



# **AGENDA**

**Ordinary Meeting of Council**

**28 March 2017**



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

**ON TUESDAY 28 MARCH 2017**

**COMMENCING AT 10.00AM**

**AGENDA**

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

- 1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE**
  - 2. APOLOGIES**  
Nil
  - 3. PUBLIC FORUM (AGENDA ITEMS ONLY)**
  - 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
4.1 Ordinary Meeting held on 28 February 2017
  - 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)
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- 6. MAYORAL REPORTS**  
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  - 8. QUESTIONS ON NOTICE FROM COUNCILLORS**  
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  - 10. PLANNING AND SUSTAINABILITY REPORTS**  
PSR17/008 Environmental Planning and Assessment Act 1979 Proposed

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## **17. CONFIDENTIAL MATTERS**

CON17/001 Compliance Matter

*Item CON17/001 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**DR CATHERINE DALE  
GENERAL MANAGER**

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MR17/002 GENERAL MANAGER'S PERFORMANCE REVIEW COMMITTEE

File Ref: E81.1928

**EXECUTIVE SUMMARY**

The Council has responsibility for the General Manager's performance management. It is a requirement of the General Manager's Employment Contract that the performance of the General Manager must be reviewed against the agreed performance criteria for the position.

The Council is to establish a Performance Review Panel and delegate the task of performance reviews of the General Manager to this panel.

At its meeting on 11 October 2016, Council determined the appointment of delegates to a number of committees with the term of the appointment being for two years. At that meeting, the appointment of delegates to the General Manager's Performance Review Panel was deferred in order to consult with the General Manager.

Discussions have since occurred, with the General Manager, on the committee composition and it is considered appropriate to include all Councillors on the review panel.

In addition, the Review Panel and General Manager will appoint, under mutual agreement, a consultant to facilitate the Performance Review Process.

**RECOMMENDATION**

THAT:

1. Council establish a Review Panel, comprising of all nine Councillors, to complete the General Manager's Performance Review.
2. An independent facilitator be appointed, under mutual agreement of the Review Panel and the General Manager, to assist in the review process.
3. The review panel be authorised to undertake the annual review of the current Performance Agreement.

**REPORT**

Under the review terms of the General Manager's contract, it is a requirement that the review of the General Manager's Performance be undertaken by a Review Panel.

In the past, Council has established a Review Panel comprising the Mayor, Deputy Mayor and one other Councillor. This structure has proved effective as it provides a better forum for constructive comment and feedback.

After consultation with the General Manager, it is recommended that the performance review panel comprise of all nine Councillors with the assistance of an independent consultant to facilitate the review.

The independent consultant will be engaged under mutual agreement and must have experience in the facilitation of the Performance Agreement processes.

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**NOM17/004 LICENCE APPLICATIONS AND SELECTIVE TENDERING PROCESS**

E00.4623

Responsible Officer: Patrick McGinlay - Councillor

Attachments: Nil

Councillor Patrick McGinlay has given notice that at the Ordinary Meeting of Council on 28 March 2017, he will move the following motion.

**MOTION**

THAT

1. Council's Code of Practice, *Licensing of Council-controlled public reserves and associated buildings*, be amended by: Deleting in its entirety the existing section 2.4 sub-heading being 'Selective Tendering', and substituting the following prelude to the section:

**2.4 Multiple Applicants Process**

"Where a venue is requested by more than one party for the same date and time, the applicants would each need to submit additional information to address four selection criteria, each based on the 'Vision' Categories as outlined in the current Eurobodalla Community Strategic Plan. "

2. Council officers, as a matter of urgency, assist Councillors in redrafting the remainder of section 2.4 to allow for the following conditions;
  - a. that the process for applicants seeking the same date/s and venue be relatively simple and not onerous or requiring specialist drafting such that any member of the community or community group could readily comply with it,
  - b. that the selection process will be undertaken by councillors using, as equally weighted criteria, an agreed point score system in line with the four vision statements within the Eurobodalla Community Strategic Plan
  - c. that the process will be open and transparent and if required can be discussed in public during council meetings.

**BACKGROUND**

The intent of this notice of motion is aimed at rectifying an inappropriate process (Selective Tendering) that has become entrenched within [Council's Code of Practice Licensing of Council-controlled public reserves and associated buildings](#), which was adopted by council staff in 2015.

**Selective Tendering**

Council's selective tendering process is both highly rigorous and formalised and is designed to be thus, as it is intended to be used when Council is seeking a major purchase of goods or services from a range of potential suppliers, on behalf of the community, by expending funds entrusted to it by the community. While it can be used for goods or services with a lesser

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**NOM17/004 LICENCE APPLICATIONS AND SELECTIVE TENDERING PROCESS**

**E00.4623**

expected value it is usually used (and must be) where such expected expenditure exceeds \$150,000. Recent selective tenders conducted by Council have been for services in the multi-millions of dollars.

It was not designed for and is simply not appropriate to be used in determining which of 2 or more applicants gets to expend their modest funds in acquiring a licence on Council controlled land or buildings. It is a purchasing mechanism. In granting a licence, council is not purchasing anything.

Further, because it is a purchasing mechanism designed to differentiate between competing commercial enterprises, it relies heavily on financial data, which in a competitive business environment must obviously be considered 'commercial-in-confidence'. Hence selective tendering information provided by a tenderer remains confidential and is not disclosed either to other tenderers or to the public. It is therefore obviously not a transparent process, and only the outcome is revealed to the public, not how such an outcome was derived or the relevant merits of the competing tenderers.

**Alternative transparent process**

In recent weeks, Councillors have been heavily involved in reviewing the wording of the current 10 year Eurobodalla [Community Strategic Plan](#) and spent several hours on the revised wording of the vision statements that are at the core of that document, which is based on extensive community consultation. The Statements' supporting text may vary but essentially, as they are currently expressed, consist of four vision statements for the Shire for the future.

They are:

FRIENDLY: We are happy supportive and welcoming

RESPONSIBLE: Our choices benefit the community and the environment

THRIVING: We are successful and sustainable in growth and development

PROUD: We build community spirit and our Eurobodalla leads the way

As outlined in the wording of part 2 of my Notice of Motion, I am proposing that these become the criteria upon which Councillors decide, as the need arises, between competing applicants for a licence. In other words, deciding, in an appropriately transparent manner, which application has the best fit with the aspirations of our community.



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**GMR17/008 ADOPTION OF POLICIES**

**E16.0297**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Policies for Adoption

Focus Area: Collaborative Communities

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

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

**EXECUTIVE SUMMARY**

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

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

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

1. Aged Care Services Policy
2. Borrowing Management Policy
3. Debt Recovery Policy
4. Work, Health and Safety Policy.

This report recommends adoption of those policies.

**RECOMMENDATION**

THAT Council adopt the following policies

1. Aged Care Services Policy
2. Borrowing Management Policy
3. Debt Recovery Policy
4. Work, Health and Safety Policy.

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**GMR17/008 ADOPTION OF POLICIES**

**E16.0297**

**BACKGROUND**

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

**CONSIDERATIONS**

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

**Aged Care Services Policy** – This policy is designed to outline the relationship and parameters in the delivery of Council's Aged Care Services and identify key areas of responsibility under legislation and funding agreements. Council provides Commonwealth Home Support Program (CHSP) services and ComPack 'hospital to home' and 'healthy at home' services. Council is responsible for delivering these services consistently, in line with Home Care Common Standards and funding requirements as prescribed by the Australian Government Department of Health.

Council's Aged Care Services deliver community transport (24,000 trips), in home respite (8,000 hours), social support (17,000 hours) and ComPacks (220 packages) each year using NSW and Australian government funding.

**Borrowing Management Policy** – was developed to govern the objectives, procedures and controls in relation to the Council's borrowing decisions and processes.

Council seeks to ensure that its borrowing policy and related procedures are publicly transparent and meet good business and best practice criteria including controls over identified risks. Council has a strong preference for certainty in relation to debt repayments, management of risk, and to minimise administrative complexity.

The Policy aims

- To ensure compliance with legislative requirements under sections 621 – 624 of the *Local Government Act 1993* (the Act), sections 229 – 230 of the *Local Government (General) Regulation 2005* and a borrowing order signed by the Minister Local Government.
- To promote awareness of the requirements of the Act with respect to borrowing management.
- To make Council's policies and requirements for borrowing management readily accessible and understandable to the public.
- To ensure that the Council has appropriate working capital (an unrestricted current ratio equal to or greater than 1.5:1 per the current OLG benchmark) to satisfy its obligations when they fall due, to deliver the outcomes of its Operational Plan and Delivery Program and to inform its long term financial strategies. Where Council finds itself in a strong liquidity position it shall consider replacing borrowings with cash. However, the intergenerational responsibility element of any loan funding will also be considered.
- To ensure that the costs of any expenditure can be recovered at the time that the benefits of that expenditure accrue. In particular debt may be used to fund capital expenditure that provides future service benefits (the principle of improving the valuation and pricing of social and ecological resources applies - the users of goods and

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**GMR17/008 ADOPTION OF POLICIES**

**E16.0297**

services should pay prices based on the full life cycle costs, this particularly applies to the matching of debt profiles to infrastructure asset profiles).

- To ensure that the debt is used in a manner consistent with competitive neutrality policy requirements.
- For procedures and controls to address risk and meet good business and best practice requirements.

**Debt Recovery Policy** – Council’s Debt Recovery Policy was developed to ensure ethical, effective and efficient debt recovery including rates, charges and other debts. Council pursues commercial debt recovery procedures in order to minimise the impact of outstanding debts on Council’s financial position.

The policy aims:

- To promote a clear guideline for the recovery of debts.
- To ensure consistency and fairness in the way Council deals with debt recovery.
- To ensure compliance with legislative requirements and financial industry guidelines.
- To take such steps as are appropriate to minimise the impact of outstanding debts on Council's financial position.
- To make Council's policy and requirements regarding debt recovery readily accessible and understandable to the public.

**Work, Health and Safety Policy** – The purpose of this policy is to document Council’s commitment to Work, Health and Safety (WHS) and to ensure that adequate resources are made available to comply with Councils legal WHS obligations. This policy also sets out responsibilities and accountabilities in relation to the management of WHS. The policy describes how Council will meet its obligations under the Work Health and Safety Act 2011.

It is considered appropriate to adopt these policies.

**Legal**

**Borrowing Management Policy** - aims to ensure compliance with legislative requirements under sections 621-624 of the *Local Government Act 1993* (the Act), sections 229-230 of the *Local Government (General) Regulation 2005* and a borrowing order signed by the Minister Local Government.

**Debt Recovery Policy** - Debt recovery procedures of Council and any agent employed by Council must meet the highest ethical and professional standards, such as the Debt Collection Guideline for collectors and creditors, developed jointly by the Australian Competition and Consumer Commission (ACCC) and Australian Securities and Investments Commission (ASIC), in 2010.

**Work, Health and Safety Policy** - Complies with the requirements of the Work Health and Safety ACT 2011.

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**GMR17/008 ADOPTION OF POLICIES**

**E16.0297**

**Community Engagement**

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

No submissions were received.

**CONCLUSION**

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

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**PSR17/008 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979  
PROPOSED AMENDMENTS**

**E05.9582**

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

Attachments: 1. Draft Submission to proposed amendments to Environmental Planning and Assessment Act 1979

Focus Area: Sustainable Communities

Delivery Program Link: S5.2 Maintain, update and communicate planning information and issues

Operational Plan Link: S5.2.2 Participate in State and regional planning forums and environmental reviews and report on and communicate issues relating to strategic planning

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's endorsement of a submission to the NSW Government on proposed amendments to the *Environmental Planning and Assessment Act, 1979*.

The NSW Department of Planning and Environment (the Department) is seeking feedback on proposed amendments to the *Environmental Planning and Assessment Act 1979*. The proposed amendments make a number of changes to various provisions including those in relation to strategic planning processes, community consultation requirements, planning panels, complying development processes and development of a standard development control plan (DCP), amongst other matters.

The amendments were placed on public exhibition for a period of two months from 10 January to 31 March 2017. The key proposed amendments to the legislation are:

- requiring councils to prepare community participation plans
- establishing mandatory public exhibition periods
- requiring the public notice of decisions to include reasons for the decisions and a statement as to how community views have been taken into consideration
- requiring councils to prepare local strategic planning statements
- requiring councils to undertake regular 'LEP checks'
- enabling the Department to prepare a standard DCP format
- enabling regulations to require proponents to undertake early community consultations
- enabling the Secretary of the Department to 'step in' to resolve delays or inconsistencies in agency concurrences or referral responses
- preventing the issue of S96 Modification Applications for works that have commenced
- increasing powers and establishing a compliance levy to support councils in investigating problems with Complying Development Certificates
- allowing the Court to invalidate unlawful Complying Development Certificates and Construction Certificates
- providing for the Minister to direct a council to establish a local planning panel.

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**PSR17/008 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979  
PROPOSED AMENDMENTS**

**E05.9582**

Other proposed amendments to the legislation relate to State Significant Development processes, thresholds for regional development, designation of infrastructure corridors, guidance on the use of Planning Agreements, enabling 'enforceable undertakings' to be entered into and refinement of the objects of the Act.

A draft submission on the proposed amendments has been prepared and is included as an attachment to this report. The draft submission raises a number of issues with the proposed amendments relating to the continued incremental changes to the legislation, the need for the Department to focus on the broader strategic directions for NSW and the use of the Planning Reform Fund to support councils in implementing planning reforms.

In addition to the above, the key concerns with the proposed reforms are:

- The mandatory 14 day public exhibition period for development applications is inconsistent with Council's current policy and will lead to longer assessment timeframes and result in customer dissatisfaction with the assessment process.
- Clarification is required as to the mechanism for public notification of the reasons for development decisions and how community views have been taken into consideration.
- The preparation of local strategic planning statements should not require councils that already have local strategic plans (eg, the Eurobodalla Settlement Strategy and Rural Lands Strategy), to duplicate this work.
- Councils should have the ability to review a decision of the Secretary of the Department to not endorse a local strategic planning statement.
- There is no provision in the proposed legislative amendments to enable simpler and more efficient Local Environmental Plan (LEP) amendment processes. For example, planning proposals that are consistent with the local strategic planning statement, should be automatically delegated to councils and a 'fast track' process established.
- Developing a standard DCP format, and requiring councils to follow that format, will stifle innovation in the way councils work with their communities to develop development guidelines that achieve good outcomes.
- The provision giving effect to plans that encourage or require early consultation by proponents, should be postponed until further research and consultation on the matter has been undertaken.
- The proposed 'step in' power for the Secretary in relation to agency concurrences and referrals, will potentially increase assessment timeframes and will not address the underlying problem.
- The ability to consider the merit of modifications to development consents, even where works have commenced, should be retained. Preventing the use of S96 Modification Applications where works have commenced, will likely increase councils' compliance costs, will unnecessarily penalise some community members and is unlikely to be a greater deterrence to unauthorised works.

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PROPOSED AMENDMENTS**

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- The redrafting of the certification provisions appears to have resulted in the removal of the existing provision that limits the issuing of Subdivision Certificates to councils in most circumstances. This provision should be retained, particularly where subdivision involves the construction of public infrastructure.
- While the majority of the proposed changes to the complying development system are positive, the key reasons for the continuing low take-up of complying development are not being addressed.
- While it is positive that the proposed amendments do not mandate the use of local planning panels, the power for the Minister to direct a council to establish a panel, must be based on measurable and factual criteria.

Submissions to the proposed amendments are due to the Department on 31 March 2017.

**RECOMMENDATION**

THAT Council endorse the submission attached to this report and forward it to the Department of Planning and Environment, with a copy to the Minister for Planning and the Member for Bega, Minister for Transport and Infrastructure.

**BACKGROUND**

The NSW Government has been proposing various reforms to the planning system over a number of years, from incremental changes to the existing legislation to the potential development of a new Planning Act.

The current draft *Environmental Planning and Assessment Amendment Bill*, which is accompanied by a guide to the Bill entitled 'Planning Legislation Updates: Summary of Proposals', was released by the NSW Government for community input commencing on 10 January 2017 until 31 March 2017. The draft Bill proposes a number of legislative changes, while the 'Summary of Proposals' document provides an explanation for the legislative changes and introduces a range of other planned regulatory, policy and process amendments to the planning system.

Councillors were informed of the proposed amendments to the *Environmental Assessment Act 1979* through the Councillor Newsletter on 13 January and 10 February 2017. Councillors were briefed on the proposed amendments on 21 March 2017 and provided with an opportunity to contribute to a draft submission.

Submissions to the proposed amendments are due to the Department on 31 March 2017.

**CONSIDERATIONS**

A draft submission on the proposed amendments to the *Environmental Planning and Assessment Act, 1979* is attached to this report. The draft submission recommends that Council express concern that the proposed planning reforms further amend the existing complex legislation, rather than implement a new modern simplified Act.

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**PSR17/008 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979  
PROPOSED AMENDMENTS**

**E05.9582**

It is also recommends that Council urge the Department to focus on those matters that will have the greatest impact on improving the planning system. Such matters include finalising strategic and policy directions for NSW and its regions, rather than expending valuable resources on relatively minor matters that will have minimal benefits to the system and reduce potential for innovation such as the preparation of a standard DCP format.

One of the key roles of the Department is to support councils undertaking strategic planning projects and the distribution of the Planning Reform Fund, which was established in 2003 for that purpose. Since 2012, the Department has received approximately \$84.2m from the Planning Reform Fund levy, however in that same period there has not been an opportunity for councils to apply for funding. A number of the proposed planning reforms will impact on councils' resources and an appropriate proportion of the Planning Reform Fund should be set aside to assist councils in implementing the reforms.

Details of the proposed amendments and comments on those amendments are provided below, with more discussion included in the draft submission attached to this report.

**1. Enhancing Community Participation**

**1.1 Community participation plans**

The draft Bill includes a provision requiring councils to prepare community participation plans and new regulations will be prepared to outline the requirements for such plans. Councils will be able to use an existing community engagement strategy prepared under the *Local Government Act 1993* where it meets the requirements of the new regulations. This proposal is supported.

**1.2 Mandatory public exhibition periods**

The draft Bill includes mandatory exhibition periods, including a mandatory 14 day public exhibition for all development applications.

The mandatory 14 day public exhibition period for all development applications is not supported, unless the provision is amended to allow the community participation plan to set the exhibition requirements. Council's Advertisement and Notification Code states that no notification is required for development proposals that fully comply with all requirements or for amended development applications that have previously been notified, and where the amendment is minor in nature. This enables compliant applications to be processed as efficiently as possible. Requiring all development applications to be notified will increase the time taken to process minor proposals that comply with all development standards and controls. It also creates unrealistic expectations that the community can influence changes to compliant development proposals via the exhibition process.

**1.3 Public notification of reasons for decisions**

The draft Bill requires consent authorities to publish reasons for decision on planning matters and to outline how community views have been taken into consideration in making the decision.

The principle of providing reasons for decision is supported and this is in fact Council's current practice via the preparation of assessment reports and by notifying submitters in writing as to how the decision responded to their submission. However, clarification is required as to the



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mechanism for 'public notification' of the reasons for decisions on development applications and how community views have been taken into account. If these are to be included in the 'public notice' in a local newspaper under clause 124 of the *Environmental Planning and Assessment Regulation 2000*, it would not be supported, due to the likelihood that these public notices would become very lengthy and therefore costly.

However, if the placing of such a notice on Council's website was sufficient to meet the requirements, and if the provisions allowed the details to be set out in the community participation plan, it would be supported.

## **2. Completing the Strategic Planning Framework**

### **2.1 Local strategic planning statements**

The draft Bill requires councils to prepare local strategic planning statements, which will outline:

- a 20 year vision for the local area
- goals and actions to achieve that vision
- a statement explaining how the vision, goals and actions shape the planning controls and development decisions in the local area
- performance indicators to monitor and report on progress.

The requirement for strategic planning documents to be prepared and linking them to planning controls is supported. However, as a local strategic planning statement is in effect a summary of a local strategic plan, it is creating additional work for those councils who already have and regularly review their local strategic plans. Clarification is required as to whether Council's current local strategic planning documents, such as the Eurobodalla Settlement Strategy and the Rural Lands Strategy, would be considered as a local strategic planning statement for the purposes of the proposed legislation.

The proposed amendments also require local strategic planning statements to be endorsed by the Department of Planning and Environment. This is supported, as it will provide greater confidence that proposed amendments to the LEP that are consistent with the strategy will be supported, particularly by State agencies, at the Planning Proposal and development application stages. It should also mean that consistent Planning Proposals and development applications can be processed more quickly. However, it is suggested that the legislation provide councils with a review mechanism in the event that a local strategic planning statement is not endorsed or where the Department recommends changes to the statement before it is endorsed. While it is important that a local strategic planning statement be consistent with NSW and regional plans, it is also important that it reflect the will of the local community.

The Department's 'Summary of Proposals' document that supports the proposed legislative changes outlines that the local strategic planning statement will be aligned with the Community Strategic Plan. This is appropriate, however there is potential for conflict between the Community Strategic Plan and the planning policies of the NSW Government (as expressed in S.117 Directions, State Environmental Planning Policies and the Regional Plan). A review mechanism as recommended above, should assist in resolving any potential conflicts in this

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**E05.9582**

regard. In addition, it is recommended that the Section 117 Ministerial Directions be reviewed to ensure they are more strategically focused and support outcomes outlined in local strategic planning statements.

2.2 Regular LEP checks

The draft Bill provides for regular checks of LEPs to determine when comprehensive LEP reviews are required. One of the stated aims of this proposal is to reduce the need for spot rezonings (LEP amendments), which according to the Department's 'Summary of Proposals' document, are "taking on average 374 days to be determined and costing \$450,000 to \$800,000".

Council agrees that the process of amending LEPs takes too long and is very expensive but this is due to the LEP amendment process outlined in the legislation. However, there is no provision in the proposed legislation amendments to address this matter. This is a prime example of a change to the planning system that would have significant benefits and on which the Department should be focusing. For example, where a planning proposal is consistent with the endorsed local strategic planning statement, the LEP amendment process should be automatically delegated to councils and a fast-track process established.

2.3 Standard DCP format

The draft Bill provides for the Department to prepare standard DCPs. This is not supported, as DCPs are local planning guidelines, developed in consultation with local communities. Standardising the form, structure and subject matter of DCPs potentially stifles innovation in the way local councils, working with their communities, provide the necessary guidance to achieve good development outcomes. This is also not considered a priority action of the Department.

**3. Better Processes for Local Development**

3.1 Exploring incentives for early consultation

The draft Bill provides for regulations to be developed to require and provide incentives for early consultation by proponents of development applications. One of the incentive options proposed for consideration by the Department is a reduction in fees where a proponent can demonstrate that early consultation has resolved issues.

The principle of early consultation is supported, however until further proposed research is carried out, the inclusion of any provisions in the Act or Regulation should be postponed. The use of a fee reduction for early consultation is not supported. Given the proposal to mandate public exhibition for every development application, and as the statutory fees do not currently differentiate between advertised and non-advertised development, there is no cost saving to the development assessment process.

3.2 Step-in power to ensure timely approvals (from agencies)

The draft Bill provides a power for the Secretary of the Department of Planning and Environment to 'step in' to resolve delays or conflicts in agency approvals. It is also proposed to use the NSW Planning Portal to track the progress of concurrences and referrals, implement 'project team' and risk-based approaches and continue the ongoing review to rationalize and remove concurrences.

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Efforts to reduce the time it takes to obtain agency approvals for development applications are supported. However, the proposed legislative amendment will not achieve this. In fact, the proposal potentially increases the time it will take to obtain approvals as the step-in power commences after the timeframe for the agency's response has expired. Of particular concern is the provision in the legislation that allows the agency's decision to override the Secretary's decision after the Secretary has 'stepped in'.

The legislation already provides for consent authorities to make decisions if the relevant agency has not provided their comments within the specific time (except for matters that require the concurrence of the Rural Fire Service). The legislation should be strengthened to state that consent authorities can assume concurrence in these circumstances and remove the exception relating to the Rural Fire Service. Assumed concurrence provisions will incentivise the agencies to provide timely advice. However, the agencies also need to be resourced appropriately to provide their advice within the statutory timeframes.

**3.3 Preventing the misuse of modifications and strengthening deterrence of unauthorised works**

The Department is of the view that Section 96 Modification Applications should not be able to be used retrospectively to resolve any non-compliances with the development consent and the draft Bill proposes to ban this practice. The aim of the proposed legislation, to prevent retrospective modifications is to deter unauthorised works.

This is not supported. The Act currently provides for modifications to be granted for minor matters, for matters which have minimal environmental impact and where the development is substantially the same as the original development that was granted consent. The ability to retrospectively approve modifications does not erode these principles. The issue is whether there is merit in granting a modification to the development consent, irrespective of the stage of the works.

It is considered that the proposed amendment will not achieve the aim of deterring unauthorised works, as enforcement action such as demolition and the ability to seek a building certificate for the unauthorised works exist. The proposal will more likely increase compliance costs for councils in relation to minor matters that would have otherwise been approved on merit. A better approach to deterring unauthorised works would be to increase penalties via penalty infringement notices and/or increase building certification fees.

**3.4 Improving the complying development pathway**

A range of changes are proposed to the complying development process, including the following:

- The regulations will specify the kinds of development for which a private certifier cannot issue a Complying Development Certificate (CDC).

*Comment:* Should medium density development become complying development, it should be a specified development under this provision, unless the legislation is strengthened to ensure greater accountability in the certification process. Private certifiers should also not be able to issue CDCs where a Planning Agreement is proposed.

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- CDCs will be able to be issued subject to a deferred commencement condition.  
*Comment:* This is supported, particularly if it provides for complying development certificates to be issued prior to the registration of a new lot in a land release area.
- The Court will be able to rule a CDC invalid if proceedings have been brought within three months of its issue and if it has been unlawfully issued.  
*Comment:* This is supported.
- A compliance levy for the enforcement of complying development standards will be established.  
*Comment:* This is supported, however more information is required as to the procedures for collecting the levy and how payments are made to cover the cost of enforcement actions. In the establishment of the levy and the implementation processes, the Department must clarify and confirm the role of the Building Professionals Board and Councils in relation to enforcement.
- New powers to issue temporary Stop Work Orders for a period of seven days will be provided.  
*Comment:* This is supported, however seven days is a relatively short timeframe to investigate potential non-compliances and take any follow-up action.
- Complying development could be charged special infrastructure contributions and Planning Agreements could be entered into.  
*Comment:* This is supported, however as noted above, private certifiers should not be allowed to issue CDCs where a Planning Agreement is proposed.
- Regulations will require certifiers in metropolitan areas to provide a copy of a proposed CDC, plans and a compliance table to council and direct neighbours before issuing the certificate.  
*Comment:* While this is not currently proposed to apply to regional areas, it could in the future be expanded. There is no detail as to how this will work. Should this proposal proceed, the opportunity to use the Planning Portal to inform neighbours and provide documentation should be explored.
- Regulations will require certifiers (in all areas) to provide a copy of an issued CDC and endorsed plans to direct neighbours at the same time as they provide the information to councils.

*Comment:* The opportunity to utilise the Planning Portal should be explored.

The Department also intends to prepare a new user-friendly simplified Housing Code and a new Inland Code, to implement education programs for councils and certifiers and to use the Planning Portal for online lodgement of CDCs. No objection is raised to these proposals, however consideration should also be given to a new Coastal Code and to use the Planning Portal to house a register of approved CDCs.

Additional changes that would further improve the complying development system include:

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- the need to streamline other required approvals, such as S138 (road) and S68 (plumbing) approvals with CDCs
- the need for the codes to be relevant to regional situations
- the need to review the 'land requirements' so that appropriate ancillary developments are not excluded from exempt or complying development on certain lands
- the need to simplify the wording of the standards within the codes to ensure that they are appropriate across NSW, not only to residential release areas in Western Sydney
- standardisation of the assessment requirements and processes for CDCs.

**4. Better Processes for State Significant Development**

**4.1 Clarifying regulation of major projects**

For major projects such as mines, the conditions of development consent can often become superseded by changes in environmental standards or best practice. These changes in standards are addressed through the environmental protection licences issued and regularly reviewed by the Environment Protection Authority. To overcome any conflict between conditions of consent and requirements of environmental protection licences, it is proposed that, where conditions of consent are substantially replicated in other licences, they will automatically lapse.

No objection is raised in principle to this proposal, however the draft Bill should be amended to state that conditions will only cease to have effect after the relevant licence has been issued and the consent authority is satisfied that the relevant matters have been adequately addressed, and the proponent has been advised of such in writing.

It is stated in the Department's "Summary of proposals" document that when licences are reviewed they will not be able to permit greater impacts than those allowed under the original consent. No objection is raised to this proposal, however there is nothing in the draft Bill to give this effect.

The draft Bill proposes that the Minister be given the power to vary or revoke monitoring or environmental audit requirements in existing approvals at any time. No objection is raised to granting the Minister the power to vary monitoring or auditing conditions to ensure that the conditions are responsive to changes in environmental conditions. However, no case has been made as to why the Minister should be able to revoke monitoring or auditing conditions.

**4.2 Improved environmental impact assessment**

The Department released a Discussion Paper on improving the environmental impact assessment process for State Significant Developments in 2016. This will be followed by draft Guidelines for consultation in 2017. Given that draft Guidelines for consultation will be released in 2017, no comments are proposed to be made at this stage.

**4.3 Discontinuing Part 3A**

Part 3A of the Act was repealed in 2011 but transitional arrangements currently continue for projects that were approved under Part 3A. It is now proposed to repeal the transitional arrangements so that any modifications of consents issued under Part 3A are now considered

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under the State Significant Development or State Significant Infrastructure pathways. No objection is raised to this matter.

**5. Facilitating Infrastructure Delivery**

The draft Bill provides for a State Environmental Planning Policy to designate an infrastructure corridor in certain circumstances. In a designated infrastructure corridor, concurrence will be required from relevant NSW Government agencies for activity approvals under Part 5 of the Act. The draft Bill also include review provisions where concurrence is refused. No objection is raised to this proposal.

**6. Fair and Consistent Planning Agreements**

The Department released a draft Practice Note on Planning Agreements in November 2016 along with a draft Ministerial Direction and a planning circular. The proposed amendment to the Act will give effect to the Ministerial Direction, which is proposed to require Councils to have regard to the Secretary's Practice Note when negotiating or preparing a planning agreement. No objection is raised to this proposal.

**7. Confidence in Decision-Making**

7.1 Better local decisions – Local Planning Panels and more delegation to council staff

The draft Bill provides for more consistent provisions for local planning panels and provides the Minister with the power under s117 of the Act to direct a council to appoint a local planning panel or to delegate certain applications to council staff. The Department's "Summary of Proposals" document states that the Minister will "exercise this power where it is needed to address sustained community concern about the timeliness or quality of a councils' planning decisions, or about conflict of interest".

While it is pleasing that the draft Bill does not mandate the establishment of local planning panels, concern is raised at the stated reasons why the Minister may direct a council to establish a local planning panel, which, aside from the timeliness of decision-making, are not necessarily measurable or factual. While there may be 'sustained community concern' it may be based on perceptions not reality. Conflicts of interest must also be real not perceived. Of most concern however, is the reference to the quality of planning decisions. On what basis is the quality of a planning decision measured and by whom is it measured? Further clarification of these matters is required before these provisions can be supported.

7.2 Refreshed thresholds for regional development

The draft Bill proposes to omit Schedule 4A from the Act (that identifies thresholds for certain development that may be determined by a regional panel) and to insert revised thresholds in the appropriate State Environmental Planning Policy. In general, the changes increase the thresholds. No objection is raised to these changes.

7.3 Strengthening decisions at the State significant level

The draft Bill proposes to change the name of the Planning and Assessment Commission to the Independent Planning Commission, to change the Commission's role from a review body to an assessment body, and to identify the types of State significant proposals that are to be determined by the Commission in the State Environmental Planning Policy (State and Regional Development) 2011. A further proposed change is that public hearings held by the

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Independent Planning Commission will be required to be held over two stages, the first during exhibition of the State significant development proposal and the second following assessment of the proposal. No objection is raised to these proposals.

7.4 Managing conflicts for panels

The Department proposes to establish a model code of conduct for planning bodies, including panels. This is supported.

7.5 Review of decisions

The ability for a proponent to review a decision on a development application is proposed to be expanded to include decisions made by local planning panels, regional planning panels and the Independent Planning Commission (in certain circumstances). No objection is raised to this proposal.

**8. Clearer Building Provisions**

The draft Bill consolidates building and subdivision certification provisions into a single part for ease of access and understanding. The provisions are strengthened by the inclusion of a requirement that a Construction Certificate (CC) must be consistent with the development consent and providing the Court with the power to declare a CC invalid if proceedings have been brought within three months of the issue of the certificate, and it is inconsistent with the development consent. These proposals are supported.

However, in combining the building and subdivision certification provisions it appears that the existing Section 109D (d) of the Act that restricts the power to issue Subdivision Certificates in most circumstances to the council, is not replicated in the draft Bill. Councils must retain the right to be the certifier of subdivision development, particularly where the development includes the construction of public infrastructure.

The amendments also remove the ability to issue interim occupation certificates, which means that a certifier will not be able to allow occupation of the building if there are very minor outstanding matters. This proposal is not supported. The proposed owners building manual that must be provided by the certifier to the owner before issuing an occupation certificate will be resource intensive for certifiers unless the Department prepares comprehensive and easy to use templates. It is noted that the Draft Bill provides for the regulations to make provision for the form and content of owners building manuals.

The Department's "Summary of Proposals" document also refers to the regulations providing for accredited certifiers to place conditions on the issue of CCs and CDCs, however no further explanation is provided. The absence of clear information in relation to the types of conditions that may be placed on CCs and CDCs is of concern. It is important to ensure that conditions cannot be placed on certificates that would make the development inconsistent with the development consent.

**9. Elevating the Role of Design**

The draft Bill includes the following new object for the legislation: "to promote good design in the built environment". This will be given effect through a new Architecture and Design Policy for NSW. No objection is raised to this provision. However, it is noted that the NSW Government is also proposing to make medium density housing proposals complying

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development, limiting the capacity for a merit assessment of the design of such proposals. The two proposals are at odds.

**10. Enhancing the enforcement toolkit**

The Department's "Summary of proposals" document states that the Department and councils can enter into enforceable undertakings with holders of a development consent to rectify any harm that has occurred and to commit to improved behaviours in the future. No objection is raised to this proposal, however it is noted that the draft Bill only provides for the Secretary of the Department to do so. The draft legislation should be amended to also enable councils to enter into enforceable undertakings.

**Legal**

The *Environmental Planning and Assessment Act 1979* is the primary legislation relating to planning functions in NSW. The proposed amendments will require some changes in the planning processes undertaken by councils.

**Policy**

The proposed amendments to the planning legislation may have implications for a number of Council's planning documents and policies. When the final changes are enacted, the implications on Council policy will need to be further considered.

**Financial**

There are some potentially significant resource implications for councils as a result of the proposed amendments to the planning legislation, including in the preparation of a community participation plan, a local strategic planning statement, the preparation of new Development Control Plans, and from increased compliance and enforcement roles, amongst other matters. Included in the draft submission is a call for an appropriate proportion of the Planning Reform Fund to be set aside to assist councils with the implementation of planning reforms.

**CONCLUSION**

Draft amendments to the *Environmental Planning and Assessment Act 1979* and other proposed changes to the planning system were released for community input on 10 January 2017. The amendments have been reviewed by Council staff and a draft submission has been prepared and is attached to this report.

There are some positive elements to the reform package, however there are also many concerns. The amendments continue the process of amending a relatively old piece of complex legislation. It is disappointing that the original aim of the planning reforms, which commenced in 2012 to develop a new planning Act, have not progressed.

If endorsed by Council, the submission will be forwarded to the Department before the closing date of 31 March 2017.



Eurobodalla Shire Council (Council) has reviewed the proposed amendments to the *Environmental Planning and Assessment Act 1979*. While there are a number of changes that Council supports, particularly the stronger focus on strategic planning, we are disappointed at the approach of making further amendments to legislation that is complex, as a result of numerous changes over time. Council urges the Minister for Planning (the Minister) and the NSW Department of Planning and Environment (the Department) to recommence the development of a new modern, simplified planning Act.

Council welcomes the incorporation of strategic planning into the legislation, through the requirement for local strategic planning statements to be prepared, providing they do not duplicate Council's existing strategic planning work. Council would be interested in working with the Department in developing an appropriate format for a local strategic planning statement.

There are a number of proposed amendments that Council does not support, in particular those that may result in further duplication of work with minimal benefits. Council respectfully suggests that the Department is proposing solutions to problems that do not exist, particularly in regional NSW, and by expending time on these matters, is not focussing on solutions to the real issues that impede the planning process in New South Wales.

The Department should be focused on the broader strategic and policy directions for NSW and its regions, rather than spending valuable resources developing a standard Development Control Plan (DCP) template for councils. The Department should focus its energy on completing the review of State Environmental Planning Policies (SEPP), finalising Regional Plans, ensuring Section 117 Directions have a strategic focus and establishing policy positions on matters of importance to the State such as the use of environmental zones and overlays in Local Environmental Plans (LEP).

The Department should also be focusing its resources on finding solutions to resolve the major issues affecting the timeliness of development approvals, in particular the role of State agencies in the process. The proposed amendment in the draft Bill in relation to this matter is not considered an efficient or effective solution.

