are made in good faith and in accordance with the best available information. Preparation of a flood study in accordance with the manual relevant at that time, currently the Floodplain Development Manual 2005, is a means of providing information to support exemption under section 733. The flood study has been prepared in accordance with the Floodplain Development Manual 2005.



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**PSR16/007 DRAFT TOMAKIN, MOSSY POINT, BROULEE AND MOGO FLOOD  
STUDY**

**E14.8350**

A planning certificate issued pursuant to section 149(2) of the *Environmental Planning and Assessment Act 1979* is required for contracts for the sale of land and must provide information relating to whether Council has a policy relating to restrictions on development, including flooding. For the purposes of providing such advice, a council must not apply development restrictions for flooding above the 1% flood planning area. This flood study will provide Council with more accurate information to determine the flood planning area and subsequent advice noted on planning certificates.

**Policy**

There is currently no uniform flood code for the study area. Advice relating to flood planning levels is provided on the basis of the estimates provided by the NSW Government, the flood study contained within Mogo DCP (1989) and estimates of sea level rise based on Council's adopted projections.

Development in the area is currently assessed pursuant to the Interim Coastal Hazards Adaptation Policy 2012. The flood planning levels determined by this draft study will be applied to individual development applications. Planning periods will be applied in accordance with Council's adopted Interim Coastal Hazards Adaptation Policy in concert with a merit based development assessment process.

Longer term strategic planning will be guided by the preparation of a flood risk management study and plan if this study determines further investigations are required to manage the flood risk.

**Social Impact**

Flooding can present a risk to life in addition to causing significant damage to property, business and infrastructure. Appropriate management of the floodplain can help to reduce the potential for flood loss, however loss can still occur regardless of the management options applied.

**Economic Development Employment Potential**

The application of the NSW Flood Policy ensures controls do not unnecessarily constrain appropriate economic use of the flood plain. The flood study will inform the application of controls to facilitate appropriate development within the study area. This will include identification of land for future development, application of appropriate flood planning levels and the assessment of development applications based on the merit of the intended use, anticipated risk and the scope of ongoing loss from flood damage.

**Financial**

The project is supported by grant funding provided by the NSW Floodplain Management Program administered by the Office of Environment and Heritage.

**Community Engagement**

The involvement of the community and the scope of consultation is outlined in detail within the flood study (p15). In summary, consultation to date has included:

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STUDY**

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- community meeting held at Tomakin on 15 April 2015
- field trip with Mogo business owners on 16 April 2015
- notice of the public meeting mailed to property owners in the study area
- notice including a survey requesting property owners forward their knowledge of past flood events
- online media
- a media release published in local paper.

Actions completed following discussion with the community were:

- recording and measurement of flood marks made on telegraph poles along Elizabeth Drive, Broulee
- inspection of sites in Tomakin identified by the community as being flood prone.

The Coastal and Environmental Advisory Committee of Council were presented with the draft flood study on 7 April 2016.

Additional consultation will occur to support the exhibition of the draft report. This will include a repeat of the previous consultation actions. The following actions will occur in addition to previous consultation actions:

- two community meetings (one day and one evening)
- write to the Tomakin Community Association, the Broulee and Mossy Point Community Association and the Mogo Chamber of Commerce
- draft flood study available online
- hard copies available for viewing at each public library and the Moruya administration centre
- three loan copies available at each library
- submission box available at the Moruya administration centre.

## **CONCLUSION**

The draft flood study has progressed to the public consultation stage. A range of consultation activities have occurred to bring the flood study to this stage and it is now ready to be presented to the community for review and additional comment.

A report will be presented to Council following exhibition to represent key points raised by the community during the final consultation.

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**PSR16/012 DRAFT COASTAL ZONE MANAGEMENT PLAN - WHARF ROAD,  
NORTH BATEMANS BAY**

**E12.6263**

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

Attachments: 1. Under Separate Cover - Draft Wharf Road Coastal Zone Management Plan

Focus Area: Sustainable Communities

Delivery Program Link: S5.5 Plan for the impact of climate change on settlement including coastal hazard, flood impacts, bushfire

Operational Plan Link: S5.5.4 Batemans Bay Regional Waterways Infrastructure Plan

**EXECUTIVE SUMMARY**

Wharf Road has previously been identified by the NSW Government as a coastal erosion 'hotspot' and is subject to a Ministerial Directive issued pursuant to section 55 of the *Coastal Protection Act 1979* (the Act) to prepare a Coastal Zone Management Plan (CZMP). Council has previously been briefed on this matter; most recently on 5 April 2016. Council had intended to incorporate the 'hotspot' beach into a combined Coastal Management Program for Eurobodalla Shire (Report 013/88, 28 May 2013).

With the transition under the NSW coastal reforms to prepare coastal management programs, it has been the intent of Council to include the Wharf Road 'hotspot' in the Eurobodalla Shire wide Coastal Management Program (CMP). To do this, Council requires the approval of the Minister to proceed and to lift the section 55 Directive. Given the Minister had not previously lifted the section 55 Directive, Council was briefed on 5 April 2016 in respect to the Ministerial Directive issued pursuant to section 55B of the Act instructing Council to prepare a CZMP for the coastal erosion 'hotspot' at Wharf Road, Batemans Bay.

Following the 5 April 2016 briefing, the Wharf Road hotspot has been separated from the remaining coastline to allow a CZMP for the Wharf Road 'hotspot' to be prepared, while also progressing with the Eurobodalla Shire wide CMP under the new coastal management process. This action should reduce any further delays to the Eurobodalla Shire CMP.

The purpose of this report is to present Council with the draft Coastal Zone Management Plan for Wharf Road, North Batemans Bay (the CZMP) to endorse for exhibition for a period of 21 days in accordance with the minimum requirements pursuant to section 55E of the *Coastal Protection Act 1979*. Following exhibition, a further report will be presented to Council outlining any issues raised during exhibition and presenting a final Wharf Road CZMP for adoption and submission to the Minister for certification.

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**PSR16/012 DRAFT COASTAL ZONE MANAGEMENT PLAN - WHARF ROAD,  
NORTH BATEMANS BAY**

**E12.6263**

**RECOMMENDATION**

THAT Council

1. endorse the Coastal Zone Management Plan - Wharf Road, North Batemans Bay for public exhibition between Monday 16 May 2016 and Monday 6 June 2016
2. write to property owners with land at immediate risk from coastal hazards advising them of the exhibition
3. make copies of the report available at the Batemans Bay Library and Moruya administration centre.

**BACKGROUND**

Council was most recently briefed on 5 April 2016 in respect to the Ministerial Directive issued pursuant to section 55B of the *NSW Coastal Protection Act 1979* (the Act) instructing Council to prepare a Coastal Zone Management Plan for the coastal erosion 'hotspot' at Wharf Road, Batemans Bay. This report is seeking endorsement by Council to exhibit the draft Coastal Zone Management Plan - Wharf Road, North Batemans Bay (the CZMP) in accordance with the minimum requirements under section 55E of the Act.

The draft CZMP has been compiled from the following existing reports that have been previously adopted by Council:

1. 'Batemans Bay Coastline Hazard Management Plan' (Webb McKeown & Associates Pty Ltd, November 2001)
2. 'Wharf Road Coastal Hazard Assessment and Hazard Management Plan' (BMT WBM, 2008)
3. 'Emergency Action Sub-Plan for Wharf Road' (Umwelt Australia Pty Ltd, 2012).

The 'Emergency Action Sub-Plan for Wharf Road' (Umwelt Australia Pty Ltd, 2012) was prepared in response to meeting the requirements of the Ministerial Directive and will be forwarded to the Minister in conjunction with the CZMP.

Consultation with the community occurred during the preparation of these reports which included a public exhibition. The Umwelt and BMT WBM reports were supported by a direct mail out to property owners at the 'hotspot' site.

Actions implemented from the previous reports include:

- (a) zoning the land E2 in the Eurobodalla Local Environmental Plan 2012
- (b) approaching the NSW Government to purchase the land for public access.

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**PSR16/012 DRAFT COASTAL ZONE MANAGEMENT PLAN - WHARF ROAD,  
NORTH BATEMANS BAY**

**E12.6263**

The draft CZMP now recommends three key actions:

1. approach the NSW Government to purchase the areas of beach land
2. protect public infrastructure through works or future relocation
3. clean up the public reserve adjoining Wharf Road.

Action one is outstanding from previous reports. Council has made several approaches to the NSW Government on behalf of the property owners but has not yet received a positive response. Action two is included within the normal maintenance and renewal activities of Council, therefore does not represent an additional cost. The CZMP simply flags coastal hazards as being an issue when the infrastructure is programmed for replacement. Action three may rely on volunteer contributions or a small financial contribution from Council.

### **CONSIDERATIONS**

The draft Coastal Zone Management Plan - Wharf Road, North Batemans Bay does not propose any actions in addition to the BMT WBM report that will impact on private property owners. The current management actions have been in place since 2012 and will not change under the draft CZMP. The exhibition of draft CZMP will simply re-state the current actions of Council that have been adopted for the site and supported through a Statutory Planning Instrument. The consultation process is therefore not presenting any new or unexpected actions to property owners and the general public.

### **Legal**

A Ministerial Directive issued pursuant to section 55B of the *NSW Coastal Protection Act 1979* has been forwarded instructing Council to prepare a Coastal Zone Management Plan for the coastal erosion 'hotspot' at Wharf Road, Batemans Bay. A draft CZMP has been prepared to meet the requirements of the section 55B Directive. In order to fully comply, the draft Coastal Zone Management Plan - Wharf Road, North Batemans Bay (the CZMP) must be exhibited for a minimum of 21 days in accordance with the requirements under section 55E of the Act.

The completed CZMP will be forwarded to the Minister for Planning and Environment for certification and gazettal to satisfy compliance with the existing Act. The minimum requirements to meet certification include a record of public exhibition, the issues raised and how each issue was considered.

