



AGENDA

Ordinary Meeting of Council

22 October 2019

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

ON TUESDAY 22 OCTOBER 2019

COMMENCING AT 11.00AM

AGENDA

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

1. WELCOME

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

2.1 Ordinary Meeting held on 24 September 2019

3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

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6. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

7. PETITIONS

Nil

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DR CATHERINE DALE
GENERAL MANAGER

NOM19/005 BINS FOR BLOKES

E00.4634; E00.4635

Responsible Officer: Patrick McGinlay - Councillor

Attachments: Nil

Councillor Patrick McGinlay has given notice that at the Ordinary Meeting of Council on 22 October 2019 he will move the following motion.

MOTION

THAT:

1. Council commence a trial installation of sanitary bins in 15 of the most popular accessible (unisex) toilets across the Shire at an approximate annual cost of \$3,150, with the trial period lasting from implementation to 30 April 2020.
2. Councillors receive a briefing in May 2020 to allow consideration of the impact of the trial and an appropriate budget allocation in forward budgets for any adjustment to the public toilet services across Eurobodalla.

BACKGROUND

The installation of sanitary bins was discussed by Councillors at the briefing session held 17 September 2019, in response to a request for 'bins for blokes'.

The provision of sanitary bins to serve all members of the community who suffer from incontinence, which affects both men and women, has a larger impact within an elderly demographic.

The recommended way forward is to trial the installation of sanitary bins within 15 of the most popular (unisex) toilets across the Shire at an estimated annual cost of \$3,150. The accessible toilets offer additional room and greater privacy, as well as allowing both males and females to receive the benefit of the new service.

The outcomes from this trial should then be brought back to Councillors at a briefing prior to adopting the 2020-21 Operational Plan to allow consideration, including of the budget implications of this new service to the community.

GENERAL MANAGER'S RESPONSE

The implementation of a trial across 15 popular accessible toilets as described above is supported. The recommended sites for the trial include:

- Batemans Bay foreshore Clyde Street
- Batehaven Corrigans playground reserve
- Mogo Tomakin Road
- Surf Beach reserve
- Broulee Surf Club
- Moruya Riverside Park
- Moruya Apex Park
- Tuross Head Sandy Point

NOM19/005 BINS FOR BLOKES

**E00.4634;
E00.4635**

- Tuross Head Evans Road
- Bodalla hall
- Narooma Visitor Information Centre
- Narooma Rotary Park
- Narooma Quota Park
- Narooma Canty Street
- Central Tilba Bate Street.

The trial can be implemented prior to the end of 2019. The outcomes of the trial will be provided back to a briefing of Council prior to adopting forward budgets to ensure sufficient funds to deliver this new service.

NOM19/007 PRINCES HIGHWAY BYPASSES AND CENTENARY DRIVE INTERSECTION

E01.5108

Responsible Officer: Lindsay Brown - Councillor

Attachments: Nil

Councillor Lindsay Brown has given notice that at the Ordinary Meeting of Council on Tuesday 22 October, he will move the following motion.

MOTION

THAT the following questions raised by Councillor Brown be referred to Transport for NSW (Roads and Maritime Services) for response.

1. What consultation did the RMS and/or Transport for NSW have with ESC prior to the Moruya bypass announcement?
2. What, if any, support/advice/compensation will be offered to affected businesses by the State government during and post construction (noting compensation was paid to businesses affected by the Sydney Light Rail <https://www.2gb.com/im-going-to-turn-this-around-transport-minister-promises-more-light-rail-compensation/>).
3. What is Transport for NSW/RMS' current view and plans for the "Narooma Bypass", noting land has already been set aside for a "bypass" cutting Narooma in two?
4. Will Transport for NSW/RMS be considering a true bypass of Narooma west of Wagonga Inlet?
5. What will be the consultation process with ESC and the Narooma community so the broader community can be involved?
6. As the Narooma Bridge is the most problematic and difficult to negotiate for larger vehicles in Eurobodalla, what is RMS/Transport for NSW's immediate and long term future view for the Narooma Bridge and any future bypass under Transport for NSW?
7. What was the purpose of the technology recently in place near the intersection of Princes Highway and Centenary Drive and Dalmeny Drive intersections?
8. What is the current status of Transport for NSW (RMS) considerations in relation to Council's submission opposing the RMS proposal to ban right turns at the Princes Highway/Centenary Drive intersection?

BACKGROUND

Princes Highway Bypasses

The issues of bypasses has been discussed widely in the community for some time, however this is particularly the case since the recent unexpected announcement of the Moruya Bypass by the Liberal Government (see link), along with their stated goal to duplicate to the Victorian border. There has also been a reported indication the Federal Government is open to discussion regarding a new funding model for the section of Highway 1 to the Victorian border, which is of particular interest to Eurobodalla residents.

<https://nsw.liberal.org.au/candidates/gladys-berejiklian/news/articles/MAJOR-BOOST-TO-DUPLICATION-OF-THE-PRINCES-HIGHWAY>

**NOM19/007 PRINCES HIGHWAY BYPASSES AND CENTENARY DRIVE
INTERSECTION**

E01.5108

Following the recent address to Councillors by the Moruya Chamber of Commerce and their concerns regarding lack of consultation prior to the announcement, which has caused the Moruya Business community to hastily prepare a strategy to negate the effects as they see them, of this major disruption to their businesses, I propose that the questions above be posed to the Transport for NSW (RMS).

Princes Highway - Centenary Drive Intersection, Narooma – RMS proposal to ban right turns

Council resolved on 25 June 2019:

- 1. Council respond to the request to provide feedback on the proposal from the NSW Roads and Maritime Services to ban the right turn off the Princes Highway into Centenary Drive by:*
 - a) strongly objecting to this proposal to ensure the right turn is retained;*
 - b) requesting Roads and Maritime Services (soon to be Transport for NSW) to:*
 - i) provide the necessary funding to upgrade the intersection at Princes Highway/ Centenary Drive using the land already owned by the NSW Government opposite Centenary Drive;*
 - ii) introduce additional signage and delineation, as an interim measure to improve road safety outcomes;*
- 2. Council write to the Hon Andrew Constance MP, Minister for Transport and Infrastructure, seeking his support for Council's position on this matter.*

The following actions then followed (copies of these letter have been provided to Council).

Proposal from RMS – received 19 June 2019

Letter to Director Southern Region RMS - 27 June 2019

Letter to Hon Andrew Constance MP – 27 June 2019

Initial response from RMS acknowledging Council's letter and advising that the RMS will assess all submissions – 22 July 2019

Email to the RMS re-iterating Council's strong objections to the proposed right turn off the Princes Highway – 22 & 29 July 2019

Numerous members of the Narooma community have since asked me about the recent RMS signs on the Princes Highway at the intersection of Dalmeny Drive and the Princes Highway, and at the intersection of Centenary Drive and the Princes Highway. Both have what appears to be technology attached to both. They have now been removed.

In noting the recent statement by the RMS which indicated their intention to remove the current right hand turn heading north from the Narooma Bridge, I recommend the following questions be put to Transport for NSW (RMS):

1. What was the purpose of the technology recently in place near the intersection of Princes Highway and Centenary Drive and Dalmeny Drive intersections?
2. What is the current status of Transport for NSW (RMS) considerations in relation to Council's submission opposing the RMS proposal to ban right turns at the Princes Highway/Centenary Drive intersection?

GMR19/018 FUNDING OFFER - MORUYA SHOWGROUND

E84.0987

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 \$124,000 in grant funding towards the construction of an emergency animal enclosure at Moruya Showground from the New South Wales Government under its Infrastructure Fund – Emergency Preparedness Stream administered by the NSW Department of Planning Industry and Environment.

This program offers grants to communities across New South Wales to support the provision of strategic community infrastructure that provides high quality public and/or social outcomes.

RECOMMENDATION

THAT Council endorse the actions of staff in accepting the funding of \$124,000 from the New South Wales Government under its Infrastructure Fund – Emergency Preparedness Stream.

BACKGROUND

Council sought grant funding from the NSW Government in November 2018 for the construction of a safe covered all-weather venue at the Moruya Showground to house livestock, particularly horses, in the event of bushfire, flood or other disaster. When not in use for emergency evacuation, the site can be used for rural agricultural shows, and community animal groups.

CONSIDERATIONS

This project has been identified as a priority action in the Moruya Showground Masterplan H16 and in the Delivery Program 2017-21 and Operational Plan 2019-20 Strong Communities Desirable Lifestyle 1.3.2 Plan for and provide a safe and accessible network of recreation and community facilities.

Social Impact

The infrastructure development will be a valuable addition to our showground infrastructure, and was identified as a high priority during the Moruya Showground Masterplan process (H16). This funding will assist in addressing specific needs identified by the community and user-groups.

Financial

This project does not require matched funding.

GMR19/018 FUNDING OFFER - MORUYA SHOWGROUND

E84.0987

CONCLUSION

Council has been offered \$124,000 in funding under the NSW Government's Infrastructure Grants Program – Emergency Preparedness Stream administered by the Department of Planning, Infrastructure and Environment. This grant funding from the NSW Government is welcomed and has been formally accepted.

GMR19/019 2020 COUNCIL MEETING SCHEDULE

E06.0429

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

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

EXECUTIVE SUMMARY

This report provides a schedule of proposed Council Meetings and Public Access sessions for the 2020 calendar year and seeks Council's endorsement of the schedule.

Under Section 365 of the Local Government Act, Council is required to meet at least 10 times per year, each time in a different month. The proposed schedule includes 16 meetings to be held during 2020. In 2019, 18 ordinary meetings will be held.

The schedule of meetings for 2020 has been developed to take into account Council's compliance and reporting requirements, public holidays, school holidays (when possible), 2020 local government elections and other significant events.

RECOMMENDATION

THAT Council:

1. Endorse the following 16 dates as the meeting schedule for Council meetings for the 2020 calendar year:
 - (a) 11 February 2020
 - (b) 25 February 2020
 - (c) 10 March 2020
 - (d) 24 March 2020
 - (e) 7 April 2020
 - (f) 12 May 2020
 - (g) 26 May 2020
 - (h) 9 June 2020
 - (i) 23 June 2020
 - (j) 14 July 2020
 - (k) 28 July 2020
 - (l) 13 October 2020
 - (m) 27 October 2020
 - (n) 10 November 2020

GMR19/019 2020 COUNCIL MEETING SCHEDULE

E06.0429

- (o) 24 November 2020
 - (p) 8 December 2020.
2. Endorse the following nine dates as the Public Access sessions for the 2020 calendar year:
- (a) 4 February 2020
 - (b) 3 March 2020
 - (c) 31 March 2020
 - (d) 5 May 2020
 - (e) 2 June 2020
 - (f) 7 July 2020
 - (g) 20 October 2020
 - (h) 17 November 2020
 - (i) 1 December 2020.
3. Note that the schedule of meeting dates may be amended at any time, as required.

BACKGROUND

Under Section 365 of the Local Government Act, Council is required to meet at least 10 times per year, each time in a different month. The proposed schedule includes 16 meetings to be held during 2020. In 2019, 18 ordinary meetings will be held.

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

A schedule of meetings for 2020 has been developed in consultation with Councillors. The calendar may be amended at any time if Council resolves to alter the meeting day/s.

CONSIDERATIONS

When developing the schedule of meetings for 2020 it is important to ensure that consideration of the Office of Local Government's compliance and reporting requirements, public holidays, school holidays (when possible), 2020 local government elections and other significant events.

Consideration of statutory deadlines for Council's compliance and reporting requirements provides that the following Council meeting dates are required:

Date	Statutory Deadline
25 February 2020	December quarterly review
7 April 2020	DP/OP on exhibition
26 May 2020	March quarterly review
23 June 2020	Adoption of DP/OP
24 November 2020	Annual Report and September quarterly review

GMR19/019 2020 COUNCIL MEETING SCHEDULE

E06.0429

Therefore when developing the proposed schedule, the first recess will occur in April which will coincide with the exhibition of the draft Operational Plan 2019-20, Easter and school holidays. Easter falls from 10 to 14 April 2020. There will be another recess in August to take into account caretaker period. The caretaker period will commence on 3 August until 4 September 2020. It is proposed to observe the recess during the Christmas break in December/January.

Accordingly, no briefings will be scheduled during the recess periods.

The calendar may be amended at any time if Council resolves to alter the meeting day. The proposed schedule has followed normal procedure for the majority of the year.

Date	Meeting Type
4 February 2020	Public Access
11 February 2020	Council Meeting
25 February 2020	Council Meeting
3 March 2020	Public Access
10 March 2020	Council Meeting
24 March 2020	Council Meeting
31 March 2020	Public Access
7 April 2020	Council Meeting
21 April 2020	Recess
28 April 2020	Recess
5 May 2020	Public Access
12 May 2020	Council Meeting
23 May 2020	Council Meeting
2 June 2020	Public Access
9 June 2020	Council Meeting
23 June 2020	Council Meeting
7 July 2020	Public Access
14 July 2020	Council Meeting
28 July 2020	Council Meeting
13 August 2020	Recess
27 August 2020	Recess
8 September 2020	Recess
22 September 2020	Recess

GMR19/019 2020 COUNCIL MEETING SCHEDULE

E06.0429

Date	Meeting Type
13 October 2020	Council Meeting
20 October 2020	Public Access
27 October 2020	Council Meeting
10 November 2020	Council Meeting
17 November 2020	Public Access
24 November 2020	Council Meeting
1 December 2020	Public Access
8 December 2020	Council Meeting

Financial

Adoption of the recommendations outlined in this report will have no financial implications on the adopted budget.

Policy

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

Community and Stakeholder Engagement

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

CONCLUSION

The proposed schedule of Council meetings for 2020 has been prepared in consultation with Councillors and takes into account compliance and reporting requirements. It is proposed that the first recess will fall in April, which coincides with Easter and during the exhibition of the Delivery Program 2017-21 and draft Operational Plan 2020-21, a recess in August to coincide with caretaker period as well as the Christmas Break in December. Accordingly, no briefings will be scheduled during the recess period.

**GMR19/017 DISCLOSURE OF PECUNIARY INTEREST AND OTHER MATTERS
RETURNS**

**E15.9060,
E15.9036**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

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

EXECUTIVE SUMMARY

In accordance with part 4, clause 4.21 of the *Model Code of Conduct*, councillors and designated persons who hold that position on 30 June in each year are required to lodge a "Disclosures by Councillors and Designated Persons Return" with their general managers by 30 September each year.

Accordingly, the Disclosure of Pecuniary Interest and Other Matters returns for Councillors and designated staff for 2018-19 are tabled.

RECOMMENDATION

THAT:

1. The report on the Disclosure of Pecuniary Interest and Other Matters returns be received and noted.
2. The General Manager consider appropriate action in respect of any designated persons who have failed to provide their return for the period of 1 July 2018 to 30 June 2019.

BACKGROUND

The lodgement date for Disclosure of Pecuniary Interest and Other Matters returns covering 1 July 2018 to 30 June 2019 was 30 September 2019.

Notice was provided to all Councillors and designated staff on 5 August 2019, with reminders sent on 6 September and 19 September 2019.

Returns have been received from all Councillors and designated staff with the exception of some who were not present in the workplace to complete their obligations due to leave, illness or other reasons.

CONSIDERATIONS

Legal

The lodgement of Pecuniary Interest and Other Matters return is required to comply with part 4, clause 4.21 of the *Model Code of Conduct*.

CONCLUSION

The register of returns by Councillors and designated staff for their disclosures of pecuniary interests and other matters is now tabled in accordance with part 4, clause 4.21 of the *Model Code of Conduct*.

GMR19/020 DETERMINATION OF NUMBER OF COUNCILLORS FOR 2020-2024 E15.9129

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

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

EXECUTIVE SUMMARY

Council is required under Section 224 of the Local Government Act 1993 to determine the number of Councillors for the 2020-2024 term of office. This report recommends that Council retain the current number of Councillors.

RECOMMENDATION

THAT in accordance with Section 224 (2) of the Local Government Act 1993, Council determine the number of Councillors for the 2020-2024 term of office to be nine (one of whom is the popularly elected Mayor).

BACKGROUND

The Local Government Act 1993 (the Act) requires Council to determine the number of Councillors for the 2020-2024 term of office.

The Act requires the number of Councillors to be at least 5 and not more than 15 (one of who is the Mayor).

Since 1970, the Eurobodalla community has been represented by nine Councillors.

Data provided by the Office of Local Government, under the Your Council portal, indicates that Eurobodalla is categorized as a Group 4 Council. Under this grouping, the average number of Councillors is 10. The average population per Councillor is 3,965.

Eurobodalla currently has 9 Councillors and the average population per Councillor is 4,231.

If it is proposed to change the number of Councillors, Section 224 (3) of the Act requires Council to obtain approval for the change at a constitutional referendum. The practical effect of this provision of the Act is that, if it is proposed to change the number of Councillors, a constitutional referendum would be conducted in conjunction with the September 2020 election seeking approval for the change in the number of Councillors for the 2024-2028 term of office.

In this regard, it should be noted that a decision made at a constitutional referendum binds the Council until changed by a subsequent constitutional referendum.

CONSIDERATIONS

Policy

Under Section 224 of the Local Government Act 1993 Council is required to determine the number of Councillors for the following term of office.

GMR19/020 DETERMINATION OF NUMBER OF COUNCILLORS FOR 2020-2024 E15.9129

Social Impact

In terms of representative democracy, it is considered that nine Councillors facilitates appropriate representation for the community.

Financial

Preliminary estimated costs for the NSW Electoral Commission to conduct the 2020 elections is \$330,000. If a constitutional referendum was held in conjunction with the 2020 elections, additional costs of approximately \$33,000 would be incurred.

The average annual cost for each Councillor, based on figures from 2017-18, is approximately \$40,000.

CONCLUSION

Council is required by the Local Government Act 1993 to determine the number of Councillors for the 2016-2020 term of office and it is recommended that the current number of Councillors be retained.

GMR19/016 IPART - REVIEW OF REPORTING AND COMPLIANCE BURDENS ON LOCAL GOVERNMENT E13.7121

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Minister for Local Government - Shelley Hancock MP [↓](#)
2. Submission to Review of Reporting and Compliance Burdens on Local Government [↓](#)

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

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

EXECUTIVE SUMMARY

On 21 June 2019 Council received a request from The Honourable Shelley Hancock MP, Minister for Local Government seeking feedback on a series of reviews undertaken by the Independent Pricing and Regulatory Tribunal (IPART). A copy of the letter is attached to this report.

