



# **AGENDA**

**Ordinary Meeting of Council**

**27 June 2017**



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

**ON TUESDAY 27 JUNE 2017**

**COMMENCING AT 10.00AM**

**AGENDA**

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

**1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE**

**2. APOLOGIES**

Nil

**3. PUBLIC FORUM (AGENDA ITEMS ONLY)**

**4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

4.1 Ordinary Meeting held on 13 June 2017

**5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**

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

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**6. MAYORAL REPORTS**

**7. NOTICES OF MOTION**

Nil

**8. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

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**DR CATHERINE DALE**  
**GENERAL MANAGER**

Council's combined Delivery Program 2017-21 and Operational Plan 2017-18 has been developed through an extensive engagement process with input and contributions from a

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**GMR17/018 ADOPTION OF DELIVERY PROGRAM 2017-21 AND OPERATIONAL  
PLAN 2017-18**

**E16.0029**

number of engagement activities including Councillor workshops, community engagement processes, the Citizens' Jury and staff workshops.

**RECOMMENDATION**

THAT:

1. Council makes the annual Ordinary Rates for 2017-18 in accordance with the special rate variation limit set by IPART which is 6.37%, being a 6.5% increase in ordinary rates and 2.4% increase in the Environmental Levy, as contained in the table in the report.
2. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2017-18 in accordance with the Revenue Policy and Fees and Charges as contained in the tables in the report.
3. Council make each fee and charge for 2017-18 in accordance with the amended Revenue Policy and Fees and Charges as attached to the report.
4. Council adopt the Delivery Program 2017-21 and Operational Plan 2017-18 attached to the report as per the statutory requirements with implementation to commence 1 July 2017.
5. Council thank the community members who made a submission and provide them with a response.

**BACKGROUND**

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

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

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

The Operational Plan details the actions to be undertaken during the next financial year and includes the annual budget and fees and charges for the year ahead.  
At the close of the exhibition period there were 22 and 2 late submissions. A summary of the public submissions is provided under the Community Engagement section of this report.

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**GMR17/018 ADOPTION OF DELIVERY PROGRAM 2017-21 AND OPERATIONAL PLAN 2017-18 E16.0029**

A Council briefing on the submissions received to the exhibition occurred on 13 June 2017.

To meet statutory requirements for Council to endorse its budget by 30 June 2017, the exhibited Delivery Program 2017-21, Operational Plan 2017-18, incorporating the Budget, Capital Works program, Statement of Revenue Policy and Fees and Charges for 2017-18 is reported to Council for adoption, incorporating amendments as outlined in this report.

**CONSIDERATIONS**

The Delivery Program 2017-21 and Operational Plan 2017-18 has been developed with the aim of building a sustainable future, in line with the Fit for the Future local government reform process. The Delivery Program 2017-21 and Operational Plan 2017-18 will enhance Council's ability to meet ongoing Fit for the Future requirements, while maintaining a focus on meeting identified community needs and aspirations.

**Legal / Financial**

The Office of Local Government's Integrated Planning and Reporting Manual and Integrated Planning and Reporting Guidelines are comprehensive tools which have been used in the development of the Delivery Program 2017-21 and Operational Plan 2017-18.

The combined Delivery Program and Operational Plan has been prepared in accordance with the *Local Government Act 1993*.

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

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

Section 553 of the *Local Government Act 1993* requires a Council resolution to make a rate or charge.

The following presents the rates and charges as detailed in the Revenue Policy and Fees and Charges Schedule for making.

**Ministerial Advice on General Revenue Increase**

IPART approved an increase of 6.5% in the amount that Council can generate from general-purpose rate income in 2017-18.

In accordance with Section 494 of the *Local Government Act 1993*, it is recommended that Council makes the following Ordinary Rates for 2017-18:

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Ordinary Rate Name	Rate (cents in \$)	Base Charge	% of total Rate
<b>Residential</b>	0.2605	489.00	49.67
<b>Business</b>	1.0076	489.00	13.89
<b>Farmland</b>	0.1958	489.00	32.24
<b>Business Inactive</b>	0.2605		

*Interest Charges on Overdue Rates and Charges*

The Minister for Local Government has determined the maximum rate of interest that may be charged on overdue rates and charges for 2017-18 will be 7.5%.

In accordance with Section 566(3) of the *Local Government Act 1993*, it is recommended that Council resolves to adopt the maximum interest rate allowed.

*Domestic Waste Management Charges*

Council provides a waste collection and management service to the community. Waste management charges are designed to recover costs from people who actually benefit from the availability or the use of Council's waste management system.

Waste collection, management and availability charges will increase 1.5%.

In accordance with Section 496 of the *Local Government Act 1993*, it is recommended that Council makes and levies the following Domestic Waste Management Charges for 2017-18:

Domestic Waste Charge	Total Charge (\$)
<b>Domestic waste availability charge</b>	17.85
<b>Domestic waste collection service charge</b>	238.50
<b>+Additional service 240L recycling bin</b>	65.05
<b>+Additional service 240L garden organics bin</b>	65.05
<b>Waste management charge</b>	50.50

*Stormwater Management Service Charges*

In 2006-07 Council introduced a Stormwater Charge on all developed urban properties. A special 'Stormwater Fund' was established as part of the General Fund to record and report the income and expenditure related to this charge.

Stormwater charges will remain the same.

In accordance with Section 496A of the *Local Government Act 1993*, it is recommended that Council makes the following Stormwater Management Service Charges for 2017-18:

Stormwater Management Service Charge	Total Charge (\$)
<b>Land categorised as residential</b>	25

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<b>Residential strata (per lot)</b>	12.50
<b>Land categorised as business</b>	25 (for land up to 1050 square metres) 50 (for land 1051 to 2100 square metres) 75 (for land 2101 to 3150 square metres) 100 (for land greater than 3150 square metres) The charge for business strata is for the business divided by the number of units

**Environment**

In 1996-97 Council introduced an Environmental Levy to provide funds to assist with the preservation and protection of the environment. A separate fund, the Environment Fund, was established for the levy to ensure that monies collected are accounted for separately from other activities of Council.

The Environment Levy will rise 2.4% in accordance with the rate variation approved by IPART.

In accordance with Section 495 of the *Local Government Act 1993*, it is recommended that Council makes the following Environmental Levy for 2017-18:

<b>Category</b>	<b>Rate (cents in \$)</b>	<b>Base charge</b>	<b>% of total rates</b>
<b>Environmental Levy</b>	0.009835	19.25	49.54

**Water**

Supplying water to the community is one of the major activities of Council. To pay for this supply, Council collects revenue from the people who benefit from the availability and use of the water supply. All consumers are charged a fixed availability charge and a water consumption charge. The charges have been balanced to maintain best practice established by the NSW Office of Water.

The water consumption charge will increase by 0.9% to maintain best practice pricing. The water availability charge will increase by 5.1%.

In accordance with Sections 552 and 502 of the *Local Government Act 1993*, it is recommended that Council makes the following Water Charges for 2017-18:

<b>Water Availability</b>	<b>Charge (\$)</b>
<b>Residential connection – metered, unmetered, strata unit</b>	309
<b>Business and multi residential (non-strata flats)</b>	
<b>Meter size (mm)</b>	<b>Charge(\$)</b>
20	309
25	494
32	803

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<b>40</b>	<b>1,236</b>
<b>50</b>	<b>1,946</b>
<b>80</b>	<b>4,944</b>
<b>100</b>	<b>7,725</b>

**Water Consumption**

<b>Category</b>	<b>Usage charge</b>	<b>Charge (\$)</b>
<b>Residential and business</b>	<b>Meter size</b>	<b>3.55 per kL</b>
<b>A service fee of \$10 applies to all accounts 0-2kL</b>		

**Sewer**

Council is responsible for the sewerage services within the Shire. Sewerage charges collect revenue from the people who actually benefit from the availability or use of Council's sewerage system.

The sewer availability charge will increase by 3.1%.

In accordance with Sections 552 and 502 of the *Local Government Act 1993*, it is recommended that Council makes the following Sewer Charges for 2017-18:

<b>Residential</b>	<b>Charge(\$)</b>
<b>General Service – metered, unmetered, strata unit</b>	<b>930</b>
<b>Turlinjah general service (85%)</b>	<b>790</b>
<b>Dual occupancy single meter (assessed at a single 25mm availability charge)</b>	<b>1,488</b>

**Business and Multi Residential (non-strata flats) Availability**

<b>Water meter size (mm)</b>	<b>Availability factor</b>	<b>Charge (\$)</b>
<b>20</b>	<b>1.0</b>	<b>930</b>
<b>25</b>	<b>1.6</b>	<b>1,488</b>
<b>32</b>	<b>2.6</b>	<b>2,418</b>
<b>40</b>	<b>4.0</b>	<b>3,720</b>
<b>50</b>	<b>6.3</b>	<b>5,889</b>
<b>80</b>	<b>16.0</b>	<b>14,880</b>
<b>100</b>	<b>25.0</b>	<b>23,250</b>
<b>vacant</b>	<b>1.0</b>	<b>930</b>
<b>strata</b>	<b>1.0</b>	<b>930</b>

<b>Category</b>	<b>Usage charge</b>	<b>Charge (\$)</b>
<b>Business</b>	<b>meter size</b>	<b>1.83 per kL</b>

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Special Sewer Charges

Special sewer charges were introduced for Bodalla urban residential and business areas at the rate of \$200 per assessment in 2008-09 in order to contribute toward the cost of survey investigation and design. It was planned that once commissioned the full sewer charge would be introduced.

In accordance with Sections 552 and 501 of the *Local Government Act 1993*, it is recommended that Council makes the following Special Sewer charges for 2017-18:

Category	Charge (\$)
<b>Residential general service</b>	930
<b>Bodalla sewer</b>	200
<b>Business</b>	Meter size
<b>Business</b>	Trade waste

Liquid Trade Waste charges

Dependent on the type of business listed on the schedule, properties are charged a usage fee discounted by a discharge factor. The liquid trade waste discharge factor is the ratio of the volume of liquid trade waste discharged into the sewerage system divided by the volume of water consumed.

Liquid trade waste charges will increase by 2.9%.

In accordance with Sections 552 and 502 of the *Local Government Act 1993*, it is recommended that Council makes the following Liquid Trade Waste Charges for 2017-18:

<b>Liquid trade waste annual fee</b>	<b>\$99.00</b>
<b>Liquid trade waste annual fee (large discharger)</b>	\$530.00
<b>Discharge</b>	\$1.46/kL
<b>Discharge (without appropriate treatment)</b>	\$13.60/kL

**Proposed Amendments**

During the public exhibition period necessary amendments to the exhibited draft Delivery Program 2017-21, draft Operational Plan 2017-18 and Budget were identified.

These have arisen primarily due to carry forward of works from 2016-17, as adopted from the March Quarterly Review report presented to Councilors during the exhibition period (Minute No. 17/161 of Ordinary Meeting of Council held on 23 May 2017).

**Operational Plan 2017-18**

Operating Result:

*March quarterly review*

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- \$0.06 million unfavourable impact as a result of operational revotes. This was largely a result of revised project timing of various Natural Environment Planning grant funded programs.
- \$0.10 million favourable impact due to adjustments to the borrowings program.

*Correction*

- \$0.17 million favourable impact as a result of a correction to Strategic Planning grant funded projects.

Operating Result after Capital Grants and Contributions:

*March quarterly review*

- \$0.59 million favourable impact as a result of carried forward funding associated with the revised timing of some capital works projects.

Fund Flow Result:

*March quarterly review*

- \$5.06 million increase to capital works. This includes significant projects such as Airport works, energy performance contract works, Tyronne Bridge, Malua Bay Community Centre, and Surf Beach Cell Works all to 2017-18.
- Associated adjustments to funding including borrowings and transfers to/from council reserves.

**Delivery Program - outer years**

*March quarterly review*

- Portion of Batemans Bay Link Road capital works reallocated to 2018-19.
- Changes to scope of Waste Surf Beach cell works have resulted in capital works included in 2020-21 statements to be deferred to outer years, outside the Delivery Program 2017-21.
- Associated adjustments due to revised borrowings.

**Fees and Charges 2017-18**

Proposed amendments to the exhibited Draft Fees and Charges 2017-18 include:

<b><i>Amended fees</i></b>	
<b><i>Tennis Courts:</i></b>	Fees within the category have been amended as a result of submissions received during exhibition period
Casual Hire per hour per court \$15.00	
Casual Hire per hour per court (with lights) \$19.00	
Member Fee per hour per court \$8.70	

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Senior tournament per player \$4.00	
Member Fee per hour per court (with lights) \$12.00	
Senior tournament per player (with lights) \$6.50	
Commercial Fee per hour per court \$10.00	
Commercial Fee per hour per court (with lights) \$13.00	
Tennis Tournament – Juniors per player per day FREE	
Tennis Tournament – Juniors per player per night (with lights) FREE	
High school groups/student - \$2.10	
Primary school session - Free	
<b>Public Buildings:</b>	
Category B – Bodalla Hall Supper Room	Amendment to clarify available areas for hire
Category C – Booking rate – night (5pm – 12am) Booking rate - \$34 per hour	Amendment to clarify booking period

<b>Other Fees:</b>	
All playing fields (general) Casual ground hire only: admission charged – full day hire \$927.00, half day fee \$464.00 (max 4 hrs), hourly rate \$116.00 per hr. No admission charged – full day hire \$217.00, half day fee \$109.00, hourly fee \$28.00 per hr	Provide flexible booking options to meet community need and allow for hourly booking.
Maintenance of Road and Drainage Works - Main. Bond after completion-Urban roads – 5% estimated cost or minimum \$1,000.00	Amendment to align minimum fee with other bonds
Maintenance of Road and Drainage Works - Main. Bond after completion-Rural roads – 5% estimated cost or minimum \$1,000.00	Amendment to align minimum fee with other bonds
Complying Development Certificates - Assessment Bushfire Risk Category - \$407.00	Amendment to allow discount of 50% for 5 or more adjoining lots in a subdivision

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Water Meter Testing Expedition Fee - \$61.00	Amendment to maintain consistency with all certificate expediency fees
Sewer Services Expedition Fee on Drainage Diagram - \$61.00	Amendment to maintain consistency with all certificate expediency fees
<b><i>Reinstated Fees from 2016-17</i></b>	
Batemans Bay Community Centre Storage – other \$18.00/month	Omission from draft document, per adopted 2016-17 fee
Public Buildings – Mechanics Institute Hall-weekly charge - \$400.00	Omission from draft document, per adopted 2016-17 fee
<b><i>Amendments to Statutory Fees</i></b>	
Certificates - Section 603 (Outstanding) \$80.00	Legislated amendment
Copies of Certificates/Documents - Certified copies of documents (not DCPs) \$53.00	Legislated amendment

The Delivery Program 2017-21 and the Operational Plan 2017-18 and Fees and Charges have been revised to reflect the above changes.

Additional minor editorial amendments to the documents have also been made to phrasing, punctuations, and so forth, as a result of further proofreading to improve the quality and clarity of the documents presented.

### **Asset**

The 2017-18 Capital Program included in the Operational Plan 2017-18 includes a continued focus on sustaining community infrastructure through the renewal of assets, particularly short lived assets. The Plan also includes the provision of new infrastructure to meet demand from growth and progressively address network deficiencies. These works are part funded by grants in some cases such as the Moruya Arts facility and the Bodalla Sewerage Scheme.

The Plan also includes Council continuing to work with peak bodies to advocate to the NSW and Australian governments for enhanced asset funding models to better support regional communities across NSW.

### **Social Impact**

The Community Strategic Plan (CSP) provides an overarching framework for all other Council plans and policies. The purpose of the CSP is to identify the community's priorities and aspirations for the future and plan strategies to achieve them. The Delivery Program 2017-21 and Operational Plan 2017-18 are Council's response to the Community Strategic Plan and provide a range of programs, services and infrastructure projects to meet identified community needs.

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**E16.0029**

**Economic Development Employment Potential**

The Delivery Program 2017-21 and Operational Plan 2017-18 focus on building a sustainable future for Eurobodalla and delivering key services, key projects, capital works and infrastructure maintenance that support economic development and employment growth within the Eurobodalla.

Attracting people to live, work, invest and visit Eurobodalla will be supported by the implementation of the draft Integrated Economic Growth and Development Strategy, which will include a focus on providing, renewing and maintaining assets and infrastructure, managing environmental change, planning for sustainable development and growth in population, business and tourism.

The Delivery Program 2017-21 and Operational Plan 2017-18 set out the activities that support Council's role in helping to grow the local economy and employment potential.

The activities will support Council to:

- advocate for funding for major projects, and legislation to support growth
- provide and maintain public infrastructure
- promote tourism and provide visitor services
- promote and support business investment and employment growth
- partner with business and industry to attract funding and investment
- provide support services, networking and training opportunities
- partner with industry to develop opportunities for job growth
- provide opportunities for cadetships, apprenticeships and work experience.

**Community Engagement**

Council's combined Delivery Program 2017-21 and Operational Plan 2017-18 has been developed through an extensive engagement process with input and contributions from a number of engagement activities including Councillor workshops, community engagement processes, the Citizens' Jury and staff workshops.

After the draft Delivery Program 2017-21 and Operational Plan 2017-18 were endorsed for public exhibition, Council continued engagement with the community from 10 May 2017 to 6 June 2017 by:

- making the Delivery Program 2017-21 and Operational Plan 2017-18 available for the community to read on Council's website, in Eurobodalla's three libraries, and at the Customer Service Centre in Moruya
- informing the community about the public exhibition and inviting the community to have their say through information on Council's website, Eurobodalla News - Council's online newsletter, social media, media release and advertisement in local newspapers

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- providing the community's feedback to Council for consideration prior to any decisions being made about the Delivery Program 2017-21 and Operational Plan 2017-18

A total of 22 public submissions were received during the exhibition period of 9 May to 6 June 2017 and two late submissions were also received. Councillors received and considered all submissions in the final combined document. The table below provides a summary of the issues raised in the submissions and Council's response.

Issue	Response
Various issues were raised regarding the proposed tennis fees exhibited in the draft 2017-18 Fees and Charges	The proposed tennis fees have been significantly amended taking into consideration the submissions received.
Comparison of rates with other councils	The Office of Local Government (OLG) has previously published comparative data for all NSW councils. The most recent data available is for 2014-15. This can be accessed on the OLG website, <a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
Affordable housing and homelessness and more focus on population and employment generation	Issues such as affordable housing and homelessness are the responsibility of the NSW Government. Council is currently working on a draft Integrated Economic Growth and Development Strategy which will provide a framework to promote and facilitate sustainable economic growth (including population and employment) and development in Eurobodalla.
The 2017-18 Operational Plan does not include funding for the Durras Drive Headland footpath	Council has included the footpath in the Eurobodalla Pathways Strategy 2017 and is rated as a medium priority.
Aboriginal acknowledgment hypocritical as Aboriginal people oppose the sale and promotion of guns	The Aboriginal acknowledgement statement was prepared in consultation with and endorsed by the Eurobodalla Aboriginal Advisory Committee.
Upgrade of Main Beach public toilets South Head and storage at Shelly Beach	Council's public toilets at Main Beach are being upgraded. Shelly Beach amenities are not on Council land and the submitter will be advised to contact National Parks and Wildlife Services regarding storage.
Website more user friendly	Council's corporate website is an important communication tool and the volume of information available can make it difficult for some people to navigate. Members of the community who would like to talk to staff about its usability, seek assistance on how to use it or

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	provide specific suggestions about how it could be improved, are welcome to contact Council.
Request of an upgrade of steps at Casey's Beach	There is no proposal within the 2017-18 Operational Plan to undertake works on the steps at Casey's Beach. A customer service request has been raised to allow an inspection of the steps mentioned in the submission.
Upgrade Russ Martin Park public toilets	Minor repairs have recently been undertaken with more to be completed early 2017-18. The public toilets will be reviewed as part of recreation planning.
Improvements for Mogo including marketing, signage and car park access.	Council promotes Eurobodalla's destinations including Mogo through tourism websites, print brochures, print and digital advertising, social media, public relations and media, and campaigns. Council's tourism marketing and promotion activities are guided by a Tourism Marketing Plan that is endorsed by Council's Tourism Advisory Committee, promoted through the Tourism Industry Newsletter and made public on Council's website. Directional signage has recently been installed and Council will contact the Chambers to assess the support for time limited on-street parking. The easement will be considered during the small towns development control review of Mogo village in 2017-18.

