



# **AGENDA**

**Ordinary Meeting of Council**

**13 July 2021**



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

**ON TUESDAY 13 JULY 2021**

**COMMENCING AT 11.00AM**

**AGENDA**

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

- |  |                 |
|--|-----------------|
| <b>1. WELCOME</b>  |                 |
| <b>2. ACKNOWLEDGEMENT OF COUNTRY</b>                               |                 |
| <b>3. APOLOGIES</b>  |                 |
| Nil  |                 |
| <b>4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>              |                 |
| 4.1 Ordinary Meeting held on 22 June 2021                          |                 |
| <b>5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA</b>        |                 |
| (Declarations also to be made prior to discussions on each item)   |                 |
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**DR CATHERINE DALE  
GENERAL MANAGER**

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**NOM21/004      POLICY DEVELOPMENT - PUBLIC GATES AND CATTLE GRIDS**

S012-TO0020

Responsible Officer: Phil Constable - Clr

Attachments:        Nil

Councillor Phil Constable has given notice that at the Ordinary Meeting of Council on 13 July 2021, he will move the following motion.

**MOTION**

THAT:

1. Council undertake appropriate research and develop a new policy and code of practise for public gates and cattle grids on public roads covering the advertising, consideration, approval and on-going upkeep of any public gates and cattle grids by landowners.
2. The draft policy be submitted to the new Council for consideration and thereafter be advertised to the community for public comment in the normal manner before final consideration by Council.

**BACKGROUND**

Recent discussions indicate that the community and landowners would benefit from having greater clarity around the requirements for seeking approvals for public gates and cattle grids on public roads. It is also important that the requirements for on-going inspection, care and maintenance are clear for landowners and that they continue to ensure their approved infrastructure on public roads is in good working order to protect their stock and to protect public safety. It is therefore recommended that Council undertakes research, including liaising with the NSW Roads and Transport Directorate, to develop a suitable policy and code of practice for such matters.

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**QON21/003      BUSHFIRE RESPONSE**

S012-T00020

Responsible Officer: Anthony Mayne - Councillor

Attachments:      Nil

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

**Question**

*It has been 18 months since the bushfires. Council has undertaken significant work in addressing a variety of challenges which arose from the fires, including the formation of the Eurobodalla recovery action committee.*

- 1. For the benefit of our community could we identify in this QonN the various activities that Council has undertaken so far and what is still planned to be done?*
- 2. If we were to face a similar bushfire season like the fires of the Black Summer, in the near future, are we better prepared as a council and as a community?*
- 3. Given that we are going to experience disasters of increased intensity and severity, what are we doing to plan for these, including simulating any future disaster scenarios and being proactive on this front?*
- 4. There are plans to upgrade evacuation facilities to increase resilience. What progress has been made by the relevant authorities on this front and what role does Council have in this regard, including enhancing communications during a crisis period?*
- 5. Has the COVID pandemic been taken into consideration in the way these facilities are going to be managed?*

**Response**

**Question 1: For the benefit of our community could we identify in this QonN the various activities that Council has undertaken so far and what is still planned to be done?**

At its meetings on 11 February, 24 March, 23 June, 22 September, 8 December 2020 and 27 April 2021, Council received detailed reports relating to the recovery efforts undertaken by Council for the community in response to the 2019-20 bushfires. This response to the question on notice will form the final update for this Council term.

Key actions implemented by Council during the early recovery phase to support the community include:

- Assistance with Building Impact Assessments.
- Tasking Australian Defence Force personnel.
- Support with set up of headspace.
- Set up of recovery webpages on Council's website to provide a 24/7 source of truth for residents seeking recovery support – [www.esc.nsw.gov.au/recovery](http://www.esc.nsw.gov.au/recovery).
- Working with media and using Council's communication platforms to provide information and interview opportunities to ensure the community is aware of recovery support.

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**QON21/003 BUSHFIRE RESPONSE**

**S012-T00020**

- Worked with the Bushfire Housing Assistance Response Team (NSW Dept. of Communities and Justice) and non-government agencies and charities to identify housing opportunities and solutions, with the aim of addressing identified housing needs and gaps as a result of the bushfires.
- Advocacy for essential needs, including attendance at regional recovery meetings and meetings with Australian and NSW Government Ministers, relevant NSW authorities and companies, and appointed recovery personnel about immediate and future community needs to aid the recovery process.

***Social Environment***

*Batemans Bay Recovery Centre and Narooma Assistance Point*

Council opened, managed and staffed Recovery Centres in Batemans Bay and Narooma in collaboration of NSW Office of Emergency Management. The centre in Batemans Bay commenced on 15 January 2020 and closed on 28 March 2020. The Narooma Assistance Point commenced on 12 February 2020 and closed on 28 March 2020 (due to Covid-19 pandemic). The two services combined registered more than 6,000 households; the highest number in NSW. Council also provided free transport to the centres, using Council's Community Transport service.

*Community Outreach support*

Council provided outreach activities, in the form of information 'pop up' points, community catch ups and community meetings at a range of locations in our shire, reflecting the type of session people from those communities had requested during preliminary discussions and planning, under a community led approach.

Fourteen outreach sessions in fire impacted communities, were held with more than 500 residents attending, from January 2020 until March/April 2020.

*Recovery Helpdesk*

In late March 2020, Covid-19 restrictions forced the closure of the Recovery Centres and community outreach sessions were suspended. To continue to provide an access point for fire affected residents, Council established a Recovery Helpdesk. This service directed residents to the correct services for each particular situation including Council's rebuilding, rates and waste information. This service concluded when the Eurobodalla Bushfire Recovery Support service commenced in August 2020. During that time, more than 120 calls were received from community members.

In addition to the recovery helpdesk, Council wrote to 700+ fire-impacted residents to ensure that support continued during the COVID-19 pandemic, reinforce key information for financial, rebuilding and mental health support and advise of the Recovery Helpdesk.

*Housing*

Council worked with NSW Bushfire Housing Assistance Response Team, non-government agencies and charities to identify housing opportunities and solutions. Resilience NSW in conjunction with Red Cross undertook a phone survey, on behalf of Council, to all fire affected residents to ensure that they were connected with appropriate services and resources.

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**QON21/003 BUSHFIRE RESPONSE**

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The Mayor wrote to all non-resident ratepayers seeking support for emergency and longer term rental accommodation. More than 80 properties owned by non-resident ratepayers were made available for lease as a result of this action.

*Eurobodalla Bushfire Recovery Support Service (BRSS)*

This service is jointly funded by the Australian and NSW governments and ensures that people who have been impacted by the fires can access the recovery support they need. The service offers a single point of contact with a Case Management Officer who will provide practical and personal support to help manage recovery needs, access relevant services and assist in decision making.

The service commenced in August 2020, and has been extended to the end of December 2021. The initial complement of case managers increased by three earlier this year, with a further two new case managers to commence in July 2021 to meet demand. This will bring our team of case management officers to eleven. As at end May 2021, 636 clients are actively receiving support from the service, including eleven new clients who registered in May. Given the continued need for this service, application has been made to extend the service beyond the December timeframe.

The service recently contacted all owners of properties that were severely damaged or destroyed and who were NOT clients of the service. One hundred property owners whose properties were listed as destroyed were identified, and 143 property owners whose properties were listed as severely damaged. Of the 100, fourteen were identified as eligible for a Salvation Army grant that was due to expire and staff assisted with their application and submission. Five residents were not on the Salvation Army register and thus received the grant. The value of the grant was \$12,500 per residents.

Clients continue to receive information, advice and assistance regarding grants, mental health, legal and financial counselling services, re-building, donations through GIVIT and other supports. The service has coordinated 1,278 separate donated items from GIVIT for our clients, including household goods, gardening equipment, furniture bedding, chainsaws etc.

One client has recently been offered a new house, free, from a home company, that was found to be unsuitable for the initial recipient from another shire. The case manager is supporting the client with decision-making on delivery and installation logistics and costs and liaison with Council's DA team regarding the relevant approvals.

Disaster Relief Australia (DRA) completed a significant amount of work up to the end of March and 50 property owners were very appreciative of the work carried out. Many have commented it has made a huge difference to their feeling of control and positive mental health; not just to their physical environment. The DRA work attracted considerable media attention, including a cross-live broadcast on a TV breakfast program. The link to photos is at - <https://www.flickr.com/photos/disasterreliefaus/albums/72157718144814477>

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**QON21/003 BUSHFIRE RESPONSE**

**S012-T00020**

Part of the DRA effort included an opportunity for one of their partners, Bankstown Sports Club, to make a donation to Malua Bay facilities, which was also welcome.

Sixteen remaining jobs that could not be completed by DRA are now in the process of being done by an Arborist, thanks to funding of \$20,000 from Council's Bushfire grant funds. This work is mostly felling and piling up large trees, and some clearing of fencelines and burnt materials. Additional funds are being explored to enable completion of the more arduous clean-up work needing heavy plant; for example, clearing away and disposal of burnt vehicles.

Housing and temporary accommodation continues to be a concern among a small but significant number of clients. Rentals are rare and cost prohibitive for many. However, the BRSS continues to advocate for clients and assist when referring to housing providers and agencies.

The BRSS is engaged in a Sanitation Project with the Community Recovery Officer. This project is led and funded by St. Vincent de Paul and aims to provide flat pack style bathroom facilities housed within a shed on properties that have inadequate showering and washing facilities. The project was piloted in Bega Valley Shire, with some success, and will now be rolled out in Eurobodalla. It is hoped the project will improve the quality of life and wellbeing of recipients while they rebuild. Council's DA and Environment teams have provided advice concerning the regulatory requirements, which has been of great assistance.

On 23 May 2021, Araluen Road residents impacted by the land slips, many of whom were impacted by the fires, invited the BRSS and Council's Community Services division to a community meeting to hear their concerns and explore solutions. Council provided a BBQ lunch at the RFS Shed and heard about their concerns of using the alternate road to access services, social disconnection, and difficulty in receiving deliveries including firewood and building materials due to the tonnage limits and road closures. Consequently, Community Services initiated a Community Transport service once a week. This has already made a positive difference to residents; being able to get to Moruya and back hassle free, for medical appointments, social interaction with friends and doing business in town.

The BRSS has also sourced donated funds (through GIVIT) and has acquired on the Araluen Road community's behalf, a quality large log splitter, which will be housed and maintained at the RFS shed.

*Community Recovery Officer*

Council's Community Recovery Officer (CRO), funded by Resilience NSW, has worked in partnership with the Recovery Support Service, National Recovery and Resilience Agency and Service NSW to identify roles and support funding for incoming volunteer groups wishing to support bushfire impacted communities. These groups include: Disaster Relief Australia, People Helping People and Blazeaid.

Council host a monthly meetings of the Eurobodalla Bushfire Health and Wellbeing Subcommittee. The Subcommittee is a collective of up to 35 agencies working collaboratively on a range of bushfire recovery initiatives in Eurobodalla.

**QON21/003 BUSHFIRE RESPONSE**

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The CRO also works closely with counterparts in neighbouring shires to ensure that recovery planning across the region is strategic and reflective of NSW and Australian Government expectations and priorities, particularly with respect to significant amounts of grant funding that has been made available in the past 18 months.

*Volunteers for Recovery Program*

Council's Volunteers for Bushfire Recovery Program is providing opportunities for volunteers to make a difference and contribute to the health and wellbeing of people in our community who have been impacted by the bushfires. Council was successful in obtaining funding from COORDINARE SE NSW Primary Health Network to coordinate this program.

The program will reduce social isolation for vulnerable bushfire impacted residents by increasing opportunities for socialisation and community connectedness. People aged over 18 from all backgrounds have been invited to participate with 15 volunteers already recruited by the end of June 2021. Volunteer orientation and training in Mental Health First Aid has been delivered prior to the first intake of clients.

Volunteer roles include:

- Assist residents to access social, recreational and community activities and appointments.
- Provide social support and companionship.
- Support residents who wish to try new social, recreation, creative or vocational experiences.

Specialist training in mentoring and participatory support is also available to eligible volunteers.

*Mental Health*

In addition to the Eurobodalla Health and Wellbeing Sub-Committee, Council hosted the Eurobodalla Mental Health Forum on 17 March 2021. 60 agency delegates attended this planning day to establish an effective ongoing mental health network. A mental health working group has now been established to deliver the specific projects and actions that were identified by the Forum.

*Community Led Recovery Events*

Since December 2020, the following Community Led Recovery events were organised by Council staff and bushfire recovery agencies, with assistance from community groups, agencies and associations:

<b>Date</b>	<b>Event</b>	<b>Location</b>	<b>Recovery services attending</b>	<b>Role of services (Formal/informal)</b>	<b>Number of attendees</b>
5 Dec 2020	Long Beach Community Gathering	Sandy Place Reserve Long Beach	Council Service NSW	Stall and information provision	42

**QON21/003 BUSHFIRE RESPONSE**

**S012-T00020**

<b>Date</b>	<b>Event</b>	<b>Location</b>	<b>Recovery services attending</b>	<b>Role of services (Formal/informal)</b>	<b>Number of attendees</b>
8 Dec 2020	Bodalla Tea and Talk	Bodalla RFS Shed	All	Community BBQ, social event and information provision	20
10 Dec 2020	Cobowra Community BBQ	Cobowra Local Aboriginal Land Council	All	Community BBQ, social event and information provision	40
12 Dec 2020	Mogo Community BBQ	Mogo Sports Ground	Red Cross, NBRA	Stall, Community BBQ, social event and information provision	200+
16 Dec 2020	Euro Farmer's Dinner	Tilba Valley Winery	Council	Community social event, information provision	87
21, 22 Dec 2020	Give to Grow plant give away	BAS meeting rooms Moruya	Council	Plant give away and information provision	28
10 Jan 2021	Aboriginal Elders Thank You BBQ to the RFS	Narooma	Council NBRA	Community social event, thanksgiving and information provision	17
11 Jan 2021	Euro Youth Holiday Program	Ack Weyman Oval Moruya	Council, Campbell Page PCYC	Community social event, information provision	46
12 Jan 2021	Bodalla Tea and Talk	Bodalla RFS Shed	All	Community BBQ, social event and information provision	20

**QON21/003 BUSHFIRE RESPONSE**

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<b>Date</b>	<b>Event</b>	<b>Location</b>	<b>Recovery services attending</b>	<b>Role of services (Formal/informal)</b>	<b>Number of attendees</b>
12 Jan 2021	Euro Youth Holiday Program	Bill Smyth Oval Narooma	Council, Campbell Page PCYC	Community social event, information provision	34
13 Jan 2021	Euro Youth Holiday Program	Hanging Rock	Council, Campbell Page PCYC	Community social event, information provision	53
14 Jan 2021	Mogo Outreach\	Boomerang Centre Mogo	Service NSW Council NBRA	Information provision	1
17 Jan 2021	Aboriginal Elders Thank You BBQ to RFS	Russ Martin Park, Moruya	Council	Community social event, thanks giving and information provision	35
18 Jan 2021	Euro Youth Holiday Program	Ack Weyman Oval Moruya	Council, Campbell Page PCYC	Community social event, information provision	51
20 Jan 2021	Euro Youth Holiday Program	Hanging Rock	Council, Campbell Page PCYC	Community social event, information provision	48
21 Jan 2021	Mogo Outreach	Boomerang Centre Mogo	Service NSW Council NBRA	Bushfire recovery information and grants.	6
23-24 Jan 2021	Save Our Show Event(SOS)	Moruya Showgrounds	Council Health	Bushfire recovery information and grants.	18

**QON21/003 BUSHFIRE RESPONSE**

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<b>Date</b>	<b>Event</b>	<b>Location</b>	<b>Recovery services attending</b>	<b>Role of services (Formal/informal)</b>	<b>Number of attendees</b>
			NBRA		
28 Jan 2021	Mogo Community Outreach	Boomerang Centre, Mogo	Service NSW Council NBRA	Bushfire recovery information and grants.	2
29 Jan 2021	Katungul Healing Day Roadshow	Corrigans	NBRA Council Service NSW	Community social event, information provision	300
31 Jan 2021	Aboriginal Elders Thank You BBQ to RFS	Corrigans Beach Reserve, Batemans Bay	Council NBRA	Community social event, thanks giving and information provision	46
2 Feb 2021	Salvos Mobile Service	Queen St Carpark Moruya	Salvos Service NSW	Bushfire recovery information and grants	10
3 Feb 2021	Salvos Mobile Service	Albert Ryan Park Beach Rd, Batemans Bay	Salvos, Service NSW	Bushfire recovery information and grants	8
4 Feb 2021	Salvos Mobile Service	RFS Shed Mogo	Salvos, Service NSW Council NBRA	Bushfire recovery information and grants	20
28 Feb 2021	Club Malua First Dig Community Fair	Club Malua	DPI Council RAMHP NBRA	Whole community messaging	150
09 Mar 2021	We Recover Together BBQ	Bodalla	All	Community BBQ, social event and information	25

**QON21/003 BUSHFIRE RESPONSE**

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<b>Date</b>	<b>Event</b>	<b>Location</b>	<b>Recovery services attending</b>	<b>Role of services (Formal/informal)</b>	<b>Number of attendees</b>
				provision	
17 Mar 2021	Eurobodalla Mental Health Forum	Moruya Golf Club	All	Information provision and planning	60
21 Mar 2021	Bushfire Recovery Lunch	Club Narooma	NBRA	Information provision	300
4 April 2021	Mogo Family Fun Day	Mogo	All	Community BBQ, social event and information provision	300
6-10 April 2021	Skateboarding Workshops	Narooma Moruya Broulee Batemans Bay South Durras	Council Headspace	social event and information provision	120
9 April 2021	Community Leaders session with Steve Pascoe	Online	Red Cross	Community leaders discussion	9
17 April 2021	Eurobodalla Senior's Expo	Moruya Library	Council Red Cross	Bushfire recovery information and grants. Recruit volunteers.	53
24 April 2021	Currents Battle of the Bands Youth Event	Moruya Riverside Park	Council Headspace Campbell Page	Mental health and recovery information	600
27 April 2021	BlazeAid Welcome BBQ	Moruya Showground	All	Community welcome, spread the	16

**QON21/003 BUSHFIRE RESPONSE**

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<b>Date</b>	<b>Event</b>	<b>Location</b>	<b>Recovery services attending</b>	<b>Role of services (Formal/informal)</b>	<b>Number of attendees</b>
		Pavilion		word, recruit volunteers	
30 April 2021	We Recover Together BBQ	Nerrigundah	Red Cross Council DPI NBRA	CRO is purchasing and delivering the catering	42
02 May 2021	Reflect and Heal	Euro Botanical Gardens	Mental Health factsheets	Information	6
11 May 2021	Mogo Community Conversations	Grumpy and Sweethearts Cafe Mogo	Resilience NSW Council Red Cross NBRA	Open up dialogue, record community opinions, explore future community consultative activities	7
15 May 2021	Eurobodalla Family Network Families Week event	Moruya Riverside Park	Council Headspace Campbell Page	Information	200
22 May 2021	Eurobodalla Volunteering Expo	Moruya Riverside Park	ESC plus 19 other stall holders	Information and referral	200
23 May 2021	Deua River resident's BBQ	Deua River RFS shed	Council	Case management support	8
25 May 2021	Mental Health Professionals Network meeting	Adelaide Hotel Function Room	Council NRRRA	Info share Presentation overview of the Eurobodalla Mental health Forum	23

**QON21/003 BUSHFIRE RESPONSE**

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<b>Date</b>	<b>Event</b>	<b>Location</b>	<b>Recovery services attending</b>	<b>Role of services (Formal/informal)</b>	<b>Number of attendees</b>
8 June 2021	Bodalla Recovery Stronger Together	Bodalla RFS	All	Community recovery Social support Resources and funding	26
<b>Total Community Outreach events</b>					<b>41</b>
<b>Total attendees at events where services and outreach provided:</b>					<b>3,277</b>

*Community Development activities*

Council's Youth Services facilitated connection between local high schools and headspace (Youth Mental Health Service), to support wellbeing in school settings. headspace visited several schools to discuss possible recovery activities and support, both short and long term.

Two forums were held in February 2020 with Youth workers and service providers in the shire, and with young people. At the forum the participants developed ideas and identified issues that were presented at a youth and community recovery planning session held in March 2020.

Council worked with local health providers to simplify access to mental health support and information. There are a number of services available for community members and Council assisted these providers to coordinate the resources and services available.

