



AGENDA

Ordinary Meeting of Council

8 August 2017

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

ON TUESDAY 8 AUGUST 2017

COMMENCING AT 10.00AM

AGENDA

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

1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE

2. APOLOGIES

Nil

3. PUBLIC FORUM (AGENDA ITEMS ONLY)

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Ordinary Meeting held on 25 July 2017

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

Page No.

6. MAYORAL REPORTS

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. GENERAL MANAGER'S REPORTS

GMR17/027	Adoption of Policies	3
GMR17/026	Policy Review - Repeal of Community Engagement	5
GMR17/028	Delegations to the General Manager.....	12
GMR17/025	Organisation Structure - Senior Staff	20

10. PLANNING AND SUSTAINABILITY REPORTS

PSR17/044	Eurobodalla Local Environmental Plan 2012 Amendment No.14 – Flood Mapping and Associated Amendments	27
PSR17/047	2016-17 Invasive Species Status Report	32
PSR17/048	2016-17 Natural Resource Management Status Report.....	38
PSR17/049	Policy Adoption - Collection Litter Bins.....	48

11. INFRASTRUCTURE REPORTS

IR17/050	Request for Tender - Bulk Construction Material Supply Panel	53
IR17/051	Request for Tender - Concrete Supply Panel	56
IR17/052	Local Traffic Committee No 1 for 2017-18.....	59

12. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD17/057	Property Matter - Lot 277 Tuross Boulevarde	65
FBD17/058	Licence for Markets - Corrigans Beach Reserve.....	68
FBD17/059	Lease to Westpac Life Saver Rescue Helicopters	72

13. COMMUNITY, ARTS AND RECREATION REPORTS

CAR17/026	Sporting and Recreational Facilities Seasonal Hire Policy	75
-----------	---	----

14. DELEGATE REPORT

15. URGENT BUSINESS

16. DEALING WITH MATTERS IN CLOSED SESSION83

17. CONFIDENTIAL MATTERS

DR CATHERINE DALE
GENERAL MANAGER

GMR17/027 ADOPTION OF POLICIES

E16.0297

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover

Focus Area: Collaborative Communities

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

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

EXECUTIVE SUMMARY

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

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

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

1. Community Gardens
2. Property Use By Community Organisations
3. Water Usage Charging.

This report recommends adoption of those policies.

RECOMMENDATION

THAT Council adopt the following policies:

1. Community Gardens
2. Property Use By Community Organisations
3. Water Usage Charging.

BACKGROUND

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

GMR17/027 ADOPTION OF POLICIES

E16.0297

CONSIDERATIONS

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

Community Gardens - The purpose of this policy is to outline Council's position on the concept of community gardens and to clarify the roles of Council and community groups who apply for community gardens on Council owned or managed land within the Eurobodalla Shire.

Property Use By Community Organisations - This policy aims to establish a consistent and fair framework to deal with requests for the use of public land by a diverse range of community organisation.

Water Usage Charging - This policy applies to all owners of properties that are connected to Council's water supply systems, and explains how Council determines water usage accounts.

Legal

Community Gardens - This policy is established under the Local Government Act 1993.

Property Use By Community Organisations - Eurobodalla Shire Council will comply with the *Local Government Act 1993* and the *Crown Lands Act 1989* and any regulations made thereunder.

Water Usage Charging - Eurobodalla Shire Council complies with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Community and Stakeholder Engagement

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

No submissions were received.

CONCLUSION

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

GMR17/026 POLICY REVIEW - REPEAL OF COMMUNITY ENGAGEMENT

E16.0297

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Community Engagement Policy

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

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

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

The Community Engagement Policy has been reviewed and it is considered to be no longer required as the Community Engagement Framework and Community Engagement Charter were endorsed by Council in February 2017.

When the Community Engagement Charter, Community Engagement Framework and the Community Engagement Planning Tool were endorsed by Council in February 2017, the Council report noted that if the framework is endorsed by Council, the Community Engagement Policy 2013 will be reviewed to determine if it is still required, and that there may not be a need to have both an endorsed Community Engagement Framework and a Community Engagement Policy.

The proposed repeal of the policy is recommended to be placed on public exhibition before the policy is presented to Council for repeal.

RECOMMENDATION

THAT

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

GMR17/026 POLICY REVIEW - REPEAL OF COMMUNITY ENGAGEMENT

E16.0297

BACKGROUND

Council adopted the Community Engagement Policy based on International Association of Public Participation (IAP2) principles in 2013 to:

- Establish the principles for engaging with the community
- Help residents understand Council's approach to community engagement
- Align Council values with the community's principles expressed in the *One Community: Community Strategic Plan*
- Ensure compliance with legislative requirements.

In 2015 Council began research and engagement with the community and stakeholders to develop a Community Engagement Framework, with the aim of identifying how Council's current practices could be improved.

In February 2017, Council endorsed a new Community Engagement Charter, Community Engagement Framework and the Community Engagement Planning Tool that were exhibited for six weeks in June and July 2016.

The Community Engagement Charter is an agreement between Council and the community declaring Council's commitment to engagement, clarifying the responsibilities of Council and community members and educating stakeholders on the benefits and opportunities of engagement.

The Community Engagement Framework provides guidance for the conduct of best practice community engagement and aims to:

- Build a culture of effective engagement across the organisation
- Clarify the roles and responsibilities of internal stakeholders
- Build a relationship of trust with external stakeholders
- Deliver a consistent approach to engagement
- Deliver change within the current available resources.

The Community Engagement Planning Tool is a guide to help staff develop community engagement plans. It uses an algorithmic ranking approach to consider the most suitable level of engagement, stakeholders and activities for different projects.

CONSIDERATIONS

The Community Engagement Charter, Community Engagement Framework and the Community Engagement Planning Tool were developed with the community and stakeholders and they adequately replace the purpose of the Community Engagement Policy.

GMR17/026 POLICY REVIEW - REPEAL OF COMMUNITY ENGAGEMENT

E16.0297

Policy

The purpose of the Community Engagement Policy has been incorporated into the Community Engagement Framework and Charter.

Community and Stakeholder Engagement

Council will place the repeal of the Community Engagement Policy on public exhibition for a period of no less than 28 days. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

The Community Engagement Policy is no longer required as its purpose has been included in the Community Engagement Charter, Community Engagement Framework and the Community Engagement Planning Tool. The proposed repeal of the Community Engagement Policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the Customer Service Charter Policy will be presented to Council for consideration to repeal.



POLICY

Policy name	Community Engagement Policy
Responsible manager(s)	General Manager
Contact officer(s)	Divisional Manager, Communications and Tourism
Directorate	Communications and Tourism
Approval date	10 September 2013

Purpose

The Community Engagement Policy aims to:

- Establish the principles for engaging with the community
- Help residents understand Council's approach to community engagement
- Align Council values with the community's principles expressed in the *One Community: Community Strategic Plan*
- Ensure compliance with legislative requirements.

Policy statement

1	Application The principles in this policy apply to the community engagement activities that are an integral part of the development of Council's plans and strategies.
2	Legislation Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> and the <i>Environmental Planning and Assessment Act</i> and other Acts which from time to time require council to engage with the community
3	Principles of community engagement <ul style="list-style-type: none"> • Be open and inclusive • Create mutual trust and respect and be accountable • Engage early and provide information that is clear • Consideration and feedback • Skills and resources
3.1	What is community engagement Community engagement is about involving members of the community in a decision forming process on issues that affect them.
3.2	Why engage the community? The benefits of engaging with the community can lead to better understanding, informed discussion and decisions the community can 'own'. Eurobodalla's <i>One Community: Community Strategic Plan</i> values engagement and sets clear and high level objectives for collaboration and working together (see 3.3 below)
3.3	Relationship to Community Strategic Plan objectives <i>'The Eurobodalla community wants a collaborative community where the community's thoughts and ideas are valued, where people are empowered by that knowledge and where they have the opportunity to participate'</i> , (Extract from the Eurobodalla Shire Community Strategic plan "One Community" 2012) This Community Engagement Policy aims to support council to achieve the following objectives in the Community Strategic Plan:



	<p>Objective 4: Our community and environment are in harmony</p> <p>Objective 8: We are an engaged and connected community</p> <p>Objective 9: We work together to achieve our goals</p>
3.4	<p>Who is our community</p> <p>Our community includes many stakeholders including: residents, landowners, business operators, people working in the shire, visitors, users of council services, council's advisory committees, resident & business associations, service providers, government agencies and statutory bodies, local and regional associations and community organisations</p>
3.7	<p>How and when will council engage with the community</p> <p>Council's approach to community engagement is based on the spectrum of engagement activities as advocated by the International Association for Public Participation (IAP2). The five levels of engagement are:</p> <ul style="list-style-type: none"> • Inform • Consult • Involve • Collaborate • Empower
3.8	<p>The core values of public participation as determined by the International Association for Public Participation (IAP2) are considered to be the worldwide best practice models. The purpose of these core values is to help make better decisions that reflect the interests and concerns of potentially affected people and entities. In addition, IAP2 has also developed a chart that provides suggestions on how to increase the level of public impact on decision making and includes that;</p> <ol style="list-style-type: none"> 1. The public should have a say in decisions about actions that affect their lives. 2. The public participation process communicates the interests and meets the process needs of all participants. 3. The public participation process seeks out and facilitates the involvement of those potentially affected. 4. The public participation process involves participants in defining how they participate. 5. The public participation process provides participants with the information they need to participate in a meaningful way. 6. The public participation process communicates to participants how their input affected the decision.

Implementation

Requirements		Responsibility
1	<p>Scope</p> <p>This policy applies to all facets of Council's operations including council's corporate, land use and financial planning and council's day to day business activities. It defines the principles underpinning council's engagement activities, the role of councillors and staff in engaging with the community and the methods which Council will use to engage with the community.</p>	Councillors, council Officers



2	This policy will be implemented by following the International Association for Public Participation (IAP2) core values.	Council Officers
3	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council officers
4	Concerns Concerns regarding the consultation policy will be recorded on council's customer service request ('CSR') or records system and handled in accordance with Council's Customer Complaints and Services Requests Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.	Council Officers
5	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer
6	Consultation Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy will be considered during the policy exhibition period.	As required

Review

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

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

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

Performance indicator	Data source(s)
Concerns or Complaints registered	Council records
Community Survey of satisfaction with council consultation	Surveys every two years
Achievement of Community Strategic Plan objectives Objective 4: Our community and environment are in harmony Objective 8: We are an engaged and connected community Objective 9: We work together to achieve our goals	Integrated Planning and Reporting

Governance

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



Related legislation and policies

Name	Link
Code of Practice	www.esc.nsw.gov.au
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182

Related external references

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

Supporting documents

Name	Link
Eurobodalla Community Strategic Plan	www.esc.nsw.gov.au
Eurobodalla Shire Council Integrated Communication and Marketing Strategy	Internal Document
Eurobodalla Shire Council Project Management Guidelines	http://intranet.esc.nsw.gov.au/project-management/

Definitions

Word/Term	Definition
IAP2	International Association for Public Participation
'Consultation' and 'community engagement'	Terms commonly used by practitioners and in literature but in this policy and model of community engagement, 'consultation' is one of the levels of engagement (as per the IAP2 spectrum referred to above).

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	28 May 2002	Council			'Consultation Policy' adopted
2	2006			06.0380	Policy Reviewed in conjunction with Management Plan 2005/06
3	10 Sep 2013	Council		E13.7095	New policy supersedes previous 'Consultation Policy'

Internal use

Responsible officer	General Manager	Approved by	Council
Minute	13/272	Report No	O13/56
File No	E13.7095	Review date	Sep 2016
		Effective date	10 Sep 2013
		Pages	4

GMR17/028 DELEGATIONS TO THE GENERAL MANAGER

E94.6611

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

The Council may delegate to the General Manager any functions, powers, duties and authorities of the Council with the exclusion of those listed in Section 377 (1) of the *Local Government Act 1993*.

Effective functioning of local government relies on delegation so that matters can be progressed in a timely manner. Whilst Council meetings are the formal decision making forums for matters over which Council has jurisdiction, a number of Council decisions are not made at formal meetings. Consequently, a range of decision making power is allocated by formal delegation to the General Manager.

Councillors have received a number of extensive briefings on the legal framework and content for all delegations proposed in this recommendation.

This report recommends the endorsement of delegations to the General Manager.

RECOMMENDATION

THAT:

1. All previous delegations by the Council to the General Manager be revoked.
2. Subject to point 1 above, the General Manager is delegated all the delegable functions, powers, duties and authorities of the Council under any legislation excluding those functions specific in clauses (a) to (u) of Section 377 (1) of the *Local Government Act 1993*.
3. Council fixes the amount of \$10,000 as the amount above which rates, charges and debts owed to the Council may be written off only by resolution of the Council, pursuant to clauses 131 and 231 of *Local Government (General) Regulation 2005*.
4. All functions delegated to the General Manager must be exercised at all times in accordance with the applicable statutory requirements, as well as any resolution or policy adopted by the Council from time to time.

