



# **AGENDA**

**Ordinary Meeting of Council**

**28 August 2018**



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

**ON TUESDAY 28 AUGUST 2018**

**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 14 August 2018
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)
- 6. MAYORAL REPORTS**  
Nil
- 7. NOTICES OF MOTION**  
NOM18/011 Tuross Grazing Lands ..... 3
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil
- 9. PETITIONS**  
PET18/003 Protect our Heritage Grazing Lands ..... 4
- 10. GENERAL MANAGER'S REPORTS**  
GMR18/017 Audit, Risk and Improvement Committee Annual Report ..... 6

**Page No.**

|            |  |           |
|------------|--|-----------|
| GMR18/018  | 2018-19 Sector Membership .....  | 12        |
| <b>11.</b> | <b>PLANNING AND SUSTAINABILITY REPORTS</b>   |           |
| PSR18/069  | Rural Lands Planning Proposal .....  | 18        |
| PSR18/070  | Biosecurity Act 2015 Weed Control Programs.....  | 50        |
| PSR18/072  | 2017-18 Invasive Species - Status Report .....   | 55        |
| PSR18/073  | 2017-18 Emissions Reduction Plan progress report .....                                 | 60        |
| PSR18/071  | Renewable Energy Options Analysis .....  | 69        |
| <b>12.</b> | <b>INFRASTRUCTURE REPORTS</b>  |           |
| IR18/037   | Outcome of Applications for Funds from the Recreational Fishing<br>Trusts 2018-19..... | 75        |
| IR18/032   | Local Traffic Committee No 2 for 2018-19.....  | 78        |
| <b>13.</b> | <b>CORPORATE AND COMMERCIAL SERVICES REPORTS</b>                                       |           |
| CCS18/038  | Investments made as at 31 July 2018 .....  | 84        |
| CCS18/039  | Property Transaction - Batemans Bay.....   | 87        |
| <b>14.</b> | <b>COMMUNITY, ARTS AND RECREATION REPORTS</b>  |           |
| CAR18/030  | Youth Employment Strategy (YES) Project Funding.....                                   | 89        |
| <b>15.</b> | <b>DELEGATE REPORT</b>   |           |
| <b>16.</b> | <b>URGENT BUSINESS</b>   |           |
| <b>17.</b> | <b>DEALING WITH MATTERS IN CLOSED SESSION .....</b>                                    | <b>91</b> |
| <b>18.</b> | <b>CONFIDENTIAL MATTERS</b>  |           |

**DR CATHERINE DALE**  
**GENERAL MANAGER**

---

**NOM18/011 TUROSS GRAZING LANDS**

E12.6191

Responsible Officer: James Thomson - Councillor

Attachments: Nil

Councillor James Thomson has given notice that at the Ordinary Meeting of Council on 28 August 2018, he will move the following motion.

**MOTION**

THAT a meeting be held between the Mayor, relevant staff and representatives of the Tuross Head Progress Association to discuss the communities concerns and to explore opportunities to further clarify, strengthen and confirm the Council's commitment to the management of the Kyla Park grazing lands.

**BACKGROUND**

There has unfortunately been a significant amount of miss information circulating in the community about the Rural Lands Strategy Planning Proposal, in particular regarding alleged impacts on the management of the Kyla Park grazing lands.

Council at its meeting on the 31 July 2018 considered a response to a question on notice (QON18/005) regarding this matter. The response clearly articulated that the Rural Lands Strategy Planning Proposal was not undermining or reducing the planning controls that apply to the lands but in fact strengthening the protections that apply by removing subdivision potential that currently exists. The heritage listing, plan of management and community land classification that currently provide protection and management framework will all continue to exist. Any member of the community with an interest in this matter should read QON18/005 contained in the agenda of Council meeting held on the 31 July 2018.

In addition to providing the response in Councils business paper there have been media releases that clarify the situation, a meeting with the President of the Tuross Head Progress Association (THPA) and Council staff where the concerns were addressed and a copy of QON18/005 provided, and the THPA have emailed a copy to members.

Despite these efforts to further inform and provide the facts to the community, based on the representations to Council at its meeting on the 14 August 2018 there continues to be concerns expressed about the future management of the Kyla Park grazing lands. Whilst acknowledging that the Rural Lands Strategy Planning Proposal strengthens the protections in place, in an effort to provide greater assurances to the community, I recommend that a meeting be held with the Mayor, relevant staff and representatives of the THPA to discuss the communities concerns and to explore opportunities to further clarify, strengthen and confirm the Councils commitment to the management of these important community lands.

---

## PET18/003 PROTECT OUR HERITAGE GRAZING LANDS

E16.0182

Responsible Officer: Liz Innes - Councillor

Attachments: 1. Under Separate Cover - Confidential - Petition

At the Public Access session on 14 August 2018, the Head Petitioner Mrs Mylene Boulting, on behalf of the Tuross Head Progress Association, lodged a petition titled '*Protect our Heritage Grazing lands*'. The Mayor indicated that it would be presented at the Council meeting on 28 August 2018.

### MOTION

THAT Council consider the petition during debate on the Rural Lands Strategy Planning proposal.

### BACKGROUND

The petition specifically states:

*'We, the below undersigned of Eurobodalla Shire Council, wish to express our objections to Council's proposal to approve the Amended Local Environment Plan 2012 (LEP 2012) as currently drafted. We note the following with concern:*

- *Administrative convenience overrides natural complexity*  
*The inappropriate nature in many instances of changes to zoning, often on a one-size-fits all basis, over a diverse range of lands – as just one example Tuross Head's heritage Grazing Lands from protected E3 to 'open uses' RU1 – provide a clear pathway for changes in types of uses often incompatible with their character and/or configuration.*
- *Diminished Community consultation*  
*The comprehensively expanded list of permissible land uses accompanying the proposed new zoning results in excluding the previous community consultation checks and balances, effectively making Council sole assessor and decider of developments in those lands.*
- *Objections ignored*  
*The strong objections raised by a range of State Government authorities, including RFS (publicly reconfirmed 05 July 2018), NSW Office of Environment and Heritage (reconfirmed 22 June 2018), the NSW Local Lands Services, remain 'on-book' and unaddressed by Council and the Rural Lands Strategy Committee, the local landowner committee set up by Council to drive the Amendments now incorporated into the LEP 2012.*
- *Increased and compromised Fire Risk Management*  
*RFS' strong concerns about the extent and nature of what Council has proposed in the Amended LEP 2012. We draw Council's urgent attention to the substantial financial liabilities to which this potentially exposes Eurobodalla rate-payers, in both individual and class action categories, by failing to fully address those concerns. The main*

---

**PET18/003 PROTECT OUR HERITAGE GRAZING LANDS**

**E16.0182**

*responsibility for discharge of Duty of Public Care has now been explicitly placed upon Council in terms of compliance with the Risk and Safety Audit contained in RDS' formal assessment, in effect a Notice of Warning. This is no small matter.*

*In consequence, we believe that the Amended LEP 2012 must be immediately withdrawn and appropriately redrafted:*

- To properly comply with the technical objections of all the above mentioned authorities*
- To reflect in much more balanced fashion to the wishes of all Shire residents*
- Whilst ensuring that no existing rights or interests will be diminished by extending this process.*

**GENERAL MANAGER'S RESPONSE**

The Rural Lands Planning Proposal will be considered by Council at its meeting on 28 August 2018. These issues have been addressed in council report PSR18/069.

---

**GMR18/017      AUDIT, RISK AND IMPROVEMENT COMMITTEE      E05.9354**  
**ANNUAL REPORT**

Responsible Officer:    Dr Catherine Dale - General Manager

Attachments:            1. Annual Report - Audit, Risk and Improvement Committee

Focus Area:             Innovative and Proactive Leadership

Delivery Program Link: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations

Operational Plan Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

### **EXECUTIVE SUMMARY**

The Audit, Risk and Improvement Committee, a committee of Council, is recommended under the *NSW Premier & Cabinet Internal Audit Guidelines*, to report to the Council, at least annually, on its oversight role of the internal audit function. This report is presented to advise Council on the activities the Audit, Risk and Improvement Committee has been reviewing over the last 12 months.

### **RECOMMENDATION**

THAT the Audit, Risk and Improvement Committee annual report be received and noted.

### **BACKGROUND**

The Audit, Risk and Improvement Committee plays a pivotal role in the governance framework providing Council with independent oversight and monitoring of Council's audit processes, including the internal control activities and achieves its independence by having a majority of independent members external to Council and its operations, being three independent members (one of whom is the Chair) and two Councillors.

As detailed in the Audit, Risk and Improvement Committee Terms of Reference, the members will have a broad range of skills and experience relevant to the operations of Eurobodalla Shire Council and at least one member shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.

### **CONSIDERATIONS**

It is recommended under the *NSW Premier & Cabinet Internal Audit Guidelines* that the Audit, Risk and Improvement Committee report to the Council, at least annually, on its oversight role of the internal audit function.

The Terms of Reference of the Audit, Risk and Improvement Committee, developed under the *Local Government Act 1993, section 23A* are designed to help Council develop and implement internal audit and risk management frameworks that will in turn build community confidence in its managerial performance.



---

**GMR18/017    AUDIT, RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT    E05.9354**

**Financial**

The Audit, Risk and Improvement Committee provides independent assurance to the community that Council's finances are managed transparently and in accordance with legislative requirements. The three independent members provide an extra level of insight from the community.

**CONCLUSION**

The Audit, Risk and Improvement Committee's annual report provided by the Chair, Mr Mark Barraclough is recommended to be received and noted.

AUDIT RISK AND IMPROVEMENT COMMITTEE  
ANNUAL REPORT TO COUNCIL 28 AUGUST 2018

E05.9354

---

## EXECUTIVE SUMMARY

The Audit, Risk and Improvement Committee (ARIC), an advisory committee of Council, is recommended under the *NSW Premier & Cabinet Internal Audit Guidelines* to report to the Council, at least annually, on its oversight role of the internal audit function. This report is presented to advise Council on the activities and matters that the ARIC has been reviewing over the last 12 months.

### Background

The ARIC plays a pivotal role, and has done since 2008 in the governance framework, providing Council with independent oversight and monitoring of Council's audit processes, including the internal control activities.

The ARIC achieves its independence by having a majority of independent members external to Council and its operations. This includes three independent members, myself as the Chair and Ms Sharlene Cohen. The third position has recently been vacated and a suitable replacement is currently being considered. Cllr Anthony Mayne and Cllr Phil Constable represent Council on the ARIC.

The ARIC meets four times a year with extra meetings scheduled as required. A review of documents and financial issues is carried out between scheduled meetings when necessary.

In October 2016 the role of the NSW Audit Office under the *Local Government Amendment (Governance and Planning) Act 2016* (the Act) came into effect. The Act gave the Auditor-General of NSW the mandate to audit NSW local councils from 1 July 2016. To limit unnecessary disruption, the NSW Audit Office contracted many of the existing audit firms to continue working under the oversight of the Auditor-General.

The Auditor-General engaged Pitcher Partners to provide audit and/or assurance services to Eurobodalla Shire Council. Pitcher Partners held the previous tender for Council's external audit services. The Auditor General remains responsible for the audit(s), their performance and for issuing the Independent Auditor's Reports. The Audit Office oversee Pitcher Partners planning and execution of the audits.

As Chair of the ARIC I have reviewed the Client Service Plans that were provided by the NSW Audit Office for the year ending 30 June 2017 and 30 June 2018. The Client Service Plan year ending 30 June 2018 provides important information about the current year's audit and includes a timetable designed to meet the statutory financial reporting requirements.

Ms Karen Taylor, Director, Financial Audit Services of the NSW Audit Office participates in the regular ARIC meetings and the NSW Audit Office is listed as a standard agenda item for each ARIC meeting.

AUDIT RISK AND IMPROVEMENT COMMITTEE  
ANNUAL REPORT TO COUNCIL 28 AUGUST 2018

E05.9354

---

### Considerations

During the past year, the ARIC has reviewed and/or monitored:

- Delivery Program/Operational Plan (DP/OP) – 2017/21, 2018/19
- Audit Office – Client Service Plans – 2017/18, 2018/19
- Draft 2016/17 Financial Statements referred for audit
- Provision of Internal Auditor services. An Expression of Interest (EOI) process was called in 2017 with the successful firm Inconsult being awarded the internal audit contract for the next two years.
- Batemans Bay Beach Resort – monitoring financial and occupancy trends
- Oversight of the Special Rate Variation (SRV) and Fit for the Future (FFF) frameworks (standard agenda items)
- Corporate Business System implementation (standard agenda item). Phase 1 went live successfully in October 2017 with a focus on the critical operations
- Investment Reports (standard agenda item)
- ICAC and other external bodies reports/matter (if any) (standard agenda item)
- Internal audit progress reports (standard agenda items). Best practice audit standards are applied by the internal auditor, Inconsult, in auditing the activities undertaken in the daily operation of Council's financial management and processes. The audits allow the ARIC to review the activities and monitor the implementation of the recommendations provided by Inconsult.

### Internal audits

Three internal audits have been carried out by Inconsult this financial year (2017/18). Development Assessments, e-connect (the name of the Corporate Business System implementation program) and the recently completed Waste Facilities internal audit. Recommendations from the internal audit reports are prioritised, reviewed by the ARIC and Executive Leadership Team (ELT), and implemented by staff. All actions are given a time for completion. Where this cannot be achieved for various reasons, a revised time line is discussed.

Out of the 26 recommendations from the Development Assessment and e-connect internal audits, over half have already been completed by the due date with the remainder listed as progressing and within the agreed due date.

The Internal Audit Plan provided by Inconsult in December 2017 and adopted by the ARIC in March 2018 contains a schedule of proposed future internal audits with a risk rating and priority ranking. However, on occasion the ARIC has requested internal audits be carried out on particular processes. In recent times the ARIC requested an internal audit on the new Corporate Business System, e-connect, the first phase of which went live at the end of October 2017. It was requested an audit be carried out to review if the proposed milestones of the e-connect system would be met and if not, what contingencies were in place.

I am pleased to advise that the audit of the e-connect system highlighted the high standard of methodology and the stringent processes in place, with no high priority actions being noted by the internal auditor.

AUDIT RISK AND IMPROVEMENT COMMITTEE  
ANNUAL REPORT TO COUNCIL 28 AUGUST 2018

E05.9354

---

The next scheduled internal audits to be carried out are on Governance and Capital Works.

The results of the internal audits already carried out provide assurance to the ARIC and to Council that checks and balances are in place across Council's systems, and reinforce the adherence to procedures and policies. The next round of audits will continue to add to that assurance.

**Special Rate Variation**

Updates on the Special Rate Variation (SRV) are reported at each ARIC meeting and it is pleasing to see the construction phase of the projects is almost complete with renewal requirements to be reviewed. Transparency within budgets has recently been reviewed by the ARIC which included a brief on quarterly budget reporting processes. Reviews of this nature provide the ARIC assurance in Council's transparency.

**Risk Management**

Council implemented the Enterprise Risk Management Plan (ERM) in December 2017. The Council in conjunction with the ARIC has set the direction for the management of risk across all service areas operating within the organisation. The management of risk, in conjunction with other management directions, is integral to achieving high standard, sustainable governance and corporate support in the Council's ERM.

**Supply Panels**

Staff have provided the ARIC with a thorough overview of the opportunities for local business/trades people to be signed up to the local/regional pre-qualified relevant panels giving access to work opportunities with Council. The panels include machinery and truck, concrete and bulk material, tree works, trade services, engineering consultancy, bushland management services and legal services. The panel system provides savings in time and administration and the ARIC consider it a fair and equitable way for local tradespeople to access work opportunities with Council.

**Corporate Management System**

As noted above, e-connect is the project to implement the new Corporate Business System supplied by TechnologyOne. The e-connect project manager provides regular updates to the ARIC including progress and an update on risks and the mitigation of those risks. A recent independent audit of the project found that:

*"The time, cost and quality aspects of the project were well managed and there was strong compliance with Council's procurement and financial management policies and procedures."*

Phase 1 went live at the end of October 2017 and the system is being used by all staff with usage issues being addressed. The implementation date for Phase 2 is currently being determined and Phase 3, which is not reliant upon Phase 2, is planned for implementation by 1 July 2019.

AUDIT RISK AND IMPROVEMENT COMMITTEE  
ANNUAL REPORT TO COUNCIL 28 AUGUST 2018

E05.9354

---

The system will ultimately provide wider access to council services for the community and improve business processes and effectiveness for staff enabling continual improvement and service excellence.

**Batemans Bay Beach Resort**

The ARIC is updated regularly on the progress of the Batemans Bay Beach Resort (BBBR) and it has noted that revenue is slowly rising.

Ms Cohen and I recently undertook a tour of the BBBR with the new contractor and I am pleased to advise that we were very impressed with the resort and the proactive attitude of the contractor. Patronage is increasing over time and opportunities to grow the operations will be considered.

**Terms of Reference**

To continue to provide independent oversight and monitoring of council processes and internal control activities the ARIC Terms of Reference (TOR) is regularly reviewed. The next review of the TOR will be carried out this year and a report will be prepared for Council consideration if any changes are recommended.

**Conclusion**

It is considered the presence of the ARIC adds value to Council and strengthens a culture of sound financial governance that is increasingly transparent and accountable.

Each member of the ARIC contributes to the continual improvement of Council from within and represents the community by playing a pivotal role in the management of Council's financial requirements and expectations.

I take this opportunity to thank my fellow members for their continued contribution to the roles they have undertaken, and to thank Christine Quick for her tenure on, and her contribution to the committee.

It is recommended that this annual report tabled by the Audit, Risk and Improvement Committee Chair be received and noted.

Mark Barraclough  
Chair  
ESC Audit, Risk and Improvement Committee

---

**GMR18/018    2018-19 SECTOR MEMBERSHIP**

**E10.4139**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision

Delivery Program Link: 9.1.3 Advocate and collaborate to advance the region and address local issues

Operational Plan Link: 9.1.3.3 Develop and maintain strategic partnerships

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to resolve the membership of its sector organisations.

At its meeting on 31 July 2018, Council noted its membership with the Canberra Region Joint Organisation. Membership of a Joint Organisation provides benefits and opportunities to councils in regional NSW.

Canberra Region Joint Organisation will focus on regional strategic planning, intergovernmental collaboration and regional leadership and advocacy. The Joint Organisation's strategic regional priorities will be set in the context of the strategic plans of its member councils and the NSW Government.

Sector memberships assist Council to work in partnership with organisations to advocate and collaborate to address local and regional issues.

Council is a member of many different sector organisations, these include Local Government NSW (LGNSW), Australian Coastal Councils Association, Australian Local Government Womens Association (ALGWA), Floodplain Management Committee and Country Mayors Association.

In addition, a number of different organisations, within the South East Region, exist in which Council is also a member. These include South East Arts, South East Australian Transport Strategy (SEATS) and South East Sports Academy (SESA).

### **RECOMMENDATION**

THAT Council determine which sector organisations it wishes to remain membership with for 2018-19 and beyond, unless otherwise resolved.

### **BACKGROUND**

At its meeting on 31 July 2018, Council resolved as follows:

*‘THAT:*

1. *Council note its membership of the Canberra Region Joint Organisation.*

---

**GMR18/018 2018-19 SECTOR MEMBERSHIP**

**E10.4139**

2. *Council consider its sector memberships given the role of the Canberra Region Joint Organisation and any outstanding membership fees not be paid until the review is undertaken.'*

At a briefing held on 7 August 2018, Councillors discussed the benefits of its sector memberships. As a result, Councillors considered a further briefing from South East Arts. This briefing was undertaken on 21 August 2018.

**CONSIDERATIONS**

The following information has been taken from relevant organisation websites or information on file:

**Local Government NSW** - LGNSW is the peak organisation that represents the interests of NSW general and special purpose councils.

LGNSW aims to strengthen and protect an effective, democratic system of local government across NSW by supporting and advocating on behalf of member councils and delivering a range of relevant, quality services.

LGNSW achieves this by:

- Actively and persuasively representing the views of local government to the NSW and Australian governments
- Providing effective, responsive and accountable leadership to member councils
- Providing a comprehensive range of high-quality services and policy advice to members
- Increasing the capacity of local government to deliver quality services and meet the needs of local communities across NSW
- Enhancing the profile and building community trust in and awareness of local government.

**Australian Coastal Councils Association** - The Australian Coastal Councils Association Inc. is a national body which represents the interests of coastal councils and their communities. The organisation was previously known as the National Sea Change Taskforce.

The role of the Association is to advocate on behalf of coastal councils. It also commissions research on behalf of councils in coastal areas in relation to a range of coastal issues, including:

- The shortfall in resources to meet increasing demand for infrastructure and services;
- Coastal erosion and the projected impacts of sea level rise;
- The legal risks faced by coastal councils in relation to planning for climate change;
- Proposed changes to arrangements for natural disaster funding, which will shift more of the recovery costs onto the States and local government;
- The impact of tourists and other visitors on coastal communities;
- The continuing impacts of high population growth in peri-urban and regional coastal councils.

---

**GMR18/018 2018-19 SECTOR MEMBERSHIP**

**E10.4139**

The Association is the only body that specifically represents the interests of Australia's coastal councils at a national level in relation to these issues.

*Councillor Thomson is currently the NSW Representative on this Association.*

**Australian Local Government Women's Association (NSW)** - the NSW branch of the Australian Local Government Women's association founded at Canberra, 1951. ALGWA (NSW) is the state's peak representative body for women who are in any way involved or interested in local government. It provides networking opportunities for those interested in encouraging women's participation in Local Government. The events enable all attendees to widen their networks and share their experiences.

**Floodplain Management Australia** - Floodplain Management Australia (FMA) is committed to promoting appropriate development within floodplain areas, and helping reduce the risks of flooding to life and property.