Council prepared evidence-based programs for community development, arts and cultural and recreational programs that provide social and economic benefits towards recovery.

The Bas hosted the Untold Eurobodalla exhibition, celebrating resilience in our community and the Library Service hosted healing workshops during 2020.

Council's Community Development team ran a Grow to Give project, with community members growing and donating plants to bushfire affected community members, with the aim of revitalising burnt gardens and providing a platform for the community to assist itself positively.

Council implemented free internet, scanning and photocopying at the three libraries for twelve months and purchased *Studiosity*, an online school tutoring program to assist shire children with educational support.

*Disaster Relief Fund*

Eurobodalla has been overwhelmed by generous donations to our fire affected residents. To date \$319,503 has been received. The funds were broken down into phases as follows:

- *Phase 1* - Supporting individuals whose primary place of residence was significantly impacted by the bushfires. 127 eligible applicants (172 applications received) each eligible application received \$1,350.

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- *Phase 2* – Grants to lift community’s spirits. 8 successful applicants (40 applications received) – a total of \$80,398 paid.
- *Phase 1 relaunch* - Supporting individuals whose primary place of residence was significantly impacted by the bushfires. 43 eligible applicants (75 applications received) each eligible application received \$1350.
- *Business Resilience Grants* – Helping local businesses with bushfire recovery. \$267,015 committed to 86 eligible applicants (89 applications received). To date, 58 applicants have returned documentation and have been reimbursed \$164,712.

***Natural Environment***

There has been significant impacts on flora and fauna due to the bushfires. Initial wildlife management was overseen by the Department of Planning, Infrastructure and Environment with support from Council, WIRES and local veterinarians. Immediate actions that occurred included rescue, rehabilitation, euthanize and burial of wildlife and stock where appropriate.

Other immediate actions included advice and/or media releases on water tanks and private water supplies, impacts of ash, water quality impacts, bushfire debris on beaches, helping with wildlife management, fish kills and regrowth after bushfires.

Council continued to work closely with WIRES and Landcare volunteers on bushfire recovery. This has included support for feeding and recovery efforts, coordinating a nest box program for native fauna and monitoring the post-fire recovery of the landscape, including botanical monitoring of various plant communities to assess the recovery.

Council sought funding from a variety of grants for items such as: sediment and erosion control works; feral animal and weed control; Landcare projects; rehabilitation, revegetation; nest boxes; and monitoring and evaluation. Council also worked with other organisations that offered fully subsidised revegetation and volunteer crews to assist with the recovery of the natural environment and with the Ripper Drone Alliance, funded by Westpac and WIRES, to map and monitor sites and invasive species.

At its meeting on 14 July 2020, Council endorsed the allocation of \$1.8M in grants on projects associated with environmental bushfire recovery. A list of the projects can be found at <https://www.esc.nsw.gov.au/inside-council/council/meetings/2020/july/ordinary-council-meeting-14-july-2020/Agenda-Public.pdf>

Water quality, sediment and erosion control are significant management challenges for the catchments, town water supplies, oyster and tourism industries and recreational usage of waterways. Council participated in sharing water quality data with various NSW Government agencies to determine how to better coordinate water quality issues associated with disasters.

Council participated in a joint submission with Bega Valley Shire Council and Shoalhaven City Council to identify and priorities bushfire impacts on a catchment basis and then appropriate sediment and erosion controls and work programs. This project assisted with strategic on-ground works, funding dependent, to restore landscapes across the south east region of NSW.

Council sought funding from the NSW Government’s Bushfire Affected Coastal Waterways Program, to assist with immediate and longer-term measures to protect water quality and coastal ecosystems.

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**QON21/003 BUSHFIRE RESPONSE**

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Council successfully advocated for funding of \$50,000 with South East Local Land Services for immediate works on the Clyde River. This funding enabled Council worked with local oyster growers and Local land Services to establish some erosion and sediment control in critical parts of the Clyde River catchment.

Council worked alongside Local Lands Service, and continues to provide ongoing assistance to impacted rural landowners with weed and pest management.

Council continues to assist with free weed control for eligible rural properties to assist with blackberry, crofton weed, bitou bush, African boxhorn and Lantana. This program is being funded under the Australian government's Communities combating pest and weed impacts during drought program which totals \$249,988 over an 18 month project.

This assistance is mostly for heavily impacted primary production areas, and landowners of semi-rural properties and or bush blocks in primary producing areas, such as the Belowra and Buckenbowra valleys, Runnyford, Cadgee and Nerrigundah.

Council's invasive species team developed a weed control plan, in consultation with the Mogo Village Business Chamber, Local Aboriginal Land Council and South East Local Land Services, and in May 2021, Council commenced removal of weeds from Cabbage Tree Creek in Mogo.

Additionally, Council continues to advocate for a regional approach to prioritise works across south east NSW to minimise negative environmental impacts and for this work to be funded.

**Built Environment**

While the emergency response was still underway, Council Environmental Health Officers and Planners assisted the Rural Fire Service in the field by undertaking the first round of building impact assessments. This early involvement and assistance enabled this work to be completed earlier than would have occurred otherwise, providing early indications of the impact of the fire. As this information was obtained, Council officers reviewed files providing data to the Public Works Advisory (PWA) around the age of buildings that were destroyed. This assisted greatly in the identification of sites that potentially contained asbestos, enabling the testing and treatment of these sites to be prioritised by PWA.

Council provided staff at the recovery centre during the first weeks of operation, specifically to assist with enquiries related to the rebuilding process. This service was also provided at Council's office in Moruya where those services are now concentrated. Council established a team of planners and support staff who focused on enquiries related to the rebuilding process, along with the processing of associated applications. As part of this service Council provided BAL certificates for bushfire impacted sites free of charge.

Council advocated from a very early stage in the recovery process for changes to NSW Government policy and regulation to facilitate temporary accommodation on bushfire impacted properties, to provide for temporary storage, for pop up shops, and to make demolition of bushfire destroyed or damaged properties exempt development (other than heritage listed properties). The NSW Government has introduced changes to address all of these issues.

Council successfully advocated to the NSW Government for changes to the Biodiversity Conservation Act and Koala SEPP, to facilitate the rebuilding of homes lost. The intention is to facilitate the most efficient process possible to enable the rebuilding of homes lost to fires and

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**QON21/003 BUSHFIRE RESPONSE**

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to do so in a manner whereby the homes are compliant with current standards for asset protection zones (APZ), making them safer and more resilient. In many cases this will require the clearing of land around the replacement dwelling to achieve an appropriate APZ and access.

The NSW Government fees associated with development applications (BASIX Certificate and Planning Reform Fund) have been waived for rebuilding bushfire affected properties. Council successfully advocated to the NSW Government to waive the Long Service Levy for rebuilds up to \$1,000,000.

Council investigated ways to facilitate the rebuild process in areas where due to the size and density of lots, and the existence of native vegetation, may be difficult for property owners to achieve compliance with bushfire management requirements when rebuilding. An example of such an area is North Rosedale. In such situations Council considered a precinct approach to developing solutions, through working with landowners and RFS.

The bushfires damaged two and destroyed 10 local heritage items. Council documented the impacts on the items, worked with Heritage NSW and local heritage/historical groups. Council engaged with the Heritage Advisor and worked with Laing O'Rourke and PWA to facilitate the necessary approvals to enable the efficient clean-up of the destroyed sites.

*Development Applications*

Immediately following the fires, Council established a dedicated Development Applications Assessment team to prioritise bushfire rebuild enquires and applications.

Council has received a total of 309 development applications, this includes modification of existing approvals, lodged for rebuild from 1 January 2020 –30 June 2021. Of the 309 applications lodged, 258 have been approved with an average turnaround time of 35.80 days.

The 258 approvals are made up of 63 outbuildings, 156 dwelling houses, 14 commercial buildings and 25 alterations. Of the 258 development applications approved, 177 have also had construction certificates determined. This is a strong indication of intention to commence rebuild. Of the 258 development applications approved 32 have had a final occupation certificate issued. The 32 occupation certificates are made up of 12 outbuildings, 16 dwelling houses, 1 commercial buildings, 3 alteration

In some cases Council has been able to facilitate rebuild without the need for a DA, and simply a construction certificate. Construction certificates can be issued by both Council and private certifiers. The total construction certificates that have been issued for the rebuilding process is 33 and 2 complying development certificate (CDC) application.

At its meeting on 23 June 2020, Council endorsed the allocation of \$200,000 from the *Disaster Recovery Funding – Commonwealth Government, Councils Affected by Bushfires*, to assist significantly impacted ratepayers, as categorised by the NSW Government, with Development Application fees. Eligible ratepayers can submit an application through the Eurobodalla Disaster Relief Fund for up to \$1,000 to assist with Development Application fees if they owned the subject property during the bushfires. To date, 92 applications have been approved, with \$75,666 being reimbursed.

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*Waste Management Facilities*

Two of Council's three waste management facilities (Surf Beach and Moruya) were significantly impacted by fire while the third (Brou) had to be closed for safety reasons for a period of time due to the proximity of fire to the site. Council undertook works to first extinguish the fires at these sites and to then make them safe. Significant work was undertaken at Surfbeach and Moruya to get the sites open to the public.

During the fire normal waste collection services were interrupted. Council worked with our contractors Suez to provide catch-up and additional services as soon as it was safe to do so. We also liaised with other commercial operators to provide them with access to waste management facilities so as they could service their commercial clients. This was especially important in assisting businesses that needed to dispose of soiled stock. Council also provided additional green waste collection services and has been receiving domestic trailer ute loads of bushfire impacted waste and green waste for free.

Council successfully collaborated with the NSW Government and Laing O'Rourke to ensure that the bushfire cleanup waste would not adversely impact Council's ability to manage waste during and after bushfire cleanup. Council successfully advocated for the Surf Beach waste management facility to be increased with a three-metre high overtop creating an additional 100,000 cubic metres of landfill, or the equivalent of four years' capacity under normal circumstances.

759 properties have been cleared equating to 67,500 tonnes of waste.

*Infrastructure*

Council continues to advocate to the Australian and NSW government for critical resilience strategies to be identified, funded and implemented for public infrastructure.

This advocacy and response projects includes:

- i) continued requests for the NSW Government to fund the Eurobodalla Regional Integrated Emergency Services Precinct in Moruya inclusive of a new purpose built Incident Management Centre and Emergency Operations Centre.
- ii) seeking fundamental changes in the emergency management arrangements in NSW to have the NSW Government fund the cost currently paid by Local Government and to better integrate emergency services agencies and release funding to improve infrastructure resilience.
- iii) seeking approval to replace single lane timber bridges with single lane concrete bridges. This has been achieved with 16 of the 18 fire impacted bridges to be replaced with a concrete structure (culvert, box culvert or bridge – see list below)
- iv) seeking additional funding to provide for managing the risk from secondary tree death adjacent Council's local transport network. The extent of work associated with secondary tree death has grown significantly with numerous trees now dying as a consequence of the bushfire. To manage this on-going risk, agreement to fund this work under the natural disaster relief arrangements has been granted to the 30 September 2021. The extent of work will require this approval to be extended, with negotiations underway to secure funds under the disaster relief arrangements.

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- v) advocating directly to the NSW Local Roads Conference 2020 and National Roads, Resilience and Regions Conference 2020 for improved arrangements for Local Government under the Natural Disaster Relief and Recovery Arrangements, particularly relating to the upfront payment requirements placed upon Councils to 'opt-in' and betterment.
- vi) seeking additional funding to cover the damage to roads from the clean-up of private property. Two amounts have been agreed. The first is based on the amount of waste material carted across Council roads for additional maintenance \$130,573.50 and the second is for specific damage to road pavements \$230,040 for maintenance grading and resheeting of Araluen Road, Runnyford Road, Eurobodalla Road, Cadgee Mountain Road, Nerrigundah Mountain Road, Short Street
- vii) securing funding from the Australian Government for the Eurobodalla Southern Water Supply Storage of \$51.2M to improve resilience of our region's water supply. Community associations have also joined with Council in advocating for this critical infrastructure outcome.
- viii) seeking Government funding and cooperation from providers to increase the resilience of telecommunications systems including:
  - a. additional power back-up systems to towers and exchanges as approximately 85% of telecommunication losses were due to power outage. This has been achieved.
  - b. for telecommunications structure to be made more resilient. This is now being pursued by telecommunications providers.
  - c. improved vegetation maintenance arrangements by those responsible for telecommunication sites. This has been raised both directly and via the Eurobodalla Bushfire Risk Management Committee and Local Emergency Management Committee with a positive response from both Government agencies and the telecommunications providers. Additional follow-up of the new agency personnel is continuing.
  - d. improved response to the loss of telecommunications during disasters. Telstra indicate they have increased their capability in this respect.
  - e. advocating to and working with Essential Energy to work towards improving power pole resilience to Mount Wandera telecommunication towers.
- ix) seeking improved resilience of the power supply network working with Essential Energy and Governments, particularly power to critical infrastructure sites. These discussions are continuing.
- x) Discussions have also been held with businesses who service the whole of the community such as fuel service stations to seek self-initiated improvements to their resilience to the loss of power. At least one service station has installed a permanent on-site generator to enable continuity of business and provision of fuel during power outages and two others were re-wired to receive a generator during the response to the bushfires.
- xi) Council continues to advocate to the Australian Government to incentivize power back-up and telecommunications systems for all aged care providers to better care for our most

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vulnerable during disasters. At least one aged care provider has since installed permanent on-site power generation. Health NSW are now working directly with aged care providers in respect to self-initiating action to improve the resilience of aged care facilities.

- xii) seeking funding to allow Transport for NSW to improve the resilience of the Kings Highway and Princes Highway. Both highways have had significant works undertaken during 2020 since the bushfires and further is being planned to commence shortly. Transport for NSW have also agreed to considering resilience as a key consideration in future works along these highways
- xiii) advocate to and work with Forestry NSW and National Parks to restore access across the broader unsealed road network under the care of these agencies
- xiv) successfully advocating for a more resilient road solution around the major landslide site on Araluen Road at the 22km mark. Work commenced on 5 July 2021.
- xv) Undertaking additional resilience work in conjunction with road safety projects and removal of fire impacted trees on key local roads.

Despite the many additional challenges of seven natural disaster floods since the bushfires, works have been undertaken on permanent repair or reconstruction of the following bridges:

- a. Clarkson Bridge, Wagonga Scenic Drive, Narooma (repair complete)
- b. Rosedale footbridge (replaced with a composite structure)
- c. Four Gums bridge, Belowra Road, Belowra (replaced with pipe culverts)
- d. Cheese Factory Bridge, Eurobodalla Road, Eurobodalla (replaced with a concrete bridge)
- e. Sinclairs Bridge, Eurobodalla Road, Nerrigundah (replaced with a concrete bridge)
- f. Gulph Creek Bridge, Nerrigundah Mountain Road (replaced with a concrete bridge)
- g. Comans Bridge, Gulph Creek Road, Nerrigundah (replaced with concrete box culverts)
- h. Old Tomakin Road Bridge, Mogo (replaced with concrete box culvert)
- i. Pigeon Gully Bridge, Araluen Road, Merricumbene (replaced with concrete box culverts)
- j. Reedy Creek Bridge, Eurobodalla Road, Nerrigundah (replaced with a concrete bridge)
- k. Peach Tree Bridge, Eurobodalla Road, Nerrigundah (replaced with a concrete bridge)
- l. Belowra Bridge, Belowra Road Belowra (replaced with a concrete bridge)
- m. Sitters Ditch Bridge, Belowra Road, Belowra – (replaced with piped culvert)
- n. Belimbla Bridge Belowra Road, Belowra – (replaced with a concrete bridge).

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The following bridges will be completed in 2021 subject to weather and access being achieved:

- a. Old Bolaro Mountain Road – to be replaced with a concrete structure - design in progress.
- b. Murphys Bridge, Eurobodalla Road, Nerrigundah – will be replaced with a concrete bridge. Procurement of bridge components underway. Expected to be replaced in 2021.
- c. Kennys Creek Bridge, Araluen Road, Moruya west – contract let, access to site impeded. Access likely to be restored by November 2021 subject to weather and other project risks at the 22km mark.
- d. McGregors Creek Bridge, Araluen Road – contracts let, access to site impeded. Access likely to be restored by November 2021 subject to weather and other project risks at the 22km mark.

In addition to the above bridge works, Council is/has rebuilt the following rural bridges:

- i) Bradburys bridge on Araluen Road was damaged in the flood and has been replaced with a concrete bridge funded under the Natural Disaster Relief and Recovery Arrangements (NDRRA) funding (complete)
- ii) Codys bridge, Larrys Mountain Road, Moruya west has been replaced with a concrete bridge funded from Local Roads and Community Infrastructure Program (complete)
- iii) the two major causeways immediately south of Nerrigundah village on Eurobodalla Road have been damaged in the multiple flood events. Proposals have been submitted to Transport for NSW to fund extensions on the southern causeway and to replace the northern causeway with a concrete bridge under a cost sharing arrangement.

Council has also secured funding to replace a further eight timber bridges in concrete under the Fixing Country Bridges program round one, as reported to Council on [8 June 2021](#) for the following bridges:

- all five timber bridges on Wagonga Scenic Drive
- Potato Point bridge
- Silo Farm bridge
- Tilba bridge

The current schedule is to replace the first six of these bridged during 2021-22 subject to achieving associated NSW Government approvals and reasonable weather.

Council's website has comprehensive information and images: [esc.nsw.gov.au/recovery](https://esc.nsw.gov.au/recovery)

The seven natural disaster floods have caused extensive and problematic damage to our local road network, particularly to the unsealed road network. This damage is a result of the declared natural disaster floods in February, July, August, October and December 2020, and March and May 2021. Each event required extensive immediate repair and clean-up work, with

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resources diverted from recovery to this immediate response work to allow access for the community.

The extent of damage and solutions to repair some of the more problematic sites is still under investigation, with these recovery works expected to extend well into 2022-23. Additional temporary and specialist resources have been engaged to manage this recovery program. The physical work will be undertaken by a mixture of temporary staff engaged for flood recovery work and contractors, with funding under the Natural Disaster Relief and Recovery Arrangements (NDRRA).

The full extent of infrastructure response and recovery works funded under the NDRRA on the local transport network alone from the bushfires and floods is still being assessed, is climbing with the most recent March and May flood events.

Council also received significant road safety and stimulus funding including for the major upgrade of George Bass Drive at Lilli Pilli and Tomakin Road. These projects and the associated ancillary road safety works are improving and resilience of these key growth corridor routes. The works are also providing a significant economic stimulus through external funding, employing numerous additional workers, sub-contractors and utilizing local businesses during project delivery.

Other infrastructure damaged in the bushfires includes:

i) Water and sewer

Repairs have been affected to damaged water and sewer infrastructure where required. Replacement of sewer pods in Rosedale will proceed in conjunction with the rebuilding on each lot to give landowners greater flexibility in the choice of rebuild.

ii) Eurobodalla Region Botanic Gardens

Work continues to restore the natural environment and replacement of fire damaged property. Development and Construction Application have been issued and construction has commenced. Timbers from some of the damaged bridge structures have been recycled and incorporated into rebuilding footbridges within the gardens.

iii) State Emergency Services – Batemans Bay

Council is working with the SES on replacement options. In the meantime, temporary housing and storage arrangements are in place for the Bay unit of the SES.

*Agriculture*

Council continues to work with Local Land Services, Eurobodalla Farmers Network and the local agricultural sub-committee to resolve recovery issues within the agriculture sector.

Council is coordinating, along with the NSW Government and Minderoo, temporary on-farm accommodation for landowners while they rebuild. To date, 47 housing pods have been approved and delivered.

*Fencing*

The initial BlazeAid camps at Moruya and Belowra ceased on 30 October 2020, after building 151,000 metres of fencing and clearing 100,000m of fencing since January 2020. This work was undertaken on 263 properties. BlazeAid estimates this volunteer fencing saved the community

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\$1,060,000. The Moruya camp recommenced operations in March 2021 and have completed 44,000m of fencing and cleared 23,850m of fencing. The camp is due to disband in July 2021. It is very unusual to have two BlazeAid camps occur in the same locality, so the Eurobodalla has been fortunate to enjoy the support of BlazeAid and its volunteers.

The BRSS are currently employing options to assist community members with both purchase of fencing materials and labour to erect fencing, with the aim of completing any residual works required by the community.

