



AGENDA

Ordinary Meeting of Council

11 May 2021

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

ON TUESDAY 11 MAY 2021

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
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
4.1 Ordinary Meeting held on 27 April 2021
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- 6. MAYORAL REPORTS**
Nil
- 7. NOTICES OF MOTION**
Nil
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**
Nil
- 9. PETITIONS**
Nil
- 10. GENERAL MANAGER'S REPORTS**
GMR21/019 Batemans Bay Surf Life Saving Club Request for Interest Free Loan3

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- 11. PLANNING AND SUSTAINABILITY REPORTS**
 - PSR21/010 Secondary Dwellings in rural zones - new clause in LEP.....5
 - PSR21/011 Event Licence - Next Exit Music Festival - Mackay Park9
- 12. INFRASTRUCTURE REPORTS**
 - IR21/012 Local Traffic Committee No 7 for 2020-21.....13
- 13. COMMUNITY, ARTS AND RECREATION REPORTS**
 - CAR21/009 Community Development and Youth Grants.....19
- 14. DELEGATE REPORT**
- 15. URGENT BUSINESS**
- 16. DEALING WITH MATTERS IN CLOSED SESSION.....21**
- 17. CONFIDENTIAL MATTERS**

**DR CATHERINE DALE
GENERAL MANAGER**

**GMR21/019 BATEMANS BAY SURF LIFE SAVING CLUB REQUEST FOR
INTEREST FREE LOAN**

**S011-T00024,
S026-T00009**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.3 Encourage and enable healthy lifestyle choices

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

Operational Plan Link: 1.3.1.1 Support community and recreation groups to manage and develop their clubs

EXECUTIVE SUMMARY

The Batemans Bay Surf Life Saving Club Inc. has requested a \$30,000 interest free loan to assist with redevelopment and expansion of their clubhouse facility. The primary aim of the building works is to upgrade the present facilities so that it is able to meet the needs of an expanding Club and community.

RECOMMENDATION

THAT:

1. The Batemans Bay Surf Life Saving Club Incorporated be offered an interest free loan of \$30,000 for a term of three years and nine months, being fifteen equal and consecutive quarterly payments of \$2,000 each.
2. The Council seal be affixed to the interest free loan agreement for \$30,000 with the Batemans Bay Surf Life Saving Club Incorporated.

BACKGROUND

Council has a revolving fund of money available for the purpose of providing interest free loans to community sporting and cultural organisations. Council's policy "Interest Free Advances to Sporting and Cultural Organisations" sets out eligibility criteria and conditions.

A \$60,000 limit per community body is stipulated within the policy. The applicant meets the eligibility criteria set out in Council's policy and the requested amount is within the policy limits.

Council granted Batemans Bay Surf Lifesaving Club an interest free loan in 2014. The full amount was paid off within the agreed timeframe.

CONSIDERATIONS

Legal

The Council is permitted to provide interest free loans to facilitate its legitimate objectives and purposes.

Policy

This loan complies with Council's policy "Interest Free Advances to Sporting and Cultural Organisations".

**GMR21/019 BATEMANS BAY SURF LIFE SAVING CLUB REQUEST FOR
INTEREST FREE LOAN**

**S011-T00024,
S026-T00009**

Financial

Council has pooled restricted funds available for loans of this nature and purpose. The Batemans Bay Surf Lifesaving Club has fully paid off a previous \$60,000 loan from Council under the same policy.

CONCLUSION

The Batemans Bay Surf Life Saving Club Incorporated request is consistent with Council's Community Strategic Plan and relevant policies and it is recommended that they be offered an interest free loan of \$30,000 for a term of three years and nine months.

PSR21/010 SECONDARY DWELLINGS IN RURAL ZONES - NEW CLAUSE IN LEP S017-T00008

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

Attachments: Nil

Outcome: 6 Responsible and Balanced Development

Focus Area: 6.3 Encourage and support the development of a more diverse, innovative and affordable range of housing

Delivery Program Link: 6.3.1 Enable housing choice through responsive planning instruments

Operational Plan Link: 6.3.1.1 Implement responsive planning instruments

EXECUTIVE SUMMARY

The NSW Government recently reworded development controls for secondary dwellings in the *Standard Instrument Local Environmental Plan 2006* (LEP), making amendments to LEPs across the State, including the *Eurobodalla Local Environmental Plan 2012*. The changes have resulted in the control no longer applying in rural zones. The NSW Government has subsequently provided an opportunity to reinstate the development control to apply to rural zones if Council resolves to do so.

