



# **AGENDA**

**Ordinary Meeting of Council**

**8 March 2016**



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

**ON TUESDAY 8 MARCH 2016**

**COMMENCING AT 10.00AM**

**AGENDA**

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

- |            |  |                 |
|------------|--|-----------------|
| <b>1.</b>  | <b>WELCOME, ACKNOWLEDGEMENT OF COUNTRY &amp; EVACUATION MESSAGE</b>  |                 |
| <b>2.</b>  | <b>APOLOGIES</b><br>Nil  |                 |
| <b>3.</b>  | <b>PUBLIC FORUM (AGENDA ITEMS ONLY)</b>  |                 |
| <b>4.</b>  | <b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>   |                 |
| 4.1        | Ordinary Meeting held on 23 February 2016  |                 |
| <b>5.</b>  | <b>DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA</b><br>(Declarations also to be made prior to discussions on each item) |                 |
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| <b>9.</b>  | <b>PETITIONS</b><br>Nil  |                 |
| <b>10.</b> | <b>GENERAL MANAGER'S REPORTS</b>   |                 |
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**DR CATHERINE DALE  
GENERAL MANAGER**

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**NOM16/003 ESTABLISHMENT OF A RURAL PRODUCERS' ADVISORY COMMITTEE**

E00.4623; E88.0056; E12.6191

Responsible Officer: Peter Schwarz - Councillor

Attachments: Nil

Councillor Peter Schwarz has given notice that at the Ordinary Meeting of Council on 8 March 2016, he will move the following motion.

**MOTION**

THAT Council establish a Rural Producers' Advisory Committee and develop a Terms of Reference to assist Council in implementing recommendations of the Rural Lands Strategy related to the growth, promotion and support of agriculture and rural tourism in the Eurobodalla.

**BACKGROUND**

At the Ordinary Council Meeting held on 23 February 2016, Council adopted a Rural Lands Strategy for Eurobodalla. The Strategy identifies that agriculture is a "*small but historically important part of the socio-economics of Eurobodalla Shire*". Based on ABS statistics, the total farm gate value of agricultural production in Eurobodalla increased from around \$12.5m per annum between 1996 and 2006 up to \$20m in 2011. However, the local food economy is larger than this, as many small producers are not accounted for in the ABS statistics. A recent study prepared by Sustainable Agriculture and Gardening Eurobodalla (SAGE) found that the SAGE market alone has an annual turnover of \$1.77m.

The Strategy makes a number of positive recommendations relating to the support and promotion of local food and rural tourism to assist in ensuring a growing rural economy in Eurobodalla.

The Strategy also provides an excellent snapshot of the existing rural economy and outlines the following economic issues and trends:

- *Traditional commercial scale agriculture (in particular beef and dairy) seem to have limited capacity to expand in economic terms;*
- *There is no surety of terms of trade improving;*
- *There is limited good agricultural land in larger holdings;*
- *There has been a trend of shrinking holding size and increasing part time farming;*
- *There is increasing reliance on non-farm income. Similarly, employment in traditional commercial agriculture while remaining important, may stabilise or continue to slowly decline as further pressure develops to improve automation and economies of scale.*

The Strategy identifies that the future for agriculture in Eurobodalla lies in value adding and marketing its product differentiation.

In relation to rural tourism, the Strategy recognises the value of tourism to the Eurobodalla economy and suggests building upon existing strengths, particularly in the area of food and nature tourism.

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**NOM16/003 ESTABLISHMENT OF A RURAL PRODUCERS' FORUM**

**E00.4623;  
E88.0056;  
E12.6191**

In relation to both local food and rural tourism, the establishment of a rural producers' forum would ensure ongoing collaboration between Council and producers to work towards implementation of the Rural Lands Strategy recommendations related to the growth, promotion and support of agriculture and rural tourism in the Eurobodalla.

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**NOM16/004 SOUTHERN NSW MARINE GATEWAY**

E00.4623; E14.8284

Responsible Officer: Peter Schwarz - Councillor

Attachments: Nil

Councillor Peter Schwarz has given notice that at the Ordinary Meeting of Council on 8 March 2016, he will move the following motion.

**MOTION**

THAT Council:

1. Resolve to progress an economic feasibility study for a Southern NSW Marine Gateway at Batemans Bay;
2. Issue an Expression of Interest to conduct an economic feasibility study for the development of a Southern NSW Marine Gateway at Batemans Bay;
3. Allocate a budget of up to \$50,000 to undertake the economic feasibility study.

**BACKGROUND**

The development of a Southern NSW Marine Gateway in Batemans Bay is a community initiative that shapes a vision to drive economic growth in NSW through a major new commercial development at Batemans Bay.

The project is led by a community committee made up of a broad base of local business people in partnership with Council. A need for more of this type of development was highlighted in the NSW Maritime report *NSW Boat Ownership and Storage: Growth Forecasts to 2026*, and was referenced again in the recent Transport for NSW *Regional Boating Plan Far South Coast Region*. Also the *Batemans Bay Waterways Infrastructure Plan, April 2015*, funded by the NSW Government for \$30,000 identified the benefits of a Deep Water Marina in Batemans Bay.

Investing in critical infrastructure is a key element of the NSW Government's Economic Development Framework and the Visitor Economy Industry Action Plan. This project would provide a significant boost to the NSW economy and raise the profile of NSW in the international investment and tourism markets. It will also deliver productivity gains for the NSW Government by improving the existing Batemans Bay navigation channel. The proposal envisages the development would deliver a new tourism and commercial precinct for both the domestic and international tourism markets.

In March 2015 an application for funding to investigate the feasibility of developing a Southern NSW Marine Gateway at Batemans Bay was forwarded to the Minister for Transport and Infrastructure and Member for Bega. NSW Trade and Investment advised that it does not have any programs that fund preparation of feasibility studies, and the Regional Tourism Infrastructure Fund administered by Infrastructure NSW is also not able to be used for this purpose.

The Parliamentary Secretary for Illawarra and the South Coast, has also made representation to the Premier for NSW on behalf of Council for the consideration of feasibility funding and funding program parameters.

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**NOM16/004 SOUTHERN NSW MARINE GATEWAY**

**E00.4623;  
E14.8284**

Relevant correspondence is listed below:

- 11 March 2014 Mayor Lindsay Brown to Member for Bega
- 5 March 2015 Anthony O'Reilly to Executive Director, Infrastructure NSW
- 18 May 2015 Member for Bega to Clr Peter Schwarz
- 18 May 2015 Business NSW to Member for Bega
- 19 May 2015 Clr Peter Schwarz to Minister for Regional Development
- 17 December 2015 Clr Peter Schwarz to potential private sector partners
- 17 December 2015 Clr Peter Schwarz to Member for Eden-Monaro
- 17 December 2015 Clr Peter Schwarz to Minister for Regional Development
- 17 December 2015 Clr Peter Schwarz to Member for Bega
- 3 February 2016 Parliamentary Secretary for Illawarra and the South Coast to Mayor Lindsay Brown

An expression of interest (EOI) was called in September 2015 seeking private sector partners to progress the concept of a Southern NSW Marine Gateway in Batemans Bay. The closing date for the EOI was 18 December 2015 however, this was extended to 5 February 2016.

The EOI went to market on 2 October 2015 via the *e.tenderlink* portal.

In total, an email alert went to 5,628 persons, from this:

- 328 persons viewed the information online
- 145 persons downloaded the documentation.

Council received one electronic submission by 5 February 2016 from BMT WBM.

Council received a further enquiry on 8 February 2016 from Chinese investors GPGroup.

**CONCLUSION**

To progress the development of a Southern NSW Marine Gateway in Batemans Bay, an economic feasibility study should be carried out to further explore the possibility of the marine gateway coming to fruition. The economic feasibility study will inform government and/or developers of whether extensive environmental studies should be undertaken.

In addition to listing on *e.tenderlink* and other regular channels, Council seeks out specific marina consultants including interested parties from the previous EOI.

The economic feasibility may include:

- A multi-storey 4 to 5 star resort style complex including multiple tourism development opportunities
- Restaurants, bars and specialty shops.
- A Boating Club (recreational, sailing and game-fishing)
- An extension of the Clyde River training wall



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**NOM16/004 SOUTHERN NSW MARINE GATEWAY**

**E00.4623;  
E14.8284**

- The construction of a 100 berth marina able to dispense diesoline and petrol
- A slipway and hardstand for the maintenance of vessels
- A ships' chandlery and retail boating outlet
- Dry boat storage for up to 100 boats
- Charter and excursion boat facilities
- A pontoon wharf to cater for cruise ship tenders.

Therefore, I recommend to Council that Expressions of Interest be sought to conduct an economic feasibility study into the development of a Southern NSW Marine Gateway at Batemans Bay, allocating up to \$50,000 for this purpose.

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**GMR16/006 MEETING DATES 2016**

**E04.8769**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Focus Area: Collaborative Communities

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

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

### **EXECUTIVE SUMMARY**

This report seeks an amendment to the 2016 Council Meeting Schedule adopted by Council at its meeting on 8 December 2015.

The adopted schedule was developed taking into account the 2016 Local Government elections with a two week break in July. The schedule also assumed that Council elections would be held in September 2016.

As there is still some uncertainty whether the elections will proceed in 2016 or be held in March 2017, a revised schedule has been developed that provides for both alternative election dates.

Since the adoption of the schedule in December 2015, a recess in May rather than July has been considered and this is presented in this proposal. A May recess would coincide with the fifth Tuesday in May, and allow a three week break for Councillors.

If the elections are held in September 2016, this amendment allows Council to progress business on the agenda through July, and up until it has to adhere to the pre-election caretaker period in August.

Should Council elections be deferred to March 2017, it is proposed to capitalise on the five Tuesdays in May and August by having breaks from Councillors' weekly Tuesday commitments in these months.

This report proposes to amend the schedule of proposed Council meeting dates for the 2016 calendar year and seeks Council's endorsement of the new schedule.

### **RECOMMENDATION**

THAT Council:

1. Amend the meeting schedule for Council meetings for the remainder of 2016 as follows; should Council elections be held in September 2016.
  - a) 22 March 2016
  - b) 12 April 2016
  - c) 26 April 2016
  - d) 10 May 2016

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**GMR16/006 MEETING DATES 2016**

**E04.8769**

- e) 14 June 2016
  - f) 28 June 2016
  - g) 12 July 2016
  - h) 26 July 2016
  - i) 9 August 2016
  - j) 23 August 2016
  - k) 11 October 2016
  - l) 25 October 2016
  - m) 8 November 2016
  - n) 22 November 2016
  - o) 13 December 2016
2. Amend the meeting schedule for Council meetings for the remainder of 2016 as follows; should Council elections be held in March 2017.
- a) 22 March 2016
  - b) 12 April 2016
  - c) 26 April 2016
  - d) 10 May 2016
  - e) 14 June 2016
  - f) 28 June 2016
  - g) 12 July 2016
  - h) 26 July 2016
  - i) 9 August 2016
  - j) 13 September 2016
  - k) 27 September 2016
  - l) 11 October 2016
  - m) 25 October 2016
  - n) 8 November 2016
  - o) 22 November 2016
  - p) 13 December 2016
3. Note that the schedule may be amended at any time, as required.

**GMR16/006 MEETING DATES 2016**

**E04.8769**

**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 meeting to be held on the second and fourth Tuesday of the month, excluding January.

The original schedule of meetings for 2016 was developed taking into account a mid-year recess in July, the 2016 local government elections and the Christmas break in December. It is now proposed to move the recess from July to May to enable Council business to be conducted in July prior to the caretaker period in August, should Council elections be held in September 2016.

Two meeting schedules are proposed to cater for either Council elections to be held in September 2016 or March 2017.

**CONSIDERATIONS**

The proposed amendment to the 2016 meeting schedule has taken into account a recess in May to coincide with the fifth Tuesday, allowing a three week break for Councillors. This amendment to the schedule provides for the business of Council to be better managed if an election proceeds in September 2016 as Council will be required to adhere to the caretaker period in August 2016. Moving the Council recess from July to May provides a better alternative to progress Council business for that period.

The proposed schedule assumes Council elections will be held in September 2016.

