



AGENDA

Ordinary Meeting of Council

30 April 2019

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

ON TUESDAY 30 APRIL 2019

COMMENCING AT 10.00AM

AGENDA

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

1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE

2. APOLOGIES

Nil

3. PUBLIC FORUM (AGENDA ITEMS ONLY)

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Ordinary Meeting held on 9 April 2019

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

(Declarations also to be made prior to discussions on each item)

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6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

GMR19/008 Exhibition of the Delivery Program 2017-21 and Operational Plan

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DR CATHERINE DALE
GENERAL MANAGER

**GMR19/008 EXHIBITION OF THE DELIVERY PROGRAM 2017-21 AND
OPERATIONAL PLAN 2019-20**

E19.1854

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Draft Delivery Program 2017-21 and
Operational Plan 2019-20
2. Under Separate Cover - Draft Fees and Charges 2019-20

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: 9.1.1.1 Review Council's Delivery Program and prepare the Operational
Plan

EXECUTIVE SUMMARY

Councils are required to prepare a Community Strategic Plan, Delivery Program and Operational Plan. This process follows the NSW Integrated Planning and Reporting legislation. Council's Community Strategic Plan 2017 – One Community was adopted on 13 June 2017. It is proposed to place Council's revised combined draft Delivery Program 2017-21 and Operational Plan 2019-20 on public exhibition for 28 days.

Council's original Delivery Program 2017-21 was developed through an extensive community and stakeholder engagement. The draft Delivery Program 2017-21 and Operational Plan 2019-20 were revised as a result of Councillor workshops.

The revised draft Delivery Program 2017-21 and Operational Plan 2019-20 (DP/OP) is structured around the nine outcomes in the Community Strategic Plan 2017 – One Community:

1. Strong communities, desirable lifestyle
2. Celebrated creativity, culture and learning
3. Protected and valued natural environment
4. Sustainable living
5. Vibrant and diverse economy
6. Responsible and balanced development
7. Connected and accessible places
8. Collaborative and engaged community
9. Innovative and proactive leadership

The document outlines the four year activities and annual actions Council will undertake to contribute to achieving our community's vision to be friendly, responsible, thriving and proud. Each service that assists in achieving the outcome is identified. Measures to track and report on progress in achieving each activity is also provided.

**GMR19/008 EXHIBITION OF THE DELIVERY PROGRAM 2017-21 AND
OPERATIONAL PLAN 2019-20**

E19.1854

This document also includes financial information that supports the revised draft Delivery Program 2017-21 and Operational Plan 2019-20, including the budgets, capital program, revenue policy and draft 2019-20 Fees and Charges.

RECOMMENDATION

THAT:

1. The revised draft Delivery Program 2017-21 and Operational Plan 2019-20 incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges be endorsed and placed on public exhibition for a period of not less than 28 days.
2. Following public exhibition, a further report be submitted to Council for the consideration of submissions and adoption of the Delivery Program 2017-21 and Operational Plan 2019-20.

BACKGROUND

The *Local Government Act 1993* requires all NSW councils to review and adopt key Integrated Plans within 12 months following local government elections. Under NSW Integrated Planning and Reporting legislation, councils are required to prepare a Community Strategic Plan, Delivery Program and Operational Plan.

The Community Strategic Plan is the highest level that Council prepares and is a whole of community plan, reviewed and developed in partnership with the community. It identifies and articulates the community's long term aspirations, priorities and vision.

The Delivery Program details the activities that the Council will deliver over its four year term and the strategies it will implement in consultation with the community and contained in the Community Strategic Plan.

The Operational Plan details the actions to be undertaken during the next financial year and includes the annual budget and fees and charges for the year ahead.

CONSIDERATIONS

Council's original Delivery Program 2017-21 was developed through an extensive community and stakeholder engagement. The draft Delivery Program 2017-21 and Operational Plan 2019-20 were revised as a result of Councillor workshops.

Councillors participated in a workshop in February 2019 to revise Council's Operational Plan 2019-20 to reflect current priorities and actions in response to the nine outcomes established in the Community Strategic Plan 2017 – One Community.

Councillors were briefed on a number of occasions on Council's financial position.

**GMR19/008 EXHIBITION OF THE DELIVERY PROGRAM 2017-21 AND
OPERATIONAL PLAN 2019-20**

E19.1854

The document outlines the four year activities and annual actions Council will undertake to contribute to achieving our community's vision to be friendly, responsible, thriving and proud. Each service that assists in achieving the outcome is identified. Measures to track and report on progress in achieving each activity is also provided.

Legal

Section 404 of the *Local Government Act 1993* requires Council to have a Delivery Program to implement the strategies established in its Community Strategic Plan, within the resources available as identified under the Resourcing Strategy.

Section 405 of the *Local Government Act 1993* requires Council to adopt an Operational Plan before the beginning of each financial year which details the activities to be engaged in by the Council during the year as part of the Delivery Program. The Operational Plan must include a statement of the Council's revenue policy for the year covered by the Plan. The statement of revenue policy must include the statements and particulars required by the regulations.

The Office of Local Government's Integrated Planning and Reporting Manual and Integrated Planning and Reporting Guidelines are comprehensive tools which have been used in the revision of the draft Delivery Program 2017-21 and Operational Plan 2019-20.

Policy

The Delivery Program and Operational Plan draws on and implements actions contained in related Council policy documents.

Asset

The revised draft Delivery Program 2017-21 and Operational Plan 2019-20 has a focus of Council continuing to work with peak bodies to advocate to the NSW and Australian governments for enhanced funding models to better support regional communities across NSW.

The 2019-20 Capital Program included in the draft Operational Plan 2019-20 has a focus on sustaining community infrastructure through the renewal of assets, particularly short lived assets. The plan also includes the provision of new infrastructure to meet demand from growth and progressively address network deficiencies.

Economic Development Employment Potential

The revised draft Delivery Program 2017-21 and Operational Plan 2019-20 focuses on building a sustainable future for Eurobodalla and delivering key services, key projects, capital works and infrastructure maintenance that support economic development and employment growth within the Shire.

Financial

In preparing the budget for 2019-20 a conservative approach was taken incorporating known factors, examining prior year performance and trends, and making prudent assumptions for forecasting. The focus to ensure long term financial sustainability while ensuring the continued

**GMR19/008 EXHIBITION OF THE DELIVERY PROGRAM 2017-21 AND
OPERATIONAL PLAN 2019-20**

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delivery of a broad range of services and capital works as informed by Council's underlying strategies.

Council's operations are separated into three funds for financial purposes. The three funds are the General Fund (which includes waste and environment activities), the Sewer Fund and the Water Fund. Key considerations for Water and Sewer operations are ensuring a stable pricing path for ratepayers and meeting NSW Office of Water Best Practice requirements. These funds recently completed a 30 years Integrated Water Cycle Management Strategy, which has informed the development of the budgets for these funds. Council anticipates to deliver a dividend from these funds to the General Fund in 2019-20.

The key projected financial results for each fund and a consolidated outlook is shown in the table below, table is subject to rounding:

| Key Results 2019-20 (\$'000) | General Fund | Sewer Fund | Water Fund | Consolidated Fund |
|---|---------------------|-------------------|-------------------|--------------------------|
| Total income (before capital grants and contributions) | 78,826 | 21,297 | 19,010 | 119,133 |
| Total expenses | 77,999 | 20,087 | 17,249 | 115,335 |
| Net operating result (before capital grants and contributions) | 827 | 1,210 | 1,761 | 3,798 |
| Net operating result (after capital grants and contributions) | 21,357 | 2,809 | 5,475 | 29,641 |
| Total capital program | 38,596 | 15,370 | 8,295 | 62,261 |
| Cash position – increase/(decrease) in unrestricted funds | (930) | (1,853) | 4,827 | 2,044 |

**Numbers subject to rounding*

A key indicator for financial sustainability is the net operating result before capital grants and contributions. This shows the funds are generating enough revenue to cover their operating expenditure in the same period. Therefore the financial objective when preparing this plan is to ensure a balanced net operating result for all of Council (consolidated entity) and within each of Council's separate funds (General, Sewer and Water).

All funds project an Operating Surplus before capital grants and contributions. The use of cash continues to be monitored to ensure Council remains in a strong position to meet its obligations when they fall due, and where appropriate borrowings are minimised to lessen their associated costs.

All funds are projected to be in a sound financial position in the delivery program period. The Revenue Policy incorporated into the budget and disclosed in this plan outlines the proposed changes for rates, levies and annual charges, pricing policies and proposed borrowings for 2019-20.

**GMR19/008 EXHIBITION OF THE DELIVERY PROGRAM 2017-21 AND
OPERATIONAL PLAN 2019-20**

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Proposed changes include:

- The general rate increases by 2.7%, the rate peg amount for 2019-20.
- The environment fund rate increases by 2.7%.
- The waste collection charges reduces by 2.9% for the typical household.
- The water access charge increases by 3.1% to \$330 (20mm connection access charge) and the usage charge increases by 1.4% to \$3.65 per kilolitre. Water charges are determined taking account of the NSW Best Practice Pricing Guidelines.
- The sewer access charge increases by 2.1% to \$970 (20mm connection access charge) and the usage charge increases by 2.1% to \$1.92 per kilolitre.

Council's proposed Fees and Charges for 2019-20 (not including statutory fees) have generally been increased by 2.7%.

Community and Stakeholder Engagement

Council's original Delivery Program 2017-21 was developed through an extensive community and stakeholder engagement. The draft Delivery Program 2017-21 and Operational Plan 2019-20 were revised as a result of Councillor workshops.

If the revised draft Delivery Program 2017-21 and Operational Plan 2019-20 are endorsed for public exhibition, Council will continue to engage the community from 1 May to 28 May 2019 by:

- making the revised draft Delivery Program 2017-21 and Operational Plan 2019-20 available for the community to read on Council's website, in Eurobodalla's three libraries, and at the Customer Service Centre in Moruya
- informing the community about the public exhibition and inviting the community to have their say through information on Council's website, Eurobodalla News - Council's online newsletter, social media, media release and advertisement in local newspapers
- notifying and inviting community associations, groups and business chambers to have their say
- consulting the community by considering and acknowledging submissions received, and providing the community's feedback to Council prior to any decisions being made about the Delivery Program 2017-21 and Operational Plan 2019-20.

The goals for engaging the community on the revised draft Delivery Program 2017-21 and Operational Plan 2019-20 are to:

- give the community the opportunity to read the plans, and to provide their feedback to Council through a 28 day public exhibition, noting that the 28 day period meets Council's legal timeframes which requires this to be endorsed by 30 June 2019
- provide the community with information and opportunities to ask questions and provide feedback and suggestions about the revised draft Delivery Program 2017-21 and Operational Plan 2019-20.

**GMR19/008 EXHIBITION OF THE DELIVERY PROGRAM 2017-21 AND
OPERATIONAL PLAN 2019-20**

E19.1854

CONCLUSION

The revised draft Delivery Program 2017-21 and Operational Plan 2019-20 will be publicly exhibited for 28 days. The community will be invited to have their say on the draft plans during the exhibition period and make a submission. At the end of the public exhibition period Council will be provided with all submissions for consideration prior to its adoption on 30 June 2019.

**GMR19/007 FUNDING ACCEPTANCE - OBSERVATION POINT VIEWING
PLATFORM**

E18.1636

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: 9.1.3 Advocate and collaborate to advance the region and address local issues

Operational Plan Link: 9.1.3.2 Seek sources of funding to implement community vision

EXECUTIVE SUMMARY

This report seeks to inform Council of the offer of \$672,500 in grant funding towards the construction of a viewing platform at Observation Point Batehaven, from the Commonwealth Government under their Building Better Regions Fund administered by the Department of Infrastructure, Transport and Regional Development.

This program offers grants to communities across New South Wales to support the provision of strategic regional community infrastructure that provides economic and social benefits to help regions unlock their tourism potential and stimulate local economies.

RECOMMENDATION

THAT Council endorse staff action in accepting funding of \$672,500 from the Commonwealth Government under its Building Better Regions Fund administered by the Department of Infrastructure, Transport and Regional Development for the construction of a viewing platform at Observation Point Batehaven.

BACKGROUND

Council sought grant funding from the Commonwealth Building Better Regions Fund in November 2018 for the construction of a viewing platform at Observation Point Batehaven.

CONSIDERATIONS

This project has been identified as a priority under the Recreation and Open Space Strategy 2018, Action No. N23, is acknowledged in the Delivery Program 2017-21 and Operational Plan 2019-20 and aligns with Strategy 1 in the Regional Economic Development Strategy 2018 – *Support the development and growth of the regions tourism sector and overall lifestyle appeal – Improved coastal access and inclusive infrastructure.*

Social Impact

The infrastructure development will be an iconic addition to our tourism product. It will make the region a more attractive place to live and visit.

**GMR19/007 FUNDING ACCEPTANCE - OBSERVATION POINT VIEWING
PLATFORM**

E18.1636

Improving local amenity in response to community input will facilitate community connections and add to social inclusion.

