



AGENDA

Ordinary Meeting of Council

13 August 2019

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

ON TUESDAY 13 AUGUST 2019

COMMENCING AT 11.00AM

AGENDA

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

1. WELCOME

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

2.1 Ordinary Meeting held on 30 July 2019

3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

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DR CATHERINE DALE
GENERAL MANAGER

MR19/004 EUROBODALLA WATER SUPPLY - WATER RESTRICTION

File Ref: E02.6933

Attachments: Nil

EXECUTIVE SUMMARY

Drought conditions have taken grip of the NSW landscape. With 95.5% of New South Wales declared drought affected, drought or intense drought, I believe that as a community, we should be considering the affect that this dry weather is having on our water supply.

Eurobodalla is experiencing another very dry winter. Council is already servicing the Eurobodalla community from our off-river storage at Deep Creek Dam and the Northern Water Treatment Plant.

The three month forecast indicates a dryer than average outlook. Council needs to plan well ahead to ensure we keep our community informed and look to sustain our precious water supply.

This report recommends that Council undertakes the necessary preparatory work to commence implementation of Level 1 water restrictions by 14 October 2019 to reduce the demand on our water storage.

River flows should continue to be monitored in the lead-up to the peak Christmas period. Should Council be unable to recommence pumping from our rivers, it will be necessary to implement Level 2 Water Restrictions from 1 December 2019 to ensure we can continue to supply the peak daily demand over the summer period.

Council has been pro-active in looking to the future by allocating the funds and completing the design for the Eurobodalla Southern Water Storage near Bodalla. Grant funding applications have been submitted to the NSW Government. The NSW Government has also submitted a grant application to the Australian Government for the Eurobodalla Southern Water Storage, one of only two shovel ready projects in NSW. Council is awaiting the outcome of these applications.

RECOMMENDATION

THAT:

1. Council commence the necessary work to prepare the community to move to Level 1 Water Restrictions from 14 October 2019.
2. If no significant rainfall occurs, Council implement Level 1 Water Restrictions from 14 October 2019.

REPORT

Council has ceased pumping from our river off-takes and now moved to supply the Eurobodalla community from Deep Creek Dam and the Northern Water Treatment Plant. This is consistent with the design of our water supply system in times of drought conditions.

At the time of writing this report, Deep Creek Dam is sitting at 88.8% full with Level 1 water restrictions nominally introduced at 80% capacity. This will be required in about 6-8 weeks depending on demand.

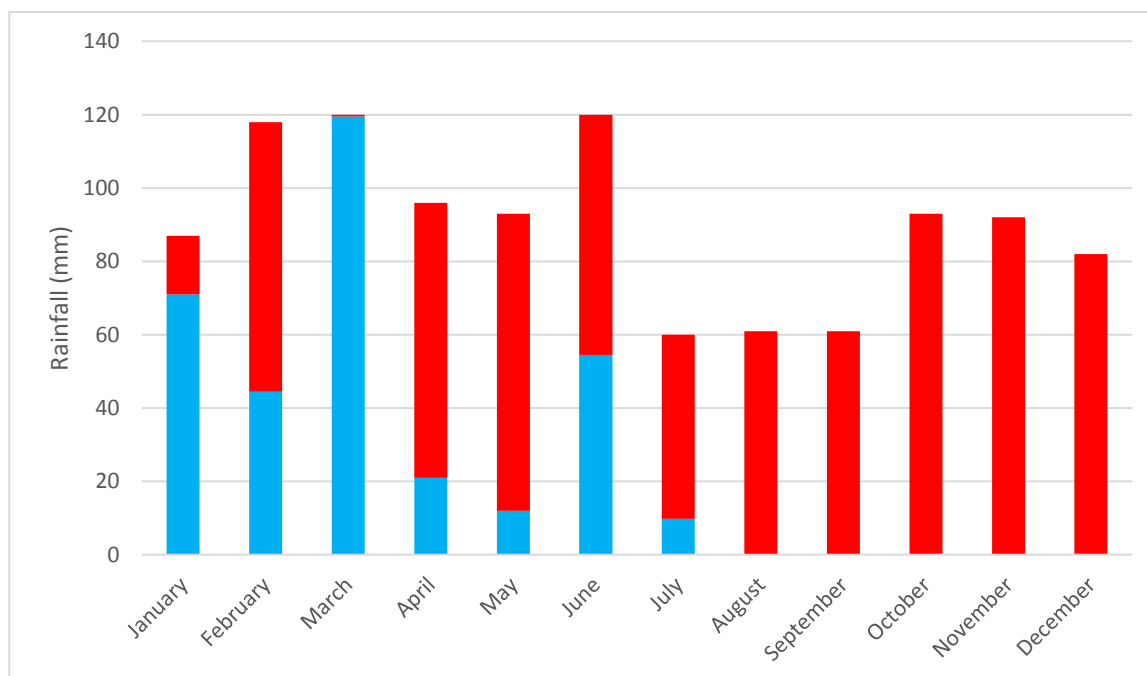
MR19/004 EUROBODALLA WATER SUPPLY - WATER RESTRICTION

To provide sufficient lead time to implement the introduction of Level 1 Water Restrictions, detailed preparation and communication planning needs to commence now.

Council's policy in relation to water restrictions is available on our web-site and can be found at:

<https://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Water-Restrictions-Policy.pdf>

The graph below shows the average monthly rainfall for Batemans Bay compared to the actual rainfall received to July during 2019. The blue indicates the rainfall actually received as a proportion of the monthly average rainfall. As can be seen, the actual rainfall is well below the average monthly rainfall in every month except March.



Graph 1 – Actual rainfall compared to average monthly rainfall

The forecast outlook for the next three months is for a dryer than average rainfall based on the Bureau of Meteorology predictions. Refer to:

<http://www.bom.gov.au/climate/outlooks/#/rainfall/median/seasonal/0>

It is prudent therefore to prepare now for the implementation of Level 1 Water Restrictions in mid-October 2019.

NOM19/004 CLIMATE EMERGENCY

E05.9566

Responsible Officer: Patrick McGinlay - Councillor

Attachments: Nil

Councillor Patrick McGinlay has given notice that at the Ordinary Meeting of Council on 13 August 2019, he will move the following motion.

MOTION

THAT:

1. Council acknowledges and consequently declares that we are living in a time of climate emergency that requires focussed and strategic actions at the local government level, for the benefit of our whole community, in both the immediate and longer term.
2. Council requires that all future or revised existing plans, strategies and substantive initiatives related to any and all Council business and responsibilities, include and provide the following: Evidence of a consideration and an initial assessment of the potential impact on climate change in the broad sense and particularly environmental, economic and social impacts on our Shire and its community. This is to ensure there are no gaps in our knowledge of activities that could have climate change implications.
3. Council staff, within a reasonable timeframe (3 months from date of the motion), provide Councillors with a range of options for practical, effective ongoing community consultation mechanisms in relation to climate change. The objective would be to develop initiatives for either Council, Community or joint consideration/action to mitigate the process of climate change or adapt to its impacts within our community.

BACKGROUND

Overall Objective

The intent of these three Notices of Motion is to state very clearly that this Council body is aware of and is responsibly responding to the scientifically evidenced critical issue of climate change and the current and potential impact it will have on our community, in the future. It is proposed that each motion be voted on individually.

It is worth noting that at the recent National General Assembly of Local Government, there were more than a dozen motions put forward by many councils for consideration, all which gained support, to urge the federal government to declare a climate emergency. That however is not the intent of these particular recommendations; rather it is to focus on what we can do, for our Shire, at a local government level.

Recommendation/Motion 1. - Scientific Evidence and predictions

The vast majority of the worlds' scientists have been making the world aware for decades that there is a crisis in place in regard to climate change. I do not intend to go into a detailed argument here to justify the criticality of this issue, nor the extent to which human activity is contributing to this phenomenon. I will rely instead primarily on the findings of the:

- UN sponsored Intergovernmental Panel on Climate Change (IPCC) report of 2108
- The UN sponsored Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) report of 2019.

NOM19/004 CLIMATE EMERGENCY

- Our own bi-annual CSIRO and BOM reports and predictions on the impact of climate change.

I note on a local level that the NSW RFS has just two weeks ago brought forward the official start of the Statutory Bush Fire Danger Period on the Far South Coast by two months from the previous 1 October, to now 1 August.

Clr Thomson, in another of his roles, has provided the following supportive words: *“As a committee member of Australian Coastal Councils Association I feel it is important that all levels of government recognise that we are experiencing a rapidly changing climate that is being influenced by humans. People living in coastal areas and the agricultural industry are likely to feel the brunt of the changes first and most dramatically. ESC has done an amazing job of finding efficiencies and reducing its carbon footprint and we need to make sure this continues. As community leaders we need to lead by example to reduce the harm done to the environment into the future.”*

Precedents

As at July 2019 there are 28 councils elsewhere in Australia, representing roughly 3 million people, including the ACT Government, that have declared a climate emergency with more planning to put the motion forward. These will provide an additional source for collaborative efforts and shared ideas that can benefit our community.

Recommendation/Motion 2 - Current Eurobodalla Shire Council Initiatives that have an impact

Council has been taking actions to preserve our environment, many of which are relevant to mitigating climate change. These form a foundation upon which we as a Council and a community can build. The second recommendation is to provide a framework to ensure we take a holistic perspective in regard to *all* of our various future and revised plans, strategies and major initiatives, to ensure there are no inadvertent gaps in our attempts to mitigate climate change and its impacts.

There is no intent via this motion that any decision needs to be made to allocate immediate funds, nor a further layer of scrutiny or ‘red tape’ that would absorb any significant time resources of staff. Rather it is, as with any initiative, plan or strategy, that the impact of climate change be incorporated as an incremental consideration into the project development/management process as are many other factors.

Below is an outline of some ESC areas, projects and innovative strategies that address climate change:

Natural Resource Management: coast and estuary projects, invasive species management, and environmental education, to help to protect and enhance carbon storage in the environment. Landcare also provides support for 24 groups across the Eurobodalla that undertake a variety of on ground works on private and public lands. The works aim to improve conservation of natural areas and a broad range of activities such as planting, weeding, feral animal control, and education.

Sustainability: Emissions Reduction Plan, water and waste efficiency programs, energy efficiency and renewable energy programs. These programs all help to minimise and mitigate

NOM19/004 CLIMATE EMERGENCY

the volume of greenhouse gas emissions from Council and the community. The 2017-2021 Emissions Reduction Plan follows over a decade of Council working in the arena of reduction of carbon emissions and increasing renewable energy sources both for the organisation and supporting the community. Eurobodalla Shire Council has been proactive and innovative in the space and continues to be a leader. The plan identifies 21 new actions and 48 'Core' or ongoing actions covering the areas of community, fleet, energy management, street-lighting, leadership, planning, renewable energy and waste. Actions within the plan were designed to help meet the following goals and be achievable and measurable.

Council's goals are set out in the plan and include:

- reduce emissions by 25% by 2020 for Council operations
- reduce energy emissions by 80% by 2030 for Council operations
- source 100% of Council's electricity from renewable energy by 2030.

On 12 February 2019, PSR1/001, minute 19/7, Council considered a renewable energy Power Purchase Agreement report and motioned that "Council commits to the Power Purchase Agreement with Procurement Australia." Council continues to progress discussions with Procurement Australia, their consultants and tenderers on this matter.

Discussions with Essential Energy, regional councils and Joint Organisations has progressed under the 'Southern Lights' project. This has resulted in the accelerated availability of main road LED street lights and smart controls.

With support from the former NSW Office of Environment and Heritage (OEH) Council completed energy audits on three buildings. Funding was received from OEH towards energy efficiency upgrades for the Moruya Administration building air-conditioning system.

Council continues to give preference to investing with financial institutions that do not invest in, or finance, the fossil fuel industry, within the constraints enforced by one of its main lenders, T-Corp. In July 2019, 45% of funds were invested in fossil fuel free institutions.

Methane continues to be flared at two landfill sites and carbon credit revenue is redeemed for this activity under the Emissions Reduction Fund.

Council & Community: Support for a range of community and business initiatives assisting in water, waste and energy reduction. Examples include;

- providing support for and collaborating with the South Coast Health and sustainability Alliance (SHASA),
- providing smart water monitoring, water efficiency support, advice and rebates to schools and large water using businesses,

NOM19/004 CLIMATE EMERGENCY

- supporting 55 food businesses to reduce or eliminate single-use plastic items through the We Care program

Recommendation/Motion 3 – Consultation

It is important to build upon the above and to be able to react to future impacts. The third recommendation is to provide for the development of a consultative mechanism to involve the considerable expertise and interest of our community to encourage them to contribute to developing solutions and ideas on an ongoing basis.

This recommendation simply seeks that staff provide a range of options for councillors' consideration to enable community input in a practical and transparent manner to the development of solutions to the problems, both current and potential that will need addressing in regard to climate change.

Council has been very successful in attracting many grants for many projects because they have had plans and projects in place that are deemed 'shovel ready'. The same approach needs to be taken to prepare for future community and organisation backed projects and initiatives that are related to climate change mitigation and adaption that will require funding. This will prepare us to be prime candidates for such targeted funding that will potentially become available from federal and state level sources as the impacts of climate change deepen.

CONCLUSION

Councillors are urged to consider their role as leaders within our community, and to accept the responsibility of taking action to respond positively to the difficult reality that we all face together, not just in the immediate, but longer term as a community in regard to climate change. This is an issue that needs, at our local level, to be beyond partisan politics, regardless of whatever happens at a State or Federal level. We as elected leaders of our community have to take a long view and the opportunity to step up and therefore, I commend these Motions.

**PSR19/012 NAROOMA DALMENY FLOOD RISK MANAGEMENT ADVISORY
COMMITTEE**

E18.1474

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

Attachments: 1. Terms of Reference [↓](#)
2. Confidential - Submissions

Outcome: Protected and Valued Natural Environment

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

Delivery Program Link: 3.1.2 Minimise the impact of flooding on development and people

Operational Plan Link: 3.1.2.1 Prepare the Narooma Coastal Flood Management Plan

EXECUTIVE SUMMARY

This report presents Council with a proposal to convene a Narooma Flood Risk Management Advisory Committee (committee). The NSW Floodplain Development Manual (manual) advises that a Council needs to convene a Committee to guide the preparation of a Flood Risk Management Study and Plan. Each committee needs to draw members from the local community and must include technical officers from relevant government agencies.

Recruitment for the Committee was undertaken in conjunction with the initial community engagement activities for the project. A survey form including an expression of interest to participate on the committee was sent to approximately 379 owners of properties within the flood planning area of Narooma, Kianga and Dalmeny. In addition to the mail out, two community information sessions were held in Narooma where the same information was made available to the general public. These activities were supported by an online survey, a web page, social media presence and traditional media release. A total 22 responses were received from which four (4) residents expressed an interest to participate on the committee.

A draft Terms of Reference and a list of nominees are attached to this report. The list of nominees are attached as a confidential attachment.

RECOMMENDATION

THAT Council:

1. Endorse formation of a Narooma Dalmeny Flood Risk Management Advisory Committee in accordance with the provisions under the NSW Floodplain Development Manual 2005
2. Adopt the draft Terms of Reference for the Narooma Dalmeny Flood Risk Management Advisory Committee
3. Appoint the nominations to the Narooma Dalmeny Flood Risk Management Advisory Committee forwarded by the community, as contained in Attachment 2
4. The Mayor or her nominee serve as Chair of the Narooma Dalmeny Flood Risk Management Advisory Committee.

**PSR19/012 NAROOMA DALMENY FLOOD RISK MANAGEMENT ADVISORY
COMMITTEE**

E18.1474

BACKGROUND

On 12 June 2018 Council endorsed appointment of WMA Water to prepare the Narooma Coastal Flood Risk Management Plan (plan). The project has commenced with the first stages of community consultation, field work and model validation completed.

The plan differs from the previous flood study for Narooma in that it will aim to identify management responses to alleviate or prevent the impacts from flooding. These responses may include engineering works, planning controls or strategic land use planning aimed at avoiding the hazards. As required by the Manual, a committee needs to be formed at the planning stage of preparing a flood management plan.

The process of forming a committee has commenced with Council having contacted the relevant government agencies concerned with local flood management. The following agencies were invited in writing to participate:

- State Emergency Service – lead combat Agency during flood events
- Office of Environment and Heritage – responsible for administering the NSW Flood Management Program
- Roads and Maritime Services – responsible for major transport corridor across the flood plain
- National Parks and Wildlife – responsible for entrance management of Mumaga Lake.

Each agency has responded and agreed to send a representative to participate on the committee.

Nominations were sought from the community during the consultation process for preparing the plan. Details of the process for seeking nominees are presented later in this report under the Section – Community and Stakeholder Engagement.

CONSIDERATIONS

Role of the committee

The primary role of the committee is to assist council in the development and implementation of a Flood Risk Management Study and Plan. While the committee does not have any formal delegations, it has an important role in advising Council and is an essential link between Council, technical officers and flood affected members of the local community

Nominations

A total of four (4) nominations were forwarded and included in this report following the 379 letters sent out to affected property owners and promoting the committee at the community drop-in sessions conducted as part of preparing the plan.

