



# **AGENDA**

**Ordinary Meeting of Council**

**14 April 2015**



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

**ON TUESDAY 14 APRIL 2015**

**COMMENCING AT 10.00AM**

**AGENDA**

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

- |           |  |                 |
|-----------|--|-----------------|
| <b>1.</b> | <b>ACKNOWLEDGEMENT OF COUNTRY</b>  |                 |
| <b>2.</b> | <b>WELCOME AND EVACUATION MESSAGE</b>  |                 |
| <b>3.</b> | <b>APOLOGIES</b><br>NIL  |                 |
| <b>4.</b> | <b>QUESTIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY)</b>   |                 |
| <b>5.</b> | <b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>   |                 |
| 5.1       | ORDINARY MEETING HELD ON 24 MARCH 2015   |                 |
| <b>6.</b> | <b>DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA</b><br>(Declarations also to be made prior to discussions on each item) |                 |
| <b>7.</b> | <b>MAYORAL REPORTS</b><br>Nil  | <b>Page No.</b> |
| <b>8.</b> | <b>NOTICES OF MOTION</b><br>NOM15/002 Operation of Circuses in Eurobodalla Shire .....                                       | 3               |
| <b>9.</b> | <b>QUESTIONS ON NOTICE</b><br>Nil  |                 |

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

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**NOM15/002      OPERATION OF CIRCUSES IN EUROBODALLA SHIRE**

E05.9124

Responsible Officer:    Gabi Harding - Councillor

Councillor Gabi Harding has given notice that at the Ordinary Meeting of Council on 14 April 2015, she will move the following motion.

**MOTION**

THAT Council:

- 1) Develop a policy to guide circuses that visit the Shire and in particular circuses which include the use or display of exotic, wild or native animals.
- 2) Immediately cease hiring parks, reserves and other Council facilities to entertainments which include wild animals in their performances, such as elephants, lions, tigers, monkeys and apes.
- 3) Circuses using Council premises limit their use of animals to domesticated animals.
- 4) Assure that all animals used by circuses are:
  - a. Kept in suitably large and comfortable enclosures.
  - b. Enclosures are inspected on setup and at least once again during the course of the stay by Council rangers and/or an RSPCA inspector.

**BACKGROUND**

The traditional circus concept, as introduced by Philip Astley in 18th century London, was a show with clowns, acrobats, horses, musicians and dancers. Exotic animals were not part of the performances and were introduced much later, to Australian circuses in the late 19th century.

[1]

"When children see animals in a circus, they learn that animals exist for our amusement. Quite apart from the cruelty involved in training and confining these animals, the whole idea that we should enjoy the humiliating spectacle of an elephant or lion made to perform circus tricks shows a lack of respect for the animals as individuals".— Peter Singer, Author/Philosopher, Professor of Bioethics at Princeton University

How exotic animals suffer in circuses

Circuses defend the use of exotic animals by claiming the animals are loved and well cared for. However, adding to an overwhelming body of evidence, the 2009 scientific review 'Are wild animals suited to a travelling circus life?' by the University of Bristol in the UK confirms that "the species of non-domesticated animals commonly kept in circuses appear the least suited to a circus life." [3]

This comprehensive study shows that circus exercise pens and beast wagons were on average only 26 and 27% respectively of the already minimalistic recommended sizes of zoo outdoor and indoor enclosures. [3] Elephants in circuses may even be kept chained continuously up to 23 hours a day. [3] These conditions cause severe stress to non-domesticated animals, leading to

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**NOM15/002 OPERATION OF CIRCUSES IN EUROBODALLA SHIRE**

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abnormal behaviour (stereotypes) such as pacing by big cats, head bobbing by elephants or mouthing cage bars.

Although data on the effects of transport on animals in circuses is limited, the Bristol researchers conclude that "confinement in barren enclosures for long periods of time is of welfare concern".<sup>[3]</sup> In a vast country like Australia, circuses must travel for extensive periods of time for most of the year in extreme weather conditions. Hence there is a severe risk to the welfare of circus animals.

The study continues to report that the majority of evidence suggests human audiences have stressful effects on non-domesticated animals, and that high noise and brilliant light — inherent elements of circus performances — have been noted as having negative welfare impacts.<sup>[3]</sup>

Legislation

Around the world, the plight of animals in circuses is increasingly heard. National, regional and local governments in at least 30 countries have already banned the use of all animals in circuses. An increasing number of Australian councils are taking part in this trend, but the Australian Federal and State Governments policies are failing these animals.

The requirements in the — mostly voluntary — guidelines for the keeping of animals in circuses in Australia are far below what is generally required for the same species kept in zoos and are totally inadequate to protect their welfare. Lions in New South Wales for example are granted an enclosure of at least 300 m<sup>2</sup> if they live in a zoo, in a circus they are only entitled to 6 hours a day in an 'exercise area' of 20 m<sup>2</sup>. For the remaining 18 hours they can be locked away in beast wagons. The flawed reasoning is that performing animals require less space. But this claim is strongly questioned by the latest research which shows animals in circuses only spent 1–9% of the day performing or in training.<sup>[3]</sup>

Contra education

One could argue that keeping animals in captivity for education or conservation aims serves a purpose. But circuses don't play a role in either of them. Unlike zoos, circuses don't participate in any endangered species programs. They therefore play no role in protecting animal species from extinction.

A Fellow of the Australian College of Educators, Associate Professor Barry Spurr of the University of Sydney, argues that not only do performing-animal circuses perform no educational purpose, but: "they are anti-educational, sending wrong messages to children about how animals behave naturally, and how they should be respected, ethically. Circuses encourage children to believe that animals exist to perform unnatural acts for audiences' amusement, and to spend their lives in captivity for this purpose. Nothing could be more damaging to nurturing children's education about animals and their respect for them and their welfare".<sup>[4]</sup>

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**NOM15/002 OPERATION OF CIRCUSES IN EUROBODALLA SHIRE**

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The Future of Circus

As Cirque du Soleil, Circus Oz and many other popular circuses have shown, the success and economic viability of the circus does not require the use of any animal. In fact, exotic animals were not even part of the original circus concept — they were introduced in a much later stage. Eliminating animal exploitation in circuses simply means an increase in human performers, not an end to the tradition of circuses.

**References**

1. St Leon MV 2006, Circus and Nation. PhD Thesis University of Sydney
2. ABC 1 1 June 2008, Message Stick- Freak Show to Big Top
3. Iossa G, Soulsbury CD and Harris S 2009, Are wild animals suited to a travelling circus life. *Animal Welfare*, 18:129-140.
4. Associate Professor Barry Spur, Department of English, University of Sydney; in personal correspondence

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**PSR15/011 SOUTH MORUYA BIOCERTIFICATION PROJECT UPDATE**

**E06.0470**

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Map of South Moruya Biocertification Area

Strategic Objective: Sustainable

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

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

**EXECUTIVE SUMMARY**

At the Ordinary Council Meeting held on 19 April 2011, Council endorsed a biodiversity certification (biocertification) process for South Moruya and Broulee. Biocertification is a strategic assessment of the potential impact of development on threatened species, as an alternative pathway to the site-by-site assessment normally undertaken by land owners.