BACKGROUND

In October 2012 Council resolved the following:

GMR17/028 DELEGATIONS TO THE GENERAL MANAGER

E94.6611

"THAT Council resolves as follows:

1. *All previous delegations by the Council to the General Manager are revoked.*
2. *Subject to paragraph 3 below, the General Manager is delegated all of the delegable functions, powers, duties and authorities of the Council under any legislation excluding those functions specified in clauses (a) to (u) of section 377 (1) of the Local Government Act 1993.*
3. *The Council fixes the amount of **\$10,000.00** as the amount above which rates, charges and debts owed the Council may be written off only by resolution of the Council, pursuant to clauses 131 and 231 of the Local Government (General) Regulation 2005.*
4. *All functions delegated to the General Manager must be exercised at all times in accordance with the applicable statutory requirements, as well as any resolution or policy adopted by the Council from time to time.*
5. *The Council delegates its functions under the Noxious Weeds Act 1993 to the holders of those positions nominated in the table below:*

<i>Function</i>	<i>Position</i>
<i>Initiate prosecutions for offences under the Noxious Weeds Act 1993.</i>	<i>General Manager</i>
<i>Issue a notice to control noxious weeds on a private occupier of land under section 12 of the Noxious Weeds Act 1993.</i>	<i>Divisional Manager, Environment Services, Invasive Species Supervisor and Invasive Species Officer</i>
<i>Issue a weed control notice under sections 18 and 18A of the Noxious Weeds Act 1993 (including authority to give notice of a proposed weed control notice, and amend and revoke a weed control notice)</i>	<i>Divisional Manager, Environment Services, Invasive Species Supervisor and Invasive Species Officer</i>
<i>Authorise the carrying out of noxious weed control work in accordance with section 20 of the Noxious Weeds Act 1993.</i>	<i>General Manager</i>
<i>Authority to carry out noxious weed control work on behalf of the Council and in accordance with section 20 of the Noxious Weeds Act 1993.</i>	<i>Divisional Manager, Environment Services, Invasive Species Supervisor and Invasive Species Officer</i>
<i>Issue notice of proposed noxious weed control work to be carried out by the Council in accordance with section 20 of the Noxious Weeds Act 1993.</i>	<i>Divisional Manager, Environment Services, Invasive Species Supervisor and Invasive Species Officer]</i>
<i>Authorise the recovery Council's expenses in accordance with section 26(1) of the</i>	<i>General Manager</i>

GMR17/028 DELEGATIONS TO THE GENERAL MANAGER

E94.6611

<i>Noxious Weeds Act 1993.</i>	
<i>Authority to require the owner or occupier of land to remove animals and prevent animals from entering any part of the land for the purposes of carrying out work under section 20 of the Noxious Weeds Act 1993.</i>	<i>Divisional Manager, Environment Services, Invasive Species Supervisor and Invasive Species Officer</i>
<i>Authority to keep records and report to the Director-General on noxious weeds in accordance with section 37 of the Noxious Weeds Act 1993.</i>	<i>General Manager</i>
<i>Authorise the draining of a swamp in accordance with section 38 of the Noxious Weeds Act 1993.</i>	<i>General Manager</i>
<i>Authority to appoint inspectors in accordance with section 41 of the Noxious Weeds Act 1993.</i>	<i>General Manager</i>
<i>Authorise the use of force to gain entry to premises, and notify an occupier of the use of force in accordance with sections 46 and 47 of the Noxious Weeds Act 1993.</i>	<i>General Manager</i>
<i>Authorise the payment of compensation in accordance with section 49 of the Noxious Weeds Act 1993</i>	<i>General Manager</i>
<i>Authority to issue and sign Certificates of Authority for Inspectors in accordance with section 50 of the Noxious Weeds Act 1993</i>	<i>General Manager</i>
<i>Issue a certificate as to weed control notices etc on land in accordance with section 64 of the Noxious Weeds Act 1993</i>	<i>Divisional Manager, Environment Services, Invasive Species Supervisor and Invasive Species Officer</i>
<i>Authority to require an occupier to remove livestock and to keep livestock out of land for the purposes of work carried out under section 20, as well as authority to impose temporary restrictions during noxious weed control work, in accordance with section 36A of the Noxious Weeds Act 1993.</i>	<i>Divisional Manager, Environment Services, Invasive Species Supervisor and Invasive Species Officer</i>

Since 30 June 2017, the *Noxious Weeds Act 1993* has been repealed. This Act was repealed by Schedule 6 to the *Biosecurity Act 2015 No 24* with effect from 1 July 2017. A further report will be presented to Council detailing the delegations required under this Act.

GMR17/028 DELEGATIONS TO THE GENERAL MANAGER

E94.6611

CONSIDERATIONS

There are five sections in the *Local Government Act 1993* that relate directly to Delegations, they are:

Section 377	<i>General power of the council to delegate</i>
Section 378	<i>Delegations by the general manager</i>
Section 379	<i>Delegation of regulatory functions</i>
Section 380	<i>Review of delegations</i>
Section 381	<i>Exercise of functions conferred or imposed on council employees under other Acts</i>

The key points of these Sections are:

Section 377 *General power of the council to delegate*

This covers the general power of the Council to delegate to the General Manager or any other person or body (not including another employee of the Council) any function of the Council. This section then lists the functions that cannot be delegated as follows:

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:*
- (a) *the appointment of a general manager,*
 - (b) *the making of a rate,*
 - (c) *a determination under section 549 as to the levying of a rate,*
 - (d) *the making of a charge,*
 - (e) *the fixing of a fee,*
 - (f) *the borrowing of money,*
 - (g) *the voting of money for expenditure on its works, services or operations,*
 - (h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
 - (i) *the acceptance of tenders to provide services currently provided by members of staff of the council,*
 - (j) *the adoption of an operational plan under section 405,*
 - (k) *the adoption of a financial statement included in an annual financial report,*
 - (l) *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
 - (m) *the fixing of an amount or rate for the carrying out by the council of work on private land,*
 - (n) *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
 - (o) *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,*
 - (p) *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*

GMR17/028 DELEGATIONS TO THE GENERAL MANAGER

E94.6611

- (q) *a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
 - (r) *a decision under section 234 to grant leave of absence to the holder of a civic office,*
 - (s) *the making of an application, or the giving of a notice, to the Governor or Minister,*
 - (t) *this power of delegation,*
 - (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (1A) *Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:*
 - (a) *the financial assistance is part of a specified program, and*
 - (b) *the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
 - (c) *the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - (d) *the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*
- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.*

Section 378 Delegations by the general manager

This gives the General Manager authority to sub-delegate a function that has been delegated to the General Manager by the Council, including another employee of Council:

- (1) *The general manager may delegate any of the functions of the general manager, other than this power of delegation.*
- (2) *The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*
- (3) *Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2).*

Section 379 Delegation of regulatory functions

This describes regulatory functions of Council and how these functions can be delegated or sub-delegated.

- (1) *A regulatory function of a council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:*
 - (a) *a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council, or*
 - (b) *an employee of the council, or*
 - (c) *a county council.*
- (2) *A regulatory function of a county council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:*

GMR17/028 DELEGATIONS TO THE GENERAL MANAGER

E94.6611

- (a) a committee of the county council of which all the members are members of the county council or of which all the members are either members of the county council or employees of the county council, or*
- (b) an employee of the county council, or*
- (c) a council.*
- (3) However, if:*
 - (a) a regulatory function is delegated to a county council, the function may be delegated to the general manager and by the general manager to an employee of the county council, or*
 - (b) a regulatory function is delegated to a council, the function may be delegated to the general manager and by the general manager to an employee of the council.*

Section 380 Review of delegations

This describes the review period of the delegations.

Each council must review all its delegations during the first 12 months of each term of office.

Section 381 Exercise of functions conferred or imposed on council employees under other Acts

This deals with the delegation from other Acts.

- (1) If, under any other Act, a function is conferred or imposed on an employee of a council or on the mayor or a councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.*
- (2) Such a function may be delegated by the council in accordance with this Part.*
- (3) A person must not, under any other Act, delegate a function to:*
 - the general manager, except with the approval of the council*
 - an employee of the council, except with the approval of the council and the general manager.*

The regulatory delegation functions specific to the General Manager are in accord with Section 377 (2) of the *Local Government Act 1993* and the delegations register reflects current legislation and includes functions relevant to the:

Community Land Development Act 1989
Community Land Management Act 1989
Companion Animals Act 1998
Contaminated Land Management Act 1997
Crown Lands Act 1989
Biosecurity Act 2017
Boarding Houses Act 2012
Building Professionals Act 2005
Environment Planning and Assessment Act 1979
Food Act 2003
Government Information (Public Access) Act 2009

GMR17/028 DELEGATIONS TO THE GENERAL MANAGER

E94.6611

Local Government Act 1993
Heritage Act 1977
Impoundment Act 1993
Library Act 1939
Liquor Act 1982
Local Government (General) Regulation 2005
Plumbing and Drainage Act 2011
Poisons and Therapeutic Regulation 2008
Privacy and Personal Information Protection Act 1998
Protection of the Environment Operations Act 1997
Protection of the Environment (Clean Air) Regulation 2010
Public Health Act 2010
Roads Act 1993
Roads Regulation 2008
Roads Transport (Safety and Traffic Management) Act 1999
Rural Fires Regulation 2008
Rural Lands Protection Act 1993
State Emergency and Rescue Management Act 1989
State Environmental Planning Policy No. 1
Strata Schemes (Freehold Development) Act 1973
Strata Schemes (Leasehold Development) Act 1986
Swimming Pools Act 1992
Unclaimed Money Act 1995
Valuation of Lands Act 1916
Water Management Act 2000.

Where a specific delegation to the General Manager has been resolved by Council, it will also be included in the Delegations register, which is available on Council's website, to ensure such delegation is enacted and has been recorded.

Legal

The Council may delegate to the General Manager a range of items with exclusion of those listed in Section 377 (1) of the *Local Government Act 1993*. Council is required under the Act to review the delegations it has in place within 12 months of every election.

Policy

The delegations register, once adopted by Council, will be updated to include sub-delegations to staff in accordance with Section 378 (2) of the *Local Government Act 1993*.

There are a number of Council adopted policies that provide a framework for delegations. This includes the Delivery Program 2017-21 and Operational Plan 2017-18 and the 97 policies that Council has reviewed since its election in 2016.

CONCLUSION

Whilst Council meetings are the formal decision making forums for matters over which Council has jurisdiction a number of Council decisions are not made at formal meetings. Effective functioning of local government relies on delegation so that matters can be progressed in a

GMR17/028 DELEGATIONS TO THE GENERAL MANAGER

E94.6611

timely manner. Consequently, a range of decision making power is allocated by formal delegation to the General Manager with the exclusion of those listed in Section 377 (1) of the *Local Government Act 1993*.

This report recommends the endorsement of delegations for regulatory functions to the General Manager.

GMR17/025 ORGANISATION STRUCTURE - SENIOR STAFF

E80.1579

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Focus Area: Collaborative Communities

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

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

EXECUTIVE SUMMARY

Under Section 332 of the *Local Government Act*, Council must determine the senior staff positions within the organisation structure after consulting with the General Manager. Section 333 of the *Local Government Act*, further requires Council to review the organisation structure within 12 months of the ordinary election of Council.

Since the election in September 2016, the Council has undertaken an extensive review of Council's Integrated Planning and Reporting framework. This included the revision of the Community Strategic Plan (CSP), and development of the Delivery Program 2017-21 and Operational Plan 2017-18.

With the development and adoption of these strategic plans on 12 June 2017 and 26 June 2017, it is appropriate for Council to adopt the organisation structure for senior staff that underpins its delivery.

RECOMMENDATION

THAT:

1. Council retain the current four Directorate structure being:
 - a) Community Arts and Recreation
 - b) Planning and Sustainability Services
 - c) Corporate and Commercial Services
 - d) Infrastructure Services.
2. The Director positions be classified as senior staff officers.

BACKGROUND

The Community Strategic Plan is the highest level strategy that Council prepares and is a whole of community plan, reviewed and developed in partnership with the community. It identifies and articulates the community's long term aspirations, priorities and vision. The Council's vision, as articulated in the CSP, is Friendly, Responsible, Thriving, Proud. This vision is supported by nine outcome areas and 34 strategies that provide more detail about how our vision is translated.

GMR17/025 ORGANISATION STRUCTURE - SENIOR STAFF

E80.1579

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

The Operational Plan details the actions to be undertaken during the next financial year and includes the annual budget and fees and charges for the year ahead.

The General Manager, supported by the Executive Leadership Team, implements the program of services, capital works and projects set out in the annual Operational Plan and endorsed by the Council.

The organisation structure should facilitate the delivery of services to achieve the Operational Plan actions. Significant time has been spent examining the organisation structure to ensure that the recommended senior structure has a focus on the current and future needs of the community. The senior structure is designed to provide the leadership and management of appropriately grouped services which currently work across directorates to enable improved and effective delivery of services for our community. The aim is to also ensure the senior structure of the organisation aligns with the priorities of the Community Strategic Plan, Delivery Program and Operational Plan.

The current and proposed four Directorate structure report directly to the General Manager and supports the delivery of the activities and actions in the Delivery Program 2017-21 and Operational Plan 2017-18 as follows:



The nine outcome areas of the Community Strategic Plan are met through the activities and actions outlined in the Delivery Program 2017-21 and Operational Plan 2017-18. The outcomes are delivered through the following services, which have been grouped under the four directorate structure as follows:

GMR17/025 ORGANISATION STRUCTURE - SENIOR STAFF

E80.1579

Directorate	Outcomes	Services that contribute to the outcome
Community, Arts and Recreation	Strong communities, desirable lifestyles	<ul style="list-style-type: none"> • Community and cultural development • Community care • Community facilities • Recreation • Youth Services
	Celebrated creativity, cultural learning	<ul style="list-style-type: none"> • Children's Services • Community and Cultural Development • Libraries
	Sustainable living	<ul style="list-style-type: none"> • Recreation
	Vibrant and diverse economy	<ul style="list-style-type: none"> • Children's services
	Responsible and balanced development	<ul style="list-style-type: none"> • Community facilities
	Innovative and proactive leadership	<ul style="list-style-type: none"> • Children's Services • Community and Cultural Development • Community Care • Community Facilities • Libraries • Recreation • Youth Services
Planning and Sustainability	Strong communities, desirable lifestyles	<ul style="list-style-type: none"> • Public Order and Safety
	Celebrated creativity, cultural learning	<ul style="list-style-type: none"> • Business Development • Strategic Planning • Tourism
	Protected and valued natural environment	<ul style="list-style-type: none"> • Business Development • Development Assessment and Building Certification • Environmental

GMR17/025 ORGANISATION STRUCTURE - SENIOR STAFF

E80.1579

		<p>Management</p> <ul style="list-style-type: none"> • Public and Environmental Health • Strategic Planning • Tourism • Waste Management
	Sustainable living	<ul style="list-style-type: none"> • Business Development • Development Assessment and Building Certification • Environmental Management • Waste Management
	Vibrant and diverse economy	<ul style="list-style-type: none"> • Business Development • Development Assessment and Building Certification • Strategic Planning • Tourism
	Responsible and balanced development	<ul style="list-style-type: none"> • Development Assessment and Building Certification • Strategic Planning
	Connected and accessible places	<ul style="list-style-type: none"> • Business Development
	Collaborated and engaged community	<ul style="list-style-type: none"> • Strategic Planning
	Innovative and proactive leadership	<ul style="list-style-type: none"> • Business Development • Development Assessment and Building Certification • Environmental Management • Public and Environmental Health • Public Order Safety • Strategic Planning • Tourism

GMR17/025 ORGANISATION STRUCTURE - SENIOR STAFF

E80.1579

		<ul style="list-style-type: none"> • Waste Management
Corporate and Commercial Services	Vibrant and diverse economy	<ul style="list-style-type: none"> • Commercial Entities
	Connected and assessable places	<ul style="list-style-type: none"> • Commercial Entities
	Innovative and proactive leadership	<ul style="list-style-type: none"> • Commercial Entities • Customer Assistance and Records • Finance and Central Treasury • Fleet and Plant • Property • Risk and Insurance
Infrastructure Services	Strong communities, desirable lifestyles	<ul style="list-style-type: none"> • Public Order and Safety
	Protected and valued natural environment	<ul style="list-style-type: none"> • Stormwater and Drainage
	Sustainable living	<ul style="list-style-type: none"> • Sewer Services • Transport • Water Services
	Responsible and balanced development	<ul style="list-style-type: none"> • Sewer Services • Transport • Water Service
	Connected and accessible places	<ul style="list-style-type: none"> • Technical Services • Transport
	Innovative and proactive leadership	<ul style="list-style-type: none"> • Sewer Service • Stormwater and Drainage • Technical Services • Transport • Water Service • Works and Operations

The Councillors have undertaken significant workshops on the development of the Integrated Planning and Reporting framework as well as the resourcing requirements for this plan. The proposed structure supports these requirements.