Names of each nominee are provided in the confidential attachment to this report.

**PSR19/012 NAROOMA DALMENY FLOOD RISK MANAGEMENT ADVISORY
COMMITTEE**

E18.1474

Committee structure

A recommended structure for the committee is outlined in Appendix D of the Manual. As prescribed in the Manual, a committee needs to have representatives from:

- Elected members of council
- Council staff
- Local community
- Government agencies
- Technical experts (generally engaged as consultants).

The composition of representatives from government agencies may vary between different local government areas depending on the issues that need to be considered. As a minimum, each committee needs to have representatives from the Office of Environment and Heritage and the State Emergency Service. Agencies with a role in community welfare may also participate to provide advice on available services during a flood event.

The recommended structure for the Narooma Dalmeny Flood Risk Management Advisory Committee is:

- The Mayor or her nominee (Chair)
- 4 community representatives
- Staff (Coastal & Flood Management Planner)
- Staff (as required)
- 1 staff from OEH
- 1 staff from SES
- 1 staff from RMS
- 1 staff from NPWS
- Consultants as required
- Other Agencies as required.

The committee will make recommendations to council and the Local Emergency Management Committee (LEMC) regarding the preparation and implementation of the management plan. Likewise, members of the LEMC may be invited to present or participate at meetings to ensure both committees are briefed and well informed about the plan.

Legal

Councils are broadly responsible for floodplain management in New South Wales. This role is guided by the *NSW Floodplain Development Manual: the management of flood liable land* which was published in 2005 (Manual), which is a statutory guideline referred to in the *Local Government Act 1999*. Preparation of the plan must satisfy council's statutory role in floodplain management.

**PSR19/012 NAROOMA DALMENY FLOOD RISK MANAGEMENT ADVISORY
COMMITTEE**

E18.1474

A council is afforded indemnity from liability under Section 733 of the *Local Government Act 1999* for decisions made in relation to flooding provided these decisions are made in good faith and in accordance with the best available information. Preparing a flood study in accordance with the process outlined in the Manual can be considered as a demonstration of good faith.

Social Impact

Although infrequent, flooding is a costly natural disaster in Australia and often affects numerous people and properties located in flood prone areas. The impacts of flooding extend far beyond immediate property damage and can often impact the social, economic and environmental of whole communities, necessitating long-term strategies to manage, mitigate and prevent the impact of flooding in the community.

Financial

Preparation of the plan is primarily funded under the NSW Floodplain Management Program administered by the NSW Office of Energy and Environment.

Community and Stakeholder Engagement

The initial community engagement on the Narooma Dalmeny Flood Risk Management Plan occurred over October and November 2018. Activities included a direct mail out to 379 affected property owners, a media release, a regularly updated project page on Council's website and community drop-in sessions held during the day and evening.

The purpose of the mail out and community engagement was to:

- inform the community that a flood risk management plan had commenced
- seek information and knowledge from the community about flood events they had seen
- provide opportunity to comment on potential flood management options and
- allow members of the community to self-nominate for the committee.

Furthermore, residents who attended the community drop-in sessions were able to nominate for the committee.

CONCLUSION

A council, in preparing a Flood Risk Management Plan, needs to convene a committee to provide technical expertise and guide community input and feedback. Nominations were sought through the community engagement activities and Council received four (4) nominees.

This report seeks Council resolution to endorse the committee structure of the Narooma Dalmeny Flood Risk Management Advisory Committee.

Narooma Flood Risk Management Advisory Committee

Terms of Reference

July 2019

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Introduction and Background

The primary responsibility for floodplain management rests with local Councils. This responsibility is exercised through statutory land use planning processes and other functions of local government such as asset management and community engagement.

To assist councils with these roles, the NSW Government has published the Floodplain Development Manual inclusive of the Flood Prone Land Policy. The Manual provides a framework and technical guidance on how to deliver the Flood Prone Land Policy. The cornerstone of flood plain management is the preparation of a Floodplain Risk Management Plan.

Purpose of the Management Advisory Committee

The Management Advisory Committee will provide a focus and forum for the discussion of technical, social, economic, environmental and cultural issues associated with preparing and implementing the Narooma Floodplain Risk Management Plan (NFRMP). The Committee will allow for the distillation of different viewpoints through recruiting a range of technical experts and community representatives.

Title and Delegations

The Committee will be referred to as the Narooma Floodplain Risk Management Advisory Committee of Eurobodalla Shire Council. The Committee will function as a non-delegated advisory and working group.

Objectives

Assist Council in the development and implementation of the Narooma Floodplain Risk Management Plan in accordance with the Floodplain Development Manual 2005.

Terms of Reference

The terms of reference for the Committee are to provide advice on the following matters:

- integrated planning and management strategies for floodplains
- historical flood events such as extent, year occurred, local damages
- community knowledge of existing floodplain conditions including land use, economic activity, cultural, recreational and environmental values
- existing and forecast emergency response demand and constraints
- future infrastructure projects that are likely to influence flooding and floodplain management
- hydrology, infrastructure planning, landuse planning, floodplain ecology and emergency response
- Informing the development and adoption of the Narooma Floodplain Risk Management Plan.
- Incorporating the latest knowledge of floodplain with the integration of strategies into planning policies and instruments;
- Provide and review scientific advice and integrate this knowledge into the preparation of the FR management plan;
- Facilitate broader community participation in floodplain management through informing and liaising with member community groups;
- Make recommendations for Council consideration.

Tenure of Committee

In the case of a Councillor, as determined by Council each year in accordance with the provisions of the Local Government Act;

In the case of community representatives, the tenure of membership will be reviewed following adoption of the final Narooma Floodplain Risk Management Plan.

In the case of Agency representatives; for the duration of the project

A member absent from three consecutive meetings without acceptable apology may be replaced by the Council.

Composition

The Committee shall consist of the following Community representatives:

- **The Mayor or her nominee (Chair)**
- **Four (4) community members** who have preferably been nominated by a community or business group (not compulsory)

The Committee shall consist of the following NSW Government and council representatives:

Staff from Council, State Government Agencies will attend to provide technical advice and guidance. As a minimum, the following Agencies will be invited to attend:

- Office of Environment and Heritage
- Roads and Maritime Services
- State Emergency Services
- Others as required (eg; NSW Police, Ambulance)

Council participation will be coordinated by the Coastal and Flood Management Planner position. Staff from the following divisions will participate when required:

- Infrastructure Services
- Development Services.

Selection Criteria

The Committee was first established through invitations to participate made available to property owners of flood affected properties and the general community during the community engagement activities at commencement of the Narooma Floodplain Flood Risk Management Plan.

If a position or positions become available on the Committee, replacement representative(s) will be sought through Expressions of Interest called for through the Council notices posted in the local media and Council's web site.

Any nominations called for through this process must be received in writing before the due date nominated within the Expression of Interest.

Final determination for appointment to the Committee shall be made by the cil.

Committee Code of Conduct

All members will abide by Council's Code of Conduct and Council's Code of Conduct - Conduct Committee Guidelines and Council's Code of Meeting Practice.

In summary, Committee members must:

- Give advice to the best of their knowledge and ability that will help achieve the objectives of the Committee
- Facilitate in a timely way any tasks allocated to and accepted by them
- Behave in a manner that respects the interests and viewpoints of other members;
- Declare any potential or actual conflicts of interests on matters that are brought before the Committee.

A copy of the current Codes will be made available to each Committee member following any updates or amendments made by the Council.

Responsibilities of Council

Council will provide secretarial support, including minute taking and professional officer support as appropriate.

Pertinent matters will be referred to the Committee for its consideration and information will be provided on actions arising from adopted Committee recommendations.

The Committee's ongoing role will be reviewed following adoption of the Narooma Floodplain Risk Management Plan.

Council has the discretion to review the role, re-organise or disband the Committee.

General Meetings

The Chairperson will be a Councillor appointed by the Council. An attending Councillor or a community representative nominated by the Committee at the meeting will Chair in the event of the Chairperson being absent.

The Committee will aim to meet four (4) times per year or on an as needs basis.

The Chairperson of the Committee will be able to call special meetings of the Committee as necessary for the effective conduct of the Committee.

A quorum of the Committee shall be half plus one of the members.

Replacement of members through resignation, expulsion or failure to attend meetings will be determined by the process outlined under the Selection Criteria heading.

Pursuant to Section 10(2) of the *Local Government Act 1993*, the Chairperson of the Committee can exercise the power of expulsion of persons not recognised as being entitled to be present at a meeting of the Committee.

Meeting rules and practice

Refer to Council's Code of Meeting Practice - <https://www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Model-Code-of-Meeting-Practice-ESC-Final-Draft-June-19.pdf>

Variation to the Terms of Reference

These 'Terms of Reference' may be added to, repealed or amended by resolution of the Council.

Contact Officer

The contact officer for the Committee is the Coastal and Flood Management Planner.

Council minute to establish the Management Advisory Committee

Insert Minute of Meeting whereby Council determined report

Distribution of information

Media releases are prepared by Council staff and approved by the relevant Director before being issued. All media releases are forwarded through Council's Media Officer. Individual Committee members may not issue a media release on behalf of the Committee or speak on behalf of the Committee.

APPENDIX 1

Table (1): Composition of Management Committee

Committee Members	Number
The Mayor or her nominee - Chair	1
Narooma Community – businesses and residents	4
Council	
ESC Staff (as required)	4
Strategic Planning Development Services Infrastructure Services Minute secretary	
Agency representatives (as required):	5
Office of Environment and Heritage Environment National Parks and Wildlife Service Department of Primary Industries – Crown Lands Division Roads and Maritime Services State Emergency Service	
TOTAL	13

98.2467

Responsible Officer:	Lindsay Usher - Director, Planning and Sustainability Services
Attachments:	Nil
Outcome:	Protected and Valued Natural Environment
Focus Area:	3.3 Maintain clean healthy waterways and catchments
Delivery Program Link:	3.3.2 Monitor and manage impacts on our waterways
Operational Plan Link:	3.3.2.3 Deliver the Onsite Sewage Management System inspection program

EXECUTIVE SUMMARY

The purpose of this report is to summarise the Onsite Sewage Management System (OSSM) approvals and inspection program for the 2018-19 financial year.

Under NSW Government legislation, Council is required to approve and inspect OSSM to ensure that they operate effectively and to reduce incidents of public and environmental health and safety. Types of systems inspected include: septic tanks; Aerated Wastewater Treatment Systems (AWTS); wet and dry composting systems; effluent pump-out systems; pit toilets and greywater treatment systems.

A total of 66 OSSM approvals and 115 development application referrals were received and processed by the Public and Environmental Health Team in 2018-19.

An overall compliance rate of 93% was observed through the OSSM program, which is consistent with the previous financial year.

During this time, Council conducted 1,336 inspections and continues to reward operators who effectively manage their systems through the opportunity to downgrade the risk rating of their OSSM, resulting in a financial saving to the operator.

RECOMMENDATION

THAT the Onsite Sewage Management Status Report 2018-19 be received and noted.

BACKGROUND

The OSSM inspection program has been operating since 1999 following changes to the *Local Government Act 1993*, which gave councils greater responsibility in monitoring and ensuring compliance of these systems. There are currently 4,682 approved systems in the Eurobodalla.

PSR19/013 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2018-19

98.2467

Table 1: A comparison of OSSM program activities undertaken over the past seven years.

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Approvals	92	99	93	84	102	123	66
Referrals	114	134	133	143	171	178	115
Inspections	1434	1475	1383	1473	1394	1384	1336
Compliance (%)	90	94	92	96	93	92	93
Downgrades	52	38	22	66	16	19	6
Re-inspections	5	8	3	7	4	3	4
Notices/Orders	6	1	9	6	4	5	2
Penalty Infringement Notices	0	0	2	0	0	1	2

Approvals and referrals

A total of 66 OSSM approvals were issued for new systems in 2018-19.

A total of 115 development assessment referrals were received and processed. Referrals involve providing advice to planners in relation to OSSM associated with development applications.

Inspections

Table 2 illustrates the inspection regime for 2018-19 whereby 1,336 OSSM were inspected compared to 1,383 in 2017-18. An overall compliance rate of 93% was achieved for the 2018-19 inspection regime, compared with 92% in the previous financial year.

A total of 86% of systems in the 'high risk' category were observed to be compliant. A high level of compliance of 94% was observed during inspections of systems with a 'medium risk' and 95% for 'low risk' ratings.

Table 2: Comparison of the 2017-18 with the 2018-19 inspection regime

Risk*	TOTAL		Satisfactory		Unsatisfactory		% Complying	
	2017-18	2018-19	2017-18	2018-19	2017-18	2018-19	2017-18	2018-19
High **	163	161	142	139	20	22	87	86
Medium ***	730	684	664	645	41	39	91	94
Low	490	491	472	466	32	25	96	95
TOTAL	1383	1336	1278	1250	93	86	92	93

*High – inspected every year; Medium – inspected every two years; Low – inspected every five years.

**High may be downgraded to medium inspection regime when requested and if satisfactory compliance is demonstrated.

***Medium may be downgraded to low inspection regime when requested and if satisfactory compliance is demonstrated.

PSR19/013 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2018-19

98.2467

Risk rating downgrades

Owners of systems with 'high' or 'medium' risk ratings can apply to Council to downgrade the risk rating of their OSSM where consistent compliance can be demonstrated. These downgrades reward owners who are managing their systems well by reducing the frequency of required inspections and hence, reducing the cost.

At the time of inspection, property owners who demonstrate ongoing compliance and meet the criteria to apply for a risk rating downgrade, are provided with information on how to proceed with an application. Information regarding the process and an application form can also be found on Council's website.

A total of six applications to downgrade OSSM risk ratings were approved in 2018/19.

Compliance requirements

Four properties were re-inspected as part of the OSSM inspection program for non-compliance and charged an additional fee, with all proceeding towards resolution.

Issues identified as posing significant public and/or environmental health risk that were identified during inspections included such matters as:

- effluent overflows from septic tanks/collection wells
- failing effluent disposal areas (eg, absorption trenches and irrigation areas) with effluent pooling on the ground
- inappropriate surface disposal of secondary treated effluent from AWTs or not in accordance with Council approval
- failing to undertake the required quarterly servicing of aerated wastewater treatment systems. Servicing is part of the accreditation from NSW Health to maintain the quality of effluent being treated to a high standard.

Several compliance actions were undertaken, where issues were not resolved through initial negotiations with property owners (ie, correspondence following inspections that required a schedule of works to be completed). Two Notices/Orders and two Penalty Infringement Notices were issued in the reporting period. The Penalty Infringement Notices were issued for the serious offence of 'pollution of waters'.

CONSIDERATIONS

During the 2018-19 financial year, various measures have been undertaken for the continual improvement of the OSSM program, including, but not limited to:

- adoption by Council of an updated OSSM Code of Practice
- improvement of processes with the implementation of the Technology One IT system in 2019
- updating information on Council's website
- ability to lodge OSSM applications and issue approvals electronically

PSR19/013 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2018-19

98.2467

Legal

Council is required to process approvals and undertake inspections of OSSM in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

The Department of Local Government Circular to councils 98/27 (issued 1 April 1998) outlines councils' requirements for the monitoring of OSSM.

Policy

Eurobodalla Shire Council's Onsite Sewage Management Code of Practice was initially adopted by Council on 27 July 1999, with reviews in 2003, 2008, 2013 and 2018.

This year (2019) marks the 20th anniversary of the OSSM Inspection Program. Council will endeavour to evaluate the program to compare it against the original 1998 Local Government Circular 98/28 and the previous review in 2009.

Environmental

Due to the sensitive environmental nature of much of Eurobodalla Shire, particularly in relation to waterways, including oysters, fisheries and recreational use, continual monitoring of OSSM is important to ensure that such areas are protected from potential contamination by OSSM.

The Local Government Compliance and Enforcement Regulation Review (IPART 2014) recognised Council's OSSM Inspection Program as a 'best practice' regulatory program, due to the experience gained from dealing with high risk onsite systems.

Undertaking the OSSM program demonstrates Council's commitment to protecting the environment and the local industries who depend upon it.

Social Impact

There are potential health risks for users and those in the vicinity of OSSM. Council is obligated to demonstrate that it has met its duty of care in mitigating health concerns associated with the operation of OSSM.

Financial

The OSSM program aims to operate at a full cost recovery to Council and in accordance with the legislation. During 2018-19, the primary inspection fee was \$126 and re-inspection incurred a cost of \$165 as identified in Council's fees and charges.

Total income for 2018-19 was \$177,564 and total expenses were \$201,839.

CONCLUSION

The overall high level of compliance of 93% demonstrates that the majority of systems are operating effectively and there are minimal public and environmental health impacts. Council has ensured that the program is consistent with NSW Government requirements and the program is generally well received by the owners of OSSM.

PSR19/013 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2018-19 98.2467

The ability to downgrade system risk ratings is innovative and allows high and medium systems that continually operate effectively to reduce the inspection regime, thereby reducing the costs to the owner.