The South Moruya project was commenced, but was subsequently placed on hold pending the outcome of the Broulee project, which has now been completed with a Biocertification Agreement conferred upon the land on 19 September 2014. These are the only two sites in Eurobodalla where biocertification projects have been commenced or completed. A map of the South Moruya biocertification study area is included as an attachment to this report.

For the South Moruya project, a consultant was engaged to identify and assess the vegetation on the subject land and land owners were invited to participate in the process. Some land owners agreed to participate and allow the consultant to access their land to study the vegetation (the participating land owners). Other land owners elected not to participate in the process. The consultant visited the agreed sites and also assessed the vegetation on unformed roads in the study area, effectively completing Stage 1 of the project.

The project was placed on hold, prior to any work commencing on Stage 2, being the identification of potential development and conservation areas, and the assessment of biodiversity credits and offsets using the NSW Government's biocertification assessment methodology. Upon completion of Stage 2, the third and final stage of the project would be the preparation of a Biocertification Strategy and application to the Minister for the Environment for a Biocertification Agreement.

Prior to recommencing the project, it is recommended that Council undertake further consultation with the land owners in the South Moruya biocertification study area on the options for moving forward. In summary, the options are:

**1. Proceed with the biocertification process on land within the study area where vegetation surveys have been completed**

Should there be agreement between the participating land owners and Council to proceed with the biocertification process, Council can work with those land owners to define potential development and conservation areas, and develop a Biocertification Strategy and ultimately a Biocertification Agreement. If a Biocertification Agreement is reached, the identified development areas would then be able to be developed without



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**PSR15/011 SOUTH MORUYA BIOCERTIFICATION PROJECT UPDATE**

**E06.0470**

any further threatened species assessment. This will save significant time and cost and provide greater certainty for those land owners at the development application stage.

**2. Proceed with the biocertification process over a smaller part of the study area**

Should only some of the participating land owners wish to proceed with the biocertification process and Council agrees to a reduced study area, Council can work with these land owners to define potential development and conservation areas. As noted above, if a Biocertification Agreement is achieved, the identified development areas would then be able to be developed without any further threatened species assessment, saving significant time and cost, and provide greater certainty for those land owners at the development application stage.

**3. Not proceed with the biocertification process.**

Should land owners and Council agree not to proceed with the biocertification process, land owners would be free to submit development applications to Council. However the land owners would be required to prepare environmental studies and potentially species impact statements in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Threatened Species Conservation Act 1995 (TSC Act).

**RECOMMENDATION**

THAT:

1. Council undertake further consultation with the land owners who have previously agreed to participate in the South Moruya biocertification project study area on the options for progressing development opportunities in the area.
2. Following the consultation referred to above, a further report be presented to Council.

**BACKGROUND**

In 2011, Council commenced a biodiversity certification (biocertification) process for the South Moruya and Broulee areas. These areas were selected due to the development opportunities and endangered ecological communities that exist in those areas.

The biocertification process provides for strategic solutions to conflicts between development opportunities and environmental constraints. The process, established under the TSC Act, switches off the requirements for individual land owners to undertake threatened species assessment under the EP&A Act, on the grounds that the issues have been addressed at a strategic level.

In 2011, Council received a funding grant of \$15,000 from the then Department of Environment, Climate Change and Water as a contribution to the first stage investigations and surveys for the South Moruya biocertification project. This was matched by a \$5,000 allocation in Council's 2011/12 budget.

Consultation took place with the land owners in the South Moruya precinct and the first stage investigations were undertaken. However, the project was then placed on hold pending the outcome of the biocertification project being undertaken at Broulee.

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**PSR15/011 SOUTH MORUYA BIOCERTIFICATION PROJECT UPDATE**

**E06.0470**

Now that the Broulee project has been completed, with a Biodiversity Agreement being conferred over that land on 19 September 2014, it is appropriate for Council to consider options for proceeding with the South Moruya project.

**CONSIDERATIONS**

The biocertification process allows local government areas with development pressure to provide for the protection of biodiversity, including threatened species, at the strategic planning stage. Where biocertification is conferred upon land, the requirement for individual land owners to assess the significance of any development impact on threatened species (under s.5A of the EP&A Act) is removed.

The key benefits of biodiversity certification are that it provides certainty about the location of future development, saves time and costs at the development assessment stage, and optimises environmental benefits through the use of the 'avoid, minimise and offset' hierarchy. This should also improve biodiversity outcomes because of its potential for strategic application.

In 2014, the State Government commenced a review of biodiversity legislation in NSW. The Independent Review Panel presented its final report to Government in December 2014. Among the 43 recommendations was the following:

17. *Where efficient, ensure that biodiversity certification is able to be applied to:*

- (a) *all forms of development in both urban and rural contexts*
- (b) *planning proposals for spot rezonings and changes to minimum lot sizes for subdivisions.*

In discussing this recommendation, the Panel said that *"biodiversity certification would offer more flexibility and may encourage greater uptake than was provided by multi-Property Vegetation Plans under the Native Vegetation Act 2003"*.

The Panel also made the following point:

*"Significant gains could also be made by ensuring biodiversity certification is encouraged to be used for planning proposals for spot rezonings and changes to minimum lot sizes. Planning proposals are a crucial stage in the planning process as land use zonings and minimum lot sizes for subdivision set expectations around the development potential of land. For example, if land is rezoned to 'residential' there is an expectation created that the land can be developed for housing. Without an upfront biodiversity assessment process, developers may only learn at the development assessment stage that there are biodiversity considerations that need to be assessed. This can lead to protracted and costly disputes (fuelled by expectations created as a result of the rezoning) that could be avoided if biodiversity issues were instead resolved at the rezoning stage."*

On 26 March 2015, the NSW Deputy Premier Troy Grant and the Environment Minister Rob Stokes announced that a re-elected NSW Liberals and National Government would implement all of the Independent Review Panel's recommendations.

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**PSR15/011 SOUTH MORUYA BIOCERTIFICATION PROJECT UPDATE**

**E06.0470**

**Legal**

Under the NSW Local Government Act 1993, it is a part of Council's charter *"to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development"*.

The EP&A Act and the TSC Act, the NSW Native Vegetation Act 2003, the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 and other legislation include provisions requiring local governments and land owners to assess the impacts of development on the environment. The TSC Act establishes the biocertification process.

**Policy**

The South Moruya and Broulee biocertification projects will ensure development is consistent with the principles of the NSW Biodiversity Strategy, the South Coast Regional Conservation Plan, the South Coast Regional Strategy and the Southern Rivers Catchment Action Plan.

The projects are also consistent with the Eurobodalla Settlement Strategy and the Community Strategic Plan – One Community.

**Environmental**

The South Moruya biocertification study area contains two endangered ecological communities, one of which is listed under Commonwealth legislation as critically endangered. The endangered communities are:

- Dry Rainforest (endangered)
- Lowland Grassy Woodland (critically endangered)

The majority of the remaining clusters of these endangered ecological communities are located on private land. With very little of these vegetation types protected in National Parks or State Forests, ongoing development of the subject land has the potential to have a significant impact on the extent, condition and ecological function of the remnant vegetation.