Another key role of the Department is to provide support to councils undertaking strategic planning projects, particularly where they are aiming to address issues of significance to the State or its regions. The Planning Reform Fund was established in 2003 for this specific purpose. Council understands that the last opportunity for councils to apply for funding under this program was in Round 8, which was announced in December 2012. Council is unaware of any further opportunities to apply for funding under this program since that time. According to the Department's annual reports in 2013/14, 2014/15 and 2015/16, approximately \$84.2m has been raised over this period, however there is no clear information on how this money has been utilised to support councils in implementing planning reforms.

It is noted that in 2015 the *Environmental Planning and Assessment Regulation 2000* was amended to enable the Planning Reform Fund fee to be utilised for the maintenance of the NSW Planning Portal and for the operational expenses of the Building Professionals Board. The operation of the Building Professionals Board is not a planning reform matter and

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should be funded from certification fees, not from the Planning Reform Fund. There should be greater transparency in the disbursement of the Planning Reform Fund and an appropriate proportion of this Fund should be set aside to assist councils with the implementation of planning reforms, as was the original intention of the Fund. In Council's view, the Fund is no longer being used for the purpose it was initially established.

More detailed comments on elements of the draft Planning Bill are provided below.

**1. Enhancing Community Participation**

**1.1 Community participation plans**

Council supports the objective of enhancing community participation in planning processes, where the opportunities for participation are strengthened at the strategic planning stages and where participation at the development application stage is based on the potential impact of the proposed development. This approach strengthens community input in the setting of development controls and enables development proposals that comply with those controls to be streamlined.

The proposed requirement for planning authorities to prepare community participation plans is supported and the opportunity to avoid duplication with the community engagement strategy required under the *Local Government Act 1993* is welcomed.

**1.2 Mandatory public exhibition periods**

In establishing community participation processes and mandatory requirements, they must be appropriate to the scale of the development and the potential impacts on adjoining properties. Council does not support the mandatory 14 day public exhibition period for all development applications, unless the provision is amended to allow community participation plans to set public exhibition periods, notwithstanding the mandatory provision in the Act. Council's Advertisement and Notification Code states that no notification is required for development proposals that fully comply with all requirements or for amended development application that have previously been notified, and where the amendment is minor in nature. This enables compliant applications to be processed as efficiently as possible. Requiring all development application to be notified will increase the time taken to process minor proposals that comply with all development standards and controls. It also creates unrealistic expectations that the community can influence changes to compliant development proposals via the exhibition process.

**1.3 Public notification of reasons for decisions**

Council supports the intention of the legislation amendments to ensure decision-makers provide reasons for their decisions and to outline how community views have been taken into consideration in making the decision. This is in fact, Council's current practice via the preparation of assessment reports and by notifying submitters in writing as to how the decision responded to their submission. However, Council does not support the drafting of the proposed amendment which requires these matters to be included in the 'public notification', if this is a reference to the 'public notice' in a local newspaper under clause 124 of the *Environmental Planning and Assessment Regulation 2000*. This is because of the likelihood that these public notices would become very lengthy and therefore costly. Clarification is required as to the mechanism for public notification of the reasons for

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decisions being made regarding development application and how community views have been taken into account. Council would support this provision if the public notification of reasons for decisions on Council's web site was sufficient to meet the requirements of the Act and if the processes for notification were set out in the community participation plan rather than in the legislation.

## **2. Completing the Strategic Planning Framework**

### **2.1 Local strategic planning statements**

Council supports the inclusion in the Act of a statutory requirement for local strategies to be prepared. Unfortunately, the proposed amendment to the Act only requires a 'local strategic planning statement' to be prepared. A local strategic planning statement is in effect, a summary of a local strategic plan and therefore, the proposed amendment to the Act is creating additional work for those councils who already have and regularly review their local strategic plans. Clarification is required as to whether Council's current local strategic planning documents, such as the Eurobodalla Settlement Strategy and the Rural Lands Strategy, would be considered as a local strategic planning statement for the purposes of the proposed legislation.

Council supports the requirement for local strategic plans or planning statements to be endorsed by the Department. Having an endorsed local strategy provides greater confidence that proposed amendments to the LEP, that are consistent with the strategy, will be supported particularly by State agencies, at the Planning Proposal and Development Application stages. It should also mean that consistent Planning Proposals and development application can be processed more quickly. However, Council suggests that the legislation provide councils with a review mechanism in the event that a local strategic planning statement is not endorsed or where the Department recommends changes to the statement before it is endorsed. While it is important that a local strategic planning statement be consistent with State and regional plans, it is also important that it reflect the will of the local community.

The Department's 'Summary of Proposals' document that supports the proposed legislative changes, outlines that the local strategic planning statement will be aligned with the Community Strategic Plan. As noted above, this is appropriate, however there is potential for conflict between the Community Strategic Plan and the planning policies of the NSW Government (as expressed in S.117 Directions, State Environmental Planning Policies and the Regional Plan). A review mechanism as recommended above, should assist in resolving any potential conflicts in this regard. In addition, Section 117 Directions should be reviewed to be more strategically focused and support development outcomes outlined in local strategic planning statements.

Should the requirement for a local strategic planning statement result in significant additional strategic planning work for councils, an appropriate transition period and adequate funding via the Planning Reform Fund, should be provided for councils to comply.

### **2.2 Regular LEP checks**

Council supports the proposal to require regular checks of LEPs to determine when comprehensive LEP reviews are required. One of the stated aims of this proposal is to

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reduce the need for spot rezonings (LEP amendments), which according to the Department's 'Summary of Proposals' document, are "taking on average 374 days to be determined and costing \$450,000 to \$800,000". Council agrees that the process of amending LEPs takes too long and is very expensive, however this is due to the LEP amendment process outlined in the legislation. There is no provision in the proposed legislation amendments to address this matter. This is a prime example of a change to the planning system that would have significant benefits and on which the Department should be focusing. For example, where a planning proposal is consistent with the endorsed local strategic planning statement, the LEP amendment process should be automatically delegated to councils and a fast-track process established.

### 2.3 Standard DCP format

Council objects to the proposed provision enabling the Minister to publish requirements as to the form, structure and subject matter of DCPs. DCPs are local planning guidelines, developed in consultation with local communities. Standardising the form, structure and subject matter of DCPs potentially stifles innovation in the way local councils, working with their communities, provide the necessary guidance to achieve good development outcomes.

Council is also of the view that this should not be a priority action of the Department. Despite the claims in the Department's 'Summary of Proposals' document that DCPs are "difficult to understand and apply", resulting in "complexity and confusion", there is no evidence presented to support these claims. Council is not convinced that there is a need for standardising DCPs across NSW nor is Council convinced of the benefits of doing so, particularly in regional areas. As noted earlier in this submission, the Department should be focusing on the broader policy and strategic issues that need resolution before spending resources on a standard DCP format.

Notwithstanding Council's concerns, should the Department proceed with this matter, we would be interested in participating in any project working group on the development of a standard DCP format.

## **3. Better Processes for Local Development**

### 3.1 Exploring incentives for early consultation

Council supports efforts to encourage proponents to consult with their neighbours before submitting a Development Application, however it does not support the legislation requiring early consultation. It is noted that "the Department will conduct further research into current barriers to early consultation and possible options and incentives to overcome them". Until such research is carried out, Council recommends that the proposed provisions to enable regulations to be made on this matter be postponed.

One of the incentive options proposed to be considered by the Department is a reduction in fees where a proponent can demonstrate that early consultation has resolved issues. However, given the proposed legislation also mandates public exhibition of every Development Application, and as the statutory fees do not currently differentiate between advertised and non-advertised development, there is no cost saving to the development assessment process.

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3.2 Step-in power to ensure timely approvals (from agencies)

Council supports efforts to reduce the time it takes to obtain agency approvals for development application. However, the proposed legislative amendment will not achieve this. In fact, the proposal potentially increases the time it will take to obtain approvals as the step-in power for the Secretary of the Department of Planning and Environment commences after the timeframe for the agency's response has expired. Of particular concern is the provision in the legislation that allows the agency's decision to override the Secretary's decision after the Secretary has 'stepped in'.

The legislation already provides for consent authorities to make decisions if the relevant agency has not provided their comments within the specific time (except for matters that require the concurrence of the Rural Fire Service). The legislation should be strengthened to state that consent authorities can assume concurrence in these circumstances and remove the exception relating to the Rural Fire Service. Assumed concurrence provisions will incentivise the agencies to provide timely advice. However, the agencies also need to be resourced appropriately to provide their advice within the statutory timeframes.

It would further assist proponents, councils and agencies if all policy positions and requirements in relation to development matters were made clear and consistently implemented by the State. This should be a priority for the Department.

Council supports the use of the NSW Planning Portal to track the progress of concurrences and referrals, providing the system is designed to be compatible with Council's systems to avoid duplication of data entering. Council also supports the new 'project team' approach to concurrences and referrals, the Department's intention to support agencies in implementing a risk-based approach to concurrences and referrals, and the Department's ongoing review aimed to rationalise and remove concurrences and referrals where appropriate.

3.3 Preventing the misuse of modifications and strengthening deterrence of unauthorised works

Council fundamentally disagrees with the Department's position on retrospective modifications. Council does not agree that modifying a development consent under Section 96 of the Act after the works have commenced, is a misuse of the provisions. As outlined in the Department's 'Summary of Proposals' document, the Court has found that a retrospective S96 Modification Application is a valid application.

The issue is whether there is merit in granting a modification to the development consent, irrespective of the stage of the works. The Act provides for modifications to be granted for minor matters, for matters which have minimal environmental impact and where the development is substantially the same as the original development that was granted consent. The ability to retrospectively approve modifications does not erode these principles.

The aim of the proposed legislation, to prevent retrospective modifications (except for minor errors, misdescriptions or miscalculations) is to deter unauthorised works. Council is not convinced that it will achieve this aim as the Act already provides for enforcement action such as demolition and the ability to seek a Building Certificate for the unauthorised

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works. The proposal will more likely increase compliance costs for councils in relation to minor matters that would have otherwise been approved on merit. A better approach to deterring unauthorised works would be to increase penalties via penalty infringement notices and/or increase building certification fees.

The proposed amendments to the Act also include a requirement that, when assessing a S96 Modification Application, consideration be given to the reasons why the original consent was issued. While Council has no objection to this provision, the implication in the Department's 'Summary of Proposals' document that this is not already the practice of consent authorities, is not supported by any evidence.

3.4 Improving the complying development pathway

Council makes the following comments with regards to the proposed legislative changes to complying development:

- Council supports the proposal for the regulations to specify the kinds of development for which a private certifier cannot issue a Complying Development Certificate (CDC). Council suggests that should medium density development become complying development, that this be a specified development under this provision, given the greater potential for negative impacts on adjoining properties from medium density development that is approved contrary to the requirements. It is noted that in Victoria there are numerous examples of compliance and enforcement problems that have arisen from the private certification of medium density development and Council does not wish to see these problems repeated in NSW. However, if the legislation and regulations were sufficiently strengthened and the Building Professionals Board properly funded to hold private certifiers accountable, Council would be more inclined to support the private certification of medium density developments. Private certifiers should also not be able to issue CDCs where a Planning Agreement is proposed.
- Council supports the proposal for CDCs to be issued subject to a deferred commencement condition, particularly if it provides for complying development certificates to be issued prior to the registration of a new lot in a land release area.
- Council supports the proposal for the Court to rule a CDC invalid if proceedings have been brought within three months of its issue and if it has been unlawfully issued.
- Council supports the establishment of a compliance levy to fund the enforcement of complying development standards, however more information is required as to the procedures for collecting the levy and how payments are made to cover the cost of enforcement actions. In the establishment of the levy and the implementation processes, the Department must clarify and confirm the role of the Building Professionals Board and Councils in relation to enforcement.
- Council supports the provision of new powers to issue temporary Stop Work Orders for a period of seven days, however seven days is a relatively short timeframe to investigate potential non-compliances and take any follow-up action.
- Council supports allowing special infrastructure contributions and Planning Agreements to be entered into for complying development. However as noted above, private certifiers should not be allowed to issue CDCs where a Planning Agreement is proposed.



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- With regard to the proposal to introduce regulations requiring certifiers in metropolitan areas to provide a copy of a proposed CDC, plans and a compliance table to council and direct neighbours before issuing the certificate, Council is concerned that it may in the future be extended to regional areas and in the absence of any detail as to how this will work, Council objects to this proposal. Should this proposal proceed, the opportunity to use the Planning Portal to inform neighbours and provide documentation should be explored.
- No objection is raised to the proposal requiring certifiers to provide a copy of an issued CDC and endorsed plans to direct neighbours at the same time as they provide the information to councils. Again, the opportunity to utilise the Planning Portal should be explored.

The following comments relate to the non-legislative proposals outlined in the Department's 'Summary of Proposals' document:

- Council welcomes the Department's intentions to prepare a new user-friendly, simplified Housing Code and a new Inland Code. Council suggests that a new Coastal Code would also be appropriate.
- Council supports the Department's intentions to implement education programs for councils and accredited certifiers.
- Council supports the proposal to allow online lodgement of CDCs on the NSW Planning Portal. The Planning Portal should also house a register of approved certificates.

In 2008, when the NSW Housing Code was first introduced, the 'Guide to Complying Development for Detached Housing' stated that 'the planning reforms seek to increase the uptake of complying development from 11% to 50% over the next four years across NSW'.

When the White Paper for a new Planning System was released in April 2013, it noted that "77% of assessments still remain in the full merit assessment track", with 23% using the complying development assessment pathway. The White Paper outlined a target of 80% of all assessments being complying development or code-assessment within five years.

The Department's 'Summary of Proposals' document accompanying the current legislative amendments identifies that 32% of all local development uses the complying development pathway. This demonstrates that the NSW Government's approach to complying development has failed to meet its own targets, despite numerous changes aimed to simplify the system and increase its uptake.

The key reasons for the failure to significantly increase complying development have been outlined to the Department on a number of occasions, however these key reasons are again not addressed in these proposed planning reforms, aside from the need to simplify the codes. The other reasons are:

- the need to streamline other required approvals, such as S138 (road) and S68 (plumbing) approvals with CDCs
- the need for the codes to be relevant to regional situations

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- the need to review the 'land requirements' so that appropriate ancillary developments are not excluded from exempt or complying development on certain lands
- the need to simplify the wording of the standards within the codes to ensure that they are appropriate across NSW, not only to residential release areas in Western Sydney.

A further improvement could be to standardise the assessment requirements and processes for CDCs.

#### **4. Better Processes for State Significant Development**

##### 4.1 Clarifying regulation of major projects

No objection is raised in principle to the proposed automatic lapsing of conditions of consent for major projects where other licences replicate the conditions. However the wording in the draft Bill requires the consent authority to be satisfied when issuing the consent that the other licence (which may not yet be issued) will adequately address the relevant matter. Predicting the nature of conditions on future licences is not considered an appropriate basis to determine the lapsing of conditions. The Bill should be amended to state that conditions will only cease to have effect after the relevant licence has been issued and the consent authority is satisfied that the relevant matters have been adequately addressed, and the proponent has been advised of such in writing.

No objection is raised in principle to the proposal that licences will not be able to permit greater impacts than those allowed under the original consent, however there is nothing in the Draft Bill to give this effect.

No objection is raised to granting the Minister the power to vary monitoring or auditing conditions to ensure that the conditions are responsive to changes in environmental conditions. However, no case has been made as to why the Minister should be able to revoke monitoring or auditing conditions.

##### 4.2 Improved environmental impact assessment

Given that draft guidelines for consultation will be released in 2017, Council has no comments to make on this matter at this stage.

##### 4.3 Discontinuing Part 3A

No objection is raised to the discontinuation of the transitional provisions relating to the repealed Part 3A of the Act.

#### **5. Facilitating Infrastructure Delivery**

No objection is raised to the proposal that provides for a State Environmental Planning Policy to designate an infrastructure corridor and for concurrence to be required from relevant NSW Government agencies for activity approvals under Part 5 of the Act.



ATTACHMENT 1 DRAFT SUBMISSION TO PROPOSED AMENDMENTS TO ENVIRONMENTAL  
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## **6. Fair and Consistent Planning Agreements**

No objection is raised to the proposed amendment to the Act to give effect to a Ministerial Direction requiring councils to have regard to the Secretary's Practice Note when negotiating or preparing a Planning Agreement.

## **7. Confidence in Decision-Making**

### 7.1 Better local decisions – Local Planning Panels and more delegation to council staff

Council is pleased that the Draft Bill does not mandate the establishment of local planning panels, however Council is concerned about the stated reasons why the Minister may direct a council to establish a local planning panel, which, aside from the timeliness of decision-making, are not necessarily measurable or factual. While there may be 'sustained community concern' it may be based on perceptions not reality. Conflicts of interest must also be real not perceived. Of most concern however, is the reference to the quality of planning decisions. On what basis is the quality of a planning decision measured and by whom is it measured? Further clarification of these matters is required before Council will support these provisions.

Council also notes that according to the Department's 'Summary of Proposals' document, less than 1% of development application across NSW are managed by local planning panels. Further, the document identifies that 95.7% of development and modification applications were determined by council officers under delegation. These statistics demonstrate that the system is working, that very few applications are determined at a council meeting and that potential conflicts of interests and delays associated with reporting applications to a council meeting are on the whole avoided. Therefore, Council is of the view that the Department is again trying to solve a problem that does not exist and should be focusing its energy on the more important matters of State policy and providing strategic directions for councils and proponents.

### 7.2 Refreshed thresholds for regional development

No objection is raised to the proposed changes to the thresholds for regional development.

### 7.3 Strengthening decisions at the State significant level

No objection is raised to the proposals relating to State significant development.

### 7.4 Managing conflicts for panels

Council supports the proposal to establish a model code of conduct for planning bodies, including panels.

### 7.5 Review of decisions

Council supports the proposal to allow a proponent to review decisions made by local planning panels, regional planning panels and the Independent Planning Commission (in certain circumstances).

## **8. Clearer Building Provisions**

The draft Bill consolidates building and subdivision certification provisions into a single part for ease of access and understanding. The provisions are strengthened by the inclusion of a

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requirement that a Construction Certificate (CC) must be consistent with the development consent and providing the Court with the power to declare a CC invalid if proceedings have been brought within three months of the issue of the certificate, and it is inconsistent with the development consent. These proposals are supported.

However, in combining the building and subdivision certification provisions, it appears that the existing Section 109D (d) of the Act that restricts the power to issue Subdivision Certificates in most circumstances to the council, is not replicated in the draft Bill. Councils must retain the right to be the certifier of subdivision development, particularly where the development includes the construction of public infrastructure.

The amendments also remove the ability to issue interim occupation certificates, which means that a certifier will not be able to allow occupation of the building if there are very minor outstanding matters. Council does not support this proposal. The proposed owners building manual that must be provided by the certifier to the owner before issuing an occupation certificate will be resource intensive for certifiers unless the Department prepares comprehensive and easy to use templates. It is noted that the Draft Bill provides for the regulations to make provision for the form and content of owners building manuals.

The Department's 'Summary of Proposals' document also refers to the regulations providing for accredited certifiers to place conditions on the issue of CCs and CDCs, however no further explanation is provided. In the absence of clear information in relation to the types of conditions that may be placed on CCs and CDCs, Council objects to this proposal. It is important to ensure that conditions cannot be placed on certificates that would make the development inconsistent with the development consent. Council recommends that only conditions prescribed by regulations should be able to be placed on certificates and that Council be consulted in regard to any conditions proposed to be prescribed.

## **9. Elevating the Role of Design**

No objection is raised to the inclusion of a new object in the legislation relating to good design. However, it is noted that the NSW Government is also proposing to make medium density housing proposals complying development, limiting the capacity for a merit assessment of the design of such proposals. The two proposals are at odds.

Council also notes that the changes to the objects of the Act include the removal of objects relating to:

- the protection, provision and coordination of communication and utility services
- the provision of land for public purposes
- the provision and coordination of community services and facilities.

In addition, the changes to the objects of the Act include a new object relating to the promotion and sustainable management of built and cultural heritage.

The Department's 'Summary of Proposals' document does not identify or explain these proposed changes. No objection is raised to the addition of an object relating to built and cultural heritage, however Council is concerned at the removal of the other objects referred to above in the absence of an explanation for their removal.

#### **10. Enhancing the enforcement toolkit**

Council supports the proposal, as outlined in the Department's 'Summary of Proposals' document to enable the Department and councils to enter into enforceable undertakings with holders of a development consent, to rectify any harm that has occurred and to commit to improved behaviours in the future. However, it is noted that the draft Bill only provides for the Secretary of the Department to do so. The draft legislation should be amended to also enable councils to enter into enforceable undertakings.

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**PSR17/009 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: S5.5.1 Eurobodalla Coastal Hazard Management Plan

**EXECUTIVE SUMMARY**

This report provides Council with the final draft of the Tomakin, Mossy Point, Broulee and Mogo Flood Study (the Flood Study). Specialist consulting firm, WMA Water, was engaged to prepare a flood study for the Tomaga River and the adjoining area of Broulee. The suburbs included in the study are:

- Mogo
- Tomakin
- Mossy Point
- Broulee.

The Flood 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.

Extensive consultation with the community occurred and the Office of Environment and Heritage (OEH) provided technical advice throughout the preparation of the Flood Study.

On 3 May 2016, Council was briefed on the Flood Study prior to a report recommending endorsing the Flood Study for exhibition was presented at the ordinary meeting of Council on 10 May 2016.

Additional work was undertaken by WMA Water in response to concerns raised via a submission.

The Flood Study was placed on exhibition between May 16 and 24 June 2016. A total of two (2) submissions were received at the end of the consultation period.

Council was again briefed on 22 March 2017 where an outline of community submissions was presented.

Additional engagement with the community will occur following adoption of the flood study through offering to attend meetings of each community association and business chamber at Mogo, Tomakin, Broulee and Mossy Point.

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**PSR17/009 TOMAKIN, MOSSY POINT, BROULEE AND MOGO FLOOD STUDY**

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

This report recommends adopting the draft Flood Study and replacing the existing Investigation Area mapping within the Study area, contained within the Interim Coastal Hazards Adaptation Code, with the site specific flood mapping produced by the draft Flood Study.

**RECOMMENDATION**

THAT Council:

1. Adopt the draft Tomakin, Mossy Point, Broulee and Mogo Flood Study.
2. Replace the existing Investigation Area mapping contained within the Interim Coastal Hazards Adaptation Code, with the site specific flood mapping produced by the Tomakin, Mossy Point, Broulee and Mogo Flood Study.
3. Review and amend where necessary, planning certificates issued under section 149 of the *Environmental Planning and Assessment Act 1979* to reflect the updated flood information.
4. Apply flood planning levels determined by the draft Tomakin, Mossy Point, Broulee and Mogo Flood Study to individual development applications.
5. Inform the local communities of the outcomes of the flood study through offering to attend a meeting of the respective community associations and business chambers at Mogo, Tomakin, Broulee and Mossy Point.
6. Council thank all those who made submissions for their contribution.

**BACKGROUND**

The draft Flood Study is Stage 1 of the floodplain management process that is outlined in the New South Wales Floodplain Development Manual 2005. Stage 1 is a technical study only; it does not recommend management options to reduce flood impacts. Council's adopted projections for sea level rise were applied to examine flood behavior under conditions projected to occur with climate change to facilitate strategic planning of resilient infrastructure, housing and urban areas.

Extensive consultation with the community occurred during the preparation of the draft Flood Study. This included direct mail outs, community surveys and public workshops. The draft Study was placed on public exhibition between May 16 and 24 June 2016. The exhibition was supported by additional public workshops and mail out surveys. The Coast and Environment Management Advisory Committee (CEMAC) was presented with the final draft at the meeting held on Thursday 7 July 2016.

As a result of the exhibition, public workshops and submissions, valuable information was received which contributed to calibrating the flood model.

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**PSR17/009 TOMAKIN, MOSSY POINT, BROULEE AND MOGO FLOOD STUDY**

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**CONSIDERATIONS**

During the exhibition period, two submissions were received.

Submission (1) was supportive of the initiative to examine the flood risk within the study area. The submission recommended the scope of the study be extended to include consideration of coastal erosion and emergency response actions during coastal storms such as those experienced in Collaroy during 2016.

The response provided to this submission was that these types of hazards are more appropriately considered and addressed in the Coastal Management Program that is currently under preparation.

Submission (2) focussed on flood levels for Mogo. Submission (2) asked a series of questions relating to the parameters used within the Flood Study, a majority of which are clearly outlined in the Flood Study.

A significant amount of additional work has been completed to investigate the concerns raised that could not be answered in the outline of the project methodology. This additional work included:

- Surveys by Council surveyors to determine level and profile of creek bed
- Comparison of model results between creek bed profiles using the Aerial Laser Survey data and the levels taken by council surveyors.

This work was done to address concerns relating to the accuracy of using Aerial Laser Surveys taken from an aircraft in preference to ground surveys taken by surveyors.

No significant difference was found between the application of the ground surveys and Aerial Laser data. The resultant model runs also demonstrated no significant difference in the modelled flood level being approximately +/- 100mm between the two profiles. For example, the anticipated flood depth during a 1% event is 3.79m. The 100mm represents a variation of 2.6%. This exercise confirmed the validity of the initial approach to apply the Aerial Laser Survey data which was questioned in submission (2).

The recent data (surveys of the creek bed) were also compared to the survey profiles applied in a 1987 flood study of Mogo. There was an observed difference in the creek bed between the 1987 ground surveys and the 2017 surveys. The creek bed had risen (filled in) slightly and two large holes present in 1987 had filled in over the past thirty years. This means the creek has changed slightly between the two studies. Notwithstanding, a majority of the flood waters are conveyed across the floodplain and the raising of the creek bed will not have resulted in a major change to the projected flood levels.

Submission (2) questioned the difference between modelled flood levels from a 1987 Mogo Flood Study and the current Flood Study. The 1987 study applied 1D modelling techniques that were industry standard at the time. The intervening 30 years between the two studies has seen significant advances in modelling software and computing hardware that allows flood events to be modelled in two dimensions. The contemporary software is considered to generate a more accurate reflection of flood behaviour as it can model how floodwaters propagate in multiple directions across a floodplain. Furthermore, the 1987 study was narrowly focussed on Mogo, not taking in the entire catchment of the broader Tomaga River of which Mogo Creek is a

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tributary. The larger hydraulic model extent of the current Study took into consideration the effects of floodwaters downstream on localised flood levels around Mogo, thereby you would expect differences between the two studies.

Concerns relating to the flood levels determined by the Flood Study have been raised in correspondence from a member of the community after the exhibition period. These concerns relate to the flood levels at Broulee only. These issues were focussed on design and building requirements for infill areas and some existing vacant lots in Broulee.

The newly released lots within Broulee Beach estate have been filled to the draft flood levels in agreement with the developers. This has resulted in minor constraints to new development at these sites and will not impact on building design. An on-ground dwelling has been approved and is currently under construction in the most recently released land at Broulee.

The issue with infill sites raised by the member of the community, is the difference between existing flood control strategies and what will need to occur if the proposed flood levels in the Flood Study are adopted.

Broulee has never had a flood study but instead relied on eye witness accounts of flooding that occurred in the 1970's. A "rule of thumb" approach to managing the flood risk was adopted which directed new houses to have a floor level 300mm above the road crest. There are several problems with this approach:

- The lowest points of the road will be where the flood waters are deepest.
- Floor levels relative to the road crest will be lowest where flood waters are deepest, therefore the houses with the highest risk will have the lowest floors.
- No single flood level for the suburb (ie different floor levels for the same flood risk).
- The eyewitness accounts of flooding are considered accurate, however the event witnessed in the 1970's was not a 1% flood event and higher events would reasonably be expected to occur.

The 1974 flood event was also used to calibrate the most recent flood model for the Moruya River and this can be used as an example to support the difference between the 1974 event and a modelled 1% event. The Moruya example also demonstrates the possibility of events greater than 1% occurring with the highest observed flood of record being above the modelled 1% event.

**Table 1: comparison of observed 1974 flood levels and modelled 1% events**

Event	Broulee (m AHD)	Moruya (m AHD)
1974 (observed) <sup>1</sup>	4.6	
1974 (recorded) <sup>2</sup>		3.62
1% (modelled) <sup>1,2</sup>	5.14	5.1
1925 (observed) <sup>2</sup>		5.4

<sup>1</sup> Table 13, p 44 Tomakin, Mossy Point, Broulee and Mogo Flood Study, 2017.

<sup>2</sup> Moruya Flooding - Climate Change assessment (2011, Table 1, p4).

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Broulee has a unique situation in respect to flooding. The flooding is not a result of a stream breaking its banks and spreading across a flood plain, rather it occurs when the sand aquifer fills up and the water cannot drain away due to the flat terrain and proximity of the ocean. This can result in the flood waters remaining for extended periods of time. Although not a large risk to life due a lack of velocity, the flooding presents a significant challenge in terms of flood recovery and potential losses if floors become inundated for a period of days.

Redevelopment of existing housing at Broulee presents an opportunity to make the area more resilient to future floods which will result in lower losses incurred by the community.

In finalising and adopting the draft Flood Study, Council will be able to replace the existing controls at Broulee and the dated flood study for Mogo. This will allow Council to apply the best available information to assist with planning decisions and issuing of advice on Planning Certificates issued under section 149 of the Environmental Planning and Assessment Act 1979.

In summary, the reasons for the differences between existing and proposed flood planning levels in Broulee can be explained as follows:

- No previous studies existed for Broulee.
- Previous flood levels applied in Broulee were based on observations taken in 1974.
- The 1974 event was lower than the recommended 1% benchmark event for flood planning in NSW.

### **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 under section 733 of the Local Government Act 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 draft Flood Study has been prepared in accordance with the NSW Floodplain Development Manual 2005.

A planning certificate issued pursuant to section 149(2) of the Environmental Planning and Assessment Act 1979, is required on contracts for land sale 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 draft 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 or flood information derived from a single model for the Study area. This is the first comprehensive flood study for the Tomaga River and Broulee areas that considers the entire catchments of the flood affected areas. This study, together with existing studies for elsewhere in our Shire, provides an opportunity to prepare a uniform



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flood code with longer term strategic planning and a consistent approach to development of flood plains across the entire Eurobodalla.

The flood planning levels determined by this draft Study can be applied to floor levels of individual development applications in concert with a merit based development assessment process.

**Social Impact**

Flooding can present a risk to life in addition to causing significant damage to property, businesses 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. Planning to manage the risk of flood can mitigate adverse social impacts from flooding.

**Economic Development Employment Potential**

The application of the NSW Flood Policy ensures controls facilitate appropriate economic use of the flood plain. The draft Flood Study will inform the application of controls to facilitate appropriate commercial development within the Study area. This will include identification of land for future development, application of appropriate flood planning levels for commercial properties 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. Reduced free board (eg, 300mm) and a 5% AEP flood event will be applied to commercial development as a result of the information provided by the draft Study. This will be consistent with the approach that is currently applied in the commercial areas of Moruya.

**Community Engagement**

Section 3 on pages 16 and 17 of the draft Flood Study provides details of the extensive engagement that occurred in preparing the draft Study. The main activities that occurred to reach the community include:

- Media release published in the Bay Post
- Notice in Council's community notice board
- Community information sheet and questionnaire directly mailed to residents in the study area
- Two community drop in sessions held on 15 and 16 April 2016
- Additional site visits with Mogo business people
- Public exhibition of draft Study
- Exhibition copies of the draft Flood Study available on-line, at the Moruya Administration Centre and for loan at the Batemans Bay, Moruya and Narooma libraries.

The consultation strategy yielded a total of two (2) submissions. The submissions were received from the following villages within the draft Study area:

- Mogo
- Broulee.

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Issues raised in the submissions is discussed above in the section of the report titled 'Considerations.'

Additional engagement with the community will occur following adoption of the flood to inform residents of Mogo, Tomakin, Broulee and Mossy of the outcomes of the study. This will be delivered as presentations to the respective community associations and business chambers.

**CONCLUSION**

The draft Tomakin, Mossy Point, Broulee and Mogo Flood Study is complete. The draft Study was prepared through the delivery of a comprehensive community consultation process that provided additional valuable information to inform the calibration of the flood model. This report recommends the flood study be adopted.

An additional recommendation proposes to replace, where appropriate, the Interim Coastal Hazards Adaptation Code Investigation Area mapping for Tomakin, Mossy Point and Broulee with the more accurate mapping determined by the flood study. This will occur where a property is not considered to be at potential risk from coastal erosion (50m from mean high water on an open beach).

Planning certificates issued pursuant to section 149 of the Environmental Planning and Assessment Act 1979 will be altered to reflect the lower flood levels identified by this study.

Respective flood events and considerations for freeboard to determine flood planning levels for residential and commercial developments within the study area have been proposed.

Available under separate cover on the website.

- The introduction of a new SEPP containing exempt and complying development provisions is not considered to meet the NSW Department of Planning and Environment's (Department) aims of simplifying the planning system.
- The need for councils and NSW Police, through local traffic committees to be involved in the early stages of planning for educational establishments.

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- Retaining councils as the consent authority for educational establishments in regional areas.
- Limiting the Principal Certifying Authority for development under the Child Care and education SEPP to councils.
- The expanded provisions for lead-in water and sewer infrastructure only apply to the Sydney and Hunter Regions and should be expanded to the whole of NSW.
- The need to update the Rural Fires Act to be consistent with the new Child Care and Education SEPP.
- The proposed deletion of visitor information centres as development without consent from the Infrastructure SEPP is not supported.

A draft submission is presented for Council's consideration and endorsement.

#### **RECOMMENDATION**

THAT Council endorse the submission attached to this report and forward it to the Department of Planning and Environment, with a copy to the Minister for Planning and the Member for Bega, Minister for Transport and Infrastructure.

#### **BACKGROUND**

The NSW Department of Planning and Environment (the Department) is currently implementing a review program for State Environmental Planning Policies (SEPPs). As part of this review, the Department is seeking feedback on a new Education and Child Care SEPP and proposed changes to the Infrastructure SEPP. These are on exhibition until 7 April 2017.

The review is underpinned by the Government's commitment to simplify the NSW planning system and reduce complexity without reducing the rigour necessary in considering matters of State and regional significance. Despite this commitment, the Government has been continuing to prepare new SEPPs and make changes to existing SEPPs that add complexity to the planning system. For example, this proposal adds yet another SEPP in which exempt and complying development can be found. Users of the planning system will need to check several SEPPs and the Council's LEP to understand all types of development that may be exempt or complying.

The NSW Government have advised that the proposed Education and Child Care SEPP will make it easier for child-care providers, schools, TAFEs and universities to build new facilities and improve existing ones by streamlining the planning process to save time and money, and deliver greater consistency across NSW. The proposed SEPP balances the need for delivery of additional educational infrastructure with a focus on good design.

The NSW Government also advises that the changes to the Infrastructure SEPP will make it easier and faster to deliver and maintain social infrastructure including health facilities, correctional centres, emergency and police services, and council services. They will simplify the

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approval process while still ensuring that appropriate levels of environmental assessment and consultation are undertaken for these activities.

The Explanation of Intended Effects documents for the new Education and Child Care SEPP and proposed amendments to the Infrastructure SEPP are attached to this report.

## **CONSIDERATIONS**

### **1. Education and Child Care SEPP**

The NSW Government is proposing the following changes to the planning system:

- Aligning the National Quality Framework for Early Childhood Education and Care Facilities into the NSW planning system.
- Simplifying and streamlining the planning approval process by allowing certain early childhood education and care facilities to be assessed as exempt or complying developments.
- Referring development applications that do not meet key national requirements to the Department of Education early in the assessment process, allowing applicants to make any necessary modifications early in the design process.
- Allowing early childhood education and care facilities to be temporarily relocated (through an exempt development process) in the event of an emergency.
- Amending all local environmental plans to permit centre-based child care in all R2 low density residential and IN2 light industrial zones, allowing child care centres in more locations closer to homes and workplaces.
- Introduce the Child Care Planning Guideline, which contains key national requirements and design guidance for child care facilities.

These changes will not affect the requirement for early childhood education and care providers to apply for a service approval from the NSW Department of Education to operate a service.

As long as all planning controls have been met, the proposed SEPP will allow the following types of facilities to be considered as exempt development:

- all home-based child care facilities on all land, including land prone to bush fires with appropriate protection measures
- school-based child care, as long as facilities comply with the National Quality Framework
- mobile child care
- temporary relocations of child care facilities in the event of an emergency.

#### Home Based Child Care in bush fire prone land

The changes in relation to home-based child care are a significant positive result for Eurobodalla. As a result of the new Education and Child Care SEPP, a proposal for home-based child care on bush fire prone land will be exempt development if there is an asset protection zone, an emergency management and evacuation plan, and the dwelling is not located in bush fire attack level zones (BAL) BAL-40 or BAL-Flame Zone. There have been cases over the past few years where home-based child care has not been able to proceed due to the planning process. The proposed SEPP will facilitate more home-based child care which is an important small business in our Shire that provides both job opportunities and child care spaces.

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While this is a good outcome, there are some specific legal matters that still need to be addressed.

To enact the proposed changes, there will be amendments to the definitions in the Standard Instrument Local Environmental Plan. However, the change in definition in the Standard Instrument Local Environmental Plan from child care centre to centre-based child care is not replicated in the Rural Fires Act (100B) and the NSW Rural Fire Service (RFS) document 'Planning for Bush Fire Protection'. Therefore there is still the possibility that a 100B Bush Fire Safety Authority will be required for home based child care, even though the development may be exempt. To ensure this is clear, section 100B (6) (b) of the *Rural Fires Act 1997* should change from "a child care centre" to "centre-based child care".