Our Members include over 120 councils, catchment management authorities, businesses, and professionals involved in all aspects of urban and rural floodplain risk management.

We represent our Members' interests at State and Commonwealth government levels, promote public awareness of flood issues, and provide professional development for floodplain managers.

FMA, formerly the Floodplain Management Association, was established in 1961 when four coastal flood mitigation authorities met at the Maitland Town Hall to share ideas and technical solutions to flooding, and to explore avenues for mutual assistance. This role has grown to encompass promotion of the wise management of floodplains, provision of professional development and information sharing opportunities and representation of the interests of Local Government at State and Federal levels.

As well as advocating the benefits of increased investment in flood risk management programs, and more technical support for Local government, FMA has over time increasingly sought to shift floodplain risk planning from being simply the identification of areas where development should not occur to the promotion of a strategic planning approach which proactively guides appropriate development within floodplain areas.

In 2009, in partnership with the NSW Office of Environment and Heritage, we initiated Australia's only industry based flood risk management course tailored to the needs of technical and land use planning staff, and elected council representatives. The program is conducted by the University of Technology-Sydney, and participants regularly include practitioners from outside New South Wales.

More recently FMA has developed a significant national presence, participating in initiatives such as the National Floods Forum, National Flood Risk Advisory Group, the National Workshop on Temporary Flood Barriers, and the Planning Institute of Australia's Post Disaster Flood Planning Seminars held in Queensland and New South Wales.

*Councillor Thomson is currently Council's representative on the Floodplain Management Committee.*

**Country Mayors Association** – A peak body representing Country Councils in NSW. The Country Mayors Association meet bi-monthly in Sydney. The meetings usually have



---

**GMR18/018 2018-19 SECTOR MEMBERSHIP**

**E10.4139**

representation from the NSW Parliament and other major organisations and advocate on issues affecting Country NSW.

**South East Arts** - South East Arts (SEArts) is the regional development organisation for arts and culture in the Bega Valley, Eurobodalla and Snowy Monaro. We actively assist the ongoing development of, and participation in, arts and culture throughout the South East region of New South Wales. South East Arts is also supported by the NSW Government through Create NSW.

*Councillor Lindsay Brown is the current representative on this Committee.*

**South East Australian Transport Strategy (SEATS)** - The South East Australian Region embraces south-east NSW, eastern Victoria and the Australian Capital Territory and is bounded by the Hume Highway corridor between Sydney and Melbourne and the coastal strip between Wollongong and Westernport Bay.

It is a large Region of over one and a half million people and one of the fastest growing regions in Australia. It is rich in primary resources, has a skilled workforce, wonderful natural assets and has huge potential which opportunities for improvements to transport infrastructure would provide.

Inadequate transport infrastructure has been identified as a major impediment to the growth and prosperity of this important Region. In response the SEATS partnership has developed the Transport Network Strategy which collectively identifies a number of Priority Projects that go beyond the boundaries of individual local councils and benefit the entire region and beyond. The attraction of investment in these transport and infrastructure projects through strong advocacy will significantly improve the efficiency of the transport network across the region, support sustainable growth, boost the economic competitiveness, improve employment prospects and enhance communities through improved, safer access to vital health, education, sport and recreational, government agencies and business services.

This is the simple vision of SEATS, an effective integrated transport network that stimulates economic growth that is sustainable and sensitive to the environment and enhances communities. To support this vision SEATS has developed a number of principles to guide its work and has encouraged all levels of Government to consider them when planning for the future.

These include:

- Promote economic and employment opportunities through a regionally based approach to transport needs.
- Integrate freight network plans and land use planning.
- Maintain and improve existing and future business productivity, efficiency and viability.
- Strategic planning is network based.
- The transport strategy integrates all transport modes and intermodal facilities.
- Strategic priorities are based on area wide needs and economic outcomes.

---

**GMR18/018 2018-19 SECTOR MEMBERSHIP**

**E10.4139**

- Freight network planning recognises the importance of the environment and climate change impacts.
- Planning for freight infrastructure needs to be on a short, medium and long term basis.
- Longer term plans need to ensure that suitable transport corridors are set aside and maintained.
- Network strategic planning recognises local, State. Federal and Industry policies and strategies.
- Network strategic planning recognises cross border issues and reflects influences from outside the SEATS region that impact on the region.
- That tourism is considered in the freight planning in order to provide greater safety for all users.
- Projects and priorities are supported and promoted by SEATS members.

*Councillor Anthony Mayne is the current representative on this Committee.*

**South East Sports Academy (SESA)** - is a regional academy of sport in NSW that is being administered by the Office of Sport.

SESA will provide development opportunities for talented athletes and coaches in the South East area of NSW with the boundaries aligned with the Canberra Region Joint Organisation of Councils.

There are 11 regional academies of sport in NSW. Regional Academies of Sport provide opportunities for talented young athletes to develop both on and off the field in their home environment.

SESA sport programs will be aligned to National Sport Organisation pathways, endorsed by the relevant State Sporting Organisation. Athletes will be provided with holistic programs that include technical and skill development, physical preparation and personal development components.

SESA programs will reflect latest research on identification and development of athletes and utilise available platforms.

SESA will develop coaches throughout the area in recognition of their importance to the overall development of sport across the region.

*Councillor Lindsay Brown is the current representative on this committee.*

---

## Financial

Following is a breakdown of the cost/year for each sector membership:

| Organisation   | Annual Amount |
|--|---------------|
| LGNSW  | \$51,028.67   |
| Australian Coastal Councils                            | \$2,585.68    |
| Australian Local Government Womens Association (ALGWA) | \$250.00      |
| Floodplain Management Committee                        | \$1,750.00    |
| Country Mayors Association                             | \$750.00      |
| South East Arts  | \$12,130.00   |
| South East Australian Transport Strategy               | \$4,536.36    |
| South East Sports Academy*                             | \$14,893.60   |

\*Have not paid membership fees since 2014-15 due to restructure of organisation.

## CONCLUSION

Council is a member of many different sector organisations. Sector memberships assist Council to work in partnership with organisations to advocate and collaborate to advance the region and address local issues. Council will need to determine which sector organisations it wishes to remain as financial members.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

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

Attachments: 1. Under Separate Cover - Amended Planning Proposals Vol I and Vol II  
2. Under Separate Cover - State agencies submissions and responses  
3. Under Separate Cover - Community groups submissions and responses  
4. Under Separate Cover - Proforma submissions and responses  
5. Under Separate Cover - Individual submissions and responses

Outcome: Responsible and Balanced Development

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

Delivery Program Link: 6.1.1 Investigate and communicate planning opportunities and impacts

Operational Plan Link: 6.1.1.1 Review housing and land supply

**EXECUTIVE SUMMARY**

In February 2016, Council adopted a Rural Lands Strategy (Strategy) that made recommendations for changes to the *Eurobodalla Local Environmental Plan 2012* (ELEP 2012). The Strategy was adopted following four years consideration of the full range of economic, social and environmental issues relevant to rural lands in Eurobodalla.

Significant community engagement was undertaken at a number of key stages throughout the development of the Strategy, including public exhibition of a Rural Lands Issues Paper, workshops on the development of Policy Directions and the public exhibition of a Policy Directions Paper, and the public exhibition of a Draft Rural Lands Strategy.

Following the adoption of the Strategy in 2016, Council commenced the preparation of a planning proposal to implement the recommendations of the Strategy in relation to the ELEP 2012. Further consultation with the NSW Office of Environment and Heritage and also the NSW Rural Fire Service (RFS) was undertaken in the drafting of the planning proposal.

Council endorsed a planning proposal for the purpose of seeking a Gateway Determination to enable public exhibition on 12 July 2016. The principal effect of the planning proposal is to provide a zone under the ELEP 2012 for all land that is currently deferred from the ELEP 2012. This will result in all land in Eurobodalla being included within the ELEP 2012, enabling the repeal of the Rural LEP 1987.

In applying zoning to the deferred land, a key outcome was to achieve a zoning that is most consistent with the current zoning of the land under the Rural LEP 1987, much of which is Rural 1(a) or 1(a1). The most appropriate equivalent zone under the ELEP 2012 for these lands, is RU1 Primary Production.

Another key outcome of the planning proposal is to apply more appropriate minimum lot size standards to rural land. A landscape approach was applied in the Strategy whereby the predominant existing lot sizes in each area, along with the agricultural and environmental characteristics of each area, were considered. The result was a modest increase in potential

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

subdivision and dwellings facilitated by the planning proposal (eg, a 2% increase in the number of lots in existing and proposed RU1 areas).

The NSW Minister for Planning issued a Gateway Determination on 31 October 2016 and on 10 April 2018, the Department of Planning gave final approval for the planning proposal to be placed on public exhibition.

Public exhibition commenced on 9 May 2018 for a period of 28 days in accordance with the requirements of the Gateway Determination. Council resolved on 22 May 2018 to extend the public exhibition period for a further two weeks to 22 June 2018.

A total of 488 submissions were received during the exhibition period and 62 late submissions were also received. Of these, 261 submissions were in the form of pro-forma submissions. All 550 submissions have been considered and the issues raised are addressed in this report. The submissions summary and responses are included as an attachment to this report.

The purpose of this report is to outline and consider the issues raised in submissions and to identify any proposed changes to the planning proposal.

Based on the assessment of the issues raised in the submissions, it is recommended that Council endorse an amended planning proposal and forward it to the Minister for Planning to make the amendments to the ELEP 2012. Council did not seek delegations to make the amendments to the ELEP 2012 in this planning proposal.

Included with this report are the following attachments:

- Attachment 1 – Amended Planning Proposal (Volumes 1 and 2)
- Attachment 2 – State Agency Submissions and Responses
- Attachment 3 – Community Group Submissions and Responses
- Attachment 4 – Pro-forma Submissions and Responses
- Attachment 5 – Individual Submissions and Responses.

The most common issues raised in submissions, including the pro-forma submissions, are concerns about the potential environmental impacts of the planning proposal. These concerns are considered to be unfounded for the following reasons:

- The planning proposal will not result in significant and widespread clearing of native vegetation. The planning proposal facilitates modest additional development and not all development facilitated will require the clearing of native vegetation.
- The planning proposal does not change existing environmental assessment requirements. The principal environmental requirements are contained in the NSW *Biodiversity Conservation Act 2016* and these requirements will continue to apply to development in Eurobodalla.
- The planning proposal does not change the current assessment processes relating to clearing for agriculture undertaken by Local Land Services in accordance with the NSW *Local Land Services Act 2013*.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

- The planning proposal does not facilitate significant subdivision of rural land or bushland. The number of proposed new lots facilitated by the planning proposal is modest. The proposed reduction in minimum lot sizes reflects the existing predominant sizes of lots in each area.
- The proposal to make grazing exempt development in the E2 zone does not apply to land identified as environmentally sensitive land. This includes all coastal wetlands mapped under *State Environmental Planning Policy (Coastal Management) 2018*. Grazing will not be exempt development in coastal wetlands and other areas that are defined as environmentally sensitive land.
- The proposal does not increase the potential for agricultural activities or clearing for agricultural activities in bushland areas. Agriculture and clearing for agriculture in these areas is already permitted with or without consent under the current zoning of the land.
- The proposed removal of the Terrestrial Biodiversity Map from the ELEP 2012 will not mean that environmental issues are not considered in the assessment of development applications. The environmental information will continue to be publicly available for land holders and potential purchasers to assist in preparing development proposals or land management.
- The proposal to increase the number of permitted uses in certain zones does not change the fact that all development proposals require assessment in accordance with the relevant environmental and other legislation and policies.
- A small number of potential additional lots and dwellings are facilitated in water catchment areas, including catchments of oyster growing areas. Any development proposal that is permissible now, or will be permissible as a result of the planning proposal, will be assessed with regards to its potential impact on water quality. Conditions can be imposed to ensure impacts are minimised or avoided. The majority of water catchment areas in Eurobodalla will remain in National Park or State Forest.

Minor changes are proposed to be made to the planning proposal that will be recommended for Council's endorsement. Some of the changes are in response to submissions, some will clarify the intent of a number of amendments to the ELEP 2012 contained in the planning proposal and some will address a small number of omissions from the planning proposal.

All of the proposed changes are detailed in the body of this report and the changes where appropriate are incorporated into the amended planning proposal included as an attachment to this report (Attachment 1). None of the changes will warrant the re-exhibition of the planning proposal.

It is recommended that the amended planning proposal, included as an attachment to this report, be endorsed by Council and that the endorsed planning proposal be forwarded to the Minister for Planning to make the amendments to the ELEP 2012.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

**RECOMMENDATION**

THAT Council:

1. Endorse the amended planning proposal included as an attachment to this report.
2. Endorse the preparation of revised mapping for *Eurobodalla Local Environmental Plan 2012* as recommended in this report.
3. Forward the amended planning proposal and revised mapping to the NSW Minister for Planning with a request for the amendments to *Eurobodalla Local Environmental Plan 2012* to be made.
4. Write to all persons who made a submission to the planning proposal to advise them of the outcome and how the issues raised in their submission has been considered by Council.

**BACKGROUND**

Eurobodalla Shire Council adopted a Rural Lands Strategy (Strategy) in February 2016. The Strategy was developed following four years of detailed investigations, community engagement and the deliberations of a Steering Committee that consisted of land owners and NSW Government agency representatives.

The Strategy made a number of recommendations to amend the *Eurobodalla Local Environmental Plan 2012 (ELEP 2012)*, most notably to provide a zone under the ELEP 2012 for those lands previously deferred from the LEP.

A Rural Lands Steering Committee (Committee) was formed at the beginning of the process to develop the Strategy following an open call for community members to nominate to be on the Committee. Representatives of the NSW Department of Planning and Environment, Office of Environment and Heritage and Department of Primary Industries were also represented on the Committee. In accordance with the Terms of Reference adopted by Council, the Committee provided Council with advice and input into the development of the Strategy and the community engagement processes during the Strategy's development.

In addition to the involvement of the Committee, significant community engagement was undertaken during the development of the Strategy. This included:

- The public exhibition of a draft Rural Lands Issues Paper seeking input from the community on the issues facing rural landholders in Eurobodalla
- The public release of a Rural Opportunities and Constraints Report with mapping of environmental and agricultural values
- A range of Policy Directions Workshops were held, and independently chaired, involving approximately 100 residents from different backgrounds
- The public exhibition of a draft Policy Directions Paper seeking input from the community of the directions for the future of rural lands in Eurobodalla
- The public exhibition of a draft Rural Lands Strategy seeking input from the community on the proposed recommendations to be included in the Strategy.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

A planning proposal to implement the Strategy recommendations and to make a number of other amendments to the ELEM 2012, was endorsed by Council for a Gateway Determination on 12 July 2016. A Gateway Determination was received from the Minister for Planning on 31 October 2017 and Council was given approval from the Department of Planning and Environment to publicly exhibit the planning proposal on 10 April 2018.

Public exhibition commenced on 9 May 2018 for a period of 28 days in accordance with the requirements of the Gateway Determination. Council resolved on 22 May 2018 to extend the public exhibition period for a further two weeks to 22 June 2018.

Land owners and residents were informed of the public exhibition through direct correspondence with affected land owners, media releases and public notices for the broader community. A banner was located on the home page of Council's website for the duration of this period of consultation, directing people to the exhibition material. Notification of the planning proposal was in accordance with legislative requirements and consistent with the requirements of the Gateway Determination. Hard copies of the exhibition material were located at Council's three libraries and at the customer service centre in Moruya. A plain English guide to the planning proposal was included with the exhibition material to assist in understanding the planning proposal.

During the public exhibition period, Council staff recorded 363 individual enquiries about the planning proposal. Most of the enquiries sought advice as to what changes were proposed for each person's property.

A total of 550 submissions were received to the planning proposal.

Councillors were briefed on the issues raised in submissions on 24 July 2018 and 7 August 2018, and copies of all submissions received were provided to councillors.

### **CONSIDERATIONS**

#### **The Planning Proposal**

The planning proposal seeks to implement the recommendations of the Rural Lands Strategy adopted by Council in February 2016 and to make a number of other amendments to ELEM 2012. The following table contains a summary of the amendments to ELEM 2012 that are contained in the planning proposal as exhibited.

| <b>Item number</b> | <b>Name of item</b>                 | <b>Intended Outcomes</b>   |
|--------------------|-------------------------------------|--|
| 1                  | Amend Land-Use Table and Schedule 2 | To facilitate additional land-uses as permissible with consent in the R5 and E4 zones, introduce open land-use tables in RU1 and RU4 zones and to make grazing of livestock exempt development in the E2 zone. It is also proposed to make boatsheds permissible with consent in the E2 zone and to introduce open land-use tables to the business and industrial zones. |



**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

| <b>Item number</b> | <b>Name of item</b>  | <b>Intended Outcomes</b>  |
|--------------------|--|---|
| 2                  | Amend Clause 4.1E  | To include the RU4 zone as a zone where minimum averaging provisions will apply and to ensure no lot resulting from a subdivision of land zoned RU4 using the minimum averaging clause, is less than 2ha.   |
| 3                  | Amend Clause 4.2A  | To delete the sunset clause to ensure existing dwelling entitlements do not lapse and to delete the 'sealed road' provision due to the introduction of new minimum lot sizes in rural areas.  |
| 4                  | Introduce a new boundary adjustment clause                 | To increase the opportunities for boundary adjustments on certain lands.  |
| 5                  | Amend Zoning and Minimum Lot Size Maps                     | To establish appropriate zoning and minimum lot sizes for certain rural land in accordance with the Rural Lands Strategy.   |
| 6                  | Amend Minimum Lot Size Maps                                | To delete the 1000ha minimum lot size from all land not addressed in item 5.  |
| 7                  | Remove Terrestrial Biodiversity Maps and delete Clause 6.6 | To remove the existing Terrestrial Biodiversity Map and delete the associated clause 6.6.   |
| 8                  | Amend Dwelling Entitlement Maps                            | To identify additional properties that have dwelling entitlements, including those that would have been removed due to the deletion of the "sealed road" provision in clause 4.2A, those in the deferred matter and at the request of the land owner. In addition, it is proposed to amend the maps to more clearly identify properties that have dwelling entitlement. |
| 9                  | Amend Height of Buildings Maps                             | To apply a maximum height of buildings to land proposed to be zoned E4 and RU4.   |
| 10                 | Amend Heritage Maps  | To transfer items of environmental heritage on land in the deferred matter from the Rural Local Environmental Plan 1987 to the ELEP 2012.   |
| 11                 | Amend Wetlands, Watercourses and Riparian Lands Maps       | To identify in ELEP 2012 waterways, wetlands and riparian lands in the deferred matter.   |
| 12                 | Amend Acid Sulfate Soils Maps                              | To identify in ELEP 2012 acid sulfate soils in the deferred matter.   |
| 13                 | Amend Land Application Map                                 | To remove reference to deferred matter and identify the ELEP 2012 as applying to the whole of Eurobodalla.  |
| 14                 | Amend Public Infrastructure Maps                           | To identify areas within public infrastructure buffers in the deferred matter.  |

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

| <b>Item number</b> | <b>Name of item</b>   | <b>Intended Outcomes</b>  |
|--------------------|---|---|
| 15                 | Amend Schedule 1  | To make "Advertising signs, being a notice directing the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest (such as town signs)" permissible with consent in the RU1 and RU4 zone.          |
| 16                 | Introduce a new Airspace Operations clause                                  | To ensure development in the vicinity of the Moruya Airport does not have a detrimental impact on the airport operations.   |
| 17                 | Amend Schedule 1 and Additional Permitted Uses Map                          | Add Lot 1 DP 118963 to clause 4(1) and the Additional Permitted Uses Map.   |
| 18                 | Amend Schedule 1  | Add Recreation facility (indoor) to the list of additional permitted uses for the land at Narooma identified as '5' on the Additional Permitted Uses Map.   |
| 19                 | Amend Land Zoning Map and Minimum Lot Size Map                              | To rezone Lots 101 and 183 DP 755904, at the corner of Durras Drive and Durras Lake Road, South Durras, from the B2 Local Centre Zone to the R2 Low Density Residential Zone and to introduce a 1500m <sup>2</sup> minimum lot size.                      |
| 20                 | Amend Height of Buildings Map   | To apply an 8.5m height standard to part of Lot 1 DP 1036103, Beach Road, Catalina (Catalina Country Club).   |
| 21                 | Amend clause 6.2  | To ensure a DCP is required for urban release areas in appropriate circumstances.   |
| 22                 | Amend Minimum Lot Size Map  | To increase the minimum lot size for land at Lots 1 to 5 DP 1056650, Lots 10 and 11 DP 1189589 and Lot 3 DP 1011462, Old Highway, Narooma from 1500m <sup>2</sup> to 2500m <sup>2</sup> .   |
| 23                 | Amend Minimum Lot Size Map  | To decrease the minimum lot size for certain lands from 600m <sup>2</sup> to 550m <sup>2</sup> . This applies to certain lands that were included in Amendment No. 7 to ELEP 2012, and will result in a lot size that is consistent with adjoining lands. |
| 24                 | Amend Land Zoning Map, Minimum Lot Size Map and Height of Buildings Map     | To correct the boundary between the R2 and RU1 zones for land that been subdivided for residential purposes at East Moruya (Braemar Estate) and to make consequential changes to the Minimum Lot Size and Height of Buildings Maps.                       |
| 25                 | Amend Schedule 4 and Height of Buildings Map                                | Reclassify a laneway in Batemans Bay to operational and provide for an 18m maximum building height.   |
| 26                 | Amend Schedule 4, Land Zoning Map, Lot Size Map and Height of Buildings Map | Reclassify land at George Bass Drive, Malua Bay to operational, rezone the land R2 Low Density Residential, provide for a minimum lot size of 550m <sup>2</sup> and a maximum building height of 8.5m.  |

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

The principal effect of the planning proposal is to provide a zone under the ELEM 2012 for all land that is currently deferred from the ELEM 2012. This will result in all land in Eurobodalla being included within the ELEM 2012, enabling the repeal of the Rural LEP 1987.