**Social Impact**

A strategic process to facilitate development of the subject land while protecting the biodiversity values will result in additional housing opportunities in the Moruya area along with the resulting economic activity.

**Economic Development Employment Potential**

Facilitating development of the subject land will increase economic and employment opportunities in the Shire.

**Communication / Consultation**

A letter will be sent to land owners within the South Moruya biocertification study area seeking their views on the options for proceeding with the biocertification process. The letter will also invite those land owners to a meeting to discuss the options.

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**PSR15/011 SOUTH MORUYA BIOCERTIFICATION PROJECT UPDATE**

**E06.0470**

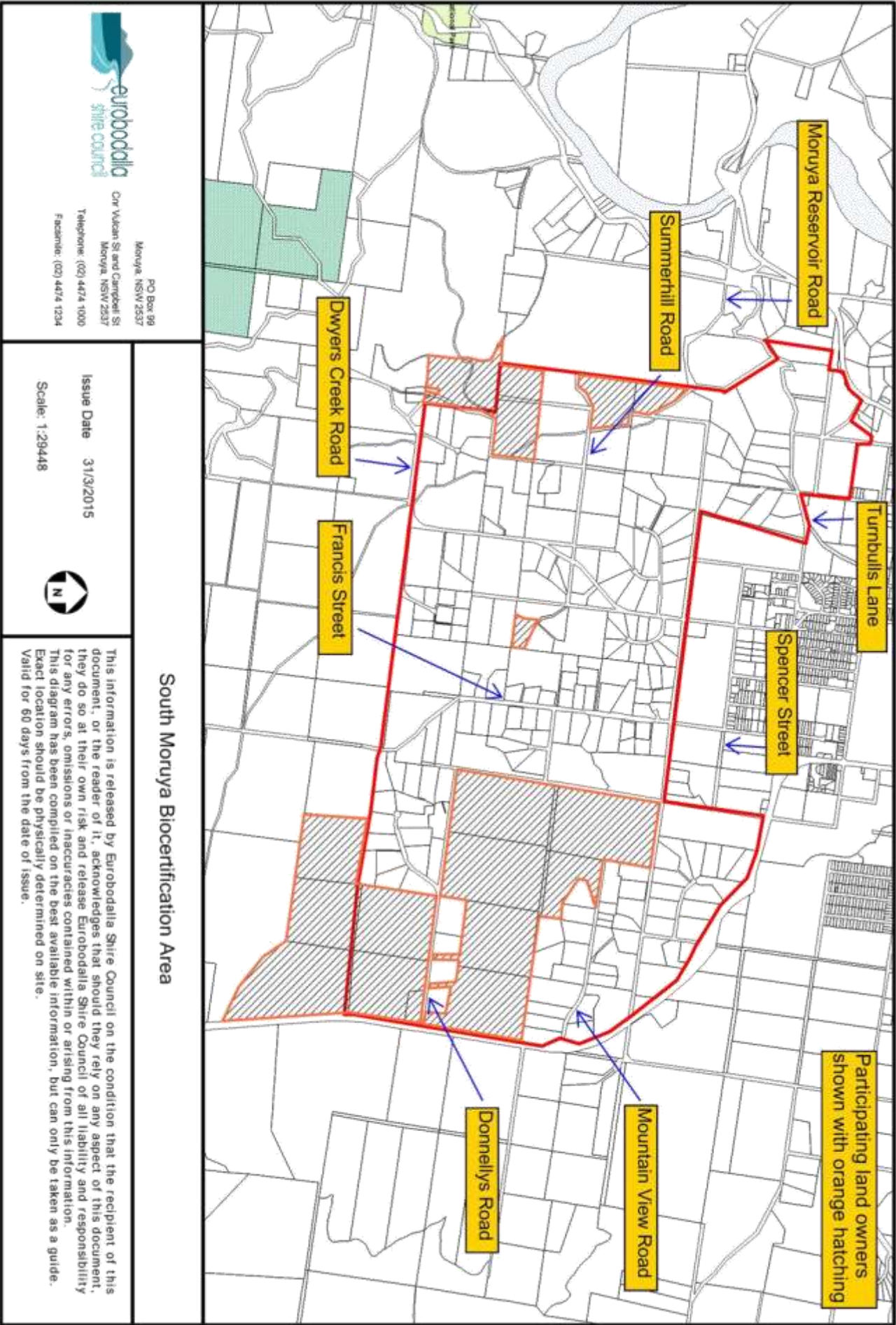
**Financial**

Funds are available for the completion of consultant studies required as part of the biocertification process. However, additional funds would be required in the order of approximately \$15,000 to complete a Biocertification Strategy and application to Government for a Biocertification Agreement, as the necessary skills are currently not held within Council.

**CONCLUSION**

A biocertification process for South Moruya commenced in 2011 with the support and involvement of some of the land owners in the precinct. The process was placed on hold following the assessment of the vegetation in the precinct, awaiting the outcome of a similar process underway for land at Broulee.

With the completion of the Broulee project, it is timely for Council to consider the options moving forward with the South Moruya project. It is recommended that Council seek the views of the land owners prior to determining a way forward.



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**PSR15/012 TENDER FOR RURAL LANDS STRATEGY**

**E12.6191.T**

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Confidential - Tender evaluation and score sheet

Strategic Objective: Sustainable

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

Operational Plan Link: S7.1.1 Rural Lands Strategy

### **EXECUTIVE SUMMARY**

Tenders have been advertised and received for the preparation of the Rural Lands Strategy, the final stage of the project.

The tender process commenced with a request for Expressions of Interest (EOI) through Tenderlink, with six EOIs received. These were shortlisted to two consultants who were then asked to submit full proposals. Both proposals were assessed in accordance with the selection criteria outlined in the project brief. The preferred tenderer demonstrated an excellent understanding of the project, the work undertaken to date and the issues that have been raised by the rural community.

### **RECOMMENDATION**

THAT, in accordance with Section 178 of the Local Government (General) Regulation 2005, Council accept the preferred tenderer as identified in the confidential attachment for the preparation of the Rural Lands Strategy.

### **BACKGROUND**

The Rural Lands Strategy process has included the preparation and exhibition of a Rural Lands Issues Paper, the development of a Rural Opportunities and Constraints Study, including mapping of agricultural land and environmental values, and the preparation of a draft Policy Directions Paper which Council endorsed for public consultation on 24 March 2015. The policy directions, when completed following consideration of any submissions received, will inform the development of the Rural Lands Strategy.

### **CONSIDERATIONS**

A tender process commenced in February 2015 through the publication of a request for EOIs through Tenderlink. Six EOIs were received and assessed in accordance with the selection criteria outlined in the Request for EOI document. Two of the EOIs were shortlisted and these two consultants were invited to submit a full proposal.