PSR19/014 FOOD INSPECTION STATUS REPORT 2018-19

E80.1313

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

Attachments: Nil

Outcome: Strong Communities, Desirable Lifestyle

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

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

Operational Plan Link: 1.1.2.1 Undertake the food inspection program

EXECUTIVE SUMMARY

This report provides a summary of Council's Food Inspection Program (program) for the 2018-19 financial year.

The program aims to ensure retail food businesses in Eurobodalla comply with the requirements of the Food Act 2003. Council has a statutory obligation to undertake routine inspections of all retail food premises and implement an inspection program under the Food Regulation Partnership with the NSW Food Authority.

A new risk-based food inspection program (adopted 17 February 2018 – PSR 18/002) commenced on 1 July 2018 that aims to reduce the risk of unsafe or unsuitable food being sold and to maintain public confidence in the retail food industry. The program provides incentives for businesses to maintain a high level of compliance and incorporates the NSW Food Authority's *Scores on Doors*.

Currently there are 230 food retailers in Eurobodalla that are routinely inspected as well as 52 market stalls and 19 mobile food vendors. Ninety three percent of businesses (214) achieved excellent ratings at their most recent inspection.

RECOMMENDATION

THAT the Food Inspection Report 2018-19 be received and noted.

BACKGROUND

This is the tenth year Council has undertaken a Food Inspection Program in partnership with the NSW Food Authority beginning in January 2009. In accordance with the *Food Act 2003*. Council is required to undertake inspections, enforcement and investigations into food complaints. Council provides an annual report on the program to the NSW Food Authority. Since the commencement of the inspection program Council has inspected all high risk premises twice per year and medium risk premises a minimum of once per year.

The risk-based food inspection program provides incentives for businesses to maintain a high level of compliance. Eligible businesses that achieve a four or five Star rating are provided with certificates showing the inspection result to display in their business. In addition, eligible businesses that achieve a five star rating are rewarded with a reduction of inspections from two to one per annum, providing a cost saving.

PSR19/014 FOOD INSPECTION STATUS REPORT 2018-19

E80.1313

The NSW Food Authority administers the South East Regional Food Group and conducts training and information sessions three times per year. This enables Council to stay up to date with legislative requirements, emerging issues, and access training opportunities.

CONSIDERATIONS

At the end of the 2018-19 financial year there were 230 fixed food businesses (191 high risk and 39 medium risk) in Eurobodalla requiring inspection as well as a further 20 low risk premises which are only inspected if there is a complaint. In addition there were 52 registered temporary stalls. Temporary stalls are inspected at the various markets, festivals and events held in Eurobodalla. There were 19 mobile food vendors registered with Council at the time of this report and these are inspected annually when they apply for approval to operate in Eurobodalla.

DATA BY PREMISES

Fixed Premises Risk Rating	Number of businesses
Risk Priority 2 (P2)	191
Risk Priority 3 (P3)	39
Total premises routinely inspected	230
Risk Priority 4 (P4) inspected on complaint only	20
Non-fixed Businesses	Number of non-fixed businesses
<i>Type</i>	
Stalls	52
Mobile	19
Star Rating	Number of premises at last inspection
5 Star: 0 -3 Points	191
4 Star: 4 -8 Points	23
3 Star: 9 – 15 Points	8
No grade >15 Points	8
Total premises inspected	230

DATA BY INSPECTION

Star Rating	Number of inspections
5 Star: 0 -3 Points	220
4 Star: 4 -8 Points	47
3 Star: 9 – 15 Points	24
No grade >15 Points	23
Markets (29 stalls)	6
Total number of inspections	320
Inspection Type	Number of inspections
Scheduled Fixed	266
Re-inspection fixed	15
<i>Complaint</i>	
Hygiene – 13	18
Foreign – 1	

PSR19/014 FOOD INSPECTION STATUS REPORT 2018-19

E80.1313

Labelling – 1 Illness – 3	
Mobile inspections	15
Markets (29 stalls)	6
Total number of inspections	320

As required Council has submitted an annual report to the NSW Food Authority, providing data on the Food Inspection Program for the financial year.

All retail food businesses in Eurobodalla are required to register with Council which are listed on the Public Health Register.

Legal

The NSW Food Authority's Compliance and Enforcement Policy sets out the criteria for deciding appropriate enforcement action. Enforcement action may include an Improvement Notice, Prohibition Order, seizure of food items, Penalty Infringement Notice (PIN) or court action. Council utilises a graduated compliance response with a strong focus on collaboration and education, resulting in a high level of compliance with the Food Standards Code.

Enforcement Action

Where collaboration and education do not achieve safe food handling practices enforcement action may be taken. Enforcement action can include (in order of escalation):

- Warning Letter
- Improvement Notice
- Penalty Infringement Notices
- Prohibition Order
- Seizure of food items

ENFORCEMENT ACTION

Warning letters	16
Improvement Notices	12
Penalty Notices	4
Prohibition Orders	1

Re-inspection: may be required to achieve compliance to the Food Standards Code 2016. Where a re-inspection identifies non-compliance, an inspection fee is charged for each re-inspection.

Warning letters (16): are used in conjunction with re-inspections where there is a public health risk or persistent failure to comply.

Warning letters are issued if a food business obtains a 3-Star rating and provides advice on the actions required to improve compliance.

Penalty Infringement Notices: may be issued where non-compliance is considered an immediate threat to public health or where a premises has repeated non-compliance. Four

PSR19/014 FOOD INSPECTION STATUS REPORT 2018-19

E80.1313

were issued during the reporting period, where the matters had been ongoing and previous enforcement action had not been effective. Penalty Infringement Notices may be issued concurrently with other enforcement actions.

Improvement Notices: are issued where food premises score greater than 15 points and do not achieve a star rating. They are used when urgent action is required or unsatisfactory and/or structural defects have been identified; 12 were issued in the reporting period.

Prohibition Order

Prohibition Orders are issued where an Improvement Notice has not been complied with and/or it is necessary to prevent or mitigate a serious danger to public health. One Prohibition Order was issued during the reporting period, as the risk of causing illness to consumers was high. The action in this case was successful with the owner taking all required action in the designated timeframe and demonstrated that the conditions were maintained.

Policy

Council developed a Risk-Based Food Inspection Policy designed to comply with the Scores-on-Doors program and reward food businesses that continually achieve high compliance by reducing the frequency of inspections, thereby saving on inspection costs.

This program was adopted at the Ordinary Meeting of Council on 17 February 2018 (PSR 18/002), and commenced on 1 July 2018.

Social Impact

Compliance with the Food Standards Code provides significant long term health benefits for our community and visitors by reducing the risk of food borne illness for consumers.

Economic Development Employment Potential

The retail food sector is an important source of income and employment in Eurobodalla. A high level of compliance to food safety is essential for the continued success of this sector

Financial

Fees are charged for administration and inspections in accordance with the Food Act provisions and Council's Fees and Charges. The inspection fee was \$187.00 and the administration fee was \$191.00.

A statutory fee of \$330 is associated with Improvement Notices.

Total income for 2018-19 was \$106,857. The total costs were \$127,270.

Community and Stakeholder Engagement

Council's authorised officers actively engage in education and provision of technical information to food premises. Information and advice is also available on Council's website such as 'I'M ALERT' an Environmental Health Australia (EHA) food safety training link.

An inspection is evenly divided between observing practices and providing practical advice on safe food handling. This means that in most cases any unsafe practices are rectified at the time of inspection.

PSR19/014 FOOD INSPECTION STATUS REPORT 2018-19

E80.1313

Food premises are alerted to changes in NSW Food Authority guidelines and provided information on how to keep up-to date between inspections. Guidelines for high risk products are regularly researched and updated, and can be quite detailed and complex. This year the food authority has undertaken research on the efficacy of sanitisers, and lowering the risks presented in raw chicken and Council inspections have focused on reducing these risks.

Council is aiming to further work with market stall operators to improve understanding of food safety and their obligations under the *Food Act 2003*.

CONCLUSION

The Food Inspection Program has been implemented successfully over the past ten years with a high level of compliance by the operators of food premises. Our community, and visitors to Eurobodalla, can be confident that safe food is being provided to the public and this has a positive flow on effect for the recreational and tourism industries.

PSR19/015 REGULATORY ACTION STATUS REPORT 2018-19

02.6718

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: Strong Communities, Desirable Lifestyle
Focus Area: 1.1 Work in partnership to ensure safety at home and within the community
Delivery Program Link: 1.1.2 Deliver legislated health protection and regulatory programs
Operational Plan Link: 1.1.2.4 Monitor, inspect and respond to issues in relation to public safety

EXECUTIVE SUMMARY

This report details the activities of the Public and Environmental Health and Compliance Team (the team) for the 2018-19 financial year.

The team dealt with approximately 11,565 telephone calls during the 2018-19 financial year. An estimated 23% of calls generate a formal Customer Service Request (CSR), with the remaining 77% of calls resolved at the time of the call.

This financial year was comparable to the previous reporting period with the team responding to 2,718 formal CSRs.

Compliance and enforcement actions are undertaken in accordance with legislation and Council policy to ensure the health and safety of the public and the environment.

Updates on the Food Inspection and Onsite Sewage Management System programs are provided in separate reports to Council.

RECOMMENDATION

THAT the Regulatory Action Status Report 2018-19 be received and noted.

BACKGROUND

Public, environmental health and compliance is a broad area of operations and necessitates implementation of legislative requirements and Council policies, fairly and consistently.

The team is responsible for routine monitoring and the provision of advice and education for areas such as: swimming pool; water quality; beach watch; estuary health program; sediment and erosion controls; pollution; animal control; waste and illegal dumping; and stormwater

matters. In addition, support services are provided to Waste, Water and Sewer Services to meet Environmental Protection Licence requirements.

PSR19/015 REGULATORY ACTION STATUS REPORT 2018-19

02.6718

The following data provides a summary of CSRs and compliance activity during the 2018-2019 financial year. Officers also attend to additional matters during the course of their normal duties and patrols, such as dealing with complainants in the field, ad hoc animal related issues and addressing emergency situations. These issues are not captured in this report.

Customer Service Requests (requests)

The breakdown of CSRs can be seen in Figure 1. Of the 2,718 CSRs received, 46% relate to animal control, with general regulatory (vehicles, parking, signs, illegal dumping/littering, sediment and erosion control, prohibited activities on public lands, environmental concerns) accounting for 26%, pollution 6%, development and land clearing 11%, health 9% and trees 2%.

CSRs remain comparable to the previous financial year with a 2% reduction in this reporting period. CSRs have increased by 39% over the previous six years.

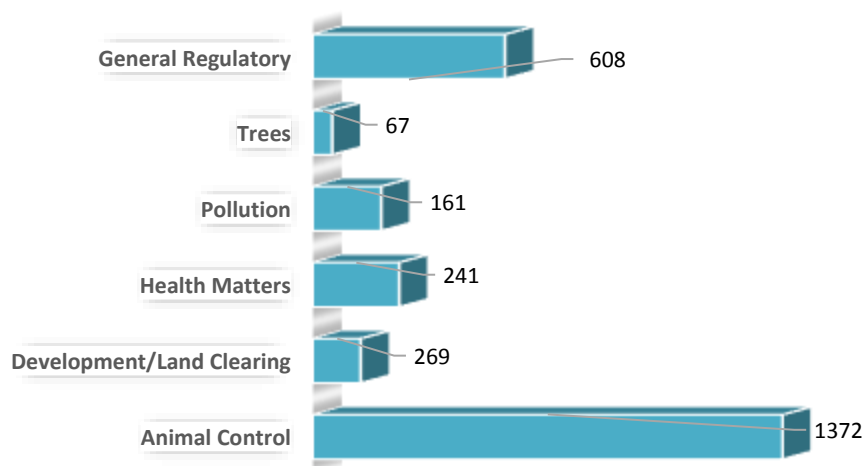


Figure 1: Customer Service Requests 2018-2019

Table 1: Customer Service Requests 2012-13 to 2018-19 financial years

	2012-13	2013-14	2014-15	2015-16	2017-18	2018-19
Animal control	968	1233	1153	1041	1430	1372
Development/land clearing	150	145	117	139	260	269
Health matters	158	165	211	212	223	241
Pollution	158	155	167	139	193	161
Trees	36	37	47	34	79	67
General regulatory	244	408	470	557	591	608
TOTAL	1714	2143	2165	2122	2776	2718

Compliance activity

A number of matters are dealt with via Penalty Infringement Notices (PINs) and Orders, in line with relevant regulations and legislation. The majority of infringements relate to traffic

PSR19/015 REGULATORY ACTION STATUS REPORT 2018-19

02.6718

offences (78%), for which notices/orders are not issued. A combined total of 1,434 infringements, Orders and notices were issued during the reporting period with Figure 2 showing the total number issued under each category.

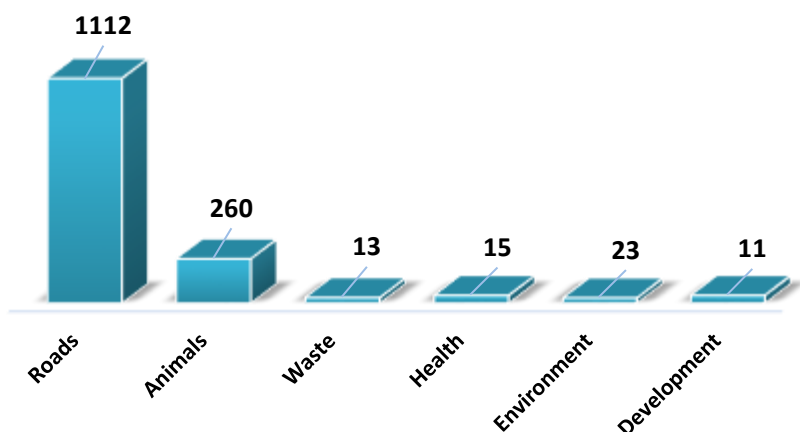


Figure 2: Compliance activity 201-2019

Table 2: Activity report 2018-2019 -provides further details on compliance matters and related activities.

Sector	Activity	Infringements	Orders and Notices	Total Action
Roads	Parking	1112	-	1112
Animals	Companion animals	142	118	260
Waste	Illegal dumping	8	5	13
Health	Premises	4	11	15
Environment	Air/land/water	20	3	23
Development	Land	4	7	11
TOTAL		1290	144	1434

A total of 322 formal regulatory actions (12%) were required, in response to a total of 2,718 CSRs. The 322 instances of compliance activity are detailed as follows:

Animals:

260 actions relate to animal control (81%) including: lifetime registration enforcement; barking dogs; stray animals; endangering safety of person or animal; and restricted or dangerous dogs.

In addition to the regulatory actions council has been following up with animal registration sending out reminders to 470 pet owners.

PSR19/015 REGULATORY ACTION STATUS REPORT 2018-19

02.6718

Waste, health and environment (sectors combined):

51 actions (16%) relate to waste issues including illegal dumping; health (eg overgrown premises); food shops; Onsite Sewage Management Systems; public swimming pools and environmental issues such as pollution matters.

Development:

11 actions (3%) relate to development without consent or contrary to consent conditions.

The majority of CSRs (88%) are resolved without any requirement to utilise formal regulatory actions.

Special programs

During the 2018-2019 financial year, specific projects were conducted such as:

1. Companion Animal Management Plan review completed, including new signage, supporting communications and an education strategy
2. a free microchipping day conducted in partnership with the local branch of the RSPCA
3. school education programs, in partnership with RSPCA's education officer
4. companion animal outstanding lifetime registration program
5. information sessions for Surf Lifesaving clubs regarding the management and reporting of public health and safety matters.
6. estuary health monitoring undertaken with funding support from the Office of Environment and Heritage

CONSIDERATIONS

An important role is played by Council in responding to CSRs concerning alleged illegal activities and the potential impacts to the community and/or the environment. Council's Compliance Policy outlines the processes for Council officers regarding the implementation of legislation, with consideration given to the severity of the activity, impacts on individuals, community and the environment. Officers endeavour to achieve a balance between enforcement and education.

Council is committed to assisting the community through special education programs based around identified needs as outlined above.

Council has developed strong relationships with agencies including NSW Food Authority, Ministry of Health, Office of Environment and Heritage, Environment Protection Authority, RSPCA and other Animal Welfare organisations, by working collaboratively to provide a consistent regulatory approach for compliance and enforcement activities.

Legal

Staff operate under a wide range of legislation and regulations and in accordance with Council's Compliance Policy which focuses on a graduated approach to achieve positive regulatory outcomes with a high emphasis placed on communication and education.

The legislation includes, but is not restricted to, the following:

PSR19/015 REGULATORY ACTION STATUS REPORT 2018-19

02.6718

- *Protection of the Environment Operations Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Food Act 2003*
- *Public Health Act 2010*
- *Swimming Pools Act 1992*
- *Companion Animals Act 1998*
- *Impounding Act 1993.*

Policy

Council officers observe and comply with a range of adopted Council policies including the Compliance, Local Orders and Clean Air Policies, and the Companion Animal Management Plan in undertaking their duties.

