



AGENDA

Ordinary Meeting of Council

27 November 2018

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

ON TUESDAY 27 NOVEMBER 2018

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 13 November 2018
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- 6. MAYORAL REPORTS**
Nil
- 7. NOTICES OF MOTION**
Nil
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**
Nil
- 9. PETITIONS**
PET18/005 Broulee Burial Vaults 3
- 10. GENERAL MANAGER'S REPORTS**
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**DR CATHERINE DALE
GENERAL MANAGER**

PET18/005 BROULEE BURIAL VAULTS

00.4403.D

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Confidential - Petition

A petition was lodged by Harry Bingley, on behalf of Eurobodalla residents, in relation to a modification to Development Application 1289/04 for a Lawn Cemetery.

MOTION

THAT the petition be considered as a submission to Development Application 1289/04.

BACKGROUND

Petition specifically states:

We would like this petition to be tabled at the council meeting as we are seeking for the D.A. for 28 Burial Vault at Broulee Crematorium and lawn Cemetery to be not approved.

GMR18/029 ANNUAL REPORT 2017-18

E08.2166

Responsible Officer: Dr Catherine Dale - General Manager
 Attachments: 1. Under Separate Cover - Annual Report 2017-18
 Outcome: Innovative and Proactive Leadership
 Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision
 Delivery Program Link: 9.1.1 Undertake sound, best practice long term community and corporate planning
 Operational Plan Link: 9.1.1.2 Report on the progress of implementing community vision

EXECUTIVE SUMMARY

Section 428 of the *Local Government Act 1993* requires Council to prepare an Annual Report within five months from the end of the financial year, detailing Council's implementation of its Community Strategic Plan, Delivery Program and Operational Plan.

The Annual Report is one of the key accountability mechanisms between a council and its community. The Annual Report 2017-18 provides a summary of Council's progress during the year reported against the budgets, activities and actions set out in the Delivery Program 2017-21 and Operational Plan 2017-18, which implement key strategies set out in the Community Strategic Plan.

In the Operational Plan 2017-18, Council committed to delivering 241 actions across 31 services, with 92 services outputs in place to assess performance. The performance against these one year actions and service outputs demonstrates Council's progress in implementing the Delivery Program 2017-21.

Of the 241 actions, 238 (99%) were complete and three (1%) were deferred.

Objective	Complete	Deferred
1. Strong Communities, Desirable Lifestyle	34	
2. Celebrated Creativity, Culture and Learning	28	
3. Protected and Values Natural Environment	27	
4. Sustainable Living	23	
5. Vibrant and Diverse Economy	31	1
6. Responsible and Balanced Development	16	1
7. Connected and Accessible Places	16	
8. Collaborative and Engaged Community	14	
9. Innovative and Proactive Leadership	49	1
Total	238	3

GMR18/029 ANNUAL REPORT 2017-18

E08.2166

Some of Council's 2017-18 highlights include:

- A \$3.355 million surplus of the consolidated budget result (net operating result before capital revenue). This was achieved through continuous efforts in improving service delivery, innovation and efficiency, reducing costs and securing alternate revenue sources particularly grant funding.
- Our ongoing commitment to financial sustainability through implementing the third year of Council's Fit of the Future Action Plan which has included actions such as: continued ongoing internal audit program, reviewed key strategies and improved asset and financial management practices.
- Delivered a \$53.4 million capital program across all Council services.
- Delivery of the third year of our Community and Transport Infrastructure Program valued at over \$5 million, including such projects as Malua Bay Community Centre extension, Durras Lake Boatramp toilet, Moruya Showground upgrades, the reconstruction of Wamban Road Moruya, disabled toilet at Ken Rose Park Narooma and the gravel re-sheeting program,.
- Over \$21 million grant funds received. This result is a testament to our ongoing advocacy and partnership outcomes.
- Council provided \$147,765 in donations and grants to support community groups, schools, and local cultural and sporting organisations under section 356 of the *Local Government Act 1993*.

The Annual Report also includes any information required by the *Local Government Act 1993*, the *Local Government (General) Regulations 2005*, the Integrated Planning and Reporting Guidelines and any other statutory requirements. Council has been granted an extension to complete the annual Financial Statements due to key staff turnover and the implementation of a new finance software system. The figures contained in the Annual Report 2017-18 are based on unaudited financial information and maybe subject to change as the Financial Statements are finalised.

The Annual Report 2017-18 presented to Council, with exception of the audited financial statements, complies with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

RECOMMENDATION

THAT:

1. The Annual Report 2017-18 be received.
2. A copy of the Annual Report 2017-18 be placed on Council's website, Council libraries, the Moruya Customer Service Centre and a copy be forwarded to the Minister for Local Government.

GMR18/029 ANNUAL REPORT 2017-18

E08.2166

BACKGROUND

Council is required, under the *Local Government Act 1993* Section 428 and *Local Government (General) Regulation 2005* Section 217, to prepare an Annual Report within five months from the end of the financial year.

CONSIDERATIONS

There is no standard format for the Annual Report under the Integrated Planning and Reporting framework or guidelines. To assist the community better understand Council's implementation of its Delivery Program against the Community Strategic Plan, Council's Annual Report is presented in a number of sections:

- ***Our year in review:*** details events, business and Council awards, high level financial performance information including Fit for the Future, service results, capital program and the Community and Transport Infrastructure program.
- ***Our organisation:*** includes information on how Council operates, meetings and decision making, Councillor details including committee representation and allowances and expenses, advocacy, donations, community engagement and staff profile.
- ***Our achievements:*** provides detailed performance reporting on Delivery Program 2017-21 activities and Operational Plan 2017-18 actions.
- ***Statutory and other information:*** provides additional information required to be reported including the Disability Inclusion Action Plan (DIAP).

The structure and content of the Annual Report 2017-18 is based on the previous years' which won a silver award for distinguished achievement in reporting with the Australasian Reporting Awards.

Legal

The Annual Report 2017-18, with exception of the audited financial statements, complies with the *Local Government Act 1993*, *Local Government (General) Regulations 2005* and reporting requirements in relation to special rate variation determinations by the Independent Pricing and Regulatory Tribunal (IPART).

Asset

The Annual Report 2017-18 includes a progress update on the implementation of year three of the Community and Transport Infrastructure program funded by the rate variation and progress against the full adopted capital program. The total capital program expenditure for 2017-18 was \$53.4 million.

Financial

Council has been granted an extension to complete the annual Financial Statements due to key staff turnover and the implementation of a new finance software system. The annual financial

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E08.2166

statements have been referred to audit at this meeting. The figures contained in the Annual Report are based on unaudited financial information and maybe subject to change as the Financial Statements are finalised. The complete annual Financial Statements will be attached to the report once audited.

The Annual Report 2017-18 also includes an update on the implementation of the Fit for the Future improvement proposal action plan and compares actual performance against forecasts for the seven ratios. This update shows Council remains on track to meet all ratios within the agreed timeframes.

Community and Stakeholder Engagement

The Annual Report 2017-18 will be available on Council's website and as a hard copy document on display at Council libraries and the Moruya Customer Service Centre.

CONCLUSION

The Annual Report 2017-18, including statutory and other information, for the year ended 30 June 2018 is presented to be received.

GMR18/030 2019 COUNCIL MEETING SCHEDULE

E06.0429

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.1 Facilitate the conduct of effective Council meetings

EXECUTIVE SUMMARY

This report provides a schedule of proposed Council Meetings for the 2019 calendar year and seeks Council's endorsement of the schedule.

Under Section 365 of the *Local Government Act 1993*, Council is required to meet at least 10 times per year, each time in a different month. The proposed schedule includes 18 meetings to be held during 2019. In 2018, 18 ordinary meetings were held.

RECOMMENDATION

THAT Council

1. Endorse the following 18 dates as the meeting schedule for Council meetings for 2019 calendar year:
 - (a) 12 February 2019
 - (b) 26 February 2019
 - (c) 12 March 2019
 - (d) 26 March 2019
 - (e) 9 April 2019
 - (f) 30 April 2019
 - (g) 28 May 2019
 - (h) 11 June 2019
 - (i) 25 June 2019
 - (j) 30 July 2019
 - (k) 13 August 2019
 - (l) 27 August 2019
 - (m) 10 September 2019
 - (n) 24 September 2019
 - (o) 22 October 2019

GMR18/030 2019 COUNCIL MEETING SCHEDULE

E06.0429

- (p) 12 November 2019
- (q) 26 November 2019
- (r) 10 December 2019.

2. Note that the schedule may be amended at any time, as required.

BACKGROUND

Under Section 365 of the *Local Government Act 1993*, Council is required to meet at least 10 times per year, each time in a different month. The proposed schedule includes 18 meetings to be held during 2019. In 2018, 18 meetings were held.

Council’s Code of Meeting Practice allows for Council meetings to be held on the second and fourth Tuesday of the month, excluding January.

A schedule of meetings for 2018 has been developed in consultation with Councillors. The calendar may be amended at any time if Council resolves to alter the meeting day/s.

CONSIDERATIONS

When developing the proposed schedule it is important to ensure that consideration of the Office of Local Government’s compliance and reporting requirements are being met. Therefore when developing the proposed schedule, the first recess will fall in May and during the exhibition of the Delivery Program 2017-21 and draft Operational Plan 2018-19, a recess in July and October to coincide with school holidays as well as the Christmas Break in December. Accordingly, no briefings will be scheduled during the recess period.

The proposed schedule has followed normal procedure for the majority of the year.

Date	Meeting Type
FEBRUARY	
12 February 2019	Council Meeting
26 February 2019	Council Meeting
MARCH	
12 March 2019	Council Meeting
26 March 2019	Council Meeting
APRIL	
9 April 2019	Council Meeting
23 April 2019	No Meeting
30 April 2019	Council Meeting
MAY	
14 May 2019	No Meeting
28 May 2019	Council Meeting

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E06.0429

JUNE	
11 June 2019	Council Meeting
25 June 2019	Council Meeting
JULY	
9 July 2019	No Meeting
23 July 2019	No Meeting
30 July 2019	Council Meeting
AUGUST	
13 August 2019	Council Meeting
27 August 2019	Council Meeting
SEPTEMBER	
10 September 2019	Council Meeting
24 September 2019	Council Meeting
OCTOBER	
8 October 2019	No Meeting
22 October 2019	Council Meeting
NOVEMBER	
12 November 2019	Council Meeting
26 November 2019	Council Meeting
DECEMBER	
10 December 2019	Council Meeting

Policy

Adoption of the schedule is in accordance with Section 2.1(1) of Council's Code of Meeting Practice.

Community and Stakeholder Engagement

We will inform the community through providing information on Council's website; Living in Eurobodalla residents newsletter and advertising on Council's noticeboard page in two local newspapers.

CONCLUSION

The proposed schedule of Council meetings for 2019 has been prepared in consultation with Councillors and takes into account compliance and reporting requirements. It is proposed that the first recess will fall in May and during the exhibition of the Delivery Program 2017-21 and draft Operational Plan 2019-20, a recess in July and October to coincide with school holidays as

GMR18/030 2019 COUNCIL MEETING SCHEDULE

E06.0429

well as the Christmas Break in December. Accordingly, no briefings will be scheduled during the recess period.

PSR18/089 DRAFT EUROBODALLA FLYING-FOX MANAGEMENT PLAN 2018

E17.1320

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

Attachments: 1. Under Separate Cover - Amended Draft Eurobodalla Flying-fox Management Plan 2018

Outcome: Protected and Valued Natural Environment

Focus Area: 3.2 Value, protect and enhance our natural environment and assets

Delivery Program Link: 3.2.1 Provide education on and manage the impacts associated with invasive species

Operational Plan Link: 3.2.1.4 Finalise the Regional Eurobodalla Flying Fox Management Plan

EXECUTIVE SUMMARY

The purpose of this report is to recommend adoption of the draft Eurobodalla Flying-fox Management Plan 2018 (the draft Plan). Council endorsed the draft Plan for public exhibition at the Ordinary Meeting of Council on 25 September 2018 (PSR18/085).

Council engaged consultants with experience in flying-fox management and community engagement to help prepare a draft Flying-fox Management Plan that aligns with the NSW Government's Flying-fox Camp Management Policy 2015.

The purpose of the draft Plan is to provide a framework to reduce impacts of flying-foxes on people within the Eurobodalla Shire, whilst conserving flying-foxes and the ecosystem services they provide. It will provide some level of certainty to the community as to how current and future camps are likely to be managed and be updated as situations change or further research improves our understanding of flying-foxes and how to manage their impacts on people.

Council will take a risk-based approach to management, where camp intervention is generally only considered where there is actual risk that cannot be otherwise managed. The draft Plan includes a decision support tool to assist Council in determining the appropriate management actions (when and how to respond to community concerns regarding flying-foxes) based on this risk.

Extensive effort was made to engage with the community and key stakeholders during the draft Plan's development to ensure the values of the community were considered and the concerns of people directly impacted addressed. As part of the engagement process, the draft Plan was placed on public exhibition between 26 September and 31 October 2018. A total of six submissions were received and minor amendments to the draft Plan are proposed to address them as described in this report.

Attached under separate cover, is the amended draft Eurobodalla Flying-fox Management Plan 2018.

Implementation of the adopted Plan will require substantial ongoing funds. NSW Government funding to assist with managing the impacts on residents and business during 2016 will cease in July 2019. After this date, Council would need to ascertain a budget for implementing actions associated with the adopted Plan.

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If roosting flying-foxes result in unacceptable risks in accordance with the adopted Plan, additional funding is likely to be required to implement appropriate actions. Council would be kept informed when this situation arises.

RECOMMENDATION

THAT Council adopt the draft Eurobodalla Flying-fox Management Plan 2018.

BACKGROUND

Flying-foxes are a native species protected by NSW and Australian Government legislation that provide a critical ecological role in long-distance seed dispersal and pollination. They often return to their preferred camp sites in numbers that vary seasonally, depending on the availability of food resources. Understanding or predicting the availability of flying-foxes or their food resources, is difficult because flowering and fruiting are not reliable every year and vary between locations.

While flying-fox camps are generally temporary and seasonal, they are increasingly establishing within urban areas. During a study of flying-fox camp occupation across Australia, almost three quarters of the 310 active Grey-headed Flying-fox camps (72%) were located in urban areas.

People living near flying-fox camps can experience impacts associated with noise, smell, faecal drop, damage to vegetation and concern about potential health risks. Managing these impacts is challenging and attempts to relocate flying-foxes are extremely costly and can splinter a camp to multiple undesirable locations.

Flying-fox numbers fluctuate seasonally in the Eurobodalla across eight known camps: Batemans Bay (Water Gardens and Catalina), Buckenbowra (Nelligen Creek), Moruya (Moruya township), Moruya Heads (Moruya Heads), Narooma (Narooma), Tuross Head (Tuross) and Wamban (Moruya Beashels Trig). The number of flying-foxes at each camp is seasonally variable, depending on the availability of food resources. Additional new camps may also form.

As part of a Conservation Agreement with the Commonwealth Government for the Batemans Bay flying-fox camp, and in a resolution of Council at the Ordinary Meeting on 14 June 2016 (PSR16/016), Council committed to preparing a Eurobodalla Flying-fox Management Plan. It would supersede the Water Gardens Grey-headed Flying-fox Management Plan developed in 2015 and complement the Batemans Bay Flying-fox Camp Dispersal Plan 2016-2019 and Conservation Agreement with the Australian Government.

Council engaged consultants with experience in flying-fox management and community engagement to help prepare a draft Flying-fox Management Plan that aligns with the NSW Government's Flying-fox Camp Management Policy 2015.

The purpose of the draft Plan is to provide a framework to reduce impacts of flying-foxes on people within the Eurobodalla Shire, whilst conserving flying-foxes and the ecosystem services they provide. The draft Plan will provide some level of certainty to the community as to how current and future camps are likely to be managed.

PSR18/089 DRAFT EUROBODALLA FLYING-FOX MANAGEMENT PLAN 2018

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Objectives of the draft Plan are to:

- improve Council's ability to respond to changes in the impacts of flying-foxes
- more effectively manage the impacts of flying-foxes on people
- manage impacts of flying-foxes in ways that are economically sustainable
- improve the resilience of the community and infrastructure to flying-fox impacts
- improve community awareness and understanding of flying-fox ecology and behaviour
- improve conservation outcomes for flying-foxes in the Eurobodalla.

The draft Plan includes a decision support tool to assist Council in determining the appropriate management actions (when and how to respond to community concerns regarding flying-foxes). The decision support tool is found in section 5.2 of the draft Plan.

The draft Plan also identifies further consultation and research that is required with the NSW and Australian Governments on opportunities to improve suitability of flying-fox camps, improving our knowledge and understanding of impacts of flying-foxes on human health and identifying opportunities for more proactive management of the species.

At the Ordinary Meeting of Council on 25 September 2018, the following Motion was carried:

THAT:

1. *Council publicly exhibit the draft Eurobodalla Flying-fox Management Plan 2018 for a period of 28 days.*
2. *A further report regarding the draft Eurobodalla Flying-fox Management Plan 2018 be provided to Council following the exhibition period.*

CONSIDERATIONS

The draft Plan was publicly exhibited between 26 September and 31 October 2018 and a total of six submissions were received.

Five submissions were mostly supportive of the draft Plan. The sixth submission which was received from the Commonwealth Department of Environment and Energy, included acknowledgement that the draft Plan aligned with Council's Conservation Agreement with the Commonwealth Government. The NSW Office of Environment and Heritage did not make a submission.

The key points received by the submissions included:

- Regards for the important ecological role of flying-foxes and ensuring their migration and movements are not limited
- Concerns for the unlawful disturbance of flying-foxes and their camps and the delegated authority to manage that disturbance
- Seeking clarity with regards to authorised nudging practices and protecting the best interest of flying-foxes.

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- Ensuring all ecological values are considered before flying-fox management actions proceed
- The duration of the public exhibition period
- The definition of a camp
- Clarity around the adaptive nature of the plan

All submissions were acknowledged and addressed through minor editorial changes to provide clarification as shown in Table 1 of this report.

Table 1: How submissions have been addressed in the draft Plan

Issues raised in submission	How addressed in the draft Plan
Five public submissions and one Government submission were received on the draft Plan.	Add Section 3.2.3 into the draft Plan to describe the results of the public exhibition.
Regards for the important ecological role of flying-foxes and ensuring their migration and movements are not limited	Noted. The draft Plan already aims to balance assisting our community when they experience impacts from flying-fox camps and preservation the species. The draft Plan also includes education and awareness campaigns to improve community understanding of the role of flying-foxes in our ecosystem.
Concerns for the unlawful disturbance of flying-foxes and their camps and the delegated authority to manage that disturbance	Update section 2.1 to include that any unlawful disturbance of flying-foxes or their camps should be reported to NSW Office of Environment and Heritage’s Environment Line by calling 131 555.
Seeking clarity with regards to authorised nudging practices and protecting the best interest of flying-foxes Ensuring all ecological values are considered before flying-fox management actions proceed	The definition of ‘nudging’ is provided on page 123 (Appendix 8) and referred to in Section 4. It is a technique that aims to encourage flying-foxes to move away from an area of high conflict within the existing camp site. Nudging is a low level of disturbance that does not result in dispersal of the camp. Nudging must be undertaken in accordance with the Batemans Bay Dispersal Plan 2016-2019 and any licence conditions. The draft Plan outlines potential ecological values for each camp, but it is not possible to provide a full assessment of these values within the context of the draft Plan. Page 33 states that fauna and flora survey will be required prior to any flying-fox management occurring to identify potential impacts to other ecological values.
Query as to why schools are considered stakeholders in developing the draft Plan	Schools are considered sensitive receptors in all camp management plans. This category is assigned for current or future actions that may inadvertently result in a dispersal, or when flying-foxes themselves establish camps in new locations (potentially near a school).

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Issues raised in submission	How addressed in the draft Plan
The duration of the public exhibition period	The public exhibition was between Wednesday 26 September and 31 October, providing five weeks for comment on the draft Plan.
The definition of a camp	The draft Plan refers to minimising impacts on people (at any location) within 300 metres of a flying-fox camp. Eight known camp locations are described in the draft Plan. Section 2.2 provides more information on what a flying-fox camp is.
Clarity around the adaptive nature of the Plan	Section 8.2.1 Adaptive Management added to the draft Plan.
Other minor changes	Table 10 on page 39 updated so the risk of direct impact from camp for the residential category is 'Moderate' as per the criteria in Table 6, page 28 of the draft Plan. Federal Government changed to 'Commonwealth' Government throughout.

Legal

Flying-foxes are protected native wildlife and Grey-headed Flying-foxes are listed as a threatened species under NSW and Australian legislation. There is a range of legislation and policy that governs how flying-foxes and their habitat can be managed which is summarised in Table 1 of the draft Plan.

Council holds a Biodiversity Conservation Licence to undertake dispersal actions, if appropriate, in Batemans Bay only. This licence and associated conditions continue to apply, and the decision to disperse would be considered in line with the management framework of the draft Plan and where sufficient resources are available.

Policy

The draft Plan aligns with the NSW Government's Flying-fox Camp Management Policy 2015. The Policy specifies a hierarchical approach to management based on the principle of using the lowest form of intervention required to achieve minimal impact on residents and businesses and specifies which actions are permissible without approval.

Environmental

Flying-foxes are considered 'keystone' species given their contribution to the health, longevity and diversity among and between vegetation communities. Their foraging behaviour moves seeds and pollen over long distances, contributing to the reproduction, regeneration and viability of forest ecosystems.

Social Impact

Flying-foxes in urban areas are commonly the source of conflict with the community. Community concerns reported by the Eurobodalla community include:

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- noise, particularly depriving sleep and contributing to other health issues and reduced amenity
- odour entering homes and reduced lifestyle amenity
- faecal drop on vehicles, washing and outdoor areas
- fear of disease transfer to humans and domestic animals concerns regarding water quality of water tanks, pools and natural waterbodies
- powerline strike and power outages
- damage to vegetation and visual amenity
- flying-foxes excluding or deterring other wildlife from camp sites
- flying-fox/aircraft strike.