The proposals were assessed by Council staff in accordance with the selection criteria outlined in the brief. Council's Rural Lands Strategy Steering Committee were provided with a summary of the two proposals and comments were sought. No comments were received. The preferred tender will be tabled at the Council meeting. The two proposals and a completed tender evaluation form are included as confidential attachments to this report.

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**PSR15/012 TENDER FOR RURAL LANDS STRATEGY**

**E12.6191.T**

**Legal**

The Local Government Act 1993 and Regulation 2005 outline the process requirements for selection of tenders.

**Policy**

The Rural Lands Strategy will establish a new policy framework for the future use and development of rural land in Eurobodalla.

**Communication / Consultation**

The selected consultant will undertake consultation with the community during the preparation of the Rural Lands Strategy.

**Financial**

During the EOI stage, the scope of fees for the project ranged from \$100,000 to \$200,000. The fees included in the proposals for both shortlisted consultants were within this range.

**CONCLUSION**

Requests for tenders, through an EOI process, were called and two consultants were shortlisted to submit a full proposal for the preparation of a Rural Lands Strategy. Funds are available to undertake the project.

The preferred tenderer submitted a proposal at a competitive price for the project. Based on the assessment criteria in the brief, the recommended tender represents good value for money.

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**IR15/012 CORRIGANS BEACH RESERVE ACCESSIBLE PLAYGROUND SUNSET  
ADVISORY COMMITTEE - SELECTION OF REPRESENTATIVES**

**E15.9130**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - The Bay Push  
2. Confidential - Expressions of Interest

Strategic Objective: Liveable

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

Operational Plan Link: L1.3.1 Implement volunteer programs and initiatives that strengthen community life

### **EXECUTIVE SUMMARY**

To seek Council's consideration and determination of the community positions on the Corrigan's Beach Reserve Accessible Playground Sunset Advisory Committee from the Bay Push and community members.

Council resolved on 24 February 2015 to form the Corrigan's Beach Reserve Accessible Playground Sunset Advisory Committee (Minute No 15/25) as follows:

*THAT:*

1. *The Corrigan's Beach Accessible Playground Sunset Advisory Committee be formed to oversee the development of a design plan for an accessible playground on Corrigan's Beach Reserve.*
2. *The Corrigan's Beach Reserve Accessible Playground Sunset Advisory Committee to consist of the following representatives:*
  - a. *Councillors Pollock and Brice, with one as Chair*
  - b. *two members of The Bay Push; and*
  - c. *two members of the community.*

The Bay Push has advised of their nominations for the two positions on the committee.

Expression of interest (EOI) from community members have been received and considered by Councillors Pollock and Brice with their recommendations as per the Councillors' attachment.

### **RECOMMENDATION**

*THAT:*

1. The two members of The Bay Push, as advised in the confidential attachment to this report, be confirmed as members of the Corrigan's Beach Accessible Playground Advisory Committee.
2. The two members of the community, as per the confidential attachment to this report, be confirmed as members of the Corrigan's Beach Accessible Playground Advisory Committee.



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**IR15/012 CORRIGANS BEACH RESERVE ACCESSIBLE PLAYGROUND SUNSET  
ADVISORY COMMITTEE - SELECTION OF REPRESENTATIVES**

**E15.9130**

**BACKGROUND**

Council resolved to form the Corrigans Beach Reserve Accessible Playground Sunset Advisory Committee on 24 February 2015 to oversee the development of a design plan for an accessible playground on Corrigans Beach Reserve.

A letter was sent to The Bay Push on 27 February 2015 advising of the formation of the Committee and requesting their nomination of two members from The Bay Push to represent their group.

Advice was received from The Bay Push on 3 March 2015 advising of the two members from their group that they wished to be their representatives on the committee. Their letter is attached for Councillors' information.

An advertisement was placed in the local newspapers on 4 and 11 March 2015 seeking Expressions of Interest for two community members to be on the committee.

Expressions of Interest closed on 25 March 2015 and three nominations were received for the positions of community representatives on the committee.

As advised in the Ordinary Meeting of Council report on 24 February 2015, the nominations would be considered by the Councillor representatives on the advisory committee and reported back to Council for final a determination. Attached for Councillors' information are the Expressions of Interest and the recommendation by the Councillor representatives for the two community members.

**CONSIDERATIONS**

The nominations from The Bay Push are submitted for Council's consideration and confirmation.

Expression of interest have been received and considered by Councillors Pollock and Brice with their recommendations as per the attachment to this report. Council may include the representatives of the Committee in the resolution of Council, once determined.

Once Council has determined the representation of the Committee, letters will be forwarded to those selected confirming their appointment to the Committee. Letters will also be sent to those that were not successful thanking them for putting themselves forward.

**Communication / Consultation**

Expressions of interest seeking community members were sought by advertising on Council's noticeboard page in two local newspapers on 4 and 11 March 2015.

**CONCLUSION**

Nominations have been received from The Bay Push and the community for representation on the Corrigans Beach Reserve Accessible Playground Sunset Advisory Committee.

The community representatives have been considered by Councillors Pollock and Brice with their recommendations as per the attachment to this report.

Council needs to determine the representation on the committee by resolution of Council.

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**IR15/013 FUNDING OFFER - CANDLAGAN CREEK BRIDGE, BROULEE**

**E08.2547**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Media Release - Federal Member for Eden-Monaro  
2. Media Release - Member for Bega

Strategic Objective: Productive

Delivery Program Link: P2.2 Develop, renew and maintain the road network

Operational Plan Link: P2.2.1 Deliver capital and renewal works program

### **EXECUTIVE SUMMARY**

Council has successfully secured grant funds of \$1,097,000 from the Australian Government's Department of Infrastructure and Regional Development under the Bridges Renewal Program for Candlagan Creek Bridge Replacement, Coronation Drive, Broulee. This project is identified within the Delivery Plan 2013/17 to be delivered over the next financial year.

The project will replace the existing concrete bridge which is in poor condition with a new concrete bridge capable of carrying modern trucks and load to service Broulee/Mossy Point township. The new bridge will also provide significant improvements to pedestrian and cycling safety.

### **RECOMMENDATION**

THAT Council:

1. Accept the grant funding offer of \$1,097,000 from the Australian Government's Department of Infrastructure and Regional Development under the Bridges Renewal Program Round One for Candlagan Creek Bridge Replacement.
2. Write to the The Hon Warren Truss MP, Deputy Prime Minister and the Minister for Infrastructure and Regional Development and Dr Peter Hendy MP, Federal Member for Eden Monaro thanking the Australian Government for the creation of the Bridges Renewal Program and specifically for the funding provided for the Candlagan Creek Bridge.

### **BACKGROUND**

The Australian Government has committed \$300 million over five years from 2014/15 under the Bridges Renewal Program (BRP) for bridge projects that contribute to productivity and/or community access. Round One of the BRP will provide up to \$100 million.

