



AGENDA

Ordinary Meeting of Council

24 March 2015

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

ON TUESDAY 24 MARCH 2015

COMMENCING AT 10.00AM

AGENDA

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

- | | | |
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| 1. | ACKNOWLEDGEMENT OF COUNTRY | |
| 2. | WELCOME AND EVACUATION MESSAGE | |
| 3. | APOLOGIES | |
| | NIL | |
| 4. | PUBLIC FORUM (AGENDA ITEMS ONLY) | |
| 5. | CONFIRMATION OF MINUTES OF PREVIOUS MEETING | |
| 5.1 | Ordinary Meeting held on 24 February 2015 | |
| 6. | 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

NOM15/001 NOTICE OF MOTION

E15.9042

Councillor Milton Leslight has given notice that at the Ordinary Meeting of Council on 24 March 2015, he will move the following motion.

MOTION

THAT Council receive, consider and respond to Mr Hitchcock's correspondence.

BACKGROUND

I have recently received correspondence from Mr Ian Hitchcock, Secretary of Eurobodalla Business Group, which is detailed as follows:

As Secretary to the group who organised the meeting of Eurobodalla business people at the Starfish reception rooms in Batemans Bay on the 29th January 2014, and in accordance with normal protocols, I request that as one of our elected community representatives, you table or present the attached resolutions to the Eurobodalla Shire Council at the earliest opportunity.

I regret the delay in presenting these resolutions, but I could not act until the exact wording of the resolutions was verified.

As an attendee at that meeting, you will be able to confirm to Council that the motions were passed unanimously by the large audience in attendance.

It is the expectation of the Eurobodalla business community that Council will act upon these resolutions, and provide them with an action plan that responds to their serious concerns.

RESOLUTIONS:

1. *Vote of no Confidence in the Executive leadership of the Eurobodalla Shire Council.*
2. *Vote of no confidence in the Planning and Sustainability Department & Infrastructure Services Department.*
3. *Council to immediately implement strategy to address the detrimental policies affecting the Eurobodalla Shire, being the LEP, SLR, ISLRP and Bio-certification.*
4. *Immediate withdrawal of the SRV application.*
5. *A delegation (of 4) of the meeting be authorized to meet with the NSW Treasurer, A. Constance, the Planning Minister, P. Goward, the Minister for Local Government, P. Toole and the Minister of the Office of Environment and Heritage, R. Stokes, with the assistance of Councillor M Leslight and Councillor L. Innes as elected representatives of the Community to address the above and to meet with the General Manager, Dr C. Dale, to discuss the above issues.*
6. *The meeting expressed its' complete confidence in NSW Treasurer, Andrew Constance, in the manner in which he has been supporting the local business community.*

Based upon the correspondence I therefore make the recommendation that this correspondence be received, considered and responded to.

GMR15/003 CODE OF CONDUCT - APOLOGY

E13.7162

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Strategic Objective: Collaborative

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

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

EXECUTIVE SUMMARY

A Code of Conduct Investigation Report on Councillor Milton Leslight was adopted in closed session at the Council meeting held on 25 November 2014. At the Council meeting held on 9 December 2014 the recommendations from the Code of Conduct reviewer's report were noted. One of the recommendations was that Councillor Leslight offer an unqualified apology to all Council planning staff for his conduct at the Council meeting held on the 8 July 2014.

RECOMMENDATION

THAT Councillor Leslight be invited to make an apology in accordance with Council's resolution.

BACKGROUND

Whilst Council's adoption of the Conduct Reviewer's recommendations covered a range of agreed actions, specifically Councillor Leslight is required, as per Council resolution on the 25 November 2014, to offer an unqualified apology to all Council planning staff for his conduct at the Council meeting held on 8 July 2014 and in particular for making comments directed towards Council planning staff contrary to clauses 3.1 (c) and (e), 3.3, 6.6 and 6.7 9 (e) and (f) in the Model Code of Conduct.

CONSIDERATIONS

Policy

The model Code of Conduct is a mechanism that allows complaints to be submitted for breaches of the code by Councillors and the General Manager. The Model Code of Conduct has been developed to assist council officials to act in a way that enhances public confidence in the integrity of local government.

Communication / Consultation

In accordance with advice of the Office of Local Government and in line with Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (March 2013) and Council's Code of Meeting Practice members of the public will not be able to register to speak on this report.

CONCLUSION

That Councillor Leslight be invited to apologise to all Council planning staff for his conduct at the Council meeting held on 8 July 2014.

GMR15/004 2015 COUNCIL MEETING SCHEDULE

E06.0429

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Strategic Objective: Collaborative

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

Operational Plan Link: C1.1.2 Support the conduct of effective Council meetings

EXECUTIVE SUMMARY

This report provides a schedule of proposed Council Meetings for the remainder of the 2015 calendar year and seeks Council's endorsement of the schedule.

RECOMMENDATION

THAT Council:

1. Endorse the following dates as the meeting schedule for Council meetings for the remainder of 2015 as follows:
 - a. 14 April 2015
 - b. 28 April 2015
 - c. 12 May 2015
 - d. 26 May 2015
 - e. 9 June 2015
 - f. 23 June 2015
 - g. 28 July 2015
 - h. 11 August 2015
 - i. 25 August 2015
 - j. 8 September 2015
 - k. 22 September 2015
 - l. 27 October 2015
 - m. 10 November 2015
 - n. 24 November 2015
 - o. 8 December 2015.
2. Note that the schedule may be amended at any time, as required.

GMR15/004 2015 COUNCIL MEETING SCHEDULE

E06.0429

BACKGROUND

Under Section 365 of the Local Government Act, Council is required to meet at least 10 times per year, each time in a different month.

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

A schedule of meetings for the remainder of 2015 has been developed in consultation with Councillors. The calendar may be amended at any time if Council resolves to alter the meeting day.

CONSIDERATIONS

The proposed schedule has taken into account a July mid-year recess, the 2015 Local Government Conference which will be held from Sunday 11 October to Tuesday 13 October 2015 and the Christmas Break in December.

The proposed schedule has followed normal procedure for the majority of the year.

It is recommended that Council's mid-year recess coincide with School Holidays. Accordingly, no briefings will be scheduled on 7 July 2015.

The Local Government NSW Conference will be held in Sydney from Sunday 11 October 2015 to Tuesday 13 October 2015. As a result no meeting will be scheduled on 13 October 2015 to allow for Councillor attendance at the LGNSW Conference.

Date	Meeting Type	Comments
APRIL		
14 April 2015	Council Meeting	
28 April 2015	Council Meeting	
MAY		
12 May 2015	Council Meeting	
26 May 2015	Council Meeting	
JUNE		
9 June 2015	Council Meeting	
23 June 2015	Council Meeting	
JULY		
14 July 2015	No Meeting	Mid-year recess
28 July 2015	Council Meeting	

GMR15/004 2015 COUNCIL MEETING SCHEDULE

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AUGUST		
11 August 2015	Council Meeting	
25 August 2015	Council Meeting	
SEPTEMBER		
8 September 2015	Council Meeting	
22 September 2015	Council Meeting	
OCTOBER		
13 October 2015	No Meeting	LGNSW Conference
27 October 2015	Council Meeting	
NOVEMBER		
10 November 2015	Council Meeting	
24 November 2015	Council Meeting	
DECEMBER		
8 December 2015	Council Meeting	
22 December 2015	No Meeting	Christmas Break

Policy

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

Communication / Consultation

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

Financial

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

CONCLUSION

The proposed schedule of Council meetings for 2015 has been prepared in consultation with Councillors and takes into account a July mid-year recess, the 2015 Local Government Conference which will be held from Sunday 11 October to Tuesday 13 October 2015 and the Christmas Break in December.

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Responsible Officer: Cath Reilly - Executive Manager Communication and Tourism
Attachments: My Travel Research Paper (Under Separate Cover)
Strategic Objective: Productive
Delivery Program Link: P1.4 Provide tourism destination marketing and visitor services
Operational Plan Link: P1.4.2 Provide and manage Council's Visitor Information Centres (VIC)

EXECUTIVE SUMMARY

This report seeks Council's approval to engage with the community on a proposal to implement a new model for delivering visitor services in Eurobodalla.

The proposed model is intended to meet the changing needs and behaviour of visitors both in their pre-holiday planning phase and when seeking information in destination, and ensure that Council's tourism budget delivers visitor information services and a competitive destination marketing strategy, effectively and efficiently.

As the proposed visitor services model would cost less to deliver than operating the two visitor information centres in Batemans Bay and Narooma, it provides a way for Council to redistribute funds to web and digital marketing and priorities that were identified in the first stage of the Organisation Service Review of Visitor Centres, the My Travel Research paper, the Destination Management Plan and the 2014-15 Tourism Marketing Plan, without increasing overall expenditure on tourism. The model also opens up opportunities for Council to realise annual savings depending on the future use of the Batemans Bay and Narooma buildings.

The proposed new model is built around the delivery of five visitor information services that can:

- ensure that visitors continue to have access to quality information that encourages expenditure and longer stays
- support and align with destination marketing activities and programs
- support tourism businesses
- grow the visiting friends and relatives market
- engage local residents in a tourism ambassador program.

The proposed model would meet the needs of visitors through the following services which are explained in detail further in this report.

1. Seven day a week visitor information contact call centre.
2. pop-up mobile visitor information service.
3. Visitor information hubs.
4. Level 2 or 3 accredited visitor information centres.

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5. A volunteer tourism ambassador program.

The model would provide Council with the flexibility to change and adapt the delivery of visitor services in the future to respond to further changes in visitor behaviour, technology and the tourism industry.

RECOMMENDATION

THAT:

1. Council seek feedback on the proposed model including the recommendation to reallocate \$143,000 of the \$163,495 funds identified as savings to fund the recommendations from the review of the 2011-20 Destination Management Plan, and the opportunities identified in the 2014-14 Tourism Marketing Plan that are detailed further in this report for a period of 28 days.
2. Following the expiration of the feedback period, a further report is presented to Council to consider any submissions and feedback received.
3. Council notes the recommendations from the Tourism Advisory Committee as outlined in the report.

BACKGROUND

The proposed new model is one of the outcomes of the Organisation Service Review Visitor Information Centres report PSR14/034 that was endorsed on 24 June 2014. In addition, the service review and the proposed new model responds to Strategy 10 in the Eurobodalla 2011-20 Tourism Destination Management Plan that recommends that Council reviews the operation and delivery of visitor information services to ensure that they are economically viable and deliver visitor information that aligns with changing visitor information search, and new visitor information technologies.

The Organisation Service Review Visitor Information Centres report PSR14/034 provided Council with detailed background and recommendations about the operations and costs of existing visitor information centres in Batemans Bay and Narooma, research about trends and use of technology, the effectiveness and need for the existing online booking system; Bookeasy, the need to review the current membership model and the need to commit funds to web and digital marketing activities to maintain competitiveness.

This report formed the basis for Council resolving to undertake further investigation on third party booking online systems, an alternate membership model such as a fee for service model, and to seek an alternative model for the delivery of visitor information services.

Some of the key findings of the service review were that:

- Currently only 5% of visitors coming to Eurobodalla walk through the doors of the visitor centres.
- Both visitor centres have experienced a decline in foot traffic in the last 5 years (door counts), but a rise in digital contact through emails and website.

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- Technology has changed the way people source and use information, as well as who can provide that information.
- Operational expenses of the Batemans Bay and Narooma visitor information centres are increasing, while revenue from commissions received from bookings and sales is decreasing. Increasing net costs have been funded annually from the marketing budget which has declined over time.
- The current online booking system Bookeasy is no longer cost effective.

Staff developed draft proposals for new models and in November 2014, the Tourism Advisory Committee reviewed and provided input into the proposals, and requested that they be independently investigated to ensure that whatever replaces the current model is a robust alternative that supports the tourism industry. My Travel Research was engaged and the report and recommendations received in December 2014 is attached as part of this report.

Some of the key findings and recommendations (summarised and para-phrased) from the My Travel Research report were that:

- The current solution does not meet the best practice standards for use of resources.
- A greater proportion of the existing budget should be reallocated to web; Council needs to move to embrace the digital economy.
- A critical success factor is that all elements of the visitor information services approach should be aligned and integrated with marketing and promotions, branding etc.
- The solution must have flexibility at its core.
- Council should move from being a visitor information centre provider, to being a visitor information provider.
- Usage of VICs is highly correlated with longer stays and higher spends and the research to date has not found evidence of any destination wholly exiting a physical presence. Whilst individual visitor centres have been closed, these are normally substituted with a physical presence in a different format or location. For example, there has been a shift to mobile VICs/'pop ups' or to new models like sub-contracting, co-locating or virtual services.
- If budgets do not permit Council to offer both the mobile and outsourced centres options, it should at least offer one.

After reviewing the independent report, further feedback from the Tourism Advisory Committee has been incorporated into the proposed model and recommendations.

CONSIDERATIONS

The Tourism Advisory Committee have recommended the following:

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- a) Council seeks feedback from the community on a proposed new model for delivering visitor information services.
- b) Council continues to allocate the same level of annual funding for the purposes of destination marketing and visitor services and that the priorities identified in the review of the 2011-2020 Tourism Destination Management Plan and the Tourism Marketing Plan including the new website and a digital marketing strategy, are resourced from a redistribution of funds.
- c) If the proposed model or an amended version is adopted, that a further report is ready to be presented on the future use of Batemans Bay site, and leasing out of the Narooma site as soon as possible to avoid or minimise the time the existing buildings may be left empty.
- d) Council prioritises the investigation of installing dedicated free Wi Fi spots in Batemans Bay, Moruya and Narooma supported by signage and promotion as recognition that access to free Wi Fi is important in being able to meet the needs of visitors and the tourism industry, to increase spend and length of stay, and to support the new Visitor Information Service model that will deliver many services online. This recommendation responds to a key finding in the My Travel Research report that notes that while most accommodation is pre-booked, tourism and other activities are planned and chosen in the destination, and the Deloitte report that shows that 83% of visitors use the internet in a holiday destination.
- e) Council recognises that the current Batemans Bay and Narooma visitor centre buildings were in part funded through donations and grants raised and sourced by tourism businesses, and that when the future use of these buildings is decided, that consideration is given to the revenue being used for the benefit of the tourism industry, eg, tourism infrastructure.

The proposal

The proposed model delivers visitor services in five ways. These are:

1. **Seven 7 day a week visitor information contact centre** that delivers visitor information by phone, email, live web chat and through proactively engaging in conversations and sharing in the social media and digital space. The service would be staffed by experienced tourism customer service staff and provide quality information that supports the destination marketing strategy, and encourages expenditure. The new customer contact centre, free call 1800 phone number and website would be promoted to visitors. Local businesses and residents would be invited to refer customers to the service when they were not able to provide information. The service would be monitored over time to establish the optimum operating hours that meet visitor needs.
2. **Pop-up mobile visitor information service** that delivers visitor information face to face at key locations such as large events, high traffic markets and shopping or activity precincts. The service would be staffed by experienced tourism customer

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service staff and operate from a purpose fitted out and suitably branded, signed vehicle. The service would include a mobile free Wi Fi hot spot and access to the tourism website via tablets, brochures; and it is estimated it would operate around 200 days a year. Eye catching flag style signage promoting visitor information and free Wi-Fi would be part of the set up. The vehicle could also be stationed as a 'billboard' type sign in some locations on non-staffed days, and could be used in the holiday and leisure show exhibition program outside Eurobodalla. The pop-up service would be closely monitored over time to establish the optimum operating hours and locations that are responsive to visitor's needs.

3. **Visitor information hubs** that include brochure display and touch screen web access, and free Wi Fi at the Batemans Bay, Moruya and Narooma libraries. Library staff would be encouraged to engage with visitors as they do now if resources are available, or refer visitors to the contact centre, website or pop-up service. In the future, Council could also aim to assist high visitor traffic businesses, for example clubs, to develop visitor information hubs on their own premises.
4. **Level 2 or 3 accredited Visitor Information Centres** where Council could assist with the accreditation process for commercial or not for profit organisations who meet the Australian Visitor Information Centre (AVIC) criteria and offer free Wi-Fi hotspots, to establish or incorporate into their existing business, Level 2 or 3 AVIC accredited Visitor Information Centres. Council could provide print brochures, display assets, training if required, some signage and promotional support.

For example, as the existing visitor centre in Narooma is on Crown Lands and the building is home to the Montague Island Light as part of a museum, there are some constraints and additional considerations about the possible future use of the site. Crown Lands has determined that the use is restricted to recreation and that this includes, but is not limited to, a museum, art gallery, local produce outlet, café, souvenir shop, travel agent, tour bookings and/or bike hire.

If the proposed model was adopted, Council may immediately seek Expressions of Interest to lease the building from commercial or not for profit organisations who can:

- meet the criteria of recreational activity required by Crown Land
- manage or include an AVIC accredited Level 2 or 3 Visitor Information Centre in their operations, and offer a free Wi-Fi hotspot
- look after the museum in consultation with the Narooma Historical Society .

Council may consider that the lease include some of the existing fittings and fixtures such as brochure displays. Council may also assist interested parties by providing some information or suggestions about potential revenue streams that would make the opportunity financially viable, and provide information about the criteria required to receive a Level 2 or 3 AVIC accreditation.

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If the proposed model was adopted, a further report would be presented to Council with recommendations for the future use of the Batemans Bay Visitor Information Centre building, and site.

- 5. A volunteer Tourism Ambassador Program** would be investigated in future years to assess if there are opportunities for volunteers to support the delivery of pop up visitor information services, by rostering volunteers on with professional tourism customer service staff, or other activity.

Other opportunities to involve volunteers in tourism may also be investigated with Chambers of Commerce and community groups in future years. For example, if there was a group who were interested in setting up a regular stall at a town market to promote tourism, Council may be able to assist by providing a 'kit' which could include a marquee, display assets and brochures.

Destination website – www.eurobodalla.com.au and booking systems

In the Organisation Service Review Visitor Information Centres report PSR14/034 that was endorsed on 24 June 2014, Council resolved to progress the development of a new tourism website supported by a digital marketing strategy and these are underway now. The new site is expected to be launched in June 2015.

The review found that the current online booking system Bookeasy was not meeting the needs of many tourism businesses, revenue was declining, and it was not a cost effective service for Council to provide. Technology and new large booking providers such as Wotif, Booking.com, Stayz, Expedia, Trip Advisor and Air B&B have significantly changed the way people book online since Council first offered this online booking service more than a decade ago.

Council will no longer provide Bookeasy from July 2015. When the new website is launched, booking traffic through a Book Now tab, will be directed to the tourism businesses website, email or phone, or to the online booking system of their choice. Businesses listed with the Australian Tourism Data Warehouse (ATDW) Get Connected Program will automatically be listed on the new website at no cost as the data will be drawn in automatically. Other businesses who are seeking a presence on the website will be charged a fee, as there will be additional administration costs.

Council will continue to investigate opportunities with third party booking providers, recognising that this market and the way people make bookings online is changing all the time.

The need to increase funding for web and digital marketing

Both the Organisation Service Review and the My Travel Research paper have clearly identified that Council should allocate additional funds to the management of a competitive website and annual digital marketing strategy. An effective digital marketing strategy was also identified as a priority recommendation from the review of the 2011-20 Destination Marketing Plan, and a priority opportunity in the 2014-2015 Tourism Marketing Plan. Both these plans were reviewed during 2014 with the Tourism Advisory Committee.

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In the 2015-16 forward estimated budget funds have been allocated to cover web maintenance, hosting and licences; a small ongoing search campaign (ad words); social media advertising and the live chat facility.

Council has sought expert advice to develop an annual and competitive Digital Marketing Strategy and this was presented at \$85,000 pa. This has been reviewed by staff and it is expected that the key elements can be delivered for \$60,000. This remains unfunded and it is a priority recommendation of this report, that if Council adopted the proposed visitor services model that this is funded from identified savings.

Reallocating savings to marketing

While the scope of the Organisation Service Review Visitor Information Centres did not include destination marketing, the following should be noted and considered as part of the recommendation to reallocate savings to fund marketing activities.

The net costs of operating the visitor information centres have increased over time, and revenue from commissions and sales have fallen. While measures such as reduced opening hours have been put in place in recent years, funds have had to be reallocated from the marketing budget to meet rising costs.

Actual funds available to spend on marketing activities has been gradually falling. In 2007-08 Council spent \$427,000 on marketing activities, and in 2014-15, available funds were only \$333,000.

In addition, in 2011 one full time marketing position was lost in a Council restructure.

If the proposed model is adopted, Council may consider reallocating \$143,000 of identified savings to fund the recommendations from the review of the 2011-20 Destination Management Plan, and the opportunities identified in the 2014-15 Tourism Marketing Plan that are to:

1. Fund a competitive digital marketing strategy
Annual estimate - \$60,000.
2. Reinstate the public relations program that was carried out by a full time marketing position that was abolished in Council's 2011 restructure.
Annual estimate - \$10,000.
3. Extend the Holiday and Leisure Show program to include University Open days in Canberra and Wollongong, and Newcastle and Riverina Holiday and Leisure Shows.
Annual estimate - \$8,000.
4. Offset the cost of membership income no longer received
Annual estimate - \$65,000

Membership

Council currently manages a tourism membership program. Most of the services provided to members are delivered by staff in the visitor centres, and members can display brochures in the centres, and have a free listing through Bookeasy on the website. Annual membership

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revenue is around \$65,000 pa. Overall, membership has been falling for some years and the Organisation Service Review found that the program no longer met the diverse and changing needs of local tourism business, and was not a cost effective service. It is estimated that the cost of managing the membership program is about \$90,000pa. It also found that only a small number of business that benefit from the marketing campaigns that contribute to growing Eurobodalla's visitor economy, contribute to annual membership.