In applying zoning to the deferred land, a key outcome was to achieve a zoning that is most consistent with the current zoning of the land under the Rural LEP 1987, much of which is Rural 1(a) or 1(a1). The most appropriate equivalent zone under ELEM 2012 for these lands is RU1 Primary Production.

Another key outcome of the planning proposal is to apply more appropriate minimum lot size standards to rural land. A landscape approach was applied in the Strategy whereby the predominant existing lot sizes in each area, along with the agricultural and environmental characteristics of each area, were considered. The result was a modest increase in potential subdivision and dwellings facilitated by the planning proposal (eg, a 2% increase in the number of lots in existing and proposed RU1 areas).

Following a review of dwelling approvals in rural areas over the last two years, some additional existing dwelling entitlements became known. As a result, the potential number of future dwellings has been reduced, from 255 to 247 and the revised numbers are included in the following table.

| Area   | Zone | Minimum lot size | Potential increase in lots and dwellings |
|--|------|------------------|--|
| 1. Kings Hwy, Murrenengberg                          | RU1  | 200ha            | Nil                                      |
| 1a. Kings Hwy, Currowan                              | RU1  | 40ha             | Nil                                      |
| 2. Nelligen Creek Rd, West Nelligen                  | RU1  | 40ha             | 3 lots and 3 dwellings                   |
| 3. Old Bolaro Road (south), West Nelligen            | RU4  | 10ha             | 1 lot and 3 dwellings                    |
| 3a. Old Bolaro Road (central), West Nelligen         | RU4  | 5ha              | 1 lot and 5 dwellings                    |
| 4. Currowan, Benandarah and East Lynne               | RU1* | 40ha*            | 4 lots and 6 dwellings                   |
| 4a. Princes Hwy, Benandarah                          | RU4  | 40ha             | 1 lot and 3 dwellings                    |
| 4b. South Durras                                     | RU1* | 40ha*            | Nil                                      |
| 4c. Maloney's Beach                                  | RU1  | 100ha            | Nil                                      |
| 5. West Batemans Bay                                 | RU1  | 40ha             | Nil                                      |
| 6. North and West Mogo                               | RU4  | 20ha             | 7 dwellings                              |
| 6a. Goba Lane, Mogo                                  | RU1  | 40ha             | Nil                                      |
| 7a. George Bass Drive (East), Malua Bay              | E4   | 10ha             | 1 dwelling                               |
| 7b. George Bass Drive (West), Malua Bay              | RU1  | 40ha             | 1 lot and 2 dwellings                    |
| 8. Dunns Creek Road (North), Woodlands               | RU4  | 20ha             | 6 dwellings                              |
| 8a. Tomakin Rd and Dunns Creek Rd (South), Woodlands | RU4  | 10ha             | 1 lot and 2 dwellings                    |
| 8b. Tomakin Road, Mogo                               | RU4  | 20ha             | 3 lots and 3 dwellings                   |

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

| Area  | Zone      | Minimum lot size        | Potential increase in lots and dwellings |
|---|-----------|-------------------------|--|
| 9. South Mogo   | RU1       | 40ha                    | 1 lot and 2 dwellings                    |
| 9a. Maulbrooks Road, Mogo   | RU4       | 10ha                    | 1 dwelling                               |
| 10. Jeremadra Grove and Goldfields Drive, Jeremadra                 | RU4       | 10ha                    | 7 lots and 7 dwellings                   |
| 10a. Springwater Road, Jeremadra and George Bass Drive, Broulee     | RU1*      | 40ha*                   | 1 lot and 3 dwellings                    |
| 11. Broulee Road, Broulee   | RU4       | 10ha                    | 2 lots and 2 dwellings                   |
| 11a. Broulee Road, Bimbimbie and Broulee                            | RU1*      | 100ha*                  | 1 lot and 1 dwelling                     |
| 12. Tomakin, Rosedale and Guerilla Bay                              | RU1*      | 40ha*                   | Nil                                      |
| 12a. George Bass Drive, Mossy Point                                 | E4 and E2 | 1000m <sup>2</sup> (E4) | 19 lots and 20 dwellings                 |
| 13. Clouts Road, Mogendaoura  | RU1       | 100ha                   | 2 dwellings                              |
| 14. Hawdons Road, Mogendoura  | RU1       | 40ha                    | 4 lots and 6 dwellings                   |
| 15. North Moruya  | RU1*      | 100ha*                  | Nil                                      |
| 16. Meadows Road, Malabar Drive and Percy David Drive, North Moruya | RU4       | 10ha                    | 6 lots and 7 dwellings                   |
| 17. East Moruya   | RU1*      | 40ha*                   | 5 dwellings                              |
| 17a. South Head Road, Moruya Heads                                  | RU4*      | 40ha                    | 1 dwelling                               |
| 17b. Congo Road, Moruya Heads                                       | RU1       | 100ha                   | 1 lot and 1 dwelling                     |
| 18. Congo Road (North), Congo                                       | RU1       | 40ha                    | 1 lot and 4 dwellings                    |
| 18a. Berriman Drive, Congo  | RU4       | 10ha                    | 1 dwelling                               |
| 18b. Congo Road (South), Congo                                      | RU4       | 10ha                    | 1 dwelling                               |
| 18c. Meringo Road, Meringo  | RU1       | 40ha                    | 1 lot and 1 dwelling                     |
| 19. Wamban Road (South), Wamban                                     | RU1       | 500ha                   | Nil                                      |
| 20. Bergalia  | RU1       | 100ha                   | 1 lot and 8 dwellings                    |
| 20a. Wamban Road (North), Wamban                                    | RU1       | 100ha                   | Nil                                      |
| 21. Bingie Road, Bingie   | RU4       | 20ha                    | 1 lot and 15 dwellings                   |
| 22. Prince Hwy (West), Coila and Turlinjah                          | RU1       | 20ha                    | 4 lots and 5 dwellings                   |
| 22a. Princes Hwy (East), Coila                                      | RU1       | 40ha                    | Nil                                      |
| 22b. Kyla Park  | RU1       | 100ha                   | Nil                                      |
| 22c. Princes Hwy (East), Turlinjah                                  | RU1       | 40ha                    | 1 dwelling                               |
| 23. Potato Point Road (South), Bodalla                              | RU1       | 40ha                    | 2 lots and 4 dwellings                   |

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

| <b>Area</b>   | <b>Zone</b> | <b>Minimum lot size</b> | <b>Potential increase in lots and dwellings</b> |
|---|-------------|-------------------------|---|
| and Potato Point  |             |                         |   |
| 24. Princes Hwy, South Bodalla                                    | RU1         | 100ha                   | 2 lots and 4 dwellings                          |
| 25. Princes Hwy, North Bodalla & Blackfellows Point Road, Bodalla | RU1         | 40ha                    | 1 lot and 5 dwellings                           |
| 25a. Potato Point Road and Horse Island Road, Bodalla             | RU1         | 20ha                    | 6 lots and 10 dwellings                         |
| 26. Bumbo Road (East) and Eurobodalla Road, Bodalla               | RU1         | 200ha                   | Nil   |
| 26a. Bumbo Road (West), Bodalla                                   | RU1         | 40ha                    | Nil   |
| 27. North Narooma and Kianga                                      | RU1         | 40ha                    | 6 lots and 7 dwellings                          |
| 28. South Narooma   | RU1         | 20ha                    | 7 lots and 6 dwellings                          |
| 29. Wagonga Scenic Drive, Narooma and Tebbs Road, Corunna         | RU1         | 40ha                    | 1 lots and 2 dwellings                          |
| 30. Wagonga Scenic Drive, Narooma                                 | RU4         | 5ha                     | 11 lots and 17 dwellings                        |
| 30a. Wagonga Scenic Drive, Narooma                                | RU4         | 2ha                     | 7 lots and 8 dwellings                          |
| 30b. Wagonga Scenic Drive, Narooma                                | RU4         | 10ha                    | 2 lots and 3 dwellings                          |
| 31. Shingle Hut Road, Narooma                                     | RU1         | 100ha                   | 1 dwelling                                      |
| 32. Central Tilba and Surrounds                                   | RU1*        | 100ha*                  | 4 dwellings                                     |
| 33. Dignams Creek Road, Dignams Creek                             | RU1         | 40ha                    | 6 dwellings                                     |
| 34. Eurobodalla Road, Eurobodalla, Cadgee, Nerrigundah and Tinpot | RU1         | 100ha                   | 12 dwellings                                    |
| 35. Belowra   | RU1         | 500ha                   | Nil   |
| 36. Merricumbene and Deua   | RU1         | 500ha                   | 7 lots and 6 dwellings                          |
| 37a. Araluen Road (North), Deua River Valley                      | RU1         | 40ha                    | 1 lot and 1 dwelling                            |
| 37b. Araluen Road (Central), Deua River Valley                    | RU1         | 20ha                    | 3 dwellings                                     |
| 37c. Araluen Road (South), Wamban and Kiora                       | RU1         | 40ha                    | 4 lots and 10 dwellings                         |
| 38. Runnyford and Buckenbowra                                     | RU1*        | 500ha*                  | 3 dwellings                                     |
| 39. South Moruya  | RU4         | 2ha                     | Nil   |
| 40. Turnbolls Lane, Moruya  | RU4         | 5ha                     | Nil   |
| 41. South Nelligen  | RU4         | 2ha                     | Nil   |
| 42. Hector McWilliam Drive, Tuross Head                           | RU1*        | 20ha*                   | Nil   |

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

| Area                            | Zone | Minimum lot size | Potential increase in lots and dwellings |
|---------------------------------|------|------------------|--|
| <b>Total Lots and Dwellings</b> |      |                  | <b>122 lots and 247 dwellings</b>        |

An amended Planning Proposal (Volumes 1 and 2) is included as an attachment to this report (Attachment 1).

**Consideration of Submissions**

A total of 488 submissions were received during the exhibition period and 62 late submissions were also received. 261 submissions were in the form of pro-forma submissions. All 550 submissions have been considered and the issues raised are addressed in this report and in the following attachments:

- Attachment 2 – State Agency Submissions and Responses
- Attachment 3 – Community Group Submissions and Responses
- Attachment 4 – Pro-forma Submissions and Responses
- Attachment 5 – Individual Submissions and Responses.

The following types of submissions were received:

- NSW Government agency (7)
- community groups (17)
- six pro-forma submissions (261)
- individual submissions (265)
  - with environmental objections (169)
  - supporting the planning proposal (32)
  - requesting changes to the planning proposal (40),
  - relating to the Oaks Ranch, Mossy Point (24).

Issues raised in submissions and Council's responses to those issues are provided below.

**Submissions from NSW Government agencies**

Office of Environment and Heritage (OEH)

- Objection to allowing extensive agriculture as permissible without consent in E4 zones. Cropping and pasture improvement are inconsistent with the E4 zone objectives. Grazing and bee keeping are already permissible in this zone. Allowing extensive agriculture may lead to many applications to Council for tree clearing approvals under the Vegetation in Non-Rural Areas SEPP.

*Response*

In recommending that extensive agriculture be permitted without consent in the E4 zone, the Strategy states that "*very small scale extensive agriculture is common now in the E4 [zone]. Grazing and bee keeping are already permissible without consent*". The objectives of the E4

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

zone relate to facilitating low impact development in areas with special ecological, scientific or aesthetic values. Not all land zoned E4 in Eurobodalla has special ecological or scientific values. Some areas are zoned E4 more for their aesthetic value. Some areas zoned E4 already have some cleared land that could be used for cropping or pasture improvement without offending the objectives of the zone. Some E4 land at Malua Bay and Corunna are examples.

The NSW State legislation framework establishes approval pathways for clearing for various purposes. The pathways may include assessment by Council, Local Land Services or the Native Vegetation Panel. No change to these processes is proposed. Where Council is the assessment body, application would be assessed against the objectives of the zone. Some proposal may be able to be supported while others may not.

- Objection to the addition of grazing of livestock as exempt development in the E2 zone. This is likely to lead to a degradation of the biodiversity values of these areas.

*Response*

Exempt development can only be undertaken subject to the provisions of Part 3 of the ELEP 2012. Section 3.3 excludes environmentally sensitive areas such as important wetlands from exempt development. The proposal will not permit grazing as exempt development in any wetland identified in the Coastal Management SEPP. Most E2 lands in Eurobodalla are also identified in the *State Environmental Planning Policy (Coastal Management) 2018*. This proposal therefore will only apply to a small number of E2 areas on private property and for the most part, relates to watering holes and some riparian areas where grazing is already being undertaken. The proposal is aimed at areas where there are existing use rights for grazing.

The best approach to protecting these areas is improved farm management practices, including the fencing of stock away from watercourses in particular. Council will continue to work with South East Local Land Services, land owners and farmers in this area through programs such as Landcare.

However, to address the concerns raised, it is recommended that a note be added to the exempt development schedule to confirm that it does not apply to land mapped as environmentally sensitive land, including lands mapped as coastal wetlands under the Coastal Management SEPP and land zoned E2 within 100m of coastal wetlands.

- Note that many areas where a dwelling entitlement has been created by the reapplication of clause 4.2A are completely vegetated. Any development application on these lots will trigger the biodiversity offset scheme and require the purchase and retirement of biodiversity credits.

*Response*

Noted.

- It is unclear why the proposed new boundary adjustment clause is proposed to apply to the E1 National Parks and Nature Reserves zone.

*Response*

In the planning proposal, an example boundary adjustment clause from the Wellington LEP 2012 was included. This example clause refers to a range of zones including the E1 zone. The

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

final clause to be included in the Eurobodalla LEP 2012 will need to be drafted by Parliamentary Counsel to be specifically relevant to Eurobodalla. If, in Eurobodalla, there is no need for the E1 zone to be included in the clause, it will not be included. However, the inclusion of the E1 zone would allow for simpler boundary adjustments where there has been a minor expansion of a National Park or Nature Reserve.

- OEH objects to the removal of Terrestrial Biodiversity Map and clause 6.6. The adoption of accurate overlays is essential in identifying areas warranting thorough assessment given that E zones are not to be used extensively. It is essential that the community be fully aware of the environmental attributes of the land early in the planning process.

*Response*

The existing Terrestrial Biodiversity Map and clause 6.6 in the ELEG 2012, identify where vegetation is located and the clause provides matters for consideration in the assessment of a development application. Locating the map in a Code and referencing it through Development Control Plans, will achieve exactly the same outcome. Given the increasing use of electronic mapping at State and local government level, the information contained on the map will continue to be readily available to land owners and developers.

The NSW Government's legislation and policies, including the *Biodiversity Conservation Act 2016*, will continue to be the primary assessment framework for the consideration of development applications that involve any clearing of vegetation.

- It is unclear whether the dwelling entitlement map will be continually updated if parcels of land within a holding are sold or a dwelling is constructed.

*Response*

Although the planning proposal recommends that the Dwelling Entitlement Map be retained and updated, given the proposed removal of the sunset clause, the Dwelling Entitlement Map is no longer required as all existing dwelling entitlements will be retained. It is recommended that the planning proposal be amended to propose the removal of the Dwelling Entitlement Map from the ELEG 2012.

- OEH raised objection to the proposed minimum lot size for a range of specific lots across the Shire and recommended a larger minimum lot size to prevent further subdivision or dwellings on those lots.

*Response*

A detailed response in relation to each lot referred to by OEH is contained in the Submissions Summary and Responses attachment to this report. The detailed response identifies whether each lot benefits from the planning proposal and whether any clearing would be required to facilitate additional lots or dwellings. Not every lot objected to by OEH benefits from the planning proposal or requires clearing. Where some clearing would be required, assessment of the impact of such clearing would be undertaken in accordance with the *NSW Biodiversity Conservation Act 2016*.

Rural Fire Service



---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

- Objection to certain additional land-uses being made permissible with consent on bush fire prone land.

*Response*

Land-use tables in local environmental plans relate to land zones, not to bush fire prone land. Across all zones, some land will be bush fire prone, other land will not be. It is not appropriate to make certain uses prohibited because some of the land in the zone is bush fire prone. The purpose of making land-uses permissible with consent in certain zones, is to provide an assessment path for development proposals. Every use that is permissible with consent requires a development application to be submitted to Council for assessment. Development applications will be assessed in accordance with a range of State and local requirements, including *Planning for Bushfire Protection*. Should a development proposal fail to meet the relevant requirements, it could be modified or refused. Certain development proposals also require the approval or concurrence of NSW Government agencies, including the RFS. If the proposal does not meet their requirements, the agency can refuse to give their approval or concurrence.

- Objection to the identification of dwelling entitlements as they increase dwelling densities in rural areas.

*Response*

Staff do not agree with the RFS' view that the retention of dwelling entitlements results in an increase in dwelling density in rural areas. As the dwelling entitlements are existing entitlements, they should be accounted for as part of the existing dwelling density.

- Objection to item 19 of the planning proposal, as per previous comments and as the planning proposal has not identified Section 117(2) 4.4 as applying to this item. In previous submissions, RFS stated that a bush fire assessment report is required to be provided to support the proposal.

*Response*

Item 19 of the planning proposal seeks to rezone two lots in South Durras from B1 Neighbourhood Centre to R2 Low Density Residential. The planning proposal inadvertently omitted reference to Section 117(2) Direction 4.4 for this item and this will be amended accordingly. However, it is not considered necessary for a bush fire assessment report to be provided. Development consent has already been granted to a shop top housing development on one of the two lots, the subject of this item. A bush fire assessment report was provided with the development application, referred to RFS for comment and approved by RFS. This report demonstrated that one of the sites can be developed in accordance with the requirements of *Planning for Bush Fire Protection*. Given the second lot is very similar in nature to the one on which approval has been granted, it is argued that the bush fire assessment report provided with the shop top housing proposal should serve as sufficient evidence to support the rezoning. Notwithstanding, a bush fire assessment report will be required to accompany any future development application on the second lot.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

- Objection to item 23 of the planning proposal as it has not identified Section 117(2) 4.4 as applying to this item. Where increased densities are proposed on bush fire prone land, a strategic assessment of risk to residents and fire fighters is required to demonstrate if the land is suitable for those increased densities.

*Response*

Item 23 of the planning proposal seeks to reduce the minimum lot size of certain land zoned R2 Low Density Residential from 600m<sup>2</sup> to 550m<sup>2</sup> to ensure consistency with adjoining land in the same zone. The planning proposal inadvertently omitted reference to Section 117(2) Direction 4.4 and will be amended accordingly. However, it is not considered necessary for a bush fire assessment report to be provided. The lands the subject of this item were rezoned and minimum lot sizes applied as part of previous planning proposals. The RFS did not object to those planning proposals. The incorrect minimum lot size was previously applied to the subject lots. The intention was to make the minimum lot size the same as for adjoining land (550m<sup>2</sup>), however a minimum lot size of 600m<sup>2</sup> was applied. The change from 600m<sup>2</sup> to 550m<sup>2</sup> will not necessarily increase dwelling density.

- No objection to item 24 of the planning proposal, if this item does not result in any potential increase in densities on bush fire prone land.

*Response*

Item 24 of the planning proposal seeks to correct the zone boundary between R2 Low Density Residential land and RU1 Primary Production land. The residential land has been subdivided and no additional development density is facilitated by the planning proposal.

South East Local Land Services (SELLS)

- The planning proposal applies a blanket zoning of RU1 to a range of land types and proposes to increase the uses, many of which may not be compatible with primary production of rural industry expansion. Diluting the ability of zoning to align land-use to land type in this way may limit Council's ability to make strategic land-use decisions, particularly in relation to protecting productive agricultural land. Local Land Services agrees that some of the additional uses could support rural and nature-based tourism, community use and infrastructure needs but it is important that such developments are not sited over productive agricultural land. SELLS supports RU1 zoning being applied to areas of productive agricultural land rather than being applied as a blanket zoning across a range of land capabilities. Land-use decisions in this zone should be assessed based on the impact of that development of the objectives of the zone, namely agricultural production. Recommend that Council make additional provisions to protect identified high value productive agricultural land. This could include zoning all highly productive land RU1.

*Response*

The vast majority of the land proposed to be zoned RU1 or RU4 is currently zoned Rural 1(a) or Rural 1(a1) under the Rural LEP 1987. This existing rural zoning covers not just productive agricultural land, but land with other capabilities. Across all of this land, a range of rural activities are undertaken, from a wide variety of commercial agriculture to private native forestry, extractive industries, rural tourism activities and rural lifestyle purposes. Council

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

agrees that land-use decisions should be assessed based on the impact on agricultural production and additional provisions to guide development assessment are proposed through a Development Control Plan.

- The impact of grazing on wetlands, riparian vegetation, soils and water quality is significant. South East LLS has invested millions of tax payer dollars in the Eurobodalla restoring wetlands and riparian systems from the impacts of grazing and protecting these areas through exclusion of grazing. The NSW Marina Estate Management Authority recently undertook an assessment of threats to the NSW marine estate, including estuaries and wetlands and found that in the South East, agricultural diffuse runoff and stock grazing of riparian vegetation provides the highest threat to estuarine environmental assets that support our oyster and tourism industries. Exempting grazing in E2 zones does not allow proper consideration of the impact of grazing on those sensitive estuarine and riparian environments that are not protected by State Environmental Planning Policy (Coastal Management) 2018. This could lead to confusion and uncertainty for landholders and increase the potential for threatened species, populations or ecological communities or their habitats to be adversely affected. Encourages Council to reconsider exempting grazing in E2 zones.