Economic Development Employment Potential

The project aligns closely with the South Coast Destination Management Plan 2013-2020. Specific objectives the viewing platform aligns with include:

| Number | Objective |
|--------|--|
| S2.1 | Continue to recognise the importance of the natural environment to the ongoing sustainability of the visitor economy of the South Coast Region. |
| S2.2 | Encourage development that is innovative, sustainable and compatible with the branding and character of the Region. |
| S5.7 | Identify relevant funding opportunities to support product and experienced development |
| S6.1 | Identify priorities for tourism related infrastructure development projects and work cooperatively with relevant support agencies to advise and progress funding and project submissions |

Financial

This funding will assist in the construction of the project.

CONCLUSION

Council has been offered \$672,500 in funding under the Commonwealth Government's Building Better Regions Fund administered by the Department of Infrastructure, Transport and Regional Development. This grant funding from the Commonwealth Government is welcomed and has been formally accepted.

GMR19/009 FUNDING OFFER - MACKAY PARK

E17.1312

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: 9.1.3 Advocate and collaborate to advance the region and address local issues

Operational Plan Link: 9.1.3.2 Seek sources of funding to implement community vision

EXECUTIVE SUMMARY

This report seeks to inform Council of the offer of \$25M in grant funding towards the construction of the Batemans Bay Regional Aquatic, Arts and Leisure Centre, from the Commonwealth Government under their Regional Growth Fund administered by the Department of Infrastructure, Regional Development and Cities.

The Regional Growth Fund program offers grants to communities across Australia to support the provision of strategic regional community infrastructure that provides economic and social benefits to help regions, stimulate local economies and help keep families living and working in the regions.

This funding is in addition to the \$26M grant funding from the NSW Government funding first outlined in the Mayoral report of 27 March 2018 MR18/001.

RECOMMENDATION

THAT

Council endorse the actions taken to accept the offer of funding of \$25,000,000 from the Commonwealth Government under their Regional Growth Fund administered by the Department of Infrastructure, Regional Development and Cities for the Batemans Bay Regional Aquatic, Arts and Leisure Centre.

BACKGROUND

The Mayoral report of 27 March 2018, confirming NSW Government funding, resulted in Council resolving to *"Continue to advocate to the NSW and Australian Governments for funding to complete the regional Aquatic, Arts and Leisure Centre"*. Subsequently, Council made a submission to the Commonwealth's Regional Growth Fund in April 2018 for a contribution towards the construction of the Batemans Bay Regional Aquatic, Arts and Leisure Centre. Ongoing advocacy has occurred since that time.

A formal letter of offer and Funding Deed for \$25M was provided to Council by the Commonwealth on 25 March, 2019. This agreement was formally executed on 29 March, 2019.

GMR19/009 FUNDING OFFER - MACKAY PARK

E17.1312

This project is as a result of comprehensive strategic work supported by the Eurobodalla Integrated Economic Growth and Development Strategy, the Batemans Bay Visioning Workshop, and the Otium Business Case for Mackay Park. It complies with the priorities identified in the Far South Coast Regional Economic Development Strategy 2018-2022.

CONSIDERATIONS

This project has been identified as a priority under the Recreation and Open Space Strategy 2018, Action No. N15 and complies with the Delivery Program 2017-21 and Operational Plan 2019-20:

1. Strong Communities, Desirable Lifestyles - 1.4 Ensure activities, facilities and services meet changing community needs.
2. Celebrate Creativity, Culture and Learning – 2.1 support and encourage the expression of our vibrant creative arts sector.

Social Impact

Residents and visitors can anticipate an improved quality of life due to increased access to educational, cultural and social opportunities as a result of this project. Further, access to a cultural and arts facility has been proven to help foster a more socially inclusive environment, through education and participation in opportunities for personal growth.

The infrastructure development will be an iconic addition to Council's infrastructure located at the gateway to our region. It will make Eurobodalla a more attractive place to live and visit, drive economic growth and create jobs.

Economic Development Employment Potential

This project aligns with the regional development priorities of broadening the regions economic base through the provision of infrastructure works in order to grow economically and socially, and attract human capital by providing jobs and attractions for young families.

Revitalisation of the CBD as a result of the new facility will provide social benefit while building on the region's important tourism, retail and recreation sectors. Residents and visitors can anticipate an improved quality of life due to increased access to educational, cultural and social opportunities as a result of this project. Further, access to a cultural and arts facility has been proven to help foster a more socially inclusive environment, through education and participation in opportunities for personal growth. The Aquatic facility while replacing degraded assets and consolidating with additional attractions provides opportunities for learn to swim and rehabilitation services, currently unavailable in the area. Provision of a year round aquatic facility will have a positive impact on children learning to swim.

Financial

This funding will assist in the development of the Batemans Bay Regional Aquatic, Arts and Leisure Centre.

CONCLUSION

Council has been offered \$25M in funding under the Commonwealth Government's Regional Growth Fund administered by the Department of Infrastructure, Regional Development and

GMR19/009 FUNDING OFFER - MACKAY PARK

E17.1312

Cities. This grant funding from the Commonwealth Government is welcomed and has been formally accepted.

This report seeks Council's endorsement of the action taken to accept the grant funding.

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| PSR19/003 | DRAFT AMENDMENTS TO THE RESIDENTIAL ZONED DEVELOPMENT CONTROL PLAN AND TREE PRESERVATION CODE | E08.2564 E98.2526 |
|------------------|--|------------------------------------|

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

Attachments:

1. Under Separate Cover - Draft Tree Preservation Code of Practice
2. Under Separate Cover - Draft Residential Zones Development Control Plan
3. Under Separate Cover - Summary of options considered to address the unintended consequences of the Vegetation SEPP

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 [*State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017*](#) (Vegetation SEPP) was one of a suite of land management and biodiversity conservation reforms that commenced in NSW on 25 August 2017. The Vegetation SEPP works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Act 2013* to create a framework for the regulation of clearing of native vegetation in NSW.

The Vegetation SEPP regulates vegetation removal in non-rural areas (eg residential, business, recreation, Environmental Living (E4) and Large Lot Residential (R5) zones) that is not associated with a development application. Councils can require a permit to clear vegetation that is declared in a Development Control Plan (DCP). Vegetation impacts that do not exceed the [*Biodiversity Offsets Scheme*](#) entry requirements, continue to be regulated by Council's Tree Preservation Code (the Code) on land to which a DCP and the Code apply.

However, the Code does not apply to some non-rural land in Eurobodalla because a DCP does not apply. Before the commencement of the Vegetation SEPP, vegetation impacts on land that does not have a DCP, were regulated under the repealed *Native Vegetation Act 2003* and Local Land Services (LLS) was the regulatory authority. This has resulted in Routine Maintenance Activities (RAMAs) no longer able to be used to maintain rural infrastructure on land zoned Environmental Living (E4) or Large Lot Residential (R5).

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| PSR19/003 | DRAFT AMENDMENTS TO THE RESIDENTIAL ZONED DEVELOPMENT CONTROL PLAN AND TREE PRESERVATION CODE | E08.2564 |
| | | E98.2526 |

The unintended consequences of the Vegetation SEPP means there are now inconsistent assessment and approval requirements for removing vegetation on some non-rural land in Eurobodalla including:

- If a permit from Council cannot be issued, clearing may require a biodiversity conservation licence from the NSW Office of Environment and Heritage (OEH) if it is threatened vegetation or habitat, leaving people open to prosecution for unintentional, illegal clearing
- Clearing a tree mapped on the [Biodiversity Values Map](#) requires a biodiversity assessment report and offsetting requirements, whereas clearing 2500m² (or more) may not require any assessment or approval if a DCP does not apply
- If vegetation is not declared in a DCP for the purposes of the Vegetation SEPP, there are limited options with lower penalties to deter clearing on public lands zoned E2 or RE1.

Draft amendments to the Residential Zones DCP and Tree Preservation Code (attached with key changes highlighted) would address the unintended consequences of the Vegetation SEPP by aiming to:

- Facilitate the most consistent approach to vegetation removal possible on non-rural land
- Allow clearing for maintenance of rural infrastructure, appropriate for rural lifestyle blocks, to continue in place of the former RAMAs
- Provide certainty to landholders regarding the requirements for the removal of undesirable vegetation on non-rural land and reduce the risk of prosecution
- Maintaining the benefits of trees in Eurobodalla's non-rural landscape including visual amenity, biodiversity resilience and tourism appeal.

The draft amendments to the Residential Zones DCP must be placed on public exhibition for 28 days and submissions received during this time are considered by Council before deciding whether to adopt the plan in accordance with Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

RECOMMENDATION

THAT Council:

1. Endorse the draft Residential Zones Development Control Plan and Tree Preservation Code for public 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 Residential Zones Development Control Plan and Tree Preservation Code.

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| PSR19/003 | DRAFT AMENDMENTS TO THE RESIDENTIAL ZONED DEVELOPMENT | E08.2564 |
| | CONTROL PLAN AND TREE PRESERVATION CODE | E98.2526 |

BACKGROUND

The Vegetation SEPP was one of a suite of land management and biodiversity conservation reforms that commenced in NSW on 25 August 2017. The Vegetation SEPP works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Act 2013* to create a framework for the regulation of clearing of native vegetation in NSW.

The Vegetation SEPP regulates vegetation impacts (if it is not associated with another approval such as a development application) in non-rural areas and councils can require a permit to clear vegetation that is declared in a Development Control Plan (DCP). Vegetation impacts that do not exceed the Biodiversity Offsets Scheme thresholds continue to be regulated by Council's Tree Preservation Code on land to which a DCP and the Code apply.

However, the Code does not apply to some non-rural land in Eurobodalla because a DCP does not apply, including land zoned:

- E2 (Environmental Conservation)
- E4 (Environmental Living) greater than 5000m²
- R5 (Large Lot Residential) greater than 5000m²
- RE1 (Public Recreation).

Before the commencement of the Vegetation SEPP, vegetation impacts on land within the zones listed above, were regulated under the repealed *Native Vegetation Act 2003* and Local Land Services was the regulating authority. This has resulted in RAMAs no longer able to be used to maintain rural infrastructure on land with the zones listed above.

Unfortunately a draft Vegetation SEPP was not publicly exhibited by the NSW Government and councils were not able to highlight the issues that are now being experienced. If the draft Vegetation SEPP had been made available, the unintended consequences may have been able to be avoided through amendments to the Vegetation SEPP before commencement. The NSW Government has advised that councils should ensure their DCPs contain adequate provisions to address the unintended consequences.

Now there are inconsistent assessment and approval requirements for removing vegetation on some non-rural land in Eurobodalla including:

- If a permit from Council cannot be issued, clearing may require a biodiversity conservation licence if it is threatened vegetation or habitat, leaving people open to prosecution for unintentional illegal clearing
- Clearing a tree mapped on the Biodiversity Values Map requires a biodiversity assessment report and offsetting requirements, whereas clearing 2500m² (or more) may not require any assessment or approval if a DCP does not apply
- If vegetation is not declared in a DCP for the purposes of the Vegetation SEPP, there are limited options with lower penalties to deter clearing on public lands zoned E2 or RE1.

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| PSR19/003 | DRAFT AMENDMENTS TO THE RESIDENTIAL ZONED DEVELOPMENT | E08.2564 |
| | CONTROL PLAN AND TREE PRESERVATION CODE | E98.2526 |

For example, Figure 1 shows an example of the types of property that can clear up to 2500m² without a permit from Council. If there isn't any assessment or approval, this could lead to prosecution for clearing threatened species habitat and/or impacts to the visual amenity of the area where the tourist routes are largely bordered by native forest.



Figure 1: An example of land that could be cleared without a permit from Council, unless amendments to the DCP are made. This results in a risk of prosecution because an assessment of the potential impacts to threatened species, of erosion and sedimentation or to visual amenity have not been undertaken.

Since the Vegetation SEPP was introduced in August 2017, complaints to Council regarding tree removal has increased. In the four years preceding the introduction of the Vegetation SEPP, complaints to Council regarding tree removal without consent and vandalism ranged from 35-42 each year. In the two years following the introduction of the Vegetation SEPP, 50-78 complaints have been made. Refer to Figure 2 which illustrates this increase in complaints regarding suspected vandalism of trees and suspected tree removal without consent on public or private land, that were referred to Council rangers.