### **Policy**

The CZMP will not impact any adopted policy or planning instrument applied by Council.

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**PSR16/012 DRAFT COASTAL ZONE MANAGEMENT PLAN - WHARF ROAD,  
NORTH BATEMANS BAY**

**E12.6263**

**Environmental**

The site is currently a mix of private and public land. Some *Casaurina* regrowth has established on the public land. The CZMP proposes the site should be purchased by the NSW Government for the purpose of environmental regeneration and maintaining public access and ownership of foreshore lands and beaches. Council has made several approaches to the NSW Government on behalf of property owners to have the land purchased however has not yet received a favourable response.

**Asset**

A public road, water and sewer line are located within the study area. The CZMP proposes these assets are either relocated upon renewal, or protected from coastal hazards at the current location. A small rock wall that currently protects these assets will need to be maintained and improved over time, with the cost being met from ongoing maintenance and renewal budgets.

**Social Impact**

The current management actions to address the risk from coastal hazards have been in place since 2012 and will not change under the draft CZMP. The exhibition of the draft CZMP will simply re-state the current actions of Council that have been adopted for the site and supported through a statutory planning instrument. The consultation process is therefore not presenting any new actions to property owners and the general public.

**Economic Development Employment Potential**

The site has been identified as being at immediate risk from coastal hazards and therefore has very limited development or economic potential.

**Financial**

The proposed actions from the CZMP that have been identified for Council to implement, fall within current maintenance and renewal budgets for existing infrastructure.

**Community Engagement**

Council will be seeking feedback from the community through a 21 day public exhibition where the CZMP will be on Council's website, at the Batemans Bay Library and the Moruya customer service centre. Property owners of land at immediate risk from coastal hazards will be notified of the exhibition by mail.

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**PSR16/012 DRAFT COASTAL ZONE MANAGEMENT PLAN - WHARF ROAD,  
NORTH BATEMANS BAY**

**E12.6263**

**CONCLUSION**

The draft Wharf Road CZMP is complete and ready for public exhibition for a period of 21 days in accordance with s55E of the *Coastal Protection Act 1979*. The CZMP has not proposed to change any of the existing management arrangements at the site. Council will give notice of the exhibition and make a copy of the draft CZMP available. This report is seeking endorsement to exhibit the draft CZMP for 21 days commencing Monday 16 May 2016. An additional report summarising any issues raised by the community, and how those issues were considered, will be presented to Council at the conclusion of the exhibition.

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**PSR16/013 RURAL LANDS STRATEGY - RURAL PRODUCERS' ADVISORY  
COMMITTEE**

**E12.6254**

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

Attachments: 1. Draft Terms of Reference

Focus Area: Sustainable Communities

Delivery Program Link: S5.1 Review and prepare planning strategies, policies and studies

Operational Plan Link: S5.1.1 Rural Lands Strategy

### **EXECUTIVE SUMMARY**

The Rural Lands Strategy was adopted by Council on 23 February 2016. At the Ordinary Meeting of Council held on 8 March 2016 Council passed a Notice of Motion to:

*'establish a Rural Producers' Advisory Committee and develop Terms of Reference to assist Council in implementing recommendations of the Rural Lands Strategy related to the growth, promotion and support of agriculture and rural tourism in the Eurobodalla Shire.'*

The draft terms of reference are presented for the consideration of Council. Should the terms of reference be adopted, it is proposed that an expression of interest process commence to establish the Rural Producers' Advisory Committee.

### **RECOMMENDATION**

THAT Council

1. Endorses the Terms of Reference for the Rural Producers' Advisory Committee
2. Commence an Expression of Interest process to establish the Rural Producers' Advisory Committee.

### **BACKGROUND**

The Rural Lands Strategy was adopted by Council on 23 February 2016. At the Ordinary Meeting of Council held on 8 March 2016 Council passed a Notice of Motion to:

*'establish a Rural Producers' Advisory Committee and develop Terms of Reference to assist Council in implementing recommendations of the Rural Lands Strategy related to the growth, promotion and support of agriculture and rural tourism in the Eurobodalla Shire.'*

### **CONSIDERATIONS**

The Terms of Reference for the Eurobodalla Rural Producers' Advisory Committee have been drafted and are presented for the consideration of Council. The proposed role, membership, tenure and responsibilities of the advisory committee are discussed in detail below.

#### **Role of the Advisory Committee**

The suggested role of the advisory committee is recommended to be as follows:



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**PSR16/013 RURAL LANDS STRATEGY - RURAL PRODUCERS' ADVISORY  
COMMITTEE**

**E12.6254**

To assist Eurobodalla Shire Council with implementing the recommendations of the Rural Lands Strategy related to the growth, promotion and support of agriculture and rural tourism in the Eurobodalla Shire by:

- a. providing advice to Council on the most effective methods of implementing relevant recommendations of the Rural Lands Strategy
- b. monitoring implementation of the relevant recommendations of the Rural Lands Strategy
- c. evaluating impacts of the implemented recommendations of the Rural Lands Strategy and providing feedback to Council
- d. providing advice on any other rural land use and economic issue referred to the advisory committee by Council
- e. raise issues of relevance to rural producers for consideration by the advisory committee and Council that are related to the committee's role.

**Membership of the Advisory Committee**

The advisory committee will be coordinated by the Eurobodalla Shire Council and is proposed to include the following representatives:

1. chairperson (Mayor or their nominee)
2. six community representatives appointed via an expression of interest
3. one representative of the NSW Department of Primary Industries
4. two staff representatives of Council, being the General Manager and Director, Planning and Sustainability Services (or their nominees) (no voting rights)
5. any other councillors appointed by Council.

The criteria for the selection of community representatives is proposed to be as follows:

1. involvement in primary production, rural industry or rural tourism and demonstration that this involvement is commercially active.

Community members are to demonstrate how they are commercially active.

Council will endeavour to select community representatives from across the Eurobodalla Shire.

**Tenure of the Committee**

The tenure of the advisory committee is proposed to cease on 31 December 2017 in the first instance, with a further review at that stage. It is noted that to effectively evaluate impacts of the implemented recommendations of the Rural Lands Strategy, a time period beyond 31 December 2017 will most likely be required.

**Responsibilities of Committee Members**

1. to provide advice to the best of their knowledge and ability that will help achieve the objectives of the advisory committee in accordance with their role
2. complete in a timely manner, any tasks referred to the advisory committee by the Council

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**PSR16/013 RURAL LANDS STRATEGY - RURAL PRODUCERS' ADVISORY  
COMMITTEE**

**E12.6254**

3. behave in a manner that respects the interests and viewpoints of other members, community and Council officers
4. declare any potential or actual conflicts of interests on matters that are brought before the advisory committee.

**Community Engagement**

If Council endorses the proposed terms of reference, it is proposed that an expression of interest process commence to establish the Rural Producers' Advisory Committee.

**CONCLUSION**

The draft Terms of Reference for the Rural Producers' Advisory Committee are presented to Council for consideration. Should the terms of reference be adopted, it is proposed that an expression of interest process commence to establish the Rural Producers' Advisory Committee.

Eurobodalla

Rural Producers Advisory Committee

Terms of Reference

April 2016

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## **1. Introduction and Background**

The Rural Lands Strategy was adopted by Council on 23 February 2016. At the Ordinary Meeting of Council held on 8 March 2016, Council resolved to *establish a Rural Producers' Advisory Committee and develop a Terms of Reference to assist Council in implementing recommendations of the Rural Lands Strategy related to the growth, promotion and support of agriculture and rural tourism in the Eurobodalla.*

## **2. Role of the Rural Producers' Advisory Committee**

To assist Eurobodalla Shire Council with implementing the recommendations of the Rural Lands Strategy related to the growth, promotion and support of agriculture and rural tourism in the Eurobodalla by:

- Providing advice to Council on the most effective methods of implementing relevant recommendations of the Rural Lands Strategy.
- Monitoring implementation of the relevant recommendations of the Rural Lands Strategy.
- Evaluating impacts of the implemented recommendations of the Rural Lands Strategy and providing feedback to Council.
- Providing advice on any other rural land use and economic issues referred to the Committee by Council.
- Raise issues of relevance to rural producers for consideration by the Advisory Committee and Council that are related to the Advisory Committee's role.

## **3. Membership of the Committee**

The Committee will be coordinated by the Eurobodalla Shire Council and will include the following representatives:

1. Chairperson (Mayor or their nominee);
2. Six community representatives appointed via an Expression of Interest;
3. One representative of the NSW Department of Primary Industries; and
4. Three representatives of Council, being the Mayor, General Manager and Director, Planning and Sustainability Services (or their nominees).
5. Any other Councillors appointed by Council.

Criteria for selection of community representatives are:

1. involvement in primary production, rural industry or rural tourism and demonstration that this involvement is commercially active.

Community members are to demonstrate how they are commercially active.

Council will endeavour to select community representatives from across the Shire.

#### **4. Tenure of the Committee**

The tenure of the Advisory Committee will be until 31 December 2017 in the first instance, with a further review at that stage. It is noted that to effectively evaluate impacts of the implemented recommendations of the Rural Lands Strategy a time period beyond 31 December 2017 will most likely be required.

#### **5. Responsibilities of Committee Members**

- Give advice to the best of their knowledge and ability that will help achieve the objectives of the Committee in accordance with their role.
- Complete in a timely way, any tasks referred to the Committee by the Council.
- Behave in a manner that respects the interests and viewpoints of other members, community and Council officers.
- Declare any potential or actual conflicts of interests on matters that are brought before the Advisory Committee.

All members will abide by [Council's Code of Conduct](#) and [Council's Code of Conduct - Conduct Committee Guidelines](#) and [Council's Code of Meeting Practice](#).

