

AGENDA

Ordinary Meeting of Council

9 August 2022

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

ON TUESDAY 9 AUGUST 2022

COMMENCING AT 11.00AM

AGENDA

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

- | | |
|--|-----------------|
| 1. WELCOME | |
| 2. ACKNOWLEDGEMENT OF COUNTRY | |
| 3. APOLOGIES | |
| Nil | |
| 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING | |
| 4.1 Ordinary Meeting held on 26 July 2022 | |
| 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA | |
| (Declarations also to be made prior to discussions on each item) | |
| | Page No. |
| 6. MAYORAL REPORTS | |
| MR22/012 Community Engagement Framework and Participation Plan -
Amendment..... | 3 |
| 7. NOTICES OF MOTION | |
| NOM22/011 Eurobodalla Shire Council supports an end to native forest logging in
Eurobodalla Shire | 8 |
| 8. QUESTIONS ON NOTICE FROM COUNCILLORS | |
| QON22/003 Rules for Flying Drones | 13 |
| 9. PETITIONS | |
| Nil | |

10. GENERAL MANAGER'S REPORTS	
GMR22/080 Policy Adoption - May Review.....	15
GMR22/081 Policy Adoption - June Review	19
11. PLANNING AND SUSTAINABILITY REPORTS	
PSR22/023 Land Classification - Southern Water Storage Facility.....	24
PSR22/025 Licence Renewal - Tuross Community Gardens	28
PSR22/026 On-site Sewage Management System Status Report 2021-22	34
PSR22/027 Food Inspection Program Status Report 2021-22	39
PSR22/028 Regulatory Action Status Report 2021-22	44
12. INFRASTRUCTURE REPORTS	
IR22/018 Transport and Stormwater Program 2022-23.....	50
IR22/019 Local Traffic Committee No 1 for 2022-23.....	70
13. COMMUNITY, ARTS AND RECREATION REPORTS	
CAR22/012 Policy Review - Public Land Use by Community Organisations	77
CAR22/011 Children's Services Fees and Charges	84
14. DELEGATE REPORT	
DR22/002 NSW Coastal Conference 2022.....	86
15. URGENT BUSINESS	
16. DEALING WITH MATTERS IN CLOSED SESSION.....	90
17. CONFIDENTIAL MATTERS	

DR CATHERINE DALE
GENERAL MANAGER

MR22/012 COMMUNITY ENGAGEMENT FRAMEWORK AND PARTICIPATION PLAN -
AMENDMENT

File Ref: S006-T00004

Attachments: 1. Site plan - proposed residence, Lot 16 DP 846904

EXECUTIVE SUMMARY

At a recent Public Access Session a local landowner in Surf Beach raised concerns with Council as to why they were not notified of a development application and provided the opportunity to make comment on the development application prior to it being approved by Council in March 2022.

The main reason for believing that the development application should have been notified is that setback of one section of the dwelling and a shed from the adjoining boundary does not comply with the deemed to satisfy criteria in the Development Control Plan (DCP).

Council's DCPs are set up so you can choose to meet the acceptable solution (usually a numerical standard) or the performance criteria (usually a design objective). Both of these are in compliance with the Development Control Plan, however often for the community the numerical standard is what is known and understood.

Council's Community Engagement Framework and Participation Plan (CEFPP) generally requires where there is non-compliance with a development standard or acceptable solution, that a development application is notified to adjoining owners. However, the Community Participation Plan also states that where the non-compliance is reasonably thought not to have a detrimental impact on adjoining properties, the application does not need to be notified.

Given the concerns raised in the addresses to Council, I recommend that Council, as a matter of course, notify adjoining owners of any development application that does not comply with the acceptable solution for setbacks in the relevant DCP. This will mean that any adjoining owner to a development proposal where the performance criteria for a setback is proposed, would be notified in writing by Council and have a 14-day period to review the proposed development and make a submission to Council. Where a submission is made, Council staff will consider the planning merit of any issues raised, the performance criteria in the DCP and requirements of the CEFPP.

This proposed amendment to the implementation of the CEFPP does not mean that applicants cannot use the performance criteria, it simply means that neighbours will be notified of the proposal and provided the opportunity to make a submission prior to any determination being made. The community also need to appreciate that where a submission raises issues that are not planning considerations or do not have planning merit, they will not impact the determination of the development application.

It is acknowledged that this will create additional work for Council staff and subsequently result in the delay in determination of development applications. Notwithstanding this, I believe it is important that Council take this action and consider any associated impacts while undertaking a review of the CEFPP.

**MR22/012 COMMUNITY ENGAGEMENT FRAMEWORK AND PARTICIPATION
PLAN - AMENDMENT**

**S006-
T00004**

RECOMMENDATION

THAT Council:

1. Notify in writing, adjoining owners of land the subject of a development application that does not apply the acceptable solution for setbacks in the relevant Development Control Plan and provide a period of 14 days for a submission to be made to Council.
2. Note that this will increase the work of staff and have an adverse impact on the determination time of development applications.
3. Reconsider this matter as part of a review by Council of the Community Engagement Framework and Participation Plan.

REPORT

At a recent Public Access Session a local landowner in Surf Beach raised concerns with Council as to why they were not notified of a development application and provided the opportunity to make comment on the development application prior to it being approved by Council in March 2022.

The main reason for believing that the development application should have been notified is that the setback of one section of the dwelling and a shed from the adjoining boundary does not comply with the deemed to satisfy criteria in the Development Control Plan (DCP).

Council's DCPs are prepared in a manner where an applicant has the option of applying the acceptable solution, usually a numerical standard, or addressing the performance criteria. The benefit of this structure and approach to DCPs is that applicants can simply adopt the deemed to comply standards, making the design and assessment process simpler, or apply a performance solution which provides flexibility and the ability to respond directly to the site and surrounding environment. Both of these are in compliance with the Development Control Plan, however often for the community the numerical standard is what is known and understood.

The main issue raised with Council in regard to the approved development is the setback of the dwelling (at one point) of four metres off a boundary, where the acceptable solution in the Development Control Plan is 12 metres. Concerns were also raised in regard to the location of a shed, which is also in part four metres off the boundary. The attached plan shows the distances of the dwelling from the boundary.

In this instance, where the performance criteria is being applied, and a building was being proposed at a setback of less than 12 metres, Council staff need to make a determination in accordance with the CEFPP as to whether the development application should be notified to adjoining owners.

Council's CEFPP generally requires where there is non-compliance with a development standard or acceptable solution, that a development application is notified to adjoining owners. However, the CEFPP also states that where the non-compliance is reasonably thought not to have a detrimental impact on adjoining properties, the application does not need to be notified. The criteria for determining this, is if there are detrimental impacts regarding:

- views

**MR22/012 COMMUNITY ENGAGEMENT FRAMEWORK AND PARTICIPATION
PLAN - AMENDMENT**

**S006-
T00004**

- solar access
- privacy
- emissions
- bulk and scale
- streetscape
- siting
- topography
- environment.

Having assessed the application in accordance with this, criteria and the performance criteria in the DCP, staff determined that the application did not need to be notified.

Given the concerns raised in the addresses to Council, I recommend that Council, as a matter of course, notify adjoining owners of any development application that does not comply with the acceptable solution for setbacks in the relevant DCP.

This will mean that any adjoining owner to a development proposal where the performance criteria for a setback is proposed, would be notified in writing by Council and have a 14-day period to review the proposed development and make a submission to Council. Where a submission is made, Council staff will consider the planning merit of any issues raised, the performance criteria in the DCP, and requirements of the CEFPP.

This proposed amendment to the implementation of the CEFPP does not mean that applicants cannot use the performance criteria, it simply means that neighbours will be notified of the proposal and provided the opportunity to make a submission prior to any determination being made. The community also need to appreciate that where a submission raises issues that are not planning considerations or do not have planning merit, they will not impact the determination of the development application.

It is acknowledged that this will create additional work for Council staff and subsequently result in the delay in determination of development applications. Notwithstanding this, I believe it is important that Council take this action and consider any associated impacts when undertaking a review of the CEFPP.

It is important to note that while the examples above relate to a specific Development Control Plan, the proposed changes to the implementation of the CEFPP would affect all Development Control Plans that prescribe an acceptable solution. This includes the following Development Control Plans (DCP):

**MR22/012 COMMUNITY ENGAGEMENT FRAMEWORK AND PARTICIPATION
PLAN - AMENDMENT**

**S006-
T00004**

- Residential Zones DCP
- Batemans Bay Regional Centre DCP
- Bodalla Village DCP
- Industrial Zones DCP
- Mogo Village Commercial Centre DCP
- Moruya Township DCP
- Narooma Township DCP
- Neighbours Centre DCP
- Nelligen Village DCP
- RU1, RU4, R5 Large Lot Residential and C4 Environmental Living Zones DCP
- Tilba Villages and Conservation Area DCP.

CONCLUSION

The purpose of this report is to provide clear direction to staff and the community in regard to the notification of development applications where the acceptable solution for setbacks is not applied to a development proposal. In doing so it is acknowledged that this direction will have an adverse impact on the workload of staff and the determination times for development applications. In the circumstances, it is considered that this is an acceptable impact, noting that Council will reconsider this matter when reviewing the CEFPP.

**NOM22/011 EUROBODALLA SHIRE COUNCIL SUPPORTS AN END TO NATIVE FOREST
LOGGING IN EUROBODALLA SHIRE**

S012-T00025

Responsible Officer: Alison Worthington - Councillor

Attachments: 1. Notice of Motion NOM22/005 - 12 April 2022 - Eurobodalla Shire
Council supports an end to native forest logging in Eurobodalla Shire

Councillor Alison Worthington has given notice that at the Ordinary Meeting of Council on 9 August 2022, she will move the following Motion.

MOTION

THAT Council considers recommendations 1, 2, 3, 6, and 7 contained in the Notice of Motion from Councillor Alison Worthington titled "NOM22/005 Eurobodalla Shire Council supports an end to native forest logging in Eurobodalla Shire" previously considered by Council on 12 April 2022, as provided below:

1. Notes the growing evidence that native forest logging by Forestry Corporation of NSW (FCNSW) in our State Forests is both economically and environmentally unsustainable.
2. Notes that logging in our State Forests is incompatible with our shire's and our region's investments in nature-based tourism enterprises, climate change mitigation and the protection of biodiversity.
3. Advocates to the NSW State government for the urgent development of a plan for the just transition of the native forest industry to ecologically sustainable plantations.
6. Advocate that the NSW State government enact plans to manage our State Forests, in partnership with south coast communities and local councils, for their nature-based tourism assets, recreational opportunities, biodiversity values and for carbon sequestration.
7. Write to the NSW Premier Dominic Perrotet, the Minister for Agriculture Dugald Saunders, and the shareholder Ministers for FCNSW the Treasurer and Minister for Energy Matt Kean, and the Minister for Finance and Employee Relations Damien Tudehope, along with the relevant Shadow Ministers.

BACKGROUND

On 12 April 2022 Council considered a Notice of Motion (NoM) (NOM22/005) from Councillor Alison Worthington titled 'Eurobodalla Shire Council supports an end to native forest logging in Eurobodalla Shire'. A copy of the NoM is attached.

The NoM contained seven recommended Motions. In considering the NoM, councillors determined to consider each item separately, with the exception of items 6 and 7 which were considered together. As a result of Council's consideration of the matters, the following Resolutions were made by Council:

THAT Council defer this item until further information is provided by Forestry Corporation in regard to its financial sustainability

THAT Council defer this item until further information is provided by Forestry Corporation, Council staff, local indigenous groups and relevant tourism operators

**NOM22/011 EUROBODALLA SHIRE COUNCIL SUPPORTS AN END TO NATIVE
FOREST LOGGING IN EUROBODALLA SHIRE**

**S012-
T00025**

THAT Council defer the item until further information from the NSW Government, Council staff, industry representatives and local indigenous groups.

THAT Council notes that both WA and Victorian State Governments have announced such transitions and have provided end dates for native forest logging of 2024 and 2030 respectively.

THAT Council acknowledges concerns from south coast residents for better management of State Forests to support nature-based tourism enterprises, recreational usage, threatened species habitat protection and carbon sequestration and raises these concerns with Forestry Corporation.

THAT Council defer the motion until further information is provided from NSW Government, Council staff, industry representatives and local indigenous groups.

In response to the Resolutions, two briefing sessions were arranged in consultation with councillors to enable further information to be obtained on the relevant topics.

A briefing was held on 8 June 2022 where councillors had the opportunity to hear from, and ask questions, of the following people:

- Kathy Lyons, Senior Manager, Forestry Corporation
- Lee Blessington, Senior Manager Production South, Forestry Corporation
- Dr Annette Cowle, Technical Specialist Climate Policy, DPI (Forestry)
- David Rowlinson, Planet Ark
- Professor David Lindenmayer, Fenner School of Environment and Society, ANU.

In addition, Nick Milham, Group Director Forestry Policy, Research and Development, and Brendan Stone, both from NSW Department of Primary Industries, were in attendance.

A further briefing was held on 22 June 2022 where councillors had the opportunity to hear from, and ask questions, of the following people:

- Joselyn Van der Moolen and Nick Hopkins, Coastwatchers Association Forestry Working Group
- Deirdre Rose and Professor Andrew Macintosh, Frontier Economics
- Bunja Smith, Walbunga Elder
- Erin Farley, Birdlife Australia representative.

Following the briefings, councillors had the opportunity to provide staff with any further questions they had so that they could be coordinated and referred to the relevant speakers for a response. No further questions were asked as part of this opportunity.

Where speakers at the briefings had presentations or papers that they provided, copies were provided to councillors via the Hub.

Invitations were also made to Local Aboriginal Land Councils and the NSW Environment Protection Authority to participate.

**NOM22/011 EUROBODALLA SHIRE COUNCIL SUPPORTS AN END TO NATIVE
FOREST LOGGING IN EUROBODALLA SHIRE**

**S012-
T00025**

It is now appropriate for Council to consider the recommendations contained in the NoM of 12 April 2022 from Councillor Alison Worthington, that were deferred at the Council meeting of that date.

NOTICE OF MOTION TO ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL
HELD ON TUESDAY 12 APRIL 2022

Page 8

**NOM22/005 EUROBODALLA SHIRE COUNCIL SUPPORTS AN END TO NATIVE FOREST
LOGGING IN EUROBODALLA SHIRE**

S012-T00025

Responsible Officer: Alison Worthington - Councillor

Attachments: Nil

Councillor Alison Worthington has given notice that at the Ordinary Meeting of Council on Tuesday 12 April 2022 she will move the following motion.

MOTION

THAT Council:

1. Notes the growing evidence that native forest logging by Forestry Corporation of NSW (FCNSW) in our State Forests is both economically and environmentally unsustainable.
2. Notes that logging in our State Forests is incompatible with our shire's and our region's investments in nature-based tourism enterprises, climate change mitigation and the protection of biodiversity.
3. Advocates to the NSW State government for the urgent development of a plan for the just transition of the native forest industry to ecologically sustainable plantations.
4. Notes that both WA and Victorian State Governments have announced such transitions and have provided end dates for native forest logging of 2024 and 2030 respectively.
5. Acknowledges and responds to the calls from concerned south coast residents for better management of State Forests to support nature-based tourism enterprises, recreational usage, threatened species habitat protection and carbon sequestration.
6. Advocate that the NSW State government enact plans to manage our State Forests, in partnership with south coast communities and local councils, for their nature-based tourism assets, recreational opportunities, biodiversity values and for carbon sequestration.
7. Write to the NSW Premier Dominic Perrotet, the Minister for Agriculture Dugald Saunders, and the shareholder Ministers for FCNSW the Treasurer and Minister for Energy Matt Kean, and the Minister for Finance and Employee Relations Damien Tudehope, along with the relevant Shadow Ministers.

BACKGROUND

There is growing community demand here in the Eurobodalla, across NSW, as well as around Australia and the world, for native forest logging to stop, and for the native forest timber industry to be transitioned to sustainable plantations.

We are in the middle of twin deteriorating crises - the Biodiversity Crisis and the Climate Crisis. Native forest logging practices in our south coast State Forests, which make up 31% of our shire's land area, directly contribute to both crises.

Logging of our south coast State Forests is not economically or environmentally sustainable.

An article in the Sydney Morning Herald on 15 March 2022 reported that the state-owned Forestry Corporation suffered a \$20 million loss last year, with NSW taxpayers forced to pay \$441 per hectare to log critical native forests.

NOTICE OF MOTION TO ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL
HELD ON TUESDAY 12 APRIL 2022

Page 9

**NOM22/005 EUROBODALLA SHIRE COUNCIL SUPPORTS AN END TO NATIVE
FOREST LOGGING IN EUROBODALLA SHIRE**

**S012-
T00025**

Annex 6 - Ecosystems and Biodiversity - of the ESC Draft Climate Action Plan currently on public exhibition states that:

“Logging of native forests is significantly subsidised in NSW by sustainable plantation timber harvesting operations (Perkins and Macintosh 2013; ZeroSE 2021; Campbell and McKeon 2016).

It also provides relatively little local employment: less than 50 people in the Southern Forestry region as a whole are involved with logging and chipping of public native forests (ZeroSE 2021). Job numbers in this area declined by 27% in the decade from 2006 to 2016, and most of those remaining would likely have options available for new recruitment (Frontier Economics and Macintosh 2021).”

Just last week a session of the NSW Parliamentary Committee Inquiry into the long term sustainability and future of the timber and forest products industry heard submissions, here in this building, from residents who have conducted community compliance monitoring of FCNSW activity in south coast State Forests. Their monitoring and reporting resulted in \$78,000 in five fines from the NSW Environment Protection Authority for illegal logging in Mogo, Bodalla and Boyne State Forests shortly after the Black Summer fires.

The penalty notices related to the destruction of hollow-bearing trees and critical habitat and a failure to protect feed trees and critically-endangered swift parrots.

This simply does not align with objectives from the South Coast Destination Management Plan to be “sustainable and compatible with the branding and character of the region” ie ‘All kinds of natural’ and ‘The Nature Coast’, and clearly does not uphold “the importance of the natural environment to the ongoing sustainability of the visitor economy.”