GMR17/025 ORGANISATION STRUCTURE - SENIOR STAFF

E80.1579

CONSIDERATIONS

Legal

Following are relevant extracts from the *Local Government Act 1993*.

'332 Determination of structure

- (1) *A council must, after consulting the general manager, determine the following:*
 - (a) *the senior staff positions within the organisation structure of the council,*
 - (b) *the roles and reporting lines (for other senior staff) of holders of senior staff positions,*
 - (c) *the resources to be allocated towards the employment of staff.*
- (2) *A council may not determine a position to be a senior staff position unless:*
 - (a) *the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Local Government (State) Award, and*
 - (b) *the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the Statutory and Other Offices Remuneration Act 1975) payable with respect to senior executives whose positions are graded Band 1 under the Government Sector Employment Act 2013 .*
- (3) *For the purposes of subsection (2) (b), the total remuneration package payable with respect to a position within a council's organisation structure includes:*
 - (a) *the total value of the salary component of the package, and*
 - (b) *the total amount payable by the council by way of the employer's contribution to any superannuation scheme to which the holder of the position may be a contributor, and*
 - (c) *the total value of any non-cash benefits for which the holder of the position may elect under the package, and*
 - (d) *the total amount payable by the council by way of fringe benefits tax for any such non-cash benefits'.*

'333 Re-determination and review of structure

The organisation structure may be re-determined under this Part from time to time. The council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council'.

In addition, Section 223 of the *Local Government Act 1993*, part (j), Role of the governing body, states '*to determine the senior staff positions within the organisation structure of the council.*'

GMR17/025 ORGANISATION STRUCTURE - SENIOR STAFF

E80.1579

Staff

The four director positions comply with Section 332 (2) of the *Local Government Act 1993*.

Financial

The resources for the employment of staff (Section 332 (1) (c)) is included in the adopted Operational Plan 2017-18. Senior staff remuneration package details are outlined in the Annual Report.

Policy

The adopted Community Strategic Plan, Delivery Program 2017-21 and Operational Plan 2017-18 have provided direction for retaining the current senior structure.

CONCLUSION

The organisation structure should facilitate the delivery of services to achieve the Operational Plan actions. Significant time has been spent examining the organisation structure to ensure that the recommended senior structure has a focus on the current and future needs of the community. The proposal is designed to provide the leadership and management of appropriately grouped services which currently work across directorates to enable improved and effective delivery of services for our community. The aim is to also ensure the structure of the organisation aligns with the priorities of the Community Strategic Plan, Delivery Program and Operational Plan.

It is considered that the four Directorate structure proposed aligns with Council's Community Strategic Plan, Delivery Program 2017-21 and Operational Plan 2017-18.

PSR17/044 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO.14 – FLOOD MAPPING AND ASSOCIATED AMENDMENTS

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

Attachments:

1. Under Separate Cover - Draft Planning Proposal - Eurobodalla Local Environmental Plan 2012 - Amendment No. 14 - Flood Mapping and Associated Amendments
2. Under Separate Cover - Draft Moruya Flood Planning Area Map
3. Under Separate Cover - Draft Narooma, Kianga and Dalmeny Flood Planning Area Map
4. Under Separate Cover - Draft Tomakin, Mossy Point, Broulee and Mogo Flood Planning Area Map

Focus Area: Sustainable Communities

Delivery Program Link: S5.5 Plan for the impact of climate change on settlement including coastal hazard, flood impacts, bushfire

Operational Plan Link: S5.5.2 Narooma Coastal Inlets Flood Studies

EXECUTIVE SUMMARY

The purpose of this report is to present a draft planning proposal to amend the Eurobodalla Local Environmental Plan 2012 (ELEP 2012).

The proposed amendments are to:

- amend local provision 6.5 Flood Planning to generally reflect the current model clause
- include mapping to identify the flood planning area for Moruya, Narooma, Dalmeny, Tomakin, Broulee, Mogo and Mossy Point
- rezone certain E2 Environmental Conservation zoned land to an appropriate zone within the mapped flood planning area
- amend the lot size map in relation to land in Moruya and Moruya Heads
- amend the height of buildings maps in relation to land in Moruya
- amend the wetland map in relation to land at Preddys Wharf Road, Moruya Heads.

The proposed amendments will provide greater certainty to existing and prospective land owners as to the flood hazard affecting land. The planning proposal will also facilitate additional development in locations that have been determined to have a low to medium flood hazard, subject to consideration of the flood impact at the development application stage.

The flood mapping proposed to be included in ELEP 2012 has been the subject of public consultation during development of the associated flood studies.

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

PSR17/044 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO.14 – FLOOD MAPPING AND ASSOCIATED AMENDMENTS

A draft planning proposal for the purpose of seeking a Gateway Determination from the Department of Planning and Environment has been prepared and is attached to this report. Should Council endorse the planning proposal, it is intended that Council request an authorisation to exercise delegation to finalise the planning proposal following community consultation.

RECOMMENDATION

THAT Council

1. Endorse the attached planning proposal to amend Eurobodalla Local Environmental Plan 2012, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979*.
2. Forward the Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*.
3. Advise the Secretary of the Department of Planning and Environment that Council seeks to exercise delegation for making the plan under Section 59 of the *Environmental Planning and Assessment Act 1979*.
4. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
5. Receive a report back on the planning proposal to consider any submissions received during consultation as per the requirements of Section 57 of the *Environmental Planning and Assessment Act 1979*.
6. Note that the plan is proposed to be made under delegation following the issue of a Gateway Determination and the completion of community consultation requirements.

BACKGROUND

ELEP 2012 was notified on 20 July 2012. Since this time there have been ten (10) amendments for various reasons. Three other amendments are currently in progress.

When it was first made, ELEP 2012 did not include mapping to identify flood planning areas. At that time, there was only one flood study available to inform the preparation of flood mapping (Moruya Flood Study).

The absence of mapping to identify flood planning areas is currently overcome by applying the E2 Environmental Conservation zone to land that is flood prone (such as overland flow paths). The application of the E2 zone to identify hazards is consistent with the Department's Practice Note PN 09-002 Environment Protection Zones which refers to the use of E zones for hazards, such as land affected by coastal hazards, steeply sloping escarpment lands and land slip areas.

CONSIDERATIONS

Since the adoption of the ELEP 2012, additional studies have been completed and flood mapping can be included for Moruya, Narooma, Dalmeny, Tomakin, Broulee, Mogo and Mossy Point. These studies have been prepared in accordance with the NSW Floodplain Development Manual 2005 (the manual) and as such, Council is now in a position to include mapping to

PSR17/044 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO.14 – FLOOD MAPPING AND ASSOCIATED AMENDMENTS

identify the flood planning area for these places within the ELEP 2012. Consultation with affected communities was undertaken as part of the development of those studies.

Council currently does not have any recent flood studies for Batemans Bay that have been prepared in accordance with the manual therefore Batemans Bay has not been included in this proposal. Funding from the NSW Government has been sought to prepare flood studies for the north of the Shire and such funding is anticipated to become available in the 2017/18 financial year.

Land within the flood planning area that is currently zoned E2 has been considered for rezoning in the following circumstances:

- where a property has a split zone (eg. part E2 / part R2 Low Density Residential) and the flood hazard is low to medium, the E2 part is proposed to be changed to the other zone applying to the land
- where the whole of a lot is currently zoned E2 and the flood hazard is low to medium, the adjoining zone is proposed to be applied
- where the whole or part of a lot is zoned E2, has a flood hazard of high or above, and is currently used for some form of agricultural purpose (eg. horse agistment), the RU1 Primary Production zone is proposed to be applied
- some public lands currently zoned E2 are proposed to be zoned either RE1 Public Recreation (where the flood hazard is low to medium) or RU1 Primary Production (where the flood hazard is high or above).

The above zoning changes will only apply to land that was zoned E2 for the sole purpose of identifying overland flow paths and flooding. Land zoned E2 for environmental attributes (such as wetlands or endangered ecological communities) are not proposed to be rezoned under this planning proposal.

The minimum lot size map will be amended in low to medium flood hazard areas where land has been rezoned to R2, R5 or E4. This will allow these lots to be appropriately developed in accordance with the zoning. Mitigating the risk from flooding to any new developments at these sites will be managed through a merit based assessment guided by Clause 6.5 of the ELEP 2012 and the relevant building codes.

The maximum height of buildings map will also be amended for consistency with adjoining land, where appropriate.

The planning proposal will update Clause 6.5 - Flood Planning of ELEP 2012 to generally reflect a more recent version of the clause within the standard instrument LEP. The revised clause 6.5 will refer to the Flood Planning Maps, update definitions and incorporate relevant provisions from the existing clause 6.5 in ELEP 2012.

In reviewing land zoned E2 for the purpose of this planning proposal, an error in the Wetland Map in ELEP 2012 in relation to land at Preddy's Wharf Road, Moruya Heads was found. It is proposed to amend the Wetland Map to remove the wetland designation from the road and private property in this location.

The LEP amendments outlined above will provide greater certainty to existing and prospective land owners as to the flood hazard affecting land. It will also facilitate additional development

PSR17/044 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO.14 – FLOOD MAPPING AND ASSOCIATED AMENDMENTS

in locations that have been determined to have a low to medium flood hazard, subject to consideration of the flood impact at the development application stage.

Should Council endorse the planning proposal and a Gateway Determination is issued by the Department of Planning and Environment, the planning proposal will be placed on public exhibition for community input.

It is intended that Council request an authorisation to exercise delegation to finalise the matters addressed in this planning proposal.

Legal

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

Policy

The planning proposal has been prepared in accordance with Department of Planning and Environment Guidelines for preparing planning proposals and Local Environmental Plan amendments. The proposed amendments are consistent with the South Coast Regional Strategy 2006 which requires local environmental plans to include appropriate planning provisions consistent with the Floodplain Development Manual to minimise risk from flooding. The proposed amendments are also consistent with strategy 3.1 of the Eurobodalla Community Strategic Plan 2017, 'respond to our changing environment and build resilience to natural hazards'.

Environmental

The planning proposal ensures that land is appropriately zoned having regard to the level of flood hazard and the environmental attributes of the land.

Economic Development Employment Potential

The planning proposal facilitates development potential on land identifies as having low to medium flood hazard subject to consideration of the flood impact at the development application stage.

Community and Stakeholder Engagement

When a Gateway Determination is received that allows community consultation to be undertaken, Council will place the planning proposal on public exhibition for a period of not less than 28 days. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya Administration Centre.

The flood maps proposed to be included in ELEP 2012 are consistent with maps that have been the subject of community consultation on the development of the relevant flood studies.

CONCLUSION

The matters dealt with in this planning proposal will provide clear identification of flood prone land in parts of Eurobodalla and facilitate appropriate development outcomes.

PSR17/044 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO.14 – FLOOD MAPPING AND ASSOCIATED AMENDMENTS

A draft planning proposal has been prepared for consideration by Council. It is recommended that Council resolve to endorse the planning proposal for the purpose of seeking a Gateway Determination from the Department of Planning and Environment. The Gateway Determination will enable the planning proposal to be placed on public exhibition. It is also recommended that Council request an authorisation to exercise delegation to finalise the matters addressed in this planning proposal following community consultation.

PSR17/047 2016-17 INVASIVE SPECIES STATUS REPORT

E80.2982

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

Attachments: Nil

Focus Area: Sustainable Communities

Delivery Program Link: S4.2 Provide invasive species management services

Operational Plan Link: S4.2.3 Coastal Weeds of National significance project

EXECUTIVE SUMMARY

This report details the annual activities, expenditure, issues and considerations of invasive species management for the 2016-17 period.

Invasive species management, inclusive of weeds and animal pests, is a crucial part of maintaining the biodiversity and agricultural values in Eurobodalla. Council undertakes activities associated with the South East Weeds Action Program as a Local Control Authority and in association with the NSW Government agencies. In addition, external grants have assisted in a variety of invasive species programs and complement other natural resource management works.

During 2016-17 over 2,130 noxious weeds inspections were conducted across all tenure, with over 99% compliance from private property owners. Two high threat weed species were uncovered through inspections, enabling a rapid response to impending threats from Water Hyacinth and Salvinia.

Rabbits continue to cause much concern for ratepayers and control was enacted within budgetary constraints.

RECOMMENDATION

THAT Council receive and note the 2016-17 Invasive Species Status Report.

BACKGROUND

Noxious and environmental weeds, and animal pests can cause major harm to private property, the environment, agriculture, and human and animal health, resulting in adverse economic impacts.

PSR17/047 2016-17 INVASIVE SPECIES STATUS REPORT

E80.2982

Noxious and environmental weeds

This year, Council's inspection program has uncovered two high threat weed species Water Hyacinth (*Echhornia crassipes*), Salvinia (*Salvinia molesta*), and expanded our understanding of the distribution of *Lantana camara* in the Shire.

Regular and systematic weed control on high priority reserves and roadsides, continues to be a major focus to maintain the integrity of our high risk pathways and reduce the threat of weed spread from major weed reservoirs.

Ongoing inspection and control works for high threat agricultural weeds including African Love Grass, Serrated Tussock and St John's Wort continue to be a focus. Inspection and control works for weeds that threaten biodiversity are also important, including weeds such as Bitou Bush, Boneseed, Lantana, Madeira Vine, Prickly Pear, Cape Ivy and Asparagus Ferns.

Table 1: 2016-17 South East Weeds Action Program Activities

	Target	Actual
Inspect 80% of private properties >10ha	231	277
Inspect 80% of public properties >10ha	17	17
Inspect 80% of private properties 1-10ha	487	578
Inspect 80% of public properties 1-10ha	58	106
Survey of urban areas (survey = 1sqkm built up area or a town)	7	7
Weed control compliance re-inspections	72	165
Boneseed	0	535
Serrated Tussock	0	8
St John's Wort	0	13
Buckenbowra	0	1
Hyacinth	0	2
Lantana	0	431
Total inspections (private)	797	2,017
Total inspections (public)	75	123
TOTAL INSPECTIONS (All)	872	2,132

Table 1 shows that 2,017 private properties were inspected over the 2016-17 financial year which exceeded the target of 797. This is, in part, due to a high number of smaller properties being inspected in urban/semi urban areas.