**Economic Environment**

In response to the highway closures caused by bush fires in December 2019, Council surveyed business to gain an understanding of the impact on our local economy. This assisted in informing early discussions with representatives from both the Australian and NSW Governments. Subsequent to council opening its survey the NSW Government opened a small business survey to collect data on the impact of the fires on business. Council actively encouraged local businesses to complete the survey to increase the understanding of Government of the economic impacts of the fires. The results of this survey have further informed our understanding of the impact on small business and assisted with advocacy on behalf of the business community.

Council increased the frequency of business and tourism newsletters over the fire and recovery periods to keep business informed of Council activities, available support and services, marketing activities and other relevant information. Personal contact was also increased along with increased service of customer enquiries and support via phone and more frequent meetings with the Presidents of our local business chambers was undertaken and programmed into the future. Council also worked with event organisers around postponing, rescheduling and supporting events both existing and proposed over the fire period and in response to the fire. During the fire period we worked with event operators to ensure contingency plans were in place to ensure participant safety. Council was also able to work with organisers of a surf boat carnival being held in Mollymook to be relocated to Long Beach due to adverse surf conditions. This was well received by the event organisers, participants and community.

Council's tourism marketing throughout the fire period and following has been flexible, authentic and realistic to ensure not only the safety of the visitors and residents but to ensure visitor's expectations were realistic. Council implemented a number of marketing campaigns as part of the recovery process, including a Instagram campaign into Canberra to support visitation over the Canberra Day long weekend a Visiting Friends and Relatives Campaign which was launched late March/Early April 2020.

Council s worked with Government agencies, Business Council of Australia and other groups to support, coordinate and promote a range of activities including:

- The approval of and establishment of a pop-up mall for eight fire impacted businesses in Mogo along with temporary accommodation for the Mogo LALC
- Fly-in squad business turnaround forums and vouchers
- Business Connect, Service NSW Concierge, and Small Biz Bus services
- Facebook Australia workshops

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- Birdsnest Retail Recovery Tour
- Promotion of food producers to Head chefs at Parliament House and Government House
- Training (20 packages) for RSA/RCG food handling to assist in addressing skill shortages
- Facilitating filming permits for: Netflix US filming doco, BBC TV filming of Mogo, Grand Design, The Voice, Sky News – Paul Murray, the Today Show and Sunrise.

Council worked with local industry and attended the Illawarra Caravan Trade Show promoting the Eurobodalla. We have also worked with media including Today Show, Sunrise, and Good Food Guide facilitating connections with local product to assist in promoting the Eurobodalla.

Work was also undertaken on a range of projects to assist with longer term recovery through product development, including:

- Mogo Adventure Trails Hub Masterplan
- Observation point and Coastal Headland Walking Trail
- Short walks and food trail
- Review of Scenic Drives
- Working with regional partners on Capital coast Walk and Great South Coast Drive.

Eurobodalla participated in an initiative driven by Ernst and Young (EY) and the Department of Regional NSW (RNSW) to establish a *virtual business drop-in centre* in our Shire. The initiative started with EY having discussions with RNSW about delivering tailored and intensive support for communities originally affected by bushfire and in particular the small and medium sized business in the southern region. The drop-in centres provided free, tailored support needed by local businesses to help them move from the immediate bushfire response phase into a mid-term recovery phase. During the 17 weeks of the program there were over 500 interactions with separate businesses, 131 businesses were directly supported and approximately \$544K of additional funding was identified. Blending EYs skills with local knowledge on the ground is what has contributed to the success of this program.

The EY virtual business drop-in support service was so successful it was extended for an additional seven weeks during August 2020.

Council received funding from the Australian Government Regional Tourism Bushfire Recovery Program of \$340,000 for Narooma Oyster Festival, Tilba Festival, Eurobodalla Food Trail, Observation Point Coastal Walk, River of Art and Taste of Eurobodalla. This funding provides an opportunity to support tourism products and local events that had been impacted or cancelled as a consequence of the bushfires.

At its meeting on 23 June 2020, Council allocated \$200,000 from funding received from the Australian Governments Disaster Recovery Funding to support small to medium local businesses that have been impacted with up to \$5,000 in the 'Eurobodalla Business Resilience Grants Program' to assist with marketing, e-commerce, business expansion, business development and business based events.

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The recent Spendmapp data continues to show good economic growth in Eurobodalla

Spendmapp data for Eurobodalla for the period January to June on a three-year comparison:

	<i>January</i>	<i>February</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>
<i>2019</i>	<i>\$86.8m</i>	<i>\$54.4m</i>	<i>\$63.8m</i>	<i>\$68.1m</i>	<i>\$57.0m</i>	<i>\$54.6m</i>
<i>2020</i>	<i>\$62.2m</i>	<i>\$63.5m</i>	<i>\$71.1m</i>	<i>\$48.4m</i>	<i>\$60.2m</i>	<i>\$70.8m</i>
<i>2021</i>	<i>\$100m</i>	<i>\$69.7m</i>	<i>\$73.8M</i>	<i>\$80.3M</i>	<i>\$77.3M*</i>	<i>\$72.8M*</i>

*\*Forecast figures to 30 June 2021*

Further, Council has used its communications platforms to share important recovery information with the community, with the focus on providing media-friendly content to ensure the broadest possible reach. Content covers a range of information, from specifics about recovery centre operations, to stories about bush regeneration, and the practical assistance on offer.

67 recovery-related media releases have been distributed since 17 January 2020, and 57 Facebook posts. An additional 19 Facebook posts relate to COVID-19 and 5 relate to wild weather and floods.

Council published a special addition of Living in Eurobodalla, its printed newsletter for residents, in May 2020 to pay tribute to the community's resilience during the fires. Recovery updates have continued in each quarterly addition since.

Council's recovery webpages – [esc.nsw.gov.au/recovery](http://esc.nsw.gov.au/recovery) - collect the range of recovery information in one convenient place for the community. Topics include social and practical support, clean up and rebuilding, financial support, information for businesses, actions and inquiries, restoring infrastructure. Resources are updated regularly.

11 Eurobodalla bushfire recovery newsletters have been distributed to subscribers and hard copies provided around communities. Information is contributed from all relevant service providers and government agencies. Subscribe at: [esc.nsw.gov.au/recovery](http://esc.nsw.gov.au/recovery)

***Question 2: If we were to face a similar bushfire season like the fires of the Black Summer, in the near future, are we better prepared as a council and as a community?***

Yes, we are better prepared as a council and as a community, given the work undertaken since the bushfires and due to the nature of the event. There remains more to do as outlined below and on an on-going basis to adapt to the context.

Primary responsibility for planning for and responding to bushfires remains with the NSW Rural Fire Service. This includes working directly with and educating the community.

Council has representation on the Eurobodalla Bushfire Risk Management Committee (EBFRMC) with Councillor Phil Constable representing in this forum along with appropriate staff.

The relationships between the EBFRMC, the Local Emergency Management Committee and Council are outlined in Council's submissions to the NSW Bushfire Inquiry and Royal Commission in National Natural Disasters. Our submissions remain available on-line at:

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[Bushfire inquiries and Eurobodalla Council submissions | Eurobodalla Shire Council \(nsw.gov.au\)](#)

Recent discussions with the RFS confirms that:

- i) the risk of the same bushfire conditions as experienced in the 2019-20 Black Summer bushfires in the coming summer period or near future is low due to the on-going rainfall and saturation of the catchment and the extents of intense bushfire that occurred across approximately 80% of the Eurobodalla LGA
- ii) the RFS, as the responsible NSW Government agency, will be continuing bushfire preparedness education in the coming months including the 'Get Ready' programs to supplement the advice already provided on their web-site at [Plan and prepare - NSW Rural Fire Service](#)
- iii) the RFS will continue to work with 'near miss' communities on bushfire preparedness where the risk is higher due to the adjoining areas not having been burnt in 2019-20. In these cases it is important to note that the intense fire runs from the top of the mountain to the coast

During the Black Summer bushfires, many areas that would normally hold water or remain damp were completely dry following three years of drought. Our rivers had also ceased to flow, and water supply was restricted to Deep Creek Dam. These extraordinarily dry conditions meant that the fire behaviour was extreme with a higher degree of unpredictability.

However, it is essential we utilize this coming period to continue advocate to the responsible NSW and Australian Government agencies to address the matters raised in our submissions to the NSW Bushfire Inquiry and Royal Commission in National Natural Disasters. These matters were derived directly from our shared experience during the 2019-20 Black Summer bushfires and include key challenges that impacted the broader community.

Whilst good progress has been made, we continue to advocate for improved resilience to critical infrastructure and supporting services such as:

- i) Telecommunications
- ii) Power supply
- iii) Kings Highway and Princes Highway
- iv) Aged care facilities
- v) Fuel suppliers
- vi) Food retailers and re-supply

Our advocacy includes ensuring that the NSW Government take a greater role in preparing resilience and recovery plans and that the costs of this work is borne by the NSW Government rather than being transferred to our ratepayers by moving these tasks to Councils. This includes advocating to the NSW Government to fully fund all emergency services agencies (e.g. Rural Fire Service, State Emergency Service and NSW Fire and Rescue) to allow release those Council funds to improve our infrastructure resilience. This advocacy position was also adopted as part of the NSW Local Roads Congress Communique 2021.

Council has also undertaken extensive resilience work on its key local and regional road network including removal of bushfire affected hazardous trees and provision of new concrete

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bridges. Sixteen bridges have been repaired, with fourteen of those replaced with concrete structures. There are four bushfire affected timber bridges still to be replaced with concrete and subject to weather, access availability and COVID-19, these works will be completed by December 2021.

Council has also secured funding under round one of the Fixing Country Bridges program to replace another eight timber bridges in concrete, and these works will be delivered in the next two years. Council will apply for further funding to replace other timber bridges under round two of this program later in 2021.

NSW Government agencies responsible for care of the community during evacuation periods are undertaking steps to improve training and improve protocols to direct people to temporary accommodation. This is also necessary from a COVID-19 perspective.

***Question 3: Given that we are going to experience disasters of increased intensity and severity, what are we doing to plan for these, including simulating any future disaster scenarios and being proactive on this front?***

The selection of emergency response exercises is a matter for the NSW Government Emergency Services agencies (eg RFS, SES, Department of Community and Justice, Health NSW, etc ) working through the Local Emergency Management Committee (LEMC).

For information, in the months immediately prior to the 2019-20 Black Summer bushfires, an exercise was undertaken on the set-up and running of the Eurobodalla Emergency Operations Centre. This exercise proved invaluable in the period of the response to the bushfires.

***Question 4: There are plans to upgrade evacuation facilities to increase resilience. What progress has been made by the relevant authorities on this front and what role does Council have in this regard, including enhancing communications during a crisis period?***

Council allocated \$200,000 in 2020-21 financial year to upgrade the primary facilities within the three evacuation centre zones.

The assets that have been upgraded are:

- Narooma Sport and Leisure Centre
- Moruya Basketball Stadium
- Moruya Showground Pavilion (Kitchen)
- Batemans Bay Basketball Stadium
- Hanging Rock Sports and Function Centre

All of these sites have been fitted with electrical changeover switching to allow immediate generator connection in the event of an emergency. The addition of alternative power supplies to each of these facilities, allows a fully independent asset which can be open and operated as an evacuation centre at any time of day or night. The upgrade provided for access to the board and cabling by any electrician who can then connect a generator, without the attendance of

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Council staff. This is very important, as the recent bushfires highlighted the difficulty of travelling between towns to open and operate the evacuation centres.

In addition to these upgrades, several of the evacuation sites have also had the new disability access compliant toilet constructed, male and female toilets upgraded, new lighting, repainting, cubicle doors replaced, new partitions, tiling and general amenities improvements.

Council has constructed a new emergency animal shelter at Moruya Showground, which provides 12 all-weather animal stalls for small to large animals.

***Question 5: Has the COVID pandemic been taken into consideration in the way these facilities are going to be managed?***

Yes.

During the response to natural disasters, evacuation centres are managed by Department of Community and Justice (Welfare) working through the Emergency Operations Centre (EOC). The EOC is a multi-agency response group which also includes Health NSW (human) and Local Land Services (animals).

The decision to evacuate is made by the combat agency (eg RFS for fire, SES for flood). The decision to open an evacuation centre is made by the Local Emergency Operations Controller if it is felt the need exists given the context. This is typically done in discussion with the combat agency, LEMO and remainder of the EOC (which includes Health NSW).

Protocols have already been established to manage evacuation during COVID-19 by the NSW Government. COVID-19 adds an additional risk for combat agencies to consider when determining if an evacuation should occur as it may be safer to remain in place. There is now a requirement to consult with Health NSW prior to opening any evacuation centre. NSW Government agencies responsible for evacuation centres have been trained in how to set up an evacuation centre using social distancing and implement a variety of hygiene and cleaning strategies to limit risk and exposure. NSW Health will be supporting these practices and provide screening of individuals prior to entry to the evacuation centre.

The circumstances applying at the time of any evacuation would vary with the relevant COVID-19 orders in place at that time. However, the general principles and order of providing temporary relief from a hazard apply in terms of priority of action.

This priority includes:

- Preparation to stay in place where it is safe to do so and people are mentally and physically capable of defending their property. This was successfully implemented where appropriate in the bushfire response (eg central part of towns, majority aged care facilities).
- Relocate to another property, if available and safe to do so (this does apply in Eurobodalla where some people have a second property in Canberra or other locations away from the hazard, also applied where some aged care residents were relocated to another aged care facility)
- Move to stay with family and friends, if well and safe to do so, is the preferred approach outlined by the NSW Government.

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- If an evacuation centre is required to open, evacuees are triaged to alternate commercial accommodation.
- Staying at the evacuation centre itself in temporary accommodation (eg their own caravan taken to the evacuation area) or placement into the evacuation centre is the last resort option.
- If someone is unwell or presents with COVID-19 symptoms, they will be isolated by Health NSW and advised not to attend the evacuation centre.
- If a person is already in self-isolation, the number of the local Public Health Unit will be provided (1300 066 055) which is to be used before leaving home (where possible).

For larger scale events, the NSW Government may consider establishing a 'hotline' that people can call to make alternate accommodation arrangements without the need to go to an evacuation centre. People are also encouraged to register via Register.Find.Reunite. Of course, these options are not always able to be used if telecommunications are unavailable at that specific time. This again highlights the importance of our continued advocacy to improve the resilience of telecommunications.

**RECOMMENDATION**

THAT the response to the question regarding Bushfire Response raised by Councillor Anthony Mayne be received and noted.

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**QON21/004      BROULEE LAND CLEARING**

S006-T00003

Responsible Officer: Anthony Mayne - Councillor

Attachments:            1. Attachment A - Biodiversity certification  
                              2. Attachment B - Concept Plan  
                              3. Attachment C - Concept Approval

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

**Question**

Exactly who gave permission for clearing was an environmental impact study out

If so can you please provide a copy

Based on what I have seen and based on the communication and promises made to the Broulee community over the development of this land I have grave concerns for what lies ahead in Dalmeny.

Can you please advise what processes, checks and balances Council intends to put in place to ensure the decimation being witnessed in Broulee will not be repeated.

It appears that the community are ill informed of the extent of environmental impact of these developments and given the minimum allowable sizes and the justification of tree removal in proximity to a house and allowable APZ the reality appears that this is what we can come to expect in Rosedale, Mossy Point, Dalmeny and any of our coastal zones identified for Urban Expansion.

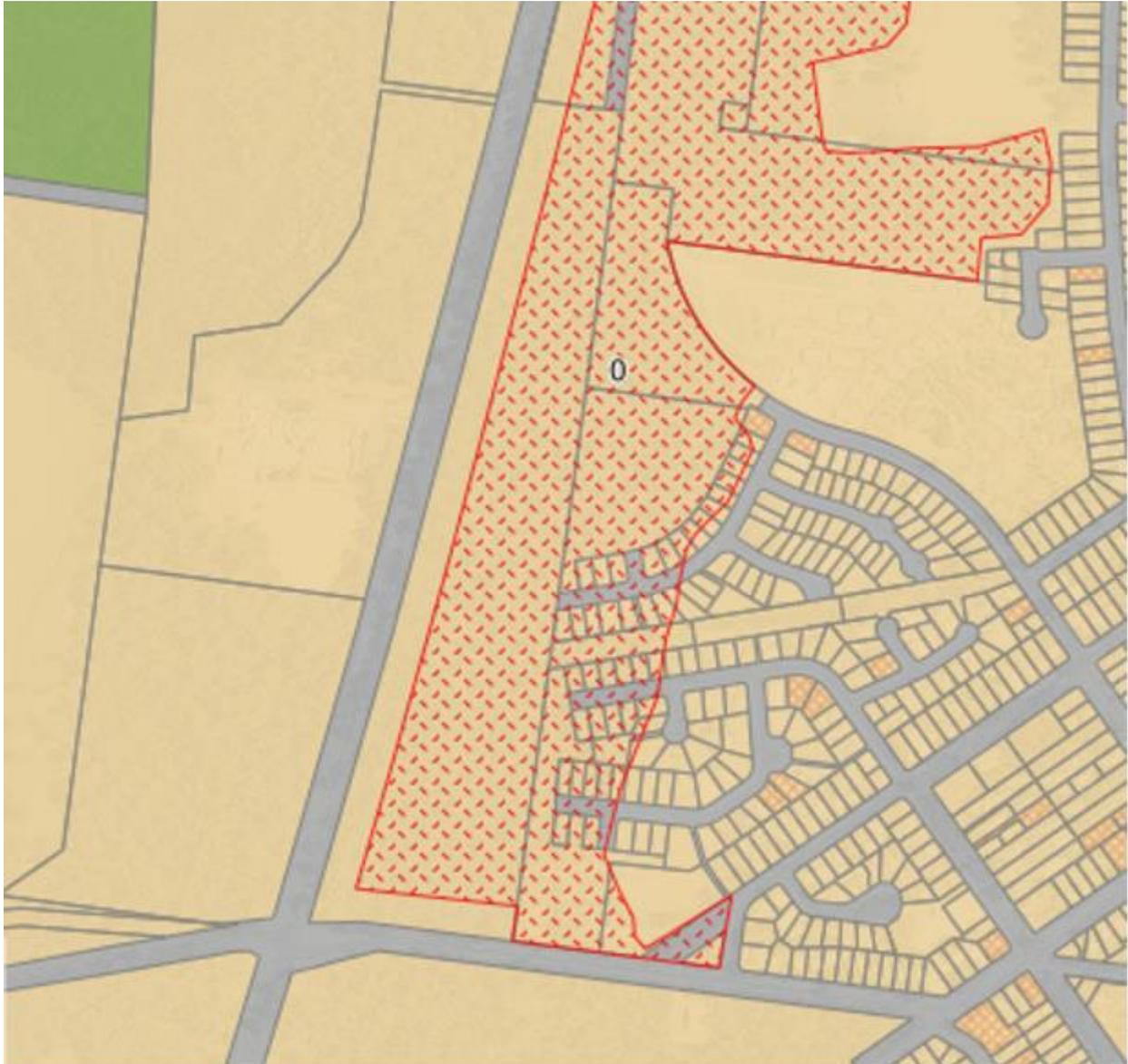
#allkindsofnatural ?? #naturecoast ??? #allkindofclearinginthenameofprogress more like

**Response**

The clearing was approved under a biodiversity certification process undertaken by Council in accordance with the NSW Government Biodiversity Conservation legislation. Biodiversity certification was entered into by the Council following extensive community engagement during the preparation of the relevant ecological studies, strategy development, and formal exhibition prior to its adoption by Council and referral to the NSW Government. The below map shows the certified area, approving clearing, including the road reserve and the community land.

**QON21/004 BROULEE LAND CLEARING**

**S006-T00003**



A copy of the documentation relevant to the biodiversity certification of the subject land is in Attachment A.