In August 2014, Council lodged an application seeking funding for the replacement of Candlagan Creek Bridge. On 13 February 2015, The Hon Warren Truss MP, Minister for Infrastructure and Regional Development announced that Council was successful in securing \$1,097,000. On 16 February 2015, Federal Member for Eden-Monaro, Dr Peter Hendy MP acknowledged and welcomed the funding for the replacement of Candlagan Creek Bridge. A copy of the Media Release is attached.

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**IR15/013 FUNDING OFFER - CANDLAGAN CREEK BRIDGE, BROULEE**

**E08.2547**

Council has also made an application to the NSW Government under the Fixing Country Roads Program. The Fixing Country Roads funding initiative was developed by the NSW Government to help regional councils upgrade their old roads and bridges which cause a freight pinch point or “last mile” problems.

On 9 March 2015, Member for Bega, the Hon Andrew Constance MP announced that Council was successful in securing a further \$1,125,000 under the Fixing Country Roads Funding Program. A copy of the Media Release is attached. Council staff are currently awaiting final paperwork and once received will report separately on this funding to Council. In the meantime it is necessary to formalise Council’s acceptance of the grant funding of \$1,097,000 from the Australian Government.

The estimated cost for the replacement cost of the bridge structure will be \$2.5 million. With the Australian Government contributing \$1.097 million and the NSW Government contributing \$1.125 million, Council will only be required to contribute \$278,000. Council will shortly be tendering for the bridge replacement and once known, a final figure will be available for inclusion in the 2015/16 Operational Plan budget.

**CONSIDERATIONS**

The existing Candlagan Creek Bridge structure has deteriorated to a point that replacement is required. The bridge currently has a 17 tonne load limit and this will deteriorate further unless the bridge is replaced.

The new bridge has already been designed with final environmental approvals now being sought. The new bridge will have a load carrying capacity in accordance with current design standards providing access for higher productivity vehicles. The design also includes significantly improved access for cyclists and pedestrians, creating a much safer environment.

Formal tenders for the construction of a new bridge and demolition of the existing concrete structure will be sought shortly.

Contracts have already been let for the relocation and renewal of the sewer line with works planned to be completed by the end of the 2014/15 financial year.

**Asset**

The Candlagan Creek Bridge was built in 1965. The bridge has suffered corrosion of the steel reinforcement and concrete spalling due to the harsh salt laden environment, resulting in deterioration of the asset. The new bridge will be brought onto Councils books with a new 100 year useful life with increased safeguards designed for the harsh environment. The new bridge will be depreciated in accordance with accounting standards.

**Communication/Consultation**

The community has been consulted through Council’s Integrated Planning and Reporting process for the current financial year. The project was identified and adopted as part of Council’s 2014/15 Operational Plan for delivery by the end of 2015/16.

Discussions have also been held with representatives of the Broulee/Mossy Point Community Association.

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**IR15/013 FUNDING OFFER - CANDLAGAN CREEK BRIDGE, BROULEE**

**E08.2547**

**Financial**

The following table outlines the proposed funding model for the new bridge structure. The funding offered under the Bridges Renewal Program requires a matching funding amount.

<b>Funding proponent</b>	<b>Funding amount</b>	<b>Comments</b>
Australian Government Bridges Renewal Program	\$1,097,000	Confirmed
NSW Government Fixing Country Roads	\$1,125,000	Awaiting final paperwork
Eurobodalla Shire Council	\$278,000	To be confirmed subject to final tendered amounts for construction (2015/16 budget)
<b>Estimate of cost</b>	<b>\$2,500,000</b>	

These grants are highly valued, reducing the need for Council to pursue additional loan funding, assisting Council's overall financial position and our ability to renew other ageing infrastructure. This will assist both in managing our overall backlog of works and our annual infrastructure gap.

These grants are to be commended given Council's strong advocacy to the Australian and NSW Governments on behalf of our community, directly and through the NSW Roads & Transport Directorate (and the associated NSW and Australian Roads Congress).

**CONCLUSION**

Grant funding of \$1.097 million has been offered to Council from the Australian Government's Department of Infrastructure and Regional Development under the Bridges Renewal Program to assist Council to replace the existing Candlagan Creek Bridge structure with a completely new bridge. Upon acceptance of this grant, works will be scheduled to be undertaken within the 2015/16 financial year.



16 February 2015

### **Broulee Bridge Renewal project gets go ahead**

“Today I welcome the much-needed upgrade to local bridges under the Australian Government’s new \$300 million Bridges Renewal Programme, said Federal Member for Eden-Monaro, Dr Peter Hendy.

The Coalition Government is committing \$28.5 million – matched by proponents – to 29 projects across New South Wales as part of Round One of the Bridges Renewal Programme.

“The injection of \$1,097,000 to upgrade the Candlagan Creek Bridge on Coronation Drive in Broulee will make its use safer and more reliable, while also being a huge fillip for freight providing major benefits for the community and the region,” Dr Hendy said.

“In particular, our programme will improve road access for local traffic and increase efficiency on local roads, which will be a relief to all.” Dr Hendy said.

“Eurobodalla is a vibrant region and our Government is investing in its continued growth.

“These important projects are made possible by close and effective consultation between Local Government Areas and the Commonwealth. I would like to acknowledge the excellent work of Mayor Lindsay Brown and his team at the Eurobodalla Shire Council.

“The Eurobodalla Shire Council will play a significant role in managing this project, ensuring the bridge can continue to contribute to productivity and community access.”

The Australian Government has committed \$28.5 million under Round One of the programme, with a total commitment of \$300 million over five years from 2014-15 for the entire programme.

**Media Enquiries: Jerry Nockles 0400 201 886**

QUEANBEYAN

1/21-25 Monaro Street (PO Box 214), Queanbeyan NSW 2620

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## **Andrew Constance MP**

### **Member for Bega**

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## **MEDIA RELEASE**

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Monday 9 March 2013

### **FIXING COUNTRY ROADS IN THE EUROBODALLA**

Member for Bega Andrew Constance has today announced that Eurobodalla Shire Council would receive \$1.35 million under the Fixing Country Roads funding program from the NSW Government.

Mr Constance said, "The \$42.85 million Fixing Country Roads funding initiative was developed by the NSW Government to help regional councils upgrade their old roads and bridges which cause a freight pinch point or 'last mile' problems."

"There's nothing worse for a local economy than roads and bridges not being up to the task of carrying freight in an efficient and cost effective manner."

Eurobodalla Shire Council will receive \$1.125 million for the replacement of the Candlagan Creek Bridge and a further \$225,000 for Bridge load assessments across the shire to be undertaken.

"The Candlagan Bridge is so riddled with concrete cancer that the structure is dangerous. The original steel and concrete is so bad that the whole bridge needs replacement immediately.

Mr Constance said he was pleased with the Eurobodalla Shire Council in securing funding for these projects in the Eurobodalla region and for contributing a total of \$282,000 towards their projects, representing a genuine working partnership with the NSW Government."

"Since 2011, the NSW Liberals and Nationals Government has been delivering historic levels of funding to help the regions.

Projects funded under Fixing Country Roads were selected purely on merit by an independent Assessment Panel made up of representatives from the NSW Farmers Association, Livestock and Bulk Carriers Association of NSW, Local Government NSW, Infrastructure NSW and senior officials from Transport for NSW Freight and Regional Development and the Office of Local Government.