**PSR19/003 DRAFT AMENDMENTS TO THE RESIDENTIAL ZONED DEVELOPMENT
CONTROL PLAN AND TREE PRESERVATION CODE**

**E08.2564
E98.2526**

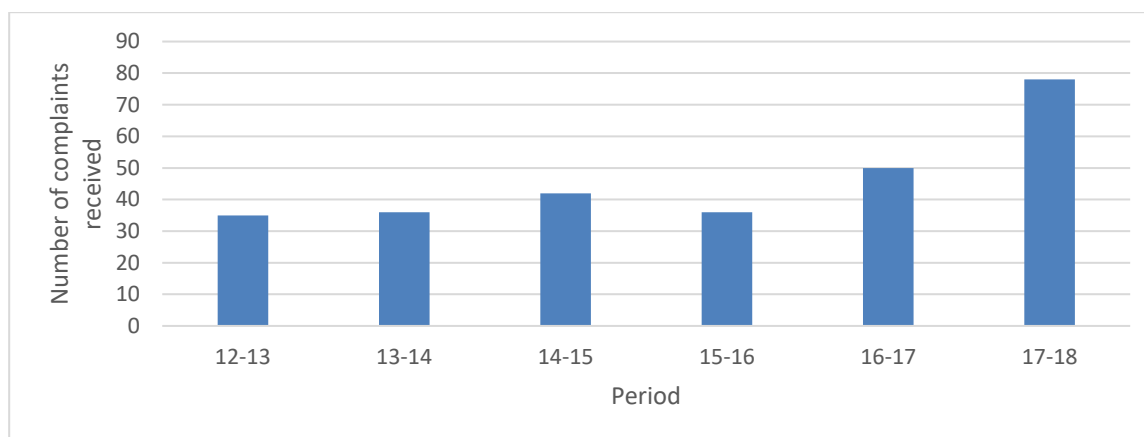


Figure 2: Number of complaints Council has received 26 August to 25 August each year over the past 6 years. Note that the Vegetation SEPP was introduced on 25 August 2016.

Further, Council has not been able to regulate the clearing associated with some of these complaints because a DCP does not apply to the land. Recent complaints regarding vegetation removal that Council cannot efficiently regulate includes:

- Trees removed for views on public land
- Trees removed along a ridge on public land
- Trees poisoned on public land
- Clear felling up to the biodiversity offsets scheme threshold of 2500 m² on R5 zoned land
- Removing trees to a greater extent than included in the development approval on R5 zoned land

A DCP does not apply to the land listed above, so Council cannot issue a permit for clearing vegetation below the biodiversity offsets scheme threshold. Without a permit, landholders are at risk of prosecution for clearing threatened species habitat without a licence required under the *Biodiversity Conservation Act 2016*.



Figure 3: Examples of the nature of vegetation removal on; (a) public land providing views of the beach. This also provides views from the beach to homes which is in contrast to Eurobodalla's tourism appeal of going to beaches that feel untouched and away from the suburbs; (b) clearing up to the biodiversity offset scheme threshold on R5 zoned land that was undertaken without any assessment or approval and so at risk of breaching the Biodiversity Conservation Act.

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| PSR19/003 | DRAFT AMENDMENTS TO THE RESIDENTIAL ZONED DEVELOPMENT CONTROL PLAN AND TREE PRESERVATION CODE | E08.2564 |
| | | E98.2526 |

CONSIDERATIONS

Councillors have been briefed on the unintended consequences of the Vegetation SEPP being introduced several times since October 2017. The NSW Government advised that councils should ensure their Development Control Plans contain adequate provisions to address the unintended consequences so the briefings included an overview of possible options.

Options considered to address the unintended consequences of the Vegetation SEPP are discussed below and summarised in the attached table.

A. Repeal the Tree Preservation Code

A permit for vegetation clearing not associated with a development application would not be required from Council, however, applicants may require a biodiversity conservation licence from the NSW Office of Environment and Heritage in some circumstances. This option does not address the inequity between the assessment and approval process where the Biodiversity Offsets Scheme is triggered (eg clearing native vegetation mapped on the [Biodiversity Values Map](#) which would require approval from the Native Vegetation Panel and require a Biodiversity Development Assessment Report), compared to clearing vegetation that does not trigger the biodiversity Offsets Scheme that may require no assessment or approval. If removal of vegetation does not require authority under the Vegetation SEPP there would not be an assessment of the potential impacts on erosion, visual amenity or wildlife, and opportunities to negotiate better outcomes would be limited. This option does not apply to public land thus options for compliance where public land is cleared is minimal.

Repealing the Code is unlikely to maintain an adequate tree canopy in urban areas and would not address the increasing complaints that are being received where Council cannot take action. The incremental nature of tree canopy loss often means that levels gradually decline and disappear unnoticed and reduced tree canopy levels become the new norm. Other authorisations to clear vegetation such as the Rural Fire Services 10/50 Vegetation Clearing Code of Practice provide options for people to clear vegetation in bush fire prone areas which can continue under the Vegetation SEPP and the Tree Preservation Code. However, this further reduces the vegetation in non-rural areas and highlights the need for policy that requires an assessment before removing the trees that are left after clearing for development, asset protection, fences or when a tree dies for example.

B. Do nothing, ie, Tree Preservation Code remains but does not apply to some areas (eg, E4 zoned land with a minimum lot size of >5000sqm)

Inconsistencies in the assessment and approval process would not be addressed. Applicants may be confused by, or unaware of, assessment and approval requirements which could lead to unlawful clearing and potential prosecution. This option does not apply to public land thus options for compliance where public land is cleared is minimal.

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| PSR19/003 | DRAFT AMENDMENTS TO THE RESIDENTIAL ZONED DEVELOPMENT | E08.2564 |
| | CONTROL PLAN AND TREE PRESERVATION CODE | E98.2526 |

C. Amend the Residential Zones DCP (Section 6.2 Tree Preservation Code) to apply to all E4 and R5 land, but include allowable activities in accordance with the *Local Land Services Act* or former RAMAs under the repealed *Native Vegetation Act*

If the Tree Preservation Code applies to all non-rural land, landowners will expect to have to apply for removal and at least check the Tree Preservation Code. Allowing vegetation removal similar to the former RAMAs means applicants can maintain their land without the need for approvals where the clearing meets certain criteria. This option does not apply to public land thus options for compliance where public land is cleared is minimal. Applicants may be confused by, or unaware of, assessment and approval requirements which could lead to unlawful clearing and potential prosecution.

D. Amend the Residential Zones DCP (Section 6.2 Tree Preservation Code) to apply to E4 and R5 land

Results in a more equitable approach where most non-rural land has to consider an assessment and approval pathway. Not all tree removal requires a permit under the Tree Preservation Code eg if trees are within 3m of an existing lawful dwelling, it is an exempt activity. If a permit is required, it does not necessarily mean the trees cannot be removed, but it does provide an opportunity to help the applicant to avoid and minimise potential impacts. This option does not apply to public land thus options for compliance where public land is cleared is minimal. Applicants may be confused by, or unaware of, assessment and approval requirements which could lead to unlawful clearing and potential prosecution.

E. Amend the Residential Zones DCP (Section 6.2 Tree Preservation Code) to apply to all environmental zones and R5 land

Results in tree removal on non-rural land having to consider an assessment and approval pathway. Where E2 zoned land is found on parcels that are split zones with rural zoned land, this option would require a permit from Council for vegetation removal for the E2 zoned land, and either clearing in accordance with a code under the *Local Land Services Act 2013*, or approval from the Native Vegetation Panel for the rural zoned land. A permit would be required for all vegetation clearing associated with maintenance of rural infrastructure. This option does not apply to all public land (eg RE1) thus options for compliance where public land is cleared is minimal.

F. Amend the Residential Zones DCP (Section 6.2 Tree Preservation Code) to apply to all environmental, R5 and RE1 zoned land but include exemptions and criteria to obtain a permit for maintenance of rural infrastructure

This is the recommended option. It would result in tree removal on non-rural land having to consider an assessment and approval pathway and a more equitable approach. This option would provide exemptions for clearing associated with existing rural infrastructure on Environment and R5 zoned land where the proposed clearing meets the criteria listed in the draft tree preservation code. A permit may still be issued for vegetation clearing associated

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| PSR19/003 DRAFT AMENDMENTS TO THE RESIDENTIAL ZONED DEVELOPMENT CONTROL PLAN AND TREE PRESERVATION CODE | E08.2564 E98.2526 |
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with rural infrastructure in some circumstances to provide certainty to landholders that the clearing is lawful and no other approvals or licences are required.

The draft amendments to the Residential Zones DCP and Tree Preservation Code that are attached align with the recommended Option F.

The draft amendments to the Residential Zones Development Control Plan include making the tree preservation provision (only) apply to land zoned E2, E4 (with a minimum lot size of 5000m² or more), RE1 and R5 (with a minimum lot size of 5000m² or more). All provisions in the Residential Zones DCP currently applies to land zoned E4 and R5 with a minimum lot size up to 5000m². The draft amendments to tree preservation provision (6.2) in the Residential Zones DCP aligns with the new legislative framework and is proposed to be worded as follows:

6.2 Tree Preservation

Intent:

- To minimise impacts on native flora and fauna, particularly threatened species.

Development Control:

- A1** All development on land to which the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* applies must comply with that policy.
- A2** Clearing of vegetation that is not likely to significantly affect threatened species must comply with the [Eurobodalla Tree Preservation Code. Clause 7.2 of the Biodiversity Conservation Act 2016](#), describes when an activity is likely to significantly affect threatened species which includes:
- (a) If it is found to be likely to significant affect threatened species according to the test in [Section 7.3 of the Biodiversity Conservation Act 2016](#);
 - (b) If the area of clearing exceeds the threshold described in [Clause 7.2 of the Biodiversity Conservation Regulation 2017](#); Or
 - (c) If the clearing is of native vegetation on land included on the [Biodiversity Values Map](#)

While there will always be some level of inequality perceived due to the new biodiversity legislative framework, the draft amendments to the Code would address the unintended consequences of the Vegetation SEPP by aiming to:

- Facilitate the most consistent approach to vegetation removal possible on non-rural land.
- Allow clearing for maintenance of rural infrastructure, appropriate for rural lifestyle blocks, to continue in place of the former RAMAs.
- Provide certainty to landholders regarding the requirements for the removal of undesirable vegetation on non-rural land and reduce the risk of prosecution.
- Maintaining the benefits of trees in Eurobodalla's non-rural landscape including visual amenity, biodiversity resilience and tourism appeal.

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| PSR19/003 | DRAFT AMENDMENTS TO THE RESIDENTIAL ZONED DEVELOPMENT | E08.2564 |
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The draft amendments have been reviewed by Council staff responsible for infrastructure maintenance, development assessment, environmental operations and compliance. The draft amendments are also generally consistent with controls that have been adopted by other councils since 25 August 2017, to address the unintended consequences.

The following NSW councils have already adopted amendments to their development control plans related to tree preservation to address the biodiversity reforms:

- Shoalhaven
- Queanbeyan-Palerang
- Sutherland
- Waverly
- Hornsby
- Coffs Harbour
- Port Stephens
- Newcastle
- Tweed Shire

Note that Bega Valley Shire Council are also in the process of making amendments to their DCP to address the unintended consequences.

Key differences to the previous tree preservation code include:

- New structural format
- All native vegetation declared on land zoned RE1, E4 and E2 and therefore a permit may be required to underscrub native vegetation, such as shrubs, on these lands
- A permit is required to remove trees that are on the significant tree register or mapped as habitat by Council's Yellow-bellied Glider Policy
- Consideration of cumulative impacts up to the biodiversity offsets scheme threshold within five years
- Provisions for clearing to maintain existing rural infrastructure on R5, E2 and E4 zoned land
- That Council may require applications to include a test of significance for impacts to threatened ecological communities or threatened species habitats
- Greater emphasis that replacement trees should be considered as part of the assessment
- Flow charts to help illustrate how vegetation removal is regulated.

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| PSR19/003 | DRAFT AMENDMENTS TO THE RESIDENTIAL ZONED DEVELOPMENT CONTROL PLAN AND TREE PRESERVATION CODE | E08.2564 |
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Legal

The Vegetation SEPP was one of a suite of land management and biodiversity conservation reforms that commenced in NSW on 25 August 2017. The Vegetation SEPP works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Act 2013* to create a framework for the regulation of clearing of native vegetation in NSW.

The draft amendments would align Council's Residential Zones DCP and Tree Preservation Code with the new legislative framework.

Policy

The Vegetation SEPP regulates vegetation in non-rural areas and councils can require a permit to clear vegetation declared in a DCP that applies to the land. Vegetation impacts that do not exceed the Biodiversity Offsets Scheme thresholds continue to be regulated by Council's Tree Preservation Code on land to which a DCP and the Code apply. However, the Code does not apply to some non-rural land in Eurobodalla because a DCP does not apply.

The draft amendments to the Residential Zones DCP and Tree Preservation Code would result in a more consistent and equitable process for people to apply for a permit to remove vegetation. The permit application process would result in consideration of whether the proposed vegetation removal is justified or have potential impacts on threatened species, visual amenity or waterway and reduce the risk of prosecution for unintended illegal clearing.

A policy that aims to maintain trees in non-rural areas would support achieving the indicator in the Community Strategic Plan for stable or increasing vegetation cover in Eurobodalla.

Environmental

The draft amendments to the Residential Zones DCP and Tree Preservation Code aim to provide an equitable and consistent approach to managing impacts on the environment through vegetation removal.