*Response*

See response to OEH submission on this matter above.

- South East LLS supports the small lot farming objectives of RU4 and notes there is considerable potential for small lot and lifestyle farming in Eurobodalla. However, the fragmentation of high quality agricultural land is a concern for industry in Eurobodalla. In addition, the impact of smaller lot sizes on biosecurity and native vegetation through clearing on small land parcels can be significant. Recommends planning for subdivisions minimises the impact on productive agricultural lands and intact native vegetation, in adherence with the NSW Biosecurity Strategy 2013-2021 and State policy objectives in relation to biosecurity.

*Response*

The planning proposal does not facilitate fragmentation of high quality agricultural land. Appropriate minimum lot sizes have been applied to minimise further subdivision of these areas. The modest number of additional lots and dwellings proposed is unlikely to result in an increase in biosecurity concerns in Eurobodalla.

- South East LLS acknowledges that the planning proposal does offer a level of protection from further fragmentation of agricultural lands through the application of larger minimum lot sizes (over 100ha). However, only half of the class 1 to 4 agricultural lands are within holdings over 100ha. This means significant fragmentation has already occurred and areas of productive agricultural land will be subject to further fragmentation pressure due to reduced minimum lot sizes, additional use, dwelling establishment and future subdivision pressure. Areas of most concern include those areas of class 1 to 4 agricultural land where the minimum lot size has been reduced to 40ha or less. These areas are mostly on the coast and subject to other land-use pressures.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

*Response*

The most productive agricultural lands in Eurobodalla are proposed to have minimum lot sizes large enough to prevent further fragmentation of the land. Smaller minimum lot sizes have been proposed in areas that are already fragmented. Most areas could yield less than four (4) additional lots as a result of the planning proposal. In relation to additional dwellings, similarly the approach taken by Council is to minimise additional dwellings in productive agricultural land. It is generally only on larger lots that do not currently have dwelling entitlement, where additional dwellings may be possible. In staff's view, this will encourage growth in primary production and more active management of rural land to minimise biosecurity risks.

- The majority of potential dwellings are on RU1 and RU4 zones. Clearing on small parcels of land for dwellings, effluent management, asset protection zones, fence lines and roads does not require approval from LLS.

*Response*

While clearing for dwellings and associated infrastructure and asset protection zones, if required, does not need approval from LLS, it does need approval from Council. Council will assess any such clearing in accordance with the requirements of the *Biodiversity Conservation Act 2016*.

- Recommend Council protect high quality agricultural land and zone other areas appropriately after considering regulatory maps.

*Response*

Staff are of the view that the planning proposal protects high quality agricultural land by zoning the land RU1 and applying appropriate minimum lot sizes to prevent or minimise further fragmentation of the land.

- South East LLS does not support removal of the Terrestrial Biodiversity Map from ELEP 2012 or its replacement with a Native Vegetation overlay limited to extant vegetation and placed in a Code referenced in relevant DCPs. The combined use of appropriate zoning and overlays within the LEP provides landholders with optimum levels of certainty, flexibility and realistic expectations for development. The current overlay identifies Endangered Ecological Communities (EECs). Without reference to EECs in the overlay, proponents may not be aware of the need to consider impacts on these ecosystems and species through their development proposal. Clearly identifying these values on the overlay supports landholders to develop their land accordingly. Removing this information increases the complexity for landholders and raises the risk of breaching Part 2 of the *Biodiversity Conservation Act 2016* or the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. Recommends retention of the Terrestrial Biodiversity Overlay and clause 6.6 of the ELEP 2012.

*Response*

See response to OEH submission on this matter above.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

Department of Primary Industries (DPI) – Agriculture

- A more flexible approach to land-uses in rural zones is supported if those additional land-uses are consistent with the zone objectives. Examples of land-uses that can be ancillary to primary production include: rural industries; restaurants or cafés; research stations; education facilities; information and education facilities; car parks when associated with agriculture ie, agri-tourism; function centres and home occupation. Some uses are considered inconsistent with the objectives of the zone. However, even ancillary uses can themselves also create land-use conflicts with nearby agricultural activities. Consequently, the potential for land-use conflicts need to be assessed for land-uses with the potential to impact on adjacent and nearby farming operations, as per the Right to Farm Policy. This can be achieved by developing a supporting planning document such as a Development Control Plan to either specify locations for the development of ancillary activities where impacts on agriculture will be minimal, or establishing principles and criteria for assessment, or both.

*Response*

In the development of the Strategy, it was acknowledged that a Development Control Plan should be prepared to address potential land-use conflicts associated with any additional permitted land-uses. It is recommended that Council commence the preparation of a Rural Zones DCP.

- While DPI supports the concept of promoting diversity of agricultural production, Council should consider the risk that the minimum lot size of 2ha in the RU4 zone, through the proposed lot averaging clause, may result in lots used for purposes other than agriculture, such as for rural residential development. Council should give consideration to how this issue is managed, for example through requiring development applications for dwellings on small RU4 lots to include plans for agricultural production onsite, or by increasing the minimum size of the lot.

*Response*

There is no compulsion under planning law in NSW for a land owner to use rural land for rural purposes. Even large rural holdings may not be used for agricultural production from time to time. Allowing lot averaging in the RU4 zone does not, in Council's view, lead to rural residential development outcomes as it will apply on a case by case basis. The lot averaging clause provides for an alternative subdivision pattern that will achieve better outcomes, without increasing the development yield. Further, agricultural production can be successful on small rural lots if the conditions are right and the production is well managed.

- The proposed rezoning and lot size changes were considered by the Rural Lands Committee and were considered to reflect the dominant land-use of the subject lots. Most areas selected for inclusion in the RU1 and RU4 zones reflect agricultural land-uses and are appropriately zoned. However, there are some areas zoned RU1 and RU4 that are highly vegetated or mostly highly vegetated that are not suitable for agricultural production. They mostly include the deferred lands under the ELEG 2012. Council should consider whether the proposed RU1 or RU4 zones are appropriate for these highly vegetated areas.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

*Response*

The vast majority of the areas identified by the DPI are currently zoned Rural 1(a) or Rural 1(a1) under the *Rural LEP 1987*. This zoning includes areas of agricultural production and vegetated areas. In some vegetated areas, rural activities are undertaken, including grazing, bee keeping and private native forestry. Extractive industries are also located in these areas. Other uses of a rural tourism nature are also undertaken such as primitive camping, holiday cabins, rural retreats, bushwalking, horse riding, etc. In some areas, the land is primarily used for rural lifestyle purposes.

Council is of the view that the RU1 and RU4 zones are appropriate for these areas in recognition of existing land-uses and the potential for expansion of such land-uses in appropriate locations, subject to development consent and/or clearing approvals.

- It is also noted that area 30a and 30b are proposed to be rezoned from RU1 to RU4, with minimum lot sizes of 2ha and 10ha. Both areas have land of class 3 agricultural suitability, being lands of good agricultural quality and have little fragmentation. Those lands are highly suited to broad acre production and NSW DPI would support the retention of those areas in lots much larger than the 2ha and 10ha proposed.

*Response*

Area 30a is a single lot approximately 16ha in size, mostly surrounded by rural residential subdivisions. The lot does not have a dwelling and is currently used for grazing purposes. While the land is suitable for agriculture, it is unlikely to be put to a more intensive agricultural use given the proximity to a number of adjoining dwellings.

Area 30b consists of three lots, ranging in size from 2ha to 25ha. Part of this area is also surrounded by rural residential subdivisions. All three lots have a dwelling and two are used for grazing purposes. While there is greater potential for these lots to be put to a more intensive agricultural use, there remains some potential for land-use conflicts given the proximity to adjoining dwellings.

This area, along with area 30, has been selected for a small expansion of some rural residential lots (area 30a) and small rural lots (area 30b) on which more small-scale agriculture could be undertaken with less potential impact on adjoining dwellings.

Department of Primary Industries – Fisheries

- Recommend that Council clearly identifies the difference between commercial/tourist marine infrastructure developments and private/domestic marine infrastructure that may be allowable in the LEP. Recommend that planning documentation clearly states that all marine infrastructure within or adjacent to Eurobodalla Shire waterways still requires appropriate approvals and licences from relevant NSW Government agencies. Recommend that Council note that DPI Fisheries does not support foreshore works that contribute to the further degradation of native riparian vegetation. It is important that Council does not set a community expectation that contradicts NSW Government requirements.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

*Response*

A Local Environmental Plan (LEP) must use the definitions in the NSW Government's Standard Instrument for LEPs. These definitions do not distinguish between commercial/tourist and private/domestic marine infrastructure. An LEP identifies where the consent of the relevant council is required - it does not identify where approval from NSW Government agencies is required - this occurs in the relevant NSW Government legislation.

- Objects to the proposal to allow grazing of stock as exempt development in E2 zones. Does not support the removal of the Biodiversity Map (and associated clause) from the LEP.

*Response*

See response to OEH submission on these matters above.

- Does not support the removal of the E3 Environmental Management zone from the LEP.

*Response*

The E3 zone is not currently used, nor is it proposed to be used in the E16P 2012.

- Does not support the application of minimum averaging, as proposed in the Eurobodalla LEP where it will result in increased residential stormwater runoff to oyster growing estuaries, or where it is not connected to a reticulated wastewater management system and has the potential to result in an increased onsite sewage management load in areas that have the potential to impact oyster growing areas.

*Response*

The lot averaging clause provides for an alternative subdivision pattern that will achieve better environmental outcomes, without increasing the development yield. The potential impacts on waterways from the application of minimum averaging will be assessed as part of any development application submitted to Council.

- Object to the removal of clause 4.2A from the LEP as unsealed roads are a significant contributor of sediment to waterways.

*Response*

DPI Fisheries have misunderstood the purpose of the clause that is proposed to be removed. The clause does not require all new dwellings to have access to a sealed road. The clause provides additional dwelling entitlements (over and above existing entitlements) where the lot has access to a Council maintained sealed road.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

- Does not support the rezoning of deferred lands as RU1, RU4 or E4 where they are located adjacent to waterways with good condition native riparian habitat.

*Response*

Zoning land does not, in itself, have impacts on the quality of native riparian vegetation. It is the development of land that can have potential impacts. As development requires consent from Council, the potential impacts can be assessed at the development application stage and if approval is granted, conditions can be applied to ensure impacts are avoided or minimised.

- Does not support the increased subdivision of rural land proposed in the LEP, unless the areas are appropriately located to minimise water quality impact on downstream waters.

*Response*

As development requires consent from Council, the potential impacts on water quality can be assessed at the development application stage and if approval is granted, conditions can be applied to ensure impacts are avoided or minimised.

- Strongly supports updating the wetlands, watercourses and riparian land map, and in particular having regard to the newly proclaimed *State Environmental Planning Policy (Coastal Management) 2018*.
- Strongly supports updating the Acid Sulfate Soils Map.
- Strongly supports increasing the minimum lot size for land adjacent to the Old Highway in Narooma.

*Response*

Noted

- DPI Fisheries recommends including the Batemans Marine Park Zoning Map as a layer in the LEP.

*Response*

The Batemans Marine Park Zoning Map applies only to waterways. The relevant waterways have been zoned W1, W2 or E2.

The map relates to zones where fishing is permitted and for other activities, where a marine park permit is required. It is therefore not considered appropriate to include this map in the LEP.

- Council has an opportunity to protect and improve water quality, aquatic habitat, aquaculture and tourism within Eurobodalla Shire, and ensure consistent clear links between land-use planning and the new Coastal Management Programs currently being developed for Eurobodalla Shire.

*Response*

Noted. Council is currently preparing a Eurobodalla Coastal Management Program.

NSW Heritage Division

No objections were raised by the NSW Heritage Division.



---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

Division of Resources and Geoscience

- No specific concerns with the proposed additional land-uses for the RU1 and RU4 zones or the adoption of open land-use tables. While it is the Geological Survey of New South Wales' (GSNSW) general preference that a broad range of potentially incompatible land-uses are not permitted in rural zones, increased flexibility in permitted uses facilitates retention of the zones across a broader area of the local government area. Development applications in the area of operating mines and extractive industry still must consider the land-use compatibility provisions of the Mining SEPP to ensure adequate separation between potentially incompatible developments.
- Supports the addition of extractive industries as permitted with consent in the RU1 zone and the extension of extensive agriculture in the E4 and R5 zones.
- All proposed zoning in areas of identified and potential mineral resources are proposed to be zoned RU1, with some adjacent land RU4, both in which extractive industry is permissible with consent. Additionally, there are no rezonings proposed adjacent to existing mines and extractive industries that would permit incompatible development such as residential. In summary, GSNSW has no issues to raise and consider the planning proposal consistent with Ministerial Direction 1.3 - Mining, Petroleum Production and Extractive Industry, as well as the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (the Mining SEPP).

*Response*

Noted

- The proposal to specifically prohibit open cut mining in the RU4 and IN1 zones does not reflect the provisions of the Mining SEPP. Although the SEPP will prevail to the extent of any inconsistency with an LEP, GSNSW considered that these provisions should be reflected in LEPs so that the permissibility can be readily ascertained from a single planning instrument, without having to also refer to the SEPP or have prior knowledge of its provisions.

*Response*

Open cut mining is currently prohibited in the RU4 and IN1 zones in Eurobodalla Shire. The planning proposal does not change the existing situation. However, given this use is permitted under the Mining SEPP in locations where agriculture or industry are permitted, it is proposed to amend the planning proposal to remove open cut mining from the prohibited column in zones RU4 and IN1.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

**Submissions objecting on environmental grounds**

By far, the vast majority of submissions (including the submissions from community groups and the pro-forma submissions) were objecting to the planning proposal on environmental grounds. The issues raised in these submissions are addressed below.

- Issue – the planning proposal is removing environmental protections

Submissions are claiming that the planning proposal is removing the E3 zone from the LEP. Submissions are also arguing that the relocation of the Terrestrial Biodiversity Map from the ELEP 2012 to a code and referenced in a Development Control Plan, represents a weakening of environmental protections.

*Response*

ELEP 2102 does not contain the E3 zone. In relation to this matter, the draft *Eurobodalla Local Environmental Plan* exhibited in 2011 included a proposal to use the E3 Environmental Management zone for vegetated rural land in Eurobodalla Shire. Following significant objections, Council resolved not to use the E3 zone and the subject land was deferred from the LEP when it was made in 2012. In this planning proposal, the E3 zone is not proposed to be applied to any land in Eurobodalla Shire.

In relation to the Biodiversity Map, the existing map identifies where vegetation is located and clause 6.6 in the ELEP 2012 provides matters for consideration in the assessment of a development application. Locating the map in a code and referencing it through Development Control Plans will achieve exactly the same outcome. Given the increasing use of electronic mapping at NSW Government and local government level, the information contained on the map will continue to be readily available to land owners and developers.

Environmental protections in NSW are primarily delivered through NSW Government legislation, regulations and State Environmental Planning Policies (SEPPs), including the *Biodiversity Conservation Act 2016*. The changes to the ELEP 2012 identified in the planning proposal do not change the existing environmental regulations contained in NSW Government legislation or SEPPs.

- Issue – objection to grazing as exempt development in the E2 zone

Submissions are raising concern that grazing in wetlands and riparian areas will detrimentally affect threatened species habitat, water quality and the oyster and tourism industries.

*Response*

See response to OEH submission on this matter above.

- Issue – the reductions in minimum lot size will result in significant fragmentation of our rural areas

Submissions claim that the reduction in minimum lot size in rural areas will result in significant subdivision of land that will detrimentally affect rural activities and increase clearing of land for fencing, roads and dwellings.

*Response*

The 1000ha minimum lot size was applied to land zoned RU1 when the ELEP 2012 was made in 2012 to reflect the previous provisions of the *Rural LEP 1987*, which limited further subdivision of rural land. Notwithstanding this large minimum lot size, there are only two lots and five

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

holdings in Eurobodalla Shire over 1000ha in size. Most of Eurobodalla Shire's rural lots and holdings are already much smaller in size.

The proposal to reduce minimum lot sizes does not allow significant subdivision as the proposed minimum lot sizes to be applied are generally consistent with the existing size of lots in each area. Across Eurobodalla, a total of 122 additional lots are facilitated by the planning proposal. In land proposed to be zoned RU1 Primary Production, the additional number of lots that would be allowed is 60, representing a 2% increase in the total number of rural lots. This is not considered to represent significant subdivision in rural areas.

Clearing of vegetation would not be required for every proposed subdivision or dwelling facilitated by the planning proposal, as some properties that benefit already have some cleared areas. Where clearing is proposed in association with a development proposal, Council will assess the impact of the proposal on the environment, which will be undertaken in accordance with the requirements of the *NSW Biodiversity Conservation Act 2016*.

- Issue – object to the proposal to have 'open' land-use tables for the RU1 and RU4 zones  
Submissions state that open land-use tables mean 'anything goes'. They claim that large landholders and property developers stand to benefit, while the broad community faces the inevitable clearing of forested rural land and the steady degradation of Eurobodalla Shire from the 'nature coast' to the 'naked coast'.

*Response*

The proposed use of open land-use tables is not considered to represent 'anything goes'. The purpose of the open land-use tables is to provide greater flexibility to land owners to change land-uses without the need for an amendment to the LEP. Certain land-uses will remain prohibited in the RU1 and RU4 zones, and any additional permitted land-uses cannot be undertaken without development consent. Before Council can grant development consent, assessment of the proposal against the relevant provisions of NSW Government legislation, regulations and State Environmental Planning Policies needs to be undertaken.

- Issue – the planning proposal will increase development in bushfire prone areas  
Submissions state that more development in bushfire prone areas will increase the risk to residents and rural fire service employees in the event of a bushfire.

*Response*

The vast majority of Eurobodalla Shire is bushfire prone. In all of the areas where new lots or dwellings are facilitated by the planning proposal, there are existing dwellings. In most cases, the number of dwellings in these areas is being increased by no more than four dwellings. Any new development in a bushfire prone area is also required to provide a detailed bushfire assessment report with a development application, and it needs to be assessed in accordance with *Planning for Bushfire Protection 2016*. Certain kinds of developments are required to be referred to the NSW RFS for their assessment and/or concurrence.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

- Issue – the effects of climate change have not been considered

Submissions argue that the inevitable clearing of forests associated with development arising from the planning proposal will increase carbon emissions.

*Response*

Climate change was considered throughout the development of the Strategy. This issue was discussed in the Rural Lands Issues Paper, the Rural Opportunities and Constraints Report and the Policy Directions Paper, all of which informed the final Strategy adopted by Council. Given the planning proposal facilitates minimal clearing of vegetation, it is considered that there will be no climate change impacts as a result. In any case, it should be noted that the *NSW Biodiversity Conservation Act 2016* includes requirements for offsetting the clearing of native vegetation.

- Issue – Council has ignored the advice of expert NSW Government agencies

Submissions raise concern that the planning proposal is inconsistent with advice from NSW Government agencies and Ministerial Directions.

*Response*

The planning proposal seeks to implement the recommendations of Council's adopted Rural Lands Strategy that was developed over a period of four years, with input from the NSW Government, the Rural Lands Steering Committee and submissions by various agencies throughout the process.

Council engaged with the NSW Government and considered all submissions received before adopting the Strategy. Further engagement with NSW Government agencies has been undertaken as part of this planning proposal process. Detailed responses to submissions from agencies are provided in this report and in the Submissions Summary and Responses attachment to this report.

Council disagrees with a number of issues raised by various NSW Government agencies, and the areas of disagreement are addressed in the planning proposal and in this report. Similarly, the planning proposal acknowledges where it is inconsistent with S117 Ministerial Directions and provides justifications for those inconsistencies.

It is important to note that despite the concerns raised by some NSW Government agencies and the identified inconsistencies with the Ministerial Directions, the Minister for Planning issued a Gateway Determination to allow the planning proposal to be placed on public exhibition.

- Issue – the planning proposal was insufficiently notified and should be withdrawn for more public and agency consultation

Submissions state that the planning proposal should be reviewed with expert NSW Government agencies and a genuine community advisory panel that is truly representative of the broad community, including several people with wide nature conservation experience.

*Response*

The Strategy was developed with input from NSW Government agencies and all members of the Eurobodalla community have had a number of opportunities to provide Council with feedback during the process of developing the Strategy. The process included the

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

establishment of a Rural Lands Steering Committee following an open expression of interest for members of the public to nominate. Nominees with a range of interests were selected by Council to participate on the committee.

In addition to the involvement of the Rural Lands Steering Committee, the following community engagement activities were undertaken in the development of the Strategy:

- The public exhibition of a draft Rural Lands Issues Paper seeking input from the community on the issues facing rural landholders in Eurobodalla
- The public release of a Rural Opportunities and Constraints Report with mapping of environmental and agricultural values
- A range of Policy Directions Workshops were held, and independently chaired, involving approximately 100 residents from different backgrounds
- The public exhibition of a draft Policy Directions Paper seeking input from the community of the directions for the future of rural lands in Eurobodalla
- The public exhibition of a draft Rural Lands Strategy seeking input from the community on the proposed recommendations to be included in the Strategy.

This planning proposal is not a review of the Strategy - it seeks to implement the Strategy as adopted by Council. The planning proposal was notified and exhibited by Council in excess of the minimum requirements outlined in the Gateway Determination issued by the Minister for Planning. All land owners directly affected were notified in writing. All NSW Government agencies identified in the Gateway Determination were also notified in writing. A media release was issued and two public notices were placed in local newspapers. NSW Government agencies were all informed in writing of the extension of the public exhibition period, as was the community through a second media release.