Mr Constance said "This was a prime example of taking politics out of infrastructure funding; not to mention utilising the knowledge and expertise of recognised industry leaders from country NSW.

"The NSW Government is working closely with both local government and industry to reverse a \$4 billion backlog – left by Labor – in critical council-owned road infrastructure."

If the NSW Liberals and Nationals Government was re-elected in March then a further \$500 million would flow to future funding rounds of Fixing Country Roads.

"This means those projects not selected by the independent Assessment Panel will get further opportunities for funding in the future."

Expanding the Fixing Country Roads initiative is part of a wider commitment under the Rebuilding NSW Plan to inject \$4.1 billion into roads and freight infrastructure in regional NSW.

Mr Constance said today's announcement is yet another example of the NSW Government working closely with local government to improve our region.

"Eurobodalla Shire Council will soon be invited by Transport for NSW's Freight and Regional Development to attend a briefing session to arrange the payment of grants, including some additional funding from the historic high levels of funding in the roads budget, and discuss the schedule of the selected projects.

Media: Shannon Whitford – 6492 2056

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**IR15/014 FUNDING OFFER - MORUYA SHOWGROUND - STOCKYARDS**

**E13.7189**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Strategic Objective: Productive

Delivery Program Link: P1.2 Undertake advocacy activities to deliver major initiatives and infrastructure to support future growth

Operational Plan Link: P1.2.2 Develop, review and implement Economic Development and Events Strategy

**EXECUTIVE SUMMARY**

Council worked with the Moruya Showground Management Committee to secure grant funding for the Moruya Showground. The Hon Kevin Humphries MP, Minister for Natural Resources, Land and Water Minister for Western NSW has notified Council of the funding offer under NSW Government's 2014-15 Public Reserve Management Fund Program Round 2 of the Trade & Investment Crown Lands for \$10,000 for the upgrade of the stockyards at the Moruya Showground, Albert Street, Moruya. This offer has been accepted.

This funding will enable Council and the Moruya Showground Management Committee to remove and replace some external sections of the existing timber stockyards with galvanised steel.

**RECOMMENDATION**

THAT Council:

1. Endorse action taken to secure the grant of \$10,000 from Trade & Investment Crown Lands under their 2014-15 Public Reserve Management Fund Program for the removal of existing stockyards and install galvanised steel stockyards at the Moruya Showground, Albert Street, Moruya.
2. Write and thank the Minister for Natural Resources, Land and Water for notifying Council of the successful application for funding under the 2014-15 Public Reserve Management Fund Program.

**BACKGROUND**

The Public Reserves Management Fund Program provides financial support for the development, maintenance and improvement of public reserves. Public Reserves Management Fund Program funds are allocated each financial year to reserve managers through a robust assessment process. There are two rounds of the Public Reserves Management Fund Program in 2014-15 with strict eligibility requirements for each round.

Council worked with the Moruya Showground Management Committee to lodge a grant application, through Public Reserves Management Fund Program Round 2 which closed on 17 March 2014. The application was seeking funding for the removal of existing timber stockyards and to install galvanised steel stockyards at Moruya Showground.



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**IR15/014 FUNDING OFFER - MORUYA SHOWGROUND - STOCKYARDS**

**E13.7189**

**CONSIDERATIONS**

The funding offer will assist Council, the Eurobodalla District Show Society and the Moruya Rodeo Association to remove the existing timber stockyards and install galvanised steel stockyards at the Moruya Showground. This project will enable a partial replacement of the external stockyard fencing and Council will oversee management of this project with the support of two representatives of the Moruya Showground Management Committee.

The Public Reserves Management Fund Program funding offer stipulates that Council, as the Trustee of the Eurobodalla Central Reserve Trust of Moruya Showground (R580020 reserve), must resolve to either decline or accept the offer of \$10,000 in funding. Therefore, this offer of funding has been formally accepted and this report seeks Council's endorsement of the actions taken to accept this funding offer.

**Asset**

The grant will permit the partial replacement of the yards assisting the renewal of community assets.

**Economic Development Employment Potential**

The Moruya Rodeo and other events at the showground adds to the variety of entertainment within Eurobodalla, supporting the economic and social well-being of our community.

**Financial**

Council's contribution towards this project is in kind and involves design, project management and administration and therefore a separate allocation of funds by Council is not required.

**CONCLUSION**

Grant funding of \$10,000 has been offered to Council under the 2014-15 Public Reserve Management Fund Program to remove the existing timber stockyards and install galvanised stockyards at the Moruya Showground (Reserve 580020).

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**IR15/015 FUNDING OFFER - BRIDGE ASSESSMENTS**

**E00.4671**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Strategic Objective: Productive

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

Operational Plan Link: P2.1.1 Advocate for improved infrastructure and increased levels of funding

**EXECUTIVE SUMMARY**

Council has been offered a total of \$225,000 for bridge condition assessments under the NSW Government's Fixing Country Roads Program which is largely funded from Restart NSW.

The NSW Government recognises a strong regional economy is important for a strong NSW and is committed to supporting regional infrastructure projects which help get goods from 'paddock to port' more efficiently. Fixing Country Roads is about better connecting local and regional roads to state highways and key freight hubs, and is about moving freight around the State more efficiently.

**RECOMMENDATION**

THAT Council endorse the actions taken to accept the following offers of funding from the NSW Government under their Fixing Country Roads Program to assess the condition, load and capacity assessment for:

1. Six bridges on regional roads being Tomaga River Bridge, Candlagan Creek Bridge, Garlandtown Bridge, Malabar Weir Bridge, Short Beach Creek Bridge and Kianga Creek Bridge - \$150,000.
2. Four timber bridges in the Eurobodalla Road area being Crapps Bridge (Bumbo Road), Tyrone Bridge (Tuross River), Cemetery Bridge (Eurobodalla Road) and Silo Farm Bridge (Comerang Forest Road) - \$75,000.

**BACKGROUND**

Council's freight and heavy vehicle transportation management and planning requires certainty around the carrying capacity of existing timber bridges within the regional road network and the Eurobodalla Road area. There is increasing pressure upon Council, by freight transportation and other heavy vehicle users of the road network, to ensure transport efficiency and to address road safety needs.

Council is working to identify any issues and to develop proposals for grant funding applications.

**CONSIDERATIONS**

Two funding applications were lodged to the NSW Government Transport for NSW in August 2014 seeking funding to carry out bridge condition inspection and load capacity assessments on

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**IR15/015 FUNDING OFFER - BRIDGE ASSESSMENTS**

**E00.4671**

a total of ten bridges in the Shire. Six concrete bridges nominated were Tomaga River Bridge, Candlagan Creek Bridge, Garlandtown Bridge, Malabar Weir Bridge, Short Beach Creek Bridge and Kianga Creek Bridge and the four timber bridges being Crapps Bridge (Bumbo Road), Tyrone Bridge (Tuross River), Cemetery Bridge (Eurobodalla Road) and Silo Farm Bridge (Comerang Forest Road). Both applications have been successful which provides a total of \$225,000 in funding.

