



AGENDA

Ordinary Meeting of Council

28 June 2016

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

ON TUESDAY 28 JUNE 2016

COMMENCING AT 10.00AM

AGENDA

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

- | | | |
|------------|--|-----------------|
| 1. | WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE | |
| 2. | APOLOGIES
Nil | |
| 3. | PUBLIC FORUM (AGENDA ITEMS ONLY) | |
| 4. | CONFIRMATION OF MINUTES OF PREVIOUS MEETING | |
| 4.1 | Ordinary Meeting held on 14 June 2016 | |
| 5. | DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA
(Declarations also to be made prior to discussions on each item) | |
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| 6. | MAYORAL REPORTS | |
| 7. | NOTICES OF MOTION
Nil | |
| 8. | QUESTIONS ON NOTICE FROM COUNCILLORS
Nil | |
| 9. | PETITIONS
Nil | |
| 10. | GENERAL MANAGER'S REPORTS | |
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**DR CATHERINE DALE
GENERAL MANAGER**

**GMR16/012 ADOPTION OF REVISED DELIVERY PROGRAM 2013-17 AND
OPERATIONAL PLAN 2016-17**

E12.6254

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Delivery Program 2013-17 and Operational Plan 2016-17
2. Under Separate Cover - Fees and Charges 2016-17
3. Confidential - Submissions

Focus Area: Collaborative Communities

Delivery Program Link: C3.1 Coordinate the delivery of the Integrated Planning and Reporting Framework across the organisation

Operational Plan Link: C3.1.1 Prepare the Council's Delivery Plan and Operational Plan

EXECUTIVE SUMMARY

The purpose of this report is to seek adoption of Council's revised Delivery Program 2013-17, Operational Plan 2016-17, incorporating the Budget, Fees and Charges, and the making of the rates, water, sewer, waste, stormwater and liquid trade waste charges.

The revised Delivery Program 2013-17 and draft Operational Plan 2016-17 focus on building a sustainable future for Eurobodalla and delivering key services, key projects, capital works and infrastructure maintenance to support the community in its daily activities, economic development and employment growth.

The revised Delivery Program 2013-17 is the fourth and final year of the current Integrated Planning and reporting cycle, in line with the current Council term.

The revised Delivery Program 2013-17 and Operational Plan 2016-17 include a permanent rate variation of 6.5% (including 2.4% rate peg and cumulative for three years) on the general rate approved by the Independent Pricing and Regulatory Tribunal (IPART) on 19 May 2015.

The annual Ordinary Rates for 2016-17 are in accordance with the special rate variation limit set by IPART of 6.37%, being a 6.5% increase in ordinary rates and 2.4% increase in the Environmental levy, as contained in the table in the report. This will be spent on the second year of the community and transport infrastructure program, as advertised during the rate variation consultation process and approved by IPART.

The revised Delivery Program 2013-17 sets out the activities that Council aims to deliver in its current four year term and the measures used to track their progress. The draft Operational Plan 2016-17 shows the services, key projects, capital works and infrastructure renewals and maintenance that Council plans to deliver in the year ahead. Both plans include budgets and timeframes. The aim is to meet the needs of our community in a financially responsible way while focusing on building a sustainable future for Eurobodalla.

**GMR16/012 ADOPTION OF REVISED DELIVERY PROGRAM 2013-17 AND
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The plans were exhibited for 28 days from 27 April to 24 May. During this time Council received twelve submissions. These were considered and Council was able to support ten of the twelve submissions and fund or partially fund 9 of these within existing budgets.

The revised Delivery Program 2013-17 and draft Operational Plan 2016-17 show how we will continue to focus on improving efficiency, incorporating strategies and an achievable and quantifiable action plan to support our performance against the Fit for the Future ratios. Council will continue to work with the community to live within our means and optimise the levels of service and infrastructure delivered.

The revised 2013-17 Delivery Program and draft Operational Plan 2016-17 take into account economic, environmental and social factors, balancing short term priorities with longer term needs, developed through engaging with our community. They demonstrate that Council is committed, continuing to listen to the community and building a sustainable future.

RECOMMENDATION

THAT:

1. Council makes the annual Ordinary Rates for 2016-17 in accordance with the special rate variation limit set by IPART which is 6.37%, being a 6.5% increase in ordinary rates and 2.4% increase in the Environmental levy, as contained in the table in the report.
2. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2016-17 in accordance with the revised Revenue Policy and Fees and Charges as contained in the tables in the report.
3. Council make each fee and charge for 2016-17 in accordance with the amended Revenue Policy and Fees and Charges as attached to the report.
4. Council adopt the amended Delivery Program 2013-17 and Operational Plan 2016-17 attached to the report as per the statutory requirements and implement them from 1 July 2016.
5. Council thank the community members who made a submission and provide them with a response.

**GMR16/012 ADOPTION OF REVISED DELIVERY PROGRAM 2013-17 AND
OPERATIONAL PLAN 2016-17**

E12.6254

BACKGROUND

At its meeting on 26 April 2016, Council resolved to place the revised Delivery Program 2013-17, draft Operational Plan 2016-17, incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges for 2016-17 on public exhibition for 28 days. At the close of the exhibition period there were twelve submissions. A summary of the public submissions is provided under the Community Engagement section of this report.

A Council briefing on the submissions received to the exhibition occurred on 21 June 2016, to seek comment from Council and to address any questions regarding the documents prior to adoption.

Given the statutory requirements for Council to endorse its budget by 30 June 2016, the exhibited Delivery Program 2013-17, draft Operational Plan 2016-17, incorporating the Budget, Capital Works program, Statement of Revenue Policy and Fees and Charges for 2016-17 is reported to Council for adoption, incorporating amendments as outlined in this report.

CONSIDERATIONS

The revised Delivery Program 2013-17 and draft Operational Plan 2016-17 has been developed with the aim of building a sustainable future, in line with the Fit for the Future local government reform process. Our Delivery Program and Operational Plan will enhance Council's ability to meet ongoing Fit for the Future requirements, while maintaining our focus on meeting identified community needs and aspirations.

Legal

Integrated Planning and Reporting is a requirement of the Local Government Act 1993.

The Office of Local Government's Integrated Planning and Reporting Manual and Integrated Planning and Reporting Guidelines are comprehensive tools which have been used in the development of the revised Delivery Program 2013-17 and draft Operational Plan 2016-17. Section 404 of the Local Government Act, 1993 requires Council to have a Delivery Program to implement the strategies established in its Community Strategic Plan, within the resources available as identified under the Resourcing Strategy.

Section 405 of the Local Government Act, 1993 requires Council to have an Operational Plan which details the activities to be engaged in by the Council during the year as part of the Delivery Program. The Operational Plan must include a statement of the Council's revenue policy for the year covered by the Plan. The statement of revenue policy must include the statements and particulars required by the regulations.

Section 553 of the Local Government Act 1993 requires a Council resolution to make a rate or charge.

The following presents the rates and charges as detailed in the Revenue Policy and Fees and Charges Schedule for making.

Ministerial Advice on General Revenue Increase

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OPERATIONAL PLAN 2016-17**

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IPART approved an increase of 6.5% in the amount that Council can generate from general-purpose rate income in 2016-2017.

In accordance with Section 494 of the Local Government Act 1993, it is recommended that Council makes the following Ordinary Rates for 2016-2017:

Ordinary Rate Name	Rate (cents in \$0)	Base Charge	% of total Rate
Residential	0.2523	460.00	49.72
Business	0.9572	460.00	13.92
Farmland	0.1897	460.00	32.24
Business Inactive	0.2523		

Interest Charges on Overdue Rates and Charges

The Minister for Local Government has determined the maximum rate of interest that may be charged on overdue rates and charges for 2016-2017 will be 8.0%.

In accordance with Section 566(3) of the Local Government Act, it is recommended that Council resolves to adopt the maximum interest rate allowed.

Domestic Waste Management Charges

Council provides a waste collection and management service to the community. Waste management charges are designed to recover costs from people who actually benefit from the availability or the use of Council's waste management system.

Waste collection, management and availability charges will increase 3% to cover the cost of major capital infrastructure.

In accordance with Section 496 of the Local Government Act 1993, it is recommended that Council makes and levies the following Domestic Waste Management Charges for 2016-2017:

Domestic Waste Charge	Total Charge (\$)
Domestic waste availability charge	17.60
Domestic waste collection service charge	234.95
+Additional service 240L recycling bin	64.10
+Additional service 240L garden organics bin	64.10
Waste management charge	49.75

Stormwater Management Service Charges

In 2006-2007 Council introduced a Stormwater Charge on all developed urban properties. A special 'Stormwater Fund' was established as part of the General Fund to record and report the income and expenditure related to this charge.

Stormwater charges will remain the same.

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In accordance with Section 496A of the Local Government Act 1993, it is recommended that Council makes the following Stormwater Management Service Charges for 2016-2017:

Stormwater Management Service Charge	Total Charge (\$)
Land categorised as residential	25
Residential strata (per lot)	12.50
Land categorised as business	25 (for land up to 1050 square metres) 50 (for land 1051 to 2100 square metres) 75 (for land 2101 to 3150 square metres) 100 (for land greater than 3150 square metres) The charge for business strata is for the business divided by the number of units

Environment

In 1996-1997 Council introduced an environmental levy to provide funds to assist with the preservation and protection of the environment. A separate fund, the Environment Fund, was established for the levy to ensure that monies collected are accounted for separately from other activities of Council.

The Environment Levy will rise 2.4% in accordance with the rate variation approved by IPART.

In accordance with Section 495 of the Local Government Act 1993, it is recommended that Council makes the following environmental levy for 2016-2017:

Category	Rate (cents in \$)	Base charge	% of total rates
Environmental levy	0.01015	18.35	48.29

Water

Supplying water to the community is one of the major activities of Council. To pay for this supply, Council collects revenue from the people who benefit from the availability and use of the water supply. All consumers are charged a fixed availability charge and a water consumption charge. The charges have been balanced to maintain best practice established by the NSW Office of Water.

The water consumption charge will increase by 1.1% to maintain best practice pricing. The water availability charge will increase by 1.8% in line with the IPART rate peg amount.

In accordance with Section 552 and 502 of the Local Government Act 1993, it is recommended that Council makes the following water charges for 2016-2017:

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Water Availability		Charge (\$)
Residential connection – metered, unmetered, strata unit		294
Business and multi residential (non-strata flats)		
Meter size (mm)		Charge(\$)
20		294
25		470
32		764
40		1,176
50		1,852
80		4,704
100		7,350

Water Consumption		
Category	Usage charge	Charge (\$)
Residential and business	Meter size	3.52 per kL
A service fee of \$10 applies to all accounts 0-2kL		

Sewer

Council is responsible for the sewerage services within the Shire. Sewerage charges collect revenue from the people who actually benefit from the availability or use of Council's sewerage system.

The sewer availability charge will increase by 1.8% in line with the IPART rate peg amount

In accordance with Section 552 and 502 of the Local Government Act 1993, it is recommended that Council makes the following sewer charges for 2016-2017:

Residential	Charge(\$)
General Service – metered, unmetered, strata unit	902
Turlinjah general service (85%)	766
Dual occupancy single meter (assessed at a single 25mm availability charge)	1,443

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Business and Multi Residential (non-strata flats) Availability

Water meter size (mm)	Availability factor	Charge (\$)
20	1.0	902
25	1.6	1,443
32	2.6	2,345
40	4.0	3,608
50	6.3	5,682
80	16.0	14,432
100	25.0	22,550
vacant	1.0	902
strata	1.0	902

Category	Usage charge	Charge (\$)
Business	meter size	1.78 per kL

Special Sewer Charges

Special sewer charges were introduced for Bodalla urban residential and business areas at the rate of \$200 per assessment in 2008-2009 in order to contribute toward the cost of survey investigation and design. It was planned that once commissioned the full sewer charge would be introduced.

In accordance with Section 552 and 501 of the Local Government Act 1993, it is recommended that Council makes the following Special Sewer charges for 2016-2017:

Category	Charge (\$)
Residential general service	902
Bodalla sewer	200
Business	Meter size
Business	Trade waste

Liquid Trade Waste charges

Dependent on the type of business listed on the schedule, properties are charged a usage fee discounted by a discharge factor. The liquid trade waste discharge factor is the ratio of the volume of liquid trade waste discharged into the sewerage system divided by the volume of water consumed.

Liquid trade waste charges will increase by 1.4- 1.8% in line with the IPART rate peg amount

In accordance with Section 552 and 502 of the Local Government Act 1993, it is recommended that Council makes the following liquid trade waste charges for 2016-2017:

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Liquid trade waste annual fee	\$96.20
Liquid trade waste annual fee (large discharger)	\$516.00
Discharge	\$1.42/kL
Discharge (without appropriate treatment)	\$13.25/kL

Proposed Amendments

Ongoing council operations throughout the public exhibition period have identified a number of amendments required to the exhibited revised Delivery Program 2013-17, Draft Operational Plan 2016-17 and Budget. These have arisen primarily from the March Quarterly Review, receipt of additional grant funding, revised timing of projects and public submissions. Proposed amendments include:

March quarterly review (FBD16/033)

- Carry-forward of capital and operational projects from 2015-16 to 2016-17 due to revised project timing - \$5.07M

Endorsed projects – revised scope

- Corporate Information System project (increased scope) - \$0.9M
- Bodalla sewerage scheme (revised timing from 2016-17 to 2017-18) – (\$3.0M)

Additional projects

- Purchase of Batemans Bay Bowling Club - \$2.7M (CON16/004)
- Grey Headed Flying Fox Dispersal Program (grant funding of \$2.5M in 2015-16. Expenditure in 2016-17) - \$2.0M (PSR16/016)
- Moruya Airport Master plan redevelopment - \$2.1M (matching funds)
- Council administration building accessibility upgrade (internal lift) - \$0.27M
- Broulee to Moruya Airport Track - \$75,000 (refer to Community Engagement section)
- Central Tilba car park - \$175,000 (refer to Community Engagement section)
- Mogo Town centre car park upgrade - \$15,000 (refer to Community Engagement section)
- Toragy Headland vehicular access - to be rectified progressively using materials from other works (refer to Community Engagement section).

Deferred projects

- Moruya Showground Parking (deferred until 2017-18) - \$0.35M

Proposed amendments to the Fees and Charges 2016-17 include:

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<i>New fees</i>	
Narooma Sport and Leisure Centre <i>Boxing Ring fee - \$12.00 per hour.</i>	Internal amendment to reflect change to facility and hireable spaces.
Faxed/Emailed Diagrams/Documents <i>Faxed/Emailed Diagrams/Documents per fax or email. Over 5 documents - \$13.00.</i>	Internal amendment to clarify and differentiate cost for single and multiple units.
<i>Amended fees</i>	
Library Services: Library bags <i>Change from \$3.00 to \$1.00</i>	Internal amendment based on cost recovery.
Section 603 certificate <i>Change from \$70.00 to \$75.00.</i>	Internal amendment to rectify typographical error.
GIS/Mapping Services: Rural LEP Maps A1 set. <i>Change from 'or \$10 per sheet' to 'or \$18 per sheet'.</i>	Internal amendment to bring the cost for individual maps in line with the cost for set of maps.

The Delivery Program 2013-17 and the Operational Plan 2016-17 and Fees and Charges have been revised to reflect the above changes.

Additional minor editorial amendments to the documents have also been made to phrasing, punctuation, and so forth, as a result of further proofreading to improve the quality and clarity of the documents presented.

Asset

The revised Delivery Program 2013-17 and draft Operational Plan 2016-17 has a strong focus on sustaining community infrastructure through the renewal of assets, particularly short lived assets. Council will meet short term demand for infrastructure renewal through the second year of the three year community and transport infrastructure program of works, provided by the rate variation. This will be critical to maintain the current level of service to the community and protect long lived assets, such as road pavements, from premature failure.

The revised Delivery Program 2013-17 and draft Operational Plan 2016-17 also includes new infrastructure projects to meet demand from growth and progressively address network deficiencies. These works are, in some cases, part funded by grants.

Council will continue to work with peak bodies to advocate to the NSW and Australian governments for enhanced funding models to better support regional communities across NSW.

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Social Impact

The Community Strategic Plan (CSP) provides an overarching framework for all other Council plans and policies. The purpose of the CSP is to identify the community's priorities and aspirations for the future and plan strategies to achieve them. The Delivery Program 2013-17 and Operational Plan 2016-17 are Council's response to the Community Strategic Plan and provide a range of programs, services and infrastructure projects to meet identified community needs.

Economic Development Employment Potential

The revised Delivery Program 2013-17 and draft Operational Plan 2016-17 focus on building a sustainable future for Eurobodalla and delivering key services, key projects, capital works and infrastructure maintenance to support economic development and employment growth.

Attracting people to live, work, invest and visit Eurobodalla will be supported by the implementation of the Integrated Economic Growth and Development Strategy, which will include a focus on providing, renewing and maintaining assets and infrastructure, managing environmental change, planning for sustainable development and growth in population, business and tourism.

The revised Delivery Program 2013-17 and draft Operational Plan 2016-17 sets out the activities that support Council's role in helping to grow the local economy and employment potential.

The activities will support Council to:

- advocate for funding for major projects, and legislation to support growth
- provide and maintain public infrastructure
- promote tourism and provide visitor services
- promote and support business investment and employment growth
- partner with business and industry to attract funding and investment
- provide support services, networking and training opportunities
- partner with industry to develop opportunities for job growth
- provide opportunities for cadetships, apprenticeships and work experience.

Financial

The Delivery Program must inform and be informed by the Resourcing Strategy which includes the 10 year Long Term Financial Plan (LTFP), Asset Management Strategy (and Asset Plans) and four year Work Force Management Plan. Financial estimates of the income and expenditure for the four year period are included in the Delivery Program in line with the activities. Budget forecasting outside of this four year period is provided by the LTFP.

The Operational Plan must include a detailed budget for the activities to be undertaken in that year.

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Community Engagement

Council seeks the community's views through formal and informal engagements and considers these views in the context of the legal, financial and policy environment of the Australian and NSW Governments.

In line with Council's Community Engagement Policy (2013), plans for engaging the community about the revised Delivery Program 2013-17 and draft Operational Plan and budget 2016-17 were based on the Public Participation Spectrum that is advocated by the International Association for Public Participation (IAP2).

The revised Delivery Program 2013-17 and draft Operational Plan 2016-17 are assessed as having a high level of impact to all of Eurobodalla because they:

- propose how shire-wide activities and services will be delivered
- may have significant impact on the whole or a large part of Eurobodalla
- may have a high degree of community interest
- require significant expenditure and may require significant reallocation of resources.

The goals for engaging the community on the revised Delivery Program 2013-17 and draft Operational Plan 2016-17 were to:

- give the community the opportunity to review the program and plan, and to provide their feedback to Council through a 28 day public exhibition, noting that the 28 day period meets Council's legal timeframes which requires this to be endorsed by 30 June 2016
- provide the community with information and opportunities to ask questions, provide feedback and make submissions about the revised Delivery Program 2013-17 and draft Operational Plan 2016-17.

Council engaged the community from 27 April to 24 May 2016 by:

- making the Delivery Program 2013-17 and draft Operational Plan and budget 2016-17 available for the community to read on Council's website, in Eurobodalla's three libraries, and at the Customer Service Centre in Moruya
- informing the community about the public exhibition and inviting the community to have their say through information on Council's website, Eurobodalla News - Council's online newsletter, social media, media release and advertisement in local newspapers
- receiving and referring all community submissions to Council for consideration, prior to any final decisions being made

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A total of twelve public submissions were received during the exhibition period. These submissions raised eleven projects for consideration which are outlined below with the staff response.

Submission	Response
Toragy Headland: Request to formalise vehicular access and carry out restoration works	Supported within existing budgets. Council will establish vehicular access with recycled pavement materials from other works.
Batemans Bay cemetery: Request ongoing funding of the improvement program	Supported within existing budgets. Council has allocated a further \$42,175 in the 2016-17 Operational plan for continuation of the program.
Corrigans Reserve Inclusive Playground: Request for additional \$100,000 funding	Partially supported within existing budgets. Council has allocated \$36,000 within existing budgets to further progress this project.
Broulee to Moruya Airport Track: request completion of last 1.7km section of the track and offer contribution of \$25,000 to assist in construction. (Two submissions were received for this project).	Supported within existing budgets. Council will allocate \$50,000 in funding to fund the \$75,000 project.
Durras Boat Ramp toilet: Request toilet is included in works at Durras Boat Ramp. Durras Drive/Headland footpath: Request construction of 100m link between existing shared pathway and bridge footpath to headland carpark.	Supported. A small toilet will be constructed as part of the funded works at Durras Boat Ramp in 2017-18. Referred to Pathways Strategy review for consideration.
Mogo Town Signs: Request upgrade of existing town signs.	Supported in principal. While council is not in a position to offer funding at this point in time we can offer assistance with sourcing quotes and installation.
Central Tilba carpark: request carpark in Central Tilba. (One petition and two submissions were received for this project).	Supported. Council will allocate \$175,000 to fund the project.
Moruya North Head to Moruya Town centre Track: Request feasibility study be undertaken	Not supported. Preliminary estimates indicate the suggested project is not physically feasible.
Montague Arts & Craft Society: Request continued funding for use of Narooma School of	Supported within existing budgets.

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Arts.	Council has allocated a further \$6,000 in the 2016-17 Operational plan for continued funding.
Mogo town centre improvements: Request improved accessibility, parking and toilets in Mogo town centre.	Partially supported. Council will allocate \$15,000 to fund an upgrade to town centre parking. We are unable to support development of new toilet facilities within the town centre as no appropriate land is currently available.

Where possible the supported submissions are proposed to be funded within existing budgets or by grants or contributions from community. The additional cost of inclusion of the above supported public submissions in the Operational plan 2016-17 is \$0.175M which was required for the Central Tilba carpark.

Inclusion of the above supported public submissions required the deferral of the Moruya Showground carpark. As discussed with the Showground Management Committee, this will permit revision of the Showground master plan in close consultation with the Management Committee and community. This proposal includes the Moruya golf club moving to their sheds to their own land. The aim would be to complete the master plan and detailed design of the car park in 2016-17 and construct the car park in the first half of 2017-18. This would permit the car park to be ready for the 2018 rodeo and show.

CONCLUSION

Council is required to adopt the revised Delivery Program 2013-17, draft Operational Plan 2016-17 incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges by 30 June 2016. All draft documents will be updated and uploaded to Council's website following any resolutions from 28 June 2016 Council meeting that impact the documents.

PSR16/018 REZONING AND RECLASSIFICATION OF ALBERT RYAN PARK

E16.0196

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

Attachments: 1. Albert Ryan Park proposal map
2. Under Separate Cover - Submissions Summary
3. Under Separate Cover - Confidential - Submissions

Focus Area: Liveable Communities

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

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

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council on 12 April 2016, Council resolved in part to consult with the community prior to any preparation of a formal planning proposal to rezone and reclassify community land known as Albert Ryan Park in Beach Road, Batemans Bay. The purpose of this consultation was to gauge community attitude to the idea of disposing of the subject land.

The proposal was placed on public exhibition and a meeting arranged with adjoining owners. The overwhelming majority of the submissions received during the exhibition period were opposed to the proposal. Prompted by community feedback, an examination of the land dating back to 1974 shows that the land is under Council care and control, not ownership.

Given that the intent of the Council resolution of 12 April 2016 was to seek community views before considering whether to proceed, and community views have been overwhelmingly opposed to proceeding, it is recommended that Council not proceed with the proposal.

This report informs councillors of the outcome of the consultation and a recommendation to finalise consideration of the proposal.

RECOMMENDATION

THAT:

1. Council resolves to not proceed with the proposal to amend the *Local Environmental Plan 2012* (LEP) to rezone and reclassify Lots 10 and 11, DP 236342, being part of Albert Ryan Park, Beach Road, Batemans Bay.
2. Council thank all those who made submissions for their contribution.

BACKGROUND

The subject land is currently zoned RE1 Public Recreation, has frontage to Beach Road and is located between the Batemans Bay town centre and R3 Medium Density land starting at the corner of Pacific Street and Beach Road. The land commands excellent water views and is a short, flat walk to the town centre.

PSR16/018 REZONING AND RECLASSIFICATION OF ALBERT RYAN PARK

E16.0196

The land is currently under utilised with primary use currently being the housing of a public toilet and overnight camping. The Recreation and Open Space Strategy (2010) recommended that the toilets be investigated for disposal and the Public Toilet Review (2015), adopted by Council on 12 May 2015, recommended that the public toilets on the land be decommissioned.

The adjoining lot on the corner of Pacific Street and Beach Road is zoned R3 Medium Density and is currently being marketed for sale and has potential to be redeveloped to provide residential units.

In light of this and an enquiry received by Council in regard to the marketed site, staff commenced the assessment of the current and potential use of the Council owned land. This assessment highlighted the potential to rezone and reclassify the majority of the land to enable its sale and development for residential units or tourist and visitor accommodation. The residue of the land could be held as a public reserve to retain the existing access from High Street to Beach Road and to retain existing trees to maintain an enhanced urban landscape.

Councillors were briefed on 15 March 2016 and a report was submitted to Council at its Ordinary Meeting on 12 April 2016. Council resolved in part to proceed with initial consultation prior to the preparation of a planning proposal to rezone and reclassify Lots 10 and 11, DP 236342, being part of Albert Ryan Park, Beach Road Batemans Bay.