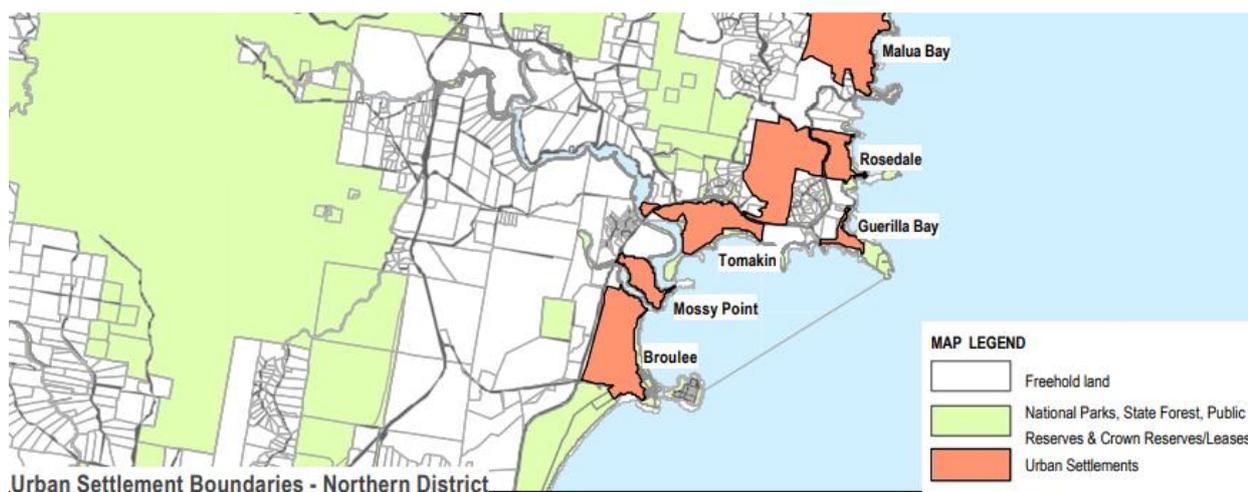
Council issued development consent for the 48 lot stage of the residential subdivision in February 2021. The development application was advertised on the website, notified to adjoining owners and a site sign erected. The exhibition period was from the 27 July 2020 to the 24 August 2020.

The subject land has been identified for and appropriately zoned for residential subdivision since at least the gazettal of the 1999 Urban LEP in March 1999. The community have been consulted on the zoning, clearing and development of the area throughout multiple planning processes including the 1999 Urban LEP, 2012 Eurobodalla LEP, amendments to the 2012 Eurobodalla LEP, associated DCP, bio certification process and various subdivision development applications.

**QON21/004 BROULEE LAND CLEARING**

**S006-T00003**

The Eurobodalla Settlement Strategy (2006-2031) was adopted by Council on the 5 December 2006 and there was extensive consultation over a number of years preceding its adoption in 2006. It prescribed a settlement pattern for existing towns and villages with an aim of maintaining the existing settlement hierarchy and the distinct and separate nature of these settlements.



This current term of Council made amendments to the 2012 Eurobodalla LEP and DCP, confirming the development area over the subject land and adopting the Broulee Concept Plan. Copies of the maps associated with such are attached (Attachment B).

It is also worth noting that the matter currently under consideration by Council related to Dalmeny is the sale of land.

The 2012 Eurobodalla LEP introduced master planning requirements for new urban release areas such as that at Dalmeny. Clause 6.2 of the Eurobodalla LEP 2012 requires the preparation of a Development Control Plan (DCP) for urban release areas. This is to ensure that there is a holistic view of how the land may be developed and that all stakeholders (including individual landowners) follow this plan to ensure that road hierarchies, pedestrian connectivity and servicing are achievable across the urban release area. The purpose is to stop adhoc development occurring that does not consider the potential of adjoining land to be developed.

It should be noted that a presentation to Council on 28 March 2017 by the Broulee Mossy Point Community Association President, in response to Council's consideration of the Broulee Planning Proposal, stated '*Council's demonstrated engagement with the community is acknowledged and welcomed*'.

This process will include community engagement and require preparation of a DCP which will be considered by and have to be adopted by the Council.

The topography at Dalmeny is significantly different to that of Broulee and any development outcome will need to respond to that topography, and riparian corridors as well as other environmental constraints and relevant planning and environmental legislation.

The residential development at Rosedale is predominately located on cleared land. The areas of land proposed to be cleared have been assessed, or will be assessed when development applications are lodged, under the relevant biodiversity legislation. It should also be noted that

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**QON21/004 BROULEE LAND CLEARING**

**S006-T00003**

a concept approval has been approved by the then Department of Planning in 2008 for the development of the majority of the Rosedale residential release area (Concept Plan - Attachment B and Concept Approval – Attachment C).

Each of the areas are at different stages in the development process, and have and will be influenced by the planning and environmental legislation relevant at the time.

**RECOMMENDATION**

THAT the response to the question regarding Broulee Land Clearing raised by Councillor Mayne be received and noted.

AH: A

### Order conferring biodiversity certification

Under section 126H of the *Threatened Species Conservation Act 1995*

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Under section 126H of the *Threatened Species Conservation Act 1995 (the Act)*, I Robert Stokes MP, Minister administering that Act, confer biodiversity certification on the specified land.

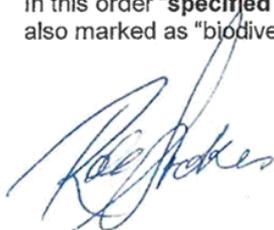
Under section 126P of the Act I have determined, on the basis of a biodiversity certification assessment, that the overall effect of biodiversity certification is to improve or maintain biodiversity values.

Under section 126Y of the Act, I specify the measures listed in Schedule 3 as approved measures under this biodiversity certification.

Under section 126ZA of the Act, biodiversity certification of the specified land takes effect from the date of publication of this order in the Government Gazette and remains in force indefinitely.

#### Definition

In this order "specified land" means the land described in Schedule 1 to this order that is also marked as "biodiversity certified land" on the map in Schedule 2.



**ROBERT STOKES MP**  
Minister for the Environment

Signed at Sydney, this 19<sup>th</sup> day of September 2014

**Schedule 1 Description of the specified land**

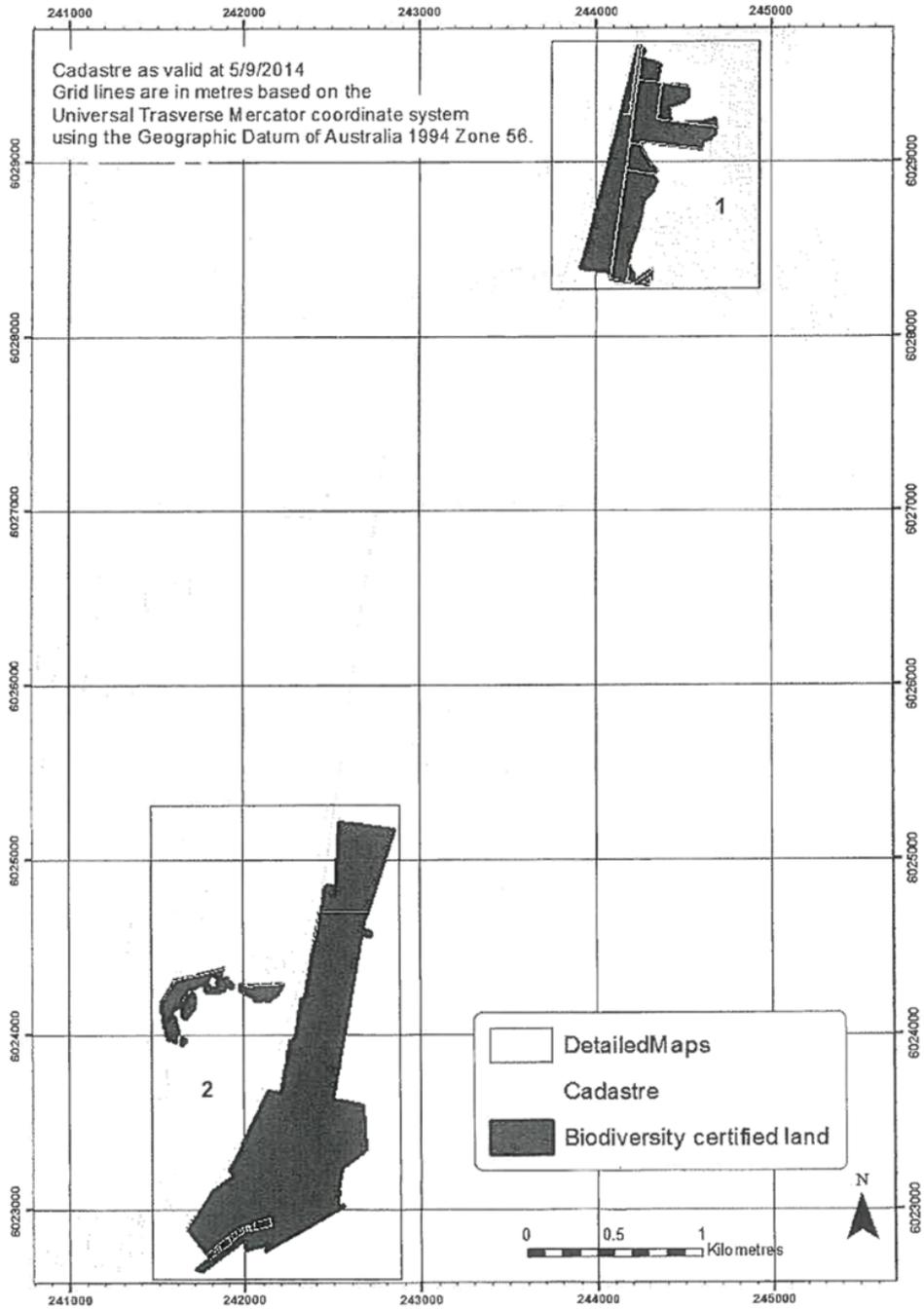
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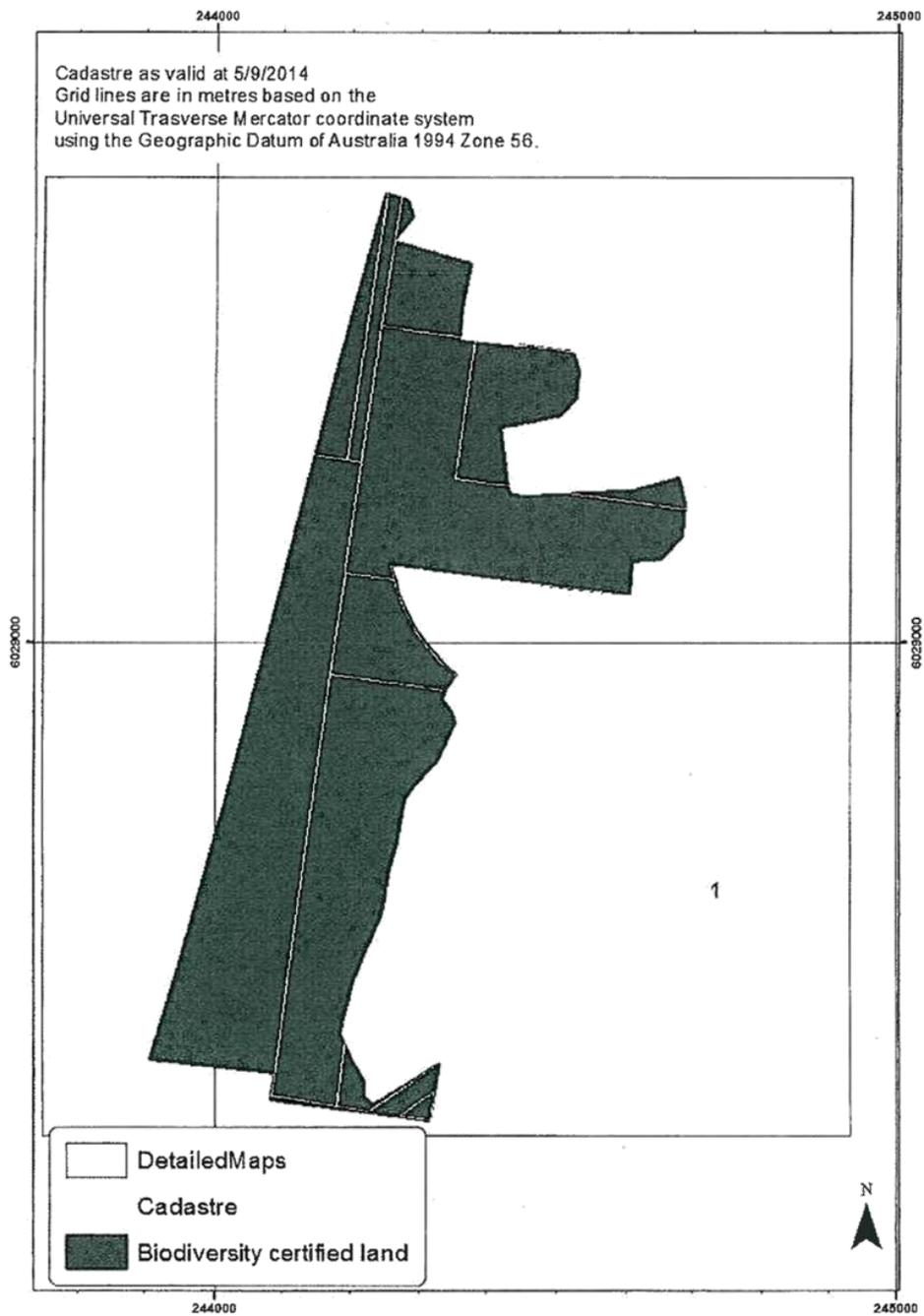
<b>Roads</b>	
All formed, and unformed, roads.	

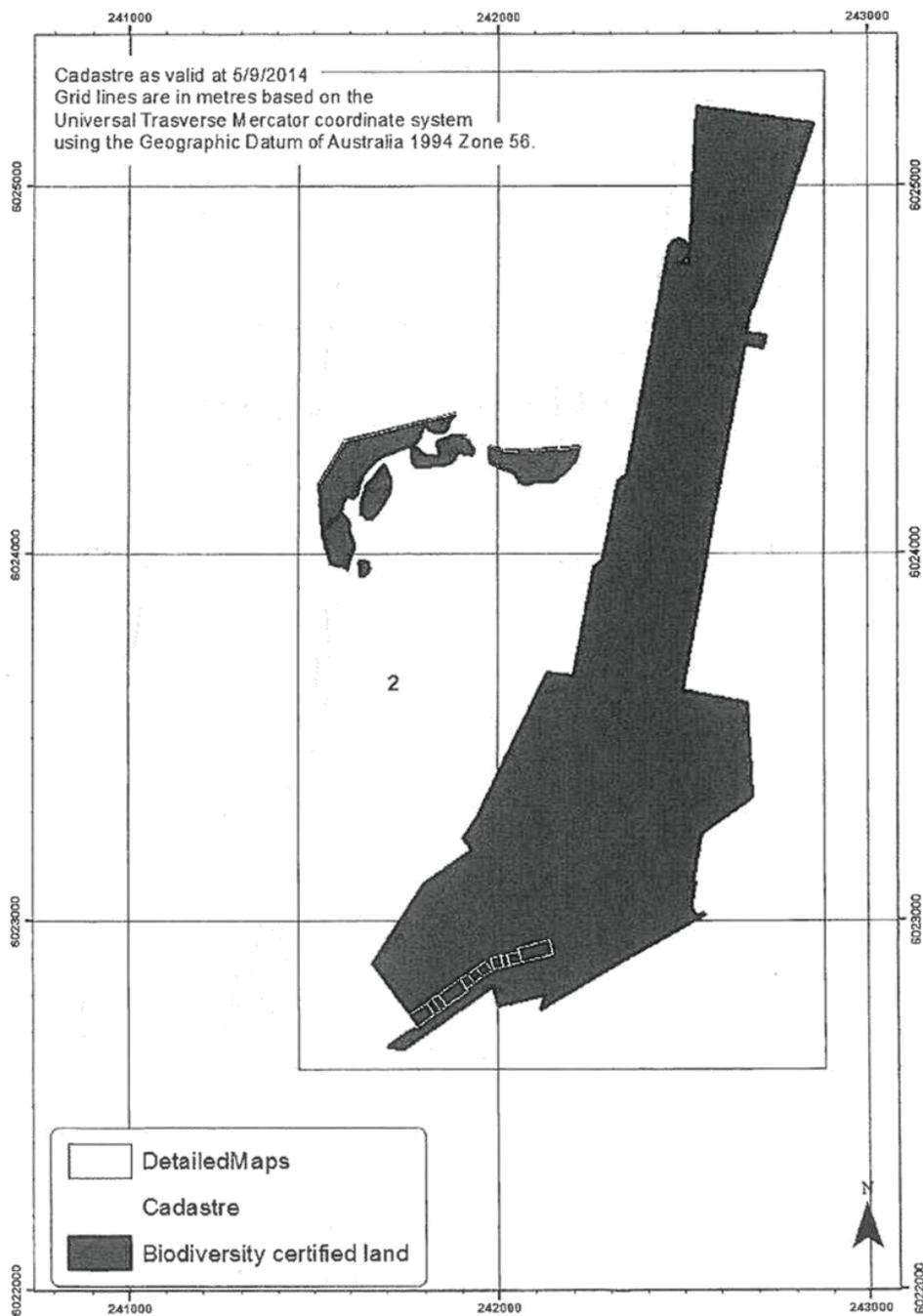
  

<b>Lots within deposited plans</b>	
<b>Lot</b>	<b>Deposited plan</b>
Part Lot 4	1090948
Part Lot 3	663700
Part Lot 50	837279
Part Lot 28	172003
Part Lot 9	1068530
Part Lot 13	11360129
Part Lot 58	245167
Part Lot 20	1174639
Part Lot 1	825610
Part Lot 89	1093710

**Schedule 2 Map of the specified land**







### **Schedule 3 Approved measures**

The approved measures under this order are as follows:

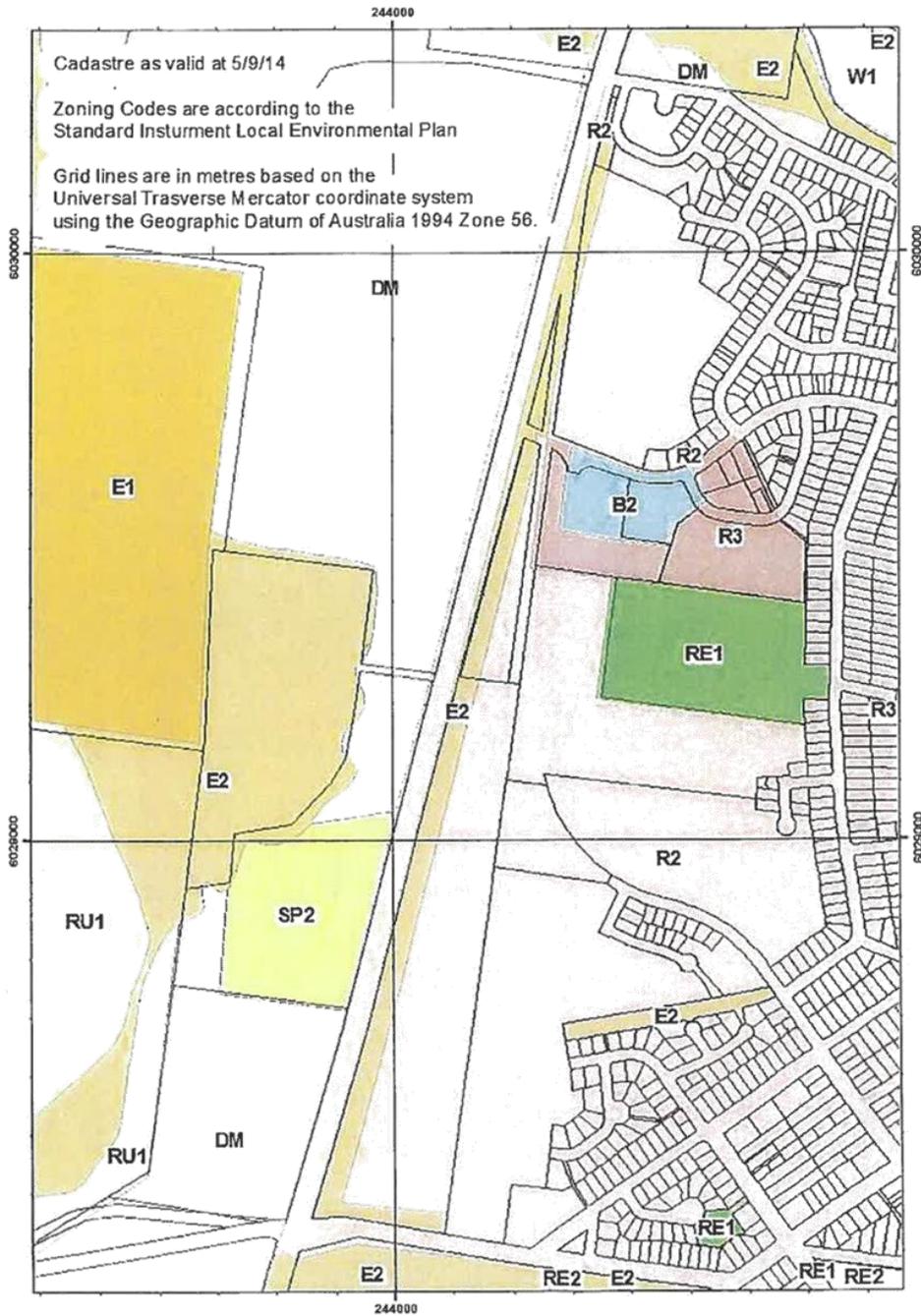
#### **Proposed conservation measures**

1. The entering into of a biobanking agreement under Part 7A of the Act consistent with the terms set out in Schedule 2 of the biodiversity certification agreement dated 19<sup>th</sup> September 2014 between Eurobodalla Shire Council and the Minister administering the Act.
2. Preparation of a planning proposal under section 55 of the *Environmental Planning and Assessment Act 1979* which provides for the amendment of Maps 2750\_COM\_LZN\_011B\_040\_20130529 and 2750\_COM\_LZN\_012A\_040\_20130701 from the Eurobodalla Local Environmental Plan 2012 in accordance with the proposed

#### **Requirements as to the timing of the implementation of the proposed conservation measures**

3. The proposed conservation measure described in clause 1 of this Schedule must be entered into within 6 months of the date this order takes effect.
4. The proposed conservation measure described in clause 2 of this Schedule must be forwarded to the Minister for Planning within 12 months of the date this order takes effect.