This report recommends that Council adopt the optional clause 5.5 controls relating to secondary dwellings on land in a rural zone, to reinstate development controls previously adopted by Council.

RECOMMENDATION

THAT Council:

1. Adopts the optional Local Environmental Plan clause 5.5 in the following form:

5.5 Controls relating to secondary dwellings on land in a rural zone [optional]

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
 - (i) [60] square metres
 - (ii) [45]% of the total floor area of the principal dwelling.
2. Conveys the resolution to the NSW Department of Planning, Industry and Environment by 30 May 2021.

BACKGROUND

When Council adopted the *Eurobodalla Local Environmental Plan 2012* (LEP), it contained the following clause:

5.4 Controls relating to miscellaneous permissible uses

9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

**PSR21/010 SECONDARY DWELLINGS IN RURAL ZONES - NEW CLAUSE IN
LEP**

**S017-
T00008**

- (a) 60 square metres,
- (b) 45% of the total floor area of the principal dwelling.

In December 2020, the NSW Government through the Department for Planning, Industry and Environment (DPIE), made amendments to the *Standard Instrument (Local Environmental Plans) Order 2006* (Standard LEP) to update the wording of the compulsory provision, clause 5.4(9) for secondary dwellings. The effect was that the compulsory provision now only applies to secondary dwellings on land “other than in a rural zone”.

These changes responded to concerns raised by some NSW councils that the existing wording of clause 5.4(9) of the Standard LEP did not work well when applying the same controls across rural zones and urban zones. Those councils advised they would like to be able to set a separate maximum size for a secondary dwelling in a rural zone.

The amendments also introduced a new provision in the form of the optional clause 5.5 of the Standard LEP, to provide those councils, who wished to do so, the discretion to set a maximum size for secondary dwellings in a rural zone and/or the maximum distance a secondary dwelling in a rural zone can be located from the principal dwelling.

Council can nominate the maximum size for secondary dwellings on rural land and adopt the new optional clause 5.5 of the *Standard Instrument (Local Environmental Plans) Order 2006*. Advising DPIE of its decision by 30 May 2021, would remove the requirement for Council to prepare a separate planning proposal, and DPIE will update the provisions when a new Housing State Environmental Planning Policy (SEPP) is finalised in the middle of this year.

CONSIDERATIONS

DPIE are consulting directly with councils to seek a resolution from each council regarding whether to adopt controls for secondary dwellings on rural land based on a new clause 5.5 in the Standard Instrument LEP. The wording is set out below. DPIE are asking councils if they want to include the new clause 5.5, with both or one of the subclauses. Council has the opportunity to decide on which numbers to insert but cannot change any other wording in the clause.

5.5 Controls relating to secondary dwellings on land in a rural zone [optional]

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- (a) *the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*
 - (i) *[insert number] square metres,*
 - (ii) *[insert number]% of the total floor area of the principal dwelling, and*
- (b) *the distance between the secondary dwelling and the principal dwelling must not exceed [insert number] metres.*

Direction—

This clause may also be adopted without paragraph (a) or without paragraph (b).

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LEP**

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Council's Strategic and Development Services staff consider it appropriate to reinstate the development controls provided by subclause (a) with the insertion of the same criteria as had previously applied, as follows:

- (i) 60 square metres,*
- (ii) 45% of the total floor area of the principal dwelling,*

These limits are considered appropriate because:

- They are consistent with controls previously adopted by Council
- The previous controls were working well to limit the size of secondary dwellings relative to the primary dwelling to facilitate the intent of the land use. That intent is to encourage a smaller, more affordable form of housing in accordance with Council's Local Strategic Planning Statement, Planning Priority 1 to "encourage housing diversity and affordability"
- It applies a consistent approach to secondary dwelling controls on rural and non-rural land
- Community consultation is not required to make this change in this instance. Thus, it is a more transparent approach to keep the development control consistent rather than introduce new or changed controls.