The Draft Climate Action Plan has quoted from the Frontier Economics 2021 report Comparing the value of alternative uses of native forests in Southern NSW which also found that “stopping native forestry in the state’s south could produce a net economic benefit of about \$60 million, while reducing net greenhouse gas emissions by almost 1 million tonnes per year over the period 2022-2041.”

Our native forests are simply worth more left standing so that they can be sustainably managed for values other than timber production. These values include the forest’s critical role in sequestering carbon, both within trees and in the soil, in providing threatened species habitats, clean water catchments to support our oyster industry, and nature-based tourism and recreation opportunities.

Sources:

<https://www.smh.com.au/politics/nsw/20m-loss-native-forest-logging-last-year-cost-nsw-taxpayers-441-per-hectare-20220314-p5a4g1.html>

<https://www.frontier-economics.com.au/documents/2021/11/comparing-the-value-of-alternative-uses-of-native-forest-in-southern-nsw.pdf/>

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0004/212971/Eurobodalla-Climate-Action-Plan-2022-32.pdf

QON22/003 RULES FOR FLYING DRONES

S023-T00004

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

Attachments: Nil

The following question on notice was received from Councillor Anthony Mayne:

Question

What regulations are in place to manage drone operations, especially within the vicinity of an airport? What can an individual do if they believe their privacy and that of their family is being impacted by a drone? What options do people have to protect their privacy, especially in open and vulnerable situations such as being at the beach with family members?

Response

1. What regulations are in place to manage drone operations, especially within the vicinity of an airport?

Drone rules are set by the Civil Aviation Safety Authority (CASA) and can be found at <https://www.casa.gov.au/drones/drone-rules/drone-safety-rules>.

An extract of that website is:

"You must not fly your drone:

- higher than 120 m (400 ft) above ground level — that's about the height of a 35-storey building or length of a football field*
- closer than 30 m to people — other than those helping to control or navigate your drone*
- over or above people at any time or height — a crowded beach, busy road, sporting event, concert or wedding are all populous areas*
- in a way that creates a hazard to another person, property or aircraft -near emergency operations -in prohibited or restricted airspace (use a CASA-verified drone safety app to help you)*
- closer than 5.5 km to a controlled airport, which usually has a control tower, if your drone weighs more than 250 g."*

2. What can an individual do if they believe their privacy and that of their family is being impacted by a drone? What options do people have to protect their privacy, especially in open and vulnerable situations such as being at the beach with family members?

The CASA website has a reporting form if someone wants to make a complaint: <https://www.casa.gov.au/about-us/contact-us/drone-complaints>.

Drone users could also contravene other legislation as considered in the following article, however a complainant would need to seek their own legal advice as there is little case law in this area: https://www.lindsaytaylorlawyers.com.au/in_focus/eyes-in-the-sky-some-of-the-laws-applying-to-use-of-drones-in-nsw/.

The following Choice Magazine article notes that 'the answer is currently unclear' as to whether using a drone to watch others would be against the law:

QON22/003 RULES FOR FLYING DRONES

**S023-
T00004**

<https://www.choice.com.au/electronics-and-technology/gadgets/tech-gadgets/articles/drones-and-privacy-rights>.

RECOMMENDATION

THAT the response to the question regarding the rules for flying drones raised by Councillor Anthony Mayne be received and noted.

GMR22/080 POLICY ADOPTION - MAY REVIEW

S004-T00060

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Policy Adoption - May Review (to be provided)

Outcome: 9 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: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.4 Review Council policies

EXECUTIVE SUMMARY

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

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The following policies have been reviewed and placed on public exhibition from 25 May 2022 to 21 June 2022. During this time, no submissions were received.

- Graffiti Removal from Non-Council Owned Property/Assets
- Grazing Of Stock on Public Roads
- Interest Free Advances to Sporting and Cultural Organisations
- Investment
- Kerb And Gutter Construction - Contribution by Property Owners
- Land Investment
- Library Services
- Liquid Trade Waste Regulation
- Local And Regional Roads Risk Management
- Local Orders (LOP)

GMR22/080 POLICY ADOPTION - MAY REVIEW

**S004-
T00060**

RECOMMENDATION

THAT the following policies be adopted.

- Graffiti Removal from Non-Council Owned Property/Assets
- Grazing Of Stock on Public Roads
- Interest Free Advances to Sporting and Cultural Organisations
- Investment
- Kerb And Gutter Construction - Contribution by Property Owners
- Land Investment
- Library Services
- Liquid Trade Waste Regulation
- Local And Regional Roads Risk Management
- Local Orders (LOP)

BACKGROUND

Graffiti Removal from Non-Council Owned Property/Assets

This Policy aims to ensure that our community is maintained free from unwanted graffiti and that there is no cost to Council for removal of graffiti from non-Council-owned property/assets.

Graffiti is a visual pollution and can be offensive to sections of the community. When the graffiti is visible to the general public, community expectation is that the graffiti should be removed as soon as possible.

Grazing Of Stock on Public Roads

This Policy establishes the requirements to minimise the risk arising from the grazing of stock on public roads.

Interest Free Advances to Sporting and Cultural Organisations

Eurobodalla Shire Council recognises the important roles of social, cultural and sporting groups within the community to achieve key strategic objectives. Council will make interest free loans available to these groups subject to criteria and conditions at a reasonable cost to ratepayers.

These loans provide a positive incentive for qualifying organisations to assist their operations and deliver key infrastructure for our community.

Investment

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

Kerb And Gutter Construction - Contribution by Property Owners

This Policy establishes Council's position in regard to seeking contributions from property owners toward the construction of kerb and gutter along their property frontage. These

GMR22/080 POLICY ADOPTION - MAY REVIEW

**S004-
T00060**

contributions fund a proportion of the total cost of the works, with the remainder being funded through rates and other sources.

Land Investment

This policy is designed to ensure that the Finance Strategy will use existing land holdings to create revenue that will be made available to:

- Finance significant community infrastructure.
- Purchase strategic land holdings; and
- Finance other objectives as determined by Council.

Library Services

This policy is designed to ensure that Council continues to provide effective Library services that meet community needs, with branches in Batemans Bay, Moruya and Narooma.

Liquid Trade Waste Regulation

Council is responsible for approving liquid trade waste discharges to its sewerage systems in accordance with Section 68 of the *Local Government Act 1993* (LG Act). Further, Section 90(1) of the LG Act and Clause 28 of the *Local Government (General) Regulation 2021* requires that Council obtain concurrence from the Secretary, NSW Department of Planning, Industry and Environment (DPIE) or the Secretary's nominee.

Local And Regional Roads Risk Management

The purpose of this Policy is to provide a framework for the risk management of Council's road network in order to demonstrate an appropriate duty of care to road users and to reduce the exposure to potential public liability claims relating to the condition of roads.

Local Orders (LOP)

The purpose of the Local Orders Policy (LOP) – Keeping of Animals is to supplement provisions of Chapter 7, Part 3 of the *Local Government Act 1993* (the Act) and Clause 99 of the *Local Government (General) Regulation 2021* (the Regulation) by specifying Council's policy in regard to certain Orders under Section 124 of the Act.

1. To provide guidelines for residents on what is usually considered an appropriate number and kind of animals which may be kept.
2. To ensure the keeping of animals does not result in unhealthy or unsafe conditions or cause a nuisance to others.
3. To outline criteria Council will take into consideration when determining whether to issue an order in relation to the keeping of animals.

CONSIDERATIONS

The draft policies have been reviewed and minor formatting and changes to links in the governance section of the policies were undertaken as a result of Council resolution 22/66.

GMR22/080 POLICY ADOPTION - MAY REVIEW

**S004-
T00060**

Community Engagement

The draft policies were placed on public exhibition for a period of no less than 28 days commencing on Wednesday 25 May 2022 to 21 June 2022.

During this time, no submissions were received.

CONCLUSION

The draft policies were placed on public exhibition for 28 day and no submissions were received. They are now presented to Council for adoption.

GMR22/081 POLICY ADOPTION - JUNE REVIEW

**S004-
T00060**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Policy Adoption - June Review (to be provided)

Outcome: 9 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: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.4 Review Council policies

EXECUTIVE SUMMARY

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

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The following policies have been reviewed and placed on public exhibition from 22 June 2022 to 20 July 2022. During this time, no submissions were received.

- Complaints
- Customer Service
- Naming Of Parks, Reserves, Sports Fields, Public Pathways
- National Clean Up Day Campaign
- Pathway Construction – Contributions by Property Owners
- Pathways Risk Management
- Pesticides/ Herbicides
- Planning Agreements
- Pricing
- Procurement
- Water And Sewer Connections

GMR22/081 POLICY ADOPTION - JUNE REVIEW

S004-T00060

RECOMMENDATION

THAT the following policies be adopted.

- Complaints
- Customer Service
- Naming Of Parks, Reserves, Sports Fields, Public Pathways
- National Clean Up Day Campaign
- Pathway Construction – Contributions by Property Owners
- Pathways Risk Management
- Pesticides/ Herbicides
- Planning Agreements
- Pricing
- Procurement
- Water And Sewer Connections

BACKGROUND

Complaints

Eurobodalla Shire Council is an organisation which exists to assist its customers and stakeholders consistent with the common good and within legal and statutory responsibilities. Dealing with complaints about Council's decisions, actions or procedures and analysing their causes is a positive process as it allows Council the opportunity to improve policy, procedures and services.

Council treats all complaints seriously. Every complaint received by council is given attention by appropriate staff in order to resolve the issues which are raised. Complaints should be resolved in a timely and cost effective manner.

The purpose of this policy is to facilitate a consistent, fair and equitable resolution to customer complaints at the earliest opportunity and in the most efficient, prompt and professional manner.

Customer Service

Eurobodalla Shire Council's Customer Service policy was created to guide the development of an organisational culture focused on meeting the needs and expectations of its customers and to continuously improve its services for customers.

Naming of Parks, Reserves, Sports Fields, Public Pathways

Eurobodalla Shire Council's policy provides guidance to assist in naming public land including parks, reserves, sports fields and public pathways to identify land in Council records, maps and plans for general public use.

The policy ensures compliance with the Geographical Names Board of NSW (GNB) naming and renaming of sites for which Council is the authority.

GMR22/081 POLICY ADOPTION - JUNE REVIEW

S004-T00060

The Geographical Names Board of NSW (GNB) is the authority, under the *Geographical Names Act 1966*, responsible for the assigning of names to places and geographical features.

National Clean Up Day Campaign

Eurobodalla Shire Council's policy was developed to confirm Council's support of the campaign to promote the National Clean Up Day Campaign and to assist with waste disposal generated from the clean-up operations.

Pathway Construction – Contributions by Property Owners

Eurobodalla Shire Council's policy was developed to establish Council's position in regard to seeking contributions from property owners toward the construction of public pathways along their property frontage.

Eurobodalla Shire has a large number of urban streets without formed pathways, i.e. either a footpath or shared pathway (for pedestrians, scooters and cyclists). Less than one in three urban roads has a pathway on at least one side.

Pathways Risk Management

This Policy provides for the management of risks associated with Council's formed pathway network.

Council has a duty of care to take reasonable measures within the limitations of its budget to manage the risks arising from defects on Council's formed footpath and shared pathway networks.

The *Civil Liability Act 2002 (the Act)* provides special nonfeasance protection for roads authorities such as Council. Section 45 of *the Act* stipulates that a roads authority is not liable for harm arising from a failure to act in respect of maintenance of its roads and road reserves, unless at the time of the alleged failure the roads authority had actual knowledge of the particular risk which resulted in the harm. The importance of this defence is that a roads authority, such as Council, can in some circumstances avoid liability for injuries or damage related to the state of repair or maintenance of its roads and road reserves.

Section 42 of *the Act* also makes allowance for Council's ability to carry out its duty of care as being limited by the financial and other resources which are reasonably available to exercise its functions. To rely on this defence, Council is required to show evidence of its compliance with the general procedures and applicable standards for the exercise of its functions, such as risk management of its pathway networks.

It is accepted that the removal of all risk is not practically achievable. The systems implemented by Council to provide the management of risks will be based on prioritising works within the limited budgets available to Council.

Pesticides/ Herbicides

In accordance with requirements under the *Pesticides Regulation 2009*, Council is required to have a Pesticides/Herbicides Plan prepared and available to the public.

The aim of the Plan is to meet the community's right to know about pesticide applications made to public places that are owned or controlled by Council. Public places are areas that the public is entitled to have access to (whether or not on payment of fee) and are described in detail in the *Pesticides/Herbicides Use Notification Plan Code of Practice*.

GMR22/081 POLICY ADOPTION - JUNE REVIEW

S004-T00060

The Code allows members of the community to take action to avoid contact with pesticides, if they wish. Council ensures that pesticides are applied to public places in a safe, responsible manner without harm to the community or the environment.

Planning Agreements

Planning agreements provide enhanced and more flexible infrastructure funding opportunities for planning authorities to achieve tailored development outcomes and targeted public benefits, subject always to good planning.

The Planning Agreement Policy sets out Council's framework to negotiate the provision of public infrastructure, facilities and services.

Pricing

To enable a pricing methodology based on guiding principles, with respect to fees and charges made by Council under Section 608 of the *Local Government Act (NSW) 1993* (the Act) and required to be shown in Council's Operational Plan under Section 405 of the Act.

Procurement

To ensure principles of value for money, efficiency, ethics, and fair dealing are maintained in the procurement of goods and services by Eurobodalla Shire Council.

The policy requires an emphasis on a planned, risk considerate approach to the purchase of goods and services through achieving:

- High levels of customer service;
- Accurate determination of the requirement;
- Minimisation and mitigation of risks;
- Efficient use of Council resources;
- Open and effective competition;
- Ethics and fair dealing; and
- Accountability and transparency.

Water and Sewer Connections

Council provides, manages and operates water supply and sewerage services in accordance with operating licenses and State and Federal legislation. Detailed requirements for the provision of water and sewer connections to Council's water supply and sewerage systems can be found in legislation, standards, industry codes of practice and guidelines.

CONSIDERATIONS

The draft policies have been reviewed and minor formatting and changes to links in the governance section of the policies were undertaken as a result of Council resolution 22/66.

Community Engagement

The draft policies were placed on public exhibition for a period of no less than 28 days commencing on Wednesday 22 June 2022 to 20 July 2022.

During this time, no submissions were received.

GMR22/081 POLICY ADOPTION - JUNE REVIEW

S004-T00060

CONCLUSION

The draft policies were placed on public exhibition for 28 day and no submissions were received. They are now presented to Council for adoption.

PSR22/023 LAND CLASSIFICATION - SOUTHERN WATER STORAGE FACILITY

**S023-
T00027/S023-
T00001**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: 5 Our engaged community with progressive leadership
Focus Area: 5.3 Work together to achieve our collective vision
Delivery Program Link: 5.3.2 Manage land under Council control
Operational Plan Link: 5.3.2.1 Undertake strategic management of Council's operational land portfolio

EXECUTIVE SUMMARY

The purpose of this report is to seek approval to classify land for the Southern Water Storage facility as operational land.

Planning for Council's Southern Water Storage Project required the acquisition of Part Lot 3 DP 438839 and other Forestry land (now Lot 1 DP 1273643), and Part Lot 2 DP 1168581 (now Lot 20 DP 1273642) for water storage and supply purposes.

Lot 1 DP 1273643 is part of Bodalla State Forest and is the subject of an application to the Minister for Local Government for approval to acquire that land via the compulsory process.

Lot 20 DP 1273642 was privately-owned land. Council has completed the acquisition of this land by agreement.

Council has given public notice of its intention to resolve that the land acquired be classified as operational land. The period for submissions in respect of the public notice closed on Wednesday 22 June 2022. No submissions or objections were received.

RECOMMENDATION

THAT

1. Lot 1 DP 1273643 and Lot 20 DP 1273642 be classified as operational land.

BACKGROUND

Following Council approval, the acquisition of private land, being Lot 20 DP 1273642, was completed and the application to the Minister for Local Government for approval to acquire Lot 1 DP 1273643 from Forestry by compulsory process is progressing.

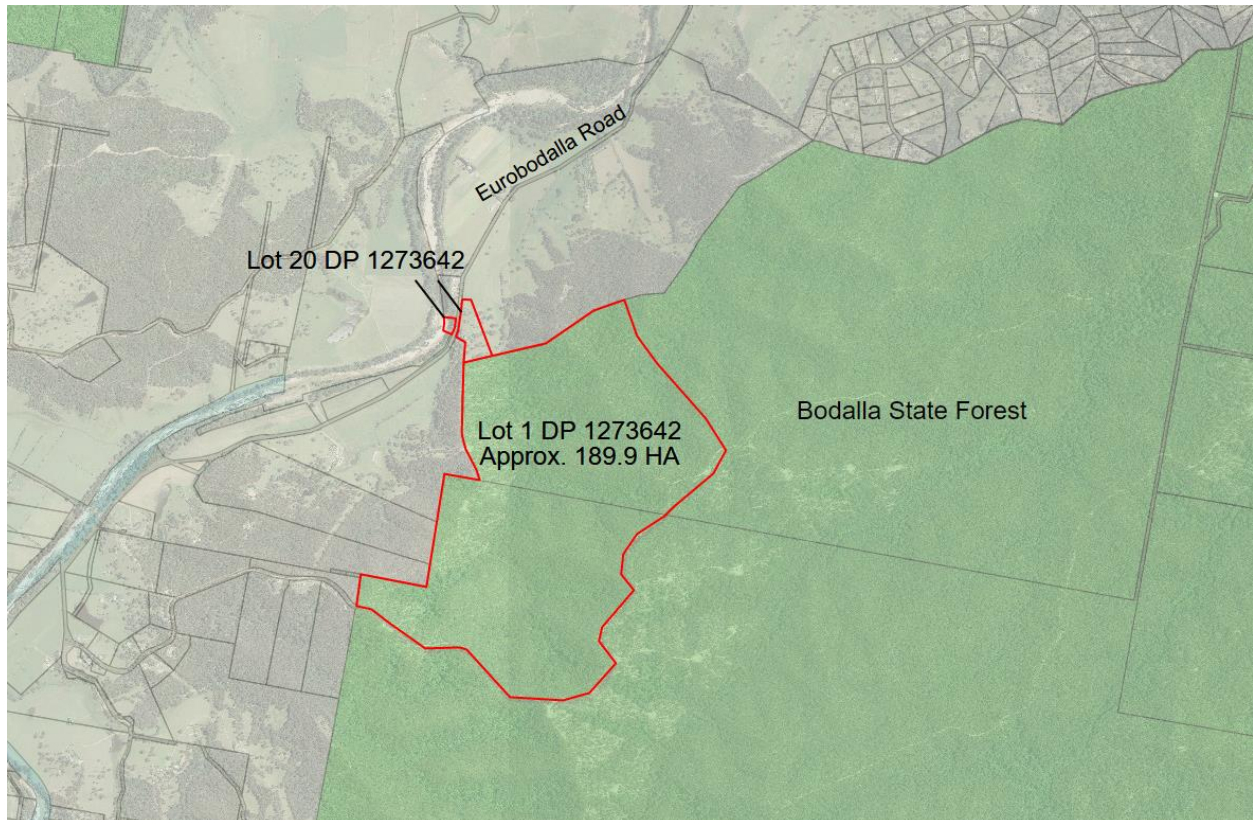
Public notice has been given of Council's intention to resolve that the land be acquired as operational land. A period of 28 days was given for members of the public to make submissions. Submissions closed on Wednesday 22 June 2022. No submissions or objections were received.