**CONCLUSION**

Council is required to adopt the Delivery Program 2017-21, Operational Plan 2017-18 incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges by 30 June 2017. All documents will be updated and uploaded to Council's website following any resolutions from 27 June 2017 Council meeting that impact the documents.

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**GMR17/019 2017-18 DETERMINATION OF THE LOCAL GOVERNMENT  
REMUNERATION TRIBUNAL**

**E95.8749**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: Nil  
Strategic Objective: Collaborative Communities  
Delivery Plan Link: C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner  
Operational Plan Link: C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives

**EXECUTIVE SUMMARY**

The Local Government Remuneration Tribunal has set the mayoral and councillor fees for the 2017-18 financial year, with effect from 1 July 2017, and has determined that an increase of 2.5% should apply.

**RECOMMENDATION**

THAT Council:

1. Make a determination in regard to the Remuneration Tribunal's determination of a 2.5% increase in fees for Councillors and the additional Mayoral allowance.
2. Note that the maximum fees for Regional Rural councils for 2017-18, including the full Tribunal determination, are set at \$19,310 for Councillors and \$42,120 for the additional Mayoral allowance.
3. Note that Councillors can donate all or part of their fee to a project or organisation of their choice, if they so wish.

**BACKGROUND**

The Local Government Remuneration Tribunal is constituted under the *Local Government Act 1993* and is responsible for categorising councils, county councils and mayoral offices to determine the maximum and minimum fees to be paid to councillors, members of county councils and mayors in each category.

The Tribunal's Report and Determinations can be viewed at:  
[www.remtribunals.nsw.gov.au/local-government/current-lgrt-determinations](http://www.remtribunals.nsw.gov.au/local-government/current-lgrt-determinations)

**CONSIDERATIONS**

Categorisation of Councils

The Local Government Remuneration Tribunal is required under section 239 of the *Local Government Act 1993* to determine the categories of councils and mayoral offices at least once every three years. Since the making of the 2016 determination there has been an overall reduction in the number of councils from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

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**GMR17/019 2017/18 DETERMINATION OF THE LOCAL GOVERNMENT  
REMUNERATION TRIBUNAL**

**E95.8749**

Eurobodalla Shire Council continues to be classified as a Regional Rural council.

Fees for Councillors and the Mayor

Under the provisions of the *Local Government Act 1993*, councils are required to fix and pay an annual fee based on the Tribunal's determination. A council cannot fix a fee higher than the maximum amount determined by the Tribunal and must pay at least the minimum fee. The level of fees paid will depend on the category that the council is in.

The Tribunal is required to have regard to the same policies on increases in remuneration as the Industrial Relations Commission is required to give effect to under the *Industrial Relations Act 1996*, relating to the conditions of employment of public sector employees. The current policy is that public sector wages cannot increase by more than 2.5%, and this includes the fees payable to councillors and mayors.

The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and finds that the full increase of 2.5% available to it is warranted.

As a result, the minimum and maximum fees for a Regional Rural council for 2017-18 are determined as follows:

	Councillor Annual Fee		Mayoral Annual Fee	
	Minimum	Maximum	Minimum	Maximum
<b>Regional Rural</b>	\$8,750	\$19,310	\$18,630	\$42,120

**Financial**

The allocation in the 2017-18 budget is sufficient and there are no budget amendments required as a result of the 2.5% determination.

**CONCLUSION**

The Local Government Remuneration Tribunal has determined an increase to the minimum and maximum mayoral and councillor fees of 2.5% for the 2017-18 financial year, with effect from 1 July 2017.

Under the provisions of the *Local Government Act 1993*, councils are required to fix and pay an annual fee based on the Tribunal's determination. A council cannot fix a fee higher than the maximum amount determined by the Tribunal and must pay at least the minimum fee.

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**GMR17/020 APPLICATION FOR LEAVE OF ABSENCE**

**E80.1383**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Focus Area: Collaborative Communities

Delivery Program Link: C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner

Operational Plan Link: C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives

**EXECUTIVE SUMMARY**

Councillor Maureen Nathan has given notice that it is anticipated that she will miss the following meetings:

25 July 2017

8 August 2017

12 September 2017

26 September 2017.

In accordance with Section 234 (1)(d i and ii) of the Local Government Act, a councillor must apply for leave of absence if such councillor is absent from three consecutive ordinary meetings of council.

In accordance with Section 3.5 of Council's Code of Meeting Practice, the request for leave of absence by a Councillor from a meeting should be made in writing to the General Manager. This request has been received and the report is presented to Council for consideration.

**RECOMMENDATION**

THAT a leave of absence be granted for Councillor Maureen Nathan for the following meetings:

25 July 2017

8 August 2017

12 September 2017

26 September 2017.

**CONCLUSION**

An application for leave of absence for Councillor Maureen Nathan has been received to the General Manager. The request is now to be considered by the Council.

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**GMR17/021 ADOPTION OF POLICIES**

**E16.0297**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Policies for Adoption

Focus Area: Collaborative Communities

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

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

**EXECUTIVE SUMMARY**

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

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

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

1. Conservations of the Yellow-Bellied Glider in the Broulee Area
2. Customer Service
3. Dedication of Land to Council
4. Fraud Control
5. Naming of Parks, Reserves, Sports Fields and Public Pathways
6. Planning Agreements
7. Pricing
8. Privacy and Information Protection
9. Public Art
10. Street Activities
11. Stormwater Disposal – Urban Land
12. Tree Risk Management on Council Controlled Land.

This report recommends adoption of those policies.

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**GMR17/021 ADOPTION OF POLICIES**

**E16.0297**

**RECOMMENDATION**

THAT Council adopt the following policies

1. Conservations of the Yellow-Bellied Glider in the Broulee Area
2. Customer Service
3. Dedication of Land to Council
4. Fraud Control
5. Naming of Parks, Reserves, Sports Fields and Public Pathways
6. Planning Agreements
7. Pricing
8. Privacy and Information Protection
9. Public Art
10. Street Activities
11. Stormwater Disposal – Urban Land
12. Tree Risk Management on Council Controlled Land.

**BACKGROUND**

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

**CONSIDERATIONS**

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

**Conservations of the Yellow-Bellied Glider in the Broulee Area** - This policy recognises the need to balance sustainable development with the protection of the threatened yellow-bellied glider and its habitat. This policy, developed in conjunction with the Office of Environment and Heritage, aims to:

- a) ensure the long-term presence of Yellow-bellied Gliders within the Broulee area, through retention of suitable habitat and other development controls as appropriate
- b) provide clarity and certainty to developers applying to undertake development or activities in the Broulee Area with regard to how development proposals within the Broulee area may avoid significant impact on the Yellow-bellied glider population
- c) allow consent and concurrence authorities to make a more informed decision with regard to developments and activities that may impact upon the habitat of the Yellow-bellied Glider
- d) reduce cost to the landholder and the development industry, by reducing the frequency that Species Impact Statements are required
- e) facilitate sensitive development without significant impact on the Yellow-bellied Glider or its habitat.

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**GMR17/021 ADOPTION OF POLICIES**

**E16.0297**

**Customer Service** - Eurobodalla Shire Council's Customer Service policy was created to guide the development of an organisational culture focused on meeting the needs and expectations of its customers and to continuously improve its services for customers. This policy aims to:

- Promote an integrated framework for providing quality customer service to the customers of Eurobodalla Shire Council
- Promote best practice customer service behaviours and attitudes by all Eurobodalla Shire Councillors, Council staff, contractors and volunteers
- Ensure transparency, consistency and fairness in the manner in which Council deals with its customers
- Make Council's policies and requirements for Customer Service readily accessible and understandable to the public.

**Dedication of Land to Council** - This policy recognises that as a result of the subdivision or development of land, some land may need to be dedicated to Council in the form of public open space. The policy also recognises the need to ensure that land so dedicated is fit for purpose.

This public open space may be structured such as parks, playgrounds or shared pathway connections; or unstructured such as riparian corridors, drainage reserves, biodiversity areas or areas of cultural heritage significance. Riparian, drainage and habitat corridors provide important biodiversity links for the Shire.

Through the development of its Recreation and Open Space Strategy (ROSS), Council has undertaken a comprehensive review of recreational needs, facilities and spaces in the Eurobodalla Shire on the basis of local, district and regional community needs. The strategy forms the basis for this policy.

Land may be dedicated to Council in lieu of making a monetary contribution pursuant to Council's Local Infrastructure Contributions Plan 2012 (LICP), as part of a voluntary planning agreement (VPA), or land may be dedicated to Council free of cost.

**Fraud Control** - This policy is designed to protect public funds and assets, protect the integrity, security and reputation of the Council and its staff and maintain a high level of services to the community.

The policy aims to:

- Facilitate the development of controls which will aid in the detection and prevention of fraud against the Eurobodalla Shire Council.
- Promote a culture of awareness that fraud and corruption will not be tolerated.

**Naming of Parks, Reserves, Sports Fields and Public Pathways** - Eurobodalla Shire Council's policy provides guidance to assist in naming public land including parks, reserves, sports fields and public pathways to identify that land in Council records, maps and plans for general public use.

The policy ensures compliance with the Geographical Names Board of NSW (GNB) naming and renaming of sites for which Council is the authority.

The Geographical Names Board of NSW (GNB) is the authority, under the *Geographical Names Act 1966*, responsible for the assigning of names to places and geographical features.

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**GMR17/021 ADOPTION OF POLICIES**

**E16.0297**

**Planning Agreements** - Planning agreements provide enhanced and more flexible infrastructure funding opportunities for planning authorities to achieve tailored development outcomes and targeted public benefits, subject always to good planning.

The Planning Agreement Policy sets out Council's framework to negotiate the provision of public infrastructure, facilities and services.

**Pricing** - To enable a pricing methodology based on guiding principles, with respect to fees and charges made by Council under Section 608 of the *Local Government Act (NSW) 1993* (the Act) and required to be shown in Council's Operational Plan under Section 405 of the Act.

Pricing will:

- Explore cost recovery opportunities
- Ensure value for money by providing effective and efficient service
- Balance fees against rates, grants and other funding sources
- Manage financial risk
- Develop transparent pricing structures that can be administered simply and efficiently and be understood by the public
- Develop pricing structures that reflect real life-cycle and environmental costs
- Recognise pricing encourages or discourages consumer use and behaviours.

**Privacy and Information Protection** - Eurobodalla Shire Council respects the privacy of its residents and ratepayers, workers, and all that do business with council. Council is also committed to encouraging transparency and accountability in managing the information that it collects and holds.

Council as a NSW public sector agency is bound by the *Privacy Code of Practice for Local Government (2000)*, *Privacy and Personal Information Protection Act 1998* (PPIP Act), and the *Health Records and Information Privacy Act 2002* (HRIP Act).

This policy ensures that council meets its obligations under legislation in an efficient and timely manner, and assures community confidence that any personal or health information collected and held by council is dealt with strictly in accordance to that legislation.

The policy aims to:

- Promote an integrated framework for dealing with privacy and information protection.
- Ensure consistency and fairness in the manner in which the council deals with privacy and information protection.
- Ensure compliance with and promote public awareness of legislative requirements regarding privacy and information protection.
- Make the council's policies and requirements privacy and information protection readily accessible and understandable to the public.

**Public Art** - The purpose of this Policy is to encourage, promote, guide, facilitate and assist with the planning, development, implementation and care of public art in Eurobodalla. The policy aims to:

- Encourage art in public places in Eurobodalla.
- Raise the profile, recognition, understanding and appreciation of public art and its development.

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**GMR17/021 ADOPTION OF POLICIES**

**E16.0297**

- Ensure that public art complements and enhances the natural and built environments of Eurobodalla and reflects its unique character, history, values and aspirations.
- Guide and facilitate a coordinated and strategically planned approach to the development and management of public art in Eurobodalla.
- Ensure that public art is given due consideration in Council's strategic directions, policies and planning controls.
- Encourage and ensure the production and installation of high quality, innovative public art that is meaningful, relevant, diverse in character and aesthetically pleasing.
- Ensure that public art in Eurobodalla is adequately resourced and effectively managed.
- Ensure that public art in Eurobodalla is appropriately preserved, conserved and where necessary, restored.
- Ensure that public art in Eurobodalla is appropriately acknowledged and recorded, and that a public art register is established and maintained.
- Ensure that public art in Eurobodalla is sustainable in social, cultural, environmental and economic terms.

**Street Activities** - This policy recognises the value to community groups and the broader community of the opportunity to use Council footpaths and other public land for fund raising, information provision, entertainment and services.

**Stormwater Disposal – Urban Land** - This policy establishes Council's position in regard to stormwater disposal on urban land. It provides for orderly disposal and management of stormwater from development and assists in reducing the incidence of inundation of development from uncontrolled stormwater disposal.

**Tree Risk Management on Council Controlled Land** - Eurobodalla Shire Council has a duty of care to take reasonable measures within budget limitations to manage the risks arising from trees on all land under Council's control.

This Policy provides for the management of risks arising from:

- Tree failure potentially causing injury to people and/or property damage.
- Tree roots causing and/or likely to cause damage to property such as buildings and structures.

This Policy does not address the risks posed by trees or other vegetation in terms of fire mitigation, protection of Council assets or safety on roadways (eg, maintaining sight lines around corners, trees within clear zones). These issues are addressed separately in the *Bush Fire Risk Management* and *Vegetation Clearing – Roadsides & Infrastructure Lines* policies.

Section 42 of the *Civil Liability Act 2002* makes allowance for Council's ability to carry out its duty of care as being limited by the financial and other resources which are reasonably available to exercise its functions. To rely on this defence, Council is required to show evidence of its compliance with the general procedures and applicable standards for the exercise of its functions, such as risk management from trees on public land controlled by Council.

The risk management of trees on public land is often a difficult and emotive issue and one that requires a balance between managing the risks to the community's safety and infrastructure, whilst acknowledging the significant benefit of trees within the landscape to the social, environmental, economic and cultural wellbeing of our community. Council must also manage this issue within its limited financial resources in such a way as to limit Council's, ie, the

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**GMR17/021 ADOPTION OF POLICIES**

**E16.0297**

community's, potential liability and provide equity between people seeking action to address their concerns about trees.

It is considered appropriate to adopt these policies.

**Legal**

**Conservations of the Yellow-Bellied Glider in the Broulee Area** - This policy supports section 79C of the [Environmental Planning and Assessment Act 1979](#) and section 7.3 of the [Biodiversity Conservation Act 2016](#).

**Customer Service** - This policy ensures Eurobodalla Shire Council's compliance with *Local Government Act 1993* [www.austlii.edu.au/au/legis/nsw/consol\\_act/lga1993182/](http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/)

**Dedication of Land to Council** - Eurobodalla Shire Council will comply with the [Environmental Planning and Assessment Act 1979](#).

**Fraud Control** - Council will comply with the *Public Interest Disclosures Act 1994*, *Local Government Act 1993* (Chapter 14 Honesty and Disclosure of Interests), and *ICAC Act 1998*.

**Naming of Parks, Reserves, Sports Fields and Public Pathways** - The Geographical Names Board (GNB) has prepared guidelines for the determination of placenames. A copy of the guidelines is available from the GNB ([www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au))

Council must give the Geographical Names Board (GNB) at least one month's notice of the proposed name.

**Planning Agreements** - This policy sets out Council's policy relating to planning agreements under s93F of the [Environmental Planning and Assessment Act 1979](#) (the Act) and the [Environmental Planning and Assessment Regulation 2000](#) (the Regulation).

**Pricing** - Eurobodalla Shire Council will comply with Part 10 of Chapter 15 *Local Government Act (NSW) 1993*.

**Privacy and Information Protection** - By virtue of s.32 of the PPIP Act, council must comply with the *Privacy Code of Practice for Local Government (2000)*, made under Part 3 Division 1 of the PPIP Act or Part 5 of the HRIP Act.

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

**Street Activities** - Eurobodalla Shire Council will comply with the [Local Government Act 1993](#).

**Stormwater Disposal – Urban Land** - This policy ensures Eurobodalla Shire Council's compliance with the [Local Government Act 1993](#) and [Roads Act 1993](#).

**Tree Risk Management on Council Controlled Land** - Eurobodalla Shire Council will comply with the [Local Government Act 1993](#), [Roads Act 1993](#), [Civil Liability Act 2002](#) and [Privacy & Personal Information Protection Act 1998](#)

**Community Engagement**

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

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**GMR17/021 ADOPTION OF POLICIES**

**E16.0297**

No submissions were received.

**CONCLUSION**

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

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**GMR17/022 POLICY REVIEW - MEDIA POLICY**

**E16.0297**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: 1. Under Separate Cover - Media Policy  
Focus Area: Collaborative Communities  
Delivery Program Link: C2.1 Provide quality, timely and accessible information to the community  
Operational Plan Link: C2.1.1 Manage Council's media relationships and provide timely and accurate information

**EXECUTIVE SUMMARY**

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

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

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

**RECOMMENDATION**

THAT:

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

**BACKGROUND**

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

Eurobodalla's Media Policy guides the important relationship Council has with media. This relationship provides Council with an opportunity to keep the community informed about its activities, services and programs.

This purpose of this policy is to:

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**GMR17/022 POLICY REVIEW - MEDIA POLICY**

**E16.0297**

- Provide for communication of Council affairs through the media
- Set a framework for an effective working relationship with media
- Promote positive coverage of Council affairs that is fair, accurate and reliable
- Identify spokespeople and their responsibilities.

**Changes**

Policy statement (1) addition of;

*This policy does not apply to:*

- *the distribution and publication of communications other than media releases for marketing, promotion and education purposes*
- *advertising*
- *media activities undertaken as part of Council's tourism promotion or other specific marketing projects.*

*Council reserves the right to choose when and where it will publish and distribute communications other than those covered in this policy, and the right to choose where it will place advertising.*

Rationale – This is recommended to improve clarity about the policy context and application. An example of a specific project could be an Arts event where media releases are distributed to Arts media only.

Policy statement (2) - addition of; *the Australian Press Council's Statements of Principles, Specific Standards, Standards of Practice and Advisory Guidelines.*

Rationale – This is recommended to broaden the references.

Policy statement (4) – addition of; *requests for information and matters raised in discussions with media organisations and their representatives will not be disclosed to other media organisations.*

Rationale – this is recommended to provide media organisations and their representatives with surety that Council understands the need to maintain confidentiality in a competitive media environment.

Policy statement (4) - addition of, *...In consultation with Councillors, the General Manager may cease or refuse to provide Council's media service to individuals or organisations that do not act in accordance with the Australian Media, Entertainment and Arts Alliance Code of Ethics for journalists, and/or the Australian Press Council's Statements of Principles, Specific Standards, Standards of Practice and Advisory Guidelines.*

Policy statement (4) – revised from: Media organisations and their representatives will be treated equally and without bias.

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**GMR17/022 POLICY REVIEW - MEDIA POLICY**

**E16.0297**

To: *The media service will be provided to media organisations and their representatives equally and without bias.*

Rationale – This revision will improve clarity about the context of the statement and its application to Council’s Media Service. A definition of Council’s Media Service is recommended to support this, and an additional clarification under Policy Statement – Application, referring to what the Media Policy does not apply to.

There are situations where media organisations may be treated differently. For example, a councillor may choose to contact and provide only one media organisation with a story or statement. Or, Council’s media service may provide editorial to a specific media organisation to support a special feature such as National Volunteers Week.