Asset

Council does not require a permit to remove or prune trees on Council managed land provided the assessment of the tree work is carried out in accordance with the Tree Preservation Code. This clause has been maintained in the draft amendments. Council has separate policies in place to manage the risks posed to community safety and infrastructure.

Social Impact

The draft amendments to the Residential Zones DCP and Tree Preservation Code would facilitate a more consistent and equitable approach to vegetation removal on non-rural land. It includes exemptions for the maintenance of existing rural infrastructure that is appropriate for rural lifestyle blocks. It provides more certainty to landholders regarding the assessment and approval requirements for the removal of undesirable vegetation on non-rural land and reduces the risk of prosecution.

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| PSR19/003 | DRAFT AMENDMENTS TO THE RESIDENTIAL ZONED DEVELOPMENT CONTROL PLAN AND TREE PRESERVATION CODE | E08.2564 |
| | | E98.2526 |

Financial

The fee structure related to vegetation clearing would not change as a result of the proposed amendments.

In line with Council's fees and charges, which are reviewed each financial year, the current application fee for the removal of one to three trees is \$101 and to remove up to six trees is \$109.

An application to remove more than six trees up to the biodiversity offset scheme threshold, would continue to be equivalent to the development application fee which is based on the value of works to be undertaken.

The draft amendments are not expected to impact on Council's operating budget.

Community and Stakeholder Engagement

Council will place the draft amendments to the Residential Zones DCP and Tree Preservation Code on public exhibition for a period of not less than 28 days. Notification will be made in the local newspaper. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

Draft amendments to the Residential Zones DCP and Tree Preservation Code are proposed to to:

- Facilitate the most consistent approach to vegetation removal possible on non-rural land
- Allow clearing for maintenance of rural infrastructure, appropriate for rural lifestyle blocks, to continue in place of the former RAMAs
- Provide certainty to landholders regarding the requirements for the removal of undesirable vegetation on non-rural land and reduce the risk of prosecution
- Maintain the benefits of trees in Eurobodalla's non-rural landscapes including visual amenity, biodiversity resilience and tourism appeal.

The draft amendments to the Residential Zones DCP must be placed on public exhibition for 28 days and submissions received during this time are considered by Council before deciding whether to adopt the plan in accordance with Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

**PSR19/004 PLANNING PROPOSAL NO 14 - FLOOD MAPPING AND REZONE
LAND**

E17.1294

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

Attachments: 1. Under Separate Cover - Planning Proposal
2. Under Separate Cover - Submissions and Responses
3. Under Separate Cover - OEH Submission and Response
4. Under Separate Cover - Confidential - Submissions and Responses

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

In August 2017, Council endorsed Eurobodalla Local Environment Plan 2012 Amendment No. 14 – flood mapping and rezoning certain lands (PSR 17/044). This report provides consideration to submissions during the public exhibition period, held from 8 November 2017 – 2 February 2018.

The purpose of this report is to outline and consider the issues raised in submissions and to identify proposed changes to the planning proposal. Based on the assessment of the issues raised in submissions, it is recommended that Council endorse an amended planning proposal and request an amended Gateway determination. The report seeks a resolution from Council to remove the proposal to include flood mapping and make minor amendments to Clause 6.5 (Flood Planning).

RECOMMENDATION

THAT Council:

1. Endorse the amendment to Planning Proposal 14 to remove flood mapping from the exhibited Gateway determination and amend Clause 6.5 of the Eurobodalla Local Environmental Plan 2012 to remove reference to flood mapping;
2. Make a request to the Department of Planning to amend the Gateway determination to reflect the recommendation (1) above; and
3. Contact respondents to the call for submissions thanking them for their contributions and advise of Council's resolution in respect to the Gateway determination.

BACKGROUND

On 8 August 2017 Council endorsed a Planning Proposal to amend the Eurobodalla Local Environmental Plan 2012 (ELEP 2012) to include flood mapping and rezone certain lands. The purpose of the planning amendment is to replace E2 zoning on several properties with an appropriate adjoining zone. While the application of the E2 zone to identify hazards is

**PSR19/004 PLANNING PROPOSAL NO 14 - FLOOD MAPPING AND REZONE
LAND**

E17.1294

consistent with the Department's Practice Note PN 09-002, it is only necessary through the absence of flood studies and subsequent flood mapping in these areas. With flood planning areas identified in recent flood studies for Moruya, Narooma, Dalmeny, Tomakin, Broulee, Mogo and Mossy Point, the need to apply the E2 zone on these areas is no longer required.

The proposed amendments include:

- Amending local provision Clause 6.5 (Flood Planning) to reflect the current model clause
- Rezoning certain E2 Environmental Conservation zoned land to an appropriate zone
- Amending the lot size map in relation to land in Moruya and Moruya Heads
- Amending the height of buildings map in relation to land in Moruya
- Amending the wetland map in relation to land at Preddys Wharf Road, Moruya Heads

The proposed amendments were initiated to facilitate additional development in locations that have been determined to have a low to medium flood hazard, subject to assessing the flood impact at the development application stage.

The NSW Minister of Planning issued a Gateway determination on 27 November 2017, providing approval to have the planning proposal placed on public exhibition. Public exhibition commenced on 6 December 2017 for a period of 56 days in accordance with the requirements of the Gateway determination and providing consideration to the holiday period. The exhibition period closed on 2 February 2018.

From the 1700 notification letters sent out to the community, Council received eight (8) submissions during the exhibition period.

In reviewing the OEH submission, Council sought to further consult OEH and the Department of Planning. In additional meetings held, it was resolved to propose removing the inclusion of the flood mapping in the ELEM 2012 and further clarification was given over the perception that inappropriate development will be further facilitated in flood risk areas.

Councilors were briefed on the issues raised in submissions on 16 April 2019.

CONSIDERATIONS

Community and Stakeholder Engagement

Consultation is required under sections 56(2) and 57 of the *Environmental Planning and Assessment Act* (Act) as a condition of the Gateway determination as follows:

- a. the planning proposal must be made publicly available for a minimum 28 days; and
- b. technical material and associated studies must be made available along with the planning proposal.

In addition to the minimum requirements under the Act, a letter regarding the planning proposal was sent to approximately 1,700 property owners in the following areas where an adopted flood study is available:

- Mogo

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- Tomakin
- Mossy Point
- Broulee
- Moruya
- Narooma (Narooma flat, Dalmeny and Kianga).

A Public Notice was posted in local media, printed copies of the planning proposal were made available in each of the three libraries and also the Moruya Administration Centre. All technical material and associated studies were available as printed copies at the front counter of the Moruya Administration Centre and all materials were available on Council's website.

Submissions

Council received a total of eight (8) submission during the public exhibition period. All submissions have been considered and the issues raised are addressed in this report and the following attachment:

- Attachment 2 – Submissions and Response
- Attachment 3 – OEH Submission and Response

In summary, the main points raised in submissions are:

- 1) support for rezoning from E2 to an appropriate adjoining zone;
- 2) community concerns relating to accuracy of mapping
- 3) amend zoning objectives and permitted land uses;
- 4) OEH advised that making flood mapping available in the ELEM 2012 will be difficult to administer; and
- 5) Perceived impacts on property values, insurance costs and building approvals.

In response to the submissions:

Community concerns relating to accuracy of mapping

It is important to clarify that the flood studies and subsequent flood mapping are not incorrect and they have been prepared according to the most accurate flood information available. Each study has undergone rigorous analysis and extensive community consultation before being adopted by Council.

Impacts on property values, insurance costs and building approvals

Council has a legal obligation to identify hazards and has development controls in place that will mitigate potential property damage and loss of life from flooding. Council does not control property values or insurance premiums.

Amend rezoning objectives and permitted land uses

It is not the purpose of the planning proposal to change E2 zoning objectives or include additional permitted uses to other zones. The purpose of the planning proposal is the facilitate

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appropriate development in flood areas identified as a low to medium hazard, subject to an assessment at the development application stage.

OEH advised that making flood mapping available in the ELEM 2012 will be difficult to administer

It is noted that the introducing the flood mapping to the ELEM 2012 will be difficult for Council to administer, requiring each newly adopted or revised flood study to require an amendment to the ELEM 2012. Council have sought to further engage OEH and Department of Planning on the issue and propose to remove the flood mapping from the planning proposal.

Further details of the submissions and Council's response are attached under separate cover. Submitters received notification of the Council meeting and a link to the submissions and subsequent response.

Proposed changes to the planning proposal

In considering the submissions and after further consulting with OEH and Department of Planning, this report recommends Council remove the proposal to include flood mapping in the ELEM 2012 from the planning proposal and amend Clause 6.5 to remove the reference to flood mapping.

The mapping will become an administrative burden on Council and ultimately the community, who must be consulted each time a new planning proposal is prepared to amend the mapping when new flood studies are completed. Preparation of a flood study includes extensive consultation with the community, therefore; there is a risk of fatiguing and disengaging the community.

Public access to flood information will not be impacted by not including the mapping in the planning proposal. Any flood study or flood risk management plan prepared in accordance with the NSW Floodplain Development Manual 2005 must be made available to the public. Public access to flood studies is available through the website and upon request to view a hard copy at the front counter of the main administration building.

It is also proposed to make another minor amendment Clause 6.5 to be in keeping with the model clause.

Legal

The Environmental Planning and Assessment Act 1979 outlines the process for making amendments to an LEP. The first stage of the process requires Council to resolve to forward a planning proposal to the Minister for Planning for a Gateway Determination. This stage of the process was completed and a Gateway Determination was issued allowing for the planning proposal to be placed on public exhibition.

Council was granted approval to finalise the planning proposal under delegation.

This report is for Council to consider any submissions received and resolve to adopt a final planning proposal.

**PSR19/004 PLANNING PROPOSAL NO 14 - FLOOD MAPPING AND REZONE
LAND**

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Policy

The Moruya Floodplain Development Code guides development of flood prone lands in Moruya. The guide identifies the Flood Planning Area associated with that Code as will any subsequent Codes written upon adoption of the flood studies and flood risk management plans currently in preparation for Batemans Bay and Narooma.

Environmental

There is no proposal to change to E2 zoning on parcels where there is an environmental feature or of environment value. The planning proposal only provides consideration to rezoning land that is zoned E2 because it was identified as a flood area of a low to medium hazard.

CONCLUSION

The public exhibition period and further consultation with relevant government agencies identified inclusion of flood mapping in the EEP 2012 as an administration task that would require subsequent ongoing Planning Proposals to amend the EEP 2012 as new flood information became available. This will burden the community with repeated engagement leading to potential disengagement from the flood planning process. It is recommended Council forward a request to the Department of Planning to amend to the Gateway determination and remove the flood mapping from the final determination to be forwarded to Council for endorsement under delegation.

**PSR19/007 BATEMANS BAY REGIONAL AQUATIC, ARTS AND LEISURE CENTRE - E12.6442.P
SURVEY RESULTS**

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

Attachments: 1. Under Separate Cover - Survey Results

Outcome: Vibrant and Diverse Economy

Focus Area: 5.1 Diversify the region's economy, attract investment and target new and emerging employment sectors

Delivery Program Link: 5.1.3 Plan for the development of the Batemans Bay Mackay Park Precinct

Operational Plan Link: 5.1.3.1 Prepare a design for the Regional Aquatic, Arts and Leisure Centre Batemans Bay

EXECUTIVE SUMMARY

The purpose of this report is to advise Council of the feedback provided by the community in response to the exhibition of three concept plans for the Batemans Bay Regional Aquatic, Arts and Leisure Centre.

The Batemans Bay Regional Aquatic, Arts and Leisure Centre (BBRAALC) project is currently in the design stage. To provide the broader community of our Shire an opportunity to be further engaged with the project, three unique concept designs were developed. The community was engaged to provide feedback on the designs to enable the project team an opportunity to then consider those issues/concerns in preparing a final design (Concept D). The engagement with the community for the three concepts was not intended to revisit nor alter the approved scope of the project e.g. 25m pool versus a 50m pool.

The main forms of engagement included:

- Council staff operating face-to-face kiosks at Batemans Bay (7), Moruya (1) and Narooma (1).
- Electronic mediums (webpage, Facebook etc).
- Face-to-face with representatives from NBRS Architecture (focus groups/internal Council staff).

While the survey results provided some unique feedback for each individual design, there were a number of consistent themes that traversed all three concepts.

Based on those key themes, the project now seeks to consider those issues/concerns in preparing a final concept.

**PSR19/007 BATEMANS BAY REGIONAL AQUATIC, ARTS AND LEISURE CENTRE - E12.6442.P
SURVEY RESULTS**

RECOMMENDATION

THAT

1. Council receive and note the report on the Batemans Bay Regional Aquatic, Arts and Leisure Centre – Survey Results.
2. A concept plan and financial analysis be developed for the Batemans Bay Regional Aquatic, Arts and Leisure Centre (Concept D).

BACKGROUND

As a component of the broader communication strategy for the proposed BBRAALC, the community were engaged via a survey process for three related, but unique concepts plans, each demonstrating a different layout for the new complex.