Secondly, where a proposal for home based child care on bush fire prone land does not satisfy the specific bush fire requirements, ie an adequate asset protection zone, it will not be exempt development and will require a DA. By not amending the section 100B (6) (b) of the *Rural Fires Act 1997* to ensure consistent definitions with the Standard Instrument Local Environmental Plan, there will be no clarity through legislation as to whether such a DA will be Integrated Development (and require a section 100B Bush Fire Safety Authority) or whether it will be a section 79BA referral to the NSW RFS. This is a significant issue as the 100B requires an additional fee payment to the NSW RFS and a formal approval. A 79BA does not require an additional fee payment and results in advice to Council from the NSW RFS.

The Department have advised that the NSW RFS plan to resolve this matter through amendments to the 'Planning for Bushfire Protection' document. This is not considered an adequate, or legal response. Defining whether a DA is integrated development or not must happen through legislation, not through a planning guideline.

Consent authority for all Development Applications (DAs) for educational institutions

The Department is seeking views on appointing JRPPs or the SPP as the consent authority for all DAs. The purpose of this is to ensure broad scale/regional consideration of DAs for educational institutions. This is particularly relevant in metropolitan areas where schools may be located on local government boundaries. Appointing the JRPP to determine DAs is considered unnecessary in regional areas such as Eurobodalla.

Referral of proposals for educational establishments to Local Traffic Committee

For certain complying developments that will result in an additional 50 or more students, the proponent will be required to consult the Roads and Maritime Services (RMS) first, to assess whether the traffic impacts of the proposed development on the surrounding road network are acceptable or will be acceptable if specified requirements are met. This is to ensure that the traffic impacts arising from certain complying schools development are properly assessed by the RMS prior to the lodgement of an application for a Complying Development Certificate, and any required measures to address traffic congestion and road safety are identified.

While reducing red tape for public infrastructure is a positive initiative, as a general comment, the considerations relating to traffic management, access and pathways to schools/centres, buses, parking and drop-off/pick-up provisions tends to be underdone. The planning and design

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**POLICY AND INFRASTRUCTURE STATE ENVIRONMENTAL**  
**PLANNING POLICY**

focus tends to be more on buildings, play space, etc. Council has in the past, presented to government Staysafe Committees examples of initial designs that were unsatisfactory until many positive provisions and changes were negotiated. The draft SEPP provisions include a referral to the Roads and Maritime Services only on such matters, but this is insufficient. There needs to be a requirement for sign-off by the Local Traffic Committee (Development) so that Eurobodalla Shire Council and NSW Police input is obtained.

It is understood that RMS will work on administrative procedures to ensure early discussion with local traffic committees and councils. It is important that these measures are put in place to enable local consultation and input.

Principal Certifying Authority (PCA) for complying development under the new SEPP

The Department advised at a workshop held in Queanbeyan on 7 March 2017, that it is seeking feedback on limiting the role of the PCA for complying development to Council only. This is in response to concern being expressed by the NSW Local Governments and Shires Association about significant scale developments being certified by private sector PCAs. It is considered a reasonable outcome that under the new Education and Child Care SEPP, the role of the PCA for complying development is limited to Council.

**2.    Infrastructure SEPP**

Key amendments to the Infrastructure SEPP include new or expanded provisions for:

- health services facilities
- police services facilities and police stations
- Council operational lands
- commuter hubs, including train stations and bus stops
- sewerage and water lead-in infrastructure
- educational establishments

Lead-in Water and Sewerage Infrastructure

It is proposed to introduce new provisions in order to simplify the assessment and approval process for minor lead-in sewerage and water infrastructure. Lead-in infrastructure is generally minor pipeline works used for the collection and transfer of sewage or water from a new development to an existing sewage or water reticulation system.

The new provisions will enable lead-in infrastructure in the Sydney and Hunter water supply and sewerage networks to be undertaken as complying development. There is no explanation as to why this was not broader to include other water and sewer authorities. It is considered appropriate that these same provisions apply to Eurobodalla.

Council operational land

It is proposed to extend exempt and complying development permitted without consent which councils can currently undertake on their public reserves to include operational lands.



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<b>PSR17/010</b>	<b>EDUCATION AND CHILD CARE STATE ENVIRONMENTAL PLANNING POLICY AND INFRASTRUCTURE STATE ENVIRONMENTAL PLANNING POLICY</b>	<b>E05.9582</b>
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The proposed exempt development provisions include walking tracks, bicycle-related storage facilities, barriers, ticketing machines, viewing platforms, some sporting facilities, play equipment, picnic tables and shelters.

The proposed development permitted without consent includes roads, cycleways, single storey carparks, recreation areas and recreation facilities (outdoor), information boards, lighting, landscaping amenities, food preparation facilities, maintenance depots, environmental management works and demolition of buildings.

Permitted without consent does not mean there is no assessment undertaken for these works, but rather than development consent, an assessment is made under Part 5 of the *Environmental Planning and Assessment Act 1979* and a review of environmental factors is required.

While the above changes are positive, the provisions remove “visitor information centre” from development without consent. This is not discussed in the Explanation of Intended Effects document and is considered an unnecessary change.

### **Legal**

The *Environmental Planning and Assessment Act 1979* is the primary legislation relating to planning functions in NSW. The proposed amendments will require some changes in the planning processes undertaken by councils.

While the proposed changes are generally positive, there are a number of specific matters that should be raised in a submission by Council.

### **Policy**

The proposed amendments to the planning legislation may have implications for a number of Council’s planning documents and policies. When the final changes are enacted, the implications on Council policy will need to be further considered.

### **Environmental**

The changes proposed with the new Education and Child Care SEPP and Infrastructure SEPP are generally positive, subject to the comments made in this report. While there is an increase in development that could be undertaken as exempt, complying or without consent, there are still measures in place to ensure there is no adverse environmental impact.

### **Social Impact**

The new Education and Child Care SEPP and changes to the Infrastructure SEPP will simplify the planning process for delivering a range of important social infrastructure. The changes in relation to home based child care in particular, have the potential for a significant positive impact on those householders in Eurobodalla who would like to provide this service but may have had past difficulty obtaining the relevant approvals from the NSW RFS. Subject to consideration of Council’s submission, overall social impact as a result of these planning changes will be positive.

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<b>PSR17/010</b>	<b>EDUCATION AND CHILD CARE STATE ENVIRONMENTAL PLANNING POLICY AND INFRASTRUCTURE STATE ENVIRONMENTAL PLANNING POLICY</b>	<b>E05.9582</b>
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**Economic Development Employment Potential**

The changes in relation to home based child care are likely to lead to new home based child care opportunities and hence jobs that otherwise would not have been possible.

**Community Engagement**

The Department placed the Education and Child Care SEPP and the Infrastructure SEPP on exhibition until 7 April 2017.

**CONCLUSION**

The submission on the new Education and Child Care SEPP and proposed amendments to the Infrastructure SEPP are presented for the consideration of and endorsement by Council. The proposed changes are generally positive, subject to the consideration of issues raised in this report and the attached submission.

The submission period for the exhibited SEPPs closes on 7 April 2017.

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**PSR17/011 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012  
AMENDMENT NO 10 - BROULEE**

**E15.9218.R**

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

Attachments:

1. Under Separate Cover - Planning Proposal
2. Under Separate Cover - Summary of Submissions and Responses
3. Under Separate Cover - Draft Height of Buildings Map 011B
4. Under Separate Cover - Draft Height of Buildings Map 012A
5. Under Separate Cover - Draft Land Zoning Map 011B
6. Under Separate Cover - Draft Land Zoning Map 012A
7. Under Separate Cover - Draft Lot Size Map 011B
8. Under Separate Cover - Draft Lot Size Map 012A
9. Under Separate Cover - Confidential - Submissions

Focus Area: Sustainable Communities

Delivery Program Link: S5.2 Maintain, update and communicate planning information and issues

Operational Plan Link: S5.2.1 Review housing, land supply and demographics and communicate change issues

## **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council endorsement of a planning proposal to make amendments to the Eurobodalla Local Environmental Plan 2012 (ELP 2012) in relation to land at Broulee.

The planning proposal seeks to rezone land along George Bass Drive and part of Broulee Road from R2 Low Density Residential to E2 Environmental Conservation and to rezone 7ha of land from R2 Low Density Residential to R3 Medium Density Residential. Minor amendments to the Lot Size and Height of Buildings maps are also proposed.

Accompanying the planning proposal are proposed amendments to the Residential Zones Development Control Plan (RZDCP). Endorsement of these amendments is also sought.

The planning proposal was first endorsed by Council for a Gateway Determination in June 2015. A Gateway Determination received in October 2015 required further consideration of matters before the planning proposal could proceed to public exhibition. An amended planning proposal was then submitted to the Department of Planning and Environment for a revised Gateway Determination, which was issued on 24 November 2016. The revised Gateway Determination enabled the planning proposal to be placed on public exhibition.

The planning proposal was placed on public exhibition for an extended period from 30 November 2016 to 27 January 2017, along with proposed amendments to the RZDCP.

A total of 56 submissions were received, with 31 submissions in support of the planning proposal and 25 raising some concerns or objections. No changes to the planning proposal are recommended in response to the submissions, however two changes are recommended to the proposed RZDCP amendments.

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Should Council endorse the amended planning proposal, the ELEP 2012 and RZDCP amendments can be made. Council has received delegation to make the amendments to ELEP 2012.

A copy of the planning proposal is included as an attachment to this report.

**RECOMMENDATION**

THAT Council:

1. Adopt the planning proposal to make amendments to the Eurobodalla Local Environmental Plan 2012 in relation to land at Broulee, attached to this report.
2. Resolve to make the amendments to the Eurobodalla Local Environmental Plan 2012.
3. Resolve to make the amendments to the Residential Zones Development Control Plan.
4. Forward the planning proposal to Parliamentary Counsel with a request to draft the amendments and to the NSW Department of Planning and Environment for reporting and monitoring purposes.
5. Notify in writing all those who made submissions of its decision.
6. Notify in writing the land owners within the area covered by the planning proposal.

**BACKGROUND**

On 23 June 2015, Council endorsed a planning proposal for the Broulee development area for the purpose of seeking a Gateway Determination from the Department of Planning and Environment. The planning proposal raised some concerns in the Broulee community about the scale and type of development proposed in the area. In response to these concerns, Council held two community information sessions in Broulee on 16 and 18 July 2015.

A Gateway Determination was issued on 2 October 2015. The Gateway Determination advised the following:

- support for E2 zone along George Bass Drive and Broulee Road
- support for reduction in minimum lot size to 450m<sup>2</sup>
- insufficient strategic justification for location and scale of proposed R3 Medium Density Residential zone
- Council should prepare a master plan addressing:
  - integration of medium density into existing Broulee scale and character
  - urban design issues
  - management of conservation areas
  - traffic and pedestrian/cycle access
  - stormwater management
  - any other development control issues
- Council to consult with NSW Rural Fire Service and the Office of Environment and Heritage
- resubmit planning proposal for amended Gateway Determination.

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In response to the issues raised in the Gateway Determination and by the local community, an amended planning proposal was prepared by Council staff in consultation with the land owners in the development area and a more detailed master plan of the area was prepared.

The amended planning proposal was submitted to the Department of Planning and Environment for a revised Gateway Determination on 1 August 2016. On 2 September 2016, the Department requested clarification of a certain matter and Council provided a response to this request on 9 September 2016. A revised Gateway Determination was received on 22 November 2016 and this Determination was further revised on 24 November 2016.

The revised Gateway Determination enabled the planning proposal to proceed to the public exhibition phase, which commenced on 30 November 2016. Due to the Christmas and New Year period, the exhibition period was for an extended period of two months, closing on 27 January 2017. Fifty six submissions were received.

**CONSIDERATIONS**

The amended planning proposal

The planning proposal for the Broulee development area was amended in response to the issues raised in the original Gateway Determination and the issues previously raised by community members, as follows:

- retention of the proposed E2 zone for the conservation corridor along George Bass Drive and Broulee Road (in accordance with the Biocertification Agreement). It is now proposed that this land will be retained and managed independently of the development areas. The exact mechanism would be determined as part of a future development application.
- deletion of the reduced minimum lot size (the minimum lot size will be retained at 550m<sup>2</sup>)
- reduction of the extent of proposed additional R3 zone to within 800m of the commercial area on Train Street
- deletion of proposed RZDCP provisions relating to community title management of the conservation corridor and encouraging a mix of lot sizes and dwelling forms
- provision of an additional open space area in the southern part of the development area. As a result all new residential lots will be within 400m of public open space
- inclusion of master plans outlining the proposed road and lot layout, stormwater management concepts and sewer management concepts.

As a result of the above changes, the proposed amendments to ELEP 2012 in the planning proposal are limited to the following:

- rezoning the 40m conservation corridor along George Bass Drive and part of Broulee Road from R2 Low Density Residential to E2 Environmental Conservation.
- rezoning 7ha of land from R2 Low Density Residential to R3 Medium Density Residential.

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- amendments to the Height of Buildings and Lot Size maps to ensure the existing standards across Broulee apply to all parts of the subject land zoned for residential development.

The planning proposal is accompanied by proposed amendments to the Residential Zones Development Control Plan that:

- require adequate separation between residential development and the conservation corridor
- require development to be generally consistent with the Broulee Concept Plan, which will be included in the RZDCP
- encourage the retention of habitat features where possible and feasible
- require development to be consistent with detailed master plans that address water and sewer reticulation and stormwater management (which are to be prepared as part of future development applications).

A copy of the amended planning proposal, incorporating the proposed ELEP 2012 and RZDCP amendments is attached to this report.

The amended planning proposal reduces the projected usual population of Broulee from 2325 (under the original planning proposal) to 2128. The amended plan also represents an increase of 96 people in Broulee over and above the projected usual population, if the planning proposal did not proceed.

During and following the preparation of the amended planning proposal, consultation was undertaken with the NSW Rural Fire Service and the NSW Office of Environment and Heritage and updates were be provided to the Broulee-Mossy Point Community Association.

### **Legal**

The *Environmental Planning and Assessment Act 1979* outlines the process that must be followed in order to make amendments to a local environmental plan and a development control plan. The subject amendments have been prepared in accordance with these requirements. The planning proposal also complies with the conditions of the Broulee Biocertification Order affecting the subject land.

### **Policy**

The planning proposal has been prepared in accordance with the Department of Planning and Environment Guidelines for preparing planning proposals and local environmental plan amendments.

The planning proposal outlines how the proposed amendments are consistent with the South Coast Regional Strategy, the South Coast Regional Conservation Plan, the Eurobodalla Community Strategic Plan and the Eurobodalla Settlement Strategy. The planning proposal is consistent with the above policy framework by:

- protecting an identified habitat corridor
- providing for a mix of housing opportunities
- supporting economic activity and growth

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- facilitating development within an existing settlement
- retaining the character of Broulee as a coastal village.

**Environmental**

The significant environmental issues with the land have been resolved through the conferring of a Biodiversity Conservation Order upon the land. The planning proposal is consistent with the Order by seeking to rezone a conservation corridor to E2 Environmental Conservation.

The concept plan supporting the planning proposal shows additional public open space and extension of a drainage corridor, and the proposed DCP amendments include a provision to encourage the retention of habitat features where possible and feasible.

**Asset**

Future development in the area will impact on various Council assets including road, water, sewer and stormwater infrastructure, open space and community and recreation facilities. Detailed studies addressing these matters will be required as part of future development applications for subdivision of the land. As is usual with development of this kind, contributions will be required towards the cost of upgrading existing infrastructure and/or new items of infrastructure will be required to be provided, to meet the demand generated by the development.

**Social Impact**

Given the relatively small increase in dwellings and population resulting from the planning proposal, it is considered that there will be minimal adverse social impacts on the existing Broulee community. Facilitating greater housing choice in Broulee is likely to have positive social impacts.

**Economic Development Employment Potential**

Facilitating development of the land will provide a boost to the local economy, particularly in the construction industry. Further, increasing the density of housing in close proximity to the commercial land on Train Street will increase the viability of existing and future commercial development and support the provision of other services.

**Financial**

Additional development of land in Broulee will increase the rate base to support ongoing funding for community services and infrastructure maintenance.

**Community Engagement**

We have consulted with the community by seeking feedback through a 58 day public exhibition where the planning proposal and RZDCP amendments were placed on Council's website, at the Batemans Bay and Moruya libraries, and Moruya customer service centre. We provided the Broulee-Mossy Point Community Association with a briefing on the amended planning proposal during the exhibition period and a community information session was also held at the Captain Oldrey Park hall for community members to view the plans and ask questions of staff. A total of 57 submissions were received to the planning proposal with 31 submission supporting it and 25 raising some concerns or objections.

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Submissions

A summary of the issues raised in submissions and responses to those issues is included as an attachment to this report. Copies of each individual submission has been provided to councillors under separate cover.

Approximately 55% of the submissions received supported the planning proposal. The following reasons were provided:

- Opportunity for more people to purchase land in Broulee, including people from Canberra who have indicated their desire to relocate to Broulee.
- The development will contribute to infrastructure and Council rates.
- The development will create jobs in construction and home building.
- The development will stimulate additional investment and economic growth in Eurobodalla.
- The development will ensure growth and sustainability of local schools and other services.
- The proposal will help address youth unemployment and housing affordability.
- Broulee provides flat land for housing development that is almost non-existent in Eurobodalla.
- The current residential market is very strong with demand outstripping supply.
- The proposed development looks well laid out.
- The area has been identified for residential development since the 1980's and considerable investment has already been outlaid to support development.

Submissions that objected to or raised some concerns with the planning proposal raised the following specific issues:

**1. Native vegetation (11 submissions)**

Submissions called for greater retention of remnant vegetation within the development area, raised concern with the inadequate offset for the loss of the vegetation and the impact on wildlife.

Comment: As the subject land is already zoned for residential development and the vegetation on the land has been approved for removal via a biodiversity certification process, the concerns regarding the loss of vegetation on the land are not directly relevant to the planning proposal. They are relevant to the proposed RZDCP amendment encouraging the retention of some habitat features where possible and feasible. As this is consistent with the Biodiversity Certification Order for the land, no change to the proposed RZDCP provision is recommended.

It is important to note that the Biodiversity Certification Order issued by the Minister for the Environment was given on the basis that a significant area (405ha) of the same vegetation community (Bangalay Sand Forest) was being protected on land to the south and west of Broulee (in addition to the 40m corridor along George Bass Drive and Broulee Road). The planning proposal is consistent with the Broulee Biocertification Order. The process of tree removal and wildlife relocation will be considered as part of the assessment of future development applications.



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**2. Open space provision (11 submissions)**

A number of submissions particularly commented on the small size of the proposed pocket park in the southern part of the development area and the lack of connections between green spaces.

Comment: The provision of open space in the development area is not a relevant matter for the planning proposal but is relevant to the proposed RZDCP amendment which incorporates the Broulee Concept Plan and requires development to be generally consistent with the Plan.

The additional green space proposed to be provided includes a 1ha expansion of Captain Oldrey Park, a pocket park and an extension of a drainage reserve. A 40m wide conservation corridor along George Bass Drive and Broulee Road is also proposed to be retained. Combined, it is considered that these represent an appropriate amount of green space for the development. However, should the more detailed assessment at the development application stage result in any changes to the open space provision, these can be considered on merit having regard to whether they are generally consistent with the Broulee Concept Plan. Therefore, no change to the Broulee Concept Plan with regard to the provision of open space is recommended.

In relation to vegetation connections, the master plan extends a drainage reserve to link to the conservation corridor along George Bass Drive. It is also proposed to include a specific provision in the RZDCP to encourage, where possible, the retention of some habitat features, including hollow bearing trees.

**3. Impacts on Captain Oldrey Park (eight submissions)**

A number of submissions raised traffic, safety and loss of public land concerns regarding the roads shown on the master plan along the western and southern boundaries of Captain Oldrey Park and through the south eastern corner of the park to Elizabeth Drive.

Comment: Issues with the proposed road network in the development area are not relevant matters for the planning proposal, but are relevant to the proposed RZDCP amendment which incorporates the Broulee Concept Plan and requires development to be generally consistent with the plan.

It is important to note that the Broulee Concept Plan and the more detailed master plans prepared to support the planning proposal, are not a proposed subdivision layout. The location and design of road connections will be subject to more detailed assessment at the development application stage. Master planning of Captain Oldrey Park is also required, with community consultation, to determine the most appropriate means of access into and around the park. Should this more detailed planning result in any changes to the road network, they can be considered on merit having regard to whether they are generally consistent with the Broulee Concept Plan. Therefore, no change to the Broulee Concept Plan with regard to the road network is recommended.

In relation to the issues of safety, the provision of perimeter roads to open space areas is a key principle of safety by design. Perimeter roads provide passive surveillance of open space areas. Potential conflicts with vehicular traffic can be resolved through detailed design, such as traffic calming, speed limits, landscaping, fencing, etc.

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**4. Impacts from increased population (six submissions)**

Some submissions raised a number of specific concerns relating to the projected population growth and the impacts of that growth on Broulee in terms of social issues from the development of affordable housing, traffic and village character from urban sprawl.

Comment: The issues raised regarding the projected population growth in Broulee are relevant to the proposed increase in the amount of R3 Medium Density Residential zone, from 2ha to 9ha.

The impact of the proposal is estimated to be an additional 75 dwellings and an additional 96 people when compared to development of the site under the existing zoning. This is considered to be a relatively small increase in population as a result of the proposed additional medium density zoning. The population projections are based on the 2011 Census usual population and assume higher occupancy rates for new development areas compared to existing Broulee. Therefore, the population forecasts are considered a reasonable estimate of the likely future population of Broulee.

It is important to note, that the land proposed to be developed has been zoned for residential development since the 1980's. The planning proposal does not rezone any land from non-residential to residential and in fact proposes to reduce the area of land zoned for residential purposes, by the rezoning of land along George Bass Drive and Broulee Road from R2 Low Density Residential to E2 Environmental Conservation.

In relation to the issue of affordable housing, this is a relative concept that is dependent on household income and capacity to pay mortgages or rents. While the development of medium density housing is likely to provide housing that is affordable to a wide range of households, this does not mean that all medium density housing will be purchased, rented or occupied by any one type of household. Therefore, there can be no assumptions about the type of household that may live in such housing in the future and no assumptions in relation to any potential social issues that may or may not arise.

In relation to traffic, the master plan for the development area includes the connection of Heath Street to Train Street and a new road connection to Broulee Road, providing alternative access arrangements into the new development area. Detailed traffic studies are required as part of development applications for major subdivision developments to address the impacts of traffic on the surrounding road network and the community.

The planning proposal will not change the classification of Broulee as a coastal village. The Broulee Village will retain a usual population of less than 3000 people. It will continue to be surrounded by the natural environment, including the 40m wide conservation corridor required to be retained as per the Broulee Biocertification Order. As the subject land has been zoned for residential development since the 1980's, is within the urban boundary defined by the Eurobodalla Settlement Strategy and immediately adjoins existing residential areas of Broulee, it is not considered to be urban sprawl.

**5. Medium density zoning and development (six submissions)**

For some, the reduction in the amount of medium density from the original planning proposal was welcomed but a further reduction or elimination of the medium density zone was still recommended. Some submissions said there should be no, or no additional, medium density

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zoning or development in Broulee. The location of the proposed medium density zoning was also raised as a concern.

Comment: Medium density development of different kinds, are able to be developed in both the R2 Low Density Residential zone and the R3 Medium Density Residential zone. For example, the R2 zone permits integrated housing, where the minimum lot size could be reduced to 300m<sup>2</sup> and multi-dwelling housing. The R3 zone also permits these kinds of medium density housing plus residential flat buildings. The use of the R3 zone encourages the appropriate location of medium density developments.

With regards to the location of the proposed R3 medium density zoning, it is noted that the subject area already contains 2ha of land zoned medium density on land adjacent to the commercial zoning. Across Broulee, there is currently 7.4ha of land zoned medium density, plus an additional 9.7ha of land zoned R2 Low Density Residential on which medium density development has been developed (including Banksia Village and unit developments on Clarke Street and Zanthus Parade). The planning proposal seeks to increase the area of medium density within the subject area from 2ha to 9ha. The area proposed to be zoned R3 adjoins the commercially zoned area, an extension of Captain Oldrey Park and is to the west of Banksia Village. It is also located adjacent to the future extension of Heath Street, providing good access to George Bass Drive via Train Street.

**6. Lot size and road width (three submissions)**

Some submissions commented that the smaller size of lots and roads in recent subdivisions in Broulee provides little room for tree retention or planting.

Comment: The size of lots in the development area is not a relevant matter for the planning proposal or RZDCP amendments as no change is proposed to the minimum lot size for the development area, which is 550m<sup>2</sup>. This is consistent with the minimum lot size for all residential land in Broulee and is in fact, larger than the actual lot size of some of the most recently subdivided lots in Broulee.

The size of roads is also not a relevant matter for the planning proposal or RZDCP amendments. The size of roads is a matter for detailed assessment at the development application stage and is guided by Council's Infrastructure Design Standards.

Further, Council's Landscaping Code, which is referred to in the existing RZDCP, includes guidelines for street tree planting. This Code will apply to development of the subject land. It is noted that tree planting in verges of recently developed areas has commenced.

No change to the proposed RZDCP amendments is recommended in response to this matter.

**7. Stormwater impacts. (three submissions)**

Concern about stormwater impacts on the environment and the dual use of open space as stormwater detention areas

Comment: Issues with stormwater management in the development area are not relevant matters for the planning proposal, but are relevant to the proposed RZDCP amendment which incorporates the Broulee Concept Plan and requires development to be generally consistent with the plan.

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The Broulee Concept Plan and the more detailed master plans for the development area, identify the strategic approach to managing stormwater from the development. More detailed stormwater planning will be undertaken as part of future development application processes. Should this more detailed planning result in any changes to the approach to stormwater management, they can be considered on merit having regard to whether they are generally consistent with the Broulee Concept Plan. Therefore, no change to the Broulee Concept Plan with regard to stormwater management is recommended.

It is not uncommon for parks and playing fields to be co-located with stormwater detention areas. This does not however prevent the safe use of the land for recreation. The design of the stormwater system will consider the use of the area and the best approach to facilitate that use. Detention areas could be above or below ground, they could be small or large areas depending on the size of the catchment, and if above ground, they could be located on grassed or treed areas or within sealed car parking areas.

Submissions from two NSW Government agencies were also received, as outlined below.

**1. NSW Office of Environment and Heritage**

The NSW Office of Environment and Heritage provided the following comments:

- Support the application of the E2 zone as this is a requirement of the Order of Biodiversity Certification.
- The western perimeter road against the E2 zone should continue further north to provide greater protection from adjoining residential development as well as potentially reducing the width of the asset protection zone needed.
- Object to the drainage concept plan which shows a high volume of drainage flow going into the E2 zone. There can be no stormwater flow into the E2 zone as this would transport pollutants and excessive nutrients into the Bangalay Sand Forest EEC, which would harm the community. No stormwater retention basins are permitted in the E2 zone.
- While we agree that an Aboriginal Heritage Impact Permit will be required prior to development, we recommend that an Aboriginal Cultural Heritage Assessment be completed prior to rezoning.

Comment: With regard to the issue of the perimeter road along the conservation corridor, Council is proposing to include a provision in the RZDCP that requires a perimeter road, shared cycle/pathway and/or open car parking areas for the full length of the conservation corridor to ensure adequate separation, including asset protection zones, between residential development and the conservation area for bushfire protection and to minimise environmental impacts. Extending the perimeter road to the northern property boundary is not required to achieve adequate separation for asset protection zones or to ensure protection of the conservation corridor.

With regard to the stormwater issues, the drainage concept plan shows stormwater flows towards, but not into the E2 zone. The plan does not show any stormwater retention basins within the E2 zone. Detailed drainage design, that will be undertaken at the development application stage, will clarify the direction, volume, capture and treatment of stormwater from the land to minimise impacts on the conservation corridor. The proposed RZDCP provision has

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been strengthened by the inclusion of an acceptable solution stating that "stormwater flows shall be managed to avoid detrimental impacts on the E2 zoned area and stormwater detention basins shall not be located within the E2 zoned area".

In relation to the Aboriginal Cultural Heritage Assessment recommendation, as all of the subject land is currently zoned residential, development applications for residential development can be submitted now and the required assessments for Aboriginal cultural heritage be undertaken as part of the development assessment process. In these circumstances, the recommendation for Aboriginal Cultural Heritage Assessment prior to rezoning, is considered onerous.

**2. NSW Rural Fire Service**

The NSW Rural Fire Service (RFS) provided the following comments:

- No objection to planning proposal subject to consideration of comments (see below).
- Concern that the concept master plan does not adequately identify future land uses/development restrictions affecting the north western portion of R3 zoned lands as a result of future asset protection zone (APZ) requirements to the conservation corridor, despite the proposed RZDCP provision requiring adequate separation. The western perimeter road should be extended to the northern property boundary.
- The construction of future access roads will need to comply with Planning for Bushfire Protection.
- A preliminary assessment of lots adjoining the conservation area determines that future dwellings, dual occupancies and multi-dwelling housing will need a 25m APZ. Assuming a 20m wide road reserve, this still requires a minimum 5m setback within each lot. Lots that are oriented with the larger fronting running north-south are unlikely to be able to achieve this APZ.
- If the perimeter road is not to be extended for the full length of the conservation strip, the land adjoining the conservation strip would need to be managed as an APZ.
- No staging has been identified in the master plan. Each stage of residential development will be required to provide APZs and perimeter access at the urban/bushland interface for fire fighting vehicles.
- The master plan should be amended to demonstrate suitable building envelopes for each lot adjoining the perimeter road and/or conservation strip.
- The master plan should be amended to clearly identify that any land that directly adjoins the conservation strip has restricted development potential due to the need for an APZ.
- The planning proposal should address the staging of the development to ensure land owners/developers are clearly aware of future access and APZ requirements applicable to each stage and encourage the orderly and efficient development of the site.
- Any areas of retained open space should be managed as Inner Protection Areas to ensure these areas do not form a bush fire hazard for adjoining lots.
- The RFS notes that the R3 zone permits tourist accommodation which is classified as a special fire protection purpose. Greater separation distances between such developments and unmanaged vegetation is required and this may not be achievable on some lots located at the urban/bushland interface.

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- Future connections to water, gas and electricity should comply with Planning for Bushfire Protection.

Comment: The majority of the comments made by the RFS relate to the future preparation of development applications for the land and as such, are noted at this stage. In relation to the comments regarding the land adjoining the conservation corridor, the proposed RZDCP provision has been strengthened by including specific reference to asset protection zones. In addition, the master plan contains the following note: "Appropriate management of the residential interface, asset protection zones and stormwater drainage to be addressed in any future development adjacent to the Biodiversity Conservation Zone". Extending the perimeter road to the northern property boundary is not required to achieve adequate separation for asset protection zones.

In relation to the comment regarding staging of the development, as the whole of the development area is not in single ownership, the overall staging of the development is not known. In any case, there is no statutory requirement for a staging plan to be prepared at the planning proposal stage and any such plan would not bind the developer. Compliance with the requirements of Planning for Bushfire Protection will be considered and assessed at each stage through the development application process.

There are no changes proposed to be made to the planning proposal in response to submissions. Two changes are proposed to the RZDCP provisions to clarify the need for asset protection zones adjoining the conservation corridor and to ensure that stormwater runoff will not have a detrimental impact on the conservation corridor.

**CONCLUSION**

The Broulee planning proposal, which seeks to amend the Eurobodalla Local Environmental Plan 2012, and proposed amendments to the Residential Zones Development Control Plan have been placed on public exhibition for community input.

Submissions both in support of and opposing elements of the planning proposal and RZDCP amendments have been received. All submissions have been considered and in response two changes are proposed to the RZDCP amendments to clarify matters relating to asset protection zones and stormwater management.

It is now recommended that the planning proposal be endorsed and that the ELEP 2012 and RZDCP amendments be made.

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**PSR17/012 DEVELOPMENT APPLICATION 363/17 COMMUNITY FACILITY  
(MUDDY PUDDLES) - MELALEUCA RESERVE - CATALINA**

**92.8557.D**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services  
Attachments: 1. Confidential - Submissions  
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

Applicant: Eurobodalla Education and Therapy Services  
Land: Lot 39 (No.1A) Melaleuca Crescent, Catalina  
Area: 4.2Ha  
Setbacks: Not specified – Community Land  
Height: Not specified – Community Land  
Zone: RE 1 Public Recreation & E2 Environmental Conservation  
Current Use: Community Facility/Preschool & Public Recreation  
Proposed Use: Community Facility  
Description: Educational therapy centre for children with a disability  
Permitted in Zone: Permitted with consent  
DA Registered: 21 December 2016  
Reason to Council: Council resolution (Min.No:16/212)  
Recommendation: Approval subject to conditions

**EXECUTIVE SUMMARY**

This report seeks Council's determination of an application for a community facility (Eurobodalla Education Therapy Service Pty Ltd trading as Muddy Puddles) at the Melaleuca Reserve, Catalina.

The development comprises medical consulting rooms, program rooms, sensory gym, hang-out area, outdoor play area and ancillary facilities. The building will be operated by Muddy Puddles who are a not-for-profit organisation that provides education, therapy and support services to children with disabilities. The development is proposed to be constructed adjacent to the existing preschool/community facility building in Melaleuca Crescent and will share the same access.

The application was publicly exhibited for a period of 14 days and three submissions were received. All of these submissions support the concept but raise concerns with certain aspects of the development. It is considered that the issues raised in the submissions can, where appropriate, be addressed via conditioning of development consent.

The proposal is consistent with the previous resolution of Council on 12 July 2016 (Min. No. 16/212), Catalina Reserves and the Hanging Rock Boat Ramp Car Park Reserve Plan of Management and the Environmental Planning and Assessment Act 1979.

This report recommends approval of the development application subject to conditions.

**PSR17/012 DEVELOPMENT APPLICATION 363/17 COMMUNITY FACILITY  
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**RECOMMENDATION**

THAT pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, Development Application No.363/17 in relation to Lot 39 (No.1A) Melaleuca Crescent Catalina be APPROVED subject to the conditions set out below:

**GENERAL CONDITIONS**

**1. *Approved plans***

The development must be carried out in accordance with the following stamped approved plans and documentation, or as modified by any conditions of this consent, or as noted in red by Council on the approved plans.

<b>DA &amp; Sheet No.</b>	<b>Plan No.</b>	<b>Date of Plan</b>	<b>Prepared by</b>
DA363/17 Sheet 1 of 7	DA1 - Site Plan Project No #16-0001	20/12/16	Edmiston Jones
DA363/17 Sheet 2 of 7	DA2 Stage 1 floor/ landscape plan Project No #16-0001	20/12/16	Edmiston Jones
DA363/17 Sheet 3 of 7	DA3 - Stage 2 floor plan Project No #16-0001	20/12/16	Edmiston Jones
DA363/17 Sheet 4 of 7	DA4 - Roof plan & sections Project No #16-0001	20/12/16	Edmiston Jones
DA363/17 Sheet 5 of 7	DA5 - Elevations Project No #16-0001	20/12/16	Edmiston Jones
DA363/17 Sheet 6 of 7	DA6 - Tree removal Project No #16-0001	20/12/16	Edmiston Jones
DA363/17 Sheet 7 of 7	DA7 - Drainage Concept U16980_DA_A.dwg	20/12/16	Rygate & West

*Note:* Any alteration to the plans and/or documentation may require the lodgement of an application to modify the consent under s96 of the Environmental Planning and Assessment Act (EPA Act) 1979, or a fresh development application. Your Principal Certifying Authority should be consulted prior to any works contrary to this consent being carried out.

Where there is an inconsistency between the documents approved with this consent and the following conditions, the conditions shall prevail to the extent of that inconsistency.

**2. *Construction Access***

The temporary construction access is to be located north of the playground for the purposes of minimising impact on the operation and connectivity between the preschool/ community facility and the playground.



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**3. *NSW Rural Fire Service - Integrated Development***

The development proposal is to generally comply with the layout identified on the drawing prepared by Architects Edmiston Jones numbered DA06 Project #16-001, dated 20 December 2016.

**Asset Protection Zones**

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- To allow for emergency service personnel and residents to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around the building.
- Prior to commencement of use, the land to the northern, eastern and western property boundaries, and the land for a distance of 22 metres to the south (to be measured from the closest point of the proposed structure) shall be created and managed for the life of the development as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

**Rural Fire Service - Water and Utilities**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

- Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

**Rural Fire Service - Access**

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- Internal roads shall comply with the following requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
  - i. Internal roads are two wheel drive, sealed, all-weather roads.
  - ii. Roads widths are a minimum 6.5 metres in width.
  - iii. Dead end roads are not more than 100 metres in length from a through road, incorporate a minimum 12 metres outer radius turning circle, and are clearly signposted as a dead end.
  - iv. Traffic management devices are constructed to facilitate access by emergency service vehicles.

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- v. A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.
- vi. Curves have a minimum inner radius of 6 metres and are minimal in number to allow rapid access and egress.
- vii. The minimum distance between inner and outer curves is six metres. Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- viii. Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees.
- ix. Cross fall of the pavement is not more than 10 degrees.
- x. Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge).
- xi. Roads are clearly signposted and bridges clearly indicate load ratings.
- xii. The internal road surfaces and bridges have a capacity to carry fully loaded fire vehicles (15 tonnes).