Outside the application of this Media Policy, media organisations are treated differently when staff prepare, distribute and publish communications that may be used by media for example advertising and content for marketing, promotion and education purposes.

Within the Media Service, Council’s media releases will be distributed equally and at the same time.

Governance - Other related external references - addition of:

*Australian Media, Entertainment and Arts Alliance Code of Ethics* [www.meaa.org/meaa-media/code-of-ethics/](http://www.meaa.org/meaa-media/code-of-ethics/)

*Australian Press Council’s Statements of Principles, Specific Standards, Standards of Practice and Advisory Guidelines.* [www.presscouncil.org.au/standards/](http://www.presscouncil.org.au/standards/)

Definitions – MEDIA – updated to: *Organisations that prepare or disseminate mass media information, including reporters, journalists and researchers working for or on behalf of such organisations, either accredited with or regulated by a recognised media industry peak body, or that acts in accordance with the Media, Entertainment and Arts Alliance Code of Ethics for journalists and/or the Australian Press Council’s Standards of Practice and Advisory Guidelines.*

Definitions – inclusion of MEDIA SERVICE

*Council’s media service:*

- *prepares, publishes and distributes media releases*
- *provides quotes, photos, videos and inclusions when available*
- *organises media briefings and provides updates and clarification*
- *responds to media queries and requests for information*
- *liaises with stakeholders on joint media activities*
- *engages on media’s social media platforms where appropriate*
- *addresses incorrect information in media*
- *distributes and publishes communications other than media releases, and therefore outside the application of the Media Policy, and coordinates advertising for marketing, promotion and education purposes.*

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**GMR17/022 POLICY REVIEW - MEDIA POLICY**

**E16.0297**

Rationale – this is included to provide clarity about Council’s Media Service.

**Community Engagement**

The *Local Government Act 1993 – Section 160* sets out how councils must carry out the public notice and exhibition of a draft local policy, and Council’s Engagement Planning Tool has been considered to guide engagement.

It will be recommended that Council informs and consults about the Media Policy. This means that Council will tell the community and stakeholders that the draft policy is on exhibition, ask for and acknowledge their views, and provide feedback on how their input has influenced the decision. Stakeholders have been identified as members of the community and media organisations in Eurobodalla.

It is recommended that:

- the draft Media Policy is placed on public exhibition for 28 days
- the draft policy and notice of public exhibition is put on Council’s website on the Your Say page
- a print copy of the draft policy and notice of public exhibition is available at the Batemans Bay, Moruya and Narooma libraries and Moruya Customer service centre
- public exhibition of the draft policy is advertised in Council’s Noticeboard which appears in the print editions of some local papers, and on Council’s website under the News and Events page
- an email is sent to media organisations in Eurobodalla that Council regularly communicates with, inviting them to provide feedback.
- at the end of the public exhibition period the draft Media Policy is presented to Council with a report detailing any feedback received, and how it has influenced the matter.

**CONCLUSION**

Changes recommended to the Media Policy are expected to improve Council’s ability to implement the purpose of the policy, and in particular to set a framework for an effective working relationship with media and promote positive coverage of Council affairs that is fair, accurate and reliable.

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**PSR17/037 SUBMISSION TO DRAFT REGULATIONS FOR THE BIODIVERSITY  
CONSERVATION ACT 2016 AND THE LOCAL LAND SERVICES  
AMENDMENT ACT 2016**

**E08.2564**

Responsible Officer: Deb Lenson - Acting Director, Planning and Sustainability Services

Attachments: 1. Eurobodalla Shire Council submission to draft regulations for the  
Biodiversity Conservation Act 2016 and Local Land Services  
Amendment Act 2016

Focus Area: Sustainable Communities

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

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

### **EXECUTIVE SUMMARY**

As part of the biodiversity conservation and land management reforms, the NSW Government released draft regulations and other key products to support the new *Biodiversity Conservation Act 2016* and *Local Land Services Amendment Act 2016* on 10 May 2017. The reforms include changes to the regulation of:

- native plants and animals
- private land conservation
- agricultural land management
- ecologically sustainable development

These legislative reforms respond to the recommendations made by the Independent Biodiversity Review Panel that was commissioned by the NSW Government to review biodiversity legislation in NSW in 2014 and will create a new biodiversity conservation and land management regulatory framework. The new legislation will repeal the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995* and the animal and plant provisions of the *National Parks and Wildlife Act 1974* and make consequential amendments to other legislation such as the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The new regulatory framework supports NSW landholders to manage their land to ensure productive farming methods and systems, while also responding to environmental risks. It will change the requirements for biodiversity assessment and offsetting for development that exceeds thresholds such as area of clearing.

The *Biodiversity Conservation Act 2016* and *Local Land Services Amendment Act 2016* have been passed by the NSW parliament but cannot commence until the regulations have been finalised. The NSW Government has indicated that the new legislation will commence on 25 August 2017.

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**PSR17/037 SUBMISSION TO DRAFT REGULATIONS FOR THE BIODIVERSITY  
CONSERVATION ACT 2016 AND THE LOCAL LAND SERVICES  
AMENDMENT ACT 2016**

**E08.2564**

Submissions to the regulations package were due on 21 June 2017. A request to extend this timeframe was sent to the relevant organisations and Ministers on 17 May 2017. An extension to the timeframe was not granted, so a draft submission was submitted prior to the exhibition closing date with advice that a final submission will be provided following the Council meeting on 27 June 2017.

A submission has been prepared on the draft regulations and key products to support the legislation reforms for Council's consideration. The submission is included as an attachment to this report.

**RECOMMENDATION**

THAT Council endorse the submission attached to this report and forward the submission to the NSW Government and the Member for Bega.

**BACKGROUND**

Based on the recommendations of the Independent Biodiversity Review Panel (the panel), the NSW Government has been developing a reform package for biodiversity conservation and land management. Council made submissions to the Panel issues paper and the first draft Self Assessable Codes under the Native Vegetation Regulation 2013 in May 2014. Council also made a submission to the draft Biodiversity Conservation and Local Land Services Amendment bills in June 2016 that highlighted the following points:

- Support for further consultation
- Complexity of clearing rules
- Limitations of clearing codes in the coastal zone
- Inappropriate Biodiversity Offsets Scheme thresholds
- Issues related to the proposed Land Management (Native Vegetation) Code framework
- Limited information available regarding set-asides
- No appeal rights for land owners if Local Land Services does not issue certification for clearing under the Code
- Issues relating to the Native Vegetation Regulatory (NVR) Map including the need for further consultation
- Requirements for clearing on land zoned E4 and R5 unclear
- Exemptions for essential maintenance
- Private Land Conservation should be based on ongoing funding availability

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**PSR17/037 SUBMISSION TO DRAFT REGULATIONS FOR THE BIODIVERSITY  
CONSERVATION ACT 2016 AND THE LOCAL LAND SERVICES  
AMENDMENT ACT 2016**

**E08.2564**

The legislative reforms (including the repeal of the existing legislation) were passed by the NSW Parliament on 17 November 2016. The new legislation is yet to commence. The following proposed regulations and products to support the new legislation were on public exhibition from 10 May until 21 June 2017:

- Draft Biodiversity Conservation Regulation 2017, and its supporting regulatory impact statement
- Draft Local Land Services Amendment Regulation 2017
- Draft Environmental Planning and Assessment Amendment (Biodiversity Conservation) Regulation 2017
- Explanation of Intended Effect for the *State Environmental Planning Policy (SEPP) (Vegetation) 2017*
- Land Management (Native Vegetation) Code
- Biodiversity Assessment Method (BAM) and BAM tool
- Accreditation Scheme for the Application of the Biodiversity Assessment Method
- Draft Sensitive Biodiversity Values Land Map
- Serious and irreversible impacts guidance
- Offsets payment calculator and User Manual

Due to the significant amount of information contained in the draft regulations and supporting products and tools on exhibition, and to ensure a democratic governance process that is transparent to our community, Eurobodalla Shire Council requested the Minister for the Environment extend the exhibition period to at least twelve weeks. An extension to the timeframe was not granted, so a draft submission was submitted prior to the exhibition closing date with advice that a final submission will be provided following the Council meeting on 27 June 2017.

Councillors were informed of the release of the draft regulations and key products through the Councillor newsletter on 12 May 2017 and again regarding the dates of a webinar regarding the reforms on 19 May 2017. A more detailed briefing for Councillors was undertaken on 6 June 2017. Land owners in Eurobodalla were made aware of the exhibition of the draft regulations and key products through a Council media release on 19 May 2017.

The draft regulations and products and tools on exhibition are proposed to support the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* when they commence on 25 August 2017. Some key aspects of the exhibition package, as they relate specifically to land owners and development proponents, are described below.

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**PSR17/037 SUBMISSION TO DRAFT REGULATIONS FOR THE BIODIVERSITY  
CONSERVATION ACT 2016 AND THE LOCAL LAND SERVICES  
AMENDMENT ACT 2016**

**E08.2564**

*Native Vegetation Regulatory (NVR) Map*

The NVR Map was proposed in previous consultation by the NSW Government regarding the reforms in 2016. The NVR Map is proposed to show rural land where clearing of native vegetation can occur with or without approval. It also identifies where the SEPP (Vegetation) would apply and would be used as the first step in determining the level of biodiversity assessment required for development under Part 4 of the EP&A Act.

A draft NVR Map has not been released. OEH proposes to publish a draft NVR Map when the legislation commences. Landholders can seek a review of the mapping, if they consider their land has been incorrectly categorised on their land, prior to the final NVR Map coming into effect in the first half of 2018. During the transitional period OEH will not charge a fee for map reviews.

A new category of land is proposed to be introduced: Category 2- sensitive regulated land. Clearing under the proposed Land Management (Native Vegetation) Code will not be permitted on Category 2 – sensitive regulated land. This category of land is proposed to include biodiversity values such as Ramsar wetlands and littoral rainforests.

The NSW Government is currently developing a Grasslands and other Groundcover Assessment Method to determine how these areas will be reflected in the NVR Map. The method will be peer reviewed and targeted consultation undertaken before it takes effect. The draft NVR map will not be operational for grasslands and other groundcover and landholders will need to determine if their vegetation meets the criteria for regulated or unregulated land on the basis on the level of disturbance since 1990 or using the criteria set out in the *Native Vegetation Act 2003* in respect to groundcover.

*Draft Land Management (Native Vegetation) Code*

The draft Land Management (Native Vegetation) Code (the Code) supports landholders to manage their land and ensure more productive farming methods and systems while responding to environmental risks. The Code covers seven clearing types that can proceed by notification or certification. The Code does not apply to Critically Endangered Ecological Communities but does allow clearing of other threatened communities in certain circumstances. It is proposed the Code would not apply to coastal and Ramsar wetlands, littoral rainforest, core koala habitat, old growth forests and high conservation value grasslands (which would be mapped as Category 2- sensitive regulated land).

Some clearing under the Code is proposed to require land to be set-aside. Set-asides would be listed in a new public register and included on planning certificates under s149 of the EP&A Act. The schedules to the Code (ie the invasive native species list, vegetation formations, notification requirements and set-aside area management strategies) were not included in the exhibition material but are proposed to include set-aside area management strategies.

*Biodiversity Assessment Method (BAM)*

The draft Biodiversity Assessment Method (BAM) is a scientifically robust method to assess biodiversity gains (from actively managing land for conservation as a Biodiversity Stewardship Agreement site) and losses (due to clearing and development). This would replace various methodologies that currently exist to calculate offset requirements for the different

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development streams. A tool to apply the BAM is also on public exhibition. The BAM would provide consistency in the calculation of offset obligations for development or clearing vegetation and the creation of biodiversity credits at biodiversity stewardship sites.

The BAM would be used to prepare Biodiversity Development Assessment Reports for development or clearing under the Biodiversity Offsets Scheme. A draft accreditation scheme for professionals that can apply the BAM (and therefore must be engaged by proponents to prepare Biodiversity Development Assessment Reports) is also on exhibition.

*Biodiversity Offsets Scheme (BOS)*

The proposed thresholds for when the Biodiversity Offsets Scheme (BOS) applies to development under Part 4 of the EP&A Act includes land that is shaded on a Sensitive Biodiversity Values Land Map or when the area of proposed clearing exceeds the areas shown in the table below. A draft Sensitive Biodiversity Values Land Map has been released for public consultation.

Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectares or more
Less than 40 hectares but not less than 1 hectare	0.5 hectares or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

Development that does not exceed the BOS thresholds would be assessed in accordance with s7.3 of the *Biodiversity Conservation Act 2016* to determine if the development is likely to significantly impact biodiversity values. If the development is assessed as being likely to have a significant impact on biodiversity values, then the Biodiversity Offsets Scheme applies. Assessment under s79C of the EP&A Act applies to all development, including on land mapped as Category 1- exempt land under the LLSA Act.

The Biodiversity Offsets Scheme uses the BAM to identify the offset obligation required to proceed with the development. A mandatory offset scheme has not previously applied to development assessed under Part 4 of the EP&A Act. Offset obligations can be met through retiring biodiversity credits, payment to the new Biodiversity Conservation Trust or funding biodiversity actions identified in the BAM.

Payment to the Biodiversity Conservation Trust will be calculated using an offsets payment calculator. A draft calculator is on exhibition.

Offset rules govern the type of biodiversity credits that can be used for offsetting. Proposed variation rules are in the draft regulations and ancillary rules to help interpret the rules are proposed to be published on OEH's website.

The draft regulations include principles for determining Serious and Irreversible Impacts (SII) to biodiversity values. If a development under Part 4 of the EP&A Act is determined to have SII the development must be refused. For development under Part 5 of the EP&A Act, Council

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would be required to take the SAI into consideration and determine if there are any additional and appropriate measures that would minimise the impact if the activity is to be carried out. Clearing of native vegetation under LLSA Act cannot approved be if there are SAI.

Draft guidance to assist Council's in determining if a development will have SAI are on exhibition however it is incomplete (ie it does not yet include all candidate entities more likely to experience SAI or the thresholds (eg number of individuals impacted) that would result in SAI).

*Explanation of Intended Effects (EIE) for the State Environmental Planning Policy (Vegetation) 2017*

The SEPP (Vegetation) is proposed to regulate vegetation clearing in urban and environmental zoned areas (ie E2, E3 and E4) where the clearing does not otherwise require development consent under the EP&A Act.

The SEPP (Vegetation) repeals clauses 5.9 and 5.9AA of the Standard LEP Instrument. These clauses require development consent or a permit from Council for the removal of trees or vegetation to which a development control plan applies. The effect of clauses 5.9 and 5.9AA is proposed to be substantially reproduced in the SEPP (Vegetation). The SEPP (Vegetation) would also introduce a more robust scheme for issuing permits for the removal of trees or vegetation including the ability for permits to be issued subject to conditions.

Clearing over the BOS thresholds on land to which the SEPP (Vegetation) applies, would require approval from the Native Vegetation Panel. Councils would continue to regulate the clearing of vegetation (including native vegetation) below the BOS threshold through Development Control Plans (DCPs). Councils would no longer be able to require development consent for clearing of non-heritage vegetation under a provision in a DCP.

*Voluntary Private Land Conservation*

The reforms include a streamlined three-tiered system for voluntary private land conservation. The system proposes opportunities for ongoing funding to manage conserved land through Biodiversity Stewardship Agreements, Conservation Agreements and Wildlife Refuges. Biodiversity Stewardship Agreements would be similar to current BioBanking Agreements and would generate biodiversity credits that can be retired to meet offset obligations for development under the Biodiversity Offsets Scheme.

Financial concessions and incentives (eg exemptions from land tax, and local council rate relief) is proposed to support landholders to participate in private land conservation activities. These incentives are in addition to other benefits the landholder may receive through government funding or from the creation of credits.

A new Biodiversity Conservation Trust will be established to administer the program. The Trust will be guided by a Biodiversity Conservation Investment Strategy (BCIS), which is proposed to identify priority investment areas and principles for investment. The BCIS is expected to be exhibited later in 2017. The NSW Government has commitment of \$240 million over five years, and \$70 million each year after that, subject to performance reviews, to support voluntary conservation on private land.

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*Areas of Outstanding Biodiversity Value (AOBV)*

The draft regulation establishes the criteria for AOBVs. The criteria aim to identify the most valuable sites for biodiversity conservation based on evidence that the area is important to conserving species diversity, maintaining landscape connectivity or supporting migratory species. If an AOBV is recommended on private land, OEH will seek the landholder's views and consult with the community.

AOBVs are proposed to be a priority for government investment. If an AOBV is declared on private land, the Minister for the Environment would be required to take reasonable steps to enter into a private land conservation agreement which would allow access to ongoing funding.

*Biodiversity Certification*

Biodiversity Certification offers planning authorities a streamlined biodiversity assessment process for areas marked for development at the strategic planning stage. After land has been certified, and offset obligations met, development may proceed without the usual requirement for site by site biodiversity assessment.

The Biodiversity Certification scheme is proposed to be expanded to apply to urban and rural land and all scales of development and allow individuals to be able apply for Biodiversity Certification of their land. In these circumstances, Council would be given 42 days to review and comment on the application before it is submitted to the NSW Government with Council's submission attached.

A new category of 'strategic' Biodiversity Certification has been created that allows a broader range of offset options and loan opportunities. The Minister for the Environment would be responsible for declaring Biodiversity Certification proposals as strategic (eg social, economic and/or environmental outcomes the proposed Biodiversity Certification could facilitate).

**CONSIDERATIONS**

A submission has been prepared by Council staff that focuses on how the proposed regulations and key products and tools to support the biodiversity conservation and land management reforms could impact on land owners, development proponents and the environment in the Eurobodalla. The full submission is included as an attachment to this report and key issues raised in the submission are summarised below.

*Further consultation*

The legislation should not commence until all information has been released for public consultation, issues raised in submissions considered by the NSW Government and mapping finalised. Further consultation should be undertaken for the parts of the biodiversity conservation and land management reforms that are not yet available so that Council and the community can fully consider them.

*Complexity*

The reforms are complex and therefore don't achieve the aim of simplifying land management for rural land owners while also providing appropriate levels of biodiversity protection. For example land owners would need to understand the relationship between different maps, legislation, regulations, policies and codes. Rural landowners would need a detailed

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understanding of the environmental qualities of their land (including whether vegetation is listed as threatened) and be able to measure the density of vegetation formations. If the legislation cannot be simplified, guidance and tools for landowners to navigate it is essential.

*Mapping*

For the mapping to work as intended, landholders must have confidence that it is accurate. Prior to commencing the legislation, the community should be given the opportunity to review maps, at an appropriate scale, and with grasslands and other groundcover included. All mapping should be available in one location for landholders to check all sensitive biodiversity values on their land and manage it accordingly.

*Biodiversity offsets scheme*

The nature of the environment in the Eurobodalla is likely to result in development applications exceeding the thresholds more often than in some other areas of the State. This may have implications for growth and affordable housing in our Shire. Allowing more development to use the streamlined assessment module in BAM would help address this issue.

Under the BOS, development applications for subdivisions would consider all vegetation likely to be cleared in the future for the purposes for which the land is proposed to be subdivided. The NSW Government should provide guidance for landowners to determine the likely future clearing of a subdivision and for Councils to assess development on land that has already been assessed using the BAM at the subdivision stage.

Consideration of SAI should be in all Biodiversity Development Assessment Reports, including those using the streamlined assessment module in the BAM.

The BAM accreditation scheme could result in higher costs and longer timeframes associated with preparing a development application, especially if a limited number of people are accredited. Consideration should be given to providing adequate training opportunities in regional areas when developing the BAM training schedule.

Offset obligations would be required to be included in the conditions of consent for a development application under the BOS. Councils will need training in the offset rules, variation rules and ancillary rules.

The biodiversity offsets calculator and BAM tool on exhibition do not have enough functionality to allow estimates of the costs of credits or offsetting ratios.