CONSIDERATIONS

The land, the subject of this report, is shown in the sketch below:

PSR22/023 LAND CLASSIFICATION - SOUTHERN WATER STORAGE FACILITY

**S023-
T00027/S023-
T00001**



Lot 20 DP 1273642 and Lot 1 DP 1273642

Legal

All land owned by Council must be classified as either community or operational land.

As the land acquired, being Lot 20 DP 1273642 and Lot 1 DP 1273643, will accommodate a water storage and supply facility, it is appropriate for the land to be classified as operational land.

In accordance with Section 31(2) of the *Local Government Act 1993*, before Council acquires land or within three months after it acquires land, a council may resolve that the land be classified as community or operational land. Should the land not be classified within this timeframe, the land would be automatically classified as community land.

[Local Government Act 1993 Section 31.](#)

In accordance with Section 34 of the *Local Government Act 1993*, public notice must be given of Council's intention to classify the land for infrastructure purposes as operational land and allowing not less than 28 days for receipt of written submissions. Public notification has taken place and no submissions were received.

[Local Government Act 1993 Section 34](#)

PSR22/023 LAND CLASSIFICATION - SOUTHERN WATER STORAGE FACILITY

**S023-
T00027/S023-
T00001**

Policy

The acquisition of land for the Southern Water Storage Facility is undertaken in accordance with Council's *Land Acquisition and Disposal Policy*.

[Land Acquisition and Disposal Policy \(nsw.gov.au\)](https://www.nsw.gov.au/land-acquisition-and-disposal-policy)

Environmental

The Eurobodalla Southern Water Storage facility is necessary to allow Council to meet current and future forecast water demand, whilst still providing for environmental flows in both the Tuross and Deua Rivers, in accordance with the NSW Government Water Sharing Plans.

Construction and operation of the Southern Storage has been granted development consent under Section 4.38 of the *Environmental Planning and Assessment Act 1979*.

Asset

The Southern Water Storage facility is an extremely valuable asset to ensure security of water supply during times of drought into the future.

As an asset of Council, the Southern Water Storage facility will be maintained by Council.

Social Impact

The Southern Water Storage facility will allow the water supply system to provide drought security, while minimising the environmental impacts on the Tuross and Deua Rivers.

The facility will ensure a clean and reliable water supply for the health and wellbeing of the community.

Economic Development Employment Potential

The provision of adequate water supply is essential to a functioning economy.

Financial

This report is regarding classification of land only. There are no financial costs attached.

Community and Stakeholder Engagement

In accordance with Section 34 of the *Local Government Act 1993* and Council's 'Community Engagement Framework and Participation Plan' we informed the community of Council's intention to classify the land as operational land by public notification in June 2022 and allowed 28 days for submissions. No submissions were received.

[Local Government Act 1993 Section 34](#)

CONCLUSION

This report recommends that Council approve the classification of Lot 1 DP 1273643 and Lot 20 DP 1273642 as operational land for Southern Water Storage facility.

In accordance with Section 34 of the *Local Government Act 1993* and Council's 'Community Engagement Framework and Participation Plan', we informed the community of Council's

PSR22/023 LAND CLASSIFICATION - SOUTHERN WATER STORAGE FACILITY

**S023-
TOOO27/S023-
T00001**

intention to classify the land as operational land by public notification and allowed 28 days for submissions. No submissions were received.

PSR22/025 LICENCE RENEWAL - TUROSS COMMUNITY GARDENS

**S023-
T00017/LI:
19760**

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

Attachments: Nil

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.2 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to seek approval to renew the licence to operate the Tuross Community Garden at Tuross Head.

Tuross Community Gardens Inc (TCG) holds a licence to operate a community garden within Lot 77 DP 260321, together with one bay in a storage shed within the adjoining Lot 91 DP 604795 Tuross Head, being part of the Kyla Park recreation area. This site is Council-owned community land.

The current licence expires on 31 August 2022 and TCG have expressed interest in renewing their licence to operate the community garden for a further five years.

In accordance with section 47A of the *Local Government Act 1993*, the proposed licence was publicly notified in June 2022 for 28 days and no submissions were received.

It is recommended that Council grant a further five-year licence and renewals to Tuross Community Gardens Inc. The licence renewals will include conditions generally in line with the existing licence.

RECOMMENDATION

THAT

1. Council grant a five-year licence renewal to Tuross Head Community Garden Inc to operate a community garden within Council community land being part Lot 77 DP 260321 together with one bay in a storage shed within the adjoining Lot 91 DP 604795 Kyla Park, Tuross Head, including the following conditions:
 - a. The licence fee be in accordance with Council's adopted fees and charges
 - b. Provision of evidence of \$20 million public liability insurance
 - c. Licence conditions generally in line with the current licence.
2. The General Manager be given delegated authority to negotiate further licences to Tuross Head Community Gardens Inc to operate a community garden.

PSR22/025 LICENCE RENEWAL - TUROSS COMMUNITY GARDENS

**S023-
T00017/LI:
19760**

BACKGROUND

On 20 December 2011 Council resolved to grant a five-year licence to TCG to operate a community garden at Tuross Head, being part of the Kyla Park recreation area in accordance with Council's Community Gardens Policy (Minute No 11/337) as follows:

THAT:

1. *The intention to grant a five-year licence over Lot 77 DP 260321 for a community garden be granted to Tuross Community Garden Inc be publicly notified in accordance with Section 47A of the Local Government Act 1993.*
2. *In accordance with Section 47A of the Local Government Act, following receipt of any submissions a further report be presented to Council for consideration.*
3. *Subject to submissions, a licence over Lot 77 DP 260321 for a community garden be granted to Tuross Community Garden Inc with terms and conditions including:*
 - (a) *Five-year term.*
 - (b) *Rent in accordance with Council's adopted Fees and Charges.*
 - (c) *Provision of Public Liability Insurance in the amount of \$20 million.*
 - (d) *The licensee being responsible for ensuring that all activities are undertaken in accordance with the Work Health & safety Act 2011.*
 - (e) *No fixed structures to be erected without the consent of the licensor.*
 - (f) *Conditions generally in accordance with Council's Community Gardens Policy.*
4. *The General Manager be given delegated authority to determine the granting of consent for the erection of any fixed structures not requiring Development Consent.*

PSR22/025 LICENCE RENEWAL - TUROSS COMMUNITY GARDENS

**S023-
T00017/LI:
19760**

Subsequently, it was resolved (Min No PSFM12/97):

PSFSM12/97 MOTION Councillor Pollock/Councillor Harding

THAT:

1. 28 days public notice be given of Council's intention to increase the area under licence to Tuross Community Garden Inc. within Lot 77 DP 260321.
2. Subject to no objections being received and the payment of an amendment fee of \$114, the area under licence to Tuross Community Garden Inc. to operate a community garden within Lot 77 DP 260321 be increased to include that area between the current licence area and the northern boundary of Lot 77 as shown in the report titled Tuross Head Community Garden – Amendment To Licence Area.
3. If the additional area is included a further clause providing for no trees to be removed from this additional area without the consent of Council be added to the licence conditions.
4. If any objections are received a further report be presented to Council for further consideration.

The current licence expires on 31 August 2022. TCG have requested a five-year licence renewal.

In accordance with section 47A of the *Local Government Act 1993*, the proposed licence was publicly notified in June 2022 for 28 days and no submissions were received.

CONSIDERATIONS

In accordance with the provisions of the *Local Government Act 1993* (LGA) all Council-owned properties, except roads, must be classified as either 'operational land' or 'community land'.

This site is Council-owned community land. Land classified as 'community' land has several restrictions to protect its use, which includes the intended purpose of its use and the requirement for public notification for leasing purposes. TCG has requested to renew its licence to operate a community garden within the Kyla Park recreation area at Tuross Head.

TCG is currently occupying one bay in a storage shed within the Kyla Park recreation area, being part Lot 91 DP 604795, which is also community land, and its use of the storage shed is incorporated in the current licence and will be included in the new five-year licence.

Licence conditions will generally be in line with the current licence.

PSR22/025 LICENCE RENEWAL - TUROSS COMMUNITY GARDENS

**S023-
T00017/LI:
19760**

The licence area is shown in the sketch below:



Kyla Park recreation area, Hector McWilliam Drive, Tuross Head
Lot 91 DP 604795 Mylott Close, Tuross Head – storage shed

Legal

Lot 77 DP 260321 and Lot 91 DP 604795 are Council-owned public reserves classified as community land.

Council can issue a licence for a period of up to five years for public reserves classified as community land, after giving public notice and considering any submissions in accordance with Section 47A of the *Local Government Act 1993*.

www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div2/sec47a.

Policy

The five-year licence to TCG is supported in accordance with Council's Community Gardens Policy.

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0006/138561/Community-Gardens-policy.pdf

PSR22/025 LICENCE RENEWAL - TUROSS COMMUNITY GARDENS

**S023-
T00017/LI:
19760**

In line with the provisions of Council's Code of Practice – Licensing of Council-controlled Public Reserves and Associated Buildings, an Expression of Interest (EOI) was called in March 2022 for parties interested in seeking a licence for periods of up to five years to use any Council-owned or controlled public reserves. No other party expressed an interest in using the same part of the reserve.

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

Environmental

Community gardens can help reduce negative environmental impacts by building awareness of sustainable agriculture and educating the community on urban gardening practices.

Asset

The TCG are to keep the gardens in good order and properly maintained.

Social Impact

Community gardens can be beneficial to the health and wellbeing of community members. Social ties are important for the wellbeing of people in a community as they can bring positive health effects and community involvement.

Economic Development Employment Potential

Community gardens can improve economic opportunities by teaching the community useful skills in planning, food production and business. The gardens help to foster a community culture of supporting local horticulture.

Financial

The licence fee will be in accordance with Council's adopted fees and charges for community gardens.

Community and Stakeholder Engagement

An EOI was called in March 2022 from interested parties withing to conduct activities on Council-controlled public reserves for a period of up to five years. No other party expressed an interest in using the same part of the reserve.

The intention to grant a five-year licence to TCG was publicly notified for 28 days in June 2022 in accordance with Section 47A of the *Local Government Act 1993* and Council's 'Community Engagement Framework and Participation Plan'. No submissions were received.

CONCLUSION

The licence to TCG to operate a community garden at Tuross Head requires renewal.

The proposed licence was publicly notified for 28 days and no submissions were received.

PSR22/025 LICENCE RENEWAL - TUROSS COMMUNITY GARDENS

**S023-
T00017/LI:
19760**

It is recommended that Council grant a five-year licence renewal to Tuross Head Community Garden Inc to operate a community garden within Council community land, being part Lot 77 DP 2620321 and part Lot 91 DP 604795.

PSR22/026 ON-SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2021-22

**S029-
T00012**

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

Attachments: Nil

Outcome: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles

Focus Area: 1.2 Value, protect, and enhance our natural environment

Delivery Program Link: 1.2.2 Maintain healthy waterways and catchments by finalising and implementing estuary management plans and monitoring impacts

Operational Plan Link: 1.2.2.7 Deliver the Onsite Sewage Management System inspection program

EXECUTIVE SUMMARY

The purpose of this report is to summarise the On-site Sewage Management (OSSM) system approvals and inspection program for the 2021-22 financial year.

OSSM systems refer to systems that treat wastewater and dispose of the effluent within the premises and occurs primarily where there is no connection to reticulated sewer. There are currently 4,779 approved systems in the Eurobodalla, and these include systems such as: septic tanks; Aerated Wastewater Treatment Systems (AWTS); wet and dry composting systems; effluent pump-out systems; pit toilets and greywater treatment systems.

Under NSW Government legislation, Council is required to approve and inspect OSSM systems to ensure that they operate effectively and to reduce incidents impacting on public and environmental health and safety. If an OSSM is not designed or maintained effectively, untreated wastewater may be released causing potential pollution of waterways, lakes and wetlands, and contamination of groundwater, swimming areas and oyster growing areas.

A total of 104 OSSM system approvals and 175 development application referrals were received and processed by the Public and Environmental Health Team in 2021-22.

Council conducted 1,451 inspections in 2021-22, a significant increase from the past two years. An emphasis was placed on the inspections during the past year as the reduction in the previous two years due to the impacts of the bushfires and COVID where Council was assisting through bushfire recovery efforts, where an estimated 350 OSSM systems were affected, and approximately 250 systems were checked post-fires at no charge to the property owner.

An overall compliance rate of 94% was observed through the OSSM system inspection program, which is slightly higher than the previous year.

RECOMMENDATION

THAT the On-site Sewage Management Status Report 2021-22 be received and noted.

BACKGROUND

The OSSM system inspection program has been operating since 1999 following changes to the *Local Government Act 1993*, which gave councils greater responsibility in monitoring and

PSR22/026 ON-SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2021-22

**S029-
T00012**

ensuring compliance of these systems. There are currently 4,779 approved systems in the Eurobodalla.

OSSM systems are categorised into three risk categories according to the type, location of the system and its proximity to waterways. Inspections and re-inspections are conducted according to the date of the previous inspection and the risk rating.

These categories are:

- high risk requiring annual inspections
- medium risk requiring inspections every second year
- low risk requiring inspections every fifth year.

Re-inspections are also required where systems require follow-up due to identified operational issues.

Council's scheduled inspection program for 2021-22 was completed. Approximately 500 inspections that were overdue resulting from interruption to the inspection program the previous years, were also completed. The inspection program for 2019-20 and 2020-21 was interrupted due to bushfire recovery efforts, the COVID pandemic and staff shortages.

Table 1: A comparison of OSSM program activities undertaken over the previous five years

	2017-18	2018-19	2019-20	2020-21	2021-22
Approvals	123	66	110	137	104
Referrals	178	115	196	224	175
Inspections	1,384	1,336	845	811	1,451
Compliance (%)	92	93	90	93	94
Downgrades	19	6	7	10	11
Re-inspections	3	4	18	3	8
Show Cause letters	-	-	30	5	3
Notices/Orders	5	2	3	0	5
Penalty Infringement Notices	1	2	0	0	0

Approvals and referrals

A total of 104 OSSM system approvals were issued for new systems in 2021-22.

A total of 175 development assessment (DA) referrals were received. DA referrals involve providing advice to planners in relation to OSSM systems associated with development applications.

PSR22/026 ON-SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2021-22

**S029-
T00012**

Inspections

An overall compliance rate of 94% was achieved for the 2021-22 inspection regime, which is slightly higher than the previous financial year. Eurobodalla Shire owners have a very high level of satisfactory systems, and Council works with owners to assist and ensure maintenance requirements, upgrades or works are completed to achieve compliance.

A total of 1,451 inspections were completed, which is above Council's normal inspection program due to increased efforts to manage OSSM systems that were not inspected in the previous periods.

Bushfire and COVID impacts

Due to the bushfires in 2019-2020 many OSSM systems were damaged or destroyed. Council has continued to undertake checks on systems as requested by property owners, or where Council's Planning Team has requested a referral response for an associated development application for a bushfire rebuild.

Based on initial site inspections, it was identified that many systems can be repaired/reinstated for future use. Systems that have not yet been checked post-bushfires will be inspected through Council's scheduled OSSM system inspection program. The standard fee will apply to future inspections.

Bushfire recovery support has included:

- development approval referral process for fire-affected properties
- inspections of existing OSSM systems to determine their suitability for future development
- inspections of OSSM systems were carried out to determine if and how existing systems could be connected to temporary dwellings (eg, Mindaroo pods)
- advice provided in relation to bushfire recovery sanitation project to provide temporary bathrooms for affected residents.

Note that there have been no fees or charges associated with inspections or activities for the above bushfire recovery support.

During COVID restrictions, inspections have been able to continue in accordance with NSW Health requirements.

Risk rating downgrades

Owners of systems with 'high' or 'medium' risk ratings can apply to Council to downgrade the risk rating of their OSSM system where consistent compliance can be demonstrated. These downgrades reward owners who are managing their systems well by reducing the frequency of required inspections and hence, reducing the cost.

A total of 11 applications to downgrade OSSM system risk ratings were received in 2021-22 and 11 were approved.

Compliance action

Three properties were re-inspected as part of the OSSM system inspection program for non-compliance and charged an additional fee, with all proceeding towards resolution.

PSR22/026 ON-SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2021-22

**S029-
T00012**

Enforcement action was undertaken in relation to eight OSSM systems. All of these were identified through Council's OSSM system inspections.