The Organisation Service Review report identified that some 30% of the visitor centre staff time is spent on membership related tasks. Visitor centre staff and marketing staff also spend time managing relationships and delivering services to members.. Membership revenue is spent directly on marketing activities in the Marketing Plan. As Council will no longer offer this membership program from July 2015, an additional \$65,000 has been put forward in draft 2015-2016 tourism marketing budget to cover the shortfall, and ensure that delivery of the marketing plan is not compromised.

Council is currently developing a more flexible approach to encouraging industry participation through tourism marketing and partnership opportunities that will be offered to businesses and business groups as a way of buying into additional and specific marketing campaigns and services that will be delivered if costs can be recovered from industry buy-in.

Council plans to continue to offer tourism businesses assistance. This will include marketing, print branded assets, content to the Get Connected program which will feed into the new tourism website, distribution of industry news and networking and professional development.

Economic Development Employment Potential

Tourism is the key economic driver in Eurobodalla and the largest industry sector for employment generating around 3500 or almost 30% of all jobs. In the year ending June 30 2013, Eurobodalla's Visitor Economy was valued at \$367 million.

(Source: Tourism Research Australia (TRA) National Visitor Survey YE 30 June 2013, CPI; profile id community profile; ABS 2009-2009)

It is considered that the proposed model, as noted in the findings in the My Travel Research paper, will continue to support expenditure and jobs in the visitor economy as visitor services correlate with longer stays and higher spends.

Local government plays a major role in tourism. In Eurobodalla, Council delivers strategic and collaborate marketing and promotion programs to increase visitation and expenditure in key source markets including Canberra, Sydney, regional NSW, Victoria and some international markets. Visitor services are delivered to encourage increased length of stay, and expenditure – stop, stay and spend, and to enhance the visitors' experience.

Further information about the tourism industry and Council's role in tourism is available on Council's website.

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Community Consultation

Background

In 2010, Council engaged Dr Meredith Wray to develop a Tourism Destination Management Plan and seek input from the community, including a Steering Committee with industry representatives. One of the recommendations in the plan was that Council review the operation and delivery of visitor services to ensure that they are economically viable and deliver visitor information that aligns with changing visitor information search, and new visitor information technologies.

In 2014, Council commenced a review of visitor information centres as part of its Organisation Service Review program.

Council's Tourism Advisory Committee held its first meeting in mid - 2014 and has been kept informed, and provided feedback and advice, on some aspects of the Organisational Service Review Visitor Information Centres that was already underway when the committee formed.

From June 2014 when Council adopted recommendations from the service review, the committee has been involved in the development of proposed models and alternatives, as well as a review of the Destination Management Plan, and the 2014-2015 Tourism Marketing Plan. The tourism industry was informed of the report that went to Council in June 2014 through Council's tourism newsletter.

In November 2014, the committee requested that the proposed models were independently investigated to ensure that whatever replaces the current model is a robust alternative that supports the tourism industry. My Travel Research was engaged and the report and recommendations received in December is attached as part of this report.

After reviewing the independent report, further feedback from the Tourism Advisory Committee has been incorporated into the proposed new model and recommendations.

Planned community engagement

Council is responsible for considering the legal, financial, environmental and social impact of their decisions and may also seek to understand the community's view through formal or informal community engagement.

In line with Council's Community Engagement Policy (2013), plans for engaging the community about the proposal will be based on the International Association for Public Participation (IAP2)'s Public Participation Spectrum. The spectrum advocates that the community engagement plan is developed from the most suitable of five different levels of community engagement – inform, consult, involve, collaborate, empower – and that these are chosen based on a proposal's potential impact on the community and the goals for engaging the community.

The goals on engaging the community on the proposed model are to:

- give the community the opportunity to read the proposal and give their feedback to Council
- provide the community with information about how the proposal was developed and opportunities to ask questions about the proposal

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- gain feedback on the proposal from tourism related businesses, people employed in tourism and stakeholders in tourism
- gain advice and ongoing feedback from the Tourism advisory committee on the proposal and to develop recommendations for the final report to Council.

The proposal is assessed as having a high level of impact to all of Eurobodalla because it:

- is proposing changes to a shire-wide service
- may have significant impact on an attribute of high value to the community; the tourism industry
- may have a high degree of community interest
- may require significant reallocation of resources

If the proposal is endorsed for public exhibition, Council will engage with the community through informing, consulting, involving and collaborating from 26 March 2015 to 23 April 2015.

Council will:

- inform the community by distributing information through Council's website, Online News, tourism e-newsletter, social media and media release
- consult the community by making the proposal available on Council's website, and in print at the Batemans Bay, Moruya and Narooma libraries and Council's Moruya administration building , and by recording and reviewing the submissions received.
- involve the local tourism industry by having staff available on request to meet with or talk to individual tourism businesses or groups representing tourism businesses, and by inviting tourism businesses to a presentation on the proposal at the following four Chamber of Commerce and business meetings.

1 April: Batemans Bay Chamber of Commerce, 6pm Catalina Club

7 April: Narooma Chamber of Commerce, 7pm Club Narooma

13 April: Women in Business, 6.30pm Catalina Club

16 April: Moruya Chamber of Commerce, 6pm Moruya Golf Club

The April Tilba Chamber of Commerce meeting is on at the same time as Batemans Bay so is not included. Non chamber members may attend all meetings.

- collaborate with the Tourism Advisory Committee to gain further input about any feedback from the public exhibition phase and to seek recommendations prior to a final report being prepared for Council.

Financial

Organisation service reviews ensure that Council is efficient and effective in the delivery of services. The reviews provide an opportunity to identify service improvements; service level

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adjustments; alternative models of service delivery, improved resource usage, and cost savings.

Future savings and revenue from the sale or lease of the buildings would depend on Council's decision on the future use of the Batemans Bay and Narooma buildings and assets, and cannot be estimated now.

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Cost comparison of the current Visitor Centre service and the proposed new model

	Current Model			Revised model	
	2014/15 Original Budget	2014/15 Revised Budget	2015-16 budget	2015/16 budget	2016/17 budget
Income	205,000	195,000	195,000	-	-
Expenses					
Salaries and wages	550,613	514,089	524,069	199,000	204,000
Depreciation	23,972	23,972	21,450	-	-
Other operating costs	160,147	151,547	157,426	54,000	76,000
Rates	25,908	25,908	25,908	-	-
Overheads	113,370	113,370	116,091	42,000	42,000
Total expenses	874,010	828,886	844,944	295,000	322,000
Net Operating result /(deficit)	(669,010)	(633,886)	(649,944)	(295,000)	(322,000)
Cash outlay	-	-	-	(70,000)	
Cash Surplus/ (Deficit)	(645,038)	(609,914)	(628,494)	(365,000)	(322,000)

If the proposed model was adopted, savings to the Tourism budget excluding overhead costs is equivalent to \$163,495 in 2015-16 and ongoing savings of \$206,495 from 2016-17 onwards. This assumes that Council still owns the building and incurs depreciation and rates expenses.

If Council reallocates \$143,000 to fund the recommendations from the review of the 2011-20 Destination Management Plan, and the opportunities identified in the 2014-14 Tourism Marketing Plan, the net savings to Council are estimated to be \$20,000. This represents a permanent saving of 3% for the Tourism budget.

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Proposed new service model cost breakdown

	2015-16	2016-17	notes
Visitor Information Contact Centre	\$175,000	\$175,000	7 day customer service (phone, email, online chat) plus promotion and signage, and operational costs
Mobile/ pop-up visitor service	\$ 82,000	\$ 87,000	1 staff/ 200 days pa/ flexible delivery of face to face customer service during 12 weeks school holidays, public holidays, major events and selected activities (e.g. markets) . Will require ongoing monitoring and review to maximise effective. Visitation benchmark would be brochure distribution.
	\$ 18,000	\$ 20,000	Vehicle operating costs (excludes initial capital outlay) 70 cents per kilometre
	\$ 70,000	nil	Initial vehicle purchase and fit out - some of this cost may be covered from late 2015 start of Mobile/Pop up service.
Volunteer program	\$ 12,000	\$ 20,000	Staff coordinator, plus disbursements to volunteers.
Information hubs	\$ 8,000	\$ 20,000	Dependant on number of customers. Staff/ AVIC accreditation costs e.g. licence fees/ supply, installation and maintenance of tourism displays - brochures and digital in some/ business training. As this will start late in 2015, \$ can be reallocated in 2015-2016 to fund purchase and fit out of the vehicle.
	\$365,000	\$322,000	Total

CONCLUSION

The proposed change to the way Council delivers visitor information services is considered to provide a cost effective solution to meeting visitor's information needs in both the pre planning and in destination phases of their holiday. It is also considered a solution to how Council can fund the digital and destination marketing activities that are needed to adapt and to the changing habits of visitors and expectations of new technologies, and to be

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competitive as a tourism destination, without increasing expenditure on tourism, and potentially realising savings in the future.

The role of council as a destination management organisation (DMO) remains highly relevant and necessary in order to promote Eurobodalla as a whole destination product which an individual business or businesses cannot achieve. Grant funded marketing dollars (RVEF) are only accessible by DMOs and are separated for this purpose from product development grants.

PSR15/008 DRAFT POLICY DIRECTIONS PAPER FOR RURAL LANDS STRATEGY

E12.6191

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Draft Policy Directions Paper

Strategic Objective: Sustainable

Delivery Program Link: S7.1 Review and prepare planning strategies, policies and studies

Operational Plan Link: S7.1.1 Rural Lands Strategy

EXECUTIVE SUMMARY

Council and the Rural Lands Strategy Steering Committee have been developing a Policy Directions Paper for community consultation as part of Stage 8 of the Rural Lands Strategy. This is the second last stage of the strategy process.

Consensus has been reached by the Committee on all but two matters within the draft Policy Directions Paper. The two matters relate to the use of the terms 'scenic values' with respect to rural tourism and 'impact on services' with respect to planning for the provision of dwellings.

The purpose of this report is to seek Council's endorsement to place the draft Policy Directions Paper on public exhibition. A copy of the draft Paper is included as an attachment to this report.

RECOMMENDATION

THAT:

1. Council endorse the draft Policy Directions Paper, attached to this report, for the purposes of public exhibition for a period of 42 days.
2. Following the expiration of the exhibition period the draft Policy Directions Paper and any public submissions received be presented back to Council to consider the Policy Directions Paper for adoption.

BACKGROUND

The Rural Lands Strategy process has included the preparation and exhibition of a Rural Lands Issues Paper, the development of a Rural Opportunities and Constraints Study, including mapping of agricultural land and environmental values, and a set of workshops with rural land owners and other community members on policy directions to guide the final stage of the project, being the development of a draft Rural Lands Strategy for public exhibition.

Developing the Policy Directions Paper has been an iterative process with the Rural Lands Strategy Steering Committee, as outlined below:

- Council staff drafted a preliminary Policy Directions Paper, building upon the outcomes of the Policy Directions Workshops held in June/July 2014.
- Presentation of the preliminary Paper to the Rural Lands Steering Committee at the meeting held on 29 October 2014. A copy of the Paper was provided to committee members to review.

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- At the suggestion of committee members, a committee working group to discuss the preliminary Paper was held on 27 November 2014. Committee members were then asked to provide comments on the preliminary Paper by 8 December 2014.
- Comments from committee members were considered and a revised Policy Direction Paper was issued to the committee on 15 December 2014. Committee members were asked to provide further comments on the policy directions by 2 February 2015.
- Comments from committee members were considered and a further revised Policy Direction Paper was provided to the committee on 10 February 2014.
- Discussion on the revised Paper took place at the Rural Lands Strategy Steering Committee meeting held on 18 February 2014.
- Changes to the Paper agreed at the committee meeting were made and a further revised Paper distributed to committee members on 23 February 2014 for comment.
- Further comments were received from committee members on 26 February 2015 and final edits made to the paper on 3 March 2015.

CONSIDERATIONS

The Policy Directions Paper provides guidance for the development of the Rural Lands Strategy in relation to:

1. encouraging primary production
2. cutting red tape
3. supporting economic development
4. promoting and growing rural tourism
5. promoting sustainable resource use
6. recognising and managing environmental hazards and values and
7. supporting rural residential living opportunities.

Council staff and the Rural Lands Strategy Steering Committee reached consensus on the wording of the policy directions, however there remain two issues where the views of Council staff and the committee members diverge, as discussed below.

Issue – Impact on services when planning for the provision of dwellings

Committee members suggested that the impact on services should not be a consideration when planning for the provision of dwellings. Committee members were concerned that considering the impact on services may unreasonably restrict some proposal and that the reference to ‘in appropriate locations’ was sufficient.

Council staff response

The impact on services and infrastructure from development, including from the provision of dwelling entitlements is an important consideration as there can be significant negative consequences and costs to the community if such impacts are not taken into consideration, particularly during strategic planning. The impact on services should remain a consideration as identified in the Policy Directions Paper.

Further consideration of this issue will be undertaken in the development of the Rural Lands Strategy.

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Issue – Reference to scenic values

Committee members sought clarification as to how scenic values are considered in the planning system and what objective criteria are used to consider scenic values. The Policy Directions Paper does not give sufficient guidance to develop objective criteria for determining scenic values and landscapes. Reference to scenic values should be deleted.

Council staff response

The Environmental Planning and Assessment Act 1979 (s79C) requires consideration of the likely impacts of development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The visual amenity impacts of development is a relevant consideration.

Various judgements made in the Land and Environment Court have provided guidance to Councils in considering the visual impacts of development, including on the sharing of views and on the nature and importance of views, particularly considering whether the view is of or from a public or private place.

To guide the development of the Rural Lands Strategy, the Policy Directions Paper states that *'development in rural areas should have regard to the impact on important environmental and agricultural areas and scenic landscapes'*.

How development in rural areas relates to the issue of scenic landscapes will be further explored as part of the development of the Rural Lands Strategy.

Policy

The draft Policy Directions Paper provides guidance for policy development for rural lands in Eurobodalla.

Environmental

The draft Policy Directions Paper provides guidance for protection of important conservation values in Eurobodalla.

Asset

The draft Policy Directions Paper addresses the need to consider impact on community assets when planning for the future use and development of rural land in Eurobodalla

Social Impact

The draft Policy Direction Paper provides guidance for policy development in relation to rural living and rural residential opportunities.

Economic Development Employment Potential

The draft Policy Directions Paper provides guidance for policy development in relation to encouraging primary production and rural tourism, supporting economic development and sustainable resource use.

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Communication / Consultation

We will consult with the community by seeking feedback through a six week public exhibition period where the draft Policy Directions Paper will be on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre. We will inform the community through distribution of 'Have Your Say' cards in the mail to every rural land owner, and through the use of Council's Online News, advertising on Council's noticeboard page in local newspapers, distributing a media release and updates to existing Rural Lands Strategy email groups. A copy of the Policy Directions Paper will also be forwarded to workshop participants.

CONCLUSION

In developing the draft Policy Directions Paper, there has been significant input from community members and the Rural Lands Strategy Steering Committee. The draft policy directions build upon the outcomes of the Policy Directions Workshops attended by approximately 100 rural land owners and other community members. The Rural Lands Steering Committee has been provided with four opportunities to provide comment on preliminary versions of the Paper. At each opportunity, the Paper was amended to address issues raised by Committee members with a view to reaching consensus on as many issues as possible. By and large, consensus was reached, with only a small number of issues where there remain divergent issues between Council staff and Committee members.



Policy Directions Paper

Presenting draft policy directions for rural lands in
Eurobodalla

February 2015

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Supporting Documents

This Policy Directions Paper is supported by two related documents:

[Policy Directions Workshops - Suggestions and Responses](#) – Outlines all of the suggestions for policy directions made at the Policy Directions Workshops and how the draft policy directions in this paper address those suggestions.

[Vision Statement for Eurobodalla's Rural Lands](#) – Presents a preferred vision statement for rural lands in Eurobodalla, developed by Council and the Rural Lands Steering Committee.

Have Your Say

Council welcomes feedback from all rural land owners and other interested persons on the draft policy directions in this Paper.

See pages 15 and 16 for details on how you can have your say.

BACKGROUND

Eurobodalla Shire Council, with the assistance of a Steering Committee of rural land owners and representatives of key State Government Agencies has been working on the development of a Rural Lands Strategy for Eurobodalla.

The purpose of a Rural Lands Strategy is to set a clear vision and policy framework for the future of the Shire's rural areas. It will recommend new planning guidelines for rural land use and development.

Why develop a Rural Lands Strategy?

It is important that Council's strategic planning for the Shire is reviewed from time to time so that changing circumstances and new issues can be addressed. In addition, as a result of concerns raised during the development of the Eurobodalla Local Environmental Plan 2012, 46.5% of private rural land was deferred from the LEP. In agreeing to defer these lands, the then Minister for Planning stated that the outcomes of the Rural Lands Strategy would be used to resolve the zoning of the deferred lands and other relevant planning provisions, such as environmental overlays.

What has happened so far?

The development of the Rural Lands Strategy commenced in August 2012 with the establishment of the Rural Lands Strategy Steering Committee. The role of the Committee is to assist with the preparation of the Strategy by providing guidance, input and advice to Council.

The first major stage of the project was the preparation and exhibition of a Rural Lands Issues Paper in June/July 2013. Council received 173 submissions from land owners and other interested persons on the Issues Paper.

The second major stage of the project was the development of a Rural Opportunities and Constraints Study undertaken by consultants RMCG. This Study included mapping of rural land and high conservation value vegetation in the Shire, all of which was made publicly available in April 2014. Almost 100 land owners met with Council staff to view and discuss the mapping. A process was also established with the Office of Environment and Heritage to facilitate additional validation of the vegetation mapping at the request of property owners.

This Policy Directions Paper is an element of the third major stage of the project, which commenced in June/July 2014 when 10 policy directions workshops were held with approximately 100 rural land owners and other community representatives.

What happens next?

Following the exhibition of this Policy Directions Paper, Council will consider all submissions received along with advice from the Rural Lands Steering Committee and finalise the policy directions.

The final policy directions will then inform the development of a Rural Lands Strategy.

INTRODUCTION

This Policy Directions Paper presents draft policy directions to guide the development of a Rural Lands Strategy for the Eurobodalla Shire.

What are policy directions?

A policy direction is an overarching statement used to guide the development of strategies and actions.

How have the draft policy directions been developed?

The draft policy directions in this Paper are based on an understanding of the evidence developed during the previous stages of the Rural Lands Strategy project and consideration of community views. In particular, the draft policy directions are informed by:

- [The Rural Lands Issues Paper](#);
- [The Rural Opportunities and Constraints \(ROC\) Report](#);
- [The agricultural and environmental mapping associated with the ROC Report](#); and
- [The Overview of Proceedings of the Policy Directions Workshops](#).

To see how the draft policy directions in this Paper respond to the suggestions made at the Policy Directions Workshops, please refer to the document [Policy Directions Workshops - Suggestions and Responses](#).

In addition, community views raised in response to the exhibition of the draft Local Environmental Plan in 2009 and 2011, and the Rural Lands Issues Paper in 2013 have been considered in the development of the draft policy directions.

What do the draft policy directions address?

The draft policy directions address the following themes:

1. Rural Production
2. Legislation and Policy
3. Rural Economic Development
4. Rural Tourism
5. Natural Resources
6. Environmental Hazards and Values
7. Rural Residential Development

Each policy direction needs to be read in conjunction with the others, not in isolation, as they work together to form a suite of policy directions for rural lands in Eurobodalla.

The policy directions are structured as follows:

Intent – Outlining the aim of the policy direction;

Application – Identifying ways the policy direction can be implemented; and

Rationale – Providing some background and justification for the policy direction.

Draft Policy Direction 1: Encourage primary production

Intent:

The intent of this policy direction is to ensure existing and future primary production on rural lands is facilitated and encouraged through the planning framework.

Application:

- Apply the RU1 Primary Production and RU4 Primary Production Small Lots zones to rural land (including the deferred lands) that is or has the potential to be used for a variety of agricultural activities;
- Establish appropriate minimum lot sizes for rural land that provide for a mix of farm types and sizes and support a range of rural activities without compromising the existing or potential use of productive agricultural lands;
- Provide opportunities for rural dwellings in appropriate locations, where a dwelling is required to support rural activities and will have minimal impacts on services, infrastructure and the existing or potential use of productive agricultural lands; and
- Facilitate the diversification of rural activities and manage existing and potential land use conflicts.

Rationale:

The most productive rural land in Eurobodalla is shown on the Agricultural Land Map (in the Rural Opportunities and Constraints Report) as Class 1 to 4 Agricultural Land. Where the productive land is in larger rural holdings, the RU1 Primary Production zone is the most appropriate rural zone to apply. Where the land is in smaller holdings, the RU4 Primary Production Small Lots zone is the most appropriate alternative zone. The use of these zones sends the right message that the land can be used for a range of rural activities. See Box 1 for an overview of the general purpose of the RU1 and RU4 zones outlined in the Department of Planning and Environment's Practice Note PN 11-002.

The RU3 Forestry zone applies to State Forests and the RU5 Village zone applies to rural villages.