*Relationship with Environmental Planning and Assessment Act 1979 (EP&A Act)*

Reviews for incorrect mapping should prioritise land that is the subject of a development application to avoid delays in being able to progress the development application. Guidance for the assessment of development impacts to set-asides created under the Land Management (Native Vegetation) Code should be available to Councils.

Exemptions from assessment and approval under the *Biodiversity Conservation Act 2016* do not include essential maintenance undertaken by a public authority.

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*State Environmental Planning Policy (Vegetation)*

The proposed SEPP (Vegetation) should include exemptions from assessment and approval for essential maintenance works undertaken by a public authority. Where applications for clearing are not delegated to a Council by the Native Vegetation Panel, Councils should be notified of all clearing applications to provide an opportunity for comment.

*Land Management (Native vegetation) Code*

The codes are complex, limited in their application in coastal zones and many land owners would need to seek advice, defeating the purpose of self-assessment and making the reforms onerous for the people they should benefit.

Mangroves, saltmarshes, Aboriginal places, culturally modified trees and National, State and local heritage items should be excluded from the Code and allowable activities.

There are no provisions for landowners to request a review of, or appeal, a decision by the Native Vegetation Panel to not issue a mandatory code compliant certificate under the Code.

*Voluntary Private Land Conservation*

Any proposed financial concessions and incentives (eg local Council rate relief) on land subject to a Conservation Agreement or Biodiversity Stewardship Agreement should be subsidised by the NSW Government.

When assessing the biodiversity gains of a Biodiversity Stewardship Agreement, the BAM proposes to reduce the number of credits generated where there is an existing conservation obligation. Current 'land management agreements' with Council should not be considered an existing conservation obligation that reduces the credits generated by a Biodiversity Stewardship Agreement because they are short-term and provide limited funding.

*Biodiversity Conservation Investment Strategy (BCIS)*

The priority investment areas identified in the proposed BCIS should include opportunities that are equitably spread across the State. Eurobodalla has locally significant areas that should be prioritised for funding.

*Transitional Arrangements*

A Capacity Building Program is proposed to be rolled out by the NSW Government to assist local Councils transition to the new legislative requirements. Councils will need assistance through fact sheets, templates, example provisions for DCPs and support staff. There should be enough time provided to give Councils the opportunity to amend DCPs and codes where necessary before commencing the legislation.

**Legal**

The proposed regulations and key products and tools on exhibition will support the *Biodiversity Conservation Act 2016* and *Local Land Services Amendment Act 2016*. The reforms are expected to commence on 25 August 2017. There are significant changes to the legislative framework for managing vegetation and protecting biodiversity. The new Biodiversity Offsets Scheme means developments under Part 4 of the EP&A Act that exceed the proposed thresholds, will now have mandatory offset obligations.

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**Policy**

Council will need to consider preparing and/or amending policy for development and clearing that does not exceed the BOS thresholds (eg review of Council's Tree Preservation Code).

**Environmental**

While there are some positive elements that could improve biodiversity outcomes (eg funding streams for land owners to voluntarily manage land for biodiversity) it is difficult to quantify the overall impacts to biodiversity in the absence of a complete regulatory framework.

**Asset**

There is minimal impact from this proposed regulation to Council's infrastructure development and maintenance as it replicates existing provisions including no exemptions from assessment for essential maintenance of infrastructure by a public authority under *Biodiversity Conservation Act 2016*. Assessment under Part 5 of the EP&A Act will have minimal changes under the proposed reforms. There is the option to opt-into the new Biodiversity Offsets Scheme and assess Part 5 development using the BAM.

**Social Impact**

The regulatory impact statement exhibited with the new regulation estimates that approximately 6.5 per cent of local development in NSW will exceed the BAM threshold and therefore have offset obligations. This could be higher in the Eurobodalla due to the nature of the environment which may increase the cost of development. This could have flow on impacts on growth and affordable housing in the Eurobodalla.

The reforms provide flexibility for all landholders to meet offset obligations. The supply and demand of biodiversity credits would affect the price of meeting offset obligations which in turn affects the cost of development. The cost of development may also increase through needing to engage an accredited BAM assessor to apply the BAM and prepare a Biodiversity Development Assessment Report.

While the reforms would implement a more consistent approach to offsetting the impacts of development, the extent of offset obligations could be difficult for a proponent to estimate until the BAM is undertaken. In the Eurobodalla, offset obligations are likely to increase under the reforms compared to what is currently implemented. In practice, some developments could be redesigned to avoid the BOS triggers and keep costs down.

**Economic Development Employment Potential**

The BOS could lead to a potential additional income stream for landholders that provide offset sites (ie Biodiversity Stewardship Agreements generate biodiversity credits that can be sold to developers to meet offset obligations). The area of Biodiversity Stewardship Agreements required to actually provide income will largely depend on the market price of credits.

**Financial**

Due to the uncertainty of how stakeholders will respond to changes in the regulatory framework, the financial implications for Council are difficult to quantify. There could be a need

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for training or additional resources to assess development that exceeds the BOS thresholds. Similarly, training or additional resources may be required to assess clearing not associated with a DA on land zoned R5, E2 and E4, and below the BOS threshold.

**Community and Stakeholder Engagement**

The NSW Government has undertaken community consultation on the draft regulations and key products and tools to support the biodiversity conservation and land management reforms.

Council has made land owners in the Eurobodalla aware of the most recent information regarding the reforms on 19 May 2017 through media release.

**CONCLUSION**

As part of the biodiversity conservation and land management reforms, the NSW Government released draft regulations and other key products to support the new *Biodiversity Conservation Act 2016* and *Local Land Services Amendment Act 2016*. The new legislation cannot commence until the regulations have been finalised.

The draft regulations and other key products have been reviewed by Council staff and a draft submission has been prepared for consideration by Council and is attached to this report.

The reforms are complex and there is a significant amount of technical information on exhibition for land owners and the broader community to review, understand and prepare submissions on. Further consultation regarding specific elements of the reforms, particularly the Native Vegetation Regulatory (NVR) Map is essential before the legislation commences. The legislation should not commence until all information has been released for public comment, issues raised in submissions considered by the NSW Government and mapping finalised.

**Eurobodalla Shire Council Submission to the draft regulations for the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* and supporting products and tools**

Eurobodalla Shire Council has reviewed the exhibition package that will implement the NSW Government's *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* and is pleased to provide this submission.

Council supports an appropriate balance between enabling rural land holders to efficiently and effectively manage their land while protecting the environment. The continued good management of rural land is essential to farm productivity, growing the rural economy and sustainability. It is also important to ensure that development processes are efficient and flexible to ensure outcomes that balance economic, social and environmental objectives.

The draft regulations and supporting products and tools on exhibition contain a significant amount of information for land owners and the broader community to review, understand and prepare submissions on. Much of the information is complex and technical. Further consultation with land owners and communities regarding specific elements of the reforms, particularly the Native Vegetation Regulatory (NVR) Map is essential before the legislation commences.

Council believes the legislation should not commence until all information has been released for public comment, issues raised in submissions considered by the NSW Government and mapping finalised.

**Further consultation**

Parts of the biodiversity conservation and land management reforms are not yet available for Council to fully consider implications that may flow on to the community and the environment. Further consultation should be undertaken for the following missing parts that Council cannot comment on in this submission:

- The Native Vegetation Regulatory (NVR) map
- The Grasslands and Other Groundcover Assessment Method
- An online tool to assist proponents to determine how the legislation applies to their development or clearing proposal
- The Biodiversity Conservation Investment Strategy (BCIS)
- Ancillary Rules for varying offset requirements
- Schedules to the Land Management Code
- Serious and Irreversible Impacts (SII) candidate entities and thresholds
- *State Environmental Planning Policy (Native Vegetation)*

**Complexity**

Council supports attempts to simplify the vegetation clearing rules for rural land owners and to reduce red tape for farmers while also providing appropriate levels of biodiversity protection. Eurobodalla Shire Council recently completed a Rural Lands Strategy. The strategy identified that land management processes need to be simplified. This is essential for carrying out efficient, effective and sustainable agricultural operations at all scales. Council is not convinced that the reforms achieve this outcome, primarily due to the complex nature of the reforms proposed.

For example, the proposal to have two similarly named maps ('Sensitive Biodiversity Values Land Mapping' and 'Category 2- sensitive regulated land') is likely to be confusing to the general public. While they are separate maps under separate legislation, they are both 'sensitive lands mapping'.

Council supports the intention of the NSW Government to develop a tool to assist land owners to navigate the requirements of the new legislation and mapping. A tool that helps land owners determine the assessment requirements of their proposed development or proposed clearing would benefit the community.

### Mapping

The legislation is underpinned by mapping including the Native Vegetation Regulatory (NVR) Map and Sensitive Biodiversity Land Values Map. Having such mapping in regulations suggests that there is no need for similar vegetation and biodiversity mapping to be included in Local Environmental Plans (LEPs). This approach aligns with the Eurobodalla Shire Council Rural Lands Strategy, which recommends that there is no need to include a vegetation or biodiversity overlay within the LEP, but inclusion of a vegetation map in a 'code' and referenced in a Development Control Plan (DCP) is adequate.

However, as the draft NVR mapping is not on exhibition it is difficult to fully understand the impact of changes proposed. Further, the Sensitive Biodiversity Land Values Map is not at an appropriate scale for landholders to identify features that could be impacted by development or activities on small rural lots. The draft Coastal SEPP mapping is easy to use and provides an appropriate scale. Mapping under these reforms should be of a similar quality.

For the mapping to work as intended, landholders must have confidence that it is accurate. Commencing the legislation without prior review of all mapping at an appropriate scale is not supported. Relying on the draft NVR map before public review and before the Grasslands and other Groundcover Assessment Method has been finalised carries risks due to the potential for incorrect mapping. Council does not support using the NVR Map until grasslands and other ground cover have been included and it has been publicly reviewed.

Consultation undertaken to prepare the Eurobodalla Rural Lands Strategy recognised that there is significant concern within the community about accuracy of vegetation mapping. If mapping is used in a regulatory capacity at a State level, it must be accurate. Council welcomes the NSW Government's intention to provide the opportunity for land owners to request areas to be reviewed in order to correct any errors otherwise there will be little confidence in the mapping. The resources required to complete these reviews must be carefully considered. Council is concerned our community will not be able to have land reviewed in a timely manner if there are limited resources.

Ideally, all maps should be accessible from one location (eg the planning portal) with all features properly labelled to assist landholders to avoid and manage risks. A portal for displaying all mapping would also avoid potential inconsistencies over time. For example, under the current proposed mapping, when the boundary of a SEPP 14 Wetland changes, the NVR Map and Sensitive Biodiversity Land Values Map would also need to change.

The draft Local Land Services Amendment Regulation 2017 proposes that the NSW Office of Environment and Heritage (OEH) will be required to notify individual landholders of changes to the categorisation of their land unless it is proposed to be re-categorised from Category 2- regulated

land to Category 1- exempt land. Council believes landholders should be notified of any changes to mapping across their land.

#### **Biodiversity Offsets Scheme (BOS)**

The Biodiversity Offset Scheme provides a consistent assessment approach and gives certainty to developers about how to avoid, minimise and manage potential impacts to biodiversity values. The intent of the scheme to trade in biodiversity credits offers greater flexibility for land owners to achieve ecologically sustainable development outcomes that are more likely to have a strategic benefit to biodiversity.

#### **BOS clearing area thresholds**

The concept of meeting clearing area thresholds before applying the BOS is supported because it is expected to encourage land owners and developers to limit clearing to below the threshold where possible. However, the nature of the environment in the Eurobodalla is likely to result in development applications (DAs) exceeding the BOS thresholds more often than some other areas of the State, particularly to satisfy planning for bush fire protection requirements. This may have implications for growth in our Shire and for affordable housing. The proposed streamlined assessment module in the BAM is seen as an attempt to address this issue.

#### **Biodiversity Assessment Method (BAM)**

Council prefers the area clearing threshold for streamlined assessments shown in option A of Table 15 in the BAM over option B because it provides for more streamlined assessments and therefore achieves a better balance between social, economic and environmental objectives. Streamlined assessments are an appropriate level of assessment for the lower risk of impacts to biodiversity values by smaller developments. In Table 15 in the BAM, the area clearing threshold for minimum lot sizes are not clear for lots equal to 2ha, 40ha and 1000ha (ie land with these lot sizes could be interpreted as falling into neither area clearing threshold category).

The draft Biodiversity Conservation Regulation 2017 states that DAs for subdivision must consider the vegetation that is likely to be cleared in the future for the purposes for which the land is to be subdivided. Guidance should be provided to land owners about what should be considered for the purposes of a subdivision (eg Asset Protection Zones, dwelling footprint, access) to ensure vegetation that is likely to be cleared in the future is assessed in the BDAR. This would avoid Council having to ask them to resubmit a DA that does not assess likely future clearing.

Where the likely future clearing for a subdivision has been assessed using the BAM, the regulations do not preclude future offsetting requirements on the same land. The BOS should not be triggered again for a DA on a lot created by a subdivision that has already been assessed using the BAM. Assessment requirements or guidance should also be made clear for instances where a DA proposes more clearing on a lot than was previously assessed using the BAM at the subdivision stage.

#### **Serious and Irreversible Impacts (SAIL)**

The streamlined assessment report does not appear to include consideration of Serious and Irreversible Impacts (SAIL). Candidate entities identified in the guidance for determining a SAIL, or other threatened species, could be impacted even by small area developments. Thus, information

regarding SAI should be included in all Biodiversity Development Assessment Reports (BDARs) to assist with Councils' determination.

The guidance for Councils to determine if a proposal is likely to have a SAI is welcomed however the draft guidance provided is incomplete. Council cannot comment on whether the SAI thresholds and candidate entities are appropriate. Further consultation when these aspects of the guidance are completed should be undertaken.

#### **BAM accreditation**

The need for accredited BAM assessors to complete BDARs could result in higher costs and longer timeframes associated with preparing a DA. Keeping Council staff BAM accredited, or trained to review BDARs, is also an extra cost to Council. Consideration should be given to the costs and timeframe when developing BAM training, including the frequency and location of training in regional areas. Adequate training opportunities must be available prior to commencing the legislation.

#### **Offset rules and calculator**

Offset obligations can be met by one or a combination of:

- Retiring biodiversity credits
- Making a payment to the Biodiversity Conservation Trust
- Funding biodiversity actions

In the case of a combination of the above options, the method for calculating the proportions of each to meet an offset obligation should be in the regulations or the BAM.

The biodiversity offsets calculator and BAM tool on exhibition do not have enough functionality to allow estimates of the cost of credits or offsetting ratios. It is therefore difficult to comment on the increased costs of development. Council does not support significant increases in the cost of development, especially for single dwellings.

#### **Relationship with *Environmental Planning and Assessment Act 1979* (EP&A Act)**

Proponents that submit a DA on land that is incorrectly mapped and as a result triggers the BOS, should not need to wait until mapping is updated to progress the DA without needing to use the BAM. Requests to review mapping on land that is subject to a DA should be prioritised. Alternatively, landholders could provide evidence with their DA that the land has been incorrectly mapped and Council should have the authority to determine the matter on that basis.

The exhibition material is not clear on how Councils should consider impacts to set-aside areas, created in accordance with the Land Management Code, by development under Part 4 of the EP&A Act.

Exemptions from assessment and approval under the *Biodiversity Conservation Act 2016* do not include essential maintenance works undertaken by a public authority. Clearing for maintenance works that are essential for safety reasons, such as clearing within road reserves and clearing to comply with mandatory obstacle limits near airports, should be able to be undertaken without the need to go through costly and time-consuming approval processes.

### **State Environmental Planning Policy (SEPP) (Vegetation) 2017**

Only the Explanation of Intended Effect (EIE) for the Vegetation SEPP has been provided for comment. Consultation for the draft Vegetation SEPP should be undertaken prior to commencement. The proposed Vegetation SEPP should also include exemptions from assessment and approval for essential maintenance works undertaken by a public authority.

Where clearing approval is not delegated to Council by the Native Vegetation Panel, Council should be notified of all clearing applications to provide an opportunity for comment.

### **Land Management (Native Vegetation) Code**

Land owners want to be able to undertake lawful clearing for land management or farm productivity. The *Local Land Services Amendment Act 2016* (LLSA Act) and regulations allows rural land owners to self-assess whether vegetation clearing would be allowable, or require notification, certification or approval. While the current two-tiered system of Routine Agricultural Management Activities (RAMAs) and Property Vegetation Plans needs improvement, it remains a far simpler system than the proposed approach in the Land Management (Native Vegetation) Code (the Code).

The Code requires land owners to have a detailed understanding of the environmental qualities of their land, the species of trees and other vegetation, whether the vegetation is a threatened ecological community (TEC) and be able to measure the density of vegetation formations. Many land owners would need to seek advice, defeating the purpose of self-assessment and making these reforms too onerous for the very people they should benefit.

In coastal zones, which includes the Eurobodalla, the types of clearing that land owners can self-assess is relatively limited and only includes allowable activities, clearing invasive native species, continuing use and removal of native vegetation from paddock tree areas less than 500m<sup>2</sup> that are surrounded by land mapped by the NVR map as Category-1 exempt. In all other cases, certification or approval would need to be sought prior to clearing.

As per Council's previous submission to the draft LLSA bill and BC bill, mangroves, saltmarshes, Aboriginal places, culturally modified trees and National, State and local heritage items should be excluded from the Code and allowable activities. While these features are likely to be protected by other legislation (eg the *Fisheries Management Act 1994*) land owners may not have the legal knowledge to know that they must refer to other legislation to determine if they are able to clear their land. If the legislation cannot be simplified, guidance for land owners to navigate the complexity of biodiversity conservation and land management legislation is essential.

There appears to be no provision for land owners to request a review of, or appeal, a decision by the Native Vegetation Panel to not issue a mandatory code compliant certificate under the Code. Council believes it is fair and appropriate for land owners to at least seek a review of the certification process.

As per Council's previous submission, further consultation should be undertaken on the likely standard content of Code Compliant Certificates with regard to the management of set-aside areas. The Code does not include this detail so Council cannot comment on whether the proposed standard management strategies are appropriate.

### **Private Land Conservation**

Council supports opportunities for land owners to establish voluntary private land conservation agreements on their land, especially where funding options to improve biodiversity and threatened species habitat are available to more land owners. Council also welcomes the opportunity for Council to enter into Biodiversity Stewardship Agreements on Council managed land and create a funding stream for the ongoing management of these areas. Monitoring, reporting and auditing requirements to ensure that funds provided will achieve positive outcomes from the ongoing management of conservation lands are considered appropriate.

Any financial concessions and incentives (eg local Council rate relief) on land subject to a Conservation Agreement or Biodiversity Stewardship Agreement should be subsidised by the NSW Government so as not to reduce Council's income from rates.

Council notes that it has previously housed some Local Land Services (LLS) function through grant funding (eg Landcare) and is open to discussions with the NSW Government on similar arrangements in the future. It is Council's understanding that current 'land management agreements' between land owners and Council, achieved through previous grant funding from LLS, could be eligible for upgrading to conservation agreements or wildlife refuges and that OEH would facilitate any interest from Land owners to 'upgrade' the agreements.

When assessing the biodiversity gains for a Biodiversity Stewardship Agreement, the BAM proposes to reduce the number of credits generated where there is an existing conservation obligation. Where landholders have an existing 'land management agreement' with Council on their land, and seek to enter into a Biodiversity Stewardship Agreement, it is considered unfair to consider the 'land management agreement' an existing conservation obligation that reduces the number of credits generated. Generally, these 'land management agreements' are short-term and provide limited funding to land owners.

### **Biodiversity Conservation Investment Strategy (BCIS)**

The Biodiversity Conservation Investment Strategy is proposed to set out priority investment areas and investment principles. This approach is supported by Council as long as funding opportunities are equitably spread out across the State. Eurobodalla Shire has locally significant areas that should be prioritised for funding and further consultation with Councils regarding the BCIS should be undertaken as soon as possible.