Table 2. Enforcement action for non-compliant OSSM systems

Enforcement action	System type	Description of non-compliance
2	AWTS	Effluent being disposed outside approved effluent management area.
6	Septic tank to subsoil disposal (effluent absorption trenches)	Failure to operate OSSM system in a healthy and safe manner / operate OSSM system not in accordance with approval.
TOTAL 8		

Compliance action was initiated with a Show Cause letter or Notice of Intention to issue an Order. Three of the eight matters have been resolved, with information provided to Council in response to the Show Cause/Notice of Intention to issue an Order.

Four of the remaining five matters are working towards resolution and the final outstanding matter is not yet due for review.

CONSIDERATIONS

During the 2021-22 financial year, various measures have been undertaken for the continual improvement of the OSSM system inspection and assessment program, including:

- improvement of administration processes to enable customised reports to ensure that all OSSM systems are captured in the inspection program
- record and monitor AWTS servicing records to ensure these secondary treatment systems are being serviced in accordance with NSW Health requirements and with manufacturer's specifications
- updating information on Council's website.

Legal

Council is required to process approvals and undertake inspections of OSSM systems in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

The Department of Local Government Circular to councils 98/27 (issued 1 April 1998) outlines councils' requirements for the monitoring of OSSM systems.

Policy

Eurobodalla Shire Council's Onsite Sewage Management Code of Practice was initially adopted by Council on 27 July 1999, with reviews in 2003, 2008, 2013 and 2018.

A review for the Code of Practice will occur in 2022-2023.

PSR22/026 ON-SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2021-22

**S029-
T00012**

Environmental

Due to the sensitive environmental nature of much of Eurobodalla Shire, particularly in relation to waterways, including oyster farming, fisheries and recreational use, continual monitoring of OSSM systems is important to ensure that such areas are protected from potential contamination.

The Local Government Compliance and Enforcement Regulation Review (IPART 2014) recognised Council's OSSM system inspection program as a 'best practice' regulatory program.

Undertaking the OSSM system program demonstrates Council's commitment to protecting the environment and the local industries who depend upon it.

Social Impact

There are potential health risks for users and those in the vicinity of OSSM systems. Council is obligated to demonstrate that it has met its duty of care in mitigating health concerns associated with the operation of OSSM systems.

Financial

The OSSM systems program aims to operate at a full cost recovery to Council and in accordance with the legislation.

During 2021-22, the primary inspection fee was \$137 and re-inspection incurred a cost of \$179 as identified in Council's fees and charges.

Total income for 2021-22 was \$212,146 and total expenses were \$197,218.

CONCLUSION

The overall level of compliance of 94% demonstrates that the majority of OSSM systems are operating effectively and there are minimal public and environmental health impacts. Inspections results indicate 'High,' 'Medium,' and 'Low' risk systems are being managed equally well (93%, 95% and 94% compliant respectively).

Council aims to continually improve processes and procedures to ensure OSSM systems are operating in a healthy and safe manner.

Council has ensured that the program is consistent with NSW Government requirements, and the program is generally well received by property owners with OSSM systems ensuring any risk to public and environmental health is minimised.

PSR22/027 FOOD INSPECTION PROGRAM STATUS REPORT 2021-22

**S024-
T00003**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: 2 Our community that welcomes, celebrates, and supports everyone
Focus Area: 2.4 Foster a safe community
Delivery Program Link: 2.4.2 Deliver legislated health protection and regulatory programs
Operational Plan Link: 2.4.2.1 Promote and undertake the food inspection program in accordance with the Food Authority guidelines and Scores on Doors program

EXECUTIVE SUMMARY

The purpose of this report is to provide a summary of Council's Food Inspection Program for the 2021-2022 financial year.

Under the provisions of the *NSW Food Act 2003* Council has a statutory obligation to implement a program of food premises inspections. The aim of the program is to reduce the risk of unsafe or unsuitable food being sold, thereby maintaining public health and safety along with confidence in the retail food sector. This is extremely important to the Eurobodalla given the significance of the tourism and associated food sector to the region.

Council's inspection program was interrupted by the impacts of COVID, this included staff working from home and a reduction in field work in adherence to NSW Health requirements. The inspection program was delayed until the second half of the financial year to take into account the impacts the food premises have incurred. As such, re-inspections and second scheduled inspections, where required, will be undertaken in the first half of the 2022-2023 financial year.

Currently there are 220 fixed-food premises registered in Eurobodalla, as well as 29 market stalls and 14 mobile food vendors. During the 2021-2022 financial year, 186 of the 220 fixed food premises were formally inspected under the program.

A noticeable increase in adherence to good hygiene practices has resulted from the implementation of COVID related practice, resulting in 99% of those businesses inspected achieved ratings of excellent or very good.

RECOMMENDATION

THAT the Food Inspection Program Status Report 2021-2022 be received and noted.

BACKGROUND

Council has undertaken a Food Inspection Program in partnership with the NSW Food Authority since January 2009 in accordance with the *NSW Food Act 2003*. The Food Regulation Partnership requires Council to undertake inspections, enforcement, and investigations into food complaints.

This report summarises the programs activities for 2021-2022, the fourth year a risk-based food inspection program has been implemented.

PSR22/027 FOOD INSPECTION PROGRAM STATUS REPORT 2021-22

**S024-
T00003**

The program was adopted by Council on 17 February 2018 (PSR 18/002), where food businesses that maintain a high level of compliance can reduce their inspection frequency from two inspections per year to one per year, resulting in financial saving to the business. Certificates are issued displaying the business inspection result.

Bushfire and COVID-19 impacts

The impacts of the bushfires and COVID have varied for food businesses across the sector such as: financial losses; labour shortages; absenteeism due to COVID; reduction of opening hours and extending temporary closures.

These factors have resulted in Council undertaking a strong focus in education and assisting food businesses to ensure that they are compliant with the requirements.

In total in 2021-2022, 85% of businesses registered with Council having undergone a scheduled inspection. Follow-up and second inspections will extend into the first half of the 2022-2023 financial year.

CONSIDERATIONS

At the end of the 2021-2022 financial year there were 220 fixed food businesses (11 high risk and 209 medium risk) registered in Eurobodalla requiring inspection, as well as a further 69 low risk premises (such as hardware shops selling packaged snacks), which are only inspected if there is a complaint. In addition, there were 29 registered temporary stalls.

Temporary stalls are inspected at the various markets, festivals and events held in Eurobodalla.

There were nine mobile food vendors registered with Council at the time of this report and these are inspected annually when they apply for their approval to operate in Eurobodalla.

Table 1 shows the data by premises where there are 220 fixed food businesses registered with Council at the time of this report.

Table 1: Data by premises

Fixed premises risk rating	Number of businesses
High risk (eg, child care centres and aged care facilities)	11
Medium risk (eg, restaurants, cafes, etc,)	209
Total premises routinely inspected	220
Low risk (eg, service stations, cinemas etc, complaint only inspections)	69
Non-fixed businesses	Number of non-fixed businesses
Stalls	29
Mobile	14
Star rating at last inspection	Number of premises inspected
5-star: 0 -3 points	157
4-star: 4 -8 points	27
3-star: 9 – 15 points	2

PSR22/027 FOOD INSPECTION PROGRAM STATUS REPORT 2021-22

**S024-
T00003**

No grade >15 points	0
Total premises inspected	186

Table 2 shows that for those businesses receiving a star rating, 186 inspections were conducted.

Table 2: Data by inspection

Star rating	Number of inspections
5-star: 0 -3 points	157
4-star: 4 -8 points	27
3-star: 9 – 15 points	2
No grade >15 points	0
Total number of inspections	186
Inspection type	Number of inspections
Scheduled fixed	186
Re-inspection fixed	0
<i>Complaint</i> Hygiene – 2 Foreign – Labelling – 0 Illness – Temperature control - 0	2
Mobile inspections	14
Temporary stall inspections at markets	27
Total number of inspections	229

Council has submitted the annual report to the NSW Food Authority, providing data on the Food Inspection Program for the financial year.

Legal

Under the provisions of the *NSW Food Act 2003*, Council has a statutory obligation to implement a program of food business inspections.

The NSW Food Authority's Compliance and Enforcement Policy sets out the criteria for deciding appropriate enforcement action. Council utilises a graduated compliance response with a strong focus on collaboration and education, resulting in a high level of compliance with the *Food Standards Code 2016*.

Enforcement action

Where collaboration and education do not achieve safe food handling practices, enforcement action may be taken. Enforcement action can include (in order of escalation):

PSR22/027 FOOD INSPECTION PROGRAM STATUS REPORT 2021-22

**S024-
T00003**

- warning letter (two issued)
- Improvement Notice (zero issued)
- Penalty Infringement Notices (zero issued)
- Prohibition Order (zero issued)
- seizure of food items (zero seizures).

Re-inspection: may be required to achieve compliance to the *Food Standards Code 2016*. Where a re-inspection identifies non-compliance, an inspection fee is charged for each re-inspection.

Warning letters: are used in conjunction with re-inspections where there is a public health risk or persistent failure to comply, which provides advice on the actions required to improve compliance. Warning letters may also be issued if a food business receives a 3-star rating at inspection.

Improvement Notices: are issued where food businesses score greater than 15 points and do not achieve a star rating. They are used when urgent action is required, or unsatisfactory and/or structural defects have been identified.

Penalty Infringement Notices: may be issued where non-compliance is considered an immediate threat to public health or where a premise has repeated non-compliance.

Prohibition Orders: are issued where an Improvement Notice has not been complied with and/or it is necessary to prevent or mitigate a danger to public health

Policy

Council developed a risk-based Food Inspection Policy designed to comply with the Scores-on-Doors Program and reward food businesses that continually achieve high compliance by reducing the frequency of inspections, thereby saving on inspection costs.

This program was adopted at the Ordinary Meeting of Council on 13 February 2018 (Minute No: 18/6) and commenced on 1 July 2018.

Note that due to a high level of compliance most food businesses had one inspection per annum, where previously two inspections per annum had been undertaken.

Social Impact

Compliance with the *Food Standards Code 2016* provides significant health benefits for our community and visitors by reducing the risk of food borne illness for consumers. This is particularly significant during the COVID pandemic period.

PSR22/027 FOOD INSPECTION PROGRAM STATUS REPORT 2021-22

**S024-
T00003**

Economic Development Employment Potential

The retail food sector is an important source of income and employment in Eurobodalla. A high level of compliance with food safety requirements is essential for the continued success of this sector.

Financial

Fees are charged for administration and inspections in accordance with the *Food Act 2003* provisions and Council's fees and charges.

The inspection fee was \$203 and the administration fee was \$208.

A statutory fee of \$330 is associated with Improvement Notices.

Total income for 2021-22 was \$82,911.

The total cost of the program was \$90,544.

Community and Stakeholder Engagement

Council provides education and technical information to food businesses. An inspection is evenly divided between observing practices and providing practical advice on safe food handling. This means that in most cases any unsafe practices are rectified at the time of inspection.

Food businesses are alerted to changes in NSW Food Authority guidelines and provided with information on how to keep up-to date between inspections. Guidelines for high-risk products are regularly researched and updated and can be quite detailed and complex.

Council provides updates on changes to the program or legislative requirements through the media and by letters directly to food businesses. Information and advice are also available on Council's website such as 'I'M ALERT', an Environmental Health Australia online food safety training tool.

Council has also been liaising and providing advice in conjunction with NSW Health as to COVID requirements for food businesses, as required and to assist businesses.

CONCLUSION

The Food Inspection Program has been implemented successfully with a high level of compliance by the operators of food businesses. This work and the efforts of the local food industry has meant that even through this difficult period our community, and visitors to Eurobodalla, can be confident that safe food is being provided by food retailers.

Council will implement the Food Inspection Program with consideration of the significant impacts that the local food businesses have suffered during recent events, and within the legislative requirements.

PSR22/028 REGULATORY ACTION STATUS REPORT 2021-22

**S018-
T00016**

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

Attachments: Nil

Community Goal: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles

Community Strategy: 1.2 Value, protect, and enhance our natural environment

Delivery Program Link: 1.2.3 Work in partnership to provide natural resource management to develop community awareness of environmental opportunities, issues and impacts

Operational Plan Link: 1.2.3.3 Monitor, inspect and respond to public and environmental health matters

EXECUTIVE SUMMARY

This report details the activities of the Public and Environmental Health and Compliance Team (the Team) for the 2021-22 financial year. The activities are to ensure public and environmental health and safety are maintained in our community in accordance with NSW Government legislation and Council policies.

The Team dealt with approximately 9,844 telephone calls and 1,730 items of incoming correspondence during 2021-22.

An estimated 26% of telephone calls and mail items generated formal Customer Request Managements (CRMs) with the remaining 74% resolved at the time of the call.

There was a 10% increase in CRM requests, compared to the previous reporting period (2,731), with the Team responding to 3,040 formal CRMs.

Compliance and enforcement actions are undertaken by authorised officers in accordance with legislation and Council's policy to ensure the health and safety of the public and the environment.

Updates on the Food Inspection and On-site Sewage Management System Programs are provided in separate reports to Council.

RECOMMENDATION

THAT the Regulatory Action Status Report 2021-22 be received and noted.

BACKGROUND

Public, environmental health and compliance is a broad area of operations and necessitates implementation of legislative requirements and Council policies, in a fair, equitable and consistent manner.

The Team is responsible for routine monitoring and the provision of advice and education for areas such as:

- public swimming pools
- water quality
- beach watch

PSR22/028 REGULATORY ACTION STATUS REPORT 2021-22

**S018-
T00016**

- estuary health programs
- sediment and erosion controls
- pollution
- animal control
- parking enforcement, including school zones
- illegal waste dumping
- stormwater matters
- obstruction on public land (shopping trolleys, abandoned vehicles etc.).

In addition, support services are provided to Waste, Water and Sewer Services to meet Environmental Protection Licence requirements.

The following data provides a summary of CRMs and compliance activity during the 2021-22 financial year.

Officers also attend to additional matters during their normal duties and patrols, such as dealing with residents and visitors in the field, ad hoc animal related issues, and addressing emergency situations.

Flood and COVID impacts

The regulatory operations continued to be impacted by COVID restrictions and increased monitoring for environmental impacts from floods has been required.

During NSW Health restrictions due to COVID, officers maintained a customer service focus whilst working from home, in the office, from alternate work sites and in the field. All operations adhere to COVID restrictions, and split teams enabled ongoing delivery of services.

The major impacts over the year have been:

- increase in poor water quality results post-floods for estuaries and beaches
- reduced parking patrols undertaken and decrease in parking infringements issued
- reduced compliance activity: infringements, orders and notices issued.

Customer Requests Management CRMs (requests)

Council has implemented a new IT system, so the breakdown of customer requests does not align completely with the previous year's reports. This new format of reporting continues to capture the data in a slightly different format.

The breakdown of the total 3,040 of customer requests are:

- Animals: 1179 (39%) includes items like nuisance animals (cats, dogs, poultry, stock) with most complaints related to barking, straying and dogs on beaches.
- Public health: 859 (28%) includes air, food, waste, noise, on-site sewage management systems, overgrown blocks, stormwater, trees, water complaints.
- Regulatory: 731 (24%) includes abandoned vehicles, illegal camping, parking, signage complaints.

PSR22/028 REGULATORY ACTION STATUS REPORT 2021-22

**S018-
T00016**

- Development/building: 271 (9%) unapproved, illegal development, sediment and erosion controls can be seen in Figure 1 and the comparison over five years in Table 1.

	2017-18	2018-19	2019-20	2020-21	2021-22
Animal control	1,430	1,372	1,392	1,322	1,179
Development	260	269	232	155	271
Public Health	495	469	603	690	859
General Regulatory	591	608	667	564	731
TOTAL	2,776	2,718	2,894	2,731	3,040

Table 1: Customer Service Requests 2017-18 to 2021-22 financial years.

Compliance activity

A number of matters (1,282) were dealt with via Penalty Infringement Notices (PINs) and Orders, in line with relevant regulations and legislation.

Sector	Activity	Infringements	Orders and Notices	Total action
Roads	Parking	748	1	749
Animals	Companion animals	78	69	147
Health	Premises/food	0	32	32
Environment	Air/land/water/ Illegal Dumping	5	19	24
Development	Land	39	123	162
TOTAL		870	244	1,114

Table 2: Compliance activity report 2021-22.

Most infringements relate to traffic offences, parking, 749 (68%). The remaining 365 (32%) instances of compliance activity are detailed as follows:

Animals:

147 actions relate to animal control (12%) including: lifetime registration enforcement; barking dogs; stray animals; endangering safety of person or animal; and restricted or dangerous dogs.

Health and environment (sectors combined):

56 actions (5%) relate to waste issues including illegal dumping; health (eg, overgrown premises); food shops; on-site sewage management systems; public swimming pools and environmental issues such as pollution matters.

PSR22/028 REGULATORY ACTION STATUS REPORT 2021-22

**S018-
T00016**

Development:

162 actions (15%) relate to development without consent or contrary to consent conditions.

Most customer requests are resolved without any requirement to utilise formal regulatory actions.

A total of 365 (excludes parking) formal regulatory actions (12%) were required, in response to a total of 3,040 customer requests.

Special programs

During the 2021-22 financial year, specific projects were conducted such as:

1. ongoing animal shelter upgrades and maintenance
2. regular patrols of beaches, pathways, and reserves to ensure adherence to dog restrictions
3. implementation of trial of QR Codes on dog signs at restricted use beaches which links to Council website to help dog owners identify the restrictions at the beaches
4. free microchipping day conducted in partnership with the local branch of the RSPCA
5. estuary health monitoring to assist with increasing knowledge of bushfire impacts
6. beach watch monitoring undertaken
7. work health safety improvements – body-worn cameras implemented for the Rangers and staff in potentially conflict situations
8. technology improvements - infield technology in use for some staff and progression across the teams. All Rangers have infield laptops and this enables improved efficiencies and the ability to respond more rapidly to customer requests
9. database improvements for functions across the Team
10. an automated electronic parking ticketing system commenced in March 2022 and is now ongoing
improved the process with Revenue NSW whereby the issuing of parking infringements utilises their services for printing and posting the infringement issued directly to the vehicle owner, removing this administrative requirement of Council and providing efficiencies.