Annexure 1 – Proposed Zoning Map



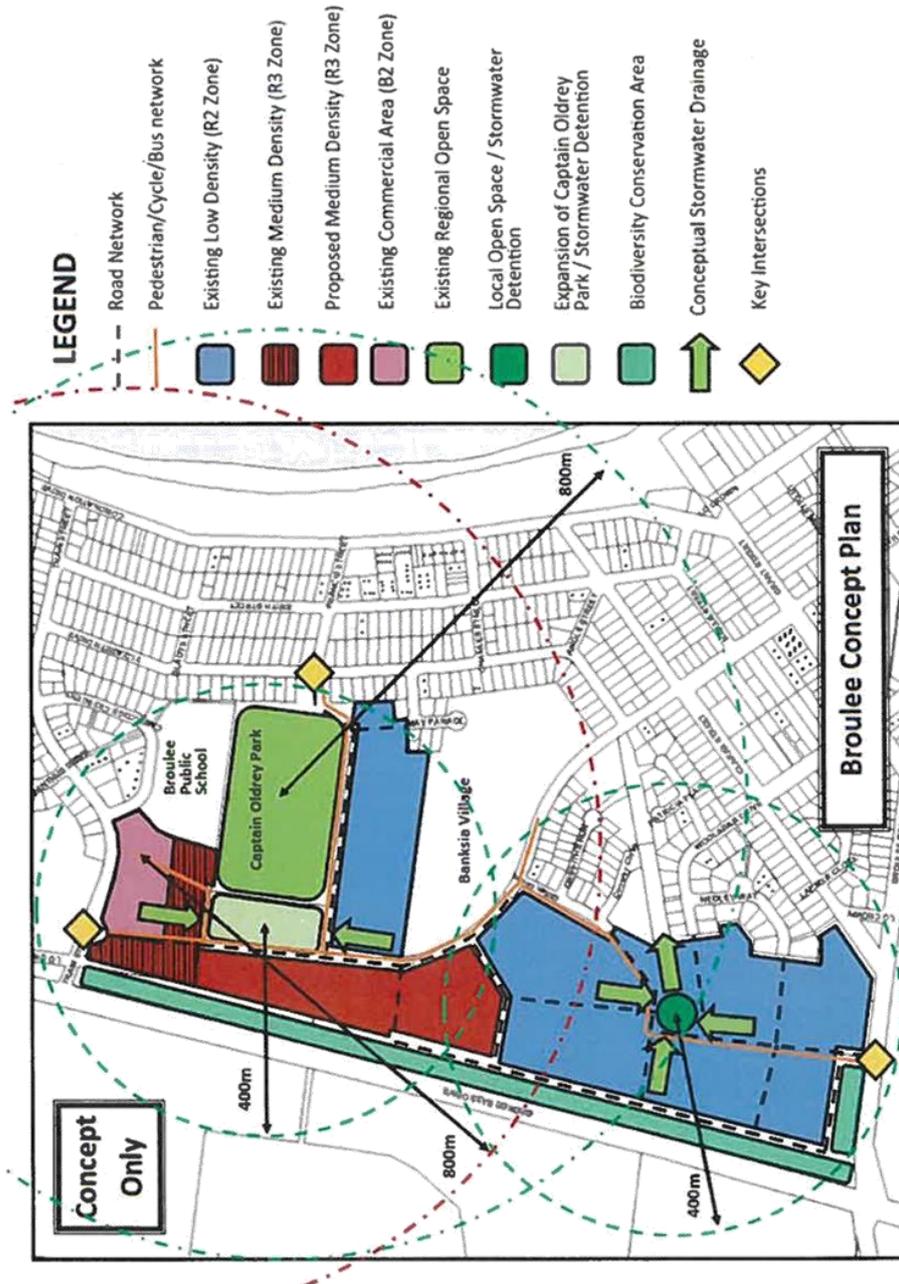
AH: 'B



Map 10. Brooulee Development Area

RESIDENTIAL ZONES DEVELOPMENT CONTROL PLAN

4. Broulee Concept Plan



## Concept Approval

### Section 750 of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979*, determine:

- a) pursuant to section 750 of the *Environmental Planning and Assessment Act 1979*, to grant concept plan approval for the proposal referred to in Schedule 1, subject to the modifications in Schedule 2;
- b) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for subsequent project or development applications associated with the concept plan as set out in Schedule 2; and
- c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all future development shall be subject to Part 4 (or Part 5) of the *Environmental Planning and Assessment Act 1979*.



The Hon. Kristina Keneally MP  
Minister for Planning

Sydney

2 Oct 2008

#### SCHEDULE 1

<b>Application No:</b>	05_0199
<b>Proponent:</b>	Marsim (trading as Nature Coast Pty Ltd)
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Bevia Road, Rosedale comprising Lots 11, 29, part 32, 72, 102, 118, 119 and part 213 in DP 755902; Lot 2 DP 627034 and Lot 2 DP 623340
<b>Local Government Authority:</b>	Eurobodalla Shire Council
<b>Project:</b>	Community title subdivision for residential development and ancillary commercial and community facilities, comprising six (6) Ecological Protection lots, one (1) Community lot and thirteen (13) Neighbourhood Precincts (which will yield a total of 792 residential lots).
<b>Estimated Cost of Works:</b>	\$41.5 million
<b>Date approval is liable to lapse:</b>	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

#### DEFINITIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
Concept Plan	Concept plan for a proposed residential subdivision at Rosedale, depicted generally on Dwg No. CA-003-K prepared by Roberts Day and described in the Environmental Assessment in support of the Concept Plan application for the proposal, prepared by kass + hermes on behalf of Marsim (trading as Nature Coast Pty Ltd), dated February 2008, and the Preferred Project Report dated July 2008
Council	Eurobodalla Shire Council
DA	Development Application
Day	7:00 – 18:00
DECC	Department of Conservation and Climate Change
Department	Department of Planning
Director-General	Director-General of the Department (or delegate)
DWE	Department of Water and Energy
Evening	18:00 – 22:00
HWM	High water mark
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning
MP 05-0199	Major Project described in the Proponent's Environmental Assessment.
Night	22:00 – 7:00

Proponent	Marsim (trading as Nature Coast Pty Ltd) or any party acting upon this approval.
RFS	Rural Fire Service
RTA	Roads and Traffic Authority
Site	Land to which application applies (see Schedule 1)
Statement of Commitments	Statement of Commitments provided in Schedule 4
VMP	Vegetation Management Plan
WP	Works Plan

**NOTES**

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant. The Proponent has the right to appeal to the Land and Environment Court of NSW in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Any advice or notice to the approval authority shall be served on the Director-General.

## SCHEDULE 2

### TERMS OF APPROVAL AND REQUIREMENTS FOR FUTURE APPLICATIONS

#### BEVIAN ROAD, ROSEDALE - MAJOR PROJECT NO. 05\_0199

#### PART A —TERMS OF CONCEPT APPROVAL

##### **A1 Development Description**

Concept approval is granted only to carrying out the development solely within the concept plan area as described in the Environmental Assessment Report titled "**Bevian Road Concept Application**" prepared by Kass-Hermes Urban Planning + Development (dated November 2007), including:

- (1) Extent of environmental constraints
- (2) Extent of developable area
- (3) Subdivision of the site for residential development and ancillary commercial and community facilities, under the Community Land Development Act 1989, into six (6) Ecological Protection Lots; one (1) Community Lot and thirteen (13) Neighbourhood Precinct Lots (which will yield a maximum of 792 residential allotments)
- (4) Concept Road Hierarchy Plan & Sections
- (5) Landscape Concept Plan

##### **A2 Development in Accordance with Documentation**

- (1) The following documentation (including any appendices therein) is approved as part of the Concept Plan:
  - a. **Environmental Assessment Report Bevian Road Concept Plan (Volumes 1, 2, 3 and 4)**, prepared by Kass-Hermes Urban Planning + Development on behalf of Marsim (trading as Nature Coast Pty Ltd) and dated November 2007;
- (2) The following Preferred Project Report including a revised Statement of Commitments and any appendices therein is approved:
  - a. **Preferred Project Report and revised Statement of Commitments**, prepared by Kass-Hermes Urban Planning + Development on behalf of Marsim (trading as Nature Coast Pty Ltd) and dated 10 July 2008 and 8 August 2008 respectively;
- (3) The additional documents listed below:
  - a. **Flora and Fauna Assessment** prepared by Conacher Travers Environmental Consultants, dated September 2007.
  - b. **Ecological Assessment**, prepared by Conacher Travers Environmental Consultants, dated February 2008; the **Addendum to the Ecological Review** prepared by Travers Environmental, dated 8 July 2008; and the **Ecological Assessment of Main Southern Access Road Options** prepared by Travers Environmental, dated 23 June 2008.

- c. **Conservation and Land Use Management Plan**, prepared by Conacher Travers Environmental Consultants, dated September 2007.
  - d. **Ecological Site Management Plan**, prepared by Conacher Travers Environmental Consultants, dated September 2007.
  - e. **Bushfire Protection Assessment**, prepared by Conacher Travers Environmental Consultants, dated September 2007; and **amendments** as detailed in correspondence and Schedule 1 – Bushfire Protection Measures prepared by Travers Environmental, dated 4 August 2008.
  - f. **Fuel Management Plan** prepared by Conacher Travers Environmental Consultants, dated September 2007.
  - g. **Water Management Report** prepared by Patterson Britton & Partners, dated November 2007.
  - h. **Services and Infrastructure Report** prepared by Patterson Britton & Partners Pty Limited, dated November 2007.
  - i. **Flood Impact Assessment**, prepared by Patterson Britton & Partners Pty Limited, dated July 2007.
  - j. **Cultural Heritage Assessment**, prepared by Navin Officer Heritage Consultants Pty Limited, dated November 2007; **Addendum to Cultural Heritage Assessment** prepared by Navin Officer Heritage Consultants, dated 25 June 2008; and **Proposed Alternative Southern Access Road Aboriginal Archaeological Assessment** prepared by Navin Officer Heritage Consultants Pty Limited, dated August 2008.
  - k. **Traffic Noise and Construction Noise Assessment**, prepared by Heggies Australia, dated 15 August 2007.
  - l. **Preliminary Contamination Assessment**, prepared by Douglas Partners Pty Limited, dated October 2007.
  - m. **Soil & Contamination Report – Identification and Extent of Acid Sulphate Soils**, prepared by JCL Development Solutions, dated July 2007.
  - n. **Transport Impact Study**, prepared by Colston Budd Hunt and Kafes Pty Limited, dated August 2007; **Addendum** which reviews proposed modified access arrangements, also prepared by Colston Budd Hunt and Kafes Pty Limited, dated 3 July 2008.
- (4) In the event of any inconsistencies, the Preferred Project Report and revised Statement of Commitments dated 8 August 2008 in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1) and (3).

**A3 Development in Accordance with Plans**

(1) The development will be undertaken in accordance with the following plans:

Architectural (or Design) Drawings prepared by Roberts Day and Candelapas Associates			
Drawing No	Name of Plan	Revision	Date
CA-001	Bevian Road – Concept Application Constraints Map	J	08/07/08
CA-002	Bevian Road – Concept Application Developable Area Diagram	J	08/07/08
CA-003	Bevian Road – Concept Application Concept Subdivision Plan	K	08/07/08
CA-004	Bevian Road – Concept Application Concept Road Hierarchy and Sections	I	08/07/08
CA-005	Bevian Road – Concept Application Landscape Concept Plan	G	08/07/08

**A4 Consistency of Future Development**

The Proponent shall ensure that all development is carried out generally in accordance with the:

- (a) Concept Plan;
- (b) Statement of Commitments; and
- (c) this approval.

**A5 Lapsing of Approval**

This approval shall lapse if the Proponent does not physically commence the proposed development associated with this concept plan within 5 years of the date of this approval.

**A6 Limits on Approval**

This approval does not allow any components of the Concept Plan to be carried out without further approval or consent being obtained.

**A7 Determination of Future Applications**

The determination of future Development Applications by Council is to be generally consistent with the terms of approval of Concept Plan MP 05\_0199 as described in Part A of Schedule 2 and subject to the conditions of approval and the requirements for future applications set out in Parts A and B of Schedule 2.

## **PART B — FUTURE APPLICATIONS**

*Future development applications and Construction Certificates for subdivision and where relevant, the construction of infrastructure, built form and associated works shall comply with the requirements set out below.*

### **B1 Traffic and Access**

#### Crown Roads

- (1) Where Crown Roads are involved in the development and are to be amalgamated into the freehold lands, ownership of these lands may only be obtained by way of lodgement of a road closing application with the Department of Lands by the applicant (Proponent) in the first instance.

#### Southern Access Road

- (1) The proposed southern access road and its intersection with George Bass Drive shall be designed in accordance with Council's requirements.
- (2) Planting of a suitable landscape screen to the Sewerage Treatment Plant using flora species known to occur in the Bangalay Sand Forest Endangered Ecological Community (EEC) should occur on each side of the proposed access road to provide a formal entry to the site. In areas where the road passes through Swamp Sclerophyll Forest EEC and River Flat Eucalypt Forest EEC flora species from these communities should be used in the roadside planting treatment.

#### Existing Southern Access Road

- (3) Access to the development from the existing southern access road off George Bass Drive (running along the western side of the Bevia Wetland) shall be closed off to vehicular traffic once the new southern access road (to the east of the Bevia Wetland) is constructed. Suitable treatment and potential rehabilitation of the existing road access shall be undertaken to the satisfaction of Council.

#### Northern Access Road

- (4) The proposed northern access road and its intersection with George Bass Drive shall be designed in accordance with Council's requirements.

### **B2 Deferred Area**

No development in concept is approved in the "Deferred Area" as shown on Drawing No. CA-003-K prepared by Roberts Day and Candelapas Associates dated 8 July 2008. If this area is to be developed in the future, a development application must demonstrate to the satisfaction of Council and the Department of Environment and Climate Change that any future development can satisfy the relevant odour and noise management criteria for the proposed use located in the vicinity of a sewerage treatment plant.

### **B3 Remediation of Land**

- (1) Consistent with the recommendations contained in the *Preliminary Contamination Assessment* prepared by Douglas Partners, dated October 2007, future development applications which include land identified as an 'Area of Environmental Concern', shall, where necessary, be accompanied by more detailed investigations as to the extent and nature of contamination. This may include a Remedial Action Plan and a Hazardous Materials Survey. Any Remedial Action Plan that is required must be accompanied by a statement from a site auditor accredited by the Department of Environment and Climate Change to issue site audit statements.
- (2) Upon completion of the remediation works on the site, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Department of Environment and Climate Change to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.
- (3) The requirements of SEPP 55 and relevant Guidelines will apply to the abovementioned plans and works.

### **B4 Urban Design Guidelines**

Prior to issue of a development consent related to the concept approval, site-specific development standards or urban design guidelines shall be prepared and be submitted to and approved by Council for integration into a development control plan.

The development standards should relate to items such as built form, the public domain, infrastructure, streetscape. Where possible, the development standards should also incorporate principles to encourage building design options that can be adapted to various stages of life and consideration of lower cost accommodation.

### **B5 Bushfire Protection**

#### Asset Protection Zone (APZ)

- (1) All Asset Protection Zones (APZs) illustrated on Schedule 1 Bushfire Protection Measures included in the Ecological Site Management Plan prepared by Conacher Travers Environmental Consultants dated September 2007 must be shown on subdivision applications, together with the necessary report consistent with NSW Rural Fire Service (RFS) Guidelines.
- (2) At the issue of subdivision certificate and in perpetuity, APZs shall be provided as detailed within the Bushfire Protection Assessment, including Schedule 1, dated September 2007 as prepared by Conacher Travers and as modified by plan entitled Schedule 1 – Bushfire Protection Measures, Bevia Rd, Rosedale prepared by Travers Environmental dated 4 August 2008.

APZs associated with the development must comply with the guidelines contained within *Planning for Bush Fire Protection 2006* and the Service's document *Standards for Asset Protection Zones*.

- (3) A restriction as to user pursuant to section 88B of the *Conveyancing Act 1919* shall be placed on all lots within the subdivision requiring the provision of APZs as identified within the documentation and plans specified in Conditions A2 and A3

above in accordance with *Planning for Bush Fire Protection 2006* and the Service's document *Standards for Asset Protection Zones*.

- (4) Management of APZs throughout the subject site shall be implemented in perpetuity and shall be in accordance with the Fuel Management Plan, including Schedules 1 and 2, dated September 2007 as prepared by Conacher Travers.
- (5) For APZs on slopes greater than 18 degrees, the property shall be landscaped or managed (ie. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans are to be submitted for approval to Council with the relevant DA for subdivision and / or built form and prior to issue of any Construction Certificate for subdivision works and / or dwellings.

#### Roads

- (5) Public Road Access shall comply with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*. In this regard the following design standards for public roads are to be incorporated into the development:
  - (a) road(s) shall be two-wheel drive, all weather roads;
  - (b) urban perimeter roads are two-way, with a carriageway 8 metres minimum kerb to kerb;
  - (c) the perimeter road is linked to the internal road system at an interval of no greater than 500 metres.

#### Water and Utilities

- (6) Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.

#### **B6 Wetland, Watercourses and Riparian Zones**

- (1) All engineering, other structural works or natural landscaping proposed must be designed, constructed and operated by suitably qualified professionals, recognised in that specialist field. The designs and construction methods and activities are to result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of Waterfront Land (as defined in the *Water Management Act 2000*).
- (2) Operations shall not damage or interfere in any way with:
  - Vegetation and habitat within the riparian corridors
  - The stability of adjacent or nearby bed or banks of Waterfront land
  - The stability of Waterfront Land and their associated environments
  - The flow of watercourses within Waterfront Land
  - The quality of water within Waterfront Land
  - Any pumps or structures in the vicinity (that are licensed under the Water Act 1912 or the Water Management Act 2000).
- (3) Any works that involve any change (including realignment, stabilisation, naturalised enhancement etc) of any watercourse, must emulate a stable natural watercourse system that behaves as, and has the appearance of, a stable natural stream system of the area (including floodplains, terraces and other typical natural features). Part of

the form of the watercourse is to create meanders, suitable pool and riffle sequences, with suitable aquatic and terrestrial habitat.