CONSIDERATIONS

The land is identified as Lots 10 and 11, DP 236342, is currently zoned RE1 Public Recreation and is classified as community land. The attachment to this report shows the location of the land. If the sale of the land was to proceed, Council would need to undertake a Local Environment Plan (LEP) amendment by way of a planning proposal to rezone and reclassify the land. This process would include the normal community consultation undertaken with an LEP amendment and in addition, a public hearing would be held by an independent person appointed by Council who would then report to Council on the outcomes of the hearing.

A submitter has stated that Council has conducted an illegal consultation process as the process did not comply with the Department of Planning and Environment's publications, A Guide to Preparing Planning Proposals and A Guide to Preparing Local Environmental Plans (NSW Department of Planning, October 2012). These documents establish the guidelines for preparing planning proposals to amend an LEP to rezone and reclassify the park. This claim is incorrect as evidenced by the Council resolution on 12 April 2016 "...to proceed with initial consultation **prior** to the preparation of a planning proposal..." which clearly distinguished the two processes.

The process to date has not been a formal process as Council intended to obtain community attitudes to the idea of disposing of the land. The purpose was to establish whether the proposal was worth allocating the resources to a formal planning proposal and associated legal processes. As such the consultation conducted was not bound by any legislative rules.

Several members of the community have made the claim that the land was dedicated as a park to the people of Batemans Bay by Albert Ryan, a former Councillor from 1954-1959. There is no historical evidence to support this claim. Albert Ryan was part of a family of timber cutters

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E16.0196

and saw-millers from East Lynne but had settled in Batemans Bay and held an oyster lease. He bought land on Pacific Street on which he built and lived in 'Ocean View House' which he later sold to the Innes family. This perhaps the source of the misunderstanding.

The land had been established as a park by the then NSW Department of Main Roads (DMR) when it decommissioned the depot that had operated there. In recognition of Albert's service to the community, the Innes family nominated the new park to be named after Albert.

Prompted by community feedback, further examination back to 1974 showed that Council may not own Lots 10 and 11. While Council's land information system indicated Council ownership, submitters identified that Council did not own Lot 10 as this lot was owned by the NSW Roads and Maritime Services (RMS). Council staff have raised this issue with the NSW RMS. Their initial advice is that NSW RMS should own both Lots 10 and 11 and that the title to Lot 11 was transferred to Council by the Land Titles Office in error in 1974. NSW RMS are still to formally confirm the ownership status. The land is under the care and control of the Council.

Given that the intent of the Council resolution of 12 April 2016 was to seek community views before considering whether to proceed, and community views have been overwhelmingly opposed to proceeding, it is recommended that Council not proceed with the proposal.

Legal

The *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993* require the approval of a planning proposal to rezone and reclassify the land. If a planning proposal were to be prepared, it would be in accordance with the Department of Planning and Environment's publications, *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans* (NSW Department of Planning, October 2012). As it is recommended that the land not be rezoned and reclassified this process would not proceed.

Social Impact

Submissions have suggested that disposal of the land would result in a negative social impact due the loss of open space.

Community Engagement

The proposal was placed on public exhibition from 18 April to 3 June 2016. The community was informed through a public notice in the local papers, a media release and direct mail to adjoining owners, the Batemans Bay Chamber of Commerce and the Clyde River and Batemans Bay Historical Society. Adjoining owners and the Batemans Bay Chamber of Commerce were also invited to meet with Council staff on 6 May 2016.

Submissions

Sixty-eight submissions were received during the exhibition period.

- Two submissions supported the proposal on the condition that their views were not reduced.
- One suggested that only a small part should be sold
- The overwhelming majority are opposed to the proposal.

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The issues raised included:

- Loss of green space, parks and recreation area
- Loss of trees and habitat for wildlife
- Loss of aesthetic attraction of the area
- Loss of views for adjoining owners
- Loss of parking for the long recreational vehicles with access to public toilets
- The park and toilets are not underutilised but are well-used by walkers, tourists, commercial travellers, etc
- The loss of another park will deter tourists from visiting the area
- Additional noise from the additional units
- Traffic impacts from the additional units
- Risk to the housing above through destabilisation of the cliff
- Do not need additional shops or holiday accommodation in Batemans Bay. The local residential unit market is already saturated
- The park is part of Batemans Bay's heritage relating to Albert Ryan
- The park has been an Aboriginal meeting place in the past and this should be recognised and respected
- Land is subject to coastal hazards so cannot be used for residential housing.
- Contrary to the recommendations in the Recreational and Open Space Strategy (ROSS)
- Council should be using the recent rate rises and not community land to fund infrastructure
- Sell other unused land that was rezoned and reclassified as a result of the ROSS
- No compelling evidence that there is a need to sell the site. Green space, picnic areas and public toilets are "a higher and better use"
- Park should be upgraded and not sold
- Conflict of interest – a councillor's family could benefit from the "new road" to High Street
- Public consultation process is illegal as it doesn't comply with the Act with regard to planning proposals to amend the LEP

One submission proposed that the larger of the two lots proposed for sale (Lot 10) be retained as park while the smaller lot (Lot 11) be sold. This smaller lot adjoins the privately owned Lot I DP 522199 which is currently for sale.

Another submission raised the question of ownership of the land and Council's freedom to dispose of them. RMS are still to formally confirm the ownership status.

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A copy of each submission is contained in the confidential attachment to this report. Also attached to this report is a summary of the submissions.

During the exhibition period adjoining owners and the Batemans Bay Chamber of Commerce were invited to meet with Council staff to discuss any concerns. Approximately 30 people attended the meeting on 6 May 2016. There was no support for the proposal from the attendees.

CONCLUSION

On 12 April 2016, Council resolved in part to proceed with initial consultation with the community prior to the preparation of any planning proposal to amend the *Local Environmental Plan 2012* (LEP). The purpose of the consultation was to gauge community attitude to the idea of disposing of the subject land.

The submissions received to this initial consultation have been overwhelmingly opposed to proceeding any further. Having considered the submissions, it is recommended that Council not proceed with the proposal.



Albert Ryan Park proposal

PSR16/019 WAGONGA INLET, KIANGA AND DALMENY FLOOD STUDY

E11.5377

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

Attachments: 1. Under Separate Cover - Attachment: Wagonga Inlet, Kianga and Dalmeny Flood Study

Focus Area: Sustainable Communities

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

Operational Plan Link: S5.5.3 Narooma Coastal Inlets Flood Studies

EXECUTIVE SUMMARY

This report provides Council with the final draft of the Wagonga Inlet, Kianga and Dalmeny Flood Study (the flood study). Specialist consulting firm WMA Water, was engaged to prepare a flood study for the coastal inlets of Narooma. The inlets included in the study are:

- Wagonga Inlet
- Kianga Lake
- The Duck Pond
- Mummaga Lake.

The study included an examination of existing flood behaviour, specifically examining previous flood events. Council's adopted projections for sea level rise were also applied to examine flood behaviour under projected conditions of climate change.

The study was endorsed by Council for exhibition on 9 June 2015 and placed on public exhibition from 15 June to 24 July 2015.

The final draft flood study presents modelled results for a range of flood probabilities. The 1% flood event is the standard probability applied for residential planning. This event is recommended by the NSW Government in the NSW Floodplain Development Manual 2005 (p K-4).

Flood planning levels modelled by the existing flood study have decreased in three of the four catchments studied, compared to existing flood planning controls. This is a result of site specific investigations, accurate modelling and a detailed consideration of estuarine dynamics in projecting the impacts of sea level rise.

This report recommends adopting the flood study and replacing the existing Investigation Area mapping, contained within the Interim Coastal Hazards Adaptation Code, with the site specific flood mapping produced by the flood study.

An application for funding has been made to the Office of Environment and Heritage to support progression to Stages 2 and 3 of the floodplain management process. These stages will identify options to mitigate the flood risk in each of the catchment areas.

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RECOMMENDATION

THAT Council:

1. Adopt the Wagonga Inlet, Kianga and Dalmeny Flood Study.
2. Replace the existing Investigation Area mapping contained within the Interim Coastal Hazards Adaptation Code with the site specific flood mapping produced by the Wagonga Inlet, Kianga and Dalmeny Flood Study.
3. Review and amend where necessary planning certificates issued under section 149 of the *Environmental Planning and Assessment Act 1979* to reflect the updated flood information.
4. Apply flood planning levels determined by the Wagonga Inlet, Kianga and Dalmeny Flood Study to individual development applications.
5. Council thank all those who made submissions for their contribution.

BACKGROUND

The flood study is Stage 1 of the floodplain management process. Stage 1 is a technical study only; it does not recommend management options to reduce flood impacts. Council's adopted projections for sea level rise were applied to examine flood behaviour under projected conditions of climate change.

Extensive consultation with the community occurred during the preparation of the flood study. This included direct mail outs, community surveys and public workshops. The draft study was endorsed by Council for exhibition on 9 June 2015 and placed on public exhibition from 15 June until 24 July 2015. The exhibition was supported by additional public workshops and mail out surveys. The Coast and Environment Management Advisory Committee was presented with the final draft at the meeting held on Thursday 7 April 2016.

As a result of the exhibition and submissions, valuable information was received which prompted additional work on calibrating the flood model. The final draft flood study has considered the additional information received from the community and the results for the 2010 flood event have been recalibrated accordingly.

CONSIDERATIONS

The community provided significant new information and photographic evidence of recent flood events during the exhibition period. The consultants undertook an additional site inspection with Council staff and residents of the Mummaga Lake area, at no cost to Council. Actions completed following exhibition of the draft flood study were:

- Senior Council staff, consultants and the Executive Director of WMA Water met with two community members on 19 July 2015 to inspect flood marks identified from photographs in the Dalmeny area.

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- Survey levels were taken by Council surveyors of photographed flood levels at various locations around Dalmeny to confirm the height of the 2010 flood event.
- A review of the 2010 model was undertaken based on additional information (photographs and survey levels).

The additional information provided by community members during the exhibition period relates primarily to the 2010 flood event in Dalmeny. The model was therefore recalibrated for this event. An additional calibration run was prepared for the 2014 flood event at the request of the community.

Results

The recalibration of the 2010 flood event determined the first model runs had initially over-estimated the amount of rainfall that occurred in the western catchment of Mummaga Lake. This was a result of there being limited recording stations in the area and of those stations that were available, many were widespread.

The consultant received updated information following the exhibition of the draft flood study. This information included additional photographs and oral accounts of the flood which occurred in 2010.

From this additional information the consultant was able to recalibrate the flood model, particularly the pattern of rainfall, by adjusting the model to direct more of the total rainfall on the coast and less towards the inland. This resulted in a closer match to the information provided by residents. It was concluded the 2010 event was dominated by very intense, localised rainfall bursts on the coast. This was supported by the oral accounts of residents and data from the rainfall radar located at Bungendore. Table 1 below (table 23 from the final draft flood study) presents the correlation between the surveyed flood marks made by residents and the final modelled calibration of the 2010 flood.

Table 1: 2010 model calibration against surveyed 2010 flood levels

Location ID	Location Address	Surveyed Observed Flood Level (m AHD)	Modelled Peak Flood Level (m AHD)	Difference (m)
45	Dalmeny – Pedestrian bridge	Below 2.21 (top of timber board)	1.85	Correlated
42	Dalmeny – Mort Ave Fire Station	2.08	2.17	+ 0.09
46	Tatiara Street	2.11	2.17	+ 0.06
47	Mort Avenue*	2.14	2.16	+0.02
48	Myuna Street	Below 2.38	2.18	Correlated
49	Myuna Street	Above 2.01	2.18	Correlated
50	Old Jetty Handrail	Above 1.90	2.18	Correlated

In short, the 2010 flood model now matches the actual flood levels and extent observed by the local community, thereby confirming the accuracy of the model.

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It is important to recognise that while the modelled 2010 event flood levels were reduced to match the actual 2010 flood levels, this had no bearing on the flood levels modelled for the 1% flood event. This is because the amount of rainfall for a 1% event is determined by the Australian Rainfall and Runoff Guidelines (Engineers Australia) which are input into the model, resulting in an output flood level. The calibration runs are undertaken to ensure the model can most accurately predict catchment conditions such as urban features, bushland and rainfall loss due to infiltration. Referencing catchment response to a known event will help to predict how the catchment will respond to a modelled 1% event.

The difference between the volumes of water for a modelled 1% event and the estimate for the 2010 event give a good indication of why the 1% AEP flood levels are significantly higher than the 2010 event.

Overall catchment runoff volume:

- 2010 – 9,356,612 m³
- 1% AEP – 23,285,149 m³

Catchment Average Rainfall (area weighted average of total rainfall depth across entire catchment):

- 2010 – 385 mm
- 1% AEP – 463 mm

As can be seen from the sheer volume of water, the 1% AEP is significantly more water than the 2010 event.

Results for the modelled 1% event are presented in Table 2 below. The results from the flood study are lower than the planning levels currently applied in the target catchments. The only exception is Kianga Lake where flood planning levels have increased by 38cm.

Table 2: comparison of flood study model results with existing flood planning levels

Location	Flood Planning Levels			Proposed Flood Planning Levels			Difference
	Flood Level	Free Board	Sea Level Rise (0.34)	Flood Levels	Free Board	Sea Level Rise	Proposed (-) Existing
Narooma Flat	2.2	2.7	3.04	2.1	2.6	2.94 (0.34)	-0.10
Kianga	2.8	3.3	3.64	3.4	3.9	4.02 (0.12)	+ 0.38
Dalmeny:							
• Footbridge	2.8	3.3	3.64	2.8	3.3	3.39 (0.09)	-0.25
• Mort Ave Crossing Spring Creek	3.0	3.5	3.84	2.9	3.4	3.49 (0.09)	-0.35
• Tatiara Street	2.8 - 3.1	3.3 - 3.6	3.64 - 3.94	3.0	3.5	3.59 (0.09)	-0.05 to - 0.35

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The reasons for the differences can be explained as follows:

- No previous studies existed for Mummaga Lake and Kianga.
- Previous flood levels applied in Dalmeny and Kianga were based on advice from the NSW Government.
- The advice was based on engineering judgement and experience with similar waterways in New South Wales.
- Kianga levels were based on elevated ocean water levels only, with no catchment flooding.
- The new levels for Kianga include ocean inundation, catchment flooding and sea level rise.
- Wagonga levels reflect better computer models than applied by the previous study.
- Site specific studies have allowed for more accurate assessment of sea level rise, which has resulted in reduction of the sea level rise component of flooding at all waterways, except Wagonga where the trained entrance creates better tidal exchange.

With the exception of Kianga, lower interim flood planning levels can be applied across the Narooma area as a result of completing stage 1 of the floodplain management process.

Legal

The primary responsibility for land use planning and flood risk management rests with a local council. Councils must plan for and manage flood prone land and the preparation of a flood study is an important step in the process of executing these responsibilities.

A council is exempt from liability under section 733 of the *Local Government Act* for decisions relating to flood risk management that are made in good faith and in accordance with the best available information. Preparation of a flood study in accordance with the manual relevant at that time, currently the Floodplain Development Manual 2005, is a means of providing information to support exemption under section 733. The Wagonga Inlet, Kianga and Dalmeny Flood Study has been prepared in accordance with the NSW Floodplain Development Manual 2005.

A planning certificate issued pursuant to section 149(2) of the *Environmental Planning and Assessment Act 1979*, is required on contracts for land sale and must provide information relating to whether Council has a policy relating to restrictions on development, including flooding. For the purposes of providing such advice, a council must not apply development restrictions for flooding above the 1% flood planning area. This flood study will provide Council with more accurate information to determine the flood planning area and subsequent advice noted on planning certificates.

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Policy

There is currently no uniform flood code for the Narooma area. Advice relating to flood planning levels is provided on the basis of the estimates provided by the NSW Government, the Wagonga Inlet Flood Investigation (2002) and estimates of sea level rise based on Council's adopted projections. The flood planning levels determined by this draft study will be applied to individual development applications. Planning periods will be applied in accordance with Council's adopted Interim Coastal Hazards Adaptation Policy in concert with a merit based development assessment process.

There is no impact on the existing entrance management policy for Kianga Lake.

Longer term strategic planning will be guided by the preparation of a flood risk management study and plan which is the subject of a current funding application.

Social Impact

Flooding can present a risk to life in addition to causing significant damage to property, businesses and infrastructure. Appropriate management of the floodplain can help to reduce the potential for flood loss, however loss can still occur regardless of the management options applied.

Economic Development Employment Potential

The application of the NSW Flood Policy ensures controls facilitate appropriate economic use of the flood plain. The flood study will inform the application of controls to facilitate appropriate commercial development within the study area. This will include identification of land for future development, application of appropriate flood planning levels for commercial properties and the assessment of development applications based on the merit of the intended use, anticipated risk and the scope of ongoing loss from flood damage. Reduced free board (eg, 300mm) and a 5% AEP flood event will be applied to commercial development as a result of the information provided by the draft study. This will be consistent with the approach that is currently applied in the commercial areas of Moruya.

Community Engagement

Council informed the community through: information on Council's website, Online News, 'Living in Eurobodalla' residents newsletter, posts on Council's Facebook and Twitter pages, the distribution of a printed fact sheet and survey at the local library and shopping centre, writing to residents, advertising on Council's 'Noticeboard' page in two local newspapers, and the circulation of media releases.

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Council consulted with the community through a public exhibition from 15 June to 24 July 2015 via publication of the flood study on Council's website and at the Batemans Bay, Moruya and Narooma library and Moruya customer service centre. Three loan copies were made available at each of the libraries listed. Three community information sessions were held by Council and the consultants during the exhibition period:

- 8 July (evening - general public)
- 9 July (morning - businesses)
- 9 July (day - general public).

A total of seven submissions were received from the following areas:

- Wagonga Inlet: one (not Narooma Flat)
- Kianga Lake: zero
- The Duck Pond: one
- Mummaga Lake: five.

The district office of the National Parks and Wildlife Service will be provided with a copy of the flood study. The agency will be invited to participate in Stages 2 and 3 of the flood management process as a consequence of having responsibility assigned for management of the entrance to Mummaga Lake.

In addition to the comments above, one member of CEMAC raised concerns on the following issues:

- 1% AEP is much higher than the levels observed in the 2010 event.

The 2010 event was not a 1% AEP event. Refer to figures presented above.

- ESC road creates backwater flooding and the culverts are inadequate to prevent flooding

The consultants investigated the impact of culverts on flood levels by running a range of culvert function scenarios (blocked vs unblocked). It was determined the function of the culverts tested has limited impact on flood levels of a 1% AEP event.

- National Parks and Wildlife Service (NPWS) creates flooding by not applying entrance management policy.

Council supports NPWS implementing their entrance policy for Mummaga Lake. The modelling shows implementing the policy will reduce the duration of flooding during smaller events; however, entrance conditions will not influence the floods levels of larger events. The concern expressed was in NPWS not implementing their policy. As a follow up, Council staff will contact NPWS alerting them to this community concern and requesting that NPWS do implement entrance management in accordance with their policy.

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CONCLUSION

The Wagonga Inlet, Kianga and Dalmeny Flood Study is complete. The study was prepared through the delivery of a thorough community consultation process that provided additional valuable information to inform the final calibration results. This report recommends the flood study be adopted. An additional recommendation proposes to replace the Interim Coastal Hazards Adaptation Code Investigation Area mapping for Narooma Flat, Kianga and Dalmeny with the more accurate mapping determined by the flood study.

Planning certificates issued pursuant to section 149 of the *Environmental Planning and Assessment Act 1979* will be altered to reflect the lower flood levels identified by this study.

Respective flood events and considerations for freeboard to determine flood planning levels for residential and commercial developments within the study area have been proposed.

An application to the NSW Floodplain Management Program has been forwarded to support progression to Stages 2 and 3 of the floodplain management process. These stages will identify and recommend actions to mitigate the risk from flooding in the Narooma area. These actions may include planning controls and works projects to assist with avoiding and managing the risk.

PSR16/020 DRAFT COASTAL ZONE MANAGEMENT PLAN - WHARF ROAD NORTH BATEMANS BAY E12.6263

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

Attachments: 1. Under Separate Cover - Draft Coastal Zone Management Plan Wharf Road North Batemans Bay

Focus Area: Sustainable Communities

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

Operational Plan Link: S5.5.4 Batemans Bay Regional Waterways Infrastructure Plan

EXECUTIVE SUMMARY

Council was briefed on 5 April in respect of the Ministerial Directive issued under Section 55B of NSW *Coastal Protection Act 1979* (the Act) instructing Council to prepare a Coastal Zone Management Plan for the coastal erosion “hotspot” at Wharf Road, Batemans Bay. A further briefing was presented on 3 May 2016.

The draft Wharf Road Coastal Zone Management Plan (CZMP) was prepared and then endorsed for exhibition at the Ordinary Meeting of Council on 10 May 2016. The draft CZMP was placed on exhibition on 16 May 2016 for 21 days in accordance with s55E of the *Coastal Protection Act 1979* (the Act).

The exhibition was supported by a mail out to affected property owners, advice in the Public Notices and availability of the plan at our libraries, Moruya Administration Centre and on our website. No submissions were received from the community in response to the exhibition.

The report is recommending adoption of the CZMP and submission to the Minister for Planning and Environment seeking certification.

RECOMMENDATION

THAT Council:

1. Adopt the draft Coastal Zone Management Plan - Wharf Road North Batemans Bay.
2. Submit the adopted CZMP to the Minister for Planning and Environment for certification.

BACKGROUND

Wharf Road has previously been identified by the NSW Government as a coastal erosion ‘hotspot’ and is subject to a Ministerial Directive issued pursuant to section 55 of the *Coastal Protection Act 1979* (the Act) to prepare a Coastal Zone Management Plan (CZMP). Council has previously been briefed on this matter; most recently on 5 April 2016. Council had intended to incorporate the ‘hotspot’ beach into a combined Coastal Management Program (CMP) for Eurobodalla Shire (Report 013/88, 28 May 2013).

**PSR16/020 DRAFT COASTAL ZONE MANAGEMENT PLAN - WHARF ROAD
NORTH BATEMANS BAY**

E12.6263

With the transition under the NSW coastal reforms to prepare coastal management programs, it has been the intent of Council to include the Wharf Road 'hotspot' in the Eurobodalla Shire wide CMP. To do this, Council requires the approval of the Minister to proceed and to lift the section 55 Directive. Given the Minister had not previously lifted the section 55 Directive, Council was briefed on 5 April 2016 in respect to the Ministerial Directive issued pursuant to section 55B of the Act instructing Council to prepare a CZMP for the coastal erosion 'hotspot' at Wharf Road, Batemans Bay.

Following the 5 April 2016 briefing, the Wharf Road hotspot has been separated from the remaining coastline to allow a CZMP for the Wharf Road 'hotspot' to be prepared, while also progressing with the Eurobodalla Shire wide CMP under the new coastal management process. The draft Wharf Road CZMP was prepared and then endorsed for exhibition at the Ordinary Meeting of Council on 10 May 2016. Consultation with the community occurred during the exhibition period from 16 May until 6 June 2016.

The draft CZMP drew on existing Council reports, being:

- Batemans Bay Coastline Hazard Management Plan (Webb McKeown & Associates Pty Ltd, November 2001)
- Wharf Road Coastal Hazard Assessment and Hazard Management Plan (BMT WBM, 2008)
- Emergency Action Sub-Plan for Wharf Road (Umwelt (Australia) Pty. Ltd., 2012).

These reports recommended the following actions be implemented:

- Re-zoning the land to recognise the risk from coastal hazards
- Approaching the NSW Government to purchase the land for public access.

Based on these recommendations, Council zoned the subject land E2 in the *Eurobodalla Local Environmental Plan 2012*. This action effectively precluded additional development of the site, thereby managing the hazards. Council has previously approached the NSW Government, on behalf of landowners, to purchase the site. This action has again been supported under the draft CZMP and Council will again approach the NSW Government to provide funding to purchase the land.

The draft CZMP now recommends 3 key actions:

1. Approach the NSW Government to purchase the areas of beach.
2. Protect public infrastructure through works or future relocation.
3. Clean up the public reserve adjoining Wharf Road.

The draft CZMP does not propose any actions in addition to recommendations from previous reports or current management strategies applied by Council. These current management actions have been in place since 2012 and will not change under the draft CZMP. The draft CZMP simply re-states the current actions of Council that have been adopted for the site and supported through a Statutory Planning Instrument.

The actions associated with the public reserve and infrastructure will have no impact on the entitlements of the adjoining private land owners.

**PSR16/020 DRAFT COASTAL ZONE MANAGEMENT PLAN - WHARF ROAD
NORTH BATEMANS BAY**

E12.6263

CONSIDERATIONS

If adopted by Council, the completed CZMP will be submitted to the Minister for Planning and Environment for Certification and Gazettal to satisfy compliance with the existing Act. The minimum requirements to meet Certification include a record of public exhibition, the issues raised and how each issue was considered.

Legal

A Ministerial Directive was issued under Section 55B of NSW *Coastal Protection Act 1979* (the Act) instructing Council to prepare a Coastal Zone Management Plan for the coastal erosion “hotspot” at Wharf Road, Batemans Bay. This CZMP has been prepared in accordance with the current 2013 Guidelines for preparing a coastal zone management plan and thereby will satisfy the conditions of the Ministerial Directive.