<b>Date</b>	<b>Meeting Type</b>	<b>Comments</b>
<b>MARCH</b>		
22 March 2016	Council Meeting	
<b>APRIL</b>		
12 April 2016	Council Meeting	
26 April 2016	Council Meeting	
<b>MAY</b>		
10 May 2016	Council Meeting	
<b>24 May 2016</b>	<b>No Meeting</b>	<b>Recess</b>
<b>JUNE</b>		
14 June 2016	Council Meeting	
28 June 2016	Council Meeting	
<b>JULY</b>		
12 July 2016	Council Meeting	
26 July 2016	Council Meeting	

**GMR16/006 MEETING DATES 2016**

**E04.8769**

<b>AUGUST</b>	
9 August 2016	Council Meeting
23 August 2016	Council Meeting
<b>SEPTEMBER</b>	
<b>No meetings due to 2016 Local Government Elections</b>	
<b>OCTOBER</b>	
11 October 2016	Council Meeting
25 October 2016	Council Meeting
<b>NOVEMBER</b>	
8 November 2016	Council Meeting
22 November 2016	Council Meeting
<b>DECEMBER</b>	
13 December 2015	Council Meeting

Should Council elections be held in March 2017, the following schedule is proposed:

<b>Date</b>	<b>Meeting Type</b>	<b>Comments</b>
<b>MARCH</b>		
22 March 2016	Council Meeting	
<b>APRIL</b>		
12 April 2016	Council Meeting	
26 April 2016	Council Meeting	
<b>MAY</b>		
10 May 2016	Council Meeting	
<b>24 May 2016</b>	<b>No Meeting</b>	<b>Recess</b>
<b>JUNE</b>		
14 June 2016	Council Meeting	
28 June 2016	Council Meeting	
<b>JULY</b>		
12 July 2016	Council Meeting	
26 July 2016	Council Meeting	
<b>AUGUST</b>		

**GMR16/006 MEETING DATES 2016**

**E04.8769**

9 August 2016	Council Meeting
<b>23 August 2016</b>	<b>No Meeting</b> <b>Recess</b>
<b>SEPTEMBER</b>	
13 September 2016	Council Meeting
27 September 2016	Council Meeting
<b>OCTOBER</b>	
11 October 2016	Council Meeting
25 October 2016	Council Meeting
<b>NOVEMBER</b>	
8 November 2016	Council Meeting
22 November 2016	Council Meeting
<b>DECEMBER</b>	
13 December 2015	Council Meeting

**Policy**

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

**Financial**

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

**Community Engagement**

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

**CONCLUSION**

The proposed schedule of Council meetings for 2016 has been prepared to take into account a recess in May and the 2016 Local Government election which is scheduled for 10 September 2016 and the Christmas break in December. The recommendation also provides an alternate schedule, should Council elections be held in March 2017.

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**PSR16/004 2014-15 LOCAL DEVELOPMENT PERFORMANCE MONITORING  
REPORT**

**E91.3112**

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

Attachments: 1. Group 4 Region Councils

Focus Area: Productive Communities

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**

This report provides information on Council's performance as published by the NSW Department of Planning and Environment (DPE) in the Local Development Performance Monitoring Report 2014-15. This was released on 29 January 2016.

Council has continued to exceed statutory requirements and has outperformed both the Group 4 region and the State averages for assessment times. This is an excellent effort when considered along with Eurobodalla's significant environmental complexities and constraints.

The performance data is again an outstanding result for the Development Services Division.

The figures for 2015-16 year to date, show improving development activity which reflects the continued improvements in the local economy.

### **RECOMMENDATION**

THAT Council receive and note the report titled Local Development Performance Monitoring 2014-15.

### **BACKGROUND**

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

### **CONSIDERATIONS**

The total value of development in 2014-15 was \$97.7M compared to \$110.4M the previous year. The 2013-14 value included the determination of the Bunnings development at Batemans Bay with a value of \$15.4M.

The highlight in Council's performance is the average net determination time of 26 days. This result is well below the statutory requirement of 40 days and outperforms the State (48) and the Group 4 (33) averages. A list of Group 4 region councils is attached to this report.

**PSR16/004 2014-15 LOCAL DEVELOPMENT PERFORMANCE MONITORING  
REPORT**

**E91.3112**

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

<b>Local trends 2007-2014</b>	<b>2014-15</b>	<b>2013-14</b>	<b>2012-13</b>	<b>2011-12</b>	<b>2010-11</b>	<b>2009-10</b>
No of DA's determined	626	628	568	691	757	808
\$ value of DAs	97.7M	110.4M	84.4M	96.4M	111.7M	116.5M
Average determination time (net days)	26	23	29	31	32	31
Median determination time (net days)	25	21	24	25	28	26
Average determination time (gross days)	47	51	61	64	65	68
Median determination time (gross days)	31	29	32	41	44	43
No of DAs with 'stop the clock'	31% (196)	34% (215)	26% (148)	35% (242)	37% (280)	45% (364)
No of DAs with referrals	9.7% (61)	17% (105)	15% (85)	18% (124)	40% (303)	40% (319)
No of Complying Development Certificates (Council and private)	28	32	48	44	28	14
Equivalent full-time staff	6.5	7	7	7	6.5	6.5
Average determination per staff position	96	89.7	81.1	98.7	117	124.3

The number of development applications that required additional information (stop the clock) has decreased this year to 31%, compared with 34% the previous year. Council will continue to work with the development industry to further reduce this figure to ensure applications get processed as quickly as possible.

A comparison of the development breakdown cost from Bega Valley Shire Council (BVSC), Shoalhaven City Council (SCC) and Eurobodalla Shire Council (ESC) can be seen below:

2012-2013

<b>Council</b>	<b>Total DA's</b>	<b>\$0-\$100k</b>	<b>\$100-\$500k</b>	<b>\$500-\$1M</b>	<b>\$1M-\$5M</b>	<b>\$5-\$20M</b>	<b>\$20M&gt;</b>
BVSC	464	262 (56%)	175 (37%)	22 (4.7%)	3	2	0
SCC	1395	870 (62%)	487 (34%)	20 (1.4%)	16	2	0
ESC	568	362 (63%)	189 (33%)	12 (2.11%)	3	2	0



**PSR16/004 2014-15 LOCAL DEVELOPMENT PERFORMANCE MONITORING  
REPORT**

**E91.3112**

2013-2014

Council	Total DA's	\$0-\$100k	\$100K-\$500k	\$500K-\$1M	\$1M-\$5M	\$5M-\$20M	\$20M>
BVSC	468	254 (54%)	193 (41%)	15 (3.2%)	5 (1%)	1	0
SCC	1430	917 (64%)	459 (32%)	33 (2.3%)	17 (0.1%)	3	1
ESC	628	398 (68%)	195 (31%)	27 (4%)	6 (0.9%)	2	0

2014-2015

Council	Total DA's	\$0-\$100k	\$100K-\$500k	\$500K-\$1M	\$1M-\$5M	\$5M-\$20M	\$20M>
BVSC	478	289 (60%)	168 (35%)	17 (3.5%)	4 (0.8%)	0	0
SCC	1608	986 (61%)	574 (35%)	33 (2%)	12 (0.7%)	2	1
ESC	626	351 (56%)	247 (39%)	22 (3.5%)	6 (0.9%)	0	0

It can be seen that the percentage of development applications in each category is similar across all three local government areas.

The number of Complying Development Certificate (CDC) applications has continued to decline. This is reflective of the environmental constraints such as bushfire and vegetation removal that exclude exempt or complying development processes (NSW Government policy) and perhaps the efficient manner in which DAs are processed, leading to applicants lodging a development application rather than a CDC.

Council continues to maintain a high degree of efficiency with respect to applications per planner which is substantially better than the State (58) and Group 4 (60) averages. The number of applications determined per equivalent full time staff has increased to 96 per planner, up from 89.7 the previous year.

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

Comparison Data for 2014-15	ESC	Group 4 Average	State Average
DAs determined	626	456	402
Average value of development per council	\$97.7M	\$102.2M	\$189.8M
Average determination time (net days)	26	33	48
Median determination time (net days)	25	25	29.8
Average determination time (gross days)	47	54	71

**PSR16/004 2014-15 LOCAL DEVELOPMENT PERFORMANCE MONITORING  
REPORT**

**E91.3112**

Median determination time (gross days)	31	34	46
% DAs with 'stop the clock'	31% (196)	36% (165)	36.5% (147)
% DAs with referrals	9.7% (61)	11% (50)	11.6% (46)
Average determination per staff member	96	60	58

Comparison Data for 2014-15	Average determination time	Average determination per staff member	No of DAs Approved	Value of DAs Approved \$
Eurobodalla	25	96	626	97.7M
Bega	33	95	478	70.5M
Shoalhaven	42	94	1608	244.2M
Group 4 average	33	60	456	102.2M

Construction Certificates 2014-2015

Comparison data for 2013-14	Construction Certificates Issued	Occupation Certificates issued
Eurobodalla	559	611
Bega	452	524
Shoalhaven	1364	1294
Group 4 average	402	386

The above statistics are encouraging as it shows that a high number of council approvals progress to construction and occupation stages. Council issued 611 Occupation Certificates last financial year, higher than both Bega (524) and the Group 4 average (386) which suggests that more construction was started and completed with Eurobodalla as compared to similar sized councils. The State average for issuing Occupation Certificates is 356 per council.

This financial year (July to December 2015)

Whilst reporting for the 2015-16 financial year will not occur until complete data is available, Council can provide some indication of performance for the first half of this financial year. The number of development applications determined during this period is 421 with a total value of \$67.45M.

Assessment times remain strong with net determination times currently at 21 days for this period.

**Legal**

Council is required to assess applications for development, construction certificates and complying development certificates in accordance with the Environmental Planning and Assessment Act, the State Environmental Planning Policy (Exempt and Complying Development) Code (SEPP) and the standard instrument Local Environmental Plan (LEP).

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**PSR16/004 2014-15 LOCAL DEVELOPMENT PERFORMANCE MONITORING  
REPORT**

**E91.3112**

This is the same legal framework under which our neighbouring councils of Bega Valley and Shoalhaven also work.

**Economic Development Employment Potential**

It can be demonstrated that Council's performance in respect to assessing and determining development applications is better than our neighbouring councils and should be promoted as a factor for attracting further development to Eurobodalla.

**Community Engagement**

The Department of Planning and Environment prepare media releases and make this information available to the public on their website: [Department of Planning media release](#).

Council will also provide a media release of this information to coincide with the Council meeting.

**CONCLUSION**

Council has continued to exceed statutory requirements and has outperformed both the Group 4 region and the State averages for assessment times. This is an excellent effort when considered along with Eurobodalla's significant environmental complexities and constraints.

The figures for the 2015-16 year to date, also show improving development activity which is reflective of the general improvements in the state of the economy.

Council continues to work toward improving process and service associated with development assessment. Any significant improvement in processing times would require an increase in resources and further use of stop the clock provisions. Wingecarribee Council, for example, achieved a mean net processing time of five days however this is with 24 EFT positions assessing development applications and 'stopping the clock' on 91% of their applications and only 26 development applications assessed per staff member.

Eurobodalla Shire Council, on the other hand, has 6.5 EFT positions assessing development applications and only used the stop the clock provisions for 31% of applications resulting in 96 applications being determined per staff member. Eurobodalla Shire Council, through its Development Help Desk, has a goal of getting applications complete before they are lodged as although the stop the clock provisions are a legitimate component of the assessment regime, any delay in the determination of the assessment still impacts on the project timeline.

The Department of Planning and Environment's performance data is again an outstanding result for Council.

**List of Group 4 Region Councils**

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

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**PSR16/005 EMISSIONS REDUCTION FUND**

**E91.3014**

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

Attachments: 1. Emissions Reduction Fund Factsheet  
Link to website: <http://www.environment.gov.au/climate-change/emissions-reduction-fund/publications/factsheet-erf-method-landfill-gas>

Focus Area: Sustainable Communities

Delivery Program Link: S3.1 Provide and renew waste infrastructure

Operational Plan Link: S3.1.1 Deliver capital and renewal works program

### **EXECUTIVE SUMMARY**

The Emissions Reduction Fund (ERF) can provide a financial incentive to install infrastructure at Council's landfills. The proposed landfill gas infrastructure will improve the environmental performance of our landfills and potentially provide financial benefits. It is recommended that Council partners with Mike Ritchie Consultancy Group in an aggregated bid for Australian Credit Units at the next auction in April 2016.

### **RECOMMENDATION**

THAT:

1. Council partners with Mike Ritchie Consultancy Group in an aggregated bid for Australian Carbon Credit Units (ACCU) at the next auction in April 2016.
2. If the bid is successful, install gas capture infrastructure, with an estimated cost of \$500,000 at Council's landfills, in line with the delivery schedule provided with the aggregated bid.

### **BACKGROUND**

In 2013 a tender report was presented to Council in response to undertaking a gas pumping trial, with the view of determining if enough gas could be captured to generate electricity at the Surf Beach Waste Management Facility. At that time only one tender was received and the cost was significantly more than the budgeted amount. The timing was impacted by the commencement of the price on carbon and the rapid investment from other landfills that were liable under the Carbon Pricing Mechanism.

Council engaged Mike Ritchie Consultancy Group (MRCG) in 2012 to prepare a Carbon Emissions Model for our landfills that showed Council was not liable to purchase carbon permits under the Carbon Pricing Mechanism. This model supported by direct monitoring of methane levels at the landfills, suggest that sufficient methane is available at both landfills to run a flare.

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**PSR16/005 EMISSIONS REDUCTION FUND**

**E91.3014**

**CONSIDERATIONS**

The Emissions Reduction Fund is similar to a reverse auction, where the participant (Council) submits an amount of carbon abatement that they can offer, at a price per tonne of carbon dioxide equivalent. Council would install gas capture and flaring infrastructure to collect gas, and destroy the methane through a combustion process converting it into carbon dioxide. Australian Carbon Credit Units (ACCU) are given for the destruction of emissions and the participant (Council) nominates/bids a price that they will receive for each credit.

The next ERF 'auction' will take place on 27/28 April 2016. Council is in a position to 'bid' for carbon credits at this auction using a conservative estimate utilising the existing model. MRCG have also put a proposal to Council that Council joins MRCG's aggregated Emissions Reduction Fund project. MRCG will take on the responsibility for delivery of abatement to the Clean Energy Regulator.