The inclusion of subclause (b) is not considered necessary. Council's Rural R5 Large Lot Residential and E4 Environmental Living Zones Development Control Plan already has a control requiring second dwellings to primarily utilise the same Asset Protection Zone as the primary dwelling. The omission of subclause (b) from the LEP will allow the flexibility of the Development Control Plan (DCP) to accommodate individual bushfire circumstances. Subclause (b) was not previously a development control in the LEP.

DPIE has requested a response by 30 May 2021 which outlines Council's resolution on the matter so that the proposed changes to our LEP can be incorporated with the proposed Housing SEPP. If Council does not respond by that date, Council will still be able to nominate its preferred size for secondary dwellings on rural land via a planning proposal at our own expense.

Policy

The recommendation is consistent with Council's Local Strategic Planning Statement which aims to encourage housing diversity and affordability. The recommendation is also consistent with the Rural Lands Strategy Planning Proposal which contained the control when it was adopted by Council.

Social Impact

The control encourages proposed secondary dwellings in rural zones to be of a scale that is affordable as rental housing.

Community and Stakeholder Engagement

Due to the short timeframe for responses required by DPIE (by 30 May 2021), there is no opportunity to publicly exhibit the additional clause that reintroduces the development control nor is exhibition required by the Department. This is considered acceptable as the community had not been advised of the removal of the control on 1 February 2021. The additional clause

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will restore the LEP to be consistent with the control that has been previously publicly exhibited and adopted by Council.

Should Council wish to exhibit the amendment, it would then need to prepare its own planning proposal. This would be a longer process and require additional resources.

CONCLUSION

It is recommended that Council adopts the optional clause 5.5 controls relating to secondary dwellings on land in a rural zone, to reinstate development controls previously adopted by Council.

If Council advises the Department of Planning, Industry and Environment of its decision by 30 May 2021, the Department will update the provisions when a new Housing State Environmental Planning Policy is finalised in the middle of this year, removing the requirement for Council to prepare a separate planning proposal, thus saving Council time and resources.

PSR21/011 EVENT LICENCE - NEXT EXIT MUSIC FESTIVAL - MACKAY PARK **S023-T00017,
15262**

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

Attachments: 1. Confidential - Licence Fee Details

Outcome: 9 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 purpose of this report is to seek approval for a licence for MJR Presents to host a music event within Crown Reserve D580022 Mackay Park, Batemans Bay in May 2021.

MJR Presents, established in 2014, have successfully staged several music tours within Australia and would like to stage an event in Batemans Bay.

The intention to grant a licence to MJR Presents to stage a music event within Mackay Park has been publicly notified for a period of 28 days. No submissions were received.

It is recommended that approval of a seven-day licence be granted to MJR Presents to stage the Next Exit Music Festival within Crown Reserve D580022 Mackay Park, Batemans Bay.

RECOMMENDATION

THAT

1. Council, as Crown Land Manager, grant licences in accordance with the Crown Land Management Act 2016 to MJR Presents to stage the Next Exit music festival on Crown Reserve D580022 Mackay Park, Batemans Bay with terms and conditions in line with similar licences including:
 - (a) Payment of a bond to the amount of \$3,000
 - (b) The provision of an Event Management Plan acceptable to Council for the event.
2. The General Manager be given delegated authority to grant further licences for this event subject to compliance with Council policy and consideration of any public feedback received.

BACKGROUND

Council has previously resolved to grant licences to stage music events at Mackay Park, Batemans Bay. These events have been a success with approximately 3,000 patrons enjoying the live music.

MJR Presents, the company who will stage and promote the Next Exit music festival, submitted an event application to conduct the festival on Friday 28 May 2021 within Crown Reserve D580022 Mackay Park, Batemans Bay.

**PSR21/011 EVENT LICENCE - NEXT EXIT MUSIC FESTIVAL - MACKAY PARK S023-T00017,
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MJR Presents is a major music promotion company that has been operating in Australia for the past seven years.

The licence request is for seven days which allows for set up and set down.

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

The proposal has been considered by relevant sections of Council and no negative feedback was received. Existing users have been notified and the two groups that had bookings during this time, have agreed to reschedule their activities.

The proposed open-air concert will have a capacity for 3,000 patrons. The event will commence at 3.00pm and conclude at 11.00pm. The event organisers will require four days before and two days after the event for set up and set down.