The draft CZMP was exhibited for 21 days in accordance with s55E of the Act. No submissions were received.

Policy

The site has been identified as being at immediate risk from coastal erosion therefore no development is permitted at the site in accordance with the Interim Coastal Hazards Adaptation Code 2015.

Environmental

The draft CZMP recommends purchasing the land for the purpose of regeneration the site to encourage public access. Current actions independent of the successful acquisition of private lands include cleaning up and regenerating public land currently under Council’s control.

Social Impact

The CZMP recommends purchasing private land at the site. This will facilitate ongoing public access and ownership of the beach and intertidal areas.

**PSR16/020 DRAFT COASTAL ZONE MANAGEMENT PLAN - WHARF ROAD
NORTH BATEMANS BAY**

E12.6263

Financial

The actions are dependent upon a successful approach to the NSW Government to assist with the purchase and transfer of the land into public ownership. This can be done following completion of the Eurobodalla CZMP which will allow council to make strategic decisions in relation to the allocation of resources across the whole Eurobodalla coastline.

Community Engagement

We informed the community through providing information on Council's website, writing directly to residents and advertising on Council's noticeboard page in two local newspapers. Community feedback was sought through a 21 day Public Exhibition from 16 May until 6 June 2016. The CZMP was on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre. No submissions were received before the end of the submission period.

CONCLUSION

The draft Wharf Road CZMP is complete. The CZMP was exhibited for a minimum of 21 days in accordance with s55E of the Act and no submissions were received.

The draft CZMP is recommended for adoption and submission to the Minister for Planning and Environment to seek certification under the Act.

PSR16/021 SUBMISSION TO DRAFT BIODIVERSITY CONSERVATION AND LOCAL LAND SERVICES AMENDMENT BILLS E08.2564

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

Attachments: 1. Submission to Biodiversity Legislation Reform Bills

Focus Area: Sustainable Communities

Delivery Program Link: S5.2 Maintain, update and communicate planning information and issues

Operational Plan Link: S5.2.2 Participate in State and regional planning forums and environmental reviews and report on and communicate issues relating to strategic planning

EXECUTIVE SUMMARY

On 3 May 2016, the NSW Government released Draft Exposure Bills for a new Biodiversity Conservation Act and amendments to the Local Land Services Act 2013. This draft legislation will replace the Native Vegetation Act 2003, the Threatened Species Conservation Act 1995 and the animal and plant provisions of the National Parks and Wildlife Act 1974. Consequential amendments to other legislation is also proposed, including the Local Government Act 1993, Environmental Planning and Assessment Act 1979, the Fisheries Management Act 1994, the Rural Fires Act 1997 and the Land and Environment Court Act 1979.

These legislative changes respond to the reforms recommended by the Independent Panel that was commissioned by the NSW Government to review biodiversity legislation in NSW. The NSW Government refers to the reforms as “simplifying land management”. It establishes various categories of land, on which different clearing rules will apply. It also establishes a number of Codes to guide land owners in determining what clearing can be done with or without some form of approval. The reforms also make changes to the way development applications that involve clearing of land will be assessed and flags that a new State Environmental Planning Policy will be developed for clearing in urban areas of the State.

The new Biodiversity Legislation makes changes to the system of listing threatened species and endangered ecological communities, reduces the number of voluntary conservation agreements and biodiversity assessment methodologies that currently exist and establishes new funding programs to support biodiversity conservation.

Following a review of the reforms, which are significant, detailed and some of which is technical in nature, it is considered that they result in more complex clearing rules for land owners. It is not considered that the reforms adequately balance the reasonable expectations of land owners to manage their land with broader community expectations to protect the environment. Further, not all of the relevant details regarding implementation of the reforms is currently available to comment on, including the proposed Native Vegetation Regulatory Map, completed Codes of Practice, the Regulations and the State Environmental Planning Policy.

A submission has been prepared on the legislative reforms for Council’s consideration. The submission is included as an attachment to this report. Submissions to the NSW Government on the legislation reforms are due by 28 June 2016.

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RECOMMENDATION

THAT Council endorse the submission attached to this report and forward the submission to the NSW Government and the Member for Bega.

BACKGROUND

The NSW Government has undertaken a lengthy and consultative process to review the biodiversity and land clearing provisions of existing legislation. This process culminated in a report from an Independent Review Panel to Government and the final recommendations of the Independent Panel were reported to Council on 24 February 2015. During the consultation process, Council made a submission to the Independent Panel that addressed the following issues:

- Concern about cumulative impact of small amounts of clearing, particularly in coastal environments.
- Concern about impact of land owners, without compensation, to protect biodiversity for the common good.
- Evidence-based strategic planning is resource intensive and costly and Councils need support to undertake this.
- Need to integrate review of biodiversity legislation with review of planning legislation.
- Current system is complex and inconsistent in relation to offsetting requirements.
- Need for State to manage and provide biodiversity data.
- Need for more community engagement and regular reviews in the listing processes.

Council also made a submission in May 2014 to the first set of Draft Self Assessable Codes under the Native Vegetation Regulation 2013. Council's submission highlighted the following points:

- Concern about complexity in Codes.
- Potential for unintended non-compliance by landholders.
- Questioned the benefit to land holders on the coast, where the Codes have limited applicability.
- Concern about lack of auditing of how Codes are implemented.
- Lack of clarity about land owner reporting requirements.
- Lack of clarity about management of set-aside areas.
- Suggest retaining the two-tiered system of RAMAs and PVP process, however the PVP process should be simplified.

Councillors were informed of the release of the draft legislation at the Council briefing held on 17 May 2016 and through the Councillor's newsletter. A more detailed briefing for Councillors was undertaken on 21 June 2016. Land owners in Eurobodalla were made aware of the proposed reforms through a Council media release on 26 May 2016.

Council staff attended a presentation on the draft legislation by the Office of Environment and Heritage on 10 June 2016.

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CONSIDERATIONS

The draft legislation proposes changes to the way biodiversity protection and clearing for land management activities is regulated in NSW. Some of the key aspects of the reforms, as they relate specifically to land owners and development proponents, include:

- Establishing four 'streams' of clearing types – authorised, allowable, code-based and clearing that needs approval.
- Expansion of the number of Codes of Practice and providing for clearing by notification or certification.
- Outlining in those Codes the circumstances where set-aside areas are required to offset impacts of clearing.
- Preparation of a Native Vegetation Regulatory Map to assist land owners in identifying where the various Codes of Practice may apply.
- Removing the E4 and R5 zones from the list of rural zones to which the land management provisions will apply.
- Development of a new State Environmental Planning Policy to provide the rules and responsibilities for other kinds of land clearing in non-rural zones (including E4 and R5).
- Implementation of a new biodiversity assessment method and thresholds above which such an assessment will be required, for clearing associated with a development application or otherwise requires an approval from the Minister for Primary Industries.
- Provision of a range of options for offsetting impacts of clearing and development.
- Provision for the Minister for the Environment to declare areas of outstanding biodiversity value that may include privately owned land.
- Simplification of the types of conservation agreements that land owners can voluntarily enter into.
- Establishing new funding programs to support biodiversity protection, including for voluntary conservation by land owners.

A submission has been prepared focusing on how the proposed reforms will impact on land owners, development proponents and the environment. The full submission is included as an attachment to this report and key issues raised in the submission are summarised below:

Complexity of the clearing rules

With the myriad 'streams' of clearing types that each contain a range of different variables, the proposed rules for clearing for land management in NSW are not considered to be simple. The reforms are considered to be far more complex than those under the current legislation (excluding the three Codes of Practice that were introduced in 2014).

Issues relating to 'allowable' clearing

Allowable clearing is generally equivalent to the current 'routine agricultural management activities' (RAMAs) under the Native Vegetation Act 2003, however the clearing widths for some agricultural infrastructure is significantly larger than under the present rules. For example, clearing for tanks, pumps and water points has increased from 3m to 12m or 15m depending on the size of the property. The legislation will provide for the maximum width of clearing for boundary fences, but does not specify that this width is to be shared between

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adjoining land owners. Further, clearing for 'sustainable grazing', while appropriate for existing operations, should not be allowable for new operations, where a Code of Practice should apply.

Auditing of the use of existing Codes of Practice

It is unclear from the information provided to support the draft legislation whether there has been any auditing of the three existing Codes of Practice in NSW. Before expanding self-assessment of clearing through new Codes of Practice, it would be appropriate to understand how the existing Codes have worked in practice and what has been their impact, if any, on the environment.

Issues relating to the Codes of Practice

The Codes of Practice are the most complex component of the reforms. There are too many options, too many variables and inconsistencies in relation to the ability to clear endangered ecological communities (EECs) and when set-aside areas are required. Land owners will need a detailed understanding of the environmental qualities of their land, including the species of trees, the existence of EECs and the density of vegetation formations.

Lands excluded from the operation of the Codes are limited to urban lands (including land zoned E4 and R5), National Parks and other reserves, State Forests, declared areas of outstanding biodiversity value and critical habitat. The following additional areas should be excluded: mangroves, saltmarshes, SEPP 14 wetlands, Aboriginal places and culturally modified trees, and national, state and local heritage items.

The Codes provide for clearing by notification and clearing with certification. The Codes need to be clear about the timing and purpose of notification and what Local Land Services will do when it receives a notification. In relation to certification, the legislation needs to outline whether land owners will have review or appeal rights if a certification is not granted, or in relation to any conditions included in a certificate.

Compliance with Australian Government environmental legislation

While the Codes are silent on the clearing of threatened flora species and the habitat of threatened fauna species, land owners must be satisfied that any clearing does not require an approval under the Australian Government's Environmental Protection and Biodiversity Conservation Act 1999.

Potential cumulative impacts of clearing

It is unclear from the information provided how many instances of clearing on a single property could be undertaken under any of the clearing 'streams' or Codes in any given period of time. If the number of clearing instances are not appropriately limited, there is potential for significant impacts on biodiversity to occur over time.

Issues relating to set-aside areas

The codes are inconsistent with respect to when set-aside areas are, or are not, required, particularly in relation to the proposed clearing of EECs. It is not considered appropriate that EECs be able to be cleared without a set-aside area being required. However, where a set-aside areas is required for clearing of EECs, a 50% increase in the set-aside area will be required and

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this is supported. It is considered that the same provision should apply to the clearing of over-cleared vegetation types to ensure they do not become EECs.

It is concerning that the Codes provide for Local Land Services to issue a certificate for clearing within set-aside areas. It is also concerning that the legislation provides the Minister with the power to issue an approval for clearing within a set-aside area.

Appeal rights for clearing that requires an approval

The draft legislation provides for land owners to appeal against a decision by the Minister to refuse to issue an approval. The legislation should also provide third-party appeal rights on procedural grounds for clearing that requires an approval, to ensure appropriate checks and balances on the Minister's powers.

Issues relating to the Native Vegetation Regulation Map

The concept of a map to guide land owners in determining where the Codes will apply is supported. The map could be improved by identifying set-aside areas and Category-2 vulnerable land.

Land zoned E4 and R5

Land zoned E4 and R5 are currently considered rural zones for the purposes of the Native Vegetation Act 2003. The draft legislation will consider them urban zones and a SEPP will be developed to provide the clearing rules for these areas. The consultation guide suggests that the clearing rules will be similar to those that apply to rural lands, but in the absence of the details, it is unclear how this will impact owners of land zoned E4 or R5.

The Biodiversity Assessment Method and Thresholds

The thresholds above which a biodiversity assessment will be required, for clearing that requires an approval (including a development consent), appear to be inequitably applies to land of different sizes. An alternative approach that applies a standard threshold for non-sensitive land and requires an assessment for all approvable clearing on sensitive land is recommended.

Part 5 Approvals (Local Infrastructure)

Maintenance work that is essential for safety reasons, such as clearing within road reserves and clearing to comply with mandatory obstacle limits near airports, should be able to be undertaken without the need to go through costly and time-consuming approval processes.

Offsetting as a condition of Development Consent

The offsetting scheme gives councils the discretion to discount the offsetting requirements for developments requiring consent. This could be discounted to zero which is considered an undesirable outcome and does not align with the purpose of the proposed Biodiversity Conservation Act to facilitate ecologically sustainable development. Guidance to determine any discounts should be provided or triggers for requiring concurrence when proposing a discount should be considered.

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Private Land Conservation

The streamlining of private conservation agreements and the establishment of conservation funds is supported. However, the legislation should state that agreements will be based on ongoing funding availability.

Legal

The draft legislation proposed to repeal or amend a range of existing NSW Acts and Regulations, including repealing the Native Vegetation Act 2003, the Threatened Species Conservation Act 1995 and the animal and plant provisions of the National Parks and Wildlife Act 1974 and amending the Local Government Act 1993, Environmental Planning and Assessment Act 1979, the Fisheries Management Act 1994, the Rural Fires Act 1997 and the Land and Environment Court Act 1979.

While there are significant changes proposed to the legislative framework for managing vegetation, the obligations under the Local Government Act for Councils to protect the environment remain. In particular, it remains part of Council's charter under section 8 of the Local Government Act 1993 *"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"*.

Policy

The draft legislation has consequences for Council policy that will need to be considered when further details are made available. For example, the proposed new SEPP may replace Council's Tree Preservation Code for urban areas.

Environmental

The draft legislation potentially has significant impacts on biodiversity values across NSW. While the streamlining of biodiversity assessment and offset rules and the establishment of biodiversity funds are supported, the extent of clearing that may be possible without any approval or offsetting requirement is of concern. It is considered that the potential cumulative loss of local biodiversity will not facilitate the purpose of the legislation *"to conserve biodiversity and ecological integrity at bioregional and State scales"*.

Financial

The draft legislation may have financial implications for Council that will need to be considered when further details are made available. For example, if Council will become responsible for approving clearing that is not related to a development application in urban areas (including E4 and R5 zones), additional resources may be required.

Community Engagement

The NSW Government has undertaken community consultation on its proposed legislative reforms. Council has made land owners in Eurobodalla aware of the proposed reforms through a media release on 26 May 2016.

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CONCLUSION

After a long process of review, the NSW Government has released its proposed reforms to the biodiversity and land management legislation. A Draft Biodiversity Conservation Bill and draft amendments to the Local Land Services Act 2013 are currently on public exhibition for community input. The proposed reforms have been reviewed by Council staff and a draft submission has been prepared for consideration by Council.

Attempts to simplify the vegetation clearing rules for rural land owners are supported, particularly to reduce red tape for farmers, providing biodiversity outcomes are not compromised. However, it is not considered that the reforms achieve this outcome particularly in relation to the potential cumulative impacts of a number of clearing activities and the potential for clearing of threatened species and EECs without any offsetting requirement.

Much of the information in the reform package is complex and technical, but it is also incomplete. How the reforms will work in practice cannot be fully understood in the absence of further information, particularly in relation to the Codes. Further consultation with land owners and communities is essential on these details before the reforms are implemented.

Eurobodalla Shire Council Submission to the draft Biodiversity Conservation Bill 2016 and the draft Local Land Services Amendment Bill 2016

Eurobodalla Shire Council has reviewed the draft Bills that implement the NSW Government's biodiversity legislation reforms and is pleased to provide this submission. Council strongly supports changes to the legislation that will achieve an appropriate balance between protecting the environment and providing for rural land holders to more efficiently and effectively manage their land. The good management of rural land is essential to farm productivity, growing the rural economy and environmental sustainability. It is also important to ensure that development processes are appropriately flexible to ensure outcomes that balance environmental, economic and social objectives.

For the legislation to work as intended, it must be easy for rural land owners to implement, particularly for those clearing types that do not require any form of approval, including clearing that can be done under a Code by notification. However it appears, based on the details provided in the exhibition package relating to the Codes, that understanding and implementing the Codes will be very complex for land owners. Council is concerned that land owners will face potential prosecutions for unintended non-compliance due to misunderstanding or misinterpretation of the rules.

Similarly, to achieve the purpose of the draft Biodiversity Conservation Bill to "*conserve biodiversity and ecological integrity at bioregional and State scales*", areas of high conservation value at a local level must be properly considered and protected where appropriate. For example, the potential cumulative loss of local biodiversity will not facilitate conservation at a bioregional and State scale.

Council does not believe that the balance has been adequately struck in the draft legislation. The rules are too complex and the potential for cumulative impacts that may threaten biodiversity has not been adequately considered. More detailed comment on the draft legislation is provided below.

General comments

Many of the details that underpin the draft legislation are not yet completed and therefore are unavailable for review and comment. The consultation guides identify that the regulations and the proposed State Environmental Planning Policy for vegetation in urban areas will be the subject of separate public consultation. It is also understood that the NSW Government proposes to commence the new laws in two stages, with the Native Vegetation Map, Biodiversity Assessment Method and the Land Management Codes being released first for review and comment, before the full legislative changes commence. Council supports the proposals to further consult on all these matters of detail.

Land owners want to be able to undertake lawful clearing when required for land management or farm productivity. Under the draft legislation, for some kinds of allowable clearing and for clearing by notification under the Codes, land owners may need to have a detailed understanding of the environmental qualities of their land. They may need to know the species of trees and other vegetation, whether the vegetation is an endangered ecological community and be able to measure the density of vegetation formations. Many land owners would need to seek advice on matters such as these, defeating the purpose of self-assessment.

It is unclear from the information provided as to how many clearing activities in accordance with the Codes can be undertaken by a land owner at any one time, or whether there will be any limits to the number of clearing activities that a land owner may be able to undertake over any period of time

(except for the Equity Code). The Efficiency Codes provide an aggregate area clearing limit, but there is no identified time period for this limit. Council is concerned about the cumulative impacts of biodiversity loss from the potential unlimited use of the Codes over time in addition to clearing that is authorised or allowable, or for which an approval has been granted.

Notwithstanding the above and subject to the specific comments provided in this submission, the opportunities for clearing by rural land owners in Eurobodalla without any form of approval appear to be relatively limited and consist of:

- Authorised clearing (including clearing in accordance with a Development Consent);
- Allowable clearing (currently known as RAMAs);
- Clearing on Category 1 - Exempt land (including the clearing of regrowth);
- Clearing under the Invasive Native Species Code; and
- Clearing under the Cropping and Grazing Codes (up to a maximum area of 500m²).

There are more opportunities for clearing with certification under the Codes, including

- Clearing under the Thinning Code on properties larger than 10ha;
- Clearing under the Invasive Native Species Code;
- Clearing under the Cropping Code (up to a maximum areas of 1ha);
- Clearing under the Grazing Code on properties over 100ha;
- Clearing under the System Efficiency and Equity Codes on properties over 100ha and only for land with agricultural activities; and
- Clearing under the Farm Plan Code by certification only for land with agricultural activities.

In addition, clearing can be undertaken with the approval of the Minister for Primary Industries. While the above summary of clearing options for rural land owners is a simplification of the rules, it demonstrates how complex the proposed system is. It provides far too many options, each with different variables, and may lead to unintended non-complying clearing or a reliance on the approval processes if land owners are reluctant to use the Codes because of their complexity. While the current two-tiered system of RAMAs and Property Vegetation Plans needs improvement, it remains a far simpler system than the proposed approach.

In relation to clearing in urban areas and clearing associated with development applications, the proposed system also introduces more process variables and more options for offsetting development impacts. The introduction of the Biodiversity Assessment Methodology thresholds, providing they are appropriate, is considered a positive element of the reforms as it may encourage land owners and developers to limit proposed clearing to below the set threshold. Council does not however think the thresholds proposed in the reforms are appropriate. The introduction of more options for offsetting clearing and development impacts is also considered a positive approach, as it provides greater flexibility for achieving good development outcomes. However the regulations must specify a hierarchy of offsetting options, with like-for like the first option and payments in lieu of offsetting the last option.

Council supports land owners who wish to establish voluntary conservation agreements on their land. However, it is essential that funding programs to improve biodiversity and threatened species habitat are well resourced and targeted and that such agreements should be tied to ongoing funding availability.

Allowable clearing

The clearing widths for some allowable activities have been substantially increased compared to the current situation with RAMAs. For tanks, pumps and water points in the Coastal Zone, the clearing

width has been increased from 3m to 12 or 15m, depending on the size of the property. On smaller properties in particular, this amount of clearing potentially has significant impacts on biodiversity.

Further, the maximum clearing width for boundary fences does not specify that the maximum total width must be shared by the adjoining land owners.

In relation to sustainable grazing as an allowable activity, it is considered that this should apply only to existing sustainable grazing operations. A Code of Practice should apply to clearing for the establishment of new sustainable grazing operations. Further, new owners of properties that previously had sustainable grazing operations should be required to demonstrate that they will or are continuing sustainable grazing operations in order for clearing to remain an allowable activity.

The Codes

The Codes provide for certain land to be excluded from their operation, being urban land (including land zoned E4 and R5), national parks and other conservation areas, flora and fauna reserves, state forests, declared areas of outstanding biodiversity value and critical habitat under the Fisheries Management Act 1974. The consultation guide also states that clearing under the Codes is not permitted in RAMSAR wetlands, littoral rainforests and koala habitat (although the legislation identifies these areas as category 2 – regulated land) and poses a question as to what other areas should be “excluded”. It is considered that mangroves, saltmarshes, SEPP 14 wetlands, Aboriginal places and culturally modified trees, and national, state and local heritage items should also be excluded areas.

The Farm Plan Code appears to be quite similar to the Equity Code and the System Efficiency Code, except that it provides for an alternative offsetting option for land owners. To simplify the Codes, it is suggested that the alternative offsetting option be provided for in these other codes and that the Farm Plan Code not be introduced.

The Codes allow for some clearing activities to be undertaken by notification and some by certification. In relation to the notification process, the draft Bill provides for the Codes to specify whether notification can be made before or after the clearing activity. Where notification is required to be provided before the clearing activity, will LLS be tasked with and resourced to check each notification and advise the land owner if the notification is correctly made? If not, what is the purpose of requiring notification prior to clearing?

Where notification is required to be provided after the clearing activity, what will LLS do with the notification? Will the clearing be inspected, or is the notification simply to enable amendment to the Native Vegetation Regulatory Map? The requirement for land owners to keep records of vegetation before and after clearing is essential for reporting, monitoring and auditing purposes.

In relation to the certification process, there appears to be no provision for land owners to request a review of, or appeal, a decision by Local Land Services not to issue a certificate. Council believes that it is fair and appropriate for land owners to at least seek a review of the certification process.

Set-aside areas

The Draft Bill and the accompanying information about the Codes provide for set-aside areas to be provided in certain circumstances and for the set-aside areas to be managed in perpetuity. The Code and certificate will outline the land owner’s obligations. Further consultation should be undertaken on the Codes when they are drafted and on the likely standard content of certificates.

Some of the Codes allow the clearing of endangered ecological communities (EEC) and in some cases EECs can be cleared without a requirement to offset this impact. Council does not support the clearing of EECs without an offset. In cases where a set-aside area is required, a 50% increase in the set-aside area applies. While the clearing of EEC is regrettable and may result in the loss of species diversity or even the loss of an entire EEC, the increased set-aside requirement is supported as it could potentially discourage the clearing of EECs (as a smaller set-aside area would be required if the land owner avoided clearing an area of EEC). It is also considered that a 50% increase for set-aside areas should be applied to any proposed clearing of over-cleared vegetation types.

The exhibition material states that clearing in set-aside areas may be certified by Local Land Services if such clearing will improve the quality of the set-aside area. It is unclear why a certificate would be required to clear in a set-aside area that is already required to be managed by the land owner.

Clearing that requires approval

For clearing that does not fit the Codes, approval from the Minister for Primary Industries is required. All proposals must undertake a biodiversity assessment in accordance with the methodology. Where the Minister does not approve an application, the land owner rightly has the right to appeal the decision. However the legislation does not provide for third party appeals on procedural grounds. To ensure there are checks and balances on the Minister's powers, and particularly given this process is designed to assess more significant clearing proposals, a third party procedural appeal right is considered appropriate.

Council is concerned that the draft legislation allows for the approval of clearing in set-aside areas. The draft legislation should provide the criteria for which such an approval may be granted and further consultation on any such criteria should be undertaken.

Native Vegetation Regulatory Map

The preparation of a Native Vegetation Regulatory Map that is not contained within a statutory document is considered a positive approach to assisting land owners define where clearing may be able to be undertaken. There should however be an extensive consultation period before the map is finalised to provide land owners with an opportunity to review the map for errors and have the map corrected where appropriate.

The map should be updated on a regular basis as clearing is undertaken and as land changes its category. The map will be a useful tool for measuring changes in vegetation cover across the State over time. To make the map more useful, it is recommended that set-aside areas be shown on the map as a separate category of land. It is also recommended that Category 2 – Vulnerable Regulated Land be shown on the map.

Land zoned E4 and R5

The draft legislation changes land zoned E4 Environmental Living and R5 Large Lot Residential from "rural" to "urban" for the purposes of clearing vegetation. This may be a significant change for owners of land in these zones, but the extent of such change is unknown in the absence of the SEPP that is proposed to regulate clearing on urban lands.