The draft Plan would provide Council with a decision making framework and management options to reduce impacts of flying-foxes on members of the community.

Financial

Implementation of the adopted Plan will require ongoing funds. Council has been the recipient of NSW Government funds to assist with managing the impacts on residents and business during 2016. NSW Government funding is available until July 2019 and after this date, Council would need to ascertain a budget for implementing actions associated with the draft Plan.

If roosting flying-foxes result in unacceptable risks in accordance with the adopted Plan, additional funding will be required to implement appropriate actions such as monitoring, nudging and/or dispersal.

Community and Stakeholder Engagement

Extensive effort was made to engage with the community in development of the draft Plan. Engagement was in accordance with Council's Community Engagement Charter and Framework and Council engaged experts in community engagement to develop the engagement process and implement it. This ensured the values of the community were considered and the concerns of people directly impacted addressed in the draft Plan. Engagement methods included:

- Information about the project and flying-foxes delivered to all residents via Living in Eurobodalla
- Correspondence to previously affected residents/business
- An online survey asking residents about their values regarding flying-fox management and experiences of impacts
- Interviews with land managers experienced in flying-fox conflict
- Media releases
- Radio Interviews

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- Website update and Eurobodalla online news
- Facebook posts
- 12 drop-in sessions across the Eurobodalla (alongside the Companion Animal Management Plan review)
- Targeted community workshops made up of affected or potentially affected community members/groups

Community feedback was used to inform the draft Plan, including the planned approach to manage impacts associated with living near flying-foxes. The draft Plan was publicly exhibited between 26 September and 31 October 2018 and was promoted by:

- Direct emails to community groups and organisations (26 September 2018)
- A media release (28 September 2018)
- Living in Eurobodalla (October-December 2018 edition received by residents in late September)
- Notification in local newspaper (3 October 2018)
- Council e-news (19 October 2018)
- Facebook post (29 October 2018)

Council's website was also updated with a summary of the draft Plan. The draft Plan was available for download or in hard copy at Council's libraries, Batemans Bay Community Centre and Council's administration building at Moruya, during the exhibition period.

Over 110 people accessed Council's webpage detailing the draft Plan and the draft document was downloaded over 45 times. A total of six submissions were received.

CONCLUSION

Flying-foxes will continue to return to Eurobodalla. Favourable habitat and food resources mean that camps may also establish in new locations, including urban areas. It is very difficult to predict how many flying-foxes will return each season or where they will go, and impacts may occur anywhere across the Eurobodalla in the future.

Council engaged consultants with experience in flying-fox management and community engagement to help prepare a draft Flying-fox Management Plan. The Plan aims to assist Council more readily respond to and help residents who may be impacted by roosting flying-foxes within legislative requirements. It provides a framework to reduce impacts of flying-foxes on people within the Eurobodalla, whilst conserving flying-foxes and the ecosystem services they provide.

The draft Plan will provide some level of certainty to the community as to how current and future camps are likely to be managed. Council will take a risk-based approach to management,

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E17.1320

where camp intervention is generally only considered where there is actual risk that cannot be otherwise managed. The draft Plan includes a decision support tool to assist Council in determining the appropriate management actions (when and how to respond to community concerns regarding flying-foxes) based on this risk.

Extensive effort was made to engage with the community and key stakeholders during the draft Plan's development to ensure the values of the community were considered and the concerns of people directly impacted addressed. As part of the engagement process, the draft Plan was placed on public exhibition between 26 September and 31 October 2018. A total of six submissions were received and minor amendments to the draft Plan are proposed to address them as described in this report.

Attached under separate cover, is the amended draft Eurobodalla Flying-fox Management Plan 2018 which is recommended for adoption.

PSR18/090 DRAFT MOGO VILLAGE COMMERCIAL CENTRE DEVELOPMENT CONTROL PLAN E15.9303

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

Attachments: 1. Under Separate Cover - Amended Draft Mogo Village Commercial Centre Development Control Plan

Outcome: Responsible and Balanced Development

Focus Area: 6.1 Plan for growth and encourage increased investment and development outcomes

Delivery Program Link: 6.1.2 Review and prepare planning strategies, policies and studies

Operational Plan Link: 6.1.2.1 Ongoing review and update of planning controls

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council adopts the draft Mogo Village Commercial Centre Development Control Plan. Council endorsed the draft Plan for public exhibition at the Ordinary Meeting of Council on 31 July 2018 (PSR18/067).

The draft Plan was on public exhibition between 15 August and 17 September 2018 and during this period, ten (10) submissions were received. In general, there was support for the draft Plan. The few issues raised by community members are summarised in this report and proposed minor amendments have been made to the draft Plan, a copy of which is attached under a separate cover.

If adopted, the Plan would reintroduce relevant provisions of the former Mogo Village Commercial Centre Development Control Plan No. 170 related to historic character.

RECOMMENDATION

THAT Council adopts the draft Mogo Village Commercial Centre Development Control Plan.

BACKGROUND

Action 5.1.2 of the 2016-17 Delivery Program/Operational Plan was to undertake a small towns Development Control Plan (DCP) review. The need for a review of small towns DCPs was identified in submissions to the Rural Lands Strategy that requested opportunities for further development in small towns. There have also been requests for Council to review the development controls in Mogo to better align with the historic character of the town and reinstate the provisions of the former Mogo Village Commercial Centre DCP No. 170 related to historic character.

The former Mogo DCP was repealed on 18 October 2011 when Council adopted the Neighbourhood Centres DCP as part of the 2009-2011 review program. While there are provisions in the Neighbourhood Centres DCP to require new development to be sympathetic to surrounding buildings, there is a perception that there is not enough guidance for this to be achieved.

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CONTROL PLAN**

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As a result of community feedback, the draft Mogo Village Commercial Centre Development Control Plan was prepared. The draft Plan is generally consistent with the format of other current Council DCPs while incorporating provisions that meet the intent of the former Mogo DCP.

At the Ordinary Meeting of Council on 31 July 2018, the following Motion was carried:

THAT Council:

1. *Endorse the draft Mogo Village Commercial Centre Development Control Plan for exhibition for a period not less than 28 days.*
2. *Following public exhibition, a further report be submitted to Council for consideration of submissions and adoption of the Mogo Village Commercial Centre Development Control Plan.*

CONSIDERATIONS

The draft Plan was publicly exhibited between 15 August and 17 September 2018. During the exhibition period, Council received ten (10) submissions relating to the draft Plan, seven (7) of which were received during the 'Asking Mogo' event. Submissions relevant to the draft Plan are summarised below:

1. General support for the draft Plan and the aim to maintain its historic character.
2. Footpaths should continue to have a grassed verge and be constructed with hotmix, not concrete.
3. Pedestrian access in Mogo needs improvement, particularly between Charles Street and the Princes Highway. A pedestrian bridge over Cabbage Tree Creek was also suggested.
4. Current requirements for on-site car parking:
 - a. Limits opportunities for outdoor dining, gardens and display of goods in front of buildings.
 - b. Makes development on the western side of Charles Street difficult.
5. Change the area to which the draft Plan applies so that it include properties north of Tomakin Road, but not Tomakin Road itself.

Proposed minor amendments to the draft Plan that address the issues raised are:

1. Changes to the pathway requirement provisions in section 2.6 of the draft Plan for new development to require a grass verge and 1.5 metre pathway made of:
 - a. Hotmix if the development fronts the Princes Highway.
 - b. Concrete if the development does not front the Princes Highway.
2. Removing Tomakin Road from the area to which the draft Plan applies (refer to Figure 1 in this report).
3. Including road names on Map 3 that illustrates flood level requirements.

A draft Plan that includes the above amendments is attached under a separate cover.

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Issues related to parking, pedestrian access and traffic cannot be addressed immediately by amendments to the draft Plan. This would require a suitable study (eg integrated transport study) to:

- Ensure adequate parking can be provided without requirements for on-site parking is required.
- Identify appropriate pedestrian access routes.
- Identify issues and possible solutions related to traffic and pedestrian safety if employment generating development south of Tomakin Road was facilitated (this would require a planning proposal to rezone the land and additional consultation).

One submission also suggested that car parking credits could be provided to landowners that allow the drainage easement west of Charles Street to form a linear park. This is not supported at this time because the easement is not complete and a study to support removing or minimising the on-site parking requirements would be needed.

While further community feedback on opportunities to facilitate further employment generating development on James Street and south of Tomakin Road in Mogo as per Council's Economic Development and Employment Lands Strategy (2011) was sought during the 'Asking Mogo' consultation event, only one submission was received and it supported re-zoning James Street. Further studies and consultation are required to determine if changes to the zoning in James Street and south of Tomakin Road is appropriate.

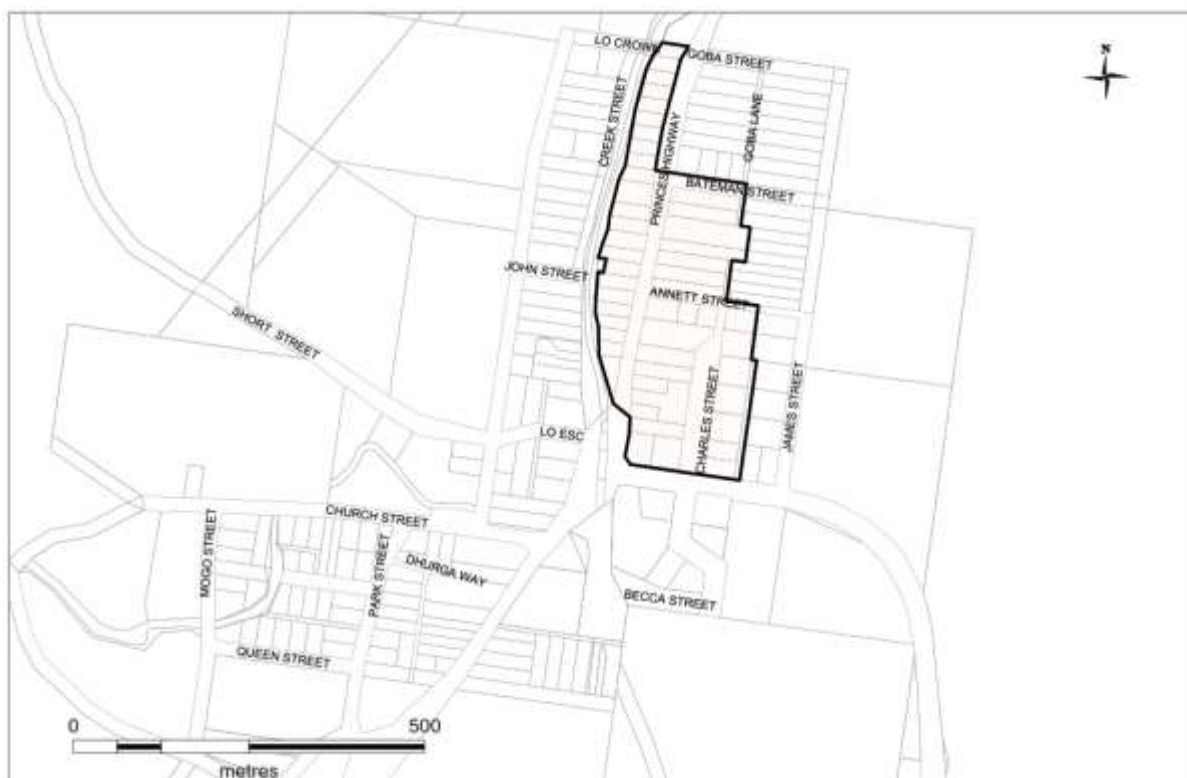


Figure 1: Land to which the draft Mogo Village Commercial Centre Development Control Plan (as amended post exhibition) is proposed to apply.

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One submission suggested that Mogo is no longer an arts and crafts village and would be better described as a unique, specialised shopping centre in a laid back historic environment. The aims in Section 1.3 of the draft Plan had already addressed this comment in the draft Plan Council endorsed for exhibition.

Other issues raised by the community during the exhibition period that are not addressed by the amended draft Plan are summarised in Table 1.

Table 1: Issues raised that are not addressed by the amended draft Plan.

Issue raised	Response
Signage including visitor information boards, town entry signs and interpretation	This is identified in the draft Tourism Wayfinding and Signage Strategy that was on exhibition 26 September to 31 October 2018. This Strategy will be considered for adoption by Council.
Promote the opportunities for mountain bike riding near Mogo	An Adventure Trail Strategy is currently being scoped to address this.
Specific requests related to maintenance of infrastructure such as pathways, tree management and identifying crossing points across the Princes Highway	These issues will be addressed by Council's asset maintenance team where appropriate.
No further development to the north along Princes Highway	The draft Plan does not facilitate any additional development to the north along the Princes Highway in Mogo than what can already be achieved.
Requests that consultation is undertaken regarding future infrastructure works in Mogo	Consultation for all projects is in accordance with Council's Community Engagement Framework 2017.
Lack of toilets in Mogo	This has been acknowledged and continues to be considered by Council.
Bus to Batemans Bay and relevant areas	These services are run privately and are highly regulated by NSW transport. Council can advocate for services and include them as part of a potential study to address transport in Mogo.
Promote accommodation in Mogo	This is the responsibility of individual business owners.
Too much logging near Mogo	Logging is the responsibility State Government and outside of Council's control.
Open gardens would be good in Mogo	The draft Plan does not prevent community groups from organising an open gardens event.
Black Wattles characterise Mogo	The draft Plan includes provisions for street trees to be <i>Corymbia ficifolia</i> , a flowering gum, consistent with existing street trees in Mogo.

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Issue raised	Response
Mixed support for mobile food vans in Mogo	Mobile food vans are regulated by the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> . Council cannot implement controls that contradict the State policy.
Creation of a linear park along the creek behind the buildings on the eastern side of the Highway south of Annetts Street.	This would align with the drainage easement identified in the draft Plan. Once completed, it could have the appearance of a linear park however this is on private property and would be dependent on how each landowner chooses to manage their land in the future.
Retail and small scale art and craft workshops only. No bulky goods retailing.	The draft Plan aims to ensure development aligns with the character of Mogo thus reducing the likelihood of bulky goods premises. However, as this is a permissible land use with consent in the B2 Neighbourhood Centre zone, the draft Plan would require it to be designed in such a way that they would not detract from the historic character of Mogo.
Extend pathway along Tomakin Road (east of Charles Street)	This is not identified in the adopted Pathways Strategy 2017.

Legal

Division 3.6 of the *Environmental Planning and Assessment Act 1979* states that a planning authority may prepare a development control plan to provide guidance to persons proposing to carry out development, and the consent authority assessing the development.

In accordance with Part 3 of the *Environmental Planning and Assessment Regulation 2000*, the draft Plan was placed on public exhibition for a minimum of 28 days and submissions received during this time considered by Council before deciding whether to adopt the draft Plan. Public notice of Council's decision to adopt the draft Plan be made with 14 days of the decision.

Policy

The draft Plan provides guidance to applicants and development assessment staff on the expectations for development in the Mogo commercial centre. The draft Plan supports the aims of the *Eurobodalla Local Environmental Plan 2012* and the objectives for the B2 Neighbourhood Centres zone as stated in the Local Environmental Plan.

Environmental

The draft Plan incorporates the most recent flood studies undertaken for Mogo to ensure development in accordance with the draft Plan would not increase potential flood impacts.

Asset

The draft Plan identifies a future drainage easement to improve the flow of storm and flood water through Mogo. The draft Plan also includes provisions for development fronting the

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Princes Highway to provide street trees where appropriate, and a pathway with grass verges along the full road frontage that connects with existing pathways.

Economic Development Employment Potential

Mogo is a tourist destination underpinned by its historic nature, the variety of commercial premises and interesting and distinctive character. The draft Plan aims to:

- a) support the economic development of Mogo
- b) encourage Mogo's development as a unique tourist and commercial centre
- c) encourage development that respects the historic character of the village.

Community and Stakeholder Engagement

The draft Plan was prepared to address requests from the community to reinstate the former Mogo DCP.

Council involved the community in the development of the draft Plan including presentations at Mogo Village Business Chamber meetings. Council's Heritage Advisor, and Strategy and Heritage Planner have also been involved in preparing the draft Plan.

The draft Plan was on public exhibition between 15 August and 17 September 2018. During the exhibition period, feedback was sought from the Mogo community at the 'Asking Mogo' consultation event held on Saturday 15 September 2018 between 10am and 1pm. Invitations to this event were sent to all commercial and residential owners and occupiers in Mogo. Public exhibition of the draft Plan was promoted through a public notice in the local newspaper, a media release and Council's e-news.

CONCLUSION

A draft Mogo Village Commercial Centre Development Control Plan has been prepared that, if adopted, would reintroduce relevant provisions of the former Mogo Village Commercial Centre Development Control Plan No. 170 related to historic character. The draft Plan was on public exhibition between 15 August and 17 September 2018.

Minor amendments to the draft Plan exhibited are proposed to address the submissions received. It is recommended that Council adopts the amended draft Plan which is attached under a separate cover.

PSR18/091 ALCOHOL RESTRICTED ZONES AND RESERVES

E95.8171

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

Attachments: 1. Prioritisation of alcohol restricted areas
2. Confidential - Submissions - Jack Buckley Park
3. Confidential - Woolworths carpark

Outcome: Strong Communities, Desirable Lifestyle

Focus Area: 1.1 Work in partnership to ensure safety at home and within the community

Delivery Program Link: 1.1.2 Deliver legislated health protection and regulatory programs

Operational Plan Link: 1.1.2.4 Monitor, inspect and respond to issues in relation to public safety

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement, following the period of public exhibition from 19 September to 17 October 2018, for the continuation of existing and proposed alcohol restrictions within Eurobodalla. It is further recommended that the implementation of the signage be rolled-out in accordance with their level of priority and also consideration of budget. (Attachment 1).

As Eurobodalla's alcohol free zones are due for renewal in December 2018, Council conducted a review of these areas based on proposed recommendations by the Far South Coast Area Command. In accordance with Section 644 of the *Local Government Act 1993*, the existing zones and proposed changes were publicly exhibited and liaison occurred with the Police, managers/secretaries of registered clubs and licensed premises in or adjacent to the affected areas and Local Aboriginal Lands Councils, and feedback was sought.

During the review of alcohol free zones, Council took the opportunity to also evaluate the alcohol restricted reserves within Eurobodalla, to ensure that all alcohol restrictions implemented or proposed, apply to areas where there is need. Alcohol restricted reserves fall under Section 632 of the LGA and under this Section there is no time limit (the hours restricting alcohol consumption are at the discretion of Council) nor is there a legal requirement for Council to undertake public exhibition of these areas. However the review encompassed all areas upon which alcohol restrictions are imposed or proposed.

Two submissions were received during the exhibition period, both of which were not in favour of restricting alcohol consumption of Jack Buckley Park, Tomakin.

It is estimated that the additional costs to Council for the provision of all the signage and associated resourcing, amounts to approximately \$38,000. However, in consideration of the cost to Council, it is proposed that the signage be prioritised. In this regard, all existing and proposed alcohol free zones will be given a priority (as existing areas are due to expire on 6 December 2018) together with areas where there is an historical or justified need. The costing for these areas of priority is estimated to be \$32,500.

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Due to budgetary considerations and staff resourcing, it is proposed that the roll-out of sign updates (stickers) and installation be based on priority. In this regard, priority is given to alcohol free zones which are due to expire in December 2018. Further areas of prioritisation are those areas where the Police are experiencing antisocial behaviour attributed to alcohol and also areas where there has been historical need.

For all other alcohol restricted areas proposed, further consultation will be undertaken regarding the provision of statistics of antisocial behaviour attributed to alcohol consumption to validate and prioritise, each of the other locations recommended.

RECOMMENDATION

THAT:

1. In accordance with Section 644 of the *Local Government Act 1993*, Council endorse the proposed and continuation of existing, alcohol free zones within Eurobodalla.
2. In accordance with Section 632 of the *Local Government Act 1993*, Council endorse the proposed and continuation of existing alcohol restricted areas within Eurobodalla.
3. Council endorse the prioritisation of alcohol restricted areas in compliance with legislation and where there is an historical and justified need, as detailed in Attachment 1.
4. A budgetary adjustment be made to provide funding of \$32,500 for the provision of stickers to update existing signage, installation of new signs and associated resourcing, for the alcohol restricted areas.

BACKGROUND

Council's alcohol free zones will expire on 6 December 2018 (Minute 14/311). In accordance with Section 644 of the LGA, a review of these areas must be undertaken prior to the end of their four-year fixed term. This review entails: public exhibition; liaison with the Police; managers/secretaries of registered clubs; owners/managers of licensed premises and Local Aboriginal Lands Councils within or adjacent to the affected areas.

Council took the opportunity during the recent review, to evaluate all alcohol restricted reserves to ensure that they meet current needs. Restrictions upon reserves falls under Section 632 of the LGA and under this Section of the Act there is no defined time period for the restriction, the hours restricting alcohol consumption are at the discretion of Council nor is there a requirement to go out on public exhibition.

A report was presented to Council at the Ordinary Meeting of 11 September 2018:

THAT:

1. *In accordance with Section 644 of the Local Government Act 1993, Council endorse consultation with the community, Local Aboriginal Lands Councils, liquor licensees/secretaries of registered clubs in the immediate area of the zone and the Police in regard to the implementation and renewal of alcohol restricted zones and reserves within Eurobodalla Shire.*

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2. *Following receipt of submissions, a report be prepared for Council seeking determination for the implementation and renewal of alcohol restricted zones and reserves within Eurobodalla Shire.*

Subsequently, all proposed and existing alcohol restricted areas were publicly exhibited and correspondence was sent to the Police; managers/secretaries of registered clubs; owners/managers of licensed premises and Local Aboriginal Lands Councils within or adjacent to the affected areas.

A total of two submissions were received, both of which were opposed to the implementation of alcohol restrictions on Jack Buckley Park in Tomakin.