*Rural Fire Service - Evacuation and Emergency Management*

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangement for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
  - i. An Emergency/Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service Guidelines for the preparation of Emergency/Evacuation Plan and comply with Australian Standard AS 3745:2010 'Planning For Emergencies in Facilities'.
  - ii. Detailed plans of all Emergency Assembly Areas including "on site" and "offsite" arrangements as stated in Australian Standard AS 3745:2010 'Planning for Emergencies in Facilities' are clearly displayed, and an annual (as a minimum) trial emergency evacuation is conducted.

*Rural Fire Service - Design and Construction*

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- No brushwood fencing shall be used.
- Structure and shade materials in the inner protection area shall be non-combustible or have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials,

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Components and Structures - Test for Flammability of Materials'.

- Polycarbonate roof sheeting is to have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS 1530.2-1993 'Methods for Fire tests on Building Materials, Components and Structures- Test for Flammability of Materials'.
- All new fencing shall be non-combustible.
- New construction of the building shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- New construction of the attached awning/shade structure shall comply with either of the following:
  - i. comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
  - or
  - ii. be constructed entirely out of non-combustible materials.

*Rural Fire Service - Landscaping*

- Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

**4. *Construction Management Plan***

A Construction Management Plan shall be submitted to Council prior to the issue of a Construction Certificate. The Plan shall address, but not be limited to, the following matters:

- (a) hours of work
- (b) contact details of site manager
- (c) arrangements for site deliveries and removal of material from site
- (d) details of hoardings/site fencing
- (e) details of demolition works during stage two construction
- (f) traffic and/or pedestrian control measures
- (g) dust control measures
- (h) noise control measures
- (i) screening from adjoining properties
- (j) isolation of the construction access to avoid conflict with playground
- (k) remediation of the site/ construction access.

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**5. *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, Food Standards Australia New Zealand (FSANZ) 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, which include 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.

**6. *Flooding***

The finished floor level of the building shall be constructed at 3.3m AHD.

**7. *Acid Sulfate Soil***

The development site is within an area classified as Class 3 on maps marked "Acid Sulphate Soil Planning Map" deposited in the office of Eurobodalla Shire Council. If excavation is proposed below 1m of natural ground level, soil samples are to be assessed for content of acid sulphate material by a suitably qualified person and the results lodged with Council **prior to the release of a Construction Certificate**.

If acid sulphate materials are identified no excavation shall take place until the applicant has lodged an Acid Sulphate Soils Management Plan prepared by a suitably qualified person in accordance with the NSW Acid Sulphate Soils Manual. The plan is to be submitted for approval by Council, and undertake such measures as are required by Council.

**8. *Water Meter - Commercial Development***

Submission to Council of certification and a layout plan for the service by a suitably qualified hydraulic engineer/consultant on the recommended water meter size required for the development in accordance with AS3500.1:2003 *National Plumbing and Drainage Code* and AS2441-2005 *Installation of Fire Hose Reels*.

*Note:* All fire hose reels must be supplied through the metered supply.

*Note:* 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.

*Note:* 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 2.4m from the water main to just inside the property boundary and laid in a non-hard surface area (grassed). Please contact Council's Water and Sewerage Project Engineer on 4474-1342

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to arrange the quote and prepayment will be required to be receipted at Council Customer Service Office at Vulcan Street, Moruya, the Batemans Bay or Narooma depot.

9. ***Soil and Water Management Plan***

Prior to issue of a Construction Certificate the applicant shall prepare a Soil and Water Management Plan (SWMP) to be incorporated in Engineering Design Plans. The SWMP is to be prepared in accordance with *Managing Urban Stormwater: Soils and Construction* – Volume 1, Landcom 2004.

10. ***Car Park Design***

All car parking, manoeuvring and access areas are to be designed and sealed to conform with AS2890.1 and 2 and Council's Infrastructure Design Standards.

11. ***Number of Loading Bays***

A minimum of one (1) loading bay to be provided for the development.

12. ***Bushfire Protection Construction Details required***

Prior to the issue of the Construction Certificate, detailed plans and specifications of the building construction shall be submitted to the Principal Certifying Authority demonstrating compliance with the BAL levels stipulated in this consent.

13. ***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 where these are valued at \$25,000 or more.

14. ***Section 94 Contributions***

Payment to Council pursuant to Section 94 of the Environment Planning and Assessment Act 1979, of contributions towards the provision of public amenities or services. The current contribution rates for the current financial year are as follows:

Waste Facilities	\$1,191.45
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The above contributions are to be paid prior to the release of the Construction Certificate for the development and will be payable at the rate applicable at the time of payment.

*Note:* The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. 15. ***Water/Sewer Developer Contributions - Development***

Prior to the issue of a Section 68 Approval/Construction Certificate, the developer/consent holder will have to be eligible to obtain a Section 307 Certificate of Compliance under the Water Management Act 2000/ compliance with Section 64 of the Local Government Act 1993. To be eligible, the developer/consent holder will have to contribute:

- a) \$36,045.00 (0.06 x 50 (forecast usage) =3.0 ET) for the augmentation of water

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supply mains and storage within Eurobodalla Shire where 1.0 ET = \$12,015.00.

- b) \$52,275.00 (0.1 x 50 (forecast usage)=5.0 ET ) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$10,455.00.

The contribution shall be paid to the Eurobodalla Shire Council. Evidence of the payment shall be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate.

*Note:* The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. Contributions can be paid prior to each stage of the development.

**16. Trade Waste**

A separate application, in accordance with Council's Liquid Trade Waste 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.

**PRIOR TO COMMENCEMENT OF WORKS**

**17. Public Liability**

The applicant will be required to maintain a current Public Liability and Public Risk Insurance cover noting Eurobodalla Shire Council as principal, or in the case of Crown land, Council and the Minister, administering the Crown Lands Act for an amount of not less than \$20 million for any one occurrence in respect of any liability for: "personal injury or the death of any person" and "loss of or damage to property including property of the Council".

**18. Erosion and Sedimentation Control**

Prior to commencement of any earthworks, installation of all measures necessary to effectively control soil erosion on the site to prevent silt discharge into drainage systems and waterways in accordance with Council's Soil and Water Management Code. The measures, to include sediment fencing and erosion control devices, are to be maintained and remain in place until the development is completed and disturbed areas are stabilised.

*Note:* On-the-spot fines may be imposed by Council for non-compliance with this condition.

**19. Plans on Site (Plant Operator)**

Prior to commencement of any works, the plant operator is to be provided with a copy of this consent and Plan No 363/17 and made fully aware of the provisions therein. The copy is to be held on site during clearing operations. All buffer areas and vegetation to be retained are to be clearly marked prior to commencement of operations.

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**20. *Construction Certificate***

The construction works 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 days' notice to the Council of the person's intention to commence the erection of the 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 Building Compensation Fund 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 Environmental Planning and Assessment 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.

**21. *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.

**22. *Sewer Reticulation***

Prior to commencement of works, the applicant shall construct sewer reticulation to the development in accordance with plans subject of a Construction Certificate to Council's codes and specifications and provide certified Works as Executed Plans to Council.

**23. *Imported Fill***

Prior to the importation of fill onto the development site details of the origin/quality of

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the material are to be provided to the Principal Certifying Authority. The fill is to be certified as virgin excavated natural material and is to be tested for suitability to achieve the required 98% dry density compaction of a subgrade material, the material is to comply with AS3798-2007 and AS1289-2000.

**24. Stormwater**

The storm water from the development is to be constructed in accordance with plan stamped approved DA363/17 Sheet 7 of 7 'Drainage Concept' by Rygate and West.

**25. Carpark Lighting**

All external lighting shall be installed and operated in accordance with the Australian Standard AS1158.1 *Lighting for roads and public spaces* and AS4282:1997 *Control of the obtrusive effects of outdoor lighting*.

**26. Demolition Standards – Stage Two**

Building demolition works are to be carried out in accordance with AS2601 (2001) *The Demolition of Structures*. All works are to comply with the measures outlined in the Construction Management Plan.

*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.

**DURING CONSTRUCTION**

**27. Loading and Unloading of Construction Vehicles**

All loading and unloading associated with construction must be accommodated on-site. If this is not feasible, an application may be made for the provision of a construction zone, during the specified hours of work.

**28. Banks**

All the excavated and filled banks must be suitably retained or stabilised (totally within the site boundaries) as necessary to prevent the movement of soil and in accordance with appropriate professional standards.

**29. Excess Fill**

Any excess clean fill (inert clean waste) removed from the site is to be taken to either:

- (a) a public waste disposal facility;
- (b) a site approved by Council.

If option (b) is to be used, the persons enacting this consent are to advise Council, in writing, of the chosen site and are not to commence any dumping until written approval is granted.

*Note:* Council may carry out random inspections and take photographic records to ensure the integrity of the fill.

**30. Public Way to be Unobstructed**



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The public way shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances at any time during construction.

**31. *Use of Mobile Cranes***

Mobile cranes operating from the road shall not be used as a method of demolishing or constructing a building. Special operations and the use of mobile cranes shall comply with the approved hours of construction.

**32. *Tree Removal/Replacement/Protection***

Completion of landscaping in accordance with the approved Landscape Plan prior to commencement of the use of the site and such landscaping is to be continuously maintained in accordance with the approved Plan. Maintenance is the landowner's responsibility. All trees not specifically approved for removal are to be suitably protected by way of tree guards, barriers or other measures as to protect root system, trunk and branches during construction.

**33. *Hours of Construction - NOISE***

If audible at any residence or other sensitive noise receiver, construction may only be carried out between 7.00am and 6.00pm on Monday to Friday, and 8.00am to 5.00pm Saturdays. No construction can be carried out on a Sunday or public holiday if audible at any residence of other sensitive receivers.

**34. *Protection of Adjoining Areas***

To ensure the site and building works do not:

- cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or unsafe; or
- involve the enclosure of a public place; or
- have the potential to damage adjoining private land by way of falling objects

A temporary hoarding, fence or awning must be erected between the work site and the adjoining area before the works begin. Any such hoarding, fence or awning must be removed when the work has been completed.

**35. *Access***

The access is to be constructed in accordance with stamped approved plan DA363/17 Sheet 7 of 7 - Rygate and West. The access is to be sealed in accordance with Council's specifications.

**36. *Water & Sewer Inspections***

All plumbing and drainage works (water supply, sanitary plumbing and drainage, and hot water) are to comply with Plumbing and Drainage Act 2011 and the Plumbing Code of Australia. Works must only be installed by a licensed person and must be inspected and

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given final clearance from 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 Compliance Unit:

- (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.

**PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

**37. *Public Utility Adjustments***

Adjustments to the public utilities necessitated by the development shall be completed prior to occupation of the development and in accordance with the requirements of the relevant authority, all at no cost to Council.

**38. *Footpath Constructions***

Prior to commence of works submission to and approval by Council of a detailed plan for footpath construction (1.5m wide in accordance with Eurobodalla Shire Council's Infrastructure Design Standards) from existing footpath to the proposed internal footpath access.

The footpath is to be constructed and works as executed plans submitted prior to any Occupation Certificate.

**39. *Car Park Signage***

Signage shall be installed at the entry to the car park to warn pedestrians of vehicles exiting the car park. Further signage shall be installed near the car park exit to warn drivers of the presence of pedestrians using the footpath. The signage shall be installed prior to occupation of the building(s).

**40. *Occupation of Building***

The development shall not be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.

**41. *Removal of Temporary Structures***

Any temporary erosion or sediment control devices, Builders Signs, hoarding or similar shall be removed from the site prior to the occupation of the building. The temporary site access is to be remediated prior to the occupation of the building.

**42. *Stormwater Works as Executed Plans***

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Prior to the issue of an Interim or Final Occupation Certificate storm water construction is to conform to the approved plans. A Works as Executed plan of the work is to be provided to and approved by Council at the completion of the work.

**43. *Fire Safety Certificate***

A Fire Safety Certificate shall be furnished to the Principal Certifying Authority 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 Principal Certifying Authority prior to issue of an Interim or Final Occupation Certificate.

**44. *Annual Fire Safety Statement***

- (a) A final Fire Safety Certificate shall state that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the Certificate relates:
  - (i) has been assessed by a properly qualified person; and
  - (ii) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building for which the Certificate is issued.
- (b) The assessment must have been carried out within the period of three (3) months prior to the date on which the final Fire Safety Certificate is issued.
- (c) The choice of person to carry out the assessment is up to the owner of the building.
- (d) The person who carries out the assessment:
  - (i) must inspect and verify the performance of each fire safety measure being assessed; and
  - (ii) must test the operation of each new item of equipment installed in the building premises that is included in the current Fire Safety Schedule for the building.
- (e) As soon as practicable after a final Fire Safety Certificate is issued, the owner of the building to which it relates:
  - (i) must cause a copy of the Certificate (together with a copy of the current Fire Safety Schedule) to be given to the Commissioner of New South Wales Fire Brigades; and

must cause a further copy of the Certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

**GENERAL CONDITIONS RELATING TO THE USE OF THE SITE**

**45. *Advertising Signs***

No advertising sign and/or structure other than that which is permissible without

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(MUDDY PUDDLES) - MELALEUCA RESERVE - CATALINA**

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consent is to be erected as part of the approved development until a formal application has been submitted to Council and a development consent has been issued.

**46. Consulting Rooms**

Use of the consulting rooms is limited to allied health professionals.

**ADVISORY NOTES**

**47. Discovery of a Relic**

If Aboriginal relics or objects are uncovered during work, excavation or disturbance of the area, any such activity must stop immediately. The Environmental Protections and Regulation Group of the Office of Environment and Heritage is to be immediately contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

**48. Disability Discrimination Act 1992**

This application has been assessed in accordance with the Environmental Planning and Assessment Act, 1979. It does not imply that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

**49. Underground Utility Services Check**

The applicant shall contact the "Dial Before You Dig" service on telephone (02) 1100, fax number 1300-652-077 or email [mocsinfo@mocs.com.au](mailto:mocsinfo@mocs.com.au), prior to the commencement of excavation, to ascertain the presence and type of underground utility services in the vicinity of the development.

**50. 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, 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.

**51. Land Clearing "Best Practice"**

Council encourages the following best practices in relation to the disposal of felled timber:

- The harvesting and processing of mill quality timber either on site or through a commercially licensed timber mill
- The mulching or chipping of stumps, crowns and other herbaceous matter either on site or through a licensed landfill tip or recycling centre providing mulching facilities

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**PSR17/012 DEVELOPMENT APPLICATION 363/17 COMMUNITY FACILITY  
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The revegetation of the site with suitable plant species

The stockpiling of suitable felled timber as firewood for heating purposes.

**52. *BCA Compliance***

This Development Application has been subject to a merit based assessment. The plans lodged and approved have not been assessed against the provisions of the Building Code of Australia (BCA). It is your responsibility to ensure the plans lodged with any Construction Certificate application show full compliance to all provisions of the BCA.

**53. *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.

**54. *Rural Fire Service - Advice to applicant***

The following matters should be considered as part of the Emergency and Evacuation Plan:

- roles and responsibilities of onsite staff for carrying out/implementation evacuation procedures;
- traffic management and evacuation routes for evacuations; and
- triggers for relocation and/or closure of the facility including on days or extreme or catastrophic fire weather.

**55. *Rural Fire Service - Bushfire - Resisting Timber***

The following bushfire-resisting timbers have been determined as being acceptable to withstand exposure up to BAL-29 conditions as per Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' and are identified within Appendix F of the standard. These species include: Silvertop Ash, Blackbutt, River Red Gum, Spotted Gum, Red ironbark, Kwila (Merbau) and Turpentine.

**BACKGROUND**

At the Ordinary Meeting of Council on 12 July 2016, Council resolved (Min 16/212) to amend the Catalina Reserves and the Hanging Rock Boat Ramp Car Park Reserve Plan of Management to re-categorise part of the land at Melaleuca Reserve (part Lot 39 DP 800369) from park to general community use.

The purpose of the recategorisation was to provide opportunity for leasing of part of the land to Eurobodalla Education and Therapy Services Limited, trading as Muddy Puddles, for the establishment of an educational therapy centre for children with a disability.

On 21 December 2016, Council received a development application for a community facility (Muddy Puddles) comprised of consulting rooms, program rooms, sensory gym, hang-out area, outdoor play area and ancillary facilities including a car park. Prior to lodgement of the

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**PSR17/012 DEVELOPMENT APPLICATION 363/17 COMMUNITY FACILITY  
(MUDDY PUDDLES) - MELALEUCA RESERVE - CATALINA**

**92.8557.D**

development application the applicant attended a pre-lodgment meeting with Council staff on 18 October 2016.

The subject site is classified as Community Land and is managed by Council. The site adjoins George Bass Drive to the east and is bordered by Melaleuca Crescent to the north and west. The site contains an Endangered Ecological Community (EEC) to the south.

Adjoining development comprises of a Community Facility/Preschool and carpark to the west, playground and open space to the north and George Bass Drive to the east.

The building contains a 5m setback from George Bass Drive, 13m setback from the existing playground, 20m from the Community Facility/Preschool, 41m from Melaleuca Crescent and 28m from the wetland to the south. The building is positioned as far south as possible to ensure the greatest area remained for public use while still complying with required bush fire setbacks.

On 9 January 2017, the application was advertised in accordance with Council's Advertisement and Notification Code. Three submissions were received and the merits of these are discussed later in this report.

**POLICY**

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and the following relevant legislation, planning instruments and policies.

*Draft State Environmental Planning Policy Coastal Management 2016*

The proposal does not require the clearing of any EECs or works that would have any impact on coastal processes to the detriment of the natural environment, limit public access or reduce public amenity. As such the proposal is satisfactory with regard to the objectives of the draft SEPP.

*State Environmental Planning Policy (SEPP) 71 – Coastal Protection*

The proposal has been assessed against the aims and considerations of SEPP 71 and is considered satisfactory. The proposal will contribute to the scenic qualities of the interface between the developed area and adjoining Endangered Ecological Community (EEC). Any potential adverse effects regarding the environment will be managed through conditions of consents.

*State Environmental Planning Policy (SEPP) 55 – Remediation of Land*

The subject site is not identified as potentially contaminated land and there is no indication that the land has been used for a purpose which would require remediation prior to the construction. The proposal is satisfactory with regard for the provisions of SEPP 55.

*Acid Sulfate Soil (ASS) Policy*

The subject site is located within an area classified as Class 3 on the Acid Sulfate Soils Map. The consent will be conditioned to ensure that any works more than 1m below the natural ground surface are managed in accordance with an ASS Management Plan.

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*Eurobodalla Local Environmental Plan 2012 (LEP)*

The subject site is zoned RE1 Public Recreation and E2 Environmental Conservation. The proposal is located in the RE1 Public Recreation zone. The LEP dictionary defines a community facility as:

*Community facility means a building or place:*

*(a) owned or controlled by a public authority or non-profit community organisation, and*

*(b) used for the physical, social, cultural or intellectual development or welfare of the community,*

*but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

A community facility is permitted with consent in the RE1 Public Recreation zone.

*Interim Coastal Hazard Adaption Code*

The average elevation of the site is 1.5m AHD above sea level and is identified as an investigation area under the Code. The data located in the Joes Creek Flood Study was used to calculate a Flood Planning Level of 3.3m AHD. The site will be filled to allow the floor level of the building to be constructed at no less than the flood planning level. Given the proposed flood protection measures, the development is considered consistent with the Code.

*Parking and Access Code*

Access to the site will be through the existing Community Facility/Preschool car park via Melaleuca Crescent. Council Parking and Access Code does not have a specific category for this type of facility. Parking calculations have been based on that required for a 'child care centre' which requires the provision of one space per staff member and one car space per ten children.

The proposal will not function as a child care centre, however this is considered to be the closest category to assess the likely parking demand. The applicant has forecast 40 children and ten staff proposed to occupy the facility requiring 14 spaces in total. The development has proposed 20 car spaces, including one accessible space and bike parking for staff.

**ENVIRONMENTAL**

*Bushfire*

The subject site is mapped as bushfire prone land. In accordance with 100B of the 'Rural Fires Act 1997' the proposal was referred to the Rural Fire Service (RFS). The development consent has been conditioned to comply with the bush fire safety authority issued by the RFS as required.

*Vegetation*

The proposal has identified 15 trees to be removed. These trees are entirely within the building footprint or proposed fill area. Due to the extent of filling required to accommodate the development and mitigate against flooding, it is not possible to preserve trees within the development footprint. The proposal does not require the endangered ecological communities and to be removed and does not contain any habitat trees.

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The proposed works were assessed against the requirements of section 5A of the Environmental Planning and Assessment Act 1979 and found to be satisfactory as it is not considered likely that there would be any significant impact upon threatened species, populations, ecological communities or their habitats as a result of this development.

**Cultural Heritage**

The subject site is located within 50m of a recorded aboriginal site 58-4-1099 located in the Glenella Road area. The proposed development is setback greater than 200m from the identified site and not located within an area of potential significance. It is recommended that the applicant be advised if any disturbance of aboriginal relics or objects that the works should cease immediately and NSW Environmental Health Office be contacted.

**FINANCIAL**

All costs associated with the establishment of the centre and the lease, to be borne by Eurobodalla Education and Therapy Services Limited, trading as Muddy Puddles, including vehicle/pedestrian access, survey and plan registration.

**CONSULTATION**

The application was publicly notified in accordance with Council's Advertisement and Notification Code.

The advertising period commenced on 9 January 2017 until 1 February 2017. An extension was granted to the consultation period, which resulted in a closing date of 5 February 2017. Two submissions were received during the extended period and a further late submission was received on 7 February 2017.

All submissions are in support of the concept though raise concern with certain components of the proposal.

Advertising of the proposed development involved the following:

1. Landowners adjoining the subject site were notified in writing and provided with a notification plan which included a site plan and elevations.
2. A public notice appeared in the Bay Post, Moruya Examiner and the Narooma News on 18 January 2017.
3. A sign was placed on the site fronting George Bass Drive.
4. The proposal was publicly displayed at Council's Customer Service Office in Moruya and at the Batemans Bay library.

Listed below is a summary of the main comments/concerns raised.

**Relocate temporary construction access to George Bass Drive**

George Bass Drive is a distributor road with an average of 6000 vehicle movements per day. It is not appropriate to provide access to this high order road where access is available via a lower order road. This is consistent with Council's Infrastructure Design Standards (IDS), Council's Parking and Access Code and the Austroads publication "Guide to Road Design Part 4: Intersections and Crossings".



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**PSR17/012 DEVELOPMENT APPLICATION 363/17 COMMUNITY FACILITY  
(MUDDY PUDDLES) - MELALEUCA RESERVE - CATALINA**

**92.8557.D**

*Redesign construction access to avoid separation between playground and preschool*

The temporary construction access will be conditioned on the development consent to be located north of the playground to ensure it minimises the impact on the separation and connectivity between the preschool/community facility and the playground.

*Concern about heavy vehicle access and manoeuvring.*

A Construction Management Plan will be required by a condition of development consent. The plan will also address access, fencing of the access and site, and remediation of the site after construction.

*Vegetation loss*

The proposal has identified 15 trees to be removed, these trees are entirely within the building footprint or proposed fill area. The facility requires the ground level to be raised to provide a flood free outcome for both indoor and associated outdoor area. Landscaping will be conditioned to comply with the Rural Fire Service requirements outlined in 'Planning for Bush Fire Protection 2006'.

*Proposed internal footpath not accessible*

The principal access to the building, in accordance with the accessibility standards, will occur through the car park and associated ramp.

A condition will also be imposed requiring that the street footpath be extended to the proposed internal footpath from the street to the new facility. This is primarily for pedestrian traffic.

*No Construction Management Plan*

A Construction Management Plan is part of the Recommendation to be included as a condition in any consent issued. Furthermore, it is standard practice for this type of documentation to be provided with the Construction Certificate.

*No lighting of reserve proposed*

There is no nexus for the applicant to provide lighting to the Council reserve.

*Object to any reference on plans to future lease area/ clarification required*

The reference to the 'future lease area' is not a matter for consideration of this development application. Any negotiations or consideration of a future lease area is the subject of a separate process. The plans will be amended/marked in red to remove any reference to a future lease area.

*No bus stop proposed*

There is no justification for the applicant to provide a bus stop or kerb ramp.

*Too many car spaces proposed*

Council's Parking and Access Code of Practice does not have a specific category for this type of facility. If the proposal was assessed as a childcare centre, there would be a requirement for 14 spaces to accommodate 40 children and ten staff. The proposal will not function as a child care centre, however given the nature of the use, additional parking over and above that required for a child care centre, is considered justified and reasonable.

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**PSR17/012 DEVELOPMENT APPLICATION 363/17 COMMUNITY FACILITY  
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**92.8557.D**

*Garbage disposal inadequate*

The facility is entitled to have up to three domestic Council pickups which is deemed adequate for the land use.

*Additional seating and shade required for park*

Provision of additional park facilities is not the responsibility of the applicant. The public will be able to make submissions for such services as part of the exhibition of the draft Delivery Plan later in the year.

*Request details and query Council's contribution to site preparation costs.*

Council has not resolved to provide any donations towards the site preparation costs for this application. The issue raised in this submission relates to Minute No. 33, from the Ordinary Meeting of Council on 22 January 2002 which is associated with the construction of the Batemans Bay Preschool/ Family Community Centre on the site.

**CONCLUSION**

The proposal has been strategically sited to minimise the loss of parkland but still enables the construction of a facility that will provide a valuable range of recreational and community service opportunities to meet the needs of residents of the Eurobodalla.

The assessment has considered the proposal and found that the proposal is satisfactory with regard to the provisions of the Environmental Planning and Assessment Act 1979 subject to the attached conditions of consent.

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**PSR17/013 GREY HEADED FLYING-FOX NATIONAL RECOVERY PLAN  
SUBMISSION**

**E15.9191**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services  
Attachments: 1. Submission Grey Headed Flying-fox submission  
Focus Area: Liveable Communities  
Delivery Program Link: L2.4 Undertake advocacy activities to improve collaboration, service availability, development and funding  
Operational Plan Link: L2.4.3 Participate in interagency collaboration and projects

**EXECUTIVE SUMMARY**

The purpose of this report is to seek endorsement of a draft submission to the Department of Environment and Energy (DoEE) on the draft National Recovery Plan for the Grey-headed Flying-fox – *Pteropus poliocephalus* (Recovery Plan). DoEE have invited the public to comment on the draft Recovery Plan in accordance with the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

A submission has been prepared for Council's consideration and is included as an attachment to this report. Submissions are due on 24 April 2017.

The key points of Council's submission are:

1. short-term actions to reduce human - flying-fox conflict
2. access to current data about flying-foxes and their habitat
3. a consistent management framework across all levels of government to streamline flying-fox management
4. research into emerging health complaints such as respiratory illnesses and mental health issues
5. capacity building of communities to increase resilience when co-existing with flying-foxes.

**RECOMMENDATION**

THAT Council endorse the submission attached, for the draft National Recovery Plan for the Grey Headed Flying-Fox and submit to the Department of Environment and Energy, with a copy to the Member for Bega, Minister for Transport and Infrastructure.

**BACKGROUND**

In January 2017, the Australian Department of Environment and Energy released the draft Recovery Plan and invited the public to comment. The Recovery Plan identifies nine recovery objectives and recommends 31 actions.

The Recovery Plan aims to improve the national population of Grey Headed Flying-foxes (GHFF) by identifying and conserving critical foraging and roosting habitat; increasing awareness and understanding of flying-foxes, their importance to our ecosystems and mitigating the threats

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**PSR17/013 GREY HEADED FLYING-FOX NATIONAL RECOVERY PLAN  
SUBMISSION**

**E15.9191**

they face. The Recovery Plan also sets out ways to improve the community's capacity to coexist with flying-foxes, while acknowledging the social and economic impacts and issues associated with urban camps.

The draft Recovery Plan has been reviewed and a submission has been prepared, based on our experience with possibly one of the largest influxes of GHFF into an urban area which impacted on the Batemans Bay and wider community in Eurobodalla.

**CONSIDERATIONS**

The draft Recovery Plan has been developed with the involvement and cooperation of a broad range of stakeholders and is based on extensive work of flying-fox experts.

The draft Recovery Plan sets out general and biological information:

- threats and issues
- recovery objectives, performance criteria and actions
- priority actions and costings
- management practices and
- duration and evaluation of the plan.

The Flying-fox has historically occupied forests and woodlands in the coastal lowlands, tablelands and slopes of south-eastern Australia, from Bundaberg in Queensland to Geelong in Victoria.

More recently camps have established in Adelaide, the Australian Capital Territory, inland areas of central and southern NSW, and Victoria.

The primary threat to the survival of the Flying-fox is loss and degradation of foraging and roosting habitat. Conflict with people, including camp disturbance and mortality from actions by those who manage commercial fruit crops, is a moderate threat. The level of threat caused by electrocution or entanglement in netting is unknown. The impact of climate change is also unknown but increasing temperatures and drought conditions are likely to degrade foraging and roosting habitat, influence the widespread foraging and cause heat stress and related mortality.

The Recovery Plan will be evaluated against:

- a robust estimate of improved population trend
- an improved understanding of habitat critical to the survival of the species
- an increase in protection of habitat critical to the survival of the species
- implementation of effective habitat restoration projects
- a reduction in the level of conflict in sections of the community affected by problematic flying-fox camps
- an improved understanding of threats of unknown status: climate change and electrocution/entanglements.

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**PSR17/013 GREY HEADED FLYING-FOX NATIONAL RECOVERY PLAN  
SUBMISSION**

**E15.9191**

Council's submission supports the nine objectives and 31 actions, and provides comments related to some of the actions detailed in the submission.

**Legal**

The Grey-headed Flying-Fox is listed as Vulnerable under both Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and NSW *Threatened Species Conservation Act 1995*.

**Environmental**

Flying-foxes are an important keystone species that occur in Queensland, NSW, Victoria and South Australia. They pollinate and disperse the seed from many tree species and they are deemed an essential species in forest ecosystems.

**Social Impact**

Camps in urban areas, as experienced in 2016 in Batemans Bay, have localised negative impacts on amenity when they are located near centres of human activity.

Community complaints include noise, smell, faecal dropping, human health and wellbeing risks associated with the flying-fox camp.

**Community Engagement**

In January 2017, the Department of Environment and Energy invited submissions from the public. The submission period concludes on 24 April 2017.

Council issued a media release on 27 January 2017 advising the public of the draft Recovery Plan. Council also updated our website informing the community of the draft Recovery Plan.

Councillors have been provided information via the Councillor Newsletter on 20 January 2017.

**CONCLUSION**

The primary aim of the draft Recovery Plan for Grey Headed Flying-fox, is to outline actions needed to improve the national GHFF population. This includes managing the human - flying-fox conflict, which is a key to the survival of the species.

Flying-foxes are considered one single population and their migratory nature across states and jurisdictions, needs broad Australian Government oversight with appropriate funding and resources.

From a local government perspective, local communities that are being impacted need to be supported and camps need to be managed for both human and flying-fox welfare.

Our Reference: E15.9191

28 February 2017

The Director  
Terrestrial Threatened Species Section  
Wildlife, Heritage and Marine Division  
Department of the Environment and Energy  
GPO Box 787  
CANBERRA ACT 2601

To the Director

**Submission to the draft Recovery Plan for the  
Grey-headed Flying-fox - *Pteropus poliocephalus***

Eurobodalla Shire Council (Council) appreciates the opportunity to comment on the draft Recovery Plan for the Grey-headed Flying-foxes (GHFF).

Council gained insight into the complexities of managing human-flying-fox conflicts during a prolific spotted gum flowering event on the south coast of NSW in 2016. The Batemans Bay camp was estimated to have a third to a half of the national GHFF population at its peak. Council views actions that assist communities living near flying-foxes as the highest priority and believes reducing human and flying-fox conflict will also assist in the survival of the species.

All recovery objectives and actions in the draft Recovery Plan are supported and specific comments related to some objectives and actions are detailed in the attached submission. Council recommends that objectives and actions should have a greater focus on:

- (1) *Short-term actions* to reduce human-flying-fox conflict
- (2) *Access to current data* about flying-foxes and their habitats
- (3) *A consistent management framework* across all levels of government to streamline flying-fox management
- (4) *Research into emerging health complaints* such as respiratory illnesses and mental health issues
- (5) *Capacity building of communities* to increase resilience when co-existing with flying-foxes.

Eurobodalla Shire Council – GHFF submission

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28 February 2017

Council also agrees with the proposed priority actions combined in the draft Recovery Plan however all priority actions require dedicated funding. The assumption that an action is core business reduces the likelihood of the action being successful and understates the importance of actions such as publishing information (Action 4.2) and identifying existing habitat in low conflict locations (Action 4.4). Additionally, the priority actions do not include actions to research, assess or identify strategies to minimise conflict.

Please find attached our detailed response to the draft Recovery Plan for Grey Headed Flying-foxes.

If you have any questions or require additional comment, please contact Mr Lindsay Usher, Director Planning and Sustainability Services on 4474 1304.

Yours sincerely

Cr Liz Innes  
**Mayor**

DRAFT

**Objective 1: Identify, protect and enhance native foraging habitat critical to the survival of the Grey-headed Flying-fox.**

Criteria to assess the type and value of habitat to GHFF, needs to be determined to inform where habitat protection and restoration should occur and be prioritised. The scale used to identify existing habitat and priority areas for enhancement, must allow it to be used for planning and GHFF management purposes.

High priority areas are likely to be where critical foraging habitat has been heavily cleared, particularly in areas that are lacking winter and spring food. However, food sources during critical times of orchard production may mean that enhancing summer foraging habitat will be important too.

**Objective 2: Identify, protect and enhance roosting habitat of Grey-headed Flying-fox camps**

**Action 2.1:** Continue to maintain a database of GHFF camps

**Action 2.2:** Undertake work on the database to include tenure and zoning of the land and land adjoining all camps

The data from Actions 2.1 and 2.2 could be used to assess the long-term suitability of camps based on the potential for future potential conflict. Planning instruments could be used to ensure new developments near flying-fox camps areas are informed and restricted or discouraged from some activities such as airports, horse breeders, orchards, schools and urban areas. Land managers should be supported to investigate and implement other options to protect or enhance GHFF habitat such as voluntary conservation agreements and Bio-banking.

**Action 2.3:** Protect and enhance roosting habitat for Grey-headed Flying-foxes.

Council supports strategic broad-scale restoration and protection of roosting habitat, in suitable low conflict areas. Critical habitat that should be protected or enhanced needs to be identified with consideration of potential future human-flying-fox conflict. Priority should be given to nationally significant camps, particularly maternity camps, which are suitable for both the flying-foxes and humans. Known camps away from high conflict areas with foraging resources within 20-50km and ability to expand, could be the focus of Federally funded preservation and restoration projects where appropriate.

Where camps are protected in low conflict areas, subsidised services for the local nearby community may assist in gaining their acceptance of living near flying foxes.



**Action 2.4:** Develop and implement plans of management for all problematic GHFF camps. Currently management of GHFF and their habitats across Australia is largely ad hoc. Camp management plans are considered on a case by case basis without careful consideration of how camp management may impact more broadly on GHFF or monitoring changes as to how they use other camps. GHFF are a single population and migrate across a large range thus a consistent and coordinated approach across all levels of government is required.

Standardised policies for camp management should be guided at a National or state level and facilitate approval processes to undertake management actions under certain situations and conditions. Local communities impacted by GHFF camps should have input into management plans that could affect them. Local land managers should oversee stakeholder and community consultation with support from the State and Australian Governments.

Camp management plans for non-problematic camps should also be considered where there is potential to enhance or extend the camp area and reduce the reliance of GHFF on problematic camps.

**Objective 3: Determine population trends in Grey-headed Flying-foxes so as to monitor the species' National distribution and conservation status**

Local land managers need access to current data via a centralised knowledge base including the location of occupied camps, population trends, starvation events, heat stress events, flowering events and any other information about conditions that may influence flying-fox behaviour. Land managers struggle to proactively manage flying-foxes or prepare communities for possible changes in camp use and size when current data is not readily accessible.

The NSW Office of Environment and Heritage have set up a Flying-fox Land Managers' Network which could be expanded to a national scale network and interactive database of flying-fox movements and camp population trends.

**Action 3.1:** Continue conducting range-wide assessments of GHFF population as part of the NFFMP being coordinated by the CSIRO (Westcott *et al.* 2015).

Population trends and movements of flying-foxes across their range is useful information for local managers. Council supports the ongoing funding of the National Flying-Fox Monitoring Program (NFFMP). While the complexities of counting and analysing flying-fox population data means it can take weeks or months for information to become available, immediately providing some data (eg presence/absence) at each camp would be useful.

Radio tracking of flying-foxes to better understand their movements and behaviour should be incorporated into the NFFMP.

**Action 3.2:** Monitor and report on heat stress events, their locations and frequencies in order to understand the role of climate change and its impact on recovery

Research is required into the appropriate responses that may reduce the mortality rate of flying-foxes during severe heat stress events. Consistent guidelines on how to respond and manage heat stress events is required. Funding is required from the Australian Government to assist local land managers and wildlife carers to coordinate an effective response during and after heat stress events.

**Objective 4: Build community capacity to coexist with flying-foxes and minimise the impacts on urban settlements from existing camps without resorting to dispersal**

While broad objectives and long term actions are important, immediate relief for affected communities is essential. Local governments need information and financial resources to better support their communities, as well as appropriately manage flying-foxes and their habitats.