#### **6. Responsibilities of Council**

- Council will provide administrative support, including minute taking, distribution of related correspondence and professional officer support.
- Council will be responsible for providing suitable venues and related support to Advisory Committee members.
- Matters will be referred to the Committee for its consideration and information will be provided on actions arising from adopted Committee recommendations.
- Council has the discretion to review the role, re-organise or disband the Committee.
- Council will facilitate liaison with Councillors, Executive Leadership Team and Government.
- Council will manage external consultant(s).
- Only the Chair or the Mayor (or the Mayor's nominee) can speak on behalf of the Committee with the media.

#### **7. Voting Rights and Rules**

Voting members of the Advisory Committee will include all committee members with the exception of Council and Agency staff.

The Committee will operate by consensus as much as is possible. In the event that consensus cannot be reached, the advice back to Council will include the majority view along with any alternative view expressed. Where a vote is required, it will be undertaken in accordance with [Council's Code of Meeting Practice Policy](#), as follows:

- (i) Each Voting Committee Member has one vote on each matter being dealt with at a meeting, unless excluded.
- (ii) The Chairperson of the meeting has a second vote, or casting vote on any matter being dealt with, only if the vote is tied.
- (iii) If the Chairperson elects not to use the casting vote in the case of a tied vote, the motion is deemed as being lost.
- (iv) Voting Committee Members must be in the meeting room to vote. Voting Committee Members who have left the meeting room prior to the vote and are absent during the vote are not counted as voting. There are no proxy votes.
- (v) A Voting Committee Member who does not vote, or abstains from the vote, is considered to have voted against the motion.
- (vi) Council minutes will not record those voting against any matter, unless the Committee Member(s) request so at the time of the declaration of the motion.

## **8. Meetings**

It is anticipated that Committee meetings will be held quarterly.

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**PSR16/014 M386/12 - RESIDENTIAL ACCOMMODATION UNITS (33) AND 80.2583.D6  
GENERAL STORE - LOTS 26, 28 AND 30 WHARF ROAD, BATEMANS  
BAY**

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

Attachments: 1. Existing Conditions of Consent M386-12 Residential Accommodation Units (33) and General Store

Focus Area: Productive Communities

Delivery Program Link: P1.1 Facilitate growth and development of our business community

Operational Plan Link: P1.1.1 Strengthen partnerships between council and the business community

Applicant: Bateay Pty Ltd

Land: Lots 26, 28 and 30 (Nos.17,19 and 21) Wharf Road, Batemans Bay

Area: 3643m<sup>2</sup>

Setbacks: 900mm and 1.5m

Height 11.5m

Zone: R3 Medium Density

Current Use: Vacant

Proposed Use: Residential and commercial

Description: Residential accommodation (33 units) and general store

Permitted in Zone: Permitted with consent

Application Registered: 17 February 2016

Reason to F&S: Significant exception to Council's Residential Zones Development Control Plan

Recommendation: Part approval



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**PSR16/014 M386/12 - RESIDENTIAL ACCOMMODATION UNITS (33) AND 80.2583.D6  
GENERAL STORE - LOTS 26, 28 AND 30 WHARF ROAD, BATEMANS  
BAY**

### **EXECUTIVE SUMMARY**

This report is an addendum to the earlier report considered and deferred by Council at its meeting held 12 April 2016. The resolution of Council (Minute No. 16/94) was:

*that the matter be deferred pending further discussion with the applicants, and a report be brought back to Council for determination at an appropriate time.*

At that meeting, the applicant's consultant tabled a proposal to amend the application in relation to the requirement to have eight of the dwellings compliant with the adaptable housing requirements of Council's Development Control Plan and Australian Standard AS 4299.

The modified proposal is to construct two dwellings that are compliant with Australian Standard AS 4299, provided there are purchasers for them. The other six units will not be constructed to be compliant but rather have the capacity to be rebuilt by the future owner, should they wish to make them capable of being accessible by people with disabilities.

The applicant wishes to reserve the right to abandon the obligation to make the houses visitable once 25 of the 33 dwellings have been purchased and none of these purchasers have sought to have a dwelling that is compliant with the Standard.

The applicant's latest proposal is very similar to the original proposal which was also to construct two dwellings with lift access provided there are purchasers seeking this outcome.

As the modified proposal is of little change, the recommendation to Council's 12 April 2016 meeting has not been altered.

All conditions for the existing development application have been provided via separate attachment for comparison.

### **RECOMMENDATION**

The recommendation remains unchanged from the earlier recommendation to the 12 April 2016 meeting, that, in accordance with Clause 122 of the *Environmental Planning and Assessment Regulations 2002*, notice is given that development consent number 386/12 has been modified by modification application 386/12-M2. The development is modified as follows:

1a. ***Approved plans***

Any reference on the original consent to plans stamped and numbered 386/12 is replaced with plans stamped and numbered 386/12- M2. [ 2.18 ]

8a. ***Signage***

The signs must be within the boundaries of the property to which they apply, be structurally adequate, not cause offence to the public, or face or adjoin residential premises. Any attachments on or adjacent to the structure/sign will require additional approval.

49. ***Floor Level***

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**PSR16/014 M386/12 - RESIDENTIAL ACCOMMODATION UNITS (33) AND 80.2583.D6  
GENERAL STORE - LOTS 26, 28 AND 30 WHARF ROAD, BATEMANS  
BAY**

The minimum floor level of the residential units shall be at or above 4.3 metres AHD and 2.6 metres AHD for the commercial building. This level is to be certified by registered surveyor prior to the structure proceeding past the nominated level.[7.09]

**BACKGROUND**

As discussed in the earlier report of 12 April 2016, the application before Council to modify development consent 386/12 is comprised of a number of elements that are recommended for approval.

There are two aspects of the modification request however, that are not recommended for approval, being a variation to a flood level and the requirement to construct eight of the dwellings as compliant with the adaptive housing criteria set out in Australian Standard AS 4299. The applicant is accepting of the flood level requirement but remains opposed to being required to comply with the adaptive housing obligations of Council's Residential Zones Development Control Plan.

At the Council meeting of 12 April 2016, the applicant's consultant (Edmiston & Jones) tabled a modified request to amend the application in relation to the adaptable housing requirement. The current approval requires eight of the 33 dwellings to be compliant with the adaptable housing obligations of Council's Residential Zones Development Control Plan and AS 4299.

The consultant's modified proposal is to construct two dwellings that are compliant with the Australian Standard provided there are purchasers for them. This is the same proposal as that considered by Council at its meeting of 12 April 2016. The consultant however, further added that if at the time, that 25 out of 33 dwellings have been sold and there has been no interest in the accessible dwellings, the applicant reserves the right not to construct any accessible dwellings, and make two dwellings able to be adapted in the future.

**POLICY**

Like the initial proposal, the later response may at best achieve an outcome where only two dwellings are visitable and therefore satisfy Australian Standard AS 4299. Although the consultant suggests the units could be adapted at a later date, the costs and disruption involved in modifying the units, would be substantial, particularly to fit the lift which will require removal of a bathroom and installation of a lift well on the sub ground floor. It is considered unlikely that any unit owner would attempt to install a lift and make it adaptable at a later stage.

The consultant argues the flooding constraint that applies to the property affects the viability of satisfying the adaptable housing requirement. The flood planning level for the property is RL 4.3m AHD, whereas the finished ground level is to be 2.3m AHD. The 2m difference in height, prevents living areas being possible at ground level and therefore a lift is the only option to ensure the building can be accessed by people with disabilities. This circumstance is not unique to this land, and the flood liable nature of the Batemans Bay area has not prevented other multi-unit developments being approved with compliance with the Australian Standard AS 4299 outcomes.

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**PSR16/014 M386/12 - RESIDENTIAL ACCOMMODATION UNITS (33) AND 80.2583.D6  
GENERAL STORE - LOTS 26, 28 AND 30 WHARF ROAD, BATEMANS  
BAY**

A further aspect of this development that the Consultant makes reference to the nature of the building, not being a typical multi-storey Class 2 but rather a development comprised of Class 1 dwellings that sit side by side effectively independent of each other without shared or common use of lifts. If the Council wishes to provide some concession to the developer because of the Class 1 circumstance, it may be acceptable to require at least four of the units to be adaptable and visitable from the outset. It is acknowledged the installation of the lifts will make these four units more expensive to build however it will be a much cheaper outcome than a future owner trying to adapt the units to become accessible, as well as a significant reduction in cost from the current required eight units.

**CONCLUSION**

The substantial variation to the DCP in relation to adaptable housing requirement is still not able to be supported. As previously acknowledged in the earlier report there is possible merit in reducing the number of units that are required to comply with AS 4299 due to the BCA classification and flooding issues.

The modified proposal requested by the applicant remains as a distinctly different outcome to that advocated by the DCP which has been adopted by Council in recognition of our aging population and level of disability within the community. Since this policy was introduced in 2011, every development comprising of four or more units approved by Council has been required to comply with AS 4299, and this is the first application that has sought to vary the requirement.

Council, if it is of a mind to do so, may depart from the adopted policy position contained in the Residential Zones Development Control Plan. The departure current sought by the applicant however, is considered too significant to be able to be supported by staff given the intent and objective of the Council's adopted policy position.

## GENERAL CONDITIONS

1. This development is to be carried out in accordance with the plans stamped and numbered 386/12 and supporting specifications and documentation or as modified by these conditions or as noted in red by Council on the approved plans and all building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

**Note:** Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.

Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency. [ 2.05 ]

2. **Inspections & Certificates**

For the purposes of section 109E(3)(d) of the Environmental Planning and Assessment Act, the following are occasions on which building work **must** be inspected. These inspections are the **critical stage inspections**.

The critical stage inspections may be carried out by the Principal Certifying Authority or, if the Principal Certifying Authority agrees, by another certifying authority. The last critical stage inspection required to be carried out for the class of building concerned must be carried out by the Principal Certifying Authority.

In the case of Class 1 and 10 buildings:

- (a) at the commencement of the building work, and
- (b) after excavation for, and prior to the placement of, any footings, and
- (c) prior to pouring any in-situ reinforced concrete building element, and
- (d) prior to covering of the framework for any floor, wall, roof or other building element, and
- (e) prior to covering waterproofing in any wet areas, and
- (f) prior to covering any stormwater drainage connections, and
- (g) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

3. **Lighting**

Provision must be made for illumination of the common areas throughout the hours of darkness.