PSR17/047 2016-17 INVASIVE SPECIES STATUS REPORT

E80.2982

While historical data also suggests that the majority of our weed incursions stem from urban areas, the 2016-17 Weed Action Program model did not recognise urban areas as a primary weed incursion source and as such, Council funds were used to inspect urban areas, while Weed Action Program funds were used to inspect areas that fit within the program targets.

Table 2: Comparison of weed inspection data from 2013-14 to 2016-17

	2013-14	2014-15	2015-16	2016-17
Number of private properties inspected	1,885	1,632	1,535	2,017
Number of re-inspections	24	16	23	165 [^]
Notices Issued (including Section 20)	1	2	7	6
Compliance from landholders*	99.9%	99.8%	99.4%	99.7%

*Compliance is based on the percentage of inspections that have required the issue of notices to ensure noxious weeds have been controlled.

[^]This figure includes Lantana re-inspections.

As shown in Table 2, the number of inspections has been consistently high with a high level of compliance and minimal enforcement action being required.

Animal pests

Control of animal pests is carried out strategically and in consultation with our community. Fox control is carried out in conjunction with the National Parks and Wildlife Service and other key stakeholders to implement the Australian Government's Fox Threat Abatement Plan.

Council plays a key role in the protection of endangered species on its tenure and assists in the coordination and delivery of some landscape scale programs such as protection of threatened shorebirds at Durras, Congo and the Batemans Bay Marina.

Rabbits continue to be a major concern amongst our coastal communities. Intensive rabbit control activities were conducted at South Durras, Long Beach, Mackay Park in Batemans Bay, Surf Beach, Malua Bay, Lilli Pilli, Mogo, Bodalla, Potato Point, Kianga, Dalmeny, Narooma, Tilba Lake Community, Central Tilba and Mystery Bay. This control included the new Korean strain of Rabbit Calicivirus (RHDV-K5) that was released across most suburbs in the Shire. Council staff worked closely with the Local Lands Service, and local community groups to ensure the RHDV-K5 release was well planned, timed with the nationwide release and locally effective.

CONSIDERATIONS

State investment through the South East Weed Actions Program 2015-2020 is based on the goals of the NSW Invasive Species Plan which sets out the goals required to avoid or minimise the threat of invasive species in NSW.

The way in which enforcement is carried out, also aligns with the NSW Biosecurity Act 2015, which will re-categorise and prioritise weeds and their control measures across NSW, thus reshaping the way we prioritise weed inspections, control and the community's expectations for the management of widespread weeds.

PSR17/047 2016-17 INVASIVE SPECIES STATUS REPORT

E80.2982

NSW Invasive Species Plan 2015-2022

The Invasive Species Plan provides land managers in NSW with a framework upon which investment programs for weeds and vertebrate pests are developed and funded in a coordinated and strategic manner.

South East Weeds Action Program 2015-2020

Council is currently rolling out a five year State investment program for noxious weeds through this Program. The geographical area aligns with the South East Local Lands Service boundaries, which includes all of the NSW south coast. The Program focuses on goals 1 and 2 of the NSW Invasive Species Plan, which are to prevent the incursion of serious new weeds and to eradicate or contain infestations of new weeds that have recently been discovered. It is targeted towards inspection of private property and the discovery and subsequent eradication of any high priority weeds. The Program will not fund the control of widespread weeds such as Fireweed, African Love Grass or Blackberry, nor will it fund inspection of urban areas. There is also reduced funds anticipated for the Eurobodalla based on the model for the region.

South East Regional Strategic Weeds Management Plan 2017-2022

The plan sets the vision for weed management in the South East for five years from 2017, and outlines strategies and actions to achieve goals that focus on shared responsibility for weed management, sustainable landscapes and collaborative leadership and innovation.

The plan provides the basis for a cooperative and coordinated approach to weed management across the South East region and applies equally to public and private land. It provides guidance for coordinated action to identify, minimise, respond to and manage high risk weeds.

The plan also contains lists of regional priority weeds and how they will be managed in line with the NSW Invasive Species Plan, and with references to control measures under the Biosecurity Act 2015.

NSW Biosecurity Act 2015

The Biosecurity Act 2015 has now replaced the Noxious Weeds Act 1993.

The regulations, policies and procedures that will underpin the Biosecurity Act are currently being developed by the NSW Department of Primary Industries. The aim of the new legislation is that biosecurity is to be a shared responsibility between government, industry and the community, who will work together to identify, prevent, eradicate, minimise, respond to and manage biosecurity risks.

The broad objectives for biosecurity in NSW are to manage biosecurity risks from animal and plant pests and diseases, weeds and contaminants by:

- preventing their entry into NSW
- quickly finding, containing and eradicating any new entries and
- effectively minimising the impacts of those pests, diseases, weeds and contaminants that cannot be eradicated through robust management arrangements

PSR17/047 2016-17 INVASIVE SPECIES STATUS REPORT

E80.2982

Legal

In 2016-17, Eurobodalla Shire Council were the authorised administrative body for the *Noxious Weeds Act 1993* which includes the control of declared noxious weeds on its land tenure and the inspection of private properties for the presence of noxious weeds.

In 2017-18, Council will continue to manage invasive plants on Council tenure, and inspect for invasive plants on both private and public properties under the Biosecurity Act 2015.

Council is also obliged to control animal pests on its land tenure including rabbits, pigs and foxes.

Environmental

Invasive species are costly to the Australian economy and primary producers, and cause degradation of our native bushland environment. Weeds are acknowledged as the second most serious cause of biodiversity decline after habitat loss from land clearing.

Invasive animals such as rabbits, foxes and Indian Mynas cause serious harm to biodiversity, agriculture and ratepayers' property.

Asset

Council controls invasive plants and animals across much of its tenure, within budgetary constraints. We work in partnership with other government agencies and land managers where possible, to ensure consistent and efficient usage of resources.

Social Impact

Invasive species impact on agriculture, ecosystem services, tourism and recreation. They can have a physical, aesthetic, financial and social impact on property owners, tourists, recreationists and property managers.

Economic Development Employment Potential

Council's invasive species control program engages local contractors to assist in the delivery of services.

Council's control program also assists in supporting the agricultural sector and minimising impact of weeds on production. Similarly, the program assists in maintaining our local environmental assets which underpin the tourism industry and amenity which our residents and visitors enjoy.

Financial

The Department of Primary Industries provides grant funding assistance for coordination and inspections through the Weed Action Program. Various funding programs greatly contributed to the control of weeds and vertebrate pests. Crown Lands who fund numerous weed and rabbit control programs on their tenure, Local Lands Services who fund weed and rabbit control in natural areas and wetlands, and the Australian Government who have contributed significantly to the control of weeds on private property such as Boneseed and Lantana.

Table 3: 2016-17 Financial Breakdown

PSR17/047 2016-17 INVASIVE SPECIES STATUS REPORT

E80.2982

(A) Revenue	\$118,975.65
<ul style="list-style-type: none"> • South East Weeds Action Program funds • Other external funds (grants) 	<ul style="list-style-type: none"> • \$70,590.00 • \$48,385.65
(B) ESC/SEWAP expenditure	\$ 206,718.84
<ul style="list-style-type: none"> • Council/Weed Action Program 	<ul style="list-style-type: none"> - ESC vertebrate pests: \$10,642.46 - ESC weeds: \$132,136.57 - SEWAP weeds: \$70,590.00
(C) Other external funds expenditure *	\$113,867.24
TOTAL EXPENDITURE 2016-17 (B + C)	\$320,586.08

* consists of multi-year grant funded programs that have carried over from previous years

Council will continue to investigate grant opportunities to aid in the delivery of invasive species services.

Community Engagement

Events and extension services are conducted to ensure the community is aware of our activities and to foster a greater level of support and engagement in invasive species control. Council frequently respond to enquiries about invasive species control, plant identification and land management advice.

CONCLUSION

Invasive plants and animals continue to significantly impact upon ratepayers, biodiversity and agriculture in the Eurobodalla Shire. Eurobodalla Shire Council managed its requirements as the Local Control Authority for the *Noxious Weeds Act 1993* in 2016-17, and has delivered a high level of expertise and input into local and regional invasive species management.

Any changes to the weed region, the South East Weeds Action Program 2015-2020, reduction in state funds and implementation of the Biosecurity Act 2015, will be reported to Council as required.

PSR17/048 2016-17 NATURAL RESOURCE MANAGEMENT STATUS REPORT

E05.9165

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

Attachments: 1. Landcare Group Hours
2. Active NRM Projects

Focus Area: Sustainable Communities

Delivery Program Link: S4.4 Encourage and support community sustainability and environmental projects

Operational Plan Link: S4.4.1 Provide environmental and sustainability advice and education

EXECUTIVE SUMMARY

This report provides the annual update on Council's Natural Resource Management (NRM) Program for the period July 2016 to June 2017. Included are updates on the Coast and Estuary Program, Eurobodalla Landcare, Green Army and Biodiversity Education.

Six new NRM projects have commenced and others have continued from previous years. There are 19 current NRM projects with a combined project value of over \$2.48 million. During 2016-17 Council contributed \$90 000 to NRM programs. These programs have been supported this year by the Green Army who are undertaking training and work experience on Council environmental projects.

Projects are predominately grant funded with Council providing some matching funds to the Coast and Estuary and the Landcare program which assists volunteers who are working on environmental projects on public lands.

The projects are strategic and aligned with Council plans and directions, along with support of volunteers and landholders. Volunteers have committed 10,130 hours to NRM during 2016-17 which equates to nearly \$303,900 of in-kind conservation activities. The majority of efforts were spent on weed control and feral animal (Indian Myna birds) control activities across our Shire.

RECOMMENDATION

THAT Council:

1. Receive and note the 2016-17 Natural Resource Management Status Report.
2. Thank Landcare volunteers for their contribution.

BACKGROUND

NRM operates in a diverse range of areas. Projects and activities are undertaken to:

- protect Eurobodalla's estuaries and coasts
- improve biodiversity
- provide flora and fauna connectivity

PSR17/048 2016-17 NATURAL RESOURCE MANAGEMENT STATUS REPORT

E05.9165

- protect and enhance bushland and Endangered Ecological Communities (EECs)
- restore riparian land and waterways
- control erosion
- reduce the impacts and spread of invasive plants and animals
- involve the community and land managers in environmental works and education.

A range of government organisations and community groups are engaged to develop and implement partnership projects. Works occur across all land tenure to enable landscape scale environmental outcomes.

Projects are developed and prioritised based on the environmental outcomes that are supported by various Council plans and processes, funding body objectives and community support.

CONSIDERATIONS

In March 2017, the Eurobodalla Landcare Network became incorporated, allowing the network to operate autonomously from council. Council will continue to provide support to the Network in the form of financial management of grants, provision of employment services for Landcare officers and insurance coverage of approved works.

The Australian government's Green Army program has been a valuable source of labour for NRM projects over the past three years. From September 2017 the program will no longer be continuing. The cessation of the program will be a significant loss for community and council NRM programs with their works having supported Council, Landcare, Eurobodalla Regional Botanic Gardens and National Parks and Wildlife Service. In addition, the youth employment opportunities will be reduced.

Eurobodalla Landcare groups seek endorsement from Council for new projects where they are on Council managed lands or the project is supported by Council on private lands. These are reported to Council for approval as required.

Environmental project works on private property are voluntary and at the request of the land owner/manager. Where grant funds are expended on private lands, management agreements are entered into to ensure the works are maintained into the future.

Legal

Under the *Local Government Act 1993*, as part of the guiding principles Council should consider the principles of ecologically sustainable development.

Council works with OEHL to ensure projects also align with State priorities and legislation.

Environmental

The following summarises each of the major NRM programs, including Landcare, Coast and Estuary, Green Army and Biodiversity Education for the 2016-17 period:

1. Eurobodalla Landcare

During this period, there were 27 Landcare groups volunteering in Eurobodalla, consisting of over 2,000 individuals who participated in Landcare projects, activities or initiatives supported

PSR17/048 2016-17 NATURAL RESOURCE MANAGEMENT STATUS REPORT

E05.9165

by Council. Over 90% of Landcare activities occur on Council owned or managed land. The remaining work is conducted on Crown land or private properties.

Together the groups is a 'network' of groups under the Eurobodalla Landcare Network. Council is assisting the Network to investigate opportunities to improve autonomy and their self-sufficiency.

During 2016/17 Landcare participants have recorded 10,130 volunteer hours on landcare activities. The volunteer works are valued at \$303,900 (based on the \$30/hour, the Australian Government value for volunteer labour) which is a conservative estimate.

The main on-ground activities were weed control and reducing the impacts of noxious and environmental weeds on native vegetation in reserves and 2,800 hours to the Indian Myna control program.

To assist volunteers with their work efforts, Council also supported and administered grant funded Landcare projects. See project details in Table 1.

2. Coast and Estuary Program

This program implements recommendations from Council's five Estuary Management Plans or the updated Coastal Zone Management Plans (Clyde, Tomaga, Moruya, Tuross/Coila and Wagonga). These plans are prepared by Council in consultation with the community and financial support of the NSW Government. The objective of the plans is to identify and prioritise key environmental works required to maintain the health of the region's main estuaries.

Estuarine conservation works have been undertaken throughout 436 hectares of Endangered Ecological Communities and high value estuarine areas across Eurobodalla. Works have included weed control and revegetation, community education and engagement, erosion control and river bank stabilisation.

Grant funding has been supplied by NSW Office of Environment and Heritage, South East Local Land Services and NSW Environmental Trust totalling \$351 000 being implemented over various periods from one to five years. See Table 1 for more details.

Coast and Estuary projects are often supported by Landcare volunteers and landholders of adjoining properties where the project is in their area.

3. Green Army

The Australian Government Green Army program commenced in April 2015 and engages teams of nine young people aged 17 – 24 in training and hands on work experience, for environmental projects over a six month period. The team is supervised by an additional appointed Team Leader.

The Eurobodalla Green Army teams work on NRM projects with Council, the Eurobodalla Regional Botanic Gardens, Eurobodalla Landcare and National Parks and Wildlife. The range of work includes weed control, revegetation, erosion control, mangrove planting and track construction supporting works into areas where funding has not been available.

PSR17/048 2016-17 NATURAL RESOURCE MANAGEMENT STATUS REPORT

E05.9165

Since April 2015, Council has supported six Green Army teams. Due to changes in Federal Government funding arrangements, this program will cease in the Eurobodalla as of September 2017.