CONSIDERATIONS

The licensed area is shown in the sketch below.



*Part Lots 30 DP 7559012, Lot 259 DP 755902, Lot 2 DP 1049123 and Lot 31 DP 755902
Mackay Park, Batemans Bay - Crown Reserve D580022*

Legal

Crown Reserve D580022, being Mackay Park Batemans Bay, is under the management of Council as Crown Land Manager.

**PSR21/011 EVENT LICENCE - NEXT EXIT MUSIC FESTIVAL - MACKAY PARK S023-T00017,
15262**

Council can issue licences for up to five years for public reserves classified as Community Land and Crown reserves for which Council is Crown Land Manager, after public exhibition 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

A licence to stage the Next Exit music festival will be consistent with the purposes of the reserve at Mackay Park as identified in Development Application 235/16 – use of the land for temporary events.

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 2021 for parties interested in seeking a licence for periods up to five years to use any Council owned or managed public reserves.

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0018/144225/Licencing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

The event complies with Council's Events Policy as follows:

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0011/138575/Events-policy.pdf

Environmental

Decibel limits are in place to limit noise levels and the event finishes at 11.00pm.

Asset

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

Social Impact

The event organiser advised the event is aimed at a diverse market of rock fans and music enthusiasts generally in the 18-34 year plus demographic. The organiser is providing high quality entertainment to regional areas in a safe environment for all patrons.

Economic Development Employment Potential

The public advertising of the event has generated significant community interest and will add to the region's reputation as a vibrant destination. The event will generate a positive economic impact with local food, hospitality and trade services.

**PSR21/011 EVENT LICENCE - NEXT EXIT MUSIC FESTIVAL - MACKAY PARK S023-T00017,
15262**

Financial

The proposed fee structure and other costs are set out in the Confidential Attachment to this report. A \$3,000 bond will be required to be submitted with Council prior to the staging of the event.

The fee structure is in line with licences for similar events.

Community and Stakeholder Engagement

An EOI was called from interested parties to conduct activities on Council controlled public reserves for a period of up to five years.

The intention to grant a seven day licence to MJR Presents within Crown Reserve D580022 Mackay Park Batemans Bay has been publicly notified for 28 days in accordance with Section 47A of the *Local Government Act 1993* and Council's Community Engagement Framework. No submissions were received.

CONCLUSION

MJR Presents, established in 2014, have successfully staged several music tours within Australia and have applied to Council to stage the Next Exit music event at Mackay Park, Batemans Bay on 28 May 2021.

The Next Exit music festival will provide entertainment and an economic benefit to our Shire and has the potential to become an annual attraction.

It is recommended that Council support MJR Presents by granting a licence to stage the Next Exit music event at Mackay Park, Batemans Bay.

IR21/012 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2020-21

S030-T00018

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: Nil
Outcome: 7 Connected and Accessible Places
Focus Area: 7.1 Work in partnership to provide an integrated transport network
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network
Operational Plan Link: 7.1.2.4 Coordinate the Local Traffic Committee

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for review. The main issues covered at the Eurobodalla Local Traffic Committee meeting, held 1 April 2021, are as follows:

- Signage and Line marking – ‘No Stopping’ and ‘No Parking’ Mundarra Way adjoining Batemans Bay Public School, North Batemans Bay
- Line marking – Accessible Parking adjoining boat ramp public toilets Kingston Place, Tomakin
- Signage and Line marking – Median islands and associated signage and line marking on George Bass Drive at intersections with Nurla Avenue and Mulgowrie Street, Malua Bay
- Signage and Line marking – Bus Stop within the off street carpark on Hector McWilliam Drive east of Princes Highway intersection, Tuross Head
- Signage and Line marking – Roundabout at intersection of Ford Street and Ford Lane, Moruya
- Informal item - Petition on Road Safety Concerns – Annetts Parade, Mossy Point.