It should be noted that Council resolved on 22 July 2014 to not use the E3 Environmental Management zone for rural lands in Eurobodalla on the basis of significant community opposition to the E3 zone and as a review of the E zones by the Minister for Planning was underway.

Subdivision of land in or adjoining rural areas can have significant adverse impacts on rural activities. Planning rules for subdivision should provide an appropriate balance between facilitating change and growth in rural activities and avoiding fragmentation that may result in a loss of land for primary production or an increase in land use conflicts. In considering the application of subdivision and other controls, Council must be consistent with the principles outlined in State Environmental Planning Policy (Rural Lands) 2008 (See Box 2).

Dwelling entitlements on land zoned RU1 (or the equivalent zones under the Rural LEP 1987) are generally limited to land defined as an existing holding or parcel. Where there is a dwelling entitlement, current rules also permit dual occupancies and secondary dwellings (granny flats),

providing housing opportunities for farm workers or family members to support farm growth or succession planning. Community and industry representatives have expressed strong views regarding the provision of greater potential for the creation of dwelling entitlements within rural lands and that existing entitlements not be removed. In developing the Rural Lands Strategy, a framework for alternative approaches to addressing dwelling entitlement in rural areas will be developed, having regard to the principles outlined in Box 2.

On land zoned RU4, a dwelling is permissible with consent. In defining areas to be zoned RU4, consideration should be given to the number of new dwellings that may be able to be developed in the area and the impact of those dwellings on the local and regional road infrastructure and the potential for land use conflicts to arise with existing and potential adjoining primary production.

Land use permissibility in the RU1 and RU4 zones should be reviewed to ensure maximum flexibility in rural land uses, as is appropriate having regard to the scale and impact of the activity on the primary purpose of the land for primary production.

Box 1: Overview of the general purpose of the RU1 and RU4 zones

Department of Planning and Environment Practice Note PN 11-002

RU1 Primary Production Zone

This zone covers land used for most kinds of commercial primary industry production, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture, forestry, mining and extractive industries. The zone is aimed at utilising the natural resource base in a sustainable manner.

The zone is not a default zone for non urban land. The zone is allocated to land where the principal function is primary production. In 2011, 'intensive livestock agriculture' and 'intensive plant agriculture' were added to the zone Direction to ensure these uses are included in the Land Use Table as either permitted with or without consent.

RU4 Primary Production Small Lots Zone

This zone (previously named Rural Small Holdings) is for land which is to be used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings.

In 2011, the name of the zone was changed to clarify that it is a rural zone for agricultural uses, not a pseudo-residential zone. The objectives of the zone have been changed to encourage employment opportunities in relation to primary production on small lots and to minimise fragmentation and alienation of resource lands important for food security.

The changed zone name, modified core zone objectives and additional mandated permissible uses ('intensive plant agriculture' and 'plant nursery') better reflect the intent of the zone – being an agricultural industry/food production focus and not a rural residential lifestyle zone.

Box 2: Rural Planning and Subdivision Principles

State Environmental Planning Policy (Rural Lands) 2008

The **Rural Planning Principles** are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

The **Rural Subdivision Principles** are as follows:

- (a) the minimisation of rural land fragmentation,
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,
- (d) the consideration of the natural and physical constraints and opportunities of land,
- (e) ensuring that planning for dwelling opportunities takes account of those constraints.

Draft Policy Direction 2: Cut red tape

Intent:

The intent of this policy direction is to recognise the need to assist rural production by simplifying legislative rules and requirements as they apply to rural land in Eurobodalla.

Application:

- Ensure planning controls minimise bureaucratic processes where appropriate, saving time and cost for land owners;
- Ensure planning controls are legible, transparent and, where possible, written in plain English, or alternatively supported by plain English fact sheets;
- Ensure planning controls are located in the most appropriate planning instrument to ensure simplicity and transparency;
- Zone all rural land under one local environmental plan in accordance with the Department of Planning and Environment's Standard Instrument for LEPs;
- Split zoning to be applied where appropriate to recognise different land uses or landscapes; and
- Council and the community to advocate for changes which will assist rural production through reviews of relevant legislation, plans and policies.

Rationale:

Legislative rules and requirements can be complex, particularly where a number of different Acts, policies and planning instruments apply. Such complexity can lead to a real or perceived lack of flexibility and a sense of over-regulation. Legislative rules can also be complex because they are written using legal language. This is the case for planning instruments such as State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs). In addition, an LEP must be written in the format of the State Government's Standard Instrument for LEPs.

Local rules such as Development Control Plans (DCPs) should be written in simple, plain English to provide for a legible and transparent planning system. For other legal documents, consideration should be given to developing plain English fact sheets to help explain the relevant provisions.

The current planning rules and requirements in Eurobodalla are complex by virtue of the deferral of some lands from the Eurobodalla Local Environmental Plan 2012 (46.5% of private rural land in Eurobodalla was deferred from ELEP 2012). This has resulted in two Local Environmental Plans applying to rural land in Eurobodalla. One of the key outcomes of the Rural Lands Strategy will be to achieve zoning of all rural land under one local environmental plan.

Split zoning, being the application of more than one zone on a single property, should continue to be used, where appropriate, to recognise different land uses or landscapes, such as important wetlands. In developing the Rural Lands Strategy, consideration needs to be given to the circumstances in which split zoning is appropriate and the alternative approaches to split zoning where it is not considered appropriate.

From time to time, various Federal and State Government legislation, plans and policies are reviewed with opportunity for community input. Whenever the opportunity arises, Council and the community should participate in these reviews to identify barriers to rural development and advocate for appropriate changes. Simplification of, and greater flexibility within the various Acts, regulations and policies that apply to rural land may assist in encouraging growth in the rural sector in Eurobodalla and elsewhere.

Draft Policy Direction 3: Support economic development

Intent:

The intent of this policy direction is to facilitate a productive and economically sustainable long-term future for rural lands in Eurobodalla.

Application:

- Promote an “open for agri-business” culture in Eurobodalla to support local food, fibre and forest production;
- Support innovative and diverse farming enterprises and activities;
- Encourage and support improvements in local rural skills, practices and marketing methods; and
- Optimise the use of existing public infrastructure and efficiently plan for additional infrastructure to support rural activities.

Rationale:

Establishing a positive and pro-active approach to encouraging appropriate economic development in Eurobodalla’s rural areas will create an ‘open for agri-business’ culture. It is about working together to get the most out of the available rural resources in a sustainable way and to increase the profile of and demand for local produce in local, regional and larger markets.

There is already a diverse range of farming activities in Eurobodalla, from dairying and grazing to oyster growing, a range of cropping and horticulture activities, bee keeping and horse breeding. However, there is significant potential and opportunity for more diversity and innovation that Council can support through economic development strategies. See Box 3 for some examples of diversification opportunities in Eurobodalla.

Skill retention and development is primarily a matter for the State Government, education providers, industry peak bodies and land owners through education policies and initiatives and on-farm job opportunities. Council can support others in this area by continuing to hold workshops with rural land owners on business development and environmental management matters.

Water, transport and telecommunications infrastructure is important for the growth of rural activities in Eurobodalla. There are a range of stakeholders responsible for providing, maintaining and upgrading this essential infrastructure. Where Council is not the authority with direct responsibility, Council can support land owners by lobbying for necessary improvements. In

particular, lobbying for improvements to the major highways that traverse the Eurobodalla Shire to enable B double access will have significant positive benefits for agriculture and the economy more broadly through reducing the currently high costs of freight.

As the responsible authority for the maintenance and upgrading of rural roads, Council's program for this work is constrained by a significant annual funding gap and a backlog of planned works. It is critical that land use planning decisions consider the short and long-term impacts on the capacity of the road network and the costs of any required improvements (including upgrading, maintenance and renewal). Optimising the use of existing infrastructure, particularly where it is underutilised, such as existing sealed roads that have low traffic volumes, will reduce the long-term costs to the community.

Box 3: Examples of rural diversification opportunities

Aquaculture industry diversification – Investigate land-based aquaculture

There may be opportunities for growth in land-based aquaculture in suitable locations and where there is good access to hatchery facilities. There has to date been limited investigation into the opportunities for land-based aquaculture in Eurobodalla. Council could work with the NSW Government and the aquaculture industry to investigate opportunities for land-based aquaculture in Eurobodalla.

Equine industry diversification – Support development of an Industry Growth Strategy

The Rural Opportunities and Constraints Report discussed the equine industry in Eurobodalla and found that further analysis is required to identify the competitive advantages of the local area and the infrastructure required to support the industry.

The Equine Industry Scoping Report by RDA Far South Coast identifies the need for further information to develop an industry growth strategy. The RDA has established a working group of key industry stakeholders to guide this process.

Council can support this process in a number of ways, including providing information and advice where required to assist the working group and by reviewing zoning and land use provisions to ensure the range of equine related industries and activities are permissible with or without consent as appropriate.

Council resolved at the Ordinary Meeting held on 22 July 2014 to develop a business case and concept plan for the development of a regional equine facility to be located in Eurobodalla. This work is currently underway.

Draft Policy Direction 4: Promote and grow rural tourism

Intent:

The intent of this policy direction is to encourage and support rural tourism activities, including accommodation, in appropriate locations having regard to agricultural, environmental and scenic values.

Application:

- Encourage development in rural areas that has minimal impacts on any environmental, agricultural and scenic values that support rural tourism;
- Include rural-based tourism within broader tourism planning and promotional activities;
- Encourage rural-based tourism as a value-adding opportunity for primary producers and as an alternative land use opportunity where there will be minimal impacts on the existing or potential use of productive agricultural lands; and
- Include criteria for assessing rural-based tourism proposals in an appropriate planning instrument.

Rationale:

Eurobodalla has a number of environmental, agricultural and scenic qualities that attract people to live in and visit the Shire. The historic villages of Central Tilba, Tilba Tilba, Bodalla and Nelligen are prime examples. More broadly, elements of the coastal landscape, the farmland and the hinterland are all reasons why people choose to live and visit the Eurobodalla. To ensure these tourism attractors are retained, development in rural areas should have regard to the impact on important environmental and agricultural areas and scenic landscapes.

Rural-based tourism can take many forms and can include tourism attractions as well as accommodation. Types of rural tourism attractions include the rural villages, heritage areas, scenic rural landscapes, trails through natural areas, horse-riding activities, bird watching activities, local food experiences and the like. Types of rural tourism accommodations include bed and breakfast establishments, farm-stay accommodation, rural cabins, holiday homes, village accommodation, eco-tourism accommodation or camping grounds.

ELEP 2012 permits all of the above types of rural tourism attractions and accommodations, with consent, in the RU1 and RU4 zones.

However, the Rural Opportunities and Constraints Report highlighted a lack of relevant research and information regarding the demand for specific types of rural tourism attractions or accommodation, and this may be an inhibitor for some landowners in developing proposals. Therefore, it is important for existing tourism planning and promotional activities to include a focus on rural-based tourism opportunities.

In encouraging growth in rural-based tourism, it is important to ensure that any such growth does not compromise the use of productive agricultural land for agricultural activities, either by replacing agriculture with tourism, or by causing land use conflicts. Rural-based tourism on existing farms should be seen as a value-adding opportunity for the land owner.

The Rural Opportunities and Constraints report also suggested criteria for identifying areas that may be suitable for rural-based tourism. Such criteria (see Box 4) should be considered for inclusion in an appropriate planning instrument.

Box 4: Criteria for identifying areas suitable for rural-based tourism

Criteria for identifying areas suitable for rural-based tourism:

Development of rural-based tourism should be assessed having regard to the following criteria:

- Avoid the most productive rural land, except where the tourism activity is value adding to existing agriculture and will not create land use conflicts or impact on the future use of adjoining land for agriculture.
- Avoid land identified for future urban development.
- Focus tourism on land:
 - In close proximity to existing tourism products and infrastructure nodes;
 - In close proximity to National or State Parks, coastal parks or ocean beaches or linked to a tourism route or major access route identified in a tourism strategy;
 - That provides easy access to a major road, highway or tourism route;
 - That provides an attractive setting.

Draft Policy Direction 5: Promote sustainable resource use

Intent:

The intent of this policy direction is to ensure natural resources such as timber, minerals, soils and water are managed sustainably, providing long-term diversification opportunities for land holders and ensuring on-going resource availability for the broader community and economy.

Application:

- Collaborate with relevant Agencies to facilitate the provision of information to rural land owners on sustainable land management practices and standards;
- Provide for continued extractive industry in Eurobodalla and support operators of existing and new extractive industries to manage potential land use conflicts and environmental impacts.
- Collaborate with relevant State Agencies and land owners with regard to facilitating sustainable forestry activities on private land and sustainable forest management in State Forests; and
- Collaborate with relevant State Agencies and land owners with regard to managing the quality of water in aquaculture and drinking water catchment areas.

Rationale:

The continual drive towards more sustainable land management practices is led by rural land owners themselves, with the support of industry bodies and Government Agencies. Council can support this in a number of ways, such as through delivery of environmental programs (eg. pest and weed management, Landcare) and business workshops (eg. food packaging).

Extractive industry is important for the Eurobodalla economy, particularly in supplying local materials for the construction industry. While maintaining access to extractive resources is important, the potential conflicts between extractive industries and agriculture and the potential environmental impacts of mining activities need to be carefully managed.

The role of local government in the forestry industry and national parks is limited. However, Council can play a role in encouraging sustainable forest management on public and private land that protects areas of high conservation value and avoids adverse impacts on water quality.

Water quality and availability is important for all forms of primary production, but in particular for Eurobodalla's aquaculture industry. Good quality and supply of water also supports tourism and recreation in Eurobodalla and the health of the population through the drinking water supply.

Draft Policy Direction 6: Recognise and manage environmental hazards and values

Intent:

The intent of this policy direction is to ensure rural development and land use has minimal impacts on important natural hazards and environment values, having regard to the potential impacts of climate change.

Application:

- Recognise and provide for the sustainable management of high conservation value vegetation and important aquatic values in Eurobodalla;
- Collaborate with relevant State Agencies to define and map natural hazards and environmental values in Eurobodalla, and establish a validation process to ensure such mapping is accurate and up-to-date;
- Collaborate with relevant agencies and land owners to develop locally appropriate programs for protecting areas of high conservation value in Eurobodalla and for addressing natural hazards; and
- Collaborate with relevant Agencies to facilitate the provision of information to rural land owners to assist with adaptation to the potential impacts of future climate change.

Rationale:

The Rural Opportunities and Constraints Report identified a range of natural hazards (such as steep and erodible land, acid sulphate soils and extreme bushfire risk) and environmental values (both aquatic and terrestrial) in Eurobodalla and provided a summary of the potential impacts on rural lands from future climate change.

Mapping of natural hazards and environmental values provided with the Rural Opportunities and Constraints Report demonstrated that the existing cleared rural areas had minimal environmental constraints while the steeper, more vegetated rural areas were more likely to contain natural hazards and high conservation values.

Identifying known natural hazards and environmental values through mapping assists land owners to plan farm activities with all of the relevant information provided up-front. Council can assist land owners by working with the relevant State Agencies to ensure the mapping is regularly reviewed for accuracy and updated as appropriate. It is also important that environmental hazards and values are recognised in the planning system, including in the strategic and development assessment processes.

It should be noted that Council resolved on 22 July 2014 that *"overlays not be included in the Local Environmental Plan"* and that *"the Rural Lands Committee gives further consideration to....the options for the appropriate use of the overlays...in consultation with the Departmental advisors that currently sit on the Rural Lands Committee."*

Council can also work with relevant agencies and land owners to develop locally appropriate programs for addressing a range of natural hazards, such as bushfire hazard reduction and pest control, and to ensure land owners have relevant information to assist them in considering climate change when planning and implementing farm activities and diversification.

Draft Policy Direction 7: Support rural residential living opportunities

Intent:

The intent of this policy direction is to facilitate opportunities for rural residential development to meet projected demand within the limits of sustainable development.

Application:

- Work with owners of land zoned for rural residential development to facilitate, where possible, appropriate development of that land; and
- Monitor the supply and development of land zoned for rural residential purposes through the annual land supply review process.

Rationale:

The South Coast Regional Strategy, 2006 states that existing rural residential zones have the capacity to meet the demands for rural lifestyle housing in the region to 2031. The Strategy also provides for limited additional rural residential housing on cleared land unsuitable for urban or agricultural uses and in accordance with an adopted growth strategy or structure plan. The Eurobodalla Settlement Strategy (ESS) is the current growth strategy/structure plan for Eurobodalla. The Rural Lands Strategy, when adopted, will supersede the rural lands elements of the ESS.

Land supply in Eurobodalla is reviewed annually in order to maintain an appropriate supply. In 2013/14 there were 469 vacant rural residential lots, 53 vacant lots in rural villages and the potential for an additional 374 lots to be created in existing rural residential areas. The total supply therefore amounts to almost 900 dwellings. It is anticipated that the population of rural and rural residential areas of the Shire will increase by approximately 1000 people over the next 17 years, at a rate of 0.8% per annum. This generates the need for approximately 765 new dwellings. With a current supply catering for approximately 900 dwellings, there is minimal demand for additional rural residential land in the short to medium term.

To ensure the available supply of rural residential land can be developed to meet current demand, some further investigations may be required to determine the development capacity of undeveloped land zoned E4 Environmental Living or R5 Large Lot Residential. Council can work with the owners of this land to address relevant issues and facilitate appropriate development opportunities.

Any longer term planning for additional rural residential land should consider a number of locational criteria, including:

- Avoiding the most productive agricultural land;
- Proximity of the land to existing towns and settlements;
- The efficient use and economic provision of services and infrastructure; and
- Avoiding land of high conservation value or environmental risk.

HAVE YOUR SAY!

Council and the Rural Lands Steering Committee are now seeking your views on the draft policy directions presented in this Paper. You may like to provide comment on one or more of the draft policy directions. To help you in preparing your comments, below are some statements and questions you may like to consider.

The draft policy directions in this Paper have been developed to ensure issues raised by land owners and other community members will be addressed in the Rural Lands Strategy.

Question: Do you agree? If not, what issues have not been addressed and how can the policy directions be improved or clarified to address them?

The draft policy directions in this Paper build upon the suggestions and recommendations from the Policy Directions Workshops held in June/July 2014.

Question: Do you agree? If not, which suggestions from the workshops have not been addressed and how can the policy directions be improved or clarified to address them?

The draft policy directions in this Paper provide guidance for the development of the Rural Lands Strategy to find solutions for a range of issues.

Question: For each issue below, does the draft policy direction provide the right guidance for developing the Rural Lands Strategy?

Zoning rural land	Yes	No	Not sure
Split zoning	Yes	No	Not sure
Providing opportunities for rural dwellings	Yes	No	Not sure
Making planning controls simpler and easier	Yes	No	Not sure
Encouraging diverse farming enterprises	Yes	No	Not sure
Encouraging rural tourism	Yes	No	Not sure
Minimising land use conflicts	Yes	No	Not sure
Protecting high conservation values	Yes	No	Not sure
Ensuring an appropriate supply of rural residential land	Yes	No	Not sure

If no, how can the policy directions be improved or clarified?

Question: Do you have any further comments on these matters?

EXHIBITION DETAILS

When is the Policy Directions Paper being exhibited?

The Policy Directions Paper will be exhibited from xx/xx/xxxx to xx/xx/xxxx

Where can I find a copy of the Paper?

The Paper is available on Council's web site at:

<http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/rural-lands-strategy>

Hard copies of the Paper will also be available at:

- Eurobodalla Shire Council Customer Service Centre, Moruya
- Batemans Bay, Moruya and Narooma Libraries.

How can I make a submission?

Submissions can be made:

- By email to: rural.lands.strategy@eurocoast.nsw.gov.au
- By letter to: Rural Lands Strategy Policy Directions Paper
Eurobodalla Shire Council
PO Box 99
Moruya NSW 2537

Submissions should be received by 4.30pm on xx/xx/xxxx.

What about a vision for rural lands?

Council is also interested in the community's views on a vision for rural lands. To have your say on a vision statement, please refer to the document [Vision Statement for Eurobodalla's Rural Lands](#).

Any questions?

Call the Rural Lands Strategy Hotline on 4474 7486.

**PSR15/009 PLANNING PROPOSAL FOR SHADY WILLOWS HOLIDAY PARK
AND OTHER LAND**

81.0277.R

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Planning Proposal for Shady Willows Holiday Park and Other Land

Strategic Objective: Sustainable

Delivery Program Link: S7.2 Maintain, update and communicate planning informations and issues

Operational Plan Link: S7.2.3 Monitor, report and communicate and implement changes relating to land use planning

EXECUTIVE SUMMARY

Council has received a request to consider the rezoning of land at Batemans Bay from the R3 Medium Density Residential and IN1 General Industrial zones to the B5 Business Development zone. Changes to the Height of Buildings Map and Lot Size Map are also proposed. A planning report has been submitted by the proponent in support of the request.

The subject land is currently occupied by the Shady Willows Holiday Park (caravan park), the existing Bunnings store and a number of residential properties fronting Gregory Street.

To progress a Local Environmental Plan amendment, Council must consider and resolve to prepare a Planning Proposal that is submitted to the Department of Planning and Environment for a Gateway Determination. An amendment may only proceed (or not) according to the Gateway Determination given.

The purpose of this report is to advise Council of the amendments proposed to the Eurobodalla Local Environmental Plan 2012 as outlined in the Planning Proposal attached to this report and to seek a resolution to endorse the Planning Proposal and forward it to the Department of Planning and Environment for a Gateway Determination.