Environmental

Council is focused on protection of the environment, and public health and safety. Maintaining and protecting the natural environment in Eurobodalla is important and is of major concern to the community.

Social Impact

Council considers the impact of an offender's actions on other individuals, the community and the environment.

Community and Stakeholder Engagement

Council regularly seeks opportunities to engage with the community through education programs, dedicated workshops and seminars, and face to face with individuals while undertaking compliance functions to assist in achieving positive public, health and safety outcomes.

CONCLUSION

The Public and Environmental Health and Compliance Team's primary objective is to implement legislation and Council policy in response to community needs, ensuring that the health, safety and amenity of the community and environment is protected.

Council actions and regulatory processes are undertaken in accordance with the relevant legislation and adopted policies and codes of practice.

PSR19/016 DEVELOPMENT APPLICATION 216/19 2 LOT SUBDIVISION - 7-9 18.1658.S
PIONEER ROAD, MORUYA

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: Responsible and Balanced Development
Focus Area: 6.2 Ensure development is sustainable, and reflects community values and the desired local setting
Delivery Program Link: 6.2.2. Provide receptive and responsive development assessment services
Operational Plan Link: 6.2.2.1 Assess and determine development applications

Applicant: Eurobodalla Shire Council
Land: Lot 51 (No. 7-9) Pioneer Road, Moruya
Area: 2289m²
Setbacks: Not specified – subdivision only
Height: Not specified – subdivision only
Zone: R2 Low Density Residential
Current Use: Vacant land
Proposed Use: Residential
Description: 2 Lot Subdivision
Permitted in Zone: Permitted with Consent
DA Registered: 25 October 2018
Reason to Council: Development of Council owned land
Recommendation: Approval Subject to Conditions

EXECUTIVE SUMMARY

This report seeks Council's determination of an application for a two (2) lot subdivision at 7-9 Pioneer Road, Moruya. The proposal is reported to Council as Council is both the applicant and landowner.

The application was publicly exhibited for a period of 14 days and two submissions were received. The submissions raised concerns relating to the existing vegetation on site and concerns from the adjoining landowner regarding the sewer extension through their property.

The proposal is consistent with the previous resolution of Council on 24 July 2012 (Minute No. 12/187), the Eurobodalla Local Environmental Plan (LEP) 2012 and the Residential Zones Development Control Plan (DCP). This report recommends approval of the development application subject to conditions.

**PSR19/016 DEVELOPMENT APPLICATION 216/19 2 LOT SUBDIVISION - 7-9
PIONEER ROAD, MORUYA**

18.1658.S

RECOMMENDATION

THAT pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act 1979, Development Application No.216/19 Lot 51 DP771497 No. 7-9 Pioneer Road, Moruya be APPROVED subject to the conditions set out below:

GENERAL CONDITIONS											
1	<p>Approved plans</p> <p>The development must be carried out in accordance with the following stamped approved plans and documentation, or as modified by any conditions of this consent, or as noted in red by Council on the approved plans.</p> <table><tr><th>DA & Sheet Nos.</th><th>Plan Nos.</th><th>Date of Plan</th><th>Prepared by</th></tr><tr><td>DA 216/19 Sheet 1 of 1</td><td>Project 5318/1</td><td>12/10/2018</td><td>Applicant</td></tr></table> <p>Note: Any alteration to the plans and/or documentation may require the lodgement of an application to modify the consent under s96 of the Environmental Planning and Assessment Act (EPA Act) 1979, or a fresh development application. Your Certifying Authority should be consulted prior to <u>any</u> works contrary to this consent being carried out.</p> <p>Where there is an inconsistency between the documents approved with this consent and the following conditions, the conditions shall prevail to the extent of that inconsistency. [0001]</p>			DA & Sheet Nos.	Plan Nos.	Date of Plan	Prepared by	DA 216/19 Sheet 1 of 1	Project 5318/1	12/10/2018	Applicant
DA & Sheet Nos.	Plan Nos.	Date of Plan	Prepared by								
DA 216/19 Sheet 1 of 1	Project 5318/1	12/10/2018	Applicant								
PRIOR TO COMMENCEMENT OF WORKS											
2	<p>Erosion and Sedimentation Control</p> <p>Prior to commencement of any earthworks, installation of all measures necessary to effectively control soil erosion on the site to prevent silt discharge into drainage systems and waterways in accordance with Council’s Soil and Water Management Code. The measures, to include sediment fencing and erosion control devices, are to be maintained and remain in place until the development is completed and disturbed areas are stabilised.</p> <p>Note: Clean Up Notices and/or on-the-spot fines may be imposed by Council for non-compliance with this condition. [11.13]</p>										
PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE											
3	<p>Subdivision Certificate</p> <p>A Subdivision Certificate is to be obtained once any works required by this consent are complete. Submission of a completed subdivision certificate application form together with all required documents and fees is required to be made to Council. The application form, checklist and fee detail can be found at www.esc.nsw.gov.au. [12.34]</p>										
4	<p>Plan of Survey Amendment</p> <p>The Plan of Survey submitted in conjunction with an application to Council for a Subdivision Certificate is to incorporate requirements specified in the conditions of</p>										

	subdivision approval. [12.02]
5	<p>Stormwater Drainage</p> <p>Prior to issue of a Subdivision Certificate the applicant shall, in accordance with design plans submitted to and approved by Council, construct stormwater drainage connections to each proposed lot. The drainage connections are to be connected into Council's stormwater network within the adjacent road reserve. Plans are to comply with Council's Infrastructure Design Standard.</p>
6	<p>Easements</p> <p>The Plan of Survey subject of a Subdivision Certificate shall create drainage, water, sewer and service easements where required and/or as directed by Council free of all costs to Council. [12.03]</p>
7	<p>Electricity Supply</p> <p>Prior to issue of Subdivision Certificate the developer/consent holder shall provide to Council written confirmation from the electricity supply authority that all relevant requirements for supply of electricity to all lots have been satisfied including provision for street lighting. [12.04]</p>
8	<p>Telecommunications Cabling</p> <p>Prior to issue of a Subdivision Certificate the applicant shall provide to Council written confirmation from Telstra/NBN that arrangements have been made for telecommunication cabling to all lots including the provision of NBN cabling and conduits.</p>
9	<p>Water Reticulation</p> <p>Prior to the issue of a Subdivision Certificate the applicant shall construct water reticulation including 20mm water service connections to each newly created lot in accordance with Plan No: 4753. The limit of the service connection shall be the 20mm M*F stopcock.</p> <p>The Water Reticulation Plan shall be in accordance with Council's Water and Sewerage specification and is subject to approval and issue of a Construction Certificate with payment of fees applicable under the current fees and charges for the year of issue.</p> <p>Work as Executed Plans are to be submitted to Council prior to the release of the Subdivision Certificate. The Construction Certificate for the provision of engineering infrastructure for this development will attract fees additional to those levied for the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia. [12.13]</p>
10	<p>Sewer Reticulation</p> <p>Prior to issue of Subdivision Certificate the applicant shall construct sewer reticulation to the new lots in accordance with plans subject of a Construction Certificate to Council's codes and specifications and provide certified Works as Executed Plans to Council. The Construction Certificate for the provision of engineering infrastructure for this development will attract fees additional to those levied for the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia. [12.16]</p>
11	<p>Maintenance Bond</p> <p>Prior to issue of a Subdivision Certificate the applicant shall pay to Council a maintenance bond for water and sewer service construction works performed by private contractor, being 5% of the contract price or minimum of \$1,000.00 whichever is greater, applicable</p>

	for six months from the date of issue of the Subdivision Certificate. [12.17]												
12	<p>Restriction as to user</p> <p>The area identified as EEC is to remain undeveloped and a Restriction to User placed on the title of both advising of the “no development” zone.</p>												
13	<p>“Work as Executed” Plans</p> <p>Prior to issue of a Subdivision Certificate the applicant shall provide Work as Executed plans in accordance with Council’s specification, duly certified by an engineer or registered surveyor, for all construction work. [12.30]</p>												
14	<p>Section 7.11 Contributions - Subdivision</p> <p>Prior to issue of a Subdivision Certificate the developer/consent holder shall pay Council contributions towards the provision of public amenities and services in accord with Council’s Contributions Plan. The contribution rates for the current financial year are as follows:</p> <table> <tr> <td>Open Space & Recreation</td><td>\$1,312.80</td></tr> <tr> <td>Community & Cultural</td><td>\$161.40</td></tr> <tr> <td>Roads</td><td>\$3,150.85</td></tr> <tr> <td>Paths & Cycle ways</td><td>\$396.35</td></tr> <tr> <td>Plan Preparation & Administration</td><td>\$154.90</td></tr> <tr> <td>Waste</td><td>\$134.50</td></tr> </table> <p>Note: <i>The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. Contributions can be paid prior to each stage of the subdivision.</i></p> <p>The plan can be viewed on Council’s website at http://www.esc.nsw.gov.au/development-and-planning/tools/development-contributions-plans/s94_development_contributions_plan.pdf [3.10]</p>	Open Space & Recreation	\$1,312.80	Community & Cultural	\$161.40	Roads	\$3,150.85	Paths & Cycle ways	\$396.35	Plan Preparation & Administration	\$154.90	Waste	\$134.50
Open Space & Recreation	\$1,312.80												
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Paths & Cycle ways	\$396.35												
Plan Preparation & Administration	\$154.90												
Waste	\$134.50												
15	<p>Water/ Sewer Developer Contributions - Subdivision</p> <p>Prior to the issue of a Subdivision Certificate the developer/consent holder will have to be eligible to obtain a Section 307 Certificate of Compliance under the Water Management Act 2000/ compliance with Section 64 of the Local Government Act 1993. To be eligible, the developer/consent holder will have to contribute:</p> <ol style="list-style-type: none"> \$12,710 (1ET) for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$12,710 \$11,065(1ET) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$11,065 <p>Note: <i>The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. Contributions can be paid prior to each stage of the development.</i> [3.11]</p>												
ADVISORY NOTES													
<p>Discovery of a Relic</p> <p>If Aboriginal relics or objects are uncovered during work, excavation or disturbance of the area, any such activity must stop immediately. The Environmental Protections and Regulation Group of the Office of Environment & Heritage is to be immediately contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area. [13.07]</p>													

**PSR19/016 DEVELOPMENT APPLICATION 216/19 2 LOT SUBDIVISION - 7-9
PIONEER ROAD, MORUYA**

18.1658.S

BACKGROUND

Council received a development application on 22 October 2018 for a two lot subdivision on Lot 51 DP771497 known as 7-9 Pioneer Road, Moruya. The owner and applicant is Eurobodalla Shire Council.

At the Ordinary Council Meeting held on 24 July 2012 (Minute No 12/187), the subject site, together with a number of parcels of Council land were reclassified from community to operational land. All properties had been identified through a land audit conducted by Council and were recognised as being surplus to community needs. The purpose of the reclassification was to either align with the current use or assist Council to consider long term leases, sale, subdivision or land swaps where appropriate. The report determined that the proceeds from sales could then be reinvested into Council assets which would provide increased benefit to the community.

During the exhibition period of the land audit, no submissions were received regarding the reclassification of the site.

POLICY

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

Eurobodalla Local Environmental Plan 2012 (LEP)

The subject site is zoned R2 Low Density Residential under the *Eurobodalla Local Environmental Plan 2012 (LEP)* as per the Land Zoning Map. Subdivision of this lot is permitted under Clause 2.6 of the LEP.

Relevant Clauses from the LEP are addressed below:

Clause 4.1 Minimum Lot Size

The subject site is 2,289m², the LEP permits a minimum lot size of 600m². The proposed lot sizes are as follows: Lot 1, 144m² and Lot 2 is 1,145m².

Clause 5.10 Heritage Conservation

The site of the proposed use and works is not an identified heritage item/place, nor is it situated in a heritage conservation area.

Clause 6.6 Biodiversity

The site is nominated as containing an Endangered Ecological Community (EEC) being Lowland grassy woodland within the south west corner of proposed Lots 1 and 2. Assessment of the impacts on the EEC has indicated that it is unlikely that the EEC will be affected and can continue to exist with future residential development. A condition will be imposed requiring this area to be maintained as undeveloped.

The site also contains a number of trees that would potentially need to be removed with any subsequent residential development. The trees are not threatened species or habitat trees and therefore their removal is unlikely to constitute a significant impact upon threatened species, populations, ecological communities or their habitats as a result of this development.

**PSR19/016 DEVELOPMENT APPLICATION 216/19 2 LOT SUBDIVISION - 7-9
PIONEER ROAD, MORUYA**

18.1658.S

Land Use Status

The land is currently vacant land. The land has never been developed for any specific recreational use.

Parking and Access Code

The proposed subdivision pattern is assessed as suitable with regard to the provisions of the Parking and Access Code. The lot is capable of having access compliant with the required Australian Standards. Parking and Access will be assessed in detail at time of lodgment of an application for building on the sites.

Moruya Structure Plan

The subject site is identified as being within the Moruya Structure Plan area. The proposal does not contradict the core principles of the plan and is therefore considered to be satisfactory.

Residential Zones Development Control Plan (DCP)

The site is identified as having the Residential Zones DCP applicable. An assessment against the relevant controls within the DCP and considers the proposal satisfactory.

Clause 3 of the DCP relates to subdivision pattern and lot layout, and the controls are discussed below:

Acceptable Solution A1

The new lots have side to front boundary proportions greater than 2:5:1.

Acceptable Solution A2

The new lots are capable of containing a rectangular building envelope measuring 10m by 15m, with a minimum width of 15m at the building line.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

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

ENVIRONMENT

Vegetation

The proposal does not require any vegetation removal. The site is identified as having an Endangered Ecological Community (EEC), being Lowland Grassy Woodland, located in the south west corner of the site. The application has demonstrated that a building envelope can be achieved without resulting in any detrimental impact to the Endangered Ecological Community area. A condition will be imposed requiring this area to be maintained as undeveloped.

These trees are not currently considered to be Endangered Ecological Communities or habitat trees.

Protection and enhancement of the environment has been considered by Council during the assessment process in accordance with the *Environmental Planning and Assessment Act 1919*.

**PSR19/016 DEVELOPMENT APPLICATION 216/19 2 LOT SUBDIVISION - 7-9
PIONEER ROAD, MORUYA**

18.1658.S

The development does not require a Biodiversity Development Assessment Report (BDAR) to be conducted as the future land disturbance is less than the threshold provided by the Biodiversity Offset Scheme. The area in which there will be future ground disturbance is outside of the EEC area.

It is not likely to cause any significant impacts upon threatened species, populations, ecological communities or their habitats as a result of this development.

Cultural Heritage

The subject site is not located within 50m of a recorded Aboriginal site.

FINANCIAL

All costs associated with the subdivision of the land are to be borne by the applicant/ developer (Eurobodalla Shire Council) including infrastructure works, survey and plan registration.

CONSULTATION

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

The advertising period commenced on 31 October 2018 until 14 November 2018, with letters to adjoining and adjacent owners being sent out on 25 October 2018. Two submissions were received during the exhibition period. Both submissions raised concerns about the existing vegetation on site.

Advertising of the proposed development involved the following:

1. Landowners adjoining the subject site were notified in writing and provided with a notification plan which included the subdivision plan.
2. A public notice appeared in the Bay Post, Moruya Examiner and Narooma News on 31 October 2018.
3. A sign was placed at the site fronting Pioneer Road.
4. The proposal was publicly displayed at Council's Customer Service Office in Moruya and at the Moruya Library.

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

Removal of vegetation

Both submissions raised concerns regarding the removal of the existing trees on site. The site is nominated as containing an Endangered Ecological Community (EEC) being Lowland grassy woodland within the south west corner of proposed Lots 1 and 2. Assessment of the impacts on the EEC has indicated that it is unlikely that the EEC will be affected and can continue to exist with future residential development. A condition will be imposed requiring this area to be maintained as undeveloped.

The site also contains a number of trees that would potentially need to be removed with any subsequent residential development. The trees are not threatened species or habitat trees and

**PSR19/016 DEVELOPMENT APPLICATION 216/19 2 LOT SUBDIVISION - 7-9
PIONEER ROAD, MORUYA**

18.1658.S

therefore their removal is unlikely to constitute a significant impact upon threatened species, populations, ecological communities or their habitats as a result of this development.

Any future vegetation removal will be considered during a Development Application for a building that is lodged with Council, however, there are sufficient areas within the proposed lots for a building envelope outside of the EEC area.

Access to adjoining site for sewer augmentation

In order to extend the sewer infrastructure, access to the adjoining landowner's property at 11 Pioneer Road is required. The adjoining landowner raised concerns in relation to the sewer infrastructure augmentation and wished to seek clarification as to the reinstatement of their land.

Council has been in discussions with the adjoining landowner and confirmed that their land will be reinstated after the extension of the sewer infrastructure. The sewer augmentation will not cause any concerns to the existing buildings on the site. Following the closure of the exhibition period, Council has received a Permit to Enter for 11 Pioneer Road permitting Council to enter the site and complete the required infrastructure works, subject to Consent being granted. This Permit to Enter has been signed by all registered owners of the land.