The reviews, *Local Government Rating System Review*, *Reporting and Compliance Burdens on Local Government*, and *Local Government Compliance and Enforcement* were commissioned to support the NSW Government's long term commitment to reviewing the rating system, cutting red tape and reducing costs and delays for business and the community.

This report provides a response to the *Reporting and Compliance Burdens on Local Government* for Council consideration.

RECOMMENDATION

THAT Council submit to the Office of Local Government responses to the recommendations raised in the IPART report '*Reporting and Compliance Burdens on Local Government*', as attached to this report.

BACKGROUND

The reviews, *Local Government Rating System Review*, *Reporting and Compliance Burdens on Local Government*, and *Local Government Compliance and Enforcement* were commissioned to support the NSW Government's long term commitment to reviewing the rating system, cutting red tape and reducing costs and delays for business and the community.

The reviews address a number of complex issues, including the current structure of the local government rating system, arrangements around rating exemptions and pensioner concessions, and a broad range of matters relating to local government regulation and compliance.

A copy of each IPART final report together with a short consultation guide for each report are available on the Office of Local Government (OLG) website at:

<https://www.olg.nsw.gov.au/strengthening-local-government/ipart-local-government-reports-consultation-2019>

GMR19/016 IPART - REVIEW OF REPORTING AND COMPLIANCE BURDENS ON LOCAL GOVERNMENT E13.7121

The *Reporting and Compliance Burdens on Local Government* requires feedback to be submitted no later than 25 October 2019. The review contains 51 recommendations. Of these, the OLG has determined that a number of these recommendations have either been implemented through other reform programs or are currently the subject of separate consultation.

The recommendations are attached to this report and include staff's considered responses. Staff responses to the recommendations will be provided to OLG no later than 25 October 2019.

CONSIDERATIONS

The purpose of the *Reporting and Compliance Burdens on Local Government* review is to identify inefficient, unnecessary or excessive burdens placed on local government by the State in the form of planning, reporting and compliance obligations, and to make recommendations for how these burdens can be reduced. In addressing these burdens, the recommendations would improve the efficiency of local government in NSW and enhance the ability of councils to focus on delivering services to their communities.

Social Impact

The OLG has determined that a number of the recommendations have either been implemented through other reform programs or are currently the subject of separate consultation. Some recommendations have been ruled out because they may have adverse impacts on vulnerable members of the community, affect regional jobs and economies, or substantially increase costs for taxpayers and the broader community.

Community and Stakeholder Engagement

The NSW Government has advised they were to carry out consultation with residents, council staff, councillors, peak bodies and other key stakeholders as they finalise its response to the report.

A copy of Council's submission to the *Reporting and Compliance Burdens on Local Government* is attached to this report and will be made available to the public via Council's website.

CONCLUSION

The *Reporting and Compliance Burdens on Local Government* requires feedback to be submitted no later than 25 October 2019. The review contains 51 recommendations.

It is considered appropriate that Council provide a submission to the recommendations of the *Reporting and Compliance Burdens on Local Government* as attached to this report.

From: NSW Gov No Reply <noreply@minister.nsw.gov.au>
Sent: Friday, 21 June 2019 11:57 AM
To: Council
Subject: IPART Local Government Reports - Consultation 2019

Categories: Myree



The Honourable Shelley Hancock MP
Minister for Local Government

Dear Dr Dale

I am writing to invite your feedback on a series of reviews of the local government system, which were undertaken by the Independent Pricing and Regulatory Tribunal (IPART).

The NSW Government has been considering these reports for some time and a number of the issues raised have now been addressed. However, the full suite of recommendations, if implemented, could substantially change our local government system and impact directly upon communities.

I believe it is important that councils, community members and organisations representing the interests of local government should have the opportunity to fully consider these issues before the Government proceeds with a final response to the reports.

I would value your feedback on these reports and their final recommendations. Your views, together with the feedback of other councils, communities and others, will be taken into account in finalising the Government's response to the reviews.

The reviews were commissioned to support the NSW Government's long term commitment to ensuring a fair and equitable rating system, cutting red tape and reducing costs and delays for business and the community. They address a number of complex issues, including the current structure of the local government rating system, arrangements around rating exemptions and pensioner concessions, and a broad range of matters relating to local government regulation and compliance.

In all, IPART's final reports total approximately 1,000 pages and contain 135 recommendations. The closing dates for submissions have been staggered to allow sufficient time to consider each report individually. They are as follows:

- Local Government Rating System – 13 September 2019;
- Reporting and Compliance Burdens on Local Government – 25 October 2019;

- Local Government Compliance and Enforcement – 15 November 2019.

To help guide consultation, the Office of Local Government has placed a copy of each IPART final report, together with a short Consultation Guide for each report on its website at <https://www.olg.nsw.gov.au/strengthening-local-government/ipart-local-government-reports-consultation-2019>. This page also features an online feedback form for each review report.

A number of recommendations in the IPART reports have already been implemented through other reform programs, or are currently the subject of separate consultation. There are also a number of recommendations that the Government has ruled out, because they may have adverse impacts on vulnerable members of the community, affect regional jobs and economies, or substantially increase costs for taxpayers and the broader community. Further consultation is not being undertaken on these recommendations, as indicated in the online feedback form.

Questions on the consultation process or other submissions about IPART's recommendations for each report may be directed to the relevant report email address listed on the website or referred to OLG's Policy Team on 02 4428 4100.

I look forward to continuing to work closely with you to strengthen local government across NSW.

Yours sincerely



Shelley Hancock MP
Minister for Local Government

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
1	<p>That the Department of Finance, Services and Innovation (DFSI) revise the NSW Guide to Better Regulation to include requirements for State agencies developing regulations involving regulatory or other responsibilities for local government, as part of the regulation-making process, to:</p> <ul style="list-style-type: none"> • consider whether a regulatory proposal involves responsibilities for local government • clearly identify and delineate State and local government responsibilities • consider the costs and benefits of regulatory options on local government • assess the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government • take a coordinated, whole-of-government approach to developing the regulatory proposal • collaborate with local government to inform development of the regulatory proposal • if establishing a jointly provided service or function, reach agreement with local government as to the objectives, design, standards and shared funding arrangements, and develop an implementation and compliance plan. 	Support	Support
2	<p>That the NSW Government maintain a <i>Register of local government reporting, planning and compliance obligations</i> that should be used by State agencies in the regulation-making process to manage the volume of</p>	Support	Support

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	regulatory requirements imposed on councils and to avoid creating unnecessary or duplicative requirements.		
3	That the NSW Government remove restrictions on fees for statutory approvals and inspections to allow for the recovery of efficient costs, subject to monitoring and benchmarking.	Support	Support
4	Where fees continue to be set by statute, that the relevant NSW Government agency reviews the level of the fees every 3-5 years and amends the relevant legislation to allow these fees to increase annually in line with CPI or an index of fee-related costs.	Support every 3 years	Support every 3 years
5	<p><i>That the NSW Government review the basis upon which the fees for Development Applications (DAs) are calculated to:</i></p> <ul style="list-style-type: none"> <i>better reflect the efficient cost to councils and the NSW Government of processing DAs</i> <i>minimise disputes and subsequent adjustments, and</i> <i>facilitate online payment of DA fees.</i> 	New	Support
6	That if statutory fees are capped below cost recovery to ensure affordability or for other policy reasons, then the NSW Government should reimburse councils for the shortfall in efficient costs.	Support	Support
7	<p>That the Department of Premier and Cabinet amend the <i>Good Practice Guide to Grant Administration</i>, to:</p> <ul style="list-style-type: none"> recognise Local Government as separate from non-government organisations remove acquittal requirements for untied grants explicitly address ongoing maintenance and renewal costs when 	Support	<p>Support.</p> <p>Additionally consider standardised signage to decrease proliferation of signs at grant funded sites.</p>

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	funding new capital projects <ul style="list-style-type: none"> • require Agencies to rely on existing council reporting to assess financial stability and management performance of councils • lengthen acquittal periods for ongoing grant programs to four years, and use Memorandum of Understanding (MOU) arrangements, rather than requiring councils to reapply annually, and • provide for a streamlined acquittal process for grants of less than \$20,000 in total, examples of streamlining include: <ul style="list-style-type: none"> - not requiring further external financial audit - using risk-based controls and requirements, and - Confining performance measurement to outcomes consistent with the purpose of the grant. 		Support milestone reporting as opposed to mandatory monthly reporting on NSW Restart funding.
8	<i>That NSW Government agencies collecting local government data and information make this data discoverable through the Data NSW open data portal or the Information Asset Register maintained by the Department of Finance, Services and Innovation.</i>	New	Support
9	<i>That the Department of Finance, Services and Innovation:</i> <ul style="list-style-type: none"> • support NSW Government agencies to use the Open Data Rolling Release Schedule to establish clear timeframes for publishing local government data and information in Data NSW (in machine readable formats) • support councils to make local government data and information available for discovery through Data NSW or the Information Asset Register, and • support the Office of Local Government to develop a central portal 	New	Support

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	<i>for local government reporting and streamlined data collection.</i>		
10	That the Department of Planning and Environment, including through the Office of Local Government, review public notice print media requirements in the <i>Local Government Act 1993</i> , the <i>Local Government (General) Regulation 2005</i> , the <i>Environmental Planning and Assessment Act 1979</i> , and the <i>Environmental Planning and Assessment Regulation 2000</i> and, where the cost to councils of using print media exceeds the benefit to the community, remove print media requirements and allow online advertising, mail-outs and other forms of communication as alternatives.	Support	Support
Water & Sewerage			
11	<i>That the Department of Primary Industries Water (DPI Water) regulate Local Water Utilities (LWUs) on a catchment or regional basis, rather than on an individual LWU basis, using a whole-of-government, risk-based and outcomes-focused regulatory approach.</i>	New	Support
12	That DPI Water amend the <i>Best-Practice Management of Water Supply and Sewerage Guidelines</i> to: <ul style="list-style-type: none"> streamline the NSW Performance Monitoring System to ensure each performance measure reported is: <ul style="list-style-type: none"> linked to a clear regulatory objective used by either most Local Water Utilities (LWUs) or DPI Water for compliance or meaningful comparative purposes not in excess of the performance measures required under the National 	Support	Support

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	<ul style="list-style-type: none"> - Water Initiative, and - not duplicating information reported to other State agencies. • align trade waste reporting with other performance reporting, on a financial year basis, subject to consultation with LWUs, LGNSW and the Water Directorate. 		
13	That NSW Health Office of Local Government determine a standardised service report template to be used by technicians undertaking quarterly servicing of aerated wastewater treatment systems, in consultation with NSW Health and councils.	Support	Support
14	That the <i>Local Government (General) Regulation 2005</i> be amended to require service reports to be provided to councils using the template determined by NSW Health as a standard condition of approval to operate an aerated wastewater treatment system.	Support	Support
Planning			
15	<p>That the Department of Planning and Environment (DPE):</p> <ul style="list-style-type: none"> • Implement a data sharing model with the Australian Bureau of Statistics in relation to building approvals in NSW. • Introduce a consolidated data request of councils for the purposes of the <i>Local Development Performance Monitoring (LDPM)</i>, <i>Housing Monitor</i>, <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> (Affordable Rental Housing) and <i>State Environmental Planning Policy No 1 – Development Standards</i> (SEPP 1 variations). • Fund an upgrade of councils' software systems to automate the 	Support	Support

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	<p>collection of data from councils for the purposes of the LDPM, <i>Housing Monitor</i>, Affordable Rental Housing and SEPP 1 variations.</p> <ul style="list-style-type: none"> • Publish the data collected from councils on Affordable Rental Housing and SEPP 1 variations data. • Seek agreement with the Land & Environment Court to obtain appeal data directly from the Court. • Remove the administrative requirement for councils to report to DPE on political donations or gifts under section 147 of the <i>Environmental Planning & Assessment Act 1979</i>. 		
16	<p>That the <i>Environmental Planning and Assessment Act 1979</i> be amended to enable zoning and development standards information under section 149(2) of the <i>Environmental Planning and Assessment Act 1979</i> to be provided through the NSW Planning Portal.</p> <p><i>Prior to this amendment, as part of the Department of Planning and Environment's (DPE) review of the Environmental Planning and Assessment Regulation 2000, DPE should:</i></p> <ul style="list-style-type: none"> • <i>review section 149(2) and (5) planning certificates to clarify and simplify the information to be provided, and ensure only information relevant in the conveyancing process is provided in a section 149(2) planning certificate, and</i> • <i>consider what section 149(2) information should be provided through the Planning Portal and whether that information should be provided in certificate form, having regard to:</i> <ul style="list-style-type: none"> ○ <i>data quality assurance</i> ○ <i>liability for accuracy of State or council information</i> ○ <i>State and council costs, and</i> 	<p>Support in principle. Further streamlining could be through the DPE developing standard wording for responses to be included in s149 (2) certificates.</p>	<p>Support in principle. Further streamlining could be through the DPE developing standard wording for responses to be included in s149 (2) certificates.</p> <p>Note: DPIE have set up Planning Portal and most of the information that is provided on an s10.7 (s149) Certificate can be found on the portal.</p>

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	<ul style="list-style-type: none"> ○ <i>mechanisms to recover costs.</i> 		
17	That the <i>Environmental Planning and Assessment Regulation 2000</i> be amended to specify the information that can be provided by councils in accordance with section 149(5) of the <i>Environmental Planning & Assessment Act 1979</i> .	Support	Support
18	That DPE amend the NSW Planning Portal to provide for online: <ul style="list-style-type: none"> • payment of fees and charges by applicants and for the Planning Reform Fund fee to then be automatically directed to DPE • <i>information or certificates under section 149(2) of the Environmental Planning & Assessment Act 1979, and</i> • <i>joint applications for development approvals and construction certificates.</i> 	Support in principle the amendments and upgrades to the NSW Planning Portal. Clarification is required as to who receives the certificate fees if the application is lodged through the portal and how it is intended that the portal will work with Council's own e-lodgement services.	Support in principle the amendments and upgrades to the NSW Planning Portal. Clarification is required as to who receives the certificate fees if the application is lodged through the portal and how it is intended that the portal will work with Council's own e-lodgement services.
19	That DPE: <ul style="list-style-type: none"> • notify councils electronically at least 21 days prior to the commencement of legislative changes that will affect the structure or content of section 149 planning certificates, and • maintain an up-to-date, publicly available list of all legislative instruments with the potential to affect the structure or content of the certificates. 	New	No, minimum 28 days. E.g. Coastal Management SEPP. Little notice of changes but huge impact on ability of council to deliver accurate 10.7 (149) certificates.
20	That DPE manage referrals to State agencies through a 'one-stop shop' in relation to: <ul style="list-style-type: none"> • planning proposals (LEPs) • development applications (DAs), and 	The Act could be further streamlined to remove the requirement for councils to consult with the NSW Rural Fire	Support. Furthermore the Act could be further streamlined to remove the requirement for councils to consult with the NSW Rural Fire Service following

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	<ul style="list-style-type: none"> integrated development assessments (IDAs). 	Service following receipt of a gateway determination and prior to the public exhibition of the planning proposal as well as while the planning proposal is on exhibition. One period of consultation with the NSW RFS is sufficient. This should be addressed in the context of a “one-stop-shop” managing referrals to State agencies.	<p>receipt of a gateway determination and prior to the public exhibition of the planning proposal as well as while the planning proposal is on exhibition. One period of consultation with the NSW RFS is sufficient. This should be addressed in the context of a “one-stop-shop” managing referrals to State agencies.</p> <p>Note: DPIE has commenced an online portal for referrals. ESC is trialling this now with implementation by end of year.</p>
21	That DPE develop suites of standardised development consent conditions and streamline conditions that require consultant reports or subsequent approvals, in consultation with councils, State government agencies and other key stakeholders.	While Council supports in principle the idea of standardised conditions, we have seen from the SEPP (exempt and complying) there is not one size fits all. It is unlikely that all councils will be able to agree on standard conditions.	While Council supports in principle the idea of standardised conditions, we have seen from the SEPP (exempt and complying) there is not one size fits all. It is unlikely that all councils will be able to agree on standard conditions.
Administration and Governance			
22	That the NSW Government streamline the reporting requirements for the Integrated Planning and Reporting (IP&R) framework in the revised Local	Support	Support

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	Government Act.		
23	<p>Ahead of the 2020 IP&R cycle, that the Office of Local Government:</p> <ul style="list-style-type: none"> • provide councils with a common set of performance indicators to measure performance within the IP&R framework • conduct state-wide community satisfaction surveys and release the results to allow comparisons between councils and benchmarking • provide guidance to councils on the form and content of the End of Term Report and its relationship to local councils' Annual Reports • clarify for councils the purpose, form and content of the State of the Environment report and clarify its relationship to the End of Term Report • work with the Office of Environment and Heritage, the NSW Environment Protection Authority and other relevant agencies to develop performance indicators for councils to use, and • where relevant, amend the IP&R Guidelines and Manual to incorporate this material. 	Support	<p>Support in principle.</p> <p>Timing of amendments, information, surveys, measures, etc. imperative to be effective.</p>
24	That the Office of Local Government remove requirements for councils to report more in the General Purpose Financial Statements than is required by the Australian accounting standards, issued by the Australian Accounting Standards Board, except for requirements which are unique and high value to local government such as Note 21 and Special Schedule 7.	Support	Support
25	That clause 163(2) of the <i>Local Government (General) Regulation 2005</i> be	Support	Support

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	amended to allow the Office of Local Government to determine the councils for which the threshold for formal tendering would be increased to \$250,000, with this threshold to be reviewed every five years.		
26	That section 377(1)(i) of the <i>Local Government Act 1993</i> be amended to allow the Council to delegate the acceptance of tenders to General Managers.	Support	Not supported. A decision to diversify the workforce, should be a strategic decision of the Council and this clause provides a level of confidence and investment in council employees. Section 377 (1)i states: ' <i>the acceptance of tenders to provide services currently provided by members of staff of the council,</i> ' It is important to note that the tendering threshold for which Council must approve a contract involving services provided by council employees at the time of entering the contract remains at \$150,000.
27	<i>That section 55(3)(g) of the Local Government Act 1993 be amended to allow local government access to the full range of prequalification panels run by NSW Procurement.</i>	NEW	Support
28	That the Department of Planning and Environment, through the Office of Local Government, review the requirements in the <i>Local Government Act 1993</i> for Ministerial approvals; <i>and remove those that are not justified on the basis of corruption prevention, probity or protecting the interests of</i>	Support	Support

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	<i>the State.</i>		
29	That the Office of Local Government introduce guidelines that specify maximum response times for different categories of Ministerial approvals.	Support	Support
30	That the Department of Planning and Environment, through the Office of Local Government, review all approvals required under section 68 of the <i>Local Government Act 1993</i> in order to: <ul style="list-style-type: none"> determine the activities for which a separate local council approval under section 68 is necessary revise the regulatory frameworks within NSW legislation to remove duplication place as many approval requirements as possible in specialist legislation, and where appropriate, enable mutual recognition of approvals issued by another council. 	Support	Support
31	That the <i>Local Government Act 1993</i> be amended to transfer current requirements relating to the length of time for temporary appointments under section 351(2) to the <i>Local Government (General) Regulation 2005</i> or the relevant awards.	Support	Support. This clause of the Act relates to positions within the organisation structure and provides some clarity and consistency for organisations in temporarily filling vacant permanent roles. Moving this to regulation or to Award would provide opportunity for this provision to be readily changed or eroded.
32	Extend the maximum periods of temporary employment from 12 months to four years within any continuous period of five years, similar to Rule 10	Support	Support in principal. Would prefer that the requirements remain in the Act.