The key advantages for Council to move towards aggregation are:

- Timing: ERF funds are finite, only two rounds to go
- The risks are allocated to the entities best placed to manage them
- The risk of under-delivery (or over delivery) of ACCUs are mitigated as projects can cross-subsidise each other
- Audit, compliance, administration and management costs are reduced.

Council would install and own the infrastructure and share the carbon credit revenue with MRCG.

The draft Environmental Guidelines: Solid Waste Landfills 2015, increases the requirements to manage gas and odour from new landfills and new landfill cells. Stage 2 of Surf Beach Landfill will need to meet these new guidelines and any gas management infrastructure will support Council to achieve this outcome.

The ERF could provide a cost effective way to improve the environmental outcomes of Council's landfills.

**Legal**

Council and MRCG will be liable to the Australian Government Clean Energy Regulator under the Australian National Registry of Emissions Units Regulations 2011 and the Carbon Credits (Carbon Farming Initiative) Act 2011 to deliver the emission reduction 'bid' from this project.

**Policy**

The installation of infrastructure to reduce greenhouse gas emissions from Council's landfills will contribute to achieving Council's overall target. The Greenhouse Action Plan indicates the landfill emissions make up 57% of Council's emissions. This project should reduce those emissions by half.

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**PSR16/005 EMISSIONS REDUCTION FUND**

**E91.3014**

**Environmental**

The landfill gas infrastructure will improve the environmental performance of our landfills and significantly reduce Council's emissions.

**Asset**

Council will own the infrastructure at the landfills.

**Financial**

The capital cost of the infrastructure is estimated at approximately \$500,000. The asset is estimated to have a 15 year life. Any shortfall in operational costs could be reduced by selling any additional ACCUs generated to the secondary market. If no revenue was available through this avenue the operational shortfall is estimated at \$33,000 per annum, for the first 7 years, increasing to \$100,000 in 2023.

**CONCLUSION**

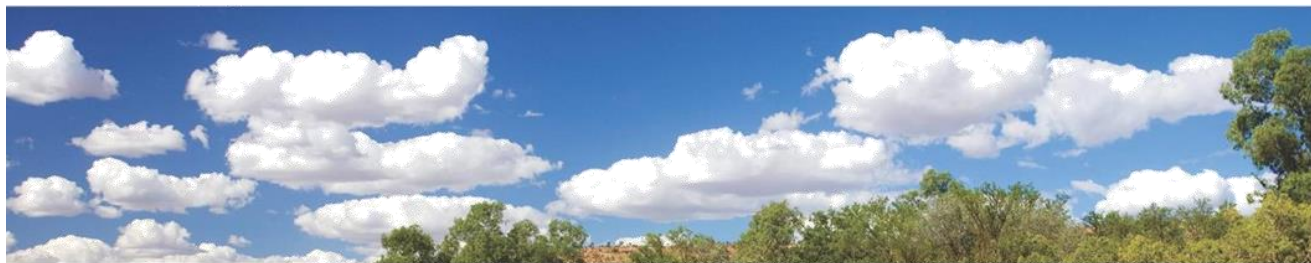
The next auction will be held on the 27-28 April 2016. The ERF is a guaranteed amount over a 7 year term unlike the cap and trade system of an emissions trading scheme. This provides certainty for an abatement price for landfill emissions. Any abatement above the conservative 'bid' would also be able to be sold to the secondary market.

MRCG is a leader in carbon modelling and expertise in this field. An aggregated bid manages the risk associated with the project and MRCG is well placed to provide this service.

The landfill gas infrastructure will improve the environmental performance of our landfills and will potentially provide other financial benefits. These benefits could include selling additional ACCUs to the secondary market and generation of energy to support Council's operations.



**Australian Government**  
**Department of the Environment**



## Emissions Reduction Fund method: Landfill gas

The Emissions Reduction Fund creates a positive incentive for Australian businesses to adopt smarter practices to cut the amount of greenhouse gases they create. Participants can earn carbon credits by setting up a project under an approved Emissions Reduction Fund method, which sets out the rules for the activity.

This fact sheet outlines the method for projects that collect and combust landfill gas.

### Who could benefit?

This method could benefit:

- landfill operators who install new landfill gas collection and combustion systems
- operators of a system that was registered as a Carbon Farming Initiative project, who will now be able to receive credits for destroying methane generated by waste disposed after the carbon tax was repealed.



Image credits: (top) Nick Rains, (above) A landfill gas well collects gas from deep inside the landfill and pipes the gas to a flare or other device for combustion, Clean Energy Regulator, Lindi Heap Photography

### How does it work?

Landfill waste contains biodegradable organic matter. As this organic matter decomposes it releases gases such as methane. Landfills that do not collect and combust landfill gas release large amounts of methane to the atmosphere.

Methane is a potent greenhouse gas which contributes to climate change.

There are three main elements to undertaking a project using this method:

1. installing, upgrading or recommissioning a landfill gas collection system
2. collecting the landfill gas from the landfills
3. combusting the collected landfill gas

Through the combustion process, methane is converted to carbon dioxide, which is a much less potent greenhouse gas than methane.

The collected gas can be used to heat boilers and to generate renewable electricity. This electricity could be used on site or sold back into the electricity grid.

These sorts of renewable energy projects may also be able to generate renewable energy certificates under the Renewable Energy Target.



## Specific requirements

### Eligibility

The landfill gas collection system used in the project must be one of the following:

- a system that operated as a Carbon Farming Initiative project immediately before the Emissions Reduction Fund started
- a new collection system installed at a landfill where no collection system was previously installed
- a system that is new or re-commissioned at a landfill where a collection system has operated in the past, but not since 24 April 2014 and not in the three years prior to the project applying under the Emissions Reduction Fund
- an existing collection system that has been upgraded to collect more landfill gas generated in the landfill. To set a baseline for this type of project, it is necessary to have at least two years of data on the operation of the collection system prior to the upgrade.

The devices used to combust the collected landfill gas must be a flare, boiler, internal combustion engine or another device designed to have a minimum 98 per cent destruction efficiency and whose combustion process can be detected on a minute by minute basis. All combustion devices must be operated in accordance with the manufacturer's specifications.

### Monitoring, reporting and auditing

One of the key aspects that needs to be monitored is the amount of methane collected and combusted. This can be done by measuring one of the following:

- the flow of landfill gas that is sent to the combustion device
- the proportion of landfill gas that is methane (determined either by direct measurement or using a default value)
- the amount of energy in the landfill gas that is sent to the combustion device
- the amount of electricity produced from the combustion of landfill gas in an internal combustion engine.

Project owners must use one of the approaches in the **National Greenhouse and Energy Reporting (Measurement) Determination 2008** to model the landfill gas that is generated in the landfill. Depending on which approach is used, there may be other monitoring requirements, such as the amount of waste disposed of in a landfill.

It is important to keep project records because you will need to submit regular reports on your project and the emissions reductions it has achieved. Monitoring, record-keeping and reporting requirements are specified in legislative rules and in the method. Projects must be audited by a registered greenhouse and energy (NGER) auditor. A list of registered auditors is available on the **Clean Energy Regulator** website.

### More information

Visit ComLaw to read the method as well as the legislative rules that contain requirements for reporting and record-keeping. The method is available at [comlaw.gov.au/Series/F2015L00059](http://comlaw.gov.au/Series/F2015L00059).

Contact the Clean Energy Regulator at [cleanenergyregulator.gov.au](http://cleanenergyregulator.gov.au) if you want to submit a project application.

Visit our website at [environment.gov.au/emissions-reduction-fund](http://environment.gov.au/emissions-reduction-fund) for more information or to subscribe to regular updates.

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**PSR16/006 M6313/02 TERN INN - OPERATING HOURS**

**81.0870.D**

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

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P3.1 Provide development assessment services

Operational Plan Link: P3.1.1 Assess and determine Development Applications

Applicant: Nicholas Walton

Land: Lot 1 DP 537618 – 2 Trafalgar Road, Tuross Head

Area: 1189m<sup>2</sup>

Zone: R3 – Medium Density Residential

Current Use: Restaurant and dwelling

Proposed Use: Existing

Description: Modify trading hours

Permitted in Zone: Approved use in accordance with DA 313/02

DA Registered: M6313/02

Reason to Council: N/A

Recommendation: Refusal

### **EXECUTIVE SUMMARY**

The purpose of this report is to consider modification of consent M6313/02 which seeks approval to increase the operating hours of The Tern Inn Restaurant in Tuross Head. The extended trading hours considered under this application are:

1. Opening hours of 8am to 11pm on a Friday and Saturday night throughout the year and on any day preceding a public holiday, and 8am until 10pm on any other day
2. Functions – opening hours of 8am until midnight for a maximum of ten days per year provided at least one week's notice is given to residents living near the restaurant.

Council staff requested that an acoustic assessment be prepared to support the application. The applicant has requested that Council rely on the previous acoustic assessment and the recently submitted Supplementary Noise Management Plan (SNMP).

The application was also notified to adjoining owners and three submissions were received. All three submissions oppose the application, and the nature of the concerns range from adverse noise impacts, the location of a business in a residential area and lack of car parking.

Council is of the opinion that the original acoustic assessment does not comply with the NSW Industrial Noise Policy an opinion previously held by Council (Minute PM05/73 – 21 June 2005) and cannot support the application without further acoustic assessment occurring.

### **RECOMMENDATION**

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**PSR16/006 M6313/02 TERN INN - OPERATING HOURS**

**81.0870.D**

THAT Council refuse application M6313/02 for a modification of trading hours at Lot 1 DP 537618, 2 Trafalgar Road, Tuross Head for the following reasons:

1. Insufficient information being provided to enable an appropriate assessment of the noise impacts of the proposed trading hours, ie, lack of an acoustic assessment
2. The likely adverse impacts of the proposed trading hours on residential premises within a residential zoned locality
3. It is not in the public interest to support an application with inadequate information.

**BACKGROUND**

The applicant seeks to increase trading hours to improve the viability of the business and to strengthen the local economy and tourism of Tuross Head.

The operation of the restaurant has been the subject of four past modification applications, all seeking the extension of trading hours until 11pm. Of the past modifications, one was approved for a trial period of six months in 2003 and subject to:

- A report being sought from a recognised acoustic consultant regarding ameliorating measures which could be taken with regard to limiting noise emanating from the premises
- A background noise test be carried out to establish the L90 within the immediate area.

Inconsistencies in the resultant Noise Management Report were such that Council was unable to support continuation of the trial period and the following two modification applications in 2005 and 2007 were refused on that basis.

The last application was lodged in 2015 to extend the trading hours and this was partially supported by staff and approved by Council in November 2015. The proposed extension of trading hours until 11pm was not supported as there was no acoustic assessment to support the application.

The current use is consistent with the historic commercial use of the site that has included a general store, bottle shop and restaurant dating back to 1969.

**CONSIDERATIONS**

**Policy**

The application has been assessed in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979* and an assessment has been completed to show that all considerations under Section 96 of the Act have been examined.

*Eurobodalla Local Environment Plan 2012*

The current use of the site as a restaurant was approved in 2001, at which time the land was zoned 3a Business in accordance with the Eurobodalla Urban Local Environmental Plan 1999.

The land is currently in the R3 – Medium Density Residential zone where a restaurant is not a permitted use and therefore any change of intensification of the use is dealt with under the Existing Use provisions of the *Environmental Planning and Assessment Act* (EP&A Act). It is

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**PSR16/006 M6313/02 TERN INN - OPERATING HOURS**

**81.0870.D**

considered that the proposal, if supported, could rely on the Existing Use provisions of the EP&A Act.

Neighbourhood Centres Development Control Plan (DCP)

The proposed modification to increase trading hours is considered to be consistent with the objectives and relevant clauses of the Neighbourhood Centres DCP.

Parking and Access Code

The modification to increase trading hours does not cause any increased parking demand, the public floor area of the restaurant is not increased and the existing provision for parking is consistent with development application 313/02.

**Environmental**

The application before Council to increase trading hours does not involve any building works or cause any increased demand for parking or services.

The impacts to the amenity of neighbouring residential properties is the primary environmental effect that requires consideration when extending the trading hours of the restaurant. In relation to the two amendments proposed:

1. Opening hours of 8am to 11pm on a Friday and Saturday night throughout the year and on any day preceding a public holiday and 8am until 10pm on any other day.

Council does not support the proposed trading hours on the basis that there is no information to demonstrate the background noise levels or whether the operating noise of the restaurant during the proposed trading hours is within the noise criteria required by the NSW Industrial Noise Policy. Council has requested that an acoustic assessment be prepared that demonstrates both the background noise levels from 10pm to 11pm and the likely operating noise levels.

The applicant has requested that Council rely on the previous acoustic assessment and the recently submitted Supplementary Noise Management Plan (SNMP). Council is of the opinion that the original acoustic assessment did not comply with the NSW Industrial Noise Policy as it did not consider background noise levels during the proposed extended trading hours, ie, from 10pm to 11pm.