This Green Army contribution is valued at \$189,000 per team (\$1,134,000). Council provides in-kind support and no financial contribution.

The cessation of this resource in September 2017 will be a significant loss in available resources and support for environmental works supporting Council, Landcare, Eurobodalla Regional Botanic Gardens and National Parks and Wildlife Service.

4. Environmental Education

Communication and education programs are conducted with the community, to help people to manage and appreciate the natural environment, and to encourage water and waste wise practices. A wide range of educational activities were conducted in 2016-17 including:

Biodiversity

- workshops held at the Botanic Gardens for families on how to increase biodiversity in their own backyard
- biodiversity and botany education for all 11 primary schools
- *Art on the Path* events (3) to raise awareness of sustainable practices in the Eurobodalla and to show the community ways that they can become an environmental volunteer
- coastal management, biodiversity and threatened ecosystem education for all of the schools in Eurobodalla
- weed swap events which encourages residents to bring environmental weeds from their garden and swap for free native plants providing invasive and native species identification and techniques for weed control
- garden audits where a Natural Resource Officer visits a property to provide advice on the occurrence of native and introduced plant species. Advice is provided on the appropriate weed control technique and suggestions of suitable replacement plants that are Bush Friendly and Water-wise.
- the annual environmental calendar with artwork from each primary school

Waste

- information and training sessions to schools and community on how to get involved in the Eurobodalla marine debris working group
- *What's under the Wharf* held on two days and Mossy Point meet and greet
- Eurobodalla volunteers conducted 78 marine debris clean-ups school groups and community groups
- introduced the '*I'm part of the solution*' program to schools
- *Plastic Free July* 2016 events at Council and with the SAGE community – reducing the use of single use plastics
- a *Waste Wise* education program included numerous visits to schools and pre-schools, recycling guide and home composting workshops
- education relating to single use items eg plastic bags, straws and disposable coffee cups
- education about helium balloon release ban

PSR17/048 2016-17 NATURAL RESOURCE MANAGEMENT STATUS REPORT

E05.9165

- container Deposit Scheme monitoring at eight estuary locations.

Water

- five new water refill stations were installed in Batemans Bay, Broulee, Malua Bay, North Narooma and Tuross. The *Tap Water Please* campaign continued.
- a *Water Wise* Education Program included numerous visits to schools, school excursions to treatment plants, water audits, community stalls, water bill information inserts

5. New Initiative

Eurobodalla CatBib Program

Council is implementing a proactive program to reduce domestic cats hunting native animals. This program supports cat owners to minimise the impacts that domestic cat hunting has on the local wildlife. The wearing of a CatBib also decreases cat fighting and injuries from this activity, reduces cats from wandering long distances from home and therefore lessens the likelihood of a cat crossing a road and getting hit by a vehicle.

Murdoch University Research has scientifically proven that CatBibs work to stop over 80% of cats from catching birds and reduce small animal hunting by almost half. The CatBib acts as a barrier between the cat and its prey. When the cat pounces, the bib gets in the way which allows the split second needed for escape. It also serves as a brightly coloured visual warning as the cat creeps up on its victim.

Council is offering a free CatBib to all cat owners who have a microchipped and registered cat(s) in eligible areas.

Social Impact

The projects have a strong emphasis on community engagement and education, providing a range of opportunities for community participation.

The NRM program builds the capacity of private landholders to recognise, maintain and improve their properties' natural assets and to sustainably managing their land for enhanced agricultural productivity and environmental benefits

Volunteerism in Landcare and other environmental activities, provides a positive social impact giving the community the opportunity to undertake a range of beneficial works, provide input into the management of bushland, understand the environment they live in, undertake physical activity and includes social interactions.

Economic Development Employment Potential

Many NRM projects utilise local businesses to assist with implementation such as: bush regenerators, fencing contractors, local produce and hardware stores, earthwork machinery operators, installation of solar off-stream watering systems, printers to produce brochures and caterers for community training events. Projects also involve engagement of local indigenous teams through the appropriate Local Aboriginal Land Council.

PSR17/048 2016-17 NATURAL RESOURCE MANAGEMENT STATUS REPORT

E05.9165

Since April 2015, forty eight local young people have been engaged through six Green Army projects. The Green Army program has provided on the job training, formal education and six months of work experience in priority environmental works.

Financial

Landcare- Council contributed \$30,000 to support Landcare volunteers and projects which it utilised to partially match external grant funds, purchase consumables, tools and equipment, engage contractors to work in the more difficult high priority sites and support Landcare works where there is no external funding.

Coast and Estuary – Council contributed \$60 000 as required to match the grant of \$120,000 from NSW Office of Environment and Heritage, Estuary Management Program. The remaining matching amount of \$60,000 was made up of contributions at Coast and Estuary project sites from other Council programs eg invasive species, fire mitigation, maintenance.

This Council contribution of \$90,000 to on-ground NRM projects produced a total project value of over \$2.48 million. The delivery of the projects ranges from twelve months to five years.

The total project amount largely consists of external grant funds as well as Council, volunteers and landholders 'matching' funds through in-kind contributions.

PSR17/048 2016-17 NATURAL RESOURCE MANAGEMENT STATUS REPORT

E05.9165

Funding for NRM Projects 2016-2017 (Table 1)

Program/Project Name	Project Amt.	Grant	ESC contribution	Start	End
Coast and Estuary					
Weed control along the upper Moruya River	\$50,000	\$50,000		9/06/2017	30/06/2018
Lewis Island stabilisation	\$42,380	\$12,000		9/06/2017	30/06/2018
Eurobodalla's Estuaries 2016	\$240,000	\$120,000	\$60,000	1/03/2016	30/06/2017
Removing threats and improving resilience of Eurobodalla dunes	\$216,281	\$99,981	\$3,000	1/08/2015	31/07/2018
Clyde River LLS Wetland project	\$56,692	\$27,120		1/06/2015	30/06/2017
Tomaga LLS Wetland project	\$57,179	\$23,525		1/06/2015	30/06/2017
Dalmeny LLS Wetlands project	\$44,270	\$19,320		1/06/2015	30/06/2017
	\$706,802	\$351,946			
Landcare					
Stage 2 LLS Wetland Deua River	\$15,224	\$15,224		3/10/2016	30/06/2017
Landcare equipment upgrade	\$5,000	\$5,000		1/07/2016	31/12/2016
Protect and enhance 100 hectares of EECs, 13 Landcare groups	\$288,650	\$150,000		30/06/2016	30/06/2018
Protecting our Warty Zieria - Zieria tuberculata protection project	\$212,776	\$98,854		25/05/2016	31/12/2019
Local Landcare Support in the SE Region (Landcare Coordinator)	\$150,000	\$150,000		1/01/2016	30/06/2019
LLS weed control - Deua property	\$22,465	\$9,860		1/06/2015	1/06/2016
Eurobodalla Bush Heritage - then and now	\$33,900	\$20,000		2/02/2015	29/07/2016
Controlling the Environmental Weed Threats to Eurobodalla's EEC's	\$177,300	\$99,400	\$3,000	1/08/2014	1/08/2015
Long Beach coastal Wattle Project	\$86,292	\$52,692		6/09/2013	31/08/2016
Deua River Riparian Restoration Project	\$223,993	\$223,993		1/09/2012	31/07/2018
General Landcare Support			\$23,000	1/7/2016	30/6/2017
	\$1,215,600	\$825,023			
Green Army					
Green Army 2017 (Flying fox project)	\$189,000			5/04/2017	29/09/2017
Green Army 2016/17 (two teams)	\$378,000			1/09/2016	30/09/2017
	\$567,000	\$0			
Total NRM Projects	\$2,489,402	\$1,176,969	\$90,000		

Community Engagement

Project development and submissions are undertaken with the affected landholders, land managers and volunteers involved in the deliverables. All project works on private lands are on a voluntary basis and are conducted with the consent and involvement of the landowner.

New project applications and allocated grants are outlined in councillors' newsletters.

The broader community is informed of project works by newspaper, radio, letter or in person dependent on the nature of the works program and the community interaction required at each locality.

PSR17/048 2016-17 NATURAL RESOURCE MANAGEMENT STATUS REPORT

E05.9165

A range of community education events allow staff to consult on projects and to engage the community and landholders such as plant swaps, garden audits, school holiday activities at the Eurobodalla Regional Botanic Gardens, Marine Park tours, marine debris cleanup days, school planting days and excursions to bushland reserves.

In addition the introduction of 'door knocking' to meet face to face with residents adjoining bushland reserves to discuss projects has proven worthwhile. Residents obtain advice and can then implement recommendations on managing environmental weeds and suitable replacements.

CONCLUSION

Council managed natural areas are a highly valued community asset and for Council to fulfil both legal responsibilities and meet community aspirations, these areas require appropriate management and conservation for the usage of the whole community.

In 2016-17 Council was successful in continuing the implementation of \$1.17 million in NRM grants with a total of over \$2.48 million worth of works delivered.

The contribution of volunteers is substantial and vital to the continued delivery of NRM projects.

Project Name	Project Value	Grant Amount	Council \$ Contribute/Start Date	Estimated F
Protecting our Warty Zieria - Zieria tuberculata protection project	\$ 212,776.00	\$ 98,854.00	\$ 3,000.00	Jun-16 Dec-19
Local Landcare Support in the South East Region	\$ 150,000.00	\$ 150,000.00		Jan-16 Jun-19
Protect and enhance 100 hectares of EECs with 13 Landcare groups	\$ 288,650.00	\$ 150,000.00	\$ 3,000.00	Jun-16 Jun-18
Green Army 2016/17	\$ 388,000.00			Sep-16 Sep-17
Dalmeny LLS Wetlands project	\$ 44,270.00	\$ 19,320.00		Jun-15 Jun-17
Clyde River LLS Wetland project	\$ 56,692.00	\$ 27,120.00		Jun-15 Jun-17
Tomaga LLS Wetland project	\$ 57,179.00	\$ 23,525.00		Jun-15 Jun-17
Landcare equipment upgrade	\$ 5,000.00	\$ 5,000.00		Jul-16 Dec-16
Eurobodalla's Estuaries 2016	\$ 240,000.00	\$ 120,000.00	\$ 60,000.00	Mar-16 Feb-16
TOTAL	\$ 1,442,567.00	\$ 593,819.00	\$ 66,000.00	

Project Name	Project Value	Grant Amount	Council \$ Contribute/Start Date	Estimated F
Protecting our Warty Zieria - Zieria tuberculata protection project	\$ 212,776.00	\$ 98,854.00	\$ 3,000.00	Jun-16 Dec-19
Local Landcare Support in the South East Region	\$ 150,000.00	\$ 150,000.00		Jan-16 Jun-19
Protect and enhance 100 hectares of EECs with 13 Landcare groups	\$ 288,650.00	\$ 150,000.00	\$ 3,000.00	Jun-16 Jun-18
Green Army 2016/17	\$ 388,000.00			Sep-16 Sep-17
Dalmeny LLS Wetlands project	\$ 44,270.00	\$ 19,320.00		Jun-15 Jun-17
Clyde River LLS Wetland project	\$ 56,692.00	\$ 27,120.00		Jun-15 Jun-17
Tomaga LLS Wetland project	\$ 57,179.00	\$ 23,525.00		Jun-15 Jun-17
Landcare equipment upgrade	\$ 5,000.00	\$ 5,000.00		Jul-16 Dec-16
Eurobodalla's Estuaries 2016	\$ 240,000.00	\$ 120,000.00	\$ 60,000.00	Mar-16 Feb-16
TOTAL	\$ 1,442,567.00	\$ 593,819.00	\$ 66,000.00	

PSR17/049 POLICY ADOPTION - COLLECTION LITTER BINS

E16.0297

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

Attachments: 1. Collection Litter Bins Policy
2. Confidential - Submission

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

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

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

The draft Collection Litter Bins policy has been reviewed and was placed on public exhibition from 31 May until 4 July 2017. During this time, one submission was received, which was in favour of the continuation of the Policy. The submission was in the form of a request for additional litter bins to be provided at Long Beach.

This report recommends adoption of the draft Collection Litter Bins Policy.

RECOMMENDATION

THAT Council adopt the Collection Litter Bins policy.

BACKGROUND

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

A report was presented to the Ordinary Meeting of Council on 23 May 2017, the recommendation of which was:

THAT:

1. *Council endorses the draft Collection Litter Bins policy.*

PSR17/049 POLICY ADOPTION - COLLECTION LITTER BINS

E16.0297

2. *The draft Collection Litter Bins policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.*

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

The draft Policy was placed on public exhibition from 31 May until 4 July 2017 and during this time, one submission was received, which was in the form of a request for additional litter bins to be provided at Long Beach.

Changes

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

CONSIDERATIONS

Litter bins are being installed at Sandy Place, Long Beach to support the newly completed picnic shelter and barbeque area.

Environmental

Providing litter bins assists in avoiding littering of public spaces including parks and reserves, town centres and villages.

Social Impact

Litter bins are located at sports ground, foreshore locations, parks and other areas where the community and tourists gather for recreational purposes.

Community Engagement

The draft Collection Litter Bins policy was placed on public exhibition for a period of no less than 28 days commencing on Wednesday 31 May 2017 until Tuesday 4 July 2017.

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

During the exhibition period, one submission was received, which was in favour of the continuation of the Policy. The submission was in the form of a request for additional litter bins to be provided at Long Beach.

CONCLUSION

The draft Collection Litter Bins policy was publicly exhibited for 28 days. During the exhibition period one submission was received which was in favour of the continuation of the Policy.

The draft Collection Litter Bins policy is presented to Council with a recommendation for adoption of this Policy.



Policy

Policy title	Collection Litter Bins
Responsible manager(s)	Divisional Manager Waste Services
Contact officer(s)	Waste Minimisation Officer
Directorate	Planning and Sustainability Services
Approval date	
Focus area	Liveable Communities
Delivery Program link	Manage and maintain a safe, sustainable and accessible range of community spaces
Operational Plan link	Undertake maintenance program

Purpose

Littering of public places is managed by providing litter bins. Litter bins have been provided at sports grounds, foreshore locations, parks and other areas where the community and tourists alike gather for recreational purposes. In addition free standing litter bins and bins in surrounds have been located in villages and town centres.

Overall there needs to be awareness created throughout the community that the purpose of these facilities is to avoid littering, that unauthorised use imposes additional costs on the community, and that penalties apply. This will involve Council staff in providing waste education and appropriate signage; advice on services available (by Council and/or others) for residents, tourists and businesses; monitoring and policing.

Eurobodalla Shire Council's policy was developed to assist in the disposal of litter.