The Planning Proposal recommends that Council proceed with the proposed rezoning of the land and the change to the Lot Size Map, but not to proceed with the proposed change to the Height of Buildings Map.

RECOMMENDATION

THAT Council

1. Endorse the attached Planning Proposal to amend Eurobodalla Local Environmental Plan 2012, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, to rezone land at Batemans Bay from the R3 Medium Density Residential zone and the IN1 General Industrial zone to the B5 Business Development zone and to amend the Lot Size Map accordingly.
2. Forward the Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.
3. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.

**PSR15/009 PLANNING PROPOSAL FOR SHADY WILLOWS HOLIDAY PARK
AND OTHER LAND**

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4. Receive a report back on the planning proposal if a written objection is received during consultation with the community as per the requirements of Section 57 of the Environmental Planning and Assessment Act 1979.

BACKGROUND

Eurobodalla Local Environmental Plan 2012 (ELEP) was notified on 20 July 2012. The subject land was zoned in a manner consistent with the zoning of the land under the former Urban Local Environmental Plan 1999 (consistent with the approach of like for like zoning).

Batemans Bay is identified in the South Coast Regional Strategy as a Major Regional Centre. Batemans Bay has limited potential for additional employment land, due to topography and being mostly surrounded by water and State Forests. Any new major developments in the Batemans Bay Regional Centre will largely require redevelopment of existing properties.

A request to consider rezoning of the land identified in the attached Planning Proposal has been made by consultants for Farolo Pty Ltd on behalf of the two major landholders in the subject area. The request is to rezone the subject land from the R3 Medium Density Residential and IN1 General Industrial zones to the B5 Business Development zone. The request also proposes replacing the current 11.5m maximum building height standard for the subject land with no height standard and to replace the current 550m² minimum lot size standard for part of the subject land with no lot size standard.

CONSIDERATIONS

A planning proposal has been prepared to assess the rezoning request in accordance with the guidelines from the Department of Planning and Environment. The following matters have been considered:

Legal

The Environmental Planning and Assessment Act 1979 outlines the process for making amendments to a Local Environmental Plan. The first stage of the process requires Council to resolve to forward a planning proposal to the Minister for Planning for a Gateway Determination.

Policy

The Planning Proposal has been prepared in accordance with the Department of Planning and Environment's guidelines for preparing planning proposals and Local Environmental Plan amendments.

While the subject site is not specifically identified in any relevant strategic study or policy document, the proposed rezoning is consistent with the intent of the South Coast Regional Strategy, the Eurobodalla Settlement Strategy and Council's Economic Development and Employment Lands Strategy, all of which identify the need to add to employment lands in Eurobodalla and reinforce the role of Batemans Bay as a major regional centre.

**PSR15/009 PLANNING PROPOSAL FOR SHADY WILLOWS HOLIDAY PARK
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Environmental

There are no significant environmental values on the subject land. The land drains to the “watergardens” wetland (not a SEPP 14 wetland) and any increased stormwater runoff generated by development of the land will need to be stored and treated on site prior to entering the natural system. A stormwater master plan will be required prior to rezoning. Further investigation of potential contamination of the site will also be required prior to any rezoning.

Asset

The site is serviced with water and sewer services that have capacity to accommodate a bulky goods type development. Such a development may increase traffic volumes in the vicinity of the site and impact on the road network. Redevelopment of the subject land provides for the opportunity to connect Russell Street to South Street, improving connectivity in the existing employment area. A traffic study should be prepared by the applicant prior to public exhibition of the planning proposal. Development of the site will also require upgrading of stormwater infrastructure as a condition of any future development consent.

Economic Development Employment Potential

The proposal will generate growth in business development and employment opportunities in Batemans Bay, particularly in bulky goods development which currently have very limited opportunities to develop in Batemans Bay.

Additional business development opportunities in Batemans Bay will have a positive impact on the local economy in terms of construction and operational employment opportunities and increased retail competition.

The proposal will displace an existing caravan park which, under the current approval, provides 5 long-term sites and 78 short-term sites. There are no campsites. The rezoning proposal will therefore result in the loss of some tourist and visitor accommodation in Batemans Bay. It should however be noted that alternative development opportunities already exist on the land, such as redevelopment for medium density housing, and should this rezoning not proceed, the current land owners could propose alternative residential development of the land.

Social Impact

The development of the land for business development purposes will result in the loss of a small number of existing affordable housing opportunities. However, there remains potential for new affordable housing opportunities to be developed on land in closer proximity to the commercial core of the Batemans Bay Regional Centre than the subject site.

It is noted that the caravan park owner has obligations under the Residential Parks Act 1998 (s102 and s102AA) with respect to a long term tenant who is issued a termination notice on the grounds that there will be a change of use, including providing 12 months to vacate the premises and potentially providing compensation to the tenant. The tenant has the right to apply to the NSW Civil and Administrative Tribunal for an order to postpone the date for vacating the site.

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Some of the existing improvements upon the land (particular the current Bunnings building) are aged and visually detract from the streetscape. Redevelopment of the land will have the potential to improve the visual quality of the area.

Preliminary Assessment of proposed LEP amendments

Based on the above summary of economic, social, environmental and infrastructure issues, the rezoning of the subject land from R3 Medium Density Residential and IN1 General Industrial to the B5 Business Development is, on balance, considered worthy of support.

The proposed change to the maximum building height standard from 11.5m to no height limit is not consistent with the height control for the adjoining industrial and residential land, or for other commercial land in the Shire and is not considered appropriate. The current height limit should be retained.

The proposed change to the minimum lot size standard from 550m² to no minimum lot size is consistent with the adjoining industrial land and other commercial land in the Shire and is considered appropriate.

Communication / Consultation

All of the land owners within the subject area have been advised in writing of the proposed rezoning, firstly by the proponent in September 2014 (prior to submission of the request) and by Council in February 2015. No objections to the rezoning have been raised at this stage by any of the land owners.

The planning proposal outlines the planned community consultations to be undertaken following the receipt of a Gateway Determination, as follows:

- Placing a notice in the local newspaper
- Providing exhibition material at Council's libraries and at the Administration Centre
- Providing exhibition material on Council's website; and
- Informing adjoining land owners in writing.

Further consultation with the land owners within the subject area, and the long-term tenants of the caravan park, will also be undertaken at the commencement of the formal public exhibition period.

The proposal will be presented to the Tourism Advisory Committee and Business Advisory Committee for information.

The Gateway Determination will confirm the consultation requirements and any written referrals to government agencies.

CONCLUSION

Despite the loss of tourist and visitor accommodation and some affordable housing, it is considered that the potential economic benefits of rezoning the subject land to B5 Business Development represents a net public benefit.

**PSR15/009 PLANNING PROPOSAL FOR SHADY WILLOWS HOLIDAY PARK
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81.0277.R

There are no major impediments to a bulky goods type development of the subject land and issues that require further assessment, such as traffic impacts, management of stormwater and potential contamination, can be resolved through further assessment being undertaken by the proponent prior to any rezoning, or where appropriate as part of the development assessment process.

Having regard to the above, it is recommended that the planning proposal is worthy of support, with the exception of the proposed removal of the maximum building height standard.

Planning Proposal

Amendment to ELEP 2012 Land Zoning Map, Height of Buildings Map and Lot Size Map for land bounded by the Old Princes Highway, South Street and Gregory Street, Batemans Bay

ELEP 2012 Amendment No. 9

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INTRODUCTION

The planning proposal explains the intended effect of, and justification for the proposed amendment to *Eurobodalla Local Environmental Plan (LEP 2012)* to rezone land for business development purposes at Batemans Bay and to make consequent amendments to the minimum lot size standard for the land.

The subject land is bounded by the Old Princes Highway, South Street and Gregory Street, Batemans Bay and consists of the following lots:

- Lot 106 DP 252328, 49 South Street, Batemans Bay
- Lot 22 DP 554631, 57-59 Old Princes Highway, Batemans Bay
- Lot 281 DP 755902, 59-61 Old Princes Highway, Batemans Bay
- Lots 104 and 105 DP 252328, 10 and 12 Gregory Street, Batemans Bay
- Lots 1 and 2 DP 852390, 8A and 8B Gregory Street, Batemans Bay
- Lots 100 to 102 DP 252328, 2A, 4 and 6 Gregory Street, Batemans Bay

The land is depicted in **Part 4 – Figures 1 and 2**.

The subject land currently contains a caravan park that provides predominantly tourist and visitor accommodation with a small number of permanent sites, a bulky goods development (Bunnings) that will soon be relocated to a different site, and a number of dwellings (a mix of Department of Housing dwellings, Aboriginal housing dwellings and private dwellings).

The proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the relevant Department of Planning and Environment Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

Council is seeking to progress this planning proposal through the gateway determination process as an amendment to *LEP 2012*.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objective of this planning proposal is to enable the redevelopment of the land for business development purposes.

PART 2: EXPLANATION of PROVISIONS

The objective of the Planning Proposal will be achieved by a site specific amendment of the Eurobodalla LEP 2012:

- to rezone the land from the R3 Medium Density Residential and IN1 General Industrial zones to the B5 Business Development zone through an amendment to the ELP 2012 Land Zoning Map Sheet LZN_011A; and

- to amend the minimum lot size for the current R3 zoned portion of the land from 550m² to no minimum lot size through an amendment to the ELP 2012 Lot Size Map Sheet LSZ_011A.

The map amendments are described in **Part 4 – Figures 3 to 6**.

Note: The proponent of the proposed amendments also requested the Height of Buildings Map be amended to change the current height limit of 11.5m to no height limit. Council has resolved not to proceed with this amendment on the grounds that it is inconsistent with the approach to building height in the immediate vicinity of the subject land and for other commercial areas in the Shire.

PART 3: JUSTIFICATION for PROPOSAL REZONING

In accordance with the department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A- Need for the planning proposal
- Section B- Relationship to strategic planning framework
- Section C- Environmental, social and economic impact; and
- Section D- State and Commonwealth interests

Section A- NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of a strategic study or report. It has been prepared following a request from Farolo Pty Ltd who are acting on behalf of the two major landholders in the subject area.

The proposal is however consistent with relevant strategies, including the South Coast regional Strategy, the Eurobodalla Settlement Strategy and the Economic Development and Employment Lands Strategy (See Section B).

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The best means of enabling a range of business development purposes on the subject land, including bulky goods developments, is to rezone the land to the B5 Business Development zone.

While it is noted that Council has included in a separate planning proposal the inclusion of bulky goods development as a permissible use in the IN1 General Industrial zone, it is not considered appropriate to expand the IN1 General Industrial

zone across the subject land given the proximity of the site to surrounding residential development.

An alternative to the current planning proposal would be to add additional business development type uses to the current zone of the land, however this is not considered appropriate, particularly for the portion of the land currently zoned R3 Medium Density Residential.

3. *Is there net community benefit?*

While the proposal will likely result in the loss of some tourist accommodation and affordable housing in the Batemans Bay area (as discussed below), the additional business and employment opportunities are considered to provide a net benefit to the Eurobodalla community, particularly given the currently limited opportunities for new large floor plate business development activity in Batemans Bay.

Refer to Section C for a more detailed discussion on the social and economic impacts of the proposal.

Section B- RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

4. *Is the planning proposal consistent with the objectives and action contained within the applicable regional or sub-regional strategy?*

South Coast Regional Strategy

The South Coast Regional Strategy (SCRS) 2006-2031 is applicable to the subject land and it identifies Batemans Bay as a Major Regional Centre suitable for major commercial developments.

The SCRS states that "*Local Environmental Plans will protect and add to employment lands in existing economic centres, including major regional centres and major towns...*"

The planning proposal is consistent with the SCRS as it adds to the existing employment land in the Batemans Bay Regional Centre. While a portion of the subject land is proposed to be rezoned from the IN1 General Industrial zone to the B5 Business Development zone, this portion of the site is currently occupied by a Bunnings (a bulky goods and hardware development) that is an appropriate use in the B5 zone. Although the Bunnings development will soon be relocated to another site, the proposed rezoning will facilitate a similar development on the land.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Eurobodalla Community Strategic Plan- 'One Community'

The planning proposal is consistent with the Eurobodalla Community Strategic Plan-One Community. It provides for additional business and employment opportunities, thus aligning with the Community Strategic Plan objectives as follows:

- *Objective 5.2 Support the growth of our business community*
- *Objective 6.1 Increase the range of opportunities to work locally*

Eurobodalla Settlement Strategy

The planning proposal is consistent with the Eurobodalla Settlement Strategy (ESS) which seeks to reinforce the current role and function of commercial centres. The proposed rezoning reinforces the existing hierarchy of centres and addresses the following elements of the ESS:

- *Locate major commercial, civic, recreational and institutional functions in or near the major centres and co-locates major trip-generating activities;*
- *Generate a wider range of employment opportunities and business growth in appropriate locations close to housing, transport and services;*
- *Ensure that adequate serviced land is available for employment generating business and that these areas are best located to serve the needs of industry and the community.*

The Eurobodalla Settlement Strategy also seeks to "*optimise the use of existing services and infrastructure and promote the efficient provision of any services and infrastructure into the future*". The proposed rezoning has the potential to generate increased traffic that may impact on the local and regional road network, increase stormwater runoff and require the relocation of an existing sewer main. With regard to traffic and stormwater, it is recommended that the proponent provide additional studies / master plans to address the potential impacts of future development of the land for business development purposes, prior to the public exhibition of the planning proposal.

Economic Development and Employment Lands Strategy 2011

Council adopted an Economic Development and Employment Lands Strategy in 2011. Rezoning the subject land for employment generating development satisfies the following employment land planning principles in the Employment Lands Strategy:

- *That future employment lands be provided in accessible locations to service the three distinct population centres in the north, central and southern parts of the Shire and that transport connections between the centres be improved.*
- *That future employment lands be determined having regard to the need to increase economic and employment diversity, by basing employment land decisions on known or anticipated business location needs and the potential for business clusters to establish and grow.*
- *That centres remain compact in form and land use, particularly for core retail and commercial activities, with opportunities for non-core retail and commercial development to be provided in appropriate locations adjacent to centres.*

The subject land is located adjacent to an existing industrial precinct where there is an established cluster of bulky goods / building supplies / hardware type businesses. The land has good access to the Princes Highway and to the Batemans Bay Regional Centre via the Old Princes Highway. The proposal provides for non-core retail activity in an appropriate location close to the Batemans Bay Regional Centre and adjacent to the existing industrial precinct of Batemans Bay.

6. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

SEPP	Relevance	Consistency and implications
SEPP 21 Caravan Parks	While the subject area contains an existing caravan park, the SEPP relates to the granting of consent for a caravan park and the subdivision of caravan parks for lease purposes. The SEPP does not address the issue of rezoning land containing a caravan park or redevelopment of existing caravan parks.	N/A
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	This SEPP requires Councils to consider whether urban land that is no longer needed for the purpose for which it is currently zoned, could be used for multi-unit housing.	The majority of the subject land is currently zoned R3 Medium Density Residential and could be redeveloped from the existing caravan park to multi-unit housing. The proposed rezoning would mean that multi-unit housing would no longer be a permissible development on the land. It is considered that the

		subject land is best suited to an expansion of business development activity, rather than multi-unit housing, given the land adjoins industrial development and the greater need in Batemans Bay for more land employment generating development. Significant alternative opportunities exist for additional multi-unit housing in closer proximity to the commercial core of the Batemans Bay Regional Centre.
SEPP 55 Remediation of Land	Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.	Consistent. Given a portion of the subject land is zoned IN1 General Industrial, it is prudent to require a phase 1 site contamination assessment prior to the land being rezoned.
SEPP 71 Coastal Protection	Aims to protect and preserve coastal environments	Consistent. The subject site is within the Coastal Zone, but is not in a sensitive coastal location. Subject to further consideration of stormwater issues, through the preparation of a stormwater masterplan prior to rezoning, the proposal is unlikely to have any detrimental impacts on coastal processes.
SEPP (Affordable Rental Housing) 2009	The SEPP applies to development of affordable housing and the retention of existing affordable housing. The planning proposal does not relate to new affordable housing developments and the provisions relating to the retention of affordable housing do not apply to Eurobodalla.	N/A

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of relevant s. 117 Directions against the planning proposal is provided in the table below.

Ministerial Direction	Aim of the Direction	Consistency and Implications
1.1 Business and Industrial Zones	To retain areas of existing business and industrial zones, not reduce potential floor space and ensure new employment areas are consistent with an endorsed strategy.	Consistent. The planning proposal adds to existing employment land in the Batemans Bay. While a portion of the subject land is proposed to be rezoned from the IN1 General Industrial zone to the B5 Business Development zone, this portion of the site is currently occupied by a bulky goods and hardware development that is an appropriate use in the B5 zone. The proposal is consistent with the following statement in the South Coast Regional Strategy: <i>"Local Environmental Plans will protect and add to employment lands in existing economic centres, including major regional centres and major towns..."</i>
2.2 Coastal Protection	To implement the principles of the NSW Coastal Policy	Consistent. The subject site is within the Coastal Zone, but is not in a sensitive coastal location. Subject to further consideration of stormwater issues, through the preparation of a stormwater masterplan prior to rezoning, the proposal is unlikely to have any detrimental impacts on coastal processes.
3.1 Residential Zones	To encourage a variety and choice of housing types, to make efficient use of existing infrastructure and services and to minimise the impact of residential development on the environment and resource lands.	N/A The planning proposal involves removing some R3 Medium Density Residential zoning from a portion of the subject land and replacing it with the B5 Business Development zone. Significant alternative opportunities exist for a range of additional housing types in closer proximity to the commercial core of the Batemans Bay Regional Centre, through existing provisions of ELEP 2012.
3.2 Caravan Parks and Manufactured Home Estates	To retain provisions that permit development of caravan parks and retain the zoning of existing caravan parks.	The zoning of the land on which the existing caravan park is located is R3 Medium Density Residential. Caravan parks are prohibited in this zone, therefore the existing caravan park on the land is an existing lawful non-conforming use. The proposal to

		rezone the land to B5 Business Development is therefore not inconsistent with this direction.
4.4 Bushfire	To protect life, property and the environment from the effects of bushfire and to promote the sound management of bushfire prone land.	Consistent. A small portion of the subject land is mapped as bushfire prone. However, the proposed rezoning to B5 Business Development is unlikely to result in development of a special fire protection purpose. Consultation with the RFS will be required and it is anticipated that any proposed future development of the land will be able to comply with the requirements of <i>Planning for Bush Fire Protection 2006</i> .
5.1 Implementation of Regional Strategies	To ensure planning proposals are consistent with the relevant regional strategy.	Consistent. The proposal is consistent with the following statement in the South Coast Regional Strategy: <i>"Local Environmental Plans will protect and add to employment lands in existing economic centres, including major regional centres and major towns..."</i>

Section C- ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

There are no significant environmental values on the subject land. Most of the vegetation has been planted and is not native. A few isolated native trees are located on the land.

9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Bushfire

A small portion of the subject land is mapped as bushfire prone. However, the proposed rezoning to B5 Business Development is unlikely to result in development of a special fire protection purpose. Consultation with the RFS will be required and it is anticipated that any proposed future development of the land will be able to comply with the requirements of *Planning for Bush Fire Protection 2006*.

Heritage and Aboriginal Archaeological Assessment

The site does not contain a heritage item and no items are located in the vicinity of the site. No Aboriginal sites or places have been recorded in or near the subject land.

Potential Land Contamination

A portion of the subject land is currently zoned IN1 General Industrial and has a long history of use as a hardware store. It is prudent to require a phase 1 site contamination assessment prior to the land being rezoned.

Stormwater

The land drains to the "watergardens" wetland (not a SEPP 14 wetland) and any increased stormwater runoff generated by development of the land will need to be stored and treated on site prior to entering the natural system. A stormwater master plan will be required prior to rezoning.

10. How has the planning proposal adequately addressed any social and economic effects?

Economic Impact

Batemans Bay has a limited supply of land zoned for large floor plate business development and very limited opportunities for centre growth given the topography of surrounding land and the natural boundaries of water and vegetation within Sate Forests. Rezoning additional land for business purposes in appropriate locations therefore presents a good opportunity for business and employment growth in Batemans Bay.

Additional business development opportunities within Batemans Bay will have a positive impact on the local economy in terms of construction and operational employment opportunities and increased retail competition.

The proposal will displace an existing caravan park which provides 5 long-term sites and 78 short-term sites. The rezoning proposal will therefore result in the loss of some tourist and visitor accommodation in Batemans Bay. It should however be noted that alternative development opportunities already exist on the land, such as redevelopment for medium density housing, and should this rezoning not proceed, the current land owners could propose alternative residential development of the land.

Social Impact

The development of the land for business development purposes will result in the loss of a small number of existing affordable housing opportunities. However, there remains potential for new affordable housing opportunities to be developed on land in closer proximity to the commercial core of the Batemans Bay Regional Centre than the subject site.

It is noted that the caravan park owner has obligations under the Residential Parks Act 1998 (s102 and s102AA) with respect to a long term tenant who is issued a termination notice on the grounds that there will be a change of use, including providing 12 months to vacate the premises and potentially providing compensation to the tenant. The tenant has the right to apply to the NSW Civil and Administrative Tribunal for an order to postpone the date for vacating the site.

Some of the existing improvements upon the land (particular the current Bunnings building) are aged and visually detract from the streetscape. Redevelopment of the land will have the potential to improve the visual quality of the area.