Each situation is different and needs to be considered with an overarching understanding of GHFF recovery management on a national basis, while addressing local specific needs. Council values the views and experiences of local governments across Australia and this information should be centralised to assist local governments dealing with flying-fox issues. The local government experiences demonstrate possible short-term solutions, within the context of the social, economic and geographic characteristics of each community. Assistance and guidance should be provided to councils and other land managers to fund trials and publish the results.

Strategies to build community capacity to coexist with flying-foxes must:

- Support local decision making within the broader objectives of landscape-scale flying-fox management
- Consider operational and resource constraints of local land managers
- Consider the socio-economic factors influencing flying-fox impacted communities eg subsidies could be prioritised to socially disadvantaged residents near camps
- Be underpinned by Federally supported research and monitoring
- Assist land managers to reduce human-flying-fox conflicts at problematic camps in a timely manner
- Enable strategic and prompt removal of vegetation for problematic camps in urban settings
- Acknowledge and address community concerns (eg potential health risks, noise impacts)
- Keep communities informed and engaged

Communities living near flying-fox camps need practical and affordable management options that reduce and provide relief from impacts such as odour and noise (eg sprinklers, vegetation buffers, double glazed windows, air-conditioning, subsidised services).

Assistance may also be required for other key stakeholders that are impacted by flying-fox camps, including the aviation and equine industries, power companies, marinas, schools and hospitals.

Whilst building the community capacity to coexist with flying-foxes, there are likely to be times when dispersal is required eg when the human-flying-fox conflict has reached a critical level and humans and/or flying-foxes are vulnerable. In consultation with the community, the Australian Government should establish the thresholds and establish triggers for dispersal so that politics, well financed councils and external influences do not detract from sound decision making.

Approval processes should be streamlined and enable timely turnarounds to enact appropriate actions. Approval requirements from both NSW and Australian Government is not acceptable, especially in critical situations. A standard approach to offsets for impacts to camps (eg due to buffer clearing) could assist in ensuring responding to critical situations is timely. Responding to increasing impacts by flying-foxes quickly, thereby providing relief to affected residents and businesses, could reduce the perceived need for dispersal.

**Action 4.2:** Develop and publish information for the community to build their capacity to coexist with GHFF

This action must target specific areas and audiences. The directly impacted communities need more information and support than those who are indirectly affected. Communities, industries and stakeholders located near flying-fox camps or that are affected by flying-foxes, have stronger (and more negative) attitudes towards the species, than communities that are not being directly impacted.

Further research is required to properly assess the human health effects of living next to a large camp. Issues that have been raised by local residents include: stress, asthma and other respiratory reactions, rashes and skin problems. The inclusion of health authorities in research, consistent messaging and medical advice is required.

**Action 4.4:** Work with local governments and private landholders to identify existing flying-fox roosting habitat, implement mitigation measures in areas of conflict and investigate opportunities for creating or rehabilitating habitat away from people, and areas unsuitable for development due to potential conflict.

Whilst Council agrees with this action the attempts at creating or rehabilitating habitat away from people is likely to be very difficult. In the Eurobodalla there is alternative suitable habitat outside of urban areas yet the GHFF have continued to camp in high conflict habitats. The relocation of the high conflict camp to a lower conflict area is extremely difficult and current experience and research suggests it is not achievable. Research is required into understanding how flying-foxes choose camp locations, why they are increasingly in urban areas, how we can encourage camps at lower conflict sites eg historic camps in low conflict areas, planting foraging resources near potential camps.



**Objective 5: Increase public awareness and understanding of Grey-headed Flying-foxes and the recovery program, and involve the community in the recovery program where appropriate**

It is suggested that the measure of performance criterion is not the reduced number of camp dispersals, as there are too many other factors that may affect this measure. Dispersal may be necessary if a large camp sets up near a school or hospital for example and negatively impacting on humans. Conversely it could also be in the flying-foxes best interest to nudge (disperse) them to where the flying-foxes are less to be adversely impacted by humans.

**Action 5.1:** Develop a comprehensive strategy of public education (see recovery objective 4, above).

Public education strategies must consider a wide range of issues and should be adaptive for various and changing situations. Communities living near large camps or heavily affected by foraging will have different needs to those that don't live with flying-foxes. Generally communities that live with them have a better understanding of flying-foxes, however practical issues (such as smell and noise) take precedence for them.

A range of strategies for public education should be utilised and the messaging needs to be timely and consistent from all levels of government and across agencies. In the Eurobodalla Shire, community concerns were sometimes amplified by sensationalistic and ill-informed media reports, thus education (or consultation) for the media outlets may also assist with education.

The community understanding of the listing/delisting process is limited and confounded by the inconsistency of State and Australian Governments' policies and legislation. Improving the information related to threatened species listings is required.

The use of icons, guerrilla marketing and cues has seen success in changing community attitudes towards other controversial environmental issues and may be considered.

**Action 5.3:** Promote public participation in surveys and reporting of camp and foraging locations as part of the NFFMP

In the Eurobodalla, Council has encouraged the public to report sightings of flying-foxes roosting/foraging. Many notifications have been received, giving Council a better and more detailed picture of flying-fox foraging and roosting. It is understood that a phone application is being developed for this purpose by the School of BioSciences, University of Melbourne. Council supports and endorses this project.

Data collected should be made publicly available eg through the central knowledge base recommended in response to Objective 3 above.

**Objective 6: Improve the management of Grey-headed Flying-fox camps in sensitive areas.**

It is a high priority to improve the management of sensitive camps and this requires consistent messaging and management across all levels of government.

This includes simplifying and streamlining information and approvals from NSW and Australian Government. Enabling timely responses to sensitive camps will assist with the human and GHFF conflicts.

**Objective 7: Significantly reduce levels of deliberate Grey-headed Flying-fox destruction associated with commercial horticulture**

Council supports all actions proposed to achieve this objective and recommends:

- Continued subsidised netting for orchardists and expanding the subsidised program to small farms
- Conservation of native habitat that is productive during times of commercial fruit maturation, to reduce damage to fruit orchards and GHFF mortality.

**Objective 8: Support research activities that will improve the conservation status and management of Grey-headed Flying-foxes**

Research objectives should include an investigation into why there are increasing numbers of urban camps and whether flying-foxes can be 'encouraged' to utilise more suitable camp sites. If camps were located in low conflict areas the conservation and management of GHFF would be greatly improved.

**Action 8.5:** To conduct research into the changing human dimension of interactions with flying-foxes, in order to develop targeted and cost-effective strategies to minimise conflict, Council recommends that this Action is prioritised and funded. For example, researching community capacity to coexist with flying-foxes such as determining the thresholds of tolerance of people living with flying foxes is needed.

**Objective 9: Assess and reduce the impact on Grey-headed Flying-foxes of electrocution on power lines, and entanglement in netting and on barbed-wire**

**Action 9.1:** Assess the impacts on Grey-headed Flying-foxes of electrocution on power lines, and entanglement in barbed-wire and netting, establish a benchmark of impact, and implement strategies to reduce these impacts

Power outages caused by GHFF were significant and a major factor causing discomfort and concerns to the broader community in the Eurobodalla in 2016. Prompt action by electricity suppliers including rerouting and use of spacers minimised community discomfort.

Options to reduce strike of GHFF by planes and helicopters should also be assessed and reduced.

Eurobodalla Shire Council – GHFF submission

7

28 February 2017

Strategies implementing measures across the species range would help both GHFF and community perception of GHFF.

**Action 9.2:** Promote methods of erecting backyard netting to avoid entangling flying-foxes. Many rural landholders have small fruit orchards and are affected by flying-fox foraging. Increasing the understanding of methods of erecting backyard netting and subsidising suitable netting may assist with reducing entanglement.

DRAFT

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**PSR17/014 POLICY REVIEW - LIQUID TRADE WASTE REGULATION**

**E16.0297**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services  
Attachments: 1. Under Separate Cover - Draft Liquid Trade Waste Regulation Policy  
Focus Area: Support Services  
Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council operates  
Operational Plan Link: SS1.2.2 Ensure transparency in council dealings

**EXECUTIVE SUMMARY**

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

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

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

**RECOMMENDATION**

THAT:

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

**BACKGROUND**

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

At the Extraordinary Meeting of Council on 10 September 2013, (Min. 13/272) Council supported the amalgamation of the Acceptance of Septic Tank and Pan Waste to the Sewerage

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**PSR17/014 POLICY REVIEW - LIQUID TRADE WASTE REGULATION**

**E16.0297**

System and the Discharge of Liquid Trade Waste to the Sewerage System policies to form the Liquid Trade Waste Regulation Policy.

Council's Liquid Trade Waste Regulation Policy is based on and complies with the NSW Liquid Trade Waste Regulation Guidelines.

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

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

**CONSIDERATIONS**

**Changes**

The policy has been reviewed and no substantive changes are recommended at this time, apart from the change in the departments name as the approval authority, as a result of a restructure State departments.

**Legal**

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

**Policy**

Council seeks to ensure that its Liquid Trade Waste Regulation policy complies with legislative requirements under the Local Government Act 1993 and provides readily accessible, understandable context for the community.

Council's Liquid Trade Waste Regulation Policy is based on and complies with, the format as set-down in the NSW Liquid Trade Waste Regulation Guidelines.

**Environmental**

Uncontrolled discharge of liquid trade waste into the sewerage system can cause serious problems to the sewerage infrastructure resulting in public health and environmental impacts. Untreated substances can inhibit the micro-organisms within a sewerage treatment plant, causing the discharge of poorly treated effluent in receiving waters or causing blockages in the system that may result in the overflow of raw sewage to public areas and the environment.

**Asset**

The draft Liquid Trade Waste Regulation Policy is enacted to protect Council's sewerage system, being pumping stations and sewerage treatment plants.



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**PSR17/014 POLICY REVIEW - LIQUID TRADE WASTE REGULATION**

**E16.0297**

**Community Engagement**

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

**CONCLUSION**

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

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**PSR17/015 POLICY ADOPTION - CLEAN AIR POLICY**

**E16.0297**

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

Attachments: 1. Confidential - Public Submission  
2. Draft Clean Air Policy

Focus Area: Liveable Communities

Delivery Program Link: L4.1 Conduct regulatory compliance and enforcement activities

Operational Plan Link: L4.1.2 Monitor, inspect, enforce and investigate complaints in relation to public and environmental health

### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend adoption of the draft Clean Air Policy.

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

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

The draft Clean Air Policy has been reviewed. The draft Policy was placed on public exhibition which commenced on 11 January 2017 and concluded on 21 February 2017. During this time, one submission was received which was in support of the draft Policy.

### **RECOMMENDATION**

THAT Council adopt the draft Clean Air Policy.

### **BACKGROUND**

On 13 December 2016, a report regarding the policy review of the draft Clean Air Policy, was presented to Council. Council determined:

*THAT:*

1. *Council endorse the draft Clean Air Policy for public consultation.*
2. *The draft Clean Air Policy be placed on public exhibition for a period of 42 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.*

Open burning is regulated across New South Wales by the Protection of the Environment Operations (Clean Air) Regulation 2010 ('the Regulation'). The intention of the Regulation is to

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**PSR17/015 POLICY ADOPTION - CLEAN AIR POLICY**

**E16.0297**

manage the air pollution issues associated with burning, with a view to protecting local and regional air quality, local amenity and public health.

Eurobodalla Shire Council is a local government area (LGA) listed in Part 2 and Part 3, Schedule 8 of the Regulation in which burning of vegetation and other waste is prohibited except with approval. The regulation identifies the LGAs in which the control of burning provisions apply.

The Clean Air Policy was developed to provide clear direction where approval to burn dead and dry vegetation can be automatically given following a self-assessment which meets certain conditions. Where not all conditions can be met, or the New South Wales Rural Fire Service (NSW RFS) requires the landholder to obtain approval from Council, formal approval can be applied for.

Prior to commencement of the review, feedback was sought from the NSW RFS and a comparison of the policies of other coastal councils listed in Schedule 8 of the Regulation was undertaken. Also considered was feedback received from landholders since the commencement of the current Policy in 2013. The review identified that the 200m buffer to urban zoning was unique to Eurobodalla Shire Council, and that this condition resulted in inconsistencies in the application of the policy. The review also identified the high level of queries to Council and the NSW RFS and addressed how these could be reduced.

The review has resulted in the removal of the 200m requirement and replaced with a minimum distance of 75 metres from a habitable building on a neighbouring property. The policy also refers to the RFS document '*Standards for Pile Burns*' including a maximum pile size of 2m wide by 2m long by 1.5m high. This provides conditions that can be easily assessed by both RFS and Council staff in the field, as well as the applicant.

## **CONSIDERATIONS**

### **Community Engagement**

The draft Policy was exhibited for a period of 42 days which commenced on 11 January 2017 and concluded on 21 February 2017. The draft Policy was available for viewing on Council's website, at libraries and at the Customer Service Centre in Moruya.

During this time one submission was received which was in support of the draft Policy and a copy of this submission is contained in the confidential attachment to this report.

### **Policy**

The Clean Air Policy fulfils Council's obligations under the *Protection of the Environmental Operations (Clean Air) Regulation 2010*.

## **CONCLUSION**

The draft Clean Air Policy was publicly exhibited for 42 days which commenced on 11 January 2017 and concluded on 21 February 2017. During this time, one submission was received which was in support of the draft Policy.

This report recommends adoption of the draft Clean Air Policy.

<b>Policy title</b>	Clean Air
<b>Responsible manager(s)</b>	Divisional Manager, Environmental Services
<b>Contact officer(s)</b>	Public Environmental Health and Compliance Co-ordinator
<b>Directorate</b>	Planning and Sustainability
<b>Approval date</b>	
<b>Focus area</b>	Our community is a great place to live
<b>Delivery Program link</b>	L4.1 Conduct regulatory compliance and enforcement activities
<b>Operational Plan link</b>	L4.1.1 Monitor, inspect, enforce and investigate complaints in relation to public safety

### **Purpose**

Burning wood and rubbish in open fires and incinerators can cause smoke, which is a major cause of air pollution. It can harm the environment and human health.

Open burning is regulated in NSW by the *Protection of the Environment Operations (Clean Air) Regulation 2010* ('the Regulation'). The intention of the regulation is to manage the air pollution issues associated with burning to protect local and regional air quality, local amenity and public health.

Eurobodalla Shire Council is a Local Government Area (LGA) listed in Part 2 and Part 3, Schedule 8 of the Regulation in which burning of vegetation and other waste is prohibited except with approval. The Regulation dictates the LGAs in which the controls of burning provisions apply.

Eurobodalla Shire Council's policy was developed to provide clear direction where approval to burn dead and dry vegetation can be automatically given following a self-assessment which meets certain conditions. Where not all conditions can be met, or the NSW Rural Fire Service requires that the landholder obtains approval from Council, formal approval can be applied for.

### **Policy aims**

- Protect the environment, the health and the amenity of residents and visitors in Eurobodalla Shire.
- Make council's policy and requirements for burning readily accessible and understandable to the public.
- Assist decision-makers to exercise discretionary powers in relation to the burning of vegetation and waste.
- Ensure transparency, consistency and fairness in the manner in which Council deals with the burning of vegetation and waste.
- Ensure compliance with legislative requirements under the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- Promote awareness of the requirements of the Act with respect to the burning of vegetation and waste

### Policy details

<b>1</b>	<b>Application</b>  This policy applies to all burning of vegetation or other waste in the Eurobodalla LGA where Eurobodalla Shire Council is the Appropriate Regulatory Authority (ARA)
<b>2</b>	<b>Legislation</b>  This policy ensures Eurobodalla Shire Council's compliance with the <i>Protection of the Environment Operations (Clean Air) Regulation 2010</i> .  This policy does not apply to hazard reduction burning activities undertaken in accordance with the <i>Rural Fires Act 1997</i> .
<b>3</b>	<b>Procedure</b>
<b>3.1</b>	<b>Restrictions</b>  a) Any person residing within the Eurobodalla LGA to which a domestic waste management service is available is prohibited from burning domestic waste on those premises.  b) During the Bushfire Fire Danger Period (generally 1 September – 31 March) fires are not allowed unless a permit has been obtained from the NSW Rural Fire Service (RFS).
<b>3.2</b>	<b>Approvals</b>  a) Following completion of a self-assessment (Appendix 1), and having met all of the requirements, an applicant can proceed to burn dead and dry vegetation subject to the conditions listed in 3.2.1  b) Where all the requirements cannot be met, an applicant can lodge a formal application with Council for a merit-based assessment. Application fees apply and are listed in Council's Fees and Charges.

<b>3.2.1</b>	<p><b>Conditions</b></p> <ul style="list-style-type: none"> <li>a) Every attempt shall be made to recycle or reuse vegetation prior to burning. Recycling techniques include but are not limited to mulching, composting, milling, and use as fuel for heating purposes. Only the residue from recycling and reuse shall be burnt.</li> <li>b) Permits shall be obtained from the appropriate fire service during the bushfire danger period each year. Conditions attached to any such permit shall be complied with</li> <li>c) Burning shall be in accordance with the NSW RFS document '<i>Standards for Pile Burning</i>'</li> <li>d) Permission from the owner of the property shall be obtained prior to burning.</li> <li>e) Vegetation shall only be burnt on the premises on which it grew.</li> <li>f) Burning shall only take place during dry weather conditions, taking into account the potential for smoke impacting on any person due to wind direction and other climatic conditions.</li> <li>g) All residents who adjoin the site of the burn must be notified at least 24 hours prior to the burn.</li> <li>h) The Moruya RFS is to be notified at least 24 hours prior to the burn on 02 4474 2855.</li> <li>i) Burning must not take place less than 75 metres from a habitable building on neighbouring land.</li> <li>j) Maximum burn pile size is to be 2m wide by 2m long by 1.5m high.</li> <li>k) Burning shall not take place as the result of an activity requiring development consent unless prior consent has been obtained.</li> </ul>
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## Implementation

Requirements		Responsibility
<b>1</b>	<p><b>Applications</b></p> <p>Applications to burn will be processed by the Public Environmental Health and Compliance Unit</p>	Environmental Health Officers
<b>2</b>	<p><b>Enforcement</b></p> <p>Rangers will enforce the policy and determine follow-up actions.</p>	Rangers
<b>3</b>	<p><b>Staff</b></p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Council officers
<b>4</b>	<p><b>Concerns</b></p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers

<b>5</b>	<p><b>Consultation</b></p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Consultation has been undertaken with the RFS and submissions received. Submissions have also been invited and received from members of the public who have previously provided feedback on the policy. Public submissions regarding this policy are invited for consideration during the exhibition period.</p>	<p>NSW Rural Fire Service</p> <p>As relevant</p>
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## Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

**Note:** Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages the burning of vegetation and other waste.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Applications to burn received/approvals given	Council records
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

## Definitions

Word/ Acronym/ Phrase	Definition
ARA	Appropriate Regulatory Authority
LGA	Local Government Area
RFS	New South Wales Rural Fire Service

## Governance

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

### Related legislation and policies

Name	Link
Local Government Act 1993	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N">www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N</a>
Protection of the Environment	<a href="http://www.legislation.nsw.gov.au/#/view/regulation/2010/">http://www.legislation.nsw.gov.au/#/view/regulation/2010/</a>

<i>Operations Regulation</i>	<i>(Clean Air)</i>	<a href="#">428</a>
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*Related external references*

Name	Link
Office of Local Government	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
NSW Rural Fire Service	<a href="http://www.rfs.nsw.gov.au/">www.rfs.nsw.gov.au/</a>

*Supporting documents*

Name	Link
NSW RFS Standards for Pile Burning	<a href="http://www.rfs.nsw.gov.au/_data/assets/pdf_file/0012/13323/Standards-for-Pile-Burning.pdf">http://www.rfs.nsw.gov.au/_data/assets/pdf_file/0012/13323/Standards-for-Pile-Burning.pdf</a>

*Change history*

Version	Approval date	Approved by	Min No	File No	Change
1	22 Feb 2011	Council	11/39	E91.2508	Policy commenced
2	23 Jul 2013	Council	13/173	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2016	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

*Internal use*

Responsible officer	Divisional Manager, Environmental Services			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	195



Appendix 1: Self-Assessment Checklist

	Item	Yes	No
1	Only dead and dry vegetation that has been grown on the premises is to be burned		
2	Permission from the owner of the property has been obtained		
3	The RFS and adjacent property residents have been given at least 24 hours notice		
4	During the Bushfire Danger Period, a fire permit has been obtained from the RFS		
5	All attempts must be made to prevent or minimise air pollution when burning so burning will not impact on another person's health or amenity		
6	Burning is to be undertaken during dry weather conditions, taking into account the potential for smoke impacting on any person due to wind direction and other climatic conditions.		
7	Fire is located where it is not a threat to a buildings or property and at least 75 metres away from a habitable building on any adjacent properties		
8	Fire will not cause a smoke hazard for traffic		
9	Material to be burnt is not subject to a condition of a development consent that prohibits burning		
10	Fire will be under direct supervision at all times, and a method of extinguishment is immediately available		
11	Activities are being undertaken in accordance with the NSW Rural Fire Service document ' <i>Standards for Pile Burning</i> '		
<p><b>Please Note:</b> If you have marked the 'No' column for any of these items, you do not have automatic approval to burn. Please contact Council on 02 4474 1310 for further information on applying for approval</p>			

Appendix 2: Approvals for Burning Activities

Type of Burning	Types of Approval Required	Where to Obtain Approval
Burning of vegetation and waste <i>within</i> 75 metres of a habitable building on neighbouring land	<ul style="list-style-type: none"> <li>Formal ESC written approval (as per s3.2.b) and</li> <li>Fire Permit from NSW RFS or Fire and Rescue NSW during the declared Bush Fire Danger Period</li> </ul>	<ul style="list-style-type: none"> <li>ESC</li> <li>NSW RFS in a rural fire district</li> <li>Fire and Rescue NSW in a fire district</li> </ul>
Burning of vegetation more than 75 metres from a habitable building on neighbouring land	<ul style="list-style-type: none"> <li>Completed self-assessment (Appendix 1) meeting all requirements</li> <li>Fire Permit from NSW RFS or Fire and Rescue NSW during the declared Bushfire Danger Period</li> </ul>	<ul style="list-style-type: none"> <li>NSW RFS in a rural fire district</li> <li>Fire and Rescue NSW in a fire district</li> </ul>
Hazard reduction burn	Hazard Reduction Certificate	NSW RFS Moruya
Beach fires	Prohibited	N/A
Agricultural burning of material such as stubble, orchard pruning or diseased crops	Fire Permit (only during declared Bushfire Danger Period)	NSW RFS Moruya
Burning in an incinerator	Prohibited except where: <ul style="list-style-type: none"> <li>Licensed by NSW EPA</li> <li>No domestic waste collection service is available</li> <li>Dead and dry vegetation burnt in an incinerator is &gt;75m from a habitable building on adjoining property</li> </ul>	NSW EPA for licensed premises
Burning of dry vegetation in a solid fuel heater within a building	No approval required	N/A
Burning of domestic waste	Prohibited except where domestic waste collection services are not available	N/A
Burning to demolish a building or other building materials	Prohibited	N/A
Burning of vegetation cleared as part of a subdivision or construction site	Prohibited except where a condition of development consent allows it	ESC for development consent conditions
Burning of: Tyres, coated wire, paint containers and residue, solvent containers and residue, treated timber with copper chromium arsenate (CCA) or pentachlorophenol (PCP)	Prohibited	N/A
LPG BBQ or campfire for cooking on private land including wood-fired BBQs/pizza ovens/braziers etc	No approval required (★see note regarding Total Fire Bans and No Burn Days)	N/A
Burning to clear native vegetation	Approval under the <i>Native Vegetation Act 2003</i> required	NSW EPA/NSW Local Land Services
<p>★ During a Total Fire Ban you cannot light, maintain or use a fire in the open, or to carry out any activity in the open that causes, or is likely to cause, a fire.</p> <p>★ Outside of the bushfire season the NSW EPA may prohibit the burning of fires in the open or in incinerators by issuing a No-Burn Notice if it is of the opinion that, because forecast weather conditions, burning is likely to contribute</p>		

to the build-up of air pollution.

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**IR17/013 POLICY REVIEW - RECYCLED WATER**

**E16.0297**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Recycled Water Policy

Focus Area: Sustainable Communities

Delivery Program Link: S1.2 Operate and maintain Council's sewerage systems

Operational Plan Link: S1.2.2 Provide treated effluent and sludge for reuse in community

**EXECUTIVE SUMMARY**

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

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

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

**RECOMMENDATION**

THAT

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

**BACKGROUND**

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

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

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**IR17/013 POLICY REVIEW - RECYCLED WATER**

**E16.0297**

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

**Changes**

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

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 April 2017 until Tuesday 2 May 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

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

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**IR17/014 POLICY REVIEW - WATER AND SEWER CONSTRUCTION BY PRIVATE CONTRACTORS**

**E16.0297**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Water and Sewer Construction by Private Contractors Policy

Focus Area: Sustainable Communities

Delivery Program Link: S2.2 Operate and maintain Council's water supply systems

Operational Plan Link: S2.2.2 Operate water system

### **EXECUTIVE SUMMARY**

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

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

The Water and Sewer Construction by Private Contractors policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT:

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

### **BACKGROUND**

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

Under Section 59A of the *Act*, Council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by Council (whether or not the land is owned by

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**IR17/014 POLICY REVIEW - WATER AND SEWER CONSTRUCTION BY PRIVATE CONTRACTORS**

**E16.0297**

Council). The Act provides Council access to any land required to operate, repair, replace, maintain, remove, extend, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of Council, the works are used in an efficient manner for the purposes for which the works were installed.

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

**Changes**

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

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 April 2017 until Tuesday 2 May 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Water and Sewer Construction by Private Contractors policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Water and Sewer Construction by Private Contractors policy will be presented to Council for consideration to adopt.

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**IR17/015 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2016-17**

**E16.0002**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Productive Communities

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

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

### **EXECUTIVE SUMMARY**

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 23 February 2017 were as follows:

- Special Event Application – Tilba Easter Festival
- Special Event Application – Narooma Oyster Festival
- Special Event Application – Challenge Batemans Bay Triathlon Festival
- Special Event Application – Rotary Youth Driver Awareness Program
- Special Event Application – ANZAC Day Marches, Various Locations
- Review of Outcomes - Christmas Holiday Season 2016/17 traffic congestion

### **RECOMMENDATION**

THAT the minutes of the Eurobodalla Local Traffic Committee Meeting No 5 of 2016-17 held on 23 February 2017 be received and noted.

### **BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 5 for 2016-17 was held on 23 February 2017 in Council's Committee Room. It was attended by Councillor Anthony Mayne (Chairperson), Mrs Danielle Brice (representative for the Hon Andrew Constance MP, Jesse Fogg (Roads and Maritime Services), Senior Constable David Smart (NSW Police Force), Suketu Bhatt (Divisional Manager Technical Services), Dave Hunter (Traffic Officer), Heidi Hanes (Road Safety Officer), Leisa Tague (Events and Grants Coordinator) and Matt Cormick (Minute Taker).

### **MINUTES OF PREVIOUS MEETING**

The Minutes of the Eurobodalla Local Traffic Committee Meeting No 4 for 2016-17 held on Thursday 15 December 2016 were confirmed and accepted.



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**IR17/015 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2016-17**

**E16.0002**

**OUTSTANDING ITEMS FROM PREVIOUS MEETING**

The Action Sheet outlining all of the Committee's outstanding items was distributed to members.

The following outstanding items were discussed:

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

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

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION**

There were no Road Transport items to consider.

**INFORMAL ITEMS FOR DISCUSSION**

**2017.SE.005 - Special Event Application – Tilba Easter Festival**

A special event application has been received for the 2017 Tilba Easter Festival to be conducted in Central Tilba on Saturday 15 April.

The main street of Central Tilba is closed to traffic on Easter Saturday, allowing for a day of cultural activities and festivities. This is a day of family fun, with live music on four stages, roaming street performers, street games with prizes, arts and crafts, demonstrations, market stalls and food stalls.

The Traffic Management Plan is based on measures put in place during previous years. A length of Corkhill Drive between Central Tilba and Tilba Tilba will become one-way southbound. A shuttle bus will be provided to transport people between the parking areas and the event area.

The Traffic Management Plan (TMP) and Traffic Control Plan (TCP) number 5156 Set M Sheets 01 and 02 were reviewed by the committee. The Event Management Plan (EMP) was also discussed.

The discussion followed, including:

- The Traffic Management Plan (TMP) was submitted using a new Council Special Event Template.
- The Eurobodalla TMP template is based on the Roads and Maritime Service (RMS) "Guide to Traffic and Transport Management for Special Events" document. Variations to the RMS TMP template will ensure the new document is aligned to meet the needs of the local area.
- The Chairperson asked why the TMP 2.3 tick box was not marked. The Traffic Officer said this appeared to be an oversight. Where events have a significant impact on non-event traffic, apart from a TMP, the Police also require notice. Depending on the type of event this can be anywhere between 60 and 90 days. An updated TMP for the Tilba Easter Festival will be forwarded to the Committee.

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**IR17/015 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2016-17**

**E16.0002**

- The TMP is incorporated within the EMP under Appendix 7. This initiative is also part of Council's Special Events Team's process to assist applicants. The aim is to make it easier for customers to submit applications and also have all of the information on one document. The Hon Andrew Constance's representative was informed that Appendix 4 of the EMP details the Risk Management Plan for the whole event. Divisional Manager, Technical Services suggested a separate checklist could be used for the EMP and TMP to make sure all issues have been addressed.
- Council's Events and Grants Coordinator will be invited to attend the next meeting to assist in the discussions on the new EMP process.

This is a class 2 event.

**Recommendation:**

That the 2017 Tilba Easter Festival event to be held in Central Tilba on Saturday 15 April, based upon the Traffic Management Plan and associated Traffic Control Plan No 5156 Set M Sheets 1 & 2 be approved.

**2017.SE.006 - Special Event Application – Narooma Oyster Festival**

A special event application has been received for the 2017 Narooma Oyster Festival to be conducted in the vicinity of Quota Park on Riverside Drive, Narooma on Friday 5 and Saturday 6 May.

The event is comprised essentially of stalls and events conducted around the foreshore area on Riverside Drive. There will be a fireworks display at the start of the event on Friday night (5 May 2017), however this part of the event will not require road closures and parking will be in the various on-street and off-street areas available in the vicinity of Quota Park.

Road closures of a section of Riverside Drive on Saturday, 6 May are proposed. The temporary traffic arrangements are the same as those used during the 2015 Oyster Festival. There was no festival held in 2016.

The Traffic Management Plan (TMP) and Traffic Control Plan (TCP) number 5156 Set N Sheets 01 was reviewed by the committee. An Event Management Plan (EMP) was also reviewed noting that the LTC's role is only to review the TMP.

The discussion followed, including:

- The Committee noticed the Event Management Plan (EMP) application form was not complete. The Traffic Officer said that the Committee's role was to review and approve the TMP part of the EMP and that whole EMP document is supplied for information only. A completed EMP will be forwarded to the Committee once it is completed.
- The Chairperson asked about Council's legal responsibilities in regard to ensuring the organisers follow the approved TMP. The Traffic Officer advised that the responsibility for implementation of the TMP and associated TCP is solely with the applicant and the TMP and TCP incorporate sections that indicate this responsibility, including that the applicant sign the TMP as approved.
- At this point the Events Development Coordinator joined the meeting at about 10.30am.

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**IR17/015 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2016-17**

**E16.0002**

- Discussions continued on roles and responsibilities. Council's Events Development Coordinator explained that Council's final "sign off" on the TMP was by showing the Local Traffic Committee meeting date on the form. The RMS "sign off" where the event is on their road network was by showing the Road Occupancy Licence Number on the form. The form is also "signed off" as approved by the applicant.
- The Police representative said that there are several different police approvals, depending on the type of event. It was agreed that Council's events team would submit information directly to the Police, as soon as practical after an application is submitted. This will mean the Police are aware of events, well before they are submitted to the Committee.
- Divisional Manager, Technical Services left the meeting at about 10.45am.
- Council's Events Development Coordinator will liaise with the Police representative to make sure the event proposals are forwarded to the appropriate officers, including the Police Liaison Officer, so that the appropriate minimum notification period is obtained. The TMP 2.3 tick box will be modified with associated text such as "Police notified of the event" included.
- Council's Events Development Coordinator left the meeting at about 11am.

This is a class 2 event.

Recommendation:

That the 2017 Narooma Oyster Festival to be held on Riverside Drive on Friday 5 and Saturday 6 May, based upon the submitted Traffic Management Plan and associated Traffic Control Plan No 5156 Set N Sheet 01 be approved.

**2017.SE.007 - Special Event Application – Challenge Batemans Bay Triathlon Festival**

The 2017 Challenge Batemans Bay Triathlon Festival is proposed to be held as a one day event on Sunday 23 April 2017.

The Traffic Management Plan and associated Traffic Control Plans include a detailed description of the event and the methods of addressing the safety risks to competitors and non-event people.

There are five categories in this swim/bike/run event, starting at 7.00am and finishing at 3.30pm. All event legs start and finish at Corrigan's Beach Reserve. The runners will travel north along the shared path to Batemans Bay CBD with the furthest turnaround near Mundarra Way in Surfside. In the first instance, all bikes will travel south along George Bass Drive. The shorter (Enticer and Enforcer) events will turn around near the Towrang intersection. Riders of the two other events will continue along to Dunns Creek Road. The Sprint event will turnaround near the Woodlands Road intersection with the longest (Challenge) event travelling through to Broulee and turn around on North Head Road just short of the Princes Highway at Moruya.

The Triathlon routes are the same as last year's event, with road closures proposed on various sections between Batemans Bay and Moruya. The feedback from last year was that there were very few issues arising. Last year there was an additional Saturday event that included a fun run

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**IR17/015 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2016-17**

**E16.0002**

and kids aquathon, this will not be held this year. The Traffic Control Plans are the same as last years with the exception of minor changes relating to the turnaround areas.

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

The Committee was informed by the Traffic Officer that:

- Residents whose properties adjoin the roads where the event is held will be able to access their properties, under the direction of the traffic controllers.
- Methods of notification of the event is indicated in the TMP and includes a letterbox drop, press releases in the printed and electronic media as well as several Variable Message Signs (VMS) to be located on the side of Beach Road, Tomakin Road and North Head Drive. These VMS will be in place for a minimum 4 days prior to the event day.

Recommendation:

That the Challenge Batemans Bay Triathlon 2017 to be conducted on Sunday 23 April, based on the submitted Traffic Management Plan and associated Traffic Control Plans be approved.

**2017.SE.008 - Special Event Application – Rotary Youth Driver Awareness Program**

A special event application has been received for the running of the Rotary Youth Driver Awareness (RYDA) Program on 3 April to 4 April 2017 using Donnelly Drive, Moruya.

The Rotary Club of Batemans Bay is facilitating a two day event to be held within Moruya Racecourse grounds for the ninth consecutive year. RYDA (Rotary Youth Driver Awareness) is aimed at educating Year 11 students about various road safety issues and students from all five high schools in the Eurobodalla Shire will be participating.

One module requires a practical demonstration of motor vehicle stopping distances on an asphalt surface whilst travelling at three different speeds.

There will be six demonstrations on both days, taking up to 30 minutes to complete. The demonstrations are conducted outside the Jockey Club on Donnelly Drive. All demonstrations are conducted by a certified driving instructor, and students observe the demonstration from behind a cordoned off observation area. For added effect, Council provides its portable Speed Advisory Sign.

Donnelly Drive is a *No Through Road* with the only traffic being residents and visitors to a very small community connected to the racecourse. Closing the road for up to 30 minutes for each demonstration over a two day period will result in minimal disruption to the resident's life style and/or business activities.

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

The Committee agreed that this is an exceptional driver education program and acknowledged the role taken by the organiser Rotary as well as the support from the Police and Council. Teaching our young drivers to be safe and responsible is of paramount importance.

This is assessed as a Class 2 Event.

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**IR17/015 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2016-17**

**E16.0002**

Recommendation:

That the 2017 Rotary Youth Driver Awareness Program to be conducted using Donnelly Drive, Moruya on 3 April to 4 April 2017, based upon the submitted Traffic Management and Control Plan be approved.

**2017.SE.009 - Special Event Application – ANZAC Day Marches, Various Locations**

ANZAC Day marches are conducted on major roads in the following locations on 25 April 2017:

- (a) Batemans Bay
- (b) Moruya
- (c) Narooma

The Traffic Management and Control Plans are the same as previous years' plans. Council will assist the event organisers to submit applications for Road Occupancy License's to the RMS for the Moruya and Narooma marches, as they require the use of the Princes Highway.

The Hon Andrew Constance's representative asked if some of the other areas where ANZAC Day marches are conducted in the Eurobodalla should have Traffic Management and Control Plans submitted to the Committee. Areas where ANZAC marches and or ceremonies are known to occur on or near roads are at Nelligen, Tomakin, Tuross Head and Central Tilba.

The Traffic Officer said that these sites were generally on less busy streets and the general public are usually well aware of their occurrence. Currently Council has a budget to assist in the implementation of the traffic control at Batemans Bay, Moruya and Narooma. It is unlikely the available Council funds would cover traffic control implementation at any other locations.