- (4) The extent of the rehabilitation / restoration of Waterfront Land are to be as indicated by a work program for all works that involve any change (including realignment, stabilisation, naturalised enhancement etc) of any watercourse. Rehabilitation / restoration, and watercourse form must be consistent with the DWE *Guidelines for Controlled Activities* (February 2008) *Instream Works*.
- (5) All riparian zones within the site as illustrated on the updated Restoration Management Schedule prepared by Travers Environmental dated 9 July 2008 and submitted as part of the Preferred Project Report must be rehabilitated. Riparian zones consisting of local native plant species shall be established and maintained in and adjacent to the watercourses within the site. The extent of the riparian zones is to be measured horizontally landward from the top of bank (top of erosion gully banks) and the widths are to be in accordance with:
  - Figure 24 – Landscape Concept Plan – Delineation between Public and Private Domain
  - Figure 27a – Buffer Analysis
  - Figure 27b – Buffer Analysis Zone 1
  - Figure 27c – Buffer Analysis Zone 2
  - Figure 27d – Buffer Analysis Zone 3of the Environmental Assessment prepared by Kass-Hermes Urban Planning + Development and dated November 2007.
- (6) A minimum riparian zone of 50 metres consisting of local native plant species shall be established and maintained adjacent to Bevia Wetland within the site. The extent of the riparian zone is to be measured from the wetland high water mark and is to be in accordance with Figure 27a – Buffer Analysis of the Environmental Assessment.
- (7) Site rehabilitation is to be undertaken in accordance with the Ecological Site Management Plan (ESMP) prepared by Conacher Travers Environmental Consultants dated September 2007 Any remnant local native riparian vegetation within the site shall be protected and any riparian zones disturbed or otherwise affected by the development shall be restored to a state that is reasonably representative of the natural ecotone of the protected waters system – to achieve sound naturalised watercourse and long term riparian area stabilisation and management by the enhancement / emulation of the native vegetation communities of the area.
- (8) Seed and propagule sources are to be from local botanical provenance (regarded as from as close as possible and from the same general habitat - same soil type, distance from watercourse, exposure etc)
- (9) The riparian zone (and all areas and activities described in the ESMP) must be maintained for a period of at least five (5) years after final planting or where other revegetation methods are used, five years after plants are at least of tubestock size and are at the densities required by these conditions and with species richness as described in the ESMP, and five (5) years minimum for those areas required for access and maintenance relating to any works program.
- (10) The Proponent must ensure that all works and activities within the site do not compromise the implementation of the ESMP in any way.

- (11) A permanent physical barrier to prevent inadvertent damage to riparian zones, is to be placed at their landward extent in all locations. The barrier needs to be appropriate to the site and be designed to:
- Be suitable for any flooding issues;
  - Not impede the function of the vegetation as a corridor linkage
  - Allow for small fauna passage underneath the barrier and must be of an open (eg mesh or bar type) structure to allow light and air flow and to provide continuity with adjacent (buffer or non-riparian) vegetation
  - Be suitable as a maintenance edge for any open space management such as mowing / slashing etc
  - Be fire-proof, if it coincides with the boundary of an Asset Protection Zone
- (12) Any roads are to be located beyond the riparian zones with the exception of crossings.
- (13) Any cycleways and pedestrian pathways are to be located beyond the riparian zones with the exception of crossings and strategic access locations. (If access is required to the wetland or watercourse it may be provided by branch paths at strategic locations where the ecological integrity of any existing riparian vegetation and the bio-physical functions of the riparian corridor, stream bed and bank stability will not be compromised). The pathways are to be designed and constructed in accordance with the DWE draft Guideline: *Design and Construction of Paths, Cycleways and Accessways along Watercourses and Riparian Area Guideline (Version 3, April 2007)*.
- (14) Any pipeline and their associated disturbed areas are not to be located in any riparian area with the exception of crossings. If any pipeline is required to be located in a riparian area the watercourse and riparian area functions are not to be compromised and:
- in these areas, pipelines or cables must be "seamless", very durable and reliable;
  - not require to have access / inspection points or maintenance access tracks for maintenance or other purposes within any riparian zone;
  - minimise disturbance within the riparian zone and bed and bank of any watercourse;
  - not disturb existing vegetation;
  - not restrict the establishment of trees in any way within a riparian zone;
  - minimise disturbance of any existing local vegetation community.
- (15) Any pipeline crossings of watercourses must always be directionally drilled or constructed within crossing structures, such as bridges to avoid direct impacts on the aquatic and terrestrial ecology. The underground boring should commence from the outer edge of the riparian zone and be bored for the full width of the watercourses and riparian zone.
- (16) Any watercourse crossing structures must be located, designed and constructed consistent with the DWE *Guidelines for Controlled Activities (February 2008) Watercourse Crossings*.
- (17) Only those requirements for bushfire asset protection zones as shown on the presented plans will be allowed. No further compromise in any way to the extent, form or function of the riparian zones is to occur.

- (18) Existing farm dams located on-line or in any riparian area are not to be used as water quality control ponds. Any new permanent constructed water quality basin / wetlands / flood compensatory area and their associated disturbed areas are not to be located in any riparian areas in or on-line.

**B7 Water Quality**

- (1) All the recommendations and proposed stormwater and water management measures and erosion and sediment controls detailed in the Water Management Report prepared by Patterson Britton and Partners, dated November 2007 and attached Figures are fully implemented and must be included in any application submitted to Council for subdivision.
- (2) Development of the site is to proceed in accordance with the Conservation and Land Use Management Plan and the Ecological Site Management Plan, both prepared by Conacher Travers Environmental Consultants, dated September 2007.
- (3) The design and construction of the proposed four watercourse crossings on site (in particular the tributaries of Saltwater Creek in the northern section of the site) are to be undertaken in accordance with the Department of Primary Industry's *Policy and Guidelines for Fish Friendly Waterway Crossings (2004)* and *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004)*.
- (4) No structures or encroachments into the core riparian buffer zone of the Bevia Wetland are permitted.
- (5) Prior to the release of a subdivision certificate for each stage an independent audit of erosion and sediment controls used during construction of the subdivision road network is to be conducted and submitted to Council.

**B8 Water Quality Monitoring Regime**

- (1) Water quality monitoring is to be undertaken throughout all phases of the project as described in the Water Management Report prepared by Patterson Britton and Partners (dated November 2007) and in accordance with the Monitoring Schedule included in the Ecological Site Management Plan prepared by Conacher Travers dated September 2007 to ensure that the predicted water quality objectives in the Environmental Assessment report and attachments are met.
- (2) Monitoring and reporting shall continue for a minimum of 12 months after completion of all works associated with the development.
- (3) Each monitoring report shall include a cumulative analysis of the results and data recorded in previous annual monitoring reports and shall be submitted to Council.

**B9 Aboriginal Heritage Management Plan**

- (1) The proponent must develop a Cultural Heritage Management Plan (CHMP) for the site. The CHMP should be developed and implemented in consultation with the relevant Aboriginal stakeholders. The plan must include procedures for ongoing Aboriginal consultation and involvement, management of any recorded sites within the investigation area, details of proposed further archaeological investigation prior to impact, identification and management of previously unrecorded sites (excluding human remains), and a program of monitoring.
- (2) If human remains are located during the project, all works must halt in the immediate area to prevent any further impacts to the find or finds. The local police, the Aboriginal

community and the DECC are to be notified. If the remains are found to of Aboriginal origin and the police consider the site not an investigation site for criminal activities, the DECC should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by the DECC. In the event that a criminal investigation ensues works are not to resume in the designated area until approval in writing from the Police and the DECC.

- (3) If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the find or finds. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the find(s). The site is to be registered in the AHIMS (managed by the DECC) and the management outcome for the site included in the information provided to the AHIMS. It is recommended that the Aboriginal community representatives are consulted in developing and implementing management strategies for all sites, with all information required for informed consent being given to the representatives for this purpose.
- (4) All reasonable efforts must be made to avoid impacts to Aboriginal Cultural Heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and the DECC.
- (5) The applicant must continue to consult with and involve Aboriginal representatives for the project, in the ongoing management of the Aboriginal Cultural Heritage values.
- (6) An Aboriginal Cultural Education program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with the Aboriginal community.

#### ***B10 Aboriginal Archaeology for Southern Access***

- (1) Future development applications which seek approval for the southern entry access road from George Bass Drive (as indicated on Drawing No. CA-003-K prepared by Roberts Day and Candelapas Associates) will include evidence that preliminary Aboriginal archaeological testing (which may include surface and subsurface testing) has been undertaken to the satisfaction of the Department of Environment and Climate Change.

#### ***B11 Hollow-Bearing Trees***

- (1) Separate approval from Council shall be sought for the removal of hollow-bearing trees located within the developable area as defined on Dwg No. CA-002-J prepared by Roberts Day and Candelapas Associates dated 8 July 2008.
- (2) Where possible, hollow bearing trees identified for removal should have the hollow sections collected and re-erected elsewhere on the site. Where this is not feasible (ie. because of decaying or unstable timber) artificial nest boxes providing accommodating of similar size to the removed hollows are to be erected in suitable locations. Specifications of the artificial nest boxes are to be in accordance with the details set out in the Ecological Site Management Plan prepared by Conacher Travers Environmental Consultants, dated September 2007.

**SCHEDULE 3**

**MP 05\_0199  
RESIDENTIAL SUBDIVISION DEVELOPMENT**

**BEVIAN ROAD, ROSEDALE**

**STATEMENT OF COMMITMENTS**

**(SOURCE: PREFERRED PROJECT REPORT, 8 AUGUST 2008)**

August 2008  
 BEVIAN ROAD CONCEPT APPLICATION  
 ROSEDALE

**Draft Statement of Commitments**

The Director-General has requested pursuant to section 75F(6) of the *Environmental Planning and Assessment Act 1979* that the Rosedale EA include a Draft Statement of Commitments. If approval for the proposed project is granted, Marsim will commit to the following environmental Management, heritage and mitigation measures for the proposed project subject to final agreement with Eurobodalla Shire Council in the Development Application phase of the approval.

No	Commitment	Applicable Phase
1.0	<b>Hours of Operation</b>	
1.1	Construction works for the project will be limited to the hours of 7am to 7pm Monday to Saturday.	All phases
2.0	<b>Site Security</b>	
	To prevent the unauthorised entry of people into the construction site and prevent damage to the environment, security for the construction site(s) will include: • Lockable security gates; • A security fence around the staged work perimeter;	All phases
3.0	<b>Appointment of Project Ecologist</b>	
3.1	The proponent and community association shall appoint and retain a project ecologist as necessary. The project ecologist will be a suitably qualified professional restoration ecologist.	All phases
4.0	<b>Induction Manuals, Training and Contract Management</b>	
4.1	The proponent, in consultation with the Project Ecologist, will prepare induction manuals in accordance with section 5.1.1 of the <i>Ecological Site Management Plan</i> .	All phases
4.2	All employees and contractors involved with the development shall undergo induction and training in accordance with the induction manual.	Phase 1
4.3	All contracts for works onsite are to require contractors to comply with all performance criteria listed in section 4.4 of the <i>Ecological Site Management Plan</i> .	All phases
4.4	All contractors will be responsible for rectifying damage or paying fees for damage they have caused to trees identified for retention.	All phases

5.0	<b>Site Construction Plans</b>	
5.1	Prior to the commencement of construction works a site construction plan is to be reviewed by the Project Ecologist. The site constructions plans must not be inconsistent with the <i>Ecological Site Management Plan</i> and any of the development consent conditions.	All phases
6.0	<b>Approvals and Licenses</b>	
6.1	Approvals will be sought from the Department of Environment and Conservation for a seed collection licence.	Phase 1
7.0	<b>Bushfire Prevention and Hazard Reduction</b>	
7.1	Asset Protection Zones shall be provided in accordance with Tables 2-7 of the <i>Bushfire Protection Assessment</i> .	All phases
7.2	Fire Management Zones to be provided in accordance the <i>Fuel Management Plan</i> and maintained in accordance with the Operational Works Schedule contained in Annexure 1 of the <i>Fuel Management Plan</i> .	All phases
7.3	The proponent shall manage the fuel levels within the Asset Protection Zones in accordance with section 5.2 of the <i>Fuel Management Plan</i> until such time as the Community Subdivision is registered and the Community Association has jurisdiction.	All phases
7.4	Known Yellow-bellied Glider habitat will be protected from destruction or damage during bushfire hazard reduction in accordance with the recommendations in the <i>Fuel Management Plan</i> .	All phases
7.5	Hazard reduction is to avoid creating canopy separation greater than 10 metres to protect Yellow-bellied Glider canopy movement around existing ecological corridors.	All phases
7.6	The buildings shall be constructed in accordance with the strategies identified in Schedule 1 to the <i>Bushfire Protection Assessment</i> .	All phases
7.7	Proponent to undertake fire trail maintenance in accordance with the Operational Works Schedule contained in Annexure 1 of the <i>Fuel Management Plan</i> prior to occupation of precincts by residents.	All phases
7.8	Proponent is to install fire trails and undertake maintenance in accordance with Operational Works Schedule contained at Annexure 1 of the <i>Fuel Management Plan</i> prior to occupation of precincts by residents.	All phases
7.9	Proponent to prepare a Bushfire Emergency Response Plan to provide a procedure in the event of fires threatening the community scheme.	Phase 1
7.10	Proponent will prepare performance assessment criteria for the future monitoring of fuel management activities.	Phase 1

8.0	<b>Vegetation Protection</b>	
8.1	The proponent will ensure there is no residential development, clearing, slashing, harming, cutting, removal or disturbance of vegetation (other than weeding or bush regeneration) carried out within conservation areas and riparian corridors.	All phases
8.2	The proponent will clearly identify areas to be protected before and during development / construction / regeneration works.	All phases
9.0	<b>Tree Protection</b>	
9.1	All canopy vegetation not impacted by building envelopes and roads is to be retained unless approved by Project Ecologist. Trees directly affected by the building envelope are to be removed in accordance with the final tree removal plan. However trees that overhang buildings are to be retained if it is considered safe, does not compromise the structural integrity of the building and/ or the bushfire hazard risk to the building.	All phases
9.2	A qualified arborist is to monitor damage to trees on a regular basis if any hollow bearing tree is recommended for removal and the works are to be approved.	All phases
9.3	The proponent will implement the Tree Protection Guidelines and Tree Protection Zones (TPZ) for all retained trees within the developable portions of the site as reasonably practicable.	All phases
9.4	The Project Manager or delegated officer will inspect a site prior to, during and post construction to ensure trees designated for exclusion zones are adequately marked and other appropriate protection procedures are being maintained.	All phases
9.5	The following tree clearing techniques will be implemented: (a) Tree Protection Zones will be avoided. (b) If any tree to be removed is a hollow-bearing tree and occupied by native fauna, the tree will be lowered by a machine after the tree has been shaken to evict sheltering fauna. Once lowered, the Project Ecologist will examine all hollows for fauna occupation. If fauna is sheltering within a felled hollow, the hollow with the fauna still inside will be relocated to the Conservation Zones to allow the fauna to escape. (c) Cleared vegetation will be mulched or wood chipped and used in nominated landscape beds. (d) Removal of weeds and destruction or removal of all weed propagules will be undertaken onsite in accordance with appropriate Weed Management Techniques in accordance with Conacher Travers Ecological Site Management Plan. (e) Undertake weed control, bush regeneration methods and revegetation works in accordance with Conacher Travers Ecological Site Management Plan. (f) Regeneration of cleared surfaces via seeding, planting of native species, mulching and the installation of biodegradable blankets in accordance with Conacher Travers Ecological Site Management Plan; and (g) implementation of water control measures including construction of earth banks, catch drains, detention and sediment ponds, grassed and armoured waterways, rock earth and sand bag dams and outlet protection systems.	All phases

9.6	If filling occurs around the trunk of a tree, blue metal will be placed around the base of each tree to separate the soil from the lower trunk and where possible, fill will be graded to approx. 100mm around the base of each tree.	All phases
9.7	Penalties generally are incurred for minor infringements at \$1,000 per incident, and damage to protected trees at \$5,000 per incident, penalties will be subject to NSW Law.	All phases
9.8	All unintended damage to retained trees will be reported to the Project Ecologist who will recommend appropriate remedial measures if required.	All phases
9.10	Trees killed or damaged during the pre-construction, construction or post-construction phases that were to be retained will be replaced with locally collected provenance seed propagated tube stock at a ratio of 1 to 1 planted in the location of the original tree.	All phases
10.0	<b>Fencing</b>	
10.1	All pre-existing internal fencing will be removed from the development area on a precinct by precinct and/ or stage by stage basis.	All phases
10.2	All lengths of barbed wire on all existing boundary fences will be replaced with plain fencing on a precinct by precinct and/ or stage by stage basis.	All phases
11.0	<b>Weed Control</b>	
11.1	Environmental and Noxious Weed removal will be undertaken across the entire development area targeting key invasive species on a strategic basis. All noxious weeds are to be continually suppressed and maintained at low densities and coverage. Weed removal techniques will be in accordance with the Ecological Site Management Plan and are to avoid the promotion of weeds in previously treated or adjoining areas.	All phases
11.2	Targeted weed control will be undertaken throughout the retained bushland areas in accordance with the <i>Ecological Site Management Plan</i> .	All phases
11.3	Native species as contained in the <i>Ecological Site Management Plan</i> will be used for replacement planting once weeds are removed.	All phases
12.0	<b>Pest Species Management</b>	
12.1	The proponent will implement a pest control program in accordance with the <i>Ecological Site Management Plan</i> for foxes and rabbits in the conservation and ecological zones.	All phases

12.2	Baiting for wild dogs and foxes will be undertaken in accordance with approvals from the Rural Lands Protection Board, Department of Agriculture, the Department of Environment and Conservation and the Community Association and/or Council (as applicable).	All phases
13.0	<b>Threatened Species Management</b>	
13.1	Threatened Species Habitat and Core Endangered Ecological Communities will be protected and conserved to achieve a maintain or improve outcome in accordance with the Conservation and Land Use Management Plan (CLUMP) and the Ecological Site management Plan (ESMP). The removal of low condition threatened species habitat and endangered ecological communities are to be offset through regeneration of existing degraded habitat and restoration of new habitat in accordance with the Precinct Plan, CLUMP and ESMP.	All phases
13.2	The known Yellow-bellied Glider denning sites are to be retained in accordance with the tree removal plan and the <i>Ecological Site Management Plan</i> .	All phases
13.3	Artificial nest boxes are to be constructed and installed in accordance with the hollow specifications of known threatened fauna species to occur onsite including Yellow Bellied Glider, Owls and Microbats. Artificial nest boxes are to be installed at a rate of 4 nest boxes per hollow tree removed from the development area.	All phases
13.4	The proponent will replant endemic species of trees and shrubs in accordance with the Ecological Site Management Plan in ecological corridors and restored habitat areas that will provide long term foraging and roosting resources for threatened fauna species and general arboreal fauna. The quantity and type of nest boxes are to strategically target hollow bearing resources that is lacking in within the site to supplement and enrich the current roosting/denning and foraging resources throughout the year.	All phases
14.0	<b>Bush Regeneration</b>	
14.1	The proponent will consult a suitably qualified bush regenerator when undertaken at regeneration works.	All phases
14.2	Nursery grown tube stock is to be replanted into designated restoration areas and appropriate ongoing management undertaken to ensure survival on a stage by stage basis.	All phases
14.3	The recruitment / augmentation of plantings within areas to be slashed for bushfire hazard management will be restricted unless significant dieback occurs.	All phases
14.4	Bush regeneration works will be undertaken in the conservation areas and ecological corridors in a manner generally in accordance with the <i>Ecological Site Management Plan</i> , Roberts Day's <i>Landscape Concept Plan CA-005</i> and detailed design to be conducted during the DA phase.	All phases

14.5	Woodchip or other mulch is to be placed at a depth of 75 -100mm covering any bare areas of soil where tree planting or landscaping is to occur. Areas surrounding the stems / trunks of plants are to be kept free from mulch to reduce the incidence of collar rot.	All phases
14.6	No mulch will be spread or stockpiled within perimeter Asset Protection Zones, habitat corridors or regeneration areas.	All phases
15.0	<b>Habitat Management</b>	
15.1	Ecological corridors will be established and restored in accordance with the Ecological Site Management Plan.	All phases
15.2	Exotic weeds and invasive species as listed in the Ecological Site Management Plan will be targeted and controlled to suppress & if possible eradicate from site.	All phases
15.3	To survey all hollow bearing trees across the site and prepare a habitat tree management plan to protect potential threatened species habitat.	All phases
15.4	All areas of fallen timber identified by the Project Ecologist as fauna habitat prior to construction will be protected and retained if appropriate. Any nests or roosts located during development works to be relocated to nearby retained trees by an experienced fauna ecologist.	All phases
15.5	All felled hollows and affected fauna will be removed from the tree and relocated to suitable trees within the development areas or conservation zones.	All phases
15.6	Boundaries of the conservation areas and ecological corridors will be clearly identified.	All phases
16.0	<b>Landscaping</b>	
16.1	Soil improvements may not include pH adjusting additives within close proximity to Bevan wetland as defined by the inner edge of the perimeter APZ.	All phases
16.2	Swimming pools, if constructed, will be designed in accordance with Australian Codes and Council Codes prior to building.	All phases
16.3	Maintenance Manuals will be prepared by the proponent to assist in guiding ongoing maintenance of the landscaping of the site.	All phases
16.4	Locally endemic native species will only be used in landscaping, asset protection zones and parks immediately adjacent to conservation areas and ecological corridors.	All phases