All external lighting shall be operated and maintained in accordance with the Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents and motorists.

4. **Car Parking**

The sixty nine (69) car parking spaces required to be provided are to be maintained and available for their designated uses. The three (3) spaces allocated for use by patrons of the General Store are to be line marked and identified for patron (2) and disabled (1)

use only. They are to be maintained free of obstruction and not used for the storage of goods or waste products.

5. **Vehicle Direction**  
All vehicles to enter and exit the development in a forward direction to avoid possible conflict with through traffic on Wharf Road. [14.25]
6. **Loading & Unloading**  
All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.
7. **Flood Level**  
The storage of materials and the location of all electrical and mechanical services are to be located a minimum RL of 3.1m AHD.
8. **Advertising Signs**  
The advertising structure/sign is not to be of a flashing type and its illumination should not distract passing motorists. No signage is to be installed on the roof of any of the buildings approved under this consent.
9. **Lighting of Signs**  
The lighting of the sign(s) shall be so positioned and focused so that no direct light or glare shall be visible from any roadway or from any adjoining property. [17.06]
10. **Water & Sewer Inspections**  
All plumbing and drainage works (water supply, sanitary plumbing and drainage, stormwater drainage and hot water) are to comply with Local Government (General) Regulation 2005 and the Plumbing and Drainage Code of Practice (national). Works must only be installed by a licensed person and must be inspected and granted final approval by Council prior to issue of interim or occupation certificate.  
The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works. Inspections may be arranged by contacting Council's Plumbing Inspector. Where Council is not the Principal Certifying Authority, additional fees will apply:
  - (a) Sanitary drainage under hydrostatic test and prior to backfilling trenches or covering;
  - (b) Hot and cold water plumbing under pressure test prior to covering;
  - (c) Internal stackwork under hydrostatic test prior to covering; and
  - (d) The installation of the septic tank and any sullage trenches prior to backfilling or covering.
  - (e) Issue of final satisfactory inspection.[2.16]
11. **Change of Use**  
Prior to any future change of use, a development application shall be submitted to and approved by Council. [ 2.20 ]
12. **Demolition Standards**  
Building demolition works are to be carried out in accordance with *Australian Standard 2601 (2001) – The Demolition of Structures*. NOTE: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.[21.01]

13. Storage of materials is not permitted on the public footpath area or roadway unless an approved hoarding is provided.
14. **Sewerage Manhole**  
Any alterations to the ground surface adjacent to the sewerage manhole in the vicinity/or within the property will require application and payment to Council for alterations to the manhole level to match the new ground surface level. Manholes within driveways will require provision of a trafficable lid at the applicants cost. [4.02]
15. **Water supply – backflow prevention**  
Prior to connecting to Council’s reticulated potable water supply, a backflow protection and cross connection survey is to be conducted in accordance with Council’s Backflow Prevention Policy, AS 3500.1 and NSW Code of Practice Plumbing and Drainage. A copy of the Plumbing Survey is to be submitted to Council prior to occupation.
- A backflow prevention device suitable to the degree of hazard is to be installed in accordance with the before mentioned policy and codes. If a testable Backflow Prevention Device is installed then a Backflow Prevention Device Inspection and Maintenance Report initial test certificate is to be lodged with Council within 2 days of installation.
- The standard meter connection fee nominated in Council’s fees and charges includes connection of the water meter only. [5.12]
- In accordance with Council’s Sea Level Rise Adaption Policy the subject land is located in an area that will require a retreat response at some time in the future, relating to both inundation and storm surge influences on shoreline recession.
16. **Condition removed in M386/12 (10/9/12)**
17. **Asbestos**  
Any asbestos on the site is to be removed by contractors who hold a current and relevant WorkCover licence. The disposal of all asbestos laden waste must be disposed of to an authorised land fill site.
18. **Sewerage Manhole**  
Any alterations to the ground surface adjacent to the sewerage manhole in the vicinity/or within the property will require application and payment to Council for alterations to the manhole level to match the new ground surface level. Manholes within driveways will require provision of a trafficable lid at the consent holder’s cost.
19. **General Store**  
Hours of operation are limited to 7.00am to 8.00pm daily. Its principal use is for the sale of food for consumption primarily off the premises.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

20. **Access for Disabled**  
Access and facilities for persons with disabilities are to be provided in accordance with the Building Code of Australia and Australian Standard AS 1428.1 and 1428.2 – Design for Access and Mobility. In addition the Residential Zones Development Control Plan

requires a minimum of 25% of Residential Accommodation Units to be in accord with Australian Standard AS4299 – Adaptable Housing.

Complete details of compliance with these instruments is to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

21. ***Design of Food Premises***

The construction and fit-out of the food premises shall comply with the construction requirements of the Food Act 2003, Food Regulation 2004, Australia New Zealand Food Standards Code and AS4674-2004 “Design, Construction and Fit-out of Food Premises”.

Prior to the issue of a Construction Certificate, plans and specifications showing compliance with the above, including details of fixtures and fittings together with wall, floor and ceiling finishes to all food preparation, coolroom and storage areas, shall be submitted to, and approved by, the Principal Certifying Authority.

22. ***Site Contamination Assessment***

A Site Contamination Assessment, prepared by a suitably qualified and experienced person, shall be submitted to and approved by Council, prior to the issue of the Construction Certificate. Such an assessment shall be undertaken in accordance with the Department of Environment & Conservation’s (formerly NSW EPA) Sampling Guidelines and the Guidelines for Consultants Reporting on Contaminated Sites.[10.03]

23. ***Acid Sulphate Soil***

In accordance with the Recommendations of the Compaction and Soil Testing Services Pty Ltd Report, all works two (2) metres below natural ground level should be avoided. Where this required an ASS Management Plan that accords with the NSW Acid Sulphate Soils Manual shall be prepared and complied with to ensure acid sulphides are not released to the environment. This must be submitted to and approved by Council prior to the release of a Construction Certificate.

24. ***Footpath Construction***

Prior to issue of the Construction Certificate submission to and approval by Council of a detailed plan for footpath construction for the full frontage of the property. [14.06]

25. ***Sealed Traffic Areas***

Prior to issuing of a Construction Certificate submission to and approval by the Principal Certifying Authority of satisfactory plans for sealed car parking spaces, manoeuvring areas and access driveways all conforming to AS2890.1 & 2. Drainage and pavement designs are to be prepared by a qualified engineer and are to address expected vehicle loadings and any fill compaction requirements. A disabled parking space is to be designed in accordance with AS2890.6:2009 and constructed prior to release of the final certificate.[15.01]

26. ***Long Service Levy***

Long Service Levy is required to be paid to the NSW Long Service Payment Corporation prior to the issue of a Construction Certificate. The amount to be paid is 0.35% of the cost of buildings and works. [ 2.03 ]

27. **Section 94A Contributions**

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Eurobodalla Shire Council Section 94A Development Levy Contribution Plan (2007), the following contribution shall be paid to Council:

\$35,000

This contribution shall be applied towards the provision, extension or augmentation of public amenities or public services. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Eurobodalla Shire Council Section 94A Development Levy Contribution Plan. The contribution is to be paid prior to issue of the Construction Certificate.

28. **Industrial Development – Trade Waste**

A separate application, in accordance with Council's Liquid Trade Waste (LTW) Policy, is to be made for the approval of the discharge of liquid trade waste to Council's sewerage system. This is to be submitted to and approved by Council prior to the issue of the Construction Certificate and is to include details of appropriate liquid trade waste pre-treatment facilities. [ 4.15 ]

29. **Water Meter – Industrial/Commercial Development**

Submission to Council, written advice from a suitably qualified hydraulic engineer/consultant on the recommended water meter size required for the development in accordance with AS 3500.1:2003 National Plumbing and Drainage Code and AS24412005 Installation of Fire Hose reels.

Note: All fire hose reels must be supplied through the metered supply. Council will provide a quote to construct the water service complete with meter with prepayment required prior to works being scheduled. The meter is to be located so as to be accessible to Council's Water Meter Reader at all times. Any work required to Council's infrastructure to extend the main or allow installation of the meter other than a standard meter connection, is to be undertaken at full cost to the applicant.

Note: A backflow prevention device is to be installed and certified by a private plumber in accordance with Council's Backflow Prevention policy.

A standard meter connection is where the water main is located on the same side of the street as the property, the meter is to be located approximately 2.4 metres from the water main to just inside the property boundary and laid in a non-hard surface area (grassed).

30. **Stormwater & Site Drainage**

Prior to release of Construction Certificate, plans are to be prepared by a suitably qualified person and approved by Council for the control of stormwater from roofed and impervious areas. The final design is to be prepared in accordance with AS3500 and principles consistent with the Eurobodalla Design Guidelines for Rainwater Tanks. The design is to include the installation of a dual water supply (rainwater and domestic supply) rainwater tank system capable of servicing each unit/dwelling.

The design should address, but not be limited to the following:

- (a) The location of all components and their relationship to nearby buildings;
- (b) The configuration of inlet/outlet, and overflow pipes;



- (c) Details of dimensions, structural details, and proposed materials;
- (d) The overflow is to be connected to the kerb and gutter by gravity feed or as specified by Council where this is not possible.