Under the RMS Guidelines for the Special Events, if the events do not significantly impact on local or major traffic or transport systems or classified roads; it can be determined as a Class 3 event. The traffic disruption to the non-event community is generally to a very low level in the immediate areas. Within the delegation, the Council makes a decision, on a case by case basis, to determine if individual Class 3 events require submission to the LTC.

Also, if the event requires Police consent only, and is within the capacity of the Police to manage on their own; it can be deemed as a Class 4 event. This does not require RMS or Council approval or subsequent approval of the Committee.

The Traffic Officer will investigate the marches at Nelligen, Tomakin, Tuross Head and Central Tilba and report back to the Committee, however, it should be noted the past ceremonies in these places went smoothly without the need of the TMPs and TCPs.

Recommendation:

That the Traffic Management and Control Plans for the ANZAC Day marches for Batemans Bay, Moruya and Narooma be approved, subject to approval by the NSW Police and lodgement of a Road Occupancy License to Roads and Maritime Services for the Moruya and Narooma events.

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

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**IR17/015 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2016-17**

**E16.0002**

The summer school holiday period brings numerous visitors to the Eurobodalla. This is an important period for our community, with many families visiting the area, people holidaying and businesses benefitting over the peak period.

The sharp increase in visitations does create challenges at the peak hours of traffic on the Princes Highway and Kings Highway, as well on our local road network. It also highlights the known deficiencies in the capacity and safety of the highway network, particularly the shortfall in overtaking lane, limited intersection capacity, and sections of the highways with poor alignment and/or narrow road formation. The additional traffic also poses challenges in managing driver behavior.

To plan for the 'safe arrival' the NSW Roads and Maritime Services (RMS), NSW Police and Council work together to promote road safety outcomes and manage the peak traffic. The RMS have been pro-active in assisting with the management of the peak traffic loads on the Princes and Kings Highways, both of which are under their control.

The purpose of the discussion at the Committee, is to record the actions implemented over the 2016-17 Christmas period across the overall network, and discuss the outcomes.

Council has previously advocated to the RMS to implement increased measures over the Christmas period, and the RMS have responded well implementing improved measures in recent years.

It is recognised that Council does not have a decision making role in managing the highway traffic. Nevertheless, Council is interested in the outcomes on behalf of our community, regularly receives inquiries on this issue, and also has to manage the impacts on our local road network.

The discussion also provides the opportunity to report back to Council and highlight the good work already being undertaken by the RMS and NSW Police to help inform our local community.

Various discussion then followed including:

- The Chairperson suggested that the RMS could pro-actively promote the extra measures they will put in place for the forthcoming holidays at Easter and Christmas.
- The RMS representative relayed that they are looking into being more proactive with the community. Over the peak of the 2016-17 Christmas period the RMS implemented
  - A local RMS Traffic Commander was deployed
  - Close liaison was implemented back to the Sydney Traffic Management Centre who run the 131700 traffic update services for NSW
  - RMS crews were deployed to assist traffic flows carrying tasks such as 'end of queue management and break-down clearance
  - A temporary 80km/hr speed zone was implemented between Nelligen and Batemans Bay

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**IR17/015 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2016-17**

**E16.0002**

- Moruya CBD traffic signals were adjusted to provide the maximum allowable green time for the highway. All traffic lights are monitored remotely by the Sydney Traffic Management Centre. (Note from Director Infrastructure Services: These traffic lights manage vehicular traffic however it is essential that the community also value the critical safety role these lights play in allowing the safe movement of pedestrians at this busy intersection throughout the year, particularly in the peak summer periods)
- Princes Highway/Kings Highway roundabout. Council has proposed that the RMS implement a trial of allowing two lanes to turn right out of the Kings Highway onto the Princes Highway. It was noted during the holiday period that the queuing on the Princes Highway southbound was minimal yet the queuing on the Kings Highway was considerable. The RMS has indicated they may look at this trial favourably however this is unlikely to be implemented by Easter due to the approvals processes involved. (Note from Director Infrastructure Services: Council has written to the Regional Manager RMS Wollongong seeking this trial to be approved and expedited in time for the April 2017 school holidays. We are awaiting advice).
- The Road Safety Officer said that drivers on the Kings Highway need to realise that, during holiday periods, they need to allow extra time to reach the coast. Over the last Christmas a road safety campaign on the Kings Highway was again undertaken with a partnership between the NSW and ACT Police, the ACT Government, Local Council's and the RMS. The message this year is *Don't Rush, Allow Plenty of Time and Plan a Few Breaks*. This campaign will also be implemented this Easter. The infringement statistics gathered from the 2016-17 summer holidays revealed a doubling of infringements issued from the previous summer. Therefore, the message this Easter will focus on high visibility policing and enforcement. In addition, double demerits are in place from 13-17 April, 2017.
- The Police representative asked the RMS to consider installation of temporary Variable Message Signs with queue sensors on the Princes Highway, approaching Batemans Bay from the south (for north bound vehicles). The best location would be about 2km from the town limits, on the sharp crest (at the top of the mad mile).

The Committee agreed that the RMS should be congratulated on the planned proactive measures they implemented for the Christmas Holiday peak period. Traffic flowed reasonably well, noting there were several days where there were long queues on the Kings Highway between Nelligen and Batemans Bay. The Committee agreed that the proposed major upgrade associated with the new bridge should look to provide additional capacity at the Princes Highway/Kings Highway intersection to reduce queue lengths at peak times. There is an opportunity to reduce the queue lengths on the Kings Highway if the suggested trial of the roundabout changes are implemented.

Further information provided post-meeting by the RMS and NSW Police:

The RMS representative has confirmed that over the coming Easter break the following will be implemented:

- Two staff will be engaged to form an Incident Response crew on the 13, 14 and 15 April, 2017 between 8.00am and 5.00pm (*these times may vary depending on traffic demand*).

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**IR17/015 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2016-17**

**E16.0002**

- Two staff to form an End of Queue crew on the 13, 14 and 15 April, 2017 between 8:00am and 5.00pm (*these times may vary depending on traffic demand*).
- Implement the agreed Traffic Management Plan (temporary 80km/h speed zone), with monitoring being carried out by the rostered crews. The required portable VMS units have been incorporated into our state-wide strategy.

The Police Representative has provided information That:

- Over the holiday periods additional police are deployed in the Eurobodalla area, with the main focus on daily tasking of the Princes and Kings Highways. Secondary tasking involves deployment to the main arterial roads such as Beach Road, George Bass Drive, Tomakin Road, and Dunns Creek Road. The main focus is on road rule compliance, such as speeding, alcohol driving, drug driving, seat belt compliance, and fatigue, all of which are integral within the road rule compliance umbrella.
- Over the Christmas 2016 period, staff were tasked, and deployed daily over the Christmas / New Year period, from 16 December through to 2 January, in line with statewide operation, 'Safe Arrival'. A second operation, 'Safe Return' then ran from 25 January to 29 January.
- Over the coming Easter 2017 period, a statewide operation 'Tortoise' will be in place from 21 April until 25 April with no leave for the local force and an additional four officers deployed from the metropolitan area. Additionally over the ANZAC DAY period, a statewide operation 'Go Slow' will be undertaken from 21 April until 25 April.

Recommendation:

That:

1. the Review of Outcomes - Christmas Holiday Season 2016/17 traffic congestion mitigation measures within the Eurobodalla on the Princes and Kings Highways be received and noted
2. the Roads and Maritime Services be congratulated for the pro-active measures implemented over the peak summer holiday period to manage congestion and improve road safety outcomes
3. The NSW Police be congratulated for the strong enforcement campaigns implemented to assist in addressing driver behaviour
4. Council's Traffic Management Team be congratulated on the collaborative road safety education programs being run over peak periods to assist increase awareness of road safety

**GENERAL BUSINESS**

**2017.IN.007 Mossy Point/ George Bass Drive Intersection**

The Chairperson requested an update on the review of the intersection of George Bass Drive and Annettes Parade, Mossy Point.



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**IR17/015 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2016-17**

**E16.0002**

The Traffic Officer is working with Council's Design Team and a detailed survey has been undertaken. Further development is expected with the outcomes to be referred back to the Committee at a future meeting.

**2017.IN.008 Mobility Parking Scheme**

The Traffic Officer informed the Committee that Council has resolved to investigate the potential for the establishment of a local parking scheme to allow people with mobility problems to overstay in 1 hour or less timed parking zones.

The RMS representative said that a scheme already exists throughout Australia called the Mobility Parking Scheme (MPS). It was explained that the proposed local scheme is additional to the Australia wide scheme. The intention is to allow people who are not eligible for the national MPS scheme but have difficulty walking 100m to sign up to a local scheme. They would still need to visit a doctor to be assessed for a permit to be eligible for the Local Mobility Parking Scheme (LMPS).

It was agreed that the Traffic Officer would seek assistance from the RMS to determine if this LMPS scheme could be legally enforced on the local road network within Council's Delegation for the Regulation of Traffic and subsequent enforcement by Council Rangers.

**Tomaga River Bridge**

The Chairperson asked if the 80km/h speed zone on George Bass Drive could be extended to just south of the Tomaga River Bridge. The sealed road shoulder width reduces across the bridge and cyclists have less room on the road carriageway. The RMS representative will forward this request to the appropriate officer.

**2016.IN.006 Tuross Head – Hector McWilliam Drive intersection**

The RMS representative provided an update of road safety improvement to be undertaken on this intersection. The RMS are in direct contact with the Tuross Head Progress Association and will continue to keep them informed of progress of the road safety improvement schedule, noting that this is not a matter for the Committee and is provided for advice only.

**NEXT MEETING**

The next meeting of the Eurobodalla Local Traffic Committee is to be held on Thursday 16 March 2017 in the Council's Committee Room commencing at 9.30am.

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**FBD17/010 LEASE FOR TELECOMMUNICATIONS FACILITY, LONG BEACH**

**E10.4448**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development  
Attachments: 1. Confidential - Telecommunications facility Long Beach  
Focus Area: Support Services  
Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services  
Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

**EXECUTIVE SUMMARY**

Telstra Corporation Limited hold a lease for a telecommunication facility within Lot 56 DP 849895 at Long Beach. The current lease expired on 13 March 2017 and Telstra seek consent to a new lease on the same site adjacent to Council's water reservoir off Litchfield Crescent, Long Beach. The lessee is currently operating under the current lease in accordance with the holding over clause. The new lease will include conditions generally in line with the existing Lease.

This report recommends a lease be granted for five-years.

**RECOMMENDATION**

THAT:

1. Public notice be given of Council's intention to grant a lease for a telecommunication facility within Lot 56 Deposited Plan 849895 in accordance with Section 47A of the *Local Government Act 1993*.
2. If any submissions are received a report be presented to Council for further consideration.
3. If no submissions are received a five-year lease be granted to Telstra Corporation Limited over Lot 56 Deposited Plan 849895 with an annual rental set out in the Confidential Attachment with other terms and conditions in line with the current lease.
4. Consent be given to affix the Common Seal of Council to all necessary documents associated with the granting of the lease.

**BACKGROUND**

A development application for the telecommunications facility at Long Beach was received from Telstra in 2011. Following full assessment of all information provided in the development application and consideration of issues raised in submissions from public consultation, a report prepared by Council's planning staff was submitted to Council's Finance and Services Committee meeting held on 13 March 2012.

This report detailed and addressed the concerns raised in submissions and in particular the issue of alternative locations. Alternate sites put forward were deemed to have a much greater potential for environmental impact in that clearing of native vegetation would be required, and one site was in close proximity to mapped sites contained on the Aboriginal Heritage Information Management System (AHIMS), administered by the NSW Government. The

**FBD17/010 LEASE FOR TELECOMMUNICATIONS FACILITY, LONG BEACH**

**E10.4448**

alternate sites were also considered by the applicant to not deliver the same standard of coverage as the proposed site.

Council approved the facility at Long Beach on 13 March 2012 as the facility has a positive social impact on the Long Beach area and provides improved mobile phone reception for residents in the Long Beach and Maloneys Beach locality.

Following consent in March 2012, a five year lease was approved and Telstra has continued to operate a telecommunications facility at the Long Beach site.

The current lease expired on 12 March 2017. Council staff have been waiting on key information from Telstra regarding its continued occupation of the site. The lessee is currently operating under the current lease in accordance with the holding over clause.

**CONSIDERATIONS**

A sketch of the area is below:



**Legal**

Lot 56 is classified as community land and a lease for a public facility such as a telecommunications facility must be notified to the public for comment for a period of not less than 28 days in accordance with the provisions of the *Local Government Act 1993*.

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**FBD17/010 LEASE FOR TELECOMMUNICATIONS FACILITY, LONG BEACH**

**E10.4448**

[www.austlii.edu.au/au/legis/nsw/consol\\_act/lga1993182/](http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/)

The current lease has a holding over period which will operate until the new lease is finalised.

**Asset**

Mobile telecommunications are an essential asset in this area.

**Social Impact**

The provision of mobile telephone coverage for the Long Beach area is of great benefit to local businesses and the general community.

**Economic Development Employment Potential**

Effective mobile communication is an essential part of the local economy. This facility is an important part of the local communications infrastructure.

**Financial**

The rental for current leases with telecommunication companies varies throughout the Shire. Subject to Council concurrence a rental has been negotiated with Telstra Corporation which is set out in the Confidential Attachment.

**Community Engagement**

The community will have the opportunity to make submissions following public notice in accordance with the *Local Government Act 1993*, regarding the proposed lease.

Council will write to people who have previously objected to the lease.

**CONCLUSION**

Telstra Corporation Limited has leased the area for a telecommunications facility at Long Beach since 2012. The facility is of great benefit to local businesses and the general community. The rental for the lease is considered fair market rental.

It is considered reasonable for Council to grant a further lease to the Lessee.

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**FBD17/011 EASEMENT TO PUMP SEWAGE - BODALLA SEWERAGE SCHEME**

**E02.6256**

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

Attachments: 1. Confidential - Easement for Pumping Sewage

Focus Area: Support Services

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

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

### **EXECUTIVE SUMMARY**

Council is constructing a pressure sewerage system to service Bodalla. The Bodalla Sewerage Scheme will involve sewerage being pumped to a treatment plant outside the township where the treated effluent can be used for pasture improvement.

Design of the pressure sewerage system servicing each property has now been finalised. An easement to pump sewage within Lot 1 DP 1186515 is required over the proposed sewer pressure main to service the western end of Bodalla including possible future development. This easement will connect to an easement previously acquired along the rear of shops and dwellings on the Princes Highway as part of the scheme.

The registered proprietor of Lot 1 DP 1186515 has agreed to Council acquiring the easement free of land costs. All survey and legal costs associated with the easement will be borne by Council.

This report recommends acquiring an easement to pump sewage within Lot 1 DP 1186515.

### **RECOMMENDATION**

THAT:

1. All actions necessary be taken for the acquisition of an easement to pump sewage within Lot 1 DP 1186515 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey and legal costs associated with acquisition of the easement be borne by Council.

### **BACKGROUND**

As part of the development of the Bodalla Sewerage Scheme, Council has acquired land to construct a sewerage treatment plant, a sustainable effluent irrigation scheme and the associated infrastructure to connect and service existing and potential development.

Design of the pressure sewerage system servicing each property has now been finalised. An easement to pump sewage within Lot 1 DP 1186515 is required over the proposed sewer pressure main to service the western end of Bodalla including possible future development. This easement will connect to an easement previously acquired along the rear of shops and dwellings on the Princes Highway as part of the scheme.



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**FBD17/011 EASEMENT TO PUMP SEWAGE - BODALLA SEWERAGE SCHEME**

**E02.6256**

The name of the registered proprietor of Lot 1 DP1186515 is set out in the Confidential Attachment.

**CONSIDERATIONS**

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



*Lot 1 DP 1186515 Bodalla – site of proposed easement*

**Legal**

The creation of the easement will give Council the legal right to construct and maintain the sewer pressure main proposed to service the western end of Bodalla.

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

[www.austlii.edu.au/au/legis/nsw/consol\\_act/lga1993182/s186.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/s186.html)

**Policy**

The acquisition of the easement is in accordance with Council's Land Acquisition and Disposal Policy. [www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf](http://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf)

**Environmental**

The Bodalla Sewerage Scheme will replace the existing on-site sewage management systems, significantly reducing the risk of harm to the environment and public health. To ensure environmental impacts of the new scheme are minimised, effluent disposal will be via irrigation of surrounding agricultural land.

The Review of Environmental Factors for the construction of the sewage treatment plant and effluent irrigation scheme is available on Council's website. [www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/bodalla-sewerage-scheme](http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/bodalla-sewerage-scheme)

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**FBD17/011 EASEMENT TO PUMP SEWAGE - BODALLA SEWERAGE SCHEME**

**E02.6256**

**Asset**

The easement will allow access by Council to construct and maintain the sewer rising main.

**Social Impact**

The Bodalla Sewerage Scheme will provide a benefit to the local community and allow for planned growth in the village.

**Economic Development Employment Potential**

The delivery of the sewer scheme will improve the development potential of surrounding commercial land.

**Financial**

The registered proprietor of Lot 1 DP 1186515 has agreed to Council acquiring the easement free of land costs subject to Council paying all survey and reasonable legal costs of creating the easement.

**Community Engagement**

Bodalla residents receive newsletters from Council to keep them informed of the progress of the scheme. Council's website project page is updated regularly.

The registered proprietor of Lot 1 DP 1186515 has agreed in writing to Council acquiring the easement.

**CONCLUSION**

Creation of an easement to pump sewage for the Bodalla Sewerage Scheme is required within Lot 1 DP 1186515. The registered proprietor has agreed to dedicate the easement free of land costs subject to Council paying all costs associated with creating the easement.

There is no impediment to the acquisition of the easement and it is considered appropriate that Council support the recommendation.

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**FBD17/012 LICENCE FOR SAILABILITY - BATEMANS BAY**

**E03.7616**

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

Attachments: 1. DA Plans

Focus Area: Support Services

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

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

### **EXECUTIVE SUMMARY**

Sailability Batemans Bay, being part of Sailability NSW Incorporated has held a licence to operate within Crown Reserve R85999 North Batemans Bay since 2005.

Sailability New South Wales Incorporated is a Registered Charity and is the peak body which governs all Sailability NSW branches listed in accordance with the Rules of Incorporation and is run by volunteers. Sailability NSW's Mission Statement states:

*'Sailability NSW will facilitate participation in sailing and boat usage at social, recreational and competitive levels on inland, estuary and ocean water, for people with disabilities regardless of age and level of disability.'*

With a view to improving services with onsite storage of its sail craft, pontoon access to the water and providing kitchen and toilet facilities, Sailability approached Crown Lands for a licence over an existing boatshed and dilapidated jetty.

Crown Lands are amenable to the Sailability proposal subject to support and concurrence from Council as Trust Manager for the Eurobodalla (North) Reserve Trust.

This report recommends Council as Trust Manager support and concur with the proposal including the granting of a single licence from the Crown over the proposed new jetty and facilities within the reserve.

### **RECOMMENDATION**

THAT Council as Trust Manager for the Eurobodalla (North) Reserve Trust:

1. Support the use of part of Crown Reserve R85999, Wray Street, North Batemans Bay by Sailability NSW Incorporated for its sailing operations including the lodgement of a DA for improved facilities.
2. Consent to the Minister administering the Crown Lands Act 1989 granting a licence in accordance with Section 34A of the Crown Lands Act 1989 over part of Crown Reserve R85999 for facilities associated with the operations of Sailability NSW Incorporated.

### **BACKGROUND**

In October 2015 a foreshore parcel of Crown Land adjacent to Wray Street, North Batemans Bay was added to Crown Reserve R85999 under the Trusteeship of the Eurobodalla (North)



**FBD17/012 LICENCE FOR SAILABILITY - BATEMANS BAY**

**E03.7616**

Reserve Trust for which Council is Trust Manager. A boatshed within that land together with an associated jetty in the Clyde River had previously been licensed by Crown Lands.

The boatshed is in reasonable condition, however the jetty is in a very dilapidated state.

Sailability New South Wales Incorporated is a Registered Charity and is the peak body which governs all Sailability NSW branches listed in accordance with the Rules of Incorporation and is run by volunteers. Sailability NSW's Mission Statement states:

*'Sailability NSW will facilitate participation in sailing and boat usage at social, recreational and competitive levels on inland, estuary and ocean water, for people with disabilities regardless of age and level of disability.'*

The Batemans Bay branch of Sailability has been operating from Crown Reserve R85999 off Old Punt Road, North Batemans Bay since 1 October 2005 under licences granted by Council as Trust Manager for the Eurobodalla (North) Reserve Trust.

Sailability's operation under the current licence requires the group transporting sailing craft to the reserve and launching from the boat ramp.

To improve its operations and services, Sailability approached Crown Lands with a view to taking over the previous licence for the shed and jetty, replacing the existing jetty, adding a pontoon and developing the boatshed to include kitchen and accessible toilet facilities.

Plans for the DA Sailability intend to submit are attached.

**CONSIDERATIONS**

A plan showing the Crown Reserve and proposed licence area and the area currently used is below.



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**FBD17/012 LICENCE FOR SAILABILITY - BATEMANS BAY**

**E03.7616**

**Legal**

The boatshed is now on a Crown Reserve under Trusteeship of the Eurobodalla (North) Reserve Trust for which Council is Trust Manager.

The jetty is in the Clyde River under the control of the Minister administering the Crown Lands Act, 1989 [www.austlii.edu.au/au/legis/nsw/consol\\_act/cla1989134/](http://www.austlii.edu.au/au/legis/nsw/consol_act/cla1989134/).

As the Sailability proposal has both a land and river component, Crown Lands could issue a licence for an approved jetty and Council, as Trust Manager, could grant a licence, subject to consent from the Minister, over the boatshed within the reserve.

Alternatively, with Trust consent, the Minister could grant a single licence over the jetty and part of Reserve R85999 in accordance with the provisions of Section 34A of the Crown Lands Act, 1989.

The granting of a single licence is considered appropriate and Crown Lands are amenable to this approach.

**Environmental**

Council is giving support for the Crown to process a licence.

Environmental matters will be considered when the DA is lodged by the applicant

**Asset**

The proposed improvements would be subject to development approval. A copy of the Sailability proposal is attached. Lodgement of the DA will require consent from Crown Lands as land owner which Crown Lands' staff have advised will be given subject to Reserve Trust support.

**Social Impact**

Sailability Batemans Bay provides families, the elderly and people with disability, the opportunity to experience sailing. The proposed new facility will allow Sailability to more easily provide improved services with onsite storage, pontoon access to sailing craft and a kitchen and toilet.

**Financial**

Sailability will be responsible for all costs associated with the proposed development. The licence fee, which is set by Crown Lands is likely to be the minimum fee, and will be payable to Crown Lands who will issue the licence over all the facilities.

**Community Engagement**

Council is giving support for the Crown to process a licence.

When the DA is lodged by the applicant, the public notification process will apply.

**CONCLUSION**

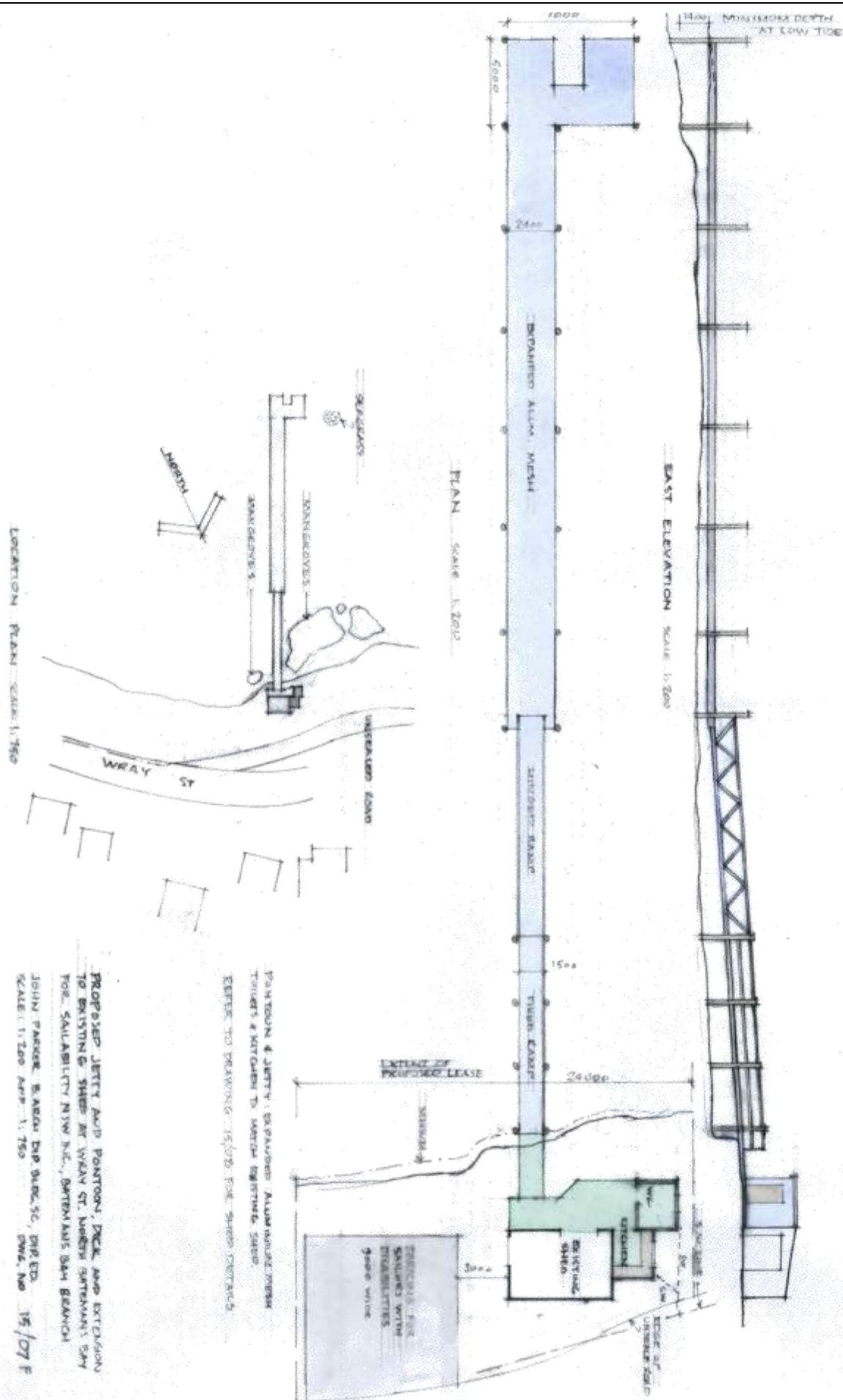
Sailability provides a valuable service to the community especially people with disability wanting to experience the thrill and enjoyment of sailing. The proposed improved facilities are considered very worthwhile, making the provision of the services by Sailability much easier and safer for its clients.

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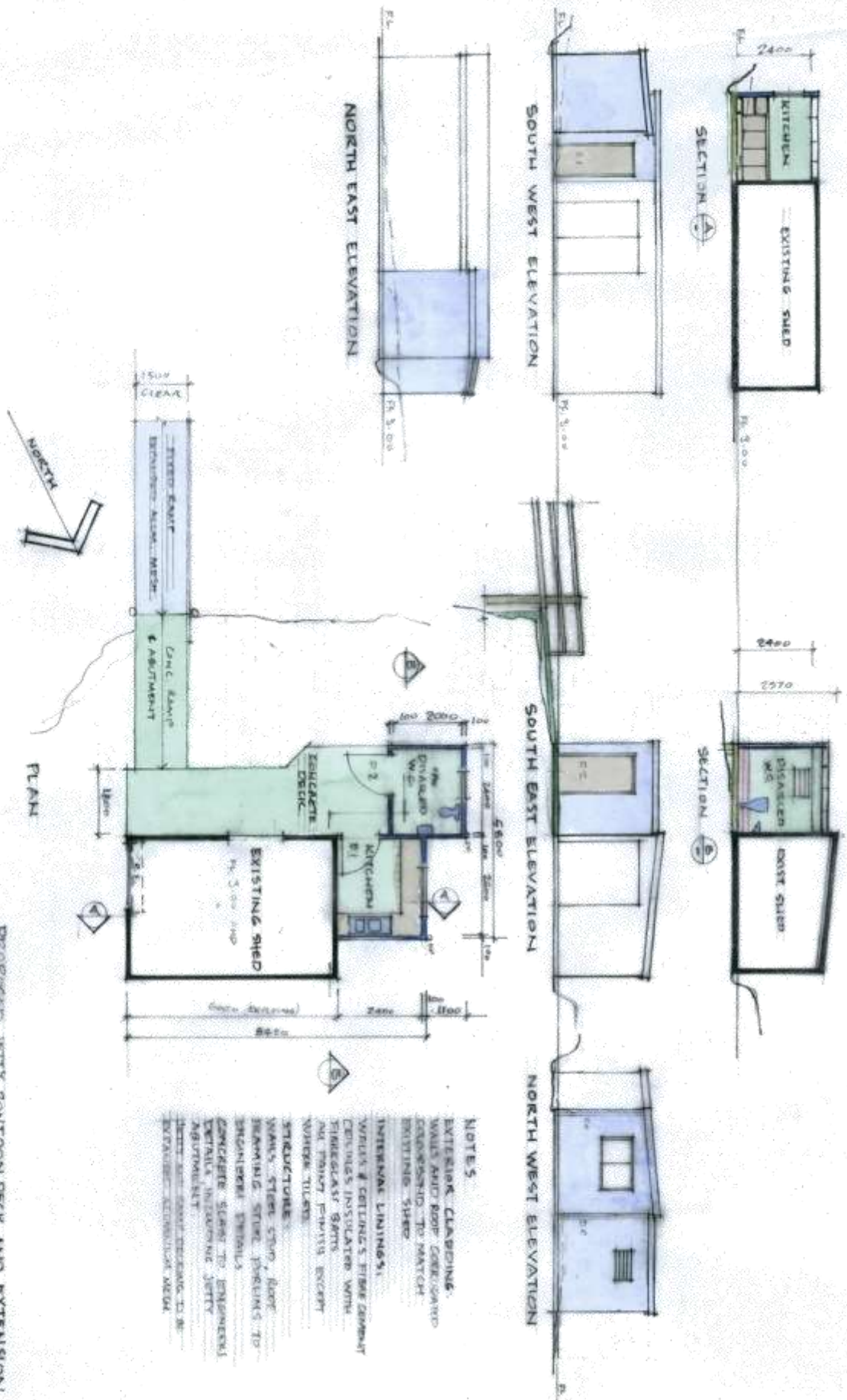
**FBD17/012 LICENCE FOR SAILABILITY - BATEMANS BAY**

**E03.7616**

Support from Council as Trust Manager for owner's consent to the lodgement of a DA for the improved facilities and consent to the Minister granting of a single licence over the boatshed and jetty is considered appropriate.







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<b>FBD17/013</b>	<b>LAND ACQUISITION FOR ROAD WIDENING - OLD SOUTH COAST ROAD, NAROOMA</b>	<b>91.2750.D</b> <b>/</b> <b>98.2371.D</b>
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Responsible Officer: Anthony O'Reilly - Director Finance and Business Development

Attachments: 1. Confidential - Land Acquisition for Road Widening

Focus Area: Support Services

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

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

### EXECUTIVE SUMMARY

Reconstruction of Old South Coast Road, Narooma is part of the Capital Program in Council's Operational Plan 2016-2017. The proposed works necessitate the acquisition of private property for road widening.

Part of Lot 11 DP 808265 and part of Lot 12 DP 808265 will be acquired and dedicated as public road. All survey and legal costs associated with the land acquisition will be borne by Council.

The registered proprietors of each property have agreed to the acquisition.

This report recommends the acquisition of land for road widening purposes in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

### RECOMMENDATION

THAT

1. All actions necessary be taken for the acquisition of land for road widening purposes within Lot 11 DP 808265 and Lot 12 DP 808265 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey and legal costs associated with the land acquisition be borne by Council.

### BACKGROUND

Council is to undertake works as part of the reconstruction of Old South Coast Road, Narooma. The proposed works necessitate acquisition of land for road widening.

Land acquisition of approximately 470 square meters of part of Lot 11 DP 808265 is required.

Land acquisition of approximately 675 square meters of part of Lot 12 DP 808265 is required.

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

### CONSIDERATIONS

A diagram of the proposed areas to be acquired is following:

**FBD17/013 LAND ACQUISITION FOR ROAD WIDENING - OLD SOUTH COAST  
ROAD, NAROOMA**

**91.2750.D  
/  
98.2371.D**



*Lot 12 DP 808265 and Lot 11 DP 808265 Old South Coast Road, Narooma*

**Legal**

The acquisition of the lands for road widening is necessary to legalise the proposed road widening.

A plan of subdivision will be required to be prepared and lodged at the Land and Property Information Office and the parts required for the road widening transferred to Council and gazetted as public road.

**Policy**

The acquisition of land for road widening is in accordance with Council's Land Acquisition and Disposal Policy and Council's Code of Practice for Acquiring Land for Public Purposes.  
[www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf](http://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf)

**Asset**

Upgrading of Old South Coast Road forms part of the Capital Program in Council's Operational Plan 2016-2017 for road improvement.



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<b>FBD17/013</b>	<b>LAND ACQUISITION FOR ROAD WIDENING - OLD SOUTH COAST ROAD, NAROOMA</b>	<b>91.2750.D</b>
		<b>/</b>
		<b>98.2371.D</b>

### **Social Impact**

The reconstruction of Old South Coast Road will improve road safety conditions.

### **Financial**

Compensation will be determined by a Registered Valuer in accordance with the *Land Acquisition (Just Terms) Compensation Act 1991*

[www.austlii.edu.au/au/legis/nsw/consol\\_act/latca1991442/](http://www.austlii.edu.au/au/legis/nsw/consol_act/latca1991442/).

Together with compensation, Council will be responsible for costs associated with the acquisition including survey and legal fees and the registered proprietors' reasonable legal costs. Based on previous similar acquisitions sufficient funds are available within allocated budgets.

### **Community Engagement**

The registered proprietors of each property have been consulted and consented in writing to the proposed acquisitions.

### **CONCLUSION**

Reconstruction of Old South Coast Road, Narooma is part of the Capital Program in Council's Operational Plan 2016-2017. The proposed works necessitate the acquisition of part of Lot 11 DP 808265 and part of Lot 12 DP 808265 for road widening which should be acquired in accordance with Council's Code of Practice for Acquiring Land for Public Purposes. The registered proprietors of each property have agreed to the acquisition.

There is no impediment to the acquisition of the easement and it is considered appropriate that Council support the recommendation.



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**FBD17/014 POLICY REVIEW - REPEAL OF CUSTOMER SERVICE CHARTER POLICY E16.0297**

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

**EXECUTIVE SUMMARY**

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

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

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

The Customer Service Charter Policy is no longer required as the Customer Service Charter has now been embedded in Council operations and is referenced and supported by the Customer Service Policy and Customer Service Guide (new).

A Customer Service Policy will be proposed that encompasses and endorses the Customer Service Charter document and provides a strategic corporate direction in customer service.

**RECOMMENDATION**

THAT

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

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**FBD17/014 POLICY REVIEW - REPEAL OF CUSTOMER SERVICE CHARTER POLICY E16.0297**

**BACKGROUND**

The Customer Service Charter Policy was implemented in 2012, to identify and introduce the Eurobodalla Shire Council Customer Service Charter (Standards).

The Customer Service Charter:

- sets out a promise of service to Council's customers
- identifies how customers can expect to be treated by Council
- sets out expected behaviours of customers towards Council staff
- provides comprehensive contact details
- sets out customer service standards (communication response times) that Council strives to meet.

The Customer Service Charter is a separate document that is distributed in hard copy and electronic formats to Council's customers and staff.

The Customer Service Charter Policy is no longer required as the Customer Service Charter has now been embedded in Council operations and is referenced and supported by the Customer Service Policy and Customer Service Guide (new).

A Customer Service Policy will be proposed that encompasses and endorses the Customer Service Charter document and provides a strategic corporate direction in customer service.

**CONSIDERATIONS**

The policy has been reviewed and its content has been incorporated into the Customer Service Policy. The Customer Service Charter Policy is no longer required and should be repealed.

**Policy**

The Customer Service Charter Policy content has been incorporated into the Customer Service Policy.

**Community Engagement**

Council will place the repeal of the Customer Service Charter Policy on public exhibition for a period of no less than 28 days commencing on Wednesday 5 April 2017 until Tuesday 2 May 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The Customer Service Charter Policy is no longer required as its purpose has been included in the Customer Service Policy. The proposed repeal of the Customer Service Charter Policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the Customer Service Charter Policy will be presented to Council for consideration to repeal.

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**FBD17/015 POLICY REVIEW - CUSTOMER SERVICE POLICY**

**E16.0297**

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

Attachments: 1. Under Separate Cover - Customer Service Policy

Focus Area: Support Services

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

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

**EXECUTIVE SUMMARY**

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

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

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

**RECOMMENDATION**

THAT

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

**BACKGROUND**

Eurobodalla Shire Council's Customer Service Policy was created to guide the development of an organisational culture focused on meeting the needs and expectations of its customers and to continuously improve its services for customers.

The Policy aims to:

- Promote an integrated framework for providing quality customer service to the customers of Eurobodalla Shire Council
- Promote best practice customer service behaviours and attitudes by all Eurobodalla Shire Councillors, Council staff, contractors and volunteers

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**FBD17/015 POLICY REVIEW - CUSTOMER SERVICE POLICY**

**E16.0297**

- Ensure transparency, consistency and fairness in the manner in which Council deals with its customers
- Make Council's policies and requirements for Customer Service readily accessible and understandable to the public.