This is of particular concern because under the NSW Industrial Noise Policy, the noise criteria changes from evening to night time after 10pm. This means that the noise threshold drops 5dB(A) after this time and therefore it is more likely any noise created may exceed the noise criteria.

2. Opening hours of 8am until midnight for a maximum of 10 days per year provided at least one week's notice is given to residents living near the restaurant.

Council does not support the introduction of operating hours around specific functions. This will become both an administrative and compliance nightmare, and is more likely to cause confusion around whether the event is just exceeding normal trading hours or is a 'function'.

Council would be more likely to support increased trading hours to midnight on a specified day of the week, ie, Saturday night if it can be supported by an acoustic assessment.

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**PSR16/006 M6313/02 TERN INN - OPERATING HOURS**

**81.0870.D**

### **Community Engagement**

The details of the current modification were notified to adjoining property owners in the vicinity of the restaurant. During the notification period, three submissions were received with all three opposed to the proposed trading hours. The relevant issues raised as objection points are summarised below and followed by staff comments:

1. *Opposed to 11pm close time due to noise emanating from inside building and noise in the street with patrons departing*

Agreed, Council is unable to be certain that the proposed trading hours would not impact on the residential amenity without the provision of an acoustic assessment.

2. *Location of the restaurant in a residential zone*

As discussed above, the restaurant has existed for some time and is the subject of a current approval. Whilst the restaurant operates under the current approval it is protected by the Existing Use provisions of the EP&A Act.

3. *Provision of parking is inadequate*

The modification application before Council does not increase public floor area of the restaurant and existing provision for parking remains consistent with that originally approved.

### **CONCLUSION**

The application has been assessed under Section 96 of the *Environmental Planning and Assessment Act* and is recommended for refusal.

The application is recommended for refusal due to inadequate information being submitted to justify the trading hours in terms of the likely impact on residential amenity.

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**IR16/009 PAY PARKING IN BATEMANS BAY CBD**

**E00.4623;  
E00.4089**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Liveable Communities

Delivery Program Link: L5.2 Manage and maintain a safe, sustainable and accessible range of community spaces

Operational Plan Link: 5.2.1 Undertake maintenance program

**EXECUTIVE SUMMARY**

Council resolved on 25 August 2015 that a report be prepared for Council's consideration that examines the impacts, both positive and negative, of removing pay parking in the Batemans Bay CBD (Minute No 15/57).

One of the objectives of a pay parking scheme is to provide equitable access to and sharing of high profile parking spaces on roads and road related areas where demand for parking exceeds the available parking spaces. Pay parking encourages increased parking turnover offering greater availability near to shops to better support business activity.

Council introduced pay parking in Clyde Street and Perry Street car parks in January 2003 and agreed that the net income from meter fees would be directed to maintenance and renewal works in the Batemans Bay CBD.

There are currently seven parking meters in operation providing 177 parking spaces. Five meters are located in the Perry Street car park accommodating 144 parking spaces plus six accessible parking spaces. Two parking meters are located in the Clyde Street car park accommodating 33 parking spaces plus two accessible parking spaces.

Holders of Mobility Parking Scheme Permits are exempt from paying in metered areas. This means these spaces close to shops are readily accessible for those needing them the most.

The use of parking meters supports the user pay principle. The income derived includes income from visitors to help support the provision of facilities otherwise funded by local ratepayers.

The expected income from the current parking meter fees during 2015-16 is \$123,000 and the expected expenditure including loan repayments for 2015-16 is \$49,296. This leaves an estimated balance of \$73,704 that will be directed to enhancing the amenity of the Batemans Bay CBD.

At its meeting held on 1 November 2011, Council considered the Batemans Bay Parking Study that was carried out by Bitzios Consulting. The purpose of the study was to provide advice relating to future parking needs and future parking policy requirements and to assess the need for additional pay parking schemes.

The study recommended that the pay parking schemes in Clyde Street and Perry Street car parks be retained and that pay parking be introduced in the on-street parking areas in Clyde Street (angle parking), North Street and Orient Street between North Street and Beach Road.

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**IR16/009 PAY PARKING IN BATEMANS BAY CBD**

**E00.4623;  
E00.4089**

At Council's meeting held on 1 November 2011, Council determined to retain the existing pay parking arrangements rather than extending the pay parking as recommended by the independent consultant.

Provision of a two hour time limit over the areas of pay parking would further encourage turnover of these high demand spaces.

Council could extend the period to which pay parking in these spaces applies to seven days per week. This would provide increased turnover during the busy weekend periods and a greater user pay by people other than ratepayers. It is estimated this would increase the net income by approximately \$30,000 per annum.

Similarly, the net income derived could be increased commensurately with an increase in the hourly pay parking amount (eg if the hourly rate were increased to \$1.50 per hour from \$1.30 per hour, this would provide an estimated increase in income of \$18-20,000 per annum, or in combination with moving to seven days per week about \$48-50,000 per annum).

**RECOMMENDATION**

THAT:

1. The report on Pay Parking in Batemans Bay be received and noted.
2. The Local Traffic Committee be asked to consider implementing a parking restriction in the existing off-street pay parking car parks on Clyde Street and Perry Street, Batemans Bay to further encourage turnover of these high demand parking spaces
3. The pay parking fee be considered in formulating the 2016-17 Operational Plan.

**BACKGROUND**

Council introduced pay parking in Clyde Street and Perry Street car parks in January 2003.

A report was prepared for Council on 24 June 2008 advising that the parking meters had, at that time, reached the end of their operational life and needed to be replaced.

Council resolved on 24 June 2008 to loan fund the purchase of new parking meters through a loan repaid from revenue raised from pay parking. This allowed the whole of life costs of purchasing and maintaining the meters to be reflected and the net income to be recognised as available for maintenance and renewal works within the CBD area. The loan repayments are \$22,000 per annum and the loan will be repaid at the end of 2016-17.

The provision of pay parking encourages:

- equitable access to and sharing of parking spaces where demand for parking exceeds the available parking spaces through increased parking turnover
- reduced travel by car
- greater use of alternate forms of travel including walking, cycling, taxi and/or public transport.

This approach is increasingly supported by Council's efforts to:

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**IR16/009 PAY PARKING IN BATEMANS BAY CBD**

**E00.4623;  
E00.4089**

- improve its pathway networks near the CBD area (eg recent works connecting Surfside and North Batemans Bay to the CBD, Orient Street south and Pacific Street)
- improve public facilities to encourage greater use of available public transport
- provide community transport.

**CONSIDERATIONS**

**Legal**

The Road Transport (Safety and Traffic Management) Regulation 1999, empowers a parking authority to establish and operate a parking meter scheme. Councils are defined as parking authorities within the Regulation.

The NSW Roads and Maritime Service's Pay Parking Guidelines provides the policy and operational framework within which parking authorities may establish and operate pay parking schemes in roads and road related areas as provided for under the Road Transport (Safety and Traffic Management) Regulation 1999. Car parks are road related areas as defined within the Regulation.

**Batemans Bay Parking Study**

At its meeting held 1 November 2011, Council considered the Batemans Bay Parking Study 2011 that was carried out by Bitzios Consulting. The purpose of the study was to provide advice relating to future parking needs, future parking policy requirements and to assess the need for additional pay parking schemes.

The study identified 'that parking in the metered areas would be highly valued by both local shoppers and visitors, and they should be rationed to provide equitable access. The existing pay parking areas should be retained'.

The study recommended that the pay parking schemes in Clyde Street and Perry Street car parks be retained and that pay parking be introduced in the on-street parking areas in Clyde Street (angle parking), North Street, Orient Street between North Street and Beach Road.

At its meeting held on 1 November 2011, Council determined to retain the existing pay parking arrangements rather than extending them further.

**Asset**

There are seven parking meters in Batemans Bay CBD:

- five are located in the Perry Street car park accommodating 144 parking spaces, plus six accessible parking spaces; and
- two are located in the Clyde Street car park accommodating 33 parking spaces plus two accessible parking spaces.

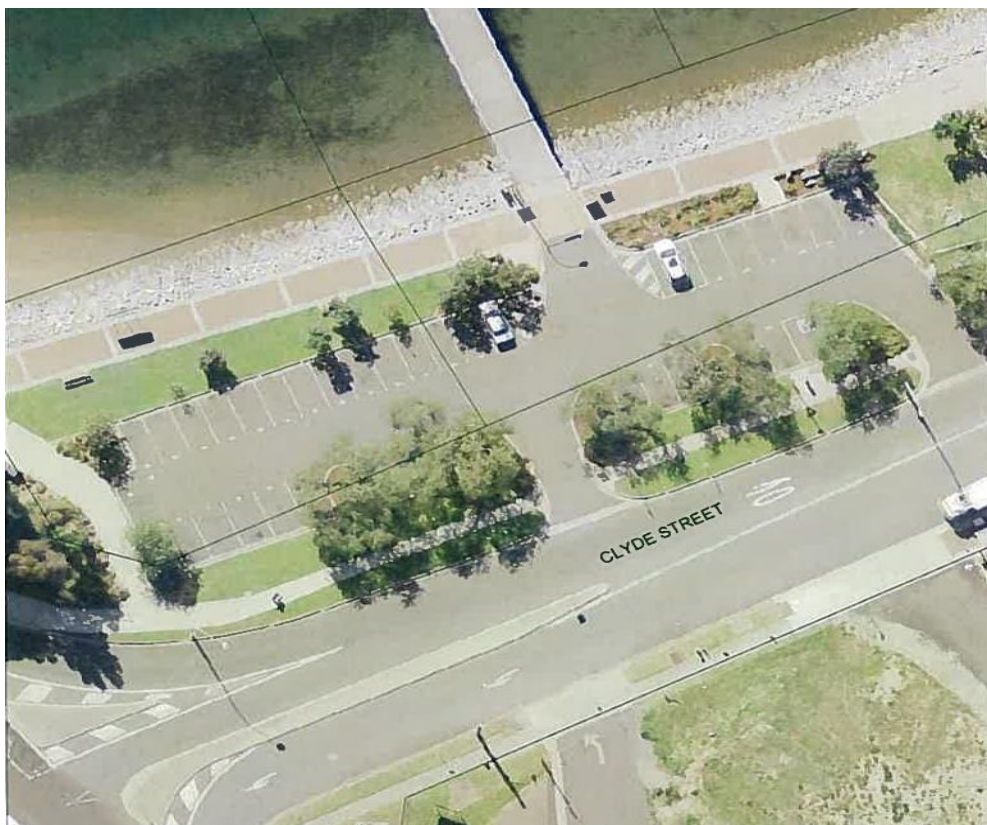


**IR16/009 PAY PARKING IN BATEMANS BAY CBD**

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E00.4089**



**Aerial photo – Perry Street Pay Parking**



**Aerial photo – Clyde Street Pay Parking**

The hours of operation of the parking meters are Monday to Friday 8.30am to 5.30pm and Saturday 8.30am to 12 noon. There is no time limit restriction but users must pay per hourly rate within the hours of operation. Sundays and public holidays are exempt from payment.

The hours of operation of the parking meters is consistent with on-street parking time restrictions.

**IR16/009 PAY PARKING IN BATEMANS BAY CBD**

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E00.4089**

**Financial**

Income

Motorists are required to pay an hourly rate for parking in the metered areas. The table below shows the hourly rates charged over the period of this Council and the total income received from the meters.

Financial Year	Hourly Rate	Total Income
2012-13	\$1.20	\$100,586
2013-14	\$1.20	\$105,988
2014-15	\$1.20	\$116,176
2015-16	\$1.30	\$123,000 expected income

Holders of Mobility Parking Scheme Permits are exempt from paying in metered areas. This means these spaces close to shops are readily accessible for those needing them the most.

Expenditure

As stated previously in this report, the purchase of the new parking meters in 2010 was loan funded for the amount of \$115,000 to be repaid over seven years at 8%. This equates to a loan repayment of \$22,000 per annum.

The remainder of the income after loan repayments and meter maintenance costs is utilised for enhancing the amenity of the CBD. The table below shows what projects the funds have contributed towards over the last three years.

	2012-13	2013-14	2014-15	2015-16
Meter maintenance and cash collection	\$17,011	\$19,596	\$27,846	\$27,296
Loan repayments	\$22,000	\$22,000	\$22,000	\$22,000
CBD works	\$2,364	\$8,628	-	\$40,946
Footpath renewals	\$13,660 (near Starfish)	-	\$36,455 (Perry/North Sts)	\$120,000 (Perry/North Sts)
Rockwall renewal	\$34,929 (near Starfish)	-	-	-
Fencing laneway North Street	-	-	\$33,569	-
<b>Total</b>	<b>\$89,964</b>	<b>\$50,224</b>	<b>\$119,870</b>	

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**IR16/009 PAY PARKING IN BATEMANS BAY CBD**

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**Other Local Government Areas**

Group 4 regional councils were contacted along with Wollongong City Council, as there was not a Group 4 regional council on the south coast who had pay parking. The councils were contacted to gain their perspective on their pay parking schemes. The following provides an overview of the information obtained from other councils:

Tamworth Regional Council

A mixture of on and off-street parking meter areas in CBD implemented in 1965.

A total of 45 meters.

\$1.00 per hour or \$2.50 per day.

Monthly permits for \$52 for off-street car parks.