Rainwater tank systems are to include:

- (a) Provision of a first flush system with a capacity of at least 0.5 litres/m<sup>2</sup> of roof area;
- (b) An air space for additional stormwater management;
- (c) A minimum availability volume to ensure that water supply is always available;
- (d) Top up technology and appropriate cross connection controls and backflow prevention in accordance with clause 2.2 of Committee on Uniformity of Plumbing and Drainage Regulations (CUPDR) Circular No. 18;
- (e) Separate reticulation should include washing machines, toilet flushing, residential garden irrigation, washing cars and filling ornamental ponds

Detailed work as executed plans are to be provided to Council prior to the release of an Occupation Certificate.<sup>[6.01]</sup>

31. ***Flood Action Plan***

Council has adopted a policy to restrict the development of the land by reason of the likelihood of flooding. Prior to issue of a Construction Certificate, a Flood Action Plan, including details of evacuation procedures, is to be submitted to and approved by Council. Evidence of implementation of the Flood Action Plan will be necessary prior to occupation or commencement of operations. <sup>[7.03]</sup>

32. ***Ocean/Flood***

Prior to issue of a Construction Certificate, submission to and approval by Council, of designs by a suitably qualified and experienced Structural/Civil Engineer that the development will be capable of withstanding the impact of the flood/ocean hazard applicable to the location.<sup>[7.04]</sup>

33. ***Flood***

Prior to the release of a Construction Certificate plans are to be submitted to the satisfaction of the PCA showing all building materials used below the 2050 1% AEP STL (2100 1% AEP STL for all Residential Units) to be of flood compatible materials, ie. the structural integrity of the materials must not be adversely affected by repeated immersion in flood water. Details of these materials are to be consistent with Council's "Guidelines for Flood-compatible Materials".<sup>[7.05]</sup>

34. ***Levels***

Submission to and approval by Council prior to release of the Construction Certificate, of Engineer's designs for the filling and grading of the site to provide free drainage to the street stormwater drainage system. Levels are to be coordinated with the approved finished floor levels, future vertical road realignment and vehicular access designs. All levels are to be in Australian Height Datum. Contact is to be made with Council's Development Engineer on (02) 44 74 1015 prior to undertaking the design.

35. ***Stormwater Design***

Submission to and approval by Council prior to release of the Construction Certificate, of Engineer's calculations in accordance with Council's Development Specifications and Stormwater Design Manual for verification of the existing stormwater disposal system, for adequacy of capacity to receive stormwater disposal from the proposed

development. Upgrading of Council's existing piping as a consequence of the investigation may be required (at no cost to Council) and engineer's designs are to be provided to Council for approval, prior to release of the Construction Certificate, if the piped system is found to be inadequate.

36. Submission to and approval by Council prior to release of the Construction Certificate, of Engineer's designs for the piping of stormwater from the development to Council's stormwater pits within the road reserve. Designs and work as executed plans are to be in accordance with Council's Development Specifications and AS/NZ 3500, with all construction completed by the developer, at their cost. Contact is to be made with council's inspector on (02) 44 74 1393, 2 days prior to commencement of any work within the road reserve.

37. **Water Meters**

Various combinations of water meters shall have to be connected to each premises due to the differing types of development. Application is to be made to Council by calling (02)4474 1252 prior to release of the Construction Certificate to make arrangements for payment.

Payment is to be in accordance with Council's fees and charges at the time of payment. A reduced fee may be applicable where the water main junction to the property has been provided by the developer.

Individual water meters are required for strata units.

**PRIOR TO COMMENCEMENT OF WORKS**

38. **Works within Road Reserve**

Council's Subdivision Inspector is to be notified two days prior to commencement of any works for "Insert Details" construction within the footpath or road reserve (Telephone [02]4474-1393) to make arrangements for inspection. [ 14.08]

39. **Remediation and Validation Report**

Following the completion of remediation works on the site a Remediation Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of SEPP 55, is to be submitted to the satisfaction of Council prior to commencement of construction works.

40. **Construction in a Road Reserve**

Prior to commencement of any construction within the road reserve the applicant is to obtain a Section 138 consent from Council to undertake such works. A Traffic Control Plan prepared by a suitably qualified consultant, certified by the Roads and Traffic Authority in work site traffic control plan preparation is to be submitted to Council with the information listed below to facilitate completion of the Section 138 application. The consultant is to certify that the Traffic Control Plan complies with the current Roads & Traffic Authority manual "Traffic Control at Work Sites". Copies of records of inspections of traffic control layouts must be sent to Council after completion of works.

(a) The contractor's ABN

(b) A description of the work to be undertaken and the location. eg address

(c) The dates for commencement and completion of work

- (d) A copy of the contractor's \$20,000,000.00 public liability policy to indemnify Council.
- (e) A direction to Restrict Traffic Speed (DTR), where applicable, from the RTAs Traffic Operations Unit. Contact: [Southern\\_Speedzoning@rta.nsw.gov.au](mailto:Southern_Speedzoning@rta.nsw.gov.au) or fax 02 4227 3705 or Ph: 02 4227 3705.
- (f) A Road Occupancy Licence (ROL) from RTA's Traffic Operations Unit. Contact: [Southern\\_Speedzoning@rta.nsw.gov.au](mailto:Southern_Speedzoning@rta.nsw.gov.au) or Fax 02 4227 3705 or Ph: 02 4221 2556 for the Princes Highway and the Kings Highway.

An application form for the issue of a 138 certificate can be found on Council's web site: <http://www.esc.nsw.gov.au/site/publications/brochures/frameset.html> under "Building and Planning". It is the applicants responsibility to ensure that all conditions set out within this form are complied with and a 138 certificate issued prior to any works being carried out in the road reserve. Carrying out works within the road reserve without a 138 certificate will result in a penalty being issued under the Roads Act 1993 and works being suspended until such time as a 138 certificate is issued. [ 14.09 ]

41. **Construction Certificate**

The erection of the buildings the subject of this development consent **MUST NOT** be commenced until:

(a) Detailed plans/specifications of the building have been endorsed with a Construction Certificate by:

- (i) the Council, or
- (ii) an accredited certifier, and

(b) The person having the benefit of the development consent:

- (i) has appointed a Principal Certifying Authority, and
- (ii) has notified the Council of the appointment, and

(c) The person having the benefit of the development consent has given at least two building; and

(d) Builders name and licence number has been supplied to Council or the Principal Certifying Authority; and

(e) Owner Builders permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifying Authority; or

(f) Home owners warranty insurance has been paid and a copy of the certificate supplied to Council or the Principal Certifying Authority; and

(g) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) & (3) of the EP & A Regulations being the name, address and telephone number of the Principal Certifying Authority for the work, and name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed. [ 2.06 ]

42. **Notification**  
Council shall be given written notice, at least two days prior to work commencing on site, of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. [ 2.21 ]
43. **Disconnection of Service**  
The disconnection of water supply and sewer connections at their respective mains is to be carried out by a licensed tradesperson and inspected by Council staff. In this regard you are advised to arrange Council inspection by contacting Eurobodalla Shire Council Works Depots – Batemans Bay on (02) 4472-4035 or Narooma on (02) 4476-4144 or Moruya (02) 4474-1091 prior to the commencement of the demolition works. [ 21.08 ]
44. **Other Services**  
The gas, electricity and telephone services shall be disconnected by the relevant authority prior to the commencement of demolition works.
45. **Site Waste Management**  
A site rubbish enclosure must be provided prior to commencement of any work for the period of the proposed work and remain in place for the duration of all works. All waste materials from the site must be disposed of at an authorised waste facility.

#### DURING CONSTRUCTION

46. **Site Fill Near Boundaries**  
Fill placed within 1 metre of boundaries is to be properly retained and stabilised. Grading is not to direct stormwater flows to other properties.
47. **Fill**  
No spoil or fill is to be deposited on public roads during the cartage of materials from or to the site. The deposition of spoil shall cease, as directed by Council, if it determines that excessive deposition of spoil onto the road is taking place.
48. Details of where the fill is to be sourced from and haulage routes shall be submitted to Council for approval, following demolition and prior to the commencement of fill deposition works.
49. **Public Way to be Unobstructed**  
The public way shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances at any time during construction. [14.10]
50. **Public Footpaths**  
A safe pedestrian circulation route a minimum of 1.5 metres wide and with a pavement fronting the construction site. Where the footpath is damaged, repair works shall be carried out when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Development Specifications.  
  
Where circulation is diverted on to the roadway, clear directional signage and protective barricades shall be installed in accordance with Australian Standard AS1742-3 1996 "Traffic Control Devices for Work on Roads". [14.12]
51. **Approved Plans to be On-Site**

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority. [ 2.22]

52. **Hours of Operation – NOISE**

Construction and demolition work on the site shall only be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 8.00am to 5.00pm on Saturdays. No construction or demolition activity on Sundays and Public Holidays if audible at any residential premise or other sensitive noise receptor. [20.01]

53. **Floor Level**

The minimum floor level of the residential units shall be at or above 4.3metres AHD. This level is to be certified by registered surveyor prior to the structure proceeding past the nominated level.[7.09]

**PRIOR TO OCCUPATION**

54. **Waste collection**

The collection of waste of generated by the approved land uses will be carried out by a contractor under the terms of a private agreement or treaty. Notwithstanding this, limited opportunity exists for the collection of domestic bins from the kerbside, a waste collection plan would have to be submitted to and approved by Council prior to the issue of any Occupation Certificate demonstrating how this could be managed.

55. **Flood Action Plan**

Prior to issue of an Occupation Certificate, a Flood Action Plan including details of evacuation procedures, is to be submitted to and approved by Council.

56. **Fencing**

A 1.8 metre high fence must be in place along the length of the rear, eastern and western boundaries behind the building line before the issue of any occupation Certificate.

57. **Landscaping**

The proposed landscaping shown on the approved plan is to be completed prior to the issue of any Occupation Certificate.