CONSIDERATIONS

The preliminary review provided by Police requested that alcohol restrictions to both reserves and roads, apply to all relevant areas within the Batemans Bay and Narooma CBDs, with the exception of destination parks ie, Lyons Park and Korner's Park in Batemans Bay, and Quota Park and Rotary Park in Narooma. These exceptions will have restrictions on alcohol consumption imposed between 8pm until 8am; this enables those who wish to have a family picnic, to partake of alcohol outside of this time period.

To support the recommended restrictions in Batemans Bay, the Police cite a number of alcohol related assaults for the Batemans Bay postcode area. However this information was not provided for each individual location requested for alcohol restrictions by the Police.

In Moruya, the Police have requested that the public car parks between Shore, Church and Queen Streets, inclusive of the carpark to the south of Woolworths supermarket, be deemed alcohol free. Council have also received a request from Woolworths (Attachment 3), seeking alcohol free restrictions for the Council carparking areas surrounding their premises due to a number of complaints/incidents. This request was made prior to the review being undertaken and was incorporated as part of the review.

However, in the abovementioned carparking areas, a portion of each of them is under private ownership and as such, Council cannot impose alcohol restrictions on those privately owned areas.

Two submissions were received regarding Jack Buckley Park in Tomakin and Council requested the Police to provide statistics for antisocial behaviour attributed to alcohol consumption for this area. The Police were unable to provide this information due to lack of resourcing at the time. As substantiating figures were unable to be obtained, it is suggested that Jack Buckley Park will not have alcohol restrictions imposed at this stage. If at a later date there is a need to implement alcohol restrictions on this reserve, this can be done without community consultation in accordance with Section 632 of the LGA. Under this Section of the Act, there is no defined duration of time, the hours restricting alcohol consumption are at the discretion of Council nor is there a requirement to go out on public exhibition.

Council also requested any statistics for alcohol related antisocial behaviour from the Police, to support their request for an alcohol free zone from the Batemans Bay bridge along Vesper Street, to Lot 33, south of McDonalds. An email received from the Police on 30 October 2018, states that they will forgo that initial request to implement an alcohol free zone for this length

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of highway but have asked that the existing alcohol free zone on the perimeter of the Village Centre, Vesper Street be extended south to encompass the frontage of Lot 33 Vesper Street, Batemans Bay (south of McDonalds).

In consideration of the cost to Council for the provision of all the stickers to update signage, new signs and associated resourcing, estimated at \$38,000, it is recommended that the imposition of alcohol restrictions be staged by order of priority, for our Shire. It is estimated that the costing for areas proposed for initial prioritisation is \$32,500 for signage and associated resourcing.

In reference to all other areas suggested by the Police, further consultation will be undertaken regarding provision of statistics of antisocial behaviour attributed to alcohol consumption for each of the other locations they have recommended. In this way, the roll-out will enable Council to prioritise resources and costings to those areas based on need. A discussion on 5 November 2018, with the Senior Constable, Far South Coast Local Area Command, garnered support for the proposal to prioritise the aforementioned zones and areas, with follow-up discussions to occur regarding the other recommended areas of alcohol restriction.

Legal

In accordance with Section 644 of the Local Government Act 1993, an alcohol free zone may only be established to include a public road, footpath or public carpark. Once established, the restrictions apply for a period of four years, 24 hours a day.

Prior to the four year term expiring, a council must decide whether to renew or cease or modify continuation of the alcohol free zones. Public consultation must be undertaken whereby a council must advertise the proposal in the local media seeking feedback within 30 days from the date of publication. A council must also send a copy of the proposal to Local Aboriginal Lands Councils; liquor licensees/secretaries of registered clubs adjacent and adjoin the proposed zones and the Police, inviting them to make a submission within 30 days from date of the letter.

Alcohol restricted reserves however, fall under Section 632 of the Local Government Act 1993 and they do not have an expiry date, the hours of restriction of alcohol consumption is at the discretion of Council and there is no legal requirement to publicly advertise imposition of restrictions. However as is Council's practice, the comprehensive proposal for all alcohol restricted areas within Eurobodalla was publicly exhibited and a copy of the proposal was provided to the Police, managers/secretaries of registered clubs and licensed premises in or adjacent to the affected areas and Local Aboriginal Lands Councils, seeking their feedback.

Asset

The established alcohol free zones in Eurobodalla, are already signposted however the date of commencement and cessation would need to change on these signs. It is Council's practice to change the dates of the four year term by way of a sticker which indicates the timeframe to which the restrictions apply.

Likewise, established alcohol restricted reserves are also signposted however, dependent upon the public exhibition feedback, these signs may need to be changed or altered.

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As a result of the review of Eurobodalla's alcohol restricted areas, the existing restrictions will be maintained, modification of existing sites will be carried out and a number of new sites will be implemented. These will be prioritised according to legislation and need.

Social Impact

The implementation of alcohol restrictions in Eurobodalla, enables the Police to enforce appropriate action if required, for community safety and welfare.

The Police have advised of a number of alcohol related incidents occurring in the Batemans Bay CBD to validate their recommendations to Council in regard to this area.

By restricting the consumption of alcohol from 8pm until 8am in destination parks in the Shire eg., Lyons and Korner Parks in Batemans Bay, Quota and Rotary Parks in Narooma, will enable those who wish to partake of alcoholic beverages during family picnics or BBQs to enjoy themselves, whilst providing Police with the ability to enforce appropriate action between the hours of 8pm until 8am.

Financial

The associated costs to Council, relate to new signage, update existing signs, and resources to implement this proposal.

It is recommended that the alcohol restriction proposed, will be staged by way of prioritisation. To this effect, the alcohol free zones and areas where there is an historical or justified need will be given top priority. In reference to all other areas proposed by the Police, further consultation will be undertaken regarding the provision of statistics of antisocial behaviour attributed to alcohol consumption. In this way, the roll-out will enable Council to prioritise resources and costing to those areas based on need.

It is estimated that the cost to Council for the provision of all the stickers to update signage, new signs and associated resourcing to implement all alcohol restricted areas, is \$38,000. The cost to Council for those alcohol restricted areas that are given priority, is approximately \$32,500.

Community and Stakeholder Engagement

The Police have had input into the review of all alcohol restricted areas and their proposals have formed the basis for Council's review. The preliminary assessment carried out by the Police, was at the request of Council in order to garner their feedback and direct Council's resourcing to where there is a requirement for continued or additional legislative support for the Police.

Public exhibition of the proposed areas for alcohol restrictions in Eurobodalla was undertaken from 19 September to 17 October 2018. Council advertised the proposal in the local media seeking feedback within 30 days from the date of publication. Council also sent a copy of the proposal to Local Aboriginal Lands Councils; liquor licensees/secretaries of registered clubs adjacent and adjoin the proposed zones and the Police, inviting them to make a submission within 30 days from date of the letter. A copy of the proposal was also made available at the three libraries and Council's administration centre in Moruya.

Whilst a council must publicly advertise renewal or implementation of alcohol free zones, in accordance with Section 644 of the LGA, they are not required to publicly advertise proposals

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for alcohol restricted reserves (Section 632 – LGA) as these are at the discretion of a council. However it is Eurobodalla Shire Council’s usual process to seek public feedback regarding all areas affected by alcohol restrictions, during the review process.

CONCLUSION

It is recommended that Council support the continuation of existing alcohol restrictions within Eurobodalla and endorse the additional proposed alcohol restricted areas.

In this regard, it is further recommended that the continuation or implementation of alcohol restrictions be undertaken on a staged basis, by order of priority and need, in consideration of the cost to Council in terms of signage and associated resourcing.

The alcohol free zones are due to expire in December 2018 and these zones should be given priority in the roll-out. Further there are areas where there has been an historical or justified need and these areas are also considered to be a priority. For all other areas proposed, further consultation will be undertaken regarding provision of statistics from the Police, of antisocial behaviour attributed to alcohol consumption for each of the areas the Police have requested.

TYPE	LOCATION	SUBURB	CUMULATIVE/EXPIRY	FORCE RECOMMENDATIONS/COMMENTS	Council Comment
Reserve	Reserve and roadways from Beach Road roundabout to MacDonaldis. Full restriction 24/7			Reserve and roadways from Beach Road roundabout to MacDonaldis. Full restriction 24/7	Additional area
Reserve	Walkway under the bridge zone/reserve?	Batemans Bay		Walkway under the bridge zone/reserve 24/7	New reserve
Reserve	Korrens Park and park to the west of Batemans Bay Bridge	North Batemans Bay		Restrictions from 8pm until 8am	Additional reserve
Reserve	Mossy Point Headland	Mossy Point		Restrictions from 8pm until 8am	Additional reserve
Reserve	Candilgan Creek carpark and reserve (north of bridge)	Broulee		Restrictions from 8pm - 8am, plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)	Additional Reserve: NSW Xmas school holidays - stickers needed for signs
Reserve	Moruya Skatepark	Moruya		New 24/7	Additional reserve
Reserve	Surf Beach Carpark and surrounding areas	Surf Beach	No date range required - full restriction 24/7	8pm - 8am, plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)	Change of signage 8-8. NSW School Holidays - stickers will be required.
Restricted Reserve	Foreshore Park along Clyde St	Batemans Bay	No date range required - restrictions from 8pm until 8am	Foreshore Park, carparks and walkways. Full restriction 24/7	Change of signage.
Restricted Reserve	Foreshore reserve from Candilgan Creek to Broulee Surf Club	Broulee	No date range required - restrictions from 8pm until 8am	Restrictions from 8pm - 8am, plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)	NSW Xmas school holidays - stickers needed for signs
Restricted Reserve	Foreshore area at the eastern end of Massy St	Broulee	No date range required - restrictions from 8pm until 8am	Supported plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)	NSW Xmas school holidays - stickers needed for signs
Restricted Reserve	Corrigans Beach Reserve	Corrigans Beach	No date range required - restrictions from 8pm until 8am	Supported plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)	NSW Xmas school holidays - stickers needed for signs
Restricted Reserve	Between HMM & adjacent public roads & carparks at Malua Bay between Kuippa Ave & King Street	Malua Bay	No date range required - restrictions from 8pm until 8am	Supported plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)	NSW Xmas school holidays - stickers needed for signs
Restricted Reserve	South Head Surf Club Reserve	Moruya	No date range required - restrictions from 8pm until 8am	Full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)	NSW Xmas school holidays - stickers needed for signs
Reserve	Lyons Park (PIN 15154)	Batemans Bay	No date range required - restrictions from 8pm until 8am	Including carparks, boat launching facility.	Additional signage may be required for boat launching facility and carparks.
Zone	Clyde St nth of Vesper St, west of the Bridge and fronting Clyde River between Coolinda Retirement Units & property owned by the NSW Fisheries Dept	Batemans Bay	8/12/14 - 6/12/18	Including carparks	Additional signage in carparks
Zone	Clyde St nth of Vesper St west of the bridge & fronting Clyde river between property owned by the NSW Fisheries Dept and the Lions Park	Batemans Bay	8/12/14 - 6/12/18	Including carparks	Additional signage in carparks
Zone	Orient Street from Museum Place to North St	Batemans Bay	8/12/14 - 6/12/18	Supported	
Zone	Museum Place	Batemans Bay	8/12/14 - 6/12/18	Supported	

Zone	Flora Crescent	Batemans Bay	8/12/14 - 6/12/18	Supported	
Zone	Vesper, Perry, North Sts & Beach Rd, Batemans Bay surrounding Batemans Bay Village Centre - this area be extended to include the carpark along Perry Street	Batemans Bay	8/12/2014 - 6/12/2018	Vesper Street from the bridge to Lot 33 (south of McDonalds).	Additional zone - modified. Will now extend existing zone from Village Centre in Vulcan Street to Lot 33 (south of McDonalds)
Zone	Beach Road from Vesper Street intersection and east along to and including the frontage of Ryan Park			Beach Road from Vesper Street intersection and east along to and including the frontage of Ryan Park	Additional zone.
Zone	North Street			North Street	Additional zone
Zone	Road and carparks between Flora Street roundabout south to Museum Place.			Road and carparks between Flora Street roundabout south to Museum Place.	Additional zone
Zone	Heath Street from Grant Street to the Broulee Surf Club reserve and Grant Street from the intersection of Heath Street, Coronation Drive Broulee	Broulee	8/12/2014 - 6/12/2018	Supported (include all Coronation Drive and bridge across Candlagan Creek)	Extension to existing zone
Zone	Koppa Avenue Malua Bay from G8 Drive/Beach Road east to the beach reserve.	Malua Bay	8/12/2014 - 6/12/2018	Supported	
Zone	Evans St from Panorama Pde in the south then north to Albert Street,	Moruya	8/12/14 - 6/12/18	Supported	
Zone	Albert Street from the intersection of Evans St to the west then to Otton St to the east	Moruya	8/12/14 - 6/12/18	Albert Street from Lagoon Street to Otton Street	Extension to existing zone
Zone	Northern end of Ford St on Public Wharf	Moruya	8/12/14 - 6/12/18	Ford Street from Queen Street to and including the public wharf.	Additional zone
Zone	Princes Hwy from Toose St to Campbell St	Moruya	8/12/2014 - 6/12/2018	Supported	
Zone	Shore Street from Vulcan St to Ford St	Moruya	8/12/2014 - 6/12/2018	Supported	
Zone	Queen Street from Ford St to Page St	Moruya	8/12/2014 - 6/12/2018	Supported	
Zone	Laneway to west side of Woolworths	Moruya		Church Street from Page Street to Ford Street	Additional zone
Zone	Church Street from Page Street to Ford Street	Moruya		Supported	
Zone	Princes Hwy from Narooma Bridge to Clark St	Narooma	8/12/2014 - 6/12/2018	Supported	
Zone	Carpark area adjacent to the Narooma Cinema	Narooma	8/12/2014 - 6/12/2018	Supported	
Zone	Willcock Avenue and Princes Highway fronting Narooma Plaza	Narooma		New 24/7	Additional zone
Zone	Evans Rd fronting the Tuross Shops to the West	Tuross Hd	8/12/2014 - 6/12/2018	Also fronting the park to the north	Extension to existing zone
Zone	Tuross Boulevard backing onto the tuross Shops to the east	Tuross Hd	8/12/2014 - 6/12/2018	Also fronting the park to the north	Extension to existing zone
Zone	Public carparks between Shore, Church and Queen Streets incl Woolworths carpark	Moruya		Public carparks between Shore, Church and Queen Streets including carparks surrounding Woolworths Supermarket	Signage required. NOTE: Some sections of all three carparking areas privately owned therefore those areas cannot be signposted.
Zone	Public carparks between Shore, Church and Queen Streets including carparks surrounding Woolworths Supermarket	Moruya		Public carparks between Shore, Church and Queen Streets including carparks surrounding Woolworths Supermarket	Signage required. NOTE: Some sections of all three carparking areas privately owned therefore those areas cannot be signposted.

IR18/040 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2018-19

E16.0002

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

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting held 1 November 2018 were as follows:

- Signage and Line marking – Roundabout at the intersection of George Bass Drive and Tomakin Road, Tomakin
- Signage – Vehicle Charging and Changed to timed parking in Visitors Centre Carpark Beach Road, Batemans Bay
- Signage – Timed Bus Zone adjoining Central Tilba Public School
- Special Event Application – Mogo Christmas Gala
- Traffic Management Plan – Remembrance Day Ceremony, Moruya.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 5 for 2018-19 be received and noted.
2. Council Plan No. 2735 Set F Sheet 29 detailing the signage and line marking associated with the new roundabout at the Intersection of George Bass Drive and Tomakin Road, Tomakin be approved
3. Council Plan No. 5178 Set B Sheet 02 detailing the signage for an electric vehicle charging bay and modifications to timed parking within the Visitors' Centre car park adjacent to Beach Road, Batemans Bay be approved.
4. Council Plan No. 5156 Set AH Sheets 06 detailing the timed 'Bus Zone' adjoining Central Tilba Public School on Corkhill Drive, Central Tilba be approved.

IR18/040 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2018-19

E16.0002

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 5 for 2018-19 was held on 1 November 2018. The meeting was attended by Councillor Anthony Mayne (Chair), Jesse Fogg (Roads and Maritime Services), Danielle Brice (representative for the Hon Andrew Constance MP), Senior Constable Scott Britt (NSW Police Force), Dave Hunter (Traffic Officer), Kate McDougall (Road Safety Officer) and Matt Cormick (minute taker).

APOLOGIES

Nil

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 4 for 2018-19 held on 3 October 2018 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

There were no outstanding items to discuss.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2019.RT.009 Signage and Line marking – Roundabout at the intersection of George Bass Drive and Tomakin Road, Tomakin

Construction has commenced on the installation of a roundabout at the Intersection of George Bass Drive and Tomakin Road, Tomakin.

This project was reported to the Committee on 5 April 2018 and subsequently the concept plan was supported.

The new intersection will improve traffic flow and is designed to meet future development and economic growth. The fourth leg of the roundabout will provide a new entrance road into Tomakin village linking directly to Sunpatch Parade.

Signage and line marking Plan No.2735 Set F Sheet 29 was reviewed by the Committee.

Recommendation:

That Council Plan No. 2735 Set F Sheet 29 detailing the signage and line marking associated with the new roundabout at the Intersection of George Bass Drive and Tomakin Road, Tomakin be approved.

2019.RT.010 Signage – Electric Vehicle Charging Bay and modification to timed parking in Visitors Centre carpark Beach Road, Batemans Bay

Construction has commenced on the upgrade of Beach Road between Vesper Street and Orient Street, Batemans Bay.

This project was reported to the Committee on 5 April 2018 and subsequently the concept plan was supported.

The upgrade will improve traffic flow and provide an essential building block to meet future development and economic growth in Batemans Bay.

IR18/040 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2018-19

E16.0002

As part of this major project it is necessary to adjust the carpark that services the Visitors' Centre, adjoining Beach Road. Existing 1 hour and ¼ hour timed sections have been reconfigured.

Additionally Council has agreed to the designation of a single car space to accommodate an electric vehicle charging station, which is being provided by NRMA.

Signage and line marking Plan No. 5178 Set B Sheet 02 detailing the changes to the carpark was reviewed by the Committee.

The Chair asked if the charge station would be available for charging mobility scooters. The Traffic Officer will investigate.

Recommendation:

That Council Plan No. 5178 Set B Sheet 02 detailing the signage for an electric vehicle charging bay and modifications to timed parking within the Visitors' Centre car park adjacent to Beach Road, Batemans Bay be approved.

2019.RT.011 Signage – Timed Bus Zone adjoining Central Tilba Public School

The Principal of Central Tilba Public School has requested that a designated bus zone be installed on Corkhill Drive, adjoining the school.

Parents and carers also undertake drop-offs and pick-up at this location and the bus zone is necessary to ensure there is adequate room for the bus to service the school.

Council Plan No. 5156 Set AH Sheets 06 detailing the 'Bus Zone 9.00am to 9.30am and 3.00pm to 3.30pm SCHOOL DAYS' was reviewed by the Committee.

The Committee agreed that the Traffic Officer will:

- Liaise with the bus company to discuss the direction that buses may park to manage road safety risk
- Ask the School Principal to inform student's parents and carers about the changed traffic conditions.

Recommendation:

That Council Plan No. 5156 Set AH Sheets 06 detailing the timed 'Bus Zone' adjoining Central Tilba Public School on Corkhill Drive, Central Tilba be approved.

INFORMAL ITEMS FOR DISCUSSION

2019.SE.006 Special Event Application – Mogo Christmas Gala

A special event application has been received from the Mogo Village Business Chamber to conduct a Christmas Gala Day on Saturday 15 December 2018. This was successfully held last year.

It is proposed to close off Annett Street and provide stalls and entertainment. Children's activities will be included and the organisers propose the event will promote community vibrancy and showcase this historic village and the many interesting shops.

IR18/040 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2018-19

E16.0002

The event will start at 3:00pm and finish at 6:00pm. Annett Street will be closed from 2.00pm to 7.00pm. A small section at the northern end of the Charles Street carpark will also be closed to accommodate portable toilets and emergency vehicles.

The road closure will have a minimal impact on the non-event community as Annett Street has limited parking and there is sufficient parking in other sections of Mogo, including the Charles Street off-street carpark.

The Traffic Management Plan and associated Traffic Control Plan No. 5156 Set BM Sheets 01 was reviewed by the Committee.

Recommendation:

That the Mogo Village Business Chamber Christmas Gala Day to be held on Saturday 15 December 2018, based upon the submitted Traffic Management Plan and associated Traffic Control Plan No. 5156 Set BM Sheets 01 be approved.

2019.SE.007 Special Event Application - Remembrance Day Ceremony, Moruya

The ceremony will be conducted by the Moruya RSL Sub-Branch. It will be held on 11 November 2018 between 10:40am and 11:05am. It will be held in Page Street near the Moruya RSL Hall.

During the ceremony it is proposed that the length of Page Street between Campbell Street and Queen Street along with the western end of Mirrabooka Avenue be closed to traffic.

The Traffic Management Plan and associated Traffic Control Plan was reviewed by the Committee.

Recommendation:

That the Moruya RSL Sub-Branch Remembrance Day Ceremony to be conducted in Page Street, Moruya on 11 November 2018 between 10:40am and 11:05am be approved based upon the submitted traffic management plan and associated traffic control plan.

GENERAL BUSINESS

- The Chair asked if the Committee could have a role in educating road users about the road rule that requires drivers to keep clear of cyclists. This is outside of the remit of the Local Traffic Committee. Nevertheless, the Road Safety Officer agreed to investigate this further by liaising with the RMS about current NSW wide programs and the potential for funding for a local education program. The RMS will also be requested to consider inclusion of advice on the fixed electronic Variable Message Signs located on the Princes Highway and Kings Highway from time to time.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 6 December 2018 in Council's Committee Room.