The key activities of bridge condition inspection and assessment, structural analysis, load rating analysis and determination of improvement options and costs for future asset improvement programs is a highly specialised field of activity. Following on from previous similar assessments, Council will procure the services of a suitably qualified consultant to undertake this task and provide the requisite advice in the form of a detailed report.

One of the key objectives of the project is to improve access to High Mass Limit (HML) transport in areas which currently do not have access to HML transport with the aim of reducing transport costs to these areas. This ensures that bridges within the road network have the appropriate carrying capacity optimising the distance required to travel to service industry with their freight needs. The transportation routes serviced by these bridge structures provide an essential link to Council's bulky goods precincts and destinations beyond the local government area.

George Bass Drive has five of the concrete bridges to be assessed. It is important that these bridges have adequate structural capacity as the route provides an alternate route for any Princes Highway (State Highway 1) closures. Local road bridges in the Eurobodalla Road area require adequate capacity to support the existing local quarry, concrete, timber, dairy and stock feed haulage industries. Depending on vehicle size and configuration, industry is sometimes limited by lack of access to HML transportation.

**Asset**

Bridge assessments will provide essential information in managing transport infrastructure assets and in managing the freight task. Information provided will be used to ensure the longevity of assets and that they have adequate capacity for current and future freight tasks.

**Economic Development Employment Potential**

The structural assessment of key bridge infrastructure will provide certainty to industry for their current and future freight needs. Knowing the load capacity of bridge structures allows the transportation industry to be innovative in developing and using efficient freight vehicles. These efficiencies ultimately flow on to the local economy through reduced charges and improved profit margins to local businesses.

**Financial**

The provision of grant funds for the carrying out of bridge condition assessment reports do not require matching funding from Council. Council's contribution will be in kind.

**CONCLUSION**

A total of \$225,000 of funding has been offered to Council for the engagement of a suitably qualified consultant to assess a total of ten bridges throughout the Shire to inspect and assess the structural load capacity and determination of improvement options and costs for future

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**IR15/015 FUNDING OFFER - BRIDGE ASSESSMENTS**

**E00.4671**

asset improvement programs. Council will procure the services of a suitably qualified consultant to undertake this task and provide the requisite advice in the form of a detailed report. This information will then be used to inform future grant applications.

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**IR15/016 FUNDING OFFERS – SHARED PATHWAYS & PEDESTRIAN ACCESS AND MOBILITY PLAN E01.5635**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Strategic Objective: Liveable

Delivery Program Link: L5.3 Provide and develop Council's shared pathway and cycleway network

Operational Plan Link: 5.3.2 Seek grant funding and partnership opportunities to develop network

### **EXECUTIVE SUMMARY**

Council has successfully secured grant funds from the Roads and Maritime Services (RMS) under the 2015-16 Active Transport Program for a number of key projects.

These include a shared pathway on Shore Street, Moruya, a shared pathway in Field Street, Narooma between Riverside Drive and Graham Street and funding for a Pedestrian Access and Mobility Plan (PAMP) from the Batemans Bay, Clyde River Bridge to Batehaven.

### **RECOMMENDATION**

THAT Council endorse the actions of staff in accepting the offers of funding from Roads and Maritime Service 2015-16 Active Transport Program as follows:

1. \$50,000 for the contribution of a shared pathway along the northern side of Shore Street, Moruya
2. \$25,000 for the contribution of a shared pathway along Field Street between Riverside Drive and Graham Street, Narooma
3. \$15,000 for the design of a Pedestrian Access and Mobility Plan from Batemans Bay to Batehaven.

### **BACKGROUND**

Council continues to provide strong support to improving pathway and cycling facilities based on the adopted Eurobodalla Shared Pathway Strategy 2010 which identifies high priority pathway projects across the Shire.

Council has progressively allocated funds towards works to address high priority pathways, including missing linkages, with a specific emphasis on pathways within villages. We have also successfully pursued grant funding and worked with community groups to accelerate pathway works across the Shire.

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**IR15/016 FUNDING OFFERS – SHARED PATHWAYS & PEDESTRIAN ACCESS AND MOBILITY PLAN E01.5635**

**CONSIDERATIONS**

**1. Shared Pathway – Shore Street, Moruya**

RMS has offered \$50,000 for the installation of a shared pathway along the northern side of Shore Street, Moruya. This will provide a safe off-road facility for pedestrians and cyclists, it will link the skate park and bowling club to the existing shared pathway on the Moruya River foreshore.

This RMS funding requires matching Council funds. A matching funding allocation of \$50,000 will be proposed within Council's 2015/16 Operational Plan budget.

**2. Shared Pathway – Field Street, Narooma**

RMS has offered \$25,000 for the installation of a shared pathway along Field Street, Narooma between Riverside Drive and Graham Street. This will provide a safe off-road facility for pedestrians and cyclists. It will link the public library and CBD area to the skatepark and foreshore park. This link will then continue on to an urban area to the south and a 10km northern off road shared pathway route to the Princes Highway and Dalmeny.

This RMS funding requires matching Council funds. A matching funding allocation of \$25,000 will be proposed within Council's 2015/16 Operational Plan budget.

**3. Pedestrian Access and Mobility Plan – Batemans Bay to Batehaven**

RMS has offered \$15,000 to investigate and prepare a Pedestrian Access and Mobility Plan (PAMP) from the Batemans Bay, Clyde River Bridge to Batehaven shops. This section of Batemans Bay is a built up urban environment and serves many visitors in peak holiday periods. The route through to Batehaven has an existing shared path along the Clyde River foreshore (next to Beach Road). Urban dwellings and commercial establishments (restaurants, clubs, tourist accommodation, and marina) exist on either side of Beach Road as well as the regional sporting complex, university and library at Hanging Rock on the route. This PAMP will provide a significant input into the review of Council's Pathway Strategy which is scheduled for review in 2015/16 year.

Council's contribution will be an in-kind contribution utilising existing in-house resources.

**Asset**

These new works contribute to the overall pathway network as identified within the Eurobodalla Pathways Strategy 2010.

**Social Impact**

The provision of shared pathways is consistent with Council's Disability Action Plan, improving accessibility.

**Economic Development Employment Potential**

The pathways proposed provide linkages to/from business and foreshore precinct supporting business and tourism activities.

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**IR15/016 FUNDING OFFERS – SHARED PATHWAYS & PEDESTRIAN ACCESS AND MOBILITY PLAN E01.5635**

**Financial**

Council is required to match the additional grant funding made available from the RMS, dollar for dollar. The matching funding required for these works is proposed within the 2015/16 budget.

These grant funds reduce the capital cost to ratepayers in providing much needed pathway infrastructure across the Shire.

The Council matching funding contributions will need to be provided for within Council's long term financial plans.

**CONCLUSION**

The success in gaining additional grant funding from the RMS is a major boost to the provision of shared pathways across the Shire.