The proposed SEPP will identify clearing that does not require approval, clearing that requires a permit and clearing that requires a Biodiversity Assessment Method assessment and approval under the Local Land Services Act. The consultation guide seeks views as to whether Councils or LLS should be responsible for issuing permits for E zones and R5 zones in rural areas of the State (for clearing

below the BAM threshold). Clearing above the BAM threshold will require the approval of the Minister for Primary Industries. In both options, Council and LLS will be responsible for issuing permits or approvals under the SEPP depending on the zone and/or the amount of clearing proposed.

If Council is to become the authority that issues permits for clearing, additional resources would be required to fund this additional work.

Biodiversity Assessment Processes

The Biodiversity Assessment Method (BAM) thresholds, which only apply to clearing that requires an approval, do not seem to be equitably applied to land of different sizes. The thresholds could apply to clearing as little as 0.1% of a site or as much as 100% of a site (meaning that the whole of a site could be cleared without reaching the threshold for biodiversity assessment).

An alternative approach could be to apply a threshold for land not identified as sensitive, say 10%, or up to 10ha, whichever is the lesser. For land identified as sensitive, there should be no threshold, with an assessment required for all clearing that requires an approval.

Part 5 Approvals (Local Infrastructure)

The draft legislation does not provide exemptions from approvals for essential maintenance works. Clearing for maintenance works that are essential for safety reasons, such as clearing within road reserves and clearing to comply with mandatory obstacle limits near airports, should be able to be undertaken without the need to go through costly and time-consuming approval processes.

Offsetting as a condition of Development Consent

The offsetting scheme gives councils the discretion to discount the offsetting requirements for developments requiring consent. This could be discounted to zero which is considered an undesirable outcome and does not align with the purpose of the proposed Biodiversity Conservation Act to facilitate ecologically sustainable development. Council agrees that flexibility is required to ensure a balanced approach to development and conservation is achieved, however discounting the offsetting requirements requires guidance on when or how this would be appropriate. For example, changes to the amount or type of offsets for a development should only be considered where it would still maintain or improve biodiversity values in the bioregion. Council suggests that the legislation should include a trigger for seeking concurrence from the Office of Environment and Heritage when considering discounting offsetting requirements.

Private Land Conservation and Biodiversity Certification

The streamlining of seven different private land conservation programs into three is supported. The availability of funding to land owners who voluntarily conserve land under one of the agreement options is also supported. However, the legislation should state that conservation agreements are based on ongoing funding availability. Land owners should have the certainty that funding will be ongoing for as long as the conservation area is required to be managed.

Given recent announcements that the Batemans Bay office of Local Land Services will be closing down from September 2017, the resourcing of LLS functions in Eurobodalla needs to be clarified. Council notes that it has previously housed some LLS function through grant funding (eg. Landcare) and is open to discussions with the Government on similar arrangements in the future.

Council supports the monitoring, reporting and auditing requirements to ensure that funds provided will achieve positive outcomes from the ongoing management of conservation lands.

Council notes that the declaration of areas of outstanding biodiversity value may affect privately owned lands and supports the intention of the NSW Government to recognise these as priority investment areas.

Conclusion

The draft Biodiversity Bill and Local Land Services Amendment Bill, together with the exhibition material including submission guides relating to the LLS Codes of Practice, the Native Vegetation Regulatory Map and the Biodiversity Assessment Methodology, amongst other matters, contains a significant amount of information for land owners and the broader community to review, understand and prepare submissions on.

Much of the information is complex and technical, but it is also incomplete. How the reforms will work in practice cannot be fully understood in the absence of further information, particularly in relation to the Codes. Further consultation with land owners and communities is essential on these details before the reforms are implemented and Council supports the NSW Government's intentions in this regard.

Council supports attempts to simplify the vegetation clearing rules for rural land owners, particularly to reduce red tape for farmers, providing biodiversity outcomes are not compromised. Council is not convinced that the reforms achieve this outcome particularly in relation to the potential cumulative impacts of a number of clearing activities and the potential for clearing of threatened species and EECs without any offsetting requirement.

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

Attachments: 1. Under Separate Cover - Plan of Management 26 - Draft June 2016
2. Under Separate Cover - Plan of Management 27 - Draft June 2016

Focus Area: Sustainable Communities

Delivery Program Link: S5.1 Review and prepare planning strategies, policies and studies

Operational Plan Link: S5.1.3 Recreation and Open Space Strategy

EXECUTIVE SUMMARY

In 2011, after extensive consultation, the Kyla Park Sporting Precinct Masterplan was adopted by Council. Part of Lot 77 DP 260321, including part of Kyla Oval and the site of the community gardens, was included in the sporting precinct. This land was categorised in the Plan of Management Kyla Park Community Land - Areas of Cultural Significance (2003) as an area of cultural significance. The Kyla Park Sporting Precinct Masterplan (2011) identified that this area of land was to be re-categorised.

It is proposed to proceed with the adopted recommendation and re-categorise this land to general community use. This re-categorisation will align the community land category boundaries correctly with the Kyla Park oval, regularize the Community Gardens by correctly categorising that land and will also facilitate the construction of a new storage shed for the Batemans Bay Sailing Club and Tuross Community Gardens, which is ancillary to the current Community Gardens. This process will require revision of two plans of management that apply to parts of Kyla Park, being Plan of Management 26 - Kyla Park Community Land – Foreshore Reserves, Parkland and Boat Ramp (2003) and Plan of Management 27 - Kyla Park Community Land - Areas of Cultural Significance (2003). The process of re-categorisation, preparation and adoption of plans of management for community land is regulated by the *Local Government Act, 1993*.

RECOMMENDATION

THAT:

1. The draft amended plans of management 26 - Kyla Park Community Land – Foreshore Reserves, Parkland and Boat Ramp (2003) and 27 - Kyla Park Community Land - Areas of Cultural Significance (2003) to re-categorise the southern part of Lot 77 DP 260321 from area of cultural significance to general community use be endorsed for exhibition for a period of 28 days and that public submissions be received for a period of 42 days.
2. A consultant be engaged as an independent chairperson to hold a public hearing for the draft plans of management.
3. A further report be received following the receipt of the public hearing report from the independent chairperson on the draft plans of management.

PSR16/022 DRAFT COMMUNITY LAND PLAN OF MANAGEMENT - KYLA PARK

E98.2463

BACKGROUND

Kyla Park Community Land – Areas of Cultural Significance - Plan of Management (PoM) 27 was adopted by Council on 9 December 2003. This PoM categorises all of Lot 77 DP 260321 as being an “area of cultural significance”. This category for the entire Lot 77 is incorrect as the southern-most part of Lot 77 includes part of the Kyla Park oval.

The Kyla Park Sporting Precinct Masterplan (2011) was adopted by Council in 2011 following extensive community consultation and was an amendment to the Generic Sportsgrounds Plan of Management. This PoM identified the southern part of Lot 77 as “appropriate land to be re-categorised” and a licence negotiated for use as a community garden. When this PoM was adopted recommending the re-categorisation of part of Lot 77, the re-categorisation did not occur. It is now appropriate to amend the Kyla Park Community Land – Areas of Cultural Significance – Plan of Management 27 to re-categorise part Lot 77 in accordance with the recommendation of the Kyla Park Sporting Precinct Masterplan. A second PoM – PoM 26 - Kyla Park Community Land – Foreshore Reserves, Parkland and Boat Ramp (2003) will need to be amended to include the southern part of Lot 77 in this PoM as General Community Use.

A grant has been secured a grant to construct a storage shed for the Batemans Bay Sailing Club and the Community Gardens. While the storage shed is ancillary to the Community Gardens, based on feedback from the community, it is recommended that the re-categorisation take place before the shed is constructed.

A plan showing the part of Lot 77 to be re-categorised is shown below.



PSR16/022 DRAFT COMMUNITY LAND PLAN OF MANAGEMENT - KYLA PARK

E98.2463

CONSIDERATIONS

Legal

The land proposed to be re-categorised is the southern part of Lot 77 DP 260321. This land is presently included in the Plan of Management 27 - Kyla Park Community Land - Areas of Cultural Significance (2003) and categorised as an area of cultural significance. The Kyla Park Sporting Precinct Masterplan (2011) identified that this area of land was to be re-categorised.

To apply the correct category to this land that includes the northern end of the Kyla Park oval, the community gardens and future infrastructure associated with sporting use and/or the community gardens, a re-categorisation will be required. The re-categorisation of community land requires an amendment to the PoM in accordance with the provisions of the Local Government Act 1993. The amendment to the PoM will remove the land from PoM 27 - Kyla Park Community Land - Areas of Cultural Significance (2003) and include it in PoM 26 - Kyla Park Community Land – Foreshore Reserves, Parkland and Boat Ramp (2003)

An amendment to the PoM requires the draft amendment to be exhibited for a minimum period of 28 days and allow for submissions for a minimum period of 42 days. A public hearing chaired by an independent person is also required during the submission period. Council has a panel of suitable consultants already established for such hearings.

Following receipt of the report from the independent chairperson, a report will be presented to Council to consider whether to adopt the draft plans of management.

Environmental

The re-categorisation will correctly reflect the existing land uses within the southern part of Lot 77 DP 260321, being the northern part of Kyla Park oval and the community gardens. There will be no adverse impacts as a result of the re-categorisation. Any additional infrastructure development that is possible after the re-categorisation, will have its own environmental assessment undertaken.

Asset

The re-categorisation will correctly reflect the existing land uses and assets within the southern part of Lot 77 DP 260321, being the northern part of Kyla Park oval and the community gardens.

Community Engagement

Community engagement will take place in accordance with the requirements of the Local Government Act 1993 for the preparation of draft plans of management. This will include the draft amendment being exhibited for a minimum period of 28 days and allowing for submissions for a minimum period of 42 days. A public hearing chaired by an independent person is also required during the submission period.

Notice will be issued through local newspapers, letters to residents and local community groups. Local community groups are already aware of the proposal to re-categorise the land. Not only did the Kyla Park Sporting Precinct Masterplan (2011) identify that this area of land was to be re-categorised, but Council has recently written to Tuross Head community groups identifying that the re-categorisation is expected to take place. Council staff have also met with Tuross Head community groups about the proposal.

PSR16/022 DRAFT COMMUNITY LAND PLAN OF MANAGEMENT - KYLA PARK E98.2463

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

CONCLUSION

The Kyla Park Sporting Precinct Masterplan was adopted by Council in 2011 and includes the southern part of Lot 77 DP 260321. To apply the correct community land category to this land that reflects the existing uses of Kyla Oval and the community gardens, it is necessary to re-categorise this land from an area of cultural significance to general community use.

The re-categorisation of community land requires an amendment to the PoM in accordance with the provisions of the Local Government Act 1993. Given two PoMs apply to the land, both will need to be amended. The amendments will be undertaken in accordance with the provisions of the Local Government Act 1993.

IR16/023 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2016-17

**E99.3954:
E99.3955**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. 2016-17 Grading Schedule for Unsealed Roads
2. 2016-17 Road Resealing Schedule

Focus Area: Productive Communities

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

Each year a schedule of works is prepared for the maintenance grading of unsealed roads and for the resealing of sealed roads.

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

The reseal 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.

Council has a legal responsibility under the Civil Liabilities Act 2002 to appropriately manage risk within available resources. It is prudent for Council to adopt schedules on behalf of the community to allocate resources appropriately.

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

The 2016-17 Operational Plan provides a budget of \$1,733,200 for reseals on local roads and car parks, being an increase of \$226,200 from the previous financial year.

The proposed 2016-17 Maintenance Grading Schedule for unsealed roads and the proposed 2016-17 Reseal Program for sealed roads outline works vital for the keeping roads to a reasonable standard for the economic benefit and social wellbeing of the community.

RECOMMENDATION

THAT the schedules for the maintenance grading of unsealed roads and the resealing of sealed roads for 2016-17 be adopted and placed on Council's website.

BACKGROUND

Each year a schedule of works is formulated for the maintenance grading of unsealed roads and for the resealing of sealed roads.

When adopted, both schedules are placed on Council's website for public information. Minor adjustments to the programs are occasionally 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

IR16/023 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2016-17

**E99.3954:
E99.3955**

progresses due to weather or other issues. These outcomes are reported to Council via the quarterly review.

The proposed schedules for each of the activities are provided as attachments to this report.

CONSIDERATIONS

Historically, funding levels for resealing road works have been well below desirable levels, resulting in a significant amount of deferred maintenance and renewal work.

The introduction of the Infrastructure Fund during the mid-2000's, combined with the Australian Government's Road to Recovery Program has allowed Council to dramatically improve its response to the infrastructure renewal funding gap, providing a more sustainable position, albeit still short of long term desirable levels.

The consequence of insufficient renewal funding is to increase routine maintenance costs (eg pothole repair, heavy patching), reduce the level of service to the public, increase the risk to the community and inevitably pass these *deferred* costs on to future generations. It also means that additional work is required when these elements are renewed (eg additional surface preparation, additional build-up of roadside debris to be removed from gravel roads).

Council made a significant and positive step through the adoption of the rate variation to address this deficiency in the annual funding gap.

Council's long-term financial plan now includes sufficient funds to sustain the annual renewal of resurfacing in future years. Council has adopted a sound management strategy whereby the ongoing cycle of annual renewal will address both asset renewal and backlog over time. This strategy will contribute positively to improving Council's asset renewal and backlog ratios.

1. Maintenance Grading Schedule for Unsealed Roads

There are approximately 420km of unsealed roads maintained by Council.

The grading schedule is based on delivering a reasonable level of service taking the various factors impacting on the performance of the road network into account, in particular, traffic volumes, type of traffic, terrain, amount and quality of gravel and the available budget. The annual schedule is adjusted prior to presentation to Council, using feedback from the maintenance grading team and customers. The same grading frequency as set for 2015-16 is proposed to be adopted for 2016-17.

The gravel resheeting program for 2016-17 is already included in the draft 2016-17 Operations Plan. The impact of gravel resheeting will continue to be monitored. Improvements in gravel resheeting work over a period of time has, in the past, allowed a reduction in grading frequency on some roads, where drainage, vegetation and other issues do not over-ride, and an increase in grading frequency on others (eg from once every two years to once per year). This has allowed a more equitable level of service across the unsealed road network. Gravel resheeting also provides an improved level of surface between grades.

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:

IR16/023 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2016-17

**E99.3954:
E99.3955**

- 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 2016-17 is attached.

2. Reseal Program for Sealed Roads

Sealed roads should be resealed every 10-15 years depending on traffic volumes and the type of bitumen seal. Research for our part of New South Wales indicates that bitumen will oxidise and crack at about 10-11 years.

The reseal 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 reseal program is determined through inspection of the road network and with consideration to cracking, ravelling (ie loss of stone) and other failure mechanisms given consideration to known problem areas and feedback from the maintenance teams. This year's reseal program has a strong focus on treating roads to manage the risk to the public and minimise the risk of pavement failure.

The proposed reseal program for 2016-17 is attached.

Legal

Council has a legal responsibility under the Roads Act 1993 and Civil Liabilities Act 2002 to appropriately manage 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.

Asset

All of the proposed works are an integral part of keeping the local road network in a reasonable condition. The annual renewal of road resurfacing is fully funded in forward years and meets the Office of Local Government's requirement to have a renewal ratio of 100%.

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.

The proper maintenance and renewal of roads is required to minimise the risk to the public and the potential for claims against Council (and its community). This is particularly the case since the removal of the non-feasance protection previously afforded to road authorities by the High Court.

IR16/023 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2016-17

**E99.3954:
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Economic Development Employment Potential

The provision and maintenance of a road 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 and local contractors provides an important role in maintaining and boosting local employment within Eurobodalla and the immediate surrounds.

The Roads to Recovery funding has brought additional money into the Shire. Although this program has been extended through to 2019, Council should continue to work collaboratively with other Councils, the community and peak associations to secure a commitment from the Australian Government to make this program on going.

Financial

The 2016-17 Operational Plan provides a budget of \$1,733,200 for reseals on local roads and car parks. A budget of \$828,992 is provided for the maintenance of unsealed rural roads which includes the maintenance grading works under as per the proposed schedule.

CONCLUSION

The proposed 2016-17 Maintenance Grading Schedule for unsealed roads and the proposed 2016-17 Reseal Program for sealed roads is vital for the provision of roads of reasonable standard for the economic benefit of the Shire and the social wellbeing of the community.

ORDINARY COUNCIL OF EUROBODALLA SHIRE COUNCIL ON TUESDAY 28 JUNE 2016
IR16/023 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2016-17
ATTACHMENT 1 2016-17 GRADING SCHEDULE FOR UNSEALED ROADS

2016-17 GRADING SCHEDULE FOR UNSEALED ROADS

Below is the list of roads under Council's care and control that are graded as part of Council's 2016-17 maintenance program. The list is alphabetical with a description of the extent of Council's maintenance in each case. The table shows the expected date the grading will be completed on for each road (subject to good weather). In the case where there is more than a single grade per year, the expected week ending dates of the subsequent grade(s) are shown in the relevant column. Please be advised that this schedule is ONLY A GUIDE and could be affected by unforeseen events that may lead to the schedule falling behind such as long periods of rain. If this occurs a revised schedule will be posted.

Road Name	Location Grading Starts	Location Grading Ends	Length of Grading	1st Grade	2nd Grade	3rd Grade	4th Grade
Aicherfinga Lane - Bingle	seal	end of maintenance	683	14/11/2016			
Araluen Road - Deua River Valley	Larrys Mountain Road	seal	352	5/10/2016	17/02/2017		
Araluen Road - Deua River Valley	seal @ 1885	seal @ 2149	2180	6/10/2016	20/02/2017		
Araluen Road - Deua River Valley	dust seal west of Knowles Road	seal south of McGregors Creek	3909	10/10/2016	21/02/2017		
Araluen Road - Deua River Valley	seal @ 2662	park boundary @ 2857	2036	11/10/2016	22/02/2017		
Araluen Road - Deua River Valley	park boundary @ 2857	Pidgeon Gully	16441	20/10/2016			
Araluen Road - Deua River Valley	seal @ 1520	Larrys Mountain Road	2116	21/10/2016	23/02/2017		
Araluen Road - Deua River Valley	1 Ridge Road	seal @ 1447	4742	25/10/2016	27/02/2017		
Araluen Road - Kiora	seal @ Stewarts Road	1 Ridge Road	1859	27/10/2016	28/02/2017		
Barlings Beach Access Rd - Guerilla Bay	George Bass Drive	Barlings Beach	428	22/08/2016			
Beasthels Lane - Bergalla	Bergalla Link Road		1799	16/11/2016	8/03/2017		
Belowra Road - Nerrigundah	Byrnes Street	Wolla Creek Firetrail	43125	17/05/2017			
Bengello Beach Road - Broulee	carpark		1244	19/09/2016			
Bengello Beach Road - Broulee	Grant Street	carpark	741	19/09/2016			
Bengello Beach Road - Moruya	windsock	George Bass Drive	429	20/09/2016			
Bengello Beach Road - Moruya	Bengello Creek	windsock	2137	21/09/2016			
Bevan Road - Rosedale	seal @ George Bass Drive	driveaway @ #73	712	22/08/2016			
Bevan Road Southern Access - Tomakin	driveaway @ 246	George Bass Drive	159	22/08/2016			
Bimbimble Lane - Bimbimble	Bimbimble Road	end	530	15/09/2016			
Bingle Road - Bingle	Priority Lane	seal @ Kelly Road	662	11/11/2016	6/03/2017		
Bingle Road - Bingle	seal @ Kelly Road	park boundary	457	11/11/2016	6/03/2017		
Black Flat Road - Currowan	Horse Island Road	The River Road	10157	13/07/2016	23/01/2017		
Borlang Lake Road - Bodalla	Wagonga Scenic Drive	end of maintenance	1487	29/05/2017			
Box Cutting Rd - Kiangra	seal	Kiangra Forest Road	2160	21/09/2016			
Brierley Avenue - Moruya	Brou Tip	end of maintenance	885	21/09/2016			
Brou Lake Road - Bodalla	Quartpot Road	park boundary	1437	22/05/2017			
Buckenboursa P/station Rd - Runnyford	Quartpot Road	pump station	761	1/09/2016			
Buckenboursa Road - Mogo	Park Street	basalt quarry access	355	22/08/2016	9/02/2017		
Buckenboursa Road - Mogo	Basalt quarry access	Quartpot Road	8214	26/08/2016			
Buckenboursa Road - Mogo	Quartpot Road	Mullendoree Creek Causeway	2630	29/08/2016			
Burnbo Bridge Access Road - Bodalla	Burnbo Road	Redex Road	296	14/03/2017			
Burnbo Road - Bodalla	seal	Redex Road	1253	13/03/2017			
Burnbo Road - Bodalla	Redex Road	seal	567	14/03/2017			
Burnbo Road - Bodalla	seal	Cripps Bridge	2443	15/03/2017			
Burnbo Road - Rosedale	seal	Bevan Road	1183	19/08/2016			
Bushland Road - Moruya	seal	end	406	22/09/2016			
Byrnes Street - Nerrigundah	Belowra Road	seal	59	19/04/2017			
Catalina Res Rd (Nerrigundah Mountain Road - Nerrigundah)	Nerrigundah Mountain Road	Eurobodalla Road	2365	25/11/2016	3/04/2017		
Catalina Res Rd (Nerrigundah Mountain Road - Batemans Bay)	Heron Road	driveaway @ 91	174	17/08/2016			
Catalina Res Rd (Nerrigundah Mountain Road - Batemans Bay)	reservoir	The Ridge Road	566	17/08/2016			
Cheese Factory Road - Eurobodalla	Eurobodalla Road	end of maintenance	249	13/04/2017			
Cherryrise Road - Wamban	Warban Road	grid	219	4/11/2016			
Clovis Road - Mogenboura	Larrys Mountain Road	end of maintenance	2551	28/09/2016			

Colla Creek Road - Colla	seal @ Princes Highway	end of maintenance	1228	9/03/2017			
Comerang Farm Road - Bodalla	Eurobodalla Road	Widgett Road	1150	20/03/2017			
Comerang Forest Road - Bodalla	seal @ Congo Creek	end of maintenance	2925	22/09/2017			
Congo Road - Congo	seal @ park boundary	end of maintenance	757	1/10/2016	23/12/2016	2/03/2017	30/06/2017
Congo Road - Congo	Princes Highway	Collett Place	2654	11/11/2016	6/03/2017		
Coopers Island Road - Bodalla	Mystery Bay Road	end	899	13/03/2017			
Corunna Pt Sp/grd Access - Corunna	Wampan Road	park	1100	26/06/2017			
Donalds Creek Road - Wampan	Old Princes Highway	forest boundary	8593	4/11/2016			
Donovan Creek Road - Benandarah	Dalmery Drive	end of maintenance	1292	27/07/2016			
Duesburys Road - Kiangra	seal	end of maintenance	1287	22/05/2017			
Duyers Creek Road - Moruya	Runnyford Road	Spring Creek Road	269	8/11/2016			
Egans Road - Runnyford	Murphys 2 Bridge (359)	272 Egans Road	2728	9/08/2016			
Eurobodalla Road - Cadgee	Reedy Creek Road	seal @2472	1652	25/11/2016	4/04/2017		
Eurobodalla Road - Eurobodalla	seal west of #981	Murphys 2 Bridge (359)	6003	30/11/2016	6/04/2017		
Eurobodalla Road - Eurobodalla	dust seal east of Sinclairs Bridge	Reedy Creek Road	6537	5/12/2016	13/04/2017		
Eurobodalla Road - Nerrigundah	Old Mossy Point Road	Jeremadra Grove	3047	24/11/2016	27/03/2017		
Goldfields Drive - Jeremadra	Princes Highway	Main Street	2194	14/09/2016			
Guthrie Street - Moruya			694	22/09/2016			
Handkerchief Beach Carpark - Narooma			34	23/06/2017			
Hanns Road - Buckenbowra	cattle grid	Old Bolaro Road	5502	12/09/2016			
Hawdons Road - Mogendoura	cattle grid	forest boundary	2786	26/09/2016	10/02/2017		
Haxstead Road - Central Tilba	Portaro Point Road	Little Lake Cemetery Road	216	16/06/2017			
Horse Island Road - Bodalla			2306	18/11/2016	16/03/2017		
Horse Island Road - Bodalla		Horse Island Bridge	1508	17/03/2017			
Ridge Road - Kiora	Araluen Road	end of maintenance (just past #105)	1409	26/10/2016			
Jeremadra Grove - Jeremadra	Goldfields Drive	end of maintenance	651	14/09/2016			
Jeremadra Grove - Jeremadra	Old Mossy Point Road	Goldfields Drive	1043	15/09/2016			
Kiangra Forest Road - Kiangra	Princes Highway	Box Cutting Road	4163	7/12/2016	25/05/2017		
Kiangra Forest Road - Kiangra	Box Cutting Road	lookout	1290	26/05/2017			
Kiora Street - Moruya	seal	end of maintenance	329	7/11/2016			
Larrys Mountain Road - Mogendoura	seal	Araluen Road	6930	5/10/2016	17/02/2017		
Lattas Point Road - Batemans Bay	Haxstead Road	Lattas Point oyster sheds	4063	16/08/2016	8/02/2017		
Little Lake Cemetery Rd - Central Tilba	Guthrie Street	cemetery	1088	19/06/2017			
Main Street - Moruya	seal	end of maintenance	126	22/09/2016			
Malabar Drive - Moruya	forest boundary	end of maintenance	728	21/09/2016			
Maubrooks Road - Mogenoura	seal @153	Larrys Mountain Road	2667	27/09/2016	14/02/2017		
Maubrooks Road - Mogo	seal	Driveway @282	1311	12/09/2016			
Meadows Road - Mogenoura	seal	end of maintenance	556	27/09/2016			
Meadows Road - Mogenoura	Meads Road	end	185	29/06/2017			
Meads Lane - Tilba Tilba	Princes Highway	Meads Lane	1131	29/06/2017	7/03/2017		
Meringo Road - Meringo	seal @ Bingle Road	dust seal	1752	15/11/2016			
Moruya Reservoir Road - Moruya	dust seal	reservoir	830	7/11/2016			
Moruya Street - Nerrigundah	Gulph Street	William Street	84	24/03/2017			
Mount Dromedary Trail - Tilba Tilba	end of esc maintenance	The Avenue	904	26/06/2017			
Mount Dromedary Trail (north) - Narooma	Punkalla Tilba Road	National Park boundary	3645	14/06/2017			
Mullimberran Point Road - Bingle	seal @ dog leg	Pinnacles Close	670	14/11/2016	6/03/2017		
Munieroo Lane - Bingle	dust seal	end of maintenance	162	14/11/2016			
Myrrossa Road - Wampan	Donalds Creek Road	end of maintenance	1085	4/11/2016			
Mystery Bay Camping Ground Carpark - Mystery Bay	Mystery Bay Loop Road	end	71	26/06/2017			
Narungdga Beach Road - Narooma	Princes Highway	end	896	23/06/2017			
Neilligen Creek Road - Neilligen	Old Bolaro Road	end of maintenance (#140)	1351	26/07/2016			