The overall intent was to provide opportunity for all members of the community through an open and transparent process, to actively provide input on the concepts to assist in informing the final design of the proposed BBRAALC.

The survey period ran from 7 January until 17 February 2019. During this time, a total of 273 surveys were returned, either electronically or as a paper-based return.

In addition to the survey, project staff also met with key internal stakeholders and the various focus groups (11) to understand their views on the three concept plans. All meetings were held in consultation with representatives from NBRS Architecture.

Council also conducted nine kiosks at the Village Centre Batemans Bay and the Moruya and Narooma libraries, which provided the opportunity for the community to view the concept plans, ask questions and lodge a survey.

CONSIDERATIONS

As this was a qualitative survey, no statistical significance is implied by the survey results, nor should the data be considered as a representative profile of all the residents/non-residents of the Eurobodalla Shire. The data however, does represent a range of views and ideas of those who opted to participate in the survey.

With regard to the participants who completed the survey the key findings were:

- 62% identified as being from within the 2536 postcode area.
- 21% identified as being from within the 2537 postcode area.
- The remaining were a mix of other areas including some from Canberra.
- 42% of returns came from those in the 60+ age group.
- 37% of returns came from the 40 – 59 age group.
- There was a very poor return from those under 18 (3%).
- 52% stated they would use the new centre at least once a week with 37% using the new centre at least a few times a week.

**PSR19/007 BATEMANS BAY REGIONAL AQUATIC, ARTS AND LEISURE CENTRE - E12.6442.P
SURVEY RESULTS**

- That the 25 metre pool (16%), Café and Retail Space (15%), Theatre (14%) and Warm Water Pool (12%) would be the most utilised areas within the centre complex.

The main issues raised from the survey (common across all three concepts) are:

- Strong preference for the two facilities to have their own foyer/entrances
- Lack of a 50 metre pool included in any of the three concept plans
- That all pools should be indoors
- Preference for the gym to be upstairs
- Proximity of café to pools and being accessible to all patrons (paying and non-paying)
- Some queried the size of the theatre saying 350 seats would be inadequate
- Some queried the future location of Mini Golf
- Some felt the Art Gallery was too small
- A number wanted the Wet/Dry workshops to be a part of the theatre complex
- Some questioned the actual location of the Visitor Information Centre and the role in the new centre.

The main issues raised by internal staff and members of the focus groups were:

- That all pools should be indoors.
- Queried the configuration of the pools requesting Learn to Swim and Water Play be moved closer to the front of the building and nearer the café.
- Query on potential operating costs – split concepts versus everything consolidated under one roof.
- Queried the reduction in the size of a number of components within the centre especially the gym and meeting rooms. Potential loss of revenue.
- Car parking – adequate numbers for both short and long term.

Whilst a number of people raised the absence of a 50m pool in the concepts, it needs to be acknowledged that Council was not engaging on this issue. Council has previously made the decision, after considering community views and independent professional advice, not to include a 50m pool in the proposed development. Whilst this may not be agreeable to some members of the community, Council has been clear as to the reasons for this. It is essential that the development meets the broadest needs of the community and that the proposed development be affordable.

Financial

Council has consistently advised that this project will only proceed in a manner that is affordable and financially sustainable. Whilst Council is attempting to meet the broadest needs of our community, it is not possible to address all of the wants of the community. Council has and will continue to consider independent professional advice to inform the design process and the estimation of both capital and operational costs. This is essential if Council is to be in a position to make informed decisions about the operation and cost of the proposed facility.

Community and Stakeholder Engagement

Mechanisms utilised to advise and engage the community included:

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SURVEY RESULTS**

- Kiosks – a total of nine kiosks were conducted at Village Centre Batemans Bay, Moruya and Narooma libraries
- Kiosk materials - pull up banners, large scale plans, hard copy survey, hard copy FAQs
- Media release
- Survey asking what people like and don't like and why for each concept (website and hard copy distributed at points throughout the Eurobodalla)
- Frequently Asked Questions (website and hard copy distributed at points throughout the Eurobodalla)
- Website pages updated and homepage banner linked to survey
- Animation (Facebook and website)
- Facebook – post with animation and kiosk details
- Newsletters
- Promotional poster “What do you think, Eurobodalla?” – distributed at points around the Eurobodalla with a particular emphasis on Batemans Bay and surrounding areas
- Living in Eurobodalla (printed newsletter to households).

Engagement was conducted from 7 January 2019 until 27 February 2019. A report has been prepared, copy attached, which captures the results of, and input provided via the survey.

A copy of the survey report has been provided to NBRS Architecture.

CONCLUSION

There are a number of strong themes that resonated throughout the consultation process across all three concept plans. This was consistent from the face-to-face engagement staff had at the kiosks, with the focus groups and internal Council staff. These themes were also reflected in the responses to the returned surveys.

In response the project team would seek to develop Concept D to encapsulate the key concerns and seek to redress as many of the issues raised as possible (noting some issues may be in direct conflict with each other).

PSR19/006 DRAFT ECONOMIC DEVELOPMENT STRATEGY

E88.0056

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

Attachments: 1. Under Separate Cover - Draft Economic Development Strategy
2. Under Separate Cover - Submissions
3. Under Separate Cover - Confidential - Submissions

Outcome: Vibrant and Diverse Economy

Focus Area: 5.1 Diversify the region's economy, attract investment and target new and emerging employment sectors

Delivery Program Link: 5.1.1 Encourage and attract new business industry, investment and employment opportunities

Operational Plan Link: 5.1.1.6 Implement Advancing Eurobodalla

EXECUTIVE SUMMARY

The purpose of this report is to recommend adoption of "Advancing Eurobodalla" the draft *Economic Development Strategy* (the Strategy) attached.

Together with the Eurobodalla Destination Action Plan, the Strategy provides the framework to guide Council's decision making over the next ten years to grow our Shire's economy.

Council has many roles to play in economic development, from a lobbying/advocacy role, directly influencing outcomes with key infrastructure (e.g. roads, playgrounds, performing arts and recreational spaces, visitor facilities), integrating economic development into strategic planning and policy development and in supporting the local business community and attracting investment.

At a more detailed level, the Strategy incorporates decisions on priorities relating to employment-creating opportunities; investment in infrastructure to encourage growth; attracting targeted industries; and growing and supporting local businesses.

The Strategy was primarily prepared by Council staff with analysis and guidance provided over its development, from consultants including Meredith Wray, Joanne Walker, Kim Houghton (NIEIR), and more recently Michael Campbell from Lucid Economics.

Input from the experts ensures that Eurobodalla's economic development story was well evidenced and actions were developed to overcome key threats and weaknesses in our Shire's economy and that opportunities and strengths are recognised and built upon.

Following a stakeholder and professional workshop on 22 May 2017, the Strategy was placed on public exhibition from 21 June until 4 August 2017 and during this time, seventeen submissions were received. This led to a redraft and a restructure of the document to include additional analysis of current and forecasted economic conditions, actions that went beyond infrastructure and planning outcomes, and relevant measures and monitoring to report on progress.

PSR19/006 DRAFT ECONOMIC DEVELOPMENT STRATEGY

E88.0056

The redrafted Strategy was presented by Michael Campbell from Lucid Economics, to councillors on 4 December 2018 and again on 5 March 2019. The final draft was also workshopped with a cross section of staff and an external groups representing business, education and health services.

RECOMMENDATION

THAT

1. Council adopt the draft *Economic Development Strategy 2019-2028*.
2. Council write to those who made a submission on the draft *Economic Development Strategy 2019-2028* and thank them.

BACKGROUND

Eurobodalla Shire Council's Fit for the Future Improvement Plan, adopted by Council on 23 June 2015, included a key action to support economic growth and development through a new Economic Development Strategy 2019-2028.

This draft Strategy outlines how Eurobodalla can secure the right kind of economic growth and who can play a role in achieving this. It has been developed having regard to the best available evidence in terms of economic indicators, the views and ideas of local stakeholders and the values that have been regularly expressed by the broader Eurobodalla community.

The draft Strategy provides a framework to promote and facilitate sustainable economic growth and development in the Eurobodalla.

The draft Strategy is based on an analysis of the current economic climate in Eurobodalla, the existing strategic policy context at the National, State and local level, and the drivers of future economic growth at local and global levels.

The vision for economic development in our Shire is clearly articulated in the draft Strategy to grow the economy in order to improve the socio-economic wellbeing of the community. In practice, the achievement of this vision requires the successful implementation of the strategies and actions in the Action Plan, which has been designed to guide the efforts of Council, Government, businesses and our community. The draft Strategy includes a process for monitoring and measuring progress of the Action Plan.

PSR19/006 DRAFT ECONOMIC DEVELOPMENT STRATEGY

E88.0056

The draft Strategy:

- focuses on opportunities to generate additional income and jobs, while preserving and enhancing the local features that are valued by the community and which underpin our economy
- encourages economic outcomes compatible with local aspirations, needs, values and resources
- recognises the importance of planning for our towns to activate and improve the urban form to create great places for people to live, visit, work and invest
- involves collaboration and partnership between the public, private and community sectors, and
- fosters a more resilient and diversified local economy.

In the development of this draft Strategy, key stakeholders were engaged through one-on-one interviews and via facilitated workshops held on 18 May 2016 and 22 May 2017. Stakeholders included relevant high level professional staff from Australian and NSW Government agencies, the health and aged care, education, retail, construction, manufacturing and agricultural sectors and those in tourism industries.

Council's *Community Strategic Plan 2017* (the CSP) establishes Council and the communities' future directions, to be one community. The CSP's vision is to be a friendly, responsible, thriving and proud Shire. This vision is at the heart of what we need to do together to achieve the future our community desires. The Strategy needs to be able to deliver on this broad vision and in particular the objectives outlined in Outcome 5 - "A Vibrant and Diverse Economy "

- 5.1 Diversify the region's economy, attract investment and target new and emerging employment sectors
- 5.2 Support our business community to grow and adapt and assist in building capacity
- 5.3 Focus on the development of sustainable tourism, events and visitor experiences
- 5.4 Ensure businesses have access to supportive public and technology infrastructure

To achieve this, the draft Strategy has identified four priority areas with recommended actions:

Industry Assistance and Engagement

- Work with industry and business to build capacity
- Grow our rural food producers and aquaculture industries
- Disseminate and deliver economic information

Investment Attraction

- Market and promote the Shire for business and investment
- Facilitate employment and investment outcomes

PSR19/006 DRAFT ECONOMIC DEVELOPMENT STRATEGY

E88.0056

- Ensure sufficient lands to accommodate new investment

Workforce Development

- Work with education providers and business to match skills and jobs
- Support future development of educational infrastructure

Infrastructure and Place Enhancement

- Ensure town centres are activated and attractive
- Support and enhance infrastructure

CONSIDERATIONS

The draft Strategy was first publicly exhibited mid-2017 and was promoted by:

- direct emails to various groups and Chambers of Commerce
- a media release
- a public notice in the local newspaper on 21 June 2017
- Council e-news

Seventeen submissions were received and amendments were made. A summary of key submissions can be found in the table below. A detailed table of submissions is attached to this report.

| Submission | Council Response |
|--|--|
| Better analysis of current and forecasted economic conditions | Latest data was analysed by Lucid Economics and used as the basis for the strategy |
| Provide clearer deliverables and Key Performance Indicators | The Action Plan provides a clearer list of responsibilities, timing and measures |
| Provide a way forward for measuring and reporting on progress. | A section on monitoring change including frequency of reporting has been added |
| Comments relating to Council's tourism brand or marketing activities | Respondents were referred to the Destination Management Action Plan |
| Recommendation to organise an annual economic development summit | Incorporated under Priority 1 Industry Assistance and Engagement |
| Lack of industry sector analysis | Key industry analysis included in Growth Opportunities |

Environmental

The draft Strategy's vision is to foster economic growth and improve the socio-economic wellbeing of the community by taking advantage of our valued natural assets to build a vibrant and diverse economy.

PSR19/006 DRAFT ECONOMIC DEVELOPMENT STRATEGY

E88.0056

Social Impact

The draft Economic Development Strategy's main aim is to improve the quality of life for people living in Eurobodalla by providing jobs, helping business owners, encouraging diversity and attracting new services for our community.

Economic Development Employment Potential

This Economic Development Strategy is a comprehensive plan and set of actions for Council, Government, businesses and our community that aims to ensure a productive and prosperous future for Eurobodalla to 2028 and beyond and delivers on Council's CSP's objective of creating a Vibrant and Diverse Economy. The Strategy focuses on opportunities to generate additional income and jobs and aims to foster a more resilient and diversified local economy. Actions in the strategy will help create more employment by:

- Supporting diversification in tourism to offer new experiences to our growing visitor markets outside of peak tourist seasons
- Meeting the demands of the health care and social assistance sector, important for Eurobodalla in terms of both employment and servicing of our community
- Supporting business to help build capacity, access infrastructure funding and assist with advocacy
- Helping our local producers grow the food industry including food tourism, regional food branding and promotion, and distribution
- Growing the education and training sector to ensure that the workforce has the required skills to support economic growth
- Lobbying for reliable telecommunications, particularly reliable and fast broadband for all businesses

Advocating for key infrastructure improvements and major developments that can be a catalyst for jobs and economic growth.