Section D- STATE and COMMONWEALTH INTERESTS

11. Is there adequate public infrastructure for the planning proposal?

Access- Development of the land for business development purposes is likely to increase traffic volumes in the vicinity of the site and impact on the road network. A traffic study should be prepared by the applicant prior to public exhibition of the planning proposal.

Water and Sewer- The site is serviced with water and sewer services that have capacity to accommodate a bulky goods type development. Relocation of a sewer main that runs through the subject land may be required.

Stormwater- The land drains to the "watergardens" wetland (not a SEPP 14 wetland) and any increased stormwater runoff generated by development of the land will need to be stored and treated on site prior to entering the natural system. A stormwater master plan will be required prior to rezoning. Development of the site will also require upgrading of stormwater infrastructure as a condition of any future development consent.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

With the exception of NSW Land and Housing Corporation, who have been consulted as an owner of some of the residential properties fronting Gregory Street, no public authorities have yet been consulted about the planning proposal.

It is anticipated that the gateway determination will require consultation with the following agencies:

- NSW Roads and Maritime Services
- NSW Rural Fire Service

PART 4- MAPPING





Figure 3: Current ELP 2012 Land Zoning Map



Figure 4: Proposed change to ELP 2012 Land Zoning Map



Figure 5: Current ELP 2012 Lot Size Map



Figure 6: Proposed change to ELP 2012 Lot Size Map

PART 5- COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation being undertaken by the local authority. The planning proposal is intended to be exhibited for a 28 day period.

Consultation on the proposed rezoning and minimum lot size amendment will be to inform and receive feedback from interested stakeholders. To engage the local community the following will be undertaken:

- Notice in the local newspaper;
- Exhibition material and relevant consultation documents to be made available at the libraries and Council's Administration Building;
- Consultation documents to be made available on the Council's website; and
- Letters advising adjoining landowners on the proposed rezoning and minimum lot size amendment and other stakeholders that Council deem relevant to this proposal.

Additional consultation measures may be determined appropriate and added to the above as part of the gateway determination.

At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the proposed lot size amendment before proceeding to finalisation of the proposal.

PART 6- PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	1 May 2015
Anticipated timeframe for the completion of required technical information	2 months
Timeframe for government agency consultation	July 2015
Commencement and completion dates for public exhibition period	August 2015
Timeframe for the consideration of submissions	Early September 2015
Timeframe for consideration of a proposal post exhibition	October 2015
Date of submission to the Department to finalise the LEP	Early November 2015
Anticipated date the RPA will make the plan (if delegated)	N/A
Anticipated date the RPA will forward to the department for notification	December 2015

PSR15/010 LOCAL DEVELOPMENT PERFORMANCE MONITORING 2013-14

E90.1859

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: Nil

Strategic Objective: Productive

Delivery Program Link: P1.1 Facilitate growth and development of our business community

Operational Plan Link: P1.1.2 Provide business support and development activities

EXECUTIVE SUMMARY

To report on Council's performance as published by the NSW Department of Planning and Infrastructure (DoPI) in the Local Development Performance Monitoring Report 2013-14.

Council has continued to exceed in achieving statutory requirements. Eurobodalla has outperformed both the Group 4 region and State averages for assessment times. This is an excellent effort given the nature of the local area and the significant environmental constraints required to be considered in the assessment process. The figures for the 2013-14 year to date also show improving development activity which is reflective of the general improvements in the state of the economy. The performance data is again a satisfactory result for the Development Services Unit.

RECOMMENDATION

THAT Council receive and note the report titled Local Development Performance Monitoring 2013-14.

BACKGROUND

At the end of each financial year councils provide information to the DoPI regarding their development assessment and determination functions. The Department analyses the data from each council and provides comprehensive statistical and performance information on the operation of the local development assessment system including the volume and value of development in NSW, determination times, delegation and staffing, legal appeals and reviews, and post-development certificates.

CONSIDERATIONS

The following data is an overview of Eurobodalla Shire Council's performance in the development assessment area taken from the Local Development Performance Monitoring Report prepared by the DoPI together with comparative figures from previous financial years.

It is good news of the local economy that the data shows an increase in local development activity and volume. Last year Council determined 628 development applications (DA's) compared to 568 the previous year.

The total value of development in 2013-14 was \$110.4M compared to \$84.4M the previous year. The 2013-14 value included the determination of the Bunnings development at Batemans

PSR15/010 LOCAL DEVELOPMENT PERFORMANCE MONITORING 2013-14

E90.1859

Bay with a value of \$15.4M. Excluding Bunnings, the value of development would have been \$95M, which is still a 12% increase on the previous year.

The highlight in Council's performance this year, is the average net determination time, which is down to 23 days, which is the lowest time over the last five year period. This result is well below the statutory requirement of 40 days and out performs the State (39.5) and the Group 4 (35.1) averages. A list of Group 4 region councils can be found in Appendix 1 of this report.

Local trends 2007-2014	13-14	12-13	11-12	10-11	09-10
No of DA's determined	628	568	691	757	808
\$ value of DA's	110.4M	84.4M	96.4M	111.7M	116.5M
Average determination time (net days)	23	29	31	32	31
Median determination time (net days)	21	24	25	28	26
Average determination time (gross days)	51	61	64	65	68
Median determination time (gross days)	29	32	41	44	43
No DA's with 'stop the clock'	34% (215)	26% (148)	35% (242)	37% (280)	45% (364)
No of DA's with referrals	17% (105)	15% (85)	18% (124)	40% (303)	40% (319)
No of Complying Development Certificates (Council and private) certifying authorities)	32	48	44	28	14
Equivalent full-time staff	7	7	7	6.5	6.5
Average determination per staff position	89.7	81.1	98.7	117	124.3

A higher proportion of applications required additional information (stop the clock) this year at 34%, compared to 26% the previous year. Council's pre-lodgment team has experienced significant staff shortages due to vacancies during this period which may have contributed to the reduced quality of applications being lodged and therefore the request for additional information at the time of assessment.

The number of Complying Development Certificate (CDC) applications has decreased this year. In Eurobodalla some applications that would normally be either exempt or able to be approved as a CDC, trigger the DA process. This is because of issues such as bushfire, vegetation removal and proximity to environmentally sensitive areas such as the marine park, wetland and National Parks which under the NSW Government controls, exclude development from being exempt or complying.

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E90.1859

Council continues to maintain a high degree of efficiency with respect to applications per planner which is substantially better than the State (59.7) and Group 4 (64.5) averages. The increased local volume has resulted in an increase in the number of applications determined per equivalent full time staff to 89.7 per planner, up from 81.1 the previous year.

Council continues to perform well when compared to our neighbouring councils and the State and Group 4 averages. The following is a snapshot of comparison data for some key result areas:

Comparison Data for 2013-14	ESC	Group 4 Average	State
DA's determined	628	448	399.9
Avg value of development per Council	\$110.4	\$102.4	\$169M
Average determination time (net days)	23	35.1	39.5
Median determination time (net days)	21	26.9	29.8
Average determination time (gross days)	51	64.9	60.6
Median determination time (gross days)	29	35.9	39.8
% DA's with 'stop the clock'	34%	33% (148.2)	36% (144)
% DA's with referrals	17%	14% (61.2)	11% (44.4)
Average determination per staff member	89.7	64.5	59.7

Comparison Data for 2013-14	Average determination time	Average determination per staff	No of DA's Approved	Value of DA's Approved \$
Eurobodalla	23	89.7	628	110.4M
Bega	35	93.6	468	96.8M
Shoalhaven	30	75.3	1430	236.6M
Group 4 Average	35	64.5	448	102.4M

Construction Certificates 2013-2014

Comparison data for 2013-14	Construction Certificates Issued	Occupation Certificates issued
Eurobodalla	534	557
Bega	411	456
Shoalhaven	1203	1285
Group 4 Average	389	377

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E90.1859

The above statistics are encouraging as it can be seen that a high number of Council approvals progress to construction and occupation stages. Council issued 557 Occupation Certificates last financial year, higher than both Bega (456) and the Group 4 average (377) which suggests that more construction was started and completed in our Shire when compared to similar size councils. The State average for issuing Occupation Certificates is 346 per council.

This Financial Year (the first half)

Whilst reporting for the 2014-2015 financial year will not occur until complete data is available Council can provide some indication of performance for the first half, July to December 2014. The number of development applications determined for the first half is 323 with a total value of \$51M. This volume is on track for a similar result to last year. The value of application is also tracking at a similar value to last year (excluding the Bunnings development at a value of \$15.4M).

Assessment times remain strong with net determination times currently at 29 days for this period. One assessment position was vacant during the first half and therefore if application numbers continue until June 30 at the current rate it is likely that applications determined per staff member will be around 100 per planner.

Economic Development Employment Potential

It can be demonstrated that Council's performance with respect to assessing and determining development applications is better to our neighboring councils and should be promoted as factor for attracting further development to our Shire.

Communication / Consultation

The Department of Planning and Infrastructure prepare media releases and make this information available to the public on their website. Council will also provide a media release of this information to coincide with the Council meeting.

CONCLUSION

Council has continued to exceed in achieving statutory requirements. Eurobodalla has outperformed both the Group 4 region and State averages for assessment times. This is an excellent effort given the nature of the local area and the significant environmental constraints required to be considered in the assessment process. The figures for the 2013-14 year to date also show improving development activity which is reflective of the general improvements in the state of the economy. The performance data is again a satisfactory result for the Development Services Unit.

PSR15/010 LOCAL DEVELOPMENT PERFORMANCE MONITORING 2013-14

E90.1859

List of Group 4 Region Councils

Appendix 1

Albury City
Armidale Dumaresq
Ballina
Bathurst Regional
Bega Valley
Broken Hill
Byron
Cessnock
Deniliquin
Dubbo
Eurobodalla
Goulburn Mulwaree
Great Lakes
Greater Taree Griffith
Kempsey
Kiama
Lismore
Lithgow
Mid-Western Regional
Clarence Valley
Orange
Port Stephens
Queanbeyan
Richmond Valley
Shellharbour
Singleton
Tamworth Regional
Wagga Wagga
Wingecarribee

IR15/008 LOCAL TRAFFIC COMMITTEE MEETING NO 5 FOR 2014-2015

E14.8002

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Strategic Objective: Productive

Delivery Program Link: P2.1 Undertake advocacy activities to further the development of transport infrastructure and support future growth

Operational Plan Link: P2.1.2 Coordinate the Local Traffic & Development Committees

EXECUTIVE SUMMARY

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

This report represents the minutes of the Eurobodalla Local Traffic Committee meeting that convenes on a monthly basis. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 12 February 2015 were as follows:

- Traffic Management – Village Centre, Batemans Bay
- Parking – Clyde Street, Batemans Bay
- Bus Stops - Raymond Street, North Narooma
- Traffic Management – Tallgums Way, Surf Beach
- Parking – Corrigan Crescent, Batehaven
- Signage and Linemarking – George Bass Drive, Malua Bay
- Linemarking – Forsters Bay Road, Narooma
- Signage – Crown Street, Batemans Bay
- Signage - Campbell Street, Moruya
- Special Event Application – Challenge Triathlon

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee meeting No 5 of 2014-15 held on 12 February 2015 be received and noted.
2. Council Plan No 5154 Set A Sheet 4 showing the proposed signage and linemarking associated with the shared path located along George Bass Drive, Malua Bay be approved.
3. The Challenge Batemans Bay Triathlon Festival to be held on Saturday 28 March and Sunday 29 March 2015 be approved based on the traffic management plan and traffic

IR15/008 LOCAL TRAFFIC COMMITTEE MEETING NO 5 FOR 2014-2015

E14.8002

control plans submitted on Tuesday 10 February 2015 and subject to the amendments and approval process outlined in this report.

4. Council Plan No 5156 Set J Sheet 01 showing the proposed signage restricting parking on the north side of Crown Street (east) and the Old Princes Highway, Batemans Bay be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 5 for 2014-15 was held on Thursday 12 February 2015 in Council's Committee Room. It was attended by Dave Hunter (Chairperson and Traffic Officer), Nicole Brodie (Roads and Maritime Services), Mrs Danielle Brice (representative for the Hon Andrew Constance MP), Sergeant Angus Duncombe (NSW Police Force), Constable Scott Britt (NSW Police Force), and Annette Thomas (Minute Secretary).

Apologies were received from Councillor Neil Burnside and Councillor Milton Leslight.

MINUTES OF PVIOUS MEETING

The Minutes of the Eurobodalla Local Traffic Committee Meeting No 4 for 2014-15 held on Thursday 11 December 2014 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETINGS

The Action Sheet outlining all of the Committee's outstanding items was distributed to members. The following outstanding items were discussed:

2014.IN.018 Traffic Management – Village Centre, Batemans Bay

The Traffic Officer has reached an agreement with the Village Centre Management that the sign will be changed to read "Caution Pedestrians Ahead". The Committee asked that it be a pictogram sign.

Recommendation:

That Village Centre Management, Batemans Bay be requested to install a pictogram sign "Caution Pedestrians Ahead".

2014.RT.007 Parking - Clyde Street, Batemans Bay

The Committee had previously asked that long distance coach operators be consulted to ascertain whether the western end of the bus interchange located in Clyde Street, Batemans Bay can be utilised as a shared Bus and Loading Zone. The Traffic Officer informed the Committee that when parking is reviewed in association with the Orient Street Streetscape project this will include the bus interchange area.

2014.RT.027 Bus Stops - Raymond Street, North Narooma

Discussions are continuing with Symons Bus and Coach Service to remove the Princes Highway school bus stop near Raymond Street. An option is for students to either use the existing bus

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stop at the bottom of the new stairs on Riverview Road or the existing stop to the north of Raymond Street on the Princes Highway as alternative locations. This will mean some students will have a longer distance to walk. The Committee agreed that Symons Bus Co be asked to re-route a school bus to drive through the area along Hillcrest Avenue.

Recommendation:

Discussions be held with Symons Bus and Coach Service to arrange to re-route a school bus to drive through the area along Hillcrest Avenue, Narooma.

2014.RT.040 Traffic Management – Tallgums Way, Surf Beach

The Committee was advised that during 2014 it was reported that a student was hit by a vehicle when crossing the road at the Kauzal Crescent and Tallgums Way school bus stop. The Traffic Officer has been liaising with Priors Bus Service to find a safer location. The school bus stop has now been moved to a safer location approximately 100 metres east along Tallgums Way.

2015.RT.004 Parking – Corrigan Crescent, Batehaven

The Committee previously resolved to consult the business community prior to further consideration. The Traffic Officer will be consulting business during March.

The NSW Police representative asked that the capacity of the Loading Zone located on Corrigan Crescent be considered. The Traffic Officer will undertake further investigation.

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

2015.RT.012 Signage and Linemarking – George Bass Drive, Malua Bay

Each year, Council nominates projects for consideration in the NSW Active Transport - Walking and Cycling Program. A proposal to build a section of shared path on George Bass Drive, Malua Bay was successful in being allocated \$90,000 of fund in 2014-15, with Council providing matching funds. A total of \$180,000 is available for construction.

The design plans for the shared path, including signage and linemarking have undergone a road safety audit carried out by the NSW Roads and Maritime Services. The comments from this audit were taken into account when preparing the design drawings, including the signage and linemarking plan. The Committee supported the plan as presented.

Recommendation:

Plan No 5154 Set A Sheet 4 showing the proposed signage and linemarking associated with the shared path, located along George Bass Drive, Malua Bay be approved.

2015.RT.013 Linemarking – Forsters Bay Road, Narooma

Correspondence has been received for the provision of linemarking at the intersection of Forsters Bay Road and McMillian Street, Narooma. There is no linemarking on any of the

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E14.8002

streets in this area. There is no crash history at this site. Placing isolated linemarking at the intersection is not supported by the Committee.

The Committee asked that the resident be advised accordingly.

Recommendation:

The correspondent be advised that placing isolated linemarking at this intersection of Forsters Bay Road and McMillian Street, Narooma is not supported.

2015.RT.014 Signage – Crown Street, Batemans Bay

A request was received during the public consultation on the proposed upgrade of the Old Princes Highway seeking the installation of No Stopping signs on the northern side of Crown Street (east), Batemans Bay.

This section of road is adjacent to the Salvation Army building and starts at the Old Princes Highway intersection and ends with a cul-de-sac to the east. Restricting parking on the northern side will allow vehicles to easily pass as well as making it practical for larger trucks and service vehicles to access the Salvation Army off-street loading area.

It is proposed to continue the No Stopping zone for 19 metres north along the Old Princes Highway at the Crown Street intersection to better accommodate vehicle turning and sight lines.

A further report will be brought to the next Committee meeting to address the signs plan for the proposed road works on the Old Princes Highway and Orient Street south.

Recommendation:

Council Plan No 5156 Set J Sheet 01 showing the proposed signage located on Crown Street (east) and the Old Prince Highway, Batemans Bay be approved.

2015.RT.015 Signage – Campbell Street, Moruya

A request was received from the Moruya Preschool Management Committee to install No Stopping signs on either side of the entry/exit to their private car park accessing Campbell Street.

This section of Campbell Street is within an urban residential area and in a 60kph zone. The Gundry Store operates next door and has similar week day opening hours to the preschool. There is no crash history at this site. There are many similar developments within the Shire with carparks accessing urban streets, with the situation covered by the Australian Road Rules.

The preschool development was not required to have an on-street No Stopping zone as part of their Development Consent. The road is wide enough and has on-street parking lanes. The Committee agreed that the Traffic Officer write to the proponent to inform them that no change was required.

Recommendation:

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That Council write to the Moruya Preschool Management Committee advising that their suggestion to install No Stopping on either side of the driveway is not supported.

INFORMAL ITEM FOR DISCUSSION

2015.SE.0010 Special Event Application – Challenge Triathlon

The annual Challenge Batemans Bay Triathlon Festival to be conducted by Elite Energy will be held over the weekend of 28 and 29 March 2015.

At the Local Traffic Committee meeting on 11 December 2014, it was recommended that:

1. A sub-committee of the Local Traffic Committee be formed, made up of the RMS representative, Police representative and Council's Traffic Officer to assist the organisers in the development of a suitable traffic management plan for the Challenge Batemans Bay Triathlon Festival.
2. The completed traffic management plan be presented to the Committee at the February 2015 meeting for adoption.

The sub-committee liaised with the event organisers in December 2015, reviewing various preliminary traffic control plans and suggesting changes. Council's Traffic Officer sent an email to the event organisers on 23 December 2015 relaying "agreement in principal" to the traffic control plans with various changes required to be submitted back to the sub-committee.

Suitable amended traffic control plans are yet to be received, limiting the time needed to obtain appropriate approvals, including those required from the NSW Police Commissioner. The Committee noted that the Police would not approve the event without a formal approval through the Local Traffic Committee.

To accommodate the event organiser, the Committee agreed to approve the event subject to appropriate amended plans being submitted to the sub-committee for review and final sign-off. The event is scheduled for the weekend of 28 and 29 March 2015.

The Police also require that a recommendation for approval from the Local Traffic Committee is forthcoming from the Tuesday 12 February meeting and all detailed changes would need to be reflected in the recommendation to Council.

Recommendation:

The Challenge Batemans Bay Triathlon Festival to be held on Saturday 28 March and Sunday 29 March 2015 be approved based on the traffic management plan and traffic control plans submitted on Tuesday 10 February, and subject to:

1. Amended documents being submitted to the satisfaction of the Local Traffic Committee sub-committee by 4.00pm on Wednesday 18 February 2015 for final review and approval.
2. Documentation showing appropriate insurance is provided to Council and the Police by 11.30am on Thursday 19 February 2015.
3. Details to be incorporated in the traffic management plan and associated traffic control plans to include, but not limited to:

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E14.8002

- a. a separate traffic control plan for Saturday events
 - b. amend the traffic control plans for the Sunday sprint and enticer bike events to indicate:
 - i. on George Bass Drive, residents only north bound (with no south bound traffic) from Tallgums Way to the traffic signals on Beach Road
 - ii. on George Bass Drive, closure of the intersections at Sunshine Bay Road and Calga Crescent
 - iii. the northern turnaround point on George Bass Drive.
 - c. Variable Message Sign details (location and wording) to be provided and approved by Council's Traffic Officer.
 - d. Clearly define the proposed routes and road closures, including providing an overall route map.
 - e. Provide the proposed methodologies to be used to ensure traffic control staff are adequately trained and implement the approved traffic control plans, including continuous monitoring and record keeping.
 - f. Provide details of the proposed community advice on the proposed traffic control measures and closures, including advertising.
4. The event organiser is reminded that prior to Police approval it is required to submit relevant application forms, including the user pay application indicating Police numbers required for each day and that a letter of permission from Assistant Commissioner is required prior to the event going ahead.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee is to be held on Thursday 12 March 2015 in the Council's Committee Room commencing at 9.30am.

IR15/009 MORUYA QUARRY PARK - DRAFT LANDSCAPE PLAN

E14.8284

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Terms of Reference
2. Moruya Quarry Park Landscape Plan

Strategic Objective: Liveable

Delivery Program Link: L5.1 Implement Council's recreation and open space strategy, priority plans of management and master plans

Operational Plan Link: L5.1.2 Seek grant funding and partnership opportunities to develop community spaces

EXECUTIVE SUMMARY

On 13 August 2013 Council resolved to form the Moruya Quarry Park Sunset Steering Committee to oversee the development of a design plan for Moruya Quarry Park. The Committee presented the draft Moruya Quarry Park Landscape Plan to Council and Council resolved to put the draft plan on public exhibition. Following the consultation period, the Committee considered the feedback and are now presenting the draft Moruya Quarry Park Landscape Plan for adoption by Council.