58. **Driveway**

Provision of two layback gutter crossings (as shown on approved plan), and reinstatement of kerb over redundant laybacks to Council's standard Plan No 4400-A-001-b-1. [14.17]

59. **Entry & Exit Signs**

Entry and exit signs are to be erected within the property boundaries, clearly identifying each driveway to the public. Signs to be erected prior to issue of Occupation Certificate.[14.29]

60. **Work within Road Reserve**

Prior to issue of Occupation Certificate all works within the road reserve (road, nature strip and footpath areas) are to be completed in accordance with the plans and any

conditions of approval. All work is to be inspected and passed by Council, an inspection may be booked by phoning 44741393 (inspection fees may apply in accordance with Council adopted fees and charges). Earthworks adjacent to the driveway are to be grades no steeper than 12%. All service covers are to match the finished ground level within the footpath/road reserve. The vehicle crossing is to be maintained in accordance with Council standards or other approved plan and in sound condition for the life of the development to the satisfaction of Council all at no cost to Council. [14.33]

61. **Parking**

Prior to issue of an Occupation Certificate, provide car park construction conforming to the approved plan.

62. **Landscape Plan**

Completion of landscaping in accordance with the approved landscape plan prior to issue of Occupation Certificate and such landscaping is to be continuously maintained in accordance with the approved plan. Maintenance is the landowner's responsibility.

[16.04]

63. Prior to the use or occupation of the development an inspection will be required to ensure formal compliance with the conditions of this consent. In this respect the Principal Certifying Authority or if no building work is required then Council should be contacted to arrange for an inspection. [ 2.15 ]

64. **Water/Sewer Developer Contributions**

Prior to the issue of a Subdivision/Occupation Certificate the developer/consent holder will have to be eligible to obtain a Section 307 Compliance Certificate under the Water Management Act 2000. To be eligible, the developer/consent holder will have to contribute:

- a) \$254,842 for the augmentation of water supply mains and storage within Eurobodalla Shire
- b) \$221,689 for the augmentation of sewerage works within Eurobodalla Shire

The above contribution rates are applicable for a period of three (3) months from the date of this notice. These rates are reviewed periodically, if not paid within the 3 month time frame contributions are to be paid at the rate applicable at the time of payment.

[3.11]

65. **Remediation & Validation Report**

Following the completion of remediation works on the site a Remediation Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of SEPP 55, is to be submitted to the satisfaction of Council prior to occupation of the building.

66. **Land Consolidation**

Consolidation of the land into one lot is required. Plan of consolidation to be registered with the Land and Property Information NSW prior to issue of Occupation Certificate.

67. **Inspection of Sewer & Water Works**

Contact is to be made with Council's water and sewer inspector on (02) 4474 7457 or 0418 412909, two days, prior to commencing any excavation for the sewer or water extension. Payment for inspections are to be in accordance with Council's fees and

charges and are to be paid prior to final inspection. The final certificate to occupy the proposed dwelling is not to be issued prior to submission of **Work as Executed** plans and testing of the new sewer or water main by Council. [4.09]

68. **Rainwater Tank Plan**

Prior to issue of the Occupation Certificate:

(a) stormwater control construction is to conform to approved plans and be in accordance with Council's Policy and Code of Practice, "Design Guidelines for Rainwater Tanks";

(b) all tanks and associated structures, including stands, must be installed in accordance with manufacturer's/ designer's specifications;

(c) accurate Work As Executed plans are to be provided to Council in accordance with Council's Policy and Code of Practice, "Design Guidelines for Rainwater Tanks".

To obtain a copy of the "Design Guidelines for Rainwater Tanks", contact Council's Duty Development Officers on (02)44741231, or download from Council's website at the following link: <http://www.esc.nsw.gov.au/Publications/Strategies/PolicyReg/viewPolicy>. [6.02]

69. **Fire Safety Certificate**

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate.

A copy of the Fire Safety certificate must be submitted to Council by the PCA with the Occupation Certificate.

70. **Adaptable Housing**

The Principal Certifying Authority is to ensure prior to the issue of any Occupation Certificate that eight residential units are compliant with the requirements of AS 4299-Adaptable Housing.

71. **S88E Restriction – Sea Level Rise Adaption**

Prior to the issue of any Occupation Certificate the Council is to be provided with documentation that confirms that the Sea Level Rise Adaption requirement (refer Condition 16(d)) has been registered as a restriction on the titles under Section 88E of the Conveyancing Act 1919.

72. Prior to issue of Occupation Certificate make payment to Council of any outstanding inspection fees for infrastructure construction works.

**ADVISORY NOTES**

73. **Discovery of a Relic**

If, during work, an Aboriginal relic is uncovered then the National Parks and Wildlife Service (NPWS) is to be contacted urgently - Queanbeyan 6298-9736 and WORK IS TO CEASE IMMEDIATELY until further notice. [13.07]

74. **Disability Discrimination Act 1992**

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia, which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most

comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

75. **Ocean Location**

Council is of the opinion that the land is located within a corrosive environment, ie. That it is located within 1km from breaking surf, or within 100m of salt water not subject to breaking surf, or heavy industrial areas. Materials used in construction may require a higher level of corrosion protection in accordance with relevant Australian Standards and the Building Code of Australia.<sup>[10.06]</sup>

76. **Aboriginal Relics**

Under Section 90 of the National Parks and Wildlife Act 1974 it is an offence to destroy, deface or damage a relic or aboriginal place without a 'Consent to Destroy' from the Director-General of the NPWS.<sup>[13.10]</sup>

77. **Water & Sewer Supply Payment**

You should contact Council prior to payment to determine the rate of contribution as such rates are revised at least annually. Staging of payments is permitted if staging of development is approved by the terms of this consent.

78. **Effluent and Sewerage**

A second sewer junction can be provided at cost by applying to Council's depot for a Private Works Order. <sup>[4.10]</sup>

79. **Council's Sewer Plan**

Attached to the approval is a copy of Council's sewer plan. If excavating near the sewer for access construction or other, please contact Council's nearest depot for further information.

This diagram has been compiled on the best available information, but can only be taken as a guide. Exact location should be physically determined on site.

*Disclaimer: This information is released by Eurobodalla Shire Council on the condition that the recipient of this document, or the reader of it, acknowledges that should they rely on any aspect of this document, they do so at their own risk and release Eurobodalla Shire Council of all liability and responsibility for any errors, omissions or inaccuracies contained within or arising from this information.* <sup>[4.12]</sup>

80. **Flooding Liability**

The land may be subject to flooding and the development has been assessed using best available information concerning the likelihood of flooding at the date of determination. If the land is flooded, Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.<sup>[7.10]</sup>

81. **Strata Subdivision**

This application does not include approval of a strata subdivision. If required it would be the subject of a further development application.



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**IR16/019 BATEMANS BAY CBD DRAFT LANDSCAPE CONCEPT PLAN**

**E15.9271**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Batemans Bay CBD Landscape Concept Plan

Focus Area: Liveable Communities

Delivery Program Link: L5.1 Implement Council's recreation and open space strategy, priority plans of management and master plans

Operational Plan Link: L5.1.1 Deliver capital and renewal works program

### **EXECUTIVE SUMMARY**

The proposed streetscape works within Orient and North Streets will bring vibrancy to the Batemans Bay CBD, supporting business and tourism activity. The proposed upgrade would adopt a style consistent with Clyde Street and include:

- new paving treatments with a mix of pavers, granite and concrete
- extra trees and landscaping with night time lighting, and added colour in plant selection
- extra parking
- improved pedestrian environment including relocation of the marked crossing and pavement narrowing
- improved outdoor eating environment
- additional seating and resting spots
- a small community and information structure.

Council has allocated \$1.26M toward the upgrade of the Batemans Bay streetscape in 2015-16 and 2016-17 funded from the rate variation.

Batemans Bay Streetscape Sunset Advisory Committee was formed to oversee the community engagement process and provide advice during the design and construction phases of the Batemans Bay CBD streetscape project.

Council sought quotations for a suitable landscape architect to work with the Committee and Council, appointing Ayling and Drury in consultation with the Committee.

The Committee has been working with the consultant, which included public consultation, on line surveys and attendance on a number of days in Orient Street, to gain feedback from the public on what they would like to see in the streetscape project. This input has been considered in developing the draft landscape plan.

On 22 February 2016 the consultant presented the draft landscape concept plan for the Batemans Bay CBD streetscape project to the Committee. The Committee agreed to present two options to the community for comment. Option 1 shows an additional three trees within Orient Street compared to Option 2. Option 2 therefore has an additional three car spaces. Both options involve an increase in the number of parking spaces and trees overall.

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**IR16/019 BATEMANS BAY CBD DRAFT LANDSCAPE CONCEPT PLAN**

**E15.9271**

On 8 March 2016 a report was presented to Council seeking Council's endorsement of the draft plan for the purpose of consulting the public. Council endorsed the plan and public consultation was undertaken which allowed the community to comment in favour of Option 1 or 2, or make comment on a compromise solution.

On 11 April 2016 the Batemans Bay Streetscape Sunset Advisory Committee met and discussed the results from the public exhibition. The Committee is now seeking adoption by Council of the Batemans Bay CBD Landscape Concept Plan as amended.

**RECOMMENDATION**

THAT:

1. Council adopt the Batemans Bay CBD Landscape Concept Plan with the following amendments to Option 2, as recommended by the Batemans Bay Streetscape Sunset Advisory Committee:
  - a. Removal of the following trees:
    - one tree in the alfresco dining area in front of No 3 Orient Street (St George Bank) to cater for street lighting; and
    - one tree in front of No 15 Orient Street to cater for signage visibility requirements and parking.
  - b. Relocation of the proposed tree in front of No 20 (Bayview Hotel) to align with the Bayview coffee house and one additional tree to provide an even spread of trees in the southern sector.
  - c. The preferred tree be either *Cupaniopsis anacardioides* (Tuckeroo) or *Tristaniopsis laurina* (Water Gum).
  - d. The Local Traffic Committee be requested to investigate parallel parking being provided in front of No 13 Orient Street, with timing restrictions to enable a dedicated loading zone at non-peak times in same location, including undertaking appropriate consultation with businesses on this specific proposal.
  - e. Public Art:
    - Totem locations avoid unreasonable conflict with lighting, alfresco and seating.
    - Investigate involvement of community groups and Council's Public Arts Advisory Committee to assist in developing style and interpretive information at each location.
  - f. Review bin, bike parking and furniture locations to ensure an adequate number and effective locations.
  - g. Further work be undertaken to develop a scope and budget for the proposed information/community structure in Orient Street with a view to inclusion as part of the streetscape works, noting this item was not part of the original budget estimate.