Council notes that the declaration of areas of outstanding biodiversity value may affect privately owned lands and supports the intention of the NSW Government to recognise these as priority investment areas.

### **Transitional arrangements**

Some savings and transitional arrangements are described in the regulations and other exhibition material. However, further operational guidance is required to help Council staff implement the significant changes when the legislation commences smoothly and efficiently. The new legislation is likely to result in delays in development assessment under Part 4 of the EP&A Act until the community, developers and their consultants become familiar with the new requirements. Council

development assessment staff will also have to interpret new mapping, transitional and savings arrangements and advise whether developments meet the thresholds for the BOS.

The Vegetation SEPP will repeal clause 5.9 and 5.9AA from the Standard Instrument - Principal Local Environmental Plan. Council understands the effect of these clauses will be substantially recreated in the Vegetation SEPP. However, the overall changes to land management proposed by the reforms will require some changes to DCPs to be in place before the legislation commences. For example, Eurobodalla Shire Council's Tree Preservation Code referred to in DCPs does not currently apply to E4 zoned land because the *Native Vegetation Act 2003* applies. Councils will need example provisions for DCPs and codes, and time to amend them, before the legislation commences.

An overview of a Capacity Building Program was given at the 'LMBC Reform webinar for local government' on 31 May 2017 and Council welcomes this initiative. Eurobodalla Council would be interested in hosting one of the regional support officers that will be funded by the NSW Government. Regional support officers, and further assistance in the form of templates, fact sheets, flow charts and an information hotline, will help facilitate a smooth transition period.

Given recent announcements that the Batemans Bay office of LLS will be closing in September 2017, the resourcing of LLS functions in the Eurobodalla needs to be clarified, especially during the transitional period of implementing the new legislation.

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**PSR17/038 PLANNING FOR BUSHFIRE PROTECTION 2017 - SUBMISSION**

**E91.2613**

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

Attachments: 1. Submission

Focus Area: Productive Communities

Delivery Program Link: P4.1 Provide development assessment services

Operational Plan Link: P4.1.1 Assess and determine development applications

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek endorsement of Council's submission to the NSW Rural Fire Service (NSW RFS) *Planning for Bushfire Protection* guidelines.

The NSW Rural Fire Service (NSW RFS) has released updated guidelines for development in bushfire prone areas. The guidelines are on exhibition until 25 June 2017 however Council were granted an extension to this period to ensure that the submission can be reported to Council.

The Planning for Bushfire Protection (PBP) guidelines have been updated previously and this will be the third edition of the document.

Council is generally supportive of the updated PBP but there remains a number of matters that Council has raised previously, that have not been addressed and there would also appear to be some new concerns that require clarification.

### **RECOMMENDATION**

THAT:

1. Council endorse the submission for the *Planning for Bushfire Protection 2017* and submit it to the NSW Rural Fire Service.
2. A copy of the submission for the *Planning for Bushfire Protection 2017* be forwarded to the Local Member, Minister for Transport and Infrastructure, the Honourable Andrew Constance MP, for his information.

### **BACKGROUND**

PBP was first introduced in 2001 by the NSW RFS and Planning NSW (NSW Department of Planning and Environment). It was largely supported because it provided a degree of consistency for all councils in how they assess bushfire hazard. The guideline was updated in 2006 and this is the current document by which NSW councils and the NSW RFS assess bushfire hazard.

Despite a consensus that a guideline was required, Eurobodalla Shire Council has expressed concerns with the PBP document relating to the retrospective nature by which both new dwellings in old subdivisions and additions to existing housing stock are assessed. Council is presented with many situations where new houses cannot be constructed on subdivided land (without easements being obtained from neighbours) and where extensions to houses are required to be constructed to a higher standard despite the existing house not complying.

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**PSR17/038 PLANNING FOR BUSHFIRE PROTECTION 2017 - SUBMISSION**

**E91.2613**

These concerns have been expressed by Council to the NSW RFS Commissioner, Minister for Planning and the NSW Premier without any change being adopted. Unfortunately the draft PBP 2017 guidelines do not materially seek to change how these types of development are assessed and once again, Council's concerns are incorporated in the submission to the NSW RFS.

Council was provided with the opportunity to review a pre-exhibition version of the PBP. A review of the document was undertaken in August 2016 and Council provided the following comments:

- The new vegetation classes will help bushfire assessments to be more definitive but will be almost impossible for "mums and dads" to use. An online vegetation assessment tool would be useful.
- The financial implications and over restrictive standards that apply to infill development and make development of older lots or existing houses problematic.
- The need to obtain a bushfire safety authority every time minor development occurs in a special fire protection purpose, i.e. development of a BBQ shelter in a caravan park requires separate NSW RFS approval and a simple Development Application (DA) is delayed.
- There should be consistency between the standard instrument Local Environmental Plan (LEP) and PBP with regard to land use definitions. Separate definitions make the planning system complex and not user friendly.
- The need to obtain bushfire safety authorities for development that does not require consent, i.e. short term rental accommodation and clause 6.15 of LEP. There should be no onus on Councils to ensure compliance with these requirements and it would be far simpler to have bushfire risk standards as part of the exempt provision.
- The requirement for bushfire hazard assessments within strategic planning projects such as preparation of planning proposal and Development Control Plans (DCPs). It is not clear as to what level of assessment is required and the level of assessment needs to be tailored to the project, i.e. it would be unworkable to require bushfire hazard assessments for a whole of council LEP.
- Use of public land as asset protection zones (APZ) and not burdening councils with additional responsibilities.
- Prescribing controls/development standard for flame zone development rather than requiring referral to the NSW RFS.
- Definition and measuring canopy cover is not prescribed and is left up to the individual practitioner.
- Access provisions are onerous for development in grassland areas.

**CONSIDERATIONS**

The Planning for Bushfire Protection 2017 has been updated and improved from the Planning for Bushfire Protection 2006 in the following ways:

- A restructure of the document for ease of use and clarity

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**PSR17/038 PLANNING FOR BUSHFIRE PROTECTION 2017 - SUBMISSION**

**E91.2613**

- New and additional vegetation classifications
- Grassland provisions
- Simplified access requirements
- Clarification on residential infill
- A section on specific types special fire protection purpose developments (for example, home based child care) and criteria provided
- Improved alignment with Australian Standard 3959-2009
- Greater emphasis on strategic planning

**Legal**

The guidelines have statutory weight by virtue of Section 79BA of the Environmental Planning and Assessment Act 1979 and Clause 44 of the Rural Fires Regulation 2013.

**Community and Stakeholder Engagement**

The draft bushfire guidelines are being exhibited by the NSW RFS and all Councils within the State are stakeholders. Council is contributing to this process by reviewing the document and preparing a submission.

**CONCLUSION**

Council is supportive of the updated Planning for Bushfire Protection guidelines and believes that the many improvements made make the document user friendly and deliver better bushfire risk assessments. It is also noted that many of the comments that Council made during the pre-exhibition review have been incorporated into the document.

There are still some fundamental concerns that should be addressed and these are detailed in the draft submission which accompanies the Council report.

Our Reference: E91.2613

15 June 2017

Planning for Bushfire Protection Review  
C/- Manager - Development Planning and Policy  
NSW Rural Fire Service Headquarters  
Locked Mail Bag 17  
GRANVILLE NSW 2142  
[PBPDraft@rfs.nsw.gov.au](mailto:PBPDraft@rfs.nsw.gov.au)

Dear Sir/Madam

**Public Exhibition – Draft Planning for Bushfire Protection 2017**

Thank you for the opportunity for Eurobodalla Shire Council to provide a submission to the draft Planning for Bushfire Protection 2017.

Eurobodalla Shire Council welcomes this opportunity, as we have previously written to the Premier and Minister for Planning regarding our concerns with the controls contained in Planning for Bushfire Protection 2006.

The NSW Rural Fire Service is to be congratulated for finally providing a document that will update how bushfire hazard is assessed in NSW and it is noted that this version has taken on-board some of the comments received during the stakeholder consultation of August 2016. Unfortunately it is Council's opinion that the draft Planning for Bushfire Protection (PBP 2017) still does not address many of the issues that Council has previously raised and introduces new concerns.

Eurobodalla Shire Council provides the following comments for your consideration and notes that some of the matters raised are more about process than the PBP 2017.

Vegetation classifications

Council is supportive of the new (and additional) vegetation classifications as it will hopefully lead to more definitive assessments and a greater appreciation of the bushfire hazard. An issue, is that it potentially becomes a more onerous task for the "mums and dads" seeking to utilise the self-assessment kit. Council would recommend that further tools be developed to assist the general public with identifying the vegetation such as an online assessment kit that provides an illustrative representation of the vegetation.

### Infill Development

Council has previously raised concerns about the impact of PBP 2006 on existing lots created by subdivisions before PBP 2006. In some cases the required asset protection zones (APZ) cannot be achieved and this leaves the landowner with the only option of building to Flame Zone.

Council has previously liaised with the local building industry and anecdotally has been advised that the cost of construction can be increased by up to 25%. Council's view is that a Bushfire Attack Level (BAL)-40 provides an adequate level of fire protection versus cost of construction in such situations.

Council has also expressed concern over the level of construction required for additions and alterations to existing buildings. There needs to be some assessment of the proposal (floor area is one option), against the existing development to determine the appropriateness of the controls. An example may be an existing house seeking to build a new deck at the rear of the property. An appropriate level of construction is one where the deck will not cause ignition of the house, i.e. the deck is built to the same BAL level or higher.

An example where controls around this have been determined previously is flood hazard. Most Development Control Plans (DCPs) prepared by councils relating to flood hazard have an exemption up to a certain floor area (30-50m<sup>2</sup>) where additions are permitted with minimal increase in construction standards.

It is noted that a new clause (Clause 7.7) has been added to deal with buildings constructed before the implementation of bushfire protection measures. Whilst this is welcomed, it is considered that this is similar to the existing situation with PBP 2006 and the ability to use alternate solutions.

There is also little prescription provided about the Bush Fire Design Brief (BFDB) process and the potential alternate solution will only be as good (or bad) as the consultants, council and RFS offices involved. What does the BFDB process add, other than another process?

Council would urge the NSW RFS to work towards prescribed controls that advocate for a certain BAL level, i.e. BAL 40 for more significant additions and exemptions or nominal construction levels, i.e. BAL 29 for much smaller additions, i.e. a deck.

### Definitions in PBP 2016

Council thanks the NSW RFS for using and making reference to the definitions contained in the standard instrument LEP. It is vitally important that PBP 2017 work on the same playing field as the rest of the NSW Planning system.

Council does, however, foresee a fundamental problem in that PBP 2017 is still prescribing certain development that is specifically excluded from being a special fire protection purpose (home-based child care), as being a Special Fire Protection Purpose and requiring a Bushfire Safety Approval.

As an example, the Standard Instrument definition of child care centre specifically excludes home-based child care and PBP 2017 recognises this. However, when considering whether a development application for home-based child care is a Special Fire Protection Purpose requiring a 100B approval under the *Rural Fires Act*, Council would be guided by the definition in the Eurobodalla LEP 2012 of a child care centre (excludes home-based child care). This is at odds with PBP 2017 which is still prescribing that a Bushfire Safety Approval is required.

It is noted that the Department of Planning and Environment has also released a draft State Environmental Planning Policy (SEPP) (Child Care and Education Establishments) and it is important that the SEPP and PBP are consistent.

Development not requiring consent and the need for Bushfire Safety Authorities

Eurobodalla Shire Council has a control within its LEP that permits the use of existing residential accommodation as short term rental accommodation (for a limited period of time) without the need to obtain development consent. PBP 2017 seems to prescribe that, even if a type of development does not require development consent, a bushfire safety authority is required.

Where the Eurobodalla LEP 2012 does not require development consent for short term rental accommodation, it would therefore be the responsibility of the NSW RFS to inform landowners of the NSW RFS requirement to obtain a 100B approval and landowners would be required to deal directly with the NSW Rural Fire Service. The NSW Rural Fire Service would also need to handle any non-compliance matters.

This is considered to be a compliance and resourcing issue for the NSW RFS. The NSW RFS could work with the NSW Department of Planning to consider development standards that could apply for exempt development or development that does not require consent. This could be promoted to home owners (and insurance companies) that use their homes for this purpose and achieve voluntary compliance.

### Strategic Planning

Council supports the involvement of the NSW RFS in the planning proposal process and notes that this section has been revised to accommodate some of the comments made during the 2016 stakeholder consultation. PBP 2017 specifically states that the level of assessment required at the strategic planning stage, must be commensurate with the nature of the LEP amendment. Whilst this is acknowledged and supported, it is questioned whether more prescriptive requirements would be better so that it is clear to the NSW RFS, councils and applicants as to what is required, i.e. new residential zoned land would require a certain level of assessment and a revised LEP for the entire local government area would require general statements about compliance with bushfire risk objectives.

### Section 79BA Assessments

Due to the topography and vegetation within the Eurobodalla Shire, development applications are regularly referred to the NSW RFS under section 79BA of the *Environmental Planning and Assessment Act*. Whilst some referrals are turned around quite quickly, often the referral process can take as long, if not longer, than Council's entire assessment for the proposal.

It is Council's view that PBP 2017 should prescribe controls for Flame Zone (acceptable solutions) and reduce the need for referrals to the NSW RFS. A further option is the use of accredited bushfire consultants to sign off on BAL levels as part of the assessment process (providing they have not been involved in the preparation of the development application).

### Canopy cover

PBP 2006 does not provide a lot of guidance around how to measure canopy cover and the review of PBP 2017 has not identified any further information in this regard. It is considered that PBP 2017 should provide some guidance as to how this should be measured to ensure consistency across NSW and reduce liability for accredited certifiers.

### Effective slope

PBP 2006 does not provide a lot of guidance around how to measure effective slope and the review of PBP 2017 has not identified any further information in this regard. It is considered that PBP 2017 should provide some guidance as to how this should be measured to ensure consistency across NSW.

### Suitably qualified consultants

Council appreciates that it is not easy for a public authority to differentiate between consultants but would seek further clarification from the NSW RFS as to what this phrase means "they must demonstrate a number of requirements as part of an accreditation scheme".

It is considered important that the public and developers have a better understanding of what qualifications or accreditation is deemed sufficient to undertake performance based solutions.

General comments

Council welcomes the revised version of PBP and congratulates the NSW RFS on their commitment to produce this new edition. The manner in which it is set out and the consolidation of a large amount of practice notes, should deliver a more effective and efficient planning system.

As a final statement, it is put to the NSW RFS that there may be the ability to use “suitably qualified consultants” to certify performance based solutions provided for residential infill development. This would free up the time of its officers to comment on special fire protection purpose developments and provide greater assistance to the strategic planning process.

Thank you for the opportunity to provide Eurobodalla Shire Council’s submission on the exhibition of Planning for Bushfire Protection 2017.

Should your office require any further clarification on the above, please do not hesitate to contact me on 4474 1087 or via email [gary.bruce@esc.nsw.gov.au](mailto:gary.bruce@esc.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gary Bruce', written in a cursive style.

Gary Bruce  
**Divisional Manager Development Services**

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**PSR17/039 POLICY ADOPTION - RECREATIONAL HORSE-RIDING ON BEACHES**

**E16.0297**

Responsible Officer: Deb Lenson - Acting Director, Planning and Sustainability Services

Attachments: 1. Confidential - Submissions  
2. Recreational Horse-Riding on Beaches Policy

Focus Area: Support Services

Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council operates

Operational Plan Link: SS1.2.2 Ensure transparency in council dealings

### **EXECUTIVE SUMMARY**

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

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

The draft Recreational Horse-Riding on Beaches policy has been reviewed and was placed on public exhibition from 19 April until 16 May 2017. During this time, three submissions were received, all in support of the continuation of this Policy.

This report recommends adoption of the draft Recreational Horse-Riding on Beaches Policy.

### **RECOMMENDATION**

THAT

1. Council adopt the Recreational Horse-Riding on Beaches policy.
2. The provision of horse-riding on beaches be included in the 2019 review of the Companion Animals Management Plan and upon adoption of the revised Companion Animals Management Plan, the Recreational Horse-Riding on Beaches policy will be repealed.

### **BACKGROUND**

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

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**PSR17/039 POLICY ADOPTION - RECREATIONAL HORSE-RIDING ON BEACHES**

**E16.0297**

A report was presented to the Ordinary Meeting of Council on 11 April 2017, the recommendation of which was:

*THAT*

- 1. Council endorses the exhibition for 28 days of the draft Recreation Horse-Riding on Beaches policy for public consultation.*
- 2. The draft Recreational Horse-Riding on Beaches policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.*

The draft Policy was placed on public exhibition from 19 April until 16 May 2017 and during this time, three submissions were received, all of which were in support of the Recreational Horse-Riding on Beaches policy continuing in its current form.

**Changes**

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

**CONSIDERATIONS**

It is proposed that the Recreational Horse-Riding on Beaches policy will be incorporated into the Companion Animals Management Plan (CAMP) where the latter is due for review in 2019. If it is determined that the CAMP incorporates the provisions for riding horses on beaches, the Recreational Horse-Riding on Beaches Policy would be repealed.

**Legal**

Horse-riding on beaches is permissible in approved areas. Signs have been erected on those beaches where horse-riding is not permitted. Riding contrary to signage is an offence and may be the subject of a fine under s632(1) of the *Local Government Act*.

**Environmental**

Whilst horse-riding in Eurobodalla is a popular pastime, the activity can impact upon the environment and therefore must be managed. Those beaches that do not permit horse-riding have been signposted and failure to comply with these notices is an offence under s632(1) of the *Local Government Act*.

**Social Impact**

Horse-riding on beaches is an enjoyable past time for residents and visitors alike and also supports the local horse riding industry who utilise Bengello Beach. However, there needs to be a management framework so that this activity can be undertaken so that there is no detrimental impact on the environment or the enjoyment of others sharing the beaches.

**Community Engagement**

The draft Recreational Horse-Riding on Beaches policy was placed on public exhibition for a period of no less than 28 days commencing on Wednesday 19 April 2017 until Tuesday 16 May 2017.

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**PSR17/039 POLICY ADOPTION - RECREATIONAL HORSE-RIDING ON BEACHES**

**E16.0297**

Copies were available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

Council also notified local pony clubs, Mirrabooka Riding Club and the Moruya Jockey Club of the public exhibition of the draft policy.

During the exhibition period, three submissions were received, all of which supported the continuation of the Recreational Horse-Riding on Beaches policy.

**CONCLUSION**

The draft Recreational Horse-Riding on Beaches policy was publicly exhibited for 28 days. During the exhibition period three submissions were received which were in favour of the continuation of the Policy.

The draft Recreational Horse-Riding on Beaches policy is presented to Council with a recommendation for adoption of this Policy.



## POLICY

<b>Policy name</b>	Recreational Horse-Riding on Beaches
<b>Responsible manager(s)</b>	Director, Planning & Sustainability Services
<b>Contact officer(s)</b>	Divisional Manager, Environmental Services
<b>Directorate</b>	Planning & Sustainability Services
<b>Approval date</b>	TBA
<b>Focus area</b>	Support Services
<b>Delivery Program link</b>	SS1.2 Maintain a sound governance framework within which Council operates
<b>Operational Program link</b>	SS1.2.2 Ensuring transparency in council dealings

### Purpose

Horse-riding is a popular recreation and sporting activity, and appreciation and enjoyment of coastal areas on horseback is a quality experience for horse-riders. All recreational activities, including horse riding, can generate impacts on the environment and must therefore be managed in accordance with legislative requirements and the objectives for which certain lands are allocated.

Eurobodalla Shire Council's policy was formulated to regulate the use of beaches by recreational horse-riders, as a result of community and tourism consultation coupled with environmental constraints. The Policy addresses effects on the environment from horse-riding, particularly coastal beach zones, and defines areas where horse-riding on beaches is permitted.