**Supporting submissions**

A total of 32 submissions supported the planning proposal. The following points were made in these submissions:

- The proposal will facilitate additional nature-based tourism opportunities
- There are already several layers of environmental protections at a NSW Government level. Having multiple layers of regulations has a restrictive effect on tourism developments
- The multiple overlapping layers of constraints have been a major source of concern for sustainable management of rural lands
- In reality all environmental relevant protections are in place through existing legislation
- The planning proposal provides Eurobodalla rural businesses and agriculture to expand and grow successfully by providing opportunities for landowners to pursue new activities on their land
- The planning proposal seems to achieve a good balance between valuing biodiversity and encouraging population growth, jobs and demand for local goods and services

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

- The number of new lots and dwellings to be created is small, which will mean the rural feel of the Shire will not be adversely affected
- The planning proposal will achieve greater transparency and simplification of planning laws in the Shire
- The open land-use table for rural zones allows land holders greater flexibility to make land-use changes without excessive red tape
- The proposed use of lot averaging in the RU4 zone potentially increases conservation of environmentally sensitive land as it provides for development potential to be located in non- or less sensitive areas
- The small number of new lots potentially created would not result in overdevelopment of the Shire and the potential 250+ dwellings would be spread throughout the entire Shire minimising any adverse visual impact
- The Rural Land Strategy had a long extensive period of consultation. Submissions, workshops, and input from the Rural Lands Steering Committee. This is an excellent outcome finding the right balance between what is needed to give flexibility to the agricultural sector and what is doable under legislation
- The planning proposal is a step in the right direction to improve the long term viability of the economy on the South Coast
- The planning proposal is a good balance between providing flexibility in planning regulations to aid diversification of the local economy and continuing to protect the natural environment
- Eurobodalla is a beautiful part of our country, with a healthy lifestyle and country landscape. This will not change with a few extra houses
- Small farm holdings and hobby farmers are fantastic to have in the community, for businesses and for local markets, builders, etc. Further, allowing for even this tiny increase in their numbers will open up other opportunities like environmental tourism. The Shire needs this reform as it needs to broaden its economic base

**Individual submissions requesting changes to the planning proposal**

A total of 40 submissions requested site specific changes to the planning proposal such as:

- a change to the proposed zoning
- a change to the proposed minimum lot size
- request to map an existing dwelling entitlement
- request to provide a dwelling entitlement
- request to modify other LEP mapping (eg, wetland)
- requests to ensure certain developments will be permissible in the proposed zoning
- request that lot averaging be applied to the RU1 zone.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

*Response*

Given the planning proposal is consistent with the recommendations of the Strategy, the changes requested in these submissions cannot be considered as part of this planning proposal.

**Submissions in relation to Oaks Ranch, Mossy Point**

A total of 24 submissions were received from residents of The Estuary Estate at Mossy Point in relation to the land adjoining the estate to the west, known as Oaks Ranch. All of these submissions requested that Council remove item 15 of Schedule 1 of the ELP 2012 as a part of this planning proposal. Item 15 of Schedule 1 provides for 90 residential dwellings to be permitted with consent on the subject land. Some of these submissions also questioned whether the RU1 zone was appropriate for the deferred matter on this land and some objected to there being no minimum lot size for the existing SP3 and RE2 zoned parts of the land.

*Response*

The only changes in the planning proposal relating to the Oaks Ranch property is to zone the current deferred matter from the existing Rural 1(a) zone under the Rural LEP 1987 to the RU1 zone under ELP 2012, to apply a 40ha minimum lot size to the area proposed to be zoned RU1 and to remove the 1000ha minimum lot size standard for that part of the land currently zoned E2.

The planning proposal does not relate to the existing Schedule 1 provision for the subject land and therefore the proposed change cannot be considered as part of this planning proposal.

The concerns relating to there being no minimum lot size for the SP3 and RE2 zoned parts of the land, are also in relation to existing provisions in the ELP 2012, to which no changes are proposed in this planning proposal.

**Proposed changes to the planning proposal**

In response to all of the submissions received, a number of minor changes to the planning proposal are recommended. Some of the changes are in response to submissions, some will clarify the intent of a number of amendments to the ELP 2012 contained in the planning proposal and some will address a small number of omissions from the planning proposal. All of the proposed changes are detailed below and the changes where appropriate, are incorporated into the amended planning proposal included as an attachment to this report (Attachment 1). None of the changes will warrant the re-exhibition of the planning proposal.

- Rezoning lands purchased by the NSW Government (Lot 1 DP 591024 and Lot 16 DP 807992) to expand the Gulaga National Park to the E1 National Parks and Nature Reserves zone.
- Rezoning one lot of Crown Land (Lot 7309 DP 1156554) transferred to the Mogo State Forest to the RU3 Forestry zone.
- Adding open cut mining to the permitted with consent column in the RU4 and IN1 zones (as this use is already permitted with consent in these zones under the Mining SEPP).
- Updating the planning proposal to address Ministerial Direction 4.4 Planning for Bushfire Protection in relation to items 19 and 23.

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

- Updating the aerial photo and topography map in Volume 3 in relation to Areas 11 and 11a to correct the labelling of the areas.
- Updating the zoning mapping to apply zoning to roads consistent with the Department of Planning and Environment's technical mapping requirements (roads will be zoned the same as the adjoining land).
- Updating all LEP Maps to apply to the new and updated cadastre from Land and Property Information Services.
- Updating the Minimum Lot Size Map to apply a minimum lot size of 20ha (AB2) to two lots in Area 28 that were inadvertently omitted from the mapping (Part of Lot 208 DP 752155 and Lot 2 DP 591612).
- Updating the zoning map to reflect a recent subdivision (boundary adjustment) and ensure all of the subject properties are contained in the RU1 zone (Lots 1 and 2 DP 1215669, in Area 20).
- Updating the Height of Buildings Map to apply a maximum building height standard of 8.5m (I) to land zoned RU1 within the village of Mogo.
- Updating the planning proposal in relation to Item 1 to include in the discussion relating to grazing as exempt development in the E2 zone, clarification that exempt development does not apply to environmentally sensitive land, including coastal wetlands and to recommend a note be included in the Exempt Development Schedule to this effect.
- Updating the planning proposal in relation to Item 4 to clarify that the intent is to facilitate boundary adjustments that result in the potential for additional dwellings, where the boundary adjustment results in a lot or lots that are larger than the proposed minimum lots size, or for the potential to further subdivide land where the boundary adjustment results in a lot or lots that are more than twice the proposed minimum lot size.
- Updating the planning proposal in relation to item 5 to revise the number of potential dwellings that are facilitated by the planning proposal as a result of new information in relation to existing dwelling entitlements, existing dwellings and recent approvals.
- Amending item 8 of the planning proposal, to propose the removal of the Dwelling Entitlement Map as it is no longer required due to the proposed removal of the sunset clause.
- Updating the planning proposal in relation to item 26 to clarify that interests are proposed to be changed as the current public reserve purpose of the land will be removed with respect to the small portion proposed to be reclassified.

**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. This stage of the process was completed and a Gateway Determination was issued allowing for the planning proposal to be placed on public exhibition.



---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

The next stage of the process requires Council to consider any submissions received and resolve to adopt a final planning proposal. Council did not seek delegation to make the amendments to the ELEP 2012 outlined in this planning proposal. Therefore, the planning proposal is required to be submitted to the Department of Planning and Environment with a request for the Minister for Planning to make the changes to the ELEP 2012.

**Policy**

The planning proposal has been prepared in accordance with Department of Planning and Environment Guidelines for preparing planning proposals and Local Environmental Plans. The planning proposal is substantially consistent with the Rural Lands Strategy adopted by Council on 23 February 2016. The non-rural lands matters contained in the planning proposal are minor in nature and are all consistent with relevant Council policies and strategies.

**Environmental**

The Rural Lands Strategy gave full consideration to environmental issues relevant to rural lands in Eurobodalla. This planning proposal implements the recommendations of that work.

For each item in the planning proposal, consideration has been given to any potential environmental impacts and the results are outlined in the planning proposal. As outlined in this report, the potential number of additional lots and dwellings facilitated by the planning proposal is modest and not all potential development will require the clearing of any vegetation. The proposal to make grazing exempt development in the E2 zone will not apply to coastal wetlands or other land identified as environmentally sensitive land. The additional land-uses proposed to be made permissible will require development consent and all environmental issues will be assessed. Existing environmental legislation and policies will remain. The information contained in the existing Terrestrial Biodiversity Map and other relevant environmental information such as high conservation value mapping will continue to be used in the assessment of development applications.

**Asset**

The Rural Lands Strategy gave full consideration to infrastructure issues relevant to rural lands in Eurobodalla. This planning proposal implements the recommendations of that work.

For each item in the planning proposal, consideration has been given to any potential impacts on Council assets and the results are outlined in the planning proposal. In most areas where some additional lots or dwellings are facilitated by the planning proposal, the number of additional lots and dwellings is very small and will not result in increased demand for improvements to Council's assets. Where more than a small number of additional lots or dwellings are facilitated, existing infrastructure such as sealed roads, is suitable to accommodate the additional development.

**Social Impact**

The Rural Lands Strategy gave full consideration to social issues relevant to rural lands in Eurobodalla. This planning proposal implements the recommendations of that work.

For each item in the planning proposal, consideration has been given to any social impacts and the results are outlined in the planning proposal. The modest increase in development potential arising from the planning proposal will facilitate a modest increase in Eurobodalla's

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

rural population, providing a positive social impact without changing the rural or environmental character of our Shire.

**Economic Development Employment Potential**

The Rural Lands Strategy gave full consideration to economic issues relevant to rural lands in Eurobodalla. This planning proposal implements the recommendations of that work.

For each item in the planning proposal, consideration has been given to any economic impacts and the results are outlined in the planning proposal. The modest increase in development potential arising from the planning proposal, including the additional potential for rural tourism opportunities, will facilitate a modest increase in Eurobodalla's economic development and employment potential, providing a positive economic impact without changing the rural or environmental character of our Shire.

**Community and Stakeholder Engagement**

Extensive community engagement was undertaken in the development of the Rural Lands Strategy. In addition to the involvement of the Rural Lands Steering Committee, the following community engagement activities were undertaken:

- The public exhibition of a draft Rural Lands Issues Paper seeking input from the community on the issues facing rural landholders in Eurobodalla.
- The public release of a Rural Opportunities and Constraints Report with mapping of environmental and agricultural values.
- A range of Policy Directions Workshops were held, and independently chaired, involving approximately 100 residents from different backgrounds.
- The public exhibition of a draft Policy Directions Paper seeking input from the community of the directions for the future of rural lands in Eurobodalla.
- The public exhibition of a draft Rural Lands Strategy seeking input from the community on the proposed recommendations to be included in the strategy.

Community consultation on the planning proposal was undertaken in accordance with legislative requirements and in excess of the requirements contained in the Gateway Determination. The planning proposal was exhibited for a period of six weeks from 9 May 2018 to 22 June 2018.

Land owners and residents were informed of the public exhibition through direct correspondence with affected land owners, media releases and public notices for the broader community. A banner was located on the home page of Council's website for the duration of the exhibition period directing people to the exhibition material. Hard copies of the exhibition material were located at Council's three libraries and at the customer service centre in Moruya. A plain English guide to the planning proposal was included with the exhibition material to assist in understanding the planning proposal.

**CONCLUSION**

The Rural Lands Planning Proposal seeks to implement the recommendations of Council's adopted Rural Lands Strategy and make some other minor amendments to the ELEP 2012. The

---

**PSR18/069 RURAL LANDS PLANNING PROPOSAL**

**E16.0182**

planning proposal was prepared in accordance with relevant requirements and approval was granted from the Minister for Planning through a Gateway Determination to place the planning proposal on public exhibition.

The issues raised in submissions, in particular the environmental concerns, have been known and considered by Council and the former Rural Lands Steering Committee over many years. The environmental impacts of the planning proposal will not be significant. A relatively small number of additional lots and dwellings are facilitated and not every additional dwelling would require clearing of vegetation. The planning proposal has applied zones and minimum lot sizes that are appropriate to each rural location. Where clearing of vegetation is proposed as part of a development application for a subdivision or dwelling, it will be assessed in accordance with the NSW Government's environmental legislation. Council's own environmental mapping will continue to be used to assess development applications.

Some minor changes to the planning proposal are recommended, in response to submissions, to clarify the intent of some of the items in the planning proposal, to update the planning proposal in response to new legislation and policies and to address a small number of omissions from the planning proposal. None of the changes are significant to warrant the re-exhibition of the planning proposal.

It is recommended that the amended planning proposal be endorsed by Council and that the Minister for Planning be requested to make the amendments to ELEP 2012.

---

**PSR1 BIOSECURITY ACT 2015 WEED CONTROL PROGRAMS**  
**8/070**

**E80.2982**

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

Attachments: 1. Under Separate Cover - Weed Control Programs

Outcome: Protected and Valued Natural Environment

Focus Area: 3.2 Value, protect and enhance our natural environment and assets

Delivery Program Link: 3.2.1 Provide education on and manage the impacts associated with invasive species

Operational Plan Link: 3.2.1.1 Undertake noxious weed program

**EXECUTIVE SUMMARY**

The *Noxious Weeds Act 1993* was replaced when the *Biosecurity Act 2015* and *Biosecurity Regulation 2017* (the Regulation) came into effect on 1 July 2017. Council as the Local Control Authority for the enforcement of noxious weeds under the *Noxious Weed Act 1993* continues to be the Local Control Authority, responsible for enforcing weed management under the new Act.

The primary objective of the Biosecurity Act is to provide a framework for the prevention, elimination and minimisation of biosecurity risks, and promote shared responsibility between government, industry and community.

The current control obligations under the Act for a range of declared weeds such as Blackberry, African Love Grass and St John's Wort, do not meet community and Council expectations for weed control.

Weed Control Programs under Section 371 (1) (b) of the Act enable Council to enforce the control of weeds that pose a high threat to Eurobodalla by enabling additional control measures for these weeds. The control measures in the programs set out what landholders need to do to control the weeds and discharge their general biosecurity duty under the *Biosecurity Act 2015*.

This report seeks to enact local Weed Control Programs, which are a function of the Act and will complement the NSW Invasive Species Plan 2015-22 and the South East Regional Strategic Weed Management Plan 2017-22.

management program.

**RECOMMENDATION**

THAT Council receive and note the Weed Control Programs under Section 371 (1) (b) of the *Biosecurity Act 2015*.

**BACKGROUND**

Under the *Biosecurity Act 2015*, Council remains a Local Control Authority for weeds and is now responsible for ensuring all landholders are meeting their 'general biosecurity duty' or obligations in relation to the control of declared biosecurity matter (weeds). A 'general biosecurity duty' will involve landholders completing the appropriate management and control

---

**PSR18/070 BIOSECURITY ACT 2015 WEED CONTROL PROGRAMS**

**E80.2982**

activities for certain weeds. Weeds are classified according to risk and the response is commensurate with the risk posed by a weed.

Council inspects both private and public property to ensure landholders are meeting their general biosecurity duty and also provides assistance, extension and education services.

Weed Control Programs for risk-assessed weeds will enable Council to enforce the control of weeds that pose a high threat to agriculture and biodiversity in Eurobodalla by enabling suitable control measures for these weeds.

The following 18 weeds have been assessed as a threat and represent the majority of high risk weeds found when conducting property inspections in Eurobodalla, and will be managed by Weed Control Programs.

The 18 Weed Control Programs are also based on the requirements that were in place in the Eurobodalla under the Noxious Weed Act, thereby ensuring that there is ongoing and consistent weed management.

**Eurobodalla Weed Control Programs**

1. African Boxthorn (*Lycium ferossismum*)
2. African Love Grass (*Eragrostis curvula*)
3. Blackberry (*Rubus fruticosus* spp aggregate, excluding listed cultivars)
4. Dwarf Broom (*Cytisus rasemosus nana*)
5. Scotch, Cape and Flax Leaf Brooms (*Cytisus scoparius*; *Genista monspessulana*; *Genista linifolia*)
6. Cat's Claw Creeper (*Macfadyena unguis-cati*)
7. Chilean Needle Grass (*Nasella neesiana*)
8. Coolatai Grass (*Hyparrhenia hirta*)
9. Crofton Weed (*Ageratina adenophora*)
10. Gorse (*Ulex europaeus*)
11. Lantana (*Lantana camara* and *Lantana montevidensis*)
12. Madeira Vine (*Anredera cordifolia*)
13. Pampas Grass (*Cortaderia selloana*)
14. Prickly Pear (*Opuntia* spp excluding Indian Fig (*Opuntia indica*))
15. Salvinia (*Salvinia molesta*)
16. Serrated Tussock (*Nasella trichotoma*)
17. Sharp Rush (*Juncus acutus*)
18. St John's Wort (*Hypericum perforatum*).

Each Weed Control Program contains the following:

---

**PSR18/070 BIOSECURITY ACT 2015 WEED CONTROL PROGRAMS**

**E80.2982**

- information about Section 371(1)(b) of the Act
- geographic area that the program covers
- the weed's common and botanical name
- information about the weed
- legal obligations including Council's level of control required from the program
- weed risk assessment results
- information about enforcement and penalties
- contact details
- review date.

**CONSIDERATIONS**

Weeds have been classified and prioritised in different ways under the Biosecurity Act and there is a range of new terminology used. However, Council can ensure that there is continuity in the ways weeds are managed and controlled in Eurobodalla, and that community expectations on this matter will be met.

Weeds that are not listed in the Act or Regulation that are of local importance, and are discovered regularly in Council's inspection program, will now be managed by local Weed Control Programs developed by the Local Control Authority (Council). The objectives for controlling these weeds correspond to eradication, containment and asset protection.

The Weed Control Programs remove any potential ambiguity and give landholders clear directions that they must follow to discharge their general biosecurity duty.

Other weeds that may pose a risk to agriculture, biodiversity or human and animal health are subject to the general biosecurity duty, and may be risk assessed on a case by case basis, unless they are already identified, or in the process of being nominated for inclusion in a biosecurity zone as prohibited matter, or to be managed by a mandatory measure under the Biosecurity Act.

**Legal**

Council has functions as the Local Control Authority under the *Biosecurity Act 2015* (Section 371) which include:

- (a) the prevention, elimination, minimisation and management of the biosecurity risk posed or likely to be posed by weeds,
- (b) to develop, implement, coordinate and review Weed Control Programs,
- (c) to inspect land in connection with its weed control functions.

The Weed Control Programs attached will require that landholders legally abide by them in order to meet their general biosecurity duty. There are penalties that apply to persons who do not meet their general biosecurity duty, and Council can also organise for the work to be undertaken and recover the costs where the owner fails to do so.

---

**PSR18/070 BIOSECURITY ACT 2015 WEED CONTROL PROGRAMS**

**E80.2982**

Local Control Authority Weed Officers are appointed as authorised officers under the *Biosecurity Act 2015* by their Local Control Authority, delegated by the Secretary of the Department of Primary Industries.

**Environmental**

Council's responsibilities for the enforcement of the control of biosecurity matter (weeds) is crucial to ensuring that these weeds are not impacting upon the natural environment of Eurobodalla. New and emerging weeds, along with garden escapees, have a negative impact on native flora and fauna and may cause further issues on agricultural lands.

Weeds are acknowledged as the second most serious cause of biodiversity decline after habitat loss from land clearing.

**Asset**

Weeds are costly, and in an agricultural setting, reduce farm and forest productivity; they invade crops, smother pastures and in some cases can harm livestock. They aggressively compete for water, nutrients and sunlight resulting in reduced crop yield and poor crop quality. The costs of control are also significant in relation to the purchase of chemicals and diesel, and the time taken to spray weeds, which could be more usefully spent maintaining pasture and animal health.

**Social Impact**

Weed Control Programs will enable Council to continue working with landholders to ensure high risk weeds are not impacting upon agriculture and landholder livelihood, including reducing the mental and economic stress caused by weed management in our rural communities.

**Financial**

The NSW Government's Weeds Action Program financially contributes to Council's weeds inspection activities. The changes to the legislation do not affect the budget requirements for Council's inspection and control activities.

**Community and Stakeholder Engagement**

Council provides extension services to support weed identification and information on appropriate control measures to landholders and managers. This support is well received by the community.

**CONCLUSION**

With the introduction of the *Biosecurity Act 2015*, it is important to maintain consistency and continuity of expectations and enforcement regarding weed control. The Weed Control Programs will ensure Council is able to meet our community's expectations and reduce the threats to Council and community assets posed by weeds.

The Weed Control Programs will be regularly reviewed and updated as required. The programs will complement the NSW Invasive Species Plan 2015-22 and the South East Regional Strategic

---

**PSR18/070 BIOSECURITY ACT 2015 WEED CONTROL PROGRAMS**

**E80.2982**

Weed Management Plan 2017-22. These actions will enable Council to implement and act in accordance with the requirements of the *Biosecurity Act 2015*.



---

**PSR18/072 2017-18 INVASIVE SPECIES - STATUS REPORT**

**E80.2982**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services  
Attachments: Nil  
Outcome: Protected and Valued Natural Environment  
Focus Area: 3.2 Value, protect and enhance our natural environment and assets  
Delivery Program Link: 3.2.1 Provide education on and manage the impacts associated with invasive species  
Operational Plan Link: 3.2.1.1 Undertake noxious weed program

**EXECUTIVE SUMMARY**

This report details the annual activities, expenditure and considerations related to invasive species management for the 2017-18 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 2017-18, 1,256 biosecurity matter (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 Cats Claw Creeper and Coolatai Grass.

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

**RECOMMENDATION**

THAT Council receive and note the 2017-18 Invasive Species Status Report.

**BACKGROUND**

State investment through the South East Weeds Action 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 aligns with the NSW *Biosecurity Act 2015*, which has reshaped the weed inspection environment, to focus on a practical risk based approach.