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**IR16/019 BATEMANS BAY CBD DRAFT LANDSCAPE CONCEPT PLAN**

**E15.9271**

2. Council investigate the additional works, and provide information back to the Batemans Bay Streetscape Sunset Advisory Committee, including:
  - a. the renewal and upgrade of the public 'Plaza' pedestrian thoroughfare to the 'Village Centre' and the laneway from Orient Street through to Murra Murra Mia walkway
  - b. the pathway on the north side of North Street and west side of Clyde Street linking back to the proposed pathway works associated with the redevelopment of the Bridge Plaza site
  - c. the street furniture within the reserve near Ampol Wharf (opposite North Street/Clyde Street intersection).

**BACKGROUND**

Council has provided \$1.26M in funding for the upgrade of the Batemans Bay CBD over 2015-16 and 2016-17, allowing the works to be undertaken over two financial years.

The proposed works in the CBD include:

1. North Street south side (Perry Street to Orient Street); and
2. Orient Street (North Street to Beach Road).

The work undertaken to develop the draft concept plan is outlined in the Executive Summary above.

**CONSIDERATIONS**

The Batemans Bay CBD Draft Landscape Concept Plan has been prepared and the Committee is now seeking adoption of this plan (attached).

Public consultation has been undertaken and feedback sought from the broader community and various groups and this has been considered by the Committee.

**Asset**

The proposed works will renew the infrastructure within these streets assisting Council meet our Fit for Future targets.

The draft plan incorporates re-use of the existing pavers where practicable to minimize the capital cost of the works, maximize re-use and minimize our environmental footprint.

The estimated cost to maintain the new asset has been incorporated into forward budgets to ensure the facilities are looked after. These will be fine-tuned once the detailed design plans are complete.

**Social Impact**

The draft plan has been designed to accommodate a wide range of users, including people with a disability. The proposed works will include removal of uneven pavements and matching door entrances where practicable to improve accessibility.

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**IR16/019 BATEMANS BAY CBD DRAFT LANDSCAPE CONCEPT PLAN**

**E15.9271**

The Sunset Committee has asked Council to review the bus stop and loading zone arrangements within Orient Street. This review does not impact the proposed physical layout of the draft plan and will be undertaken separately.

**Economic Development Employment Potential**

Improving the vibrancy of the CBD supports the growth of business activity within the Batemans Bay CBD and Eurobodalla. This should assist in supporting existing businesses and encouraging additional investment.

**Financial**

Council set aside \$1.26M over 2015-16 and 2016-17 financial years. The detailed estimate of cost for the project will be prepared following finalization of the detailed design plans. The proposed plan does include additional items not yet costed, such as the community/information hub.

The Committee has also asked Council to consider works outside of the current scope of work including:

1. the renewal and upgrade of the 'Plaza' pedestrian thoroughfare to the 'Village Centre' and the laneway from Orient Street through to Murra Murra Mia walkway
2. the pathway on the north side of North Street and west side of Clyde Street linking back to the proposed pathway works associated with the redevelopment of the Bridge Plaza site
3. the street furniture within the reserve near Ampol Wharf (opposite North Street/Clyde Street intersection).

These works are currently unfunded. However further investigation into these items is supported. These works would require further consideration by the Committee, and then subsequent reporting to Council to consider any additional budgets.

**Community Engagement**

The Batemans Bay CBD Draft Landscape Concept Plan was placed on public exhibition for a period of 21 days for comment with the following consultation undertaken.

- Community consultation in Orient Street, Batemans Bay on Friday 18 March and Saturday 19 March 2016 with the Landscape Architect, Sunset Committee members and Council staff as follows:
  - Friday 18 March 2016 - 9.00-11.00am - visiting businesses with draft plans and feedback survey
  - Friday 18 March 2016 – 12 noon-4.00pm – set up in Orient Street outside Bakehouse Patisserie seeking community feedback on the draft plan with feedback survey
  - Saturday 19 March 2016 – 9.00am-12 noon – set up in Orient Street outside Bakehouse Patisserie seeking community feedback on the draft plan with feedback survey
- A copy of the draft landscape concept plan with feedback survey was sent to all businesses, Batemans Bay Chamber of Commerce, Disability Advisory Committee, Tourism Advisory Committee, Business Advisory Committee, Local Traffic Committee and Youth Committee
- Media releases advising of draft landscape concept plan

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**IR16/019 BATEMANS BAY CBD DRAFT LANDSCAPE CONCEPT PLAN**

**E15.9271**

- Radio interview with Mayor on project
- Radio advertising on draft landscape concept plan and feedback from 16-19 March 2016
- Draft landscape concept plan was placed on Council's web page with feedback survey
- Draft landscape concept plan was displayed and feedback survey available at Batemans Bay Library and Council's Administration Centre in Moruya.

Results from public consultation

- A total of almost 140 submissions were received by Council
- Total attendance at the two street stall events was estimated at around 100 people
- Bay Post streamed a live on-site interview which had over 800 views
- Approximately 50 adjoining businesses were visited by the project team to discuss and raise awareness of the concept plan.

The vast majority agreed with the general direction of the concept plan and ideas being presented.

Some discussion points included:

- the appropriate location for a loading zone
- tree locations (eg regarding business signage and alfresco or seating opportunities)
- general approval of the relocation of the pedestrian crossing to align with the plaza
- general approval of a local native street tree
- request for Council to upgrade the 'Plaza', pedestrian thoroughfare to the 'Village Centre', and the laneway – these are not part of the current scope of works but could be listed for future consideration by Council
- ensuring new pavement is non-slip and free of trip hazards
- adequacy of bicycle and motorcycle parking
- general approval of the 'pop up' structure for tourist information, entertainment and community groups.

The Committee considered the results from the public consultation and are now seeking Council's endorsement for a modified proposal which is a compromise between Options 1 and 2 which includes the following when compared to Option 2:

*Street Trees:*

- Removal of the following trees:
  - one tree in the alfresco dining area in front of No 3 Orient Street (St George Bank) to cater for street lighting; and

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**IR16/019 BATEMANS BAY CBD DRAFT LANDSCAPE CONCEPT PLAN**

**E15.9271**

- one tree in front of No 15 (ChixnStix) to cater for signage visibility requirements and parking.
- Relocation of the proposed tree in front of No 20 (Bayview Hotel) to align with the Bayview coffee house and one additional tree to provide an even spread of trees in the southern sector.
- Consider *Cupaniopsis anacardioides* (Tuckeroo) or *Tristaniopsis laurina* (Water Gum) as the preferred native street tree.

*Parking & Loading Zones:*

- The Local Traffic Committee be requested to investigate parallel parking being provided in front of No 13 Orient Street, with timing restrictions to enable a dedicated loading zone at non-peak times in same location, including undertaking appropriate consultation with businesses on this specific proposal.

*Public Art:*

- Totem locations avoid unreasonable conflict with lighting, alfresco and seating.
- Investigate involvement of community groups and Council's Public Arts Advisory Committee to assist in developing style and interpretive information at each location.

*Furniture:*

- Review bin, bike parking and furniture locations to ensure an adequate number and effective locations.

*'Pop Up' Structure:*

- Council to define a scope and budget for this structure and include as part of the streetscape works. Note: This item was not part of the original budget estimate.

*Additional Scope of Works:*

- Council to investigate the 'Plaza', pedestrian thoroughfare to the 'Village Centre' and the laneway as part of future streetscape works. Note: These works were not part of the original budget estimate.
- Council to investigate the pathways on the north side of North Street and southern end of Clyde Street, taking account of the pathway works now proposed by the developers of the Bridge Plaza site. Note: These works were not part of the original budget estimate
- the street furniture within the reserve near Ampol Wharf (opposite North Street/Clyde Street intersection).

Once Council adopts the final plan, estimates of cost will be developed and discussed with the Committee. The 'pop up' structure is supported subject to available funding.

The additional scope of works require further investigation and the additional items identified are supported subject to determining an appropriate budget for these works.

**CONCLUSION**

The Batemans Bay CBD Landscape Concept Plan with the amendments will be recommended by the Committee to be adopted by Council.

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**IR16/019 BATEMANS BAY CBD DRAFT LANDSCAPE CONCEPT PLAN**

**E15.9271**

Council investigate the additional works, and provide information back to the Batemans Bay Streetscape Sunset Advisory Committee, including:

1. the renewal and upgrade of the 'Plaza' pedestrian thoroughfare to the 'Village Centre' and the laneway from Orient Street through to Murra Murra Mia walkway
2. the pathway on the north side of North Street and west side of Clyde Street linking back to the proposed pathway works associated with the redevelopment of the Bridge Plaza site
3. the street furniture within the reserve near Ampol Wharf (opposite North Street/Clyde Street intersection).

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**FBD16/022 INVESTMENTS MADE AS AT 31 MARCH 2016**

**E99.3517**

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: SS1.1.2 Undertake forward budgeting and financial reporting

**EXECUTIVE SUMMARY**

The purpose of this report is to:

- Certify that Council's investments in financial instruments have been made in accordance with legal and policy requirements
- Provide information and details of investments
- Raise other matters relevant to investing

**RECOMMENDATION**

THAT the certification that the investments as at 31 March 2016 made in accordance with the Act, Council's investment policy and the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

**CONSIDERATIONS**

**Legal**

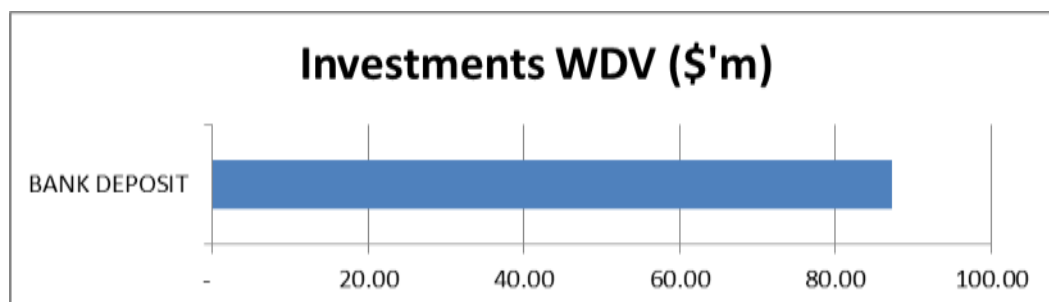
Budgeted legal fees for 2015-2016 are \$0.03m with minor expenditure incurred this year to date. Credit crisis related legal costs for the financial years 2008-2015 were \$0.37m.