CONCLUSION

The proposal enables the creation of two lots which enable future residential development. The proposed development is unlikely to result in any significant environmental, social or economic concerns.

The proposed development is satisfactory with regard to the provision of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to Conditions of Consent.

PSR19/017 DRAFT EUROBODALLA EVENT STRATEGY 2019-2024

E13.7307

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

Attachments: 1. Under Separate Cover - Draft Eurobodalla Event Strategy
2. Confidential - Submissions

Outcome: Vibrant and Diverse Economy

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

Delivery Program Link: 5.3.2 Actively seek and support the development and hosting of events

Operational Plan Link: 5.3.2.2 Support event organisers in delivery of a range of new and established events

EXECUTIVE SUMMARY

The purpose of this report is to recommend adoption of the draft Eurobodalla Event Strategy (Strategy) attached under a separate cover (Attachment 1). Council endorsed the draft Strategy for public exhibition at the Ordinary Meeting of Council of 11 June 2019 (PSR19/009).

The draft Strategy will address Action 6.1 of Council's endorsed Eurobodalla Destination Action Plan (EDAP) 2018-2021, to prepare a Tourism Events Strategy to:

- procure and support events to increase visitation expenditure across the year
- attract event funding support
- leverage public and private sector investment for new event infrastructure and facilities, and
- consider seed funding to support the development of new tourism events.

Council engaged consultants, The Tilma Group who have considerable experience in event organisation and strategy development in regional areas, to help prepare the draft Strategy. The Process involved a comprehensive stakeholder engagement process.

The draft Strategy:

- provides a five-year framework for identifying the best events to attract, develop, grow and build a balanced and sustainable portfolio of events that contribute to the local economy and provide social outcomes for local communities
- aims to establish a balanced and sustainable portfolio of vibrant tourism and community events that celebrate and generate awareness of the unique attributes that Eurobodalla can offer, creating compelling reasons for visitors and residents to visit, explore and return to the area
- includes recommendations and associated actions for an events assessment framework to allow Council to make more calculated assessments and decisions on event attraction and support, and to ensure that event resources are allocated adequately and strategically.

PSR19/017 DRAFT EUROBODALLA EVENT STRATEGY 2019-2024

E13.7307

RECOMMENDATION

THAT Council adopt the draft Eurobodalla Event Strategy 2019 – 2024.

BACKGROUND

On 31 July 2018, Council endorsed the Eurobodalla Destination Action Plan (EDAP) 2018-2021 (PSR18/068). A high priority action of the EDAP 2018-2021 is the development of a Tourism Events Strategy that provides strategies and actions to drive visitation and increase visitation expenditure across the year in our Shire's towns and villages.

The visitor economy is worth in excess of \$385 million per annum and the Eurobodalla Destination Access Plan aims to grow the local visitor economy to \$462 million p.a. (year end June 2021). Events are recognised as being important in building the profile and reputation of Eurobodalla as a vibrant cultural and leisure tourism destination year-round. Events also provide a means to showcase Eurobodalla's attraction and experiences including its waterways, beaches, National Parks and reserves, rich arts and culture, and quality local products. The draft Strategy will also promote the unique identities and stories of Eurobodalla's towns and villages to create compelling reasons to visit.

Importantly, the draft Strategy provides Council with a framework for event planning and decision-making to support the development of tourism events that align with the four experience platforms identified in the EDAP - Nature, Food, Towns and Villages, and Events.

The draft Strategy includes recommendations and associated actions for an events assessment framework to make more calculated assessments and decisions on event attraction and support, and to ensure that event resources are allocated adequately and strategically.

1. Develop significant anchor or hallmark events that create a competitive advantage for Eurobodalla, build reputation, create a reason to visit in the off season, celebrate everything that is special about Eurobodalla and form the foundation of the events calendar
2. Support the sustainable growth and development of the destination events and volunteer committees
3. Delineate tourism and community events to ensure a clear framework for assessment and support that is fair and transparent
4. Attract and leverage key external events to enhance Eurobodalla's reputation as an event destination
5. Catalyse the development of home-grown events and tourism experiences
6. Use sports tourism events to extend the calendar with complementary events
7. Establish a robust and consistent event evaluation framework.

Furthermore, the draft Strategy has been developed to support Eurobodalla's new tourism brand positioning and marketing initiatives, to assist in differentiating the destination in the minds of visitors and encouraging year round visitation across our Shire.

PSR19/017 DRAFT EUROBODALLA EVENT STRATEGY 2019-2024

E13.7307

This draft Strategy seeks to complement other Council strategic initiatives for tourism including a Draft Eurobodalla Nature-Based Tourism Feasibility Study that will identify opportunities to capitalise on Eurobodalla's natural assets and experiences.

A report was presented to the Ordinary Meeting of Council held on 11 June 2019 with a recommendation to seek input via public consultation.

The following resolution was made:

THAT

1. *Council publicly exhibit the draft Events Strategy 2019-2023 for a period of 28 days.*
2. *A further report regarding the draft Events Strategy 2019-2023 be provided to Council following the exhibition period.*

As part of the engagement process, the draft Strategy was placed on public exhibition between 19 June and 17 July 2019. During this period, six submissions were received (Attachment 2), all of which supported the strategy with five of them expressing an interest in applying for sponsorship funding for their upcoming events and demonstrating how their events support the objectives of the Strategy.

CONSIDERATIONS

The draft Strategy was publicly exhibited between 19 June and 17 July 2019 and was promoted by:

- A media release (13 June 2019)
- Notification in local newspaper (19 June 2019)
- Council e-news (June 2019)
- Direct emails to event related businesses and operators (9 July 2019)
- Recreation Matters e-newsletter (July 2019)

Six submissions were received and over 250 people accessed Council's webpage detailing the draft Strategy and the draft document.

All of the submissions clearly stated support for the strategy and five of the submissions expressed an interest in applying for sponsorship funding for their upcoming events and demonstrated how their events support the objectives of the Strategy.

This endorsement from key stakeholders demonstrates they support the strategic direction being taken by Council.

PSR19/017 DRAFT EUROBODALLA EVENT STRATEGY 2019-2024

E13.7307

Table 1: Issues raised by submissions and how they have been addressed by the draft Strategy or other actions by Council.

Issue	How addressed
Why isn't the strategy a 10 year plan?	The Event market is always evolving and needs to be reviewed regularly to align with the Eurobodalla Destination Action Plan.
Why are Council run events excluded?	Events run by Council are funded in the annual operating budget and align with the Community Strategic Plan objectives.
Rural development area appears to have been overlooked.	The Strategy outcomes include our towns and villages, home grown events and local food and culture. Events such as the Narooma Oyster Festival will boost the oyster industry and other local harvests across the Shire.
What is the relevance of the 3 case studies provided? Prefer more relevant examples.	The three case studies demonstrate the following: <ol style="list-style-type: none">1. How a festival transitioned from a volunteer managed community event into a regional festival run by Local Government.2. The reinvigoration of a long-standing festival by introducing professional event expertise and intensive local government support.3. What a regional festival can achieve by investing in professional event resources and collaborating with Local Government to drive results.

Policy

The Eurobodalla Destination Action Plan 2018-2021 identified the need for an Event Strategy. The draft Event Strategy has been developed taking into account local, regional and state strategies in relation to events and tourism.

Environmental

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

Asset

The draft Strategy will assist our Shire to leverage public and private sector investment for new event infrastructure and facilities.

Social Impact

The draft Strategy clearly delineates tourism and community events to ensure a clear framework for assessment that is fair and transparent.

The draft Strategy will support delivery of the Eurobodalla Community Strategic Plan 2017 with its vision.

Economic Development Employment Potential

Events are recognised as an important driver in reaching the NSW Government's ambitious target of \$20 billion in visitor expenditure in rural and regional NSW by 2025, rising to \$25 billion by 2030.

PSR19/017 DRAFT EUROBODALLA EVENT STRATEGY 2019-2024

E13.7307

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

The EDAP aims to grow the local visitor economy to \$462 million p.a. (year end June 2021) and increase employment. With this in mind, the draft Strategy recognises that events have the potential to create interest in the experiences on offer at a destination, generate publicity and link in with the region's seasonal variations and associated produce to help achieve these goals.

Financial

First year (2019/2020) commitments in the Event Strategy, can be met within the current budget. Any changes to this will need to be considered as part of Council's budget process.

Community and Stakeholder Engagement

The engagement process involved:

- A Council briefing session to explain the Event Strategy development process and learn Council views on support for tourism and community events
- One-to-one meetings with the key event stakeholders to gain their views on the current situation and their aspirations and priorities related to the development of events in the region
- An Event Management Workshop facilitated with 18 representatives of the local events that attract visitors and residents, to gather their collective thoughts on issues and opportunities for event development and growth across Eurobodalla
- An Online Event Management Survey distributed to 105 local event stakeholders across Eurobodalla, with 43 providing responses
- Preparation of a Discussion Paper to test potential strategic priorities for the development of events and to provide opportunities for feedback from event organisers
- Presentation of the Draft Event Strategy to a second Council briefing session and facilitation of a second Event Management Workshop to present and gather feedback on the Draft Strategy.

Stakeholders engaged included representatives from local event organisations comprising staff, volunteers and partners; professional event management companies; Chambers of Commerce; Destination NSW; Destination Southern NSW; Eurobodalla Shire staff and Councillors.

CONCLUSION

Council engaged consultants with considerable experience in event organisation and strategy development in regional areas, to help prepare the draft Strategy that involved a comprehensive stakeholder engagement process.

PSR19/017 DRAFT EUROBODALLA EVENT STRATEGY 2019-2024

E13.7307

The draft Strategy:

- provides a five-year framework for identifying the best events to attract, develop, grow and build a balanced and sustainable portfolio of events that contribute to the local economy and provide social outcomes for local communities
- aims to establish a balanced and sustainable portfolio of vibrant tourism and community events that celebrate and generate awareness of the unique attributes that Eurobodalla can offer, creating compelling reasons for visitors and residents to visit, explore and return to the area
- includes recommendations and associated actions for an events assessment framework to allow Council to make more calculated assessments and decisions on event attraction and support, and to ensure that event resources are allocated adequately and strategically.

As part of the engagement process, the draft Strategy was placed on public exhibition between 19 June and 17 July 2019. During this period, six submissions were received and over 250 people accessed Council's webpage detailing the draft Strategy and the draft document.

The comments received in the submissions relate to specific event issues and expressions of interest for any future funding available, rather than the Strategy and its recommendations.

It is recommended that Council adopts the draft Eurobodalla Event Strategy 2019-2024 attached under a separate cover.

PSR19/018 DRAFT RURAL, R5 AND E4 ZONES DCP (PUBLIC EXHIBITION)

E16.0182

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

Attachments: 1. Under Separate Cover - Attachment 1 - Draft R5 and E4 Zones
2. Attachment 2 - Draft R5 and E4 Zones and amendments to all other DCPs [↓](#)

Outcome: Responsible and Balanced Development

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

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

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

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement for the public exhibition of the draft Rural, R5 Large Lot Residential and E4 Environmental Living Zones Development Control Plan (the draft DCP).

The draft DCP has been prepared in accordance with the adopted position of Council to introduce the terrestrial biodiversity mapping into a DCP and will provide additional information to address concerns raised by the NSW Rural Fire Service.

The draft DCP must be placed on public exhibition for 28 days and submissions received during this time are to be considered by Council before adopting the plan.

RECOMMENDATION

THAT:

1. Council endorse the draft Rural, R5 and E4 Zones Development Control Plan to be publicly exhibited for 28 days.
2. Council endorse minor amendments to clauses relating to Tree Preservation and Biodiversity in all other existing Development Control Plans
3. Following public exhibition, a further report be submitted to Council for consideration of submissions and adoption of the draft DCP and minor amendments to all other existing DCPs.

BACKGROUND

On 28 August 2018, Council endorsed the rural lands planning proposal to be sent to the Department of Planning and Environment (Department) to make the plan. In accordance with minutes of the Ordinary Council Meeting on the 28 August 2018, Council staff sent a final package to the Department on 18 December 2018.

Since sending the planning proposal to the Department, Council staff have been liaising with government agency representatives to assist in addressing revised agency submissions

PSR19/018 DRAFT RURAL, R5 AND E4 ZONES DCP (PUBLIC EXHIBITION)

E16.0182

regarding the amendment to ELEM 2012 (rural lands). The revised submissions from RFS and Office of Environment and Heritage (OEH) have resulted in the objection to the removal of some objections to the planning proposal, with only a few site-specific areas remaining an issue and to be addressed in the DCP.

On Friday 28 June 2019, Council staff had a teleconference with the Department and representatives of the Minister's office (Minister). It was advised that the Department was willing to progress and recommend the amendment to Eurobodalla Local Environmental Plan (ELEM) 2012 to the Minister, on the basis that the commencement of the ELEM 2012 would be deferred until the end of September to enable the DCP to include the biodiversity overlay and address the remaining concerns of RFS.

Bushfire Protection

RFS have identified for Council a list of properties that would, under the ELEM 2012, facilitate subdivision and/or new dwellings as having bushfire risk. These properties have been captured in the draft DCP and explained in greater detail further in the report.

Biodiversity Mapping

The planning proposal included removing the existing terrestrial biodiversity mapping from ELEM 2012 and included it in a subsequent DCP or Code. This has been included in the draft DCP as a hyperlink to the Eurobodalla Native Vegetation Map.

CONSIDERATIONS

As advised by the Minister, the draft DCP has been prepared to enable the signing and gazettal of the amendment to ELEM 2012 (rural lands).

In accordance with the *Environmental Planning and Assessment Act 1979*, a DCP has been prepared by the relevant planning authority to provide community guidance on development in rural and rural residential zones. The draft DCP will be advertised and placed on public exhibition for 28 days from Council's endorsement.

The draft DCP applies to the following zones:

- RU1 – Primary Production
- RU4 – Primary Production Small Lots
- R5 – Large Lot Residential (lots equal to or greater than 5000m²) and
- E4 – Environmental Living (lots equal to or greater than 5000m²).

The draft DCP includes standard provisions on the siting of development, setbacks, parking and access, views, signage, subdivision, built form, site considerations and site works which are consistent with the existing Residential Zones DCP and Rural Subdivision DCP.

As a result of the draft DCP, minor amendments to all existing DCP will be required, including amending the Tree Preservation clause, introducing a new Biodiversity clause and ensuring references to Environment Planning and Assessment Act 1979 are up to date.

PSR19/018 DRAFT RURAL, R5 AND E4 ZONES DCP (PUBLIC EXHIBITION)

E16.0182

Biodiversity Mapping

Consistent with the Rural Lands planning proposal, Clause 6.6 of the Eurobodalla Local Environmental Plan (LEP) 2012 will be removed and the clause placed in the draft DCP and included in all other existing DCPs. The biodiversity clause will provide a hyperlink to the Eurobodalla Native Vegetation Map (vegetation map).

The draft vegetation map will delineate existing native vegetation, currently identified in the terrestrial biodiversity mapping of the LEP 2012, including land mapped as endangered ecological communities and extant native vegetation. The land mapped as bio-corridor in the terrestrial biodiversity mapping has been removed from the vegetation mapping, in accordance with the direction specified in the planning proposal. It is important to note that additional areas of native vegetation have been captured to include the areas of Deferred Matter, not currently mapped by the existing terrestrial biodiversity mapping.

Bushfire Protection

As requested by the Department and RFS, the DCP includes Schedule 4 which identifies sites that are a bushfire risk and have additional bushfire protection measures beyond Planning for Bushfire Protection. In addition, the DCP includes Schedule 5 which identifies sites that are an extreme bushfire risk and are unlikely to be able to facilitate future subdivision and/or new dwellings.

Council staff sent the draft DCP to the RFS for comment on Thursday 25 July 2019 to ensure they had adequate time to assess the document and provide Council with enough time to assess the feedback and process any required changes to the draft DCP.

Future Amendments to the DCP

A more detailed assessment of the DCP will be conducted after the amendments to the LEP 2012 has been implemented. This future review will consider provisions to guide:

- rural tourism development and other permissible non-agricultural activities
- rural land use conflicts
- rural scenic values and cultural landscapes
- farm buildings
- road stalls and other relevant matters aimed at assisting people proposing development to address relevant considerations.

Legal

Division 3.6 of the *Environmental Planning and Assessment Act 1979* states that a planning authority may prepare a development control plan to provide guidance to persons proposing to carry out development, and the consent authority assessing the development. The draft plan must be placed on public exhibition for a minimum of 28 days and submissions received during this time considered by Council before deciding whether to adopt the plan in accordance with Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

PSR19/018 DRAFT RURAL, R5 AND E4 ZONES DCP (PUBLIC EXHIBITION)

E16.0182

Policy

The draft DCP provides guidance to the community and development assessment staff on the expectations for development in rural zones (RU1 and RU4), R5 – large lot residential and E4 – environmental living. The DCP supports the aims of the ELEP 2012.