Council has been successful in gaining \$90,000 of funding through the RMS under the 2015/16 Active Transport Program. The projects and funding allocations are as follows:

1. \$50,000 for the contribution of a shared path along the northern side of Shore Street, Moruya.
2. \$25,000 for the contribution of a shared path along Field Street between Riverside Drive and Graham Street, Narooma.
3. \$15,000 for the design of a Pedestrian Access and Mobility Plan from Batemans Bay to Batehaven.

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**FBD15/029 LICENCE FOR TAI CHI EXERCISE PROGRAMS**

**E07.1579;  
E07.1580;  
E07.1581**

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

Attachments: Nil

Strategic Objective: Support Services

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

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

**EXECUTIVE SUMMARY**

The Southern NSW Local Health District has used Corrigans Beach Reserve and Council reserves at Maloneys Beach, Tuross Head and Dalmeny to run tai chi sessions led by volunteers for a number of years. The current licences for Corrigans Beach Reserve, Maloneys Beach and Dalmeny expire on 30 April 2015 and the current licence for Tuross Head expires on 31 July 2015. The Health Service has requested further licences be granted. This report recommends further licences be granted and a donation be made in the amount of the licence fees.

**RECOMMENDATION**

THAT:

1. Council as Trust Manager for Eurobodalla (North) Reserve Trust consent to the granting of a temporary licence, in accordance with Section 108 of the Crown lands Act 1989, to conduct exercise programs on Crown Reserve R66122 at Corrigans Beach, Batehaven to Southern NSW Local Health District with a fee of \$462.00 plus GST commencing on 1 May 2015 and expiring on 30 April 2016 with terms and conditions including:
  - (a) Provision of a certificate of currency for public liability insurance in the amount of \$20 million.
  - (b) Required sessions being booked through Council's Facilities Booking Officer.
  - (c) The area occupied being left clean and tidy.
2. A twelve-month licence be granted to Southern NSW Local Health District to conduct exercise classes within Lot 245 DP 569875 at Maloneys Beach, Lot 91 DP 604795 Tuross Head and Lot 204 DP 752162 at Dalmeny with a fee of \$462.00 plus GST commencing on 1 May 2015 and expiring on 30 April 2016 with terms and conditions including:
  - (a) Provision of a certificate of currency for public liability insurance in the amount of \$20 million.
  - (b) Required sessions being booked through Council's Facilities Booking Officer.
  - (c) The area occupied being left clean and tidy.
3. A donation in the amount of the licence fees be made to Southern NSW Local Health District.



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**FBD15/029 LICENCE FOR TAI CHI EXERCISE PROGRAMS**

**E07.1579;  
E07.1580;  
E07.1581**

**BACKGROUND**

The Southern NSW Local Health District has used Corrigans Beach Reserve and Council reserves at Maloneys Beach, Tuross Head and Dalmeny to run tai chi sessions led by volunteers for a number of years.

At its meeting on 18 March 2014 Council resolved:

*THAT:*

1. *Council as Trust Manager for Eurobodalla (North) Reserve Trust consent to the granting of a temporary licence, in accordance with Section 108 of the Crown Lands Act 1989, to conduct exercise programs on Crown Reserve R66122 at Corrigans Beach, Batehaven to Southern NSW Local Health District with a fee of \$499.40 including GST commencing on 1 May 2014 and expiring on 30 April 2015 with terms and conditions including:*
  - (a) Provision of a certificate of currency for public liability insurance in the amount of \$20 million.*
  - (b) Required sessions being booked through Council's Facilities Booking Officer.*
  - (c) The area occupied being left clean and tidy.*
2. *A twelve-month licence be granted to Southern NSW Local Health District to conduct exercise classes within Lot 204 DP 752162 at Dalmeny and 245 DP 569875 at Maloneys Beach with a fee of \$499.40 including GST commencing 1 May 2014 and expiring on 30 April 2015 with terms and conditions including:*
  - (a) Provision of a certificate of currency for public liability insurance in the amount of \$20 million.*
  - (b) Required sessions being booked through Council's Facilities Booking Officer.*
  - (c) The area occupied being left clean and tidy.*
3. *A donation in the amount of the licence fees be made to Southern NSW Local Health District.*

The current licences expire on 30 April 2015 and the Health Service has requested further licences be granted.

At its meeting on 10 June 2014 Council resolved:

*THAT:*

1. *The intention to grant a twelve-month licence (with four twelve-month options) over Lot 91 DP 604795 at Tuross Head to Southern NSW Local Health District to conduct exercise classes 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 objections a further report be presented to Council for consideration.*

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**FBD15/029 LICENCE FOR TAI CHI EXERCISE PROGRAMS**

**E07.1579;  
E07.1580;  
E07.1581**

3. *Subject to no objections being received, a twelve-month licence (with four twelve-month options) over Lot 91 DP 604795 at Tuross Head be granted to Southern NSW Local Health District to conduct exercise classes with a fee of \$501.60 including GST with terms and conditions including:*
  - (a) *Providing a certificate of currency for public liability insurance in the amount of \$20 million.*
  - (b) *Booking required sessions through Council's Facilities Booking Officer.*
  - (c) *Leaving the area occupied clean and tidy.*
4. *A donation in the amount of the licence fees be made to Southern NSW Local Health District.*

The current licence expires on 31 July 2015 and the Health Service has requested a further licence be granted.

**CONSIDERATIONS**

**Legal**

Corrigans Beach Reserve is a Crown Reserve under Council's care and control as Trust Manager for Eurobodalla (North) Reserve Trust pursuant to Section 95 of the Crown Lands Act. In accordance with Section 108 of the Crown Lands Act Council as Trust Manager for the Reserve can issue a temporary licence for a period not exceeding 12 months.

In respect of the licences over the Council reserves which are classified as community land, in accordance with the provisions of the Local Government Act Council has previously advertised its intention to grant licences over a five-year period for exercise classes. No objections were received and therefore further licences can be granted.

**Asset**

The proposed activity has a very small impact on the reserves being used.

**Social Impact**

The exercise programs aimed at those older Shire residents with arthritis will assist in the wellbeing of those residents.

**Communication / Consultation**

The intention to grant licences within Lot 245 DP 569875 at Maloneys Beach, Lot 91 DP 604795 Tuross Head and Lot 204 DP 752162 at Dalmeny was advertised on Council's noticeboard page in two local newspapers seeking public submissions. No submissions were received.

**Financial**

There is no fee set in Council adopted fees and charges for conducting small exercise activities. A licence fee based on the Crown Lands statutory minimum fee for licences is considered appropriate. Council could consider waiving the fees by way of a donation in the amount of the fees as it has in previous years.

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**FBD15/029 LICENCE FOR TAI CHI EXERCISE PROGRAMS**

**E07.1579;  
E07.1580;  
E07.1581**

**CONCLUSION**

The support of the tai chi for arthritis program run by Southern NSW Local Health District is considered appropriate especially given there is a tangible public benefit and the use of the land will not negatively impact on Council's budget.

For administrative simplicity it is considered appropriate for the terms of the two licences to be aligned.

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

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

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

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

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

Nil

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

## AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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