NSW Invasive Species Plan 2015-2022 - 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 - is the NSW investment program for invasive plants where the geographical area aligns with the South East Local Lands Service boundaries.

---

**PSR18/072 2017-18 INVASIVE SPECIES - STATUS REPORT**

**E80.2982**

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.

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.

South East Regional Strategic Weeds Management Plan 2017-2022- 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 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*.

**CONSIDERATIONS**

Biosecurity matter (weeds), 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.

Biosecurity matter (weeds)

Council's inspection program underpinned the roll-out of a grant funded behavioural science program for *Lantana camara* control in the south of Eurobodalla Shire and uncovered two high threat weed species: Cats Claw Creeper (*Macfadyena unguis-cati*) and Coolatai Grass (*Hyparrhenia hirta*).

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 infestations.

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.

**PSR18/072 2017-18 INVASIVE SPECIES - STATUS REPORT**

**E80.2982**

Table 1: 2017-18 South East Weeds Action Program Activities

|  | <b>Target</b> | <b>Actual</b> |
|--|---------------|---------------|
| Inspect all high risk pathways         | 996           | 996           |
| Inspect all high risk sites            | 111           | 111           |
| Inspect private properties             | 718           | 1,241         |
| Inspect public properties              | 75            | 75            |
| Urban area inspections                 | 13            | 568           |
| Weed control compliance re-inspections | 125           | 15            |

**The private property inspection figures above are composed of the following:**

|   |     |
|---|-----|
| Boneseed  | 568 |
| Serrated Tussock  | 18  |
| St John's Wort  | 13  |
| Hyacinth  | 2   |
| Lantana   | 53  |
| African Love Grass  | 1   |
| Moruya north, Kiora, Wamban, Lower Deua, Pollwombra, Mogendoura, Industrial Estate, upper Malabar | 586 |

**Total inspections (all)** **718** **1,256**

Table 1 shows that 1,241 primarily private property inspections were conducted over the 2017-18 financial year, which exceeded the South East Weed Action Program target of 718. Weed control compliance is very high with only 15 properties requiring re-inspection and one property that required a notice for non-compliance with a biosecurity Direction.

Historical data suggests that the majority of our weed incursions stem from urban areas. The Weed Action Program model changed for 2017-18 to recognise urban areas as a primary weed incursion source and as such, 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 2017-18

|  | <b>2013-14</b> | <b>2014-15</b> | <b>2015-16</b> | <b>2016-17</b>   | <b>2017-18</b> |
|--|----------------|----------------|----------------|------------------|----------------|
| Number of private properties inspected | 1,885          | 1,632          | 1,535          | 2,017            | 1,241          |
| Number of re-inspections               | 24             | 16             | 23             | 165 <sup>^</sup> | 15             |
| Notices Issued                         | 1              | 2              | 7              | 6                | 1              |
| Compliance from landholders*           | <b>99.9%</b>   | <b>99.8%</b>   | <b>99.4%</b>   | <b>99.7%</b>     | <b>99.9%</b>   |

---

**PSR18/072 2017-18 INVASIVE SPECIES - STATUS REPORT**

**E80.2982**

\*Compliance is based on the percentage of inspections that have required the issue of notices to ensure biosecurity matter (weeds) have been controlled.

^This figure includes Lantana re-inspections for the grant funded Lantana Pushback Program.

As shown in Table 2, the number of inspections and compliance has been consistently high with 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.

Rabbits continue to be a major concern amongst our coastal communities, and control activities were conducted at South Durras, Malua Bay, Lilli Pilli, Catalina, Moruya South Heads, Kianga, Dalmeny and Narooma.

**CONSIDERATIONS**

**Legal**

In 2017-18, Eurobodalla Shire Council were the authorised administrative body for the *Biosecurity Act 2015*, which came into force on 1 July 2017.

The legislation promotes biosecurity as a shared responsibility between government, industry and the community, who will work together to identify, prevent, eradicate, minimise, respond to and manage biosecurity risks.

**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' properties.

**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.

**PSR18/072 2017-18 INVASIVE SPECIES - STATUS REPORT**

**E80.2982**

**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 the impact of weeds and pests 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 have funded numerous weed and rabbit control programs on their tenure, Local Lands Services funded weed and rabbit control in natural areas and wetlands, and the Australian Government contributed significantly to the control of weeds on private property such as Bitou Bush, Beach Weeds and Lantana.

Table 3: 2017-18 Financial Breakdown

|  |  |
|--|--|
| <b>(A) Revenue</b><br>1. South East Weeds Action Program funds<br>2. Other external funds (grants)<br>3. Weeds certificates<br>TOTAL REVENUE | <br>1. \$76,283<br>2. \$123,851<br>3. \$917<br><b>\$201,051</b>                            |
| <b>(B) ESC/SEWAP expenditure</b><br>1. Council/Weed Action Program<br>TOTAL ESC/SEWAP EXPENDITURE  | <br>1. ESC vertebrate pests: \$11,424<br>2. ESC/SEWAP weeds: \$225,351<br><b>\$236,775</b> |
| <b>(C) Other external funds expenditure *</b>  | \$49,029   |
| <b>TOTAL EXPENDITURE 2017-18 (B + C)</b>   | <b>\$285,804</b>   |

\* 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 and Stakeholder 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 responds to enquiries about invasive species control, plant identification and land management advice.

**CONCLUSION**

expertise and input into local and regional invasive species management.

---

**PSR18/073 2017-18 EMISSIONS REDUCTION PLAN PROGRESS REPORT**

**E07.1073**

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

Attachments: 1. Emissions Reduction Plan action updates

Outcome: Sustainable Living

Focus Area: 4.4 Work together to reduce our environmental footprint and develop a clean energy future

Delivery Program Link: 4.4.1 Plan for and work towards reducing Council's environmental footprint

Operational Plan Link: 4.4.1.1 Implement the Emissions Reduction Plan

### **EXECUTIVE SUMMARY**

This report provides the annual update on the progress and activities to date on the 2017-2021 Emissions Reduction Plan (ERP) for the period July 2017 to June 2018.

The plan has achieved significant emission savings of over 23,000 tonnes of CO<sup>2</sup> and cost savings of over \$1m per year to Council. The plan is largely on track with many actions progressing well and some targets achieved. Compared to the 2005-06 baseline:

- Building emissions are down 34%
- Street lighting emissions are down 37%
- Landfill methane emissions are down approximately 52%.

Significant savings to Council have already been achieved as a result of activities within the plan, and it is recommended to continue to resource the plan in order to fully realise its objectives and targets. Council has achieved its interim target of a 25% reduction in emissions two years before the target year of 2020, and has reduced total emissions by approximately 36%.

### **RECOMMENDATION**

THAT Council receive and note the 2017-18 Emissions Reduction Plan Status Report.

### **BACKGROUND**

The 2017-21 ERP was adopted by Council (minute 17/175) on 13 June 2017. The plan identifies 21 new actions and 48 'core' or ongoing actions covering the areas of community, fleet, energy management, street-lighting, leadership, planning, renewable energy and waste. Actions within the plan were designed to meet this target and be achievable and measureable.

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

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

---

**PSR18/073 2017-18 EMISSIONS REDUCTION PLAN PROGRESS REPORT**

**E07.1073**

**CONSIDERATIONS**

Of the 21 new actions in the plan, two are 'completed', 13 are 'in progress', and six will be addressed in the coming years of the plan.

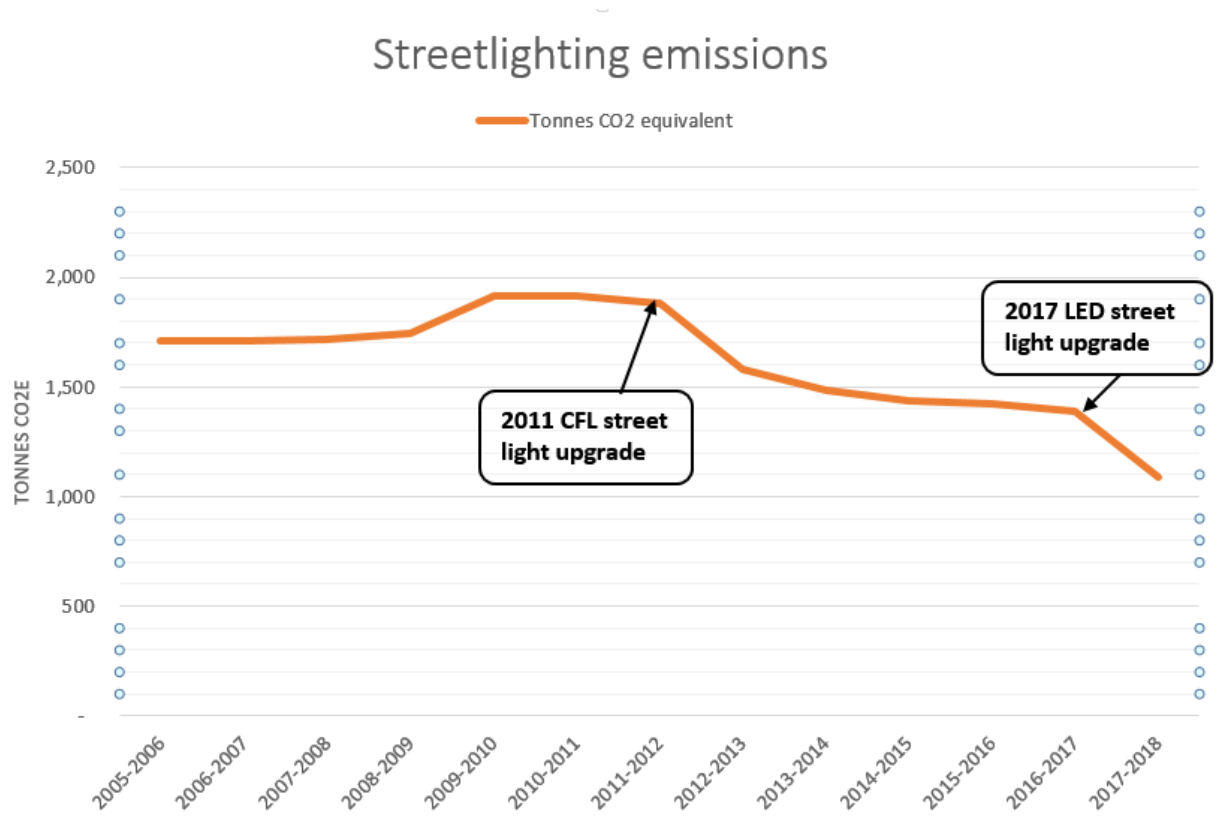
Information on the progress and activities for each action are detailed in attachment 1.

Highlights from activities completed in 2017-18 include:

- Growing interest in electric vehicles and charging stations. Council has been approached by a range of parties interested in establishing charging stations. In response to Notice of Motion on electric vehicles (17/005) widespread support for the South-east electric highway concept has been secured.
- Methane recovery and flaring had its first full year of operation and reduced landfill methane emissions by 14,410 TCO<sub>2</sub>e per year, which represents a reduction of approximately 52% on the 2005/06 baseline.
- A Sustainable Building Policy has been drafted for a range of different sized building projects. This will be trialled on some upcoming builds and renovations before being formalised.
- Independent experts were engaged to review various options to source renewable energy. A report will be presented to Council in 2018/19.
- Six solar information sessions were held in collaboration with the community group, South Coast Health and Sustainability Alliance, with over 200 attendees.
- Continued advocacy for the introduction of main roads LED street lighting and smart controls through the Essential Energy Street Lighting Consultative Committee and the Southern Lights group, which represents about 75,000 streetlights in southern NSW.
- Energy efficiency and solar power projects were completed as part of an Energy Performance Contract.
- Council joined the Cities Power Partnership Program which is a free national program that aims to celebrate and accelerate the emission reduction and clean energy successes of Australian towns and cities.
- 378 water rebates or giveaways were issued.
- An extra 114kW of solar power was installed.

PSR18/073 2017-18 EMISSIONS REDUCTION PLAN PROGRESS REPORT

E07.1073



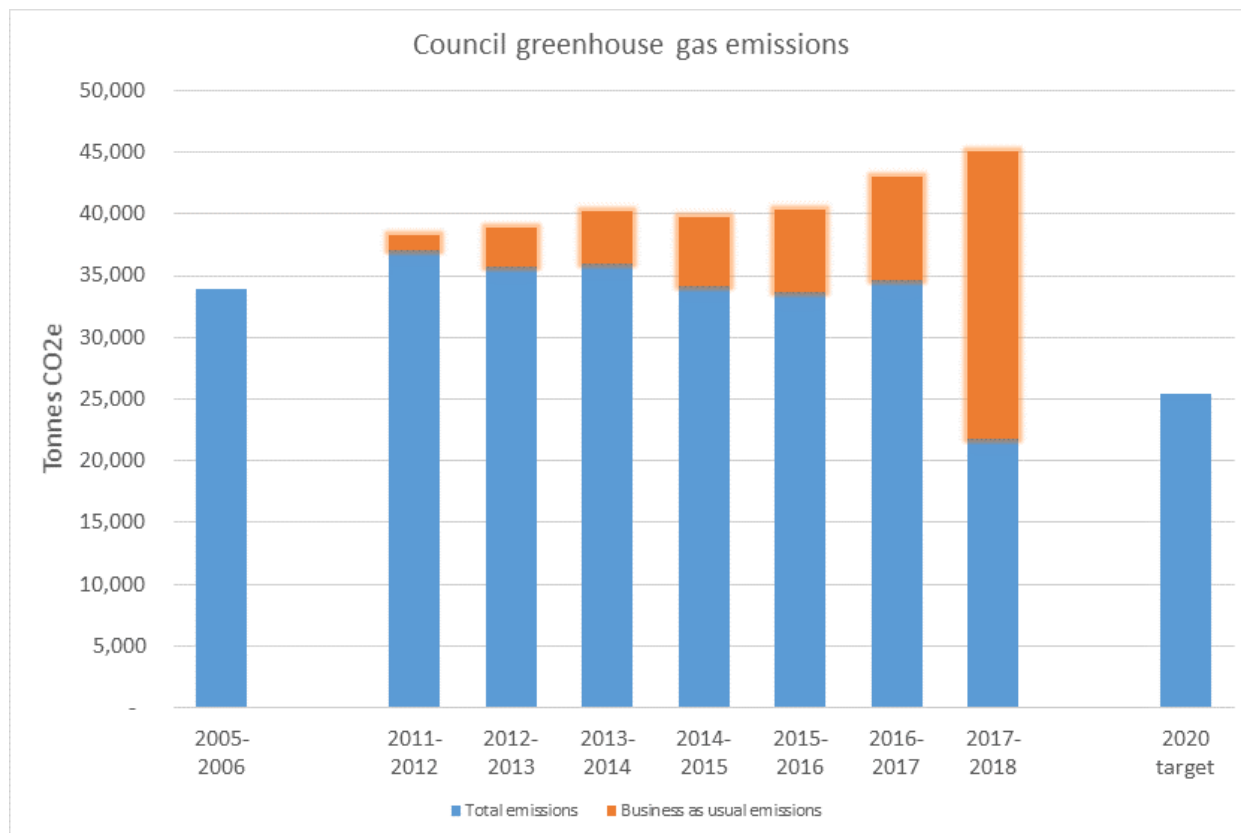
**Figure 1. Street lighting electricity and emissions**

Street lighting emissions have been reduced by 37% as a result of more efficient lighting upgrades. The recent LED lighting upgrade is saving over \$110,000 per year in reduced electricity and maintenance charges.



PSR18/073 2017-18 EMISSIONS REDUCTION PLAN PROGRESS REPORT

E07.1073



**Figure 2. Council greenhouse gas emissions compared to the 2005-06 baseline and 2020 target.**

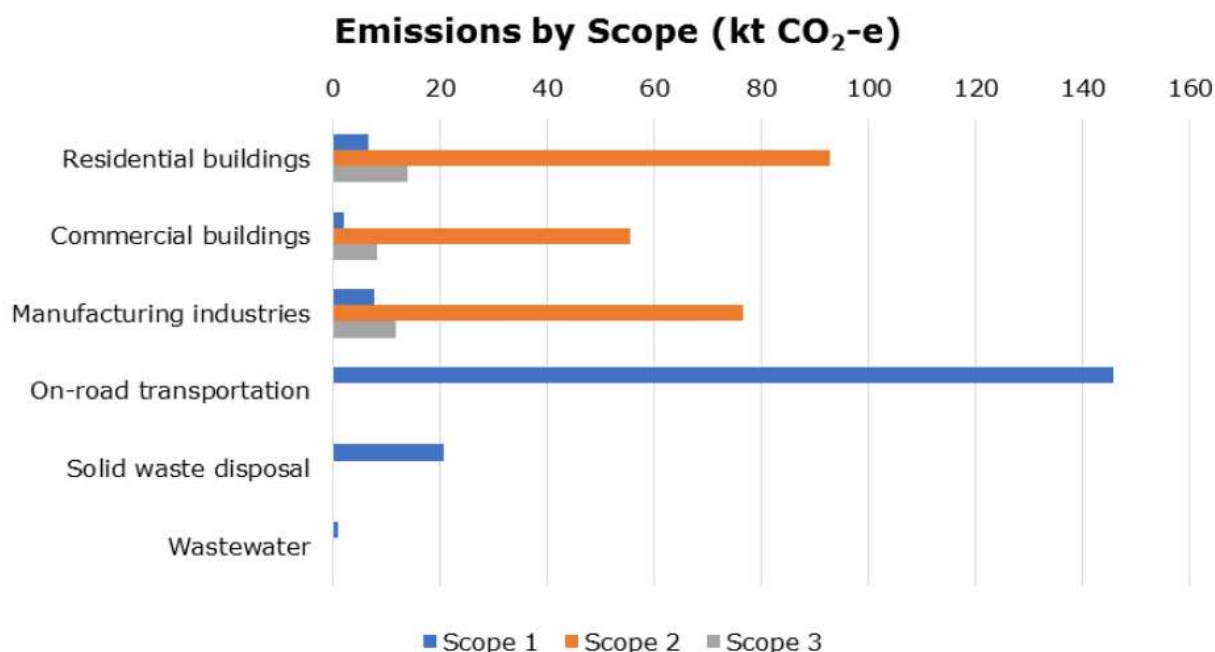
The blue part of the graph shows actual Council emissions. The orange part shows emissions reduction activities completed by Council. By including this in the chart, it shows what emissions would have been if all the energy efficiency, renewable energy and carbon offset projects had not been completed in a 'business as usual' scenario.

Total emissions for 2017-18 are down approximately 36% compared to the 2005-06 baseline. Compared to the 2005-06 baseline, total street lighting emissions are down 37%, building emissions are down 34% and landfill methane emissions are down approximately 52%.

With funding support from the NSW Office of Environment and Heritage, Council completed a greenhouse gas emissions profile for the broader Eurobodalla community (refer to attachment 1 - Emissions Reduction Plan action updates below). With the maxim, 'if you can't measure it you can't manage it,' it is a first step in trying to help manage broader community emissions. This is of interest to Council, the NSW Government and some local community groups. This profile will be updated and tracked in the coming years.

PSR18/073 2017-18 EMISSIONS REDUCTION PLAN PROGRESS REPORT

E07.1073



**Figure 3. Eurobodalla community emissions**

**Policy**

The 2017-21 Emissions Reduction Plan was adopted by Council (Minute 17/175) on 13 June 2017.

**Environmental**

The implementation of the 2017-2021 ERP and previous Greenhouse Action Plans have already resulted in many environmental improvement activities being undertaken. Greenhouse gas emissions have been reduced by over 23,000 tonnes of CO<sub>2</sub>.

**Financial**

A business case for all projects from the ERP are prioritised and evaluated before they are implemented. Only projects with an attractive payback period and positive rate of return are approved. Completed actions from the ERP have helped to minimise energy and water costs by an estimated \$1m/year.

A strong case can be made for continuing to resource the implementation of cost-effective emissions reduction activities identified in the 2017-2021 ERP.

**Community and Stakeholder Engagement**

We have informed and engaged the community about some of the activities in the Emissions Reduction Plan through a variety of media channels.

**CONCLUSION**

The 2017-2021 Emissions Reduction Plan is progressing well and is on track to meet the emission reduction targets. Significant financial savings to Council have been achieved as a result of activities within the plan.

---

**PSR18/073 2017-18 EMISSIONS REDUCTION PLAN PROGRESS REPORT**

**E07.1073**

It is recommended to continue to implement the plan in order to fully realise the objectives, targets and financial benefits of the plan.