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	of the <i>Government Sector Employment Rules 2014</i> .		
33	That section 31 of the <i>Public Interest Disclosures Act 1994</i> be amended to require councils to report on public interest disclosures in their annual reports and remove the requirement for an annual public interest disclosures report to be provided to the Minister for Local Government.	Support	Support
34	That clauses 15 and 16, schedule 3 of the <i>Environmental Planning and Assessment Amendment Act 2014</i> (which adds new sub-sections 158(1A) and (4A) to the <i>EP&A Act</i>) be proclaimed in order to allow councils a licence or a warranty to use copyright material for the purposes of the <i>EP&A Act</i> (including making available development applications and related documents which may be subject to copyright).	New	Support
35	That the NSW Government: <ul style="list-style-type: none"> • Repeal clause 3, schedule 1 of the <i>Government Information (Public Access) Regulation 2009</i>. • Amend the <i>Environmental Planning and Assessment Act 1979</i> (<i>EP&A Act</i>) to require councils to make available information and documents currently prescribed as open access information in clause 3, schedule 1 of the <i>Government Information (Public Access) Regulation 2009</i> (DA information) to a person (on request). • Amend the <i>EP&A Act</i> to allow councils to charge a person making a request the efficient costs of making DA information available (after the 'submission period' under section 79(1) of the <i>EP&A Act</i> has expired). • Consistent with recommendation 4, review the efficient costs to councils of making DA information available to a person (on 	New	Support

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	request). <ul style="list-style-type: none"> Amend the <i>Environmental Planning and Assessment Regulation 2000</i> to set the fees for accessing DA information (after the submission period has closed) at the efficient cost to councils. 		
36	That the Office of Local Government assist the Information and Privacy Commission to circulate to councils information related to the <i>Government Information (Public Access) Act 2009</i> .	Support	Support
Building and Construction			
37	That the Building Professionals Board or the proposed Office of Building Regulation (in consultation with Department of Planning and Environment, Fire & Rescue NSW and local government) design the new online system for submitting annual fire safety statements (AFSS) to allow councils to identify buildings in their area that require an AFSS, and where follow up or enforcement action is required.	Support	Support
38	That the <i>Environmental Planning and Assessment Regulation 2000</i> be amended to clarify what constitutes a 'significant fire safety issue'.	Support	Support
39	That section 121ZD of the <i>Environmental Planning and Assessment Act 1979</i> be amended to allow councils to delegate authority to the General Manager to consider a report by the Fire Brigade, make a determination and issue an order, rather than having the report considered at the next council meeting.	Support	Support
Public Land and Infrastructure			
40	That the NSW Government transfer Crown reserves with local interests to councils:	Support in principle. There may be merit in	Support in principle. There may be merit in transferring local

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	<ul style="list-style-type: none"> as recommended by the NSW Crown Lands Management Review and piloted through the Local Land Program Pilot, and <i>where the transfer is agreed by the council, including where this agreement is conditional on change of land classification.</i> 	transferring local crown lands to councils in some instances. However any increased land ownership and management requirements should come with appropriate increase in funding and budgets to ensure council's ability to manage in the best interest of the community. The ultimate decision to accept the transfer of land should rest with the council.	crown lands to councils in some instances. However any increased land ownership and management requirements should come with appropriate increase in funding and budgets to ensure council's ability to manage in the best interest of the community. The ultimate decision to accept the transfer of land should rest with the council.
41	<p>Consistent with its response to the Crown Lands Legislation White Paper, that the NSW Government ensure that Crown reserves managed by councils are subject to <i>Local Government Act 1993</i> requirements in relation to:</p> <ul style="list-style-type: none"> Ministerial approval of licences and leases, and reporting. 	<p>Support.</p> <p>To further streamline the management of community and crown lands it would be useful to review the management of crown lands in terms of the plans of management process and requirements to ensure consistency across both community and crown lands.</p>	<p>Support.</p> <p>Support that further streamline the management of community and crown lands it would be useful to review the management of crown lands in terms of the plans of management process and requirements to ensure consistency across both community and crown lands.</p>
42	That the NSW Government streamline the statutory process for closing Crown roads, including the arrangements for advertising road closure applications.	Support	Support

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
43	That the NSW Government reduce the backlog of Crown road closure applications to eliminate the current waiting period for applications to be processed.	Support	Support
44	That the NSW Government streamline the provisions of the <i>Local Government Act 1993</i> relating to plans of management for community land to align public notice and consultation with councils' community engagement for Integrated Planning and Reporting purposes.	Support. Further to this the review of the <i>Local Government Act</i> should remove the need for Plans of Management and allow for community and crown land to be managed through guiding strategic documents such as overarching recreation or open space strategies.	Support in principle. Should also take into consideration the additional requirements placed on councils under the NSW <i>Crown Land Management Act 2016</i> (CLM Act) that came into effect on 1 July 2018 to prepare PoMs for Crown land parcels as if they were community land and in accordance with the LG Act. The substantial additional work necessary to meet this requirement in a very restrictive timeframe has not been appropriately offset by funding provided by the Office of Local Government (OLG).
45	That Roads and Maritime Services provide greater support for councils to develop the competency to conduct route access assessments and process heavy vehicle applications. This support should be focused on developing the competency and skills within councils to perform these regulatory functions.	Support	Support
46	That the <i>Impounding Act 1993</i> be amended to treat caravans and advertising trailers in the same way as boat trailers when considering	Support	Support

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
	whether they are unattended for the purposes of the Act.		
Animal Control			
47	<p>That the Office of Local Government's redesign and modernisation of the central <i>Register of Companion Animals</i> includes the following functionality:</p> <ul style="list-style-type: none"> • online registration, accessible via mobile devices anywhere • a one-step registration process, undertaken at the time of micro chipping and identifying an animal • the ability for owners to update change of ownership, change of address and other personal details online • unique identification information in relation to the pet owner (ie, owner's date of birth, driver licence number or Medicare number) • the ability to search by owner details • the ability for data to be analysed by Local Government Area (not just by regions) • the ability for data to be directly uploaded from pound systems, and • centralised collection of registration fees so funding can be directly allocated to councils 	Support	<p>Support.</p> <p>This recommendation is consistent with those (# 36 & 37) in the <i>Local government compliance and enforcement</i> report. Note that the timeframes for this have expired and may need to be revisited to ensure recommendations are enacted.</p>
48	<p>That the <i>Companion Animals Act 1998</i> and <i>Companion Animals Regulation 2008</i> be amended to require unique identification information in relation to the pet owner (ie, owner's date of birth, drivers licence number or Medicare number), to be entered in the register at the time of entering animal identification information and when there is a change of ownership.</p>	Support	<p>Support.</p> <p>As above consistent with recommendation #39 of the <i>Local government compliance and enforcement</i> report.</p>

Recommendation		Council Comment	
Systemic Issues		2016 Response	2019 Response
Community Order			
49	That the NSW Government review how councils are currently applying Alcohol Free Zone (AFZ) and Alcohol Prohibited Area (APA) provisions in response to alcohol related anti-social behaviour and clarify the rationale and processes for declaring AFZs and APAs in the <i>Local Government Act 1993</i> and Ministerial Guidelines on Alcohol-Free Zones.	Support	Support
50	That the NSW Government provide an efficient process for consultation and decision making on temporary and events-based alcohol restrictions.	Support	Support. Currently alcohol restrictions for events are imposed by way of licence requirements of the event organiser. Application is also made to the Liquor Licensing Sergeant (Police), who impose their own criteria.
51	That the <i>Graffiti Control Act 2008</i> be amended to: <ul style="list-style-type: none"> allow councils to prosecute individuals and organisations that commission or produce bill posters that are visible from a public place within their local government area, and <i>provide councils with compliance and enforcement powers to support their enforcement role under the Act, similar to those provided under Chapter 7 of the Protection of the Environment Operations Act 1997.</i> 	Support	Support. Note that the ability of Councils to undertake enforcement will be influenced by resourcing, priorities and capacity. This may be seen as additional role and responsibility for LG.

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

Attachments: 1. IPART recommendations and Council's responses for both 2014 and 2019 [↓](#)

Outcome: Strong Communities, Desirable Lifestyle

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

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

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

EXECUTIVE SUMMARY

This report provides a response for Council consideration of the *Local Government Compliance and Enforcement Review* being undertaken by the Independent Pricing and Regulatory Tribunal (IPART).

On 21 June 2019 Council received a request from The Honourable Shelly Hancock MP, Minister for Local Government seeking feedback on a series of reviews undertaken by the Independent Pricing and Regulatory Tribunal (IPART).

The reviews, *Local Government Rating System Review, Reporting and Compliance Burdens on Local Government*, and *Local Government Compliance and Enforcement* were commissioned to support the NSW Government's long term commitment to ensuring a fair and equitable rating system, cutting red tape and reducing costs and delays for business and the community.

On the 10 September 2019 received and resolved the report *Local Government Rating System Review* (19/182), and the *Reporting and Compliance Burdens on Local Government* is subject to a further report before Council.

The *Local Government Compliance and Enforcement Review* requires feedback to be submitted no later than 15 November 2019 and this report provides council staff responses to the 42 recommendations.

RECOMMENDATION

THAT Council submit to the Office of Local Government responses to the recommendations raised in the IPART report '*Compliance and Enforcement Review*', as attached to this report.

BACKGROUND

Regulation is one of the key tools government uses to achieve its economic, social and environmental objectives. The review by IPART examined local government compliance and enforcement activity and provides recommendations aiming to reduce unnecessary regulatory burdens for business and the community.

In the Draft Report 39 recommendations and 14 best practice findings were made. In the Final Report there are 42 recommendations and 16 best practice findings. The process commenced

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in 2012 with an Issues Paper, a Draft Report in 2014 and the Final Report was released in June 2019.

The review for *Compliance and Enforcement* address a broad range of matters relating to local government regulations and compliance. In general the IPART recommendations indicate that they can be achieved through enhanced:

- interaction and coordination between State agencies and local councils
- council regulatory capacity and capability
- collaboration between councils
- sharing of ideas and leading practices amongst councils leading to reduced red tape, savings to councils, NSW Government and net benefits to the community of NSW.

A copy of each IPART final report together with a short consultation guide for each report are available on the Office of Local Government (OLG) website.

The Local Government *Compliance and Enforcement Review* requires feedback to be submitted no later than 15 November 2019. The recommendations are attached to this report and include staff's considered responses.

CONSIDERATIONS

IPART Local Government Reports Consultation 2019 are to support the NSW Government's long term commitment to a fair and equitable rating system for ratepayers, as well as ensuring local councils have a stable and reliable revenue base so they can continue to independently plan and deliver improved services for their communities into the future, the Government asked the Independent Pricing and Regulatory Tribunal (IPART) to undertake several independent reviews.

The purpose of these reviews was to identify ways to strengthen councils by improving their ability to serve the needs of their communities into the future.

Legal

Councils have 121 regulatory functions, involving 309 separate regulatory roles, emanating from 67 State Acts which are administered by approximately 31 State agencies. (Stenning & Associates, *Register of regulatory functions undertaken by Local Government in NSW*, Oct 2012).

Social Impact

The IPART review recommendations in the final report are expected to reduce red tape to businesses and individuals and provide financial net benefits to the community of NSW.

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Financial

The *Local Government Compliance and Enforcement Review* focuses on reducing costs imposed by local government on business and the community.

Community and Stakeholder Engagement

The NSW Government has advised they were to carry out consultation with residents, council staff, councillors, peak bodies and other key stakeholders as the Government finalises its response to these complex reports. Council informed the community of the IPART final report via a media release.

CONCLUSION

The *Local Government Compliance and Enforcement Review* requires feedback to be submitted no later than 15 November 2019. The review contains 42 recommendations.

It is considered appropriate that Council provide a submission based on staff recommendations to the *Compliance and Enforcement Review* as attached to this report.

IPART New South Wales
Review of Local Government Compliance and Enforcement

IPART Recommendation	Council Response	
A new partnership between State and Local Government	2014 Response	2019 Response
<p>1. Subject to cost benefit analysis, the NSW Department of Planning and Environment should engage in a Partnership Model with local government, similar to the Food Regulation Partnership, to enhance the capacity and capability of councils to undertake their regulatory functions. This should include:</p> <ul style="list-style-type: none"> - enshrining the partnership model in legislation - clear delineation of regulatory roles and responsibilities - risk-based approach to regulation supported by a compliance and enforcement policy - use and publication of reported data to assess and assist council performance - dedicated consultation forum for strategic collaboration with councils - ability for councils to recover their efficient regulatory costs - system of periodic review and assessment of the partnership agreement - dedicated local government unit to provide: <ul style="list-style-type: none"> o Council hotline to provide support and assistance o Password-protected local government online portal o Guidelines, advice and protocols o Standardised compliance tools (eg., forms and templates) o Coordinated meetings, workshops and training with councils and other stakeholders. 	<p>The concept of a Partnership model is supported by Council. Note that there are currently inherent issues that require resolution in regard to planning prior to the establishment of a Partnership. The willingness of all parties to effectively collaborate is essential for the success of any partnership.</p> <p>Reduction of costs to council and those seeking approvals is supported.</p>	<p>Agree in principle. It should be noted that the 'Partnership Model' or the Food Regulation Partnership was established at the onset of the instigation of local government as a regulator of food premises with oversight and collaboration with the NSW Food Authority. The same model may not readily apply to other regulatory functions and agency partnerships with DPE and EPA given historical and inherent issues, priorities and resourcing of and between the parties. Partnerships should not be a mechanism for the devolution of regulatory functions and cost from State government to local authorities.</p> <p>The requirement for this to be in legislation may delay action.</p> <p>A dedicated local government unit (eg OLG) or the ability to utilise an existing LG unit to support is supported. The unit should have broad regional council representation to ensure relevance to the stakeholders.</p>

IPART Recommendation		Council Response
2. Subject to cost benefit analysis, the NSW Environment Protection Authority should engage in a Partnership Model with local government, similar to the Food Regulation Partnership (as per Recommendation 1).	The concept of a Partnership model is supported by Council. The Partnership needs to be supported beyond government and political changes.	Agree. The concept is supported and requires dedicated and impartial resources to undertake an analysis. It may be difficult to have a partnership where the EPA is the Appropriate Regulatory Authority for Council based activities as there may be opportunities and/or perceptions of bias. Agree - provided that there is not a devolution and cost shift to Council.
3. State agencies administering legislation with regulatory responsibilities for local government, such as the NSW Ministry of Health, NSW Office of Liquor, Gaming and Racing, Office of Local Government, and Roads and Maritime Services, should adopt relevant elements of the Partnership Model.	NEW	Agree. The ability for partnerships to have a level of consistency with approach is supported. Local Government should not be required or burdened with additional tasks, regulatory functions or cost through this proposed Model.
Improving the regulatory framework at the State level		
4. The Department of Premier and Cabinet should revise the NSW <i>Guide to Better Regulation</i> (November 2009) to include requirements for developing regulations involving regulatory or other responsibilities for local government, in particular: <ul style="list-style-type: none"> - consideration of whether a regulatory proposal involves responsibilities for local government - clear identification and delineation of State and local government responsibilities - consideration of the costs and benefits of regulatory options on local government - assessment of the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government - collaboration with local government to inform development of the regulatory proposal - if establishing a jointly provided service or function, agreement with local government as to the objectives, design, standards and shared funding arrangements - development of an implementation and compliance plan. 	Agree	Agree. The framework should not impose more responsibility or costs to local government.
5. The NSW Government should establish better regulation principles with	Agree	Agree but councils should be able to maintain some

IPART Recommendation		Council Response
<p>a statutory basis. This would require:</p> <ul style="list-style-type: none"> - amendment of the <i>Subordinate Legislation Act 1989</i> (NSW) or new legislation. - Giving statutory force to the <i>NSW Guide to Better Regulation</i> (November 2009) and enshrining principles in legislation. 		discretion for local nuances.
<p>6. The NSW Government should maintain the register of local government regulatory functions (currently available on IPART's website) to:</p> <ul style="list-style-type: none"> - manage the volume of regulation delegating regulatory responsibilities to local government - be used by State agencies in the policy development of regulations to avoid creating duplications or overlaps with new or amended functions or powers. 	Agree. The register must be regularly updated and identification of potential usage of the register for local government should be ascertained.	Agree.
<p>7. The Department of Premier and Cabinet should:</p> <ul style="list-style-type: none"> - Develop a Regulators' Code for local government, similar to the one currently in operation in the UK, to guide local government in undertaking enforcement activities. This should be undertaken in consultation with the NSW Ombudsman and State and local government regulators. - Include local government regulators in the Department of Premier and Cabinet's regulators group. - Develop simplified cost benefit analysis guidance material or a resource kit for local government to undertake proportional assessments of the costs and benefits of regulatory actions or policies, including consideration of alternatives. - Develop simplified guidance for the development of local government policies and statutory instruments, and on risk-based compliance. 	Agree	<p>Agree in principle. The information and guidance material should be appropriate and updated regularly to ensure it is useful.</p> <p>The application of a cost benefit guidance material is questionable as to the useability for councils. The variable resources for differing councils could mean one council does take action and another does not, and this can lead to inconsistency with application across the state. The community expectation will differ from the financial practicalities. There is also the exposure to political pressure, differing public and environmental health considerations.</p>
<p>8. The NSW Ombudsman should be given a statutory responsibility to develop and maintain a more detailed model enforcement policy and updated guidelines for use by councils to guide on-the-ground enforcement:</p> <ul style="list-style-type: none"> - The model policy should be developed in collaboration with State and local government regulators. - The model policy should be consistent with the proposed Regulators' 	Agree	<p>Agree.</p> <p>The policy should have flexibility for local government</p>