Hours of operation Monday to Friday 8.30am to 6.00pm and Saturday 8.30am to 12.30pm.

Pay and display parking tickets.

Wollongong City Council

On-street parking:

Applies from 8.30am-4.30pm Monday to Friday, \$4.80 per day or \$1.00 per hour, except where time limited to 30 minutes, 1, 2 and 3 hour metered areas which operate at \$1.00 per hour.

A limited number of free 15 minutes areas are available within the CBD plus free motor bike parking areas with time limits applied.

Free on Saturdays with time limits applying (8.30am to 12.30pm).

Off-street parking:

Combination of metered and leased car parks. Council car park charges apply 8.30am to 4.30pm Monday to Friday.

WCC advised the 'reason for pay parking is a long term strategy to free up the best located car spaces for people visiting the CBD to shop and do business while encouraging all day parkers to consider alternatives such as cycling, public transport and car pooling. Net revenue collected from the meter fees is reserve to improve car parks, footpaths, cycleways and transport facilities within the CBDs.'

Byron Shire Council

Recently installed as part of Fit for the Future proposal in CBD.

Expect a \$2.7 million revenue stream per annum.

\$3.00 per hour including public holidays. Some areas \$10 for 4 hours and \$20 all day.

Pensioners with Blue Card are exempt.

Resident/ratepayers \$50 or \$100 per annum per vehicle.

Workers and volunteers \$100 per annum per vehicle.

Hours of operation 7 days 9.00am to 6.00pm.

Port Stephens Shire Council

Installed in high usage areas to discourage all day parking on foreshore areas where ferry terminals and whale watching charters are located.

\$1.40 per hour increased to \$2.70 per hour on weekends, public holidays and from December to January.

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**IR16/009 PAY PARKING IN BATEMANS BAY CBD**

**E00.4623;  
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Time of operation in whale watching areas is eight hours per day and four hours in other areas. Combination of credit card/coin operation or coin operated only. A free multi-storey car park is also available further away. The meters are paid from the income received.

Lismore City Council

Meters located in two car parks and on-street outside the hospital. Installed to encourage motorists to park in free long term parking areas. \$2.00 per hour for all day parking in one car park. \$2.00 for four hour parking in the one car park and outside the hospital. Hours of operation 8.30am to 6.00pm seven days a week. Three local community groups are provided 150 permits between them to allow for free parking.

**Community Engagement**

Council undertook the Batemans Bay Parking Study in 2010-11. The draft study was advertised to the public between 29 August and 10 October 2011. 34 submissions were received.

Submissions to the draft study were considered by Council at its meeting of 1 November 2011, at which Council resolved to retain the current pay parking arrangements.

**Retaining, Removing or Extending Pay Parking**

Retaining pay parking

The current demand management measure for high profile parking spots is retained, resulting in a higher turnover and availability of high profile parking spaces.

The introduction of a two hour time limit within these car parks would provide additional turnover during busy periods.

Similarly, given the high use of these areas over the weekend periods, Council may wish to extend the period of application to seven days per week. This would provide increased turnover during these periods and a greater user pay by people other than ratepayers. It is estimate this would increase the net income by about \$30,000 per annum.

Similarly, the net income derived could be increased commensurately with an increase in the hourly pay parking amount (eg if the hourly rate were increased to \$1.50 per hour this would provide an estimated increase in income of \$18-20,000 per annum, or in combination to moving to seven days per week about \$48-50,000 per annum). Any increase in the fee is best considered when formulating the fees and charges for the 2016-17 Operational Plan.

As traffic continues to increase with growth, the provision of pay parking and time restricted parking combined will become increasingly important to encourage use of alternate forms of transport including walking, cycling and buses and/or car pooling. This is an important strategy within the context of Batemans Bay and environs as a busy regional precinct.

The income from pay parking is directly spent back in Batemans Bay to assist in maintaining, renewal and upgrading Batemans Bay CBD.

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**IR16/009 PAY PARKING IN BATEMANS BAY CBD**

**E00.4623;  
E00.4089**

Part of the income from pay parking comes from sources other than local ratepayers through payment by visitors to the Shire. Proportionally, if the pay parking was extended to seven days per week, the income received from non-residents would be expected to increase.

Removing pay parking

The removal of pay parking would remove this important demand management strategy.

The removal of pay parking would also result in a reduction in income to assist maintaining, renewing and upgrading infrastructure within the Batemans Bay CBD. The cost of the loan utilised to fund the pay parking machines also has to be covered until and including 2016-17.

As a proportion of the income is obtained from the many visitors to the Shire, the removal of pay parking would cause a cost shift to ratepayers rather than users of the high profile pay parking areas.

Those in favour of the removal of pay parking have indicated they believe this would provide a more welcoming environment for visitors to Batemans Bay. Councillors will need to form a view about the merits of this viewpoint.

During 2016, Council is undertaking additional actions to improve the look and feel of Batemans Bay, most notably:

1. Batemans Bay streetscape (Orient Street and North Side south)
2. Upgrades to Perry Street pathways (part funded from pay parking)
3. Provision of town entrance signs
4. Collaboration with Batemans Bay Chamber of Commerce on the provision of a new banner system (part funded from pay parking).

Extending pay parking

Pay parking could be extended to North Street, Clyde Street and Orient Street (north of Beach Road) on-street areas as previously recommended by the consultant preparing the Batemans Bay Parking Study.

This would provide an increase in demand management and raise a commensurate increase in income.

Further analysis of this option has not been undertaken at this time given Council's previous decision to retain the existing off-street pay parking areas.

Tourist areas such as Byron Bay have introduced pay parking, in part to recognise the use and cost of facilities provided for visitors to their town. This was introduced as part of their response to the NSW Government's Fit for Future program.

**CONCLUSION**

Pay parking was introduced in Batemans Bay CBD in 2003 as a demand management strategy. Net funds from the pay parking income are utilised within Batemans Bay CBD.

The Batemans Bay Parking Study 2011 recommended that the pay parking be extended to include Clyde Street, North Street and Orient Street (north of Beach Road). After consulting the

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**IR16/009 PAY PARKING IN BATEMANS BAY CBD**

**E00.4623;  
E00.4089**

community, Council resolved in November 2011 to retain the existing pay parking arrangements in the off-street pay parking areas on Clyde Street and Perry Street.

Implementing a maximum two hour parking limit within the pay parking off-street parking areas would encourage further turnover of spaces in the high profile, high use car parks. Extending the period of pay parking to seven days per week would similarly increase turnover of spaces and increase the net income.

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**IR16/010 BATEMANS BAY STREETSCAPE SUNSET ADVISORY COMMITTEE - E15.9271**  
**DRAFT LANDSCAPE CONCEPT PLAN**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Batemans Bay CBD Draft Landscape Concept Plan

Focus Area: Liveable Communities

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

Operational Plan Link: L5.1.1 Deliver capital and renewal works program

### **EXECUTIVE SUMMARY**

The proposed streetscape works within Orient and North Streets will bring vibrancy to the Batemans Bay CBD, supporting business and tourism activity. The proposed upgrade would adopt a style consistent with Clyde Street and include:

- new paving treatments with a mix of pavers, granite and concrete
- extra trees and landscaping with night time lighting, and added colour in plant selection
- extra parking
- improved pedestrian environment including relocation of the marked crossing and pavement narrowing
- improved outdoor eating environment
- additional seating and resting spots
- a small community and information structure.

Council has allocated \$1.25M toward the upgrade of the Batemans Bay streetscape in 2015-16 and 2016-17 funded from the Special Rate Variation.

Batemans Bay Streetscape Sunset Advisory Committee was formed to oversee the community engagement process and provide advice during the design and construction phases of the Batemans Bay CBD streetscape project.

Council sought quotations for a suitable landscape architect to work with the Committee and Council, appointing Ayling and Drury in consultation with the Committee.

The Committee has been working with the consultant, which included public consultation, on line surveys and attendance on a number of days in Orient Street, to gain feedback from the public on what they would like to see in the streetscape project. This input has been considered in developing the draft landscape plan.

On 22 February 2016 the consultant presented the draft landscape concept plan for the Batemans Bay CBD streetscape project to the Committee. The Committee agreed to present two options to the community for comment. Option 1 shows an additional three trees within

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**IR16/010 BATEMANS BAY STREETScape SUNSET ADVISORY COMMITTEE -  
DRAFT LANDSCAPE CONCEPT PLAN**

**E15.9271**

Orient Street compared to Option 2. Option 2 therefore has an additional three car spaces. Both options involve an increase in the number of parking spaces and trees overall.

The Committee is now seeking Council's endorsement of the draft plan for the purposes of consulting the public. The public consultation will allow the community to comment in favour of Option 1 or 2, or make comment on a compromise solution.

The Batemans Bay Chamber of Commerce has written to Council since the Committee met seeking removal of four trees (instead of three) and replacement with four car spaces. This letter will be treated as a submission to the consultation process.

**RECOMMENDATION**

THAT:

1. Council endorse the Batemans Bay CBD draft landscape concept plan and it be placed on public exhibition for a period of 21 days for comment.
2. Following the consultation period, the results be referred back to the Batemans Bay Streetscape Sunset Advisory Committee to make recommendations to Council.

**BACKGROUND**

Expressions of Interest were called for members of this Committee and Council, at its meeting held on 27 October 2015, recommended the appointment of the following Committee members:

1. Mr Allan Rutherford, President of the Batemans Bay Chamber of Commerce.
2. The following three community and three business representatives:

**Community representatives:**

Cameron Cresswell  
Brad Rossiter  
Kiri Wright

**Business representatives:**

Justine Donald  
Gary Eiffert  
Adam Pike.

Council has provided \$1.25M in funding for the upgrade of the Batemans Bay CBD over 2015-16 and 2016-17, allowing the works to be undertaken over two financial years.

The proposed works in the CBD include:

- North Street south side (Perry Street to Orient Street); and
- Orient Street (North Street to Beach Road).



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**IR16/010 BATEMANS BAY STREETSCAPE SUNSET ADVISORY COMMITTEE -  
DRAFT LANDSCAPE CONCEPT PLAN**

**E15.9271**

**CONSIDERATIONS**

A draft landscape concept plan has been prepared for the Batemans Bay CBD streetscape project and the Committee is now seeking endorsement of the draft plan for the purpose of public consultation.

Public consultation will be undertaken to seek further feedback from the broader community. This feedback will be considered by the Committee prior to finalisation of the plan. The plan will be submitted back to Council for consideration and adoption.

The Committee agreed to present two options to the community for comment. Option 1 shows an additional three trees within Orient Street compared to Option 2. Option 2 therefore has an additional three car spaces. Both options involve an increase in the number of parking spaces and trees overall.

The Committee is now seeking Council's endorsement of the draft plan for the purposes of consulting the public. The public consultation will allow the community to comment in favour of Option 1 or 2, or make comment on a compromise solution.

The Batemans Bay Chamber of Commerce has written to Council since the Committee met seeking removal of four trees (rather than three) and replacement with four car spaces. This letter will be treated as a submission to the consultation process.

The consultation plan is outlined here under the heading 'Community Engagement' and will include seeking feedback from:

- community
- local businesses
- Batemans Bay Chamber of Commerce
- Youth Committee
- Disability Advisory Committee
- Tourism Advisory Committee; and
- Business Advisory Committee.

**Asset**

Once the final design has been developed, the estimate cost to maintain and own the assets within the streetscape will be estimated and provided to Council prior to adoption of the final plan.

The proposed works will renew the infrastructure within these streets assisting Council meet our Fit for Future targets.

The draft plan incorporates re-use of the existing pavers where practicable to minimize the capital cost of the works, maximize re-use and minimize our environmental footprint.

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**IR16/010 BATEMANS BAY STREETScape SUNSET ADVISORY COMMITTEE -  
DRAFT LANDSCAPE CONCEPT PLAN**

**E15.9271**

**Social Impact**

The draft plan has been designed to accommodate a wide range of users, including people with a disability. The proposed works will include removal of uneven pavements and matching door entrances where practicable to improve accessibility.

The Sunset Committee has asked Council to review the bus stop and loading zone arrangements within Orient Street. This review does not impact the proposed physical layout of the draft plan and will be undertaken separately.

**Economic Development Employment Potential**

Improving the vibrancy of the CBD supports the growth of business activity within the Batemans Bay CBD and Eurobodalla. This should assist in supporting existing businesses and encouraging additional investment.

**Financial**

The estimate of cost for the project will be prepared following finalization of the plan after consultation with the community.