**CONSIDERATIONS**

The Customer Service Policy has been reviewed and has been re-drafted, as the existing policy described the Customer Service Request process and did not provide strategic guidance in relation to Council's customer service commitment.

The re-drafted Customer Service Policy applies to all customers, Councillors, Council staff, contractors and volunteers of Eurobodalla Shire Council.

The redrafted Customer Service Policy defines Council's position in relation to:

- Customer Service delivery - promoted in the Customer Service Charter (revised) and supported by the Customer Service Guide (new).
- Complaints, service requests and feedback - supported by the Customer Service Request Procedure (new) and Complaints Policy.
- Accessibility - supported by the Customer Service Guide (new).
- Unreasonable Customer Conduct - supported by the Unreasonable Customer Conduct Procedure (new).

**Policy**

The Customer Service Policy has been re-drafted to provide strategic guidance in relation to Council's customer service commitment.

**Community Engagement**

Council will place the draft Customer Service Policy on public exhibition for a period of no less than 28 days commencing Wednesday 5 April 2017 until Tuesday 2 May 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Customer Service Policy should be publicly exhibited for 28 Days. At the end of the public exhibition period the draft Customer Service Policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

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**FBD17/016 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

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

Attachments: 1. Under Separate Cover - Community Grants Policy

Focus Area: Support Services

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

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

**EXECUTIVE SUMMARY**

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

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

The purpose of this report is to inform Councillors that the draft Community Grants Policy was placed on public exhibition for 28 days with no public submissions received. Council received two internal submissions which requested the addition of an annual grants called 'Youth Grant's' and an additional four yearly grant called 'Waste – Commodity Recycling Grant'.

These additional grants have been included in the draft Community Grants Policy and it is recommended the draft policy be placed on public exhibition again for 28 days.

**RECOMMENDATION**

THAT:

1. Council endorse the draft Community Grants Policy be placed on public exhibition again.
2. The draft Community grants Policy be placed on public exhibition again for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

**BACKGROUND**

Council can financially assist other under section 356 of the *Local Government Act 1993* (the Act), for the purpose of exercising its functions. Under section 377A1A) of the Act, Council may delegate its functions relating to the granting of financial assistance if:

- (a) the financial assistance is part of a specified program, and

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**FBD17/016 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

(b) the program is included in Council's draft operational plan for the year in which the financial assistance is proposed to be given, and

(c) the program's proposed budget for that year does not exceed 5 per cent of Council's proposed income from the ordinary rates levied for that year, and

(d) the program applies uniformly to all persons within Council's area or to a significant proportion of all the persons within Council's area.

The Financial Assistance – Donations and Grants Policy was scheduled for review in 2016 which included a review of the adequacy of current grant programs and funding arrangements and an assessment of existing policy and procedures, funding sources, eligibility and assessment criteria, assessment processes, evaluation and monitoring of grant recipients, and acquittal processes. Key recommendations of the review include:

- Incorporate all current financial assistance to the community under one grant funding program umbrella and develop an overarching policy framework to better align funding to Council's strategic objectives and allow identification of total support provided.
- Redesign the Financial Assistance – Donations and Grants Policy to include funding streams aligned to strategic priorities and the Community Strategic Plan with a focus on community development and strengthening outcomes; and improve consistency and transparency in the way that Council makes financial assistance grants available.
- Ensure that all financial assistance granted by Council – including cost of providing 'in-kind' or non-cash support, is captured within the policy framework, and reported in the Operational Plan/budget with more clarity and transparency than current 'Donations'.
- Review and clarify eligibility and assessment criteria to provide greater guidance to applicants and ensure an equitable distribution of Council support for community organisations, with recipients required to provide acquittals to Council showing how funds were used.
- Designate the Community Arts and Recreation directorate to administer grants within the 'Community events' category. This grant stream is currently processed by different areas of Council, creating administrative inefficiencies and reducing visibility and consistency.
- Amend cost centres and transfer budget allocations as necessary to ensure that grant funding is captured, transparent and easily reported upon. Move operating costs which are currently reported as 'Donations' into more appropriate cost centres, for clarity and transparency.
- Implement an online grants management system to streamline and simplify application, approval and administrative processes by capturing, managing and reporting on all grant applications.

The revised community grants program is divided into the following categories:

- Mayoral grants
- Annual grants
- Four yearly grants
- Events grants

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**FBD17/016 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

All categories are competitive i.e. applications open to all eligible applicants will be assessed on merit, eligibility and funding availability. Grants are distributed via various streams which are aligned with the current Community Strategic Plan. Streams may be amended to reflect changing needs and priorities of the community.

Grantees are required to recognise Council's contribution, and (depending on the category or stream) may be required to provide an acquittal to Council confirming how the assistance achieved the desired outcomes or provided benefit to the community.

**Mayoral Grants category**

*Approval: Mayor (delegated under s.377(1A) the Act)*

Grants of up to \$750 for Eurobodalla residents where the outcome is likely to enhance the social, recreational, and cultural wealth of the Eurobodalla.

Mayoral grants may be provided towards expenses incurred by applicants for:

- individual or team achievement in sport and recreation or arts and cultural activities, OR
- delivery of a one-off initiative with special social, recreational or cultural benefit to the community.

Mayoral grants allow Council to provide assistance for applications of merit throughout the year which do not meet application or eligibility requirements for other types of grants. An overall program budget will be determined by Council in the Operational Plan and budget for each financial year. Applications are accepted at any time throughout the year but grant allocation is dependent on merit and the remaining budget allocation.

The Mayor is to report to Council in conjunction with each quarterly Operational Plan review, detailing all grants approved and declined for the quarter.

**Annual Grants category**

The annual grants category provides funding to community organisations, groups and clubs for activities, projects or equipment that support community-strengthening initiatives or improve the quality of life of Eurobodalla residents. Annual grants will not be provided for private, individual or political gain.

Some of this grant funding is distributed by Council on behalf of, or in collaboration with other agencies or organisations.

This is a competitive category with application windows opened at various times during the year, depending on the stream. Annual funding does not continue into subsequent years and previous recipients are invited to re-apply each year when applications are open.

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**FBD17/016 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

Annual grants funding is distributed through the following streams:

*Liveable community –*

**Healthy Community grants**

*Approval:* Council resolution

For projects to improve the health and wellbeing of residents in the Eurobodalla. Council considers and decides an overall budget in the Operational Plan each financial year. Applications are sought each year and will not be accepted outside the annual application period. A panel will review applications and make recommendations to Council for approval.

**Seniors week grants**

*Approval:* Council resolution

For projects to improve the health and wellbeing of seniors in the Eurobodalla. Council considers and decides an overall budget in the Operational Plan each financial year. Applications are sought each year and will not be accepted outside the annual application period. A panel will review applications and make recommendations to Council for approval.

**NAIDOC week grants**

*Approval:* Council resolution

For Eurobodalla's not-for-profit organisations, schools and community groups to run local NAIDOC (National Aboriginal and Islander Day Observance Committee) Week activities. Activities must promote partnership with the Aboriginal community or an Aboriginal organisation and encourage wider community participation in NAIDOC Week.

Council considers and decides an overall budget in the Operational Plan each financial year. Applications are sought each year and will not be accepted outside the annual application period. A panel will review applications and make recommendations to Council for approval.

**Youth Grants**

*Approval:* Council resolution

Support for Eurobodalla's not-for-profit and community groups to run youth development initiatives.

- Council will approve budget allocation in the Operational Plan each year
- Applications are sought once per year and will not be accepted outside the annual application period
- The applicant group must deliver local community based projects which show evidence of tangible benefits to youth of the Shire. The benefits may include social engagement with the community, sporting and cultural opportunities, skill development, build capacity of



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**FBD17/016 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

youth through leadership and training opportunities, furthering employment and pathway opportunities.

- Individual grants are generally limited to the advertised amount each year however, amounts may vary and can be determined on an individual basis, merit and may be subject to conditions regarding timing
- A panel will review applications and make recommendations to Council for approval.

**Use of Council land by not-for-profit groups**

*Approval:* General Manager by delegated authority (delegated under S.377 (1A) the Act)

Support for Eurobodalla's not-for-profit group activities during the year, where the group holds a licence for a facility or land under Council care and control. These small grants offset the annual licence fee held by the group for the land use. Applications are approved in conjunction with the annual licence renewal.

*Sustainable community –*

**Waste disposal grants**

*Approval:* Council resolution

To encourage and assist community involvement in the management of waste minimisation for the benefit of the whole community. Grants toward waste disposal (tipping) fees for registered charities and not-for-profit sporting, social and cultural organisations providing community services or benefits, such as; historical societies, Schools of Arts, CWA, public halls, pre-school kindergartens, aquatic and surf clubs and the like.

Council will approve a budget allocation in the Operational Plan for each financial year. Successful applicants will be granted an annual waste management facility account allowance, to cover estimated waste disposal costs.

Where a recipient utilises all of their granted account allowance before the end of the financial year, they may apply for special consideration of additional funding by resolution of Council, dependent on benefit to the community and remaining budget allocation.

**Local Heritage Places grants**

*Approval:* Council resolution

To encourage conservation of heritage items identified in the Eurobodalla Local Environmental Plans (LEPs) and assist property owners to carry out restoration works which involve repair, maintenance or reinstatement of missing items on heritage buildings.

Each year Council will invite owners of heritage buildings listed in Eurobodalla's LEPs to apply for Local Heritage Places Grants. Total available grant funding is determined on an annual basis and includes a grant from the Heritage Division of the NSW Office of Environment & Heritage. Council's Heritage Advisor and Heritage Advisory Committee will consider applications for

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**FBD17/016 POLICY REVIEW - COMMUNITY GRANTS POLICY**

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funding assistance and make recommendations for approval by the Heritage Advisory Committee.

*Productive community –*

**Schools and education grants**

*Approval: Council resolution*

Council will consider a grant to local schools and education establishments for annual speech night awards, for academic and other achievement. Council will also consider granting contributions toward annual scholarships offered by universities and other educational institutions.

- Council will approve a budget allocation in the Operational Plan for each financial year.
- Applications are invited once per year and will not be accepted outside the advertised application window.
- Successful grantees will be granted an annual amount to contribute to school speech night awards or toward annual scholarships, and will be required to recognise Council's contribution and invite the Mayor or a councillor to the speech night or award ceremony.

*Collaborative community –*

**Southern Phone Community grants**

*Approval: Council resolution*

Eurobodalla Shire Council is one of Southern Phone's shareholders, and this grant program is one of the ways Southern Phone returns its profits to the community. These grants have provided up to \$25,000 (in total) annually to Eurobodalla community groups to run projects which provide a direct benefit to the community that would not usually be funded by Council in its normal course of business.

Access to the grant is subject to offer of grant funding by Southern Phone Company to the Mayor, who will designate a grant administrator within Council. Council will invite applications once per year with an approval committee (including the Mayor) to determine the applications to be forwarded to Southern Phone Company for consideration.

Upon approval by Council, recipients will be forwarded to Southern Phone Company, and the grant administrator to distribute the funds.

*(Subject to availability by Southern Phone Company. Terms and conditions of the Southern Phone Grants scheme apply).*

**Four Yearly grants category**

4-yearly grants are intended to support the operating costs associated with the delivery of community services and initiatives by organisations in the Eurobodalla.

The 4-yearly funding period provides the financial certainty needed to improve an organisation's capacity to plan and deliver community services and initiatives that collectively strengthen Eurobodalla's social, recreational, economic and cultural infrastructure. Grants must provide demonstrated community benefits.

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**FBD17/016 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

This is a competitive category with applications opened every 4 years. Funding allocations are available over a 4-year term. Grants will only apply for the approved 4-year funding period with recipients invited to re-apply when applications are opened for the next period.

The 4-yearly application process will allow these grants to be specifically provided for in the Operational Plan. Any additional applications resulting from submissions on the draft Operational Plan may also be considered by resolution of Council, based on merit and funding availability.

4-yearly grants funding is distributed through the following streams:

*Liveable community –*

**Rates grants**

*Approval:* Council resolution

Council will consider a grant to partially subsidise the annual rates and charges showing on the rates assessment for registered charities and not-for-profit sporting, social and cultural organisations providing community services or benefits, such as; historical societies, Schools of Arts, CWA, public halls, pre-school kindergartens, aquatic and surf clubs and the like.

- Council will approve a budget allocation in the Operational Plan for each financial year during the 4-year period.
- Public notice of the amount of rates grants will be given in the draft Operational Plan for the year in which the fee is to be subsidised, to satisfy section 610E of the Act.
- Rates subsidy grants can be applied to rented or leased premises where the applicant is responsible for the rates payment.
- Rates subsidy grants will not be available to organisations that have licensed premises, or significant commercial or surplus income; organisations funded by another level of government; churches or other religious groups.
- If a new application of merit is received after the date on which the Operational plan commences, Council must give public notice (in accordance with section 610E of the Act) for at least 28 days of the subsidised rates proposed. The grant (if approved by Council resolution) will only apply from the date of the application for the remainder of the 4 year funding period, on a pro-rata basis.

**Safety and emergency services grants**

*Approval:* Council resolution

For their significant contribution to community safety and wellbeing, Council will consider grants toward operational costs for volunteer Surf Life Saving clubs and emergency organisations such as Volunteer Coastal Patrol and Rescue Squads, helicopter services and the like.

Council will approve a budget allocation in the Operational Plans for each financial year over the 4 year funding period. Applications will be sought every 4 years and will not be accepted outside the advertised application window.

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**FBD17/016 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

Successful grantees will be granted an annual amount to contribute to operational costs associated with delivery of services. Grantees will be required to provide an acquittal to Council with details of how the funding provided services to the community.

*Sustainable community –*

**Domestic Waste management grants**

*Approval:* Council resolution

Council will consider a grant to partially subsidise the annual domestic waste collection charge, currently not shown on the rates assessment for registered charities and not-for-profit sporting, social and cultural organisations providing community services or benefits, such as; historical societies, Schools of Arts, CWA, public halls, pre-school kindergartens, aquatic and surf clubs and the like.

- Council will approve a budget allocation in the Operational Plan for each financial year during the 4 year period.
- Public notice of the amount of subsidised waste management charges must be given in the draft Operational Plan for the year in which the fee is to be subsidised, to satisfy section 610E of the Act.
- Domestic waste collection grants may be applied to rented or leased premises where the grantee is responsible for the rates payment.
- Domestic waste collection grants will not be available to: organisations that have licensed premises; organisations with significant commercial or surplus income; organisations funded by another level of government; churches or other religious groups.
- If a new application is received after the date on which the Operational Plan commences, Council must give public notice (in accordance with section 610E of the Act) for at least 28 days of the subsidised rates proposed. The grant (if approved) will only apply from the date of the application for the remainder of the 4 year funding period, on a pro-rata basis.

**Waste – commodity recycling grants**

*Approval:* General Manager (delegated under S.377(1A) LGA)

To assist by donating commodity in this instance cardboard, to an organisation providing training and employment programs for people with a disability. The grant provides a commodity for registered charities and not-for-profit groups providing a community service that benefits programs for people with a disability.

- The applicant charity or not-for-profit group must provide evidence of providing training and employment programs for people with disability
- Council will approve a budget allocation in the Operational Plan for each financial year over the 4 year funding period.

**Events grants category**

Council recognises the value and vitality that events bring to the community, and has identified strategic goals to help our economy grow and develop and promote a vibrant cultural and leisure tourism destination.

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**FBD17/016 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

Events grants provide support for the two types of events currently covered by Council's Events policy\*:

- 'Commercial events' - which directly benefit the local economy, and
- 'Community events' - that support community-strengthening initiatives.

To support these two event types, there are two streams in the Events grants category:

*Productive community -*

**Events assistance program (EAP)**

*Approval:* General Manager (delegated under s.377(1A) the Act)

The Event support program provides grants for commercial events that directly benefit the local economy by attracting large visitor numbers to the area, or provide the area with local, national or international recognition. Due to the nature of these events, financial assistance may on occasion result in commercial gain/benefit for the grantee.

Council offers an ESP to support and grow events which provide Eurobodalla with an economic boost. The ESP is not currently designed as an events bidding program.

- Council will approve a budget allocation in the Operational Plan each financial year.
- This is a competitive category with application windows opened twice per year.
- All events will be assessed by a panel against selection criteria. Assistance is granted on the basis of the level of economic benefit to the Eurobodalla. Assistance granted is subject to meeting the minimum requirements of the ESP and remaining annual budget allocation.
- Assistance granted may be monetary or in-kind support (see In-Kind support).
- Grantee receiving financial support through the ESP are required to complete an event acquittal form and submit to Council no later than 60 days post event or they will become ineligible for future years of funding.

*\*Note: The Events Policy is due for review in February 2017 and will be reviewed in light of Council's events Strategy. This Community Grants Policy will be amended as necessary to reflect any changes to the Events Policy, Events Strategy and the distribution of events grants funding.*

*Collaborative community –*

**Community events grants**

*Approval:* General Manager (delegated under s.377(1A) the Act)

The stream distributes grants for local not-for-profit organisations, clubs and sporting groups to provide community events and social, cultural and sporting activities that create and foster a positive community spirit through involvement, participation, relationship-building and co-operation.

This is a competitive category with application windows opened once per year.

(Note: organisations or groups with urgent applications of merit which fall outside an open application window may instead be eligible to apply for a *Mayoral grant*).

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**FBD17/016 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

- Community Events grants provide assistance to not-for-profit community groups for use of Council-owned facilities and venues for social, cultural and recreational events and activities during the year, including charity fundraising events.
- Grants also provide assistance to community activities and gatherings of a small scale, which may only require a booking for the use of a Council venue or public space such as a street, park, beach, sportsground or reserve.
- Assistance may be monetary, such as a payment to off-set booking fees for use of a Council venue: or in-kind support (see In-Kind support).

**In-Kind support**

Some applications for grants may seek to access, at no cost to the applicant, Council plant and equipment or staff and other resources. This 'in-kind' support may not involve a direct cash component but still has financial consequences and budgetary implications.

In-kind support may include (but not limited to): preparation of traffic control plans, site plans, survey, design, review of environmental factors, or formwork; provision of traffic control, road closures or special clean-up for events, including waste collection and toilets; staff support for community event planning and set up; provision of temporary fencing; physical construction, earthworks or maintenance works at a project site involving Council plant and/or labour.

- For the purposes of assessing these applications, Council will first establish the in-kind cost and then decide the application.
- For approved applications, the value of the in-kind support will be recognised as a grant to offset the budget allocation from which works are provided.

*NOTE: It is recommended to transfer current budget allowances used for in-kind support (e.g. for community events, ANZAC Day traffic control etc) to the relevant grants category cost centre for inclusion in the budget to enhance transparency in reporting.*

**CONSIDERATIONS**

The draft Community Grants Policy was placed on public exhibition and received no public submissions and two internal submissions. The two internal submissions requested to add one additional annual grant called 'Youth Grants' and on four yearly grant called 'Waste-Commodity Recycling Grant. Details of both grants are as follows:

**Youth Grants**

*Approval: Council resolution*

Support for Eurobodalla's not-for-profit and community groups to run youth development initiatives.

- Council will approve budget allocation in the Operational Plan each year
- Applications are sought once per year and will not be accepted outside the annual application period
- The applicant group must deliver local community based projects which show evidence of tangible benefits to youth of the Shire. The benefits may include social engagement with

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**FBD17/016 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

the community, sporting and cultural opportunities, skill development, build capacity of youth through leadership and training opportunities, furthering employment and pathway opportunities.

- Individual grants are generally limited to the advertised amount each year however, amounts may vary and can be determined on an individual basis, merit and may be subject to conditions regarding timing
- A panel will review applications and make recommendations to Council for approval.

**Waste – commodity recycling grants**

*Approval:* General Manager (delegated under S.377(1A) LGA)

To assist by donating commodity in this instance cardboard, to an organisation providing training and employment programs for people with a disability. The grant provides a commodity for registered charities and not-for-profit groups providing a community service that benefits programs for people with a disability.

- The applicant charity or not-for-profit group must provide evidence of providing training and employment programs for people with disability
- Council will approve a budget allocation in the Operational Plan for each financial year over the 4 year funding period.

To ensure that people interested in this matter have the opportunity to provide feedback, the draft Community Grants Policy will be placed on public exhibition again for 28 days.

Further, a letter will be sent to organisations and individuals that have previously received recurrent funding from Council, with a copy of the draft policy.

**Legal**

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

**Policy**

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

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

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

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**FBD17/016 POLICY REVIEW - COMMUNITY GRANTS POLICY**

**E16.0267**

**Social Impact**

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

**Staff**

The draft Community Grants Policy and procedure are anticipated to streamline the administration, management, and reporting of financial assistance to the community.

**Financial**

The current Operational Plan and budget 2016-17 provides for \$169,475 worth of donations and grants. The Operation Plan and budget for Community Grants will be reviewed going forward to provide enhancement on the current project that supports Council's undertaking to the assist the community

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

**Community Engagement**

Council placed the draft Community Grants Policy on public exhibition for a period of no less than 28 days commencing on 11 January 2017 until 7 February 2017. No submissions were received from the public and two internal submissions were received. An additional two grants have been included in the draft policy and it is necessary to place the draft policy on public exhibition again for 28 days commencing on Wednesday 5 April 2017 until Tuesday 2 May 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

Further, a letter will be sent to organisations and individuals that have previously received recurrent funding from Council, with a copy of the draft policy.

**CONCLUSION**

The draft Community Grants Policy was publicly exhibited for 28 days. No submissions were received from the public. Two internal submissions were received which requested the addition of an annual grants called 'Youth Grant's' and an additional four yearly grant called 'Waste – Commodity Recycling Grant'. To ensure that people interested in this matter have the opportunity to provide feedback, the draft policy will be placed on public exhibition again for 28 days.

At the end of the public exhibition period the draft Community Grants Policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.



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**FBD17/017 POLICY REVIEW - PRIVACY AND INFORMATION PROTECTION  
POLICY**

**E16.0297**

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

Attachments: 1. Under Separate Cover - Privacy and Information Protection Policy

Focus Area: Support Services

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

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

**EXECUTIVE SUMMARY**

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

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

The purpose of this report is to inform Councillors of the review of the Privacy and Information Protection Policy. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

**RECOMMENDATION**

THAT

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

**BACKGROUND**

Eurobodalla Shire Council respects the privacy of its residents and ratepayers, workers, and all that do business with council. Council is also committed to encouraging transparency and accountability in managing the information that it collects and holds.

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**FBD17/017 POLICY REVIEW - PRIVACY AND INFORMATION PROTECTION  
POLICY**

**E16.0297**

Council as a NSW public sector agency is bound by the *Privacy Code of Practice for Local Government (2000)*, *Privacy and Personal Information Protection Act 1998* (PPIP Act), and the *Health Records Information Protection Act 2002* (HRIP Act).

This policy ensures that council meets its obligations under legislation in an efficient and timely manner, and assures community confidence that any personal or health information collected and held by Council is dealt with strictly in accordance to that legislation.

The policy aims to:

- Promote an integrated framework for dealing with privacy and information protection
- Ensure consistency and fairness in the manner in which the council deals with privacy and information protection
- Ensure compliance with and promote public awareness of legislative requirements regarding privacy and information protection
- Make the Council's policies and requirements privacy and information protection readily accessible and understandable to the public.

**CONSIDERATIONS**

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

**Legal**

By virtue of Section 32 of the PPIP Act, Council must comply with the *Privacy Code of Practice for Local Government (2000)*, made under Part 3 Division 1 of the PPIP Act or Part 5 of the HRIP Act.

**Policy**

The Privacy and Information Protection Policy ensures that council meets its obligations under legislation in an efficient and timely manner, and assures community confidence that any personal or health information collected and held by Council is dealt with strictly in accordance to that legislation.

Further, in accordance with the PPIP Act, Council has to prepare and implement a Privacy Management Plan. The plan is based on the model provided by the NSW privacy Commissioner, and explains:

- Council's policies and practices for complying with the Privacy Code of Practice for Local Government, PPIP Act and the HRIP Act
- how Council will make its workers aware of these policies and practices
- procedures for dealing with privacy internal reviews under Part 5 of the PPIPA Act
- other relevant matters relating to the protection of the personal and health information that Council holds (Section 33 of the PPIPA Act).

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**FBD17/017 POLICY REVIEW - PRIVACY AND INFORMATION PROTECTION  
POLICY**

**E16.0297**

**Community Engagement**

Council will place the draft Privacy and Information Protection Policy on public exhibition for a period of no less than 28 days commencing on Wednesday 5 April 2017 until Tuesday 2 May 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Privacy and Information Protection Policy should be publicly exhibited for 28 Days. At the end of the public exhibition period the draft Privacy and Information Protection Policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

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**FBD17/018 POLICY REVIEW - FRAUD CONTROL**

**E16.0297**

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

**EXECUTIVE SUMMARY**

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

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

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

**RECOMMENDATION**

THAT

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

**BACKGROUND**

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

The Fraud Control Policy is designed to protect public funds and assets, protect the integrity, security and reputation of Council and its staff, and maintain a high level of services to the Community.

This policy applies to all Eurobodalla Shire Council councillors, staff, contractors,

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**FBD17/018 POLICY REVIEW - FRAUD CONTROL**

**E16.0297**

volunteers and delegates and states that Council will comply with the following legislation:  
Public Interest Disclosures Act 1994

[www.austlii.edu.au/au/legis/nsw/consol\\_act/pida1994313/](http://www.austlii.edu.au/au/legis/nsw/consol_act/pida1994313/), *Local Government Act 1993*

[www.austlii.edu.au/au/legis/nsw/consol\\_act/lga1993182/](http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/) (Chapter 14 Honesty and Disclosure of Interests), and *ICAC Act 1998* [www.austlii.edu.au/au/legis/nsw/consol\\_act/icaca1988442/](http://www.austlii.edu.au/au/legis/nsw/consol_act/icaca1988442/)

The policy aims to:

- Facilitate the development of controls which will aid in the detection and prevention of fraud against the Eurobodalla Shire Council.
- Promote a culture of awareness that fraud and corruption will not be tolerated.

**CONSIDERATIONS**

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

The Audit, Risk and Improvement Committee has been provided with a copy of the draft policy, for review.

**Legal**

Council will comply with the following legislation: Public Interest Disclosures Act 1994, *Local Government Act 1993* (Chapter 14 Honesty and Disclosure of Interests), and ICAC Act 1998.

**Policy**

This policy aims to:

- Facilitate the development of controls which will aid in the detection and prevention of fraud against the Eurobodalla Shire Council.
- Promote a culture of awareness that fraud and corruption will not be tolerated.

The existing policy has been reviewed with only minor referencing updates required.

**Financial**

The The Fraud Control Policy is designed to protect public funds and assets, protect the integrity, security and reputation of Council and its staff, and maintain a high level of services to the Community.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 April 2017 until Tuesday 2 May 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

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

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**FBD17/019 INVESTMENTS MADE AS AT 28 FEBRUARY 2017**

**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 28 February 2017 made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

### **CONSIDERATIONS**

#### **Legal**

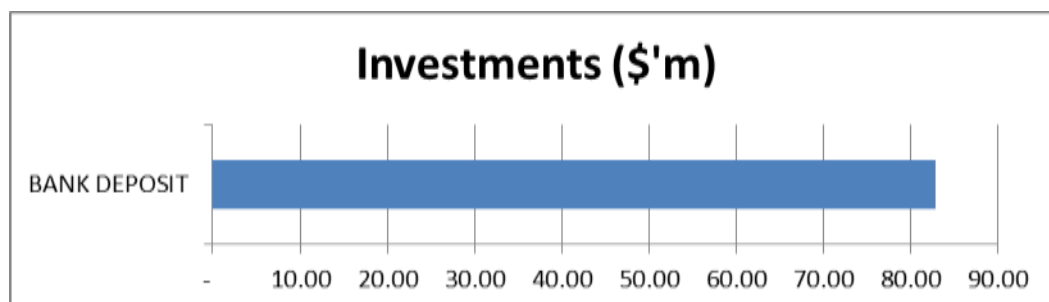
Budgeted legal fees for 2016-17 are \$0.035m and it is expected that future credit crisis legal costs will not be material.

#### **Policy**

Investments comply with Council's Investment policy.

#### **Financial**

##### Council Investing Overall



Council has 100% (\$82.89m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$5.75m with IMB (Rated BBB+) and \$1.75m with ME Bank (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.25m and represents 2.71% of the portfolio.

**FBD17/019 INVESTMENTS MADE AS AT 28 FEBRUARY 2017**

**E99.3517**

The weighted average return for all investments for the month is 2.60% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.03%).

Collateralised Debt Obligation (CDO)

Funded legal action against the Fitch rating agency is in the early stages and is likely to continue for some time.

A second interim dividend was received from liquidators for Lehman Brothers Australia Limited (In Liquidation). The amount of this dividend was \$50,649.05 and it would be expected that a final dividend will follow and will be an immaterial amount.

Summary Investment Information

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

<b>CATEGORY</b>	<b>(\$)</b>
At Call Deposit Government Guaranteed	250,000
At Call Deposit	3,642,461
Term Deposits	77,000,000
Term Deposits Government Guaranteed	2,000,000
	<b>82,892,461</b>
<i>Weighted average Interest %:</i>	2.60%
<i>Average 90 day BBSW + 25%</i>	2.03%

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 %</b>
<b>Remote Risk</b>	<b>2.71</b>	<b>0.00</b>	<b>0.00</b>	<b>2.71</b>
Policy Limit	100.00	70.00	50.00	
<b>Near Risk Free</b>	<b>88.24</b>	<b>0.00</b>	<b>0.00</b>	<b>88.24</b>
Policy Limit	100.00	50.00	30.00	
<b>Some Limited Risk</b>	<b>9.05</b>	<b>0.00</b>	<b>0.00</b>	<b>9.05</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>

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**FBD17/019 INVESTMENTS MADE AS AT 28 FEBRUARY 2017**

**E99.3517**

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 audited unrestricted current ratio as at 30 June 2016 is 2.68:1. Council therefore has approximately \$2.68 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 Local Government Act 1993* and related Regulations.



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**CAR17/003 POLICY REVIEW - ARTS AND CULTURAL SERVICES**

**E16.0297**

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

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

Focus Area: Liveable Communities

Delivery Program Link: L3.2 Support and deliver enhanced cultural experiences and programs

Operational Plan Link: L3.2.2 Support the conduct of exhibitions, talks, seminars, workshops and other initiatives and programs

### **EXECUTIVE SUMMARY**

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

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

The Arts and Cultural Services policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT:

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

### **BACKGROUND**

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

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

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**CAR17/003 POLICY REVIEW - ARTS AND CULTURAL SERVICES**

**E16.0297**

**CONSIDERATIONS**

**Changes**

The Arts and Cultural Services policy has been reviewed and it is recommended that the title be changed to Creative Arts Services. Culture is a broad term that encompasses a range of endeavours that do not fall specifically within the creative arts sphere. This change will assist Council in providing focussed attention to the arts and creative industries sector.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 April 2017 until Tuesday 2 May 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

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

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**CAR17/004 POLICY REVIEW - CHILDREN'S SERVICES**

**E16.0297**

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

**EXECUTIVE SUMMARY**

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

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

The Children's Services policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

**RECOMMENDATION**

THAT:

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

**BACKGROUND**

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

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**CAR17/004 POLICY REVIEW - CHILDREN'S SERVICES**

**E16.0297**

Council Children's Services will be Assessed and Rated against the National Quality Standards for Education and Care Services that consist of seven quality areas, eighteen standards and fifty-eight elements.

The seven quality areas are:

1. Educational Program and practice
2. Children's Health and safety
3. Physical environment
4. Staffing arrangements
5. Relationships with children
6. Collaborative partnerships with families and communities
7. Leadership and service management.

**CONSIDERATIONS**

**Changes**

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

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 April 2017 until Tuesday 2 May 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

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

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**DR17/001 2016 NSW LOCAL GOVERNMENT CONFERENCE**

**E91.3255**

Responsible Officer: Councillors Maureen Nathan, Phil Constable and Lindsay Brown

Attachments: Nil

Focus Area: Collaborative Communities

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

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

**EXECUTIVE SUMMARY**

The Local Government NSW Annual Conference was held in Wollongong from 16 to 18 October 2016. Local Government NSW (LGNSW) is the peak industry association that represents the interests of all NSW general purpose councils, as well as special purpose councils and the NSW Local Aboriginal Land Council. The Annual Conference is the policy making event for the general purpose councils, where local councillors can come together to share ideas and debate relevant issues.

Councillor Phil Constable, Councillor Maureen Nathan and Councillor Lindsay Brown represented Council and now present their report on the outcomes of the Conference.

**RECOMMENDATION**

THAT the delegates report from Councillor Phil Constable, Councillor Maureen Nathan and Councillor Lindsay Brown on the Local Government NSW Annual Conference held in Wollongong from 16 to 18 October 2016 be received and noted.

**BACKGROUND**

The Local Government NSW Annual Conference was hosted by Wollongong City Council from 16 to 18 October 2016.

The Presentations undertaken by the then Premier, the Hon. Mike Baird MP, the then NSW Local Government Minister the Hon. Paul Toole MP are available for viewing at <http://www.lgnsw.org.au/events-training/local-government-nsw-annual-conference/2016-annual-conference>

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**DR17/001 2016 NSW LOCAL GOVERNMENT CONFERENCE**

**E91.3255**

Following is a summary of the key outcomes from this year's conference:

**Opening Reception and Welcome to Country**

- The opening reception provided a wonderful opportunity for councillors to network.
- The address by LGNSW President, Cllr Keith Rhoades AFSM, provided useful information on conference procedures for new councillors.

**NSW Reconciliation Council Breakfast**

- Councillor Constable attended the Inaugural breakfast
- Welcome address by the Hon Leslie Williams MP, Minister for Aboriginal Affairs and discussion with Geoff Scott, Adjunct Professor, University of Technology Sydney and Cr Anne Dennis, Deputy Chairperson, NSW Aboriginal Land Council on the involvement of aboriginal people in community consultation to achieve positive outcomes.

**Consideration of conference motions:**

- **Social Policy:** Community development motion which was put by the LGNSW Board requesting 30% affordable housing provision.
- **Economic Policy:** covered motions on abolition of rate capping, extending existing levies, request for Federal funding of local government infrastructure, financial management and financial sustainability.
- **Funding Policy:** requests for other infrastructure including timber bridges, rail overpasses, mobile and internet coverage and carriers, disaster management and recovery.
- **Environmental Policy** including smart cities, density and controls of private certifiers.
- **Governance:** discussion on local government elections and issues on voting difficulties and solutions discussed.

**Address by the then Premier the Hon. Mike Baird MP**

- Discussed the improvement of NSW loans and borrowings, Greater Sydney Commission and implementation of the metropolitan strategy.

**Address by the then Local Government Minister, the Hon. Paul Toole MP**

- True leadership is stating and standing up for what you believe is right for your community
- Acknowledge staff at the coal face
- Look to scale and capacity
- State borrowing authority has 20 year loans available
- Financial assistance grants are available
- Joint Organisations

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**DR17/001 2016 NSW LOCAL GOVERNMENT CONFERENCE**

**E91.3255**

**Australian Local Government Women's Association (ALGWA) Breakfast**

- Councillor Nathan attended the breakfast.
- Address by Tracey Howe, CEO, NSW Council of Social Service on Anti –Poverty Week and fighting poverty together.

**Address by the then Minister for Ageing, Disability Services and Multiculturalism, the Hon. John Ajaka MP**

- Discussion on looking at a change of mindset and look into the walkways grants program.

**Presentation by Peter McKinlay regarding Rethinking Local Government**

- Items of discussion included Bendigo Bank, local government is the best place to drive change for the community benefit of strong leadership and the need to address departmental silos.

**Concurrent sessions**

- **Councillor Nathan** attended sessions on Infrastructure and Planning. These sessions provided greater insight as to how freight is the driver of infrastructure
- **Councillor Constable** attended sessions on Capability Building and Diversity. The session included designing a capability framework for NSW local government which was facilitated by Jo Grisard. Discussion included moving towards an integrated package for job design, recruitment, performance management and capacity building. Another session of interest was a presentation by Nigel Ward, CEO Australia Business Lawyers and Advisors on initiating and facilitating change within an organisation.

**Kitty Chiller, chef de mission, Australian Olympic Team Rio 2016**

- Kitty gave an inspirational speech and spoke of the challenges of creating a united team message. Kitty's address met a standing ovation.

**CONCLUSION**

The Local Government NSW Annual Conference was particularly beneficial for the newly elected Councillors and provided an opportunity to hear from the NSW Premier and Ministers on impending changes to policy. However, it should be noted that some sessions were dominated by Council's opposed to the amalgamations.

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**DR17/002 2016 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

**E91.3255**

Responsible Officer: Councillor Anthony Mayne

Attachments: Nil

Focus Area: Productive Communities

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

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

### **EXECUTIVE SUMMARY**

Councillor Anthony Mayne and Council's Director Infrastructure Services, Warren Sharpe OAM, attended the National Local Roads and Transport Congress from 9-11 November 2016 in Toowoomba, Queensland. This event is sponsored by the Australian Local Government Association (ALGA). The key theme of the Congress was Local Infrastructure – Developing Regions. The 17th National Congress provided an opportunity for ALGA representatives of state and territory local government associations and councils from across Australia to hear from the nation's leading transport policy experts, and to provide input into policy on national transport issues. This report highlights the outcomes from the Congress.