The Moruya Quarry Park Sunset Steering Committee is seeking Council's concurrence to the extension of the term of the Committee for a further 12 months to allow the Committee to work at securing grant funding for the project.

A new Terms of Reference for the Moruya Quarry Park Sunset Steering Committee is attached for Council's consideration.

RECOMMENDATION

THAT:

1. Council adopt the Moruya Quarry Park Landscape Plan.
2. Council extend the term of the Moruya Quarry Park Sunset Steering Committee for a further 12 months to allow the Committee to work at securing grant funding for the project.
3. Council adopt the new Terms of Reference for the Moruya Quarry Park Sunset Steering Committee.
4. Moruya Quarry Park be included in Council's advocacy submission to State and Federal Governments - Infrastructure - Driving the NSW Economy.

BACKGROUND

Council resolved on 28 October 2014 to endorse the Moruya Quarry Park Draft Landscape Plan and place it on public exhibition for 42 days for comment.

The draft plan was placed on public exhibition for comment from 5 November to 17 December 2014.

IR15/009 MORUYA QUARRY PARK - DRAFT LANDSCAPE PLAN

E14.8284

CONSIDERATIONS

On 12 November 2014 the draft plan was presented to a meeting of Moruya Rotary. Moruya Rotary has been contributing to the development and care of the park over a long period.

On 4 February 2015 the Moruya Quarry Park Sunset Steering Committee met and discussed the results from the public exhibition of the draft plan. Representatives of Moruya Rotary advised the Committee that the plan had been well received and was supported by Moruya Rotary. A letter of support for future grant applications has now been received from Moruya Rotary (dated 4 March 2015).

The Committee was advised that there had not been any other written submissions and the Committee recommended that the Moruya Quarry Park Draft Landscape Plan be presented to Council for adoption.

The Committee also requested that Council consider extending the term of the Moruya Quarry Park Sunset Steering Committee for a further 12 months to allow the Committee to work at securing grant funding for the project. This is supported and will be recommended for approval.

A new Terms of Reference for the Committee is attached for Council's consideration.

A formal letter thanking the Committee members for their work to date has already been sent.

Legal

Council is currently in the process of having this Crown reserve transferred to Council's care and control.

Social Impact

Moruya Quarry Park will promote heritage and associated tourism and linkages will be created back to Moruya CBD and other quarries.

The park will provide an inviting location for locals and visitors with improved accessibility and safety and it will enhance the environment.

Economic Development Employment Potential

Moruya Quarry Park development enhances the heritage linkages to the region, recognizing the pivotal role the quarry played in providing materials to the iconic Sydney Harbour Bridge and other prominent buildings. The park is well utilized for fishing and recreational pursuits.

The proposed plan will significantly enhance these aspects providing the opportunity for inclusion in the heritage trail and to support growth in visitation to Eurobodalla.

This work further supports activities such as the Moruya Granite Festival.

Communication / Consultation

The Moruya Quarry Park Landscape Plan will be on Council's website.

Financial

The preliminary estimates for the project were provided to Council on 28 October 2014 in report IR15/039 Moruya Quarry Park – Draft Landscape Plan.

IR15/009 MORUYA QUARRY PARK - DRAFT LANDSCAPE PLAN

E14.8284

Council was unsuccessful in securing funding under the Community Building Partnership Program. The proposal is to continue to work with the Committee in partnership to secure grant funding to part fund the works.

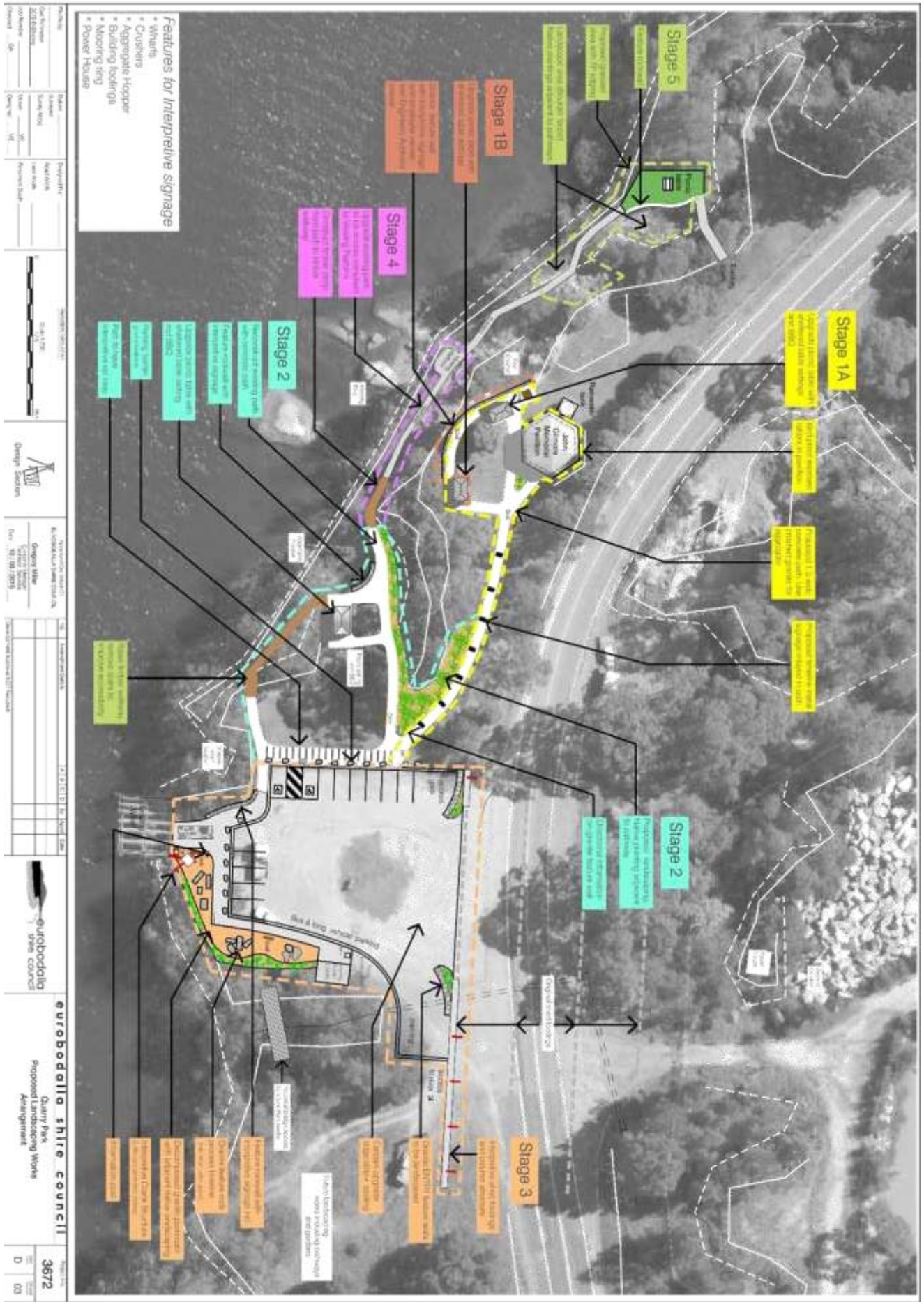
Part funding was also identified from the future sale of lands identified under the Recreation and Open Space Strategy 2010, as reported to Council on 23 September 2014 in report GMR14/025 – Proposed Special Rate Variation Application – Priority Infrastructure List and Community Engagement Strategy.

CONCLUSION

It is recommended that the Moruya Quarry Park Draft Landscape Plan be adopted.

Council approve the Moruya Quarry Park Sunset Steering Committee's request to extend the term of the Committee for a further 12 months to allow the Committee to work at securing grant funding for the project.

Council adopt the new Terms of Reference for this Committee.



**IR15/010 FUNDING OFFER - ALL ACCESSIBLE PLAYGROUND EQUIPMENT -
CORRIGANS BEACH RESERVE, BATEHAVEN**

E14.8224

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Strategic Objective: Liveable

Delivery Program Link: L5.1 Implement Council's recreation and open space strategy, priority plans of management and master plans

Operational Plan Link: L5.1.2 Seek grant funding and partnership opportunities to develop community spaces

EXECUTIVE SUMMARY

Council has been successful in securing grant funding under the ClubGRANTS Category 3 Fund for enhancing Corrigans Beach Reserve to create an all inclusive, accessible playground.

RECOMMENDATION

THAT Council endorse action taken in accepting the offer of \$300,000 from the NSW Trade & Investment, Office of Liquor, Gaming & Racing, 2014-15 ClubGRANTS Category 3 Fund for the enhancement of Corrigans Beach Reserve to create an all inclusive, accessible playground.

BACKGROUND

The NSW Trade & Investment, Office of Liquor, Gaming & Racing under the ClubGRANTS Category 3 Fund provides support to the development and enhancement of sport, health and community infrastructure projects across NSW. The Fund receives 0.4 per cent of registered club gaming machine profits over \$1 million, estimated at approximately \$12 million in 2014-15.

In September 2014, Council lodged an Expression of Interest to enhance Corrigans Beach Reserve to create an all inclusive, accessible playground. We were invited to lodge a funding application by October 2014 and have received notification of our success with the funding application.

In 2014 Council had allocated and constructed a \$75,000 upgrade of this reserve to provide perimeter fencing of the playground in line with the proposed actions in the Disability Action Plan.

CONSIDERATIONS

The funding offer will assist Council to enhance the Corrigans Beach Reserve playground to create an all inclusive accessible playground.

Council is committed to improving facilities for persons with disabilities through the upgrade of this major playground to create an integrated play space on this high profile reserve. A boundary fence had been installed in 2014. Our aim is to create a vibrant inclusive play space that is fun, sparks the imagination and encourages active participation by all children.

**IR15/010 FUNDING OFFER - ALL ACCESSIBLE PLAYGROUND EQUIPMENT -
CORRIGANS BEACH RESERVE, BATEHAVEN**

E14.8224

The expansion of this playground will include the purchase and installation of all inclusive equipment, rubber soft fall. Pathways will be laid within the playground area to improve accessibility to key play elements including the central family shelter space.

Upon completion, this project will provide opportunities for parents and carers to relax and socialise with other parents and carers, which leads to the development of relationships and networks that can strengthen communities and promote social inclusion.

Policy

This funding offer achieves some outcomes of the Disability Action Plan, which was endorsed by Council and developed in consultation with the Disability Advisory Committee.

Asset

Accepting this grant will require additional costs to maintain and ultimately renew the playground equipment. The annual maintenance and depreciation costs for these assets have been estimated at \$20,000 per annum (including \$5,000 for routine maintenance). It is proposed to increase the annual maintenance allocation for playground equipment by this amount commencing in the 2015-16 financial year. An increase in the allowance for depreciation will be required to renew this new asset over the longer term.

Communication/Consultation

Council, at its meeting of 24 February 2015 adopted the formation of a Corrigans Beach Reserve Accessible Playground Sunset Advisory Committee be formed to oversee the development of a design plan for an accessible playground on the Corrigans Beach Reserve.

This Advisory Committee will consist of two councillors (one as Chair), two members of The Bay Push and two members of the community.

The Sunset Committee will oversight the consultation process and design of the playground in the context of the reserve, to ensure adequate and inclusive consideration of community views.

Financial

Council has also worked with The Bay Push to secure \$100,000 under the Community Building Partnership program and proposed an additional allocation of \$100,000 in the special rate variation is proposed.

CONCLUSION

Grant funding of \$300,000 has been offered to Council from the NSW Trade & Investment, Office of Liquor, Gaming & Racing under the ClubGRANTS Category 3 Fund to assist Council to enhance the Corrigans Beach Reserve playground to create an all inclusive accessible playground.

This funding will allow Council to enhance the recreational facilities for the benefit of the community.

IR15/011 TENDERS FOR AUGMENTATION OF SEWAGE PUMP STATIONS BB34 & BB39 E05.9189PS

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Tender Evaluation

Strategic Objective: Sustainable

Delivery Program Link: S1.1 Provide and renew sewer infrastructure

Operational Plan Link: S1.1.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

Tenders have been advertised and received for the construction of new emergency storage concrete tanks and associated works at Sewage Pump Stations BB34 at Batehaven and BB39 at Surf Beach. The purpose of the works is to increase the emergency storage capacity at both sites to reduce environmental and public health risks associated with sewage overflows.

This work has been included in the current works program.

Upon close of tenders two submissions were received. Both tenders were evaluated using weighted price and non-price criteria. The preferred tender was less than the project estimate and the tenderer demonstrated that they are capable of satisfactorily completing the works.

RECOMMENDATION

THAT, in accordance with Clause 178 of the *Local Government (General) Regulation 2005*, Council accept the preferred tenderer as identified in the confidential attachment for the construction of emergency concrete storage tanks and associated works at Sewage Pump Stations BB34, Batehaven and BB39, Surf Beach.

BACKGROUND

Sewage Pump Stations BB34 and BB39 were constructed in 1980 and 1992 respectively. Current design standards require sewage pump stations to have eight hours of emergency storage within the system, so that during power failure or other abnormal operating conditions the probability and extent of sewage discharges to the environment are minimised.

Hydraulic modelling of the entire sewerage system is currently being finalised which identifies elements of the existing sewerage reticulation system that require upgrading due to changed design standards and/or to cater for growth. The requirement for additional storage at BB34 and BB39 was confirmed through this exercise, with the works seen as a high priority due to the overflow locations near Corrigans Beach and Wimbie Creek.

Additional work within the existing pump station wet well at BB34 may be carried out concurrently to minimise disruption in the area.

CONSIDERATIONS

A request for tenders was advertised in the Sydney Morning Herald, the local newspaper and on the internet through Tenderlink. Upon close of tenders on the 28 January 2015, two tenders

IR15/011 TENDERS FOR AUGMENTATION OF SEWAGE PUMP STATIONS BB34 & BB39 E05.9189PS

were received and a formal tender evaluation process was carried out by Water & Sewer staff and verified by the Division Manager Water & Sewer. The tenders received are on file E05.9189.PS and the winning tender is tabled at this meeting.

Environmental

The works are designed to bring the two sewage pump stations to current design standards, minimising the probability and extent of future sewage discharges to the environment from these catchments.

Financial

Council currently has allocated \$1.6M (\$800k/year) over the next two years for pump station upgrades in Batemans Bay. The current tendered amount can be accommodated within these funds without affecting delivery of other programmed works.

CONCLUSION

Request for tenders were called, with two companies submitting a tender for the construction of increased storage capacity at sewage pump stations BB34 and BB39.

The preferred tenderer submitted a competitive price for this project. Based on the tender assessment criteria, the recommended tender represents good value for money to Council.

FBD15/020 MORUYA AIRPORT DRAFT MASTER PLAN - PUBLIC EXHIBITION

E81.2168

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

Attachments: The Draft Airport Master Plan (Under Separate Cover)

Strategic Objective: Productive

Delivery Program Link: P1.1 Facilitate growth and development of our business community

Operational Plan Link: P1.1.4 Promote Eurobodalla as the place to invest and do business

EXECUTIVE SUMMARY

The purpose of this report is to seek Councillor agreement to placing the proposed draft Master Plan for Moruya Airport on public exhibition.

The draft Master Plan builds on existing documents including the Airport Operational Plan and sets out concept development proposals for the future with indicative costings.

The adoption of a Master Plan does not commit Council to any specific development, rather it is a guiding document to be used to inform future investment and development decisions.

An extended consultation period of 42 days is recommended because the airport is critical infrastructure for Eurobodalla and it is essential that the wider community has the opportunity to comment.

RECOMMENDATION

THAT:

1. Council endorse the draft Master Plan for Moruya Airport for the purposes of public exhibition for a period of 42 days.
2. Following the expiration of the exhibition period the draft Master Plan for Moruya Airport and any public submissions received be presented back to Council to consider the Master Plan for Moruya Airport for adoption.

BACKGROUND

In August 2014, Councillors were briefed on a project plan which outlines a phased, strategic approach to moving the Airport Redevelopment project forward so Council is able to make an informed decision on the next steps at each key stage.

The project plan included a concept phase which will be concluded by the adoption of a Master Plan. A feasibility stage and an execution phase would then follow if Council decides to proceed.

The draft Master Plan builds on existing documents including the Operational Plan and Passenger Service review and sets out development proposals for the future with indicative costings. The draft Master Plan has been developed by Rehbein Airport Consulting who have conducted similar exercises for many other airports including Merimbula.

FBD15/020 MORUYA AIRPORT DRAFT MASTER PLAN - PUBLIC EXHIBITION

E81.2168

The development of the Plan included a site visit and meetings with airport stakeholders. Further robust market testing of the proposals will be conducted in the business case phase of the redevelopment project.

The draft Master Plan proposes a Land Use Concept Plan with a number of distinct areas:

1. Passenger Operations Precinct – this plans requirements for the long term and includes allowances for major passenger growth should that occur as well as trigger points for a relocation of the terminal.
2. Commercial Aviation Business Precinct – provides opportunities for aviation businesses to establish at Moruya Regional Airport.
3. Private Aircraft Storage Precinct – providing for existing demand.
4. Aviation Tourism Precinct – provides a range of airside-accessible accommodation offers adjacent to Broulee Beach.
5. Residential Airpark Precinct – permanent residential accommodation for plane owners.

The precincts have been planned so that flexibility exists to expand one element if this demonstrates high demand and another does not. Flexibility also exists in the timings of each development.

The concept plan map requires some minor amendments to road access and to include a vegetation buffer along George Bass Drive.

CONSIDERATIONS

Policy

The draft Master Plan and other documents fit Objective 5 of the Community Strategic Plan ‘We help our local economy grow’ and in particular s5.1 ‘Plan for and develop the right assets and infrastructure’

Environmental

The development area to the western side of the runway is part of the bio-certification area and the final perimeter available for development will be determined once this and fire safety and other setbacks have been mapped in detail.

Asset

The draft Master Plan sets out a long term direction for one of Council’s key community assets.

Social Impact

Development at the airport is important to many local residents and airport and campground users so interest in the draft Master Plan is likely to be high. It should be noted that the draft Master Plan does not contain any proposals which impact on the footprint of the campground.

FBD15/020 MORUYA AIRPORT DRAFT MASTER PLAN - PUBLIC EXHIBITION

E81.2168

Economic Development Employment Potential

Business cases for previous grant submissions have indicated that the redevelopment of the airport could create 150 new jobs injecting an additional \$8.4 million of income into the local economy.

The draft Master Plan identifies around 40 lots for businesses which would go towards generating this number of jobs as well as additional private hangers and the tourism accommodation area which would also generate jobs.

The draft Master Plan also plans for future operational requirements to allow larger planes to offer a passenger service into Moruya which would be essential to attract future tourists by air.

Communication / Consultation

Members of the aviation community have been consulted as part of the development of the draft Master Plan.

However, because the Airport is critical infrastructure for Eurobodalla, it is essential that the wider community has the opportunity to comment. An extension of the consultation period from the usual length to 42 days is recommended.

Key community groups will be consulted directly e.g. Chambers of Commerce, Business Advisory Committee and Tourism Advisory Committee.

The timeline for this process will be:

- 25 March: Exhibition period commences
- 6 May: Exhibition period closes
- 26 May: Council meeting to adopt Master Plan

Staff

This project continues to require input from staff, primarily in the Business Development, Technical Services and Airport Management teams.

Financial

Previous business cases have suggested that a full redevelopment could result in a positive return to Council within 10 years.

A budget has been allocated to deliver this project plan and the costs include external consultants to develop the Master Plan, Passenger Review and Business Case sections of the plan, community consultation and marketing costs.

CONCLUSION

The adoption of the draft Master Plan does not commit Council to any specific development, rather it is a guiding document to be used to inform future investment and development decisions.

It is recommended that Council resolves to place the draft Master Plan on public exhibition.

FBD15/021 INVESTMENT POLICY

E08.2526

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

Attachments: 1. Investment Policy

Strategic Objective: Support Services

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

Operational Plan Link: SS1.1.1 Provide integrated corporate accounting and financial management systems and procedures

EXECUTIVE SUMMARY

The current investment policy requires 20% or more of Council's investments to be government guaranteed. This requirement was included in the investment policy to make sure that the portfolio was diversified between acceptable risk and risk free investments. Largely in response to the credit crisis, banks are now required to maintain proper leverage ratios and meet certain capital requirements. This improves the banking sector's ability to deal with financial and economic stress and will allow councils to simplify investment procedures.

RECOMMENDATION

THAT

1. The 'near risk free' category be increased to a maximum 100% of the portfolio with restrictions governed by the short term rating.
2. The percentage per institution be restricted as per the table in this report.
3. The amended investment policy be placed on public exhibition for a period of 28 days.

BACKGROUND

Council's current investment policy was approved on 13 September 2013 and there have been a number of changes to the banking requirements (Basel iii) together with Council's situation in respect of investments in Collateralized Debt Obligations (CDOs). Basel iii (or the Third Basel Accord) is a global, voluntary framework on bank capital adequacy, stress testing and market liquidity risk. Basel is a city in Switzerland where these discussion were first held in 1988.