**Community Engagement**

The community engagement for the next stage of the Batemans Bay Streetscape Project is proposed as follows:

- Media release to shopkeepers regarding water main upgrading works in Orient Street and North Street in March 2016
- Briefing to Council on draft landscape concept plan on 1 March 2016
- Report to Council on 8 March 2016 seeking adoption of draft landscape concept plan and the plan be put on public exhibition
- The draft landscape concept plan will be put on public exhibition seeking feedback from 16 March to 6 April 2016
- Community consultation in Orient Street, Batemans Bay on Friday 18 March and Saturday 19 March 2016 with the Landscape Architect, Sunset Committee members and Council staff as follows:
  - Friday 18 March 2016 - 9.00-11.00am - visiting businesses with draft plans and feedback survey
  - Friday 18 March 2016 – 12 noon-4.00pm – set up set up in Orient Street outside Bakehouse Patisserie seeking community feedback on the draft plan with feedback survey
  - Saturday 19 March 2016 – 9.00am-12 noon – set up set up in Orient Street outside Bakehouse Patisserie seeking community feedback on the draft plan with feedback survey
- A copy of draft landscape concept plan with feedback survey be sent to all businesses, Batemans Bay Chamber of Commerce, Disability Advisory Committee, Tourism Advisory Committee, Business Advisory Committee, Local Traffic Committee and Youth Committee
- Media releases advising of draft landscape concept plan
- Radio interview with Mayor on project

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**IR16/010 BATEMANS BAY STREETScape SUNSET ADVISORY COMMITTEE - E15.9271**  
**DRAFT LANDSCAPE CONCEPT PLAN**

- Radio advertising on draft landscape concept plan and feedback from 16-19 March 2016
- Draft landscape concept plan be placed on Council's web page with feedback survey
- Draft landscape concept plan be displayed and feedback survey available at Batemans Bay Library
- Batemans Bay Streetscape Sunset Advisory Committee to meet on 11 April 2016 to review consultation feedback on the draft landscape concept plan
- Briefing to Council on 3 May 2016 following the Batemans Bay Streetscape Sunset Advisory Committee's review of the consultation feedback on the draft landscape concept plan
- Report to Council meeting on 10 May 2016 seeking adoption of the draft landscape concept plan.

**CONCLUSION**

Council's endorsement is sought to exhibit the draft landscape concept plan for the Batemans Bay CBD streetscape project.

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**FBD16/007 BATEMANS BAY SURF LIFE SAVING LOAN REPAYMENT**

**E13.7143,  
L.0659**

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

Attachments: Nil

Focus Area: Support Services

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

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

### **EXECUTIVE SUMMARY**

The Batemans Bay Surf Life Saving Club has made a submission to Council requesting a postponement of the repayments of its existing interest free loan due to additional, unforeseen costs being encountered by the Club. The Club has also requested consideration be given to writing off waste tipping fees that have been incurred.

### **RECOMMENDATION**

THAT:

1. Council accept Batemans Bay Surf Life Saving club's proposal to postpone repayments of its interest free loan until the 2016-17 financial year.
2. Council add the waste tipping fees of \$8,984.61 to the interest free loan above to be repaid under the same terms adopted.

### **BACKGROUND**

Council approved an interest free loan of \$60,000, to be repaid over five years, to Batemans Bay Surf Life Saving Club Inc. at the ordinary meeting of Council on 8 July 2014. Minute 14/158 states:

THAT:

1. *The Batemans Bay surf Life Saving Club Incorporated be offered an interest free loan of \$60,000 for a term of five years;*
2. *The Council seal be affixed to the interest free loan agreement for \$60,000 with the Batemans Bay Surf Life Saving Club Incorporated.*

*(The Motion on being put was declared **CARRIED**)*

The purpose of the loan was to assist with redevelopment and expansion of the Club House facility. The primary aim of the building work was to upgrade the facilities to meet the needs of an expanding Club and community.

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**FBD16/007 BATEMANS BAY SURF LIFE SAVING LOAN REPAYMENT**

**E13.7143,  
L.0659**

**CONSIDERATIONS**

**Interest Free Loan**

Unforeseen costs were incurred by the Club which increased the cost of the works, delayed the completion of works and reduced the number of revenue generating events and activities which formed part of the business case that Council assessed the loan request on. The Club is confident that once works are completed, sufficient revenue will be generated to allow loan repayments to resume.

The Club has requested approval for suspension of repayments. The next repayment is due to be invoiced on 31 March 2016. The December 2015 invoice has been placed on hold pending the decision of Council. Scheduled repayments for December 2014 and March 2015 have been made, June and September 2015 repayments are outstanding.

**Waste Tipping Fees**

The redevelopment and expansion project incurred unforeseen costs as a result of having to replace the patrol tower facility. The replacement of the tower was required after discovering concrete cancer in the tower during the refurbishment project. The tower was deemed unsafe and replacement was necessary. The Club had intended to retain the original tower.

Council agreed to waive tipping fees related to the project to the value of \$1,600 excluding GST (recoverable building material up to \$700 and general mixed waste up to \$900) at the ordinary meeting of Council 8 April 2014, minute 14/69. Due to the expansion of demolition works the volume of waste material that was disposed of, at Council's waste facility, increased significantly. The tipping fees currently outstanding total \$8,984.61. The club has stated that this has substantially increased the cost of the project.

The Club has formally requested that Council consider an increase in the former agreement, relating to tipping fees, sufficient to cover the full cost of disposing of the demolition material.

Given the clubs financial position it is proposed to add the waste tipping fees of \$8,984.61 to the interest free loan to be repaid under the same terms as proposed in this report.

**Legal**

Council is permitted to provide interest free loans under the Local Government Act 1993. A sealed agreement was entered into by all parties.

**Policy**

The interest free loan was in accordance with Council's policy covering interest free advances to community non-profit organisations.

**Asset**

The Surf Life Saving Club is on crown reserve land under Council care and control.

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**FBD16/007 BATEMANS BAY SURF LIFE SAVING LOAN REPAYMENT**

**E13.7143,  
L.0659**

**Economic Development Employment Potential**

“Surf Clubs are an important feature of the regional tourism economy and patrolled beaches are an important attraction for tourists. A fully functioning and viable surf club will help ensure the provision of patrolled beaches in Malua Bay continues.”

**Financial**

The Surf Life Saving Club is on crown reserve and community land under Council care and control.

The Batemans Bay Surf Lifesaving Club facility is a non-rateable property.

Council has building insurance cover for the property and the premium is \$2,491 for the 2015-16 insurance period.

The club receives an annual donation from Council, along with all other Surf Lifesaving Clubs in the Eurobodalla. The 2015 donation, paid in November 2015, was \$5,186.

Annual depreciation on the current building and fixtures is \$8,652.84.

A Southern Phone community grant of \$6,000 was paid to the club in March 2015. These grants are allocated by the Mayor.

There is no lease arrangement with the Club however under recently released directions from the Minister for Lands and Water it is anticipated a lease may be finalised by the end of year and this will be brought before Council.

**CONCLUSION**

A revised loan schedule could be negotiated with the Club. This has been approved previously with other loans approved under the same policy 'Interest Free Advances to Sporting and Cultural Organisations', where clubs and associations have experienced difficulty in meeting their obligations.

If Council considers it appropriate to waive waste tipping fees these would be expensed as a donation. Consideration should be given to the precedent and whether Council would have initially supported and approved a donation of this amount for this project.

It's recommended that Council accept Batemans Bay Surf Life Saving Club's proposal to delay the repayments of its interest free loan until the 2016-17 financial year and potentially negotiate a revised schedule of repayment.

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**FBD16/008 INVESTMENTS MADE AS AT 31 JANUARY 2016**

**E99.3517**

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

Attachments: Nil

Focus Area: Support Services

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

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

**EXECUTIVE SUMMARY**

The purpose of this report is to:

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

**RECOMMENDATION**

THAT the certification that the investments as at 31 January 2016 made in accordance with the Act, Council's investment policy and the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

**CONSIDERATIONS**

**Legal**

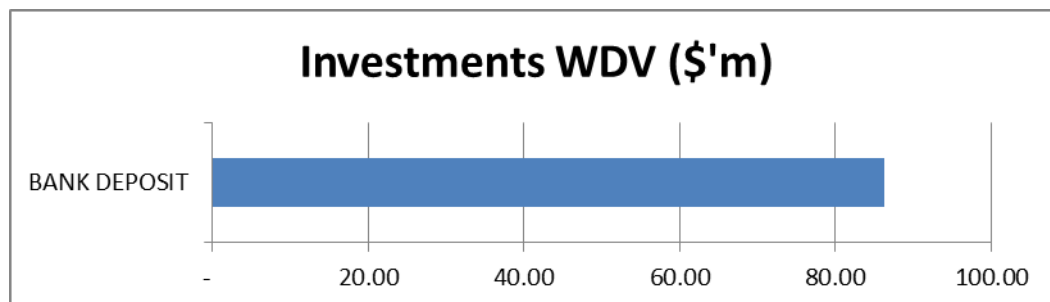
Budgeted legal fees for 2015-2016 are \$0.03m with minor expenditure incurred this year to date. Credit crisis related legal costs for the financial years 2008-2015 were \$0.37m.

**Policy**

Investments comply with Council's Investment policy.

**Financial**

Council Investing Overall



Council has 100% (\$86.31m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$0.75m with IMB (Rated BBB+) and \$3.75m with ME Bank (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.00m and represents 2.32% of the portfolio.

**FBD16/008 INVESTMENTS MADE AS AT 31 JANUARY 2016**

**E99.3517**

The weighted average return for all investments for the month is 2.94% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.55%).

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. The first interim dividend has been received (\$257k) and a further instalment is expected to be announced in March 2016. Legal action against the Commonwealth Bank has now been finalised the case against Standard and Poors is proceeding.

Summary Investment Information

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

<b>CATEGORY</b>	<b>WDV (\$)</b>
At Call Deposit Government Guaranteed	250,000
At Call Deposit	2,046,771
Term Deposits	82,270,054
Term Deposits Government Guaranteed	1,750,000
	<b>86,316,825</b>
<i>Weighted Average Interest %:</i>	2.94%
<i>Average 90 day BBSW + 25%</i>	2.55%

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.



**FBD16/008 INVESTMENTS MADE AS AT 31 JANUARY 2016**

**E99.3517**

<b>Policy Risk</b>	<b>Low Liquidity Risk %</b>	<b>Medium Liquidity Risk %</b>	<b>High Liquidity Risk %</b>	<b>Total % WDV</b>
<b>Remote Risk</b>	<b>2.24</b>	<b>0.00</b>	<b>0.00</b>	<b>2.24</b>
Policy Limit	100.00	70.00	50.00	
<b>Near Risk Free</b>	<b>92.64</b>	<b>0.00</b>	<b>0.00</b>	<b>92.64</b>
Policy Limit	100.00	50.00	30.00	
<b>Some Limited Risk</b>	<b>5.12</b>	<b>0.00</b>	<b>0.00</b>	<b>5.12</b>
Policy Limit	30.00	20.00	10.00	
<b>At Risk</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Policy Limit	0.00	0.00	0.00	
<b>Grand Total:</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100.00</b>

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1 and the audited unrestricted current ratio as at 30 June 2015 is 3.09:1. Council therefore has approximately \$3.09 of current assets for each \$1 of current liabilities.

**CONCLUSION**

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

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**FBD16/009 LICENCE FOR AGRICULTURAL PURPOSES**

**E00.4465**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development  
Attachments: 1. Confidential - Current and recommended fee  
Focus Area: 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 Moruya Sewage Treatment Works is located on operational land at the eastern end of Queen Street, Moruya. Part of the land, being Lots 61, 62 and part Lot 58 DP 244154, is not currently required for sewerage operation purposes. It has been licensed to a neighbouring landowner for grazing cattle for many years.

The current licence terminates on 29 February 2016.

To ensure the best return and use of this land, the granting of a new licence should be made by way of an open and competitive process. As the current licence does not have a holding over provision it is appropriate for a six-month licence to be offered to the incumbent licensee allowing time for a tender to be called and a new licence granted.

This report recommends a temporary licence be granted to the incumbent licensee to allow time for a tender to be called and new licence granted.

**RECOMMENDATION**

THAT:

1. A six-month licence for the use of Lots 61 and 62 and part Lot 58 DP 244154 for agricultural purposes be granted to BJ and LM McCauley with conditions in line with the current licence with rent set out in the confidential attachment to Report FBD16/009 Licence for Agricultural Purposes.
2. A tender be called for the granting of a licence for a term of two years with three one-year options for agricultural purposes within Lots 61 and 62 and part Lot 58 DP 244154.
3. A further report be received following the receipt and evaluation of tenders.

**BACKGROUND**

The Moruya Sewage Treatment Works is located on operational land at the eastern end of Queen Street, Moruya. Part of the land being Lots 61, 62 and part Lot 58 DP 244154 is not currently required for sewerage operation purposes. It has been licensed to a neighbouring landowner for grazing cattle for many years.

The current licence terminates on 29 February 2016 but there is no holding over provisions in the licence.

**FBD16/009 LICENCE FOR AGRICULTURAL PURPOSES**

**E00.4465**

The plan below shows the licence area edged yellow.



**CONSIDERATIONS**

**Legal**

The subject land is classified as operational land and as such there is no legislative requirement for public notification of granting a licence. However, to ensure the best return and use of this land, the granting of a new licence should be made by way of an open and competitive process. As the current licence does not have a holding over provision it is appropriate for a six-month licence be offered to the incumbent licensee allowing time for a tender to be called for a new licence.

There is legal access to the subject land.

**Environmental**

The land available is suitable for either cropping or animal grazing. Recycled water/treated effluent may be available from the adjoining treatment works for the licensee to use. It will be the licensee's responsibility to ensure any use of treated effluent is permissible for their specific use of the land.

**Asset**

The 7.4 hectares is currently not required for sewerage purposes and licensing of the land for agricultural purposes is the best use.