Nerrigundah Mtn Road - Nerrigundah	seal east of Cadgee Mountain Road		4995	22/11/2016	24/03/2017		
Noads Drive - Moruya	Princes Highway	end	1027	9/11/2016	2/03/2017		
Noggara Drive - Bergalla	Misty Mountain Road	Hanns Road	1757	17/11/2016	9/03/2017		
Old Bolaro Road - Buckenbowa	seal @ Kings Highway	220m west of Neilgen Creek Road	3907	4/07/2016			
Old Bolaro Road - Neilgen	dust seal @ George Bass Drive	pit gate	4113	25/07/2016			
Old Grandfathers Pit Rd - Lilli Pilli	seal north of Ridge Road	seal north of Watcrank Road	382	19/08/2016	21/06/2017		
Old Highway - Corunna	seal south of Watcrank Road	Brushgrove Lane (Princes Hwy)	691	20/12/2016	20/06/2017		
Old Highway - Corunna	seal @ #613	seal @ Corunna Bridge	1201	20/12/2016	20/06/2017		
Old Highway - Turflinjah	dust seal @ Princes Highway	forest boundary	1879	21/12/2016	22/06/2017		
Old Mossy Point Road - Jeremadra	seal	end of maintenance	1304	10/03/2017			
Old Neilgen Road - Benandarah	Sproxtons Road	Bridge Creek (2nd creek crossing)	615	13/09/2016			
Old Neilgen Road - Neilgen	seal @ Kings Highway	Sproxtons Road	1008	5/07/2016			
Old South Coast Road - Narooma	seal @ #136	end of maintenance	3945	22/12/2016	23/06/2017		
Orislow Close - Jeremadra	Old Mossy Point Road	end of maintenance	983	13/09/2016			
Paradise Road - Neilgen	Old Bolaro Road	end of maintenance	352	26/07/2016			
Parsons Road - Moruya	Dwyers Creek Road	creek crossing	2315	26/07/2016			
Pedro Point Road - Moruya Heads	seal	Pedro Point Reserve Road	1271	8/11/2016			
Percy Davis Drive - Moruya	seal	east boundary @280	1305	9/11/2016			
Phyllis Price Drive - Moruya	seal	end	787	19/09/2016			
Pinnacles Close - Birigie	Mullimburra Point Road	end	2751	16/09/2016			
Priority Lane - Birigie	seal	end of maintenance	228	14/11/2016			
Punkalla Tilba Road - Central Tilba	Ridge Road	last house #518	645	11/11/2016			
Punkalla Tilba Road - Narooma	1st house north of forest #1044	last house #518	1018	14/12/2016	14/06/2017		
Punkalla Tilba Road - Narooma	last house #518	Wagongs Scenic Drive	1555	14/12/2016	6/06/2017		
Quarptot Road - Buckenbowa	seal	1st house north of forest #1044	5050	9/06/2017			
Quarptot Road - Rummyford	Buckenbowa Road	Hanns Road	7952	7/09/2016			
Quarptot Road - Rummyford	Buckenbowa Pump Sin Road	Buckenbowa Pump Sin Road	5056	1/09/2016			
Redex Road - Bodalla	Bumbo Road	seal	879	2/09/2016			
Reedy Creek Road - Dignams Creek	Morts Folly Road	Bridge	91	13/03/2017			
Reedy Creek Road - Dignams Creek	Wyoming	Wild Horse Creek Road	2257	27/06/2017			
Reedy Creek Road - Eurobodalla	Eurobodalla Road	Boundary Bridge	3528	29/06/2017			
Ridge Road - Central Tilba	Old Highway	#304	3512	10/04/2017			
Rifle Range Pit Road - Kianga	Flying Fox Road	Punkalla Tilba Road	4150	16/12/2016	16/06/2017		
Ringlands Road - Narooma	seal @ 135	gravel pit	918	23/05/2017			
Riverview Road - North Narooma	seal @ 360	#40	419	23/06/2017			
Riverview Road - North Narooma	seal off Kings Highway	seal @ 209	527	6/12/2016	23/05/2017		
Rotary Drive - Batemans Bay	Egans Road	end of maintenance @ Paradise Point	917	23/05/2017			
Rummyford Road - Mogo	seal @ Neilgen	Holmes lookout	1212	1/07/2016	16/01/2017		
Rummyford Road - Neilgen	Bolaro Mountain Road (Gollarrbee)	seal @ Princes Highway	7959	12/08/2016	6/02/2017		
Rummyford Road - Neilgen	Rummyford Bridge	Bolaro Mountain Road (Gollarrbee)	3937	1/08/2016			
Rummyford Road - Rummyford	Riverside Carpark	Egans Road	7210	4/08/2016			
Ryans Creek Reserve Road - Moruya	Wild Horse Creek Road	end of maintenance	2179	5/08/2016	1/02/2017		
Shingle Hut Road - Narooma	Creek Street (unformed)	end of maintenance (#80)	1123	23/09/2016	9/02/2017		
Short Street - Mogo	Vulcan Street	Forestry	1017	7/06/2017			
Spencer Street - West Of Vulcan St - Moruya	Dwyers Creek Road	Dwyers Creek Road	483	22/08/2016			
Spring Creek Road - Moruya	Old Neilgen Road	Donkey Hill Road	303	7/11/2016			
Sproxtons Road - Benandarah	Arduen Road	Timber Barge Lane	226	8/11/2016			
Stewarts Road - Kiora	Dwyers Creek Road	end of maintenance (#116)	401	6/07/2016			
Summerhill Road - Moruya		end of maintenance	1125	28/10/2016			
Sunnyside Road - Central Tilba			109	7/11/2016			
			2604	19/12/2016	20/06/2017		

The Ridge Road - Batemans Bay	Catalina Reservoir Road	Princes Highway	760	17/08/2016	8/02/2017		
The Ridge Road - Batemans Bay	Dog Trap Road	Catalina Reservoir Road	3754	19/08/2016			
The River Road - Currowan	dust seal	seal@Currowan Causeway	11752	21/07/2016	31/01/2017		
The Western Distributor - Currowan	Kings Highway	Shire boundary	1555	6/07/2016			
Timber Barge Lane - Benandarah	Sproxtons Road	end	302	6/07/2016			
Turnbulls Lane - Moruya	seal	Hawdon Street	505	7/11/2016	2/03/2017		
Valley View Lane - Moruya	Molliee Road	end of public road	204	8/11/2016			
Wagonga Scenic Drive - Kianga	Wagonga Picnic Area	Box Cutting Road	6403	31/05/2017			
Wagonga Scenic Drive - Narooma	dust seal @117		6942	13/12/2016	6/06/2017		
Wagonga Scenic Drive - Narooma	seal @ #74		575	13/12/2016	6/06/2017		
Waincourt Road - Eurobodalla	seal @97	Bullockys Hut Road	1185	19/04/2017			
Wamban Road - Wamban	seal W of Wamban Bridge #1	seal #302	1282	28/10/2016	1/03/2017		
Wamban Road - Wamban	seal @ Eurobodalla Road	Wamban Bridge #2	1401	31/10/2016	1/03/2017		
Wattlegrove Road - Cadgee	seal	end	8197	31/03/2017			
Western Boundary Rd - Turfingah	Cornerang Farm Road	forest boundary	1130	10/03/2017			
Widgett Road - Bodalla	Punkalla Tilba Road	end of maintenance	1297	20/03/2017			
Wild Horse Creek Road - Narooma	forest boundary	Shingle Hut Road	237	7/06/2017			
Wild Pig Road - Benandarah	end of Moruya Street	end of maintenance	477	28/07/2016			
William Street - Nerrigundah	Eurobodalla Road	end	101	24/03/2017			
William Street - Nerrigundah	Dwyers Creek Road	Moruya Street	160	24/03/2017			
Winduvs Road - Moruya	forest boundary	end of maintenance	245	7/11/2016			
Windywoppa Road - Benandarah	Belowra Road	end of maintenance	2546	28/07/2016			
Wolla Crk Firertrail - From Wolla Causeway (Badjal) - Belowra	Old South Coast Road	end	4928	19/05/2017			
Wonga Road - Narooma	Bernmagui Road	Old Highway	1440	22/12/2016	22/06/2017		
Youngs Road - Akalele		gate	1162	30/06/2017			

2016-17 Bitumen Resurfacing Schedule		
Suburb/Town	Street Name	Lengths
Long Beach	Northcove Road	Full length
Long Beach	Sandy Place	Blairs Road to cul-de-sac
Long Beach	Beatrice Place	Full length to cul-de-sac
Surfside	Berrima Parade	Full length
Nelligan	Sproxtons Lane	Full length
Batemans Bay	Pacific Street	Beach Road to South Street (plus on street parking)
Catalina	Vista Avenue	Sea Street to Ridge Street
Catalina	Protea Place	Full length
Catalina	Correa Place	Full length
Batehaven	Lockyersleigh Avenue	Full length
Batehaven	Batehaven Road	Full length
Batehaven	Calton Road	Full length
Batehaven	Anne Street	Full length
Batehaven	Pine Street	Full length
Batehaven	View Street	Full length
Sunshine Bay	Poolie Place	Full length to cul-de-sac
Lilli Pilli	George Bass Drive - service lane at #242	Full length
Surf Beach	Johnson Place	Full length to cul-de-sac
Surf Beach	Surf Beach Avenue	Full length
Surf Beach	Newth Place	Full length plus car park
Surf Beach	Bligh Street	Full length
Surf Beach	Pacific Street	Bligh Street to Cook Avenue
Surf Beach	Berry Place	Full length to cul-de-sac
Surf Beach	Towrang Avenue	George Bass Drive to markings
Surf Beach	Highlands Avenue	Full length to cul-de-sac
Malua Bay	Karoo Crescent	Full length
Rosedale	Rosedale Parade	Full length plus beach car park
Tomakin	Melville Point Road	Full length (starts at Sunpatch Pde)
Tomakin	Forest Parade	Full length

Tomakin	Tomakin Parade	Full length
Mossy Point	Clearwater Terrace	Full length
Mossy Point	The Inlet	Full length
Mossy Point	Annetts Parade	Beach Road to Pacific Street
Mossy Point	Annetts Parade	#47 to #55
Mossy Point	Connells Close	Full length
Broulee	Massey Street	Full length
Broulee	Hedley Way	Full length
Broulee	McNee Street	Full length
Broulee	Heath Street	Grant Street to Clarke Street
Broulee	Grant Street	Smith Street to markings
Broulee	Airport service road	Full length (front of hangers)
Broulee	Elizabeth Drive	Full length
Broulee	Smith Street	Full length
North Moruya	Old Mossy Point Road	Full length
North Moruya	Meadows Road	Full length
Moruya	Toose Street	Full length
Moruya	St Johns Way	Full length plus car park
Moruya	Luck Street	Full length
Moruya	Araluen Road	Luck Street to Wambran Road
Moruya	Araluen Road	Pump station to markings to markings
Moruya	Spencer Street	Francis Street end only
Moruya	Cemetery Road	Full length
Moruya	Yarragee Road	#26 - #40
South Head	Hazel Road	South Head Road to markings
South Head	Dell Parade	Full length
South Head	Newstead Road	Full length
South Head	South Head Road	Mausnell Street to Congo Road
South Head	South Head Road	Headland Grove to Preddys Wharf Road + service road at #299
South Head	South Head Road	East of Newstead Road to end of seal
Congo	Congo Road	Markings ch 3500 to markings

Congo	Congo Road	West of village to start of gravel
Congo	Dampier Street	Full length
Congo	Point Parade	Full length
Turross Head	Hood Crescent	Full length
Turross Head	Coila Avenue	Full length
Turross Head	Andrew Avenue	Full length
Turross Head	Beatty Crescent	Full length
Turross Head	Grenville Avenue	Evans Street to markings
Turross Head	Evans Street	Markings
Turross Head	One Tree car park to cul-de-sac	Adjacent new kerb and gutter
Dalmeny	Dalmeny Beach Access Road	Full length
Dalmeny	Brou Court	Full length to cul-de-sac
Dalmeny	Birroul Place	Full length to cul-de-sac
Kianga	Baldwin Avenue	Full length
Kianga	Dawn Parade	Full length
Narooma	Taylor Street	Full length
Narooma	Garvan Lane	Full length
Narooma	Barker Parade	McMillian Road to Field Street
Narooma	Wagonga Street serv 120-134	Full length
Narooma	Riverview Road	Markings
Car Parks	Flora Crescent, Batemans Bay	Full length
Car Parks	McKenzie's Beach	Full length
Car Parks	Mummaga Lake Footbridge access	Full length

2016-17 Asphalt Resurfacing Schedule		
Suburb/Town	Street Name	Lengths
Batemans Bay	Orient Street	North Street to Beach Road
Batemans Bay	Bavarde Avenue	In fill sections on flat from Beach Road
Batemans Bay	Bavarde Avenue	Sth of South Street
Batemans Bay	Commercial Lane	Full length
Catalina	Hakea Place	Cul-de-sac
Sunshine Bay	Lawson Place	Cul-de-sac
Sunshine Bay	Pool Place	Cul-de-sac
Surf Beach	Berry Place	Cul-de-sac
Surf Beach	Johnson Place	Cul-de-sac
Surf Beach	Stuart Place	Cul-de-sac
Surf Beach	Surf Beach car park	car park
Malua Bay	Tallawang Ave/George Bass Drive	Intersection
Malua Bay	Pyang Avenue	Cul-de-sac
Mossy Point	Annetts Parade/Connells Close	Intersection
Narooma	Bluewater Drive	East of pool

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IR16/024 LOCAL TRAFFIC COMMITTEE MEETING NO 9 FOR 2015-16

E16.0002

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Productive Communities

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

Operational Plan Link: P2.1.2 Coordinate the Local Traffic & Development Committees

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for the Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 12 May 2016 were as follows:

- Signage and Linemarking – Roundabout at Beach Road and Hanging Rock Place, Batemans Bay
- Signage – Beach Road 'No Stopping' modification, from Batemans Bay CBD to George Bass Drive
- Signage and Linemarking – Roundabout at Riverside Drive and Field Street, Narooma
- Signage and Linemarking – Accessible disability parking near Church Street, Moruya
- Signage – Bus Zone on Corkhill Drive, Central Tilba
- Special Event Application – Narooma Forest Rally
- Road Safety Projects – Update by the Road Safety Officer.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 9 of 2015-16 held on 12 May 2016 be received and noted.
2. Council Plan No 4069 Set G Sheet 01 detailing signage and linemarking associated with the roundabout at the Beach Road and Hanging Rock Place intersection be approved.
3. The 'No Stopping' signs currently in place on the eastern side of Beach Road (starting 40m south of the promenade and finishing at the George Bass Drive intersection) that show a time period have this text removed from the signs.
4. Council Plan No. 5172 Set A Sheet 07 detailing the signage and linemarking associated with the proposed roundabout and pedestrian refuge on Riverside Drive at the intersection with Field Street, Narooma be approved.

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5. Council Plan No. 5156 Set BA Sheet 01 detailing the linemarking associated with the two proposed accessible parking spaces in the off-street carpark near the Queen Street Post Office, Moruya be approved.
6. Council Plan No. 3213 Set B Sheet 01 detailing the signage and linemarking associated with the proposed bus bay and bus stop on Corkhill Drive, Central Tilba be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 9 for 2015-16 was held on 12 May 2016 in Council's Committee Room. It was attended by Councillor Neil Burnside (Chairperson), Ben Borger and Kristian Pinochet (Roads and Maritime Services), Senior Constable Scott Britt (NSW Police Force), Dave Hunter (Traffic Officer) Heidi Hanes (Road Safety Officer) and Maxine Plant (Minute Taker).

Apologies were received from Councillor Milton Leslight and Mrs Danielle Brice (representative for the Hon Andrew Constance MP).

MINUTES OF PREVIOUS MEETING

The Minutes of the Eurobodalla Local Traffic Committee Meeting No 8 for 2015-16 held on Thursday 14 April 2016 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

The Action Sheet outlining all of the Committee's outstanding items was distributed to members.

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

2016.RT.022 Signage and Linemarking – Roundabout at Beach Road and Hanging Rock Place, Batemans Bay

Council is in the process of rebuilding the intersection of Beach Road and Hanging Rock Place, Batemans Bay.

This existing 'T' intersection accesses the Hanging Rock sports and education precinct. This will be upgraded to a roundabout to improve the safety of drivers and pedestrians.

A concept plan was presented to the committee at the meeting on 10 December 2015. Details in that report included information on a Road Safety Audit (RSA) and SIDRA Intersection Analysis that were undertaken.

The committee report was subsequently presented to the ordinary meeting of Council on 9 February 2016 with the recommendation: *'That the committee supports the proposal to construct a roundabout at the intersection of Beach Road and Hanging Rock Place, Batemans Bay, based on the Road Safety Audit, the SIDRA analysis and the Concept Plan No 5156 Set AS Sheet 1.'*

The committee reviewed Council Plan 4069 Set G Sheet 01 detailing the proposed signage and linemarking associated with the roundabout. It is expected that the roundabout will be fully operational in late 2016.

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The RMS representative suggested that a symbolic roundabout ahead warning sign could be added on the approaches. These additional signs are usually only necessary if the roundabout is not obvious. A review of the signage will be undertaken after it is in use and this additional signage will be considered at that time.

Recommendation:

That Council Plan No 4069 Set G Sheet 01 detailing signage and linemarking associated with the roundabout at the Beach Road and Hanging Rock Place intersection be approved.

2016.RT.023 Signage – Beach Road ‘No Stopping’ modification, from Batemans Bay CBD to George Bass Drive

A majority of the ‘No Stopping’ signs on the eastern (southbound) side of Beach Road, from the edge of the Batemans Bay CBD, through to the start of George Bass Drive show a time period ‘8am – 10am and 3pm – 5pm MON-FRI’.

To ensure that traffic on Beach Road flows as freely as possible, it is proposed to remove the time period from these signs. Observations indicate that vehicles rarely park on this left hand southbound lane.

Recommendation:

That the ‘No Stopping’ signs currently in place on Beach Road between the CBD and George Bass Drive that show a time period have this text removed from the signs.

2016.RT.024 Signage and Linemarking – Roundabout at Riverside Drive and Field Street, Narooma

Council proposes the construction of a roundabout at the intersection of Riverside Drive and Field Street, Narooma.

The reconstruction and reconfiguration of the intersection will improve the traffic flow and safety. Lynch Street intersects near the edge of the roundabout on Field Street, rather than the roundabout. The road pavement will also be strengthened.

There is an existing shared path network along Riverside Drive and Field Street. A pedestrian refuge will be incorporated into the build on the northern leg of Riverside Drive and the Field Street shared pathway connected to the Riverside Drive pathway. This will improve the safety of pedestrians and cyclists as well as accessibility.

A concept plan was presented to the committee at the meeting on 14 April 2016 with the recommendation:

‘That the committee supports the proposal to construct a roundabout and pedestrian refuge on Riverside Drive at the intersection with Field Street, Narooma based on Plan No. 5172 Set A Sheet 01’

The committee reviewed Council Plan No. 5172 Set A Sheet 07 detailing the proposed signage and linemarking.

The RMS representative enquired on the longitudinal width of the gap in the pedestrian refuge as it should be 3 metres as per the standard. The Traffic Officer committed to check the design and ensure this is achieved.

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The RMS representative also suggested that a symbolic roundabout ahead warning sign could be added on the approaches. These signs are usually only necessary if the roundabout is not obvious. A review of the signage will be undertaken after it is in use and this additional signage will be considered at that time.

Recommendation:

That Council Plan No. 5172 Set A Sheet 07 detailing the signage and linemarking associated with the proposed roundabout and pedestrian refuge on Riverside Drive at the intersection with Field Street, Narooma be approved.

2016.RT.025 Signage and Linemarking – Accessible disability parking near Church Street, Moruya

Council gave an undertaking to review accessible parking in the Eurobodalla, particularly within the Township CBD's.

The Traffic Officer has compiled data for this review, starting with the Moruya CBD. Utilising Council's adopted 'parking and access code of practice' and standards and guidelines, the focus has been on local needs and issues, particularly to ensure that spaces are located in the most practical locations. A draft review plan was prepared.

The first stage of the Moruya review entailed undertaking an audit of the number of existing on and off street parking spaces for all vehicles. This included public and private commercial areas. The locality and number of accessible parking spaces was also recorded.

An initial outcome from this review indicates that in most areas of the Moruya CBD there is sufficient parking for people with disabilities. One area that could benefit from extra parking is in the northern section of the CBD, in the area bounded by Church Street and Shore Street (between the Post Office and Vulcan Street).

It is proposed to install two accessible parking spaces in the closest off-street parking bays south of Church Street, near the Post Office.

The Committee reviewed Council Plan No. 5156 Set BA Sheet 01 detailing the proposed accessible parking spaces. The existing angle parking spaces (of which two are to be designated accessible) can be either reverse or forward accessed. An email from the representative for the Hon Andrew Constance MP was discussed, in which the concern was raised that if reversing out of a parking space vehicles cross the footpath at the carpark entry off Church Street. It was also suggested the parking space opposite (adjoining the Fire Station) be removed to assist vehicle manoeuvres.

The plan will be modified to include a 'No Stopping' section to remove the parking space adjoining the Fire Station. Consideration was given to moving the accessible parking spaces further away from Church Street, however it is noted that other parking spaces opposite that adjoin the Fire Station would then restrict vehicle manoeuvres. It was also agreed to move the location of the parking spaces 2.5 metres to the south, away from the footpath.

Recommendation:

That Council Plan No. 5156 Set BA Sheet 01 detailing the linemarking associated with the two proposed accessible parking spaces in the off-street carpark near the Queen Street post office, Moruya be approved.

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2016.RT.026 Signage – Bus Zone on Corkhill Drive, Central Tilba

Council is building a bus bay on Corkhill Drive, Central Tilba at the intersection of Bate Street.

Council previously identified bus stop facilities that were in need of upgrades to reach DDA (Disability Discrimination Act) Compliance. Council has successfully secured grants over successive years, allowing significant improvements to accessibility at bus stops and shelters.

The bus bay at Central Tilba was identified for upgrade and was included in a successful grant application under Stage 2 of the 2014-2015 Country Passenger Transport Infrastructure Grant.

The location has a sealed shoulder that is already used by buses, however there is no 'J' sign to designate it as a bus stop. From time to time buses cannot set-down as other vehicles park in this location.

The Committee reviewed Council Plan No. 3213 Set B Sheet 01 detailing the proposed signage and linemarking. Installing 'Bus Zone' signs will ensure buses can utilise the stop, unimpeded by other vehicles.

Recommendation:

That Council Plan No. 3213 Set B Sheet 01 detailing the signage and linemarking associated with the proposed bus bay and bus stop on Corkhill Drive, Central Tilba be approved.

INFORMAL ITEMS FOR DISCUSSION

2016.SE.020 Special Event Application – Narooma Forest Rally

A special event application has been received for the Narooma Forest Rally car rally to be conducted within state forests to the north west of Narooma on Saturday 1 August 2015.

This proposed car rally has been conducted successfully in previous years. The service area will be located at Nata Oval, Narooma. The competition sections of the rally are to be solely on State Forest roads and no public (Council) roads are proposed to be closed.

A detailed traffic management plan for this event was presented to the committee.

Recommendation:

That the 2016 Narooma Forest Rally scheduled for 23 July 2016 to be conducted on State Forest roads be approved based upon the submitted traffic management plan.