IR21/012 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2020-21

**S030-
T00018**

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 7 for 2020-21 be received and noted.
2. Council Plan No. 5156 Set BB Sheet 29 detailing the 'No Stopping' and 'No Parking' signage on Mundarra Way adjoining Batemans Bay Public School, North Batemans Bay be approved.
3. Installation of an accessible parking space within the carpark near the boat ramp on Kingston Place, Tomakin to provide access to the public toilet be approved.
4. Council Plan No. 5344 Set B Sheet 01 detailing the signage and line marking associated with the median islands on George Bass Drive at the intersections with Nurla Avenue and Mulgowrie Street, Malua Bay be approved.
5. Council Plan No. 5327 Set A Sheet 06 detailing the signage and line marking associated with the bus stop within the off street carpark on Hector McWilliam Drive east of Princes Highway intersection, Tuross Head be approved.
6. Council Plan No. 4409 Set C Sheet 03 detailing the signage and line marking associated with the proposed roundabout at intersection of Ford Street and Ford Lane, Moruya be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 7 for 2020-21 was held on 1 April 2021. The meeting was attended by Senior Constable Scott Britt (NSW Police), Michael Travers (Transport for NSW), Danielle Brice (representative for the Hon Andrew Constance MP), Dave Hunter (Traffic Coordinator), Tom Franzen (Transport and Stormwater Engineer), and Duncan McLaughlin (Road Safety Officer and minute taker)

APOLOGIES

Councillor Anthony Mayne (Chair).

DEPUTATIONS

Nil.

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 6 for 2020-21 held on 4 March 2021 were confirmed and accepted.

IR21/012 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2020-21

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OUTSTANDING ITEMS FROM PREVIOUS MEETING

Nil.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2021.RT.019 Signage and Line marking – ‘No Stopping’ and ‘No Parking’ Mundarra Way adjoining Batemans Bay Public School, North Batemans Bay

A request has been received from the Principal of Batemans Bay Public School to modify regulatory signage on Mundarra Way adjoining the School.

A separate bus bay that is regulated one way, exclusive to buses on school days is located on the south (off-street) approach to the school. Adjoining this bus bay there is 90 degree parking available to the east (on-street) with a fence and timber bollards creating a separate pedestrian walkway between the two areas.

Further along to the north and directly adjacent the school buildings there is (on-street) parallel with two separate time limits: ‘P5,8.30am-9.30am Mon-Fri’ AND ‘2P,9.30am-3.30pm Mon-Fri’. This serves as a pick-up and drop-off area in mornings and afternoons on school days.

There is a marked (zebra) pedestrian crossing between these 90 degree and timed parallel (on-street) sections.

The School Principal has observed many drivers illegally entering the ‘No Entry’ end of the bus bay, dropping off students and then undertaking a ‘U’ turn.

The School Principal has also requested that the 5 minute parking be changed to No Stopping as drivers are leaving their vehicles to escort student through to the school grounds and it is preferred that they remain at their vehicles and promptly leave to assist with parking turnover.

The No Parking signs will be annotated to include text “Pick Up and Set Down Only”.

To reduce the risk to road users it is proposed to:

1. Install additional bollards between the end of parallel parking section and the bus ‘No Entry’ exit and designate this section as ‘No Stopping’.
2. Remove the P5 am signs and replace with ‘No Parking, 8.15am-9.15am & 2.30pm-3.30pm SCHOOL DAYS’. This will allow a higher turnover of vehicles
3. Replace Mon-Fri on the 2P signs to SCHOOL DAYS.

Plan No. 5156 Set BB Sheet 29 detailing the ‘No Stopping’ and ‘No Parking’ signage on Mundarra Way adjoining Batemans Bay Public School, North Batemans Bay, was reviewed by the Committee.

Recommendation:

That Council Plan No. 5156 Set BB Sheet 29 detailing the ‘No Stopping’ and ‘No Parking’ signage on Mundarra Way adjoining Batemans Bay Public School, North Batemans Bay be approved.

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T00018**

**2021.RT.020 Line marking – Accessible Parking adjoining boat ramp public toilets
Kingston Place, Tomakin**

A customer has observed a person in a wheel chair having difficulty accessing the public toilet located within the carpark near the boat ramp on Kingston Place, Tomakin. They suggest an accessible parking space would benefit people with disabilities to get to the accessible toilet.

There are sealed carparking spaces with 90 degree configuration near the toilet block. Some of these spaces can easily be converted to accessible compliant by line marking. The two spaces immediately at the path leading to the toilet block can be used.