Policy aims

- Assist decision-makers to exercise discretionary powers in relation to litter bins.
- Ensure transparency, consistency and fairness in the manner in which Council deals with litter bins.
- Ensure compliance with legislative requirements under the Protection of the Environment Operations Act 1997.
- Promote awareness of the requirements of the Act with respect to prevention of littering.
- Take such steps as are appropriate to ensure education, monitoring and policing of appropriate disposal of litter.
- Make Council's policies and requirements for Collection Litter Bins readily accessible and understandable to the public.

Policy details

1	Application This policy applies to litter bin facilities in the Eurobodalla Local Government area.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the Protection of the Environment Operations Act 1997 www.environment.nsw.gov.au/licensing/licencePOEO.htm



Policy

Implementation

Requirements		Responsibility
1	Contract The collection of waste from litter bins is carried out under contract.	Contractor
2	Staff Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.	Council officers
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

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

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

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

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

Performance indicator	Data source(s)
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Definitions

Word/ Acronym/ Phrase	Definition



Policy

Governance

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

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Feb 2009	Council	09/68	E06.0373	Policy adopted – report G09/23
2	22 Sep 2009	Council	09/29 1	E09.3418	Policy reviewed and adopted report G09/99
3	dd mmm 2017	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director Planning and Sustainability Services			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	3

**IR17/050 REQUEST FOR TENDER - BULK CONSTRUCTION MATERIAL SUPPLY
PANEL**

E99.3060

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Confidential Attachment - Bulk Construction Material Supply Panel

Focus Area: Productive Communities

Delivery Program Link: P3.2 Develop, renew and maintain the road network

Operational Plan Link: P3.2.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 2017/ISD083 – Bulk Construction Material Supply Panel and provides a recommendation for the make-up of the proposed supply panel.

RECOMMENDATION

THAT:

1. Council endorses the composition of the proposed supply panel for bulk construction materials, developed in accordance with Request for Tender (RFT) No. 2017/ISD083; and
2. Accordingly approves the entering into of Deeds of Standing Offer with the proposed panel of tenderers, subject to the terms specified in the RFT unless otherwise varied in accordance with this report.

BACKGROUND

Council establishes a biennial bulk construction materials supply panel to ensure compliance with the tendering requirements of Section 55 of the *Local Government Act 1993*. The panel also ensures greater economy of scale and provides a pre-negotiated set of prices and terms for which Council staff can order materials against, without the need for individual, costly quotation processes. The materials list included in the panel proposed in this report is comprised as follows:

- Aggregate
- Clay
- Pavement materials
- Sand
- Topsoil
- Virgin Excavated Natural Material (VENM).

Clay and VENM are new products to be added to the proposed panel.

The current panel expires on 31 August 2017. The proposed panel will commence on 1 September 2017 and expires on 31 August 2019.

**IR17/050 REQUEST FOR TENDER - BULK CONSTRUCTION MATERIAL SUPPLY
PANEL**

E99.3060

RFT No. 2017/ISD083 was advertised in the Sydney Morning Herald (13 June 2017), local newspapers (14 June 2017) and on www.tenderlink.com/eurobodalla (13 June 2017). The closing date for tenders was 5 July 2017.

A summary of the evaluation including each tenderer's scoring will be provided in the confidential attachment to the Council report.

CONSIDERATIONS

List of tenderers noted below:

- Batemans Bay Sand and Gravel
- Cadgee Quarry
- Coastal Concrete and Quarry
- Eurobodalla Quarry
- J & M Beashel
- Narooma Sand Soil and Gravel
- RJ & JE Shepherd
- Schmidt Quarries
- Soilco.

Legal

The RFT was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Section 55 of the *Local Government Act 1993*.

The tender was advertised on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal www.tenderlink.com/eurobodalla).

Prior to the closing date for offers the Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Board (TEB). Declarations of Confidentiality and Interest Forms were completed and signed by the TEB.

Tenders were screened for compliance with mandatory criteria and a set of rankings based on unit price for each material type and geographical area were produced.

**IR17/050 REQUEST FOR TENDER - BULK CONSTRUCTION MATERIAL SUPPLY
PANEL**

E99.3060

Policy

The procurement activity for which this report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2005 and the *Local Government Act 1993*.

Financial

The outcome of the tendering process will result in Deeds of Standing Offer being established with the proposed panellists. Funding for any contracts raised pursuant to the deeds will be made available from within the relevant works project budget or other authorised activity funding source.

Communication

Council will publish the names of the tenderers on the panel and available for use by Council, on its Contract Register: www.esc.nsw.gov.au/inside-council/council/public-access-to-information/contracts

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and Local Government requirements. The proposed panel has been developed, through an extensive evaluation and is consistent with the principles of ethics, fair dealing, efficiency and value for money.

IR17/051 REQUEST FOR TENDER - CONCRETE SUPPLY PANEL

E00.4061

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential Attachment - Concrete Supply Panel

Focus Area: Productive Communities

Delivery Program Link: P3.2 Develop, renew and maintain the road network

Operational Plan Link: P3.2.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 2017/ISD084 – Concrete Supply Panel and provides a recommendation for the make-up of the proposed supply panel.

RECOMMENDATION

THAT:

1. Council endorses the composition of the proposed supply panel for concrete, developed in accordance with Request for Tender (RFT) No. 2017/ISD084; and
2. Accordingly approves the entering into of Deeds of Standing Offer with the proposed panel of tenderers, subject to the terms specified in the RFT unless otherwise varied in accordance with this report.

BACKGROUND

Council establishes a biennial bulk concrete supply panel to ensure compliance with the tendering requirements of Section 55 of the Local Government Act. The panel also ensures greater economy of scale and provides a pre-negotiated set of prices and terms for which Council staff can order concrete against, without the need for individual, costly quotation processes. The materials list included in the panel proposed in this report is comprised as follows:

- Concrete with a compressive strength of 20 Megapascals (MPA)
- Concrete with a compressive strength of 25 MPA
- Kerb and gutter concrete mix
- Sand and cement mix.

The current panel expires on 31 August 2017. The proposed panel will commence on 1 September 2017 and expire on 31 August 2019.

RFT No. 2017/ISD084 was advertised in the Sydney Morning Herald (13 June 2017), local newspapers (14 June 2017) and on website www.tenderlink.com/eurobodalla (13 June 2017). The closing date for tenders was 5 July 2017.

IR17/051 REQUEST FOR TENDER - CONCRETE SUPPLY PANEL

E00.4061

A summary of the evaluation including each tenderer's scoring is provided in the confidential attachment to the Council report.

CONSIDERATIONS

List of tenderers noted below:

- Boral Country Concrete
- Cadgee Quarry Concrete
- Coastal Concrete and Quarry
- Eurobodalla Quarry
- Holcim.

Legal

The RFT was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Section 55 of the *Local Government Act 1993*.

The tender was advertised on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal www.tenderlink.com/eurobodalla.

Prior to the closing date for offers the Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Board (TEB). Declarations of Confidentiality and Interest Forms were completed and signed by the TEB.

Tenders were screened for compliance with mandatory criteria and a set of rankings based on unit price for each material type and geographical area were produced.

Policy

The procurement activity for which this report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2005 and the *Local Government Act 1993*.

Financial

The outcome of the tendering process will result in Deeds of Standing Offer being established with the proposed panellists. Funding for any contracts raised pursuant to the deeds will be made available from within the relevant works project budget or other authorised activity funding source.

Communication

Council will publish the names of the tenderers that are empanelled and available for use by Council, on its Contract Register: www.esc.nsw.gov.au/inside-council/council/public-access-to-information/contracts

IR17/051 REQUEST FOR TENDER - CONCRETE SUPPLY PANEL

E00.4061

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and Local Government requirements. The proposed panel has been developed, through an extensive evaluation and is consistent with the principles of ethics, fair dealing, efficiency and value for money.

IR17/052 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2017-18

E16.0002

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Productive Communities

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

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

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 20 July 2017 were as follows:

- RMS Safe Driver Course
- Bodalla School Bus Stop Interchange – discussion regarding the Committee’s site visit held on 20 July 2017
- Signage and Line-marking – Freycinet Drive Pedestrian Refuge Island, Sunshine Bay
- Signage – No Stopping at the Intersection of Beach Road and Hillview Place, Sunshine Bay
- Signage – No Stopping along George Bass Drive, Catalina
- Special Event Application - Batemans Bay BMX Club regional races.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 9 of 2016-17 held on 15 June 2017 be received and noted.
2. Plan No. U12993 Issue D Sheet 35 detailing the Pedestrian Refuge Island on Freycinet Drive, Sunshine Bay, with minor field modifications to the line-marking to comply with AS1742.10-2009 and RMS TDT 2011/01a, be approved.
3. Council Plan No.5156 Set BB Sheet 05 detailing the No Stopping signage at the intersection of Beach Road and Hillview Place, Sunshine Bay be approved.
4. i) Council Plan No.5156 Set BB Sheet 06 detailing the No Stopping Police Vehicles Excepted signage along the eastern side of George Bass Drive, Catalina from

IR17/052 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2017-18

E16.0002

Joes Creek Bridge for about 400 metres to the south be approved

- ii) the Batemans Bay BMX Club in association with BMX NSW regional races to be conducted on Sunday 20 August 2017, based on the submitted traffic management plan, be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 1 for 2017-18 was held on 20 July 2017 in the Council Committee Room. The meeting was attended by Danielle Brice (representative for the Hon Andrew Constance MP), Kristian Pinochet (Roads and Maritime Services), Senior Constable Scott Britt (NSW Police), Dave Hunter (Traffic Officer and Chairperson), Angie McMillan (Youth Development Officer), Rob Beilharz (Pro-Active Safer Driving) and Matt Cormick (Minute Taker).

APOLOGIES

An apology was received from Councillor Anthony Mayne, who was unable to attend. The Traffic Officer chaired the meeting in his absence.

DEPUTATIONS

Rob Beilharz was welcomed to the meeting to inform the Committee about safer drivers courses his company is proposing to conduct in the Eurobodalla. Rob is the Operations Manager of Pro-Active Safer Driving, which offers learner drivers additional skills and knowledge through both theory and practical driving tuition.

Rob informed the Committee of the company's background and experience, their business model and a summary of what the course involves. This includes that, although there is a fee to undertake the course, there are various subsidies available for disadvantaged people.

The Safer Drivers Course is a state government initiative, undertaken by qualified private companies and overseen by Roads and Maritime Services. Information is available on the link: http://www.rms.nsw.gov.au/geared/your_driving_skills/driving_skills/safer_driving_course.html.

This is the first course to be undertaken in the Eurobodalla. The Committee thanked Rob for the presentation and agreed that it should be a benefit to many learner drivers and will potentially work in well with the Eurobodalla Y Drive (learner driver) program that Council is coordinating.

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 9 for 2016-17 held on Monday 15 June 2017 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

2017.IN.010 Bodalla School Bus Stop Interchange – Discussion regarding the Committee's site visit held on 20 July 2017

IR17/052 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2017-18

E16.0002

The northbound bus stop and associated bus zone on the Princes Highway at Bodalla was installed in 2014 using Transport for NSW, Country Passenger Transport Infrastructure Grant (CPTIG) funds. The bus stop is located south of Eurobodalla Road, adjoining the Rural Fire Service (RFS) premises.

This bus stop acts as an interchange for school buses, with up to 6 buses stopping morning and afternoon to transfer students from areas between Broulee and Tilba. Two local bus companies, Marshalls and Symons, operate the routes.

In April 2017 a No Stopping section was installed within the bus zone to improve sight lines between vehicles and pedestrians.

The Committee then visited the site on 22 May 2017, meeting at around 4pm, and subsequently discussed the site visit at the 15 June 2017 meeting. The details of this discussion were reported to Council to the Ordinary Meeting on 25 July 2017.

A second site visit was undertaken starting at 7.50am on the morning of the 20 July 2017 meeting.

Following is a summary of the observation of the site meeting:

- The northern section of the bus zone has an unsealed side road with 2 driveway entry / exits. Vehicles can adequately park in this area.
- Several vehicles were parked on the side road at the start of the meeting and then 5 buses arrived between about 7.55am and 8.05am.
- Several other vehicles then arrived from Eurobodalla Road to drop off students, using the kerb ramp of the shared path then driving across the grass verge before arriving at the side road to drop off students. This is an illegal manoeuvre.
- Only 1 high school student was dropped off on the eastern side of the Princes Highway, the student then walked unaccompanied across the road to the bus stop.
- The sight lines at the southern side road driveway appeared adequate. This is where the No Stopping section was installed in April 2017 and it was evident this was working well.
- One sight line at the northern side road driveway appeared limited. When a bus is parked immediately adjoining this driveway, vehicles exiting from the side road have very limited sight to other vehicles approaching along the Princes Highway from the south. No vehicles exited out of this driveway during the observation period.
- The side road is also a Driver Reviver location, with the Rural Fire Service building at the southern driveway utilised for catering. There is a blue and white Driver Reviver sign (covered over) on the Princes Highway, directing motorists to the northern driveway.

After all of the buses departed at about 8.15am, the Committee discussed the observations. It was agreed that marking the side road one way, from north to south may improve traffic flow and reduce the risk to drivers and pedestrians.

The following will be incorporated into a concept to be used for consultation:

- The side road will be signed and line-marked to create a single lane entry, south bound configuration.

IR17/052 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2017-18

E16.0002

- Where the shared path meets Eurobodalla Road, bollards will be installed at the pathway. This is to discourage vehicles from accessing the area from north of the side road and encourage drivers to enter at the appropriate driveway.

Recommendation: That a plan to regulate the side road on the Princes Highway Bodalla as one way southbound be prepared and used for public consultation.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2018.RT.001 Signage and Line-marking – Freycinet Drive Pedestrian Refuge Island, Sunshine Bay

Sunshine Bay has a new section of road network which is soon to be open. As part of the construction there is a pedestrian refuge installed on Freycinet Drive. This structure also acts as a traffic calming device to encourage drivers to comply with the 50k/hr speed zone. This is depicted in Plan No. U12993 Issue D Sheet 35.

The signage and line-marking shown on the plan should comply with the standards AS1742.10-2009 and guideline RMS TDT 2011/01a. The line-marking on the centreline approaches requires minor adjustment as the longitudinal lines lead drivers into the island. This should be corrected.

The No Stopping signs are located at an acceptable location. The Refuge Island Ahead signs are located closer to the refuge island than the standard specifies, however due to the proximity of intersections and various driveways, the proposed locations are acceptable.

The Committee reviewed Plan No. U12993 Issue D Sheet 35 detailing the Pedestrian Refuge Island on Freycinet Drive.

Recommendation:

That Plan No. U12993 Issue D Sheet 35 detailing the Pedestrian Refuge Island on Freycinet Drive, Sunshine Bay, with minor field modifications to the line-marking to comply with AS1742.10-2009 and RMS TDT 2011/01a, be approved.