2016.IN.019 Road Safety Projects – Update by the Road Safety Officer

The Road Safety Officer reported on completed 2015-2016 road safety projects delivered under the Local Government Road Safety Program. This program is funded by the NSW Roads and Maritime Services:

- Bike Week – Dalmeny Dash Family Bike Ride - delivered in partnership with Narooma Primary school – 177 participants
- Breath Testing – Conducted at Granite Town Festival (600 breath tests) and Moruya Show (100 breath tests)
- Motorcycle Safety Mapping Project – conducted with Eurobodalla Ulysses motorcycle riders group (30 participants). Discussion and mapping around motorcycle routes, black spots, and

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E16.0002

suggestions for improvement – outcomes still pending from RMS. Coinciding with the Live to Ride Campaign

- Night Bus Narooma – 3 days over Christmas and New Year – well supported by local venues and community
- Pedestrian Safety Workshops X6 – Workshops in collaboration with Community Health
- GLS – Learner Driver Workshops – August workshop 6 participants. April Workshop cancelled due to low numbers (2 RSVPs). RMS are reviewing the continuation of these workshops as there seems to be less interest in the workshops now that the GLS scheme has been in for a few years
- Motorcycle Riders Training Course – Conducted in March. Very successful weekend with 14 participants completing the course. Aimed at new riders and those returning to riding after a period away from riding
- Kings Highway Road Safety Partnership – Ongoing. Focus on campaign periods of Summer, Easter, and long weekends. Collaborative partnership with local councils, NSW and ACT policing, and ACT government
- Country Roads Campaign – March/April - Joint project with 9 local councils participating regionally
- Child Car Seat Safety Project – Free child restraint fittings for Eurobodalla residents. Free child restraint fitting day at Baby & Toddler Expo April – 22 out of 26 restraints checked required adjusting clearly demonstrating the value of this program
- Other tasks (not within the Local Government Road Safety Program)
 - Review of Children’s School Crossings
 - Facilitator at RYDA (Rotary Youth Driver Awareness Program)
 - Attendance at monthly Liquor Accord meetings.

2016.IN.020 Police approval for special events

The Police representative advised that events affecting roads and traffic are required to be lodged with NSW police at least 60 days prior to the event being held to meet the time frame requirements of their approval process. To enable lodgement of the event to the Police, the traffic management plan must be accompanied by the resolution of the Local Traffic Committee.

The Committee agreed that Council’s Events team be informed that applications that affect roads and traffic should be submitted to Council as early as possible, preferably 90 days prior to the event being held. This will enable the Committee to review the traffic management plans at a monthly meeting held greater than 60 days prior to the event taking place.

The Committee also agreed that once the event receives a recommendation to proceed from the Committee, the Traffic Officer will email the Police representative detailing the recommendation. This will satisfy the police that the event is approved to proceed by Council and the RMS on the road and road related areas.

2016.IN.006 Signage – Princes Highway and Hector McWilliam Drive Intersection, Tuross Head

IR16/024 LOCAL TRAFFIC COMMITTEE MEETING NO 9 FOR 2015-16

E16.0002

At the committee meeting on 14 April 2016, Mrs Danielle Brice enquired about a green and white advanced directional sign on the Princes Highway approach to Tuross Head. Council officers had also requested that this be considered.

The RMS representative informed the Committee that signage at the highway is currently under review.

2016.SE.021 Special Event Application – Rally of the Bay

A special event application has been received for the Rally of the Bay car rally to be conducted within state forests to the west of Batemans Bay on Saturday 13 August 2016. Media coverage is also proposed on Friday 12th August 2016 on forest roads off the Princes Highway near the Long Beach turnoff.

This proposed car rally has been conducted successfully in previous years. The service area will be located at MacKay Park, Batemans Bay. The rally involves several stages using a mixture of state forest and public roads to the north, south and west of Batemans Bay. Public roads which are proposed to be closed are sections of River Road, Buckenbowra Road, Bolaro Mountain Road and Old Nelligen Road. These public road closures will be advertised by Council. The location of the various stages is similar to the 2015 event with the only variations being on state forest roads.

The proposal also includes a “Ceremonial Start” to be conducted on Clyde Street, Batemans Bay. This will require the closure of Clyde Street from 10am to 2pm on Saturday 13 August. This “Ceremonial Start” was not held in 2015, however it was conducted in a similar manner to that proposed in previous years, including in 2013 and 2014.

This event application was not reviewed at the meeting. A detailed Traffic Management Plan (TMP) and other relevant documents for the event were forwarded to the Committee via email on 19 May, 2016. Subsequently some changes have been requested.

Item 1.2 of the TMP indicates that a sign with the wording “Caution Rally Traffic Turning Ahead” is to be installed on the highway. The RMS representative does not support this sign and indicated that a sign with wording such as s “TURNING TRAFFIC” or “CHANGED TRAFFIC CONDITIONS” would be more appropriate. The event organiser has been asked to amend the TMP.

Item 4.2 of the TMP indicates consultation is underway between the event organiser and the local Chamber of Commerce and shop owners / managers. The Traffic Officer has contacted the event organiser and asked that 60 days prior to the event taking place, letters with details of the event are delivered to:

- The Batemans Bay Chamber of Commerce and Industry
- Shop owners / managers in North street and Clyde Street and Bridge Plaza
- Bus and taxi operators
- Emergency services agencies.

Recommendation:

That the 2016 Rally of the Bay to be conducted on 12 & 13 August 2016 be approved based upon the Traffic Management Plan.

IR16/024 LOCAL TRAFFIC COMMITTEE MEETING NO 9 FOR 2015-16

E16.0002

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee is to be held on Thursday 9 June 2016 in the Council's Committee Room commencing at 9.30am.

**IR16/025 TENDER - 2016/ISD084 SEWAGE PUMPING STATIONS BB36 & BB38 E05.9189.PS
UPGRADE WORKS, DENHAMS BEACH**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Tender Evaluation Report - 2016/ISD084 Sewage Pumping Stations BB36 & BB38 Upgrade Works, Denhams Beach

Focus Area: Sustainable Communities

Delivery Program Link: S1.1 Provide and renew sewer infrastructure

Operational Plan Link: S1.1.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

The proposed upgrade of the sewage pumping stations BB36 (Valley Rd) and BB38 (Graydon Ave) at Denhams Beach are required to:

- improve environmental performance
- cater for growth in the area; and
- ensure workplace health and safety standards are achieved.

To achieve these outcomes the works will include:

- installation of a detention storage tank at each site, such that sewage overflows to the environment as a result of mechanical/electrical failure or wet weather inundation are minimised
- replacement of existing pump station access lids.

A Request for Tenders was advertised for the works during May 2016 and upon close of tenders one tender was received.

RECOMMENDATION

THAT Council accepts the tender identified as the preferred tender in the confidential attachment for the upgrade of sewage pumping stations BB36 and BB38, Denhams Beach.

**IR16/025 TENDER - 2016/ISD084 SEWAGE PUMPING STATIONS BB36 & BB38 E05.9189.PS
UPGRADE WORKS, DENHAMS BEACH**

BACKGROUND

Sewage Pumping Stations BB36 and BB38 were constructed in 1980 and 1987 respectively. Current design standards require sewage pumping stations to have eight hours of emergency dry weather storage within the system, so that during power failure or other abnormal operating conditions the risk and extent of sewage discharges to the environment are minimised.

Hydraulic modelling of the entire sewerage scheme identified elements of the existing sewerage reticulation system that require upgrading due to changed design standards and/or to cater for future growth. The requirement for additional storage at BB36 and BB38 was confirmed through this exercise, with these works seen as high priority due to overflow locations near Denhams Beach and the wetlands behind BB36.

A Request for Tenders for the works was placed on Council's tenderlink website on 3 May 2016, with advertisements placed in the Sydney Morning Herald on 3 May and in the Council Noticeboard in the local newspaper on 4 May. Upon close of tenders on 25 May, one tender was received.

A summary of the evaluation including the tenderer's pricing is provided in the confidential attachment.

CONSIDERATIONS

Legal

Request for Tender (RFT) No 2016/ISD084 was advertised in accordance with clause 167 of the Local Government (General) Regulation 2005 and the Local Government Act 1993.

The tender was advertised on Council's noticeboard page in local newspapers, in the Sydney Morning Herald, and on Council's online tendering system at <https://www.tenderlink.com/eurobodalla/>.

Before tender assessment was undertaken, a formal Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee.

The offer submitted by the sole tenderer has been assessed as representing good value for money for Council due to the company's demonstrated experience, quality of workmanship and satisfactory price in comparison to the pre-construction estimate.

Policy

Procurement was undertaken in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2006 and the Local Government Act 1993.

Environmental

The works are designed to bring the two sewage pumping stations to current design standards, minimising the risk and extent of future sewage discharges to the environment from these catchments.

**IR16/025 TENDER - 2016/ISD084 SEWAGE PUMPING STATIONS BB36 & BB38 E05.9189.PS
UPGRADE WORKS, DENHAMS BEACH**

Financial

Council currently has allocated \$1.35 million within the 2016-17 financial year for pump station upgrades in Batemans Bay. The current tendered amount can be accommodated within these funds as part of the delivery of programmed works.

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and local government requirements and the preferred tenderer has been assessed, through an extensive evaluation, as representing value for money.

The preferred tenderer, as identified in the confidential attachment, is therefore recommended to be awarded the contract for the upgrade of sewage pumping stations BB36 and BB38 at Denhams Beach.

**IR16/026 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY AND
STRATEGIC BUSINESS PLAN**

E13.7193

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Eurobodalla Shire Council Integrated Water
Cycle Management Strategy and Strategic Business Plan

Focus Area: Sustainable Communities

Delivery Program Link: S2.3 Plan to meet our community's future water needs

Operational Plan Link: S2.3.2 Integrated Water Cycle Management Strategy Review

EXECUTIVE SUMMARY

This report outlines the process for updating Council's integrated water cycle management strategy and strategic business plans. These strategic documents outline the works over the next 30 years required to support economic growth and ensure the wellbeing of our community, and protection of our environment.

The review of these documents was identified in Council's 2016-17 Operational Plan.

In April 2003, Council adopted its first Integrated Water Cycle Management Strategy (IWCMS), which outlined a 30 year water and sewer capital works program to ensure levels of service continue to be met into the future. Key components of the 2003 IWCMS have been implemented including pricing and demand management, water supply improvements, water filtration plants, sewerage system and Sewage Treatment Plant augmentations and the development of village sewerage schemes.

In 2011, Council adopted the second edition of its water and sewer Strategic Business Plan (SBP), which addresses the management and operation of Council's water supply and sewerage businesses.

A review of both the IWCMS and Strategic Business Plan has now been completed, with the results being presented to Council prior to being placed on public exhibition.

This review has confirmed that the existing strategic direction as adopted in the initial IWCMS is appropriate and should continue to be implemented. Updated capital works programs for the upgrade of existing assets and provision of new assets are provided along with operational budgets. Major capital works items include a new southern water supply storage, a capacity upgrade for the southern water treatment plant, capacity upgrades for the Batemans Bay, Tomakin, Bingi and Kianga sewage treatment plants, and the provision of water supply and sewerage for existing unserviced villages.

The review has identified the need to bring forward the construction of the new southern water supply storage to ensure continued drought security once the NSW Government Water Sharing Plans are implemented for the Deua, Tuross and Buckenbowra Rivers. Council believes the Australian and NSW Governments should contribute funds towards the southern water

**IR16/026 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY AND
STRATEGIC BUSINESS PLAN**

E13.7193

supply storage construction to ensure existing levels of service can be met whilst complying with new NSW Government policy.

Financial analysis included in the IWCMS and SBP review has identified that whilst a stable pricing path can be achieved to fund these works, this is dependent upon receiving future external grant funding for the southern water supply storage and the servicing of future priority villages. Council has been advocating to the Australian and NSW Governments for funding for the construction of the southern water supply storage. If grant funding is not achieved Council would need to revise the pricing structure and/or the proposed works.

Grant funding has already been secured for the sewerage of Bodalla, Rosedale and Guerilla Bay, with these projects underway. A funding application has been submitted to the NSW Government for the sewerage of Potato Point as the next priority.

A stable pricing path is recommended which assumes subsidies will be received for both the southern water supply storage and the servicing of existing smaller villages over time. Council will continue to seek external funds for these works into the future.

RECOMMENDATION

THAT Council endorse the attached Integrated Water Cycle Management Strategy and Strategic Business Plan for public exhibition for a period of 42 days, with the results of this exhibition period to be presented back to Council.

BACKGROUND

The completion and ongoing review of an IWCMS and SBP to NSW Office of Water guidelines is a requirement for achieving Best Practice Compliance. Over recent years, a number of strategic studies have been undertaken as a precursor to the formal review of these documents, being:

- Effluent Management Options Study
- Secure Yield Assessment for our water supply
- Water and Sewage Demand Forecasts
- Water and sewerage hydraulic modelling and system analysis
- Sewage treatment plant (STP) capacity assessments.

These studies have now been utilised in the IWCMS and SBP review, which has confirmed that the existing strategic direction as identified in the original IWCMS is appropriate and should continue to be implemented. The results of these studies have been combined into one strategic document which presents a revised 30 year capital and operational plan for Council's water and sewerage business which ensures Council's legislative and community obligations are met. A long term financial plan is also included in the document which provides a recommendation on a required long term stable pricing path to adequately fund this capital and operational plan.

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The IWCMS and SBP will be reviewed concurrently every five years following the release of new Census data and growth forecasts, and the subsequent update of water supply and sewerage demand forecasts and system modelling.

CONSIDERATIONS

The provision of a secure water supply and appropriate sewage collection and treatment facilities and services is vital for the social and economic well-being of our community, and for the protection of our environment.

Policy

The completion and ongoing review of an IWCMS and SBP is a requirement for achieving Best Practice Compliance with the NSW Office of Water.

Asset

The adopted 30 year capital works program includes appropriate funding for the renewal and upgrades of existing water and sewer assets.

Social Impact

The capital works and operational plans presented in the document will ensure the existing Levels of Service to the community are met.

Environment

The IWCMS takes into account the potential for reduced river flows due to climate change, as well as the proposed NSW Government water sharing plans (which require revised minimum environmental flows to be retained in local rivers). These plans have the effect of reducing Council's ability to pump water from rivers in dry times, thereby reducing the drought security of the town water supply system. The consequence of this change is a need to bring forward the construction of a new southern water supply storage. Council believes that the Australian and NSW Governments should support local ratepayers by funding the southern water supply storage such that existing levels of service regarding security of supply and the new environmental regime can both be met.

The IWCMS and Strategic Business Plans support works needed to better protect our environment and industries dependent upon our waterways (eg our tourism and oyster industries).

Economic Development Employment Potential

The provision of high quality water and sewage services are vital to the prosperity of our community and the environment. The development of the IWCMS and Strategic Business Plan establishes the works needed to ensure the increases in water demand and sewage loads resulting from population growth is catered for, thereby supporting economic growth and the associated employment within Eurobodalla. The IWCMS and Strategic Business Plan will be reviewed every five years following the release of Census data and subsequent growth forecasts.

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E13.7193

Financial

Financial analysis has confirmed that the proposed strategy is affordable and requires no significant increase in customer bills. This is based on the assumption that Council receives a government subsidy for the construction of the new southern water supply storage and for the future provision of water supply and sewerage to existing unserviced villages.

The Mayor has written to the Australian and NSW Governments seeking their support to fund the proposed southern storage. Council has also lodged a funding application for the Potato Point sewerage scheme. If grant funding is not achieved Council would need to revise the pricing structure and/or the proposed works.

Community Engagement

The process for development and review of an IWCMS requires an Issues Paper to be developed in consultation with a Project Reference Group that includes key internal and external stakeholders. A Project Reference Group meeting was held on 9 May 2016, with all Councillors and key NSW Government Departments and Council staff invited. Representatives from the NSW Office of Water, NSW Department of Primary Industries (Fisheries) and NSW Office of Environment and Heritage attended along with Council Water and Sewer, Strategic Planning, Sustainability, Public and Environmental Health and Finance staff. An Issues Paper which identified all issues which were required to be addressed in the IWCMS was subsequently finalised and forwarded to the NSW Office of Water.

Council will place the draft policy on public exhibition for a period of not less than 42 days commencing on 6 July until 2 August 2016. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

The review of the Integrated Water Cycle Management Strategy and Strategic Business Plan has been completed in accordance with the NSW Office of Water Guidelines, with a combined strategic document presented to Council for its endorsement for public exhibition.

This review has confirmed that the existing strategic direction as adopted in the initial IWCMS is appropriate and should continue to be implemented. Updated capital works programs and operating budgets to continue this implementation are provided. Financial analysis has confirmed that the proposed strategy is affordable and requires no significant increases in customer bills, provided a government subsidy is obtained for the new southern water supply storage and for the future provision of water supply and sewerage to existing unserviced villages. Funding opportunities for these capital works projects will continue to be sought into the future.

The adopted levels of service for drought security, drinking water quality, water supply, sewer overflows, sewage treatment plant license compliance and availability of service are all addressed by the preferred IWCMS scenario presented.

FBD16/034 LICENCE FOR CARAVAN AND CAMPING SHOW MACKAY PARK

E05.9612

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development
Attachments: 1. Confidential - Recommended Fee
Focus Area: Support Services
Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services
Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

EXECUTIVE SUMMARY

The South Coast Caravan, Camping and Holiday Expo has been successfully conducted by the Caravan and Camping Industry Association NSW (CCIA) on the Mackay Park Reserve at Batemans Bay since 2002. To secure tenure for continuing occupation of Mackay Park, the CCIA has sought a further five-year licence commencing in October 2016.

The previous five-year licence expired in November 2013 and twelve month licences were issued for 2014 and 2015 pending the establishment of the Code of Practice – *Licensing of Council Controlled Public Reserves and Associated Buildings*.

Mackay Park is a Crown Reserve under the Trusteeship of the Eurobodalla (North) Reserve Trust for which Council is Trust Manager. As Trust Manager, Council cannot grant a licence for use of the reserve for a period of greater than twelve months without the consent of the Minister administering the Crown Lands Act. The Minister will not consent to any licence unless the Trust Manager has engaged in an open and competitive process or the Trust Manger clearly demonstrates that it has considered the 2006 ICAC Guidelines for managing risk in direct negotiations in making a determination of the appropriateness of direct dealing.

In accordance with Council's Code of Practice – *Licensing of Council Controlled Public Reserves and Associated Buildings*, an expression of interest (EOI) was called on 10 December 2015 for the granting of licences for the use of Mackay Park (including associated buildings), Batemans Bay and closed on 4 February 2016.

The CCIA made a submission during the call for expressions of interest for use of Council controlled public reserves to conduct the South Coast Caravan, Camping and Holiday Expo Show at Mackay Park, Batemans Bay on the first (or the second) weekend in November, annually for five years commencing October 2016.

No other party made a submission to use Mackay Park Reserve under the EOI for that period and therefore it is appropriate the licence application be considered.

This satisfies Crown Land's new administrative and approvals procedure for consenting to licences for terms over twelve months, including the need to show fairness and transparency in dealing with prospective licensees.

This report recommends a five-year licence be granted subject to consent from the Minister administering the Crown Lands Act, 1989 to hold the Caravan and Camping Expo at Mackay Park, Batemans Bay.

FBD16/034 LICENCE FOR CARAVAN AND CAMPING SHOW MACKAY PARK

E05.9612

RECOMMENDATION

THAT subject to consent of the Minister administering the Crown Lands Act, 1989, Council as Trust Manager of the Eurobodalla (North) Reserve Trust grant a five-year licence to the Caravan and Camping Industry Association NSW to stage the South Coast Caravan, Camping and Holiday Expo on the Mackay Park Reserve at Batemans Bay one weekend annually in November with terms and conditions including:

- (a) The licence period be from 1 October 2016 to 30 September 2021.
- (b) The fee be the fee set out in the confidential attachment to this report.
- (c) The annual provision of an event management plan acceptable to Council for the event.
- (d) The annual provision of a traffic management plan acceptable to Council for the event.
- (e) The annual provision of public liability insurance in accordance with Council policy.
- (f) The Licensee to provide suitably qualified persons to render first aid and to provide security.
- (g) The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- (h) No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- (i) Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- (j) All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- (k) The Licensee to be responsible for making good any damage to the oval and other facilities used at Mackay Park during the event.

BACKGROUND

The South Coast Caravan, Camping and Holiday Expo has been successfully conducted by the Caravan and Camping Industry Association NSW (CCIA) on the Mackay Park Reserve at Batemans Bay since 2002.

The previous five-year licence expired in November 2013 and twelve month licences were issued for 2014 and 2015 pending the establishment of the Code of Practice – *Licensing of Council Controlled Public Reserves and Associated Buildings*.

In accordance with Council's Code of Practice – *Licensing of Council Controlled Public Reserves and Associated Buildings*, an expression of interest (EOI) was called on 10 December 2015 for the granting of licences for the use of Mackay Park (including associated buildings), Batemans Bay and closed on 4 February 2016.

The CCIA made a submission during the call for expressions of interest for use of Council controlled public reserves to conduct the South Coast Caravan, Camping and Holiday Expo

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Show at Mackay Park, Batemans Bay on the first (or the second) weekend in November, annually for five years commencing October 2016. Six days of 'bump in' is required prior to the start of the Expo (ie: from the Friday prior) and two days 'bump out' is required (until close of business on the Tuesday after the Expo finishes).

CONSIDERATIONS

No other party made a submission to use Mackay Park Reserve during this period and therefore it is appropriate for this application to be considered.

Legal

Mackay Park is a Crown Reserve for Public Recreation R580022 under the control of the Eurobodalla (North) Reserve Trust for which Council is Trust Manager. As Trust Manager, Council requires the consent of the Minister administering Crown Lands Act, 1989 to issue a licence for a period greater than twelve months.

The EOI procedure satisfies the Crown Lands Division's requirements regarding fairness and transparency in consenting to this and any other licences for terms in excess of twelve months.

Licence Conditions

Conditions of the previous licences include:

- The licence period be from 1 October 2016 to 30 September 2021.
- The fee be the fee set out in the confidential attachment to this report.
- The annual provision of an event management plan acceptable to Council for the event.
- The annual provision of a traffic management plan acceptable to Council for the event.
- The annual provision of public liability insurance in accordance with Council policy.
- The Licensee to provide suitably qualified persons to render first aid and to provide security.
- The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- The Licensee to be responsible for making good any damage to the oval and other facilities used at Mackay Park during the event.

These should also be conditions in the proposed licence.

Policy

FBD16/034 LICENCE FOR CARAVAN AND CAMPING SHOW MACKAY PARK

E05.9612

The EOI was called in accordance with the provisions of Council's Code of Practice- *Licensing of Council Controlled Public Reserves and Associated Buildings*.

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

Asset

Income from the ongoing Caravan, Camping and Holiday Expo will provide income for maintenance and improvements to Mackay Park. The approximate area for the Caravan, Camping and Holiday Expo is shown on the map below.



Social Impact

The Caravan, Camping and Holiday Expo is a very popular event with an average of approximately 8,000 attendees per event. This event attracts local residents and visitors from outside the Shire.

Economic Development Employment Potential

Whilst not specifically measured by the event organisers, it is estimated that the Caravan, Camping and Holiday Expo delivers an economic benefit well in excess of \$1 million to the local economy.

Financial

The licence fee for the proposed licence as set out in the confidential attachment is in line with the previous licence. A security bond of \$3,000 is considered appropriate.

FBD16/034 LICENCE FOR CARAVAN AND CAMPING SHOW MACKAY PARK

E05.9612

Community Engagement

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

CONCLUSION

The South Coast Caravan, Camping and Holiday Expo at Mackay Park is a popular event and it is recommended that Council support the granting of a five-year licence from 1 October 2016 to 30 September 2021.

FBD16/035 LICENCE FOR RALLY OF THE BAY

E00.4085

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

The Rally of the Bay, formerly the Bay Stages Rally, is a car rally which has been conducted on roads around Batemans Bay annually for over twenty years.

Whilst most activity involves driving on Council and Forest roads, use is also made of Mackay Park for which a temporary licence has previously been given annually.

Mackay Park is a Crown Reserve for Public Recreation R580022 under the control of the Eurobodalla (North) Reserve Trust for which Council is Trust Manager. As Trust Manager, Council cannot grant a licence for use of the reserve for a period of greater than twelve months without the consent of the Minister administering the Crown Lands Act.

In accordance with Council's Code of Practice – *Licensing of Council Controlled Public Reserves and Associated Buildings*, an expression of interest (EOI) was called on 10 December 2015 for the granting of licences for the use of Mackay Park (including associated buildings), Batemans Bay.

A submission was received from North Shore Sporting Car Club Limited for a five year licence to use Mackay Park during the annual rally usually held in July/August.

No other party made a submission to use Mackay Park Reserve under the EOI for that period and therefore it is appropriate the licence application be considered.

This satisfies Crown Land's new administrative and approvals procedure for consenting to licences for terms over twelve months, including the need to show fairness and transparency in dealing with prospective licensees.

This report recommends a five-year licence be granted subject to consent from the Minister administering the Crown Lands Act 1989 to hold the Rally of the Bay.

RECOMMENDATION

THAT subject to consent of the Minister administering the Crown Lands Act, 1989, Council as Trust Manager of the Eurobodalla (North) Reserve Trust grant a five-year licence to North Shore Sporting Car Club Limited for use in association with the Rally of the Bay event over the Mackay Park Reserve at Batemans Bay one weekend annually with terms and conditions including:

- (a) The licence period be from 1 August 2016 to 31 July 2021.
- (b) The fee be in accordance with Council's adopted fees and charges.
- (c) Notice be given at least six months prior to the event each year.