IPART Recommendation		Council Response
<p>Code, if adopted.</p> <ul style="list-style-type: none"> - The NSW Ombudsman should assist councils to implement the model enforcement policy and guidelines, through fee-based training. <p>All councils should adopt the new model enforcement policy, make the policy publicly available and train compliance staff in exercising discretion and implementation of the policy.</p>		<p>nuances.</p> <p>Training should be delivered to councils at no cost.</p> <p>Agree in principle. The policy could be referred to in Council's Enforcement Policy framework to the same effect.</p>
<p>9. The <i>Local Government Act 1993</i> (NSW) should be amended to abolish Local Orders Policies (LOPs), as the function of LOPs will be replaced by adoption of the new model enforcement policy.</p>	Agree	Agree.
<p>10. The NSW Government should publish and distribute guidance material for:</p> <ul style="list-style-type: none"> - councils in setting their regulatory fees and charges (to apply to fees and charges, where councils have discretion) - State agencies in setting council's regulatory fees and charges. <p>This guidance material should include principles and methodologies for estimating efficient costs, setting fees and charges and reviewing and updating these fees and charges over time. The guidance material should also include ways to address affordability issues through hardship provisions, if required.</p>	Agree.	Agree.
Enhancing regulatory collaboration amongst councils		
<p>11. The <i>Local Government Act 1993</i> (NSW) should be amended to remove any impediments to, or facilitate the easier use of, shared regulatory services. In particular, consideration should be given to:</p> <ul style="list-style-type: none"> - removing or amending section 379 – which currently restricts the delegation of a council's regulatory functions under Chapter 7 of the <i>Local Government Act</i>, including to shared services bodies. - amending section 377, which prohibits any delegation by a council of the acceptance of tenders. 	Agree	<p>Agree in principle. The shared regulatory services in regional areas may be problematic as there is already insufficient resources, large distances to cover in singular LGAs and the potential to share human resources is limited. This potentially is workable for metropolitan councils but has not considered the restrictions and limitations for regional/rural councils.</p> <p>Section 377(1) states: <i>'the acceptance of tenders to provide services currently provided by members of staff of the council,'</i></p> <p>It is important to note that the tendering threshold for which Council must approve a contract involving services provided by Council employees at the time of entering the contract remains at \$150,000</p>

IPART Recommendation		Council Response
Whichever forms of council collaboration are used in future, consideration should be given to whether the Act should specify how and in what form the collaborative arrangements should be established (including whether management frameworks should be prescribed).		Collaboration is often difficult due to the distance for travel for regional and rural councils making traditional meetings prohibitive. More innovative meeting structures could be included to ensure effective communication and collaboration with stakeholders.
12. The NSW Government should encourage and develop incentives to form collaborative arrangements in relation to regulatory functions. This should include training, guidance and promotion of leading practice collaborative arrangements, and the availability of repayable funding arrangements to assist in setting up shared regulatory services. Councils could obtain a loan with a concessional rate of interest that is repayable within a specified period. This should tend to be cost neutral over time, as cost savings to councils would be achieved from the collaborative arrangements.	Agree. NSW Govt should assist with Terms of Reference and processes for ROCs and collaborative arrangements to ensure compliance and enforcement is included and that the focus is not advocacy alone. Without providing a suitable framework, be it that some of level of flexibility is required, there will not be consistency of approach across LG and the State	Agree in principle. The NSW Govt should assist with Terms of Reference or a suitable framework and processes for collaborative arrangements to ensure regulatory functions are included in regional arrangements. Collaborative arrangements may be in place that could be enhanced such as the Joint Organisations. Importantly collaborative regulatory function arrangements could potentially operate more effectively in metropolitan areas and may be costly and inefficient in some rural/regional council areas. Consideration as to how this could be achieved in regional areas needs to be undertaken.
Improving the regulatory framework at the local level		
13. The <i>Local Government Act 1993</i> (NSW) should be reviewed and amended in consultation with councils to: - remove duplication between approvals under the <i>Local Government Act 1993</i> (NSW) and other Acts, including the <i>Environmental Planning and Assessment Act 1979</i> (NSW) and <i>Roads Act 1993</i> (NSW) in terms of: footpath restaurants; installation of amusement devices; installation and operation of manufactured homes; stormwater drainage approvals. - allow for longer duration and automatic renewal of approvals. - provide more standard exemptions or minimum requirements from section 68 approvals, where possible, in areas such as: footpath restaurants; A-frames or sandwich boards; skip bins; domestic oil or solid fuel heaters; busking; set up, operation or use of a loudspeaker or sound amplifying device and deliver a public address or hold a religious service or public meeting.	Agree Agree Agree	Agree in principle. Agree. This could be taken further so that a Complying Development Certificate (CDC) under the EP&A Act can have deemed approvals under section 68 (Local Govt. Act) and section 138 (Roads Act) with state wide assumed standards, i.e. AS 3500, WSA Codes or Austroads, etc.
14. The <i>Local Government Act 1993</i> (NSW) should be amended to enable	(Item 12 in 2014 submission – last dot	Agree. Requires a consistent approach for Councils issuing

IPART Recommendation	Council Response	Council Response
councils to recognise section 68 approvals issued by another council (ie, mutual recognition of section 68 approvals), subject to published local requirements, for example with mobile food vendors and skip bins. Councils should be able to recover the costs of compliance associated with approvals granted by another council.	point) Agree. Requires a consistent approach for councils issuing approvals. Standard conditions that are agreed by councils should be developed)	approvals. Standard conditions that are agreed by Councils should be developed.
15. The <i>Local Government Act 1993</i> (NSW) should be amended to abolish Local Approvals Policies (LAPs) or, alternatively: reduce the consultation period to 28 days in line with Development Control Plans; remove sunseting clauses; require Ministerial approval only for amendments of substance; centralise LAPs in alphabetical order in one location on the Office of Local Government's (OLG) website; consolidate activities within one LAP per council; and OLG to provide a model LAP in consultation with councils.	(Item 12 in 2014 submission – fifth dot point) Abolish LAPs and incorporate local nuances into the Companion Animals Management Plan. A model LAP for solid fuel heaters would be agreeable for council	The <i>Local Government Act 1993</i> (NSW) should be amended to abolish Local Approvals Policies (LAPs).
16. The NSW Government, as part of its reforms of the <i>Local Government Act 1993</i> (NSW), should amend the Act to provide a modern, consolidated, effective suite of compliance and enforcement powers and sanctions for councils and council enforcement officers. The powers would be applicable to all new State Acts or regulations. This suite should be based on the best of existing provisions in other legislation and developed in consultation with the NSW Ombudsman, Department of Premier and Cabinet, State and local government regulators. This should include effective cost recovery mechanisms to fund enforcement activities.	Agree	Agree.
17. Councils should support the use of alternative and internal review mechanisms (for example, the NSW Ombudsman, Office of the NSW Small Business Commissioner, and private providers of alternative dispute resolution services) to provide business and the community with a path of redress for complaints (not including complaints concerning penalty notices) that is less time-consuming and costly than more formal appeal options.	Agree. This requires formal mechanisms to be developed to enable councils to implement impartial alternate dispute resolution. The examples cited are large metropolitan councils and it may be cost prohibitive for smaller councils. The cost of utilising alternative mechanisms needs to be supported and a focus on building stronger partnerships between LG and ADR services to minimise costs to councils	Agree in principle. The cost of internal review mechanisms, both formal and informal, should identify the potential for a shared costs between the council and the complainant. Utilising Alternate Dispute Resolution (ADR) or other providers comes at a cost that should not be placed solely on local government. The resources for implementing this recommendation may be prohibitive for regional/rural councils.

IPART Recommendation		Council Response
	encouraged.	
Improving regulatory outcomes		
<p>18. As part of the State's Quality Regulatory Services initiative, the NSW Government should require all State agencies that devolve regulatory responsibilities to local government to:</p> <ul style="list-style-type: none"> - consider councils' responsibilities in developing their risk-based approach to compliance and enforcement. - consider councils' responsibilities in defining the regulatory outcomes and setting monitoring mechanisms to measure the outcomes, and - identify what information needs to be obtained from councils in relation to their regulatory activities to measure regulatory outcomes and how this data will be used or published to assess and assist council performance. <p>These requirements should be developed in consultation with local government regulators and commence by the end of 2015.</p>	<p>Agree in principle.</p> <p>The ability to extend existing reporting for compliance and enforcement via the IPR framework may be appropriate.</p> <p>The ability to develop requirements by 2014 is questionable. Will require consultation between LG and relevant State agencies.</p>	<p>Agree in principle</p> <p>The measurement of outcomes should not be a cost borne by local government. Where monitoring is required for the State it should be undertaken by the relevant State agencies.</p> <p>Determination of agreed measurements of council performance is required to ensure consistent information and data is obtained. It also should not be at a cost of resources for councils.</p> <p>The revised timing from 2014 to 2015 seems incorrect given that this report has been released in 2019.</p>
Planning		
<p>19. The Department of Planning and Environment, in consultation with key stakeholders and on consideration of existing approaches, should:</p> <ul style="list-style-type: none"> - identify which development consent conditions may be applied across council areas, including regional groupings of councils, and which conditions will vary across council areas - then develop (where appropriate) a standardised and consolidated set of development consent conditions for councils to use for different forms of developments. 	<p>Agree with the standardised conditions approach.</p>	<p>Agree. Needs to be done in consultation with Local Government and is currently underway by the Department of Planning and Environment.</p> <p>Goes to uniform standards raised in Recommendations 13 and 14. Councils need to agree on source of development standards, i.e. Australian Standards or other State/National Codes.</p>

Building and construction		
20. The NSW Government should: <ul style="list-style-type: none"> - subject to a cost benefit analysis, create a stronger, single State regulator, the Building Authority, containing, at a minimum, the roles of the Building Professionals Board, the building regulation expertise of the Department of Planning and Environment and the building trades regulation aspects of NSW Fair Trading, and - create a more robust, coordinated framework for interacting with councils through instituting a 'Partnership Model' (as discussed in Chapter 2) 	Agree though this agency will need to be suitably resourced and have sufficient regulatory power to be truly effective.	Agree. The Building Authority should also be able to provide advice on interpretation of the National Construction Code (NCC)/Building Code of Australia (BCA), i.e. Western Australian Building and Energy.
21. The Building Professionals Board or Building Authority (if adopted) should: <ul style="list-style-type: none"> - initially, modify its register of accredited certifiers to link directly with its register of disciplinary action - in the longer term, create a single register that enables consumers to check a certifier's accreditation and whether the certifier has had any disciplinary action taken against them at the same time. 	Agree	Agree Agree. This should be developed further so that the consumer is made aware that it is their role to appoint the certifier as opposed to the builder. There also needs to be more advertising/education around the role of the certifier.
22. NSW Fair Trading, in its consumer building guide or other appropriate material, and the Building Professionals Board, in its mandatory contracts between certifiers and clients or other appropriate material, should refer consumers of building services to the Building Professionals Board's register of accredited certifiers and register of disciplinary action.	NEW	Agree.
23. Councils seeking to impose conditions of consent above that of the National Construction Code must conduct a cost benefit analysis justifying the benefits of these additional requirements and seek approval from an independent body, such as IPART, under a 'gateway' model	Agree	Agree in principle. Where requirement is in regard to fire safety/ construction standards, agree. Where condition/ requirement is in relation to sustainability such as insulation, water reuse, etc. Councils should retain ability to develop their own policy positions.

<p>24. Certifiers should be required to inform councils of builders' breaches if they are not addressed to the certifier's satisfaction by the builder within a fixed time period. Where councils have been notified:</p> <ul style="list-style-type: none"> - if the breach relates to the National Construction Code (NCC), the council should be required to respond to the certifier in writing within a set period of time. - if the breach is not related to the NCC, the council should be required to respond to the certifier in writing within a set period of time, and if they do not respond within the specified period, then the certifier can proceed to issue an occupation certificate. 	<p>Agree with the recommendations, this happens largely in practice now.</p>	<p>Disagree – Certifiers should inform the Building Professional Board (BPB) and Council where a breach of the National Construction Code (NCC) occurs. The BPB should deal with breaches of the NCC.</p> <p>The Certifier should ensure compliance with the development consent.</p> <p>Agree with set period of time as long as it is reasonable, i.e. minimum of two weeks.</p>
<p>25. The Building Professionals Board (BPB) or Building Authority (if adopted) should incorporate into the current Principal Certifying Authority signage information setting out contact details for specific complaints (eg, off-site impacts like building refuse or run-off and onsite issues). The BPB or Building Authority should trial the use of such a sign in a specific local government area to see if time is reduced in redirecting complaints for councils, the BPB/Authority and certifiers.</p>	<p>Agree</p>	<p>Agree.</p>
<p>26. The NSW Government (eg, The Department of Planning and Environment) should enable building owners to submit Annual Fire Safety Statements online for access by councils and the Commissioner of the Fire and Rescue Service.</p>	<p>Agree. This could operate similar to the Swimming Pools Barrier Fence regulations.</p>	<p>Agree</p>
<p>Public health, safety and the environment</p>		
<p>27. All councils should adopt the NSW Food Authority's guidelines on mobile food vendors. This will allow for food safety inspections to be conducted in a mobile food vendor's 'home jurisdiction', which will be taken into account by other councils when considering if inspection is warranted.</p>	<p>Agree. Approval of mobile vendors should be along the State basis (licensed vehicles) and inspection to be carried out by each council at events if required. Sharing of information (access to approvals, inspection reports) should be Statewide. Current local government can only view those approved within their local government areas through NAFSIS.</p>	<p>Agree and this has been adopted.</p>
<p>28. The NSW Food Authority, in consultation with councils, should provide guidance on reducing the frequency of routine inspections by councils of retail food businesses with a strong record of compliance to reduce over-inspection and costs.</p>	<p>Only a minimum frequency should be stipulated, as return inspections are dependant of the performance of the individual business. 'Scores on Doors' and 'Name and Shame' are not mandates</p>	<p>Agree and has been adopted. The 'Scores on Doors' provides the framework for this and should be considered to be mandatory for state wide consistency.</p>

	assessing systems. They are reporting mechanisms for compliance with the Food Act, Food Regs and Food Standards Code.	
<p>29. The NSW Food Authority should finalise its internal review and work with councils to implement its reforms within 18 months of its review being completed to:</p> <ul style="list-style-type: none"> - remove any regulatory overlap (eg, of related retail and non-retail food business on the same premises) - develop a system of notification for all food businesses that avoids the need for businesses to notify both councils and the Food Authority - review the notification system to determine whether negligible risk food businesses should be exempt from the requirement to notify - ensure the introduction of a standard inspections template for use by all councils in NSW, to enhance the consistency of inspections across the State. 	<p>Agree – eg., supermarkets where a meat processor is inspected by the NSW FA and LG does the rest of the shop. Allow LG, with suitably qualified personnel, to carry out NSW FA functions or have NSW FA undertake whole of premise compliance.</p> <p>Agree. This requirement for notification is within the Foods standards Code 3.2.2 clause 4 Notification. Central database held by NSW FA with LG access should be in place. Food business can directly notify the appropriate authority now at no cost.</p> <p>Agree – as per above.</p> <p>Agree. The inspection report format would be required to be legislated.</p>	<p>Recommendations relate to a review identified in 2014 and the completion of the reform.</p> <p>Agree</p> <p>Agree and this has been adopted. Food Authority have passed on the registration of food businesses to Councils. Food businesses are no longer required to register with the Food Authority.</p> <p>Agree</p> <p>Agree</p>
<p>30. The Office of Local Government should:</p> <ul style="list-style-type: none"> - develop a 'model' risk-based inspections program to assist councils in developing their own programs under the <i>Swimming Pools Act 1992</i> (NSW) - promote and assist councils in developing their own programs under the <i>Swimming Pools Act 1992</i> (NSW) - promote and assist councils to use shared services or 'flying squads' for swimming pool inspections, if a backlog becomes apparent under the new regulatory regime - review the <i>Swimming Pools Act 1992</i> (NSW) within five years from commencement of the amendments to determine whether the benefits of the legislative changes clearly outweigh the costs - review council's regulatory performance and inspection fees prescribed by the <i>Swimming Pools Regulation 2009</i> (NSW), including 	<p>Council does not agree with this recommendation and is deemed unnecessary. Council has already implemented an inspection program. Better use of resources would be a continued campaign of community education.</p> <p>Note the 2014 IPART recommendation differs slightly from 2019.</p>	<p>Agree in principle with all points.</p>

<p>whether inspection fees recover councils' efficient costs</p> <ul style="list-style-type: none"> - undertake regular reviews of its guidance material for councils and pool owners to ensure this material is current, reflects best practice, and that it incorporates learning from implementation of amendments to the <i>Swimming Pools Act 1992</i> (NSW). 		
<p>31. NSW Fair Trading should undertake regular reviews of the boarding house guidance material for councils and boarding house operators to ensure this material is current, reflects best practice and that it incorporates learnings from implementation of the <i>Boarding Houses Act 2012</i> (NSW).</p>	NEW	Agree
<p>32. The Department of Planning and Environment, in consultation with the NSW Environment Protection Authority and other relevant stakeholders, should:</p> <ul style="list-style-type: none"> - develop standard waste management requirements for inclusion in the NSW Industrial and Commercial Codes, which establishes site waste management standards and requirements for exempt and complying development, and - remove the need for applicants to submit separate Waste Management Plans to councils for complying developments. 	Agree	Agree as long as the standard waste management plan incorporates mandatory reduce/reuse/recycle principles.
Parking and road transport		
<p>33. Councils should either:</p> <ul style="list-style-type: none"> - solely use the State Debt Recovery Office (SDRO) to handle parking fine requests for review or appeals to remove current confusion, duplication and reduce costs, or - adopt the SRCO's guide for handling representations where a council is using SDRO's basic service package and retain the role of handling parking fine requests for review or appeals, to ensure consistency and fairness across the State. 	<p>Agree</p> <p>Agree</p>	<p>Agree. Ideally all Councils should solely utilise State Debt Recovery Office (SDRO) so there is state wide consistency. There could also be reduced costs to Councils with increasing servicing and efficiency gains passed on from the SDRO to Councils.</p>
<p>34. The Office of Local Government should review and, where necessary update, its free parking area agreement guidelines (including model agreements) for use in agreements with private companies, State agencies and owners' corporations. Councils should then have a free parking area agreement in place consistent with these guidelines.</p>	Agree	Agree – it would be useful to have a NSW Guideline
<p>35. That the NSW Government:</p> <ul style="list-style-type: none"> - notes the potential red tape savings and net benefits that could accrue to NSW through the National Heavy Vehicle Regulator (NHVR) 	Agree	Agree – additional support to LG would be welcome provided Council retains the ability to make the decision

providing technical assistance to councils in certifying local roads for access by heavy vehicles and engineering assessments of infrastructure; and - in the event of delay in the NHVR providing these elements of the national reforms, funds an interim unit to provide this assistance to local government.		
Companion animals management		
36. The Office of Local Government should allow for an optional one-step registration process, whereby: - the owner could microchip and register their pet at the same time - the person completing the microchipping would act as a registration agent for councils either by providing access to online facilities (per recommendation below) or passing the registration onto councils (on an opt-in, fee-for-service basis).	Agree. As an LGA and registration agent Council provides these services as required as legislation save for the online facilities.	Agree. Agree in principle. The mechanisms for implementing this recommendation are not provided and there is the need to ensure clear processes are in place that do not disadvantage the registration agent.
37. The Office of Local Government should allow for online companion animals registration (including provision to change owner address and contact details online for animals that are not under declaration).	Agree	Agree
38. The Office of Local Government should implement targeted, ownership campaigns with councils in particular locations/communities of concern with the input of industry experts, providing accessible facilities for desexing where these campaigns are rolled out.	Agree	Agree
39. The Office of Local Government should amend the companion animals' registration form so an owner's date of birth is mandatorily captured information, as well as other unique identifiers such as driver's licence number or official photo ID number or Medicare number.	Agree	Agree
40. The Office of Local Government should amend the <i>Companion Animals Regulation 2008</i> (NSW) to enable fees to be periodically indexed by CPI.	Agree	Agree
Other		
41. The NSW Government should amend section 125 of the <i>Roads Act 1993</i> (NSW) to extend the approval term for footway restaurants' to 10 years and councils should ensure that approval conditions enable adequate access by utility providers.	Agree	Agree
42. Councils should adopt measures to simplify and streamline the approvals process for local community events. This could include: - specifying some temporary uses of land as exempt development in	Agree	Agree Comment – the standard Local Environmental Plan (LEP)