17.0	<b>Pets</b>	
17.1	Ownership of cats (other than "Assistance animals" as defined under in the Disability Discrimination Act 1992 for people with disabilities) by residents will not be permitted within the Country or Edge Zones as defined in Character Plan in Roberts Day's Urban Design Guidelines.	All phases
18.0	<b>Erosion and Sediment Control</b>	
18.1	Environmental protection fences/ sediment control fences will be installed prior to the commencement of any works in a precinct. Undertake monitoring of environmental protection and sediment control fences to rectify any damage and remove built up sediments.	All phases
18.2	An Erosion and Sediment Control Plan will be reviewed by the Project Ecologist and Council for approval prior to the commencement of construction.	All phases
19.0	<b>Ground Water</b>	
19.1	The Proponent will measure water quality before, during and after the development to ensure that ground and surface water quality is maintained.	All phases
20.0	<b>Stormwater and Nutrient Control</b>	
20.1	Stormwater management and nutrient control devices must be implemented in accordance with the <i>Water Management Plan</i> .	All phases
20.2	Stormwater flows are to be diverted through gross pollutant control and nutrient filter devices where appropriate.	All phases
20.3	Overflow from the rainwater tanks and runoff from other hardstand areas must be conveyed either by the stormwater drainage system or swales to the biofiltration basins/detention systems located in accordance with the <i>Water Management Plan</i> .	All phases
20.4	Each single dwelling house is to have a rainwater tank with a minimum size of 3,000L fitted with a first flush device for the collection of the majority of roof area runoff.	All phases
20.5	Reuse of collected stormwater runoff should be undertaken for non-potable purposes including garden irrigation and car washing.	All phases
20.6	All taps connected to rainwater tanks are to be identified as 'RAINWATER' with a sign complying with AS 1319. The rainwater tanks can be backed up with mains water in case of dry weather.	All phases
20.7	Driveways and pathways are to be constructed of permeable pavement material and comply with relevant Australian Standards and Building Code of Australia.	All phases

20.8	Buffer strips used for treatment of overland stormwater runoff to be either native vegetation or grassed areas as appropriate.	All phases
<b>21.0</b>	<b>Cut and Fill Management</b>	
21.1	All cut and fill works will be carried out in accordance with Section 4.4.2 "Bulk Earthworks" of the <i>Ecological Site Management Plan</i> .	All phases
21.2	Where appropriate, fill will be graded down around the bole of trees. In cases where the level of fill is too high for this method to be practical, other measures such as the installation of blue metal fill surrounding the trunks of trees or the relocation of trees that are to be retained to the filled ground level may be done.	All phases
21.3	If a tree to be retained is likely to be damaged as a result of earthworks, the tree may be replaced with the same species in the same location as the original tree at the new ground level. Guidance from the project ecologist is to be sought if the original tree contains hollows or resident fauna.	All phases
<b>22.0</b>	<b>Monitoring, Auditing &amp; Reporting</b>	
22.1	The Project Ecologist will conduct the audits and certification as required under Appendix 5 of the <i>Ecological Site Management Plan</i> .	All phases
22.2	Project Ecologist to review all activities relating to works in the ecological corridors every year for a minimum of 5 years.	All phases
22.4	The proponent will establish standard locations for monitoring (once yearly for 10 years) vegetation growth, weed control and water quality strategically placed within conservation areas and ecological corridors.	All phases
22.5	Artificial nest boxes will be monitored for glider use and condition annually for the first 10 years to assess occupancy rates of fauna and replacement of damaged or deteriorated boxes as required. Monitoring will also include identifying the use of nest boxes by feral bees. Any exotic species will be removed.	All phases
22.6	Threatened species monitoring is to include plot and transect based surveys in accordance with the <i>Ecological Site Management Plan</i> . The annual Environmental Management Report is to include a cumulative analysis of the monitoring results including data from previous years.	All phases
22.7	The health and condition of the trees within the habitat corridors is to be monitored and all necessary steps taken to restore and replace any large trees lost since the previous monitoring period.	All phases
22.8	Proponent shall review the Fuel Management Plan on an annual basis until the final occupation certificate is issued.	All phases
22.9	Proponent to monitor bushfire risk in accordance with the Fuel Management Plan.	All phases

22.10	Site landscape maintenance to comply landscape specifications as contained within the Ecological Site Management Plan.	All phases
22.11	The Proponent will implement a maintenance program in accordance with the Ecological Site Management Plan which will include: <ul style="list-style-type: none"> <li>• target noxious and environmental weed control</li> <li>• waste control</li> <li>• watering and revegetation maintenance</li> <li>• repairs to protection and sedimentation fencing; and</li> <li>• cleaning of any permanent anti-sedimentation structures or traps</li> </ul>	All phases
23.0	<b>Cultural Heritage</b>	
23.1	Management and impact mitigation strategies as outlined in Section 16 of Navin Officer's <i>Cultural Heritage Assessment</i> will be adopted throughout the Concept Application and development approval processes for instigation during construction.	All phases
23.2	Management strategies will be conducted in association with the construction of the relocate southern vehicular entry as outlined in Navin Officer's letter entitled " <i>Review of Potential Archaeological Impacts of Proposed Southern Access Road Alignment - Addendum to Bevia Road Concept Application</i> " dated 25 June 2008 and lodged with the Preferred Project Report as Attachment K.	All phases
23.3	Future project applications which seek approval for the southern entry access road from George Bass Drive (as indicated on drawing CA 003-K) will include evidence that preliminary Aboriginal archaeological testing (which may include surface and subsurface testing) has been undertaken to the satisfaction of the Department of Environment and Climate Change and the Department of Planning.	Phase 1
24.0	<b>Voluntary Planning Agreement – Council</b>	
24.1	The proponent will enter into a formal Voluntary Planning Agreement (VPA) with Eurobodalla Shire Council. The document will be formally entered into during the Development Application phase of the project.  The intent of the VPA is to formalise Council's agreement to dedicate part of the Sewer Treatment Plant land, part Lot 5 in DP 264630, for use by the proponent to access the site off George Bass Drive from the south along the eastern side of the Bevia Wetland.  in accordance with the recommendations of the motion approved by Council on the 24 <sup>th</sup> June 08, " <i>Governance Report to Ordinary Meeting of Council Held on Tuesday 24<sup>th</sup> June 2008 – G08/06 Dedication of Council Land for Road, Tomakin Sewer Treatment Plant</i> ", the VPA will formalise the following agreements:  "1. A 20m side strip within Lot 5 DP 264630 be dedicated as public road subject to:  a) All costs associated with the dedication including Council's reasonable legal costs being borne by the proponents of the development of land to the north of the Tomakin Sewer Treatment Plant.  b) The proponents entering into a planning agreement to expend an amount equivalent to the market value of the land proposed to be dedicated as public road on local public infrastructure.	

	<p>c) Market value of the land being determined by a registered valuer                  d) In addition to (b) the proponent be responsible for all costs associated with the provision of suitable vegetative screening of the treatment plant along the proposed road if required and any necessary relocation of existing water and sewer infrastructure within the proposed road"</p> <p>Council's Governance Report and recommendations will provide the basis of the agreement.</p>	
24.2	The VPA will also allow S94 Contributions off-sets where the proponent has dedicated land for public open space and/or other uses such as roads for use by the public.	
25.0	<b>Alternate Access – North Bevia Road</b>	
25.1	Should the Rosedale Parade extension into/through Rosedale Farm land be constructed in the future, Marsim would undertake to construct a connection from within the Bevia Road estate to the property boundary, provided this is ecologically and physically possible.	

QON21/004 BROULEE LAND CLEARING  
 ATTACHMENT 3 ATTACHMENT C - CONCEPT APPROVAL



**BEVAN ROAD - CONCEPT APPLICATION**  
 CONCEPT SUBDIVISION PLAN  
 Drawing: CA-003-K | Issued for: Approval | Dated: 08.07.2008 Drawing Issued for Approval



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**GMR21/033 FIRE IMPACTED TREE REMOVAL**

**S020-T00016**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: 1. Confidential - Preferred contractors  
Outcome: 7 Connected and Accessible Places  
Focus Area: 7.1 Work in partnership to provide an integrated transport network  
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network  
Operational Plan Link: 7.1.2.1 Provide a safe efficient and integrated transport network

**EXECUTIVE SUMMARY**

Eurobodalla has sustained massive damage from the Black Summer bushfires and seven natural disaster floods in the past 18 months. The bushfires have resulted in extensive secondary tree death across Eurobodalla. Council requires months of tree clearing to make safe local and State road networks. This work is fully funded through the Natural Disaster Relief and Recovery Arrangements, a joint funding initiative of the Commonwealth and State Governments.

Further, Council as maintenance contractor to Transport for New South Wales (TfNSW) has been requested to assist with the removal of fire impacted trees from the Kings Highway, Clyde Mountain commencing in late July 2021.

Both projects will be above the tendering threshold of \$250,000.

Council has a pre-qualified tree contractor panel "*Provision of Tree Management Services on Council Owned and Management Land (RFT 2017/ISD031)*". All contractors on the panel have been contacted about the specific equipment and skill levels to be eligible for this work. It has been identified that from this panel only a small number of contractors that have the specific plant and highly skilled operators to complete the required work for both projects.

Under Section 55 (3)(i) of the *Local Government Act 1993* (Act), the tendering requirement under the Act does not apply where a contract is entered into because of extenuating circumstances.

Due to there being only being a small number of contractors that have the specific plant and skilled operators and the limited time from a safety aseptic it is considered appropriate under these circumstances to allocate the work for both projects in accordance with Section 55 (3)(i) of the Act.

**RECOMMENDATION**

THAT:

1. Council resolves that because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders for the bushfire effected tree and Kings Highway Resilience works requirements.
2. The reasons for Council's decision that a satisfactory result would not be achieved by inviting tenders for bushfire tree and Kings Highway Resilience works requirements are that:
  - Large amount of tree work required.

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**GMR21/033 FIRE IMPACTED TREE REMOVAL**

**S020-  
T00016**

- The limited timeframe to perform the work within the expiring funding agreement.
  - The uncertainty of the funding being extended.
  - The risk to road users and the road
  - High-risk working environment that requires specific plant and highly skilled operators.
  - Previous experience working on and managing burnt trees on the Kings Highway, Clyde Mountain, or very similar situation elsewhere on the State Road Network.
3. Council delegate authority to the General Manager to enter into direct negotiations with the preferred contractors mentioned in the confidential attachment in relations to the bushfire tree and Kings Highway Resilience work and execute any agreement arising from those direct negotiations.

**BACKGROUND**

**Bushfire Tree Works:**

Eighteen months on and the Black Summer bushfires have resulted in extensive secondary tree death across Eurobodalla road network. Council requires several months of tree clearing to make safe local and State road networks. Based on the increase in scope for this project, the timeframe and funding agreements with Resilience NSW have been extended in line the identified works. These extensions in funding timeframes are not usually resolved until the current agreement is nearly expired. This has caused alternative procurement methods problematic.

The current funding for fire impacted tree management expires on 30 September 2021. Agreement in principle has been provided to extend the time period under the Natural Disaster Relief and Recovery Arrangements (NDRRA). However, final agreement for any extension is at the discretion of the responsible Commonwealth and State agencies and is yet to be achieved. The following factors are the main reasons that lead to the extenuating circumstances:

- Large amount of tree work required.
- Specific plant and highly skilled operators required.
- The limited timeframe to perform the work within the expiring funding agreement.
- The uncertainty of the funding being extended.
- The risk to road users and the road.

**Kings Highway Resilience Works:**

As the maintenance contractor for TfNSW, Council has been requested to assist with the removal of fire impacted trees on the Kings Highway, Clyde Mountain. Given the specialised high-risk work requiring both specific plant and highly skilled operators with experience in operating in conditions and environment of the Clyde Mountain such as, traffic, weather and communications, TfNSW have requested the same tree contractors that will be involved in the bushfire secondary tree removal as above.

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**GMR21/033 FIRE IMPACTED TREE REMOVAL**

**S020-  
T00016**

The works are programmed to commence at the end of July 2021 and will require the Kings Highway to be closed at certain times for several weeks. The following factors are the main reasons that lead to the extenuating circumstances:

- Large amount of tree work required.
- The risk to road users and the road
- High-risk working environment that requires specific plant and highly skilled operators.
- Previous experience working on and managing burnt trees on the Kings Highway, Clyde Mountain, or very similar situation elsewhere on the State Road Network.

The preferred nominated contractors will enable Council to continue to advocate the necessary tree work under the Natural Disaster Relief and Recovery Arrangements and TfNSW.

**CONSIDERATIONS**

The work that is required for both the bushfire tree work and Kings Highway Resilience program involves specific plant and highly skilled operators that have worked in similar situations as well as working to tight timeframes to meeting funding deadlines. The performance of the contractors to date has been to a high standard working in collaboration with Council teams.

**Legal**

In accordance with *Division 1 Tendering, Section 55 (3)(i) of the Local Government Act 1993*,

- (i) A contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.

**Extenuating circumstances.** Council has a pre-qualified tree contractor panel "*Provision of Tree Management Services on Council Owned and Management Land (RFT 2017/ISD031)*". All contractors on the panel have been contacted about the specific equipment and skill levels to be eligible for this work. It has been identified that from this panel that a small number of contractors have the specific plant and highly skilled operators to complete the required work for both projects based on the following.

- Amount of tree work required.
- The limited timeframe to perform the work within the expiring funding agreement.
- The uncertainty of the funding being extended.
- The risk to road users and the road
- High-risk working environment that requires specific plant and highly skilled operators.
- Previous experience working on and managing burnt trees on the Kings Highway, Clyde Mountain, or very similar situation elsewhere on the State Road Network.

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**GMR21/033 FIRE IMPACTED TREE REMOVAL**

**S020-  
T00016**

**Unavailability of reliable Tenders.** Owing to specific plant and highly skilled operators that have worked in similar situations as well as working to tight timeframes to meeting funding deadlines, it is unlikely Council would obtain a reliable tender process outcome.

**Policy**

The proposal has been given consideration under Section 55 of the *Local Government Act 1993*, Council's Procurement Policy and Procurement (Including Tendering) Code of Practice.

**Environmental**

The trees will be removed under Section 88 of *the Road Act 1993*, following an assessment by qualified arborists. Only the trees that are considered a risk to the community will be removed. Where practicable the timber will be recycled. The remainder are being mulched to provide supporting groundcover in place to assist stabilization.

**Financial**

The bushfire tree work project is funded through the Natural Disaster Relief and Recovery Arrangements, a joint funding initiative of the Commonwealth and State Governments. The Kings Highway Resilience work project is funded through TfNSW therefore there is no financial impact to Council's budget.

**Community and Stakeholder Engagement**

Council has a pre-qualified tree contractor panel "*Provision of Tree Management Services on Council Owned and Management Land (RFT 2017/ISD031)*". All contractors on the panel have been contacted about the specific equipment and skill levels to be eligible for this work.

**CONCLUSION**

The tree work that is required for both the Black Summer bushfire tree work and Kings Highway Resilience program involves specific plant and highly skilled operators that have work in similar situations as well as working to tight timeframes to meeting funding deadlines. Due to extenuating circumstances, an exemption is sought under Section 55 (3)(i) of the *Local Government Act 1993*, to allow for direct negotiation with the contractors as noted in the confidential attachment.

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**GMR21/035 SUBMISSION TO DRAFT MODEL COUNCILLOR AND STAFF  
INTERACTION POLICY**

**S004-T00014**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: 1. Submission  
Outcome: 9 Innovative and Proactive Leadership  
Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision  
Delivery Program Link: 9.1.2 Implement effective governance  
Operational Plan Link: 9.1.2.2 Assist the Council in meeting its statutory obligations and roles

**EXECUTIVE SUMMARY**

The purpose of this report is to seek endorsement of a draft submission to the Office of Local Government's (OLG) [Model Councillor and Staff Interaction Policy](#).

The NSW Government is consulting with councils and other stakeholders on a new Model Councillor and Staff Interaction Policy (Policy). This Policy has been developed by the OLG in consultation with councils.

It is applicable to councils, county councils and joint organisations.

It provides an exemplar approach, incorporating examples of best practice from a diverse range of NSW councils. At its core, the policy has two main goals:

- to establish a framework by which councillors can access the information they need to perform their civic functions, and
- to promote positive and respectful interactions between councillors and staff.

It is important to note that Council is only providing a submission to the Model Councillor and Staff Interaction Policy. Once the Policy is finalised, Council will amend the policy to reflect best practice for Eurobodalla and the community can provide input direct to Council during that public exhibition period.

**RECOMMENDATION**

THAT Council endorse the attached submission on the Model Councillor and Staff Interaction Policy to the NSW Office of Local Government.

**BACKGROUND**

The Draft Model Councillor and Staff Interaction Policy states that positive, professional working relationships between councillors and staff are a key element of any council's success. If relationships between councillors and staff are functioning effectively, the council is more likely to perform effectively. If relationships are dysfunctional, then the council's performance will suffer.

A good relationship between councillors and staff is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities. These are defined

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**GMR21/035 SUBMISSION TO DRAFT MODEL COUNCILLOR AND STAFF  
INTERACTION POLICY**

**S004-  
T00014**

in the Local Government Act 1993 (the LGA) and the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The draft Policy emphasises that in broad terms, a councillor's role is a strategic one. As members of the governing body, councillors are responsible not only for representing the community, but also for setting the strategic direction of the council and keeping its performance under review. A comprehensive outline of the role of a councillor is provided in Part 4 of this Policy.

The role of council staff, under the leadership of the general manager, is to carry out the day to-day operations of the council and to implement the decisions, plans, programs and policies adopted by the governing body.

Councillors need access to information about the council's strategic position and performance to perform their civic functions effectively. The general manager and staff are responsible for providing councillors with this information to facilitate the decision-making process.

Given councillors' role in setting the council's strategic direction and keeping its performance under review, councillors are entitled to request information about a range of issues.

However, in requesting information, councillors should not be seeking to interrogate the minutiae of the council's operations or to direct or influence staff in the performance of their duties. Councillors should also recognise that a council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between councillors and staff should be positive, respectful and professional.

### **CONSIDERATIONS**

The policy is structured as follows:

- Part 1: Introduction
- Part 2: Sets out the scope of the policy
- Part 3: Describes the policy's objectives
- Part 4: Sets out the respective roles and responsibilities of councillors and staff and the principles that should guide their interactions
- Part 5: Sets out the administrative framework for a councillor requests system
- Part 6: Identifies which staff councillors can contact directly
- Part 7: Addresses councillors' entitlement to access council buildings Model Councillor and Staff Interaction Policy
- Part 8: Describes appropriate and inappropriate interactions between councillors and staff

### **Legal**

Clause 3.1(b) of the Model Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by a council, a breach of the policy may also constitute a breach of council's code of conduct. Concerns or complaints

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**GMR21/035 SUBMISSION TO DRAFT MODEL COUNCILLOR AND STAFF  
INTERACTION POLICY**

**S004-  
T00014**

about the administration of a council's councillor request system should be raised with the general manager in the first instance.

**Policy**

While not mandatory, the Model Councillor and Staff Interaction Policy reflects best practice and all councils, county councils and joint organisations are encouraged to adopt it. In doing so, they are free to adapt the policy to suit their local circumstances and operating environments or to supplement it with their own provisions. Provisions which can be adjusted are marked in red.

It is important to note that Council is only providing a submission to the Model Councillor and Staff Interaction Policy. Once the Policy is finalised, Council will amend the policy to reflect best practice for Eurobodalla and the community can provide input during the public exhibition period.

**Community and Stakeholder Engagement**

This is a NSW Government process. Council's submission is due to the OLG on 23 July 2021. Councillors have provided input into the submission at briefing sessions on 15 June and 6 July 2021.

**CONCLUSION**

A submission has been prepared in response to the draft Model Councillor and Staff Interaction Policy. A copy of the submission is attached to this report.