Financial

This Strategy strongly aligns with the Regional Economic Development Strategy produced for the NSW Government to support future grant applications. Opportunities will be leveraged to apply for government funding where possible.

Community and Stakeholder Engagement

Extensive consultation went into the initial input for the preliminary draft. Over 30 individuals from a wide sector of industries were interviewed to seek their views on the current state of the economy in relation to their business. Industries covered included aged care services, agriculture, education, hospitality, real estate and tourism.

An early draft Strategy was placed on public exhibition from 21 June until 4 August 2017. The exhibition period was promoted via a public notice in the local newspaper, a media release, Council's e-news, direct emails and consultation sessions. During this time, seventeen submissions were received and amendments were made to include better analysis of current and forecasted economic conditions, clearer deliverables and Key Performance Indicators, and a way forward for measuring and reporting on progress.

PSR19/006 DRAFT ECONOMIC DEVELOPMENT STRATEGY

E88.0056

The redrafted Strategy was presented by Michael Campbell from Lucid Economics, to councillors on 4 December 2018 and again on 5 March 2019. The final draft was also workshopped with a cross section of staff and an external groups representing business, education and health services.

CONCLUSION

Council engaged consultants Lucid Economics, who are experienced in economic development, to help finalise the draft Strategy and provides a clear pathway towards our new economy and achieving our vision. It provides strong overall direction regarding how Council will seek to influence and grow our local economy.

It is recommended that council adopts final draft Economic Development Strategy 2019-2028 attached under a separate cover.

**IR19/010 REQUEST FOR TENDER - SUPPLY, INSTALL, COMMISSION OF A GRIT
COLLECTOR AT THE MORUYA SEWAGE TREATMENT PLANT**

E91.2605

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: 1. Confidential - RFT No. 2019/ISD044 - Grit Collector
Outcome: Sustainable Living
Focus Area: 4.1 Maximise the efficient use and reuse of our water resources
Delivery Program Link: 4.1.1 Provide a safe, reliable and sustainable town water supply and sewerage services
Operational Plan Link: 4.1.1.2 Build, renew, operate and maintain sewerage systems

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 2019/ISD044 – Supply, Install, and Commission of a Grit Collector at the Moruya Sewage Treatment Plant, and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT:

1. Council endorse the selection of the preferred tenderer listed for Request for Tender (RFT) No. 2019/ISD 044 Supply, Install, Commission of a Grit Collector at the Moruya Sewage Treatment Plant; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender.

BACKGROUND

A requirement exists for the provision of a replacement grit collector at the Moruya Sewage Treatment Plant as a result of the existing one reaching the end of its life and spare parts are becoming difficult to source.

RFT No. 2019/ISD044 was advertised on 23 January 2019 with a closing date of 14 February 2019. Upon close of tender, 2 tenders were received and assessed in accordance with the Tender Evaluation Plan.

Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- Gongues Constructions P/L, Cameron Park NSW 2285
- CST Wastewater 16/20 Barcoo Street, Roseville NSW 2069.

A summary of the evaluation including each tenderer's scoring against the evaluation criteria and pricing is provided at the confidential attachment to this report.

**IR19/010 REQUEST FOR TENDER - SUPPLY, INSTALL, COMMISSION OF A GRIT
COLLECTOR AT THE MORUYA SEWAGE TREATMENT PLANT**

E91.2605

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2019/ISD 044 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertising on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal (www.tenderlink.com/eurobodalla).

Upon release of the RFT a Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Board (TEB).

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to tendered pricing, experience and WHS Management System.

Policy

The procurement activity for which this report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2005 and the Local Government Act 1993.

Financial

Tendered pricing is within current operational budget.

Communication/Consultation

The community engagement planning tool has been utilised and the level of engagement required is to inform.

The community will be informed of the tender outcome(s) via Council's contract register found in Council's 'Public Access to Information' web link.

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the preferred tenderer has been assessed, through an extensive evaluation as representing best value for money.

This report recommends the preferred tenderer.

CCS19/012 LEASES - SDN CHILDREN'S SERVICES INC

E02.6698

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

Attachments: 1. Confidential - Leases - SDN Children's Services Inc

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

SDN Children's Services Inc (SDN) currently lease part of the Batemans Bay Children and Family Centre to run the Batemans Bay Preschool, Melaleuca Crescent, Catalina.

A request has been received from SDN for an extension of its lease of the Preschool for a further three years so that it can attract grant funding.

SDN has also requested to lease an additional small office within the Family Centre.

As Lot 8 DP 1186078 is Council owned community land, public notification of the intention to extend the term of the current lease and grant a new lease of the office within the Batemans Bay Children and Family Centre was publicly notified from 13 March 2019 for 28 days in accordance with Section 47A of the *Local Government Act 1993* and Council's Community Engagement Framework. No submissions were received.

It is considered reasonable and appropriate that SDN be granted a three year extension to the existing Preschool lease and a new lease be granted for the office.

RECOMMENDATION

THAT:

1. Consent be given to vary the lease to SDN Children's Services over that part of Lot 8 DP 1186078 (formerly Lot 39 DP 800369) known as the Batemans Bay Children and Family Centre, 1A Melaleuca Crescent, Catalina by way of Variation of Lease providing for:
 - (a) A three year extension of the lease term to 31 May 2029.
 - (b) Rental for the additional three years of the lease from 2026 to 2029 to be at commercial rates based on a valuation from a registered valuer.
 - (c) All costs including legal costs associated with the preparation and registration of the Variation of Lease and valuation costs be borne by SDN Children's Services.
2. A lease be granted to SDN Children's Services for an office within the Batemans Bay Children and Family Centre located at Lot 8 DP 1186078, 1A Melaleuca Crescent, Catalina

CCS19/012 LEASES - SDN CHILDREN'S SERVICES INC

E02.6698

with conditions including:

- (a) A term of ten years commencing on 1 June 2019 and terminating on 31 May 2029.
 - (b) Office rental is as per the Confidential Attachment to this report.
 - (c) All costs including legal costs associated with the preparation and registration of the lease be borne by SDN Children's Services.
3. Consent be given to affix the Common Seal of Council to the Variation of Lease and the new lease for the office.

BACKGROUND

The Batemans Bay Children and Family Centre was constructed to provide for children and family services.

- Since 2005, half the building has been leased to SDN for the Batemans Bay Preschool.
- The current lease has been in force since 2011 and expires on 31 May 2026.
- The rental for the current lease for the Preschool is a peppercorn rental. The original building was built using grant funding and it was a condition of the grant that the original rent be peppercorn rental.
- The remainder of the building consists of an office, assessment/observation room, multipurpose room/playroom and storerooms which can be utilised by the community.

SDN has requested:

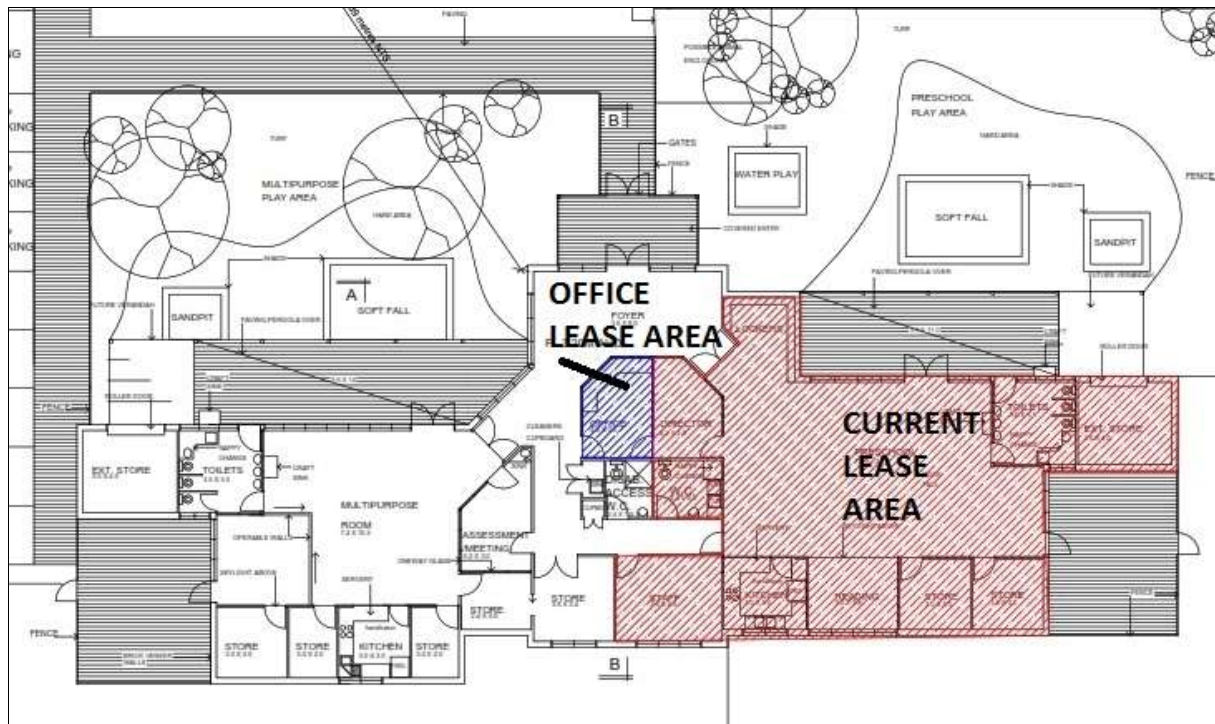
- An extension of three years for the Preschool lease so it expires in 2029. It requires a ten year tenure for grant purposes.
- To lease an additional small office for approximately ten years to coincide with the expiry of the extended lease for the Batemans Bay Preschool. The office is currently unoccupied with no perceived use in the near future and has a connecting door to the area already leased.

The Family Centre is located within Council owned community land at Lot 8 DP 1186078, 1A Melaleuca Crescent, Catalina.

The lease areas are shown in the sketch below.

CCS19/012 LEASES - SDN CHILDREN'S SERVICES INC

E02.6698



CONSIDERATIONS

Legal

The Batemans Bay Children and Family Centre is covered by the Catalina Reserves and The Hanging Rock Boat Ramp Car Park Reserve Plan of Management. A lease is authorised in the Plan of Management and is required to be publicly notified in accordance with Section 47 of the *Local Government Act 1993* allowing 28 days for submissions.

www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div2/sec47

Asset

The office is currently unoccupied and a new ten year lease will provide additional income for the Family and Day Care Centre.

Social Impact

The Batemans Bay Pre-School provides an important service for pre-school children in the Batemans Bay area.

Financial

Rental for:

- the additional three years on the lease from 2026 to 2029 will be at commercial rates and determined following receipt of a valuation from a registered valuer
- the office rental is set out in the Confidential Attachment to this report.

As well as the peppercorn rent, SDN currently pay a contribution to the renewal and maintenance of the building.

CCS19/012 LEASES - SDN CHILDREN'S SERVICES INC

E02.6698

Community and Stakeholder Engagement

Lot 8 DP 1186078 is Council owned community classified land. In accordance with Section 47 of the *Local Government Act 1993* and guided by Council's *Community Engagement Framework*, the intention to extend the term of the current lease for the Preschool and grant a new lease of the office within the Batemans Bay Children and Family Centre was publicly notified from 13 March 2019 for 28 days. No submissions were received.

CONCLUSION

A three year extension to the current lease to SDN for the Batemans Bay Preschool and the granting of a new ten year lease of the office in the Batemans Bay Children and Family Centre will provide additional income for the Centre and is considered to be appropriate.

CCS19/013 INVESTMENTS MADE AS AT 31 MARCH 2019

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 March 2019, 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.

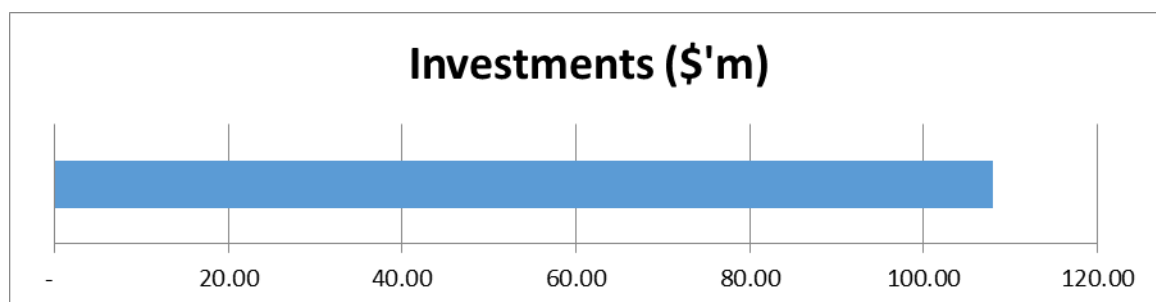
CONSIDERATIONS

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



CCS19/013 INVESTMENTS MADE AS AT 31 MARCH 2019

E99.3517

Council has 100% (\$108.00m) 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 \$30.5m 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 28.24% invested in BBB+. Investment in Government Guaranteed Deposits is \$1.75m and represents 1.62% of the portfolio.