This policy aims to:

- Provide for recreational horse-riding activities where appropriate, and ensure the ecologically sustainable management of horse-riding on beaches.
- Promote a balanced, flexible and responsive approach to the management of recreational horse riding and the protection of the natural heritage of beaches.
- Ensure that the mix and pattern of recreational use on beaches maintains an appropriate level of safety, equity, harmony and satisfaction amongst all visitors.
- Apply principles of ecologically sustainable development.
- Ensure consistency and fairness in the manner in which the council deals with horse-riding on beaches.
- Make council's policies and requirements for horse-riding on beaches readily accessible and understandable to the public.

### Policy statement

<b>1</b>	<b>Application</b> This policy applies to all beaches within the Eurobodalla Shire.
<b>2</b>	<b>Legislation</b> Eurobodalla Shire Council complies with the <i>Local Government Act 1993</i> .
<b>3</b>	<b>Criteria for approval</b> The following criteria are used to determine approved recreational horse riding areas: <ul style="list-style-type: none"> <li>• Minimal effects on nearby residents</li> <li>• Minimal impact on dunal, estuarine and foreshore areas</li> </ul>



	<ul style="list-style-type: none"> <li>• Minimum disruption to other normal users of the area, particularly where dogs and people frequent the area</li> <li>• No through-roads or cycleways</li> <li>• Proximity to National Parks and Reserves and public bridle tracks</li> <li>• Appropriate Signage requirements</li> </ul>
4	<p><b>Approved areas</b></p> <p>Recreational horse-riding areas on public beaches is currently permitted at:</p> <ul style="list-style-type: none"> <li>• Long Beach from Square Head to end of Sandy Place</li> <li>• Maloneys Beach from end of Hibiscus Close to National Park</li> <li>• Bengello Beach from sandpit to windsock</li> <li>• Bingie Beach from National Park to Coila Lake</li> <li>• North Nangudga Beach, with access by road only and not along Handkerchief Beach</li> </ul>

## Implementation

Requirements		Responsibility
1	<p><b>Compliance Process</b></p> <p>This policy will be implemented via council's Compliance Policy.</p>	Council Officers
2	<p><b>Approved Areas</b></p> <p>Approved areas have been in place and are reviewed and approved following public exhibition, submissions and consideration of criteria.</p>	Council Managers and Officers
3	<p><b>Enforcement</b></p> <p>Rangers will enforce the policy and determine follow up actions.</p>	Rangers
4	<p><b>Staff</b></p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council Officers
5	<p><b>Concerns</b></p> <p>Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.</p>	Council Officers
6	<p><b>Complaints</b></p> <p>Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.</p>	Public Officer
7	<p><b>Consultation</b></p> <p>Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p>	As required



## Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2016.

This policy may also be reviewed and updated as necessary if legislation requires it; or when council's functions, structure or activities change; or when technological advances or new systems change the way that council manages recreational horse-riding on public beaches.

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

Performance indicator	Data source(s)
Breaches	Council records
Internal or external audit	Audit

## Governance

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

### Related legislation and policies

Name	Link
Compliance Policy	<a href="http://www.esc.nsw.gov.au/site/Publications/Strategies/PolicyReg/Default.aspx">www.esc.nsw.gov.au/site/Publications/Strategies/PolicyReg/Default.aspx</a>
Local Government Act 1993	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/</a>
Protection of the Environment Operations Act 1997	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/poteoa1997455/">www.austlii.edu.au/au/legis/nsw/consol_act/poteoa1997455/</a>
Environmental Planning and Assessment Act 1979	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/">www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/</a>
Native Vegetation Act 2003	<a href="http://www.environment.nsw.gov.au/vegetation/nvact.htm">www.environment.nsw.gov.au/vegetation/nvact.htm</a>

### Related external references

Name	Link
Division of Local Government	<a href="http://www.dlg.nsw.gov.au/">www.dlg.nsw.gov.au/</a>
Department of Environment and Heritage	<a href="http://www.environment.nsw.gov.au/">www.environment.nsw.gov.au/</a>
National Parks and Wildlife Services	Horse Riders Code

### Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Policy adopted.
2	10 Sep 2013	Council	13/276	E13.7095	Reviewed and updated.
3	TBA				Reviewed and updated.



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*Internal use*

Responsible officer		Director Planning & Sustainability Services		Approved by	Council
Min no	13/276	Report no	O13/60	Effective date	TBA
File no	E13.7095	Review date	Sep 2016	Pages	4

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**PSR17/040 POLICY REVIEW - TOWN SIGNS**

**E16.0297**

Responsible Officer: Deb Lenson - Acting Director, Planning and Sustainability Services

Attachments: 1. Under Separate Cover - Town Signs Policy

Focus Area: Support Services

Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council operates

Operational Plan Link: SS1.2.2 Ensure transparency in council dealings

**EXECUTIVE SUMMARY**

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

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

The Town Signs policy has been reviewed. The purpose of this report is to recommend that the draft policy be placed on public exhibition before being presented to Council for consideration to adopt.

**RECOMMENDATION**

THAT:

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

**BACKGROUND**

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

The purpose of the Town Signs policy is to provide opportunity for communities to promote the location and character of their town or village in a simple and attractive form of signage that is sensitive to its environment in its location, size and design. This recognises the value to the community of signage that promotes local places of interest for locals and tourists alike.

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**PSR17/040 POLICY REVIEW - TOWN SIGNS**

**E16.0297**

The policy has been developed to ensure compliance with legislative requirements under the *Environmental Planning and Assessment Act 1979, Local Government Act 1993, Roads Act 1993* and *State Environmental Planning Policy No 64 Advertising and Signage*.

**Changes**

In addition to minor referencing changes, the Town Signs policy has been reviewed as follows:

1. Additional sentence under Purpose:

*'This recognizes the value to the community of signage that promotes local places of interest for locals and tourists alike.'*

2. Addition of Section 6d:

*'Design – Variations*

*Designs for town signs which do not meet the requirements of Section 6a-6c above may be considered by Council on merit having regard to:*

1. *the aims of this policy*
2. *Schedule 1 Assessment criteria of SEPP 64*
3. *the views of the relevant community received through public consultation and*
4. *the specific characteristics of the proposed sign and its location.'*

**CONSIDERATIONS**

**Policy**

Council is currently developing a shire-wide signage strategy that will include consideration of town signs. It is intended that a further review of this policy will be undertaken when that strategy has been completed.

**Social Impact**

The policy recognises the value to the community of signage that promotes local places of interest for locals and tourists alike while taking such steps as are appropriate to ensure the erection of town signs does not detract from the use or amenity of the location.

**Economic Development Employment Potential**

The policy aims to develop and increase the tourism economy by providing the opportunity for communities to promote local places of interest for tourists.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 July 2017 until Tuesday 1 August 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Town Signs policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition

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**PSR17/040 POLICY REVIEW - TOWN SIGNS**

**E16.0297**

period and the draft Town Signs policy will be presented to Council for consideration to adopt. A further review of the policy will take place at the completion of the signage strategy.

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**IR17/038 EUROBODALLA PATHWAYS STRATEGY 2017**

**E07.1434**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments:

1. Under Separate Cover - Eurobodalla Pathway Strategy 2017
2. Under Separate Cover - Eurobodalla Pathway Strategy 2017 Appendices
3. Under Separate Cover - Eurobodalla Pathway Strategy 2017 maps
4. Under Separate Cover - Summary of Submission Responses
5. Under Separate Cover - Confidential - Pathways Strategy Submissions non-survey

Focus Area: Liveable Communities

Delivery Program Link: L5.3 Provide and develop Council's shared pathway and cycleway network

Operational Plan Link: 5.3.2 Seek grant funding and partnership opportunities to develop network

## **EXECUTIVE SUMMARY**

This report seeks Council's endorsement of the Eurobodalla Pathways Strategy 2017.

This Strategy is a guiding document for the development of new pathway facilities for pedestrians and cyclists within Eurobodalla. This includes both formal footpaths and shared pathways.

Council has a strong record of working with our community, other levels of Government and using Council's own resources over the last decade to greatly enhance the pathway network across Eurobodalla.

The development of this revised 2017 Eurobodalla Pathways Strategy has been aided by our Pathways Strategy Sunset Advisory Committee. This community based Advisory Committee consists of two Councillors and four community members from across Eurobodalla representing pedestrians, cyclists and people with a disability. Council is highly appreciative of the community members' input into the development of this Pathways Strategy. We record our thanks to community members Danielle Brice, Brad Rossiter, Elaine Heskett, Edward Proudfoot and Vicki Jones for the time they have volunteered to help oversight the development of this Strategy.

The draft Strategy has been subject to extensive community engagement. This engagement plan included media releases advertising the Strategy, drop in sessions, community surveys and written submissions to Council, over an extended exhibition period of 42 days. There were 182 respondents to the survey and an additional 57 written submissions received by Council. The Advisory Committee reviewed all information from the engagement process, and with various changes made to the Strategy now submitted to Council for approval.

## **RECOMMENDATION**

THAT:

1. Council adopt the Eurobodalla Pathways Strategy 2017.

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**IR17/038 EUROBODALLA PATHWAYS STRATEGY 2017**

**E07.1434**

2. Council write to members of Pathways Strategy Sunset Advisory Committee thanking them for their contribution.

**BACKGROUND**

The *Eurobodalla Shared Path Strategy 2010* has provided strategic direction to the provision of pathways across Eurobodalla. This strategy required review and updating.

Council's *Improvement Plan*, prepared for our Fit for the Future submission to IPART, also identified that the need to "review, exhibit and adopt a Pathways Strategy".

Council established the Pathways Strategy Sunset Advisory Committee in May 2016 to assist in the oversight of the engagement strategy for the development of a new Pathways Strategy.

The draft Strategy was submitted to Council on 9 August 2017 with Council resolving that:  
"IR16/039 EXHIBITION OF DRAFT EUROBODALLA PATHWAYS STRATEGY 2016 - 2026  
16/248 MOTION Councillor Brice/Councillor Innes  
THAT:

1. Council endorse the draft Eurobodalla Pathways Strategy 2016 for public exhibition for a minimum of 42 days.
2. The results of the public exhibition of the draft Eurobodalla Pathways Strategy 2016 be referred to the Pathways Strategy Sunset Advisory Committee to review and make recommendations to Council.
3. The results of the public exhibition and Pathways Strategy Sunset Advisory Committee's recommendations be reported to Council for consideration prior to adopting the Eurobodalla Pathways Strategy 2016 (amended as determined by Council)."

Council has undertaken extensive community engagement on the draft Strategy (as outlined under 'community and stakeholder engagement'). The draft Strategy has been updated taking account of the feedback from the community, the Advisory Committee and to reflect current information (eg completion of works during 2016-17).

**CONSIDERATIONS**

The Eurobodalla Pathways Strategy 2017 is a guiding document for the development and implementation of new pathway facilities for pedestrians and cyclists within Eurobodalla. This includes both formal footpaths and shared pathways.

The Strategy aims to:

- improve the safety of pedestrians and cyclists through appropriate separation with vehicles
- develop a practical network of facilities with continuous links to key destinations
- encourage walking and cycling as alternative modes of transport
- encourage greater use of public transport through better connectivity with bus routes and stops
- improve accessibility for people with differing abilities and ages
- improve social outcomes for young people and those without access to a motor vehicle

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**IR17/038 EUROBODALLA PATHWAYS STRATEGY 2017**

**E07.1434**

- allow people improved opportunities to get out for a walk or a bicycle ride to socialise with others, thereby helping their mental and physical wellbeing
- promote environmental, recreational, health and economic benefits of walking and cycling.

Our community has consistently identified pathways as a high priority through various community surveys. This is also reflected by the significant contribution community groups have made into pathways at Tuross Head, Broulee, South Durras, South Head and Dalmeny-Kianga-Narooma.

**Environmental**

The provision of formal pathways encourages a more active community. Together with the obvious health benefits, the provision of formal connections to commercial districts, recreation facilities, schools and other facilities reduces the need for people to drive, reducing the environmental impacts.

The integration of pathways with bus routes, also encourages greater use of public transport, reducing the number of vehicle trips and the need for parking.

**Asset**

The works identified in the Pathways Strategy will guide Council's program for the provision of formal footpaths and shared pathways. Identified works also include the provision of road crossings and ancillary facilities such as bicycle racks at major locations such as commercial centres, sporting facilities and community buildings.

The Pathways Strategy also reinforces the need for developers to provide appropriate pathways as part of all subdivisions, medium density and commercial developments (where a nexus is evident), as part of the development approvals process. This ensures the provision of pathways is provided as part of the development, rather than adding to the future burden on ratepayers.

Council's long term financial plans are updated annually to reflect the funding required to provide for the whole of life costs of maintaining and depreciating new pathways added to the network.

**Social Impact**

The delivery of new pathways and associated facilities in accord with the Pathways Strategy will have positive social impacts for the community including:

- improved safety of pedestrians and cyclists through separation with vehicles
- improved accessibility for the whole community including people with a disability
- improved access to public transport facilities
- improved health outcomes by encouraging a more active community.

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**IR17/038 EUROBODALLA PATHWAYS STRATEGY 2017**

**E07.1434**

**Economic Development Employment Potential**

The Strategy recognises the economic benefit pathways provide by connecting pedestrians and cyclists to business activities, accommodation and recreation areas including beaches and popular lookouts.

The tourism value of the pathways network is also well recognised, with safe shared pathway networks now a feature for visitors to Eurobodalla. The Dalmeny-Kianga-Narooma, Tuross Head, Broulee, South Durras, Batemans Bay and South Head pathways are all examples of shared pathways heavily used by visitors during peak period.

**Financial**

This revised draft Pathways Strategy includes pathway projects and facilities with a combined value of approximately \$11.7 million based on preliminary estimates. Council has budgeted just over \$3.5 million in capital works over the next ten years in the Long-term Financial Plan to implement the Strategy on a priority basis.

Council will continue to advocate to Government for grants, and work with community groups, developers and landowners to optimise the outcomes for the community.

The 2017-18 draft Operational Plan includes a total allocation of \$430,536. This includes the base allocation of \$351,776 plus an additional \$78,760 funding made available through developer and landowner contributions.

Council has also advocated to the NSW and Australian Government to provide additional funding to advance the pathways program in 2017-18 and beyond.

The Pathways Strategy includes an objective methodology for prioritising projects taking account of a range of factors including safety, access to key destinations (including links to schools/TAFE/University, recreation facilities/clubs, CBDs/shops, hospitals), separation with vehicles, provision of connecting linkages, integration with public transport, cost, and tourism and economic benefits. The final priority of work is impacted by other factors such as grant funding, community contributions and integration with other programmed works.

Each year, Council determines the draft annual program of works prior to advertising for broad community feedback as part of the annual Operations Plan. Councillors then consider this community feedback prior to Council making its determination in adopting the final program.

The Strategy provides a sound basis to inform future grant applications. The majority of these grants come from the Roads and Maritime Services with a strong emphasis on the transport and safety benefits of shared pathways and appropriate pedestrians facilities to aid safe crossing of roadways.

IPWEA NSW has recently advocated to the NSW Government to introduce an active walking program to enhance the current funding program, which focuses on shared pathways only.

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**IR17/038 EUROBODALLA PATHWAYS STRATEGY 2017**

**E07.1434**

**Community and Stakeholder Engagement**

The development of the Pathways Strategy has been aided by our Pathways Strategy Sunset Advisory Committee. This community based Advisory Committee consists of two Councillors and four community members from across Eurobodalla representing pedestrians, cyclists and people with a disability. Council is highly appreciative of the community members' input into the development of this Pathways Strategy. We record our thanks to community members Danielle Brice, Brad Rossiter, Elaine Heskett, Edward Proudfoot and Vicki Jones for the time they have volunteered to help develop this Strategy.

To allow the broader community to review, comment and have their views presented prior to finalisation of the Strategy, the Advisory Committee assisted Council to develop a community engagement plan. This engagement plan included media releases advertising the Strategy, drop in sessions, community surveys and written submissions to Council, over an extended exhibition period of 42 days.

There were 182 respondents to the survey and an additional 57 written submissions received by Council. The Advisory Committee reviewed all information from the engagement process, and various changes were consequently made to the Pathway Strategy submitted to Council for approval.

A summary of the responses to the submissions is attached. A copy of all submissions has been provided to Councillors as a confidential attachment.

**CONCLUSION**

The Eurobodalla Pathways Strategy 2017 has been prepared working closely with the Pathways Strategy Sunset Advisory Committee.

This report seeks Council's endorsement of the Eurobodalla Pathways Strategy 2017.

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**IR17/041 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2016-17**

**E16.0002**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments:

Focus Area: Productive Communities

Delivery Program Link: P3.1 Undertake advocacy activities to further the development of transport infrastructure and support future growth

Operational Plan Link: P3.1.2 Coordinate the Local Traffic & Development Committees

**EXECUTIVE SUMMARY**

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for the Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 22 May 2017 were as follows:

- Signage – Stop Sign at the intersection of Cook Avenue and Pacific Road, Surf Beach
- Bus Zone – Changed location, Sunshine Bay
- Bus Zone – New locations on Beach Road, Batemans Bay
- Bodalla School Bus Stop Interchange – Proposed site visit by the Committee
- School Zone Signs – Information on additional signs with flashing lights for Sunshine Bay Public School
- Local Area Traffic Management, concept for consultation - Heron Road, Catalina

**RECOMMENDATION**

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 7 of 2016-17 held on 20 April 2017 be received and noted.
2. That Council Plan No.5156 Set BB Sheet 04 detailing the proposed Stop Sign and associated line-marking at the intersection of Cook Avenue and Pacific Road, Surf Beach be approved.
3. That as shown on Council Plan No.5156 Set AH Sheet 03 approval be given to:
  - a. A bus zone be installed on the south bound side of Beach Road, Sunshine Bay
  - b. The bus zone on Sunshine Bay Road be removed and replaced with a mix of 5 minute and 2 hour parking on school days.
4. That Council Plan No. 5156 Set AH Sheet 04 detailing the proposed bus stop and associated

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**IR17/041 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2016-17**

**E16.0002**

bus zone on Beach Road near the Bavarde Avenue intersection, Batemans Bay be approved.

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 8 for 2016-17 was held on 22 May 2017 in a Council meeting room. The meeting was attended by Councillor Anthony Mayne (Chair), Danielle Brice (representative for the Hon Andrew Constance MP), Kelly Cherry (Roads and Maritime Services), Dave Hunter (Traffic Officer and Chairperson) and Matt Cormick (Minute Taker).

Apologies were received from NSW Police.

**MINUTES OF PREVIOUS MEETING**

The Minutes of the Eurobodalla Local Traffic Committee Meeting No 7 for 2016-17 held on Thursday 20 April 2017 were confirmed and accepted.

**OUTSTANDING ITEMS FROM PREVIOUS MEETING**

There were no outstanding items discussed.

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION**

**2017.RT.011 Signage and Line-marking – Stop Sign at the intersection of Cook Avenue and Pacific Road, Surf Beach**

Council has received concerns from a customer about road safety at the intersection of Cook Avenue and Pacific Road, Surf Beach. This is a 50km/h urban zone.

The intersection has a 'T' configuration with Cook Avenue the through road. As vehicles approach along Pacific Road, the sight line looking to the left is limited. This is due primarily to a curve in Cook Avenue.

The sight distance measured from a vehicle stopped on Pacific Road looking left to an oncoming vehicle on Cook Avenue is 50 metres. This meets the RMS guide requirements for the installation of a Stop Sign. There is no recorded crash history in the TfNSW database over the 2011-2015 period, however anecdotal evidence (from the concerned customer) is that there may have been minor accidents at this intersection.

In consideration of the above factors and to reduce the risk of vehicle crashes, a Stop Sign and associated line-marking is warranted at the intersection.

The Committee reviewed Council Plan 5156 Set BB Sheet 03 with the location of the sign zones.

**Recommendation:**

That Council Plan No.5156 Set BB Sheet 03 detailing the proposed Stop Sign and associated line-marking at the intersection of Cook Avenue and Pacific Road, Surf Beach be approved.