FBD16/035 LICENCE FOR RALLY OF THE BAY

E00.4085

- (d) The annual provision of an event management plan acceptable to Council for the event.
- (e) The annual provision of a traffic management plan acceptable to Council for the event.
- (f) The annual provision of public liability insurance in accordance with Council policy.
- (g) The Licensee to provide suitably qualified persons to render first aid and to provide security.
- (h) The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- (i) No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- (j) Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- (k) All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- (l) The Licensee to be responsible for making good any damage to the oval and other facilities used at Mackay Park during the event.

BACKGROUND

The Rally of the Bay, formerly the Bay Stages Rally, is a car rally which has been conducted on roads around Batemans Bay annually for over twenty years.

Whilst most activity involves driving on Council and Forest roads, use is also made of Mackay Park for which a temporary licence has previously been given annually.

In accordance with Council's Code of Practice – *Licensing of Council Controlled Public Reserves and Associated Buildings*, an expression of interest (EOI) was called on 10 December 2015 for the granting of licences for the use of Mackay Park (including associated buildings), Batemans Bay and closed on 4 February 2016.

As a result, a submission was received from North Shore Sporting Car Club Limited for a five year licence to use Mackay Park during the rally held annually in the July/August period.

CONSIDERATIONS

The Rally of the Bay has been held successfully for many years with a temporary licence granted each year for the use of Mackay Park.

Legal

Mackay Park is a Crown Reserve for Public Recreation R580022 under the control of the Eurobodalla (North) Reserve Trust for which Council is Trust Manager. As Trust Manager, Council requires the consent of the Minister administering Crown Lands Act, 1989 to issue a licence for a period greater than twelve months.

The EOI procedure satisfies the Crown Lands Division's requirements regarding fairness and transparency in consenting to this and any other licences for terms in excess of twelve months.

FBD16/035 LICENCE FOR RALLY OF THE BAY

E00.4085

Licence Conditions

Conditions of the licence should include:

- The licence period be from 1 August 2016 to 31 July 2021.
- The fee be in accordance with Council's adopted fees and charges.
- The annual provision of an event management plan acceptable to Council for the event.
- The annual provision of a traffic management plan acceptable to Council for the event.
- The annual provision of public liability insurance in accordance with Council policy.
- The Licensee to provide suitably qualified persons to render first aid and to provide security.
- The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- The Licensee to be responsible for making good any damage to the oval and other facilities used at Mackay Park during the event.

Policy

The EOI was called in accordance with the provisions of Council's Code of Practice- *Licensing of Council Controlled Public Reserves and Associated Buildings*.

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

Asset

Conditions in the licence will ensure any damage to the park is made good.

As the event is not held on the same weekend each year the Council's Code of Practice- *Licensing of Council Controlled Public Reserves and Associated Buildings* will apply. The proponent should notify council of the date through the annual call for expressions of interest or as a minimum it would be appropriate for the event operator to give six months prior notice of the event each year.

Social Impact

The Rally is a popular event which attracts local residents and visitors from outside the Shire.

Economic Development Employment Potential

Like all events that bring people from outside the Shire, it results in economic benefit to many local businesses.

FBD16/035 LICENCE FOR RALLY OF THE BAY

E00.4085

Financial

The annual fee for the licence will be in accordance with Council's adopted fees and charges for the use of reserves under Council's care and control.

Community Engagement

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

CONCLUSION

The Rally of the Bay is a popular event and it is recommended that Council support the granting of a five-year licence from 1 August 2016 to 31 July 2021.

FBD16/036 LICENCE FOR NAROOMA FOREST RALLY

E14.8236

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

The Narooma Forest Rally is an annual motorsport event generally held on the fourth weekend in July in the forests surrounding Narooma as part of the NSW and ACT rally championships.

Whilst most activity involves driving on Council and Forest roads, use is also made of NATA Reserve for which an event approval has previously been given annually.

NATA Reserve is a Crown Reserve for Public Recreation R63051 under the Trusteeship of the Eurobodalla (South) Reserve Trust for which Council is Trust Manager. As Trust Manager, Council cannot grant a licence for use of the reserve for a period of greater than twelve months without the consent of the Minister administering the Crown Lands Act.

In accordance with Council's Code of Practice – *Licensing of Council Controlled Public Reserves and Associated Buildings*, an expression of interest (EOI) was called on 10 December 2015 for the granting of licences for the use of NATA Reserve (including associated buildings), Narooma.

The EOI closed on 4 February 2016 and one submission was received from Brindabella Motor Sports Club Inc. for a five year licence to use NATA Reserve during the annual rally.

This satisfies Crown Land's new administrative and approvals procedure for consenting to licences for terms over twelve months, including the need to show fairness and transparency in dealing with prospective licensees.

This report recommends a five-year licence be granted subject to consent from the Minister administering the Crown Lands Act 1989 to hold the Narooma Forest Rally.

RECOMMENDATION

THAT subject to consent of the Minister administering the Crown Lands Act, 1989, Council as Trust Manager of the Eurobodalla (South) Reserve Trust grant a five-year licence to Brindabella Motor Sports Club Inc. for use over the NATA Reserve at Narooma in association with the Narooma Forest Rally event annually on the fourth weekend in July with terms and conditions including:

- (a) The licence period be from 1 July 2016 to 30 June 2021.
- (b) The fee be in accordance with Council's adopted fees and charges.
- (c) The annual provision of an event management plan acceptable to Council for the event.
- (d) The annual provision of a traffic management plan acceptable to Council for the event.

FBD16/036 LICENCE FOR NAROOMA FOREST RALLY

E14.8236

- (e) The annual provision of public liability insurance in accordance with Council policy.
- (f) The Licensee to provide suitably qualified persons to render first aid and to provide security.
- (g) The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- (h) No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- (i) Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- (j) All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- (k) The Licensee to be responsible for making good any damage to the oval and other facilities used during the event.

BACKGROUND

The Narooma Forest Rally is an annual motorsport event held generally on the fourth weekend in July in the forests surrounding Narooma. Part of the NSW and ACT rally championships, this event brings 100 of the top rally competitors in NSW, ACT and other states to Narooma for the weekend, along with approximately 200 support crews and 50 event officials.

Whilst most activity involves driving on Council and Forest roads, use is also made of NATA Reserve for which an event approval has previously been given annually.

In accordance with Council's Code of Practice – *Licensing of Council Controlled Public Reserves and Associated Buildings*, an expression of interest (EOI) was called on 10 December 2015 for the granting of licences for the use of NATA Reserve (including associated buildings), Narooma and closed on 4 February 2016.

One submission was received from Brindabella Motor Sports Club Inc. for a five year licence to use NATA Reserve during the annual rally.

CONSIDERATIONS

The Narooma Forest Rally has been held successfully for a number of years with an event approval granted each year for the use of NATA Reserve.

Legal

NATA Reserve is a Crown Reserve for Public Recreation R63051 under the control of the Eurobodalla (South) Reserve Trust for which Council is Trust Manager. As Trust Manager, Council requires the consent of the Minister administering Crown Lands Act, 1989 to issue a licence for a period greater than twelve months.

The EOI procedure satisfies the Crown Lands Division's requirements regarding fairness and transparency in consenting to this and any other licences for terms in excess of twelve months.

FBD16/036 LICENCE FOR NAROOMA FOREST RALLY

E14.8236

Licence Conditions

Conditions of the licence should include:

- The licence period be from 1 July 2016 to 30 June 2021.
- The fee be in accordance with Council's adopted fees and charges.
- The annual provision of an event management plan acceptable to Council for the event.
- The annual provision of a traffic management plan acceptable to Council for the event.
- The annual provision of public liability insurance in accordance with Council policy.
- The Licensee to provide suitably qualified persons to render first aid and to provide security.
- The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- The Licensee to be responsible for making good any damage to the reserve and other facilities used at NATA Reserve during the event.

Policy

The EOI was called in accordance with the provisions of Council's Code of Practice- *Licensing of Council Controlled Public Reserves and Associated Buildings*.

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

Asset

Conditions in the licence will ensure any damage to the park is made good.

Social Impact

The event provides an opportunity for talented sports men and women to compete in their chosen sport in a controlled and managed environment, whilst providing spectacular viewing access for locals and motorsport enthusiasts.

The rally is a popular event which attracts local residents and visitors from outside the Shire.

Economic Development Employment Potential

Like all events that bring people from outside the Shire, it results in economic benefit to many local businesses.

FBD16/036 LICENCE FOR NAROOMA FOREST RALLY

E14.8236

Financial

The annual fee for the licence will be in accordance with Council's adopted fees and charges for the use of reserves under Council's care and control.

Community Engagement

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

CONCLUSION

The Narooma Forest Rally is a popular event and it is recommended that Council support the granting of a five-year licence from 1 July 2016 to 30 June 2021.

FBD16/037 LICENCE FOR NATURE COAST DRAGON BOAT CLUB - MORUYA MEMORIAL POOL COMPLEX E06.0475

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

The Nature Coast Dragon Boat Club (the Club) Licence within the Moruya Memorial Pool complex expired on 31 January 2016.

Moruya Memorial Pool is within Crown Reserve R82377 under the care and control of the Eurobodalla (Central) Reserve Trust for which Council is Trust Manager.

As Trust Manager, Council cannot grant a licence for use of the reserve for a period of greater than twelve months without the consent of the Minister administering the Crown Lands Act, 1989.

In accordance with Council's Code of Practice – *Licensing of Council Controlled Public Reserves and Associated Buildings*, an expression of interest (EOI) was called on 1 February 2016 for the granting of licences for the use of Council controlled public reserves and closed on 21 March 2016.

The Club made a submission during the recent EOI for use of Council controlled public reserves to store Club equipment including two dragon boats on Crown Reserve R82377 for a period of five years.

No other party made a submission to use this reserve.

This report recommends a five-year licence be granted subject to consent from the Minister administering the Crown Lands Act, 1989 to the Nature Coast Dragon Boat Club Inc. for use of Moruya Memorial Pool complex to store Club equipment.

RECOMMENDATION

THAT Subject to the consent of the Minister administering the Crown Lands Act, 1989, Council as Trust Manager of the Eurobodalla (Central) Reserve Trust grant a five year licence to the Nature Coast Dragon Boat Club Inc. for use over Crown Reserve R82377 to store Club equipment including two dragon boats with conditions in line with the previous licence.

BACKGROUND

Nature Coast Dragon Boat Club Inc. (the Club) has occupied part of Crown Reserve R82377, being part of the Moruya Swimming Pool site since December 2009. A five year licence was previously granted to the Club which expired on 31 January 2015. A temporary twelve month licence which was granted pending the finalization of Council's *'Licensing of Council controlled*

**FBD16/037 LICENCE FOR NATURE COAST DRAGON BOAT CLUB - MORUYA
MEMORIAL POOL COMPLEX**

E06.0475

public reserves and associated buildings' Code of Practice, expired on 31 January 2016 with the Club subsequently operating on a carryover basis.

The Club made a submission during the recent EOI for use of Council controlled public reserves to store Club equipment including two dragon boats on Crown Reserve R82377.

CONSIDERATIONS

The Club is a vital part of the local community and offers members the opportunity for healthy physical activity and social interaction. The Club caters for members of all ages and regularly hosts paddling sessions for youth and adults with special needs.

The Club store their boats within a specified area that is separated from the public pool area by a fence and access is available from Shore Street without disruption to pool patrons. No problems have been raised with the storage of the boats over the past six years.

The current licence area is shown on the plan below.



Legal

Moruya Memorial Pool is within Crown Reserve R82377 under the care and control of the Eurobodalla (Central) Reserve Trust for which Council is Trust Manager. As Trust Manager, Council cannot grant a licence for use of the reserve for a period of greater than twelve months without the consent of the Minister administering the Crown Lands Act, 1989.

**FBD16/037 LICENCE FOR NATURE COAST DRAGON BOAT CLUB - MORUYA
MEMORIAL POOL COMPLEX**

E06.0475

The EOI procedure satisfies the Crown Lands Division's requirements regarding fairness and transparency in consenting to this and any other licences for terms in excess of twelve months.

Policy

The EOI was called in accordance with the provisions of Council's Code of Practice- *Licensing of Council Controlled Public Reserves and Associated Buildings*.

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

Asset

A condition of the licence includes that the Lessee will be responsible for maintaining the asset in a satisfactory condition.

Social Impact

The activities of the Club benefit the social and physical well-being of its members. It also encourages recreational activities on the Eurobodalla waterways.

Financial

The licence fee should be the statutory minimum charged by the Crown Lands Division of the Department of Primary Industries for Crown Licences, currently \$471.00 plus GST which is in line with other licences for use of Crown reserves under Council's care and control.

Community Engagement

The EOI was publicly notified on Council's website and advertised on Council's noticeboard page in two local newspapers giving a period of 49 days for submissions.

CONCLUSION

The Nature Coast Dragon Boat Club provides a social and physical benefit to the community and support is recommended.

FBD16/038 LEASE FOR CAR HIRE - MORUYA AIRPORT

E06.0603

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

Attachments: 1. Confidential - Proposed Lessee

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

The current car hire business operating from Moruya Airport has held a number of leases since January 2007. The most recent five-year lease expired 31 March 2016 and the business has been operating on a carryover basis since that time.

An expression of interest (EOI) was called in October 2015 for parties interested in operating car hire businesses and secure parking at the airport. Only one party made a submission.

In order to amortise capital expenditure for an upgraded facility in the larger area and to grow the business, the Lessee is seeking a longer term lease for security of tenure.

This report recommends a lease for five years with an option for five years be granted.

RECOMMENDATION

THAT:

1. A lease be granted to the party named in the Confidential Attachment to Report FBD16/038 Lease for Car Hire – Moruya Airport to operate a car hire business within Lot 4 DP 1090948 at Moruya Airport with terms and conditions including:
 - (i) Term of five years with an option for five years.
 - (ii) Rental increased annually in line with the CPI.
 - (iii) All costs associated with the lease and construction of access and secure compound to be borne by the Lessee.
 - (iv) Rent for the option be market rental determined by a registered valuer.
 - (v) Insurance to be held in accordance with Council policy.
 - (vi) Council to have no responsibility or liability in regard to the security of the site or vehicles parked.
 - (vii) Access and hardstand be constructed if so directed by Council.
 - (viii) Land cannot be used for any purpose other than a vehicle hire business and secure car parking without consent of Council.
 - (ix) Lessee must comply with all airport security directions given by Council airport staff and the Moruya Airport Transport Security Program.
 - (x) Lessee to have the right to locate a customer stand within the airport terminal at a

FBD16/038 LEASE FOR CAR HIRE - MORUYA AIRPORT

E06.0603

site nominated by the Lessor.

- (xi) The leased area can be amended by the Lessor if redevelopment of the airport requires it prior to the expiration date of the lease.
- 2. The General Manager be given delegated authority to negotiate the initial rent for an amount not less than market rent determined by a registered valuer.
- 3. Consent be given to affix the Common Seal of Council to:
 - (i) The Plan of Survey for lease purposes within Lot 4 DP 1090948.
 - (ii) The lease for car hire business within Lot 4 DP 1090948.

BACKGROUND

The current car hire business operating from Moruya Airport has held a number of leases since January 2007. The most recent five-year lease expired 31 March 2016 and the business has been operating on a carryover basis since that time.

An expression of interest (EOI) was called in October 2015 for parties interested in operating car hire businesses and secure parking at the airport. One party made a submission. The name of the business is set out in the Confidential Attachment to this report.

CONSIDERATIONS

The operation of a vehicle rental business at Moruya Airport complements commercial flight operations by providing a service required by some airline passengers as well as private aviators and charters landing at Moruya.

No adverse impacts on the operation of the airport have resulted from granting the previous leases.

The proposed lease will not give exclusive business rights at the airport and consideration would be given to other businesses if applications were made.

Legal

Lot 4 DP 1090948 is Council owned property classified as operational land. Therefore there is no impediment to granting a new lease.

Licence Conditions

The terms and conditions of the lease will be consistent with the existing lease with the exception that the leased area can also be used to supply secure car parking and allow relocation of the leased area if the airport redevelopment requires it.

- 1. Term of five years with an option for five years.
- 2. Rental increased annually in line with the CPI.
- 3. All costs associated with the lease and construction of access and secure compound to be borne by the Lessee.

FBD16/038 LEASE FOR CAR HIRE - MORUYA AIRPORT

E06.0603

4. Rent for the option be market rental determined by a registered valuer.
5. Insurance to be held in accordance with Council policy.
6. Council to have no responsibility or liability in regard to the security of the site or vehicles parked.
7. Access and hardstand (concrete/bitumen surface for parking) be constructed if so directed by Council.
8. Land cannot be used for any purpose other than storage of rental vehicles without consent of Council.
9. Lessee must comply with all airport security directions given by Council airport staff and the Moruya Airport Transport Security Program.
10. Lessee to have the right to locate a customer stand within the airport terminal.
11. The lease can be terminated by Council if relocation of the airport terminal occurs prior to the expiration date of the lease.

Along with the lease, a plan of survey will be required to be registered at the Land and Property Information Office as the term of the lease, including the option, will exceed five years.

Policy

Whilst no specific policy is in place with regards to commercial leasing of Council land, the process in this case has been open, transparent and competitive and meets ICAC guidelines for direct dealing.

Asset

Given the timing for the full redevelopment of the airport is still not known, it is appropriate to include a lease condition providing that the leased area can be amended by the Lessor if redevelopment of the airport requires it prior to the expiration date of the lease. It is to be noted that the Airport Master Plan does not include plans which would affect the lease area during the term of the proposed lease.

A larger area than the existing lease area is proposed to increase the storage area to reduce the impact of the car hire business on the airport public carpark, freeing up car spaces for private airport users and to provide space for secure car parking for airline passengers as well as private aviators and charters landing at Moruya. This service is currently unavailable at the airport.

The Lessee is seeking a longer term lease to amortise the capital expenditure required for proposed upgrading of the facility in the larger area.

The current lease area and the proposed extended lease area is shown on the plan below.

FBD16/038 LEASE FOR CAR HIRE - MORUYA AIRPORT

E06.0603



Economic Development Employment Potential

The availability of car hire at the airport is important from a tourism and business perspective. The ongoing presence of a car hire business maintains the current employment opportunities and provides the option for secure parking for airport users.

Financial

All costs associated with the granting of the lease including the preparation and registration of a plan of survey should be borne by the Lessee.

It would be appropriate for the General Manager to be given delegated authority to negotiate the lease fee for an amount not less than market rent determined by a registered valuer.

The rental for the option should also be determined at market rent at the time by a registered valuer.

Rental will increase annually in line with the CPI.

Community Engagement

The call for an Expression of Interest for the operation of a car hire business was publicly notified in the local paper, the Sydney Morning Herald, the Tenderlink website and the Council website. Whilst enquiries were made by a number local car hire operators, only one submission was received.

CONCLUSION

The call for expressions of interest provided the opportunity for all car hire businesses, local and otherwise to make a submission.

The proposed new lease over a larger area will complement the airport facilities providing a service for airline passengers and other airport users.

FBD16/039 LEASE OF PUBLIC ROAD - FLORA COURT BATEMANS BAY 82.5730.D;E16.0209

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development
Attachments: 1. Confidential - Registered Proprietors and Rental
Focus Area: Support Services
Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services
Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

EXECUTIVE SUMMARY

Flora Court, Batemans Bay is a service lane currently not a through road but will ultimately become a through road once extended in association with future development.

Two properties adjoining the lane at the end of Flora Court have been occupying parts of the road.

Council was approached by one owner to legalise the situation by seeking a lease over the occupied area and following subsequent contact, the other owner also wishes to be granted a lease.

This report recommends the proposed leases be publically notified in accordance with the Roads Act, 1993 giving 28 days for submissions to be made and if no submissions are received, five-year leases be granted.

RECOMMENDATION

THAT:

1. Public notice be given in accordance with the provisions of the Roads Act 1993 of the intention to grant leases over those parts of Flora Court, Batemans Bay adjoining Lot 103 DP 1210970 and Lot 230 DP 801016, Flora Court, Batemans Bay.
2. A period of 28 days be given for submissions to be received.
3. If any submissions objecting to the lease are received a further report be presented to Council for consideration.
4. If no submissions are received, a lease be granted to the registered proprietors of Lot 103 DP 1210970 and Lot 230 DP 801016 with the following conditions:
 - (a) A five-year term.
 - (b) Rental as set out in the Confidential Attachment to Report FBD16/036 Lease of Public Road – Flora Court Batemans Bay be payable in advance.
 - (c) Provision of \$20 million public liability insurance.
 - (d) All costs associated with the lease to be borne by the lessees.
 - (e) The lease be able to be terminated by Council at any time for any reason.
5. Consent be given to affix the common seal of Council to leases over parts of Flora Court.

FBD16/039 LEASE OF PUBLIC ROAD - FLORA COURT BATEMANS BAY 82.5730.D;E16.0209

BACKGROUND

Flora Court, Batemans Bay is a service lane currently constructed to the southern boundary of Lot 104 DP 1210970 but will ultimately become a through road once extended between Lot 104 and Lot 230 DP 801016.

That part of Flora Court adjacent to Lot 230 DP 801016 and Lot 103 DP 1210970 is currently occupied by those adjoining properties.

The registered proprietor of Lot 103 approached Council to legalise the occupation by seeking a lease over part of the road.

The registered proprietor of Lot 230 was subsequently contacted and is also prepared to accept a lease.

A plan showing the proposed leases is below.



CONSIDERATIONS

Both parties use the road for additional parking purposes.

Legal

In accordance with the provisions of the Roads Act 1993, Council can lease land comprising a public road to the registered proprietor of the adjacent property if in its opinion the public is not using it. The term can be a maximum of five years and can be terminated at any time by Council for any reason.

Before granting a lease Council must give notice in a local newspaper and to all landowners adjoining the road concerned, giving at least 28 days in which to make submissions regarding the proposed lease. If any submissions are received they must be considered before granting the lease.

FBD16/039 LEASE OF PUBLIC ROAD - FLORA COURT BATEMANS BAY 82.5730.D;E16.0209

Policy

The Lessee should have \$20 million public liability insurance in accordance with Council policy.

Asset

Flora Court is currently not a through road. There are long term plans for the lane to be extended between Lot 203 DP 801016 and Lot 104 DP 1210970.

Until that occurs, the area proposed to be leased is not required for public access. In accordance with the provisions of the Roads Act 1993 a lease may be terminated by the roads authority at any time for any reason.

Social Impact

Subject to public submissions there would appear to be no detrimental social impacts with respect to the proposed leases.

Economic Development Employment Potential

The lease of the road will allow both businesses to operate more efficiently.

Financial

All costs associated with the proposed leases should be borne by the lessees.

The proposed rents are set out in the Confidential Attachment to this report.

Community Engagement

In accordance with the provisions of the Roads Act, 1993 notice will be published in the local newspaper and served on the owner of each parcel of land adjoining the lane identifying the proposed lease area and advising any person is entitled to make a submission in respect of the proposed leases.

In addition, notice will be published on the Council website.

CONCLUSION

Given the subject section of Flora Court, Batemans Bay adjoining Lot 103 DP 1210970 and Lot 230 DP 801016 is not currently used for public access, it is considered reasonable that a lease for the area be offered to the registered proprietors of those adjoining properties subject to there being no objections from the public.

FBD16/040 EASEMENT FOR WATER SUPPLY, NORTH BATEMANS BAY

07.1403.B

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

Attachments: 1. Confidential - Easement for Water Supply

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

Works were undertaken on Peninsula Drive, North Batemans Bay to construct a water line. Underground drilling took place and due to impenetrable rock the water line encroached into the adjoining property being Lot 5 DP 1044536.

This report recommends an easement for water supply be acquired within Lot 5 DP 1044536.

RECOMMENDATION

THAT:

1. All actions necessary be taken for the acquisition of an easement for water supply within Lot 5 DP 1044536 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey, valuation and legal costs including the registered proprietor's reasonable legal costs associated with the acquisition of the easement be borne by Council.

BACKGROUND

Council constructed a water line along Peninsula Drive, North Batemans Bay. Due to rock, underground boring for the water line inadvertently encroached approximately one metre within the adjoining property Lot 5 DP 1044536 and an easement for water supply is now required.

The registered proprietors have agreed to Council acquiring an easement within their property. The names of the registered proprietors are set out in the Confidential Attachment.

CONSIDERATIONS

A sketch of the proposed easement is set out below.

FBD16/040 EASEMENT FOR WATER SUPPLY, NORTH BATEMANS BAY

07.1403.B



Legal

Easements are required to give Council legal right to maintain infrastructure within private property and to replace infrastructure if necessary.

Policy

The acquisition of an easement for water supply will proceed in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

Asset

An easement for water supply 1.5 metres wide is required. The cost to relocate the waterline is substantially greater than the cost to acquire an easement.

Financial

Compensation will be determined by registered valuers in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. Together with the compensation, Council will be responsible for all costs associated with the acquisition including survey and legal fees and the registered proprietor's reasonable legal costs. Based on previous similar acquisitions, sufficient funds are available within allocated budgets

Community Engagement

The registered proprietors have agreed to the acquisition of the required easement.