CCS18/051 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018 - REFERRAL TO AUDIT E17.1016

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

Attachments: 1. To be tabled at Ordinary Council Meeting 27 November 2018 - Confidential - Draft Financial Statements

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

Operational Plan Link: 9.2.4.2 Monitor and report on key financial results

EXECUTIVE SUMMARY

The purpose of this report is to bring the draft Annual Financial Statements for the year ended 30 June 2018 to Council to consider referral to Audit which is being undertaken by the NSW Audit Office. The referral to audit is a statutory requirement. The draft Financial Statements will be distributed to the Audit, Risk and Improvement Committee and Council on 27 November 2018.

RECOMMENDATION

THAT

1. The Draft Annual Financial Statements for the year ended 30 June 2018 be referred to Audit.
2. The Statement by Councillors and Management be made pursuant to section 413(2) (c) of the *Local Government Act 1993* (as amended) and signed by the Mayor, Deputy Mayor (or Councillor), General Manager and Responsible Accounting Officer at the Council meeting on 27 November 2018.
3. The audited Financial Statements, together with the Auditor's report and Financial Commentary be presented to the public at the Council meeting of 12 February 2019.

BACKGROUND

The *Local Government Act 1993* requires Council to prepare financial statements for each year and refer them for audit as soon as practicable after the end of that year.

A council's financial statements must include:

- (a) A General Purpose Financial Statement;
- (b) Any other matter prescribed by the regulations, and
- (c) A statement in the approved form by the Council as to its opinion on the General Purpose Financial Statement.

**CCS18/051 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE
2018 - REFERRAL TO AUDIT**

E17.1016

This process is largely governed by the requirements of the *Local Government Act 1993* having regard to the timing of Council meetings.

CONSIDERATIONS

On 3 October 2018 Council formally requested the Office of Local Government for an extension to the 31 December 2018 to submit its Annual Financial Statements in association with Section 416(2) of the *Local Government Act 1993*. On 24 October 2018 the Office of Local Government authorised an extension to 31 December 2018 for Council to complete the 2017-18 Annual Financial Statements in accordance with Section 416 (5) of the *Local Government Act 1993*. The extension was granted due to key staff turnover and the implementation of a new finance system software.

Section 413 of the *Local Government Act 1993* requires the Council to form an opinion as to whether Council's Annual Financial Statements have been drawn up in accordance with the *Local Government Act 1993* and associated Codes and Australian Accounting Standards as prescribed by the Regulations.

Following the signing of opinions and receiving the Auditor's Report, a copy of the Audited Financial Statements will be submitted to the Office of Local Government (OLG) in accordance with Section 417(5) of the *Local Government Act 1993*.

Section 418 of the *Local Government Act 1993* requires that Council, as soon as practical after receiving a copy of the Auditor's Reports, fix a date for a meeting at which it proposes to present its Audited Financial Statements, together with the Auditor's Reports, to the public. The proposed date for this meeting is 12 February 2019.

The Council must give public notice of the date of the meeting at which the Audited Financial Statements and Auditor's Report will be presented. An advertisement will be included in Council's Noticeboard which is made available on Council's website and in local print newspapers on Wednesday 30 January 2019. Copies of the Audited Financial Statements and the Auditor's reports will be made available on Council's website, at Council's three libraries and at the main Administration Building in Moruya.

Section 420 of the *Local Government Act 1993* provides that any person may make submissions to Council with respect to the Financial Statements and/or the Auditor's reports and those submissions must be made in writing and lodged with the Council within seven days of the public meeting. Any submissions received are to be provided to Councillors and the Auditor for consideration.

Legal

Legal requirements include:

- Adherence to the Local Government Code of Accounting Practice and Financial Reporting (which is based on generally accepted accounting practice).
- Annual Financial Statements must be referred to audit as soon as practicable after the end of the financial year.
- Audited statements must be lodged with the OLG by 31 December 2018 (as per approved extension).

**CCS18/051 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE
2018 - REFERRAL TO AUDIT**

E17.1016

Seven days public notice of the 'presentation' of audited financial statements is required

Policy

The principal accounting policies used in the preparation of these consolidated financial statements are disclosed in Note 1 of the draft statements. These policies have been consistently applied to all the years presented, unless otherwise stated.

Financial

The Annual Financial Statements are required to be prepared in accordance with the *Local Government Act 1993* (as amended), the Local Government Code of Accounting Practice and Financial Reporting and the Australian Accounting Standards. Council has professionally qualified staff to ensure compliance with the reporting requirements.

No matters or occurrence have come to attention that would materially affect the Financial Statements or disclosures therein, or which are likely to materially affect the future results or operations of the Council.

The draft Financial Statements will be distributed to the Audit, Risk and Improvement Committee and Council on 27 November 2018.

Community and Stakeholder Engagement

The audited Financial Statements will be presented at the 12 February 2019 Council meeting. The statements will be an attachment to the public agenda for this meeting and made available seven days prior to the meeting on Council's website, at Council's three libraries and at the main administration building in Moruya. Submissions may be made to Council for a minimum of seven days after they are presented to the public as per *Local Government Act 1993* (as amended), s418(2). Submissions will close 19 February 2019. The external auditor will be available to present the audited Financial Statements.

CONCLUSION

The Annual Financial Statements have been drafted and can now be endorsed and referred to audit, and if so endorsed the statements can be signed by the Mayor, Deputy Mayor (or Councillor), General Manager and Responsible Accounting Officer.

CCS18/052 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2018

E05.9535

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

Attachments: 1. Under Separate Cover - Financial Statements

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

Operational Plan Link: 9.2.4.2 Monitor and report on key financial results

EXECUTIVE SUMMARY

This Budget Review reports on Council's performance against the current Operational Plan budget for the quarter ending 30 September 2018. Major variations are highlighted.

The original Operational Plan budget, on a consolidated basis (which includes all of Council's funds), for 2018-19 forecasts were:

- Income Statement surplus, before capital revenue, of \$5.03million
- Income Statement surplus, after capital revenue, of \$22.58 million
- Use of \$(0.39) million of unrestricted funds.

The proposed revised budgets after the quarter ending 30 September 2018 are:

- Income Statement surplus, before capital revenue, of \$2.75 million
- Income Statement surplus, after capital revenue, of \$34.69million
- Increase of \$0.94 million of unrestricted funds.

The proposed revised, consolidated 2018-19 budget is impacted by the carry forward of ongoing projects from the 2017-18 year. This is primarily due to the timing of grants received and ongoing capital works. Further detail is provided in this report.

The result of bringing these projects from last financial year into the 2018-19 year is:

- Unfavourable income statement impact of \$2.46 million before capital revenue
- A decrease, to that originally budgeted, in unrestricted funds to be utilised this financial year of \$2.08 million.

The current year, September Review, adjustments result in favourable variations for the income statement, before capital revenues, of \$0.18 million and an increase in the amount of unrestricted funds to be used, \$0.75 million as per the Consolidated Fund Flow Statement.

There are no material concerns at the quarterly review about Council meeting budget targets for 2018-19.

CCS18/052 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2018

E05.9535

RECOMMENDATION

THAT

1. The budget review report for the quarter ended 30 September 2018 be received and noted.
2. The favourable variations for the Income Statement after capital revenue of \$12.11 million and favourable variations of \$1.33 million as per the Consolidated Fund Flow Statement be adopted.

BACKGROUND

Council reviews its performance and financial results against the adopted Operational Plan quarterly, authorises adjustments to budget items, and highlights variations from its original budget strategy.

It should be noted that the results referred to in this report are unaudited.

The attachments to this report are as follows:

Financial reports (Attachment 1)

These reports provide information on Council's performance against its financial objectives contained in the Operational Plan, presented for the consolidated entity.

Financial reports include:

- a) Consolidated Fund Flow Statement – This report shows the impact of operating, financing and investing activities on Council's unrestricted working capital.
- b) Consolidated Income Statement – Provides sources of income and expenditure, including depreciation, per Council service areas.
- c) Consolidated Capital Program Statement – Provides capital expenditure information for each program area and associated services.
- d) Projected Funds Balance Statement – Provides information on the movements in both unrestricted and restricted fund accounts.
- e) Budget Amendment Report – Provides details of proposed significant adjustments to budgets.
- f) SRV capital program – Provides capital expenditure information for each of the projects in the SRV program of works for 2018-19.

Consultancy, Legals and Contractors Report (Attachment 2)

This attachment provides information on major contracts entered into, legal fees incurred and consultancy costs for the quarter ended 30 September 2018.

Key Financial Indicators (Attachment 3)

This attachment provides information about key financial indicators designed to assist in monitoring Council's financial sustainability. The indicators are for the consolidated entity.

Mayoral and Councillor Expenses (Attachment 4)

Provides information about Mayoral and Councillor expenditure for the quarter ended 30 September 2018.

CCS18/052 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2018

E05.9535

CONSIDERATIONS

Consolidated Fund flow Statement (Attachment 1(a)):

Council requires sufficient funds to pay for its debts as and when they fall due. The Fund Flow Statement shows the change in Council’s freely available funds or working capital.

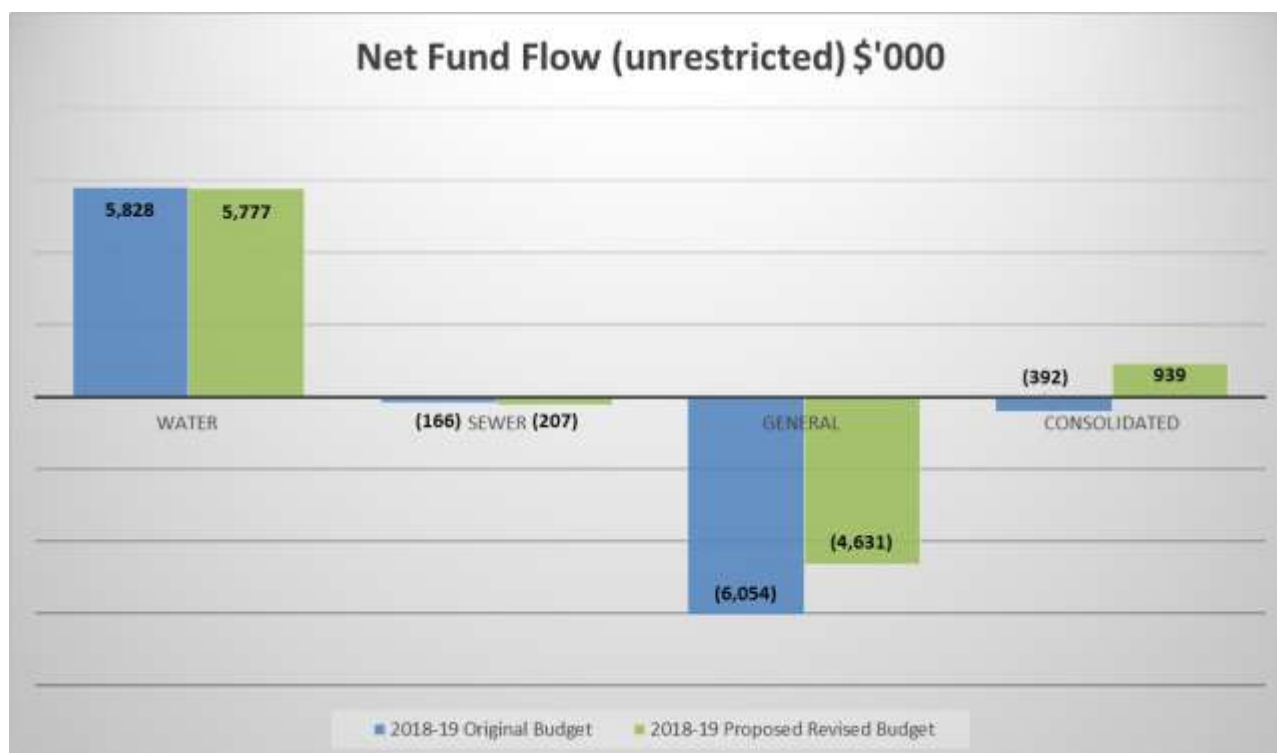
It includes all transactions having an impact on Council’s funds i.e. income and expenses from its operating activities, capital programs and borrowing activities. It also includes the transfer into, or use of restricted funds for capital or non-recurrent projects. Depreciation is not included as it does not represent a cash flow.

The net fund flow shows the amount of unrestricted funds that will be used to deliver the agreed Operational Plan outcomes for 2018-19. The consolidated original budget forecast a \$0.39 million use of unrestricted funds. The impact of proposed carry forward items from last financial year and the September review amendments project an increase of unrestricted funds of \$0.94 million for 2018-19. See table 1.1 and graph 1.1 below.

Table 1.1 Net Increase (decrease) in unrestricted funds, per fund, \$'000

Fund	2018-19 Original Budget	Proposed Carry Overs	Proposed Adjustments	2018-19 Proposed Revised Budget
Water	5,828	(51)	0	5,777
Sewer	(166)	(2)	(40)	(207)
General	(6,054)	2,133	(710)	(4,631)
Consolidated	(392)	2,081	(749)	939

Graph 1.1 Net fund flow (unrestricted)



CCS18/052 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2018

E05.9535

Consolidated Income Statement (Attachment 1(b)):

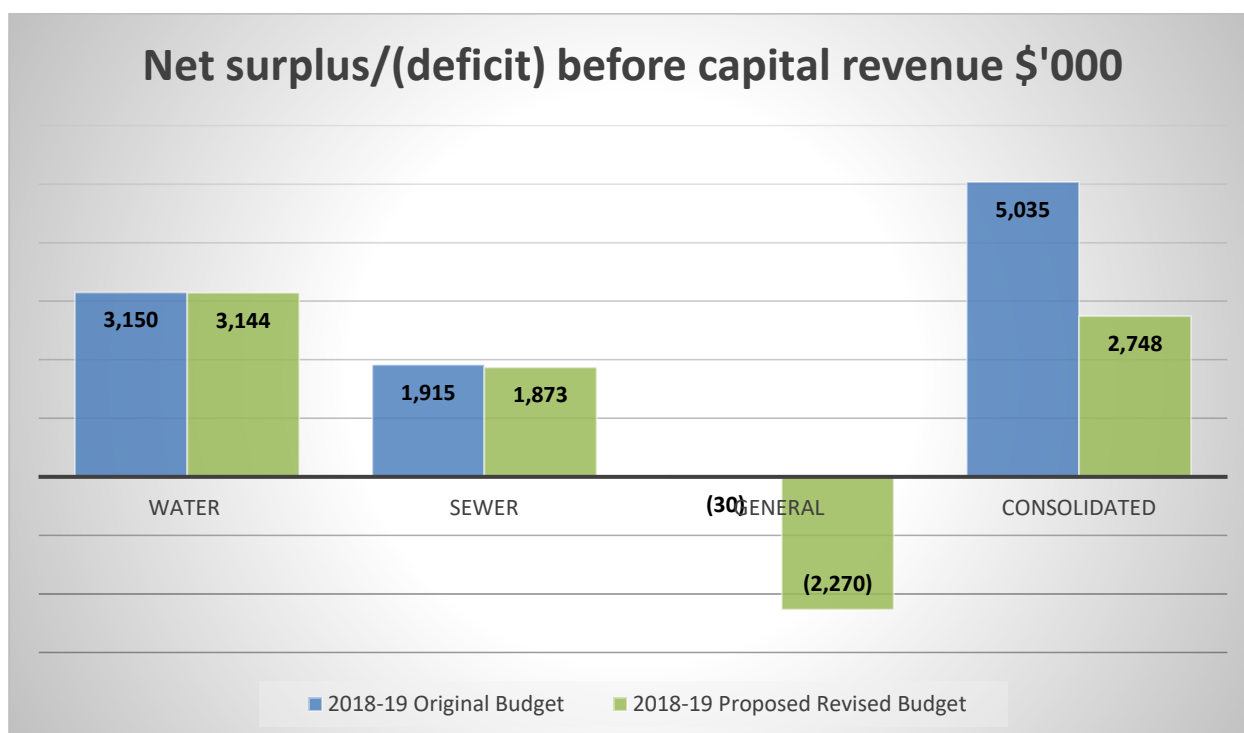
The Consolidated Income Statement shows the types of income, and expenditure per council service areas. This result can indicate whether Council is able to raise sufficient revenue to cover the operational cost (including depreciation which measures the wear and tear of Council assets) of delivering services to the community before considering its capital revenue.

Since adoption of the 2018-19 Operational Plan, there has been a change reclassifying some grants and contribution from operational to capital. Given this, the restated original budgeted operating result, for the consolidated entity, was a surplus of \$5.04 million before capital revenue. The proposed revised budget, incorporating the carry forward items from 2017-18 and September Review adjustments is a surplus of \$2.75 million before capital revenues (per table 1.2 and graph 1.2 below).

Table 1.2 Net surplus/ (deficit) before capital revenue, \$'000

Fund	2018-19 Original Budget	Proposed Carry Overs	Proposed Adjustments	2018-19 Proposed Revised Budget
Water	3,150	(6)	0	3,144
Sewer	1,915	(2)	(40)	1,873
General	(30)	(2,455)	215	(2,270)
Consolidated	5,035	(2,462)	175	2,748

Graph 1.2 Net surplus/ (deficit) before capital revenue



CCS18/052 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2018

E05.9535

Carry Overs (operational)

The operating result has been impacted by the proposed carry forward of ongoing projects from the 2017-18 financial year. The result of bringing these projects from last financial year into the 2018-19 year is an unfavourable income statement impact of \$(2.46) million before capital revenue. The majority of the projects relate to funding received during prior years with associated works to continue across the financial years.

Significant carried forward operational items include:

- \$1.63 million of Environmental Management works including \$1.20 million of funded flying fox management works, invasive species and other compliance works.
- \$0.49 million of Strategic Planning works, including flood studies, tourism signage strategy and biodiversity strategy.
- \$0.21 million of Tourism works, including general promotions and marketing
- \$0.20 million of Community Care works including Active Living and Involve Eurobodalla programs.
- \$0.14 million of Youth Services works including the grant funded Y Drive program.
- \$0.09 million of Library works.
- \$0.07 million of Community and Cultural Development works including Regional Jobs and Training project, Wonga Exhibition and Basil Sellers Art Prize.
- \$0.05 million of Business Development works including event assistance program, Eurobodalla Business awards and Invest Eurobodalla programs.
- \$0.05 million of Recreation works including minor renewals for sporting amenities and Wallaga Lake Aboriginal Cemetery Management plan.
- \$0.14 million of other minor ongoing projects.

Whilst much of the funding associated with the above projects was received in prior years, an amount of \$0.61 million was brought forward to be recognised in 2018-19 upon completion of related projects.

September Review adjustments (operational)

The proposed September Review adjustments to the originally adopted Operational Plan budget for 2018-19, for the first quarter result in a favourable variation to the operating statement before capital revenue of \$0.18 million.

Significant adjustments (per Council Service over \$0.1 million) to operational items include:

- \$3.05 million of expenditure in Transport including Nelligen Bridge Earthworks, supported by contributions from RMS.
- \$0.45 million of expenditure in Workforce Development including establishment of Corporate WHS safety management system, supported by a transfer from restricted funds.

CCS18/052 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2018

E05.9535

- \$0.30 million in Youth Services for the Eurobodalla Youth Employment Strategy project, supported by grant funding.
- \$0.21 million of expenditure in Public Order and Safety, including revised estimates for councils contribution to State Emergency Service and Rural Fire Service, and revised expenditure for Rural Fire Service operations, supported by contributions from the Rural Fire Fighting Fund.
- \$0.18 million in Works and Operations including tree management works supported by a transfer from transport expenditure and elimination of stores issues internal charges.
- \$0.16 million of expenditure for Community Development and Participation including Cultural Precinct/ Basil Sellers Exhibition Centre operations, grant funded Regional Jobs and Training project and grandparents day project, and the grant supported Museum advisor project.

The original budget for 2018-19 predicted an income statement surplus of \$22.58 million after allowing for capital grants and contributions. The proposed revised budget, incorporating the carry forward items from 2017-18 and September Review adjustments, is \$34.69 million after capital revenues (per table 1.3 and graph 1.3 below).

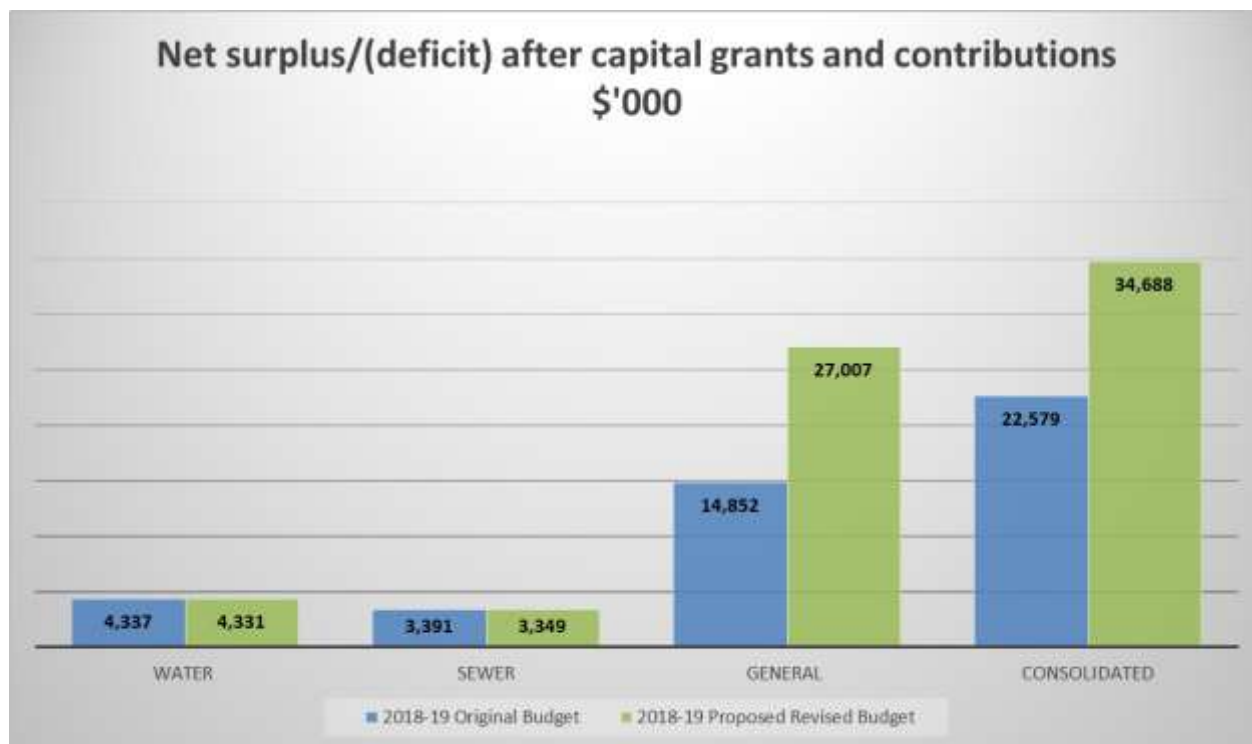
Table 1.3 Net surplus/(deficit) after capital revenue, \$'000

Fund	2018-19 Original Budget	Proposed Carry Overs	Proposed Adjustments	2018-19 Proposed Revised Budget
Water	4,337	(6)	0	4,331
Sewer	3,391	(2)	(40)	3,349
General	14,852	1,878	10,277	27,007
Consolidated	22,579	1,871	10,237	34,688

CCS18/052 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2018

E05.9535

Graph 1.3 Net surplus/(deficit) after capital revenue



Consolidated Capital Program Statement (Attachment 1(c)):

Capital Program

The original capital expenditure budget for 2018-19 was \$55.22 million. The proposed revised budget, incorporating the carry forward items from 2017-18 and September Review adjustments is \$74.21 million (per tables 1.4, and graph 1.4 below).