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**IR17/041 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2016-17**

**E16.0002**

**2017.RT.012 Bus Zone – Changed location, Sunshine Bay**

Council has received a request from Priors Bus Service to install a bus zone on Beach Road, Sunshine Bay. Southbound buses have been stopping at this location, near the old Ray White real estate office (now disused), for several years. The proposed bus stop is about 40 metres south of the Sunshine Bay Road intersection, near the public school.

We have received a request from a customer to remove the bus zone on Sunshine Bay Road. This bus zone is located within the on-street east bound parking bay, adjoining the public school. The customer claims that buses never stop there in either the morning or afternoon, and that many drivers park illegally in this area. The bus zone is timed 8.30am-9.30am and 2.30pm-3.30pm. The issue was identified in a recent Committee item 2017.RT.005, as a result of the adjoining regulatory signage being modified to assist school drop-off and pick-up.

Priors Bus Service advised that the Sunshine Bay Road timed bus zone is only used as an interchange point for students travelling through to Broulee, and this occurs at 8am. They have no objection to the removal of this bus zone.

To accommodate the request from Priors Bus Service, and also to assist the Sunshine Bay Public School road users, it is proposed to:

1. Install a bus zone on Beach Road
2. Remove the bus zone and change this parking bay section to a mix of 5 minute and 2 hour parking on school days. This is consistent with the other section of the parking bay that adjoins the bus zone.

The Committee reviewed Council Plan No. 5156 Set AH Sheet 04 depicting the proposed parking arrangements.

**Recommendation:**

That:

1. a bus zone be installed on the south bound side of Beach Road, Sunshine Bay, and
2. the bus zone on Sunshine Bay Road be removed and replaced with a mix of 5 minute and 2 hour parking on school days,

as shown on Council Plan No.5156 Set AH Sheet 04 be approval.

**2017.RT.013 Bus Zone – New locations on Beach Road, Batemans Bay**

Concerns have been raised about the safety of pedestrians alighting from southbound buses on Beach Road, then walking across the road at an undesirable location.

Council, in 2016, undertook a Pedestrian Access and Mobility Plan (PAMP) for the area from the Batemans Bay CDB along Beach Road through to the Batehaven Shopping Centre. The primary route for pedestrians is on concrete paths along both sides of Beach Road.

The PAMP identified the safety concern as pedestrians cross Beach Road to and from buses. An afternoon pedestrian count was undertaken and one of the observers witnessed several people having difficulty crossing the road.

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**IR17/041 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2016-17**

**E16.0002**

The desirable locations for pedestrians to cross Beach Road at signalised intersections or using the splitter islands at roundabouts are documented in the PAMP.

The PAMP also recorded that discussions have commenced with the local bus company to find a solution. Bus routes may be able to be altered or stops located closer to traffic signals or roundabouts. All sites are on the south eastern side of Beach road:

- opposite Pacific Street (can be reinstated if the intersection is signalised)
- at the Marina
- opposite the Manor retirement village (near Birdland).

The current Batemans Bay Marina bus stop, which is well away from any roundabout or signalised intersection, is under investigation by the Committee as part of the Transport for NSW funded bus stop upgrade project. The slope of this bus stop at the boarding point is too steep to comply with accessibility standards. This investigation is ongoing with a primary consideration to remove the bus stop, after consultation.

To reduce the risk to bus users, it is proposed to install a separate bus stop and associated bus zone on Beach Road near the Marina, close to the Bavarde Avenue intersection. The local bus company agrees that this bus stop should be installed.

The Committee reviewed Council Plan No. 5156 Set AH Sheet 04 depicting the new bus zone.

Recommendation:

That Council Plan No. 5156 Set AH Sheet 04 detailing the proposed bus stop and associated bus zone on Beach Road near the Bavarde Avenue intersection, Batemans Bay, be approved.

**INFORMAL ITEMS FOR DISCUSSION**

**2017.IN.011 School Zone Signs – Information on additional signs with flashing lights for Sunshine Bay Public School**

The Roads and Maritime Services (RMS) have informed Council that as part of their latest upgrade of school zone signs, additional electronic signs will be installed at Sunshine Bay Public School. The static signs will be removed and replaced with school zone signs with flashing lights on Sunshine Bay Road.

The installation is expected to be completed by the end of June 2017. This will improve the safety for students.

Recommendation:

That with the installation of school zone signs with flashing lights on Sunshine Bay Road, the Committee write to the Roads and Maritime Services thanking them for their ongoing commitment to school student safety.

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**IR17/041 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2016-17**

**E16.0002**

**2017.IN.012 Local Area Traffic Management, concept for consultation - Heron Road, Catalina**

Construction is well underway on the South Batemans Bay Link Road (Glenella Road) project. This project distribute traffic from the highway and CBD through to the southern suburbs, rural areas of Batemans Bay and the Surf Beach employment lands.

Once complete, Heron Road will be connected to Glenella Road and the Princes Highway. This will increase traffic using Heron Road. It is proposed to establish a Local Area Traffic Management (LATM) precinct within Heron Road to retain a safe urban precinct. This will include the use of a mountable roundabout, kerb blisters and midblock islands slow points to control the speed of traffic along Heron Road.

In the first instance, consultation with the local community and bus company will be undertaken, based on a concept plan. Research is also underway on the expected traffic flows to and from Catalina resulting from the new road link.

A concept plan will be presented to the Committee for discussion and advice on the best way to start the consultation process.

The final link from Glenella Road through to the Princes Highway, including installation of an appropriate intersection treatment, is a NSW Government responsibility with the Roads & Maritime Services being the responsible agency. Timing of the completion of the highway works is subject to allocation of funding in the NSW Government budget.

The Committee discussed the potential impact on various sections of the Catalina suburb and streets. It was agreed that the properties that will have LATM structures at their street frontage will be contacted for feedback in the first instance.

It was agreed that Council should undertake community engagement in the normal manner as per the adopted community engagement framework.

**Recommendation:**

That Council undertake community engagement to inform affected residents of the proposed installation of Local Area Traffic Management on Heron Road, Catalina.

**GENERAL BUSINESS**

The Committee agreed to write to the outgoing Road Safety Officer Heidi Hanes, thanking her for the excellent work with the Committee, particularly with the dedication in improving road safety in our region.

**NEXT MEETING**

The next meeting of the Eurobodalla Local Traffic Committee is to be held on Thursday 15 June 2017 in the Council's Committee Room commencing at 9.30am.

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**IR17/042 POLICY REVIEW- PRESSURE SEWER SYSTEMS**

**E16.0297**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Pressure Sewer Systems Policy

Focus Area: Sustainable Communities

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

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

### **EXECUTIVE SUMMARY**

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

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

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

### **RECOMMENDATION**

THAT

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

### **BACKGROUND**

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

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

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**IR17/042 POLICY REVIEW- PRESSURE SEWER SYSTEMS**

**E16.0297**

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

**Changes**

The policy has been reviewed and some minor referencing updates have been made. Additionally item 5b) has been included in the implementation table under Ownership

Council managed pressure sewer systems - Council will own and maintain the pressure sewer main and property service connections from the main to and including the boundary kit.

This has been added to clarify ownership and responsibility.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 July 2017 until Tuesday 1 August 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

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

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**IR17/043 POLICY REVIEW - WATER SUPPLY AND SEWERAGE HEADWORKS  
CHARGES**

**E16.0297**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Water Supply and Sewerage Headworks  
Charges Policy

Focus Area: Sustainable Communities

Delivery Program Link: S2.1 Provide and renew water infrastructure

Operational Plan Link: S2.1.1 Deliver capital and renewal works program

### **EXECUTIVE SUMMARY**

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

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

The Water Supply and Sewerage Headworks Charges policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT:

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

### **BACKGROUND**

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

The provision of existing water and sewer services, including operations and maintenance activities, asset renewals and level of service upgrades is funded by income derived from existing consumers through water and sewer availability and usage charges. New infrastructure

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**IR17/043 POLICY REVIEW - WATER SUPPLY AND SEWERAGE HEADWORKS CHARGES**

**E16.0297**

required to service development is funded by the developer through direct construction costs and headworks charges. That is, the developer funds the construction of new assets required to service their development, and contributes to capacity upgrades of the existing system required to accommodate the additional demand of development.

Section 64 of the Local Government Act 1993 provides that council may require a contribution from developers towards the cost of water and sewer management works (ie: headworks) where Council has developed a Development Servicing Plan in accordance with the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (NSW Office of Water).

Council's Development Servicing Plans (2005) for Water Supply and Sewerage Services have determined the charges to be applied to developers for the increase in demand or loading that an average residential dwelling or house (otherwise known as an 'equivalent tenement' (ET)). Headworks charges for development other than an average residential dwelling are determined by assessing the demands on Council's water supply and sewerage infrastructure of that development and comparing them with an equivalent tenement. Development is therefore assessed in numbers of ET, and water and sewer headworks charges are levied as multiples of the adopted developer charges. It is therefore important to define the demand of an equivalent tenement to enable an assessment of the impact of different types of development.

This policy establishes the water and sewer demands of an equivalent tenement for the local area to be used in the determination of headworks charges, and defines the equivalent tenement demands to be used when assessing common types of development.

**Changes**

The policy has been reviewed and the following changes made:

- The name has been changed from "Water and Sewerage Headworks Charges" to "Water Supply and Sewerage Headworks Charges" for clarity of purpose.
- the Local Equivalent Tenement Demands for sewer have been changed from 140 to 120 kilolitres/ET annual demand or 900 litres/ET peak day demand following a review of actual sewer usage in the Shire (ie local conditions)
- the Vacant Land category for equivalent tenements used for subdivision of land in which additional vacant lots are created has been changed to include Small Residential Lots <500m square with Water ET of 0.8 and sewer ET of 1.0 to recognise the reduced demand for water for small residential lots (ie reduced garden/lawn area)
- the Local Equivalent Tenement Demands for the creation of additional large residential lots has been changed from Water ET of 1.5 to Water ET of 1.2 following a review of local conditions
- the Multi –Residential Development (Duplex/Dual Occupancy) category has been changed to include the potential for subdivision by the following wording:

*"Where there is a potential for the property to be subdivided to create multiple lots with a residence on each lot, the equivalent tenements shall be calculated in accordance with Clause 2 Vacant Land.*

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**IR17/043 POLICY REVIEW - WATER SUPPLY AND SEWERAGE HEADWORKS  
CHARGES**

**E16.0297**

*Where the lot size or layout is such that the property cannot be further subdivided, the equivalent tenements shall be calculated in accordance with Clause 3 Multi-Residential Development (Units)."*

This change is to close a loophole in which developers construct two dwellings as a dual occupancy/duplex development and later subdivide the lot. The two stage process resulted in reduced headworks charges being levied.

**Community and Stakeholder Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 July 2017 until Tuesday 1 August 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

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

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**IR17/044 POLICY REVIEW - BUS STOPS AND BUS ZONES**

**E16.0297**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Bus Stops and Bus Zones Policy

Focus Area: Productive Communities

Delivery Program Link: P3.3 Provide road and traffic management planning, programs and infrastructure

Operational Plan Link: P3.3.1 Implement road safety programs and plans

### **EXECUTIVE SUMMARY**

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

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

The Bus Stops and Bus Zones policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT

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

### **BACKGROUND**

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

Eurobodalla Shire Council's policy is developed to ensure that bus stops and bus zones are in appropriate locations and have appropriate signs where necessary.

### **Changes**

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

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**IR17/044 POLICY REVIEW - BUS STOPS AND BUS ZONES**

**E16.0297**

It is anticipated that this policy will undergo further review based on findings of a recent Coroner's Inquest to be provided later this calendar year.

**Community and Stakeholder Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 July 2017 until Tuesday 1 August 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

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

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**IR17/045 POLICY REVIEW - RURAL SCHOOL BUS ROUTES AND BUS STOPS**

**E16.0297**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Rural School Bus Routes and Bus Stops policy

Focus Area: Productive Communities

Delivery Program Link: P3.3 Provide road and traffic management planning, programs and infrastructure

Operational Plan Link: P3.3.1 Implement road safety programs and plans

### **EXECUTIVE SUMMARY**

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

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

The Rural School Bus Routes and Bus Stops policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT

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

### **BACKGROUND**

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

Eurobodalla Shire Council's policy was developed to provide Council with the means to consistently and objectively assess requests for rural school bus routes and bus stops.

Council is defined as a Roads Authority under the *Roads Act 1993*. This policy assists Council with the location, design and operation of school bus routes and bus stops in rural areas. It will provide a

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**IR17/045 POLICY REVIEW - RURAL SCHOOL BUS ROUTES AND BUS STOPS**

**E16.0297**

risk orientated approach to the approval and provision of road related infrastructure associated with rural school bus services (bus routes, bus stops and bus bays).

**Changes**

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

**Community and Stakeholder Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 July 2017 until Tuesday 1 August 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

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

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**FBD17/046 INVESTMENTS MADE AS AT 31 MAY 2017**

**E99.3517**

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

Attachments: Nil

Focus Area: Support Services

Delivery Program Link: SS1.1 Manage Council's financial assets and obligations

Operational Plan Link: SS1.1.2 Undertake forward budgeting and financial reporting

**EXECUTIVE SUMMARY**

The purpose of this report is to:

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

**RECOMMENDATION**

THAT the certification that the investments as at 31 May 2017 made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg 212) of the *Local Government (General) Regulation 2005*, be received.

**CONSIDERATIONS**

**Legal**

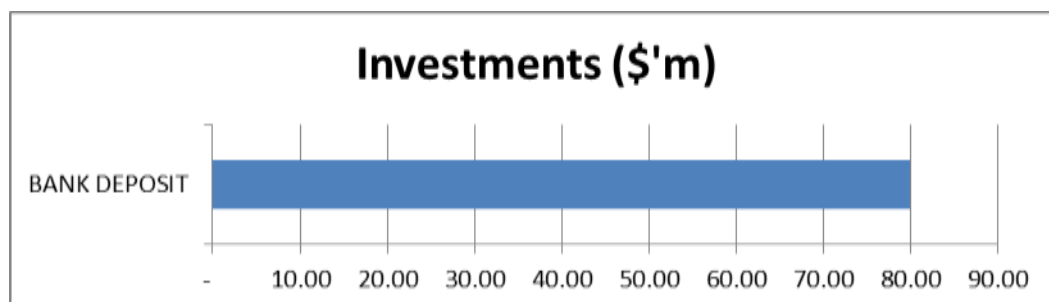
Budgeted legal fees for 2016-17 are \$0.035m and it is expected that future credit crisis legal costs will not be material.

**Policy**

Investments do not comply with Council's Investment policy because of the recent rating downgrades to 23 financial institutions by the rating agency Standard and Poors (S&P). The rating changes forced investments held in three (3) institutions into the 'some limited risk' category of the investment policy and it will take approximately three (3) months to rebalance the portfolio.

**Financial**

Council Investing Overall



**FBD17/046 INVESTMENTS MADE AS AT 31 MAY 2017**

**E99.3517**

Council has 100% (\$79.91m) invested in bank deposits. The bank deposits were held in banks rated A or greater or covered by the AAA rated Government Guarantee before the rating downgrades by S&P on 22 May 2017. This downgrade has increased the 'some limited risk' category to 44.42% which is above the policy limit (20%) by 24.42% and will take approximately three (3) months to rebalance. Investment in Government Guaranteed Deposits is \$2.25m and represents 2.81% of the portfolio.

The weighted average return for all investments for the month is 2.58% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (1.99%).

Collateralised Debt Obligation (CDO)

Funded legal action against one financial institution is in the early stages and is likely to continue for some time, although any return is not expected to be material.

Summary Investment Information

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

<b>CATEGORY</b>	<b>(\$)</b>
At Call Deposit Government Guaranteed	250,000
At Call Deposit	3,662,608
Term Deposits	74,000,000
Term Deposits Government Guaranteed	2,000,000
	<b>79,912,608</b>
<i>Weighted average Interest %:</i>	2.58%
<i>Average 90 day BBSW + 25%</i>	1.99%

Policy and Liquidity Risk

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

<b>Policy Risk</b>	<b>Low Liquidity Risk %</b>	<b>Total %</b>	<b>Policy Risk % (Max Holdings)</b>
<b>Remote Risk</b>	2.81	2.81	100.00
<b>Near Risk Free</b>	52.76	52.76	100.00
<b>Some Limited Risk</b>	42.42	42.42	20.00
<b>At Risk</b>	0.00	0.00	0.00
<b>Grant Total</b>	<b>100.00</b>	<b>100.00</b>	

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

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**FBD17/046 INVESTMENTS MADE AS AT 31 MAY 2017**

**E99.3517**

audited unrestricted current ratio as at 30 June 2016 is 2.68:1. Council therefore has approximately \$2.68 of current assets for each \$1 of current liabilities.

**CONCLUSION**

Pursuant to provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, I hereby certify that these investments have been made in accordance with *the Local Government Act 1993* and related Regulations.

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**FBD17/047 POLICY REPEAL - CUSTOMER SERVICE CHARTER POLICY**

**E16.0297**

Responsible Officer: Kate Asbury - Acting Director, Finance and Business Development  
Attachments: 1. Customer Service Charter Policy  
Focus Area: Support Services  
Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council operates  
Operational Plan Link: SS1.2.2 Ensure transparency in council dealings

**EXECUTIVE SUMMARY**

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

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

The Customer Service Charter Policy has been reviewed and it is no longer required. The exhibition period for the repeal of the policy is complete and this report is being presented to Council for the policy to be repealed.

**RECOMMENDATION**

THAT the Customer Service Charter Policy be repealed.

**BACKGROUND**

The Customer Service Charter Policy was implemented in 2012, to identify and introduce the ESC Customer Service Standards.

The Customer Service Charter:

- sets out a promise of service to Council's customers;
- identifies how customers can expect to be treated by Council;
- sets out expected behaviours of customers towards Council staff;
- provides comprehensive contact details;
- sets out customer service standards (communication response times) that Council strives to meet.

The Customer Service Charter is a separate document that is distributed in hard copy and electronic formats to Council's customers and staff.

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**FBD17/047 POLICY REPEAL - CUSTOMER SERVICE CHARTER POLICY**

**E16.0297**

**CONSIDERATIONS**

The repeal of the Customer Service Charter Policy was exhibited for 28 days on Council's website, at libraries and at the Customer Service Centre in Moruya. During this time no public submissions were received.

The Customer Service Charter policy is no longer required as the Customer Service Charter has now been embedded in Council operations and is referenced and supported by the Customer Service Policy and Customer Service Guide.

The Customer Service Policy was adopted at the 13 June 2017 Ordinary Meeting of Council.

**Policy**

The Customer Service Charter policy is now referenced and supported by the Customer Service Policy and Customer Service Guide.

**Community and Stakeholder Engagement**

Council has placed the repeal of the Customer Service Charter Policy on public exhibition for a period of 28 days commencing on 5 April 2017 to 2 May 2017. Copies were available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya Customer Service Centre.

**CONCLUSION**

The Customer Service Charter Policy is no longer required as it is referenced and supported by the Customer Service Policy and Customer Service Guide. The exhibition period is now complete and the policy is presented to Council for repeal.



## POLICY

<b>Policy name</b>	Customer Service Charter
<b>Responsible manager(s)</b>	Divisional Manager Corporate Services
<b>Contact officer(s)</b>	Coordinator Customer Service
<b>Directorate</b>	Community & Corporate Outcomes
<b>Approval date</b>	26 July 2012

### Purpose

The Customer Service Charter replaces the previous Customer Service Policy and identifies both qualitative and quantitative customer service standards to which Council aspires.

The Customer Service Charter:

- sets out a Promise of Service to Council's customers;
- identifies how customers can expect to be treated by Council;
- sets out expected behaviours of customers towards Council staff;
- provides comprehensive contact details;
- sets out customer service standards (response times) that Council strives to meet.