<p>local environmental plans, or</p> <p>- issuing longer-term development consents for periods of three to five years for recurrent local community events (subject to lodging minor variations under section 96 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW))</p>		<p>and the planning system does not address temporary events very well and especially periodic/ annual temporary events. Separate or streamlined approval process is required.</p>
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**PSR19/030 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
SUMMARY REPORT**

E18.1705

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

Attachments: 1. Under Separate Cover - Eurobodalla Nature Based Tourism Feasibility Study Summary Report

Outcome: Vibrant and Diverse Economy

Focus Area: 5.3 Focus on the development of sustainable tourism and quality events and visitor experiences

Delivery Program Link: 5.3.1 Work in partnership to continue to develop the tourism industry

Operational Plan Link: 5.3.1.6 Finalise and commence implementation of the Eurobodalla Destination Action Plan

EXECUTIVE SUMMARY

The purpose of this report is to request Council's endorsement to public exhibit the draft Eurobodalla Nature Based Tourism Feasibility Study: Summary Report (draft report). The draft report is attached to this report.

The draft report has been prepared in accordance with Eurobodalla's Delivery Program 2017-21 and Operational Plan 2018-19 and aligns with the direction of Eurobodalla Destination Action Plan (EDAP) 2018-2021.

Council have engaged consultants with experience in nature-based tourism throughout Australia and internationally. These consultants have prepared the draft report to guide the development of nature-based tourism and related recreation activities across the Eurobodalla and develop cooperative agreements with State-based agencies.

The recommendations from the draft report will help re-position Eurobodalla Shire as an attractive location for both public and private investment, and drive growth and ongoing improvement in nature-based tourism and hence contribute to the achievement of a long-term outcome.

RECOMMENDATION

THAT:

1. Council publicly exhibit the draft Eurobodalla Nature Based Tourism Feasibility Study: Summary Report for a period of 28 days.
2. Following public exhibition, a further report be submitted to Council for consideration of submissions and adoption of the Eurobodalla Nature Based Tourism Feasibility Study: Summary Report.

BACKGROUND

The draft report has been prepared in accordance with Action 5.3 of the Eurobodalla's Delivery Program 2017-21 and Operational Plan 2018-19 to *5.3 Focus on the development of sustainable tourism and quality events and visitor experiences*.

**PSR19/030 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
SUMMARY REPORT**

E18.1705

Nature-based Tourism is recognised by Tourism Australia and Destination New South Wales as an important and growing experience sector for the international, domestic and day trip visitors. The nature-based tourism potential of our Shire is identified in priority 5 of the EDAP;

‘Develop a strategic and coordinated approach to tourism product and experience development to position Eurobodalla as an iconic nature-based tourism and regional food destination on the South Coast.’

Other State and regional plans have also noted the potential for Eurobodalla to become a stronger nature-based tourism destination and the draft report is in line with the following strategic documents;

- Far South Coast Regional Economic Development Strategy 2018-2022
- Southern NSW Destination Management Plan 2018- 2020
- NSW South Coast Marine Tourism Strategy 2019.

Eurobodalla has the potential to capitalise on its natural assets and expanding the nature-based tourism sector in conjunction with the new tourism brand positioning and its marketing tag line “all kinds of natural”. Shire wide growth in nature-based experiences and products will assist in differentiating the Eurobodalla through visitor perceptions and encouraging year-round visitation across our Shire.

The timing of this project is ideal with the NSW Government having reserved \$28 million of the Regional Growth Environment Tourism Fund for new or improved nature-based environment and infrastructure projects. A Southern NSW Nature Based Tourism Plan is likely to be developed within the next year allowing Eurobodalla to have projects able to be elevated to regional importance

A strong foundation in the nature-based tourism sector will position Eurobodalla Shire as an attractive location for both private and public investment, driving growth and employment opportunities.

Council engaged the consultants Inspiring Place, Claire Ellis Consulting and Indigeco to prepare the draft report in July 2018.

The project has been undertaken in four stages.

1. Initial research on the current visitor experience, aspects around the visitor economy including trends and competitor positioning and discussions with Council staff enabled the development of a background paper that was used during stakeholder discussions and to support site visits during November 2018.
2. An Insights Report was then prepared outlining the identified challenges and the opportunities to harness and grow nature-based tourism to achieve the desired outcomes.
3. These initial ideas were then subject to further investigation and analysis by the consultant team and consequently reviewed and refined prior to the preparation of the draft report in February 2019.
4. Additional stakeholder engagement and a presentation to Council was conducted in March and July and comments received enabled the finalisation of the draft report.

**PSR19/030 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
SUMMARY REPORT**

E18.1705

Council was successfully awarded grant funding through the Australian Government's Regional Jobs and Investment Packages program that is seeking to diversify economies, stimulate long-term economic growth and deliver sustainable employment.

CONSIDERATIONS

The objectives of the draft report are to:

- guide the development of nature-based tourism and related recreation activities across the Eurobodalla and to develop cooperative agreements with State-based agencies
- formalise opportunities for local and State government agencies to work in partnership with private operators to maximise opportunities for nature-based tourism within the Eurobodalla
- identify opportunities for further investment and development with government and private sector proponents
- identify ways to reduce 'red-tape' and ultimately improve the flow on effect of increased tourism opportunities and spending
- provide opportunities for visitors and locals to participate in active nature-based recreation – potentially mountain bike paths, walking trails, eco-tourism accommodation, and marine activities.

The draft report lists eight (8) infrastructure improvement projects and placed them within five categories. It also recommends two (2) support strategies.

Category 1 Market Ready Projects

- (1) Murramarang South Coast Walk

Category 2 Mid to Long Term Sustainability Projects

- (2) Micro-infrastructure projects (includes defining the best range of walk experiences, upgrading the best lookouts and improving access to the waterways)
- (3) Maintain Montague Island's Appeal
- (4) Mogo Adventure Hub

Category 3 Mid Term Leveraging Projects

- (5) Re-imagine Batemans Bay -Clyde River Waterfront
- (6) Batemans Bay Coastal Headlands Walking Trail

Category 4 Longer Term Positioning Projects

- (7) Harness the Potential of the Hinterland
- (8) Grow Demand for Aboriginal Cultural Tourism

The two (2) supporting strategies include:

- (1) Supporting Existing Tourism Industry Development:
 - A mentoring program
 - Annual nature-based tourism forum

**PSR19/030 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
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- Seasonality issues program
- Improved collateral
- (2) Building Cooperative Arrangements with Partner Agencies:
 - Develop a Cross-Agency Nature based tourism Working Group
 - Develop High Level Cross Agency Agreements.

Several projects identified in the draft report are underway and being completed by Council or relevant government agencies. These projects include:

- Murramarang South Coast Walk
- Observation Point Lookout
- Coastal Headlands Walking Trail
- Mogo Adventure Trails Hub Strategy
- Batemans Bay Waterfront Masterplan.

The aforementioned projects have secured funding through government grants and/or by Council contributions.

Murramarang South Coast Walk

Murramarang South Coast Walk project in Category 1 has secured \$3.6M in State funding and is being planned, developed and managed by National Parks and Wildlife Service (NPWS). Council will support the development of the walk and maximize the benefits to the region by assisting NPWS with advice, community engagement and developing tourism product to grow overnight visitation and visitor expenditure for this multi-day walk.

Observation Point Lookout

Observation Point lookout is a micro-infrastructure project identified in the draft report and is progressing as part of upgrading iconic lookouts and improving access to the waterways in the shire that will enable visitors and operators to engage in nature-based tourism.

Coastal Headlands Walking Trail

Another midterm leveraging project from the draft report is the Coastal Headlands Walking Trail. This project has applied for grant funding and is awaiting the result from the relevant funding body. A key component of this project will be to ensure the coastal walking trail will be appealing for visitors and improve the interpretation of the area encouraging visitors to explore the region and stay for longer periods of time.

Mogo Adventure Trails Hub Strategy

Mogo Adventure Trails Hub Strategy is a project referenced in Category 2 of the draft report and is being prepared by consultants TRC Tourism. This strategy will provide Eurobodalla with the tools to establish the region as a premier adventure trail destination and has been well received by trail users and key stakeholders.

Batemans Bay Waterfront Masterplan

Batemans Bay Waterfront Masterplan is a Category 3 midterm leveraging project in the draft report. This project is currently in the initial community consultation stage and will help re-

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focus the township around its key asset, the waterfront, as well as enabling small businesses to grow within the Batemans Bay town centre.

Policy

The draft report has been developed taking into account local, regional and State strategies and policies in relation to nature-based tourism. Reports include:

- The Eurobodalla Destination Action Plan 2018-2021
- Far South Coast Regional Economic Development Strategy 2018-2022
- Southern NSW Destination Management Plan 2018- 2020
- NSW South Coast Marine Tourism Strategy 2019.

Environmental

The draft report has been developed to achieve sustainable nature-based tourism outcomes that recognise the importance of the natural environment and the need to conserve natural resources/assets for future generations and for the benefit of our local economy which is dependent upon them.

Asset

The draft report signals multiple small-scale infrastructure upgrades. These micro-infrastructure projects will include upgrading the best lookouts and improving access to the waterways, casting a tourism lens over important tourist locations and improving the visitor experience.

The report and strategy makes no commitment to fund or undertake any infrastructure works. Any proposed infrastructure works will need to be considered as part of future budget processes.

Social Impact

The draft report seeks to further develop and improve nature-based tourism in the region which in turn has the potential to enhance community identity and pride of place in the region.

Economic Development Employment Potential

Tourism in Eurobodalla Shire currently contributes \$385 million annually to the local economy. It is estimated that around 2,500 jobs (67%) are directly supported by tourism and approximately 1,300 (23%) of jobs are indirectly supported by tourism.

The EDAP aims to grow the local visitor economy to \$462 million by 2021. The draft report recognises that nature-based tourism in the region has the potential to create interest in the experiences on offer at a destination, generate publicity and link in with the region's seasonal variations and associated produce to help achieve these goals.

The draft report will assist our Shire to leverage public and private sector investment for new nature-based tourism products and experiences.

Financial

Eurobodalla Shire Council was successful in receiving grant funding for the draft report from Australian Government's Regional Jobs and Investment Packages program.

**PSR19/030 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
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Several projects identified in the draft report are underway and being complete by Council or government agencies. The projects have secured funding through government grants and/or by Council contributions.

Community and Stakeholder Engagement

The stakeholder engagement process involved;

- One-to-one meetings with the key event stakeholders to gain their views on the current situation and their aspirations and priorities related to the development of nature-based tourism in the region
- Two workshops facilitated with representatives from local operators that attract visitors and residents, to gather their collective thoughts on issues and opportunities for nature-based tourism development and growth across Eurobodalla
- A workshop facilitated with Government and relevant agency representatives to foster cross-agency support and development of nature based tourism.

Stakeholders engaged included representatives from:

- Destination NSW
- Destination Southern NSW
- Chambers of Commerce
- NSW National Parks and Wildlife Service
- NSW Department of Parliament and Cabinet
- Forestry Corporation of NSW
- NSW Department of Primary Industries
- Local Aboriginal Land Councils
- Local nature-based tour operators and accommodation providers
- Council staff

Further community consultation will be conducted and feedback will be sought during the 28 day public exhibition period where the draft report will be on Council's website and a hard copy located at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

The draft Eurobodalla Nature-Based Tourism Feasibility Study – Summary Report is an important strategic priority of the Eurobodalla Destination Action Plan 2018-2021. The draft report prioritises opportunities and actions to deliver an achievable and realistic action plan to guide Council's support for the growth and development of nature-based tourism.

**PSR19/030 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
SUMMARY REPORT**

E18.1705

This report recommends that Council endorse the draft report to be placed on public exhibition for a period of 28 days.

**PSR19/031 DRAFT VOLUNTARY PLANNING AGREEMENT - EUROBODALLA
QUARRY**

06.0660.D

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

Attachments: 1. Under Separate Cover - Draft Voluntary Planning Agreement

Outcome: Responsible and Balanced Development

Focus Area: 6.2 Ensure development is sustainable, and reflects community values and the desired local setting

Delivery Program Link: 6.2.2. Provide receptive and responsive development assessment services

Operational Plan Link: 6.2.2.1 Assess and determine development applications

EXECUTIVE SUMMARY

The purpose of this report is to seek a Council resolution to accept the Voluntary Planning Agreement (VPA).

Council has an existing Deed of Agreement with the landowner to pay a levy, based upon the number of tonnes and type of material extracted from Eurobodalla Quarry. The levy is used to assist in the maintenance of Nerrigundah Mountain Road and Eurobodalla Road.

Development consent 366/17 for the quarry expansion and resource recovery facility was approved in December 2017 and required the existing Deed to be converted to a VPA.

Council resolved to exhibit the VPA on 13 August 2019 and the draft VPA was publicly exhibited for the statutory period of 28 day. No submissions were received during this exhibition period.

It is therefore recommended that Council resolve to accept the draft VPA.

RECOMMENDATION

THAT Council ratify the Draft Voluntary Planning Agreement as attached between Eurobodalla Shire Council and the landowner of Eurobodalla Quarry and add to Council's Planning Agreements Register.

BACKGROUND

In 2003, Council granted a deferred commencement development consent to Hollis (DA No. 848/02) for the operation of a Hard Rock Quarry on part of Lot 31 DP854280 and part of Lot 106 DP752156 at Bodalla. This development consent included conditions which required the applicant to undertake road works on the haul roads associated with the quarry.

The 2003 consent was the subject of Court proceedings (Motbey v Hollis and Eurobodalla Shire Council [2003] NSWLEC 40). As part of those proceedings, Council agreed to amend Condition 1 of the proposed conditions of consent, on the terms set out in a Deed of Agreement between Council and Hollis dated 10 April 2003.

The following is an extract of the existing Deed of Agreement and outlines the upgrade works required and the purpose of the agreed sum and ongoing contribution;

"The applicant must satisfy the council that the following upgrades have been completed:

**PSR19/031 DRAFT VOLUNTARY PLANNING AGREEMENT - EUROBODALLA
QUARRY**

06.0660.D

- (a) *The removal/relocation of the existing power pole on the south-western corner of the Eurobodalla Road and Princes highway;*
- (b) *The placement of Give Way signs at Tyrone Bridge;*
- (c) *The removal of a large eucalypt tree on the Eurobodalla Road, below Sutcliffe Street;*
- (d) *The trimming of vegetation to improve sight distance at the intersection of Eurobodalla Road and Nerrigundah Mountain Road;*
- (e) *The junction of Nerrigundah Mountain Road with Eurobodalla Road is provided with suitable warning signage to address the deficient sight distance;*
- (f) *The pavement on the north-eastern corner of the Eurobodalla and Nerrigundah Mountain Road intersection be widened to allow a truck turning left toward Bodalla to clear a truck waiting on Nerrigundah Road to cross Tyrone Bridge;*
- (g) *The rectification of the vertical alignment of the Tyrone Bridge prior to commercial quarrying activities commencing on the site; and*
- (h) *The removal of some parts of the embankment within the road reserve Eurobodalla Road north of the intersection with Nerrigundah Mountain Road to improve sight distances to the reasonable satisfaction of the Council's Technical Services and Property Manager."*

"The Agreed Sum and the Contribution will be used by Council to undertake the works specified in condition 1 of the consent as outlined in clause 5 above. The Contribution will be used by Council to address the impact of the Development on those sections of Eurobodalla and Nerrigundah Mountain Roads used as part of the haul route."

On 10 January 2017, Hollis submitted a further Development Application (No. 366/17) to substantially expand the development footprint, to increase the annual limit of extraction and to extend the life of the quarry.

As part of its Development Application, Hollis made an offer to enter into a voluntary planning agreement under s.7.4 of the *Environmental Planning and Assessment Act* with Council under which the applicant agrees to continue to pay the levy previously described in the Agreement.

This Development Application was assessed by the Southern Regional Planning Panel and was granted consent subject to conditions, on 4 December 2017.

Condition 3 of the Development Consent requires the applicant to enter into a voluntary planning agreement with the Council in accordance with the terms of the offer prior to the commencement of works or use.

A report was provided to Council at the Ordinary Meeting of Council on 13 August 2019, seeking a resolution to exhibit the draft agreement.

CONSIDERATIONS

There were two parts to the existing Deed of Agreement; it required physical works to occur and a levy based upon haulage rates for use of Nerrigundah Mountain Road and Eurobodalla Road. All physical works associated with the Deed have been completed.

**PSR19/031 DRAFT VOLUNTARY PLANNING AGREEMENT - EUROBODALLA
QUARRY**

06.0660.D

The proposed agreement will simply carry over the existing levy amounts in the Deed of Agreement which have been subject to Consumer Price Index.