A photo of the location of the two spaces immediately at the path leading to the toilet block was reviewed by the Committee.

Recommendation:

That Install of an accessible parking space within the carpark near the boat ramp on Kingston Place, Tomakin to provide access to the public toilet be approved.

2021.RT.021 Signage and Line marking – Median islands and associated signage and line marking on George Bass Drive at intersections with Nurla Avenue and Mulgowrie Street, Malua Bay

Council has identified George Bass Drive as having poor vertical and horizontal alignment at both Nurla Avenue and Mulgowrie Street intersections.

This road geometry presents a high risk of rear end collisions when vehicles are stopped to turn right from George Bass Drive into both streets.

To reduce the risk, a median island 600mm wide and 34m long will soon be installed at both intersections. Left in and left out manoeuvres will continue to be allowed.

Council Plan No. 5344 Set B Sheet 01 detailing the signage and line marking, associated with the median islands at the intersections with Nurla Avenue and Mulgowrie Street, was reviewed by the Committee.

Recommendation:

That Council Plan No. 5344 Set B Sheet 01 detailing the signage and line marking associated with the median islands on George Bass Drive at the intersections with Nurla Avenue and Mulgowrie Street, Malua Bay be approved.

2021.RT.022 Signage and Line marking – Bus Stop within the off street carpark on Hector McWilliam Drive east of Princes Highway intersection, Tuross Head

Council has received funding jointly from Australian and NSW Governments under the joint Road Safety Program to complete the relocation of the bus stop to the off street carpark on Hector McWilliam Drive east of Princes Highway intersection, Tuross Head.

IR21/012 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2020-21

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This project was identified by the Tuross Head Progress Association after concerns that the existing bus stops on Princes Highway in the 100km/h speed zone presents a high risk to road users including pedestrians.

The Committee reviewed the proposal in the meeting on 7 May 2020 and recommended 'that the Council application to TfNSW under CPTIG Special Infrastructure Project Funding to relocate the bus stops on Princes Highway, Tuross Head to an off road carpark on Hector McWilliam Drive be supported'.

In August 2020 Council was informed the application was unsuccessful under the CPTIG program.

In February 2021 Council was offered funding to complete the project under the joint Road Safety Program.

The work is programmed to be undertaken in April to June 2021.

Plan No. 5327 Set A Sheet 06 detailing the signage and line marking associated with the bus stop within the off street carpark on Hector McWilliam Drive east of Princes Highway intersection, was reviewed by the Committee.

Recommendation:

That Council Plan No. 5327 Set A Sheet 06, detailing the signage and line marking associated with the bus stop within the off street carpark on Hector McWilliam Drive east of Princes Highway intersection, Tuross Head be approved.

2021.RT.023 Signage and Line marking – Roundabout at intersection of Ford Street and Ford Lane, Moruya

Council has recently installed a mountable roundabout on Ford Street at the intersection of Ford Lane (leading into Woolworths). It is fully funded by the NSW Government.

To reduce the short term impact on traffic, the concrete roundabout (5.4m diameter annulus) was pre-fabricated and installed over a three day period.

A Traffic Speed Management and Pedestrian Activation Plan (TSM&PAP) for Moruya CBD east that identifies key sites for infrastructure installation has been developed in recent years. The area is within a 50km/h speed zone and Council has to apply to TfNSW for a speed zone reduction to 30km/h once all key components of the plan are installed.

The TSM&PAP was presented to the Local Traffic Committee on 10 September 2020 and the Committee resolved to support the plan. The Committee in September and October 2020 have also approved the installation of four (zebra) pedestrian crossings in Ford Street and Shore Street. Three of these key components now operational.

The roundabout on Ford Street at the intersection leading into Woolworths via Ford Lane is another key component of the TSM&PAP.

Council Plan No. 4409 Set C Sheet 03, detailing the signage and line marking associated with the proposed roundabout at intersection of Ford Street and Ford Lane, was reviewed by the Committee.

IR21/012 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2020-21

**S030-
T00018**

Recommendation:

That Council Plan No. 4409 Set C Sheet 03 detailing the signage and line marking associated with the proposed roundabout at intersection of Ford Street and Ford Lane, Moruya, be approved.