A bank's capital represents its ability to absorb losses. To promote the resilience of banking systems, regulators specify the minimum amount of capital that banks should hold, as well as the form it should take. The 2008-09 financial crises revealed that banks in some countries were not holding enough loss absorbing capital for the risks they were taking. In response, the international bank standard setting body, the Basel Committee on Banking Supervision (BCBS), developed the Basel iii capital framework, which it finalized in June 2011.

The new framework sets out internationally agreed minimum requirements for higher and better quality for banks globally.

The result of the Basel iii legislation will be that banks are more able to absorb losses, however this regulation requires banks be given 31 days' notice to break a deposit. Council rarely has to

FBD15/021 INVESTMENT POLICY

E08.2526

break deposits because their cash flow is stable. There is enough money in on call deposits and Council's \$2.5m overdraft facility to cover emergencies.

CONSIDERATIONS

Due to the changes in the banking regulations Council could remove the government guaranteed component of the policy. Information received from Curve Securities, banking personnel and a review of policies from Shoalhaven City Council, Shellharbour City Council, Port Macquarie Hastings Council, Ryde City Council, Palerang Council, Kiama Municipal Council, Lithgow City Council, Bega Valley Shire Council, Wagga Wagga City Council and Lake Macquarie City Council indicates that no other council has this government guaranteed requirement.

A change in the policy could increase the return on investment considerably and the increase risk would still be within Council's risk parameters of 'near risk free'.

Credit ratings are an indication of the credit worthiness of a debtor and their ability to pay back a debt. A short term rating is a probability factor of an individual going into default within a year. Nowadays, short term ratings are commonly used.

The current investment policy has the 'near risk free' category as equal to or better than Standard and Poors 'A' long term and 'A-1' short term rating. This is recommended to be amended to reflect the 'A' category (A-AA) being 'near risk free' and then restricting the Maximum % by the short term rating i.e. 'A-1' 100% and 'A-2' restricted to 60% of the portfolio. The 'some limited risk' category can then be described as any investment below the 'A' category.

Legal

Councils are required to make all investments within the Minister's Order together with a number of other Acts and Regulations. They must exercise care, diligence and skill that a prudent person would exercise in investing council funds.

Policy

The latest investment report shows the current policy and liquidity risk percentages.

A report on the Investment Policy was presented to the Audit Committee on the 17 February 2015. The Audit Committee agreed with the recommended changes.

Communication / Consultation

We will consult with the community by seeking feedback through a 28 day Public Exhibition where the draft Investment policy will be on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

Financial

Financially the preservation of capital is the principal objective together with the allocation of investments to ensure sufficient liquidity.

Investments are expected to achieve above average rate of return.

The policy needs to be clear so the long term and short term rating is grouped as a category and the only variation is the maximum percentage allowed in each category. The 'at risk'

FBD15/021 INVESTMENT POLICY

E08.2526

category can now be removed because there are no investments allowed by the Minister that would fall into that category.

S&P Long Term Category	S&P Short Term Category	Maximum %	Risk Rating
AAA (incl. government guaranteed deposits)	A-1+	100%	Remote Risk
AA	A-1	100%	Near Risk Free
A	A-1 to A-2	60%	Near Risk Free
BBB	A-3	20%	Some Limited Risk
ADI/Unrated*		10%	Some Limited Risk

The percentage per institution will restrict amount invested in one Bank, Building Society or Credit Union as show below.

S&P Long Term Category	S&P Short Term Category	Maximum % per Institution	Risk Rating
AAA (incl. government guaranteed deposits)	A-1+	40%	Remote Risk
AA	A-1	30%	Near Risk Free
A	A-1 to A-2	20%	Near Risk Free
BBB	A-3	15%	Some Limited Risk
ADI/Unrated*		5%	Some Limited Risk

*This category is restricted to Banks, Building Societies and Credit Unions with total assets in excess of \$1 billion.

CONCLUSION

It is considered that the 'at risk category' is no longer necessary, and that Council's policy could be amended to reflect the changes to the banking industry legislation.

Removing the government guarantee clause will bring Eurobodalla in line with other councils. Strengthening the 'near risk free' category through inclusion of percentages for the short term category, will allow a more robust portfolio and possible greater returns.



POLICY

Policy name	Investment Policy
Responsible manager(s)	Director Finance and Business Development
Contact officer(s)	Anthony O'Reilly
Directorate	Finance
Approval date	February 2015

Purpose

Eurobodalla Shire Council's policy is designed to ensure that Council's investments reflect the preference to reduce risk and comply with current NSW Local Government investing policy guidelines, 'best practice' and the current Ministerial Order.

This policy is a requirement of the *Local Government Code of Accounting Practice and Financial Reporting* issued by the Department of Local Government ('DLG') pursuant to section 412 of the *Local Government Act 1993 (NSW)* as set out below:

"Council must maintain an investment policy that complies with the Act and ensures it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds."

The *Trustee Amendment (Discretionary Investments) Act 1997 (NSW)* section 14A(2) provides further guidance on a "prudent person": *"A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would."*

The Accounting Code defines "investments" as: *"money that is not, for the time being, required by the council for any other purpose"*.

Both the policy and investing practices of the Council must comply with Section 625 of the *Local Government Act 1993* as set out below:

"625 How may councils invest?"

- 1) A council may invest money that is not, for the time being, required by the council for any other purpose.*
- 2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.*
- 3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.*
- 4) The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section."*

The Ministerial Investment Order as at 12 January 2011 was current at the date of adopting this policy and is included in this document (see [Appendix 1](#))

In formulating this policy the Council has also considered the 'Investment Policy Guidelines' issued by the DLG in May 2010. While it is the belief of the Council that these



guidelines are not binding, it is also the Council's belief that they represent best practice and should be incorporated within the adopted investment policy.

This policy aims:

- To ensure the Council has appropriate working capital funds available to carry out its strategic plans as outlined in its delivery program and operational plan (or management plan). Long term core investments are limited or avoided in favour of a focus on working capital investments so that funds are readily available if required.
- To ensure that a reasonable level of funds are immediately accessible in the event of a disaster or unexpected failure of infrastructure.
- To ensure that the Council is able to meet its liability commitments as they fall due.
- To ensure that legally restricted funds are appropriately accounted for and invested so as to earn reasonable income towards their purposes. Legally restricted funds include trusts, developer contributions, unexpended grants, crown reserves etc.
- To ensure that all statutory requirements are met.

Policy statement

1	Application This policy applies to the investment of Eurobodalla Shire Council's surplus funds.
2	Legislation Eurobodalla Shire Council will comply with Section 625 of the <i>Local Government Act (NSW) 1993</i> ; <i>The Trustee Amendment (Discretionary Investments) Act 1997 (NSW)</i> section 14A(2); <i>Local Government Code of Accounting Practice and Financial Reporting and Investment Policy Guidelines</i> dated May 2010 (issued by the DLG)
3	Australian Currency All investments must be denominated in Australian Dollars and comply with the Minister's determination.
4	Order of Priorities The order of priorities is firstly the preservation of capital, and second, the maintenance of liquidity. In this context 'liquidity' refers to the speed and ease with which an asset can be converted to cash.
5	Acceptable Risk Criteria For Financial Instruments Credit risk refers to the risk of ultimately not being able to redeem the funds. The average credit risk of the portfolio should reflect the conservative approach that a 'prudent person' would take to investing. This approach should be reinforced by investing in term deposits and remote risk investments.
5.1	Remote risk Up to 100% of all invested funds may be invested in deposits issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory. Investments held in the State and Territories must be diversified.



	<ul style="list-style-type: none">• Low liquidity risk 0% - 100%• Medium liquidity risk 0% - 70%• High liquidity risk 0% - 50%																																
5.2	<p>Near risk-free</p> <p>Up to 100% of all invested funds.</p> <p>Investments in this category must be issued by Australian authorised banks with a Standard and Poor's (S&P) rating equal to "A-1" or "A-2" short term and in the "A" category long term (A- to AA) or with an equivalent Moody's or Fitch rating equivalents. Noting that "senior debt" and like investments with banks meeting the above criteria is permitted within this risk category.</p> <ul style="list-style-type: none">• Low liquidity risk 0% - 80%• Medium liquidity risk 0% - 50%• High liquidity risk 0% - 30%																																
5.3	<p>Some limited risk</p> <p>Up to 20% of all invested funds.</p> <ul style="list-style-type: none">• Low liquidity risk 0% - 30%• Medium liquidity risk 0% - 20%• High liquidity risk 0% - 10% <p>Authorised banks with an S&P rating equal or better than "A-3" short term or "BBB" category long term or with an equivalent Moody's or Fitch Rating equivalents. Other authorised banks, building societies and credit unions are restricted to those with total assets in excess of \$1 billion including the Illawarra Mutual Building Society (IMB).</p>																																
5.4	<p>Investment Parameters</p> <p>The maximum holding in each rating category for Council's portfolio shall be:</p> <table><thead><tr><th>S&P Long Term Category</th><th>S&P Short Term Category</th><th>Maximum %</th><th>Risk Rating</th></tr></thead><tbody><tr><td>AAA (incl. government guaranteed deposits)</td><td>A-1+</td><td>100%</td><td>Remote Risk</td></tr><tr><td>AA</td><td>A-1</td><td>100%</td><td>Near Risk Free</td></tr><tr><td>A</td><td>A-1 to A-2</td><td>60%</td><td>Near Risk Free</td></tr><tr><td>BBB</td><td>A-3</td><td>20%</td><td>Some Limited Risk</td></tr><tr><td>ADI/Unrated *</td><td></td><td>10%</td><td>Some Limited Risk</td></tr></tbody></table> <p>The percentage per institution will restrict amount invested in one Bank, Building Society or Credit Union as shown below.</p> <table><thead><tr><th>S&P Long Term Category</th><th>S&P Short Term Category</th><th>Maximum % per Institution</th><th>Risk Rating</th></tr></thead><tbody><tr><td>AAA (incl. government guaranteed deposits)</td><td>A-1+</td><td>40%</td><td>Remote Risk</td></tr></tbody></table>	S&P Long Term Category	S&P Short Term Category	Maximum %	Risk Rating	AAA (incl. government guaranteed deposits)	A-1+	100%	Remote Risk	AA	A-1	100%	Near Risk Free	A	A-1 to A-2	60%	Near Risk Free	BBB	A-3	20%	Some Limited Risk	ADI/Unrated *		10%	Some Limited Risk	S&P Long Term Category	S&P Short Term Category	Maximum % per Institution	Risk Rating	AAA (incl. government guaranteed deposits)	A-1+	40%	Remote Risk
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	ADI/Unrated		5%	Some Limited Risk
	*This category is restricted to banks, building societies and credit unions with total assets in excess of \$1 billion.			
6	Unacceptable investments Any investment that falls outside the Minister's order or not included in this policy.			
7	Safe custody arrangements It will not be acceptable for title to Council's investments to be held by other organisations unless the following criteria are met: <ul style="list-style-type: none"> • There is adequate documentation confirming the existence of the investments • The institution recording and holding the assets is "ASX Limited", or "ANZ Nominees", or has an S&P rating equal or better than "A-1" short term and "A" long term ("strong") or with an equivalent Moody's rating of "P1" short term and "A2" long term or Fitch Rating equivalents. <i>(Where Council's assets are held in safe custody by an institution, Council may be exposed to the creditworthiness of that institution.)</i>			
8	Other Forms of Investment Internal loans are acceptable subject to any legal requirements noting that Ministerial approval is, at the time of adopting this policy, required for internal investing/borrowing arrangements to or from externally restricted funds, however such arrangements must not compromise liquidity or compliance with industry standards for financial ratios. Interest-free loans to community organisations and the like are covered by separate Council policies.			

Implementation

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following council's Investment Code of Practice, which specifies in detail the plan, procedures and matters to be considered.	Director Finance and Business Development
2	Staff Under supervision of the Responsible Accounting Officer council staff will be responsible for ensuring that policies are implemented appropriately within their work area.	Divisional Manager Finance/ Asset Accountant/ Asset Officer
3	Complaints and requests Complaints and requests received regarding the Investment Policy or investments will be recorded on Council's Records Database and handled in accordance with the complaints policy.	Divisional Manager Governance and Information



4	Consultation At least every 3 years, arrange a full comprehensive review of Council's policy and investing activities by an appropriately qualified (e.g. ASIC) adviser with the costs to be met by interest earnings and seek appropriate advice on other occasions as required. The Audit committee should meet quarterly to review the investing environment and strategy.	Director Finance and Business Development Audit Committee
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Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2016.

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

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

Performance indicator	Data source(s)
Complaints	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit
Interest exceeds the Average Bank Bill Swap Rate by 25 Basis Points	Report

Governance

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

Related legislation and policies

Name	Link
Code of Practice	Hyperlink to COP on website
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182
Trustee Amendment (Discretionary Investments) Act 1997	www.legislation.nsw.gov.au/sessionalview/sessional/act/1997-102.pdf
Ministerial Investment Order 12 January 2011 (p.597)	www.nsw.gov.au/sites/default/files/Government_Gazette_11_February_0.pdf



DLG Local Government Code of Accounting Practice and Financial Reporting 2009	www.dlg.nsw.gov.au/DLG/Documents/Standards/Code%2017%20Guidelines%20-%20General%20Purpose%20Financial%20Reports%202009.pdf
DLG Investment Policy Guidelines	www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Investment%20Policy%20Guidelines%20May%202010.pdf

Related external references

Name	Link
Division of Local Government	www.dlg.nsw.gov.au/

Supporting documents

Name	Link
DLG Circular re: Revised Ministerial Order (17 Feb 2011)	www.dlg.nsw.gov.au/dlg/dlghome/documents/Circulars/11-01.pdf

Definitions

Word/Term	Definition
Prudent Person	A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would.
Credit Risk	The risk of ultimately not being able to redeem the funds.
Investments	Money that is not, for the time being, required by the council for any other purpose

Change history

Version	Approval date	Approved by	Change
1	22 Sept 2011	Council	Previous version of policy
2	DD MM 2013	Council	Updated to new Policy Template, updated review date, updated references and links

Internal use

Responsible officer	General Manager		Approved by	Council	
File Reference:	E13.7095	Council report no:		Effective date:	
Min no:		Review date:	April 2016	Pages:	9



APPENDIX 1 – Ministerial Investment Order 12 Jan 2011

Extracted on 25/03/13 from:

[www.nsw.gov.au/sites/default/files/Government Gazette 11 February 0.pdf](http://www.nsw.gov.au/sites/default/files/Government_Gazette_11_February_0.pdf)

NEW SOUTH WALES GOVERNMENT GAZETTE No. 14 pp597-598

OFFICIAL NOTICES 11 February 2011

LOCAL GOVERNMENT ACT 1993

Investment Order

(Relating to Investments by Councils)

I, the Hon. BARBARA PERRY, M.P., Minister for Local Government, in pursuance of section 625 (2) of the Local Government Act 1993 and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- a) any public funds or securities issued by or guaranteed by the Commonwealth, any State of the Commonwealth or a Territory;
- b) any debentures or securities issued by a council (within the meaning of the Local Government Act 1993 (NSW));
- c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations;
- d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- i. Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- ii. Paragraph (i) only applies to these investments made before the date of this Order and does not apply to any restructuring or switching of investments or any reinvestment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.



All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons. When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011.

The Hon. BARBARA PERRY, M.P.,

Minister for Local Government



Metadata: internal Policy Register use only - not for publication on website

Policy Summary	Briefly summarise the purpose, aim, and content of this policy
Policy Approved by	Director Finance and Business Development
Policy Author	Director Finance and Business Development
Implementation Coordinator	Finance
Measurement(s)	Compliance agreed by external auditor
Consultation	Audit Committee
Comments or References	Local Government Act 1993 and Code of Accounting Practice
Approval Date	April 2013
Review Date	3 years from approval
Supersedes	Investment Policy 27 September 2011
Code of Practice to be linked to this Policy	Investment Code of Practice
Publication on public Council Website	Yes
Master document file location	
EASE file number(s)	E13.7095

FBD15/022 INVESTMENTS MADE AS AT 28 FEBRUARY 2015

E99.3517

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

Attachments: Nil

Strategic Objective: Support Services

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

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

EXECUTIVE SUMMARY

The purpose of this report is to:

- Certify the Council's investments in financial instruments have been made in accordance with the legal and policy requirements.
- Provide information on and details of investments.
- Raise other matters relevant to investing as required.

RECOMMENDATION

THAT the certification that the investments as at 28 February 2015 have been made in accordance with the Act, the Regulations and Council's investment policies, in accordance with the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

Legal

Actual investment legal costs for the financial years 2008-2014 are \$0.37M. Budgeted legal fees are \$0.03M for 2014-2015 with only minor net expenditure incurred year to date.

Policy

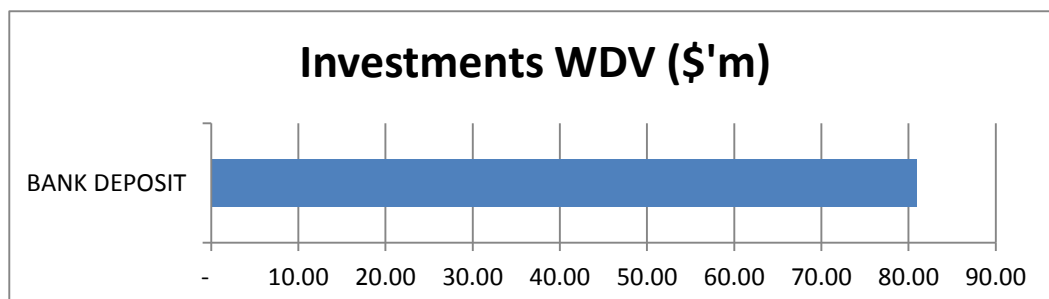
Investments comply with Council policy with the exception of government guaranteed deposits which are under the 20% required by the current investment policy. The Territory Insurance Office has now been sold and all deposits have been redeemed. These investments were government guaranteed. Amendments to the Council policy have been approved by the Audit Committee and are being presented to Council at this meeting for consideration.

FBD15/022 INVESTMENTS MADE AS AT 28 FEBRUARY 2015

E99.3517

Financial

Council Investing Overall



Type	Bank Deposits	Government Deposits	Grand Total
Investments WDV (\$'m)	80.92	0.00	80.92
WDV %	100.00	0.00	100.00

Council has 100% (\$80.92M) invested in bank deposits. Bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$6.75M with IMB (Rated BBB+), \$7.75M with ING Bank (Rated A-) and \$7.75M with the Bank of Queensland (Rated A-)). Investment in Government Guaranteed Deposits is \$2.00M and represents 2.48% of the portfolio which is below the 20% requirement of the current policy.

The weighted average return for all investments for the month is 3.40% which is above the Council policy benchmark of Bank Bill Swap rate ("BBSW") + 0.25% (2.62%).

Collateralised Debt Obligation ("CDO")

A Proof of Claim has been lodged on behalf of Council in respect of the scheme of arrangement (Scheme) between Lehman Brothers Australia Limited (in liquidation) and its Scheme Creditors. This matter will now proceed to finalisation. Legal action against the Commonwealth Bank and Standard and Poors is proceeding and any developments will be advised when information is received.

FBD15/022 INVESTMENTS MADE AS AT 28 FEBRUARY 2015

E99.3517

Summary Investment Information

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

CATEGORY	WDV (\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	4,166,098
Term Deposits	74,750,000
Term Deposits Government Guaranteed	1,750,000
	\$80,916,098
<i>Weighted Average Interest %:</i>	<i>3.40%</i>
<i>Average 90 day BBSW + 25%:</i>	<i>2.62%</i>

Policy and Liquidity Risk

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

Policy Risk	Low Liquidity Risk %	Medium Liquidity Risk %	High Liquidity Risk %	Total % WDV
Remote Risk	2.48	0.00	0.00	2.48
<i>Policy Limit</i>	<i>100.00</i>	<i>70.00</i>	<i>50.00</i>	
Near Risk Free	69.98	0.00	0.00	69.98
<i>Policy Limit</i>	<i>80.00</i>	<i>50.00</i>	<i>30.00</i>	
Some Limited Risk	27.54	0.00	0.00	27.54
<i>Policy Limit</i>	<i>30.00</i>	<i>20.00</i>	<i>10.00</i>	
At Risk	0.00	0.00	0.00	0.00
<i>Policy Limit</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	
Grand Total:	100.00	0.00	0.00	100.00

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Department of Local Government suggests 1.5:1 and the audited unrestricted current ratio as at the 30 June 2014 is 2.85:1. Council therefore has approximately \$2.85 of current assets for each \$1 of current liabilities.

FBD15/022 INVESTMENTS MADE AS AT 28 FEBRUARY 2015

E99.3517

CONCLUSION

Certification

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

FBD15/023 CLASSIFICATION OF COUNCIL LAND, LOT 62 DP1195162 BROULEE 04.8712.S

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development
Attachments: Nil
Strategic Objective: Support Services
Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services
Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

EXECUTIVE SUMMARY

At its ordinary meeting of 26 August 2014, Council resolved to transfer Lot 62 DP 1195162, Martin Place, Broulee, to Council as it was a condition of the development consent for a residential subdivision at Broulee, and as this lot accommodates a sewer pump station, it was considered appropriate for the land to be classified as operational land.

Public notice was given in accordance with the provisions of the Local Government Act 1993 and no submissions were received.

RECOMMENDATION

THAT Lot 62 DP 1195162 Martin Place, Broulee be classified as operational land.