**Policy**

Investments comply with Council's Investment policy.

**Financial**

Council Investing Overall



Council has 100% (\$87.32m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$0.75m with IMB (Rated BBB+) and \$3.75m with ME Bank (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.50m and represents 2.90% of the portfolio.



**FBD16/022 INVESTMENTS MADE AS AT 31 MARCH 2016**

**E99.3517**

The weighted average return for all investments for the month is 3.01% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.56%).

Collateralised Debt Obligation (CDO)

Legal action against Standard and Poors continues and it is still expected that this will be finalised before the end of the financial year.

Summary Investment Information

The following tables summarises investment categories and balances at month end.

<b>CATEGORY</b>	<b>WDV (\$)</b>
At Call Deposit Government Guaranteed	250,000
At Call Deposit	2,056,408
Term Deposits	82,770,055
Term Deposits Government Guaranteed	2,250,000
	<b>87,326,463</b>
<i>Weighted average Interest %:</i>	3.01%
<i>Average 90 day BBSW + 25%</i>	2.56%

Policy and Liquidity Risk

The investment policy is divided into two risk categories of credit risk (risk of ultimately not being able to redeem funds) and liquidity risk (risk of loss due to the need to redeem funds earlier than the investment term). Our investments comply with the risk policy as shown in the following table.

<b>Policy Risk</b>	<b>Low Liquidity Risk %</b>	<b>Medium Liquidity Risk %</b>	<b>High Liquidity Risk %</b>	<b>Total % WDV</b>
<b>Remote Risk</b>	<b>2.90</b>	<b>0.00</b>	<b>0.00</b>	<b>2.90</b>
Policy Limit	100.00	70.00	50.00	
<b>Near Risk Free</b>	<b>91.95</b>	<b>0.00</b>	<b>0.00</b>	<b>91.95</b>
Policy Limit	100.00	50.00	30.00	
<b>Some Limited Risk</b>	<b>5.15</b>	<b>0.00</b>	<b>0.00</b>	<b>5.15</b>
Policy Limit	30.00	20.00	10.00	
<b>At Risk</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Policy Limit	0.00	0.00	0.00	
<b>Grant Total</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100.00</b>

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1 and the

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**FBD16/022 INVESTMENTS MADE AS AT 31 MARCH 2016**

**E99.3517**

audited unrestricted current ratio as at 30 June 2015 is 3.09:1. Council therefore has approximately \$3.09 of current assets for each \$1 of current liabilities.

**CONCLUSION**

Pursuant to provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, I hereby certify that these investments have been made in accordance with the Act and related Regulations.

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**FBD16/023 ATTRACTING INVESTMENT**

**E88.0056**

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

Attachments:

1. Under Separate Cover - Attachment 1 - Attracting Inward Investment - Investor Communications Strategy and Campaign Recommendations
2. Under Separate Cover - Attachment 2 - Campaign Creative Guidelines
3. Under Separate Cover - Attachment 3 - Phase 1 Research and Analysis Part 1: Moruya Airport as an Investment Candidate
4. Under Separate Cover - Attachment 4 - Phase 1 - Research and Analysis: Part 2 Core Assets versus Visitor Needs
5. Under Separate Cover - Attachment 5 - Phase 2 Brand Planning and Development

Focus Area: Productive Communities

Delivery Program Link: P1.1 Facilitate growth and development of our business community

Operational Plan Link: P1.1.3 Promote Eurobodalla as the place to invest and do business

### **EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with a way forward in proceeding with plans to attract investment into Eurobodalla.

On 24 February 2015, Council commissioned the Pico Group to investigate the potential for Eurobodalla to attract inward investment.

Pico has completed the project and has provided recommendations on a branding and marketing strategy. Council now has the opportunity to review the strategy and recommendations, provided as attachments to this report, and to engage with relevant agencies to progress investment attraction plans.

In 2016-17 Council will finalise its Integrated Economic Growth and Development Strategy. The investment attraction work commissioned by Council will help inform this strategy and will deliver an achievable and agreed set of actions and plans for Council. The strategy will include investment, infrastructure and planning matters.

### **RECOMMENDATION**

THAT

1. Council receive and note the work completed by Pico Group.
2. Council engage with relevant agencies to progress investment attraction plans.

### **BACKGROUND**

At the Ordinary Meeting of Council held on 24 February 2015, Council engaged the Pico Group to investigate the potential for Eurobodalla to increase inward investment and to develop a branding and strategy for increasing investment to the area. Council commissioned this work due to the significant economic development potential if investment occurs.

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**FBD16/023 ATTRACTING INVESTMENT**

**E88.0056**

The work commissioned by Council with Pico Group is complete and has developed recommendations on a branding and marketing strategy designed to attract inward investment into Eurobodalla.

Documents produced by Pico Group are summarised as follows:

- 1) *Attracting Inward Investment – Investor Communications Strategy and Campaign Recommendations (Attachment 1)*. This document outlines a recommended marketing strategy to attract inward investment.
- 2) *Campaign Creative Guidelines (Attachment 2)*. This document identifies a set of brand and marketing guidelines recommended for use to attract inward investment.
- 3) *Phase 1 Research & Analysis Part 1 Moruya Airport as an Investment Candidate (Attachment 3)*. This document identifies options and partnership structures that Council could consider, and investor sentiment toward investing in regional airports.
- 4) *Phase 1 Research & Analysis Part 2 Core Assets vs. Visitor Needs & Economic Development (Attachment 4)*. This document matched existing assets and facilities to the needs of a potential future visitor market.
- 5) *Phase 2 Brand Planning and Development (Attachment 5)*. This document details the research Pico undertook to develop their campaign recommendations and creative guidelines.

These documents are attached to this report and will be made available on Council's website and used to inform and support Council strategic plans.

**CONSIDERATIONS**

In 2016-17 Council will finalise its Integrated Economic Growth and Development Strategy. The investment attraction work commissioned by Council will help inform this strategy and will deliver an achievable and agreed set of actions and plans for Council. The strategy will include investment, infrastructure and planning matters.

The investment attraction work commissioned by Council will also inform activities under existing adopted plans including the Business Development Strategic Plan 2014-18 and the Tourism Destination Management Plan 2011-2020.

Government agencies and others, such as NSW Department of Industry, Austrade and Regional Development Australia were previously consulted about this project.

Council has continued to engage with these agencies seeking further advice on the recommendations and potential ways forward. This has included business development staff meeting a number of key Austrade representatives at a seminar on the Asian Free Trade Agreements on 18 March 2016.

Austrade contributes to Australia's economic prosperity by helping Australian businesses, education institutions, tourism operators, governments and citizens as they:

- develop international markets
- win productive foreign direct investment.

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**FBD16/023 ATTRACTING INVESTMENT**

**E88.0056**

Austrade achieves this by generating market information and insight, promoting Australian capabilities, making connections through an extensive global network of contacts and providing quality advice and services. Austrade have Trade Commissioners and offices all over the world including China, Hong Kong, the Philippines and Singapore.

The NSW Department of Industry leads the NSW Government's contribution to making NSW a fertile place to invest and to produce goods and services, and thereby create jobs and opportunities for our citizens.

It organises roadshows to promote NSW as a globally competitive business and investment destination. The Department of Industry has overseas offices too, usually in partnership with Austrade.

A key focus of the Regional Development Australia (RDA) charter is to advise on economic, social and environmental issues affecting communities. RDA is an important contributor to regional business growth plans and strategies, which help support economic development, the creation of new jobs, skills development and business investment.

Other parties can make arrangements to seek inward investment irrespective of Council's current or future plans e.g. at any time, overseas based agents may introduce investors to local investment opportunities and any legal/financial arrangements are a matter for those two parties.

**Legal**

There are no legal implications to Council engaging with government agencies to progress investment attraction plans.

**Policy**

Progressing with investment attraction plans fits under Objective 5 of the Community Strategic Plan, 'We help our local economy grow'.

Seeking investment into Eurobodalla is identified as a priority within the adopted Business Development Strategic Plan 2014-18.

Council's new Integrated Economic Growth and Development Strategy will align with these existing plans and this initiative as supporting economic growth is a key aim of Council.

**Economic Development Employment Potential**

This initiative could assist in attracting investment into community and Council assets which will boost our ability to contribute to the local economy. Austrade, one of the agencies Council is engaging with, is the relevant government agency for attracting investment into Australian assets.

**Financial**

Council has invested \$46,000 in the development of these recommendations.

**Community Engagement**

To assist Pico's development of their recommendations, it was agreed that they would engage with members of the Eurobodalla business community. This included individual businesses and

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**FBD16/023 ATTRACTING INVESTMENT**

**E88.0056**

a workshop to which all members of Council's Business and Tourism Advisory Committees were invited.

**CONCLUSION**

It is recommended that Council receive and note the work completed by Pico and continue to engage with relevant agencies to progress investment attraction plans.

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## 17. DEALING WITH MATTERS IN CLOSED SESSION

In accordance with Section 10A(2) of the Local Government Act 1993, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

and Council considers that discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the Local Government Act 1993 the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

## RECOMMENDATION

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

### CON16/012 Financial Matter

Item CON16/012 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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



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

### AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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