CONSIDERATIONS

An important role is played by Council in responding to customer requests concerning alleged illegal activities and the potential impacts to the community and/or the environment.

Council's Compliance Policy outlines the processes for Council officers regarding the implementation of legislation, with consideration given to the severity of the activity, impacts on individuals, community, and the environment. Officers endeavour to achieve a balance between enforcement and education by working collaboratively to provide a consistent regulatory approach for compliance and enforcement activities.

Council has developed strong relationships with agencies, such as:

- NSW Food Authority
- NSW Health
- NSW Department of Planning and Environment

PSR22/028 REGULATORY ACTION STATUS REPORT 2021-22

**S018-
T00016**

- NSW Environment Protection Authority (EPA)
- Canberra Regional Joint Organisation (CRJO) – Contaminated Lands and Underground Petroleum Storage System
- NSW Natural Resources Access Regulator (NRAR)
- RSPCA and Animal Welfare League and other animal rescue organisations.

Legal

Staff operate under a wide range of legislation and regulations and in accordance with Council's Compliance Policy which focuses on a graduated approach to achieve positive regulatory outcomes with a high emphasis placed on communication and education. The legislation includes, but is not restricted to, the following:

- *Protection of the Environment Operations Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Food Act 2003*
- *Swimming Pools Act 1992*
- *Surveillance Devices Act 2007*
- *Companion Animals Act 1998*
- *Impounding Act 1993*
- *Rural Fires Act 1997*
- *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.*

Policy

Council officers observe and comply with a range of adopted Council policies, including the Compliance, Local Orders and Clean Air Policies, and the Companion Animal Management Plan when undertaking their duties. These policies have been reviewed and updated where required.

Environmental

Council is focused on public health, safety, and protection of the environment. As such, maintaining and protecting the natural environment in the Eurobodalla local government area is important and is of major concern to the community.

Social Impact

Council considers the impact of an offender's actions on other individuals, the community, and the environment.

PSR22/028 REGULATORY ACTION STATUS REPORT 2021-22

**S018-
T00016**

Community and Stakeholder Engagement

Council staff regularly seek opportunities to engage with the community through education programs, dedicated workshops and networking face to face with individuals, while undertaking compliance functions to assist in achieving positive public, health and safety outcomes.

CONCLUSION

The Public and Environmental Health and Compliance Team's primary objective is to implement legislation and Council policy in response to community needs, ensuring that the health, safety and amenity of the community and environment is protected.

Council actions and regulatory processes are undertaken in accordance with the relevant legislation, adopted policies and codes of practice

IR22/018 TRANSPORT AND STORMWATER PROGRAM 2022-23

**S028-
T00009**

Responsible Officer:	Warren Sharpe OAM - Director Infrastructure Services
Attachments:	1. Appendix A - Grading schedule for unsealed roads 2022-23 2. Appendix B - Unsealed Roads Resheet Program 2022 3. Appendix C - Reseal program for sealed roads 2022-23
Community Goal:	4 Our connected community through reliable and safe infrastructure networks
Community Strategy:	4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla
Delivery Program Link:	4.1.3 Provide safe and reliable local and urban roads, guided by the asset management plan
Operational Plan Link:	4.1.3.2 Maintain the local and urban road network

EXECUTIVE SUMMARY

The effective management of the transport and stormwater networks is critical to the safety, well-being and prosperity of our community.

Council has an array of transport and stormwater assets with a gross replacement value of approximately \$852M dollars. This includes sealed and unsealed roads, bridges, culverts, shared pathways, footpaths, stormwater assets and related infrastructure.

Council has provisioned for the maintenance, renewal and upgrade of the transport and stormwater network within the 2022-23 budget as adopted at Council's meeting on 28 June 2022.

This report seeks Council's confirmation of the schedule of works being funded in 2022-23 for:

- Maintenance grading program for unsealed roads
- Gravel resheeting program
- Reseal and asphalt resurfacing program
- Sealed road pavement rehabilitation program
- Urban roads reconstruction program
- Rural roads reconstruction and sealing program
- Pathways program
- Stormwater capital program

Once the schedules are confirmed by Council, this information will be placed on Council's website for the information of the community.

IR22/018 TRANSPORT AND STORMWATER PROGRAM 2022-23

**S028-
T00009**

RECOMMENDATION

THAT the program of works for transport and stormwater for 2022-23 outlined in this report be confirmed.

BACKGROUND

Council adopted the transport and stormwater program amounts as part of the 2022-23 Operational Plan on 28 June 2022.

These programs provide funding to address the grading maintenance of unsealed roads as well as the renewal and upgrade of roads, pathways and stormwater systems to meet community need, improve safety, address existing network deficiencies, address legal requirements and provide for future development.

The allocations of funding to the transport program are heavily dependent on the annual allocation of Federal Assistant Grants – Roads Component and Roads to Recovery grants, as well as resident and developer contributions.

Any additional works beyond those identified here to meet community need, cater for growth and changing transport needs, require Council to pro-actively pursue and secure additional grant funding from the NSW and Australian Governments under the various road safety, transport and other programs. These additional grants are often leveraged against existing Council programs and/or developer contributions and are reported to Council separately when successful.

The current backlog of works based on condition within the transport and stormwater network is \$48.3 million and \$6.8 million respectively as at 30 June 2021, excluding consideration of functionality and capacity upgrade requirements. Further deterioration of the road network has occurred over the last year due to the sustained wet weather. The programs herein contribute to addressing these challenges.

Council also has a legal obligation to work progressively to achieve the Section 94 Rural Roads Plan which involves reconstruction and sealing identified rural unsealed roads and upgrading of identified sealed roads. The allocations in this report contribute to that goal.

The transport and stormwater programs will be placed on Council's website for the information of the community once confirmed by Council.

Minor adjustments to the programs are made with the approval of the Director Infrastructure Services, to account for variations in costs, to take advantage of any opportunities for efficiencies of work and to treat any significant problems that might arise as the year progresses due to weather or other issues. Any significant changes to the financial outcomes of programs are reported via the quarterly review process.

The proposed schedules for each of the activities are incorporated into this report.

IR22/018 TRANSPORT AND STORMWATER PROGRAM 2022-23

**S028-
T00009**

CONSIDERATIONS

1. Maintenance Grading Schedule for Unsealed Roads

There are approximately 404km of unsealed roads maintained by Council.

The maintenance grading schedule is based on delivering a reasonable level of service taking the various factors impacting on the performance of the unsealed road network into account. In particular, volumes and type of traffic, terrain, amount and quality of gravel and the available budget.

The annual schedule is reviewed prior to presentation to Council, using feedback from the maintenance grading team and customers. The schedule rolls on from the end of the 2021-22 work with minor adjustment to reflect changes in the network.

It should be noted that the grading team has the responsibility (and is accountable) to make judgements regarding the method of maintenance grading based on the condition of the road. These include:

- do nothing and record for future inspection
- do drains and culvert and vegetation only and record for future road surface inspection
- work to a depth of 80-100mm and re-compact
- deep rip and re-compact to remove deep corrugations or potholes.

The proposed maintenance grading schedule for 2022-23 is attached as Appendix A.

2. Gravel Resheet Program for Unsealed Roads (\$1,362,130)

Unsealed roads require the addition of gravel on a cyclic basis to sustain a trafficable road surface. The frequency is dependent upon a wide range of factors including ground conditions, rainfall, drainage, terrain, hierarchy and traffic. The nominal resheeting frequency is 10-15 years. Each road is assessed with feedback sought from the maintenance grading team prior to finalising the annual resheeting program. The proposed resheeting program is listed in the table in Appendix B.

When undertaking gravel resheeting, preparations may also include minor drainage improvements, ripping of rock bars, reshaping of the road and the like prior to adding a layer of resheeting material. The works are being integrated with the separately funded natural disaster repair works on the unsealed road network.

This resheeting work results in an improved longevity between maintenance grades and improved road safety.

IR22/018 TRANSPORT AND STORMWATER PROGRAM 2022-23

**S028-
T00009**

3. Resurfacing Program for Sealed Roads (\$1,972,465)

Bitumen sealed roads should be resealed every 10-15 years and asphalt resurfacing every 15-18 years, depending on traffic volumes and the road hierarchy. Research for our part of New South Wales indicates that bitumen will oxidise and crack at about 10-11 years.

The resurfacing program is vital in keeping maintenance costs down, extending the life of the underlying road pavement and minimising more expensive pavement rehabilitation work. It is also vital from a road safety perspective. The proposed resurfacing program is listed in Appendix C.

The resurfacing program is determined through inspection of the road network and with consideration to cracking, ravelling (ie loss of stone) and other failure mechanisms taking account of known problem areas and feedback from the maintenance teams. The reseat program has a strong focus on treating roads to manage the risk to the public, improve road safety outcomes and minimise the risk of pavement failure.

4. Urban Roads Reconstruction Program

The following program is based on the urban roads point score taking account of a range of factors including road condition and staging of works.

This program addresses deficiencies in the urban road network and improves the equity of service across Eurobodalla. The urban roads program is heavily weighted to the renewal and strengthening of ageing road pavements and plays an integral role in the overall sealed pavement renewal program. These works often include or facilitate construction of the pathway network and address stormwater deficiencies.

Both the Nelson Parade and Costin Street projects are staged across the 2021-22 and 2022-23 financial years and are integrated with the pathway network. The Baringa Crescent project at Malua Bay precedes the construction of the pathway along this road as part of the coastal walk project.

Urban Roads Reconstruction Program	Funding
Costin Street, Narooma	\$450,000
Nelson Parade, Tuross Head	\$330,000
Baringa Crescent, Malua Bay	\$395,000
Merinda Street, Malua Bay	\$269,140
Total Urban Roads Program	\$1,444,140

IR22/018 TRANSPORT AND STORMWATER PROGRAM 2022-23

**S028-
T00009**

5. Sealed Road Pavement Rehabilitation Program

The following program is based on pavement condition assessments noting the significant deterioration of our road pavements over the last two years due to the continuous wet weather. Funding has also been set aside for additional heaving patching to target the increase in defects across the sealed road network.

Where materials are won from pavements works requiring a box out, these materials are recycled by widening shoulders elsewhere on the road network to improve road safety and/or to provide a maintenance safety benefit for workers. This also avoids taking re-usable materials to our landfills.

Pavement Rehabilitation Project	Funding
Carramar Drive, Malua Bay	\$220,000
George Bass Drive, Sunshine Bay	\$400,000
Church Street, Moruya	\$200,000
Campbell Street, Moruya	\$270,000
Ford Street, Moruya	\$190,000
Heavy patching	\$262,800
Total Pavement Rehabilitation	\$1,542,800

6. Rural Roads Reconstruction Program

The rural roads program aims to progressively address the requirements of the Section 94 rural roads plans and address road safety, functionality and capacity issues consistent with the Road Safety Plan 2019-22.

The nominated road projects outlined herein are within the Section 94 rural roads plan with the exception of Tomakin Road. The funding for Tomakin Road allows for pavement strengthening to be undertaken at the same time as the grant funded road safety project. The project funding for Ridge Road will allow the design of essential power relocations and land negotiations to be undertaken during 2022-23, removing this impediment to delivery of the next stage of road upgrade in 2023-24.

IR22/018 TRANSPORT AND STORMWATER PROGRAM 2022-23

**S028-
T00009**

Rural Roads Project	Funding
River Road, Nelligen	\$180,534
Ridge Road, Tilba	\$30,000
Wagonga Scenic Drive, Narooma	\$420,000
Tomakin Road	\$360,000
Total Rural Roads Program	\$960,534

7. Pathways Capital Program

The pathways capital program is drawn from the adopted Eurobodalla Pathways Strategy 2017 based on priority and distribution of funds across Eurobodalla. The works listed below often represent the next stage in works being undertaken over a period of years.

Pathway Project	Funding
Edward Road, Batehaven	\$70,000
Beach Road, Denhams Beach	\$48,000
Noble Parade, Dalmeny	\$70,152
Northcove Road, Long Beach	\$60,000
Sylvan Street, Malua Bay	\$15,000
Sunpatch Parade, Tomakin	\$100,000
Costin Street, Narooma	\$20,000
Total Pathways Program	\$383,152

Council continues to pursue additional grant funding to further supplement pathways works.

During 2022-23 additional pathways connections will be constructed along sections of public roads from the grant funding already available as part of the coastal headland walk. This will include pathway connection works in Bronte Crescent, Wimbie Street, Illabundah Drive, Baringa Crescent, Barbara Crescent, Beach Road and Kuppa Avenue.

IR22/018 TRANSPORT AND STORMWATER PROGRAM 2022-23

**S028-
T00009**

8. Stormwater Capital Program

This program forms part of the Stormwater Fund which must be spent on stormwater works.

The proposed project at The Anchorage will provide relief to the residents from the direct discharge of stormwater onto their lands. The project at Mackay Park will extend the stormwater system from the new facilities now that access to the northern site is available. The proposed funding for south Batemans Bay CBD will initiate the required new stormwater scheme for this area.

Stormwater Capital Projects	Funding
The Anchorage, South Heads	\$94,483
Mackay Park, Batemans Bay	\$95,000
Beach Road/Flora Crescent, Batemans Bay	\$90,000
Stormwater Capital Total	\$279,483

Legal

Council has a legal responsibility under the *Roads Act 1993* and *Civil Liabilities Act 2002* to appropriately manage the transport and stormwater networks, including managing risk within available resources. It is prudent for Council to adopt schedules on behalf of the community to allocate resources appropriately.

Policy

The proposed works are in line with Council's Asset Management Policy and Local and Regional Roads Risk Management Policy.

Environmental

All significant works have a review of environmental factors prepared to allow assessment of the impacts and determination of any mitigation actions. Where practicable, materials are recycled to provide additional benefit across the network.

Asset

All of the proposed works are an integral part of keeping the local road and stormwater network in a reasonable condition.

Social Impact

The provision of roads of reasonable standard is essential to the wellbeing of our community, particularly as we are so heavily dependent on road transport. All these activities necessary to

IR22/018 TRANSPORT AND STORMWATER PROGRAM 2022-23

**S028-
T00009**

improve transport, safety, and maintenance outcomes the road network, for both the short and long term.

The proposed stormwater works reduce the adverse impacts on the community during rainfall events.

Economic Development Employment Potential

The provision and maintenance of the road and stormwater network to a reasonable standard is integral to the economic wellbeing of the community.

The completion of these works by a mixture of day labour staff, local contractors and suppliers provides an important role in maintaining and boosting local employment within Eurobodalla and the immediate surrounds.

Financial

The proposed program of works is consistent with the budgets adopted by Council for 2022-23.

CONCLUSION

This report contains the schedules for the various road and stormwater programs adopted by Council.

Once the schedules are confirmed by Council, these programs will be placed on Council's website for public information.

Grading Schedule for Unsealed Roads 2022-23

Council maintains approximately 404km of unsealed roads and endeavours to deliver a reasonable level of service.



The grading program takes into account factors impacting on the performance of the road network including traffic, terrain, budget and gravel quality and quantity.

The schedule indicates the extent of roads to be graded and the expected dates grading will begin. It is a guide only may be affected by rain or long dry periods.

Road	Locality	Location grading starts	Location grading ends	Length of grade (km)	Grade 1	Grade 2
Aero Club Road	Moruya	end of seal	start of seal	0.2	4/07/2022	
Alcheringa Lane	Bingie	seal	end of maintenance	0.7	11/07/2022	
Araluen Road	Deua River Valley	Pigeon Gully	park boundary at 2857	16.4	14/11/2022	
Araluen Road	Deua River Valley	park boundary at 2857	seal at 2662	2.0	24/11/2022	23/05/2023
Araluen Road	Deua River Valley	seal south of McGregors Creek	dust seal west of Knowles Road	3.9	25/11/2022	24/05/2023
Araluen Road	Deua River Valley	seal at 2149	seal at 1885	2.2	29/11/2022	26/05/2023
Araluen Road	Deua River Valley	seal	Larrys Mountain Road	0.4	30/11/2022	29/05/2023
Araluen Road	Deua River Valley	Larrys Mountain Road	seal at 1520	2.1	30/11/2022	29/05/2023
Araluen Road	Deua River Valley	seal at 1447	I Ridge Road	5.1	1/12/2022	30/05/2023
Araluen Road	Kiora	I Ridge Road	seal at Stewarts Road	1.9	6/12/2022	1/06/2023
Barlings Beach Access Road	Guerilla Bay	George Bass Drive	Barlings Beach	0.4	4/07/2022	
Beashels Lane	Bergalia	Bergalia Link Road	Gate at 180 Beashels Lane	1.8	19/01/2023	7/06/2023
Belowra Road	Nerrigundah	Byrnes Street	Woila Creek Firetrail	43.1	28/02/2023	

Road	Locality	Location grading starts	Location grading ends	Length of grade (km)	Grade 1	Grade 2
Bengello Beach Road	Broulee	Grant Street	car park	0.7	1/07/2022	
Bengello Beach Road	Broulee	car park		1.2	1/07/2022	
Bengello Beach Road	Moruya	windsock	George Bass Drive	0.4	1/07/2022	
Bevian Road	Rosedale	seal at George Bass Drive	driveway at 73	0.7	7/10/2022	
Bevian Road southern access	Tomakin	driveway at 246	George Bass Drive	0.2	4/07/2022	
Bimbimbie Lane	Bimbimbie	Bimbimbie Road	end	0.4	2/11/2022	
Bingie Road	Bingie	seal at Kelly Road	park boundary	0.5	8/07/2022	17/02/2023
Black Flat Road	Currowan		The River Road	10.2	19/08/2022	
Bolaro Mountain Road	Nelligen	Runnyford Road	2.5km From Runnyford Road	2.6	15/09/2022	
Borang Lake Road	Bodalla	Horse Island Road	end of maintenance	1.5	1/02/2023	
Box Cutting Road	Kianga	Wagonga Scenic Drive	Kianga Forest Road	2.2	5/07/2022	
Brierley Avenue	Moruya	seal	end of maintenance	0.9	10/08/2022	
Brou Lake Road	Bodalla	Brou Tip	park boundary	1.4	31/03/2023	
Buckenbowra Road	Mogo	Park Street	basalt quarry access	0.4	7/10/2022	15/05/2023
Buckenbowra Road	Mogo	basalt quarry access	Quartpot Road	8.2	7/10/2022	
Buckenbowra Road	Mogo	Quartpot Road	Mullendaree Creek Causeway	2.6	13/10/2022	
Bumbo Bridge access road	Bodalla	Bumbo Road	Redex Road	0.3	25/01/2023	
Bumbo Road	Bodalla	seal	Redex Road	1.3	24/01/2023	
Bumbo Road	Bodalla	Redex Road	seal	0.6	25/01/2023	
Bumbo Road	Bodalla	seal	Crapps Bridge	2.4	27/01/2023	
Burri Road	Rosedale	seal	Bevian Road	1.2	6/10/2022	
Bushland Road	Moruya	seal	end	0.4	10/08/2022	