Environmental

The draft DCP incorporates flood, biodiversity and bushfire protection provisions to ensure development undertaken incorporates the most up-to-date information and mitigates any potential risk or environmental damage.

Community and Stakeholder Engagement

We will inform the community through providing information on Council's website; making copies available for viewing at the Batemans Bay, Moruya and Narooma libraries and the Moruya customer service centre; and advertising on Council's Noticeboard page in two local newspapers.

Council will place the draft policy on public exhibition for a period of not less than 28 days.

CONCLUSION

Council has prepared a Rural, R5 Large Lot Residential and E4 Environmental Living Zones Development Control Plan (DCP) in accordance with the intent outlined in the RLS and planning proposal.

It is recommended that Council endorse placing the draft DCP on exhibition for 28 days and considers submissions received during this time before deciding whether to adopt the Rural, R5 and E4 Zones DCP.

Amendment of Eurobodalla's Development Control Plans

The following amendments apply to all of Council's Development Control Plans, including:

- Batemans Bay Regional Centre DCP
- Bodalla Village DCP
- Industrial Zones DCP
- Moruya Township DCP
- Narooma Township DCP
- Neighbourhood Centres DCP
- Nelligen Village DCP
- Residential Zones DCP
- Tilba Villages and Conservation Area DCP
- Mogo Village Commercial Centre DCP

[1] Update Section 6.1 Tree Preservation

6.1 Tree Preservation

Intent:

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

Development Controls:

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

[2] Add new Section 6.2 Biodiversity

6.2 Biodiversity

Intent:

- *To maintain terrestrial and aquatic biodiversity, including the following:*
 - (a) protecting native fauna and flora,*
 - (b) protecting the ecological processes necessary for their continued existence,*
 - (c) encouraging the recovery of native fauna and flora and their habitats,*
 - (d) maximising connectivity, and minimising fragmentation, of habitat.*

Development Controls:

- A1** *Before determining a development application for development on land identified as “Native Vegetation” on the Native Vegetation Map, the consent authority must consider any adverse impact of the proposed development on the following:*
- (a) native ecological communities,*
 - (b) the habitat of any threatened species, populations or ecological community,*
 - (c) regionally significant species of fauna and flora or habitat,*
 - (d) habitat elements providing connectivity.*
- A2** *Development consent must not be granted to development on land identified as “Native Vegetation” on the Native Vegetation Map, unless the consent authority is satisfied that:*
- (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or*
 - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Note:

The proposed amendments to each Council’s Development Control Plans will be publicly exhibited and displayed Eurobodalla Shire’s Administration Building and the Moruya, Narooma and Batemans Bay libraries.

**PSR19/019 DRAFT VOLUNTARY PLANNING AGREEMENT - EUROBODALLA
QUARRY**

06.0660.D

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: 1. Under Separate Cover - Voluntary Planning Agreement
Outcome: Responsible and Balanced Development
Focus Area: 6.2 Ensure development is sustainable, and reflects community values
and the desired local setting
Delivery Program Link: 6.2.2. Provide receptive and responsive development assessment
services
Operational Plan Link: 6.2.2.1 Assess and determine development applications

EXECUTIVE SUMMARY

The purpose of this report is to progress the preparation of a Voluntary Planning Agreement (VPA) in accordance with legal requirements.

Council has an existing Deed of Agreement with the landowner to pay a levy based upon the number of tonnes and type of material extracted from Eurobodalla Quarry. The levy is used to assist in the maintenance of Nerrigundah Mountain Road and Eurobodalla Road. Development consent 366/17 for the quarry expansion and resource recovery facility was approved in December 2017 and required the existing Deed be converted to a VPA.

Council is required to publicly exhibit any draft VPA for a period of 28 days and to consider any submissions provided during the consultation period. Once the public exhibition period is over, a further report will be provided to Council to make a determination in regard to the draft VPA.

RECOMMENDATION

THAT

- 1 The Draft Voluntary Planning Agreement between Eurobodalla Shire Council and Maureen Hollis, contained in Attachment 1, be placed on public exhibition for a period of not less than 28 days in accordance with the Clause 25D of the Environmental Planning and Assessment Regulations 2000.
- 2 Following public exhibition period, a further report be submitted to Council for consideration of submissions and to make a determination in regard to the draft Voluntary Planning Agreement.

**PSR19/019 DRAFT VOLUNTARY PLANNING AGREEMENT - EUROBODALLA
QUARRY**

06.0660.D

BACKGROUND

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

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

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

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

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

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

**PSR19/019 DRAFT VOLUNTARY PLANNING AGREEMENT - EUROBODALLA
QUARRY**

06.0660.D

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

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

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

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

CONSIDERATIONS

There was two parts to the existing Deed of Agreement; it required physical works to occur and a levy based upon haulage rates for use of Nerrigundah Mountain Road and Eurobodalla Road.

All physical works associated with the Deed have been completed.

The proposed VPA will simply carry over the existing levy amounts in the Deed of Agreement which have been subject to CPI and introduce two new categories associated with the approval of the resource recovery facility.

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

The period for public exhibition is to be not less than 28 days and is to include an Explanatory note that provides a summary of the objectives, nature and effect of the agreement. It must also include an assessment of the merits of the proposed agreement including any impacts (positive or negative) on the public.

Once the draft VPA has been exhibited, a further report will be presented to Council outlining the details of any submissions received and whether the draft VPA should be amended and/or agreed to.

Legal

The *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulations 2000* provide guidance on the processes involved in the acceptance of a VPA. The purpose of this report to ensure Council meets these legislative requirements.

Policy

Council has no specific policy on Voluntary Planning Agreements.

Environmental

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

**PSR19/019 DRAFT VOLUNTARY PLANNING AGREEMENT - EUROBODALLA
QUARRY**

06.0660.D

Asset

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

Social Impact

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

Economic Development Employment Potential

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

Financial

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

Community and Stakeholder Engagement

Council is required to place the draft VPA on public exhibition for a period of not less than 28 days. Copies will be available for viewing on Council's website and Moruya customer service centre.

CONCLUSION

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

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

A further report will be presented to Council after the public exhibition seeking to enter into the agreement and discussion of any submissions received.

IR19/019 2019-20 PATHWAYS PROGRAM

E01.5635

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Outcome: Connected and Accessible Places

Focus Area: 7.2 Improve provision and linkages of our pathway network

Delivery Program Link: 7.2.1 Provide and enhance the pathway network

Operational Plan Link: 7.2.1.1 Build, renew and maintain pathway network

EXECUTIVE SUMMARY

Council has been successful in securing substantial grants for shared pathways for 2019-20 under the NSW Government's Active Transport Program. These grants were initially to be accepted by Tuesday 30 July, 2019. However due to the short notice provided, Transport for NSW agreed to extend this date to 13 August 2019 based on Council providing an intent to accept the grant funds in writing subject to Council formally resolving accordingly.

A small grant has also been offered to assist with the completion of the footpath at South Durras.

This report recommends acceptance of the grants offered and modification of the adopted 2019-20 pathways program to accommodate matching the funding as required.

RECOMMENDATION

THAT:

1. Council accept the grant funds offered under the NSW Government Active Transport Program being:

i)	Sunshine Bay Road, Sunshine Bay – shared pathway	\$40,000
ii)	Foam Street, Surfside – shared pathway	\$116,000
iii)	Melaleuca Crescent, Catalina – shared pathway	\$22,500
iv)	Sylvan Street, Malua Bay – shared pathway	\$83,000
v)	Francis Street, Broulee – shared pathway	\$37,000

2. Council accept the grant for the Durras Drive South Durras footpath project for \$7,500 from the NSW Government.

3. Council modify the 2019-20 new pathways program to:

i)	Durras Drive South Durras – footpath	\$28,000
ii)	Northcove Drive, Long Beach – footpath	\$53,000
iii)	Beach Road, Sunshine Bay – footpath	\$70,000
iv)	Trafalgar Road, Tuross Head – footpath	\$45,000

v)	Noble Parade, Dalmeny – footpath	\$60,000
vi)	Sunshine Bay Road – shared pathway	\$80,000
vii)	Foam Street, Surfside – shared pathway	\$116,000
viii)	Melaleuca Crescent, Catalina – shared pathway	\$45,000
ix)	Sylvan Street, Malua Bay – shared pathway	\$166,000
x)	Francis Street, Broulee – shared pathway	\$74,000

4. Additional funding be allocated from Section 94 funds for shared pathways to Sylvan Street, Malua Bay (\$31,000) and Francis Street, Broulee (\$22,000)
5. Edward Road, Batehaven footpath be deferred for consideration in the 2020-21 Operational Plan
6. A letter of appreciation be sent to the Hon. Andrew Constance MP Member for Bega and Minister for Transport and Infrastructure, for his support in securing these pathway grants for the Eurobodalla community.

BACKGROUND

Council continues to work proactively to deliver the following actions in the Delivery Program 2017-21 and Operational Plan 2019-20:

7.2 *Improve provision and linkages of our pathway network*

7.2.1 *Provide and enhance the pathway network*

7.2.1.1 *Build, renew and maintain the pathway network*

7.2.1.2 *Leverage existing funding to accelerate expansion of the pathway network.*

Applications for the five grants successfully secured under the NSW Government Active Transport Program were submitted on 14 December 2018, and approval of the grants was received on 24 July 2019.

The grants secured will assist Council to deliver the adopted Eurobodalla Pathways Strategy 2017. The adopted pathways strategy includes a specific commitment that '*Council will continue to advocate to Government seeking grants*'.

The grants successfully secured under the NSW Government Active Transport Program, with the support of our local Member for Bega the Hon Andrew Constance MP, include:

i)	Sunshine Bay Road, Sunshine Bay – shared pathway	\$40,000
ii)	Foam Street, Surfside – shared pathway	\$116,000
iii)	Melaleuca Crescent, Catalina – shared pathway	\$22,500
iv)	Sylvan Street, Malua Bay – shared pathway	\$83,000
v)	Francis Street, Broulee – shared pathway	\$37,000.

This grant funding requires matched funding from Council to complete works, except for Foam Street Surfside. It is proposed to modify the adopted 2019-20 pathways program to allow the grant funding to be matched as required. It will be recommended that the Edward Road footpath project be deferred from the current adopted program until 2020-21. Additional

IR19/019 2019-20 PATHWAYS PROGRAM

E01.5635

funding of \$53,000 has been added to the overall pathways program from Section 94 contributions for shared pathways to minimise changes to the previously adopted program.

A separate grant has also been offered toward the South Durras project of \$7,500 from the NSW Government. It is proposed to increase the project by the amount of the grant to allow delivery of the project, noting that the Durras Community Association is also contributing \$7,500. This also requires a small adjustment in funds from Council to meet the project objective on completing the missing link (rather than further staging of the work).

CONSIDERATIONS

The following tables show the program adopted in the Operational Plan 2019-20 and the proposed modified 2019-20 pathways program.

Table 1 - Adopted 2019-20 Pathways Program

Project	Council Funding	Other Funding	Sub-Total
Durras Drive, South Durras	\$7,500	\$7,500	\$15,000
Northcove Drive, Long Beach	\$53,000	-	\$53,000
Beach Road, Sunshine Bay	\$70,000	-	\$70,000
Edward Road, Batehaven	\$95,000	-	\$95,000
Trafalgar Road, Tuross Head*	\$45,000	-	\$45,000
Noble Parade, Dalmeny	\$60,000	-	\$60,000
Sunshine Bay Drive, Sunshine Bay	\$36,000	\$4,000	\$40,000
Total Funding	\$366,500	\$11,500	\$378,000

Project being undertaken with road project shown with asterisk *.

Table 2 - Proposed New 2019-20 Pathways Program

Project	Council Funding	Other Funding	Sub-Total
Durras Drive, South Durras	\$13,000	\$15,000	\$28,000
Northcove Drive, Long Beach	\$53,000	-	\$53,000
Beach Road, Sunshine Bay	\$70,000	-	\$70,000
Edward Road, Batehaven	-	-	Deferred
Trafalgar Road, Tuross Head	\$45,000	-	\$45,000
Noble Parade, Dalmeny	\$60,000	-	\$60,000
Sunshine Bay Road, Sunshine Bay	\$36,000	\$44,000	\$80,000
Foam Street, Surfside	-	\$116,000	\$116,000

Melaleuca Crescent, Catalina	\$22,500	\$22,500	\$45,000
Sylvan Street, Malua Bay	\$52,000	\$114,000	\$166,000
Francis Street, Broulee	\$15,000	\$59,000	\$74,000
Total Funding	\$366,500	\$370,500	\$737,000

This funding includes an additional allocation of Section 94 funds to Sylvan Street (\$31,000) and Francis Street (\$22,000) to support delivery of these works.

These works will be delivered prior to 30 June 2020.

These successful grant funding outcomes are a significant win for our community, effectively leveraging current funding to provide vastly improved outcomes for our Eurobodalla community.

Environmental

The provision of shared pathways and footpaths encourages more active transport including walking, cycling and use of scooters with a consequential environmental benefit through reduced reliance on motor vehicles.

Asset

These pathway projects will improve the linkages across Council's network of pathways as planned in the adopted Eurobodalla Pathways Strategy 2017.

Social Impact

The new pathways will:

- improve safety of pedestrians and cyclists through separation with vehicles
- improve accessibility for people with different abilities and ages
- improve social outcomes for young people and those without access to a motor vehicle
- allow improved opportunities to get out for a walk or bicycle ride to socialise with others, thereby helping with mental and physical well-being
- encourage walking and cycling for leisure, health and recreation.

Economic Development Employment Potential

These pathways improve linkages to key destinations including commercial business districts, viewing locations, sporting locations, schools and other facilities. These pathways also offer activities for visitors to Eurobodalla. For example:

- the South Durras pathway connects to the headland viewing area
- the Foam Street pathway connects residents to Batemans Bay CBD, Surfside oval, school and foreshore areas
- the Sunshine Bay pathway completes the connection to Sunshine Bay School and beach areas
- the Melaleuca Crescent pathway supports the new Muddy Puddles development for people with a disability. Future stages will connect to sporting areas, schools, Batehaven and Batemans Bay CBD and foreshore areas.

IR19/019 2019-20 PATHWAYS PROGRAM

E01.5635

- the Sylvan Street pathway connects residents to the Malua Bay bowling club, shops and foreshore areas
- the Francis Street pathway improves connections for residents to the shops, Captain Oldrey Oval, the primary school and beach areas.

Financial

Council has received \$306,000 in grant funding. Tables 1 and 2 show the changes needed to match the funding including an allocation of \$53,000 from Section 94 specifically collected for shared pathways.

The additional capital expenditure will result in an estimated additional \$4,500 per annum in depreciation from 2020-21 onwards with a minor increase in the maintenance and inspection of pathways of approximately \$2,000 per annum from 2020-21 onwards.

Community and Stakeholder Engagement

We will inform the community through providing information on Council's website; writing to residents, stakeholders, community groups; advertising on Council's noticeboard page in two local newspapers; and where road closures may be required, distributing a media release.

CONCLUSION

- This report recommends that:
1. Council accept the five grants funds offered under the NSW Government Active Transport Program
 2. Council accept the grant for the Durras Drive South Durras footpath project from the NSW Government
 3. Council modify the 2019-20 new pathways program, to the ten selected paths
 4. Additional funding be allocated from Section 94 funds for shared pathways to Sylvan Street, Malua Bay and Francis Street, Broulee
 5. Edward Road, Batehaven footpath be deferred for consideration in the 2020-21 Operational Plan
 6. A letter of appreciation be sent to the Hon. Andrew Constance MP Member for Bega and Minister for Transport and Roads, for his support in securing these pathway grants for the Eurobodalla community.

CCS19/035 POTENTIAL SALE OF MORUYA RACECOURSE

E14.8327

Responsible Officer: Jeff Phillips - Acting Director Corporate and Commercial Services

Attachments: 1. Confidential - Offer - Racing NSW

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

EXECUTIVE SUMMARY

This report is presented to Council for consideration of the sale of the Moruya Racecourse (the racecourse) to Racing NSW, subject to a 28 day public notification process.

In late 2015, Racing NSW approached Council enquiring whether Council would consider the sale of the racecourse. Ongoing negotiations with Racing NSW have been periodically occurring and a potentially acceptable price was recently proposed.

In making the offer, Racing NSW has indicated its intention is that the land will continue to be used indefinitely for the purposes of thoroughbred racing and training.

The Moruya Jockey Club (MJC) currently has a 50 year lease which is attached to the land. The MJC is supportive of the sale. Within the racecourse area St John's Ambulance has a licence to occupy an area for its operations. This licence continues until 30 November 2020.

During the public notice period, Council intends to offer to meet with all relevant stakeholders at the Moruya Racecourse.

RECOMMENDATION

THAT:

1. Council note the offer from Racing NSW detailed in the confidential attachment to this report for the purchase of the Moruya Racecourse.
2. Public Notice be given of the proposed sale of Moruya Racecourse to Racing NSW for a period of 28 days.
3. A further report be presented to Council following the notification period to consider submissions.