Given the lead time for any future development of the treatment plant will be significant, it is proposed to grant a two-year licence with three one-year options, the granting of which will be at Council's absolute discretion.

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**FBD16/009 LICENCE FOR AGRICULTURAL PURPOSES**

**E00.4465**

**Economic Development Employment Potential**

A number of opportunities may be available for commercial use of this land including grazing, cropping or market gardening.

**Financial**

The recommended fee for the proposed six-month licence is set out in the confidential attachment.

The licence fee for a new licence will be determined by the tender process.

**Community Engagement**

A tender will be called allowing 28 days for submissions.

We will inform the community through providing information on Council's website, writing to community groups and advertising on Council's noticeboard page in two local newspapers.

**CONCLUSION**

To ensure the best return and use of that part of the Moruya Sewage Treatment Works property currently not required for operational use, it is appropriate to call a tender for the granting of a licence for agricultural purposes.

Given the timeframe for a tender process to grant a new licence, it is reasonable for a temporary licence to be granted to the incumbent licensee.

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**FBD16/010 LICENCE FOR MARKETS - CORRIGANS BEACH RESERVE**

**E07.1579**

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

Attachments: Nil

Focus Area: 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 licence held by Batemans Bay High School P&C (High School P&C) to operate a market every third Sunday in Corrigans Beach Reserve, Batehaven was due to expire 31 March 2016, however the P&C has given notice it wishes to terminate its licence due to lack of volunteers.

Rotary Club of Batemans Bay Inc (the Rotary Club) has requested the licence be assigned to it and be granted a further five-year licence.

An assignment for one market day is unnecessary as consideration can be given to a new five-year licence.

The Rotary Club has made a submission during the recent call for Expression of Interest (EOI) for use of Council controlled public reserves to conduct markets on the third Sunday of each month in Corrigans Reserve as well as the Sunday of the October long weekend and each Sunday prior to Christmas through to the end of January, the extra days being shared between the Rotary Club and the Marine Rescue which hold markets on the first Sunday of each month.

No other party made a submission to use Corrigans Reserve on the third Sunday of each month.

This report recommends a licence be granted subject to consent from the Minister administering the Crown Lands Act, 1989 to operate markets on the third Sunday of the month with use of additional days being subject to consent of the licensor.

### **RECOMMENDATION**

THAT subject to consent of the Minister administering the Crown Lands Act, 1989, Council as Trust Manager of the Eurobodalla (North) Reserve Trust grant a five-year licence to Rotary Club of Batemans Bay Inc. based on a standard Crown Lands licence with conditions generally in line with the existing market licences with additional conditions including:

1. The boundary of the licence area will alter in accordance with the movement of the inclusive playground fencing.
2. Vehicles will only be allowed in market area during set-up and set-down times except if:
  - (a) A Vehicle is required as part of stall, e.g. coffee van, donut van etc,
  - (b) A Stallholder's disability necessitates the need to have the vehicle, or
  - (c) Inclement weather may be imminent.
3. Additional markets days be permissible subject to consent of the licensor.

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**FBD16/010 LICENCE FOR MARKETS - CORRIGANS BEACH RESERVE**

**E07.1579**

4.
  - (a) Random audits of stall numbers by council staff,
  - (b) Monthly reporting on weekly stall numbers by licensee,
  - (c) Annual provision of the licensee's audited financial details,
  - (d) Provision of licensee's market committee report minutes,
  - (e) The licensee must abide by the licensee's governance provisions and constitution,
  - (f) Written notice be given by the licensor to the licensee of breaches to the licensee's governance provisions or constitution outlined in (e) above, and
  - (g) The licensee to show cause why the licence should not be terminated following three written notices given in respect of (f) above.
5. The General Manager be given delegated authority to consent to additional market days.

**BACKGROUND**

The licence held by the High School P&C to operate a market every third Sunday in Corrigan's Beach Reserve, Batehaven was due to expire 31 March 2016, however the High School P&C has given notice it wishes to terminate its licence due to lack of volunteers.

The Rotary Club has requested the licence be assigned to it and be granted a further five-year licence.

**CONSIDERATIONS**

The assignment of the Licence previously held by the High School P&C for one market day in March is unwarranted for one market day and consideration of a new licence is appropriate.

The Rotary Club Inc has made a submission during the recent call for EOI for use of Council controlled public reserves to conduct markets on the third Sunday of each month in Corrigan's Reserve, Batehaven for a period of five years.

It also requested use on the Sunday of the October long weekend and each Sunday prior to Christmas through to the end of January, the extra days being shared between Rotary and the Marine Rescue which holds markets on the first Sunday of each month.

No other party made a submission to use Corrigan's Reserve on the third Sunday of each month.

**Legal**

Corrigan's Reserve is a Crown Reserve for public recreation under the trusteeship of the Eurobodalla (North) Reserve Trust for which Council is Trust Manager.

In accordance with the provisions of Section 102 of the Crown Lands Act 1989, Council as Trust Manager cannot grant a licence for a period exceeding 12 months without the consent of the Minister administering the Crown Lands Act.

In respect of the additional market days sought, it is considered appropriate that the licence be conditioned to allow for additional days subject to consent of the licensor, providing flexibility in respect of the use of the Reserve particularly over the Easter weekend.

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**FBD16/010 LICENCE FOR MARKETS - CORRIGANS BEACH RESERVE**

**E07.1579**

It would be appropriate for the General Manager be given delegated authority to consent to the additional days.

To promote good governance the following additional clauses will be included in the licence:

- (a) Random audits of stall numbers by council staff,
- (b) Monthly reporting on weekly stall numbers by licensee,
- (c) Annual provision of the licensee's audited financial details,
- (d) Provision of licensee's market committee report minutes,
- (e) The licensee must abide by the licensee's governance provisions and constitution,
- (f) Written notice be given by the licensor to the licensee of breaches to the licensee's governance provisions or constitution outlined in (e) above, and
- (g) The licensee to show cause why the licence should not be terminated following three written notices given in respect of (f) above.

**Policy**

The EOI was called in accordance with the provisions of Council's *"Licensing of Council-controlled public reserves and associated buildings"* Code of Practice.

This process satisfies the requirements of Crown Lands for the consideration of granting licences by way of an open and transparent competitive process.

**Asset**

To ensure separation of the markets and the new inclusive playground, the licence area for markets in Corrigans Reserve needs to be redefined and will change with further development of the inclusive playground.

The approximate area for the markets is shown in the plan below.

The eastern boundary of the licence area will be the fence for the inclusive playground.



**FBD16/010 LICENCE FOR MARKETS - CORRIGANS BEACH RESERVE**

**E07.1579**



An issue with all markets relates to the presence of vehicles in the market area.

It is proposed a condition will be included in new market licences that vehicles will only be allowed in market area during set-up and set-down times except if:

1. A Vehicle is required as part of stall, e.g. coffee van, donut van etc,
2. A Stallholder's disability necessitates the need to have the vehicle, or
3. Inclement weather may be imminent.

**Social Impact**

Sunday markets in Corrigans Reserve, formerly operated by the High School P&C, provide an attraction and activity for local residents as well as tourists to this area. This market will provide the Rotary Club the opportunity to raise funds on a regular basis to aid their charity works in the Batemans Bay area.

**Financial**

Council has adopted fees and charges for markets within the Shire and will be applied to the licence accordingly.

**Community Engagement**

EOI's were publicly notified on Council's website and advertised on Council's noticeboard page in two local newspapers giving a period of 56 days for submissions.

**CONCLUSION**

The continuation of markets on the third Sunday of the month in Corrigans Reserve is considered worthwhile as an attraction for locals and tourists as well as a regular source of fundraising for the Rotary Club of Batemans Bay Inc.



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**FBD16/011 LICENCE FOR EASTER CARNIVAL - CORRIGANS BEACH RESERVE**

**E16.0126**

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

Attachments: 1. Confidential - Names and Recommended Fee

Focus Area: 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**

As a result of the call for expressions of interest (EOI) for licences for the use of Council controlled reserves and associated buildings, a submission was received from Kids World Amusement to conduct an amusement carnival at Corrigans Reserve, Batehaven over the Easter weekend.

Fire and Rescue NSW is licensed to hold the Emergency Services Expo annually on Easter Sunday until Easter 2019.

However, Fire and Rescue NSW has advised it will not be holding the Expo this year and are prepared to consider sharing the reserve with the proposed carnival in the future.

Accordingly, this report recommends a temporary licence be granted to Kids World Amusement for Easter this year only.

### **RECOMMENDATION**

THAT Council as Trust Manager for the Eurobodalla (North) Reserve Trust grant a temporary licence to Kids World Amusement to conduct an amusement carnival in Corrigans Reserve, Batehaven from 21 March 2016 to 28 March 2016 with the licence based on a standard Crown Lands licence, with a condition restricting the operation of the carnival from noon to 9pm each day and a fee set out in the confidential attachment to Report FBD16/011 Licence for Easter Carnival – Corrigans Beach Reserve

### **BACKGROUND**

The Code of Practice - *Licensing of Council controlled Public Reserves and Associated Buildings* has been developed to meet legal requirements and ensure an open and fair process to grant new licences.

The main focus of the Code of Practice is for the:

- calling of expressions of interest for the use of Council controlled public reserves to ensure all groups, organisations and commercial operators have an equal opportunity make applications for licences
- for the establishment of a selection criteria by which conflicting applications can be assessed and considered by Council in determining who will be granted licences.

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**FBD16/011 LICENCE FOR EASTER CARNIVAL - CORRIGANS BEACH RESERVE**

**E16.0126**

EOIs were called on 10 December 2015 for the granting of licences for the use of the following Council controlled Crown Reserves:

- Mackay Park (including associated buildings), Batemans Bay
- Nata Oval (including associated buildings), Narooma
- Corrigans Reserve, Batemans Bay

The EOI closed on 4 February 2016 and twelve submissions were received including one from Kids World Amusement, a business owned and operated by the persons named in the confidential attachment to this report, who applied for a five year licence to operate at Corrigans Reserve over Easter.

The proposal is a small family carnival providing carnival rides involving five to six amusement devices suitable for people of all ages as a holiday activity over the Easter weekend. Commencing set-up on Monday 21 March 2016, the carnival is proposed to operate Good Friday, Saturday and Easter Sunday from noon until 9pm each day, departing Monday 28 March 2016.

**CONSIDERATIONS**

Whilst the submission did not conflict with another submission to the EOI it does conflict with an existing event, the Emergency Services Expo operated by Fire and Rescue NSW which is licensed to conduct its event on Easter Sunday in Corrigans Reserve until Easter 2019 inclusive.

Fire and Rescue NSW, however, has advised it is not conducting the event this year but would have a representative attend if the amusement carnival goes ahead to determine if the two activities can operate at the same time in the future.

**Legal**

In accordance with the provisions of the Crown Lands Act 1989, Council as Trust Manager can grant a temporary licence for a period not greater than twelve months without the consent of the Minister administering the Crown Lands Act, 1989.

The licence would be based on a standard Crown Lands licence with a condition restricting the operation of the carnival from noon to 9pm each day.

**Policy**

The call for an EOI is in accordance with Council's Code of Practice - *Licensing of Council controlled Public Reserves and Associated Buildings*.

**Asset**

The amusement carnival will provide income for maintenance and ongoing improvements to Corrigans Reserve.

**Social Impact**

The amusement carnival will provide an attraction for locals as well as tourists over the Easter weekend.

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**FBD16/011 LICENCE FOR EASTER CARNIVAL - CORRIGANS BEACH RESERVE**

**E16.0126**

The operating hours of noon until 9pm are considered reasonable in respect of the amenity of the local community.

**Economic Development Employment Potential**

The proposed carnival will add to the vibrancy of the area, attracting locals and tourists alike with the potential to increase spending in the local business area.

**Financial**

The proposed fee is set out in the confidential attachment to this report.

**Community Engagement**

Expressions of interest were publicly notified on Council's website and advertised on Council's noticeboard page in two local newspapers giving a period of 42 days for submissions.

**CONCLUSION**

The proposed amusement carnival does not conflict with any other activity in Corrigans Reserve this Easter and will provide an attraction for locals and visitors alike. Granting a temporary licence will allow Fire and Rescue NSW the opportunity to determine if the activity can be held at the same time as the licensed Emergency Services Expo which will be held again next year.

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**DR16/001 2015 NATIONAL LOCAL ROADS & TRANSPORT CONGRESS**

**E91.3255**

Responsible Officer: Neil Burnside - Councillor

Attachments: Nil

Focus Area: Collaborative Communities

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

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

### **EXECUTIVE SUMMARY**

Councillor Neil Burnside and Council's Director Infrastructure Services attended the 16<sup>th</sup> National Local Roads & Transport Congress from 17-19 November 2015 in Ballarat, Victoria. This report highlights the outcomes from the Congress.

The congress was a terrific opportunity for Council to advocate for our community in relation to roads and transport matters and Council should continue to push for improved funding to local councils.

### **RECOMMENDATION**

THAT Councillor Neil Burnside's delegates report on the 2015 National Local Roads and Transport Congress be received and noted.

### **BACKGROUND**

The Conference is the annual forum for local government elected representatives and engineers to learn of the state of infrastructure nationally and regionally and to contribute in the formulation of national policy and strategy for roads and transport.