Section 7.5 of the *Environmental Planning and Assessment Act 1979* requires that public notice of a draft agreement be made before the agreement is entered into.

On 28 August 2019, a public notice was put in the local newspaper and on Council's website. No submissions were received during the exhibition period.

Legal

The *Environmental Planning and Assessment Act 1979 (EP&A Act)* and *Environmental Planning and Assessment Regulations 2000* provide guidance on the processes involved in the acceptance of a VPA.

In accordance with Clause 25F of the EP&A Act, once the document is ratified by Eurobodalla Shire Council and the landowner of Eurobodalla Quarry, the VPA must be added to Council's Planning Agreements Register.

The purpose of this report to ensure that Council meets these legislative requirements.

Policy

Council has a Planning Agreements Policy adopted on 27 June 2017 and the draft agreement is consistent with this Policy.

Environmental

There are no environmental considerations as part of the VPA process. Environmental considerations were assessed with the development application.

Asset

The purpose of the VPA is to facilitate a contribution by the developer to assist in the maintenance of public roads.

Social Impact

There are no social considerations as part of the VPA process. Social considerations were assessed with the development application. The VPA will however enable the continued collection of a levy which will facilitate maintenance of the road which has social benefits.

Economic Development Employment Potential

There are no economic development considerations as part of the VPA process. Economic development considerations were assessed with the development application. The VPA will however enable the continued collection of a levy which will facilitate maintenance of the road which has economic benefits.

Financial

The VPA, if agreed, provides funding to Council for the maintenance of Eurobodalla Road and Nerrigundah Mountain Road.

**PSR19/031 DRAFT VOLUNTARY PLANNING AGREEMENT - EUROBODALLA
QUARRY**

06.0660.D

Community and Stakeholder Engagement

Council publicly exhibited the draft agreement on the 28 August 2019 for a period of not less than 28 days. Copies were available for viewing on Council's website and Moruya customer service centre.

CONCLUSION

This report seeks a Council resolution to accept the draft Voluntary Planning Agreement.

The draft VPA is a redrafting of an existing Deed of Agreement between Council and the landowner/applicant that requires the payment of a levy for road maintenance on Nerrigundah Mountain Road and Eurobodalla Road.

The draft VPA was publicly exhibited for a period of 28 days and no submissions were received and there are no matters that would inhibit Council's ability to accept the agreement.

**IR19/022 FUNDING OFFER - 2019-20 NSW RURAL FIRE FIGHTING FUND
ALLOCATIONS**

E14.8343

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. 2019-20 Rural Fire Fighting Fund Eurobodalla Works [↓](#)

Outcome: Protected and Valued Natural Environment

Focus Area: 3.1 Respond to our changing environment and build resilience to natural hazards

Delivery Program Link: 3.1.3 Collaborate with agencies and emergency services to support coordinated emergency management

Operational Plan Link: 3.1.3.2 Undertake fire mitigation program on Council controlled land

EXECUTIVE SUMMARY

Council has been successful in securing \$124,700 in funding from the NSW Rural Fire Service under their 2019-20 NSW Rural Fire Fighting Fund Allocations, and \$500 under the Bushfire Risk and Resilience Mitigation fund.

The following table shows a comparison of funding received under these programs for the last financial year and this financial year:

	2018-19 financial year	2019-20 financial year
Rural Fire Fighting Fund Allocations	Allocated \$37,500 Claimed \$35,779	Applied for \$50,000 Approved allocation: \$124,700
Bushfire Risk and Resilience Mitigation	Allocated \$81,394 Claimed \$76,836	Applied for \$74,700 Approved allocation: \$500
Total	Claimed: \$112,615	Approved allocation: \$125,200

This funding allocation will allow Council to better prepare for the upcoming fire season.

The Rural Fire Fighting Fund assists councils to undertake bush fire mitigation works that contribute to a safer community. This additional funding will assist Council to work towards meeting the objectives of the Eurobodalla Bush Fire Risk Management Plan and maintaining Asset Protection Zones by undertaking additional fire mitigation vegetation works involving hand clearing and grooming of Council managed lands.

Works will be carried out this financial year. This offer provides 100% funding towards the project. No additional allocation of Council funds is required.

RECOMMENDATION

THAT Council endorse action taken in accepting the funding offer of \$124,700 from the NSW Rural Fire Service under the 2019-20 NSW Rural Fire Fighting Fund Allocations.

BACKGROUND

The Eurobodalla Shire covers approximately 3,429 square kilometres with a significant proportion of this area identified as bush fire prone land. There are approximately 1,200 parcels

**IR19/022 FUNDING OFFER - 2019-20 NSW RURAL FIRE FIGHTING FUND
ALLOCATIONS**

E14.8343

of Public Reserve and Crown Land under Council's care and control in both urban and rural environments totaling approximately 2,500 hectares.

The risk management of fire is often a complex and emotive issue, one that requires a balance between managing the risk of people and community assets and acknowledging the value of the natural environment to our social, economic and cultural wellbeing.

It is the duty of a public authority (Council, National Parks and Wildlife Service, NSW Forestry Corporation, Department of Industry - Lands), owner or occupier to undertake maintenance and management of land under their care or control in order to mitigate bush fire risk under the Rural Fires Act 1997.

The Eurobodalla Bush Fire Management Committee in accordance with the Rural Fires Act 1997 prepared the Eurobodalla Bush Fire Risk Management Plan. The plan identifies the levels of risk across the Eurobodalla local government area and establishes coordinated hazard reduction zone strategies which responsible land management authorities implement in order to manage bush fire risks.

Council allocates funds each year to address fire risks on land under its control and this work is undertaken on a priority basis. Council pursues funding from the NSW Government to help achieve additional risk mitigation works.

The approved 2019-20 Rural Fire Fighting Fund Hazard Reduction works list for Eurobodalla is attached.

CONSIDERATIONS

The Rural Fire Fighting Fund assists Council to undertake bush fire mitigation works that contribute to a safer community. This funding will assist Council to work towards meeting the objectives of the Eurobodalla Bush Fire Risk Management Plan and maintaining Asset Protection Zones by undertaking additional fire mitigation vegetation works involving hand clearing and grooming of Council managed lands.

Policy

The Eurobodalla Bush Fire Risk Management Plan supported this successful funding application.

Social Impact

The proposed fire mitigation works contributes to a safer community by reducing fuel build up in the asset protection zone.

The Rural Fire Service is responsible for on-going education of the community, with a particular focus on householders undertaking preparations of their own property and developing their own specific bushfire plan. The RFS web-site provides substantial information in this regard, most recently through their 'Get Ready' campaign (<https://www.rfs.nsw.gov.au/plan-and-prepare/bush-fire-survival-plan>).

Financial

This project is being funded by the NSW Rural Fire Service and provides 100% funding. No additional allocation of Council funds is required. The 19-20 allocation is a significant increase

IR19/022 FUNDING OFFER - 2019-20 NSW RURAL FIRE FIGHTING FUND ALLOCATIONS	E14.8343
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from the 2018-19 funding claim of \$35,779 under this program, and will allow Council to better prepare for the upcoming fire season. This work has already commenced.

CONCLUSION

The support of the NSW Rural Fire Service through the Rural Fire Fighting Fund is highly valued. The acceptance of this grant will make a positive contribution in improving asset protection zones in urban interface areas, further mitigating the risk of bush fires to our community.

1 of 2

ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL ON TUESDAY 22 OCTOBER 2019
 IR19/022 FUNDING OFFER - 2019-20 NSW RURAL FIRE FIGHTING FUND ALLOCATIONS
 ATTACHMENT 1 2019-20 RURAL FIRE FIGHTING FUND EUROBODALLA WORKS

Approved 2019/20 RFF Hazard Reduction - Eurobodalla

Appendix B

ID	BRMS HR#	BFMC	LGA	Title	Selected Methods	Control Line	Traffic Management	Catering	Mowing/Slashing	Hand Cleaning	Other Plant	Tree removal/pruning	Total Ground Cost
FUND20190308217	HR08051630450	Eurobodalla	Eurobodalla	ESC Reserve Pin 5575 FANHC20 Handover 3-29 Burnt Rd Rd	Mechanical Line 1	\$	-	\$	-	\$	-	\$	3,000.00
FUND20190304024	HR07080625075	Eurobodalla	Eurobodalla	ESC RESERVE: FANHC1 FANHC4 FANSS4 H/CLEAR SLASH WINSTON & VIEW PT CRCS 12254	Mechanical Line 2, Mechanical Line 3	\$	-	\$	-	\$	-	\$	3,000.00
FUND20190304023	HR06050116407	Eurobodalla	Eurobodalla	ESC Reserves: FANHC03 FANHC01 Sunshine Bay	Mechanical Polygon 1	\$	-	\$	-	\$	-	\$	3,000.00
FUND201902287963	HR18030883467	Eurobodalla	Eurobodalla	ESC Reserve Pin 14114 FANHC09 Link Rd Lilli Pilli	Mechanical Line 2, Mechanical Line 1	\$	-	\$	-	\$	-	\$	4,000.00
FUND201902257887	HR07080725154	Eurobodalla	Eurobodalla	ESC CROWN RESERVE: FANHC7 H/CLEAR THE LOOP & GEM CRCS PIN 17364 12179	Mechanical Line 1, Mechanical Line 2	\$	-	\$	-	\$	-	\$	2,500.00
FUND201902257886	HR07080625076	Eurobodalla	Eurobodalla	ESC RESERVE: FANHC3 FANHC2 FANHC4 H/CLEAR AND SLASH CORAL CRCS TO TRAFALGAR PIN 12237	Mechanical Line 4, Mechanical Line 2	\$	-	\$	-	\$	-	\$	2,500.00
FUND201902257880	HR08051430412	Eurobodalla	Eurobodalla	ESC Reserve FANHC2 Cocks Ave & Cox Pk Pin 12668 29700	Mechanical Line 1, Mechanical Line 2	\$	-	\$	-	\$	-	\$	2,500.00
FUND201902257879	HR07080625030	Eurobodalla	Eurobodalla	ESC RESERVE: FANHC18 HANDCLEAR BEHIND STURT Pt & KENNEDY CRCS 12571	Mechanical Line 1, Mechanical Line 2, Mechanical Line 3, Mechanical Line 4, Mechanical Line 5	\$	-	\$	-	\$	-	\$	4,000.00
FUND201902257878	HR07061924268	Eurobodalla	Eurobodalla	ESC Reserve: FANHC14 FANHC15 FANHC19 Edward Matthew Glenella Pin 29872 10597	Mechanical Line 1, Mechanical Line 2	\$	-	\$	-	\$	-	\$	6,000.00
FUND201902257875	HR08051330396	Eurobodalla	Eurobodalla	ESC Reserve 4227 FANHC21 & FANHC36 Kobada Ave Lilli Pilli	Mechanical Line 2, Mechanical Line 1	\$	-	\$	-	\$	-	\$	2,500.00
FUND201902257874	HR07080625034	Eurobodalla	Eurobodalla	ESC RESERVE: FANHC19 HANDCLEAR BEHIND 3-15 ELIOUBA 3-29 OTAMA PIN 24264	Mechanical Line 1, Mechanical Line 2	\$	-	\$	-	\$	-	\$	2,000.00
FUND201902257885	HR11060151914	Eurobodalla	Eurobodalla	ESC Reserve FANHC14 Reader Pt Mystery Bay PIN16430	Mechanical Line 1	\$	-	\$	-	\$	-	\$	3,000.00
FUND201902257884	HR08051730457	Eurobodalla	Eurobodalla	ESC Op Land Mystery Bay Pin 16445 FANHC12 2-12 Johnston Way	Mechanical Line 1	\$	-	\$	-	\$	-	\$	2,500.00
FUND201902257883	HR12062559772	Eurobodalla	Eurobodalla	ESC Reserve Pin 12773 & 34213 FANHC7 Explorers Way - Flinders Way Surfbach	Mechanical Line 1	\$	-	\$	-	\$	-	\$	3,000.00
FUND201902257882	HR10082445610	Eurobodalla	Eurobodalla	FANHC64 ESC Reserve 5-15 Paul Pic Barehaven PIN 811	Mechanical Line 1	\$	-	\$	-	\$	-	\$	2,000.00
FUND201902257881	HR07112226779	Eurobodalla	Eurobodalla	ESC RESERVE: P3 FANHC47 H/CLEAR 24-38 DOMINIC DR TO 40 GRANTHAM PIN 811	Mechanical Line 1	\$	-	\$	-	\$	-	\$	2,500.00
FUND201902257877	HR07080625038	Eurobodalla	Eurobodalla	ESC RESERVE PIN 3874 FANHC22 S2 KAROO ST	Mechanical Polygon 1	\$	-	\$	-	\$	-	\$	2,500.00
FUND201902257876	HR15082173595	Eurobodalla	Eurobodalla	ESC Reserve Pin 17691 FANHC66 Curriel Ct Malua Bay	Mechanical Line 1	\$	-	\$	-	\$	-	\$	2,500.00
				Totals		\$	-	\$	-	\$	-	\$	124,700.00

Hazard Reduction

**IR19/023 FUNDING OFFER - EUROBODALLA SOUTHERN WATER SUPPLY
STORAGE AND AKOLELE SEWERAGE SCHEME**

E03.7761

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: Nil
Outcome: Sustainable Living
Focus Area: 4.1 Maximise the efficient use and reuse of our water resources
Delivery Program Link: 4.1.3 Advance planning for and development of the Southern Water Supply Storage
Operational Plan Link: 4.1.3.1 Undertake phase 2 pre-construction activity for the proposed Southern Water Supply Storage

EXECUTIVE SUMMARY

The construction of the Eurobodalla Southern Water Supply Storage (ESWSS) inclusive of a new Tuross River Pump Station was identified in the adopted Integrated Water Cycle Management Strategy 2016 (IWCMS) as critical to ensuring a secure water supply for the Eurobodalla region. Council took strategic action by allocating \$3.5m in Council funds to advance the design of the ESWSS.

An application was made to the NSW Government for 33.3% of the estimated construction cost under the Restart NSW Safe and Secure Program in April 2019. Direct advocacy to the NSW Government also succeeded in having the NSW Government apply to the Australian Government for up to 50% of the cost under the National Water Infrastructure Development fund in the lead-up to the 2019 NSW and Australian Government elections. Council has also advocated for the NSW Government to top up funding under the Snowy Hydro funding given the scale of the dam project.

An offer has now been received for \$25,612,500 from the NSW Government with local Member for Bega and Minister for Transport and Roads Hon Andrew Constance MP announcing the funding on Friday 11 October 2019.

The Minister also announced \$762,000 For Akolele sewerage scheme under the same funding program.

Council continues to advocate directly and through the NSW Government to the Australian Government via the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development Michael McCormack MP for federal funding for the ESWSS. Our application is yet to be determined.

This report recommends:

- i) acceptance of the NSW Government funding offers for the ESWSS and the Akolele sewerage scheme
- ii) continued advocacy to the NSW and Australian Governments to allocate further funding to the ESWSS.

**IR19/023 FUNDING OFFER - EUROBODALLA SOUTHERN WATER SUPPLY
STORAGE AND AKOLELE SEWERAGE SCHEME**

E03.7761

RECOMMENDATION

THAT:

1. Council accepts the funding offer of \$25,612,500 for the Eurobodalla Southern Water Supply Storage and \$762,000 for the Akolele Sewerage Scheme from the NSW State Government's Restart NSW Safe and Secure Water Program.
2. Council write to the Hon Andrew Constance MP and the Minister for Water, Property and Housing Hon Melinda Pavey MP thanking the NSW Government for the allocation of funds to the Eurobodalla Southern Water Supply Storage and the Akolele Sewerage Scheme.
3. Council continue to advocate to the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development Michael McCormack MP for funding under the Australian Government for the Eurobodalla Southern Water Supply Storage
4. Council write to the Deputy Premier Hon John Barilaro MP seeking additional funding for the Eurobodalla Southern Water Supply Storage under the Snowy Hydro 2 funding.

BACKGROUND

The construction of the Eurobodalla Southern Water Supply Storage (ESWSS) inclusive of a new Tuross River Pump Station was identified in Council's 2016 Integrated Water Cycle Management Strategy (IWCMS) as critical to ensuring a secure water supply for Eurobodalla region. Council took strategic action by pro-actively allocating \$3.5m in Council funds to advance the design of the ESWSS.

An application was made to the NSW Government for 33.3% of the estimated construction cost under the Restart NSW Safe and Secure Program in April 2019. Direct advocacy to the NSW Government also succeeded in having the NSW Government apply to the Australian Government for up to 50% of the cost under the National Water Infrastructure Development fund in the lead-up to the 2019 NSW and Australian Government elections.

The sewerage of Akolele was identified as a high priority in the IWCMS due to the small lot sizes, poor quality of soils for onsite disposal, increasing density of development and the location of the village on the banks of Wallaga Lake. An application was also made in April 2019 for 25% of the estimated construction cost.

CONSIDERATIONS

The Eurobodalla Southern Water Supply Storage is critical to the future of the Eurobodalla region offering a secure water supply to support economic growth and allow the requirements of the water sharing plans for the Moruya and Tuross Rivers to be met.

More detailed information on the ESWSS is publicly available on Council's web-site at:

<https://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/southern-water-supply-storage>

The provision of a sewerage scheme for Akolele is identified in Council's adopted Integrated Water Cycle Management Strategy 2016. This scheme would collect sewage from the village of

**IR19/023 FUNDING OFFER - EUROBODALLA SOUTHERN WATER SUPPLY
STORAGE AND AKOLELE SEWERAGE SCHEME**

E03.7761

Akolele and transport it for treatment at the Bermagui Sewage Treatment Plant. This requires a partnership approach with Bega Valley Shire Council (BVSC).

BVSC already accepts sewage from the Wallaga Lake village and has indicated agreement in principle to the Akolele proposal.

Legal

The ESWSS requires a planning consent. Draft planning approval conditions have been received from the Department of Planning, Industry and Environment with feedback provided. It is understood that final approval for the construction and operation of the water supply storage and river pump station is imminent.

Policy

The construction of the new southern water supply storage was identified in the adopted Integrated Water Cycle Management Strategy 2016 (IWCMS) as being critical to ensure a secure water supply for the Eurobodalla region.

The Akolele Sewerage Scheme was also identified within the adopted IWCMS 2016.

Environmental

The construction of the new southern water supply storage is required so that a secure water supply can be provided during drought and peak demand periods whilst still allowing for environmental flows in the Tuross and Deua Rivers in accordance with the NSW State Government Water Sharing Plans.

An Environmental Impact Statement for the construction and operation of the southern storage and pump station was prepared and submitted to the Department of Planning, Industry and Environment for approval (refer legal section above).