CONCLUSION

An easement for water supply within Lot 5 DP 1044536 is required and should be acquired in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

FBD16/041 INVESTMENTS MADE AS AT 31 MAY 2016

E99.3517

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

Attachments: Nil

Focus Area: Support Services

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

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

Executive SUMMARY

The purpose of this report is to:

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

RECOMMENDATION

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

CONSIDERATIONS

Legal

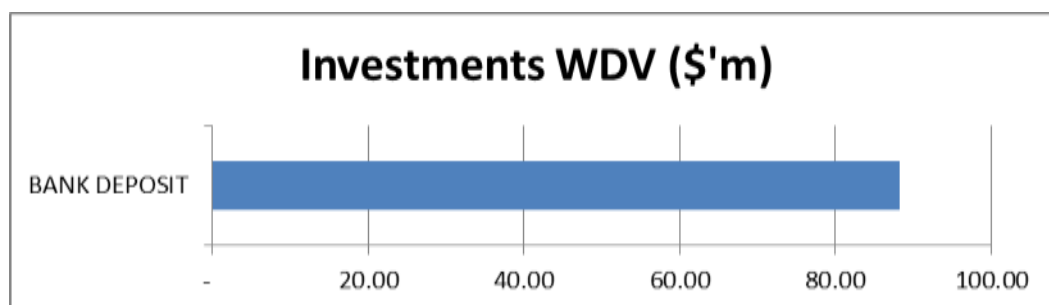
Budgeted legal fees for 2015-2016 are \$0.03m with minor expenditure incurred this year to date. Credit crisis related legal costs for the financial years 2008-2015 were \$0.37m.

Policy

Investments comply with Council's Investment policy.

Financial

Council Investing Overall



Council has 100% (\$88.32m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$0.75m with IMB

FBD16/041 INVESTMENTS MADE AS AT 31 MAY 2016

E99.3517

(Rated BBB+) and \$3.75m with ME Bank (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.50m and represents 2.80% of the portfolio.

The weighted average return for all investments for the month is 2.99% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.26%).

Collateralised Debt Obligation (CDO)

Legal action against Standard and Poors is partially complete and is expected to be finalised before the end of the calendar year.

Summary Investment Information

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

CATEGORY	WDV (\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	3,069,642
Term Deposits	82,750,000
Term Deposits Government Guaranteed	2,250,000
	88,319,642
<i>Weighted average Interest %:</i>	2.99%
<i>Average 90 day BBSW + 25%</i>	2.26%

Policy and Liquidity Risk

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

Policy Risk	Low Liquidity Risk %	Medium Liquidity Risk %	High Liquidity Risk %	Total % WDV
Remote Risk	2.80	0.00	0.00	2.80
Policy Limit	100.00	70.00	50.00	
Near Risk Free	92.11	0.00	0.00	92.11
Policy Limit	100.00	50.00	30.00	
Some Limited Risk	5.09	0.00	0.00	5.09
Policy Limit	30.00	20.00	10.00	
At Risk	0.00	0.00	0.00	0.00
Policy Limit	0.00	0.00	0.00	
Grant Total	100.00	0.00	0.00	100.00

FBD16/041 INVESTMENTS MADE AS AT 31 MAY 2016

E99.3517

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

CONCLUSION

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

FBD16/042 CORPORATE BUSINESS SYSTEM - SELECTION

E12.6215

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

Attachments:

1. Confidential - Request for Tender - Vendor Response Summary and Conforming Assessment Review
2. Confidential - Corporate Business System: Short-Listed Vendor Detailed Scoring Assessment
3. Confidential - Corporate Business System - Post Demonstration Evaluation
4. Confidential - Tender Report - Evaluation of tenders

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

Local Government operates in an information driven environment where access to reliable, accurate and appropriate information is critical to productivity, service delivery and customer service and decision making.

Councils need to deliver a personalised service to their customers in a variety of ways, which includes face to face, email, phone, web and mail. Customers are becoming increasingly sophisticated in the use of technology and are expecting councils to deliver a comparable level of service as banks and major corporate businesses.

Customers expect 24/7 access to Council resources and expect their records to be secure, accurate and accessible. A robust, contemporary 'all in one' solution will transform the customer service experience for both Council and its customers. The system will support eServices which are the most convenient and lowest cost vehicle for customer transactions.

Council is seeking to replace its existing, in-house software system with a new 'all in one' Corporate Business System solution. Council's Fit for the Future Improvement Proposal (June 2015) identified that an integrated and improved information technology system will provide enhanced quality of information for strategic decision making and planning, reduce manual processing time and create further organisation efficiencies. The current system no longer adequately or efficiently addresses the needs of the community and the organisation.

A new Corporate Business System solution will:

- Provide greater access to self-service for the community.
- Safeguard Council's ability to provide service and collect revenue by eliminating risks associated with unavailability of systems.
- Improve corporate reporting abilities ensuring that management decisions are based on current information.
- Automate processes and remove the risk of error of manual processes.

FBD16/042 CORPORATE BUSINESS SYSTEM - SELECTION

E12.6215

- Utilise mobile/field based technology to improve responsiveness and timeliness of services provided to the community.
- Improve business processes leading to greater efficiencies.

In October 2015 a Request for Tender (RFT) 2016/FBD079 'Corporate Business System Implementation, Support and Value Added Service Provider' was issued to the marketplace seeking responses from vendors who could provide a single platform solution to improve functionality and business processes at Council.

This report outlines the evaluation of offers submitted in response to Request for Tender No. RFT 2016/FBD079 'Corporate Business System Implementation, Support and Value Added Service Provider', and provides a recommendation for the preferred source of supply provider.

RECOMMENDATION

THAT

1. Council endorses the selection of the preferred tenderer listed for RFT 2016/FBD079 'Corporate Business System Implementation, Support and Value Added Service Provider' within the confidential attachment; and
2. Council provide delegated authority to the General Manager to commit to a contract value for the purchase of software licenses, implementation services and first year Maintenance and Support in accordance with the confidential attachment to this report.

BACKGROUND

Local Government operates in an information driven environment where access to reliable, accurate and appropriate information is critical to productivity, service delivery and customer service and decision making.

Councils need to deliver a personalised service to their customers in a variety of ways, which includes face to face, email, phone, web and mail. Customers are becoming increasingly sophisticated in the use of technology and are expecting councils to deliver a comparable level of service as banks and major corporate businesses.

Customers expect 24/7 access to Council resources and expect their records to be secure, accurate and accessible. A robust, contemporary 'all in one' solution will transform the customer service experience for both Council and its customers. The system will support eServices which are the most convenient and lowest cost vehicle for customer transactions.

Council currently operates a mix of seven best of breed (at time of purchase) and in-house systems. A new Corporate Business System solution will:

- Provide greater access to self-service which will enhance community responsiveness.
- Safeguard Council's ability to provide service and collect revenue by eliminating risks associated with unavailability of systems.
- Improve corporate reporting abilities ensuring that management decisions are based on the most current information.
- Automate processes that are currently manual.

FBD16/042 CORPORATE BUSINESS SYSTEM - SELECTION

E12.6215

- Provide mobile/field based technology which improves responsiveness and timeliness of service.
- Improve business processes leading to greater efficiencies.

In September 2011, Council resolved to create an internal restriction (Council Report FS11/80 – Minute FSM11/141) for the IT Review Project.

In April 2015, Council produced a request for quote through the Local Government Procurement vendor panel to select a consultant to prepare a Request for Tender (RFT) document and assist in the evaluation of the various vendors. On 4 May 2015 iPlatinum was selected as the successful consultant based on its proven track record in this area and its independence from any of the vendors in the market.

An enhanced information technology system will provide improved quality of information for strategic decision making and planning, reduce manual processing time and create further organization efficiencies. This was identified as an opportunity in the formulation of Council's Fit for the Future Improvement proposal (June 2015).

A Client Reference Group (CRG) was formed with representatives from each division of Council to identify a preferred software supplier, and in October 2015 a Request for Tender RFT 2016/FBD079 'Corporate Business System Implementation, Support and Value Added Service Provider' was issued to the marketplace seeking responses from vendors who could provide a single platform solution to improve functionality and business processes at Council.

An Evaluation Methodology to review the tenders was defined by the project team and approved by the Executive Leadership Team and independent Audit Committee members in October 2015.

Tenders were received from six vendors and were reviewed in accordance with the Evaluation Methodology as follows:

- *Conforming Tender Review* was conducted to confirm compliance. Non-conforming and unviable tenders were not evaluated further.
- *Detailed Evaluation* of compliant tenders was conducted leading to short-listing of vendors.
- *Demonstrations* of systems from those short-listed vendors were provided to Council and a preferred vendor's solution selected for Reference Site Visits.
- *Reference Site Visits* to other councils with installations of the solution from the preferred tender were conducted.

Following the completion of the evaluation processes the CRG unanimously agreed on the preferred tenderer as did the Executive Leadership Team. Consequently, this report recommends procurement of the tendered solution.

FBD16/042 CORPORATE BUSINESS SYSTEM - SELECTION

E12.6215

CONSIDERATIONS

Legal

Request for Tender RFT 2016/FBD079 was advertised in accordance with clause 167 of the Local Government (General) Regulation 2005 and the Local Government Act 1993.

The tender was advertised on 26 October 2015 in local newspapers, on Council's website and on Council's online tendering system at www.tenderlink.com/Eurobodalla/. Tenders closed 25 November 2015.

The offer submitted by the preferred tenderer has been assessed as representing good value of money for Council due to the company's demonstrated experience.

A contract with the preferred tenderer would need to be signed by 30 September 2016 in order to benefit from generous discounts they are offering, described within the pricing proposal in the confidential attachment, and that are available within their current financial year, which runs from 1 October to 30 September 2016.

Solicitors with significant experience in assisting councils in contractual negotiations with the preferred tenderer will be engaged to assist Council.

Policy

Procurement was undertaken in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2006 and the Local Government Act 1993.

Financial

Funds have been internally restricted for this purpose. The current tendered amount can be accommodated within these funds.

Community Engagement

The Request for Tender was advertised on 26 October 2015 in the local newspaper, on Tenderlink and on Council's website. Tenders closed 25 November 2015.

CONCLUSION

A single integrated Corporate Business System for Council can provide benefits to the community, a more efficient way for Council to process information and manage its information technology, and ensure major service areas are fully capable of delivering outstanding service outcomes into the future.

The tender process has been conducted in accordance with mandatory Council and local government requirements and the preferred tenderer has been assessed, through an extensive evaluation, as representing value for money.

It is considered appropriate that Council endorse the selection of the preferred tenderer listed for RFT 2016/FBD079 'Corporate Business System Implementation, Support and Value Added Service Provider' within the confidential attachment to this report and that Council provides

FBD16/042 CORPORATE BUSINESS SYSTEM - SELECTION

E12.6215

delegated authority to the General Manager to commit to a contract value for the purchase of software licenses, implementation services and first year Maintenance and Support in accordance with the confidential attachment to this report

CAR16/007 COMMUNITY STRATEGIC PLAN REVIEW - ENGAGEMENT STRATEGY 2016 E09.3479

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

Attachments: 1. Under Separate Cover - Community Strategic Plan Review Engagement Strategy 2016

Focus Area: Collaborative Communities

Delivery Program Link: C3.1 Coordinate the delivery of the Integrated Planning and Reporting Framework across the organisation

Operational Plan Link: C3.1.4 Community Strategic Plan review

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the upcoming review of the Community Strategic Plan and the associated engagement strategy for the project.

The Community Strategic Plan 2030 was first developed in 2010. The process involved a comprehensive community engagement to articulate a clear long term vision for our community, supported by a Community Reference group and the views of over 3,000 people.

In 2012 Council reviewed the Community Strategic Plan to meet legislative requirements. This brought the plan into alignment with the new Council term and resulted in minor amendments.

The upcoming review will build on the planning and engagement processes undertaken to date and provide the opportunity to ask the community if the vision articulated in 2012 is still relevant.

RECOMMENDATION

THAT Council receive and note the Community Engagement Strategy for the review of its Community Strategic Plan.

BACKGROUND

Council is required to update its Integrated Planning and Reporting documents annually and undertake a comprehensive review every four years.

The Local government elections will be held in September 2016 which signals the end of the Council's four year term. Consequently, Council is required to review the Community Strategic Plan and prepare an engagement strategy for the project.

The engagement strategy outlines the process for involving the Eurobodalla community in the development and review of the Community Strategic Plan.

The Community Strategic Plan Engagement Strategy identifies stakeholders and sets out principles and methods for engagement during this review. The aim is to ensure all stakeholders are able to access and participate in its development, implementation and review.

**CAR16/007 COMMUNITY STRATEGIC PLAN REVIEW - ENGAGEMENT STRATEGY E09.3479
2016**

CONSIDERATIONS

The Engagement Context

Our *One Community: Community Strategic Plan* identifies the importance of building and maintaining an engaged and connected community that works together to achieve common goals, where thoughts and ideas are valued and community members are empowered with knowledge and have the opportunity to participate.

The Community Strategic Plan Engagement Strategy has been developed to reflect and support these principles, in terms of the engagement processes used and the 'reach' of the engagement program.

The aim will be to achieve a balance between the towns, villages and rural areas, maximising connections and community awareness. Consideration will also be given to capturing diverse perspectives, including people with a disability, Aboriginal and Torres Strait islander communities, people from culturally and linguistically diverse backgrounds, children and young people, people in geographically isolated areas, single parents and seniors.

Legal

Council must prepare and implement an engagement strategy for positive interaction with the community in developing and reviewing the Community Strategic Plan.

The Local Government Act 1993 states that the Community Strategic Plan must be based on social justice principles:

- **Equity** – There is fairness in decision making and prioritising and allocation of resources.
- **Access** – All people have fair access to services, resources and opportunities to meet their basic needs and improve their quality of life.
- **Participation** – Everyone has the maximum opportunity to genuinely participate in decisions which affect their lives.
- **Rights** – Everyone's rights are recognised and promoted.

The Community Strategic Plan Engagement Strategy reflects these principles.

Policy

The Community Strategic Plan Engagement Strategy will be implemented in conjunction with Council's Community Engagement framework and toolkit.

Community Engagement

Over the past four years, Council has engaged the community on a range of issues and has received a significant amount of valued community feedback and input. It is important that an appropriate level of acknowledgement and respect is paid to these existing engagement exercises and outcomes. They will form the basis for the review of the Community Strategic Plan and inform this engagement cycle.

We will inform the community through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter and by posting on Council's Facebook page.

**CAR16/007 COMMUNITY STRATEGIC PLAN REVIEW - ENGAGEMENT STRATEGY E09.3479
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We will involve the community in the review of the Community Strategic Plan, in line with legislative requirements, utilising the engagement strategy.

We will collaborate with the community by seeking advice, ideas, and recommendations to achieve participatory decision making.

CONCLUSION

Council is required to review the Community Strategic Plan and prepare an engagement strategy for the project, ensuring all stakeholders are able to access and participate in its development, implementation and review. This reflects the importance of building and maintaining an engaged and connected community now and into the future.

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

Attachments: Nil

Focus Area: Collaborative Communities

Delivery Program Link: C3.1 Coordinate the delivery of the Integrated Planning and Reporting Framework across the organisation

Operational Plan Link: C3.1.1 Prepare the Council's Delivery Plan and Operational Plan

EXECUTIVE SUMMARY

The purpose of this report is to update Council on progress with the review and development of the next four year Delivery Program.

Council has a legislative requirement to comprehensively review the Delivery Program every four years, in line with the Council term. This review must consider all services and programs, in consultation with the community.

Council's Fit for the Future Improvement Plan includes an action to review all Council activities and levels of service, to ensure we identify and meet community needs and deliver value for money.

To meet our legislative and Fit for the Future requirements in relation to the review and development of the Delivery program 2017-21 Council will undertake a Citizens' Jury consultation process. Councillors have been briefed on this project on three occasions (19 April 2016, 11 May 2016 and 21 June 2016) and were very supportive of this initiative.

Council will also run a Staff Jury concurrently, providing opportunities for staff to share perspectives and learn deliberative consultation skills. The outcomes of this staff process will be provided to the Citizens' Jury for their consideration.

The Citizens' Jury and Staff Jury will both be independently facilitated.

This innovative engagement method will assist Council to achieve a significantly higher level of community endorsement, ownership of and support for the Delivery Program it develops.

The Citizens' Jury will be made up of approximately 24 randomly selected everyday people from our community. Council will have no involvement in the random selection of the jury. Participants will be taken through a comprehensive exploration of the work done by Council to consider the question *'Is Council spending your money on the right things? If not, what should we change?'*

Not-for-profit research organisation New Democracy Foundation (nDF) has been engaged to run the Eurobodalla Citizens' Jury process, ensuring a robust, transparent and independent process throughout.

nDF are running a similar Citizens' Jury process with Greater Bendigo in Victoria and have undertaken projects with all levels of government. This offers Council an important opportunity to share learning, insight and contribute to improving local government community engagement.

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Prior to the first meeting of the Citizens' Jury, nDF will run a series of explanatory community information sessions to brief stakeholders. Community members with an interest in Council operations will be encouraged to attend. To ensure awareness Council will notify a range of community organisations and stakeholder groups of the meeting dates, as well as advertise the meetings more generally in the community.

At the community information sessions nDF will outline the Citizens' Jury process and invite people to make a submission to the jury on an issue or priority that matters to them.

Jury participants will be able to weigh competing viewpoints, identify experts of their choosing and access Council information during the process. They will be given time to reach a consensus view about Council priorities and the range and level of service provided in a genuine, thoughtful and meaningful way.

RECOMMENDATION

THAT Council receive and note this report.

BACKGROUND

The review and development of Council's Delivery Program 2017-21 must include a genuine and transparent community consultation of all activities and levels of service. In considering the best approach to achieve a quality community based process Council researched the Citizens' Jury deliberative consultation process.

As part of the process Council invited representatives from nDF to present to Councillors at three briefings, as well as briefing senior staff.

Citizens' Juries and similar techniques have been used expansively to address issues as diverse as environmental sustainability (Geraldton, WA), waste management (Noosa, Queensland), energy reform (Parliament of NSW), constitutional reform (Ireland), political donations (Estonia), chemical exposures and public health (USA), rebuilding of lower Manhattan after the World Trade Centre attacks (USA), mental health strategy (Canada). The process has been used successfully to review local government operations (infrastructure and services) in Penrith, City of Canada Bay, City of Melbourne and Marrickville.

Citizens' Juries have been proven to show that everyday people can come together to weigh competing viewpoints, identify experts of their own choosing, navigate a diversity of information sources and reach agreement on fair outcomes that can be implemented by government and are trusted by the communities they impact.

CONSIDERATIONS

How does a nDF Citizens' Jury work?

Not-for-profit research organisation New Democracy Foundation (nDF) has been engaged to run the Eurobodalla Citizens' Jury process. They have prepared a comprehensive process design based on the following central tenets of the nDF Citizens' Jury approach:

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Random Selection:

Governments inevitably hear from the loudest voices. In contrast, society trusts 12 randomly-selected people on a criminal jury to assess evidence, discuss their views and reach a consensus recommendation because random selection generates “people like us”. The Citizens’ Jury process gets beyond the incensed and the articulate.

Time:

Most policy problems which warrant the investment in a jury will be complex topics, so we need to allow people the time to educate and immerse themselves in the topic. Faced with a clear remit and a worthwhile level of authority, citizens will invest the time. The Eurobodalla Citizens’ Jury will meet in person six times between September and November (approximately 40 hours) to deliberate meaningfully and find common ground without feeling (or being) pushed toward a pre-ordained outcome.

Information:

Neutrality of information is a core principle, and we are careful to alert all juries to the fact that all writers have their own biases and perspectives and jury members need to critically analyse those. To counter the view that “you can find an expert to say anything” nDF focus the start of a process on asking “what do you need to know... and who would you trust to inform you” – and use this as a way of selecting the speakers and input for subsequent jury meetings.

Clear remit:

A plain English question, phrased neutrally is essential. This is the most time consuming aspect in finding agreement with a sponsoring government body. Everyday people (not impassioned activists) need to instantly understand the problem to care enough to become involved. The Eurobodalla jury will consider ‘*Is Council spending your money on the right things? If not, what should we change?*’

Upfront authority:

To attract everyday people into the room, which involves a considerable time commitment, they need to know that the recommendations they reach mean something and will be acted upon. The Eurobodalla Citizens’ Jury will be assured that:

- *The unedited recommendations of the jury will be published by Council.*
- *A response to their recommendations will be given in person by the incoming Mayor and Councillors.*
- *A detailed written response to your recommendations will be provided by March 2017.*

Operation:

By their nature Citizens’ Juries will tend to reach consensus (or group consent) positions on the questions they are asked to address. For the purposes of shifting the mindset from adversarial, two-party, either/or contests, nDF recommends an 80% supermajority be required for a final decision from the jury. In practice, they rarely need to go to a vote and decisions are frequently unanimous, however minority views can be recorded and noted in reports as the objective is to

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most accurately reflect the view of the room. nDF always work with skilled facilitators, experienced with deliberative methods and these facilitators are always known and respected in their field.

How do nDF randomly select participants?

nDF directly undertakes the jury selection process to ensure there is the highest public confidence in the rigour and independence of the randomisation of invitations. Random selection is the key tool used to identify a range of participants who meet a descriptively-representative sample of the community. nDF match participants to Census data by the key variables of age, gender, locality and ratepayer status. This is not claimed as a perfect method, but it delivers a more representative sample than any other process.

nDF will mail invitations from the Mayor and Councillors to a random sample of physical addresses (not billing addresses) drawn from land titles information or Australia Post databases. This ensures that tenants and those not on electoral rolls are reached – in short, the widest possible catchment. The invitation for Eurobodalla's jury process will be sent to 5,000 addresses. This is an increase on the usual 3,000 invitations to take into account Eurobodalla's high percentage of non-resident ratepayers.

Recipients of the invitation are asked to register online to indicate that they are available for the final selection. Based on those available, a second random draw is done which seeks to randomly match to the age, gender. Locality and ratepayer status numbers required. This draw generates the final membership of the jury.

nDF does not provide any juror information to Council. Councillors, staff and the community will meet jury members for the first time on day one of the deliberations.

The Eurobodalla Citizens' Jury Process Plan

nDF will undertake the selection and administration of the Citizens' Jury, including selection. The invitation from the Mayor and Councillors will be posted late June/early July. To ensure the integrity of this process, nDF have processes in place to match invitations back to the original householder address list.

As a starting point in the process Council will prepare a hardcopy information book for jury members, detailing all Council services, associated budgets and the level of service currently provided. Supporting information, including surveys, asset management plans, financial data and research will be available electronically. Additional information will be provided and sourced throughout the process, depending on jury requirements. All information will be available to the public via Council's website.

The Citizens' Jury will meet on six occasions, from 17 September to 23 November, at various locations in the shire. All jury members will receive a payment of \$400 for their participation at the completion of the process. If nDF identify any potential barriers to participation (eg mobility), assistance can be arranged.

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Other community members will be able to observe, but not participate, in the deliberative sessions.

The Citizens' Jury will provide a final report, with recommendations. This will be tabled at the Council meeting 13 December 2016. Council will formally respond in March 2017.

Opportunities for the wider community to participate in the Citizens' Jury

nDF will provide community information sessions to brief stakeholders prior to the Citizens' Jury. Community member with an interest in Council operations will be encouraged to attend.

The meeting dates are:

- Batemans Bay Soldiers Club, Tuesday 2 August, 3:30-5:00pm
- Moruya Golf Club, Tuesday 2 August, 6:00 -7:30pm
- Narooma Golf Club, Monday 1 August, 6:00 -7:30pm

Council will advise community organisations and stakeholder groups of the meeting dates, as well as advertising the meetings more generally in the community.

At the community information sessions nDF will outline the Citizens' Jury process and provide the opportunity for community members to interrogate the methodology of the process. People will be invited to make a submission to the jury on an issue or priority that matters to them. The Citizens' Jury will then decide if they wish to hear more from that person or group, hear from an alternative source, or not consider the issue during the facilitated sessions.

Financial

Council has a budget of \$100,000 to complete the engagement process associated with the review and development of the Delivery Program 2017-21. This is consistent with the budget allocated for the review of the Delivery Program 2013-17.

Community Engagement

The Eurobodalla Citizens' Jury is designed to inform Councillors of the informed views of people who are much less likely to ever engage with council. The process makes some room for invited voices.

We will inform the community through providing information on Council's website, Online News, Living in Eurobodalla residents newsletter, posting on Council's Facebook page, advertising on Council's noticeboard page in two local papers, writing to stakeholders and community groups and distributing a media release. Most importantly, a written invitation from the Mayor and Councillors will be sent to 5,000 households.

We will provide an online interactive forum to facilitate and support the process.

CONCLUSION

To meet our legislative and Fit for the Future requirements in relation to the review and development of the Delivery program 2017-21 Council will undertake a Citizens' Jury consultation process. Council will run a Staff Jury concurrently, providing opportunities for staff to share perspective and learn deliberative consultation skills.

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The innovative Citizens' Jury engagement method will assist Council to achieve a significantly higher level of community endorsement, ownership of and support for the Delivery Program it develops. The process will also assist in building trust and a shared sense of direction with the community.

17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

Nil

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

1st Do I have private interests affected by a matter I am officially involved in?

2nd Is my official role one of influence or perceived influence over the matter?

3rd Do my private interests conflict with my official role?

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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