INFORMAL ITEMS FOR DISCUSSION

2021.IN.003 Informal – Petition on Road Safety Concerns – Annetts Parade, Mossy Point

A petition requesting implementation of a permanent 40km/h speed zone on a section of Annetts Parade, Mossy Point was tabled at the Council Ordinary Meeting on 23 March 2021 by Councillor Anthony Mayne and Council resolved 'THAT Council forward the petition to the Local Traffic Committee for consideration'.

The Committee do not undertake speed zone reviews on public roads. This is the sole responsibility of TfNSW (on all public roads in NSW). The Traffic Coordinator will relay this to the principal petitioner.

The other matters within the petition on road geometry and infrastructure will be forwarded to Council's Infrastructure Services team and reported back to the Committee.

GENERAL BUSINESS

Nil.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 6 May 2021 in Council's Glass Meeting Room commencing at 9am (dependent on COVID-19 protocol at that time).

CAR21/009 COMMUNITY DEVELOPMENT AND YOUTH GRANTS

**S003-T00026;
S003-T00045**

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

Attachments: Nil

Outcome: 1 Strong Communities, Desirable Lifestyle

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

Delivery Program Link: 1.4.1 Plan for and provide opportunities, services and activities for youth

Operational Plan Link: 1.4.1.1 Provide services and opportunities for young people

EXECUTIVE SUMMARY

Council's agreement is sought to accept \$50,000 from the Foundation for Rural and Regional Renewal (FRRR) – Bushfire Response Stream to support students purchase winter school uniforms, and \$5,000 from the Office for Regional Youth Holiday Break program to deliver youth activities and services for young people aged 12- 24 in the school holidays.

RECOMMENDATION

THAT Council:

1. Accept a \$50,000 grant from the Foundation for Rural and Regional Renewal (FRRR) 2020 Back to School Bushfire Response Program; and
2. Accept a \$5000 grant from the Office for Regional Youth Holiday Break program.

BACKGROUND

In February 2020 the youth services team hosted three community forums which provided an opportunity for young people and service providers to voice their feelings and discuss the effects of the 2019/2020 bush fire crisis. During these forums, support for local schools and more activities for young people were highlighted as some of the key focus areas for service providers and young people in the Eurobodalla.

As part of Council's response to the forum outcomes, staff applied for a grant from FRRR to support bushfire affected students to purchase school uniforms and a grant from Regional Youth to support youth activities in the school holiday period.

In April 2020 Council received an initial grant of \$50,000 from FRRR and were encouraged to reapply for the funding in the second round. The \$50,000 grant provides 1000 x \$50 vouchers to school uniform shops to support young people buy uniforms, essential school items and, by extension, assist local schools and businesses. Council is working closely with the shire's schools, who will take responsibility for distributing and administering the funds within their school communities.

The second round application was successful and Council's approval is sought to accept the funding offer.

The Office for Regional Youth program grant aims to provide funds for youth activities over the school holidays in local government areas impacted by Covid-19 border closures, bushfires and drought.

CAR21/009 COMMUNITY DEVELOPMENT AND YOUTH GRANTS

**S003-T00026;
S003-T00045**

The \$5,000 grant will contribute to the costs of running learn to skate classes and mentoring sessions in five skate parks across the Eurobodalla.

Social Impact

The FRRR Back to School grant will provide much needed support to 1000 Eurobodalla school students and their families with some support to assist with return to school resources. While the Regional Youth Holiday grant program will allow council to extend its school holiday programs.

Given the recent impacts of Covid-19, bushfires, drought and flood on our local employment and business sector, this support will be welcomed and help our community. It is anticipated that these funds will be invested back into the local economy.

Financial

The opportunity to attract external funding enables Council to provide quality opportunities that address important social and wellbeing issues, as expressed and experienced by the community. The grants will be administered using existing staff resources and no matched or additional funding is required.

Community and Stakeholder Engagement

The FRRR grant and the Regional Youth Holiday grant will be promoted on Council's website; online news; Living in Eurobodalla newsletter; direct emails and distributing a media release.

CONCLUSION

The external funding opportunities offered enables Council to support our communities in very practical ways, to improve wellbeing and connect our communities to each other and important services.

By being responsive to our community's needs post-bushfires and during the Covid-19 crisis we support our community to build resilience and assist in the recovery process.

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.