2018.RT.002 Signage and Line-marking – Intersection of Beach Road and Hillview Place, Sunshine Bay

A local resident is concerned that vehicles are parking on Beach Road near the intersection of Hillview Place and this is blocking sightlines to oncoming vehicles.

Beach Road at this location is in a 50k/hr zone. It is desirable to have the prescribed stopping sight distance (SSD) for that speed as the minimum. There is no recorded crash history at this intersection in the last 5 year period.

Installing No Stopping signs (as indicated on the plan) on Beach Road at this location, to achieve the prescribed SSD, will assist in reducing the risk of crashes.

The Committee reviewed Council Plan No.5156 Set BB Sheet 05 detailing the No Stopping signage at the intersection of Beach Road and Hillview Place.

Recommendation:

IR17/052 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2017-18

E16.0002

That Council Plan No.5156 Set BB Sheet 05 detailing the No Stopping signage at the intersection of Beach Road and Hillview Place, Sunshine Bay be approved.

2018.RT.003 Batemans Bay BMX Club and Signage - No Stopping Along George Bass Drive, Catalina

The Batemans Bay BMX Club in association with BMX NSW are holding a regional race on Sunday 20 August 2017.

Various races will be held throughout the day, commencing at 10am and finishing about 2pm. About 450 competitors and 1,200 spectators are expected to attend.

The inaugural event was successfully held last year. It was, however, evident that the overflow parking arrangement did not occur according to the parking plan, with very few vehicles parked at the advertised Corrigans Reserve site. Many vehicles were observed parked along either side of George Bass Drive, south of Calga Crescent. This section of George Bass Drive has a 60km/h limit.

To reduce the risk of crashes, particularly with pedestrians, it is proposed to install No Stopping signs along the eastern side of George Bass Drive, from Joes Creek bridge for about 400 metres to the south (towards Surf Beach).

Council Plan No.5156 Set BB Sheet 06 detailing the No Stopping signage will be presented to the Committee at the meeting.

The NSW Police representative requested that the new signage include a provision to allow police vehicles to undertake high visibility on road operations at this location. These signs should be in place prior to race day.

The Committee reviewed the Traffic Management Plan. The representative for Andrew Constance MP commented that the Traffic Management Plan did not include details for accessible parking. The Traffic Officer will liaise with event organisers to have the parking plan amended as required so that parking for people with disabilities is provided within the event area.

Recommendation:

THAT:

- i) Council Plan No.5156 Set BB Sheet 06 detailing the No Stopping Police Vehicles Excepted signage along the eastern side of George Bass Drive Catalina, from Joes Creek Bridge for about 400 metres to the south be approved.
- ii) the Batemans Bay BMX Club in association with BMX NSW regional races to be conducted on Sunday 20 August 2017, based on the submitted traffic management plan, be approved.

GENERAL BUSINESS

There were no General Business items for discussion.

IR17/052 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2017-18

E16.0002

NEXT MEETING

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

FBD17/057 PROPERTY MATTER - LOT 277 TUROSS BOULEVARDE

15.9272.E

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

Council has previously resolved to sell Lot 277 DP218664 on the corner of Tuross Boulevard and Beach Street, Tuross Head.

During the survey works associated with the sale, a slight encroachment upon Council's Lot 277 from the adjoining Lot 276 was discovered.

Following discussions with the registered proprietors of Lot 276 an agreement was reached, subject to Council approval, that a land swap would rectify the encroachment without loss of area to Council's land to be sold.

The proposed land swap will not affect the sale of Council's land and it can be incorporated in a plan of consolidation required to be registered at the Land and Property Information Office. However, the registered proprietors of Lot 276 should pay their own legal costs associated with the proposed swap.

RECOMMENDATION

THAT :

1. Consent be given to the exchange of part Lot 277 DP 218664 for an equivalent area of Lot 276 DP 218664.
2. Consent be given to affix the Common Seal of Council to the plan of subdivision of Lots 276 and 277 DP 218664 and the adjoining closed part of Tuross Boulevard.
3. The registered proprietors of Lot 276 DP 218664 pay their own legal costs associated with the land swap.

BACKGROUND

Council has previously resolved to sell Lot 277 DP218664 on the corner of Tuross Boulevard and Beach Street, Tuross Head.

During the survey associated with the sale of Lot 277 a slight encroachment from the adjoining Lot 276 was discovered.

CONSIDERATIONS

Following discussions with the registered proprietors of Lot 276 an agreement was approved that a land swap of equal areas could be made which would rectify the encroachment without loss of area to Council's land to be sold.

FBD17/057 PROPERTY MATTER - LOT 277 TUROSS BOULEVARDE

15.9272.E

A plan showing the proposed land swap is below.



Legal

The proposed land swap will require the registration of a plan of subdivision at the Land and Property Information Office. This can be incorporated with the plan associated with part Lot 277.

Asset

Given the equal area swap, approximately 15 m², the value of Council's land to be sold will be unaffected.

Financial

The registered proprietors of Lot 276 should be responsible for their own legal costs associated with the proposed land swap. It is considered reasonable for Council to meet the plan registration costs as there is a need to register a plan associated with part of Lot 277.

Community and Stakeholder Engagement

An onsite meeting was held with the owners of Lot 276 and agreement was achieved with regard to the land swap and the positioning of a building envelope on Lot 277 to mitigate the potential visual impact on them of any new house built. The building envelope will be registered on the property title of Lot 277.

FBD17/057 PROPERTY MATTER - LOT 277 TUROSS BOULEVARDE

15.9272.E

CONCLUSION

The proposed land swap will not affect the sale of Council's land and will alleviate the need for the registered proprietors of Lot 276 DP 218664 to relocate the sail awning post which encroaches on Council's Lot 277 and give extra distance from their rear deck to the land to be sold. The proposed land swap can be incorporated in a plan of consolidation required to be registered at the Land and Property Information Office however the registered proprietors of Lot 276 should pay their own legal costs associated with the proposed swap.

FBD17/058 LICENCE FOR MARKETS - CORRIGANS BEACH RESERVE

91.3166.D

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

Volunteer Marine Rescue NSW has been operating charity markets within Crown Reserve R66122 at Corrigan's Beach, Batehaven on the first Sunday of each month for ten years. The current twelve-month licence to operate the markets expires on 30 November 2017.

Volunteer Marine Rescue NSW has expressed its interest in renewing the licence for use of Crown Reserve R66122 for five years. It has also requested an additional market day on Easter Sunday and additional Sundays in December and January each year.

In line with the provisions of Council's Code of Practice - *Licensing of Council controlled Public Reserves and Associated Buildings*, as no other parties have expressed an interest in that part of the reserve on the first Sunday of each month, it is appropriate the licence application be considered.

Consent to operate the additional markets will require lodgement of a Modification to Development Consent 246/10. Council as Trust Manager for Eurobodalla (North) Reserve Trust can lodge a Modification to Development Consent 246/10 to allow for additional market days.

Public notification of proposed use of Crown land is not required in accordance with the *Crown Lands Act 1989*, however Modification to Development Consent 246/10 will be advertised as part of the approval process.

This report recommends that, subject to Minister's consent and there being no objections during the notification period, a five-year licence be granted to Volunteer Marine Rescue NSW and consent be given to the lodgement of a Modification to the Development Consent to allow additional market days.

RECOMMENDATION

THAT:

1. Subject to the consent of the Minister administering the *Crown Lands Act 1989*, in accordance with Sections 102 and 103 of the *Crown Lands Act 1989* Council as Trust Manager for the Eurobodalla (North) Reserve Trust grant a five-year licence to Volunteer Marine Rescue NSW to conduct charity markets on the first Sunday of each month within Crown Reserve R66122 at Corrigan's Beach, Batehaven with conditions generally in line with existing market licences.
2. Additional market days be permissible subject to consent of the Licensor.

FBD17/058 LICENCE FOR MARKETS - CORRIGANS BEACH RESERVE

91.3166.D

3. The General Manager be given delegated authority to consent to additional market days.
4. Consent be given to Council as Trust Manager of the Eurobodalla (North) Reserve Trust to lodge a Modification to Development Consent 246/10 to operate charity markets within Crown Reserve Crown Reserve R66122 Corrigans Beach, Batehaven to allow additional market days.

BACKGROUND

Volunteer Marine Rescue NSW has been operating charity markets within Corrigans Beach Reserve for ten years on twelve-month temporary licences. The current licence expires on 30 November 2017.

Volunteer Marine Rescue NSW has requested a five-year licence to operate the markets on the first Sunday of each month. It has also requested an additional market day on Easter Sunday and additional Sundays in December and January each year.

The Rotary Club of Batemans Bay Inc has a five-year licence which commenced on 14 March 2016 to operate charity markets at the same location on the third Sunday of each month as well as the Sunday of the October long weekend, with additional days during December and January each year subject to Council's consent.

CONSIDERATIONS

Both Volunteer Marine Rescue NSW and Rotary Club of Batemans Bay Inc have a current licence to hold markets within Crown Reserve R66122 Corrigans Beach, Batehaven on the first and third Sunday of each month respectively. Both organisations have requested additional market days. If a conflict of dates should ever occur, it is considered reasonable that if the parties cannot agree between themselves to date sharing then it will be referred to Council for determination.

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



Crown Reserve R66122 Corrigans Beach Reserve, Batehaven

FBD17/058 LICENCE FOR MARKETS - CORRIGANS BEACH RESERVE

91.3166.D

Legal

Crown Reserve R66122 Corrigans Beach, Batehaven is under the control of the Eurobodalla (North) Reserve Trust for which Council is Trust Manager. Council as Trust Manager cannot grant a licence for use of the reserve for a period greater than twelve months without the consent of the Minister administering the *Crown Lands Act 1989*, in accordance with Sections 102 and 103 of that Act.

www.legislation.nsw.gov.au/#/view/act/1989/6/part5/div5/sec102

www.legislation.nsw.gov.au/#/view/act/1989/6/part5/div5/sec103

Council as Trust Manager for the Eurobodalla (North) Reserve Trust can lodge a Modification to Development Consent within Crown Reserve R66122.

Policy

In line with the provisions of Council's Code of Practice - *Licencing of Council controlled Public Reserves and Associated Buildings*, an EOI was called in February 2017 for parties interested in seeking a licence for periods up to five years to use any Council owned or controlled public reserves. No party expressed an interest in using that part of the reserve on the first Sunday of each month.

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

Subsequent to the EOI, Volunteer Marine Rescue NSW has expressed its interest in renewing the licence for use of Crown Reserve R66122 for five years. It has also requested an additional market day on Easter Sunday and additional Sundays in December and January each year.

As no submissions were received for that part of the reserve on the first Sunday of each month, in accordance with Council's Code of Practice, it is appropriate the licence application be considered.

Asset

A condition of the licence includes the Licensee being responsible for maintaining the reserve in a satisfactory condition.

Social Impact

Sunday markets in Corrigans Beach Reserve provide an attraction and activity for local residents as well as tourists to this area. The markets also provide Volunteer Marine Rescue NSW the opportunity to raise funds on a regular basis to assist in its provision of services to Batemans Bay and surrounding areas.

Financial

A licence fee in accordance with Council's adopted fees and charges for markets within the Shire will apply.

Community and Stakeholder Engagement

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

FBD17/058 LICENCE FOR MARKETS - CORRIGANS BEACH RESERVE

91.3166.D

Council as Trust Manager for Eurobodalla (North) Reserve Trust can lodge a modification to Development Consent 246/10 to allow for additional market days. The proposal to modify the development consent will be advertised as part of the approval process.

CONCLUSION

The continuation of markets at Corrigans Beach Reserve with additional markets during the December and January holiday period is considered worthwhile as an attraction for locals and tourists as well as a regular source of fundraising for Volunteer Marine Rescue NSW.

FBD17/059 LEASE TO WESTPAC LIFE SAVER RESCUE HELICOPTERS

E89.2941

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

Attachments: 1. Confidential- Lease to Westpac Life Saver Rescue Helicopters

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

A three-year lease to Westpac Life Saver Rescue Helicopters (Southern Region) (WLSRH) over Lot 3 DP 1090948 at Moruya Airport expired on 28 February 2017. WLSRH has held a lease to store aircraft and operate a helicopter emergency rescue service out of a Council owned hangar since December 2010.

A request from WLSRH has now been received for a further three-year lease under the same terms and conditions as the current lease.

The WLSRH is a community based not-for-profit organisation providing rescue services to the South Coast communities of NSW. Maintaining a rescue helicopter service at Moruya is extremely beneficial to the Shire and as such it is considered appropriate for Council to support it by granting a three-year lease.

This report recommends a three-year lease be granted to WLSRH to operate the rescue service from Moruya Airport.

RECOMMENDATION

THAT :

1. A lease be granted to Westpac Life Saver Rescue Helicopters (Southern Region) over Lot 3 DP 1090948 for a term of three years commencing 1 March 2017 and terminating 28 February 2020 with an initial rental set out in the Confidential Attachment to Report increasing annually by 3% or CPI whichever is the greater and other conditions in line with the current lease.
2. Consent be given to affix the Common Seal of Council to the lease over Lot 3 DP 1090948.

BACKGROUND

Council's Lot 3 DP 1090948 has been leased by WLSRH to operate out of a Council owned hangar at Moruya Airport since 2010. At its meeting held on 25 February 2014 Council resolved to grant a second lease to WLSRH for a term of three years commencing 1 March 2014 and terminating 28 February 2017 with rent to be reviewed annually in line with CPI.

The current three-year lease over Lot 3 DP 1090948 expired on 28 February 2017. WLSRH has requested a further three-year lease be granted to continue operating the rescue service from Moruya.

FBD17/059 LEASE TO WESTPAC LIFE SAVER RESCUE HELICOPTERS

E89.2941

WLSRH are currently operating in accordance with the holding over clause under the lease on a month to month basis as WLSRH were conducting a full company-wide review prior to committing to a further three-year lease. WLSRH has now confirmed it can proceed with this lease.

CONSIDERATIONS

WLSRH provides a free service with the sole mission of saving lives. Emergency service groups including the NSW Police Force, Fire and Rescue NSW, NSW State Emergency Service, Australian Search and Rescue (AusSAR) and Surf Lifesaving task the aircraft to assist with emergencies throughout the NSW South Coast communities.

The location of the Lease site is shown on the sketch below.



Moruya Airport – Lease site Lot 3 DP 1090948

Legal

The lease site being Lot 3 DP 1090948 is classified as operational land and there is no impediment to granting a further lease. The terms and conditions of the current lease including the provision for the lessee to make available casual aircraft storage are considered acceptable.