BACKGROUND

At its ordinary meeting of 26 August 2014, Council resolved to transfer Lot 62 DP 1195162, Martin Place, Broulee to Council as it was a condition of the development consent for residential subdivision at Broulee, and as this lot accommodates a sewer pump station, it was considered appropriate for the land to be classified as operational land.

At its ordinary meeting of 26 August 2014 Council resolved:

THAT

- 1. All actions necessary be taken for the transfer of Lot 62 Deposited Plan 1195162 to Council.*
- 2. All costs associated with the Transfer be borne by the developers.*
- 3. In accordance with Section 34 of the Local Government Act 1993 public notice be given of Council's intention to resolve:*

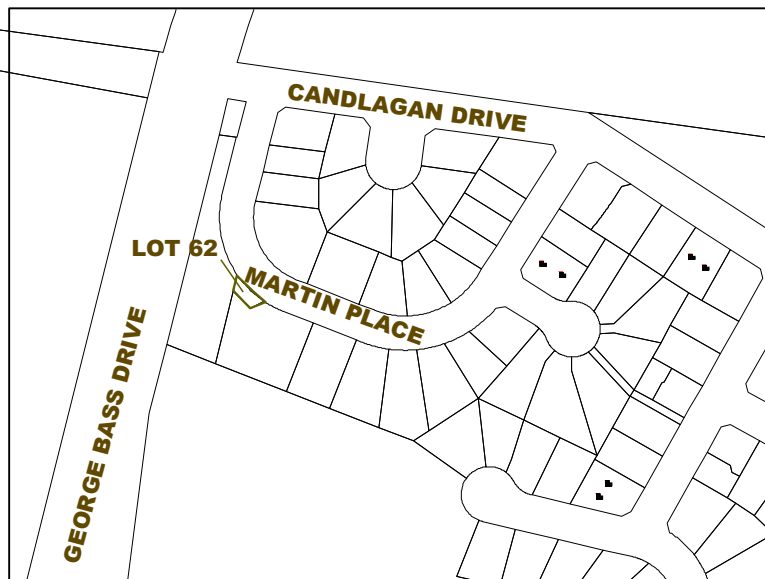
THAT:

- 1. Lot 62 DP 1195162 be classified as operational land.*
- 4. A period of 28 days be given for members of the public to make submissions.*
- 5. A further report be received following the notification period.*

A plan of the area is shown in the sketch below:

FBD15/023 CLASSIFICATION OF COUNCIL LAND, LOT 62 DP1195162 BROULEE

04.8712.S



CONSIDERATIONS

Legal

In accordance with Section 34 of the Local Government Act, public notice has been given of Council's intention to classify the land as operational land and 28 days allowed for written submissions.

Communication / Consultation

We have consulted with the community by seeking feedback through a 28 day Public Exhibition where the proposal was on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre and published in the local newspapers.

No submissions were received.

CONCLUSION

No submissions have been received and therefore it is appropriate for the property to be classified as operational land.

FBD15/024 ACQUISITION FOR ROAD WIDENING - TOMAKIN

83.7121.D;80.1665.B;

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development
Attachments: 1. Acquisition For Road Widening - Tomakin
Strategic Objective: Support Services
Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services
Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

EXECUTIVE SUMMARY

Council has as part of its pedestrian infrastructure improvement program, the proposed construction of a pathway along part of Sunpatch Parade and George Bass Drive, Tomakin. The works necessitate the acquisition of private property for road widening purposes. Part Lot 14 DP 837412, part Lot 51 DP 593692 and part Lot 1 DP 857076 are required to be acquired and dedicated as public road.

RECOMMENDATION

THAT

1. All actions necessary be taken for the acquisition of land required for road widening within the following properties in accordance with Council's Code of Practice for Acquiring Land for Public Purposes:
 - (a) Part Lot 14 DP 837412;
 - (b) Part Lot 51 DP 593692; and
 - (c) Part Lot 1 DP 857076.
2. All survey and legal costs associated with the land acquisitions be borne by Council.

BACKGROUND

As part of Council's urban improvement program to provide a pedestrian pathway along part of Sunpatch Parade and George Bass Drive, Tomakin, the acquisition of land for road widening purposes from a number of properties is required.

The properties involved are part Lot 14 DP 837412, part Lot 51 DP 593692 and part Lot 1 DP 857076 and the names of the registered proprietors are set out in the Confidential Attachment.

FBD15/024 ACQUISITION FOR ROAD WIDENING - TOMAKIN

83.7121.D;80.1665.B;

CONSIDERATIONS

The areas proposed to be acquired are shown in the plans below.



83.1721.d



Legal

The acquisition of the lands is necessary to legalise the proposed road widening.

FBD15/024 ACQUISITION FOR ROAD WIDENING - TOMAKIN

83.7121.D;80.1665.B;

A plan of acquisition will be required to be prepared and lodged for registration at the Land and Property Information Office and the parts required for the road widening will be transferred and gazetted as public road.

Policy

The acquisition of land for road purposes will proceed in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

Asset

The provision of a pedestrian pathway in this area will improve pedestrian access and increase public safety.

Communication / Consultation

The affected landowners have been consulted and have consented in writing to the proposed acquisition.

Financial

Compensation will be determined by a Registered Valuer in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. Together with the compensation, Council will be responsible for all costs associated with the acquisition including survey and legal fees and the registered proprietor's reasonable legal costs. Based on previous similar acquisitions sufficient funds are available within allocated budgets.

CONCLUSION

The acquisition of part Lot 14 DP 837412, part Lot 51 DP 593692 and part Lot 1 DP 857076 is required for road widening purposes on a section of Sunpatch Parade and George Bass Drive, Tomakin and should be acquired in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

**FBD15/025 DEDICATION OF EASEMENT FOR ELECTRICITY PURPOSES -
TOMAKIN SEWAGE TREATMENT PLANT**

03.7375.D

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

Attachments: Nil

Strategic Objective: Support Services

Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services

Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the
community

EXECUTIVE SUMMARY

An upgrade to the Tomakin Sewage Treatment Plant required the installation of electrical infrastructure which Essential Energy requires an easement over together with a right of way to secure ongoing legal access to the infrastructure. It will be necessary for Council to dedicate the easements and rights of way over its land being Lot 5 DP 264630.

RECOMMENDATION

THAT:

1. All actions necessary be taken to dedicate an easement for multi-purpose electrical installation, an easement for underground powerline and a right of way within Lot 5 DP 264630 in favour of Essential Energy.
2. Consent be given to affix the Common Seal of Council to the plan of electrical easements and right of way within Lot 5 DP 264630.

BACKGROUND

An upgrade to the Tomakin Sewage Treatment Plant required the installation of new electrical infrastructure by Essential Energy.

CONSIDERATIONS

In accordance with Essential Energy's policy, an easement covering the new facilities including a transformer and underground powerline and a right of way to access the facilities is required to be dedicated over the property.

Legal

To comply with Essential Energy's requirements it will be necessary for Council to grant the easements and right of way over Lot 5 DP 264630 by way of registration of a plan and 88B Instrument at the Land and Property Office.

A plan showing the location of the easements and right of way is below.

**FBD15/025 DEDICATION OF EASEMENT FOR ELECTRICITY PURPOSES -
TOMAKIN SEWAGE TREATMENT PLANT**

03.7375.D



Financial

The cost for the registration of the plan and 88B Instrument, in the order of \$1,500, is available within allocated budgets.

CONCLUSION

The dedication of easements and right of way in favour of Essential Energy is required to secure their infrastructure.

FBD15/026 LICENCE FOR SEAPLANE OPERATION - MORUYA

86.4520.D

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

Attachments: Nil

Strategic Objective: Support Services

Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services

Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

EXECUTIVE SUMMARY

Council has previously granted development consent for Fairgil Pty Limited trading as South Coast Seaplanes to operate a seaplane tourism operation on various waterways within the Shire including the Moruya River. A licence was also granted to operate off Council owned community classified land adjacent to the airport.

The company has been operating flights from the Moruya River adjacent to Riverside Park, Moruya ferrying passengers from the public wharf by boat to the seaplane. Concern is held for public safety for the seaplane to dock at the public wharf.

The company now wishes to construct its own jetty and approval to operate from Riverside Park.

The operation from Riverside Park is considered acceptable and to simplify the necessary licensing requirements it is proposed a single licence be granted by the Minister administering the Crown Lands Act, 1989, (Crown Lands).

RECOMMENDATION

THAT Council as Trust Manager for the Eurobodalla (Central) Reserve Trust:

1. Support the use of Crown Reserve 82377, Riverside Park, Moruya, as a land base for a seaplane tourism operation.
2. Consent to the Minister administering the Crown Lands Act 1989 granting a licence in accordance with Section 34A(1) of the Crown Lands Act 1989 over part of Crown Reserve 82377 for the operation of a seaplane tourism business.
3. Request in accordance with Section 34A(5)(b) of the Crown Lands Act 1989 that part of the licence fee be allocated to the Eurobodalla (Central) Reserve Trust to expend on Crown Reserve 82377.
4. Endorse the proposal submitted by Fairgil Pty Limited trading as South Coast Seaplanes.

BACKGROUND

Fairgil Pty Limited, trading as South Coast Seaplanes was granted development consent to operate a seaplane tourism operation on 26 May 2014 on various waterways within the Shire including the Moruya River.

FBD15/026 LICENCE FOR SEAPLANE OPERATION - MORUYA

86.4520.D

A licence to operate off Council owned community classified land adjacent to the airport was granted to Fairgil Pty limited commencing 1 September 2014.

The company has also been operating flights from the river adjacent to Riverside Park, Moruya, ferrying passengers by boat from the public wharf to the seaplane.

Concern is held with respect to public safety for the seaplane to dock at the public wharf.

The company is now seeking to construct its own jetty and approval to operate from Riverside Park.

CONSIDERATIONS

The proposal consists of the use of part of the reserve to locate a mobile office located adjacent to a permanent jetty.

A plan showing the proposed location within Riverside Park is below.



As the proposal to operate from Riverside Park involves both a land and water component, approval from both Council as Trust Manager and Crown Lands will be required.

Legal

Riverside Park is a Crown Reserve under trusteeship of the Eurobodalla (Central) Reserve Trust for which Council is Trust Manager.

The Moruya River is under the control of the Minister administering the Crown Lands Act 1989.

As the proposal has both a land and river component, Crown Lands could issue a licence for an approved jetty and Council, as Trust Manager, could grant a licence to operate the business from a mobile office located within the reserve. This licence would also be subject to consent from the Minister.

FBD15/026 LICENCE FOR SEAPLANE OPERATION - MORUYA

86.4520.D

Alternatively, if the Trust consented, the Minister could grant a single licence over the jetty and part of Reserve 82377 in accordance with the provisions of Section 34A of the Crown Lands Act 1989.

The granting of a single licence is considered appropriate.

In accordance with Crown Lands' policy however, the granting of a licence for a seaplane tourism operation may have to go through a public tender or EOI process.

Subject to such public notification process it would be appropriate for Council to endorse the proposal by Fairgil Pty Limited to Crown Lands.

Environmental

Any environmental issues relating to the proposed jetty and use of the reserve will be addressed through the DA process.

Asset

Apart from the proposed jetty, the proposal does not involve the construction of any fixed improvements and would therefore have minimal impact on the reserve.

Social Impact

The continued operation of the seaplane tourism business will provide a recreational activity for local residents and tourists and provide visual amenity to the river precinct.

Economic Development Employment Potential

This business adds to the local economy by attracting visitors to the Shire and has already secured promotion of the shire on the Sydney Weekender TV show. The business currently employs approximately two FTE staff and is in the process of employing more staff.

Communication / Consultation

The proposal to grant a licence for a seaplane tourism business will be publically notified by the Crown Lands Division of the Department of Trade and Industry and submissions sought.

Financial

If a single licence were to be granted under Section 34A(1) of the Crown Lands Act 1989, Council could, in accordance with Section 34 A(5)(b), request the Minister direct part of the proceeds of the licence fee be paid to the Reserve Trust.

CONCLUSION

The operation of a seaplane tourism business is supported by Council and the proposal to operate directly from Riverside Park is considered beneficial to all parties.

The granting of a single licence is also considered preferable than granting of two licences from separate organisations.

FBD15/027 LICENCE FOR BMX CLUB - BATEMANS BAY

E82.6521

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

Attachments: 1. Submission - Licence for BMX Club

Strategic Objective: Support Services

Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services

Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

EXECUTIVE SUMMARY

At its Ordinary meeting held on 9 December 2014 Council considered a report on the granting of licences to the Batemans Bay BMX Club and the Batemans Bay Lions Club and resolved to publicly notify and seek submissions. Only one submission was received in respect of the BMX Club primarily in regard to noise emanating from the starting gate. Noise testing has revealed that the noise levels are not considered unreasonable. The report recommends a five-year licence be granted to the Club.

RECOMMENDATION

THAT:

1. A five-year licence be granted to the Batemans Bay BMX Club to use the club house, associated facilities and the BMX track and surrounds to conduct club activities with conditions including:
 - (a) An annual fee in the amount \$460 plus GST increased annually in line with the CPI.
 - (b) Maintenance of public liability insurance in the amount of \$20 million.
 - (c) Responsibility in equal shares with other licensees for the repair and maintenance of the club house and associated facilities excepting structural repairs and
 - (d) Full responsibility for the repair and maintenance of the BMX track.
 - (e) Electricity costs to be shared with other licensees.
 - (f) No fixed structures to be constructed without the consent of Council.
 - (g) No signage, including sponsor's signage, without the consent of Council.
 - (h) Club will have exclusive use of club house on certain days (determined in consultation with other licensees).
2. The objector be advised of Council's decision.

BACKGROUND

At its Ordinary meeting held on 9 December 2014 Council considered a report on the granting of licences to the Batemans Bay BMX Club and the Batemans Bay Lions Club and resolved:

FBD15/027 LICENCE FOR BMX CLUB - BATEMANS BAY

E82.6521

THAT:

1. *In accordance with the Section 47A(2) of the Local Government Act 1993 public notice be given of Council's intention to grant a five-year licence to use the club house and associated facilities within Lot 2 DP 729153 Calga Crescent, Batemans Bay to the Lions Club of Batemans Bay Inc. to conduct club activities.*
2. *In accordance with the Section 47A(2) of the Local Government Act 1993 public notice be given of Council's intention to grant a five-year licence to use the club house, associated facilities and the BMX track and surrounds within Lot 2 DP 729153 Calga Crescent, Batemans Bay to Batemans Bay BMX Club to conduct club activities.*
3. *If any submissions are received a report be presented to Council in regard to the respective licence for further consideration.*
4. *If no objections are received a licence be granted to the Lions Club of Batemans Bay Inc. to use the club house and associated facilities to conduct club activities with conditions including:*
 - (a) *An annual fee in the amount \$460 plus GST increased annually in line with the CPI.*
 - (b) *Maintenance of public liability insurance in the amount of \$20 million.*
 - (c) *Responsibility in equal shares with other licensees for the repair and maintenance of the club house and associated facilities excepting structural repairs.*
 - (d) *Electricity costs to be shared with other licensees.*
 - (e) *Club will have exclusive use of club house on certain days (determined in consultation with other licensees).*
5. *If no objections are received a licence be granted to the Batemans Bay BMX Club to use the club house, associated facilities and the BMX track and surrounds to conduct club activities with conditions including:*
 - (a) *An annual fee in the amount \$460 plus GST increased annually in line with the CPI.*
 - (b) *Maintenance of public liability insurance in the amount of \$20 million.*
 - (c) *Responsibility in equal shares with other licensees for the repair and maintenance of the club house and associated facilities excepting structural repairs and full responsibility for the repair and maintenance of the BMX track.*
 - (d) *Electricity costs to be shared with other licensees.*
 - (e) *No fixed structures to be constructed without the consent of Council.*
 - (f) *No signage, including sponsor's signage, without the consent of Council.*
 - (g) *Club will have exclusive use of club house on certain days (determined in consultation with other licensees).*

FBD15/027 LICENCE FOR BMX CLUB - BATEMANS BAY

E82.6521

CONSIDERATIONS

Communication / Consultation

We informed the community through providing information on Council's website; writing to residents adjoining the reserve; displaying a notice on the reserve and advertising on Council's noticeboard page in two local newspapers.

No submissions were received in respect of the proposed licence with the Batemans Bay Lions Club, however one objection was received in respect of the proposed licence with the BMX Club. A copy of the objection is provided in the Confidential Attachment.

Legal

As no objection was received in respect of the Batemans Bay Lions Club a five-year licence will now be granted.

The proposal to grant a five-year licence to the Batemans Bay BMX Club has been publicly notified and Council must now consider the submission received in respect of the granting of that licence.

Asset

The submission calls for the relocation of the BMX facility, however, there are no plans to move the BMX facility to a different location.

In relation to track certification, there are standard guidelines for track construction. There is no formal certification of a BMX track. Inspections are carried out by the governing body for BMX events that are higher than club level, eg: state titles.

Social Impact

The BMX Club generally meets on Wednesday afternoons for training and Saturday afternoons for racing however the starting gate is not operating all the time during these sessions.

The proposal was publicly notified in the local newspapers and directly by mail to all residents adjoining the reserve. Only one objection was received.

The one objection received was based primarily on the noise from the starting gate.

FBD15/027 LICENCE FOR BMX CLUB - BATEMANS BAY

E82.6521

A plan showing the location of the facility and the distances to property boundaries is below.



Noise readings were taken at various distances from the starting gate.

The ambient noise at the starting gate at 4pm Monday was 50db.

A dog barking at one of the neighbouring properties was 62db.

The noise levels emanating from the starting gate at various distances were as follows:

7m – 86db

14m – 79db

21m – 75db

41m – 69db

70m – 59db

It would appear from the onsite testing and that only one objection was received that the noise from the starting gate is not considered unreasonable.

Nevertheless Council and the club are investigating means to suppress the noise further.

The concerns regarding the maintenance of the area will be covered by conditions in the licence providing for the licensee to maintain the facilities and keep the licence area clean.

CONCLUSION

The noise from the starting gate does not appear to be unreasonable given the noise levels registered from the onsite testing and only one objection being received.

FBD15/028 LICENCE FOR NAROOMA SPORTS AND GAMEFISHING CLUB

98.2485.D

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

Attachments: Nil

Strategic Objective: Support Services

Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services

Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

EXECUTIVE SUMMARY

The Narooma Sports and Gamefishing Club Inc. has occupied a boatshed (clubhouse) and jetty adjacent to Crown Reserve R85364 on Riverside Drive, Narooma since the early 1970s under a Permissive Occupancy from Crown Lands.

Over the years, additions and alterations were carried out including extending the clubhouse over part of the Crown Reserve.

The Club now want to legalise the building and need to submit a Development Application for existing unapproved works as well as securing tenure of the whole of their occupation.

The proposal to do so should be supported.

RECOMMENDATION

THAT Council as Trust Manager for the Eurobodalla (South) Reserve Trust:

1. Support the lodgement of a Development Application by Narooma Sports and Gamefishing Club Inc. for existing unapproved works within Crown Reserve 85364, Lot 7318 DP 1166668, Riverside Drive, Narooma.
2. Consent to the Minister administering the Crown Lands Act 1989 granting a licence in accordance with Section 34A(1) of the Crown Lands Act 1989 over part of Crown Reserve 85364 to Narooma Sports and Gamefishing Club Inc. for club purposes.

BACKGROUND

The Narooma Sports and Gamefishing Club Inc. have occupied a boatshed (clubhouse) and jetty adjacent to Crown Reserve R85364 on Riverside Drive, Narooma since the early 1970s under a Permissive Occupancy from Crown Lands originally granted in 1963.

Over the years, additions and alterations were carried out including extending the clubhouse over part of the Crown Reserve.

The Club now want to legalise the building and need to submit a Development Application for existing unapproved works as well as securing tenure of the whole of their occupation.

FBD15/028 LICENCE FOR NAROOMA SPORTS AND GAMEFISHING CLUB

98.2485.D

CONSIDERATIONS

A plan showing the clubhouse and jetty and the extent of the current Permissive Occupancy is below.



Legal

Crown Reserve R85364 is under the Trusteeship of the Eurobodalla (South) Reserve Trust for which Council is Trust manager.

The proposed DA for existing unapproved works on the reserve will require landowner's consent from Crown Lands. Crown Lands generally require the support of the Trust to be given for the lodgement of a DA.

In respect of the Club's tenure over the whole of the Club's occupation it would be appropriate for a single licence to be granted over part of the Crown reserve as well as the Crown Land below the high water mark.

In accordance with the provisions of Section 34A of the Crown Lands Act, 1989, the Minister administering the Crown Lands Act, can grant a licence over a Crown Reserve subject to consultation with the Reserve Trust.

Asset

The club house occupies only a small section of the reserve and does not unduly affect reserve users.

Social Impact

The Club provides a venue for members, local residents and tourists.

FBD15/028 LICENCE FOR NAROOMA SPORTS AND GAMEFISHING CLUB

98.2485.D

Financial

In accordance with the provisions of Section 34A, Council could request the Minister to direct part of the proceeds of the licence fee be paid to the Reserve Trust, however the licence fee for the new licence is likely to be the Crown statutory minimum and therefore not worth pursuing.

CONCLUSION

The proposed DA for unapproved works and new licence over the whole of the Narooma Sports and Gamefishing Club's occupation will legalise a long standing situation and should be supported.

19. 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.

Nil

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.