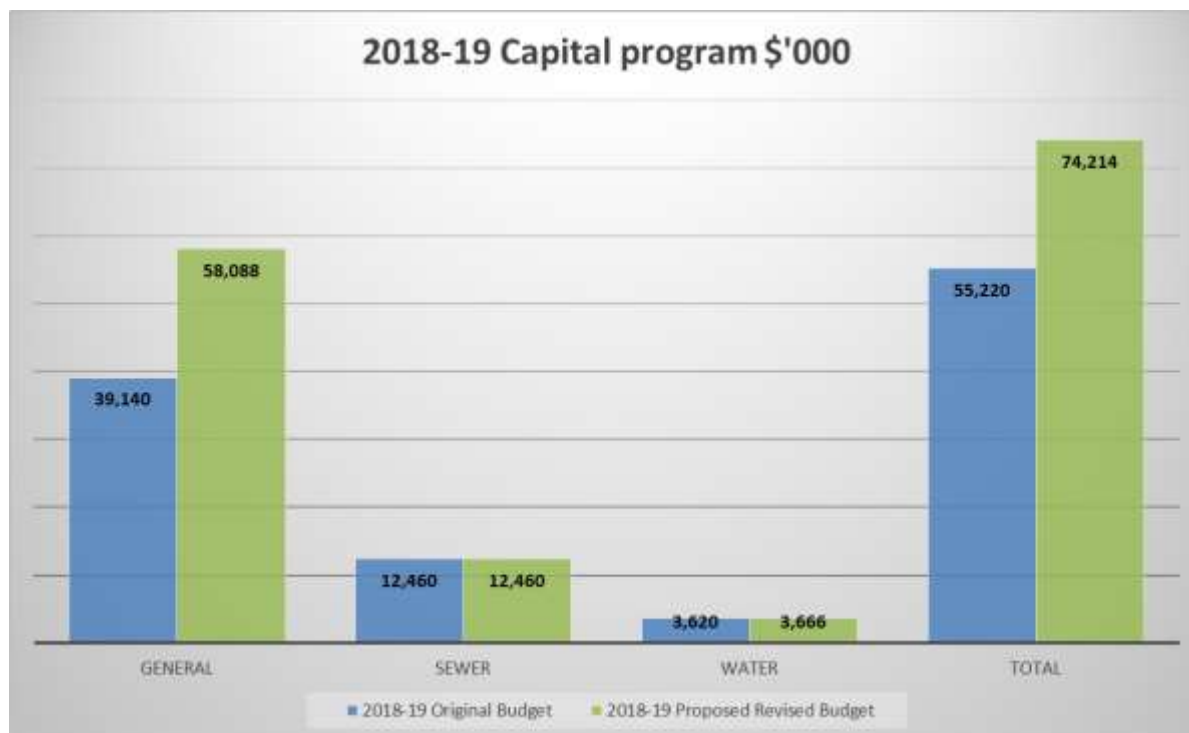
Table 1.4 Capital Program per fund, \$'000

Fund	2018-19 Original Budget	Proposed Carry Overs	Proposed Adjustments	2018-19 Proposed Revised Budget
General	39,140	4,954	13,994	58,088
Sewer	12,460	0	0	12,460
Water	3,620	46	0	3,666
Total	55,220	4,999	13,994	74,214

CCS18/052 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2018

E05.9535

Graph 1.4 Capital Program per fund



Carry Overs (capital)

Significant capital projects carried forward to this financial year from 2017-18 include:

- \$2.96 million of ongoing Transport works including:
 - local urban road new works at Wharf Street and Bowen St Narooma and Crown Street Batemans Bay
 - rural roads new capital works at various locations including Tomakin Road, Wamban Road, Ridge Road Tilba, Congo Road North
 - regional road works for Beach Road Hanging Rock
 - pavement rehabilitation works including Andrew Avenue, Tuross Head, Church Street Moruya
 - gravel resheet works
 - footpath and cycleway works including South Head Drive Moruya
 - car park works at Hanging Rock and Riverside Park
 - and a reduction in 2018-19 allocation for bridge renewal works, to support additional works in 2017-18 for Runnyford and Silo Farm bridge
- \$0.44 million of ongoing Recreation works including:
 - Observation Point Batehaven viewing platform
 - Boatramp and Jetty works at Durras and Murra Mia Jetty
 - Completion of playground works at Corrigans Reserve and Congo
 - Completion of car parking works at Moruya Showground and Corrigans Reserves.
- \$0.35 million in Waste to finalise Surf Beach Cell Works
- \$0.32 million Corporate software renewal program ongoing
- \$0.21 million of ongoing Stormwater drainage works renewals and new capital works.

CCS18/052 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2018

E05.9535

- A reduction in the 2018-19 Fleet and Plant replacement program of \$0.28 million due to the early arrival of replacement trucks, occurring in 2017-18.

September Review capital adjustments:

The following capital adjustments have been made during the September quarter and affect the current year's capital program:

- \$3.71 million in Strategic Planning for Mackay Park Precinct works including design, project management, and Aboriginal heritage studies, supported by borrowings.
- \$2.95 million in Commercial Entities including Eurobodalla Regional Botanic Gardens redevelopment, supported by grant funding.
- \$2.61 million in Recreation for grant funded works including:
 - Corrigans Beach Reserve Inclusive Playground additional works and accessible change room works
 - Bill Smyth Oval amenities extension
 - Durras and Nelligen boat ramp addition works
 - Lighting upgrades at Bill Smyth Oval, Bodalla Oval and Gundry Oval
 - Amenities upgrades at Captain Oldrey Reserve and extensions at Gundry Oval
 - Moruya Showground additional car park works
- \$2.30 million in Business Development to introduce the construction of Shellfish Hatchery, supported by grant funding
- \$1.24 million in Transport for externally funded works including:
 - Cullendulla Drive Long Beach box culvert widening additional works
 - Shared Pathway works at Beach Road Surf Beach and McMillan Road Narooma
 - Bus shelter works at Nelligen and other renewal works
- \$0.95 million in Community and Cultural Development for completion of Cultural Precinct/ Basil Sellers Exhibition Centre, supported by grant funding.
- \$0.14 million in Public Order and Safety for Rural Fire Service station construction at Eurobodalla Fire Control Centre and Surf Beach, supported by contributions from the Rural Fire Fighting Fund.
- \$0.10 million in Community Facilities for works at Tilba Public Toilet, supported by grant funding.

An adjustment has been made relating to the anticipated utilisation of restricted funding for the Moruya Airport Redevelopment to align funding with expenditure incurred during the previous financial year. In addition, there has been an increase in project costs due to CPI as well as expenditure relating to Heritage Permit requirements including Aboriginal Heritage Conservation Works.

CCS18/052 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2018

E05.9535

Special Rate Variation (SRV) – progress update (Attachment 1 (f)):

2018-19 is the fourth year of the SRV program and approximately \$10.00 million of infrastructure works for the year are underway. \$5.56 million of SRV designated funds are being utilised on these works. The majority of the projects have commenced with a due date for completion by the end of the fourth quarter. At 30 September, approximately 6% of the programmed SRV works for this year have been expensed.

Attachment 1 (f) reports the detailed progress of the capital program showing individual project budgets and expenses with updates as at 30 September 2018. Total expenditure on the SRV designated projects as at 30 September 2018 is \$0.61 million (per Table 1.5 below).

Table 1.5 2018-19 Special Rate Variation Capital Program

2018-19 Special Rate Variation (SRV) Capital Program	\$
SRV Funds	5,559,407
Total Budget	9,995,475
Expenditure to 30 September 2018	613,854
Percentage spent	6.14%

Legal

This review is based on the Quarterly Budget Review Statement Guidelines issued December 2010, pursuant to the provisions of the *Local Government Act 1993* relating to integrated planning.

Policy

The accounting policies being used are based on those detailed in the financial statements for the year ended 30 June 2018.

“Variations” in the Fund Flow Statement are changes in the funding requirements where “funds” are net current assets (working capital) excluding both internal and externally restricted funds.

CONCLUSION

There are no material concerns at this quarterly review about meeting budget targets for 2018-19.

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

As the Responsible Accounting Officer, it is my opinion that the September Quarterly Budget Review for Eurobodalla Shire Council indicates that Council's projected financial position as at 30 June 2019 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2018-19 financial year.

CCS18/053 INVESTMENTS MADE AS AT 31 OCTOBER 2018

E99.3517

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

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

Operational Plan Link: 9.2.4.3 Provide financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is to:

- certify that Council's investments in financial instruments have been made in accordance with legal and policy requirements
- provide information and details of investments
- raise other matters relevant to investing.

RECOMMENDATION

THAT the certification that the investments as at 31 October 2018, 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.

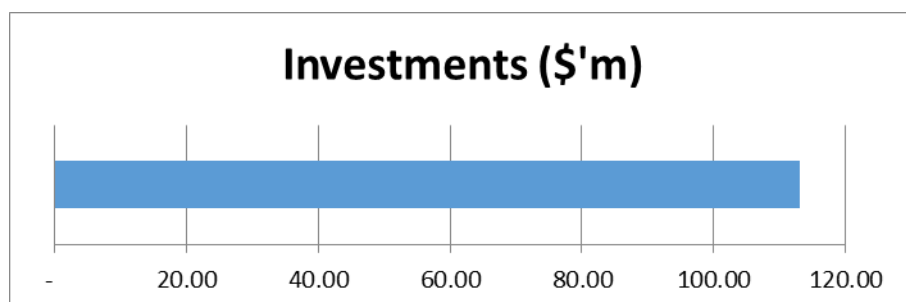
CONSIDERATIONS

Policy

The portfolio is compliant with Council's amended Investment Policy that was adopted by Council on 31 July 2018 (Minute 18/182).

Financial

Council investing overall



CCS18/053 INVESTMENTS MADE AS AT 31 OCTOBER 2018

E99.3517

Council has 100% (\$112.99m) invested in Bank Deposits. The Bank Deposits are held in banks rated A or greater, or covered by the AAA rated Government Guarantee, except for \$27.5m invested in banks rated below A, and in the 'some limited risk' category of the policy.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 24.34% invested in BBB+. Investment in Government Guaranteed Deposits is \$1.75m and represents 1.55% of the portfolio.

There are \$49m (43.36%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 2.68%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.18%).

Collateralised Debt Obligation (CDO)

Funded legal action against one agency is continuing.

Summary investment information

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

CATEGORY	(\$)
At Call Deposit	2,998,148
Term Deposits	108,250,000
Term Deposits Government Guaranteed	1,750,000
	112,998,148
<i>Weighted average interest %:</i>	2.68%
<i>Average 90 day BBSW + 0.25%</i>	2.18%

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.

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.55	1.55	100.00
Near risk free	74.11	74.11	100.00
Some limited risk (BBB+)	24.34	24.34	30.00

CCS18/053 INVESTMENTS MADE AS AT 31 OCTOBER 2018

E99.3517

Grand total	100.00	100.00	
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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 2017 is 2.38:1. Council therefore has approximately \$2.38 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.

**CCS18/054 CROWN LANDS MANAGEMENT ACT 2016 - NATIVE TITLE
MANAGER**

E18.1573

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

Attachments: Nil

Outcome: Innovative and Proactive Leadership

Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.3 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

Section 8.8 of the *Crown Land Management (CLM) Act 2016* requires each council in NSW to give notice to the Minister Lands and Forestry, of the name and contact details of any person the council has engaged or employed as a Native Title Manager. This notice must be given as soon as practicable after 30 June of each year.

This report is presented to Council to approve issuing the notice to the Minister of the relevant staff this year and each subsequent year.

RECOMMENDATION

THAT Council approve the giving of notice to the Minister Lands and Forestry advising of the name and contact details of any person the Council has engaged or employed as a Native Title Manager on an annual basis.

BACKGROUND

Section 8.8 of the *Crown Land Management (CLM) Act 2016* requires each council in NSW to give notice to the Minister Lands and Forestry, of the name and contact details of any person the council has engaged or employed as a Native Title Manager. This notice must be given as soon as practicable after 30 June of each year.

The notice is straightforward and includes only the items required under the legislation which are the name and contact details of any person the council has engaged or employed as a Native title Manager.

Staff who obtained the necessary qualifications after attending the one-day training provided by the Crown Solicitor's office are Divisional Manager, Property and Commercial Services, Property Coordinator, and Senior Recreation Planner.

CONSIDERATIONS

Legal

Section 8.8 of the *Crown Land Management (CLM) Act 2016* came into force on 1 July 2018.

**CCS18/054 CROWN LANDS MANAGEMENT ACT 2016 - NATIVE TITLE
MANAGER**

E18.1573

Section 377 (1)(s) of the *Local Government Act 1993* states that the making of an application, or the giving of a notice, to the Governor or Minister is a non-delegable function meaning a resolution of council is required for such purposes.

CONCLUSION

This report is presented to Council seeking approval to give notice to the Minister Lands and Forestry of the name and contract details of any person the Council has engaged or employed as a Native Title Manager, annually.

CCS18/055 LAND ACQUISITION - MORUYA WASTE MANAGEMENT FACILITY E17.1144

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: 1. Confidential - Moruya Waste Management Facility
Outcome: Innovative and Proactive Leadership
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community
Operational Plan Link: 9.2.2.2 Facilitate property sales and development

EXECUTIVE SUMMARY

Council proposes to acquire land that adjoins the Moruya Waste Management Facility (Facility) which will increase the area of the Facility and includes land that is adjacent to a licence area used as Council's road material stockpile.

The land owner has agreed to the land acquisition. The name of the land owner is set out in the confidential attachment.

Land acquisition is proposed of part Lot 41 DP 1246292, part Lot 339 DP 752151 and Lot 6 DP 1121761.

It is considered reasonable and appropriate that part Lot 41 DP 1246292, part Lot 339 DP 752151 and Lot 6 DP 1121761 be acquired as operational land in accordance with Council's *Land Acquisition and Disposal Policy*.

RECOMMENDATION

THAT:

1. All actions necessary be taken for the acquisition of part Lot 41 DP 1246292, part Lot 339 DP 752151 and Lot 6 DP 1121761 in accordance with Council's Land Acquisition and Disposal Policy.
2. All survey and legal costs associated with the land acquisition be borne by Council.
3. Public notice be given of Council's intention to resolve:
THAT part Lot 41 DP 1246292, part Lot 339 DP 752151 and Lot 6 DP 1121761 is acquired as operational land.
4. A period of 28 days is given for members of the public to make submissions.
5. A further report is presented following the advertising period to classify the land.
6. Consent be given to affix the Common Seal of Council to the applicable documentation.

CCS18/055 LAND ACQUISITION - MORUYA WASTE MANAGEMENT FACILITY

E17.1144

BACKGROUND

Council acquired land to legalise the access road to the Moruya Waste Management Facility in 2007. This included land acquisition from the Crown and two other adjoining land owners. The access road is also access to Council's road material stockpile.

The Facility accepts cardboard and paper, plastic, glass, aluminium, steel cans, polystyrene, e-waste, whitegoods and limited amounts of scrap metal for recycling. The Facility also accepts green waste for processing and waste for transportation to the landfill sites.

The proposed land acquisition will ensure Council provides a suitable buffer for the activities carried out and maintains a reasonable amenity for the surrounding neighbours and also offers future extension of the stockpile area.

Lot 41 DP 1246292 was Crown land and the land was successfully claimed by the Cobowra Local Aboriginal Land Council and it is now the owner of that property and the owners of Lot 339 DP 752151 and Lot 6 DP 1121761.

It is considered reasonable that Council acquire the land as operational land.

CONSIDERATIONS

The area proposed to be acquired is shown highlighted in yellow in the sketch below.



CCS18/055 LAND ACQUISITION - MORUYA WASTE MANAGEMENT FACILITY

E17.1144

Legal

In accordance with the *Aboriginal Land Rights Act 1983* the Local Aboriginal Land Council (LALC) is required, and has agreed, to hold a members meeting and resolve to apply to the NSW Aboriginal Land Council (NSWALC) for approval of the land dealings. Once it receives a Dealing Approval Certificate from NSWALC the land acquisition progresses. To complete the matter a Registration Approval Certificate is issued by NSWALC and the required documents can be registered at the NSW Land Registry Services (NSW LRS) to finalise the land dealing. The land owners will ensure they comply with any relevant legislation and procedures in relation to Native Title.

www.legislation.nsw.gov.au/#/view/act/1983/42/part2/div4/sec42e

A plan of subdivision will be prepared and lodged at the NSW LRS for the land acquisition. Consolidation of land will take place following the acquisition. It is appropriate for the land to be classified as operational land.

In accordance with Section 34 of the *Local Government Act 1993*, public notice must be given of Council's intention to classify the land as operational land and allowing not less than 28 days for receipt of written submissions.

www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div1/sec34

Policy

The acquisition of land 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

Environmental

The facility accepts cardboard and paper, plastic, glass, aluminium, steel cans, polystyrene, e-waste, whitegoods and limited amounts of scrap metal for recycling. The Facility also accepts green waste for processing and waste for transportation to the landfill sites.

Asset

The acquisition will ensure Council provides a suitable buffer for the facility to the neighbouring properties.

Financial

Compensation will be assessed by a Registered Valuer in accordance with the *Land Acquisition (Just Terms) Compensation Act 1991*. Valuation figures are set out in the confidential attachment.

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

Funds are available within the 'External Restricted Funds: Other Waste Management' for the acquisition.

CCS18/055 LAND ACQUISITION - MORUYA WASTE MANAGEMENT FACILITY E17.1144

Community and Stakeholder Engagement

The land owner of the property has been consulted and, subject to its internal endorsement processes, has consented in writing to the proposed land acquisition.

CONCLUSION

Council proposes to acquire land that adjoins the Moruya Waste Management Facility which will increase the area of the Facility and includes land that is adjacent to a licence area used as Council's road material stockpile.

The land owner has consented in writing to the land acquisition and will proceed with the land transaction in accordance with the *Aboriginal Land Rights Act 1983*.

CCS18/056 LEASE FOR TELECOMMUNICATIONS FACILITY, SURF BEACH

E14.8410

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: 1. Confidential - Lease for Telecommunications Facility Surf Beach
Outcome: Innovative and Proactive Leadership
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community
Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

Optus Mobile Pty Limited (Optus) is seeking to construct a telecommunications facility and be granted four consecutive leases over part of Council's property in Law Lane, Surf Beach on which the Northern Water Treatment Plant is located.

It is proposed to grant four consecutive five-year leases in line with the practice for other similar telecommunication sites.

RECOMMENDATION

THAT:

1. Four consecutive five-year leases over part Lot 1 DP 1173024 Surf Beach be granted to Optus Mobile Pty Limited for an annual rental in accordance with the proposal set out in the Confidential Attachment to this report and conditions in line with other telecommunications facilities within the Shire.
2. All costs associated with the granting of the lease be borne by the applicant.
3. Consent be given to affix the Common Seal of Council to all necessary documents associated with the lease.
4. Consent be given to the lodgement of a development application to construct the facility.

BACKGROUND

Optus identified a site within Lot 1 DP 1173024, being the site of Council's Northern Water Treatment Plant, to install a telecommunications facility to improve mobile telecommunications in the Surf Beach/Batehaven area.

At its meeting on 11 November 2014 Council resolved to grant a five-year lease to Optus with a further three consecutive five-year leases if community classified Lot 1 DP 1173024 was reclassified to operational during the term of the initial lease.

Lot 1 DP 1173024 was reclassified to operational land in September 2016.

Negotiations continued between Council staff and Optus to reach agreement on rental. Those negotiations have been finalised. The rental agreed upon considered previous market rent

CCS18/056 LEASE FOR TELECOMMUNICATIONS FACILITY, SURF BEACH

E14.8410

determinations and includes the future co-location of Council equipment on the Optus tower at nil cost to Council.

Optus has also requested Council's consent to the lodgement of a development application to construct the facility. Consideration will be given to minimising any impacts on Council's operations when consenting to the development application.

CONSIDERATIONS

The lease area is shown in the sketch below.



Legal

Lot 1 DP 1173024 is operational land and therefore there is no legal impediment to granting a lease for this facility.

Asset

Mobile telecommunications are an essential asset in this area.