Road	Locality	Location grading starts	Location grading ends	Length of grade (km)	Grade 1	Grade 2
Byrnes Street	Nerrigundah	Belowra Road	seal	0.1	28/02/2023	
Cadgee Mountain Road	Nerrigundah	Nerrigundah Mountain Road	Eurobodalla Road	2.4	16/02/2023	19/06/2023
Cheese Factory Road	Eurobodalla	Eurobodalla Road	end of maintenance	0.3	27/02/2023	
Cherryrise Road	Wamban	Wamban Road	grid	0.2	5/07/2022	
Clouts Road	Mogendoura	Larrys Mountain Road	end of maintenance	2.6	7/11/2022	
Coila Creek Road	Coila	seal at Princes Highway	end of maintenance	1.2	20/01/2023	
Comerang Farm Road	Bodalla	End seal Eurobodalla Rd intersection	Widgett Road	1.2	1/02/2023	
Comerang Forest Road	Bodalla	Eurobodalla Road	end of maintenance	2.9	2/02/2023	
Congo Road	Congo	seal at Congo Creek	seal at Congo	0.3	8/07/2022	
Coopers Island Road	Bodalla	Princes Highway	end	0.9	24/01/2023	
Donalds Creek Road	Wamban	Wamban Road	Donalds Creek	8.6	11/08/2022	
Donovan Creek Road	Benandarah	Old Princes Highway	forest boundary	1.3	8/09/2022	
Dwyers Creek Road	Moruya	seal	Spring Creek Road	0.3	6/07/2022	
Egans Road	Runnyford	Runnyford Road	272 Egans Road	2.7	23/09/2022	
Eurobodalla Road	Nerrigundah	dust seal east of Sinclairs Bridge	Nerrigundah Mountain Road intersection	3.0	8/02/2023	15/06/2023
Eurobodalla Road	Cadgee	Murphys 2 Bridge (359)	seal at 2472	1.7	17/02/2023	20/06/2023
Eurobodalla Road	Eurobodalla	Reedy Creek Road	Murphys 2 Bridge (359)	6.0	20/02/2023	21/06/2023
Eurobodalla Road	Eurobodalla	seal west of 981	Reedy Creek Road	5.9	23/02/2023	23/06/2023
Goldfields Drive	Jeremadra	Old Mossy Point Road	Jeremadra Grove	2.2	31/10/2022	
Guthrie Street	Moruya	Princes Highway	Main Street	0.6	5/07/2022	
Handkerchief Beach car park	Narooma			0.0	13/07/2022	
Hanns Road	Buckenbowra	Quartpot Road	Old Bolaro Road	5.5	25/10/2022	

Road	Locality	Location grading starts	Location grading ends	Length of grade (km)	Grade 1	Grade 2
Hawdons Road	Mogendoura	cattle grid	forest boundary	2.8	2/11/2022	15/05/2023
Haxstead Road	Central Tilba	cattle grid	Little Lake Cemetery Road	0.2	13/07/2022	
Horse Island Road	Bodalla	Potato Point Road	2.3km from Potato Point Road	2.3	30/01/2023	9/06/2023
Horse Island Road	Bodalla	2.3km from Potato Point Road	Horse Island Bridge	1.5	31/01/2023	
I Ridge Road	Kiora	end of maintenance (just past 105)	Araluen Road	1.4	5/12/2022	
Jeremadra Grove	Jeremadra	Goldfields Drive	end of maintenance	0.7	1/11/2022	
Jeremadra Grove	Jeremadra	Old Mossy Point Road	Goldfields Drive	1.1	1/11/2022	
Kianga Forest Road	Kianga	Princes Highway	Box Cutting Road	4.2	1/07/2022	3/04/2023
Kianga Forest Road	Kianga	Box Cutting Road	lookout	1.3	5/07/2022	
Kiora Street	Moruya	seal	end of maintenance	0.3	6/07/2022	
Larrys Mountain Road	Mogendoura	seal	Araluen Road	7.0	8/11/2022	17/05/2023
Lattas Point Road	Batemans Bay	intersection of Princes Highway	Lattas Point oyster sheds	4.0	30/09/2022	11/05/2023
Little Lake Cemetery Road	Central Tilba	Haxstead Road	cemetery	1.1	13/07/2022	
Main Street	Moruya	Guthrie Street	end of maintenance	0.1	5/07/2022	
Malabar Drive	Moruya	seal	end of maintenance	0.7	10/08/2022	
Maulbrooks Road	Mogo	seal at 153	Driveway at 282	1.3	28/10/2022	
Maulbrooks Road	Mogendoura	forest boundary	Larrys Mountain Road	2.7	4/11/2022	16/05/2023
Meadows Road	Mogendoura	seal	end of maintenance	0.6	7/11/2022	
Meads Lane	Tilba Tilba	Meads Road	end	0.2	15/07/2022	
Meads Road	Tilba Tilba	Princes Highway	Meads Lane	1.1	14/07/2022	
Meringo Road	Meringo	seal at Bingie Road	dust seal	1.6	18/01/2023	6/06/2023
Moruya Reservoir Road	Moruya	dust seal	reservoir	0.8	17/08/2022	

Road	Locality	Location grading starts	Location grading ends	Length of grade (km)	Grade 1	Grade 2
Mount Dromedary Trail	Tilba Tilba	end of esc maintenance	The Avenue	0.9	14/07/2022	
Mount Dromedary Trail (north)	Narooma	Punkalla Tilba Road	National Park boundary	3.7	29/07/2022	
Mullimburra Point Road	Bingie	seal at dog leg	Pinnacles Close	0.7	11/07/2022	17/02/2023
Munjeroo Lane	Bingie	dust seal	end of maintenance	0.2	11/07/2022	
Mymossa Road	Wamban	Donalds Creek Road	end of maintenance	1.1	17/08/2022	
Mystery Bay Camping Ground car park	Mystery Bay	Mystery Bay Loop Road	end	0.1	3/11/2022	
Nangudga Beach Road	Narooma	Princes Highway	end	0.9	12/07/2022	
Nelligen Creek Road	Nelligen	Old Bolaro Road	end of maintenance (140)	1.4	8/09/2022	
Nerrigundah Mountain Road	Nerrigundah	seal east of Cadgee Mountain Road	(null)	5.0	6/02/2023	13/06/2023
Noads Drive	Moruya	Noads Place intersection	Congo Road intersection	1.0	17/01/2023	6/06/2023
Noggarula Drive	Bergalia	Princes Highway	end	1.8	19/01/2023	8/06/2023
North Head Camping Ground	Moruya	Bruce Cameron Drive	end	0.1	1/11/2022	
Old Bolaro Road	Nelligen	seal at Kings Highway	220m west of Nelligen Creek Road	3.6	5/09/2022	
Old Grandfathers Pit Road	Lilli Pilli	dust seal at George Bass Drive	pit gate	0.5	4/07/2022	
Old Highway	Corunna	seal south of Watertank Road	Brushgrove Lane (Princes Highway)	1.2	18/07/2022	17/04/2023
Old Highway	Corunna	seal north of Ridge Road	seal north of Watertank Road	0.7	18/07/2022	17/04/2023
Old Highway	Corunna	seal at 613	seal at Corunna Bridge	1.9	19/07/2022	17/04/2023
Old Mill Road	Turlinjah	dust seal at Princes Highway	forest boundary	1.3	23/01/2023	
Old Mossy Point Road	Jeremadra	seal	end of maintenance	0.6	31/10/2022	
Old Nelligen Road	Nelligen	seal at Kings Highway	Sproxtons Road	3.9	9/09/2022	
Old Nelligen Road	Benandarah	Sproxtons Road	Bridge Creek (second creek crossing)	1.0	13/09/2022	
Old South Coast Road	Narooma	seal at 136	end of maintenance	0.3	18/07/2022	14/04/2023

Road	Locality	Location grading starts	Location grading ends	Length of grade (km)	Grade 1	Grade 2
Onslow Close	Jeremadra	Old Mossy Point Road	end of maintenance	0.4	31/10/2022	
Paradise Road	Nelligen	Old Bolaro Road	end of maintenance	2.3	7/09/2022	
Patons Road	Moruya	Dwyers Creek Road	creek crossing	1.3	7/07/2022	
Pedro Point Road	Moruya Heads	seal	Pedro Point Reserve Road	1.2	7/07/2022	
Percy Davis Drive	Moruya	seal	east boundary at 280	0.8	9/08/2022	
Phyllis Price Drive	Moruya	seal	end	2.8	8/08/2022	
Pinnacles Close	Bingie	Mullimburra Point Road	end	0.2	11/07/2022	
Priory Lane	Bingie	seal	end of maintenace	0.6	8/07/2022	
Punkalla Tilba Road	Narooma	first house north of forest at 1044	Wagonga Scenic Drive	1.6	25/07/2022	21/04/2023
Punkalla Tilba Road	Narooma	last house at 518	first house north of forest 1044	5.1	26/07/2022	
Punkalla Tilba Road	Central Tilba	Ridge Road	last house # 518	1.0	28/07/2022	24/04/2023
Quartpot Road	Runnyford	Buckenbowra Road	Buckenboura Pump Station Road	5.1	17/10/2022	
Quartpot Road	Runnyford	Buckenbowra Pump Station Road	seal	0.9	19/10/2022	
Quartpot Road	Buckenbowra	seal	Hanns Road	8.0	19/10/2022	
Redex Road	Bodalla	Bumbo Road	Bridge	0.1	25/01/2023	
Reedy Creek Road	Dignams Creek	Boundary Bridge	Wyoming	3.5	2/08/2022	
Reedy Creek Road	Dignams Creek	Wild Horse Creek Road	Morts Folly Road	2.3	3/08/2022	
Reedy Creek Road	Eurobodalla	at 304	Eurobodalla Road	3.1	4/08/2022	
Ridge Road	Central Tilba	Old Highway	Punkalla Tilba Road	3.7	21/07/2022	20/04/2023
Rifle Range Pit Road	Kianga		gravel pit	0.9	11/07/2022	
Ringlands Road	Narooma	Flying Fox Road	at 40	0.4	12/07/2022	
Riverview Road	North Narooma	seal at 360	end of maintenance at Paradise Point	0.9	12/07/2022	

Road	Locality	Location grading starts	Location grading ends	Length of grade (km)	Grade 1	Grade 2
Rotary Drive	Batemans Bay	seal off Kings Highway	Holmes Lookout	1.1	18/08/2022	26/04/2023
Runnyford Road	Nelligen	seal at Nelligen	Bolaro Mountain Road (Gollarribee)	3.9	13/09/2022	
Runnyford Road	Nelligen	Bolaro Mountain Road (Gollarribee)	Runnyford Bridge	7.1	19/09/2022	
Runnyford Road	Runnyford	Runnyford Bridge	Egans Road	2.1	22/09/2022	4/05/2023
Runnyford Road	Mogo	Egans Road	seal at Princes Highway	8.0	26/09/2022	5/05/2023
Ryans Creek Reserve Road	Moruya	Riverside car park	end of maintenance	1.0	5/07/2022	
Shingle Hut Road	Narooma	Wild Horse Creek Road	end of maintenance (80)	1.0	25/07/2022	
Short Street	Mogo	Creek Street (unformed)	Forestry	0.5	7/10/2022	
Spencer Street - west of Vulcan Street	Moruya	Vulcan Street	Dwyers Creek Road	0.3	6/07/2022	
Spring Creek Road	Moruya	Dwyers Creek Road	Donkey Hill Road	0.2	6/07/2022	
Sproxtons Road	Benandarah	Old Nelligen Road	Timber Barge Lane	0.4	18/08/2022	
Stewarts Road	Kiora	Araluen Road	end of maintenance (116)	1.1	7/12/2022	
Summerhill Road	Moruya	Dwyers Creek Road	end of maintenance	0.1	6/07/2022	
Sunnyside Road	Central Tilba	Victoria Creek Road intersection	Seal at Mystery Bay Road	2.6	20/07/2022	18/04/2023
The Ridge Road	Batemans Bay	Dog Trap Road	Catalina Reservoir Road	3.8	4/10/2022	
The River Road	Currowan	dust seal	seal at Currowan Causeway	11.8	26/08/2022	26/04/2023
The Western Distributor	Currowan	Kings Highway	shire boundary	1.6	19/08/2022	
Timber Barge Lane	Benandarah	Sproxtons Road	end	0.3	18/08/2022	
Turnbulls Lane	Moruya	seal	Hawdon Street	0.5	6/07/2022	17/02/2023
Valley View Lane	Moruya	Mollee Road	end of public road	0.2	7/07/2022	
Wagonga Scenic Drive	Kianga	Wagonga Picnic Area	Box Cutting Road	6.3	6/07/2022	
Wagonga Scenic Drive	Narooma	dust seal at 117	Wagonga Scenic Drive pontoon	6.9	11/07/2022	5/04/2023

Road	Locality	Location grading starts	Location grading ends	Length of grade (km)	Grade 1	Grade 2
Wagonga Scenic Drive	Narooma	seal at 74	dust seal at 117	0.6	15/07/2022	13/04/2023
Waincourt Road	Eurobodalla	seal at 97	Bullockys Hut Road	1.2	28/02/2023	
Wamban Road	Wamban	seal west of Wamban Bridge #1	seal at 302	1.3	7/12/2022	2/06/2023
Wamban Road	Wamban		Wamban Bridge #2	1.4	8/12/2022	5/06/2023
Wattlegrove Road	Cadgee	seal at Eurobodalla Road	end	8.2	10/02/2023	
Western Boundary Road	Turlinjah	seal	forest boundary	1.1	23/01/2023	
Widgett Road	Bodalla	Comerang Farm Road	end of maintenance	1.3	2/02/2023	
Wild Horse Creek Road	Narooma	Punkalla Tilba Road	Shingle Hut Road	0.2	26/07/2022	
Windus Road	Moruya	Dwyers Creek Road	end of maintenance	0.2	6/07/2022	
Woila Creek Firetrail (past causeway)	Belowra	Belowra Road	end	4.9	29/03/2023	
Wonga Road	Narooma	Old South Coast Road	Old Highway	1.3	15/07/2022	14/04/2023
Woodlands Road	Woodlands	Dunns Creek Road	end of maintenance	0.6	4/07/2022	
Yarragee Reserve car park	Moruya			0.0	6/07/2022	
Yarragee Road	Moruya			0.2	1/07/2022	
Youngs Road	Akolele	Bermagui Road	gate	1.2	15/07/2022	



Unsealed Roads Resheet Program 2022-23

Road Name	Allocation
Waincourt Road	\$90,000
Hawdons Road	\$70,000
Cadgee Mountain Road	\$80,000
Donovans Creek Road	\$80,000
Old Bolaro Road	\$50,000
Goldfields Drive	\$60,000
Phyllis Price Drive	\$55,000
Maulbrooks Road	\$50,000
Onslow Close	\$20,000
Percy Davis Drive	\$40,000
Punkalla Tilba Road	\$65,000
Runnyford Road	\$60,000
Wagonga Scenic Drive	\$40,000
Sunnyside Road	\$35,000
Araluen Road	\$195,000
Belowra Road	\$135,000
Bengello Beach Road	\$40,000
Old Nelligen Road	\$55,000
River Road (drainage)	\$70,000
Spot gravelling	\$72,130
Total Gravel Resheeting	\$1,362,130



Reseal program for sealed roads 2022-23

Suburb	Street Name	Details
Batehaven	Edward Road	Corrigans Crescent to Irene Avenue
Batemans Bay	Hughes Street	Full length
Batemans Bay	Deep Creek Dam Road	Full length
Bingie	Kelly Road	From 0.63 km to end of seal
Bodalla	Tuross Bridge Access	Full length
Bodalla	Bumbo Road	Full length
Bodalla	Eurobodalla Road	West of Tyrone Bridge
Bodalla	Waincourt Road	Full length
Broulee	Albert Street	Full length
Broulee	Wirrunna Street	Full length
Broulee	Court Street	Full length
Broulee	Broulee Surf Club Road	Full length
Broulee	Broulee Road	East of Cemetery
Catalina	Angophora Place	Full length (excluding Cul-de-sac)
Catalina	Cassia Place	Full length (excluding Cul-de-sac)
Catalina	Ridge Street	Full length
Catalina	Derribong Avenue	Full length
Catalina	Berrima Street	Full length
Dalmeny	Attunga Street	Full length including car park area
Dalmeny	Cresswick Parade	Amhurst Street to Harrison Street
Dalmeny	Ruth Place	Full length
Jeremadra	Stony Creek Lane	Full length
Kianga	Coastal Court	Full length
Kianga	Barkala Street	Full length
Malua Bay	Banksia Grove	Sylvan Street to Corymbia Place
Malua Bay	Worthy Drive	Burri Rd to end of maintained road
Malua Bay	Beach Rd (service road 676-728)	Full length
Mogo	Quartpot Road	Corrigans crossing
Moruya	Evans Street	Campbell street to Gundry oval
Moruya	Church Street	Ford Street to John Street
Moruya	Craig Mostyn Place	Full length (excluding Cul-de-sac)
Moruya	Dwyers Ridge Road	Full length
Moruya	Francis Street	Parkland Court south to markings
Narooma	Fishermans Crescent	Full length
Narooma	Flying Fox Road	Old Highway to Rainforst Parkway
Narooma	Old Highway	North of Glen Eden Bridge
Narooma	Mill Bay boat ramp access	Full length
Narooma	Tilba Street	Full length
Narooma	Woodlands Drive	Full length
Narooma	Ron Gross Lane	Full length
Narooma	Costin Street	Plaza access to Willis
Nelligen	Black Flat Road	Kings Hwy Intersection