**Attachment 1. Emissions Reduction Plan action updates**

| <b>Number</b> | <b>Action</b>   | <b>Progress update</b>   |
|---------------|---|--|
| 1             | Implement identified energy and water conservation measures from the Energy Performance Contract at Council's largest energy using sites by June 2018.                                    | 95 % of works have been completed. Delays have been experienced with the contractor.   |
| 2             | Conduct annual measurement and verification of projects completed from the Energy Performance Contract (EPC).   | The measurement and verification period will commence in 2018/19.  |
| 3             | All new electrical equipment must be better than the market average energy star rating.   | Standards have been adopted and staff have been using these when purchasing new appliances.  |
| 4             | All new water-using appliances, shower heads, taps and toilets purchased by Council must be better than the average Water Efficiency Labelling Scheme (WELS) star rating by product type. | Standards have been adopted and staff have been using these when purchasing new appliances.  |
| 5             | Formalise a process for incorporating sustainable designs, products and materials into buildings and construction projects.   | A Sustainable Building policy has been drafted for a range of different building project scales. This will be trialled on some upcoming builds and renovations before being formalised.  |
| 6             | Upgrade all street lighting to LED by June 2021.  | LEDs for main roads have not been formally approved for broad scale use by Essential Energy, though some will be installed on some new developments. Council has advocated for this with Essential Energy via their Street lighting Consultative Committee and also through the Southern Lights project which represents the Canberra JO, RAMROC, REROC and CENTROC on street lighting issues. |
| 7             | Investigate the opportunities presented by smart controls for street lights.  | Smart controls for street lighting have not been formally approved by Essential Energy. Council has advocated for this with Essential Energy via their Street lighting Consultative Committee and also through the Southern Lights project which represents the Canberra JO, RAMROC, REROC and CENTROC on street lighting issues.  |
| 8             | Develop a water demand management plan by June 2020   | No progress to date.   |
| 9             | Develop a mains water leak detection program by June 2021.  | No progress to date.   |

|    |   |   |
|----|---|---|
| 10 | Investigate opportunities to operate a biogas plant and reduce bio solids volume at the Surf Beach sewage treatment works by June 2018. | This was not completed as part of the Energy Performance Contract as the contractor was unable to perform these investigations. This will be reviewed in 2018/19.   |
| 11 | Monitor and report on key performance indicators for demand management and energy efficiency for Water and Sewer services.              | Energy efficiency for Water and Sewer services continues to be monitored.   |
| 12 | Work with stakeholders to facilitate electric car charging infrastructure.  | Discussions were progressed with a few private parties. Advocacy and networking has also taken place with many other Councils, State, Federal and community representatives. Widespread support has been received though no funding for chargers has been received to date. |
| 13 | Investigate utilising GPS tracking on Council's fleet to improve fleet efficiency and driver safety.                                    | No progress to date.  |
| 14 | Council will give preference to investing with financial institutions that do not invest in, or finance, the fossil fuel industry.      | Council's investment Policy was modified in December 2017 to make this action more achievable.  |
| 15 | Develop a Council Climate Adaptation Strategy by June 2020.   | No progress to date.  |
| 16 | Investigate opportunities to maximise the benefits of the renewable energy generated by Council.  | An independent review of opportunities to 'top up' solar PV at existing sites was conducted and identified that it is economical to install up to 300kW of extra solar. This will be investigated further in the upcoming works programs.                                   |
| 17 | Investigate the costs and benefits of working towards a corporate target of 100% renewable energy by 2030.                              | Independent experts were engaged to review various options to help reach this goal. A report will be presented to Council in 2018/19.   |
| 18 | Investigate opportunities to use battery storage technologies in conjunction with the renewable energy Council has installed.           | Grant funding enabled the installation of a new 5kW solar power system with a battery storage unit at Dalmeny Hall.   |
| 19 | Complete a feasibility study of implementing a large scale solar farm.  | Independent experts were engaged to review various options to help reach this goal. A report will be presented to Council in 2018/19.   |
| 20 | Investigate opportunities for generating electricity from methane gas extraction by June 2019.  | This will be investigated further in 2018/19.   |

|    |   |   |
|----|---|---|
| 21 | Investigate opportunities for utilising the waste heat produced from landfill gas flare by June 2019. | This will be investigated further in 2018/19. |
|----|---|---|

---

**PSR18/071 RENEWABLE ENERGY OPTIONS ANALYSIS**

**E96.0171**

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

Attachments: 1. Under Separate Cover - Comparison of options

Outcome: Sustainable Living

Focus Area: 4.4 Work together to reduce our environmental footprint and develop a clean energy future

Delivery Program Link: 4.4.2 Work in partnership to explore clean energy opportunities

Operational Plan Link: 4.4.2.1 Explore clean energy options

**EXECUTIVE SUMMARY**

In 2017 Council adopted the 2017-2021 Emissions Reduction Plan (PSR17/32) which included a goal to source 100% renewable energy by 2030. Independent experts were engaged by Council to examine three promising options to help achieve this goal:

- 1) building a solar farm
- 2) buying into a solar farm through a Public Private Partnership, and
- 3) contracting renewable energy directly via a Power Purchase Agreement (PPA).

The two build options (1 and 2) were assessed as economically marginal, and for this, and other risk factors, are not recommended at this time. The Power Purchase Agreement (3) is the lowest risk and easiest to implement option. A Power Purchase Agreement has the potential to considerably reduce long-term investment risk, improve cost outcomes and also deliver against Council's renewable energy targets.

Tendering for a large electricity contract, including a Power Purchase Agreement, is a complex exercise and it is recommended to progress the procurement process for option 3: a renewable energy Power Purchase Agreement.

**RECOMMENDATION**

THAT Council:

1. Investigate a renewable energy Power Purchase Agreement and opportunities to partner with other councils to increase the size of the electricity load to be contracted
2. Continue to monitor and review developments and opportunities in the renewable energy sector.

**BACKGROUND**

Council adopted the 2017-2021 Emissions Reduction Plan on 13 June 2017 (Minute 17/175). This plan sets out Council's strategy to minimise the greenhouse gas emissions from Council operations. Progress to date in reducing greenhouse gas emissions has resulted in substantial savings in energy costs. The plan included a commitment by Council to source 100% renewable energy for Council facilities by 2030. Two relevant actions adopted in the Plan include:

---

**PSR18/071 RENEWABLE ENERGY OPTIONS ANALYSIS**

**E96.0171**

17. Investigate the costs and benefits of working towards a corporate target of 100% renewable energy by 2030.

19. Complete a feasibility study of implementing a large scale solar farm.

Preliminary investigations demonstrated the high degree of complexity and risk involved in pursuing these actions. Independent consultants were subsequently engaged to provide expert advice on this matter (report attached). They have subsequently investigated and reported on three opportunities for Council, including:

1. building, owning and operating a ~10MW solar farm in the local region
2. investing in a renewable energy generator via a Public Private Partnership (PPP). A solar farm developer has made an approach to Council with an offer that would involve Council being a partner in a Eurobodalla based solar farm
3. contracting renewable energy directly via a Power Purchase Agreement (PPA).

This report presents a summary of the key findings and recommendations of the independent consultants.

Historically, Council has procured electricity by participating in a tender administered by Local Government Procurement. This process involves aggregating Council's energy load with other councils in New South Wales to increase the size and buying power of the group. This has resulted in relatively competitive electricity prices, typically sourced from a major energy retailer. The electricity contracts for Council's 'Large sites' and 'Street lighting' expire on 31 December 2018. It is timely to consider whether different electricity procurement strategies may help Council to meet its renewable energy goals and to save money.

**CONSIDERATIONS**

There are a few methods Council can employ to increase its renewable energy contribution. It can:

1. build, own and operate a solar farm under an Engineer, Procure, Construct (EPC) model (or as a part-owner under a Public-Private Partnership (PPP) as proposed by a developer and evaluated here), and enter into an agreement to be an offtaker or customer of the plant, and/or
2. enter into a Power Purchase Agreement (PPA) with a renewable energy generator for Council's energy needs, and/or
3. purchase GreenPower® and/or Large-scale Generation Certificates for Council's energy needs.

Purchasing Green Power has not been considered here. In summary, it is a very easy way to source renewable energy that involves paying a premium for Green Power that has been sourced from certified renewable energy generators.

Building a solar farm

Construction of a large-scale renewable energy generation asset (such as building a 10MW solar farm) can help deliver long-term electricity price certainty and hedge against market volatility.



---

**PSR18/071 RENEWABLE ENERGY OPTIONS ANALYSIS**

**E96.0171**

Sunshine Coast Council and Newcastle City Council recently built a 15MW and 5MW solar farm respectively. However, the build option reviewed here found that this:

- represents a relatively high cost, low margin, long-term investment that requires management of the construction process with significant up-front costs before any benefit can be realised,
- has underlying technology costs that are on a downward trajectory (reducing asset value over time), and
- is less attractive to retailers as projects which they don't own generate lower margin revenue.

This suggests that build options only offer a marginal benefit in the short-term, carry some delivery risk and should be a lower priority for investment until build and implementation costs reduce further.

A Public Private Partnership (PPP) solar farm

A PPP offers potential revenue streams for Council, but there are a number of risks that warrant further analysis before the benefits of this option can be fully understood and recommended:

- The modelling provided by the potential private company partner for Council was completed in a differently priced market to that which is currently being experienced.
- The model also suggests ambitious levels of output given the location and technology available.
- If modelled under current market conditions, with more realistic expectations about the amount of electricity generated and overlaid with the possibility of enforced curtailment as a semi-scheduled generator, then the likely benefit becomes less favourable.

The two build options assessed are economically marginal, and for this, and other risk factors, are not recommended at this time. However, Council should continue to evaluate these opportunities for possible future development as technology costs continue to decline, the electricity market continues to evolve and the federal policy environment becomes clearer.

PSR18/071 RENEWABLE ENERGY OPTIONS ANALYSIS

E96.0171

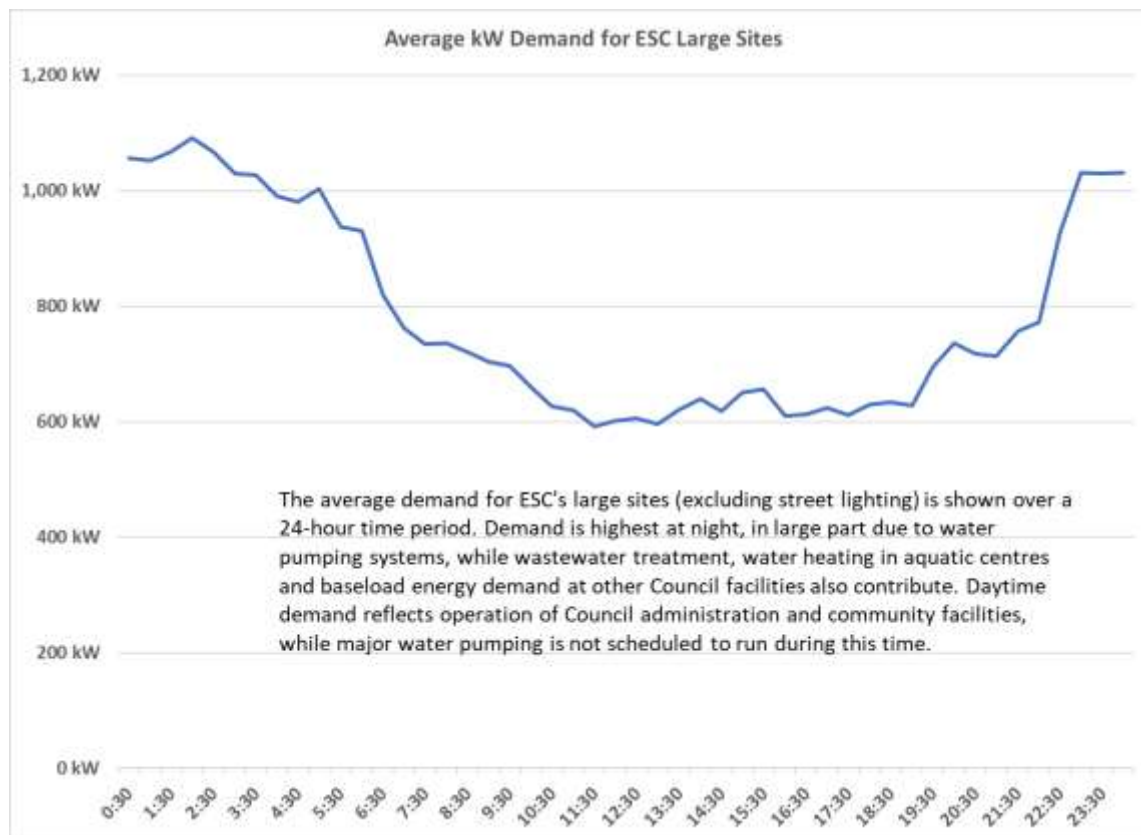


Figure 1. Average demand for Council's 'Large' contract sites

As illustrated in Figure 1, the majority of Council's demand occurs during non-daylight hours. A solar farm will only generate during the day, which means that it would only supply about 30% of Council's energy demand. This would require Council to purchase the remaining electricity load from other conventional sources, thereby reducing the impact of a solar farm and reducing the rate of return from the asset.

#### Power Purchase Agreements (PPA)

A PPA offer a less direct investment in renewable energy in that there is no direct management of construction, and only generated electricity is purchased with or without Large Scale Generation Certificates.

In the current market, there are many renewable energy projects trying to achieve connection, financial close and generation commissioning dates that occur before 2020 so that they can take advantage of renewable energy certificate income available (via the Renewable Energy Target), while the current market remains highly priced. Many projects have motivated vendors looking for long-term customers (through Power Purchase Agreements) with good credit ratings (such as councils) that will satisfy their financier's requirements in achieving a rapid financial close and reliable financial return. Competition for customers has been a strong factor in the recent decline in PPA pricing available in the market, along with continuing low-interest rates and declining technology costs.

**PSR18/071 RENEWABLE ENERGY OPTIONS ANALYSIS**

**E96.0171**

Recommendations include:

- A Power Purchase Agreement is the preferred approach for Eurobodalla Shire Council to pursue, being the lowest risk and ease to implement. This has the potential to considerably reduce long-term investment risk, improve cost outcomes and also deliver against Council's renewable energy targets.
- There is a rapidly evolving market for Power Purchase Agreements that is streamlining the process for integrating renewable energy into regular electricity agreements at competitive rates.
- The option of sourcing renewable energy with regional partners, such as other local councils, should be considered in Council's decision making as larger-volume Power Purchase Agreements may attract more competitive pricing.

The main outcomes for each of the three options assessed are summarised below to provide an insight to the costs and benefits of each.

| <b>Option</b>  | <b>Build a solar farm</b>   | <b>Private Public Partnership</b>  | <b>Power Purchase Agreements</b>                          |
|--|---|--|---|
| <b>ESC ownership / stake</b>                           | 100%  | 25% proposed via Special Purpose Vehicle, or simple loan if this is not feasible               | 0% - power purchase only                                  |
| <b>Estimated capital investment or loan upfront</b>    | \$16 million for a 10 MWp solar farm  | \$10 million investment or loan for 25% of a solar farm  | Minor - advisory services to source electricity           |
| <b>Potential revenue / savings streams</b>             | Electricity cost savings, LGC income  | Electricity cost savings, LGC income, profit share, interest on loan                           | Electricity cost savings                                  |
| <b>Recurrent costs</b>                                 | O&M, AEMO registration fees, inverter replacement                                 | O&M, AEMO registration fees, inverter replacement, management of SPV                           | Low. Contract management                                  |
| <b>Estimated internal rate of return</b>               | 4.36% to 4.44% for base case of two models, not including a social cost of carbon | 2.47% estimated by consultants with adjusted assumptions.<br>7.58% estimated by PPP modelling. | Modest electricity cost savings                           |
| <b>Likely scale of renewable energy sourced by ESC</b> | 30% of load-matched daytime load, balance to spot market or offtaker /retailer    | 30% of load-matched daytime load, balance to spot market or offtaker /retailer                 | >50% of total indicated by <i>Example Energy Retailer</i> |

Figure 2. Comparison of renewable energy options evaluated

---

**PSR18/071 RENEWABLE ENERGY OPTIONS ANALYSIS**

**E96.0171**

**Policy**

This report supports the actions in the 2017-2021 Emissions Reduction Plan which Council adopted on 13 June 2017 (Minute 17/175).

**Environmental**

Council's goal of sourcing 100% renewable energy can make a significant impact on reducing greenhouse gas emissions. However, simply buying or generating renewable energy does not mean the energy is 'carbon neutral'. For each MWh of electricity generated as part of the Renewable Energy Target, one Large Scale Generation Certificate (LGC) is created. These LGCs have a value and are typically sold by generators to increase the revenue from their projects. Only if LGCs are surrendered, and not sold, can the energy associated with that LGC be claimed as 'carbon neutral.'

If real and additional emission reductions are to be claimed, then LGCs must be surrendered, which comes at a cost. By not surrendering LGCs, Council can still make qualified claims that it is sourcing renewable energy and supporting the renewables industry, but cannot make claims about carbon neutrality.

**Financial**

A modest return on investment is possible for the options examined that involve building or buying a stake in a local solar farm. However, due to the complexity and risks involved it has not been recommended to proceed with in these options at this time.

Sourcing renewable energy via a Power Purchase Agreement has the potential to deliver modest electricity cost savings. The PPA example reviewed demonstrated modest savings. The consultants have recommended seeking to incorporate the purchase of large scale renewable energy from the start of the next electricity contract period.

A PPA can also achieve investment certainty, more effectively manage market risk and deliver financial savings. Council's historical approach of renewing electricity contracts every two to three years has exposed Council to very volatile price changes over the years, which can have significant impacts on budgeting. A long-term contract would mitigate the risks of being exposed to future energy pricing volatility and make energy budgeting more predictable.

Tendering for a Power Purchase Agreement is expected to cost approximately \$20,000. This is comparable to the trailing commission costs incurred by Council under current electricity procurement processes.

**CONCLUSION**

The two options that involve building and operating a solar farm are economically marginal, and for this, and other risk factors, are not recommended at this time. However, Council should continue to evaluate these opportunities for possible future developments as technology costs continue to decline, the electricity market continues to evolve and the federal policy environment becomes clearer.

budgeting for electricity.

---

**IR18/037 OUTCOME OF APPLICATIONS FOR FUNDS FROM THE RECREATIONAL FISHING TRUSTS 2018-19 E08.2116**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Outcome: Connected and Accessible Places

Focus Area: 7.4 Enhance connectivity into and out of eurobodalla through improved air, road and marine transport links

Delivery Program Link: 7.4.3 Work in partnership to develop marine infrastructure

Operational Plan Link: 7.4.3.2 Seek additional funding for local boating and marine infrastructure

### **EXECUTIVE SUMMARY**

Six grant applications were made to the NSW Recreation Fishing Trusts to improve facilities for recreational fishing in Eurobodalla.

Council has been successful in two applications totalling \$15,000 for the upgrade of the fishing tables at Tuross Head and Mosquito Bay, and the installation of a solar light at the boat ramp at Mosquito Bay.

The offer of funding has been formally accepted and this report seeks Council's endorsement of the actions taken.

### **RECOMMENDATION**

THAT Council endorse the actions taken to accept the two grant funding offers under the NSW Recreational Fishing Trusts of \$7,500 each for:

- i) improvements to Mosquito Bay fishing cleaning table and lighting
- ii) improvements to the Tuross Head fish cleaning table.

### **BACKGROUND**

All money raised by the NSW Recreational Fishing Fee is placed into the Recreational Fishing Trusts to be spent on improving recreational fishing in NSW. Applications for funds from the Trusts is administered by a grant application process, through the Department of Primary Industries.

There are two trusts in operation – freshwater and seawater.

Six grant applications were submitted to the Recreational Fishing Trusts at the end of 2017:

- Mosquito Bay fishing table and boat ramp solar light
- Tuross Head fishing table
- Rosedale North beach access steps and stairs
- Moruya Quarry Park accessible path

---

**IR18/037 OUTCOME OF APPLICATIONS FOR FUNDS FROM THE RECREATIONAL FISHING TRUSTS 2018-19 E08.2116**

- Ringlands Point jetty replacement
- Mossy Point jetty accessibility improvements

**CONSIDERATIONS**

Council continues to work pro-actively to deliver on the following actions in the Delivery Program 2017-21 and Operational Plan 2018-19:

*7.4 Enhance connectivity into and out of Eurobodalla through improved air, road and marine transport links*

*7.4.3 Work in partnership to develop marine infrastructure*

*7.4.3.2 Seek additional funding for local boating and marine infrastructure*

*7.4.3.3 Maintain, renew and upgrade boating and marine infrastructure*

Two offers of \$7,500 each in grant funding were received from the Recreational Fishing Trusts on 19 July 2018 for the Mosquito Bay Fishing Table and Boat Ramp Solar Lighting, and the Tuross Head fishing table.

The Committee has agreed to a new application being re-submitted for Rosedale Beach access. Council has agreed to co-fund a fifty percent share working with the Rosedale Progress Association (\$12,500 each) and seek a matching \$25,000 under the Trust.

For Moruya Quarry wharf accessibility improvements, the Trust formed the view that finalization of the pathway between the accessible fishing platform and the accessible toilet was a Council responsibility. This is disappointing given the investment already made by Council in this park, however alternate funding sources will be pursued in future budgets to complete this work.

For the Ringlands Point jetty replacement the Trust formed the view that there were adequate shore based alternatives suitable for recreation fishing, and this site was too remote and isolated. Therefore, the Trust did not support the construction of a facility at this site.

For the Mossy Point jetty accessibility improvement, the Trust formed a view that the existing jetty was not wide enough for accessibility and recreational activities and therefore did not support the project.

**Asset**

The upgrade of the fish cleaning tables assists with the provision and renewal of existing assets. The solar light at the Mosquito Bay boat ramp is new.

**Economic Development Employment Potential**

Recreation fishing is a popular past time for both residents and visitors alike. Improved facilities assist with making Eurobodalla a more attractive area to visit.

**Financial**

The funding for the Tuross Head fish cleaning table is fully funded by the grant.

---

**IR18/037 OUTCOME OF APPLICATIONS FOR FUNDS FROM THE RECREATIONAL FISHING TRUSTS 2018-19 E08.2116**

The replacement of the Mosquito Bay fishing table and installation of the new boat ramp solar light will be funded by the grant of \$7,500, with Council and the Malua Bay Fishing Club contributing \$1,500 in total. The costs to Council are the cost of a concrete footing for the solar light at \$500, with in-kind project management costs valued at \$1,000 being provided by Council and the Fishing Club. Council's contribution is funded within existing operational budgets.