Social Impact

The provision of mobile telephone coverage for the Surf 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 telecommunications companies varies throughout the Shire. Subject to Council concurrence, a rental has been negotiated with Optus which is set out in the Confidential Attachment, with Council equipment to be co-located on the Optus tower at nil additional cost to Council.

CCS18/056 LEASE FOR TELECOMMUNICATIONS FACILITY, SURF BEACH

E14.8410

Community and Stakeholder Engagement

Council's Engagement Planning Tool and relevant legislation have been used to guide the best approach to engagement on this matter. Public consultation was undertaken as part of the reclassification of Lot 1 DP 1173024 from community to operational land. There is no legal requirement to advise the community through public notice, or to or seek feedback through public exhibition for land dealings within operational land so the engagement method will be to 'inform'.

CONCLUSION

Optus Mobile Pty Limited has other leases within the Shire and a new facility at Surf Beach will be of great benefit to local businesses and the general community. The rental for the lease is considered to be at market rates.

CCS18/057 LEASES AT MORUYA AIRPORT - SKYDIVE OZ

E89.2941

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

Attachments: 1. Confidential - Event related licence fee

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

A request has been received from Skydive Oz under its company name Jump Aviation Pty Limited (Skydive Oz), and the Moruya Aero Club, for a proposal to change leases at Moruya Airport and for Council to consent to the lodgment of a Development Application for Skydive Oz.

Skydive Oz will be submitting a Development Application which will seek the subdivision of part of the existing Moruya Aero Club lot and the approval of an event related campsite to the rear of the Skydive Oz lease area.

RECOMMENDATION

THAT:

1. Consent be given to the lodgment of a Development Application for the subdivision of Lot 137 DP 813595 for lease purposes, for works including event related camping within Lot 11 DP 1229406 and building works within Lot 137 DP 813595 as shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz*.
2. Consent be given to:
 - (a) Surrender of the current lease to Moruya Aero Club over Lot 137 DP 813595.
 - (b) A lease to Moruya Aero Club over that part of Lot 137 DP 813595 shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz*, with rent, terms and conditions in line with its existing lease.
 - (c) A lease to Jump Aviation Pty Limited over that part of Lot 137 DP 813595 shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz*, with rent, term and conditions in line with its existing lease over Lot 1 DP 1090948.
 - (d) Creation of an easement over that part of Lot 137 DP 813595 shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz* in favour of Lot 1 DP 1090948 with compensation determined in accordance with Council's procedures.
3. A fee of \$1,269 be payable by Jump Aviation Pty Limited in line with Council's adopted fee for a lease assignment.

CCS18/057 LEASES AT MORUYA AIRPORT - SKYDIVE OZ

E89.2941

4. All costs including Council's reasonable legal and valuation costs associated with the lease amendments, the subdivision and creation of the easement be borne by Jump Aviation Pty Limited.
5. Consent be given to affix the Common Seal of Council to all documents associated with the subdivision of Lot 137 DP 813595, creation of an easement within part Lot 137 DP 813595 and the leases over part Lot 137 DP 813595 as shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz*.
6. Subject to development consent a three year licence be granted to Jump Aviation Pty Limited for event related camping within that part of Lot 11 DP 1229406 shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz* with a fee as detailed in the confidential attachment to the report.
7. A licence be granted to Jump Aviation Pty Limited for a viewing deck within that part of Lot 11 DP 1229406 shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz* with a term in line with its lease over Lot 1 DP 1090948 and an annual rental based on the per square metre rate of that lease.

BACKGROUND

Skydive Oz is a highly successful local business and wishes to expand its operations. It has already secured a number of major skydiving events for Moruya including the National Skydiving Championships in 2019.

Skydive Oz wishes to lodge a Development Application to:

- Subdivide part of the Moruya Aero Club lease area from the main Aero Club block so a lease can be approved over the subdivided area between Council and Skydive Oz.
- Construct a building on this newly leased area.
- Seek approval for event related camping on open ground behind its existing lease area.
- Construct a viewing deck on the airside of its existing lease area.

Moruya Aero Club has agreed in writing with these changes.

A sewer pump station is to be installed within Lot 137 DP 813595 benefitting Lot 1 DP 1090948 to remove the current septic system for that property and an easement is to be created.

CONSIDERATIONS

Event related camping area

Skydive Oz is attracting an increasing number of skydiving events to Moruya and the business owner has requested the event related camping to help secure more events.

The approval of the campground is subject to development approval and Council as landowner must consent to the lodgment of a Development Application and a licence over the area.

CCS18/057 LEASES AT MORUYA AIRPORT - SKYDIVE OZ

E89.2941

The business owner states that in order to secure new events for Eurobodalla he needs to provide a campsite with full amenities which are not available at the nearby North Head campground.

North Head campground has no hot water, an outdoor shower and limited flush toilets.

Details of the camping proposal to be assessed through the development application process are:

- An area of 1800m² of vacant land owned by Council behind the existing and proposed new Skydive Oz lease area.
- The camping facilities will be restricted to tents and campervan type vehicles.
- Each site will be 50m² in area (10m x 5m) and will accommodate a tent and vehicle or a campervan type vehicle so parking will be accommodated within each site.
- Toilet and shower facilities for the campers will be provided by the existing facilities currently available adjacent to the Skydive Oz existing hangar and provide 8 water closets, 8 washbasins and 4 showers. The adequacy of these facilities will govern the size of the campground that can be approved by the development consent.
- The maximum number of sites being requested to be utilised at any one time will be 22 sites.
- There will be an estimated 3 x 3-day events with camping numbers of 20 persons and up to 3 x 7-day major events per year with camping numbers up to 50 persons.

The proposed new lease area, the licence areas for camping and the viewing deck and the location of the proposed easement are shown on the plan below.



CCS18/057 LEASES AT MORUYA AIRPORT - SKYDIVE OZ

E89.2941

Legal

Lot 137 DP 813595 currently leased to Moruya Aero Club is operational land and is being subdivided for further lease purposes.

The proposed three year licence for event related camping behind the Skydive Oz lease area and proposed licence for a viewing deck on the airside of the Skydive Oz lease area are both within Lot 11 DP 1229406 being operational land.

Subject to development consent, there is no legal impediment to subdividing the land and leasing revised areas, licensing an area for event related camping and issuing a licence for a viewing deck.

The camping area will be considered via the development application process and be subject to the provisions of Section 2.8 of the Eurobodalla Local Environmental Plan 2012 including that the maximum use shall be no greater than 52 days in any period of 12 month period

Policy

The Moruya Airport Master Plan was endorsed by Council in May 2015.

Skydive Oz is a highly successful local business and already plays a key role in supporting the Eurobodalla Destination Management Plan and is a lessee in an existing hangar.

The easement for a sewage pump station will be created 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

Economic Development Employment Potential

Skydive Oz is a successful business and operates from various locations throughout New South Wales. Skydive Oz is a valuable asset to the Moruya Airport and is an attractive element of the local tourism economy.

Financial

The current Moruya Aero Club rent will be reduced on a pro rata basis with the decreased area.

The Skydive Oz rent for the subdivided area will be on a pro rata basis consistent with its current rent for the adjoining hangar.

A fee of \$1,269 will be payable by Skydive Oz in line with Council's adopted fee for a lease assignment.

Event related camping behind the Skydive Oz lease area will be for an annual fee as set out in the confidential attachment, based on the adopted fee for event related camping.

Community and Stakeholder Engagement

In 2015, Council conducted an expression of interest process for people interested in securing leases at Moruya Airport.

CCS18/057 LEASES AT MORUYA AIRPORT - SKYDIVE OZ

E89.2941

Moruya Airport is operational land and there are no legal requirements for consultation in relation to this matter. The Moruya Airport Master Plan was also placed on public exhibition prior to its endorsement.

CONCLUSION

The support for development of aviation businesses at the Moruya Airport is important for both airport operations and the Shire's economy. Consenting to the proposed changes to the Skydive Oz and Moruya Aero Club leases and granting a licence for event related camping and a licence for a viewing deck is considered appropriate and reasonable.

CCS18/058 LICENCE FOR OUTDOOR EATING AREA - PERRY LANE, BATEMANS BAY 80.2452.D

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

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The three-year licence held by the proprietor of a business at Shop 10, 4 Perry Lane, Batemans Bay to operate an outdoor eating area on the walkway within Lot 1 DP 1152433 adjacent to the business expired on 30 November 2017. The Licensee has expressed an interest in renewing the licence with an increased area.

The proposal does not comply with the provisions of Council's Footpath Trading Code which in most cases requires any footpath trading to be carried out adjacent to the kerb as opposed to adjacent to the business boundary.

As the walkway is classified as community land, public notification was given and a submission has been received from an adjoining shop owner concerning pedestrian access.

However, it is considered reasonable and appropriate that a variation to the Code be allowed and a further three-year licence with a two-year option for the licence area be granted to the proprietor of a business at Shop 10, 4 Perry Lane, Batemans Bay.

RECOMMENDATION

THAT:

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone for an outdoor eating area to be adjacent to the boundary of Shop 10, 4 Perry Lane, Batemans Bay.
2. A licence be granted to the proprietor of a business at Shop 10, 4 Perry Lane, Batemans Bay for an outdoor eating area to be located adjacent to the shop boundary with terms and conditions including:
 - (a) A three-year term with a two-year option.
 - (b) Payment of licence and rental fees in accordance with Council's fees and charges.
 - (c) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.

CCS18/058 LICENCE FOR OUTDOOR EATING AREA - PERRY LANE, BATEMANS BAY 80.2452.D

- (d) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.
- (e) Any items including roller blinds to be fully enclosed within the licence area.

BACKGROUND

At its meeting on 14 October 2014 Council resolved to grant a three-year licence over Council land being part Lot 1 DP 1152433 to the business proprietor to operate an outdoor eating area adjacent the premises boundary of Shop 10, 4 Perry Lane, Batemans Bay.

The three-year licence expired on 30 November 2017 and the Licensee has requested another licence be granted with an increased licence area. The previous licence area is currently 2.47sqm and the Licensee is now requesting a total of 17.43sqm.

In accordance with Section 4 Clause 2 of the current licence the Licensee can continue to occupy the site on a holding over basis for up to twelve months until a new licence is finalised.

Alternative options are being investigated to improve and encourage outdoor dining in the area, including filling in the flower beds adjacent to the walkway in Perry Street and widening the footpath to have outdoor dining in new covered areas on the carpark side to maintain a clear footway along the building edge.

Council has allocated funding to develop a town centre strategy for Batemans Bay and future plans for this area specifically and outdoor dining generally could be considered in this context.

Council has spoken to the Licensee and suggested moving forward with a licence while the alternatives as outlined above are investigated.

Adjoining business

At its meeting on 26 June 2018 Council resolved to grant a licence to the proprietor of the adjoining Shop 12, 4 Perry Lane, Batemans Bay for an outdoor eating area adjacent to the premises boundary. Allowing the licence area to be against the premises boundary of Shop 10, 4 Perry Lane will make an unhindered pedestrian walkway along the whole walkway.

CONSIDERATIONS

The Licensee has been the subject of a number of complaints and visits from Council staff have sought to address the matters raised with regard to the outdoor eating area and pedestrian access.

The area proposed is less than the applicant originally asked for but it is the largest area possible without further exemptions from the Code. The Licensee is aware that he is currently using an area larger than will be permitted under the new licence.

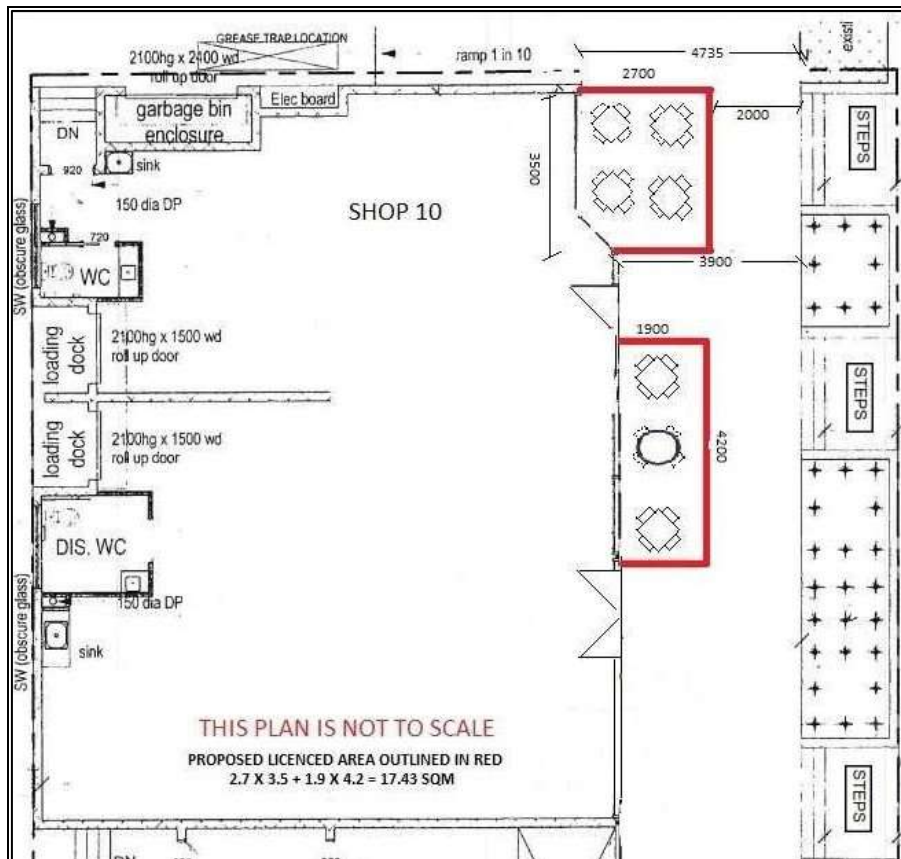
The Licensee has also installed roller blinds from the awning above the walkway which attach to the pavement outside the current licence area. It will be a condition of the licence agreement that the roller blinds, and any other items, must be fully contained within the new licence area.

The proposed outdoor eating area should alleviate future issues and having a licence in place will provide clear guidance for Council's rangers.

CCS18/058 LICENCE FOR OUTDOOR EATING AREA - PERRY LANE, BATEMANS BAY

80.2452.D

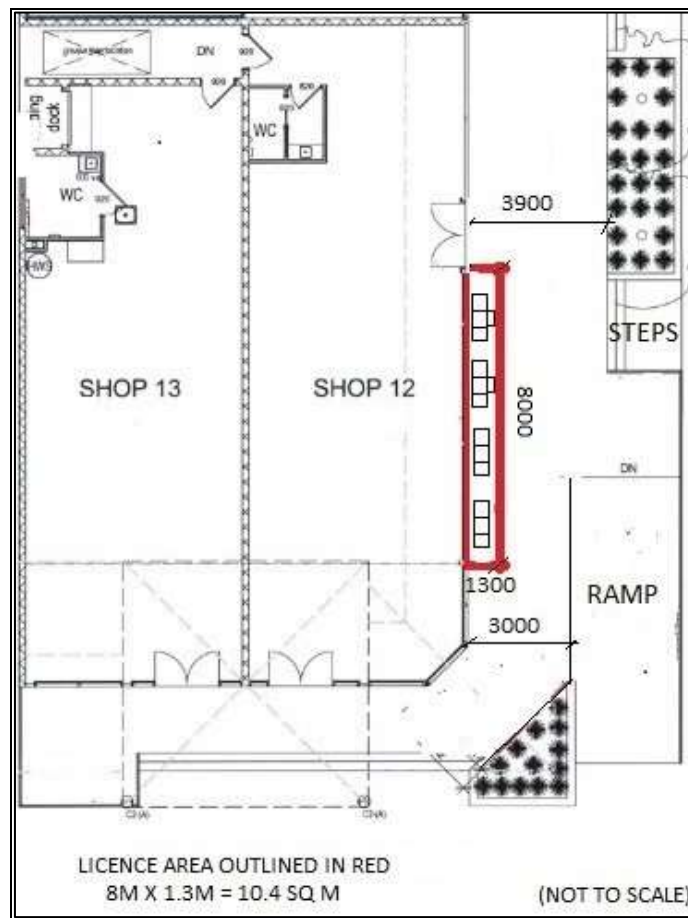
The sketches below show the location of the proposed licence area for Shop 10 and the approved licence area adjacent to Shop 12, indicating a clear walking thoroughfare along the whole walkway.



Proposed Licence area adjacent to Shop 10

CCS18/058 LICENCE FOR OUTDOOR EATING AREA - PERRY LANE, BATEMANS BAY

80.2452.D



Approved licence area adjacent to Shop 12

Legal

Lot 1 DP 1152433 Batemans Bay is Council owned community land. Council can grant a licence for a period of up to five years after giving public notice and considering any submissions in accordance with Section 47A of the *Local Government Act 1993*.

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

It will be a condition of the licence agreement that if either party requires this agreement to terminate during its term, such party shall serve written notice of termination providing for this agreement to terminate not less than one month after the date of service of such notice.

Policy

Council adopted its Footpath Trading Code in August 2010 which in most cases requires any footpath trading, either outdoor eating or display of goods to be carried out adjacent to the kerb as opposed to adjacent to the business boundary.

www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Footpath-Trading-Code.pdf

There is no legislative requirement preventing an exemption to the Code.

CCS18/058 LICENCE FOR OUTDOOR EATING AREA - PERRY LANE, BATEMANS BAY 80.2452.D

Asset

It will be a condition of the licence that the Licensee keeps the licensed area in a clean, tidy and hygienic condition.

Social Impact

The development of outdoor eating areas adds to the cultural streetscape and should be encouraged but not at the cost of pedestrian safety.

Economic Development Employment Potential

Additional trading space for restaurants and cafes allows development of those businesses, enhancing their financial viability.

Financial

A licence fee in accordance with Council's adopted fees and charges for commercial use of public land within the Shire will apply.

Community and Stakeholder Engagement

The community have had the opportunity to make submissions following the 28-day public notification in accordance with Section 47A of the *Local Government Act 1993*.

Public notification was given from 29 August to 25 September 2018 and one submission was received.

The submission received from an adjoining shop owner, sets out concerns that the proposed outdoor eating area at Shop 10 will prevent pedestrians from using the under awning walkway and blocks the passage of pedestrian movement past their retail shopfront and partly obscures shopfront viability. The submission also comments on the possible future intent of the applicant as they are currently using not only the under awning walkway but also using the area next to the gardens and preventing clear passage to pedestrians through the area.

Limiting the proposed outdoor eating to only being adjacent to the building and requiring a 2 metre walkway along the garden, may alleviate these concerns, as may the fact that the proposed licence area is smaller than that currently being used.

As well as the submission received during the formal period, Council should consider prior complaints received about this Licensee from members of the public who have been unable to pass freely past the licence area.

CONCLUSION

The proposed location of the outdoor eating area adjacent to Shop 10, 4 Perry Lane, Batemans Bay does not comply with Council's Footpath Trading Code. However, an exemption to the Code in terms of permitting the trade area adjacent to the business boundary will allow for continued safe and unhindered access for pedestrians accessing the shops. It is considered reasonable to grant a three-year licence with a two-year option, noting that a condition of the licence will be that it can be cancelled by Council if new proposals for outdoor dining are developed.

CCS18/059 EDUCATION AND SCHOOL GRANTS 2018

E17.1386

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: 1. Confidential - 2018 Education and School Grants Summary
Outcome: Innovative and Proactive Leadership
Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision
Delivery Program Link: 9.1.2 Implement effective governance
Operational Plan Link: 9.1.2.2 Facilitate community grants and donations

EXECUTIVE SUMMARY

The Education and School Grant is a funding stream within the Annual Grants category and provides funding to local schools and education establishments for annual award presentations for academic and other achievement or annual scholarships offered by other educational institutions.

The grant was opened to the public on Friday 24 August 2018 and closed on Friday 5 October 2018. Due to a low number of applications the grant was reopened on Wednesday 24 October 2018 until Monday 5 November 2018. 15 applications were received.

The amount of fund requested falls within the budget allocation.

RECOMMENDATION

THAT Council approve the allocation of funds to the Education and School Grant recipients as noted in the confidential attachment.

BACKGROUND

The Education and Schools Grant stream is part of Council's Annual Grants category within its Community Grants policy. This grant is for local schools and education establishments for annual awards presentations for academic and other achievements or annual scholarships offered by other educational institutions.

The grant is structured as follows:

- 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 presentation awards or annual scholarships.
- Grantees are required to recognize Council's contribution and invite the Mayor or a Councillor to the presentation award or scholarship award ceremony.

CCS18/059 EDUCATION AND SCHOOL GRANTS 2018

E17.1386

Council received 15 applications as listed below:

	Organisation	Application Type
1	Central Tilba Public School	Primary
2	Narooma Public School	Primary
3	Batemans Bay High School	Secondary
4	Narooma High School	Secondary
5	St Bernard's Primary School	Primary
6	UOW Batemans Bay	Discretionary
7	Wires MSC	Discretionary
8	Batemans Bay Youth Foundation Inc	Discretionary
9	St Cecelia Music Scholarship	Discretionary
10	Moruya High School P&C	Secondary
11	Carroll College	Secondary
12	Carroll College	Discretionary
13	Broulee Public School	Primary
14	Mogo Public School	Primary
15	Batemans Bay Public School	Primary

All applications received for 2017-18 were assessed within the total budget of \$8280.

It is important to note that five schools did not complete applications and will not receive funding from Council under this grant program. These schools were notified twice, via individual emails, highlighting the need to apply for grants to receive funding.

CONSIDERATIONS

There were 15 applications received from 14 institutions. A confidential summary sheet is attached for Councillor's information.

Policy

The Education and Schools Grant stream is part of Council's Annual Grants category within its Community Grants policy.

CCS18/059 EDUCATION AND SCHOOL GRANTS 2018

E17.1386

Financial

In 2018-19 Council has a budget of \$8,280 for Education and School Grants.

Community and Stakeholder Engagement

We have informed the community through providing information on Council's website, advertising on Council's noticeboard page in two local newspapers and distributing a media release. All schools and previous grant recipients were also notified in writing of the grant application process.