Suburb	Street Name	Details
Nelligen	Reid Street	Full length
North Batemans Bay	Batemans Road	Full length
North Batemans Bay	Northside Close	Full length
North Moruya	Larrys Mountain Road	Mogendoura Creek Bridge to end of seal
North Moruya	Princes Highway on street parking	Moruya Bridge to Toose Street (west side of road)
North Moruya	Princes Highway on street parking	Moruya Bridge to Toose Street (east side of road)
Potato Point	Riverview Street	Full length
Potato Point	Long Point Street	Full length
Potato Point	Comerang Place	Full length
Potato Point	Bodalla Road	Full length
Potato Point	Short Street	Full length
Potato Point	Trunketabella Street	Full length
Potato Point	Borang Street	Full length
Potato Point	Deraquin Street	Full length
South Durras	Durras Lake Road	Full length
South Durras	Lakeside Drive	Full length (excluding Asphalt)
South Durras	Boomerang Avenue	Full length
South Durras	Third Street	Full length
South Durras	Second Street	Full length
South Durras	First Street	Full length
South Durras	Benandra Road	Full length
South Durras	Corilla Street	Full length
South Head	Dell Parade	Newstead Road east to markings
Sunshine Bay	Caley Place	Full length (excluding Cul-de-sac)
Sunshine Bay	Cunningham Crescent	Full length
Sunshine Bay	John Oxley Crescent	Full length
Sunshine Bay	Oxley Place	Full length
Surf Beach	Denham Avenue	Full length
Surf Beach	Greendale Close	Full length
Surf Beach	Hilltop Crescent	Full length
Surfside	Dilkera Close	Full length (excluding Cul-de-sac)
Surfside	Wallarah Street	Iandra Road to Berrima Parade
Tuross Head	Coral Crescent	Full length (excluding Cul-de-sac)
Tuross Head	Foam Street	Full length
Regional Roads	George Bass Drive	Beach road to Denise Drive
Regional Roads	North Head Drive	Quarry Wharf to Donnelly Road



Asphalt

Suburb	Street Name	Details
Batemans Bay	Princes Highway Service Road (59-83)	Full length
Broulee	Captain Oldrey sportsfield	Car park extension
Malua Bay	Nerang Place	Cul-de-sac
Moruya	Queen St carpark	Ford Street to Fire station boundary
Mossy Point	Annetts Parade	Corner 0.7 km from George Bass Drive
Narooma	Wagonga Street (Front of Post Office)	Princes Highway to Bowen Street
North Batemans Bay	Intersection of Peninsula Dr and Mundarra Way Roundabout	Roundabout
Surf Beach	Highlands Avenue	Cul-de-sac
Tuross Head	Intersection of Hector McWilliam Drive and Allenby Road	Intersection
Tuross Head	Intersection of Allenby Road and Beach Street	Intersection
Tuross Head	Intersection of Allenby Road and Morwong Street	Intersection
Tuross Head	Princes Highway Carpark	Off Hector McWilliam Drive

IR22/019 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2022-23

S030-T00018

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

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report. The main issues covered at the Eurobodalla Local Traffic Committee meeting, held 7 July 2022, are as follows:

- Signage and line marking – Roundabout at the intersection of George Bass Drive and Rosedale Parade, Rosedale
- Signage and line marking – Rosedale Farm subdivision west of George Bass Drive, Rosedale
- Signage and line marking – Ford Street median and Channelised Right Turn treatment, Moruya
- Signage – Loading Zones and Taxi Zone in Vulcan Street, Moruya
- Special event application – Luminous: Art After Dark, Riverside Park, Moruya.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 1 for 2022-23 be received and noted.
2. Plan CB&H 15256-1 Sheet 21 Rev F with red amendments rev 7/7/22 detailing the signage and line marking associated with the roundabout on George Bass Drive at the intersection with Rosedale Parade, Rosedale be approved.
3. Plan 213826 CC706 issue G sheet 50 with red amendments rev 7/7/22 detailing the signage and line marking associated with Rosedale Farm subdivision number 4007/22, Rosedale be approved.
4. Council Plan No. 5156 Set BB Sheets 39 detailing the signage associated with 2 Loading Zones and a Taxi Zone in Vulcan Street at Church Street signalised intersection, Moruya be approved.

IR22/019 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2022-23

S030-T00018

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 1 for 2022-23 was held on 7 July 2022. The meeting was attended by Councillor Amber Schutz (Chair), Sara Kerkham (representative for Michael Holland MP), Sergeant Angus Duncombe NSW Police), Emma Pietruska (Transport for NSW), Andrew Gaudiosi (Transport for NSW), Dave Hunter (Traffic Coordinator), Kate McDougall (Road Safety Officer) and Thomas Franzen (Transport and Stormwater Engineer).

APOLOGIES

Nil

DEPUTATIONS

Nil.

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 8 for 2021-22 held on 5 May 2022 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

Nil

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2023.RT.001 Signage and line marking – Roundabout at the intersection of George Bass Drive and Rosedale Parade, Rosedale

At the meeting on 2 September 2021, the Committee approved a signage and line marking compilation plan associated with the installation of a roundabout on George Bass Drive, at the existing 'T' intersection of Rosedale Parade.

This roundabout will be constructed by the subdividers of the Rosedale West precinct. It will create a '4th leg' to the west and is a single lane configuration, designed to cater for large heavy vehicles and buses.

Since the approval on 2 September 2021, further investigation by the developer revealed that the roundabout would require relocation of a major underground communications pit. Subsequently, Council has worked with the contracted engineer to avoid this infrastructure and subsequently reduce the significant cost.

The roundabout has been redesigned with the centre (anulus) shape changed from a circular to an elliptical shape.

The roundabout will cater for 26 metre B-Double heavy vehicles along George Bass Drive.

The signage will be similar to the Tomakin roundabout and will include guide signs to direct through traffic north to Malua Bay and Batemans Bay and south to Tomakin and Broulee.

A bus zone is included on both sides of George Bass Drive at the north end.

Plan CB&H 15256-1 Sheet 21 Rev F with red amendments 6/7/22 detailing the signage and line marking associated with the roundabout was reviewed by the Committee.

IR22/019 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2022-23

S030-T00018

A TfNSW representative noted that a symbolic roundabout ahead (yellow and black) sign is proposed in George Bass Drive on the south approach but not from the north. The Committee agreed that a second sign on the northern approach be added to the plan, marked up in red as rev 7/7/22.

A TfNSW representative also noted that chevron arrow signs (black and white) are not proposed on the anulus. The Traffic Coordinator explained that it is Council's practice not to install these as they interfere with sight lines between vehicles and pedestrians crossing at the splitter islands and that the chevrons are not installed on all other recently constructed roundabouts on Council high volume roads.

A TfNSW representative suggested that yellow No Stopping line marking be installed throughout the roundabout. The Traffic Coordinator relayed that No Stopping signs or line marking are not usually installed as under the road rules, vehicles are not allowed to park within 3 metres from an unbroken line so parking is illegal in any case. The Committee agreed that yellow No Stopping line be added to the plan, marked up in red as rev 7/7/22.

Recommendation:

That Plan CB&H 15256-1 Sheet 21 Rev F with red amendments rev 7/7/22 detailing the signage and line marking associated with the roundabout on George Bass Drive at the intersection with Rosedale Parade, Rosedale be approved.

2023.RT.002 Signage and line marking – Rosedale Farm subdivision west of George Bass Drive, Rosedale

A new subdivision is being constructed on the western side of George Bass Drive and includes a collector road that will eventually service approximately 500 lots.

This collector road starts at the existing intersection of George Bass Drive and Rosedale Parade. The new road heads west from the intersection (that will be upgraded to a roundabout). This roundabout is being reviewed by the Committee under item 2023.RT.001 (above).

The subdivision road layout approval included that the collector road is 9.5 metres wide with upright kerb. For most of the length of the collector road, there are new urban lots on the southern side.

To allow safe and efficient travel, the collector road will have an offset continuous double barrier (BB) line adjoining the section with urban lots, providing a parking lane on this (southern) side.

In addition, concrete kerb blisters will be installed at strategic locations along the parking lane to encourage drivers to stay in the adjoining travel lane.

A 600mm wide double barrier centreline will be installed at the western end to separate opposing vehicles along this curved section.

The eastern section of road back to George Bass Drive that has no urban lots on either side will have a double barrier centreline.

Plan 213826 CC706 issue G sheet 50 with red amendments 1/7/22 detailing the signage and line marking associated with the roundabout was reviewed by the Committee.

IR22/019 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2022-23

S030-T00018

A TfNSW representative noted that the cul-de-sac does not have any parking restriction and that this would restrict garbage trucks. The Committee agreed that a yellow No Stopping line be added to the plan around the cul-de-sac, marked up in red as rev 7/7/22.

Recommendation:

That Plan 213826 CC706 issue G sheet 50 with red amendments rev 7/7/22 detailing the signage and line marking associated with Rosedale Farm subdivision number 4007/22, Rosedale be approved.

2023.RT.003 Signage and line marking – Ford Street median and Channelised Right Turn treatment, Moruya

Council has developed a traffic speed management and pedestrian activation plan for Moruya CBD east that identifies key sites for infrastructure installation. Key components for this speed zone reduction and subsequent reduction in risk to pedestrians is installation of traffic calming infrastructure adjoining and across the road travel lanes.

Since 2020, raised pedestrian crossings have been installed in Shore Street, Church Street, Queen Street and Ford Street.

Additionally, in 2021 a small mountable roundabout was installed at the intersection of Ford Street and Ford Lane (leading into Woolworths). In late 2021, Ford Street and Shore Street were designated as a 30km/h High Pedestrian Activity Area (HPAA) speed zone.

The final stage of the project includes installation of a median island in Ford Street, linking Ford Lane to the intersection of Queen Street. Along with line marking, this median of variable width directs north bound through traffic into the left lane and allow the right lane to be used as a right turn lane into a (private) shopping complex including an IGA supermarket.

‘No Stopping’ signage will be installed along the north bound (left) kerb. This section previously had 3 (on-street) parking spaces.

This additional treatment will result in further risk reduction of rear end collisions and crashes involving pedestrians. This treatment was included in the original scheme.

Plan No. 5156 Set BQ Sheets 21 detailing the signage and line marking associated with Ford Street median and Channelised Right Turn treatment, Moruya was reviewed by the Committee.

The Committee agreed that yellow No Stopping line marking be added to the plan.

Recommendation:

That Council Plan No. 5156 Set BQ Sheets 21 detailing the signage and line marking associated with Ford Street median and Channelised Right Turn treatment, Moruya be approved.

2023.RT.004 Signage – Loading Zones and Taxi Zone in Vulcan Street, Moruya

The traffic speed management and pedestrian activation plan (the plan) for Moruya CBD east is nearly complete.

During the consultation phase of the project, all businesses were consulted with a summary of this consultation contained in the Committee minutes of the 16 March 2022 meeting. No car parking spaces have been lost in this location.

IR22/019 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2022-23

S030-T00018

Many of the business community were concerned about the loss of parking resulting from the installation of the plan and Council subsequently amended the proposal and significantly reduced this loss.

Businesses consulted on Vulcan Street around the signalised intersection with Church Street requested that short loading zones be installed in Vulcan Street, north of the traffic signals, subsequently it is proposed that:

- A combined 10-minute taxi and loading zone be installed in the northbound parking lane, replacing a 6 metre long taxi rank that is located 11 metres from the traffic signals. This taxi and loading zone is bounded on the south side by a no stopping zone and on the north side by a 1 hour parking zone. The local taxi company have agreed, relaying that it is rarely used during the day and is primarily for late night pick-ups servicing 2 hotels. The new zone will also service at least 2 adjoining businesses who made the request.
- A 7.3 metre long 10 minute, midnight to 7.30am loading zone be installed in the southbound parking lane, 16.3 metres from the traffic signals within the existing no stopping zone. This loading zone is bounded on the north side by a 1 hour parking zone. The new loading zone will service at least the adjoining newsagent who made the request.

Plan No. 5156 Set BB Sheets 39 detailing the signage associated with the loading and taxi zones in Vulcan Street at the Church Street signalised intersection, Moruya was reviewed by the Committee.

Recommendation:

That Council Plan No. 5156 Set BB Sheets 39 detailing the signage associated with 2 Loading Zones and a Taxi Zone in Vulcan Street at Church Street signalised intersection, Moruya be approved.

INFORMAL ITEMS FOR DISCUSSION

2023.SE.001 Special event application – Luminous: Art After Dark, Riverside Park, Moruya

Traffic Management and Control Plans has been received for the Luminous: Art After Dark to be held in Riverside Park, Moruya on Saturday 24 September 2022.

The Luminous Event is the climax of the annual River of Art Festival which has been operating for 16 years. It will be an evening event at the Riverside Park, Moruya, beginning at 6.00pm and ending around 9.00pm. Luminous will follow the Riverside Country Market.

It is estimated that there will be 3000 spectators / customers.

The event will feature:

- a lighting and water spectacle on the edge of the river using water sprays and pontoons with animated projections and synchronised sound
- two stages for the use of community groups, special acts and a number of local bands

IR22/019 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2022-23

S030-T00018

- market stalls involving stallholders choosing to stay on after the markets
- an Arts Market, displaying the works of local artists
- picnic areas for families
- a VIP catered long table event
- professional lighting of the Park's trees along the central access and providing lighting along pathways for pedestrian safety
- projection screens rolling through local artworks and graphics at several points
- strolling performers who will primarily entertain children and families

Riverside Park will be fenced off with gated access for patrons near the Ford Street boat ramp and swimming pool. Traffic control will be in place in Shore Street and Ford Street from 4pm to 11pm, to reduce the risk to pedestrians.

The off-street Riverside Park carpark will be closed to the general public, controlled by traffic staff. Market stall holders and event services personnel will park at this location.

Moruya CBD has around 1000 public parking spaces and buses will be utilised to access other areas. Buses will transport patrons to and from Narooma and Batemans Bay between 3pm and 10 pm.

A temporary bus zone will be established in Shore Street and temporary accessible parking spaces established in the pool carpark.

The streets around Riverside Park are within a 30 km/h speed zone so are commensurate with high pedestrian activity.

As detailed in the traffic management and control plans, to reduce the traffic risk, Princes Highway and North Head Drive will have the existing 60km/h speed zone reduced to 40km/h along the northern approach to Moruya. A separate TfNSW Road Occupancy Licence is required for the speed reduction on Princes Highway.

Traffic control staff will also monitor queues on Princes Highway and North Head Drive and initiate end of queue management on the higher speed sections of these roads as necessary. The Traffic Management and Control Plans documents were reviewed by the Committee.

Recommendation:

That the Traffic Management Plan and Traffic Control Plans for the Luminous: Art After Dark light show, to be conducted in Riverside Park, Moruya on Saturday 24 September 2022 be approved.

GENERAL BUSINESS

The NSW Police representative is concerned that a section of line marking on Vesper Street, Batemans is problematic. The left hand, southbound lane between North Street and Beach Road is creating confusion. This 'third' lane is designed to allow traffic to turn left into either an

IR22/019 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2022-23

S030-T00018

underground carpark or into Beach Road. Some drivers use this lane to travel straight through, continuing along Vesper Street and then having to merge at the signalized intersection at Beach Road. As this is a state road, TfNSW will review and report back to the Committee.

The Road Safety Officer advised that she is finishing employment with Eurobodalla Shire Council and will be taking up a similar role with Snowy Monaro Regional Council. The Committee thanked Kate for her time spent with Council over the past 5 years in her partnership role with TfNSW, promoting road safety. Primarily an education role, Kate capably and enthusiastically undertook her duties and played a major role in production of the Eurobodalla Road Safety Plan. Kate also presented papers to peak bodies including Institute of Public Works Engineers Australasia (IPWEA) and Australasia Road Safety Conference (ARSC).

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 4 August 2022 in Council's Glass Meeting Room and via MS Teams, commencing at 9.30am.

**CAR22/012 POLICY REVIEW - PUBLIC LAND USE BY COMMUNITY
ORGANISATIONS**

**S004
T00060**

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

Attachments: 1. Public Land Use by Community Organisations Policy

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.2 Manage leases and licences

EXECUTIVE SUMMARY

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

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The purpose of this report is to inform Council of the review of the Property – Use by Community Organisations policy and the recommendation that the amended policy, retitled *Public Land Use by Community Organisations*, be placed on public exhibition before the policy is presented to Council for adoption.

RECOMMENDATION

THAT:

1. Council endorses the draft retitled *Public Land Use by Community Organisations* policy for public consultation.
2. The draft Public Land Use by Community Organisations policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration.

BACKGROUND

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

Eurobodalla Shire Council's Property – Use by Community Organisations policy was reviewed for readoption in accordance with the Act. It was identified that the policy could contain greater clarity to provide a consistent and fair framework to deal with requests for the use of public land managed by Council in accordance with relevant legislation.

**CAR22/012 POLICY REVIEW - PUBLIC LAND USE BY COMMUNITY
ORGANISATIONS**

**S004
T00060**

CONSIDERATIONS

Use and management of public land

Council receives regular requests by community groups and organisations to use public land to conduct their activities or to develop infrastructure and improvements to achieve their objectives. This includes construction of sheds or sport or recreation infrastructure, installation of signage, the holding of events, etc.

Public land is managed by Council in accordance with Chapter 6, Part 2, Division 2 of the *Local Government Act 1993*. On 1 July 2018, the *Crown Land Management Act 2016* came into force, specifying that Crown land managed by Council was also to be managed as if it were public land (Div 3.4), and placing additional obligations on Council as Crown land manager in regard to managing native title issues (Div 8.3).