Among the most interesting presentations was one on regional transport groups where a collaboration of local government areas worked together to formulate larger regional approaches to transport, in particular, the recognition of local government roads in a regional context. South East Australian Transport Strategy Inc. (SEATS) provides such a body in our region.

We heard a presentation from Sal Petrocito on the need to further reform national heavy vehicle regulations to remove differences from state to state and on the progress already made. Delegates were of the view that a lot more needs to be done in this area.

An Australian Local Government Association (ALGA) initiative, the launch of *The State of the Assets Report* by consultant Jeff Koorda will provide the basis for an accurate economic assessment of the state of road and bridge infrastructure nationally, and will improve our lobbying opportunities in the future.

The initiation of a review of the National Roads and Transport Strategy gave the forum an opportunity to contribute to the areas that need more emphasis and more action in the medium term.

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**DR16/001 2015 NATIONAL LOCAL ROADS & TRANSPORT CONGRESS**

**E91.3255**

The presence, and the presentations of the Deputy Prime Minister and Minister for Infrastructure and Regional Development, the Hon Warren Truss MP and Opposition Transport Spokesman, the Hon Anthony Albanese MP, both of whom demonstrated that they were conversant with the issues of importance to delegates, showed the value of this forum as a means of progressing strategies to benefit local government and the regard with which the forum is held at a national level.

The technical nature of some information presented suggests to me that it is of much more importance for roads engineers to be involved, but the political impetus provided by elected representatives attending has another important value all together.

**CONSIDERATIONS**

The following is the link to the Congress Handbook:

Congress Handbook (This is the final guide and publication on the Congress)

[http://alga.asn.au/site/misc/alga/downloads/events/2015RoadsCongress/ALGA\\_NLR\\_TC15\\_HandbookV5.pdf](http://alga.asn.au/site/misc/alga/downloads/events/2015RoadsCongress/ALGA_NLR_TC15_HandbookV5.pdf)

We were able to raise issues directly with the Deputy Prime Minister and Minister for Infrastructure and Regional Development, the Hon Warren Truss MP and Opposition Transport Spokesman, the Hon Anthony Albanese MP, including improving arrangements under the Natural Disaster Relief Program and ongoing funding under the Roads to Recovery and other programs.

**Media Releases from Mayor Troy Pickard, President of the Australian Local Government Association**

Report calls for Local Government Involvement in Addressing National Productivity

There is an opportunity for local government involvement in an integrated national approach to improve Australia's international competitiveness and address social inequity to lift national productivity, according to a report launched today at the 2015 National Local Roads and Transport Congress in Ballarat, Victoria.

The *2015 National State of the Assets: Roads and Community Infrastructure Report* - which summarises the condition of local roads, bridges and, for the first time this year, community infrastructure - showed that an estimated \$47 billion of road and community infrastructure managed by local government is in poor state and in need of significant renewal. It also found that 11 per cent of sealed roads, 19 per cent of unsealed roads and 22 per cent of timber bridges are either physically unsound or in need of significant rehabilitation.

The report recommends targeted intergovernmental strategies addressing the state of council-managed roads and community infrastructure through renewal, upgrade and disposal to enable a competitive and fair Australia into the future.

Mayor Troy Pickard, President of the Australian Local Government Association, said: 'Our local government infrastructure assets are part of national networks that deliver services supporting national productivity as well as local connectedness and quality of life.'

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**DR16/001 2015 NATIONAL LOCAL ROADS & TRANSPORT CONGRESS**

**E91.3255**

'Councils are working under immense financial constraints to manage this infrastructure but they need more help to maintain these assets to a standard that is fit for a more productive economic future.

'An important aspect of our nation's economic future is supporting local government to play a more effective role in moving freight and boosting transport productivity by improving the condition and grade of local road pinch points in the national transport network.

'Programs like Roads to Recovery help with the basic maintenance of our local roads, but more needs to be done to ensure the local road network has the capacity required to provide safe access for all major classes of heavy vehicles and improve heavy vehicle freight movement.

'Without an integrated plan that connects the national and state network to the local network, opportunities for strategic infrastructure investment and improved productivity will be lost. The Federal Government needs to address this issue.

'Additional investment in local roads must be part of the solution to increasing transport productivity on the nation's transport network.'

The *2015 National State of the Assets: Roads and Community Infrastructure Report* summarises the outcomes of the data provided by 396 councils across Australia on roads and bridges, with 230 councils also providing data on all infrastructure, including buildings, drainage, parks, airports, water and wastewater infrastructure.

Peak Local Government Body Launches Community Infrastructure Proposal to Boost Local Economies

A community infrastructure proposal that aims to stimulate local economic opportunities and create 5,000 jobs in Australian communities has today been launched by the Australian Local Government Association (ALGA) at the 2015 National Local Roads and Transport Congress in Ballarat, Victoria.

ALGA has proposed a Local Government Community Infrastructure Program of \$300 million per annum for five years to fund the renewal and maintenance of existing community infrastructure and promote economic development opportunities where they are needed most, particularly in rural and regional communities.

Mayor Troy Pickard, President of ALGA, said: "In every town and every community across the nation, Australians are using council-owned and managed community infrastructure such as public pools, libraries, children's playgrounds, bike paths and sports fields.

'While some of these facilities are relatively new, many were built decades ago and require significant maintenance and upgrades. The 2015 National State of the Assets: Roads and Community Infrastructure Report launched yesterday estimates that 10 per cent of this infrastructure is in poor or very poor condition and in need of significant renewal, with some infrastructure being physically unsound or beyond rehabilitation.

'There is a clear need for additional investment by government to support councils to meet the decades-long backlog and underspend on community infrastructure. In many cases, community

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**DR16/001 2015 NATIONAL LOCAL ROADS & TRANSPORT CONGRESS**

**E91.3255**

infrastructure projects are either already planned, or planning is well advanced, and only funding is required for the projects to commence.

'Local government is uniquely placed to implement a community infrastructure program and partner with the Government to ensure that community infrastructure is not only fit for purpose, but also delivers jobs and economic opportunities.

'The Australian Government's Regional and Local Community Infrastructure Program made an important contribution in 2008-10 in helping Australia remain resilient during the 2008 Global Financial Crisis.

'A Local Government Community Infrastructure Program would provide the Australian Government with a similar mechanism to stimulate the economy as well as create 5,000 jobs, greatly assist communities to attract and retain key workers in local communities and ensure fairness for all communities.'

The Local Government Community Infrastructure Program proposal was developed following nearly 1,000 submissions of examples of declining community infrastructure to ALGA's Community Infrastructure Ideas Register from councils Australia-wide.

**Asset**

It is essential that Councils work with the NSW Roads & Transport Directorate, Local Government NSW and Australian Local Government Association to continue to advocate for a more sustainable funding model for our local communities.

**Social Impact**

Roads and transport are critical to the social well-being and safety of our community.

**Economic Development Employment Potential**

Road upgrades are needed to open up our road networks to more efficient forms of transport. Council is strongly advocating for upgrades to the Princes and Kings Highway, including necessary works to allow B-doubles to access to Eurobodalla. The positive side of this is the potential to improve the efficiency of transport and reduce the price of goods locally.

This will, however, place pressure on Council to fund upgrades to bridges and roads to support higher productivity vehicles. Our perspective is higher levels of government need to assist Council through provision of funding for the necessary infrastructure upgrades. The Australian Government has provided some funding, including \$300m over five years for bridge upgrades Australia wide. Council has already been successful in attracting funding under this program for Candlagan Creek Bridge, bridge testing and Tyrone Bridge. Council has also received funding from the State Government for Candlagan Creek Bridge under the Fixing Country Roads program and has lodged an Expression of Interest under Round 2 of this same program for Tyrone Bridge.

Council will continue to seek funding from the available sources.

**CONCLUSION**

The National Roads Congress provides a critical collaboration for Local Government to develop a plan to advocate for a better deal from NSW and Australian Governments on behalf of our communities.

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**DR16/005 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2015**

**E91.3255;  
E15.9021**

Responsible Officer: Lindsay Brown – Mayor, Councillor Rob Pollock OAM and Councillor Neil Burnside

Attachments: Nil

Focus Area: Collaborative Communities

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

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

### **EXECUTIVE SUMMARY**

The Mayor Councillor Lindsay Brown, Deputy Mayor Councillor Rob Pollock OAM and Councillor Neil Burnside were Council's delegates to the Local Government NSW Annual Conference 2015 held in Parramatta. Also attending as observers were Councillor Gabi Harding and General Manager Dr Catherine Dale.

### **RECOMMENDATION**

THAT the delegates' report from Councillors Lindsay Brown, Rob Pollock OAM and Neil Burnside on the Local Government NSW Annual Conference held at Rosehill in 2015, be received and noted.

### **BACKGROUND**

Apart from the opening by the Premier the Hon Mike Baird MP, who received a very hostile welcome from a majority of attendees, and an address from the President of Local Government NSW, day one involved conference business which is, in effect, voting on motions submitted by councils for consideration of the voting delegates.

Whilst Councillors Pollock and Brown have been to several previous conferences and are aware of the processes, as a first time attendee Councillor Burnside found that what happened with the successful motions was not clear and there was no quantifying of the outcomes of the previous year's passed motions to gauge the effectiveness of the process and determine the value, or otherwise, of the exercise.

These successful motions apparently become Association policy and directions, and form positions that LGNSW advocate to the State Government and relevant agencies. Some of the motions were well outside the purview of Local Government and the LGNSW executive should not allow such motions. It was welcoming that motions of similar threads were collated and put as one, thus making the process more streamlined. This must be continued and improved upon.



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**DR16/005 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2015**

**E91.3255;  
E15.9021**

Councillors sat through, and voted on, all the motions. From the numbers in the hall, it seems that this wasn't the case with a considerable number of delegates which reflects poorly on the councils involved and the sector in general.

Voting in the Local Government NSW Board Elections ran concurrently with dealing with Conference business, and the undercurrent of discussion, at the voting booths and in breaks in business, was the 'Fit for the Future' process and the impending Council amalgamations decision. The overriding take on it was negative.

Councillor Brown stood for election to the LGNSW board as one of the seven rural/regional board members and was successful in that pursuit. We look forward to Councillor Brown advocating on behalf of rural councils and playing a role in the direction of the Association.

Councillor Keith Rhodes from Coffs Harbour narrowly won the election for President for a two year term and this will be his last due to the rotation to a city councillor in 2017.

Day two saw a number of presentations of varying quality and interest from the Minister for Local Government, the Hon Paul Toole MP (who received a raucous reception but didn't take a backward step - interesting theatre) as well as the Opposition spokesman, the Hon Peter Primrose MLC, and the President of the Australian Local Government Association, Troy Pickard, among others. An interesting and well received statement from a delegate was to the Premier or Minister that, "if big is best then let's go the whole way and get so big local government can take over the state".

Minister Toole at the end of his address thanked "all councillors whose term finishes at the next election for their commitment to their communities". This was a very pointed remark to indicate that the amalgamation process will go ahead. This has been evidenced by the process so far and the announcements on 18 December 2015 on the amalgamations fate of approximately 100 councils.

A highlight was a debate - 'Q&A comes to the Conference' - facilitated by Ellen Fanning, slightly deflated by the non-appearance of a State Government representative, but with a number of noted guests well-grounded in local government processes: the Opposition Local Government spokesman the Hon Peter Primrose MLC; the Hon Paul Green MLC, chair of the Parliamentary enquiry into amalgamations; the Greens and the Shooters and Fishers Representatives on the enquiry; and Professor Percy Allan AM, who had a wealth of information on the subject of council size, his take on 'scale and capacity' (most local government populations world-wide are around 40,000 people but in the US it's 7,500 people) and a general view of the panel was that there is no statistical evidence to support the Government's strategy. Another speaker, a Council General Manager who had experience of amalgamations in New Zealand, was positive about amalgamations but his example of the Auckland amalgamations was debunked by Professor Allan who claimed that those councils which were amalgamated were operating very poorly beforehand and the only way for performance was up, after the amalgamation process.

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**DR16/005 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2015**

**E91.3255;  
E15.9021**

(Refer to [www.lgnsw.org.au/events-training/local-government-nsw-annual-conference/2015-annual-conference](http://www.lgnsw.org.au/events-training/local-government-nsw-annual-conference/2015-annual-conference) for a copy of the program, list of presentations and record of decisions.)

## **CONCLUSION**

The Conference held value to long term office holders and senior executives for networking (General Managers held separate sessions which would have been a great opportunity to share information) but as a relatively new Councillor, Councillor Burnside wasn't in a position to gain value from that and found all the effort and expense didn't match the return he received from attending.

It is important that we are represented in the future, but, in Councillors Burnside's opinion, attendance should be limited to the General Manager and the Mayor. However, it should be noted that there is some benefit for councillors early in their term to attend, as making connections with other councillors offers the opportunity to exchange information and seek advice on a number of issues.

The Australian Local Government Women's Association attends the Conference and this is an opportunity for female councillors to network, especially considering that women are in the minority on councils.

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## 17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

#### A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

### AGENCY ADVICE

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

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

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

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

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

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

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

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

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

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.



<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

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

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<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.