CONCLUSION

The Education and Schools Grants provide the opportunity to support local schools and education establishments for academic or other achievement.

**CAR18/039 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE
MASTERPLAN**

E03.7729

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

Attachments: 1. Under Separate Cover - Draft Captain Oldrey District Sports Park Landscape Masterplan 2018
2. Summary of public submissions to the Captain Oldrey District Sports Park Masterplan

Outcome: Strong Communities, Desirable Lifestyle

Focus Area: 1.3 Encourage and enable healthy lifestyle choices

Delivery Program Link: 1.3.2 Plan for and provide a safe and accessible network of recreation and community facilities

Operational Plan Link: 1.3.2.2 Commence implementation of the Recreation and Open Space Strategy 2018

EXECUTIVE SUMMARY

The final Captain Oldrey District Sports Park Landscape Masterplan 2018 (the Masterplan) is presented for adoption by Council.

The draft Masterplan was placed on public exhibition from 12 September to 10 October 2018. The Masterplan provides a framework for the development of Captain Oldrey Park in line with Recreation and Open Space Strategy (ROSS) 2018 Action C2, to ensure that usage capacity is increased and native vegetation elements are retained and managed where practical.

Implementation of the Masterplan will deliver the vision for Captain Oldrey Park *'to provide a quality outdoor multi-sport and community venue that is recognised for its regular sporting events and community recreation opportunities'*.

The Masterplan provides a basis to guide the future development and operations of Captain Oldrey Park. It also provides an evidence base to inform the allocation of Council resources as well as external funding applications for site development.

Similar to the development of the ROSS 2018 and the two previous landscape masterplans presented to Council, the initial Masterplan research and preliminary engagement was undertaken in 2016-17 by consultants, ROSS Planning Pty Ltd. Further engagement with key user groups and internal stakeholders was undertaken by Council staff in 2017-18 to expand on the consultant's initial findings.

Nineteen (19) public submissions were received during the public exhibition period and one (1) submission a week later. Council staff also convened a meeting with stakeholders from each of the identified user and community groups during the public exhibition period to discuss the draft plan.

As a result of the public exhibition period, it is proposed that six actions be amended, minor changes be made to representations on the landscape design, and a number of text changes be made to more accurately capture issues.

**CAR18/039 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE
MASTERPLAN**

E03.7729

The Masterplan contains 23 prioritised actions with a total indicative cost to implement of \$3.4 million. The prioritised actions will be funded over time through a combination of annual capital bids, ROSS funded allocations and external grants. A total of \$353,700 in grant funding is available for expenditure in the 2018-19 financial year towards Masterplan actions.

RECOMMENDATION

THAT

1. Council adopt the Captain Oldrey District Sports Park Landscape Masterplan 2018 and endorse the Action Plan contained in the Masterplan.
2. Each person who made a submission during the exhibition period be advised that the Masterplan has been adopted, specifying the amendments that were made, and thanked for their contribution.

BACKGROUND

The development of the draft Masterplan commenced in 2016 in conjunction with the development of Council's ROSS 2018, which was adopted on 27 February 2018. Adoption of the draft Masterplan will complete the ROSS 2018 high priority Action C2 - *Finalise the Masterplan for Captain Oldrey Park*.

Captain Oldrey Park is the regional sporting facility for netball and hosts six netball courts, two rectangular playing fields, a mini field, synthetic cricket pitch and practice nets, a playground and sporting amenities building/community hall.

The Masterplan provides a basis to guide the future development and operations of Captain Oldrey Park. It also provides an evidence base to inform the allocation of Council resources, as well as external funding applications for development of the site.

Implementing the Masterplan will deliver the vision for Captain Oldrey Park 'to provide a quality outdoor multi-sport and community venue that is recognised for its regular sporting events and community recreation opportunities'.

The Masterplan includes a literature review and assessment of current trends, a description of the current site, engagement outcomes, the proposed landscape design, design considerations and an Action Plan with indicative costs.

The benefits of an adopted Masterplan include:

- A clear vision and plan based on evidence and community feedback
- Attract more regional netball and larger scale sporting events to Eurobodalla Shire
- Upgraded facilities to better accommodate regular local sports clubs and regional netball events
- Improved levels and frequency of sporting events through improved playing surfaces and field/court lighting
- Increased recreation opportunities for all ages and abilities

**CAR18/039 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE
MASTERPLAN**

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- Better positions the venue to attract grant funding for future development
- Increased safety by separating vehicular and pedestrian/sporting activity

Improved car parking and increased public amenities.

CONSIDERATIONS

The Masterplan is an aspirational document, balancing Captain Oldrey Park's current and future use, while acknowledging the community interest in maintaining native vegetation where possible.

Captain Oldrey Park is a central and popular sporting venue on Council-owned community land designated for Public Recreation. There is focused community sentiment to preserve a large component of native bush that comprises a little over 40% of the land parcel.

Future development of adjacent residential land will likely lead to new road frontage, increased access to the site and increased passive surveillance of Captain Oldrey Park and its facilities.

Consultation identified:

- The current sporting amenities building is insufficient for current needs and limits increased usage of the site
- Netball courts are at capacity and there is strong current demand for additional courts
- Lighting and playing surface upgrades would better meet current needs and increased future facility usage
- Insufficient demand for construction of a third playing field at this time, but that demand should be assessed every five years, and if evidenced, both on- and off-site locations should be considered for establishment of any additional fields
- Parking is filled past capacity on most game days
- Fencing is required to prevent balls entering the road and parking areas
- Substantial use of the facility by the neighbouring public school

Opportunities exist to use the native bushland for environmental education and recreation for all ages and abilities.

Legal

Captain Oldrey Park is 7.37 hectares of Council owned community land (Lot 58 DP 245167).

On 1 July 2018, the *Crown Lands Management Act 2016* (the Act) was enacted. Council will need to prepare Plans of Management for all Crown Land situated within this Shire and managed by Council within three years. Although not on Crown Land, Captain Oldrey Park is included in a generic Plan of Management for Sportsgrounds and the draft Masterplan has been developed to be able to be incorporated into the updated plan of management as required by the Act.

**CAR18/039 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE
MASTERPLAN**

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Environmental

Just over 40% of Captain Oldrey Park is Bangalay Sand Forest. Most of the vegetation on the site is Biodiversity Certified and subject to a Biodiversity Certification Agreement. This means that no further biodiversity assessment under State legislation is required for any impacts to native vegetation or animals should some or all of the vegetation be removed. Impacts within the Biodiversity Certified area have already been offset by conservation measures including the creation of a biobank site.

Under the Biodiversity Certification Agreement, Council is required to pay for biodiversity credits before removing any vegetation. Vegetation clearing procedures to minimise impacts to fauna that may be using the vegetation as habitat must be followed for any vegetation removal whether within the biodiversity certified area or not.

Native vegetation outside of the Biocertification area may require biodiversity assessment of the proposed impacts before any clearing of native vegetation can take place.

Asset

The Masterplan includes upgrades to/replacement of the sporting amenities building and substantial investment in eight, lit synthetic netball courts, including two all-weather under cover netball/basketball courts.

The implementation of the Masterplan actions will make site assets more functional and compliant with requirements and standards, with an expectation that the new and renewed assets will increase usage, patronage and potentially increase revenues for future operations and maintenance of the site.

Social Impact

Implementation of the Masterplan will positively impact on community wellbeing, health and safety by providing a quality sport and recreation venue that can support both physical activity, community participation and social interaction for all ages and abilities.

Situated centrally between Batemans Bay and Moruya and already the regional facility for netball, the upgrade of Captain Oldrey Park netball facilities will support increased participation and provide a significant central location to attract events and carnivals from across the Shire and beyond. Improved lighting and field playing surfaces will also better support current and increasing use of Captain Oldrey Park for football (soccer) and rugby union.

To increase the recreation capacity of Captain Oldrey Park for all ages and abilities while maintaining native vegetation, the Masterplan proposes an accessible walking trail be established within the native bush. As relatively level ground, and located between a retirement village and a school, this location provides an ideal environment for an accessible nature trail. It is anticipated that this will increase the use of this land by the wider community and active appreciation of the natural surrounds, as well as meeting Delivery Program (1.3.2) and Disability Inclusion Action Plan (1.3.2.3.4) actions.

Financial

Indicative costings to implement the Masterplan is \$3.4 million.

**CAR18/039 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE
MASTERPLAN**

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Council has been successful in securing grant funding of \$353,700 from the NSW Government's Stronger Country Communities Fund to contribute to the improvements to the sporting amenities building.

A Community Sport Infrastructure grant application for \$475,000 was submitted in September 2018 towards replacement of the existing six bitumen netball courts with eight acrylic courts.

Further grants and funding opportunities will be pursued to implement the Masterplan if approved by Council.

Community and Stakeholder Engagement

Extensive community and stakeholder engagement has contributed to the development of the Masterplan. The consultation process has guided a realistic and achievable landscape design and Action Plan detailing nine (9) high, seven (7) medium and seven (7) low priority actions. The Masterplan was prepared by Council staff with input by ROSS Planning Pty Ltd, originally contracted to perform the preliminary consultation and prepare the draft document. Council staff have subsequently undertaken additional external and internal engagement, and further developed the document and landscape design.

Consultation was undertaken with identified user groups, including:

- Eurobodalla Netball Association
- Broulee Stingrays Football Club
- Broulee Dolphins Rugby Club
- Broulee Bunyips Playgroup
- Broulee Public School
- St Peter's Anglican College
- Carroll College
- Broulee Mossy Point Community Association
- the broader community through ROSS 2018 surveys and public exhibition.

Internal consultation was also carried out and feedback incorporated into the Masterplan.

Public Exhibition

Nineteen (19) submissions were received during the public exhibition period of 12 September to 10 October 2018 and one submission a week later. Council staff also convened a meeting with stakeholders from each of the identified user and community groups to present the draft Masterplan. This enabled open discussion of proposed site developments and provided the opportunity for all stakeholders to agree a way forward. Minor amendments to the Masterplan were proposed, as outlined in this report, and wide support was received from the stakeholders at the conclusion of the meeting.

The majority of the public submissions supported or were in general agreement with the proposed upgrades to Captain Oldrey Park. In particular, strong support was received from the Netball community, at local, regional and state levels. A number of the submissions commended Council for listening to the community and adapting the Masterplan to maximise retention of vegetation on site.

**CAR18/039 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE
MASTERPLAN**

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The consistent themes of other submissions were in relation to the design and impacts of the preliminary concept road on the residential land on the boundary of Captain Oldrey Park, and for Council to continue to retain the native vegetation on the site and to consider alternative locations for any future recreation development. A number of minor practical amendments to the Masterplan and actions were also submitted.

Final Masterplan

Proposed changes as a result of specific suggestions made in the submissions and at the stakeholder meeting, are as follows (changes in italics):

➤ Amend Action H2 and increase indicative cost from \$500,000 to *\$550,000*:

Perform a cost benefit analysis to determine whether to upgrade or replace the sporting amenities building and construct the new facility. The final design should be in accordance with ROSS 2018 action E7, and include:

- new toilet facilities
- *four* changerooms
- *an official's room*
- *storage spaces*
- practical floor surfaces
- PA system
- skylight/s and security screens
- courtside and fieldside bubblers
- extended awnings on the east, north and west sides of the building

➤ Amend Action H5 and increase indicative cost from \$82,000 to *\$160,000*:
Upgrade lighting ***across Fields 1 and 2*** to provide uniform illumination to training standard (50 lux) ***and install glare shields to minimise impact on adjoining properties.***

➤ Amend Action H6:
Construct a black-plastic coated chain-mesh fence along the southern perimeters of Fields 1 and 2 ***to minimise balls entering the car park.*** Incorporate intermittent offset access points.

➤ Amend Action M4:
Determine location in consultation with sporting clubs and install spectator seating around the netball courts and on the western side of Field 1.

➤ Amend Action M7:
Install ***bench seats*** in natural clearings alongside the nature trail ***and picnic tables where the trail adjoins the netball courts.***

➤ Amend Action L6:
Subject to demonstrated demand for nighttime competition, upgrade lighting ***across both fields*** to competition standard (100 lux).

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- Amend the landscape design:
 - *Indicate the preliminary concept road on and linking the development land in dotted lines only.*
 - *Add two additional accessible parking spaces.*
 - *Illustrate the soccer mini-field to the south of Field 1 and adjust related text in document.*

- Document text changes:

Minor text changes are proposed to be made in the design considerations to improve clarity and reflect the submissions received and amended actions.

The Masterplan includes a background review and assessment of current trends, a description of the current site, planning considerations, community engagement outcomes, the proposed masterplan landscape design, design considerations and a staged Action Plan with indicative costs.

- The design considerations list current needs and future demands for the entire sporting precinct, relevant site opportunities and constraints, and present the solutions proposed by the Masterplan.
- Key actions in the Masterplan include:
- Replacing the six bitumen netballs courts with eight, lit synthetic courts, with two under cover and lit to competition standard (also incorporating basketball court markings and backboards)
- Sporting amenities building upgrade or replacement, including additional changerooms (for a total of four), new toilet facilities and extended awnings for shaded spectator viewing
- Staged car parking upgrades, formalising and almost doubling the parking available (to a total of 258 spaces) for a site that is consistently exceeding capacity on Saturday game days, also improving safety for school drop off and pick up
- Playing field surface refurbishment and upgrades
- Playing field lighting upgrades
- Fencing between courts/playing fields and the road
- Spectator seating alongside courts and playing fields
- Accessible walking trail with picnic settings
- Improved directional and entry signage.

CONCLUSION

The draft Captain Oldrey District Sports Park Landscape Masterplan 2018 has been prepared incorporating input from all regular user groups, the community and Council staff.

A number of amendments are proposed as a result of feedback received during the public exhibition period. The Masterplan is now recommended for adoption by Council.

ORDINARY COUNCIL OF EUROBODALLA SHIRE COUNCIL ON TUESDAY 27 NOVEMBER 2018
 CAR18/039 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE MASTERPLAN
 ATTACHMENT 2 SUMMARY OF PUBLIC SUBMISSIONS TO THE CAPTAIN OLDREY DISTRICT
 SPORTS PARK MASTERPLAN

Summary of Public Submissions
 Captain Oldrey District Sports Park Landscape Masterplan

Council Meeting - 27 November 201

#	Key Issue	Submission detail	Recreation Services proposed response
1	Fully supports plan as improving facilities for sport in the area is urgently required.	New entry and road system will be safer. Field surface upgrade urgently required. Council should develop the third oval asap. Upgraded facilities will enable the school to run inter-school competitions and bring other schools to the area. The plan is fully supported.	No changes proposed.
2	Resident at entry of COP, would like as many trees as possible retained.	A resident living on the border of Captain Oldrey Park who would prefer if as many trees as possible could be retained and not too much change so grandchildren can enjoy it. Would like to be advised of how the developments will affect them.	Letter sent to Mrs Paris regarding the proposed road upgrades in relation to the development lands advising her that as a directly impacted adjoining property she will be consulted as part of the design process.
3	Facility upgrade is fine, but strongly disagree with any additional clearing of vegetation.	Does not believe there needs to be more netball playing facilities. Noting the significant development surrounding the park it will be the only piece of bush in Broulee and should be protected. Does not need picnic tables or anything else.	Evidence from the netball community, including state body, strongly supports the expansion of the netball facilities at this site. The vast majority of the vegetation on site is to be maintained, and the establishment of a nature trail seeks to encourage recreation opportunities and wide community enjoyment and appreciation of this community green space. Change recommendation M7 so that picnic tables are only located at the edge of the bush access, alongside the netball courts and only bench seats provided within the bush.
4	Thank you for listening to the community. Importance of the role of the vegetation in recreation space, want to work together.	Recommendation to consider longer term options external to the site for additional ovals/recreation, expresses willingness for Dunecare to be involved in establishment of nature trail; recommends consultation with neighbouring properties affected by development (particularly new entrance) to retain some vegetation/visual amenity.	Amend L7 design considerations on pg 25 to reiterate investigation of off-site options if demand for a third playing field is evidenced. Amend M6 to reference Broulee Mossy Point Dunecare as the local Landcare group to work with to establish the nature trail. Add relevant text to M6 design considerations on pg 27. Advise that owners of properties adjoining future roadworks into the development land will be consulted with as part of the design process.
5	Maintain the vegetation, consider alternative sites such as Moruya for netball.	Maintain the vegetation, consider alternative sites such as Moruya for netball.	Evidence from the netball community, including state body, strongly supports the expansion of the netball facilities at this site. The vast majority of the vegetation on site is to be maintained, and the establishment of a nature trail seeks to encourage recreation opportunities and wide community enjoyment and appreciation of this community green space.
6	Strong support from Netball NSW for masterplan	Netball court improvements positive developments for a thriving association, traffic safety improvements appreciated, facility improvements welcomed and overall recreation area developments looked forward to.	No changes proposed.

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7	Bodalla Netball Club in total support of the plan and appreciate ESC looking after the sporting community.	Twenty years involvement in netball in Eurobodalla and has witnessed considerable growth in the sport. Strong support for the additional netball courts and changerooms, more parking and safer access. Thanks to ESC.	No changes proposed.
8	Netball NSW supports and welcomes the masterplan and looks forward to working with Council to deliver the outcomes.	Comment ESC for its structured approach to addressing sport and rec needs. The masterplan is an extensive assessment that balances developments in a sensitive manner. Willing to work with Council to secure funding.	No changes proposed.
9	Comment Council on listening to community; want to retain as much vegetation as possible.	Comment Council for modifying original plan. Retain as much natural bush as possible. Support walking track but would prefer benches to picnic tables, which attract rubbish. Essential that Council identifies other locations for future playing fields that don't involve clearing of habitat.	Change recommendation M7 so that picnic tables are only located at the edge of the bush access, alongside the netball courts and only bench seats provided within the bush. Amend L7 design considerations on pg 25 to reiterate investigation of off-site options if demand for a third playing field is evidenced.
10	Additions that would benefit football, including better lighting and higher fencing behind goals.	Is it possible to upgrade both field lighting to consistent 100 lux rather than 50 lux? Already used at night and is a good back up field in wet weather as is playable more quickly than Dalmeny. Could the fencing behind the goal be increased to 3-4m rather than low fencing?	Amend H5 and L6 to specify lighting upgrades across both fields. Action L6 supports lighting upgrade to 100 lux subject to demonstrated demand. Amend H6 to allow flexibility in fence height in order to minimise balls entering the car park.
11	The Masterplan is a significant improvement on the draft however other issues need consideration about Captain Oldrey's future design, role and position in the community.	The Masterplan is a significant improvement on the draft due to retention of vegetation. For further consideration: 1. Over the next 4 years Council seek appropriate cleared land for a regional sports park for oval based sports. 2. Work with the developer to see if parking numbers could be better integrated with future road design. 3. Negotiate with the developer for preservation of vegetation on the land to the west of the park that is reserved for drainage and related works. The current indicative plans show some parkland being passed to the developer for road reserve. This could be used for leverage. 4. The name of the park should remain as Captain Oldrey Park recognising its historical purpose for broad community use beyond organised sport.	Amend L7 design considerations on pg 25 to reiterate investigation of off-site options if demand for a third playing field is evidenced. Clarify on Masterplan design that the road on the residential land is an indicative road concept only. Developer issues are outside of the scope of the Masterplan and will need to be discussed with the developer of the adjoining land during road design/as part of DA processes. A Traffic and Transport Study of the impact of full development of the adjoining land will be undertaken prior to any further development of the land to determine the extent of traffic infrastructure upgrades that will be required. The name remains as 'Captain Oldrey Park', and this park is classified as a 'District Sports Park' as per the Recreation and Open Space Strategy 2018. These classifications help to define the level of service and facilities at all Eurobodalla sport and recreation parks.

ORDINARY COUNCIL OF EUROBODALLA SHIRE COUNCIL ON TUESDAY 27 NOVEMBER 2018
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Summary of Public Submissions
 Captain Oldrey District Sports Park Landscape Masterplan

Council Meeting - 27 November 201

12	The Masterplan proposes a balance between recreation and sporting facilities for the community. Further consideration of parking and road access required.	The Masterplan proposes a balance for the community. The tree survey is the highest priority. Car parking encroaches on areas for sporting activity. Previous road design on development land includes increased off-site parking opportunities. This road design must be discussed with the community.	The Masterplan attempts to balance needs for appropriate sporting facilities, safe parking and retention of native vegetation. Clearly on Masterplan design that the road on the residential land is an indicative road concept only. Developer issues are outside of the scope of the Masterplan and will need to be discussed with the developer of the adjoining land during road design/as part of DA processes. A Traffic and Transport Study of the impact of full development of the adjoining land will be required to be undertaken prior to any further development of the land to determine the extent of traffic infrastructure upgrades that will be required.
13	Not making a detailed submission on the plan. Questioning how Council can justify removal of further endangered ecological communities. (EEC)	Concern that Council has received \$100,000 from state government to protect and maintain EEC and is proposing to remove more. Believes removal of EEC for expansion of sporting facilities contradicts the objectives for Captain Oldrey's LEP 2012 REI Public Recreation zoning.	Most of the vegetation on Captain Oldrey Park is Biodiversity Certified and impacts within this area have already been offset by conservation measures, including the creation of a biobank site. The Masterplan attempts to balance needs for appropriate sporting facilities, safe parking and retention of native vegetation and is in accordance with the LEP zoning.
14	Expansion of sporting infrastructure is not the best use of the land.	Masterplan asks the wrong question by looking at sporting facility expansion and ignores the benefit of preserving the valuable natural assets. Appropriate environmental assessment should be undertaken with full transparency. The potential damage of the extra oval should be calculated in regard to environmental degradation. There are many examples of populations seeking passive recreation in forest communities, which are important for health and wellbeing. Masterplan appears to be serving the needs and wants of sports people over the community.	Amend L7 design considerations on pg 25 to reiterate investigation of off-site options if demand for a third playing field is evidenced. The Masterplan attempts to balance needs for appropriate sporting facilities, safe parking and retention of native vegetation. The vast majority of the vegetation on site is to be maintained, and the establishment of a nature trail seeks to encourage recreation opportunities and wide community enjoyment and appreciation of this community green space.