**Community and Stakeholder Engagement**

Letters of support were provided from the Tuross Head Country Club Fishing Club and the Malua Bay Fishing Club.

Information regarding the projects will be provided on Council's website and on Council's noticeboard page in the local media.

**CONCLUSION**

Council has been successful in securing \$15,000 in funding under the Recreational Fishing Trusts for works at the fishing facilities at Tuross Head and Mosquito Bay.

The grants have been formally accepted. This report seeks Council's endorsement of the actions taken to accept the grants.

---

**IR18/032 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2018-19**

**E16.0002**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services  
Attachments: Nil  
Outcome: Connected and Accessible Places  
Focus Area: 7.1 Work in partnership to provide an integrated transport network  
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network  
Operational Plan Link: 7.1.2.5 Coordinate the Local Traffic Committee

**EXECUTIVE SUMMARY**

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for the Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 2 August 2018 were as follows:

- Signage – 'Bus Zone' on Percy Davis Drive at the intersection of Princes Highway, Moruya
- Signage – 'Trucks Prohibited 3 Tonne and Over' on part Riverside Drive and Davison Street and 'No Stopping' on Davison Street and the intersection of Riverside Drive, Narooma
- Local Government Road Safety Officer Program 2018-19
- Special Event Application – Moruya SLSC Fun Run.

**RECOMMENDATION**

THAT

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 1 of 2018-19 held on 2 August 2018 be received and noted.
2. Council Plan No. 5156 Set AH Sheets 05 detailing the timed 'Bus Zone' signage on Percy Davis Drive at the intersection of Princes Highway, Moruya be approved.
3. Council Plan No. 5156 Set BB Sheets 12 detailing:
  - a. Signage 'Trucks Prohibited 3 Tonne and Over' regulating traffic on Riverside Drive between McMillan Road and Davison Street and the entire length of Davison Street
  - b. Signage '3 Tonne Load limit on side road' on Princes Highway at the intersection of Davison Street and the intersection of Riverside Drive
  - c. Signage 'No Stopping' on Davison Street at the intersection of Riverside Drive be approved.



---

**IR18/032 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2018-19**

**E16.0002**

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 2 for 2018-19 was held on 2 August 2018. The meeting was attended by Councillor Anthony Mayne (Chairperson), Danielle Brice (representative for the Hon Andrew Constance MP), Jesse Fogg (Roads and Maritime Services), Kristian Pinochet (Roads and Maritime Services), Senior Constable Scott Britt (NSW Police), Dave Hunter (Traffic Officer), and Matt Cormick (Minute Taker).

**APOLOGIES**

Kate McDougall (Road Safety Officer).

**DEPUTATIONS**

Nil

**MINUTES OF PREVIOUS MEETING**

The minutes of the Eurobodalla Local Traffic Committee Meeting No 1 for 2017-18 held on 5 July 2018 were confirmed and accepted.

**OUTSTANDING ITEMS FROM PREVIOUS MEETING**

There were no outstanding items to discuss.

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

**2019.RT.004 Signage – ‘Bus Zone’ on Percy Davis Dr at the intersection of Princes Highway, Moruya**

Priors Bus Service use a sealed turnaround area on Percy Davis Drive at the intersection of the Princes Highway as part of their school service.

Occasionally vehicles are parked in this area dropping off or picking up students which impedes the required bus manoeuvre.

To restrict this general parking within the bus turnaround area, it is proposed to create a timed bus zone. The hours requested are 8.00am to 8.30am and 3.00pm to 3.30pm Monday to Friday.

Council Plan No. 5156 Set AH Sheets 05 detailing the ‘Bus Zone 8.00am to 8.30am and 3.00pm to 3.30pm Mon-Fri’ signage was reviewed by the Committee.

Recommendation

That Council Plan No. 5156 Set AH Sheets 05 detailing the timed ‘Bus Zone’ signage on Percy Davis Drive at the intersection of the Princes Highway, Moruya, be approved.

**2019.RT.005 Signage – ‘Trucks Prohibited 3 Tonne and Over’ on Part Riverside Drive and Davison Street and ‘No Stopping’ on Davison Street and the intersection of Riverside Drive, Narooma**

At the Committee meeting held on 7 June 2018, the issues pertaining to the risk to road users caused by large vehicles including trucks, caravans and other recreational vehicles using Davison Street as an alternative route to the Princes Highway to travel through Narooma was addressed.

Outcomes recorded from that meeting were:

---

**IR18/032 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2018-19**

**E16.0002**

- The various data companies including Google and Navman be contacted to determine if the Riverside Drive and Davison Street alternate route can include a warning that it has a 3 Tonne Load Limit.
- The RMS be asked to undertake enforcement of the load limit route.
- The RMS be asked to install a G9-321 sign on the Princes Highway north bound lane in advance of the Davison Street left turn. This sign includes text '3 Tonne Load Limit on Side Road'.
- Consideration be given to installing a Stop Sign at the intersection of Davison Street and Riverside Drive.
- Consideration be given to extending the '3 Tonne Load Limit' to include the southern end of Riverside Drive, from Davison Street north to the intersection of McMillan Road. Initially seeking feedback from the businesses located on McMillan Road, between Dudleys Lane and McMillan Road.
- If the '3 Tonne Load Limit' is extended to include Riverside Drive southern end, the RMS be asked to install a G9-321 sign on the Princes Highway south bound lane in advance of the Riverside Drive right turn.

Subsequently, consultation letters were both posted and hand delivered to commercial properties located on McMillan Road, between Dudleys Lane and McMillan Road. In the letter it was explained that under Road Rule 104, "this (No Trucks) rule does not apply to a driver if the destination of the driver lies beyond a no trucks sign and:

- (a) there is no other route by which the driver's vehicle could reach that destination".

Council Plan No. 5156 Set BB Sheets 12 detailing signage associated with the 3 Tonne Load Limit and stop sign was reviewed by the Committee.

The RMS advised that the G9-321 signage on the Princes Highway as depicted in Plan No. 5156 Set BB Sheets 12 is appropriate.

**Recommendation**

That Council Plan No. 5156 Set BB Sheets 12 detailing:

- a) Signage 'Trucks Prohibited 3 Tonne and Over' regulating traffic on Riverside Drive between McMillan Road and Davison Street and the entire length of Davison Street
- b) Signage '3 Tonne Load limit on side road' on Princes Highway at the intersection of Davison Street and the intersection of Riverside Drive
- c) Signage 'No Stopping' on Davison Street at the intersection of Riverside Drive be approved.

**INFORMAL ITEMS FOR DISCUSSION**

**2019.IN.001 Local Government Road Safety Officer Program 2018/2019**

The Local Government Road Safety Program is a partnership between Transport for NSW (TfNSW), Roads and Maritime Services (RMS) and participating local councils in NSW. The program provides up to 50 per cent funding contribution toward the salary of a Road Safety Officer and also provides funding for local road safety projects.

---

**IR18/032 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2018-19**

**E16.0002**

Council lodged applications for funding through TfNSW under the Local Government Road Safety Program.

RMS on 17 July 2018 advised Council of its success in securing \$17,318 to fund road safety projects under the Local Government Road Safety Program. All programs must adhere to the Roads and Maritime Services Local Government Program's Road Safety Project Funding Guidelines 2014, and subsequent versions, and be in accordance with the Local Government Road Safety Program Performance Funding Agreement between Council and Roads and Maritime Services. This offer was accepted on August 2014.

Each financial year the Road Safety Officer applies for funding based on NSW statewide initiatives and campaigns and dedicated local road safety campaigns and initiatives. The focus of these road safety projects is primarily educational and aimed at behavioural change.

Funding for programs includes:

**a) Child Road Safety Project - \$1,600**

The aim of the Child Road Safety Project is to educate parents and carers of children on the correct use of vehicle restrains, and to provide free child restraint safety checks. The project is based on the Centre for Road Safety campaign that showed "2 in 3" child restraints are not fitted correctly.

**b) Motorcycle Project - \$2,150**

In the current Road Safety Strategic Plan 2013-2017, motorcycle riders are identified as vulnerable road users with unique safety needs. Between January 2011 and December 2016 there were 84 motorcycle crashes resulting in 89 casualties in Eurobodalla. To help raise awareness of motorcycles and their vulnerability a motorcycle project has been developed to increase community awareness of motorcycles on our roads. The campaign called "Joe Rider – Motorcycle awareness campaign" will be conducted in October 2018 and will involve radio and social media to raise awareness and promote discussion in the community.

**c) Kings Highway Road Safety Partnership - \$8,650**

This program has been operating since 2007. It is a partnership based on collaboration of local and state governments and originally formed between Eurobodalla Shire Council, Shoalhaven City Council, Palerang Shire Council, Queanbeyan Shire Council, NSW Police, ACT Police, Roads and Maritime Services and ACT Government. The partnership will continue with the recently merged Queanbeyan Palerang Regional Council. The Road Safety Officer from Eurobodalla Shire Council coordinates this partnership.

The aim of this partnership is to reduce road trauma both in number and severity on the Kings Highway during peak holiday seasons by coordinating inter-agency education and enforcement strategies.

**d) Graduate Licencing Scheme Workshops - \$300**

The purpose of the Graduated Licensing Scheme Workshops are to educate the supervisors of learner drivers on how to use their learner driver log book, provide tips and hints on how

---

**IR18/032 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2018-19**

**E16.0002**

to teach a learner driver, and advice on how to plan on-road driving lessons. As of 30 June 2017 there were 907 learner drivers in the Eurobodalla.

**e) Bike Week - \$4,618**

NSW Bike Week is a NSW Government initiative that raises the profile of cycling as a healthy, easy, low cost and environmentally friendly transport option for short trips. The key objectives of NSW Bike Week are to:

- Increase the use of local cycling infrastructure for transport and recreation
- Provide a safe and secure environment for new and less confident cyclists to improve their cycling skills
- Educate the community on the importance of road safety and the relevant road rules, and
- Promote cycling as a safe mode of transport for short trips.

NSW Bike Week will be held from Saturday 22 September to Sunday 30 September 2018. Council will be undertaking a ride from Lions Park Batemans Bay to Corrigans Reserve Batehaven on Saturday 22 September 2018.

The Committee agreed that the Local Government Road Safety Program has a critical role in assisting in the reduction in the road toll, and is in line with both the NSW and Eurobodalla Road Safety Plans. The Committee thanked TFNSW and RMS for their continuing support.

Recommendation:

That the Committee support the acceptance of the Roads and Maritime Services' Local Government Road Safety Program funding offer of \$17,318.

**2019.SE.001 Signage – Special Event Application – Moruya SLSC Fun Run**

A special event application has been received for the Moruya Fun Run to be conducted by Moruya Surf Club on Sunday 9 September 2018.

This proposed fun run is a major annual fundraiser for Moruya Surf Life Saving Club. The event has been proven to be a great way for competitors and their families to enjoy the beautiful spring weather that is usually on offer at this time of year. While there are prizes for competitors, the organisers promote this event as a Fun Run.

The run will commence at Riverside Park, Moruya, and proceed via John Street and then along South Head Road to a finishing point at the Surf Club at Moruya Heads.

The application for the Moruya Fun Run was submitted after the Committee meeting. Details of the event, including the Event Management Plan, Traffic Management and Control Plans were emailed to Committee members on 8 August 2018 for review.

Recommendation:

That the proposed Moruya Fun Run Event to be conducted by Moruya Surf Life Saving Club on Sunday 9 September 2018 be approved based upon the submitted Traffic Management Plan and associated Traffic Control Plans.

---

**IR18/032 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2018-19**

**E16.0002**

**GENERAL BUSINESS**

Councillor Anthony Mayne was approached by the Moruya Business Chamber (MBC) and questioned on the progress of a review being undertaken by Council on traffic in the Moruya East CBD. The Traffic Officer advised that preliminary plans have been prepared and discussions are continuing with the MBC. Positioning of traffic calming devices, signage and parking for long vehicles is included. There are currently no funds allocated to implement this project and opportunities for grant funding are being explored.

**NEXT MEETING**

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 6 September 2018.

---

**CCS18/038 INVESTMENTS MADE AS AT 31 JULY 2018**

**E99.3517**

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

Operational Plan Link: 9.2.4.3 Provide financial management and reporting

### EXECUTIVE SUMMARY

The purpose of this report is to:

- certify that Council's investments in financial instruments have been made in accordance with legal and policy requirements
- provide information and details of investments
- raise other matters relevant to investing.

### RECOMMENDATION

THAT the certification that the investments as at 31 July 2018, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

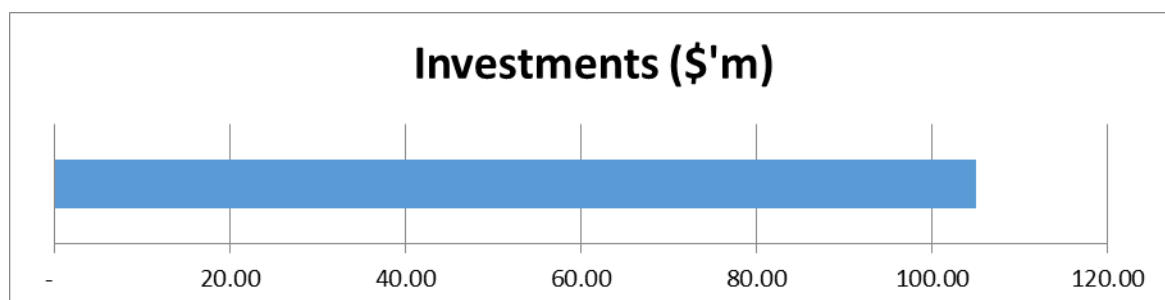
### CONSIDERATIONS

#### Policy

The portfolio is compliant with Council's amended Investment Policy that was adopted by Council on 31 July 2018 (Minute 18/182). The \$4.5m invested with MEBank is grandfathered under this policy until maturity and will not be renewed in accordance with the amended Investment Policy. \$250k of this investment is covered by the government guarantee.

#### Financial

##### Council investing overall



---

**CCS18/038 INVESTMENTS MADE AS AT 31 JULY 2018**

**E99.3517**

Council has 100% (\$104.98m) invested in Bank Deposits. The Bank Deposits are held in banks rated A or greater, or covered by the AAA rated Government Guarantee, except for \$30.75m invested in banks rated below A, and in the 'some limited risk' category of the policy.

The 'some limited risk' category is now separated into two categories, the first being BBB+ rating institutions which allows up to 40% of all investments and the other is BBB which is not permitted under the amended policy however is grandfathered until these investments mature. Currently there is 25.24% invested in BBB+ and 4.05% in BBB. Investment in Government Guaranteed Deposits is \$2.25m and represents 2.14% of the portfolio.

There are \$48.5m (46.20%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 2.60%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.27%).

Collateralised Debt Obligation (CDO)

Funded legal action against one agency is continuing.

Summary investment information

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

| <b>CATEGORY</b>                       | <b>(\$)</b>        |
|---------------------------------------|--------------------|
| At Call Deposit Government Guaranteed | 250,000            |
| At Call Deposit                       | 2,735,961          |
| Term Deposits                         | 100,000,000        |
| Term Deposits Government Guaranteed   | 2,000,000          |
|                                       | <b>104,985,961</b> |
| <i>Weighted average interest %:</i>   | 2.60%              |
| <i>Average 90 day BBSW + 25%</i>      | 2.27%              |

Policy and liquidity risk

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

---

**CCS18/038 INVESTMENTS MADE AS AT 31 JULY 2018**

**E99.3517**

| <b>Policy risk</b>              | <b>Low liquid risk %</b> | <b>Total % of investments</b> | <b>Policy risk % (max holdings)</b> |
|---------------------------------|--------------------------|-------------------------------|-------------------------------------|
| <b>Remote risk</b>              | 2.14                     | 2.14                          | 100.00                              |
| <b>Near risk free</b>           | 68.57                    | 68.57                         | 100.00                              |
| <b>Some limited risk (BBB+)</b> | 25.24                    | 25.24                         | 40.00                               |
| <b>Some limited risk (BBB)</b>  | 4.05                     | 4.05                          | 0.00                                |
| <b>Grand total</b>              | <b>100.00</b>            | <b>100.00</b>                 |                                     |

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2017 is 2.38:1. Council therefore has approximately \$2.38 of current assets for each \$1 of current liabilities.

**CONCLUSION**

Pursuant to provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, I hereby certify that these investments have been made in accordance with *the Local Government Act 1993* and related Regulations.



---

**CCS18/039 PROPERTY TRANSACTION - BATEMANS BAY**

**E14.8329;  
80.2497.D**

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services  
Attachments: 1. Confidential - Attachment - Property Transaction  
Outcome: Innovative and Proactive Leadership  
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations  
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community  
Operational Plan Link: 9.2.2.2 Facilitate property sales and development

**EXECUTIVE SUMMARY**

Council intends to enter into a commercial property transaction in Batemans Bay and this report seeks approval for this transaction

**RECOMMENDATION**

THAT Council enter into the property transaction as outlined in the confidential attachment to this report.

**BACKGROUND**

Council has been approached by a business with a request to enter into a property transaction in Batemans Bay within the area identified by the Batemans Bay Town Centre Structure Plan. The details are confidential because if disclosed they would prejudice the commercial position of the person who supplied it. Council may need to proceed to a closed session of Council as per Section 10A(2) d (i) of the *Local Government Act 1993*, '*commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*', to discuss any of the confidential information.

**CONSIDERATIONS**

**Legal**

There is no legal impediment to entering into this transaction.

**Policy**

The transaction is consistent with Council's *Land Acquisition and Disposal Policy*.

**Asset**

The transaction includes Council owned property.

**Economic Development Employment Potential**

It will facilitate commercial activity in Batemans Bay.

---

**CCS18/039 PROPERTY TRANSACTION - BATEMANS BAY**

**E14.8329;  
80.2497.D**

**Financial**

The financial details have been negotiated in line with a valuation from a registered valuer.

**Community and Stakeholder Engagement**

There is no legal requirement for community engagement.

**CONCLUSION**

Council approve the transaction as detailed in the confidential attachment to this report.

---

**CAR18/030 YOUTH EMPLOYMENT STRATEGY (YES) PROJECT FUNDING**

**E15.9174**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services  
Attachments: Nil  
Outcome: Celebrated Creativity, Culture and Learning  
Focus Area: 2.2 Improve local access to higher education and lifelong learning opportunities, facilities and services  
Delivery Program Link: 2.2.3 Work in partnership to improve educational opportunities  
Operational Plan Link: 2.2.3.2 Provide information, opportunities and experience to assist young people to develop skills

**EXECUTIVE SUMMARY**

Funding of \$300,000 has been offered to Council by the NSW Department of Industry for the implementation of the Eurobodalla Youth Employment Strategy (YES) project over two years.

Youth unemployment is a significant economic and social issue for the shire. In 2016 13.6% aged 15-24 years were classed as unemployed compared to 14.3% in regional NSW. There are pockets throughout the shire that are up to 22%, including Surf Beach, Batemans Bay/Batehaven, Sunshine Bay and Denhams Beach.

The project will, however, encompass a whole-of-shire approach and seek to provide supported learning, work preparedness and employment outcomes for young people aged 18-24 by working with local businesses, agencies and registered training organisations.

**RECOMMENDATION**

THAT Council accept the \$300,000 offered by the NSW Department of Industry to support the Youth Employment Strategy over two years.

**BACKGROUND**

The Eurobodalla's Business Development Strategy indicates that Eurobodalla's economy is currently diverse and is based around tourism, retail, health, property services and a wide range of agricultural activities.

There are a range of employment opportunities identified for local youth in major infrastructure projects such as the Batemans Bay bridge, Remada Resort and Mackay Park precinct which will require a work-ready and skilled workforce during construction, as well as providing jobs in tourism and hospitality post construction.

The Eurobodalla YES project will provide for a range of actions focusing on connecting employers' needs with job outcomes for young people and local organisations providing support, employment options and targeted training. Staff will be engaged to provide comprehensive support and guidance to ensure young adults are connected, with the right skills and qualifications in place to secure jobs and take-up of apprenticeships and traineeships across the Eurobodalla.

---

**CAR18/030 YOUTH EMPLOYMENT STRATEGY (YES) PROJECT FUNDING**

**E15.9174**

**CONSIDERATIONS**

With an ageing population there will be increasing demand for services in the human services sector and this demand will continue to grow. This issue has been addressed by a commissioned Gateway study that was undertaken by Calibrations Consulting for the NSW Government. Recommendations from the study are currently being addressed by an Australian Government grant of \$65,000 to Council under the Regional Jobs and Investment Program for one year. It is proposed that this project will work in tandem with the YES project to achieve an overall improvement in youth employment figures in the Shire.

**Social Impact**

By addressing local workforce needs and supplying unemployed young people with support and skills to meet these, there is an opportunity to retain young adults in the community for longer than what is currently experienced. The retention of young people via enabling work means that they contribute to the local economy and community vitality, as well as providing a pathway to independence and a productive future.

**Economic Development Employment Potential**

The YES project will strengthen relationships between Council, local businesses, Registered Training Organisations (RTO) and local services and act as a catalyst to ensure communication and support is in place to meet employment and skill requirements.

By providing skilled young people and targeting current and emerging workforce requirements local businesses and the community will benefit, and young people will have the chance to gain meaningful and sustainable employment.

**Community and Stakeholder Engagement**

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

**CONCLUSION**

An offer has been made to the Council to accept \$300,000 from the NSW Department of Industry to implement the Eurobodalla YES project. Acceptance of the funds will enable Council to develop the project plan and facilitate improved employment outcomes for the community.

---

## **17. DEALING WITH MATTERS IN CLOSED SESSION**

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

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

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

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

---

## 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<br>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<br>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<br>S94A | S94 Contributions Plan<br>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.<br><br>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. |