BACKGROUND

In late 2015, Racing NSW approached Council regarding the sale of the racecourse to Racing NSW. Since that time, ongoing negotiations have been intermittent. In late July 2019, a potentially acceptable price was proposed. Although not legislatively required, Racing NSW are aware that Council has a commitment to provide the community with the opportunity to comment on the sale of the Moruya Racecourse.

CCS19/035 POTENTIAL SALE OF MORUYA RACECOURSE

E14.8327

In making the offer, Racing NSW has indicated its intention is that the land will continue to be used indefinitely for the purposes of thoroughbred racing and training. Racing NSW also confirmed that it does not object to the use of the present St John's Ambulance building by that organisation under the existing conditions.

It is important to note that Racing NSW has provided significant funds for much of the investment at the Moruya racecourse.

Racing NSW is an independent, autonomous body established under the [Thoroughbred Racing Act 1996](#) responsible for the conduct of thoroughbred racing in New South Wales.

Racing NSW has provided written confirmation (confidential attachment) of its offer for the purchase of the property.

CONSIDERATIONS

History of Discussions

The Moruya Racecourse was opened in 1985. In 1987, the MJC was incorporated as a public company and has held a number of leases and licenses over the land known as the racecourse.

Following a request from MJC in 2012, Council commenced negotiations with the MJC regarding a long-term lease over the racecourse. At that time, Council resolved to give the General Manager delegated authority to negotiate the lease with MJC for a period no longer than 50 years.

Negotiations with the MJC continued until 2015 when Racing NSW wrote to Council making an offer for the purchase of the Moruya Racecourse.

In a confidential report to Council on 8 December 2015, Council resolved to hold any long-term lease negotiations with MJC in abeyance and delegated authority to the General Manager to continue negotiations with Racing NSW and that should the sale negotiations reach an agreement, then public comment would be sought for a period of 28 days. Agreement was not reached at that time and public comment was not therefore necessary.

At the Ordinary Meeting of Council of 12 December 2017, Council resolved in part to...'*grant a lease to Moruya Jockey Club over part Lot 41 DP 1036166 for a term of 50 years subject to conditions*'. The lease with MJC was executed and is now in place.

Consideration of current users

During negotiations, Council has been aware of the need to secure terms to seek to protect the interests of the MJC and St John's Ambulance.

The MJC holds a 50 year lease with Council over the racecourse and is supportive of the sale to Racing NSW. Racing NSW has indicated its intention is that the land will continue to be used indefinitely for the purposes of thoroughbred racing and training.

Within the racecourse area St John's Ambulance has a licence to occupy an area for its operations. St John's Ambulance took up an option in 2015 for a further five-year licence which will terminate 30 November 2020. Racing NSW has confirmed that it does not object to the use of the present St John's Ambulance building by that organisation under the existing conditions.

CCS19/035 POTENTIAL SALE OF MORUYA RACECOURSE

E14.8327

Owners of the adjacent freehold dwellings will continue to have right of carriageway access via Donnelly Drive.

Legal

The conduct of thoroughbred racing in New South Wales is overseen by Racing NSW, an independent, autonomous body established under the [Thoroughbred Racing Act 1996](#).

Section 55 of the *Local Government Act 1993* confirms that a tender process is not required for the sale of land or when transacting with a statutory authority.

Policy

In accordance with Council's Land Acquisition and Disposal Policy, the direct dealing with Racing NSW was appropriate given that it is not considered in the public interest to place the facility on the open market as the land was initially developed for the purpose of thoroughbred horse racing.

Lot 1 DP1249510 comprises the 50ha area which includes the racecourse facility and an area set aside for drainage and access within the freehold dwelling subdivision. This lot was formally part of Lot 41 DP 1036166.

Asset

A significant proportion of the funding for the building and improvements at the racecourse has been provided by grants administered under Racing NSW. Future capital improvements are likely to be reliant on the same.

Economic Development Employment Potential

Racing NSW's Strategic Plan includes a Racecourse Infrastructure and Funding Allocation of \$98,500,000 which is specifically aimed at improving racecourses.

It is understood that additional investment at Moruya will be facilitated by the acquisition by Racing NSW and will increase tourism and jobs in the region.

Financial

The market value of the land was assessed by a registered valuer in January 2019. This valuation is based on freehold value, vacant possession.

The rent received from the lease to MJC is reinvested back into the racecourse.

The proposed sale price includes consideration of the value of the land and the assets. The removal of the depreciation expenses is anticipated to improve Council's operating surplus.

Community and Stakeholder Engagement

The MJC is supportive of the acquisition of the Moruya Racecourse by Racing NSW.

At its meeting on 8 December 2015, Council resolved that should the sale negotiations reach an agreement, then public comment would be sought for a period of 28 days.

We will inform the community through a media release, providing information on Council's website and advertising on Council's Noticeboard page in two local newspapers.

CCS19/035 POTENTIAL SALE OF MORUYA RACECOURSE

E14.8327

During the public comment period, Council will offer to meet with the current stakeholders being St John's Ambulance, trainers registered to the racecourse, Surfair Speedway and residents of Donnelly Drive, Moruya to discuss the sale.

CONCLUSION

The proposal by Racing NSW for the purchase of the Moruya Racecourse potentially provides significant opportunities for the expansion of racing in Eurobodalla. In making the offer, Racing NSW has indicated its intention is that the land will continue to be used indefinitely for the purposes of thoroughbred racing and training. The community will be provided with an opportunity to comment on the proposed sale during the 28 day public notification period.

Following the notification period, a further report be presented to Council for consideration.

CCS19/036 LEASE OF COUNCIL BUILDING - MORUYA

94.6330.B

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

EXECUTIVE SUMMARY

The lease of part Lot 1 DP 125596, 53 Queen Street, Moruya to Southern Phone Company Limited expired on 26 June 2019 and the Lessee did not take up the option to renew the lease.

Lot 1 DP 125596, 53 Queen Street, Moruya is Council owned property classified as operational land and is required for future carparking.

It is proposed that the General Manager be given delegated authority to negotiate leases for the continued occupation of the building and grounds at 53 Queen Street Moruya until it is required to be used for carparking.

RECOMMENDATION

THAT the General Manager be given delegated authority to negotiate leases for the continued occupation of the building and grounds at 53 Queen Street, Moruya until it is required to be used for carparking.

BACKGROUND

Lot 1 DP 125596 is a Council owned property classified as operational land. The property comprises a carpark fronting Mirrabooka Avenue and a building which was formerly occupied by Council's Tourism Office which fronts Queen Street. The site of the building is required for future carparking needs.

The timing for the proposed demolition of the Council building has not been determined at this stage and has potential for leasing for some years.

At its meeting of 12 August 2014 Council resolved that the General Manager be given delegated authority to grant a lease for a term of up to five years and the building be offered as part of the Renew Eurobodalla Project until a commercial lease was granted.

A two-year lease with three one-year options was subsequently granted to Southern Phone Company Limited in June 2017. The lease expired on 26 June 2019 and the Lessee did not take up the option to renew.

CCS19/036 LEASE OF COUNCIL BUILDING - MORUYA

94.6330.B

CONSIDERATIONS

The location of the proposed lease area is shown in the diagram below.



Legal

Lot 1 DP 125596 is classified as operational land and therefore there is no legal impediment to leasing the building until the land is required for the carpark extension.

Financial

It would be appropriate for the General Manager to be given delegated authority to negotiate and grant leases with rent to be determined via a market based process.

Community and Stakeholder Engagement

Council's Engagement Planning Tool and relevant legislation have been used to guide the best approach to engagement on this matter. There is no legal requirement to advise the

CCS19/036 LEASE OF COUNCIL BUILDING - MORUYA

94.6330.B

community through public notice, or to seek feedback through public exhibition for land dealings within operational land.

CONCLUSION

The lease of the building located on part Lot 1 DP 125596, 53 Queen Street, Moruya has expired. Securing the commercial leasing of the building will provide an ongoing income stream until the land is required for carparking.

It is considered reasonable that the General Manager be given delegated authority to negotiate leases for the continued occupation of the premises until it is required for carparking.

CCS19/037 LICENCE FOR WATER SPORTS ADVENTURE SCHOOL

E06.0278

Responsible Officer: Jeff Phillips - Acting Director Corporate and Commercial Services

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The twelve-month licence to The Kite Bus expires on 30 September 2019. The licence is to operate a water sports adventure school based on kite surfing from within Council controlled public reserves at South Durras, Long Beach and Hanging Rock. The Licensee has requested that the licence be renewed for a further twelve months at the same locations with an additional location at Surfside.

Council has received no adverse comments in relation to the operation of this water sports adventure school in its first year.

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

Public notice has been given for this licence for 28 days from 26 June 2019 and no submissions were received. It is considered reasonable and appropriate that a twelve-month licence be granted to The Kite Bus, and for the General Manager to be given delegated authority to grant further licences subject to consideration of any public feedback received.

RECOMMENDATION

THAT

1. Subject to the Licensee providing the relevant approvals from the Australian Maritime Safety Authority and the Marine Parks Authority, Council grant a one-year licence with terms and conditions in line with similar licences to The Kite Bus to operate a water sports adventure school and the General Manager be given delegated authority to grant further licences, from within the following reserves:
 - (a) Crown Reserve 85399, Lot 2 DP 1224658 Durras Lake Drive, South Durras;
 - (b) Crown Reserve 66122, Lot 1 DP 1171024 Hanging Rock;
 - (c) Crown Reserve 58089, Lot 7311 DP 1140785 Wharf Road, Surfside; and
 - (d) Council owned community classified Lot 55 DP849895 Sandy Place, Long Beach.
2. The licence fee will be \$1,137 plus GST per annum.

CCS19/037 LICENCE FOR WATER SPORTS ADVENTURE SCHOOL

E06.0278

BACKGROUND

At its meeting on 24 October 2017 Council resolved to grant an initial twelve-month licence to The Kite Bus to operate a water sports adventure school from Lot 2 DP 1224658 within Crown Reserve 85399 Durras Lake Drive, South Durras, Lot 1 DP 1171024 within Crown Reserve 66122 Hanging Rock and Council owned community classified Lot 55 DP 849895 Long Beach. The current licence commenced on 1 October 2018 and expires on 30 September 2019. The Licensee has requested that the licence be renewed at the same locations and also over part Lot 7311 DP 1140785 within Crown Reserve 58089 Wharf Road, Surfside, the area of which has been positively reviewed by Council's Traffic Officer.

Only one location is used at any one time depending on weather and surfing conditions. Council has received no adverse comments in relation to the operation of this water sports adventure school.

CONSIDERATIONS

The owner of the business has managed and worked for water sports schools within Australia and overseas for some years. The business utilises a van and trailer for transportation and storage of the equipment which is parked at the chosen location for the day. A gazebo is erected on the reserve to offer shade in hot conditions. All equipment and waste is removed from the site at the end of the day.

An Expression of Interest (EOI) was called in February 2019 and advertised for 28 days for parties interested in seeking a licence for periods up to five years to use any Council owned or controlled public reserves. No other party expressed an interest in using the reserves during this time therefore it is appropriate that consideration be given to the request.

Public notice has been given for this licence for 28 days from 26 June 2019 and no submissions were received.

The licence areas are shown in the sketches below.

CCS19/037 LICENCE FOR WATER SPORTS ADVENTURE SCHOOL

E06.0278

Crown Reserve R85399 – Lot 2 DP 1224658 Durras Lake Drive, South Durras



Crown Reserve R66122 – Lot 1 DP 1171024 Hanging Rock



CCS19/037 LICENCE FOR WATER SPORTS ADVENTURE SCHOOL

E06.0278

Lot 55 DP 849895 Sandy Place, Long Beach



Crown Reserve 58089 – Lot 7311 DP 1140785, Wharf Road, Surfside



CCS19/037 LICENCE FOR WATER SPORTS ADVENTURE SCHOOL

E06.0278

Legal

Lot 55 DP 849895 Sandy Place, Long Beach is a Council public reserve classified as community land. Lot 2 DP 1224658 within Crown Reserve 85399 Durras Lake Drive, South Durras, Lot 1 DP 1171024 within Crown Reserve 66122 Hanging Rock and Lot 7311 DP 1140785 within Crown Reserve 58089 Wharf Road, Surfside are under the management of Council as Crown Land Manager.

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

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

The water sports activities require a Marine Park Permit to conduct commercial water sport activities issued in accordance with the *Marine Estate Management (Management Rules) Regulation 1999*.

www.legislation.nsw.gov.au/#/view/regulation/1999/102/part1/div3/sec1.32

The granting of a licence would be subject to the Licensee obtaining this approval. Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal land rights and interests.

Policy

In line with the provisions of *Council's Code of Practice - Licencing of Council controlled Public Reserves and Associated Buildings*, an Expression of Interest (EOI) was called in February 2019 and advertised for 28 days for parties interested in seeking a licence for periods up to five years to use any Council owned or controlled public reserves. No other party expressed an interest in using the same part of the reserves.

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

Financial

In accordance with the fees and charges for renewal of existing licence, the licence fee be the current fee increased by CPI, being \$1,137 plus GST per annum. This amount is in keeping with similar aquatic hire activities within the Shire.

CCS19/037 LICENCE FOR WATER SPORTS ADVENTURE SCHOOL

E06.0278

Environmental

The Kite Bus water sports adventure school would not have any undue impact on other users of the reserves.

Asset

It will be a condition of the licence that the reserves be kept clean and tidy.

Social Impact

The Kite Bus promotes the sport of kite surfing, surfing, paddle boarding and sailing, and safe water practices and provides the opportunity for locals and visitors alike to enjoy these activities.

Economic Development Employment Potential

The proposal would increase the range of activities available for visitors, which may lead to increased visitation, length of stay and expenditure.

Community and Stakeholder Engagement

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

The intention to grant a twelve-month licence to The Kite Bus over a number of Council controlled reserves was publicly notified for 28 days from 26 June 2019 in accordance with Section 47A of the *Local Government Act 1993 and Council's Community Engagement Framework*. No submissions were received.

CONCLUSION

The current twelve-month licence to The Kite Bus to operate a water sports adventure school based on kite surfing from within Council controlled public reserves at South Durras, Long Beach and Hanging Rock expires on 30 September 2019. The Licensee has requested that the licence be renewed at the same locations with an additional location at Surfside.

The granting of a licence to The Kite Bus will provide an attraction for both tourists and residents alike and will benefit the Shire, encouraging tourists to the area to experience the sport of kite surfing.

Council has received no adverse comments in relation to the operation of this water sports adventure school.

CCS19/038 CLASSIFICATION OF LAND - BRIDGE VIEW ROAD, NELLIGEN

E16.0384

Responsible Officer: Jeff Phillips - Acting Director Corporate and Commercial Services

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.3 Strategic management and review of Council operational land

EXECUTIVE SUMMARY

Council has previously resolved to acquire Lot 1 DP 119109 Bridge View Road, Nelligen to accommodate a sewer pump station and associated infrastructure for the proposed Nelligen Sewer Scheme. The acquisition of Lot 1 DP 119109 has been completed.

In accordance with the provisions of the *Local Government Act 1993*, public notice was given of Council's intention to classify the land as operational land. No submissions were received.

RECOMMENDATION

THAT Lot 1 DP 119109, Bridge View Road, Nelligen be classified as operational land.

BACKGROUND

At its Ordinary Meeting of 25 September 2018, Council resolved to acquire Lot 1 DP 119109 for sewer infrastructure purposes associated with the proposed Nelligen Sewer Scheme, in accordance with Council's Land Acquisition and Disposal Policy.

All land owned by Council must be classified as either community or operational land. Public notice for a period of 28 days was given to classify the land as operational land and no submissions were received.

CONSIDERATIONS

Legal

All land owned by Council must be classified as either community or operational land. In accordance with Section 34 of the *Local Government Act 1993*, public notice has been given of Council's intention to classify the land as operational land and 28 days were allowed for submissions.

Policy

The land for the sewer pump station was acquired in accordance with Council's Land Acquisition and Disposal Policy.

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

CCS19/038 CLASSIFICATION OF LAND - BRIDGE VIEW ROAD, NELLIGEN

E16.0384

Financial

There are no financial costs attached with this classification as acquisition of the land has been finalised.

Community and Stakeholder Engagement

We have consulted with the community via public notice that provided a 28 day notification period. No submissions were received.

CONCLUSION

It is considered appropriate that Lot 1 DP 119109 Bridge View Road, Nelligen be classified as operational land for the purpose of accommodating a sewer pump station and associated infrastructure for the proposed Nelligen Sewer Scheme.

CAR19/019 ADOPTION OF NEW HOME CARE PACKAGE FEES AND CHARGES

E11.5375

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

Attachments: 1. Home Care Package Fees and Charges attachment [↓](#)

Outcome: Strong Communities, Desirable Lifestyle

Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs

Delivery Program Link: 1.4.2 Provide flexible, community based services to support older people, people with a disability and their carers

Operational Plan Link: 1.4.2.4 Provide support services for older people

EXECUTIVE SUMMARY

This report seeks approval from Council for a new schedule of fees to be added to Council's fees and charges for 2019-2020.