The Customer Service Charter is a separate document that is intended for distribution in hard copy and electronic formats to Council's customers and staff.

### Policy statement

<b>1</b>	<b>Application</b> The Customer Service Charter applies to Council staff and Councillors in their interactions with Council's customers. For clarity, the Charter applies also to interactions between Council staff and other Council staff ("internal customers").
<b>2</b>	<b>The Customer Service Charter</b> The Customer Service Charter dated July 2012 is a promise that Council makes to serve fairly and with respect.

### Implementation

Requirements		Responsibility
<b>1</b>	<b>Customer Service Charter</b> This policy will be implemented by following council's Customer Service Charter, which specifies in detail the plan, procedures and matters to be considered.	All Council staff and Councillors
<b>2</b>	<b>Staff Training</b> Under supervision, applicable council staff will be responsible for ensuring that the Customer Service Charter is implemented appropriately within their work area, after they have received relevant training to do so. Training was conducted in November 2012 for all existing staff.	Div. Manager Cultural Development



<b>3</b>	<b>Customer Service Charter Document</b> The Customer Service Charter Document was launched on 11 December 2012 and is available to the public via council's website.	Div. Manager Cultural Development
<b>4</b>	<b>Concerns</b> Concerns received regarding this policy will be recorded on council's customer service request (CSR) or records system and handled in accordance with council's Customer Service Request Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.	Council Officers
<b>5</b>	<b>Complaints</b> Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer
<b>6</b>	<b>Consultation</b> Public submissions regarding this policy will be considered during the policy exhibition period. Any other consultation deemed necessary may occur when and if required, with key stakeholders.	As required
<b>7</b>	<b>Assessment of Performance against the Charter Promise</b> While most Council policies are reviewed on a four yearly basis, the achievement of the Promise of Service set out in the Customer Service Charter should be reviewed annually in line with Council's annual reporting requirements.  This will be done on the basis of any complaints received and an assessment by the Executive Leadership Team of Council's performance in meeting the qualitative and quantitative standards set out in the Charter.	Div. Manager Corporate Services, Executive Leadership Team

### Review

The policy will be reviewed annually and will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2016.

This policy may also be reviewed and updated as necessary if legislation requires it; or when council's functions, structure or activities change; or when technological advances or new systems change the way that council manages its relationships with its customers.

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

Performance indicator	Data source(s)
Complaints	Council records
Customer Feedback Survey Responses	Surveys
Annual review of performance (as set out in (7) above)	Council records

### Governance

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



*Related legislation and policies*

Name	Link
Complaints Policy	<a href="http://www.esc.nsw.gov.au">www.esc.nsw.gov.au</a>
Local Government Act 1993	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/</a>

*Related external references*

Name	Link
Division of Local Government	<a href="http://www.dlg.nsw.gov.au/">www.dlg.nsw.gov.au/</a>

*Supporting documents*

Name	Link
Customer Service Charter document	<a href="http://www.esc.nsw.gov.au/media/487772/customer_service_charter_-_our_promise_of_service_to_you.pdf">www.esc.nsw.gov.au/media/487772/customer_service_charter_-_our_promise_of_service_to_you.pdf</a>

*Change history*

Version	Approval date	Approved by	Minute No	File No	Change
1	23 Jul 2013	Council	13/172	E13.7095	Supersedes previous Customer Service policy - report O13/112

*Internal use*

Responsible officer	Director, Community & Corporate Outcomes			Approved by	Council
Min no:	13/172	Report no:	O13/112	Effective date:	23 July 2013
File No:	E13.7095	Review date:	July 2014	Pages:	3

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**FBD17/050 POLICY REVIEW - COMPETITIVE PROVISION OF SERVICES**

**E16.0297**

Responsible Officer: Kate Asbury - Acting Director, Finance and Business Development

Attachments: 1. Under Separate Cover - Competitive Provision of Services

Focus Area: Support Services

Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council operates

Operational Plan Link: SS1.2.2 Ensure transparency in council dealings

### **EXECUTIVE SUMMARY**

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

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

The Competitive Provision of Services policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT

1. Council endorses the draft Competitive Provision of Services Policy.
2. The draft Competitive Provision of Services Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

### **BACKGROUND**

This policy outlines Council's position on the competitive provision of services. Council will continually strive to deliver services to our community that provide value for money on a quadruple bottom line basis. This policy seeks to balance the cost of service provision with the social and economic costs of the method of delivery.

Council continues to deliver quality services through a mix of delivery mechanisms including:

- direct employment of Council staff;
- direct employment of Council staff working with sub-contractors and materials provided through competitive procurement; and
- fully contracted services.

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**FBD17/050 POLICY REVIEW - COMPETITIVE PROVISION OF SERVICES**

**E16.0297**

This approach provides:

- competitive service delivery;
- community resilience with Council having a highly skilled workforce able to assist the community in times of emergency e.g. floods, storms, bushfire; and
- service delivery which is directly accountable to the community.

Council will continue to strive to improve the level of service delivered to its customers through undertaking service level reviews, benchmarking, continuous improvement and where practicable, Regional/State procurement of services e.g. electricity purchase, borrowing arrangements.

Council is committed to continuing employment of its full-time and part-time staff where the current services are to be delivered on an on-going basis. Casual staff will be used to supplement permanent staff for peak operating periods or specific projects.

Competitive tendering in the market place (open tender with in-house bids) for the current services provided by Council staff will not be pursued unless otherwise determined by Council. Tenders for services currently provided by Council staff can only be accepted by Council in accordance with section 377 (i) of the Local Government ACT 1993.

Council reserves the right to put to competitive tender work surplus to the program that would fully occupy permanent full-time and part-time staff, or works requiring specialised skills and knowledge not currently available to Council.

Council will continue to undertake private works (refer separate policy). Private works will however only be pursued where Council's normal activities are not compromised, or the undertaking of such works is in the community interest.

This policy aims to:

- Promote an integrated framework for the competitive delivery of services;
- Ensure consistency and fairness in the manner in which the competitive provision of services;
- Ensure compliance with legislative requirements under the *Local Government Act 1993*;
- Promote awareness of the requirements of the *Act* with respect to the delivery of community services;
- Take such steps as are appropriate to ensure the services delivered provide our community with value for money; and
- Make the Council's policies and requirements for the competitive delivery of services readily accessible and understandable to the public.

**CONSIDERATIONS**

The Competitive Provision of Services Policy has been reviewed and it is no longer required.

**Legal**

Council will comply with the *Local Government Act 1993* (Section 8) including the guiding principles for councils.

**Policy**

The policy outlines Council's position on the competitive provision of services. Council will continually strive to deliver services to our community that provide value for money on a

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**FBD17/050 POLICY REVIEW - COMPETITIVE PROVISION OF SERVICES**

**E16.0297**

quadruple bottom line basis. This policy seeks to balance the cost of service provision with the social and economic costs of the method of delivery.

**Changes**

The policy has been reviewed and no changes to the intent are recommended at this time. A sentence clarifying that Council cannot delegate acceptance of a tender to provide services currently provided by members of staff on Council, in accordance with the Local Government Act 1993, has been inserted.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 July 2017 until Tuesday 1 August 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Competitive Provision of Services Policy should be publicly exhibited for 28 Days. At the end of the public exhibition period the draft Competitive Provision of Services Policy will be presented to Council for consideration to repeal, along with a report to consider any submissions received during the exhibition period.

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**FBD17/048 POLICY REVIEW - INTEREST FREE ADVANCES TO SPORTING AND  
CULTURAL ORGANISATIONS**

**E16.0297**

Responsible Officer: Kate Asbury - Acting Director, Finance and Business Development

Attachments: 1. Under Separate Cover - Interest Free Advances to Sporting and  
Cultural Organisations

Focus Area: Support Services

Delivery Program Link: SS1.1 Manage Council's financial assets and obligations

Operational Plan Link: SS1.1.2 Undertake forward budgeting and financial reporting

**EXECUTIVE SUMMARY**

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

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

The Interest Free Advances to Sporting and Cultural Organisations Policy has been reviewed. The draft policy is recommendation to be placed on public exhibition before being presented to Council for adoption.

**RECOMMENDATION**

THAT

1. Council endorses the draft Interest Free Advances to Sporting and Cultural Organisations Policy for public consultation.
2. The draft Interest Free Advances to Sporting and Cultural Organisations Policy be placed on public exhibition for a period for 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

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**FBD17/048 POLICY REVIEW - INTEREST FREE ADVANCES TO SPORTING AND  
CULTURAL ORGANISATIONS**

**E16.0297**

**BACKGROUND**

Council recognises the important roles of social, cultural and sporting groups within the community. Interest free loans are made available to these groups subject to criteria and conditions and provide a positive incentive for qualifying organisations to assist the operations and deliver key infrastructure for our community.

**CONSIDERATIONS**

The Interest Free Advances to Sporting and Cultural Organisations Policy has been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates.

**Legal**

Council will comply with the *Local Government Act (NSW) 1993*.

**Policy**

This policy applies to all requests for Interest Fee Advances to Sporting and Cultural Organisations within the Eurobodalla Local Government Area (LGA).

**Asset**

This policy assists community groups to achieve key strategic objectives.

**Financial**

Funds for these loans will be sourced from either of these revolving funds, the 'Council Funded Loans Pool', could be increased by transferring budget from the restriction within the Draft Operational Plan, at quarterly budget review or as a result of a report to a public meeting of Council, and the 'Crown Reserves Interest Free Loans Fund' available in relation to benefits for Crown Land administered by Council and activities thereon.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 July 2017 until Tuesday 1 August 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Interest Free Advances to Sporting and Cultural Organisations Policy be publicly exhibited for 28 days. At the end of the public exhibition period the draft Interest Free Advances to Sporting and Cultural Organisations Policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

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**FBD17/049 POLICY REVIEW - RATES AND DEBTORS HARDSHIP POLICY**

**E16.0297**

Responsible Officer: Kate Asbury - Acting Director, Finance and Business Development

Attachments: 1. Under Separate Cover - Rates and Debtors Hardship Policy

Focus Area: Support Services

Delivery Program Link: SS1.1 Manage Council's financial assets and obligations

Operational Plan Link: SS1.1.3 Levying and collection of rates and charges

### **EXECUTIVE SUMMARY**

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

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

The Rates and Debtors Hardship policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT

1. Council endorses the draft Rates and Debtors Hardship Policy for public consultation.
2. The draft Rates and Debtors Hardship Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

### **BACKGROUND**

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

The Rates and Debtors Hardship Policy provides a framework for responding to applications from owners/ratepayers experiencing genuine hardship with the payment of the rates and charges in accordance with *Local Government Act 1993* and the Local Government (General) Regulation 2005.

### **CONSIDERATIONS**

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

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**FBD17/049 POLICY REVIEW - RATES AND DEBTORS HARDSHIP POLICY**

**E16.0297**

This policy was reviewed 2015 in conjunction with the Special Rate Variation and Fit for the Future requirements.

**Legal**

Eurobodalla Shire Council will comply with the *Local Government Act 1993* and the Local Government (General) Regulation 2005.

**Policy**

This policy provides a framework for responding to applications from owners/ratepayers experiencing genuine hardship with the payment of the rates and charges.

**Community and Stakeholder Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 5 July 2017 until Tuesday 1 August 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre

**CONCLUSION**

The draft Rates and Debtors Hardship Policy be publicly exhibited for 28 days. At the end of the public exhibition period the draft Rates and Debtors Hardship Policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

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**CAR17/023    DISABILITY INCLUSION ACTION PLAN 2017-21**

**E96.0091**

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

Attachments: 1. Under Separate Cover - Disability Inclusion Action Plan 2017-21

Focus Area: Collaborative Communities

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

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

**EXECUTIVE SUMMARY**

Council's Disability Inclusion Action Plan 2017-21 (DIAP) meets the requirements of the NSW Disability Inclusion Act 2014. The DIAP must be adopted by 30 June 2017, with implementation to commence from 1 July 2017.

The draft DIAP was placed on public exhibition from 10 May 2017 until 6 June 2017. During that period three submissions were received.

The DIAP 2017-21 aligns with the Integrated Planning and Reporting (IP&R) framework, with DIAP Actions grouped under the four focus areas of Attitudes and Behaviours; Liveable Communities; Employment and Systems and Processes.

The DIAP links to Council's draft Delivery Program strategies and Operational Plan Actions. In this way the DIAP is a stand-alone document, with a clear focus on improving access and inclusion, but also fits within the IP&R framework for monitoring and reporting.

**RECOMMENDATION**

THAT Council adopt the Disability Inclusion Action Plan 2017-21, as per legislative requirements, with implementation to commence 1 July 2017.

**BACKGROUND**

Council has a long history of improving access, with the first disability committee formed in 1997 and two Disability Action Plans developed and implemented. There have been a range of infrastructure improvements, such as accessible community facilities, bus shelters, pathways, and events, programs and services for people with disability and their carers.

The DIAP provides actions to build on this success, maintaining momentum towards a more inclusive Eurobodalla.

**CONSIDERATIONS**

The DIAP includes information on the legislative framework, detailed community engagement feedback, local demographic and health data on disability and an Action Plan. The Action Plan will be monitored as part of Integrated Planning and Reporting (IP&R) framework and reported on in the Annual Report.

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**CAR17/023 DISABILITY INCLUSION ACTION PLAN 2017-21**

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During the exhibition period Council received three submissions relating to access to the beach at Long Beach, improved access to the taxi rank in Moruya and various items relating to access (toilets, parking) and information dissemination.

**Legal**

Council is required, under the NSW Disability Inclusion Act 2017 to undertake disability action planning and prepare a Disability Inclusion Action Plan for the period 2017-21. The plan must include evidence of community engagement and be adopted by 1 July 2017.

**Social Impact**

Council has a key role in advocating and supporting access and inclusion, ensuring it is a consideration in our own activities and promoting inclusive practice in the wider community.

Continuing to improve access and inclusion within our community will have a tangible impact on social and economic life. Eurobodalla's disability related statistics are higher than state averages. 7% of people have a profound or severe disability (compared to NSW 4.9%), 13% of people over the age of 15 provide support to a person with a disability (compared to NSW 11.4%) and 12.3% of income support recipients receive a Disability pension (compared to NSW 5.6%).

There are 2,653 mobility parking permits in our shire, which has increased by 15% since 2012, and 35.3% of residents are over the age of 60 (compared to NSW 20.3%). With the likelihood of a person developing some level of disability increasing with age (eg mobility, hearing loss) older residents need to be considered as part of our disability planning.

**Community and Stakeholder Engagement**

An extensive and targeted community engagement took place as part of the development of the DIAP.

Survey questions were developed to gather information around the four key priority areas identified in the *Disability Inclusion Act 2014: Attitudes and Behaviours; Liveable Communities; Employment and Systems and Processes*.

Targeted questions were used in four surveys:

- People with disability
- The business community
- Art, sports and recreation groups, and
- The general community.

Surveys were available electronically and in hard copy at Council's customer service desk and at libraries. Assistance was offered to people with disability who may have had difficulty accessing or completing the survey.

Surveys were emailed to over 1,000 Eurobodalla businesses, community groups and people with disability. Surveys were advertised using several methods including Council's website, Facebook, radio and the local newspaper.

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**CAR17/023 DISABILITY INCLUSION ACTION PLAN 2017-21**

**E96.0091**

In total, 159 surveys were completed.

The survey results helped in the development of tailored questions for discussion with the following focus groups.

- Families with children aged under 14 years
- Young people aged 15 to 25
- Older people aged over 65
- Members of the ESC Disability Advisory Committee, and
- Council staff

In total, 44 people participated in these focus groups. The focus group process was assisted by Max Employment, Muddy Puddles and Council's Disability services.

The draft Plan was placed on public exhibition from 10 May until 6 June 2017 on Council's website, at libraries, and at the Customer Service Centre in Moruya.

A total of three submissions were received during the exhibition period from 10 May to 6 June. Councillors received and considered all submissions. The table below provides a summary of issues raised in the submissions and Council's response.

Issues	Response
Requesting review of access to Long Beach beach for people with mobility issues - so that they can get to the beach.	A customer service request will be raised to investigate the local area with the customer and local community associations in the area. Given the issue of beach access has also been raised during the consultation/survey process for the DIAP, we will include beach access as an issue to be addressed under DIAP Action 5.3.1.5.1, including the provision of more access information regarding our main beaches and update our beaches web page with a 'beach access' link.
Request to move the Moruya Taxi rank in Moruya for improved access to/from Woolworths for people with mobility concerns.	The Moruya Chamber of Commerce requested a taxi rank shelter at the rank on Queen St in 2014. After extensive research and correspondence the Chamber received a letter from Council in Feb 2016 which included a concept plan. At present there are no funds allocated. Given the issue of access to the Moruya taxi rank, including a ramp, was raised in two DIAP submissions, the issue will be referred for further consideration by Infrastructure Services.

**CAR17/023 DISABILITY INCLUSION ACTION PLAN 2017-21**

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<p>Multiple issues raised regarding liveable housing, disabled access to public facilities such as parking and toilets, a register of useful equipment for people requiring assistance, as well as the dissemination of information for people with disability eg. exercise programs and coordinated service delivery.</p>	<p>Council has standards within its Residential Zones Development Control Plan that requires residential flat buildings and town houses to be capable of adaptation (to AS 4299 standards – Adaptable Housing) for every one in four residential units. Council will continue to promote the “Liveable Housing Design Guidelines” to create greater awareness.</p> <p>Council is currently undertaking a survey of parking time limits across Batemans Bay CBD, including a review of the accessible spaces. A review of the accessible parking spaces in Narooma CBD will be undertaken later in the 2017-18 financial year.</p> <p>Council car spaces are typically 2.5m wide. This is 0.1m wider than the minimum dimensions in the Australian Standard AS 2890. This standard has been used by Council for many years. Accessible car spaces are 2.5m wide adjacent to an additional 2.5m of reserved area creating an overall space of 5m for parking and access (as per the Australian Standard).</p> <p>Council has developed the Eurobodalla Pathways Strategy 2017 to provide a strategic approach to the provision and prioritisation of pathways in Eurobodalla. The strategy includes pathways in Mossy Point.</p> <p>All newly constructed shops or buildings that are converted to shops are required to comply with the Building Code of Australia, the Access to Premises Code and AS 1428 Design for Access and Mobility where applicable. This matter is reviewed at the development approval phase. Council is focused on upgrading community and recreational facilities under its care and control. This includes an audit and ongoing works as part of the draft DIAP (Action 1.3.2.3.4). New or replaced toilets are installed to Australian Standard AS 1428.1 – this standard specifies a height requirement which Council must adhere to.</p> <p>Council currently provides a link to the National Public Toilet map on its website, which details toilet locations and a range of information, including accessibility. Council's Aged and Disability Services previously had a pool of equipment. However, the recommendation from NDIA (NDIS) and from the Commonwealth funding body( CHSP) is that equipment allocation needs to be the result of professional assessment (eg occupational therapist) and be specific to the needs of the individual.</p> <p>Council currently provides a link to the National Public Toilet map on its website and has developed a Eurobodalla specific Disability Services Guide, which provides a range of service information for our shire. The Guide is on Council's website on the Disability Services page and is well utilised.</p>
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**CONCLUSION**

Council’s Disability Inclusion Action Plan 2017-21 (DIAP) meets the requirements of the NSW Disability Inclusion Act 2014. The Plan is a whole of Council document and aligns with the IP&R framework.

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**CAR17/023    DISABILITY INCLUSION ACTION PLAN 2017-21**

**E96.0091**

The DIAP 2017-21 addresses the four focus areas, as outlined by the NSW Disability Inclusion Action Planning Guidelines. They are Attitudes and Behaviours; Liveable Communities; Employment and Systems and Processes. The document has been developed with the community and represents the next step in improving access and in maintaining momentum towards and even more inclusive Eurobodalla community.

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## **16. DEALING WITH MATTERS IN CLOSED SESSION**

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

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

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

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

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

## AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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