Policy

Granting of a lease to WLSRH to operate a helicopter emergency rescue service based at Moruya Airport is in accordance with Council's policy 'Property Use by Community Organisations'.

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Property-Use-by-Community-Organisations-Policy.pdf

Asset

Whilst the income from the lease to WLSRH is less than the potential income from full commercial casual hangarage the advantage of having the service based at Moruya Airport heavily outweighs this potential loss of income.

FBD17/059 LEASE TO WESTPAC LIFE SAVER RESCUE HELICOPTERS

E89.2941

Maintaining a rescue helicopter service based at Moruya Airport is extremely beneficial to the Shire.

Social Impact

The availability of patrols over the South Coast to the Victorian border and to be available for emergency callouts significantly enhances safety and amenity for the local community and visitors to the region.

Financial

The proposed fee for the lease is set out in the Confidential Attachment.

Community Engagement

The Moruya Airport site known as Lot 3 DP 1090948 is classified as operational land and public notice of Council's intention to grant a lease is not required.

CONCLUSION

The three-year lease to Westpac Life Saver Rescue Helicopters (Southern Region) (WLSRH) over Lot 3 DP 1090948 at Moruya Airport expired on 28 February 2017. It has held a lease to store aircraft and operate a helicopter emergency rescue service out of a Council owned hangar since 2010.

WLSRH is a community based not-for-profit organisation providing rescue services to the South Coast communities of New South Wales and as such it is considered appropriate for Council to support this service by granting a three-year lease with terms and conditions in line with the current lease.

**CAR17/026 SPORTING AND RECREATIONAL FACILITIES SEASONAL HIRE
POLICY**

E16.0297

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

Attachments: 1. Sporting and Recreational Facilities Seasonal Hire Policy

Focus Area: Liveable Communities

Delivery Program Link: L1.3 Implement recreation and community development initiatives

Operational Plan Link: L1.3.5 Improve community awareness and usage of recreation facilities

EXECUTIVE SUMMARY

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

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

The draft Sporting and Recreational Facilities Seasonal Hire Policy has been reviewed and was placed on public exhibition. One public submission was received during the exhibition period. As a result of this review and the submission, a number of changes are proposed to this policy.

RECOMMENDATION

THAT Council adopt the Sporting and Recreational Facilities Seasonal Hire Policy, with the following amendments:

- a) The extension of the seasonal hire periods as follows:
Winter season 1 March – 30 September
Summer season 1 September – 31 March.
- b) Where the seasonal hire dates overlap, use of the facility will be negotiated between the relevant clubs, with priority of use allocated to the outgoing seasonal hirer.
- c) The removal of the casual hire fee for pre-season training and for 'finals' for the 2 weeks immediately before and after the seasonal hire period.

**CAR17/026 SPORTING AND RECREATIONAL FACILITIES SEASONAL HIRE
POLICY**

E16.0297

BACKGROUND

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

The purpose of this policy is to allow the users of Council's sporting and recreation facilities to better understand the process guiding the allocation of facilities by clearly identifying:

- Council's requirements from clubs and users;
- responsibilities of the user groups;
- responsibilities of Council; and
- by providing a framework that is equitable and easily administered.

The policy aims to:

- efficiently and effectively use Eurobodalla community resources
- encourage participation in sports and recreational activities by Eurobodalla residents
- minimise potential over-use of ovals with efficient facility allocation and eliminate inappropriate use
- match quality of playing surfaces to level of competition to be played at the ground
- enhance positive user attitudes and responsibility towards facilities
- ensure the provision of a range of quality, accessible recreation and sporting facilities
- ensure Council's policies and requirements for Sporting Facilities Seasonal Hire are readily accessible and understandable to the public.

For both the winter and summer seasons clubs pay a per registered player fee for access to the grounds as a six month 'seasonal' block. The season dates are currently as follows:

- Winter season 1 April – 30 September
- Summer season 1 October – 31 March.

Outside of these seasonal hire periods (generally pre-season training and finals), clubs need to book the fields as a casual hirer, and pay casual hire fees accordingly. In the months either side of the seasonal hire period clubs have negotiated shared use of fields.

For the 2016-17 financial year, five clubs were invoiced for casual use outside of their seasonal hire period. In all five cases they were charged separately for access to the grounds in February and March 2017 (for pre-season training).

Most football clubs (all codes) commence training in mid-February, or early March at the latest. The hockey season commences in mid-March. Cricket clubs begin pre-season training in September.

**CAR17/026 SPORTING AND RECREATIONAL FACILITIES SEASONAL HIRE
POLICY**

E16.0297

CONSIDERATIONS

The draft policy has been reviewed and was placed on public exhibition from 31 May – 23 June 2017. Copies were available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

One submission was received. The submission raised questions about the start and finish dates for our current winter and summer hire seasons, how well these timeframes meet the needs of each sporting code, and the allocation of the casual facility user fee to seasonal hirers outside of the seasonal hire period.

The dates for home and away fixtures are generally set by the peak sports body. Pre-season training and finals are dictated by the timing of a home and away fixture. Therefore clubs have no flexibility as to when they need to access grounds. Our current seasonal hire dates do not correspond with actual need and require modification.

The casual hire fee allocated to clubs for use of grounds prior to and after the seasonal hire period is cost prohibitive, and counterproductive to encouraging more people to become involved in active sport. The clubs are not casual hirers, they are regular hirers who need to access the fields to either ensure they are ready to play competitively, or for their finals.

Policy

As a result of the submission received and the subsequent further review of the draft policy, the following changes are proposed:

Clause 4 Seasonal Allocations

Application for use of Council reserves on a seasonal basis must be submitted prior to the nominated dates, and on the forms provided by Council. Summer reserve allocations close on the first Wednesday of August and winter reserve allocations close on the first Wednesday of February each year. The seasonal hire agreements take effect during the following dates:

Winter season 1 March – 30 September

Summer season 1 September – 31 March

Clause 5 Pre-season training and finals

Pre-season training and finals are not included within the seasonal agreement if they fall outside of the seasonal agreement dates as proposed above.

For finals, clubs (or associations who organise finals) are required to lodge ground use requirements for finals games with Council by close of business on the Tuesday following the last home and away fixture match. If this request has not been lodged by this time, sports ground renovation works or other user groups may be scheduled on the ground.

If the clubs have necessary pre-season requirements outside of the seasonal hire dates, they should contact the Council's booking office to arrange pre-season requirements. No fee will apply for pre-season training for the 2 weeks prior to the start of the seasonal hire period. No fee will apply for finals played within two weeks of the end of the seasonal hire period.

**CAR17/026 SPORTING AND RECREATIONAL FACILITIES SEASONAL HIRE
POLICY**

E16.0297

Where the seasonal hire dates overlap, use of the facility will be negotiated between the relevant clubs, with priority of use allocated to the outgoing seasonal hirer.

Social Impact

The dates for home and away fixtures are generally set by the peak sports body. Pre-season training and finals are dictated by the timing of a home and away fixture. Therefore clubs have no flexibility as to when they need to access grounds. Our current seasonal hire dates do not correspond with actual need and require modification.

These proposed changes will ensure the seasonal hire periods better correspond with the home and away fixtures as set by peak sporting associations, and will ensure that where clubs are required to access grounds beyond the seasonal hire period, they will not incur additional fees.

Financial

The proposed changes will ensure an equitable and consistent approach to seasonal hire fees across all sporting codes, enabling a degree of flexibility and negotiation. This will assist sporting clubs to remain viable financially and regulate administration of the fees by Council and the relevant clubs.

Community and Stakeholder Engagement

We will inform the seasonal hirers of the change in policy through direct email and via the Eurobodalla Sports Forum.

We have consulted with the community by seeking feedback through a 28 day Public Exhibition where the policy was on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre. The consultation period was also announced in the Recreation Matters newsletter, distributed to all sporting clubs. It was also tabled at the June Sports Forum.

CONCLUSION

The proposed amendments will ensure that seasonal hire periods reflect training and home and away fixtures needs of local clubs, reduces administration and helps our clubs to thrive.



POLICY

Policy name	Sporting and Recreational Facilities Seasonal Hire
Responsible manager(s)	Divisional Manager Community and Recreation Development
Contact officer(s)	Coordinator Recreation Development
Directorate	Community, Art and Recreation Services
Approval date	

Purpose

The purpose of the Sporting and Recreational Facilities Seasonal Hire policy is to allow the users of Council's sporting facilities to better understand the process guiding the allocation of facilities by clearly identifying:

- Council's requirements from clubs and users;
- responsibilities of the user groups;
- responsibilities of Council; and
- by providing a framework that is equitable and easily administered.

The policy aims to:

- efficiently and effectively use Eurobodalla community resources
- encourage participation in sports and recreational activities by Eurobodalla residents
- minimise potential over-use of ovals with efficient facility allocation and eliminate inappropriate use
- match quality of playing surfaces to level of competition to be played at the ground
- enhance positive user attitudes and responsibility towards facilities
- ensure the provision of a range of quality, accessible recreation and sporting facilities
- ensure Council's policies and requirements for Sporting Facilities Seasonal Hire are readily accessible and understandable to the public.

Policy statement

1	Application This policy applies to all sporting grounds and facilities owned by Eurobodalla Shire Council or under the control of Council.
2	Terms and Conditions The Sporting and Recreational Facilities Seasonal Hire Policy forms the basis for the terms and conditions of the agreement governing the use of Council facilities. It is important for users to fully read and ensure they understand all sections of the policy. Any breach of one or more of these conditions may, at the discretion of Council, result in the use of the facility being withdrawn.



3	<p>Facility Use</p> <p>Facility allocations are issued to clubs that apply for the use of grounds and/or facilities by completing the application process outlined in this document by the required date.</p> <p>As participation trends change, Council may review the practice of allocating facilities to provide for the efficient use of facilities. Council may require a sharing of facilities but the desire is not to impact on existing users unless clear benefit can be provided through potential relocation or reallocation. Where possible all efforts would be made for clubs to retain the same primary "home ground".</p> <p>While all efforts are made to accommodate requests, where demand exceeds resources, Council may be unable to accommodate all requests.</p>
4	<p>Seasonal Allocations</p> <p>Application for use of Council reserves on a seasonal basis must be submitted prior to the nominated dates, and on the forms provided by Council. Summer reserve allocations close on the first Wednesday of August and winter reserve allocations close on the first Wednesday of February each year. The seasonal hire agreements take effect during the following dates:</p> <p><i>Winter season 1 March – 30 September</i> <i>Summer season 1 September – 31 March.</i></p>
5	<p>Pre-Season Training and Finals</p> <p>Pre-season training and finals are not included within the seasonal agreement if they fall outside of the seasonal agreement dates as proposed above.</p> <p>For finals, clubs (or associations who organise finals) are required to lodge ground use requirements for finals games with Council by COB on the Tuesday following the last home and away season match. If this request has not been lodged by this time, sports ground renovation works or other user groups may be scheduled on the ground.</p> <p>If the clubs have necessary pre-season requirements outside of the seasonal hire dates, they should contact the Council's booking office to arrange pre-season requirements. No fee will apply for pre-season training for the 2 weeks prior to the start of the seasonal hire period. No fee will apply for finals played within two weeks of the end of the seasonal hire period.</p> <p><i>Where the seasonal hire dates overlap, use of the facility will be negotiated between the relevant clubs, with priority of use allocated to the outgoing seasonal hirer.</i></p>
6	<p>Casual Facility Use</p> <p>In addition to sporting clubs use, grounds are frequently used by residents and community groups for purposes of social gatherings, casual sport and festivals and events. Council supports sporting ground use by these groups and will allocate grounds upon request, with consultation with tenant clubs and providing this does not result in overuse of grounds or be of detriment to competition use. Seasonal Hire events will take priority over casual use.</p>



7	<p>School Use of Sports Grounds and Facilities</p> <p>As with community groups and residents, schools within Eurobodalla regularly use sports grounds for school sport, sports days and physical activity. Council supports sports ground use by school groups and will allocate grounds upon request providing this does not result in overuse of grounds or be of detriment to competition use by seasonal users groups.</p> <p>School use will be limited to school hours. Where schools require use of grounds outside of school hours, tenant clubs will be consulted to determine that there is no conflict of use.</p> <p>Applications from schools are required prior to using sporting ovals and facilities.</p>
8	<p>Annual Events that use some Sports Grounds and Facilities</p> <p>Eurobodalla Shire Council allows some grounds and facilities to be used for annual events. Clubs will be made aware when lodging their seasonal hire submission with Council for one of the affected grounds/facilities. In regards to annual events, affected clubs will be notified of any annual event on their ground prior to an agreement being finalised.</p>
9	<p>Insurance</p> <p>Prior to commencing use of Council facilities each season, all clubs are required to provide a Certificate of Currency as stated below.</p> <p>Public Liability Insurance Policy in the name of the Hirer for an amount of not less than twenty million dollars (\$20,000,000) in respect to any one claim or such greater sum as the Hirer may reasonably require. Public Liability insurance must also include the Goods Sold extension (this is to provide cover for food and drink being prepared or supplied on the premises) and an appropriate clause naming Eurobodalla Shire Council and the Minister for Crown Lands as 'interested parties'.</p>

Implementation

Implementation steps		Responsibility
1	<p>Code of Practice</p> <p>This policy will be implemented by following Council's Sporting and Recreational Facilities Seasonal Hire Code of Practice, which specifies in detail the plan, procedures and matters to be considered.</p>	Council Officers
2	<p>Concerns</p> <p>Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.</p>	Council Officers
3	<p>Complaints</p> <p>Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with Council's Complaints Policy.</p>	Public Officer
4	<p>Consultation</p> <p>Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p>	Key Stakeholders



Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when the *Model Code of Conduct for Local Councils in NSW* is reviewed, updated and/ or republished by the OLG; or when council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Sporting Facilities Hire.

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

Performance indicator	Data source(s)
Community Concerns or Complaints	Council Records
Customer Feedback Survey Responses	Surveys

Governance

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

Related legislation and policies

Name	Link
Code of Practice	www.esc.nsw.gov.au

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au/

Change history

Version	Approval date	Approved by	Minute	File No	Change
1	24 Nov 2009	Council	09/291	E09.3418	Policy adopted
2	23 Jul 2013	Council	13/172	E13.7095	Renamed from Active Recreation Seasonal Hire Policy; aims added; Policy Statement expanded
3	10 Sep 2013	Council	13/274	E13.7095	Amended and re-adopted.

Internal use

Responsible manager	Divisional Manager Community and Recreation Development			Approved by	Council
Minute	13/274	Report no	O13/58	Effective date	10 Sep 2013
File No	E13.7095	Review date	TBA	Pages	4

16. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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