The Akolele sewerage scheme offers improved environmental outcomes, particularly to waters of Wallaga Lake by transferring sewage to the Bermagui Sewage Treatment Plant for treatment.

Social Impact

Construction of the ESWSS will ensure a secure potable water supply for the Eurobodalla region.

Economic Development Employment Potential

The ESWSS is a critical piece of infrastructure to support the economic growth of the Eurobodalla Region including commercial and industrial development. The ESWSS is also included in the Far South Coast Regional Economic Development Strategy as a key action.

The ESWSS also results in reduced impact on the Moruya and Tuross Rivers in dryer periods, leaving more water for agricultural activities and the environment.

The construction of both the ESWSS and the Akolele sewerage scheme will have employment benefits. The provision of NSW Government brings external funding to Eurobodalla to support employment within the region.

**IR19/023 FUNDING OFFER - EUROBODALLA SOUTHERN WATER SUPPLY
STORAGE AND AKOLELE SEWERAGE SCHEME**

E03.7761

Financial

The construction of the ESWSS was identified in the adopted Integrated Water Cycle Management Strategy 2016 (IWCMS) as critical to ensuring a secure water supply for the Shire into the future. Council took strategic action by pro-actively allocating \$3.5m in Council funds to advance the design of the ESWSS.

An application was made to the NSW Government for 33.3% of the estimated construction cost under the Restart NSW Safe and Secure Program in April 2019. Direct advocacy to the NSW Government also succeeded in having the NSW Government apply to the Australian Government for up to 50% of the cost under the National Water Infrastructure Development fund in the lead-up to the 2019 NSW and Australian Government elections.

An offer has now been received for \$25,612,500 from the NSW Government with local Member for Bega and Minister for Transport and Roads Hon Andrew Constance MP announcing the funding on Friday 11 October 2019.

The Minister also announced \$762,000 for the Akolele sewerage scheme under the same funding program.

Council continues to advocate directly and through the NSW Government to the Australian Government via the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development Michael McCormack MP for federal funding for the ESWSS. Our application is yet to be determined.

The grant offers should be accepted and provide a catalyst to further advocacy to the NSW and Australian Governments as recommended in this report.

Community and Stakeholder Engagement

Community consultation was undertaken through the development of the detailed design and environmental impact statement (EIS) for the ESWSS. This included mail outs to directly impacted property owners, regular website updates and media releases, the public exhibition of the EIS with an associated community information session.

Further detailed engagement will be undertaken with directly affected residents when designing the Akolele sewerage scheme. More detailed discussions will now be undertaken with Bega Valley Shire Council about the receipt of sewage into the Bermagui sewage treatment plant.

CONCLUSION

The construction of the Eurobodalla Southern Water Supply Storage (including the new Tuross River Pump Station) is critical to ensuring a secure water supply for the Eurobodalla region.

The offer of \$25,612,500 (25% of the estimated construction cost) through the NSW Government Restart NSW Safe and Secure Water Program will assist in limiting the need for future increases in water rates. The NSW State Government has applied for further funding (up to 50% of the estimated construction cost) from the Australian Government through the National Water Infrastructure Development Fund on Council's behalf. Further advocacy is required, particularly to the Australian Government.

**IR19/023 FUNDING OFFER - EUROBODALLA SOUTHERN WATER SUPPLY
STORAGE AND AKOLELE SEWERAGE SCHEME**

E03.7761

The offer of \$762,000 funding for the Akolele sewerage scheme addresses a key action within Council's adopted IWCMS 2016.

Both funding offers should be accepted.

CCS19/049 LICENCE FOR RED HOT SUMMER TOUR EVENTS - MACKAY PARK, BATEMANS BAY E15.9343

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

Attachments: 1. Confidential - Event Licence Fee

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

Regional Touring Pty Limited has successfully staged the Red Hot Summer Tour music event within Crown Reserve D580022 Mackay Park, Batemans Bay for the past four years and has lodged an event application to stage the event at Mackay Park in March 2020.

In line with the provisions of Council's Code of Practice - *Licencing of Council controlled Public Reserves and Associated Buildings*, as no other parties have expressed an interest in using the reserve during the same period it is appropriate the application be considered.

The intention to grant a five-day licence to Regional Touring Pty Limited has been publicly notified for 28 days from 11 September to 8 October 2019 in accordance with Section 47A of the *Local Government Act 1993* and Council's Community Engagement Framework. No submissions have been received.

It is considered reasonable and appropriate that a five-day licence be granted to Regional Touring Pty Limited to stage the Red Hot Summer Tour within Crown Reserve D580022 Mackay Park, Batemans Bay.

As this event has been successful over a number of years it is reasonable to consider approving licences for the event for coming years subject to public notification and no objections being received. Public notification will include Council's intention to issue licences in future years.

RECOMMENDATION

THAT:

1. Council as Crown Land Manager grant a licence in accordance with Section 2.20 of the *Crown Land Management Act 2016* to Regional Touring Pty Limited to stage the Red Hot Summer Tour event on Crown Reserve D580022 Mackay Park, Batemans Bay in 2020 with terms and conditions including:
 - (a) A five day licence be issued for each event.
 - (b) Payment of a bond in the amount of \$3,000 to be made 30 days prior to the event.
 - (c) The provision of an event management plan acceptable to Council for the event.
 - (d) Other conditions in line with previous licences for this event.

**CCS19/049 LICENCE FOR RED HOT SUMMER TOUR EVENTS - MACKAY PARK,
BATEMANS BAY**

E15.9343

2. The General Manager to be given delegated authority to grant further licences for this event subject to compliance with Council policy and consideration of any public feedback received.

BACKGROUND

At its meeting on 11 December 2018 Council resolved to grant a licence to Regional Touring Pty Limited to stage the Red Hot Summer Tour music event at Mackay Park, Batemans Bay on 23 March 2019 with terms and conditions in line with other events held at this site. The event was a great success with approximately 5,700 patrons enjoying the live music experience.

Regional Touring Pty Limited has submitted an application to stage the Red Hot Summer Tour music event at Mackay Park, Batemans Bay on Saturday 7 March 2020. The licence request is for five days allowing for set up and set down.

All aspects of the event have been assessed and benefits to the Shire recognised including the provision of high quality entertainment in a safe environment for all patrons, the significant boost to the local economy having positive impact on local food, hospitality and trade services, the creation of economic opportunities for local community groups, and an increase in tourism visitation to the Shire.

The proposed open air concert will have a capacity of approximately 6,000 patrons. The gates will open at 1.30pm with the entertainment commencing at 3.00pm and concluding at 10.00pm. The promoters will require two days before and two days after the event for set up and set down.

A sketch of the licence area is set out below.



Crown Reserve D580022 Mackay Park, Batemans Bay

CCS19/049 LICENCE FOR RED HOT SUMMER TOUR EVENTS - MACKAY PARK, BATEMANS BAY E15.9343

CONSIDERATIONS

Legal

Council has been appointed Crown Land Manager to manage Crown Reserves within the Shire under the provisions of Section 3.22 of the *Crown Land Management Act 2016*.

www.legislation.nsw.gov.au/#/view/act/2016/58/part3/div3.4/sec3.22

Council, as Crown Land Manager, can only issue a licence for a period up to five years after giving public notice and considering any submissions in accordance with Section 47A of the *Local Government Act 1993*.

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

Crown Reserve D580022 Mackay Park, Batemans Bay is Crown Land under the control of Council as Crown Land Manager. Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal land rights and interests.

Policy

In line with the provisions of Council's Code of Practice - *Licencing of Council controlled Public Reserves and Associated Buildings*, an Expression of Interest (EOI) was called in February 2019 for parties interested in seeking a licence for periods up to five years to use any Council owned or controlled public reserves.

www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Licencing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

The event complies with Council's Events Policy.

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Events-Policy.pdf

Environmental

Decibel limits are in place to limit noise levels and the event finishes at 10.00pm.

Asset

It will be a condition of the licence that the Licensee is to repair and make good any damage occasioned by the Licensee's use of the licensed area during the event.

Social Impact

The event organizer advised the event is aimed at a diverse market of rock fans and music enthusiasts generally in the 25-year old plus demographic. The organiser is providing high quality entertainment to regional areas in a safe environment for all patrons.

Economic Development Employment Potential

The public advertising of the event carried out by Regional Touring Pty Limited has generated significant community interest and will increase the region's reputation as a vibrant destination. It generates a positive economic impact with local food, hospitality and trade services.

CCS19/049	LICENCE FOR RED HOT SUMMER TOUR EVENTS - MACKAY PARK, BATEMANS BAY	E15.9343
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Financial

A bond consistent with previous years is to be paid in full 30 days prior to the staging of the event. As with previous years a licence fee is payable, being a percentage of the gross box office sales.

Community and Engagement

An EOI was called from interested parties wishing to conduct activities on Council controlled public reserves for a period of up to five years in February 2019. No other party expressed an interest in using the reserve during the same period.

The intention to grant a five-day licence to Regional Touring Pty Limited has been publicly notified for 28 days from 11 September to 8 October 2019 in accordance with Section 47A of the *Local Government Act 1993* and Council's Community Engagement Framework. No submissions have been received.

A licence for the Red Hot Summer Tour is consistent with the purposes of the reserve as identified in DA 235/16 which is a consent for the use of the land for temporary events and notes the Red Hot Summer Tour as part of that consent.

CONCLUSION

Regional Touring Pty Limited, the company which promotes the Red Hot Summer Tour, submitted an event application to hold the Red Hot Summer Tour event at Crown Reserve D580022 Mackay Park, Batemans Bay on Saturday 7 March 2020. This is a music event that has been touring regional areas in Australia for the past ten years.

To efficiently facilitate licences for this annual event, this report proposes that the General Manager be given delegated authority to determine further licences subject to compliance with Council policy and consideration of any public submissions.

CCS19/050 OUTDOOR EATING AREAS - MARA MIA WALKWAY

E80.1320

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

EXECUTIVE SUMMARY

Council regularly consents to outdoor eating area licences throughout the Shire. Many outdoor eating areas are within road reserves and some are located on Council community land or Crown land.

Mara Mia Walkway, Batemans Bay is Crown reserve for which Council is Crown Land Manager. New licences can be granted in accordance with Council's *Footpath Trading Code* for up to 3 years. Existing 12 month licences can be renewed for up to 3 years. The granting of outdoor eating area licences located on Crown land such as Mara Mia Walkway requires public notification and consideration of any submissions before licences can be granted.

There are many eating establishments along the Mara Mia Walkway and renewal of some existing licences are imminent and applications will be forthcoming for new licences.

To efficiently facilitate outdoor dining along this popular walkway, Council's intention to renew existing and grant new licences to businesses adjoining the walkway was publicly notified on 27 February 2019 for 28 days, rather than to advertise each individual proposed licence. The advertisement provided for businesses to operate outdoor eating areas for periods of up to five years on the Mara Mia walkway. No submissions were received.

It is considered reasonable and appropriate that delegation be given to the General Manager to grant outdoor eating area licences along Mara Mia Walkway, subject to compliance with Council's *Footpath Trading Code*, public notification requirements and consideration of any public submissions.

RECOMMENDATION

THAT

1. The General Manager to be given delegated authority to grant outdoor eating area licences along Mara Mia Walkway subject to compliance with Council's *Footpath Trading Code*.
2. Licences be granted with terms and conditions including:
 - (a) Duration in accordance with Council's *Footpath Trading Code*;
 - (b) Payment of a licence fees and rent in accordance with Council's fees and charges.

CCS19/050 OUTDOOR EATING AREAS - MARA MIA WALKWAY

E80.1320

- (c) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
- (d) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.

BACKGROUND

Council receive and administer many outdoor eating area licences, some of which are on Mara Mia Walkway.

Previously separate applications for each business applying for an outdoor area licence would be considered by Council and advertised.

To improve the administration and make it easier for businesses, Council has advertised its intention to renew existing licences and grant new licences along this walkway for periods of up to five years.

Licence applications will continue to be scrutinised to ensure they comply with Council's *Footpath Trading Code*. This includes reviewing applications and the code in relation to industry standards around disability access.

CONSIDERATIONS



Mara Mia Walkway - outlined in red

Legal

Council has been appointed Crown Land Manager to manage Crown Reserves within the Shire under the provisions of Section 3.22 of the *Crown Land Management Act 2016*.

www.legislation.nsw.gov.au/#/view/act/2016/58/part3/div3.4/sec3.22

Council, as Crown Land Manager, can only issue a licence for a period up to five years after giving public notice and considering any submissions in accordance with Section 47A of the

CCS19/050 OUTDOOR EATING AREAS - MARA MIA WALKWAY

E80.1320

Local Government Act 1993.

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

Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal land rights and interests.

Policy

Council adopted its Footpath Trading Code in August 2010 which defines the Operator's responsibilities with regard to outdoor eating areas.

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

Asset

It will be a condition of the licences that the Licensees keep the licensed areas in a clean, tidy and hygienic condition.

Social Impact

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

Economic Development Employment Potential

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

Financial

Licence fees in accordance with Council's adopted fees and charges will apply.

Community and Stakeholder Engagement

We have informed the community by providing information on Council's website and advertising on Council's noticeboard page in two local newspapers. The community had the opportunity to make submissions following the 28 day public notification in accordance with Section 47A of the *Local Government Act 1993* of the intention to renew or grant licences up to five years on Mara Mia Walkway.

No submissions were received.

CONCLUSION

Outdoor eating areas located on Mara Mia Walkway require public notification and consideration of any submissions before licences can be granted. There are many eating establishments along Mara Mia Walkway and renewal of some existing licences are imminent and applications will be forthcoming for new licences.

To efficiently facilitate outdoor dining along this popular walkway, this report recommends that the General Manager be given delegated authority to grant outdoor eating area licences along Mara Mia Walkway, subject to compliance with the *Footpath Trading Code*.

CCS19/051 LAND ACQUISITION - HANGING ROCK ROUNDABOUT

E16.0128

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

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

EXECUTIVE SUMMARY

Hanging Rock precinct is the major regional sporting, recreation and cultural centre in Eurobodalla.

Council upgraded the intersection of Beach Road and Hanging Rock Place, Catalina constructing a roundabout to service the high traffic loads, improve pedestrian and cyclist safety, improve stormwater drainage and reduce environmental impacts.

To finalise the project, the acquisition of Lot 6 DP 1041103 and the dedication of part Lot 2 DP 881098 and part Lot 3 DP 1171024 for road purposes is required.

Lot 6 DP 1041103 is Crown land and is to be acquired by compulsory process. Lot 2 DP 881098 is Council owned community land and will be dedicated as public road by notice in the Government Gazette. Lot 3 DP 1171024 is Council owned operational land and the part required for public road purposes will be by dedication on registration of the Plan of Subdivision.

All survey and legal costs associated with the land acquisitions be borne by Council.

The project was funded by Council's Operational Plan and Budget 2015-16 and grant funding from Roads and Maritime Services.

This report recommends the necessary actions be taken to acquire the land in accordance with Council's Policy for *Acquiring Land for Public Purposes*.

RECOMMENDATION

THAT

1. Application be made to the Minister for Local Government, any other relevant Minister and the Governor to acquire Lot 6 DP 1041103 for public road purposes by compulsory process in accordance with Council's authority under Section 177(1) of the *Roads Act 1993* and in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

CCS19/051 LAND ACQUISITION - HANGING ROCK ROUNDABOUT

E16.0128

2. If consent is granted, all necessary action be taken to finalise the acquisition of the land for public road purposes in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
4. Parts of Lot 2 DP 881098 and Lot 3 DP 1171024 being Council owned land required for road widening be dedicated as public road.

BACKGROUND

Council upgraded the intersection of Beach Road and Hanging Rock Place constructing a roundabout in 2016.

The upgrade to the intersection improves the safety and quality of the road and road reserve and reduces erosion and sedimentation along existing drains, improving stormwater quality and the landscape.

Acquisition of Lot 6 DP 1041103 is Crown land and is required for road purposes. An application for compulsory acquisition of the Crown land will be submitted to Crown Lands following Council approval in accordance with the Crown's procedures and Council will apply to the Minister for Local Government and the Governor to acquire the land. The application for compulsory acquisition will be in accordance Native Title and Aboriginal land rights and interests to ensure a valid acquisition.

To comply with Crown land processes, it is normal practice for Crown Land to be acquired by compulsory process.

Lot 2 DP 881098 and Lot 3 DP 1171024 is Council owned land and the parts required for road widening will be dedicated as public road.

CCS19/051 LAND ACQUISITION - HANGING ROCK ROUNDABOUT

E16.0128

CONSIDERATIONS

The acquisition areas are shown in the sketch below.



*Acquisition of land for road widening Lot 6 DP 1041103, part Lot 3 DP 1171024
and part Lot 2 DP 881098*

Legal

The compulsory acquisition process requires application to be made to the Minister for Local Government to acquire Lot 6 DP 1041103 of Crown land under Section 177(1) of the *Roads Act 1993*. Once consent is granted, the acquisition of the land for public road purposes will be finalised in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*. Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal land rights and interests to ensure a valid acquisition.

In accordance with Section 10 of the *Roads Act 1993* part Lot 2 DP 881098, being community land, will be dedicated as public road by notice in the Government Gazette.

Dedication of part Lot 3 DP 1171024 as public road is by way of registration of the Plan of Subdivision with NSW Land Registry Services.

Policy

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

CCS19/051 LAND ACQUISITION - HANGING ROCK ROUNDABOUT

E16.0128

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

Environmental

The upgrade to the intersection improves the safety and quality of the road and road reserve and reduces erosion and sedimentation along existing drains, improving stormwater quality and reduces environmental impacts.

Asset

This project improves traffic flow within the sporting, recreation and cultural precinct of Hanging Rock.

Social Impact

The upgrade to the intersection improves road safety for drivers, pedestrians and cyclists.

Financial

Compensation for Crown land will be determined 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 legal fees.

The project was funded by Council's Operational Plan and Budget 2015-16 and grant funding from Roads and Maritime Services.

Community and Stakeholder Engagement

Community engagement activities were carried out in association with this project and updates provided about the road construction works.

An application for compulsory acquisition of Lot 6 DP 1041103 will be submitted to Crown Lands following Council approval in accordance with Crown land procedures.

CONCLUSION

The intersection of Beach Road and Hanging Rock Place, Catalina was upgraded by the construction of a roundabout to improve road safety.

The acquisition of Lot 6 DP 1041103, part Lot 2 DP 881098 and part Lot 3 DP 1171024 for road purposes is required to complete this project.