There are \$50m (46.29%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 2.66%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.09%).

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 | 3,005,603 |
| Term Deposits | 103,250,000 |
| Term Deposits Government Guaranteed | 1,750,000 |
| | 108,005,603 |
| <i>Weighted average interest %:</i> | 2.66% |
| <i>Average 90 day BBSW + 0.25%</i> | 2.09% |

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 | 1.62 | 1.62 | 100.00 |
| Near risk free | 70.14 | 70.14 | 100.00 |
| Some limited risk (BBB+) | 28.24 | 28.24 | 30.00 |

CCS19/013 INVESTMENTS MADE AS AT 31 MARCH 2019

E99.3517

| | | | |
|--------------------|---------------|---------------|--|
| Grand total | 100.00 | 100.00 | |
|--------------------|---------------|---------------|--|

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 2018 is 2.51:1. Council therefore has approximately \$2.51 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.

**CCS19/014 REQUEST FOR TENDER NO. 2019/CCD043 - INTEGRATED HEAVY
VEHICLE COMPLIANCE MANAGEMENT SYSTEM SOLUTION**

E19.1857

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

Attachments: 1. Confidential - Request for Tender No. 2019/CCD043 - Integrated Heavy Vehicle Compliance Management System solution

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.3 Provide administrative, technical and trade services to support the organisation

Operational Plan Link: 9.2.3.3 Manage fleet

EXECUTIVE SUMMARY

In October 2018 changes to the Heavy Vehicle National Law (HVNL) were introduced to impart specific obligations on all parties in the supply chain to ensure breaches of the HVNL do not occur. The changes introduced come under the title of 'Chain of Responsibility' (CoR) and require every responsible person in the supply chain to take positive steps to prevent mass, load restraint, dimension, and fatigue and speed offences.

To meet its obligations under CoR laws Council invited tenders for lease of an Integrated Heavy Vehicle Compliance Management System solution for installation in all of its trucks over 4.5T in mass.

This report outlines the evaluation of tenders received in response to Request for tender (RFT) No. 2019/CCD043 –Integrated Heavy Vehicle Compliance Management System solution and provides a recommendation.

RECOMMENDATION

THAT Council

1. Endorses the selection of the preferred tenderer identified for Request for Tender No. 2019/CCD043 – Integrated Heavy Vehicle Compliance Management System solution within the Confidential Attachment to this report.
2. Accordingly approves the entering into a Contractual Agreement with the preferred tenderer, subject to the terms specified in the Request for Tender No. 2019/CCD043.

BACKGROUND

In October 2018 changes to the Heavy Vehicle National Law (HVNL) were introduced to impart specific obligations on all parties in the supply chain to ensure breaches of the HVNL do not occur. The changes introduced come under the title of 'Chain of Responsibility' (CoR) and require every responsible person in the supply chain to take positive steps to prevent mass, load restraint, dimension, and fatigue and speed offences.

**CCS19/014 REQUEST FOR TENDER NO. 2019/CCD043 - INTEGRATED HEAVY
VEHICLE COMPLIANCE MANAGEMENT SYSTEM SOLUTION**

E19.1857

To meet its obligations under CoR laws Council invited tenders for lease of an Integrated Heavy Vehicle Compliance Management System solution for installation in all of its trucks over 4.5T in mass.

CONSIDERATIONS

Request for Tender (RFT) No. 2019/CCD043 was advertised on 18 December 2018 for the purpose of leasing an Integrated Heavy Vehicle Compliance Management System solution for installation in all of Council's trucks over 4.5T in mass. Council has 51 vehicles that this system will be installed in. Offers were received from the following tenderers:

- Netcorp GPS
- Teletrac Navman (Telstra)

The proposed Integrated Heavy Vehicle Compliance Management System solution will have considerable benefits associated with driver behavior such as speed alerts and will provide precise diesel rebate recording.

The RFT, subject to the evaluation activities specified in the Tender Evaluation Plan (TEP), sought an integrated hardware and software solution to be provided on a monthly cost basis, for a minimum period of three years, with two additional three year options to extend arrangements, subject to price variation based on the Consumer Price Index (CPI).

Legal

RFT No. 2019/CCD043 was advertised in accordance with *Local Government (General) Regulation 2005 REG 167* and the *Local Government Act 1993*.

The tender was advertised on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal www.tenderlink.com/eurobodalla.

A TEP was distributed amongst the Tender Evaluation Board (TEB) prior to the closing date.

Two offers were received and an assessment was carried out in accordance with the TEP. Both offers were assessed as compliant. The Confidential Attachment to this report details the preferred tenderer determination and assessment rationale.

Policy

The tendering activity and associated evaluation for which this tender applies has been administered in compliance with Section 55 of the *Local Government Act 1993*, the *Local Government (General) Regulation*, Tendering Guidelines for NSW Local Government and Council's Procurement Policy/Codes of Practice.

Financial

Funding for the proposal has been approved for expenditure across Financial Years 2019/20 to 2024/25.

**CCS19/014 REQUEST FOR TENDER NO. 2019/CCD043 - INTEGRATED HEAVY
VEHICLE COMPLIANCE MANAGEMENT SYSTEM SOLUTION**

E19.1857

Community and Stakeholder Engagement

The community engagement planning tool has been utilised and the level of engagement required is to inform.

The community will be informed of the tender outcome via Council's contract register found in Council's 'Public Access to Information' web link.

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the preferred tenderer has been assessed, through an extensive evaluation as representing best value for money.

The preferred tender as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the requirement.

CCS19/015 PART ROAD CLOSURE - BEACH ROAD, SUNSHINE BAY

13.7239.B

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

Attachments: 1. Confidential - Part Road Closure, Beach Road Sunshine Bay

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

Caseys Beach Caravan Park is located on Beach Road, Sunshine Bay being Lot 1 DP 505968. Part of the caravan park encroaches onto Beach Road.

To rectify the encroachment of the caravan park onto part of Beach Road, it is proposed to close part of the road and sell that part to the owners of the caravan park.

The value of the closed road reserve will be determined following a valuation by a registered valuer.

All survey and legal costs associated with the road closure will be borne by the owners of the caravan park.

The ownership of the caravan park changed hands in late 2017 and the new owners of the park wish to resolve the encroachment and have agreed in writing to this proposal. Details of the owners of the caravan park are set out in the Confidential Attachment.

The road closure and transfer will take place in accordance with Council's *Land Acquisition and Disposal Policy*.

RECOMMENDATION

THAT

1. A Deed of Agreement be entered into with the land owner of Lot 1 DP 505968 for the closure of that part of Beach Road, Sunshine Bay adjacent to their property requiring the land owner to pay all costs associated with the closure of part of Beach Road, including compensation to be determined following a valuation, and to consolidate the area of closed road with Lot 1 DP 505968.
2. Subject to the above Deed of Agreement being entered into, Council publicly notify the proposal to close Council road reserve adjacent to Lot 1 DP 505968 in accordance with the provisions of the Roads Act 1993 for a period of 28 days.
3. Subject to no objections being received the closure of Council road reserve adjacent to

CCS19/015 PART ROAD CLOSURE - BEACH ROAD, SUNSHINE BAY

13.7239.B

Lot 1 DP 505968 proceed.

4. Once closed and vested in Council the land be transferred to the land owner of Lot 1 DP 505968 following payment to Council of the agreed compensation.
5. Consent be given to affix the Common Seal of Council to all relevant documentation.

BACKGROUND

Caseys Beach Caravan Park is located on Beach Road, Sunshine Bay and parts of the caravan park encroach onto Beach Road.

To rectify the encroachment of the caravan park onto part of Beach Road, it is proposed to close part of the road and transfer that part to the owners of the caravan park.

The ownership of the caravan park changed hands in late 2017 and the new owners of the park wish to resolve the encroachment.

CONSIDERATIONS

The areas of road widening and road closure are shown in the diagram below.



Part road closure, Beach Road, Sunshine Bay

Legal

A Plan of Subdivision will be prepared and lodged at New South Wales Land Registry Services to enable the road closure of part Beach Road to transfer to the caravan park.

CCS19/015 PART ROAD CLOSURE - BEACH ROAD, SUNSHINE BAY

13.7239.B

Policy

The road reserve matters will proceed 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

Financial

The value of the closed road reserve will be determined following a valuation by a registered valuer.

All survey and legal costs associated with the road closure will be borne by the applicants, the owners of the caravan park.

The owners of the park wish to resolve the encroachment and have agreed in writing to this proposal.

Community and Stakeholder Engagement

In accordance with the *Roads Act 1993*, the proposed road closing will be publicly notified through the local newspaper and on Council's website allowing 28 days for submissions and State statutory authorities will also be notified allowing 28 days for submissions.

CONCLUSION

To rectify the encroachment of the caravan park onto Beach Road, it is proposed to close part of Beach Road and transfer that part to the owners of the caravan park.

CCS19/016 LAKESEA PARK - LEASE AMENDMENT

84.0042.D

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

Attachments: 1. Confidential - Lease Amendment - Lakesea Park

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

In November 2015, Council approved a 30 year lease for Lakesea Park (the Park). An amendment to one clause within the lease is proposed in order to facilitate further capital investment in the Park.

RECOMMENDATION

THAT:

1. Clause 16 of the lease over Lot 1 DP 1224658 to Lakesea Park Pty Ltd be varied in accordance with *Crown Land Management Act 2016* as per the Confidential Attachment to this report.
2. The Lessee be responsible for all costs associated with the registration of the variation to the lease.
3. Consent be given to affix the Common Seal of Council to the variation of lease over Lot 1 DP 1224658.

BACKGROUND

A new lease was approved for Lakesea Park in November 2015.

Lakesea Park is located on part of Crown Reserve R85399 under the trusteeship of the Eurobodalla (North) Reserve Trust for which Council is Trust Manager. As such Council granted the 30 year lease subject to the consent from the Minister administering the *Crown Lands Act 1989*.

As Lessor, Council owns all the fixed assets and is responsible for their renewal. The Lessee pays for any capital work and then recoups this through a reduction in future rent paid.

The Lessee has requested an amendment to clause 16 of the lease so that they may undertake further capital investment immediately. The amendment will mean the Lessees rent reduction for the new works commences in the 2018-19 financial year rather than in the 2021-22 financial year.

CCS19/016 LAKESEA PARK - LEASE AMENDMENT

84.0042.D

The Lessee completed all the compulsory capital investment required by the new lease conditions ahead of the deadline set in the lease. As a result, an amendment to clause 16 is appropriate to facilitate future investment now.

CONSIDERATIONS

Legal

Lakesea Park is located on part of Crown Reserve R85399 and Council is the Reserve manager.

Asset

The lease provides for all maintenance and repairs of the Lessor's improvements to be the responsibility of the Lessee and the Lessor is responsible for all capital expenditure on the Park's fixed improvements (capital works).

All fixed improvements will become the property of the Lessor.

Economic Development Employment Potential

The improvements to the Park will enhance its facilities and encourage further growth of tourism for the Shire.

Financial

The new lease has seen a significant increase in income for the Trust. The potential for capital investment to increase rent further is one of the factors considered when approving further capital investment.

This amendment to the lease will only have a small cost impact as the timing of the rent reduction will be brought forward. This will be offset by allowing the benefits of the investment to be brought forward too.

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. There is no legal requirement to advise the community through public notice, or to seek feedback through public exhibition for land in relation to this matter and Council will inform the public via this report.

CONCLUSION

The Lessee is a long-standing lessee and rents received have increased significantly. It is appropriate for this amendment to the lease to occur.

**CCS19/017 LAND ACQUISITION FOR ROAD WIDENING - BROULEE
ROAD, BROULEE**

E17.1238/03.7140.D

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

Attachments: 1. Confidential - Land Acquisition for Road Widening - Broulee Road, Broulee

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

Road widening of a section of Broulee Road is planned to be undertaken in the 2018-19 financial year.

The project includes improving the road pavement and widening a section of Broulee Road west of George Bass Drive for a distance of approximately 400 metres.

Land acquisition of part Lot 3 DP 1013077 and part Lot 1 DP 239668 is required for road widening works and is to be dedicated as public road.

The land owner of the properties has been consulted and consented in writing to the works. The owner's details are set out in the confidential attachment.

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

RECOMMENDATION

THAT

1. All actions necessary be taken for the acquisition of land for road purposes of part Lot 3 DP 1013077 and part Lot 1 DP 239668 in accordance with Council's Land Acquisition and Disposal Policy.
2. All costs associated with the land acquisition be borne by Council.
3. Compensation for the land be determined following a valuation by a Registered Valuer.
4. Authority be given to affix the Common Seal of Council to the necessary documentation associated with the acquisition.