### **RECOMMENDATION**

THAT

1. Councillor Anthony Mayne's Delegate Report on the 2016 National Local Roads and Transport Congress be received and noted; and
2. Council support the following Congress key priorities to improve local government funding:
  - Restore the indexation of Financial Assistance Grants
  - Increase the quantum of Federal Assistance Grants (FAGs) to at least 1 per cent of Commonwealth taxation
  - Increase productivity through a Freight Strategy to target investment
  - Double Roads to Recovery funding (to at least \$700 million per annum)
  - Fund Community Infrastructure
  - Support Council efforts to work with local businesses and communities to implement local and regional Climate Change Plans.

### **BACKGROUND**

The Congress is the annual forum for local government elected representatives and senior Council staff to learn of, discuss and review the state of infrastructure nationally and regionally, and to contribute to the formulation of national policy and strategy for roads and transport.



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**DR17/002 2016 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

**E91.3255**

**CONSIDERATION**

Delegates at the Congress recognised that councils across Australia contribute significantly to the national productivity agenda and sought to work in partnership with each other, states, the Australian Government and industry to identify priorities, projects and investment opportunities that will deliver economic benefits to the local, regional and Australian communities.

**Regional Transport Advocacy**

In New South Wales, the responsibility for regional transport planning rests with Transport for NSW (TfNSW) supported by the NSW Roads and Maritime Services (RMS). TfNSW prepares the NSW Transport Plan and the RMS prepares specific corridor strategies such as the Princes Highway (recently completed), and the Kings Highway (in progress).

The Congress highlighted several case studies of recent regional collaboration between councils and key stakeholders to produce Regional Transport Plans to assist in advocating to Government for funding. These case studies show that many councils are actively engaged in advocacy and regional transport planning, and that these processes could be replicated across Australia, with appropriate support.

In NSW, the case studies included *Central NSW Councils, Legume to Woodenbong Road Alliance, NSW & Qld, North-West Freight Network*, and *Riverina Eastern Regional Organisation of Councils*. These case studies demonstrate the willingness, capacity and competence of participating councils to undertake regional planning on behalf of their region. The intent of these plans is not to replace the work undertaken by the NSW and Australian Governments, but rather to identify key projects needed to support communities, particularly in regional areas.

Eurobodalla Shire Council has been involved in setting priorities and advocating on a regional basis now for over 20 years via the South East Australian Transport Strategy Inc (SEATS). This demonstrates the leadership shown both by Council and SEATS in this field.

This approach was confirmed directly by comments made by MPs from both sides of Federal politics, highlighting their view that Councils have a much improved voice when they work regionally to establish priorities and advocate to Government.

SEATS is also a cross border regional organisation specifically established to advocate for the development of transport infrastructure for South East Australia. This group has the benefit of bringing membership from councils, industry, transport bodies, Regional Development Australia, Canberra Airport, the NSW Roads and Maritime Services, VicRoads and other partners. Working across the border is also key as further developments unfold regionally such as the development of Eden Port and Canberra Airport. Importantly our involvement allows us to ensure those key elements important to Eurobodalla are not left out of these key regional advocacy packages.

Our direct involvement in SEATS has allowed Council to ensure key transport priorities specific to Eurobodalla are incorporated into the transport strategy, such as:

- upgrades to the Kings Highway (across the whole route)
- upgrades to the Princes Highway (both north to Sydney and south into Victoria)

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**DR17/002 2016 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

**E91.3255**

- the South Batemans Bay Link Road and other locally significant works
- exploring the potential for 26m higher mass limit B-double access to Eurobodalla.

SEATS also assisted Council in advocating to local Members of Parliament across the region on a range of key issues including supporting the outcomes of the NSW and National Local Roads Congress. This is important as it supports the continued push for improved funding under vital programs including Roads to Recovery, Federal Assistance Grants Scheme and other freight and roads safety programs (such as the Black Spot Program) which are specific to the local road networks (rather than the State road network).

It is proposed to again seek the support of SEATS in advocating for the outcomes of the 2016 National Local Roads and Transport Congress, thus providing key linkage with local MPs, and through industry and transport peak bodies across the SEATS region.

It is also worth noting that at the November 2016 meeting of SEATS, it was agreed to develop a new business plan for the organisation. This is a key opportunity to influence the strategic direction of SEATS, and I have been elected to be a member of the working party. This review has been established to develop this new business plan and we will work with our team here at Council, and my colleagues on SEATS, to identify the key actions to advocate on behalf of our community.

**Speakers**

Mr Martin Matthews, Former Ministry of Transport Chief Executive, New Zealand, was the Congress Keynote Speaker. Martin delivered a thought provoking presentation on the future of transport and mobility, and why we need to think differently about how we manage investment decisions for cities, smaller towns and rural areas. He stressed the importance of having a regime that can build alignment between councils, and between the different spheres of government in Australia.

Key presentations were delivered by The Hon Darren Chester MP, Minister for Infrastructure and Transport, and The Hon Anthony Albanese MP, Shadow Minister for Infrastructure, Transport, Cities and Regional Development. The presentations focused on the issues of road safety; the economic value of roads which are fit for purpose and kept in good condition to facilitate the easy passage of goods and people throughout communities; and boosting productivity, which leads to economic and jobs growth.

Other presentations included:

- CSIRO's Transport Network Strategic Investment Tool (TraNSIT) – Dr Andrew Higgins, Principal Research Scientist, CSIRO
- National Infrastructure Investment – Richard Wood, Inland Rail
- Austroads Road Safety – David Bobberman, Austroads
- Austroads Data Harmonisation – Angus Draheim, Austroads.

Two panel sessions were conducted:

- Partnerships for Improved Infrastructure
- National Supply Chain Strategy.

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**DR17/002 2016 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

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Additionally, delegates engaged in the *How Prepared is Your Council to Engage in Regional Road Planning* workshop.

**ALGA – Local Infrastructure Driving Productivity**

The following is the link to the Congress Bulletin ‘Local Infrastructure Driving Productivity’ which was launched at the conclusion of the Congress:

[http://alga.asn.au/site/misc/alga/downloads/events/2016RoadsCongress/ALGA\\_Roads16\\_CongressBulletin.pdf](http://alga.asn.au/site/misc/alga/downloads/events/2016RoadsCongress/ALGA_Roads16_CongressBulletin.pdf)

The document emphasises the need for ALGA, state and territory local government associations and councils across the country to commit to playing their role in driving productivity and appropriate road reform, where resources permit.

The Australian road network covers more than 817,000km. While many major roads are provided by national, state and territory governments, local governments across the country are responsible for more than 657,000km, which is 80% of the nation’s roads (in NSW Councils are responsible for about 90% of the state’s road network, or about 170,000km of local and regional roads).

Local roads across Australia are primarily funded through council rates supported by various on-going Government funding programs. In NSW, this includes:

- i) Federal Assistance Grants Scheme – Roads Component (\$1.53 million per annum at Eurobodalla). These funds are used to support reconstruction and sealing of rural roads, safety improvements such as provision of protective fencing and to partially support reconstruction of urban road and provision of pathways. These funds contribute to meeting the mandated Fit for the Future criteria set by the NSW Government as well as meeting Council’s legal requirement to reconstruct and seal identified rural roads. <http://regional.gov.au/local/assistance/>
- ii) Australian Government’s Roads to Recovery Program (\$735,000 at Eurobodalla in 2014-15. In 2015-16 and 2016-17 this was increased to \$2,118,365 and \$1,711,717 respectively by the Australian Government). These programs are used to supplement the renewal of transport infrastructure and greatly assist Council in meeting the Fit for the Future targets set by the NSW Government. The additional funding provided over the last two years has significantly assisted in funding high risk renewals (ie bridges) and to part fund the Beach Road/Hanging Rock Place intersection.  
[http://investment.infrastructure.gov.au/funding/r2r/r2r\\_funding\\_conditions.aspx/](http://investment.infrastructure.gov.au/funding/r2r/r2r_funding_conditions.aspx/)
- iii) Regional Road Block Grant – a NSW Government contribution based on a formula, agreed with Local Government. Eurobodalla in 2016/17 received \$955,000 towards the maintenance of regional roads (also includes the ex-3\*3 program worth \$102,000 per annum, designed for upgrading/renewal of the regional road network) <http://www.rms.nsw.gov.au/business-industry/partners-suppliers/lgr/grant-programs/regional-road-block-grant.html>

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**DR17/002 2016 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

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Additionally, the remaining programs available to Councils in NSW, subject to competitive bids include:

- i) NSW Government funding programs including:
  - a. Regional Road Repair Program – a NSW Government program used to renew and upgrade the regional road network – currently worth \$144,000 for Eurobodalla in 2016-17 and subject to a regional agreement working with the NSW Roads and Maritime Services. This funding level has been reasonably consistent on an on-going basis  
<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/lgr/grant-programs/regional-roads-repair-program.html>
  - b. Fixing Country Roads Program – NSW Freight. Eurobodalla \$1.25 million in 2016/17  
<http://www.freight.transport.nsw.gov.au/strategy/projects/fixing-country-roads>
  - c. Active Transport Program – 2016/17 \$20,000, \$811,000 applied for 2017/18  
<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/lgr/active-transport/index.html>
  - d. CPTIGS – usually \$1.6 million in total for NSW per annum with \$416,000 being allocated to Eurobodalla over 4 years to June 2016  
<https://transportnsw.smartygrants.com.au/CPTIGS2015-17>
  - e. NSW Safer Roads program is a targeted infrastructure treatment program incorporating the NSW State Black Spot Program which targets high severity crash locations and implements low cost engineering treatments and countermeasures. This program funds up to 50% of approved projects.  
<http://investment.infrastructure.gov.au/funding/blackspots/index.aspx>
- ii) Australian Government funding programs including:
  - a. Black Spot Program – the Australian Government has allocated \$500 million over 5 years to this program. This program funds up to 100% of the project cost – examples of works funded under this program include the widening of Cullendulla Drive programmed over 2016-17 & 2017-18, a grant of \$326,000 -  
<http://investment.infrastructure.gov.au/funding/blackspots/index.aspx>
  - b. Australian Government Bridges Renewal Program has allocated \$360 million over 5 years nationwide to this program. The government contributes 50% of the total project cost and projects are assessed on a merit basis. Eurobodalla received \$1.25 million in 2016/17 towards the Tyrone Bridge replacement  
<http://investment.infrastructure.gov.au/funding/bridgesrenewal/index.aspx>
  - c. Heavy Vehicle Safety and Productivity Program - The Australian Government has committed \$288 million over seven years to 2019-20 to the Heavy Vehicle Safety and Productivity Program. The Program increases the productivity and safety of heavy vehicles by enhancing the capacity of existing roads and improving connections to freight networks.  
<http://investment.infrastructure.gov.au/funding/Heavyvehicles/>

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**DR17/002 2016 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

**E91.3255**

For the 2016-17 financial year, Council's Operational Program identified \$21.4 million expenditure on roads, bridges and pathways which includes \$11 million of grants. For this financial year, this means that 51.5% of Council's program is dependent upon grants we have secured.

The above information clearly demonstrates the reliance of all councils on funding from the NSW and Australian Governments for local roads, particularly those councils in regional areas of Australia. These regional areas are typified by lower population densities, long lengths of road networks, and in some cases population decline. Yet these same regional areas produce food supply and export from agriculture, mining and tourism, all of which provide great value to all Australians.

It is not surprising that many of the government programs aim to assist councils look after the local road network, with specific programs targeted to provide improvements in capacity and efficiency of freight movement, to meet the expected doubling of freight by 2031, and tripling of freight by 2050, and to ensure Australia remains competitive on the international stage. This means ensuring that national, state and local roads are fit for purpose with high trafficked roads capable of moving goods efficiently using higher productivity vehicles.

Our Director Infrastructure Services has also led discussion at a NSW Congress level on the need to balance this drive for efficiency by ensuring social equity for all Australians. This was rightly raised again at the National Roads Congress by a number of speakers, concerned to ensure regional Australia gets a 'fair go'. This is particularly the case in sustaining the 'whole of life' cost of local road assets.

The economic value of tourism, so important to regional coastal communities such as Eurobodalla, was also highlighted at the Congress. Worth an estimated \$370 million to our community, highlighting the value of tourism from an economic and employment perspective is a key message that must continue to be delivered at regional, state and national forums.

The findings of the National State of the Assets report prepared by ALGA, indicates that Australia-wide about 11% of road and bridge assets are in poor or very poor condition, requiring \$19 billion to restore them to a serviceable condition. This is exclusive of any works needed to improve the functionality (eg road safety) and/or the capacity of local road assets. Every investment in infrastructure, and especially roads, carries with it a maintenance cost, and the best way to contain costs is timely maintenance. Regarding safety, the importance of road shoulders, especially on sealed county roads, cannot be underestimated.

And in all of this, road safety must remain a priority for everyone. With the NSW and national road safety outcomes worsening for the first time in many years, there is growing concern across the sector about the current trends. Federal Minister Darren Chester raised these issues specifically recognising the need for everyone to work together to optimise outcomes for the community.

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**DR17/002 2016 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

**E91.3255**

I noted with interest that our Director Infrastructure Services gave freely of his time with councils from the North West region and from within the Australian Rural Roads Group, providing insight into options to assist these regional councils resolve the transport funding dilemma going forward. Other councils also sought his input outside of the formal part of the Congress. It is evident that this sharing of knowledge is considered of high value, and flows in both directions, helping make local communities more resilient, including Eurobodalla.

Other key issues highlighted at the Congress included:

**Increasing Freight Demand**

According to the National Transport Commission (NTC), road freight grew six-fold over the period 1971 to 2007. The road freight task is expected to double by 2031 and triple by 2050. Much of the growth to this point has been met by increasing the load carrying capacity of trucks, however this is a finite approach.

This growth in freight is an indicator of the economic activity that will ultimately underpin every Australian's standard of living. While some freight can be moved to rail, the simple logistics of moving freight to and from the point of source and to the final destination means that much of it will remain dependent upon the road network across Australia. The NTC has advised that Australia's productivity growth will be hampered without further action.

ALGA has strongly supported Infrastructure Australia's advice that the nation's key freight routes need attention. ALGA also supports the need for adequate ongoing funding arrangements that ensure that local road managers, in partnership with transport operators and other levels of government, provide road transport services that are fit for purpose. ALGA advises that a 'business as usual' approach will not address this issue and unfortunately, unless sustained and strategic action is taken, including road pricing reform, the situation is likely to get worse.

The Congress recognised that local roads play a major role in the economy, as well as providing access to properties and businesses. The ability of identified local roads to service heavy vehicles, transport operators and business activity has a direct cost on the efficiency of doing business and the competitiveness of local, regional communities, as well as for states, and Australia as a nation on the world stage. The 'first mile' is critical to the overall effectiveness of the transport supply chain.

The cost of doing business and supplying product to market is most impacted by the time of travel and the ability to move freight and people safely and efficiently between centres. This is particularly the case with freight but also impacts small businesses (eg trades people) who just need to get to destinations efficiently to undertake work.

For many supply chains, the efficient and effective movement of goods is brought undone by the limitations of local roads and bridges that were designed and built in another era for much lower pay loads and smaller vehicles. Councils, the NSW Roads and Transport Directorate, IPWEA NSW, LGNSW and ALGA have rightly advocated to higher levels of government over the

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**DR17/002 2016 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

**E91.3255**

last decade seeking introduction of the programs listed in this report, to help address this critical gap in the supply chain.

Council also needs to be aware that local councils, as 'road managers' for the local and regional road network, must now review and assess local transport routes to support applications for opening up access to select local roads. These applications, which come to Council via, and are overseen by, the National Heavy Vehicle Regulator (NHVR), must be assessed on technical merit. In some cases, further investigation is required to assess the load carrying capacity of a particular structure such as bridges, culverts and/or the road configuration before approval can be granted to utilise a particular route.

Despite 26m high mass limit B-doubles being restricted from accessing the Eurobodalla at the current time, Council has been pro-active in successfully securing funding for the assessment of bridges on the regional road network and at other key locations, as bridges can be bottlenecks to efficient transport. These assessments are nearing completion and are important as many of these bridges were initially designed to carry lower loads many decades ago. Access and safety are compelling issues when considering B-double transport. Additionally, if heavy vehicle efficiency is to be enhanced along the Princes Highway, a passing lane program should be implemented.

Council has also secured grant funding specifically to replace ageing bridge structures with new structures, with a design capacity suited to higher productivity trucks. This is also important as transport operators move toward more efficient performance based standard trucks capable of carrying additional loads with minimal change in truck length, and often with reduced vehicle tracking and improved vehicle stability. Examples of bridges recently funded through grant funding include:

- Candlagan Creek bridge, Broulee (\$2.22 million in grants)
- Cadgee bridge Eurobodalla Road, Nerrigundah (\$0.5 million in grants)
- Tyrone bridge Nerrigundah Mountain Road, Bodalla west (\$2.5 million in grants)
- Mogendoura bridge Larrys Mountain Road Moruya (\$300,000 in R2R grants).

Council has also successfully advocated for funding to address capacity and safety issues. Some examples include:

- South Batemans Bay Link Road (\$10 million NSW Government grant)
- Beach Road/Hanging Rock roundabout (\$855,000 in Australian Government R2R grants)
- Princes Highway/Bluewater Drive roundabout (\$1.6 million in NSW Local Infrastructure Renewal Scheme loan funding)
- Princes Highway/South Head Road roundabout (advocated for \$1 million).

These and the many other examples of grants secured under the various programs highlight the vital importance of these sector wide forums and demonstrate the benefits received from the collective voice of working with others. The ongoing support of our local Members of Parliament the Hon Andrew Constance MP, Minister for Transport and Infrastructure is acknowledged. Our new Federal members, the Hon Ann Sudmalis MP and Hon Mike Kelly MP will play a critical role going forward. It is noted that the Hon Ann Sudmalis MP has already

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committed to improving road safety outcomes and is the current chair of the 'Black Spot' review committee, as well as committing to assisting to fund key road projects in the lead up to the recent Federal Government election. It is also noted that the continuation of the Roads to Recovery Program continues to receive bi-partisan support from the major political parties.

**Asset**

The Congress itself and the examples highlighted in this report demonstrate how essential it is that councils continue to work collectively through the NSW Roads and Transport Directorate, the Institute of Public Works Engineering Australasia (NSW), Local Government NSW and the Australian Local Government Association to continue to advocate for a more sustainable funding model for our local communities. Councillor Lindsay Brown's contribution as the LGNSW Board member representative on the NSW Roads and Transport Directorate is acknowledged.

It is estimated that local roads make up around 40% of total local government assets. However, despite the current annual level of investment across Australia in local roads, around 11% are in poor or very poor condition, representing \$19 billion of work to restore these assets to a fit for purpose condition. ALGA estimate that an additional \$1.2 billion per annum is required to make up for past under-expenditure just to address the renewal need. ALGA has expressed concern over the current approach to rate capping in some states (NSW and Victoria) at rates below the cost of maintaining and constructing roads, impeding many Council's capacity to sustain their local road networks.

ALGA is therefore advocating for improved and ongoing funding programs to support the local road network across Australia. ALGA's current Strategic Plan includes the following key themes:

1. Ending the temporary freeze on the Indexation of Financial Assistance Grants (FAGs).
2. Calling for the restoration of the FAGs funding to a level equivalent to at least 1% of Commonwealth Taxation Revenue.
3. Ensuring that the indexation methodology of FAGs reflects the real cost pressures on councils.
4. A renegotiated Intergovernmental Agreement to prevent cost-shifting of Commonwealth and state government responsibilities onto already resource-strained local councils.

[http://alga.asn.au/site/misc/alga/downloads/publications/ALGA\\_State\\_Of\\_The\\_Assets\\_Report\\_2015.pdf](http://alga.asn.au/site/misc/alga/downloads/publications/ALGA_State_Of_The_Assets_Report_2015.pdf)

**Social Impact**

An effective and efficient road transport network is critical to the social wellbeing and safety of our community. The transport system directly impacts the sustainability and growth of the economy, business and associated employment outcomes, and the affordability of food, goods and services here within Eurobodalla. This has direct flow on effects to the social fabric, affordability and vibrancy of our local community.



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Roads are therefore essential local community assets that provide citizens with access to premises, jobs, schools, health care, businesses and commercial opportunities.

In some areas across Australia there are also real issues of social equity with families unable to gain access to schools, towns and basic services during even minor rainfall events. Future funding models will need to address social equity as well as freight movements and productivity.

**Economic Development Employment Potential**

Road upgrades are needed to ensure our road networks remain efficient and able to meet future transport needs as our community grows.

Council continues to advocate strongly advocating for upgrades to the Princes Highway and Kings Highway. The NSW Government is investing record levels of funding in the Princes Highway, with a particular emphasis on the duplication of the highway north of Nowra along with key sites along the remainder of the highway including a commitment to provide a new bridge crossing at Batemans Bay.

Past Councils have also been successful in advocating for important upgrades to the Kings Highway and this east-west link to the Canberra region is vital to the success of our community. The challenge for us as a new Council is to work with the NSW Government, particularly through the proposed Kings Highway Corridor Strategy, to secure a new commitment to the progressive upgrade of this highway.

Included in Council's advocacy is the plan to secure 26m higher mass limit B-double access along the Princes Highway and Kings Highway. This requires implementation of a progressive plan along these highways. These upgrades will also directly benefit all road users and will typically include:

- improvement in lane width (noting B-doubles are the same width as most other trucks using the road)
- provision of sealed road shoulders which significantly improve road safety for all road users including passenger vehicles, bus transport and cyclists
- additional appropriate overtaking lanes which relieve congestion, reduce frustration, and improve road safety outcomes
- realignment of poor sections of road including adjustments to grades improving road safety and reducing fuel consumption
- provision of bridge upgrades such as that underway at Termeil and Burrill Lake to remove width and load carrying capacity constriction points along the highway for the existing vehicles and the growth in traffic demands anticipated in the future. The Burrill Lake project is also addressing restrictions on the tidal movement breeding new life into this lake system from an environmental perspective
- provision of coupling/decoupling bays which can also act as rest areas along the highway.

These points are supported by progressive actions within the Princes Highway corridor strategy developed by the NSW Roads and Maritime Services which is an important first step

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It is noted that the average 26m HML B-double can carry up to 68t (Gross Combination Mass) whereas a single semi-trailer carries up to 43t. The following link from the NSW Roads and Transport Directorate shows a comparison of the number of trucks required to move a load of 1000t: <http://www.truck.net.au/system/files/industry-resources/TAPs%20-%20Truck%20Impact%20Chart%20September%202016.pdf>

This clearly demonstrates the benefits of higher productivity vehicles, subject to the right infrastructure being provided, in being able to move goods into/out of Eurobodalla in a more efficient manner, with consequent benefits to the price of food and other goods and services, as well as for business seeking to compete on a regional, national and international stage. The requirement for fewer and more modern trucks also has a significant positive impact on the environment and road safety.

As indicated within the body of this report, Council is already working to address the needs of higher productivity vehicles operating on our major roads by the grant funded works outlined earlier in this report. These grant funded works have also had a major positive impact by:

- providing grant funding to replace ageing bridges with new structures providing a significant improvement to the mandated Fit for the Future ratio, particularly the renewal ratio and the infrastructure backlog ratio
- reducing the risk to our community during normal periods and during floods and major storm events, with consequent reductions in the potential liability of Council, and improved decision making ability for Council teams during emergency events
- addressing traffic congestion and road safety, and providing improved road shoulders for cyclists within Eurobodalla.

## **CONCLUSION**

The National Local Roads and Transport Congress provided the opportunity for me as a Councillor to gain an invaluable insight into the broader transport infrastructure debate. This is one of a number of essential forums that Council must continue to engage in to advocate for the programs that make a real and positive difference within Eurobodalla, and minimise the cost to local ratepayers. The Congress also provided the opportunity to join with our Director Infrastructure Services, and separately, in discussions with other Councils and Congress speakers, to better understand the broader issues across NSW and Australia.

One of the key learnings from this experience is a clear need for our Council to continue to work with our local Members of Parliament the Hon Andrew Constance MP, the Hon Ann Sudmalis MP, the Hon Mike Kelly MP, and the relevant Ministers to advocate for:

- upgrades to the Kings Highway, particularly between Batemans Bay and Braidwood
- upgrades to the Princes Highway south of Batemans Bay to rectify the very poor accident history on the Princes Highway and connect to the new South Batemans Bay Link Road.

It is clear that we are in a competitive environment, and we must therefore continue to work hard to achieve similar or better outcomes than the many successful outcomes already achieved by previous Councils.

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Responsible Officer: Councillors Maureen Nathan and James Thomson

Attachments: Nil

Focus Area: Collaborative Communities

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

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

**EXECUTIVE SUMMARY**

Councillor Maureen Nathan and Councillor James Thomson represented Eurobodalla Shire Council at the 25<sup>th</sup> NSW Coastal Conference held in Coffs Harbour from 9 to 11 November 2016 and they now present their delegate's report on the Conference.

**RECOMMENDATION**

THAT the Delegate Report on the 2016 NSW Coastal Conference submitted by Councillor Maureen Nathan and Councillor James Thomson be received and noted

**BACKGROUND**

The conference was convened to provide a focus on the challenges facing NSW Coastal Councils and covered topics of Coastal Reforms, Management and Planning, Applying Science, Technology and Innovation and Connected Coastal Systems. The conference was a valuable insight into the work being done by Coastal Councils in areas of significant importance to Councils similar to our own.

Highlights included:

- Valerie Seidel of the Balmoral Group set the tone of the conference with her address 'Economics in Coastal Management: Tools for Dealing with Risk, (Inherent) Uncertainty and Indecision'.
- Coastal Management is increasingly complex issue with the following highlights:
  1. Council has to deal in tradeoffs; Social Justice, Model Distortions, Climate Complexity and Engineering/Economics.
  2. Transparency needs to Include Risk awareness / perception vs risk taking land actual risk and comparing options with the full deck of cards.
- Kathy Jones New Democracy: The six points on Critical Thinking; Clarity, Accuracy, Relevance, Depth, Breadth and Logic.

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- Charlie Vernon (Corals of the World): Informative and entertaining with a certain disdain for regulations.
- The Hon. Rob Stokes MP, Minister for Planning:
  - What appetite for Risk does each LGA want?
  - Resolve and identify the risk then find the solutions,.
  - The paradox for coastal management is that it needs flexibility because nature changes but needs clarity for investment purposes.
  - 14/25 coastal councils have drawn their hazard lines.

Concurrent sessions included:

**Engagement and Consultation in Coastal Management - P Aiken :**

- Did the Coastal Management Act 2016 live up to expectations?
- Has there been a major step forward when it comes to community consultation

**East Coast Low June 4-7th 2016 - A Breardsmore**

- Vulnerabilities along the south coast of NSW from Wollongong to Eden from the NE/E swell and low pressure system
- Documentation of impacts from wide range of groups; including Andy Short's ESC information on Caseys Beach, Wagonga Inlet, Kianga, then further south into Bega Shire and destruction of the Woodchip Mill, jetty and conveyor at Twofold Bay.  
Highlight: the need for research into the relationship between dune vegetation and storm and beach recovery.

**A satellite Remote Sensing Model to estimate Sediment Biogeophysical Properties in Coastal Waters - A Cherukuru**

- Testing of the feasibility of mapping sediment properties using ORS Data, measuring estuarine and coastal waters with laser optics and particle size, separating organic and inorganic particles and measuring back scattering.

**Management and prediction of Estuarine Harmful (neurotoxins for humans and fish) Algal Blooms.**

- Issue is that Algalert is useful to look at thresholds, start and end times, reason and duration. If the bloom discoloration water, it is easier to get human co-operation.

**Upgrading Coastal Structures in Response to Sea Level Rise – R Cox**

- Beach Profile dissipates waves. The dominant feature is the depth of the water, with sand erosion increasing with depth. Worth noting that the Moffat and Nichol project in 2012 'breaks the rules' (John Hedland).

**World First \$16million Shark Management Strategy – B Creese**

- Announced 25/10/2015 to trial new devices and approaches to reduce risk.

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- VR4G Shark Listening stations (big yellow Buoys. Shark tags last 10 years. Captured information goes via satellite then Twitter and SharkSmart App)
- Barriers. Both trials failed August/September 2015
- Unmanned aerial vehicles (UAVs or drones. Have been added to helicopters and automated shark recognition spectral cameras)
- -SMART Drumlines. Response teams are alerted to tag, relocate and release sharks
- Shark nets due to be placed at Lennox Head, Shelley Lighthouse etc
- Interesting fact: Shark No 28 travels Qld to Adelaide 5639km moving south, Shark no 9 took 200 days, and has gone to Tasmania.

**Meaningful Hazard Mapping in Complex Geomorphic Settings P Donaldson**

- The study was Wyong based. Beaches studied included Exposed, Embayed and reef protected.

**A Court Report on Coastal Protection after 25 years - A Engels**

- The last 25 years have seen an intensive period of government legislation, reforms, modelling, reports and litigation. To date very few coastal zone management plans have been approved without difficulties.
- Three key issues
  - 1. Public authorities must make lawful decisions,
  - 2 Courts (including Supreme Court) can and will intervene.
  - 3. Damages may be awarded

**Collaroy Beach 2016 - D Day Storm- Lessons learnt - A Gordon**

- There is no way to respond in time with major works, preparation must be done well before. The temporary repair of the sea wall had been planned for as it had been identified in the CZMP as being within the "Immediate Impact Zone" There had been 5 events prior in 1920, 1945, 1967, 1974 and 1978.
- The Management of Emergencies Systems and Procedures created are worth noting:
  1. Evacuation timing, especially on cliff tops
  2. Control access especially the media
  3. Disconnections of services; power, gas, water, pipes, sewers
  4. Try to hold road heads
  5. Minimise further damage to storm walls
  6. Ensure sufficient access to properties (side setbacks of 6-10m)
  7. Note Hazards e.g. Balconies/verandas
  8. Use conga lines... People power

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9. Considerations of stormwater disposal

**Managing Boating and Boating Infrastructure on the NSW Coast - the Safety and Social Challenges. – Hannan**

- The increase in boating has led to crowding and incompatible activities. There is a great need for increased infrastructure and storage of this to be socially and environmentally sustainable.

**Coastal Planning Reforms: A Legal Analysis - M Hawley**

- The Reform Package: The Coastal Management Act of 7 June 2016 cannot be considered in isolation, includes an Explanation of Intended Effect of the SEPP and a draft manual.
- There is a need for Public Participation before councils adopt a CMP, protection of works and private assets.
- There is support for councils: Funding, Technical and Minimisation of litigation risks with section 733 (4) to be amended with the Demonstration of Good Faith shifting presumption.
- Negligent Liability may be avoided by restrictive development controls, refusing consent and time limited conditions (often not accepted by the land and Environment Court).

**Tweed Sands ByPassing - A Case Study for Contemporary Approaches to CM Communication - C Kerr**

- 25 year old project with 300 participants:
- Demonstrates how contemporary communications and promotional techniques can be used to actively engage the community on coastal management.
- Three year strategy including Branding of the Project, social media and Instagram, education in schools, click and share videos, notice boards and community dialogue.

**NSW SES Tsunami Evacuation Area Planning - N Kuster**

- The East Coast Low was not a Tsunami
- As part of its evacuation planning for a tsunami land threat NSW SES has developed spatial data including evacuation areas, Emergency Alert Warning areas, evacuation routes and traffic management points, for internal planning and operational preparedness. Data is not available to the public.
- Now NSW SES is considering release of the mapping products consistent with advice to go to higher ground (10m plus above sea level) or 1km plus away from beaches, waters edges of harbours and coastal estuaries.
- There is a need to identify buildings and vertical high rise as sheltering places.

**How Long Will Coastal Developments be Compatible with Coastal Hazards? (Gosford) - T MacDonald**

- The CZMP addresses property risk and response categories for all properties in the coastal zone of open coast and Broken Bay Beaches.

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- Council has revisited concepts and established rules relating to development footprints, engineered design, cantilever in and setbacks from street-side property boundary to improve development potential and enable ongoing development in the short to medium term. Development of a Coastal Building Line provides a considered and reasonable holistic balance to the DCPs and supersedes previous approaches using Coastal Hazard Lines as the sole determinant of building setbacks.
- Covenants protect council apportioning costs for owners.

**Development Controls- moving from Regulation to Adaptation - A Macvean**

- THE DCP was seen as the document where Council had the power to create real opportunities for improvement as a new way to permit development and occupation in areas of coastal risk whilst adequately considering safety of people and structures.
- Through two rounds of community engagement, Councillor workshops, staff review, input from external experts, site specific and adaptive provisions were created.

**Strategic Options for NSW Regional Ports - M O'Dwyer**

- Discussed phase 2 of the strategy development in identifying options to key stakeholders both short and long term.
- NSW regional ports contribute over \$1/2 billion to the NSW regional economies
- Peak body talks will discuss safety, economic growth, environment and sustainability infrastructure tourism and recreational use. Investments will look at breakwaters and jetty so with private partners for other aspects.

**UAV Monitoring of Dune Dynamics - Anna Bay Entrance, Stockton Bight - N Pucino**

- Presentation explained use of Unmanned Aerial Vehicles (UAV) and 3D GIS technology to efficiently and accurately measure and understand dune dynamics and sand migration trends, particularly because of the significant environmental pressure, from 4 wheel drives, quad bikes, commercial operators and extractive sand industries.

**Introducing CoastAdapt: a National Tool to support Australian Coastal Decision Makers to Manage Risks associated with Climate Change - D Rissik**

- This is a demand driven tool developed by first understanding user needs following consultation with over 700 stakeholders
- CoastAdapt is endorsed by the NSW State Government Project review committee . It is used through the web in simple language
- Key components: Sea level rise data, shoreline explorer, C-Cads Coast exchange and case studies.

**Bureaucrats, Boffins and Boofheads (the art of community engagement) - L Roberts**

- 7 steps towards community problem solving:
  1. Form a group
  2. Find an advocate (champion)



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3. Highlight the problem (symptoms)
4. Find the root cause of the problem
5. Work with the investigator
6. Accept the result and work with the outcomes
7. Watch out for flow back ( from bureaucracy )

**A Tool for Visualising Coastal Flooding and Erosion Risk in NSW and Assessing Potential Economic Cost - K Roche**

- The Natural Hazards Research Centre "Risk Frontiers" has been working with the NSW OEH to build tools to enable visualisation of potential impacts to communities and infrastructure arising from coastal flooding and erosion.
- To date, 42 exposure layers have been added and analysed. Once the area/scenario is set, a mini report is generated providing a summary of extents, types and economic costs (replacement costs) of assets at risk.

**To Swim or Not to Swim in Estuaries, that is the Question - A Rubio**

- Salinity levels are used as a surrogate for rain events and the associated increase of likelihood of pollutants entering the Hawkesbury Estuary.
- Information is automated with Smiley Face icons indicating safety FOR PUBLIC on web: [New.mhl.nsw.gov.au/users/HSC](http://New.mhl.nsw.gov.au/users/HSC)

**Protection of Marine Environment through New Coastal Management Programs - A Sinclair**

- The new NSW CM Act 2016 indicates that CMPs must be prepared by councils in accordance with the new NSW Coastal Management Manual replacing the CZMP's under the 2013 Coastal Protection Act.
- The shift is to rehabilitation and restoring, and provides councils greater tools for implementation through chapter 14.
- We need to understand what is the key objective our council on adopting CMP's and understand the lack of enforceability (S79c)

**Does Professional Fishing Still Play a Role In Regional Communities? - M Voyer**

- Locally caught seafood and bait products are highly valued by both residents and tourists.
- The spectacle of fishing and active fishing ports are largely unrecognised tourism assets in many regional communities.
- A range of barriers have been identified which limit the further development of relationships between councils, tourism bodies and the local professional fishing industry.

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**Steps towards developing a risk assessment framework for coastal planning – D Wainwright**

- There is an explicit need to grapple with uncertainty. Standardisation makes it easier to compare with other organisational risks.
- Accidents are rooted in history, and reality must take precedence over public relations.

**Coastal Design through Multiple Lines of Evidence - E Watterson**

- Lines of evidence explored include field observations, numerical and physical modelling, early contractor involvement and evidence based review of previous projects.
- It is fundamental to ask the right questions and select the right lines of evidence to fill the knowledge gaps.

**Project Blueprint- Researching Risk and Evidence Based Drowning Prevention Strategies – A Weir**

- Coastal Accommodation providers networks can get daily reports on risks associated with every accessible beach and rock platform in NSW
- 1736 Km of coast with 1133 locations have been assessed
- 14,811 no swim signs, 25,107 hazard signs has been placed
- This 4 year project is well worth reading about in full.

**UNSW Airbourne Lidar: Capabilities and Recent Beach -**

- The UNSW School of Aviation Airbourne research platform used their aircraft which is fitted with Airbourne Lidar and positioning equipment.
- The aircraft was deployed immediately pre-and post-storm.
- The system can cover up to 30 Sites such as beaches and estuary entrances.
- The data collected is used to accurately measure storm damage. Armed with this information councils can better plan for future storm events.

**CONCLUSION**

The NSW Coastal Conference provided an opportunity to hear from experts on how the most recent research and coastal planning initiatives are being applied across New South Wales.

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## 16. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

### RECOMMENDATION

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

#### **CON17/001 Compliance Matter**

Item CON17/001 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

## AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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