CCS19/052 RELEASE OF EASEMENT - ERIC FENNING DRIVE, SURF BEACH

18.1611.BD

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: 1. Confidential - Release of Easement - Eric Fenning Drive
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

An easement for water supply 4 metres wide currently exists within Lot 23 DP 263399 in Eric Fenning Drive, Surf Beach.

The owners of Lot 23 have submitted an application to Council to release the easement, sometimes referred to as extinguishment of easement.

The release of the easement will remove Council's interest in the land for water purposes and remove that encumbrance from the property.

Council's Water and Sewer Department advised the easement is not required. It agreed to the release of the easement subject to removal of the redundant pipes at the land owners' cost. The land owners have had the pipes removed by a licenced asbestos contractor at their cost and received a clearance certificate.

All survey and legal costs associated with the release of the easement will be borne by the land owners.

The land owners' details are set out in the confidential attachment.

RECOMMENDATION

THAT

1. Consent be given for the release of an easement for water supply 4 metres wide within Lot 23 DP 263399.
2. All costs including Council's reasonable legal and valuation costs associated with the release of the easement be borne by the applicant.
3. Compensation for the easement be determined following a valuation by a registered valuer and be paid by the land owner of Lot 23 DP 263399 to Council.
4. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation associated with the release of easement.

CCS19/052 RELEASE OF EASEMENT - ERIC FENNING DRIVE, SURF BEACH

18.1611.BD

BACKGROUND

The owners of Lot 23 DP 263399 have submitted an application to release the easement for water supply within their property. They are in the planning stages of designing a new home and the removal of the easement will allow more flexibility in the siting of their proposed dwelling.

Council's Water and Sewer Department agreed to the release of the easement subject to the redundant pipes being removed by a licenced asbestos contractor prior to release. The land owners have had the pipes removed by a licenced asbestos contractor at their cost and received a clearance certificate.

CONSIDERATIONS

The area of the easement is shown in the sketch below.



Lot 23 DP 263399 – 30 Eric Fenning Drive, Surf Beach

Legal

The Transfer Releasing Easement document will be registered at NSW Land Registry Services.

CCS19/052 RELEASE OF EASEMENT - ERIC FENNING DRIVE, SURF BEACH

18.1611.BD

Policy

The extinguishment/release of the easement will be in accordance with Council's *Land Acquisition and Disposal Policy*.

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

Environmental

The land owners have had the pipes removed by a licenced asbestos contractor at their cost and received a clearance certificate.

Asset

Council's Water and Sewer Department advised the easement is not required.

Financial

All survey and legal costs associated with the release of the easement, and the release of easement fee as per Council's adopted Fees and Charges, will be borne by the land owners.

The amount of compensation payable to Council by the land owners for the release of the easement will be determined following a valuation by a registered valuer.

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 or seek feedback through public exhibition for easements, the engagement method will be to 'inform'.

CONCLUSION

The easement for water supply within Lot 23 DP 263399 is not required and can be extinguished/released in accordance with Council's *Land Acquisition and Disposal Policy*.

CCS19/055 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019 - REFERRAL TO AUDIT E19.1943

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 bring the draft Annual Financial Statements for the year ended 30 June 2019 to Council to consider referral to Audit which is being undertaken by the NSW Audit Office. The referral to audit is a statutory requirement. The draft Financial statements were distributed to the Audit, Risk and Improvement Committee and Council on 14 October 2019.

RECOMMENDATION

THAT

1. The Draft Annual Financial Statements for the year ended 30 June 2019 be referred to audit.
2. The statement by Councillors and Management be made pursuant to section 413(2)(c) of the *Local Government Act 1993* (as amended) and signed by the Mayor, Deputy Mayor (or Councillor), General Manager and Responsible Accounting Officer at the Council meeting on 22 October 2019.
3. The audited Financial Statements, together with the Auditor's report and financial Commentary be presented to the public at the Council meeting of 26 November 2019.

BACKGROUND

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

A council's financial statements must include:

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

The Annual Financial Statement Approval and Audit Process is outlined in Attachment 2 of this report. This process is largely governed by the requirements of the *Local Government Act 1993* (as amended) having regard to the timing of Council meetings.

**CCS19/055 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE
2019 - REFERRAL TO AUDIT**

E19.1943

CONSIDERATIONS

Section 413 of the *Local Government Act 1993* (as amended) requires the Council to form an opinion as to whether Council's Annual Financial Statements have been drawn up in accordance with the *Local Government Act 1993* and associated Codes and Australian Accounting Standards as prescribed by the Regulations. The statements have been reviewed by Council's Auditors and are presented to Council for an opinion to be formed. Subsequent to these Statements being signed, Council's Auditor will present its Audit Report to Council.

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

The Council must give Public notice of the date of the meeting at which the Audited Financial Statements and Auditor's Report will be presented. An advertisement will be included in Council's Noticeboard which is made available on Council's website and in local print newspapers on Wednesday 13 November 2019. Copies of the Audited Financial Statements and the Auditor's reports will be made available on Council's website, at Council's three libraries and at the main Administration Building in Moruya.

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

Legal

Legal requirements include:

- Adherence to the Local Government Code of Accounting Practice and Financial Reporting (which is based on generally accepted accounting practice).
- Annual Financial Statements must be referred to audit as soon as practicable after the end of the financial year.
- Audited statements must be lodged with the Office of Local Government (OLG) by 31 October 2019.
- Seven days public notice of the 'presentation' of audited financial statements is required.

Policy

The principal accounting policies used in the preparation of these consolidated financial statements are disclosed in No. 1 of the draft statements. These policies have been consistently applied to all the years presented, unless otherwise stated.

Financial

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

**CCS19/055 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE
2019 - REFERRAL TO AUDIT**

E19.1943

No matters or occurrence have come to attention that would materially affect the Financial Statements or disclosures therein, or which are likely to materially affect the future results or operations of the Council. Additionally, we have not been advised by the external Auditor of any significant issues that need separate or additional disclosure during the audit process.

The draft Financial Statements were distributed to the Audit, Risk and Improvement Committee and Council on 14 October 2019.

Community and Stakeholder Engagement

The audited Financial Statements will be presented at the 26 November 2019 Council meeting. The statements will be an attachment to the public agenda for this meeting and made available seven days prior to the meeting on Council's website, at Council's three libraries and at the main administration building in Moruya. Submissions may be made to Council for a minimum of seven days after they are presented to the public as per the *Local Government Act 1993* (as amended), s418(2). Submissions will close 3 December 2019. The external auditor will be available to present the audited financial statements.

CONCLUSION

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

CCS19/056 INVESTMENTS MADE AS AT 30 SEPTEMBER 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 30 September 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.

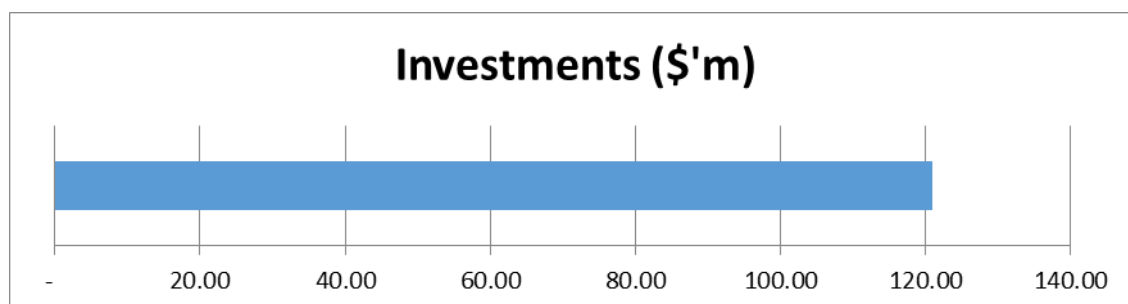
CONSIDERATIONS

Policy

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

Financial

Council investing overall



CCS19/056 INVESTMENTS MADE AS AT 30 SEPTEMBER 2019

E99.3517

Council has 100% (\$121.00m) 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 \$35.25m invested in banks rated below A, and in the 'some limited risk' category of the policy.

The increase in the investment portfolio was due to rate payments received late in August and grant funds being invested during September.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 29.13% invested in BBB+. Investment in Government Guaranteed Deposits is \$1.75m and represents 1.45% of the portfolio.

There was a downgrade to the AMP Bank from A to BBB+ rating by Standard and Poors rating agency and because the BBB+ (Some Limited Risk) section is limited in the investment policy to Bendigo Bank and Bank of Queensland this means that the AMP Bank will be removed from the portfolio when the current investments mature and this will rebalance the portfolio.

There are \$53m (43.80%) of funds invested in claimed fossil fuel free institutions. The value of this investment has increased during September.

The weighted average return for all investments for the month is 2.12%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (1.23%).

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	5,000,000
Term Deposits	114,250,000
Term Deposits Government Guaranteed	1,750,000
	121,000,000
<i>Weighted average interest %:</i>	2.12%
<i>Average 90 day BBSW + 0.25%</i>	1.23%

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.

CCS19/056 INVESTMENTS MADE AS AT 30 SEPTEMBER 2019

E99.3517

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.45	1.45	100.00
Near risk free	69.42	69.42	100.00
Some limited risk (BBB+)	29.13	29.13	30.00
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 unaudited unrestricted current ratio as at 30 June 2019 is 1.96:1. Council therefore has approximately \$1.96 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.

CCS19/054 2019 EDUCATION AND SCHOOL GRANTS

E17.1386

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

Attachments: 1. Confidential - 2019 Education and School Grants Summary

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.2 Facilitate community grants and donations

EXECUTIVE SUMMARY

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

The grant was opened to the public on Friday 26 July 2019 and closed on Friday 30 August 2019. 15 applications were received.

RECOMMENDATION

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

BACKGROUND

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

The grant is structured as follows:

- Council will approve a budget allocation in the Operational Plan for each financial year.
- Applications are invited once per year and will not be accepted outside the advertised application window.
- Successful grantees will be granted an annual amount to contribute to school presentation awards or annual scholarships.
- Grantees are required to recognize Council's contribution and invite the Mayor or a Councillor to the presentation award or scholarship award ceremony.
- Council received 15 applications as listed below:

	Organisation	Application Type
1	Broulee Public School	Primary
2	Central Tilba Public School	Primary

CCS19/054 2019 EDUCATION AND SCHOOL GRANTS

E17.1386

3	St Peters Anglican College	Discretionary
4	Moruya Public School	Primary
5	St Cecelia Music Scholarship	Discretionary
6	Batemans Bay High School	Secondary
7	Moruya Public School	Discretionary
8	Batemans Bay Youth Foundation Inc	Discretionary
9	Narooma High School	Discretionary
10	Batemans Bay Public School	Primary
11	Batemans Bay High School	Secondary
12	Narooma High School	Secondary
13	Carroll College	Secondary
14	Carroll College	Discretionary
15	Narooma High School	Secondary

All applications received for 2019-20 were assessed within the total budget of \$8,404.

CONSIDERATIONS

There were 15 applications received from 10 institutions. A confidential summary sheet is attached for Councillor's information.

Policy

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

Financial

In 2019-20 Council has a budget of \$8,404 for Education and School Grants.

Community and Stakeholder Engagement

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

CONCLUSION

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

CCS19/053 SUPPLY OF BULK CONSTRUCTION MATERIAL

E99.3060

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

Attachments: 1. Under Separate Cover - Confidential - Supply of Bulk Construction Material

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: 9.2.3.6 Provide procurement and stores

EXECUTIVE SUMMARY

Council establishes a panel for the supply of bulk construction materials every two years which is comprised of the following products:

- Drainage aggregate/rocks
- Clay
- Pavement materials
- Sand
- Topsoil
- Virgin Excavated Natural Material (VENM).

Tenders were called in June/July 2019 for participation in the panel, against a set of pre-determined terms which would form the basis of a Deed of Standing Offer.

This report is presented to Council with a Confidential Attachment detailing the evaluation activity undertaken and the resulting panel rankings for each material type and geographical location.

RECOMMENDATION

THAT Council

1. Endorses the proposed panel composition Request for Tender No. 2019/CCD050 and associated rankings detailed within the Confidential Attachment to this report.
2. Accordingly approves the entering into Deeds of Standing Offer with the proposed panellists, subject to the terms specified in the Request for Tender No. 2019/CCD050.

BACKGROUND

Council regularly procures the tendered materials in bulk to support its many construction projects. Given the need for strict safety risk mitigation and quality management each procurement activity, without a pre-negotiated set of pricing and terms would be time consuming for both parties to the associated contract and may not represent value for money. A panel arrangement provides a screening of compliance and cost up front, removing the need for many lengthy procurement processes.

CCS19/053 SUPPLY OF BULK CONSTRUCTION MATERIAL

E99.3060

Request for Tender (RFT) No. 2019/CCD050 was advertised on 11 June 2019 and closed on 8 July 2019. Offers were received from the following tenderers:

- AGRA Resource Management Pty Ltd
- Batemans Bay Sand and Gravel Supply Pty Ltd
- Beashel Quarries
- Blue Ridge Quarry Pty Ltd
- Cadgee Enterprises Pty Ltd
- Eurobodalla Quarry Pty Ltd
- Greenlands Garden Centre
- Narooma Sand Soil and Gravel Pty Ltd
- RJ & JE Shepherd Pty Ltd
- Schmidt Quarries
- Soilco Pty Ltd

CONSIDERATIONS

Legal

RFT No. 2019/CCD050 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 Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee (TEC) prior to the closing date.

An assessment was carried out in accordance with the Tender Evaluation Plan. This report with a Confidential Attachment 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/Code of Practice.

Community and Stakeholder Engagement

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

CCS19/053 SUPPLY OF BULK CONSTRUCTION MATERIAL

E99.3060

The community will be informed of the tender outcome via Council's contract register found in Council's Public Access to Information web link www.esc.nsw.gov.au/inside-council/council/public-access-to-information

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the panel composition and rankings have been assessed through an extensive evaluation.

CAR19/021 PROVISION OF PROFESSIONAL BEACH PATROL SERVICES

E19.1955

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

Attachments: 1. Confidential - Provision of Professional Beach Patrol Services
Confidential Attachment

Outcome: Strong Communities, Desirable Lifestyle

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

Delivery Program Link: 1.1.1 Collaborate with key partners to address issues of community
safety

Operational Plan Link: 1.1.1.3 Coordinate the management of beach safety

EXECUTIVE SUMMARY

New tenders have been called for the provision of Professional Beach Patrol (lifeguarding) services at Eurobodalla Beaches for a four (4) year period from 2019/20 through to 2022/23. This report is to advise Council on the tender submissions and seek approval to award a four year contract to the preferred tenderer as detailed in the confidential attachment.

The beaches to be patrolled are:

1. Surf Beach (7 days a week);
2. Tuross Head (Entrance) Beach (7 days a week);
3. Dalmeny Beach (7 days a week);
4. Moruya North Head Beach (7 days a week);
5. Malua Bay Beach (5 days a week);
6. South Broulee Beach (5 days a week);
7. Moruya South Head Beach (5 days a week);
8. Narooma Surf Beach (5 days a week).

RECOMMENDATION

THAT Council approve the four (4) year Professional Beach Patrol (lifeguard) 2019/20 to 2022/23 contract for the preferred tenderer, as per the year one price described in the confidential attachment and for the subsequent three years, subject to the rise or fall in the CPI index nominated in the contract specification.

BACKGROUND

The current lifeguard contract concluded in June 2019 after the expiry of the initial three year head contract and Council's acceptance of two (2) twelve month contract extensions.

Council has allocated funding for the continuation of the Professional Beach Patrol service in the 2019/20 budget. An open tender was called in August 2019 inviting suitably qualified and experienced companies to tender for the December/January vacation period beach patrol of eight (8) beaches in the Eurobodalla.

The new contract period is for four years with no extensions.

CAR19/021 PROVISION OF PROFESSIONAL BEACH PATROL SERVICES

E19.1955

A total of three tender documents were downloaded from Tenderlink. All tenders submitted were assessed as being conforming.

CONSIDERATIONS

The tenders were scrutinised by an evaluation panel against standard criteria. At the completion of the individual assessment, the panel convened where all scores were calculated and ranked.

The tender conditions advised that tenders would be assessed against, but not limited to the following criteria:

- Demonstrated history of successfully delivering similar services in Australia
- Recent work undertaken in the past two years and satisfactory referee reports
- Demonstrated managerial capability, qualifications, experience and number of personnel
- Demonstrated capacity to achieve the required project program based on history and tender proposal
- Demonstrated capacity to fulfil the WHS and environmental requirements of the services
- Any independent audit reports or service review reports undertaken in the past two years
- Response to equipment to be supplied
- Previous experience and behaviour
- Satisfactory Spreadsheet of Lump Sum and Schedule of Prices and Operational Budget.

The assessment scores are summarised in the confidential attachment to this report.

Legal

RFT No. 2019/CAR091 was advertised in accordance with *Local Government (General) Regulation 2005 REG 167* and the *Local Government Act 1993*.

Formal consent has previously been gained from the NSW National Parks and Wildlife Service to conduct the service where it occurs in national parks.

The tender process is governed by the Local Government (General) Regulation 2005.

Social Impact

Council is seeking the services of a suitably qualified and experienced organisations to provide 5 or 7 day beach safety patrols at eight (8) Eurobodalla beaches.

The beaches to be patrolled under the terms of the contract are:

1. Surf Beach (7 days a week);
2. Tuross Head (Entrance) Beach (7 days a week);
3. Dalmeny Beach (7 days a week);
4. Moruya North Head Beach (7 days a week);
5. Malua Bay Beach (5 days a week);

CAR19/021 PROVISION OF PROFESSIONAL BEACH PATROL SERVICES

E19.1955

6. South Broulee Beach (5 days a week);
7. Moruya South Head Beach (5 days a week);
8. Narooma Surf Beach (5 days a week).

Economic Development Employment Potential

The provision of the service will generate a short term positive economic impact, providing employment for approximately 20 local lifeguards over each season for the next four years. Lifeguards will be provided with accredited training and assessment via the contract which may lead to further employment opportunities.

Financial

The tender price is within the allocated budget set by Council for the Professional Beach Patrol (Ocean Lifeguard) contract.

Community and Stakeholder Engagement

RFT No. 2019/CAR091 was advertised in accordance with *Local Government (General) Regulation 2005 REG 167* and the *Local Government Act 1993*.

The tender was advertised from Wednesday 21 August until 13 September 2019 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.

CONCLUSION

Each of the tenderers have provided adequate detail to indicate that they could provide the professional patrol of Eurobodalla beaches over the summer holidays for the contracted term and meet the requirements of the tender. The preferred tenderer however has demonstrated the capacity to meet all the qualitative and quantitative requirements of the tender while also providing value-for-money to Council.

15. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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