Upon review of the policy Property – Use by Community Organisations, it was identified that greater clarity could be provided of the roles and responsibilities of Council and community organisations/groups in determining use of public land, and of the considerations necessary in making this determination.

The policy has been expanded to provide a more transparent framework to allow Council to meet its obligations for the use or allocation of public land in a fair and consistent manner. The policy also seeks to ensure that proposed uses of public land provide community benefit, are appropriate to the land identified, and do not unduly impact on the environmental, cultural and social values of the site.

The draft policy has been retitled *Public Land Use by Community Organisations* to better reflect the intent of the policy.

Adopted plans and strategies

The policy was amended acknowledging the adopted plans, strategies, plans of management and planning controls that guide Council's management of public land. It also provides greater clarity that Council's assessment of public land use must consider these adopted documents.

Legal

The amended policy provides greater clarity of Council's obligations to comply with all appropriate legislation.

Community and Stakeholder Engagement

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 24 August 2022 until 20 September 2022 on Council's website <https://www.esc.nsw.gov.au/council/have-your-say/public-exhibition>

We strongly encourage people to review the policies via our website. Any specific requests for hard copies can be made through council@esc.nsw.gov.au.

CONCLUSION

The draft Public Land Use by Community Organisations policy should be publicly exhibited for 28 days.

**CAR22/012 POLICY REVIEW - PUBLIC LAND USE BY COMMUNITY
ORGANISATIONS**

**S004
T00060**

At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Public Land Use by Community Organisations Policy will be presented to Council for consideration to adopt.



Policy

Policy name	Public Land Use by Community Organisations
Responsible manager(s)	Director, Community, Arts and Recreation Services
Contact officer(s)	Divisional Manager, Recreation Services Divisional Manager, Property and Commercial Services
Directorate	Community, Arts and Recreation Services
Approval date	XX XXXX 2022
Outcome area	5. Engaged community with progressive leadership
Strategy	5.3 Work together to achieve our collective vision
Delivery Program	5.3.2 Manage land under Council control
Operational Plan	5.3.2.2 Manage leases and licences

Purpose

Many community organisations or groups rely on the use of public land (either Council-owned or Crown land under Council's management) to conduct their activities or to develop infrastructure and improvements to achieve their objectives.

This policy aims to establish a consistent and fair framework to deal with requests for the use of public land by a diverse range of community organisations and groups.

Policy aims:

- promote an integrated framework for dealing with requests by community organisations or groups for the use, or allocation, of public land;
- ensure consistency and fairness in the manner in which Council deals with such requests;
- ensure compliance with legislative requirements under the Local Government Act 1993 and the Crown Land Management Act 2016;
- promote awareness of the requirements of these Acts with respect to the use of public land by community organisations or groups;
- make Council's policies and requirements for such use readily accessible and understandable to the public;
- ensure that the proposed use provides community benefit, is appropriate to the land identified, and does not unduly impact on the environmental, cultural and social values of the site.

Policy details

1	Application This policy applies to all requests by community organisations or groups for the use and or allocation of public land owned or managed by Eurobodalla Shire Council.
2	Legislation Eurobodalla Shire Council will comply with the Local Government Act 1993 and the Crown Land Management Act 2016 and any regulations made thereunder.
3	Considerations Council will take the following matters into consideration when it receives a request from a community organisation for the use or allocation of public land. Generally these steps will be undertaken in the order set out below.



Policy

3.1	<p>Community organisation/group profile</p> <p>The community organisation is to provide Council with the necessary documentation to identify and demonstrate the need for the proposal and its ability to undertake the effective management of the property and/or related assets, including:</p> <ul style="list-style-type: none"> a) organisation/group official status b) membership numbers including multi year trends c) organisational objectives, ideally supported by a strategic plan d) financial capacity/insurances e) description of proposal f) evidence of need and/or community support for the proposal and community benefit g) proposed parcel of public land.
3.2	<p>Land assessment</p> <p>Council will make an assessment as to the appropriate use of the subject land having regard to:</p> <ul style="list-style-type: none"> a) current and future zoning, land classification and categorisation that may apply b) the provisions of any existing Plan of Management, site plans or adopted strategies, including existing support for the proposal or any restrictions c) existing uses of the site and individuals or groups affected by the proposal d) alternative uses of the land, including short and long term revenue earning potential e) necessary assessments/approvals, eg. environmental, cultural, Native Title. <p>Possible alternative sites may be identified and evaluated for their suitability for the proposed use.</p>
3.3	<p>Proposal assessment</p> <p>Council will make an assessment as to the appropriate use of the subject land having regard to:</p> <ul style="list-style-type: none"> a) existing activities that may be duplicated by the proposal b) infrastructure requirements and ongoing financial impacts and obligations, eg. construction, maintenance, depreciation c) whether the proposal can be achieved through existing means or other functions, such as casual hire or use of alternative facilities d) community benefit, including inclusion, access, and fairness in a Shirewide context.
3.4	<p>Formal arrangements</p> <p>Council will make an assessment as to the appropriate formal arrangement for the proposal having regard to:</p> <ul style="list-style-type: none"> a) whether public or private land ownership is most suitable in supporting the proposed activity b) most suitable formal arrangement for property use terms and conditions, such as lease, licence, or seasonal hire. <p>Fees will apply for formal arrangements in accordance with a Council resolution or Council's annually adopted fees and charges.</p>



Policy

4	Council Approval Council approval is required for all uses of community land by community organisations, including necessary processes for establishment of formal arrangements.
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Implementation

Requirements		Responsibility
1	Guidelines Community groups/organisations may be requested to refer to the Community Proposals Guide and complete a Community Proposal application to enable the implementation of this policy.	Council Officers
	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
2	Concerns Public concerns communicated to Council regarding this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. They will be used to analyse the history of concerns and determine follow up actions.	Council Officers
3	Consultation Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.	As required

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that council manages the use of public land under this policy.

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

Note: The next general local government election is expected to be held in September 2024.

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

Performance indicator	Data source(s)
Concerns registered	Council records
Customer Feedback Survey Responses	Surveys
Internal or external review	Audit

Governance

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

Related legislation and policies



Policy

Name	Link
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Crown Land Management Act 2016	http://classic.austlii.edu.au/au/legis/nsw/consol_act/clma2016199/
Guidelines Community Proposals	www.esc.nsw.gov.au
Policies Sporting and Recreational Facilities Seasonal Hire Events Land Investment	www.esc.nsw.gov.au
Codes of Practice Licencing of Council-controlled public reserves and associated Buildings Sporting and Recreational facilities seasonal hire	www.esc.nsw.gov.au

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Crown Lands in NSW	https://www.industry.nsw.gov.au/lands

Change history

Version	Approval date	Approved by	Minute	File	Change
1	17 Dec 1991	Council	.	.	Policy commenced.
2	2006	Council	867	06.0365	Policy reviewed and updated.
3	10 Sep 2013	Council	13/272	E06.0365 E13.7095	Reviewed and updated.
4	8 Aug 2017	Council	17/259	E06.0365 E16.0297	Reviewed and updated - report GMR17/021.
5	TBA Aug 2022	Council	TBA	TBA	Reviewed and updated

Internal use

Responsible manager		Director Community, Arts and Recreation Services		Approved by	Council
Min no	TBA	Report no	TBA	Effective date	TBA
File No	S004-T00060	Review date	Aug 2022	Pages	5

CAR22/011 CHILDREN'S SERVICES FEES AND CHARGES

**S003-
T00030**

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

Attachments: Nil

Community Goal: 2 Our community that welcomes, celebrates, and supports everyone

Community Strategy: 2.3 Provide rich learning opportunities and experiences

Delivery Program Link: 2.3.3 Develop and provide early education services and programs that promote learning and development

Operational Plan Link: 2.3.3.1 Coordinate the Family Day Care service

EXECUTIVE SUMMARY

This report seeks approval from Council to amend a fee in Council's published fees and charges for 2022-23.

The fee is an increase on the current electronic administration fee that is charged to Council every week for each Family Day Care Educator. Council recoups the cost from the Educators as a full fee recovery activity.

The data base provider recently advised of an increase in the weekly fee charged to Council for each educator.

The report provides further information on the fee and seeks support for the amended fee to be exhibited for a period of 28 days for feedback, as per requirements.

RECOMMENDATION

THAT:

1. Council amend the current electronic administration fee charged to Council every week for each Family Day Care Educator which is included in Council's published fees and charges for 2022-23. Council recoups the cost from the Educators as a full fee recovery activity.
2. The proposed revised electronic administration fee be placed on public exhibition for a period of 28 days for comment before being presented to Council to consider adoption of the altered fee at a future meeting.

BACKGROUND

Council's Children's Services has been providing childcare services across the Eurobodalla for over 30 years via After School Care and Vacation Care and Family Day Care to enable local families to work.

Council's Children's Services coordinates all enrolments and payments for all services delivered including Family Day Care.

Currently, Council subscribes to the *Harmony* database provider to enable all Child Care Subsidies (CCS) and client payments to be accounted for. The *Harmony* database connects family enrolments to providers and to the CCS amounts via federal Centrelink to support calculations of the correct billing amounts for payment.

CAR22/011 CHILDREN'S SERVICES FEES AND CHARGES

**S003-
T00030**

Harmony charges Council a fee per week for each Family Day Care Educator. The current fee published in Council's Fees and Charges document is \$4.70 per week for electronic administration. The service has been notified that this has now been raised to \$5.00 per week.

Service fees are currently adopted as part of council's fees and charges with this amended fee requiring 28 days exhibition with a further report to be provided to Council to consider adoption of the altered fee.

CONSIDERATIONS

Financial

The fee if adopted after exhibition and feedback will see a \$0.30 increase enabling a full fee recovery.

Community and Stakeholder Engagement

We will inform the community through providing information on Council's website; and advising stakeholders.

We will consult with the community by seeking feedback through a 28-day Public Exhibition where the fee proposal will be on Council's website.

CONCLUSION

Children's Services continue to provide a range of education and care services for our community and seek approval for the process to update the variation in amount charged for electronic administration to enable full cost recovery of the fee.

DR22/002 NSW COASTAL CONFERENCE 2022

S017-T00013

Responsible Officer: David Grace - Councillor

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.2 Implement effective governance and long-term planning

Operational Plan Link: 5.2.2.1 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

Councillor David Grace represented Eurobodalla Shire Council at the 2022 NSW Coastal Conference, which was held on 31 May to 2 June 2022 in Kingscliff, and he presents his Delegate's Report on the conference.

RECOMMENDATION

THAT:

1. The Delegate's Report from Councillor David Grace on the 2022 NSW Coastal Conference be received and noted.
2. A councillor briefing be held on the environmental education and management programs that Council conducts, and particularly the areas where citizen science is utilised or could be further enhanced.

BACKGROUND

The 29th NSW Coastal Conference (the conference) was held in Kingscliff, NSW from 31 May to 2 June 2022. The key theme of the conference this year was 'Living with uncertainty'. This theme reflects the reality that as the effects of climate change become more obvious, our coastal areas are increasingly vulnerable. This requires us to work in an atmosphere of change and uncertainty in the management of our coastal areas. While this theme was consistent throughout the conference, a recurrent sub-theme was observed on the value and prevalence of citizen science initiatives.

The conference provided a valuable forum for discussion of coastal management and the preservation of our coastal areas, and a unique opportunity to meet staff and councillors from other local government areas, academics and industry experts.

Over 80 presentations were given at the conference. This report will focus on:

1. the keynote speakers who opened and closed the conference; these presentations most heavily focused on the conference theme
2. those presentations which provided particularly inspiring, relevant, or topical overviews of works, experiences, or initiatives in the area of coastal management and community engagement
3. those presentations in which Eurobodalla Shire Council was directly referenced.

DR22/002 NSW COASTAL CONFERENCE 2022

S017-T00013

Noteworthy topics raised in the presentations included:

- collaborative citizen science initiatives
- resilience in the wake of the 2019 bushfires
- recognising and incorporating First Nations' knowledge into coastal planning
- engaging the Aboriginal community meaningfully in consultation and,
- addressing coastal hazard challenges.

The conference was opened with an acknowledgement of Country, followed by an opening by the Honorable Wendy Tuckerman, Minister for Local Government.

All presentations can be viewed in PDF format using the following link (password is CSTCONF123): <https://www.coastalconference.com/project/papers-and-presentations/>

Keynote

The first keynote speaker for the conference was a representative from Core Logic, a large data analytics firm, and the focus of the talk was on climate and risk management in coastal planning.

The key point is that banks and insurance firms are paying close attention to the influences of coastal hazards on property and insurance, and they have significant progress to make in relation to sourcing accurate data and forming working relationships with the scientific and engineering subject matter experts on all matters coastal.

The final keynote speaker was a youth activist with a strong focus on climate change, environmental protection, and gave a powerful message of hope in the face of uncertainty from the viewpoint of a young person growing up in a time of heightened climate change awareness.

This presentation acknowledged the recent flooding which had devastated the area around Kingscliff, including the settlements of Byron Bay, Murwillimbah and Tweed, and warned of the consequences of inactivity for future generations.

Inspiring, relevant or topical presentations on citizen science initiatives:

- *Caring for water places – Kate Coorey*

This presentation focused on teaching the local Awakrwal community and others about caring for creeks, rivers, and estuaries in the Byron local government area.

The community was trained in the use of practical skills such as using water meters, educated on riparian regeneration processes, and then putting into practice, scientific understanding and skills.

- *Building capacity in communities to adapt to a changing distribution of migratory wildlife - Susan Crocetti*

This presentation looked at how collaboration between citizen scientists and paid workers has assisted in tracking and making decisions about marine wildlife such as whales, sharks, and turtles. The citizen science 'Right Whale ID' program was a success story of training and involving community in meaningful scientific programs.

DR22/002 NSW COASTAL CONFERENCE 2022

S017-T00013

- *Effective engagement with Indigenous communities for coastal country – Neil Dufty*

This presentation discussed the involvement of the Aboriginal community in a Coastal Management Program and the unique challenges associated with meaningful, safe, and respectful engagement.

- *A citizen science-based assessment of marine species redistributions in NSW – Troy Gaston*

This presentation highlighted the benefits of citizen science initiatives in delivering high volume, 'crowd source' data with tangible benefits to ecological science. The 'Red Map' smart phone app has been invaluable in allowing everyday citizens to log sightings of various marine species allowing tracking of distributions. The success of the program has provided the basis for strong recommendations in a nationwide report card for wider citizen science initiatives to be taken up.

- *Friends of Cabbage Tree Bay – Robynne Millward*

This short presentation was given by a member of a local volunteer group operating in Sydney's Northern Beaches and promoted the benefits of community groups and citizen science initiatives partnered with local government and non-government organisations.

- *Empowering the tourism community to own it and act on visitor litter – Julpiette Myers*

This presentation demonstrated the merits in collaboration between tourism operators and the community in reducing litter and plastic waste, and introduced 'Ground Swell', a follow-up initiative of Take 3 for the Sea.

Presentations in which Eurobodalla Shire Council was referenced:

- *Engaging First Nations people on Coastal Management Programs – Andrew Williams and Emma Maratea*

This presentation used Eurobodalla Shire Council as one of two case studies for the targeted engagement of the Aboriginal community within Coastal Management Programs (CMPs), an area where guidance is still lacking at the State level.

Praise was given to Eurobodalla Shire Council for their strong initiative in engaging the Aboriginal community respectfully, uniquely and successfully throughout their Open Coast CMP.

- *Where there's a 'WILS' there's a way: Wagonga Living Shoreline – Jillian Keating*

The Wagonga Inlet 'Living Shoreline' (WILS) Project underway in Narooma was the subject of the presentation, which was co-authored by Council staff member, Heidi Thomson. The presentation gave an overview of the benefits and success of the WILS.

Once again Council staff were praised for how effective collaboration, community engagement and cultural values have shaped the project.

- *Managing coastal waterways after the 2019-2020 Black Summer Bushfires in south-east NSW - Cherie Parmenter*

Around 47 catchments in the south-east region of NSW were bushfire-affected in the 2019-2020 Black Summer Bushfires.

DR22/002 NSW COASTAL CONFERENCE 2022

S017-T00013

Eurobodalla Shire, Shoalhaven City and Bega Valley Shire Council coordinated on a response in the aftermath of the bushfires through a NSW Government grant.

This presentation gave an overview of the impacts of the fires, lessons learned through remediation and how the overall health and resilience of the catchments is two years on.

Council staff, Deborah Lenson and Heidi Thomson, co-authored the presentation.

CONCLUSION

The conference provided an opportunity to hear from experts on how the most recent research and coastal planning initiatives are being applied across NSW.

A strong emphasis was placed on the benefits of citizen science initiatives, First Nations' engagement, and educating communities in order to build resilience in the face of change.

Eurobodalla was recognised for our good work in multiple presentations, and we should celebrate this recognition, especially considering our status as one of the smaller, regional coastal councils.

My observations from the conference are that we are doing well in this time of uncertainty in the management of our coast, which is a vital element of our economy. We have some innovative citizen science projects which are assisting in building observations, data, and evidence we can use to navigate our responses to our rapidly changing environment.

We cannot stand still in a rapidly changing environment, and we need to make use of all the resources, including knowledge, available to us. We need to continue to make it easy for the council and residents to work together to maintain the land which sustains us and all other living creatures, and we need to build further on our achievements so far.

Since returning from the conference I have had the opportunity to meet and discuss the conference with the Director Planning and Sustainability, Lindsay Usher, Divisional Manager Environmental Services, Deb Lenson, and Coastal and Flood Management Planner, Cameron Whiting, which has highlighted that those projects recognised at the conference only represent a portion of our citizen science initiatives and work in coastal management. This was further highlighted in the response to my Councillor Request which was responded to via the Councillor Newsletter.

Our Council needs to make sure that both residents and visitors are aware of our efforts, and I am recommending that we regularly highlight and celebrate our community science efforts in our communications.

A councillor briefing is recommended on the environmental education and management programs that Council conducts, and particularly the areas where citizen science is utilised or could be further enhanced.

DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

- Setback* Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);
- Envelope* taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;
- Footprint* the percentage of a lot taken up by a building on a site plan.