BACKGROUND

Improving the road pavement and widening a section of Broulee Road to an 11 metre seal is planned to be undertaken in the 2018-19 financial year.

This project is part of ongoing improvements to Broulee Road and forms part of Council's Asset Management Strategy and Long Term Financial Plan for renewing existing road assets.

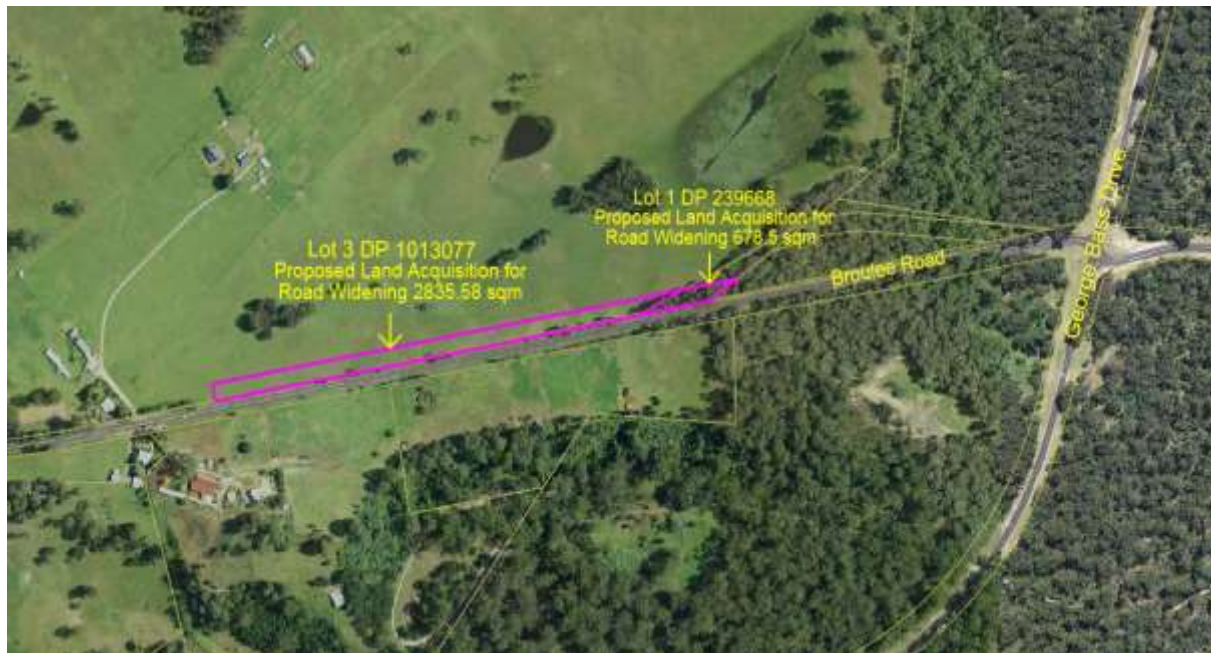
CCS19/017 LAND ACQUISITION FOR ROAD WIDENING - BROULEE ROAD, BROULEE

E17.1238/03.7140.D

The proposed works necessitate acquisition of approximately 2836 square metres of Lot 3 DP 1013077 and approximately 678 square metres of Lot 1 DP 239668 for road widening

CONSIDERATIONS

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



Lot 3 DP 1013077 and Lot 1 DP 239668 – Broulee Road, Broulee

Legal

A Plan of Subdivision of Lot 3 DP 1013077 and Lot 1 DP 239668, will be prepared and lodged at New South Wales Land Registry Services and the land will be dedicated as public road.

Policy

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

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

Asset

This project forms part of Council's Asset Management Strategy and Long Term Financial Plan for renewing existing road assets.

Financial

Compensation for the land will be determined following a valuation by a Registered Valuer and in accordance with the *Land Acquisition (Just Terms) Compensation Act 1991*.

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

**CCS19/017 LAND ACQUISITION FOR ROAD WIDENING - BROULEE
ROAD, BROULEE**

E17.1238/03.7140.D

Funding of \$370,000 for the project, including land acquisition and construction works, has been allocated to this project in the Delivery Program 2017-21/Operational Plan 2018-19 (DP/OP) for the 2018-19 financial year.

Community and Stakeholder Engagement

The owner of the property has been consulted and consented in writing to the proposed works. A permit to enter has been signed by the property owner which will allow works to commence.

CONCLUSION

Improving the road pavement and widening a section of Broulee Road is planned to be undertaken in the 2018-19 financial year.

Land acquisition of part Lot 3 DP 1013077 and part Lot 1 DP 239668 is required for road widening works and is to be dedicated as public road.

Council will be responsible for costs associated with the acquisition.

CAR19/006 ART ACQUISITION POLICY

E16.0297

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

Attachments: 1. Art Acquisition Policy attachment

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

Council resolved at its meeting of 27 November 2018 to place the draft Art Acquisition Policy on public exhibition for 28 days. The draft was placed on public exhibition from 21 February to 20 March, 2019. No submissions were received during the exhibition period.

The policy has been prepared for the implementation and development of a Council art acquisition program. 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 a \$8000 annual budget.

RECOMMENDATION

THAT Council adopt the Art Acquisition Policy.

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 and associated Code of Practice 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.

This policy is designed to position the role of arts and culture as instrumental to engaging communities, cultivating new industries, celebrating and promoting and developing the Eurobodalla's distinctive characteristics, economy and reputation as a strong and vibrant community.

CONSIDERATIONS

Art in all its forms can reflect the social and cultural history of an area, reflecting both its heritage and identity.

CAR19/006 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 and Council's leadership in acquiring works will serve to encourage a broader exposure to, and appreciation of, the arts in our community.

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

Community and Stakeholder Engagement

We have informed the community through providing information on Council's website; three advertisements in Council's noticeboard in local newspapers and distributing a media release.

We have consulted with the community by seeking feedback through a 28 day public exhibition where the Art Acquisition Policy was on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

The draft Art Acquisition Policy has been prepared to work in partnership with Council's current Public Art Policy. It will guide and facilitate the development and maintenance of an art collection of excellence and significance to Eurobodalla Shire.

With no submissions received, the policy is now 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 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> |
|----------|---|

Implementation

| Requirements | | Responsibility |
|--------------|---|---|
| 1 | <p>Strategy</p> <p>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 |
| 2 | <p>Code of Practice</p> <p>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 |
| 3 | <p>Funding</p> <p>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> | |
| 4 | <p>Staff</p> <p>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 |
| 5 | <p>Concerns</p> <p>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 |
| 6 | <p>Complaints</p> <p>Complaints received regarding this Policy will be lodged with the Public Officer and handled in accordance with Council's Complaints Policy.</p> | Public Officer |
| 7 | <p>Consultation</p> <p>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. |

Change history

| Version | Approval date | Approved by | Change |
|---------|---------------|-------------|--------|
| | | | |

CAR19/007 COMMUNITY DEVELOPMENT AND YOUTH GRANTS

E00.4938

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services
Attachments: Nil
Outcome: Strong Communities, Desirable Lifestyle
Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs
Delivery Program Link: 1.4.1 Plan for and provide opportunities, services and activities for youth
Operational Plan Link: 1.4.1.3 Coordinate the Youth Grant Program

EXECUTIVE SUMMARY

Council's agreement is sought to accept \$7,635 from the Department of Prime Minister and Cabinet to support the Walawaani Garindja youth project in Moruya (\$5,535) and the Y drive program (\$2,100) and \$10,000 from Coordinaire South East Public Health Network to promote healthy lifestyles and improve physical activity and mental health amongst Eurobodalla residents.

RECOMMENDATION

THAT Council accepts:

1. \$7,635 from the Department of Prime Minister and Cabinet to support the Walawaani Garindja and Ydrive projects; and
2. \$10,000 from Coordinaire South East Public Health Network to promote healthy lifestyles and improve physical activity and mental health amongst Eurobodalla residents.

CONSIDERATIONS

Youth program

The Department of Prime Minister and Cabinet representatives have been part of the stakeholder group to establish the Walawaani Garindja (safe journey to our youth) youth project in Moruya.

Each Wednesday afternoon, local services including police, PCYC, Campbell Page, Karralika Programs Inc, community volunteers and Council staff gather at Gundry Oval to provide activities and mentoring to local young people aged 10-17. The model is based on Council's existing youth cafes. The project started in August 2018 and continues to have high attendance and support.

CAR19/007 COMMUNITY DEVELOPMENT AND YOUTH GRANTS

E00.4938

The \$5,535 grant will provide:

- Funds to purchase healthy snacks and fruit for participants each week
- Equipment to support safe food handling and equipment
- Sporting equipment, games and art/craft supplies.

Y Drive Program

The \$2,100 grant will provide safety kits for Y drive participants which include reflective breakdown triangles, a torch and a small first aid kit.

These will be given to participants as they complete the Y check vehicle safety module.

Community Development Program

The South East Public Health Network known as Coordinaire recently advertised a 'Empowering Our Communities' Community Grant program, of up to \$10,000 per grant, to address community wellbeing, community resilience, mental health support and complimentary lifestyle activities in a group setting, aimed at improving physical and mental health.

The funds from this grant will enable Council to provide:

- A Farmers Picnic in Moruya in October 2019 which will target farmers and their families to build a support network. The picnic day will include guest speakers and support agencies to provide information regarding drought support and resilience. Our aim is to develop a local mailing list and network for farmers to share information, resources and skills. We anticipate that this will build a continued desire for ongoing networking and regular gatherings across the farming community.
- Free mental health training in Batemans Bay and Moruya. These workshops will be for volunteers in our community to build their understanding of signs to look out for and support services available locally.
- Physical and social health programs across our community from May 2019 to July 2020. Staff will work with qualified instructors to develop come and try programs that will be offered free of charge as 10 week programs running in Council facilities. It is anticipated that people will get a taste for the program. The instructors will also have the opportunity to test participation levels and options for running the program/s independently of grant support funding.

The opportunity to attract external funding to support community programs enables Council to provide quality opportunities that address important social and wellbeing issues in the community.

CAR19/007 COMMUNITY DEVELOPMENT AND YOUTH GRANTS

E00.4938

Moreover where services can work together with common aspirations and support capacity building, we strengthen our community's social capital and make the Eurobodalla a safe and vibrant place to live.

Community and Stakeholder Engagement

We will inform the community through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; posting on Council's Facebook and Twitter emails to stakeholders, community groups and distributing media releases.

CONCLUSION

Council's Youth and Community Development Services play a significant advocacy and development role for our residents and visitors, with strong links and partnerships in the community and region.

This has resulted in practical outcomes such as successful application for funding community projects to improve health, wellbeing, increased social cohesion, and increased participation in community events.

CAR19/008 ABORIGINAL ADVISORY COMMITTEE

E93.5498

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

Attachments: 1. Confidential - Aboriginal Advisory Committee attachment

Outcome: Celebrated Creativity, Culture and Learning

Focus Area: 2.3 Embrace and celebrate local history, cultural heritage and diversity

Delivery Program Link: 2.3.1 Acknowledge and involve traditional owners and members of the Aboriginal community

Operational Plan Link: 2.3.1.1 Coordinate the Aboriginal Advisory committee and associated projects

EXECUTIVE SUMMARY

Council facilitates the Aboriginal Advisory Committee (AAC). This committee includes community, and in some cases, organisational representation, and operates as per the Council endorsed Aboriginal Advisory Committee Terms of Reference.

Expressions of interest were sought from 8 February to 1 March 2019 for community representatives on the AAC. The Terms of Reference outline the selection criteria.

The purpose of this report is to inform Council of the nominations received for the community representative positions on the committee.

RECOMMENDATION

THAT Council appoint three (3) persons to the Aboriginal Advisory Committee, as recommended in the confidential attachment.

BACKGROUND

The Aboriginal Advisory Committee provides an opportunity for community members with specific interest or background to share their knowledge and perspective, and advise Council on issues that affect our community.

The Terms of Reference for the committee were endorsed by Council in September 2018 and outline the role of the committee. The tenure of membership for this committee is four years, in line with Council elections.

The Expression of Interest process was made public through Council's newsletter, website and Facebook page, advertising in two local papers, emails to stakeholders and via a media release. The Terms of Reference for the committee are also published on Council's website. A period of three weeks from 8 February to 1 March 2019 was provided to submit expressions of interest.

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

CAR19/008 ABORIGINAL ADVISORY COMMITTEE

E93.5498

CONSIDERATIONS

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

Four nominations were received to fill three community representative positions on the Aboriginal Advisory Committee.

The confidential attachment recommends three nominations be accepted by Council.

Community and Stakeholder Engagement

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

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

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

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

CONCLUSION

Four nominations were received to fill three community representative positions on the Aboriginal Advisory Committee. Applicants were scored on their connection to Eurobodalla, geographic location and skills.

A confidential attachment recommends three nominations be accepted by Council for the Aboriginal Advisory Committee.

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 |
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| 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 |
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| 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 |
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| 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 |
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| 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 |
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| 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. |