ORDINARY COUNCIL OF EUROBODALLA SHIRE COUNCIL ON TUESDAY 27 NOVEMBER 2018
 CAR18/039 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE MASTERPLAN
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Summary of Public Submissions
 Captain Oldrey District Sports Park Landscape Masterplan

Council Meeting - 27 November 201

15	Agree with the majority of the improvements planned for Captain Oldrey, concerned about future traffic implications of new roads through residential development land.	Agree with the majority of the Masterplan improvements. Concerned that the planned road joining Health Street and Elizabeth Drive will become a major thoroughfare and with residential development and increased sporting facilities, weekend traffic could become chaotic.	Clarify on Masterplan design that the road on the residential land is an indicative road concept only. Developer issues are outside of the scope of the Masterplan and will need to be discussed with the developer of the adjoining land during road design/as part of DA processes. A Traffic and Transport Study of the impact of full development of the adjoining land will be required to be undertaken prior to any further development of the land to determine the extent of traffic infrastructure upgrades that will be required.
16	Masterplan reasonable for the future, support the idea of the nature trail and would like to be involved in its development.	Masterplan appears to be reasonable for the future of sporting amenities in Broulee. A credit that the nature trail has been identified for relaxation, study and learning. See an opportunity for outdoor classrooms and with relevant background qualifications, is interested in being involved in the establishment of the nature trail. Recommend information plaques along the track.	No changes proposed.
17	Agree with the majority of the improvements planned for Captain Oldrey, concerned about risk of antisocial behaviour in the precinct.	Agree with the majority of the improvements planned for Captain Oldrey. Concerned that passive surveillance has not been improved with the new design and that there is a greater risk of vehicle burn outs, graffiti and vandalism and increased opportunities to flee the site.	A Traffic and Transport Study of the impact of full development of the adjoining land will be required to be undertaken prior to any further development of the land to determine the extent of traffic infrastructure upgrades that will be required.
18	Agree with the majority of the improvements planned for Captain Oldrey, would like shielding on light towers to reduce light coming in to property.	Agree with the majority of the improvements planned for Captain Oldrey. Currently impacted by noise from sporting events, traffic and night training, which will increase with development. Request that the upgrade to lighting towers includes shielding to lessen the amount of light that directly shines on to neighbouring properties.	Amend Action H5 to specify the installation of glare shields on light poles to minimise light impact on adjoining properties to the east.
19	The Masterplan is a step in the right direction for the community however road elements indicated on the Masterplan design are not on Council land.	Masterplan is a step in the right direction for future growth in recreation and sporting needs. Concerned that access road marked on the plan is on their land and the scale of the indicated road exceeds what is required to service the residential land development.	Clarify on Masterplan design that the road on the residential land is an indicative road concept only.
20	Would like Council to commit to retaining vegetation and enhancing habitat in Broulee. (late submission)	Addition to ROSS submission requesting no additional sportsfield or netball courts and the preservation of vegetation and habitat at Captain Oldrey for the Broulee community.	The Masterplan attempts to balance needs for appropriate sporting facilities, safe parking and retention of native vegetation. The vast majority of the vegetation on site is to be maintained, and the establishment of a nature trail seeks to encourage recreation opportunities and wide community enjoyment and appreciation of this community green space.

**CAR18/041 CATEGORISATION OF COMMUNITY LAND AT KYLA PARK, TUROSS E98.2463
HEAD**

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

Attachments: Nil

Outcome: Strong Communities, Desirable Lifestyle

Focus Area: 1.3 Encourage and enable healthy lifestyle choices

Delivery Program Link: 1.3.2 Plan for and provide a safe and accessible network of recreation and community facilities

Operational Plan Link: 1.3.2.2 Review the Recreation and Open Space Strategy

EXECUTIVE SUMMARY

The purpose of this report is to describe the rationale underpinning the recommendations to maintain the current land categorization and plans of management for community land at Kyla Park, Tuross Head.

Following Council's endorsement of the Rural Lands Planning Proposal and proposed rezoning of the southern section of Lot 77 DP 260321 from a 'Deferred Zone' Rural 1(c), (zoning under the Rural LEP 1987) to Public Recreation RE1 under ELEP 2012, this report recommends the retention of the current land category as an Area of Cultural Significance.

RECOMMENDATION

THAT Council:

1. Retain the existing categorisation of Lot 77 DP 260321 as an Area of Cultural Significance.
2. Retain the current plans of management for Kyla Park Community Lands unchanged and in doing so, remove the need to engage a consultant as an independent chairperson to hold a public hearing.

BACKGROUND

The Kyla Park Sporting Precinct Masterplan 2011 recommended the re-categorisation of the southern section of Lot 77 DP 260321, including part of Kyla Oval and the present site of the community garden, from an Area of Cultural Significance to General Community Use. The re-categorisation was recommended to achieve the following:

- to align land category boundaries with that of Kyla Park Sporting Precinct
- to facilitate the construction of a new storage shed for the Batemans Bay Sailing Club and Tuross Head Community Garden.
- Council resolved on 28 June 2016 (Motion 16/184) to seek public comment on the proposed recategorisation and subject to the result, amend the relevant plans of management.

CAR18/041 CATEGORISATION OF COMMUNITY LAND AT KYLA PARK, TUROSS HEAD E98.2463

This report provides a summary of undertakings since that date, recommendations with respect to the Motion by Council (16/184) and proposed amendments to the Kyla Park Sporting Precinct Masterplan 2011.

CONSIDERATIONS

Lot 77 DP 260321 Kyla Park Tuross Head is approximately 16.2 hectares and is part of the Kyla Park Grazing Lands gazetted on the State Heritage Register.

The two plans of management that refer in detail to Lot 77 DP 260321 are:

- Kyla Park Community Land – Foreshore Reserves, Parkland and Boat Ramp (2003)
- Kyla Park Community Land – Areas of Cultural Significance (2003).

The generic Sportsground Plan of Management (2006) also refers to Kyla Park Oval: Lot 91 DP 604795, while the Kyla Park Sporting Precinct Masterplan (2011) refers to Lot 91 DP 604795 and the far southern portion of Lot 77 DP 260321. The 2011 Masterplan states the following with respect to the community garden area: Appropriate land to be re-categorised and licence negotiated for use as a community garden.

The Rural Lands Planning Proposal public exhibition process was conducted between 8 May and 22 June 2018. As part of this planning proposal process, Council has endorsed the rezoning of approximately 2.15 hectares of the southern portion of Lot 77 DP 260321, including Tuross Head Community Garden and a small northern portion of Kyla Park Oval, from a 'Deferred Zone' (Rural 1(c) zoning under the Rural LEP 1987) to Public Recreation RE1. While the planning proposal has been endorsed by Council, the plan still needs to be made by NSW Department of Planning and Environment and the changes would not be in place until this occurs.

Given that the southern portion of the subject land is used for recreation purposes (community garden, sporting field and player runoff areas, spectator zone, grassed open space), the most appropriate zone to apply to the land is RE1 Public Recreation. This is consistent with the zoning of the remainder of Kyla Park Sporting Precinct. The Rural Lands Planning Proposal has the central and northern part of the subject land (approximately 14.05 hectares) zoned RU1 Primary Production in the ELEP 2012.

While the result of the RLPP is to zone the southern portion of Lot 77 DP 260321 as RE1, management of the land will remain consistent with the core objectives of Division 2, Section 36H of the NSW Local Government Act 1993 (LG Act): an Area of Cultural Significance as detailed in the Policy section below.

Policy

While the RLPP has zoned approximately 2.15 hectares of the southern portion of Lot 77 DP 260321, including Tuross Head Community Garden and a small northern portion of Kyla Park Sporting Precinct, from a 'Deferred Zone' (Rural 1(c) zoning under the Rural LEP 1987) to Public Recreation (RE1), Council is not proposing to re-categorise the land from an Area of Cultural Significance (Division 2, Section 36H of the NSW Local Government Act 1993) which is described in detail as follows.

CAR18/041 CATEGORISATION OF COMMUNITY LAND AT KYLA PARK, TUROSS HEAD E98.2463

- (1) The core objectives for management of community land categorised as an Area of Cultural Significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.
- (2) Those conservation methods may include any or all of the following methods:
 - (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,
 - (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,
 - (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,
 - (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),
 - (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.
3. A reference in subsection (2) to land includes a reference to any buildings erected on the land.

Legal

The recommendation seeks to retain the existing categorisation of Lot 77 DP 260321 as an Area of Cultural Significance.

Asset

The following image shows the subject land, being the southern portion of Lot 77 DP 260321. The area includes part of Skipjack Reach Road Reserve (private road), the Tuross Head Community Garden (leased), a small portion of the northern grassed playing surface of Kyla Park Oval, player boundary and runoff area, spectator zone and open space.

**CAR18/041 CATEGORISATION OF COMMUNITY LAND AT KYLA PARK, TUROSS
HEAD**

E98.2463



The storage shed for use by Tuross Community Garden Inc. and Batemans Bay Sailing Club Inc., noted in Council report PSR16/022, is not subject to this report as it was constructed on Lot 91 DP 604795. This is further justification for retaining the current land category of Area of Cultural Significance for the subject portion of Lot 77 DP 260321.

Financial

The Tuross Community Garden Incorporated has licence to occupy part of Lot 77 DP 260321 from 1 September 2017 to 31 August 2022 and pays an annual lease fee based on Council's adopted Fees and Charges for Community Gardens.

Community and Stakeholder Engagement

Council sought community feedback when drafting the Kyla Park Sporting Precinct Masterplan in 2010-11 through correspondence with residents in the immediate area, community drop-in sessions, meetings with local user groups and the Kyla Park Hall Sunset Committee. The draft Kyla Park Sporting Precinct Masterplan was exhibited for 28 days where two additional drop-in sessions were conducted. Seven written submissions were received prior to Council adopting the masterplan on 7 June 2011 (PSM11/37).

Council Report PSR16/022, presented on 28 June 2016, received detailed written and Public Forum submissions against the construction of a storage shed, and, among other matters, regarding the re-categorise the southern part of Lot 77 DP 260321 from an Area of Cultural Significance to General Community Use in line with the 2011 masterplan.

CAR18/041 CATEGORISATION OF COMMUNITY LAND AT KYLA PARK, TUROSS E98.2463
HEAD

Council did not receive any submissions surrounding the rezoning of the subject portion of Lot 77 DP 260321 to RE1 – Public Recreation during the Rural Lands Planning Proposal 2018 public exhibition period.

CONCLUSION

With Council's endorsement of the Rural Lands Planning Proposal (Motion 18/224) and rezoning of the southern section of Lot 77 DP 260321 from a 'Deferred Zone' Rural 1(c), (zoning under the Rural LEP 1987) to Public Recreation RE1 under ELEM 2012, this report recommends the retention of the current land category as an Area of Cultural Significance.

CAR18/042 ART ACQUISITION POLICY

E16.0297

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

Attachments: 1. Draft Art Acquisition Policy

Outcome: Celebrated Creativity, Culture and Learning

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

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

Operational Plan Link: 2.1.1.2 Provide opportunities for the community to participate in creative arts

EXECUTIVE SUMMARY

A draft policy has been prepared for the implementation and development of a Eurobodalla Council art acquisition program of artworks intended for indoor display. The collection that is developed will reflect the life and artistic excellence of Eurobodalla and be developed through an acquisitive prize of \$5000 in the Basil Sellers Art Prize, and through the purchase of local works with an annual \$8000 art acquisition budget.

The display of the collection will be prioritised in spaces accessible to the public, including foyers, libraries and Council Chambers. Beyond these spaces, areas within Council buildings will be identified to house parts of the collection when not on public display.

RECOMMENDATION

THAT the draft Art Acquisition policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

BACKGROUND

Council acquired a collection of artworks at the opening of the new administration building in 1980. These are primarily landscapes by Frank Mitchell and have been hanging in various meeting rooms in the building. Further additions to the Council's collection have occurred on a work-by-work basis with no overriding guiding principles or strategy.

The Art Acquisition Policy will bring a framework for selection, preservation and de-selection of art works for Council's public spaces. They also offer the opportunity for Council to facilitate the development and showcasing of local artists, provide an insightful view into Eurobodalla's social, geographic and cultural history and development, and promote and encourage creativity in our community.

CONSIDERATIONS

Art in all its forms can reflect the social and cultural history of a community and preserve its heritage, as well as provide a visual chronicle of the history of the area, and the artists who live here.

CAR18/042 ART ACQUISITION POLICY

E16.0297

Acquiring local art also raises the profile of artists and supports the local creative economy.

The creative arts form a strong part of the cultural fabric of Eurobodalla. Council's leadership in acquiring works will serve to encourage a broader exposure to, and appreciation of the arts by the community.

A Council art collection will enhance the public spaces in Eurobodalla Shire Council buildings and provide a legacy for future generations.

Community and Stakeholder 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 Art Acquisition policy will 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 Acquisition policy will be presented to Council for consideration to adopt.

POLICY

Policy name	Art Acquisition Policy
Responsible manager(s)	Divisional Manager Community Development and Participation
Contact officer(s)	Coordinator Creative Arts Development
Directorate	Community, Arts and Recreation Services
Approval date	

Purpose

The purpose of this Policy is to set out a framework and guideline for Council's acquisition of artwork in any media for display or instalment in any of Council's facilities. It will guide and facilitate the development and maintenance of an art collection of excellence and significance to Eurobodalla Shire.

The purpose of this policy is to:

- Ensure acquired artworks reflect our Shire's unique character, history, values and aspirations.
- Guide and facilitate a coordinated and strategically planned approach to the acquisition and management of an art collection.
- Encourage and ensure the acquisition of high quality, innovative artworks that are meaningful, relevant, diverse in character and aesthetically pleasing.
- Ensure that acquired artworks are appropriately recorded, maintained and where necessary, restored.

The purpose of a Council art collection is to:

- Broaden local knowledge and foster an appreciation, understanding and enjoyment of the visual arts.
- Facilitate the development of a repository of work of artists of renown who have lived and worked in the region.
- Raise the profile and recognition of local arts practitioners and build a visual identity of Eurobodalla through their work.
- Support economic development and a creative economy within the local art community.
- Foster cultural enrichment through the acquisition of artworks of excellence.
- Enhance the spaces of Eurobodalla Shire Council buildings.

Policy statement

1	<p>Application</p> <p>This Policy applies to the acquisition of artworks intended for indoor display. This includes, but is not exclusive to, two and three dimensional, contemporary or historical visual artworks of excellence or objects, artworks or memorabilia relating to the social and cultural history of Eurobodalla. The acquisition or commissioning of art in the public domain is guided by the Public Art Policy.</p>
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Implementation

Requirements	Responsibility
<p>1 Strategy This Policy will be implemented by following Council’s Creative Arts Action Plan, which provides the framework and strategic directions for the ongoing development of arts activity and creative industries.</p>	Coordinator Creative Arts Development
<p>2 Code of Practice This Policy will be implemented by following Council’s Art Acquisition Policy Code of Practice. This is a document that provides the framework and requirements for the process for the development of a Council art collection.</p>	Coordinator Creative Arts Development
<p>3 Funding Council will establish an Art Reserve Fund for acquisitions toward the permanent art collection. The fund will be created to become a primary source to draw upon for the acquisition of artworks.</p>	
<p>4 Staff Under supervision, relevant Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council officers
<p>5 Concerns Concerns received regarding this policy will be recorded on Council’s Customer Service Request (CSR) or records system and handled in accordance with Council’s Customer Service Requests Policy. They will be used to analyse the history of concerns and to help determine follow up actions.</p>	Council officers
<p>6 Complaints Complaints received regarding this Policy will be lodged with the Public Officer and handled in accordance with Council’s Complaints Policy.</p>	Public Officer
<p>7 Consultation Consultation regarding this Policy will occur as relevant and may include legislative bodies, other relevant legislation, industry guidelines and public comment.</p>	As applicable

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 public art.

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

Performance indicator	Data source(s)
Community concerns	Council records
Customer feedback survey responses	Surveys
The effectiveness of the policy will be measured by: <ul style="list-style-type: none"> • Level of awareness of and implementation of the policy by community and staff. • Satisfaction in the project implementation of the process. • Evaluation of individual acquisitions. • Internal review by staff. 	Coordinator Creative Arts Development

Governance

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

Related legislation and policies and plans

Name	Link
<i>Local Government Act 1993</i>	www.austlii.edu.au
<i>Creative Arts Action Plan</i>	
<i>Public Art Policy</i>	

Related external references

Name	Link
Division of Local Government	www.dlg.nsw.gov.au/

Definitions

Word/Term	Definition
Acquisition	Artworks acquired by Council through purchase, commission, donation, bequest, loan or award.
Artwork	A physical two or three dimensional object that expresses the author's imagination or ideas or fulfils a primarily aesthetic function.
Contemporary artwork	Artworks created in the 21 st Century
Historical artwork	Artworks created prior to the 21 st Century
Memorabilia	Object esteemed for its social, cultural or historical value.

CAR18/043 HEALTHY COMMUNITIES AND SENIORS WEEK GRANTS 2018-19

E17.1006

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

Attachments: 1. Confidential - Healthy Communities and Seniors Week Grants 2018-19 Confidential Attachment

Outcome: Strong Communities, Desirable Lifestyle

Focus Area: 1.3 Encourage and enable healthy lifestyle choices

Delivery Program Link: 1.3.1 Activate and motivate our community to embrace healthy lifestyles

Operational Plan Link: 1.3.1.3 Coordinate Healthy Communities and Seniors Week grants

EXECUTIVE SUMMARY

The Healthy Communities and Seniors Week Grants are funded annually by Council to eligible community groups in our Shire, promoting health and social participation. Grants are generally to the value of \$500. The review panel has recommended grants for between \$200 and \$1,000.

In 2018-19 Council has a budget of \$12,500 Council received twenty one (21) applications to the value of \$15,320. Seventeen (17) applications were assessed as eligible.

RECOMMENDATION

THAT:

1. Council approve the recommendations detailed in the confidential attachment, awarding Healthy Communities and Seniors Week Grants to the value of \$10,842 to 17 local groups and organisations for the 2018-19 financial year.
2. Council approve that the unallocated \$1,658 of Healthy Communities and Seniors Week grant funding be transferred to the youth grant program for 2018-19.

BACKGROUND

The Healthy Communities and Seniors Week Grants are funded annually by Council to eligible community groups in our Shire, promoting health and social participation. Grants are generally to the value of \$500. However, the panel can recommend a lower or higher grant amount, depending on the circumstances.

The Eurobodalla Healthy Communities and Seniors Week Grants aim to foster a community that is prepared to contribute energy and initiative to improve the health and wellbeing of people in this Shire. Grants are available to not for profit community groups to supplement their activities. Groups can apply for a Health Communities Grant or a Seniors Week Grant, not both. Seniors Week Grants must be used to celebrate Seniors Week in 2019.

The total grant amount available in the 2018-19 Healthy Communities and Seniors Week grants is \$12,500. The combined total of applications recommended for funding is \$10,842.

CAR18/043 HEALTHY COMMUNITIES AND SENIORS WEEK GRANTS 2018-19

E17.1006

CONSIDERATIONS

A total of 21 applications were received for the 2018-19 grant round. Of this, sixteen (16) were for Healthy Communities Grants and five (5) were for Seniors Week Grants. All grants applications were assessed against the eligibility criteria with 17 of the 21 applications assessed as meeting the requirements. Eight (8) successful applications include a recommendation for additional funding due to the level and type of community benefit they attract. The review panel has recommended for grants between \$200 and \$1,000.

A confidential summary sheet has been attached.

Eligibility

To be eligible for a healthy communities and seniors week grants, applicants must be a Eurobodalla based and not-for-profit community group or able to prove that they are a bona fide Eurobodalla based community group; they can contribute some financial support or volunteer labour to the activity; they can show that they have adequate insurance coverage for the activity and does not have any outstanding debts to council.

A subcommittee made up of a community member; a Councillor and two staff reviewed applications, in line with the grant criteria.

After reviewing all applications an amount of \$1,658 remained unallocated.

Recommended applications

A summary of the applications recommended to Council for funding under the Healthy Communities and Seniors Week grants program for 2018-19 are contained in a confidential attachment.

This briefing outlines the criteria for Healthy Communities and Seniors Week Grants and recommends funding 17 of the 21 projects as well as giving additional funding to 8 projects due to the level and type of community benefit they attract.

The panel recommends that the \$1,658 of unallocated funding from the 2018-19 Healthy Communities and Seniors Week grants be added to the total grant funding available through the previously oversubscribed Youth Grant program.

Social Impact

The Eurobodalla Healthy Communities and Seniors Week Grants aim to foster a community that is resilient, capable and active. The grants assist volunteers and groups across this Shire to run grass roots activities and events that increase participation in community life.

CAR18/043 HEALTHY COMMUNITIES AND SENIORS WEEK GRANTS 2018-19

E17.1006

The criteria for the Healthy Communities Grant scheme was developed to reflect Council's social and cultural planning commitments to improve and promote community wellbeing, as outlined in the Community Strategic plan.

Financial

In 2018-19 Council has a budget of \$12,500 for Healthy Communities and Seniors Week Grants. The combined total of applications recommended by the assessment panel is \$10,842 of which sixteen (16) are the Health Communities Grants and five (5) are for Seniors Week Grants.

Community and Stakeholder Engagement

We have informed the community through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; posting on Council's Facebook and Twitter; direct electronic mail to the Workers With Youth Network, Arts Newsletter, Live Life Eurobodalla and Recreation Matters groups; advertising on Council's noticeboard page in two local newspapers and distributing a media release.

CONCLUSION

In line with the directions of social, cultural and management planning processes, these grants provide the opportunity to support local not for profit community groups and organisations by strengthening their capacity to promote health and wellbeing and increase community participation in a range of activities.

17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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