These fees cover the provision of individual Home Care Packages (Levels 1-4) for older people, which Council's Community Care team intends to deliver from 1 September 2019. They replace the previously exhibited schedule of fees, following new advice received in late May around comparable pricing from the Commonwealth Department of Health.

The fees were placed on public exhibition for 28 days in accordance with the Local Government Act 1993 and no submissions were received.

RECOMMENDATION

THAT Council adopt the new schedule of fees for Home Care Packages and add it to Council's Fees and Charges 2019-2020.

BACKGROUND

Community Care's *Active Living* program currently provides a range of direct support services to older people referred through the My Aged Care assessment system.

Clients take advantage of a wide range of activities to suit all interests. Services are focussed on wellness and reablement: a strengths-based approach, promoting healthy lifestyles and supporting people to regain or retain skills or learn new skills which support independence. Services include direct care and support in the form of respite, social support and group activities.

During 2018 Council was approved as a registered Home Care Package Provider and intends to commence package provision from 1 September 2019, to augment the current range of services and provide a continuum of in-home care for frail older people as their needs change over time.

There are four levels of Home Care Packages, each providing a coordinated package of services to help older people with complex care needs to live independently in their own homes. An

CAR19/019 ADOPTION OF NEW HOME CARE PACKAGE FEES AND CHARGES

E11.5375

individual budget is then developed and used to deliver the care and services the consumer needs.

From July 1 new legislation meant that all home care providers must publish their pricing information in a new standardised pricing schedule. Council had previously exhibited fees and charges for Home Care Packages, which had to be amended as a result of advice recently released to providers.

CONSIDERATIONS

Council's original Home Care Package schedule of fees was based on information provided last year. In May new information was provided introducing a mandatory pricing schedule of fees and charges that all providers were required to adhere to from 1 July 2019.

As such a new schedule of fees was developed using the Aged Care Legislation Amendment (Comparability of Home Care Pricing Information Principles 2019) and other Home Care Pricing Schedule Definitions, provided by the Commonwealth Department of Health.

Legal

In accordance with 610F of the Local Government Act 1993 Council placed the schedule of fees on public exhibition for 28 days, during which time no submissions were received.

Social Impact

Providing services that meet the local need of some of our community's most vulnerable members and their carers contributes to quality of life and community wellbeing. The introduction of the new Home Care Package service provides an extended range of choice for frail older people wishing to remain at home as their needs change, enabling greater independence as well as continuity of support from a trusted provider.

Economic Development Employment Potential

The new service enables community members to stay in their own home. As a result, funds are spent locally, both in terms of services and supports, and in local businesses.

Community and Stakeholder Engagement

We have consulted with the community by seeking feedback through a 28 day Public Exhibition where the proposed new Home Care Package fee schedule was available on Council's website and at the Batemans Bay, Moruya and Narooma libraries.

CONCLUSION

Community Care is a provider of choice for older people and is contracted by state and federal governments to provide entry level, low intensity services to people who only need a small amount of assistance to enable them to maintain their independence.

Listing these new fees for the provision of Home Care Packages (Levels 1-4) will provide older Eurobodalla residents with continuity of care through a second tier of support services available from Council's Community Care.

Home Care Packages – Schedule of Fees and Charges from 1 September 2019

Support Services	
Monday to Friday ordinary hours 6am to 8pm	\$54.00 per hour
Monday to Friday after hours 8 pm to midnight	\$61.00 per hour
12 midnight to 6am	\$61.00 per hour
Overnight in home support (sleep over) includes up to 2 hours waking time	\$204.00 per night
Saturday	\$74.00 per hour
Sunday	\$94.00 per hour
Public Holiday	\$114.00 per hour (minimum 4 hour service)
Cancellation fees	
Within 24 hours of the service	100% of the fee is charged
Between 24-48 hours of the service	50% of the fee is charged
Before 48 hours of the service	No fee is charged
Other fees:	
Package Management daily fee	Level 1 \$3.00
	Level 2 \$4.00
	Level 3 \$9.00
	Level 4 12.00
Case Management daily Fee	Level 1 \$3.50
	Level 2 \$6.50
	Level 3 \$12.00
	Level 4 \$20.00
Basic Daily Fee	Level 1 \$9.44
	Level 2 \$9.99
	Level 3 \$10.27
	Level 4 \$10.54
Income tested fee	As assessed by Dep't Human Services
Initial Home Care Assessment and Review	\$280.00
Additional Case Management (Mon to Fri)	\$70.00 per hour
Allied Health Professional	Quote - to be advised per supplier rate
Nursing Care Mon to Fri	\$80.00 per hour
Client transport within service	\$1.00 per km
Staff transport outside of 20km service radius from Narooma, Moruya and Batemans Bay	\$1.00 per km
Exit fee	\$280

CAR19/020 NATIONAL MUSEUM FUNDING

**E93.5498;
E19.1941**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services
Attachments: Nil
Outcome: Celebrated Creativity, Culture and Learning
Focus Area: 2.3 Embrace and celebrate local history, cultural heritage and diversity
Delivery Program Link: 2.3.1 Acknowledge and involve traditional owners and members of the Aboriginal community
Operational Plan Link: 2.3.1.1 Coordinate the Aboriginal Advisory committee and associated projects

EXECUTIVE SUMMARY

Grant funding of \$178,500.00 has been offered to Council via the National Museum of Australia's (NMA) *Cultural Connections* program to run the 'Yuin Country Explored' project.

As part of its support for activities relating to the 250th commemoration of the voyage of *HMB Endeavour* up the east coast of Australia in 1770, the Australian Government has provided funding to the NMA's *Cultural Connections Program* to support professional development, employment and capacity building opportunities for Aboriginal or Torres Strait Islander (Indigenous) cultural practitioners.

This report to Council will recommend acceptance of the funding.

RECOMMENDATION

THAT Council accept the National Museum of Australia Funding offer of \$178,500 to support the implementation of the 'Yuin Country Explored' project.

BACKGROUND

The *Cultural Connections* Program is working in parallel to the National Museum's *Endeavour 250* exhibition, which constitutes a key part of the nation's remembrance of this voyage in 2020. All partner organisations for the Program operate in locations along the east coast of Australia at key sites of encounter during the *Endeavour's* voyage.

The Program supports community-led projects, programs, events or activities that enable Aboriginal people to mark, engage with and respond to the 250th anniversary and/or lead the delivery of existing cultural work, or the development of new projects, that seek to strengthen the cultural and professional needs of the community.

The NMA recognise that the development of Aboriginal and Torres Strait Islander cultural practitioners and community-led cultural work is central to building strong and sustainable communities. This grant, between the NMA and Eurobodalla Shire Council, represents an important cornerstone of the *Cultural Connections Program*.

CAR19/020 NATIONAL MUSEUM FUNDING

**E93.5498;
E19.1941**

CONSIDERATIONS

The grant will enable opportunities for Aboriginal or Torres Strait Islander cultural practitioners in the shire via the 'Yuin Country Explored' project.

The 'Yuin Country Explored' project is a shire-wide professional development and capacity building program for Aboriginal people living in Eurobodalla. The most important elements of this program are the extended participation, support and professional development of Aboriginal people and artists and the recognition of the important role of the Aboriginal community in shire cultural development.

The program aims to provide employment, mentorship and training for Aboriginal people, business development and creative professional development opportunities for Aboriginal visual artists, dancers, songwriters, story tellers, performers and filmmakers. The outcomes will fortify the opportunity to share and highlight the shire's traditional owner's unique cultural accounts. Their expression may provide inspiration for economic development in potential cultural tourism products into the future. Importantly, the project enables an opportunity to secure local cultural knowledge in collaboration with community, and the NMA will be a driver.

The 'Yuin Country Explored' project concept was developed from a community desire to build upon the success of the 2018 Reconciliation Week exhibition which was a partnership between Eurobodalla Shire Council and the Gulaga Board of Management. This exhibition generated extraordinary goodwill in the community and featured large, digitally animated artworks projected onto the walls of Council Chambers. The elements of this event will be extended and developed within the 'Yuin Country Explored' project.

There are three phases within the program: The consultation phase, the workshops phase and the event phase.

The consultation phase of the project will be of paramount importance to ensure the clarity of the community voice in the project and will commence in September 2019. Space and time will be provided in order to explore the impact and narratives within the over-arching context of the project – the National Museum of Australia's Endeavour 250 project. Project officers will seek to unearth skill aspirations and opportunities to direct project workshop content.

The workshop phase that follows will explore the expression of those narratives through imagery, dance and language. This phase will provide an extraordinary permanent resource to the Aboriginal and extended community of Eurobodalla. We anticipate that we will be running up to 6 workshops that will include inviting professional facilitators in the fields that have been identified in the consultation phase. This will build capacity for Aboriginal people within this project and future endeavours.

The project will also work collaboratively with the NMA to further refine skilling project staff and select participants that will provide ancillary skills in technical and cultural components. This will ultimately assist with wider community engagement and participation in the project and beyond.

CAR19/020 NATIONAL MUSEUM FUNDING

**E93.5498;
E19.1941**

This phase will be presented through night time viewings at one of Eurobodalla's most popular tourist attractions - the Eurobodalla Regional Botanic Garden during our shire's flagship arts event the River of Art festival in September 2020.

The phase is an immersive creative art experience. It will see the collected narratives curated within the context of 'Yuin Country Explored' and will allow visitors to explore Yuin country through the eyes and art of Eurobodalla's first peoples.

Policy

The project will provide outcomes that support the following Council plans:

- Creative Arts Strategy Actions 14, 15, 17, 26, 27, 42 and 45
- Economic Development Strategy Action 1.3
- Destination Action Plan Action 5.1
- Delivery Plan Actions 1.5, 2.1, 2.2, 2.3, and 2.4

Social Impact

The 'Yuin Country Explored' project will be developed with Aboriginal people, by Aboriginal people and showcase Aboriginal art, traditional practices and storytelling through various mediums. Content will be provided by Aboriginal people and the project will be overseen by the Aboriginal community.

During this project Aboriginal community members will have the opportunity to share their cultural knowledge through a variety of activities including: discussing stories and images depicted in artworks; giving feedback to the Captain Cook hotline; sharing stories, practices and imagery with lighting and sound directors to capture meaning and cultural knowledge; providing guidance as to cultural protocols when running formal events; running training and mentoring workshops for artists and young people as they develop skills to run the event or capture culture.

The project will provide an opportunity for Yuin people to explore, capture and express their cultural identities and provide a platform for Aboriginal people to develop leadership, creative and technical skills and project management skills.

Importantly the project will be a high profile whole of community event to share and promote Aboriginal culture, stories and history and seek to build respectful cross cultural relationships.

Economic Development Employment Potential

The project will aspire to increase employment and training opportunities for Aboriginal people by providing a number of professional development opportunities in the arts. Workshops will include developing new skills in audio/visual recording and production, development of artistic skills in dance, storytelling and visual arts. There will also be sessions to cover the business side of being an arts practitioner.

The project will also employ a range of Aboriginal staff throughout the project to assist in delivering the project deliverables.

CAR19/020 NATIONAL MUSEUM FUNDING

**E93.5498;
E19.1941**

An aspiration of the project will be to ensure that many of the skills developed will be sustained and provide ongoing opportunities for Aboriginal people to develop a business or gain employment, and to support a vibrant cultural tourism pathway via improved and broader offerings of product unique to our shire.

Community and Stakeholder Engagement

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

We have collaborated with the community through by seeking advice, ideas, and recommendations from Council's Aboriginal Advisory Committee through participatory decision making.

Last year's 'Yuin Country Revealed' activity during reconciliation week generated a great deal of feedback from the Aboriginal community on this type of project and it was overwhelmingly positive. This aspect provided the basis to build on the success of that project to develop the current project for which funding is currently being offered.

CONCLUSION

Council's Creative Arts and Community Development teams are collaborating with the Aboriginal Advisory Committee to partner with our local Aboriginal communities to develop stories, skills and potential employment into the future and have secured an important strategic partner and funding for the purpose.

DR19/004 2019 NSW LOCAL ROADS CONGRESS

E04.8291

Responsible Officer: Rob Pollock - Councillor

Attachments: 1. Under Separate Cover - 2019 Local Roads Congress presentation - Warren Sharpe
2. Under Separate Cover - 2019 Local Roads Congress Program
3. Under Separate Cover - 2019 Local Roads Congress Communique

Outcome: Connected and Accessible Places

Focus Area: 7.1 Work in partnership to provide an integrated transport network

Delivery Program Link: 7.1.1 Advocate for improved transport links, services and infrastructure

Operational Plan Link: 7.1.1.1 Partner with peak bodies to advocate for improved and on-going funding programs for local transport infrastructure

EXECUTIVE SUMMARY

This delegate report provides Council with an overview of the 2019 NSW Local Roads Congress and recommends that Council promote the outcomes from the Communique.

RECOMMENDATION

THAT:

1. The Delegate Report on the 2019 NSW Local Roads Congress be received and noted.
2. Eurobodalla Shire Council formally endorse the Congress Communique.
3. Council write to the following members highlighting the issues raised at the 2019 NSW Local Roads Congress and seeking their support:
 - a. The Hon Andrew Constance MP, Minister for Transport and Infrastructure and Member for Bega
 - b. The Hon Gladys Berejiklian MP, Premier of NSW
 - c. The Hon John Barilaro MP, Deputy Premier
 - d. The Hon Shelley Hancock MP, Minister for LG
 - e. Mrs Fiona Phillips MP, Member for Gilmore
 - f. The Hon Mike Kelly MP, Member for Eden-Monaro
 - g. The Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development.
4. The key findings of the 2019 NSW Local Roads Congress be referred to the next South East Australian Transport Strategy Inc meeting.

BACKGROUND

The NSW Roads & Transport Directorate, a partnership between the Institute of Public Works Engineering Australia (IPWEA) and Local Government NSW, held the 2019 NSW Local Roads

DR19/004 2019 NSW LOCAL ROADS CONGRESS

E04.8291

Congress in Sydney on 3 June 2019. The Congress recognises the critical role of Local Government as a provider of local and regional transport infrastructure in partnership with the NSW and Australian Governments. The Congress calls for immediate and ongoing action from all levels of government to address the unacceptable level of fatalities, serious injuries and road related trauma on our road network, with specific attention to the local road network.

Councillor Rob Pollock represented Council at the Congress.

Council's Director of Infrastructure Services, Warren Sharpe OAM, also attended. He is the current President of IPWEA NSW and also sits on the NSW Roads & Transport Directorate Executive Management Committee.

CONSIDERATIONS

The NSW Roads Congress provides a forum for Mayors, Councillors, Administrators, General Managers and senior Engineering staff to liaise with Ministers and senior NSW Government staff to discuss issues in the Roads and Transport portfolio. It is a once a year opportunity to meet together under a Local Government banner to debate solutions and advocate for additional road funding, as well as hearing the latest developments and issues in roads and transport.

Warren Sharpe OAM, on behalf of IPWEA (NSW) welcomed the delegates to the Congress, followed by Cr Linda Scott, President of Local Government NSW, with the opening address.

The keynote address to the congress was delivered by The Hon Paul Toole MP, Minister for Regional Transport and Roads.

Director Sharpe also presented to the Congress on 'Our Transport Journey Ahead – A Magical Mystery Tour?' which focused on improving road safety outcomes (presentation attached) and adapting local road networks to the rapidly changing technologies of the future.

The Congress Program (attached) consisted of the following topics:

1. Network Resourcing
2. Roads – Risk and Regulation
3. Roads and Transport.

The keynote dinner speaker was William Peters, Public Affairs Manager, Lime APAC.

A key outcome of the Congress is the production of the Congress Communique. This Communique represents a summary of the collective views of local government and guides the advocacy activities of the NSW Roads & Transport Directorate and LGNSW over the coming year. A copy of the Congress Communique is attached.

The 2019 Local Roads Congress Communique focuses on:

- Road Funding
- Road Safety
- Heavy Vehicles and Freight Task
- Roads Maintenance and Council Contracts

DR19/004 2019 NSW LOCAL ROADS CONGRESS

E04.8291

- Disruptive Transport Technology.

The Communique lists a number of actions and calls on NSW Councils, the NSW Government and the Australian Government to deliver on the points raised. The Congress Communique has already been provided to and discussed with Infrastructure Australia by IPWEA NSW.

New South Wales delegates will put forward the NSW Communique at the National Local Roads and Transport Congress in Adelaide, in November this year.

These outcomes will also be discussed with the South East Australian Transport Strategy Inc at their next meeting to be hosted by East Gippsland Shire Council, Victoria, on 15-16 August 2019.

CONCLUSION

The issues identified at the NSW Local Roads Congress are applicable to all Councils across NSW including Eurobodalla Shire Council.

Council should formally support the outcomes as outlined in the Congress Communique and lobby government to address the issues identified for the benefit of our own local community and the NSW and Australian economy.

15. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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