The submission highlights each section and Council's support and/or further inclusions for those provisions. It should be noted that Council does not have a current policy and the draft Model Councillor and Staff Interaction Policy is a thorough document.

**Draft Model Councillor and Staff Interaction Policy.**

Thank you for the opportunity to provide input into the draft Model Councillor and Staff Interaction Policy. Council is supportive of the draft Model Councillor and Staff Interaction Policy.

The submission highlights each section and Council’s support and/or further inclusions for those provisions. It should be noted that Council does not have a current policy and the draft Model Councillor and Staff Interaction Policy is a thorough document.

Content	Comment
Part 1 – Introduction	<p>It should be noted that Council does not have a current policy for Councillor and staff interaction. However, there are unwritten protocols. This policy is consistent with those protocols.</p> <p>If adopted by the Office of Local Government as a model policy, Council would reformat this policy into its current policy format and place on public exhibition for community comment.</p>
Part 2 – Application	Agree.
Part 3 – Policy Objectives	Agree.
Part 4 – Principles, roles and responsibilities	<p>Agree.</p> <p>This is consistent with <i>Local Government Act</i> and <i>Model Code of Conduct</i>.</p>
Part 5 – The Councillor request system	<p>Executive Services provide support to Councillors during office hours.</p> <p>Requests as listed in clause 5.4 are as follows:</p> <ul style="list-style-type: none"> <li>• Requests and questions related to strategic position and performance are directed to the General Manager.</li> <li>• Concerns raised by members of the public are directed to the relevant Director.</li> </ul>

	<ul style="list-style-type: none"> <li>• ICT requests are managed through Executive Services.</li> </ul> <p>Implementation of a formalised request system with a single point of contact in Executive Services and reported quarterly via the Councillor hub should be considered.</p>
Part 6 – Access to Council staff	Agreed. This is consistent with current protocols.
Part 7 – Councillor access to council building	Agreed. This is consistent with current protocols.
Part 8 – Appropriate and inappropriate interactions	<p>Agreed. This is consistent with current protocols. Council’s policy should include additional clauses in 8.1 (b) consistent with protocols that outline:</p> <ul style="list-style-type: none"> <li>• Councillor newsletter</li> <li>• The Councillor documentation portal (the Hub)</li> <li>• Council’s electronic content management system.</li> </ul>

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**GMR21/036 POLICY ADOPTION - COUNCILLOR'S EXPENSES, FACILITIES AND  
PROFESSIONAL DEVELOPMENT POLICY**

**S004-  
T00014**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Councillor's Expenses, Facilities and  
Professional Development Policy

Outcome: 9 Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.2 Assist the Council in meeting its statutory obligations and roles

### **EXECUTIVE SUMMARY**

This report presents the Councillor Expenses, Facilities and Professional Policy in accordance with Section 23, 232 and 252 of the *Local Government Act 1993*, for Council's adoption.

At its meeting on 25 May 2021, Council approved the draft Councillor Expenses, Facilities and Professional Policy for public exhibition for a period of 28 days. The exhibition period commenced on Wednesday 26 May 2021. During this period, no submissions were received.

The purpose of this policy is:

- for Eurobodalla Council to comply with the provisions of Section 252 of the *Local Government Act 1993*, and adopt a policy concerning the payment of expenses incurred or to be incurred and the provision of facilities to the Mayor and Councillors in relation to discharging the functions of civic office.
- to demonstrate Eurobodalla Council's commitment to ensuring that the Mayor and Councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the *Local Government Act 1993*.

This policy is based on the Office of Local Government guidelines for Councillor Expenses and Facilities and Councillor Induction and Professional Development.

### **RECOMMENDATION**

THAT Council adopt the Councillor's Expenses, Facilities and Professional Development policy attached to this report.

### **BACKGROUND**

At its meeting on 25 May 2021, Council approved the draft Councillor Expenses, Facilities and Professional Policy for public exhibition. No submissions were received.

The existing Councillor Expenses and Facilities Policy was adopted on 8 November 2016. This policy sets out the expense and facilities for Councillors to enable them to carry out their civic duties as elected representatives for their local communities. The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and Local Government (General) Regulation 2005 (the Regulation), and complies with the Office of Local Government's

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**GMR21/036 POLICY ADOPTION - COUNCILLOR'S EXPENSES, FACILITIES AND PROFESSIONAL DEVELOPMENT POLICY**

**S004-T00014**

Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

Under section 232(1)(g) of the *Local Government Act 1993* (the Act) all councillors are required to ensure they have the requisite skills to perform their roles. Under the Local Government (General) Regulation 2005 (the Regulation) this incorporates delivery of an induction program and an ongoing professional development program for the Mayor and each Councillor over the term of the Council. Council does not currently have a professional development policy.

Council staff have drafted a new Councillor's Expenses, Facilities and Professional Development Policy which incorporates both the expenses and facilities and professional development outcomes in one document. The policy was placed on exhibition for a period of 28 days commencing on Wednesday 26 May 2021. No submissions were received.

It should be noted that under the Act, this policy will be reviewed again within the first 12 months of the new Council term.

**CONSIDERATIONS**

*Councillor Expenses and Facilities*

Council is committed to ensuring that reasonable and appropriate reimbursement of expenses and provision of facilities to councillors occurs whilst they are undertaking their civic duties.

The policy ensures accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and Local Government (General) Regulation 2005 (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

*Councillor Induction and Professional Development*

Council is committed to developing an induction and ongoing professional development program for the Mayor and Councillors to ensure they can fulfil their statutory roles and responsibilities. As part of this program, the Mayor and each Councillor will have a professional development plan that identifies specific gaps in their capabilities (ie their knowledge, skills and attributes) and identify professional development activities to build these capabilities.

Under section 232(1)(g) of the *Local Government Act 1993* (the Act) all Councillors are required to ensure they have the requisite skills to perform their roles. Under the Local Government (General) Regulation 2005 (the Regulation) this incorporates delivery of an induction program and an ongoing professional development program for the Mayor and each Councillor over the term of the Council.

Underpinning this requirement, guidelines have been published under section 23A of the Act as issued through the Office of Local Government (OLG). These guidelines, Councillor Induction and Professional Development Guidelines 2018, include:

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**GMR21/036 POLICY ADOPTION - COUNCILLOR'S EXPENSES, FACILITIES AND PROFESSIONAL DEVELOPMENT POLICY**

**S004-  
T00014**

- an outline of the statutory requirements
- guidance on developing and delivering candidate briefings and induction sessions
- guidance on developing and delivering ongoing professional development programs
- reporting requirements and support
- a model Councillor Induction and Professional Development Policy.

Under the Regulation, all reasonable efforts must be taken to participate in the activities offered as part of an induction or professional development program. Councils are also required to report on participation in these programs.

The policy sets out the Induction and Orientation programs along with opportunities for further professional development to ensure Councillors continue to develop their capabilities throughout their term of office and monetary limits.

The content of the ongoing professional development program is to be determined in consultation with councillors, needs based and reflect the specific skills, knowledge and personal attributes required for the individuals and the governing body as a whole. This policy will be reviewed within the first 12 months of the council term.

**Policy**

Councillor's Expenses, Facilities and Professional development policy fulfil Council's obligations under Section 23A, 232, 252 of the *Local Government Act 1993*.

**Financial**

The draft Councillor Expenses, Facilities and Professional Development Policy contains a number of annual monetary limits on certain expenses. Some of these are legislative amounts set by the ATO, and others are discretionary amounts set by Council. The councillor budget is set annually and reviewed quarterly. Council's proposed budget allows for all expenses and professional development as outlined in this policy.

**Community and Stakeholder Engagement**

Council placed the draft Councillor Expenses, Facilities and Professional Policy on public exhibition for a period of 28 days commencing on Wednesday 26 May 2021. Copies of the policy were available from Council's website and the Moruya customer service centre. During the exhibition period, no submissions were received.

**CONCLUSION**

The draft Councillor's Expenses, Facilities and Professional Development Policy was placed on public exhibition for 28 day and no submissions were received. The is now presented to Council for adoption.

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**GMR21/037 REBUILDING STATE EMERGENCY SERVICES (SES) BUILDING - S008-T00025;  
BATEMANS BAY S008-T00012**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Confidential - Site and rebuilding costs

Outcome: 3 Protected and Valued Natural Environment

Focus Area: 3.1 Respond to our changing environment and build resilience to natural hazards

Delivery Program Link: 3.1.3 Collaborate with agencies and emergency services to support coordinated emergency management

Operational Plan Link: 3.1.3.4 Provide funding support to Rural Fire Services, State Emergency Service, NSW Fire and Rescue in line with legislation

### **EXECUTIVE SUMMARY**

As a result of the Black Summer Bushfires, the State Emergency Services (SES) Unit Headquarters and equipment in Batemans Bay was destroyed.

The SES Unit Headquarters, comprising two sheds, was located adjacent to the Batemans Bay depot on Crown Land. This facility is owned by Council and therefore Council's insurance covers its replacement on a like for like basis.

Due to insurance requirements, a plan for the re-establishment of the SES facilities and the utilization of any other insurance recovery funds, must be in place by December 2021.

For some time, the idea of jointly locating SES with the Batemans Bay Rural Fire Service (RFS) on the site adjacent to the ambulance station on George Bass Drive, Surf Beach has been discussed. There are two considerations to his proposal; the site costs that are required to establish the building and the costs of the rebuild itself.

The RFS is currently located at 13 Pleasurelea Drive, Sunshine Bay and have indicated that they are supportive of a move to Surf Beach. The RFS has allocated funds to fund their new building and a contribution to the site preparation.

To relocate the SES and RFS to this site, significant costs will be incurred by the RFS, SES and Council for site preparation works. The proposed contribution from Council, RFS, SES and the amount of grant funding required is listed in the confidential attachment.

Council will need to determine if it wishes to allocate funding from other sources of revenue to cover the costs of the site preparation to co-locate the RFS and SES at the Surf Beach site.

In addition, if the SES is to relocate to Surf Beach, grant funding would need to be secured to cover the gap between the insurance cover for the reestablishment of the facility at the Batemans Bay depot on a like for like basis and the upgraded facilities at Surf Beach as requested by the SES.

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**GMR21/037 REBUILDING STATE EMERGENCY SERVICES (SES) BUILDING - S008-T00025;  
BATEMANS BAY S008-T00012**

**RECOMMENDATION**

THAT:

1. Council apply for grants to fund the shortfall of \$500,000 to relocate the SES Headquarters to 311 George Bass Drive, Surf Beach.
2. By November 2021, should Council be unsuccessful in its grant efforts of \$500,000, the SES Headquarters be re-established at the Batemans Bay Depot.

**BACKGROUND**

On 31 December 2019 the Batemans Bay SES facility was destroyed by the Black Summer Bushfires. The facility was located adjacent to the Batemans Bay Depot on Crown Land.

The NSW State Emergency Service (SES) is an emergency and rescue service dedicated to assisting the community. It is a volunteer-based organisation that provides emergency assistance to the people of NSW 24 hours a day, seven days a week, 365 days a year. SES Volunteers come from all walks of life, bringing with them many different skills, interests and backgrounds. They are united by the purpose of supporting their communities in times of need.

The SES are the lead emergency agency for flood and storm emergencies. The NSW SES also provides the majority of general rescue effort in the rural parts of the state.

This includes:

- Road accident rescue
- Vertical rescue
- Bush search and rescue
- Evidence searches (both metropolitan and rural) and other forms of specialist rescue that may be required due to local threats.

The local SES volunteers have been operating from temporary premises since the loss of their headquarters in the Black Summer Bushfires. The SES have been improvising and managing the situation and are keen to re-establish a permanent headquarters in the Batemans Bay area.

By December 2021, Council's insurer requires Council to submit a confirmed proposal for the use of the funds for the SES Headquarters.

**CONSIDERATIONS**

For the past 12 months, Council has been in negotiations with SES regarding a replacement headquarters. The two options outlined below meet Council's legislative requirement, which is to provide (free of charge) suitable training facilities, storage and office accommodation to enable the local commander to exercise his or her functions. The options are:

**Option 1 Current site – Batemans Bay Depot, Princes Highway, Batemans Bay**

The replacement of the headquarters at the present site has been previously assessed by Council's insurer as outlined in the confidential attachment. Should structural issues associated with the concrete slab or legislative changes that require building upgrades be found during rebuild, this would also be covered by Council's insurer.

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**GMR21/037 REBUILDING STATE EMERGENCY SERVICES (SES) BUILDING - S008-T00025;  
BATEMANS BAY S008-T00012**

Should Council decide to reconstruct the headquarters at this location, no additional funds from either the SES or Council would be required for a like for like facility.

It should be noted that the SES has indicated that rebuilding at the Batemans Bay Depot site is not their preferred option as they would prefer upgraded facilities.

**Option 2 Alternate venue - 311 George Bass Drive, Surf Beach**

Council staff have been in discussions with SES and RFS to relocate both services to Council owned land at 311 George Bass Drive, Surf Beach. This site is strategically located in the vicinity of the Ambulance headquarters and will have direct access to the highway via the South Batemans Bay by-pass (as planned to be constructed by Transport for NSW commencing 2021-22).

The NSW RFS and SES have indicated that they could contribute to the cost of the earthworks. Council would also need to allocate insurance money to put towards the costs of earthworks, from the old catering building at Mogo Hot Fire centre that was destroyed in the Black Summer Bushfires. These funds could otherwise be allocated to other priorities or community projects.

The proposed contribution from Council, SES and RFS is listed in the confidential attachment.

Some funds from grant applications would also be potentially required to undertake the earthworks on the site.

Correspondence from the SES and a number of meetings with senior officers, indicate that should the SES move to Surf Beach site, they would require an upgrade to their facilities which would not be covered by Council's insurers. While this would achieve enhanced facilities for the SES staff and volunteers the cost shortfalls have not been budgeted by Council.

The estimated cost of the building component is listed in the confidential attachment.

Council's contribution for the building would be partially covered under Council's insurance. This leaves a shortfall of \$450,000. It is not considered feasible, considering the many other significant community projects and infrastructure demands, to allocate additional funding for this project from Council's budget and it is recommended that the shortfall be covered by Council through grant applications. It should be noted that SES have clearly stated that all grant applications for this project would need to be prepared, managed and acquitted by Council, along with all aspects of project management associated with the building of the facility. SES has indicated they would provide a letter of support for any grant application.

Project management and approvals costs have therefore been added to the costs listed in the confidential attachment, as staff have no capacity to take on an additional project at this time.

The SES has also indicated that any sharing of facilities with the RFS is not possible other than parking facilities and site access.

Therefore, it is recommended that Council apply for grants for the NSW SES and if not successful by November 2021, they be relocated back to the Batemans Bay Depot.

Council could apply for funding to cover the shortfall from the possible funding avenues:

- Directly to the Minister for Emergency Services and the Member for Bega.
- Emergency preparedness stream of NSW Infrastructure grants

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**GMR21/037 REBUILDING STATE EMERGENCY SERVICES (SES) BUILDING - S008-T00025;  
BATEMANS BAY S008-T00012**

- The Australian Government Black Sumer Bushfire Recovery Grants Program.

**Legal**

Section 17 of the *State Emergency Services Act 1989* states:

‘(5) The council of a local government area must, within 3 months of the appointment of a local commander for the area, provide (free of charge) suitable training facilities and storage and office accommodation to enable the local commander to exercise his or her functions’.

**Financial**

**Option 1 Current site – Batemans Bay Depot, Princes Highway, Batemans Bay**

The replacement of the SES headquarters at the Batemans Bay Depot, Princes Highway, Batemans Bay would be covered under Council’s insurance.

**Option 2 Alternate venue - 311 George Bass Drive, Surf Beach**

Relocation of the SES Headquarters to 311 George Bass Drive, Surf Beach would require Council to allocate insurance money from the old catering facility at the Mogo Hot Fire Centre along with committing to fund the shortfall of \$500,000 from grant funding only.

**CONCLUSION**

The Batemans Bay SES Headquarters were destroyed by fire on 31 December 2021. Discussions with SES, RFS and Council indicate a possibility to co-locate the SES and RFS to a new site at 311 George Bass Drive, Surf Beach.

Therefore, it is recommended that Council apply for grants for \$500,000 to cover the shortfall to move the NSW SES and if unsuccessful, the NSW SES be re-established at its former site adjacent to the Batemans Bay Depot on Crown Land.

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**PSR21/026 VARIOUS LAND ACQUISITIONS BY COMPULSORY  
PROCESS – LOT IDENTIFICATION**

**S023-T00027 -  
STS500050; 13340;  
25906; 19438; 27859;  
23702**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services  
Attachments: Nil  
Outcome: 9 Innovative and Proactive Leadership  
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations  
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community  
Operational Plan Link: 9.2.2.2 Facilitate property sales and development

**EXECUTIVE SUMMARY**

The purpose of this report is to seek endorsement of previously approved compulsory acquisitions now that the details of lots and deposited plans are available.

Those previously approved acquisitions are set out below:

1. Minute 20/142 Road Widening - George Bass Drive, Lilli Pilli
2. Minutes 20/104 and 20/186 Land Acquisition - Southern Water Storage Facility
3. Minute 20/195 Land Acquisition for Easement for Water and Sewer Infrastructure – Potato Point Road
4. Minute 20/238 Land Acquisition – Nelligen Reservoir.

The acquisitions are for various Crown and Forestry land acquisitions. The compulsory acquisition process is required when acquiring land from Crown Lands or Forestry.

The acquisition process is progressing, as lot and deposited plan numbers are now available.

**RECOMMENDATION**

THAT:

1. Application be made to the Minister for Local Government and the Governor to acquire part of Lot 1 DP 1151734 for public road purposes by compulsory process in accordance with Council's power under Section 177(1) of the *Roads Act 1993*, and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. Application be made to the Minister for Local Government and the Governor to acquire proposed Lot 1 DP 1273643, being part Bodalla State Forest No. 606 and part Lot 3 DP 438839 for water storage and supply purposes by compulsory process, in accordance with Council's power under Section 187(2) of the *Local Government Act 1993* and in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

**PSR21/026 VARIOUS LAND ACQUISITIONS BY COMPULSORY  
PROCESS – LOT IDENTIFICATION**

**S023-T00027 -  
STS500050; 13340;  
25906; 19438; 27859;  
23702**

3. Application be made to the Minister for Local Government and the Governor to acquire an interest in part of Bodalla State Forest No. 606, and part Lot 131 DP 752131 and part Lot 15 837516 and part Lot 12 DP 193519, for easement purposes, by compulsory process in accordance with Council's power under Section 187(2) of the *Local Government Act 1993* and in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
4. Application be made to the Minister for Local Government and the Governor to acquire Lot 1 DP 1264985 and easement for right of access stated in DP 1264985 Nelligen by compulsory process under the *Land Acquisition Land Acquisition (Just Terms Compensation) Act 1991*, and by authority contained in the *Local Government Act 1993* for the purpose of the Nelligen Water Reservoir site.
5. If consent is granted, all necessary action be taken to finalise the acquisitions in 1 to 4 above for public purposes in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
6. Part Lot 1 DP 1151734 be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
7. Public notice be given of Council's intention to resolve:
  - a) lot 1 DP 1264985 Nelligen, and proposed Lot 1 DP 1273643, being part Bodalla State Forest No. 606, and part Lot 3 DP 438839 is acquired as operational land
  - b) a period of 28 days be given for members of the public to make submissions
  - c) a further report is presented following the advertising period to classify the land.
8. All survey and legal costs associated with the land acquisitions and easements be borne by Council.
9. Consent be given to affix the Common Seal of Council to the applicable documentation.

**BACKGROUND**

At various Council meetings, Council approved the compulsory acquisition of land owned by Forestry Corporation of NSW and Crown Lands for infrastructure projects as follows:

1. 11 August 2020 - road widening of George Bass Drive, Lilli Pilli
2. 23 June 2020 and 27 October 2020 – land acquisition - Southern Water Storage Facility, Eurobodalla Road
3. 10 November 2020 – land acquisition for easement for water and sewer infrastructure - Potato Point Road
4. 8 December 2020 – land acquisition and easement for right of access - Nelligen Reservoir.

Further land details are now available and the additional details being lot and deposited plan numbers must be included in the applications to the Office of Local Government (OLG) for the land dealings.

**PSR21/026 VARIOUS LAND ACQUISITIONS BY COMPULSORY  
PROCESS – LOT IDENTIFICATION**

**S023-T00027 -  
STS500050; 13340;  
25906; 19438; 27859;  
23702**

**CONSIDERATIONS**

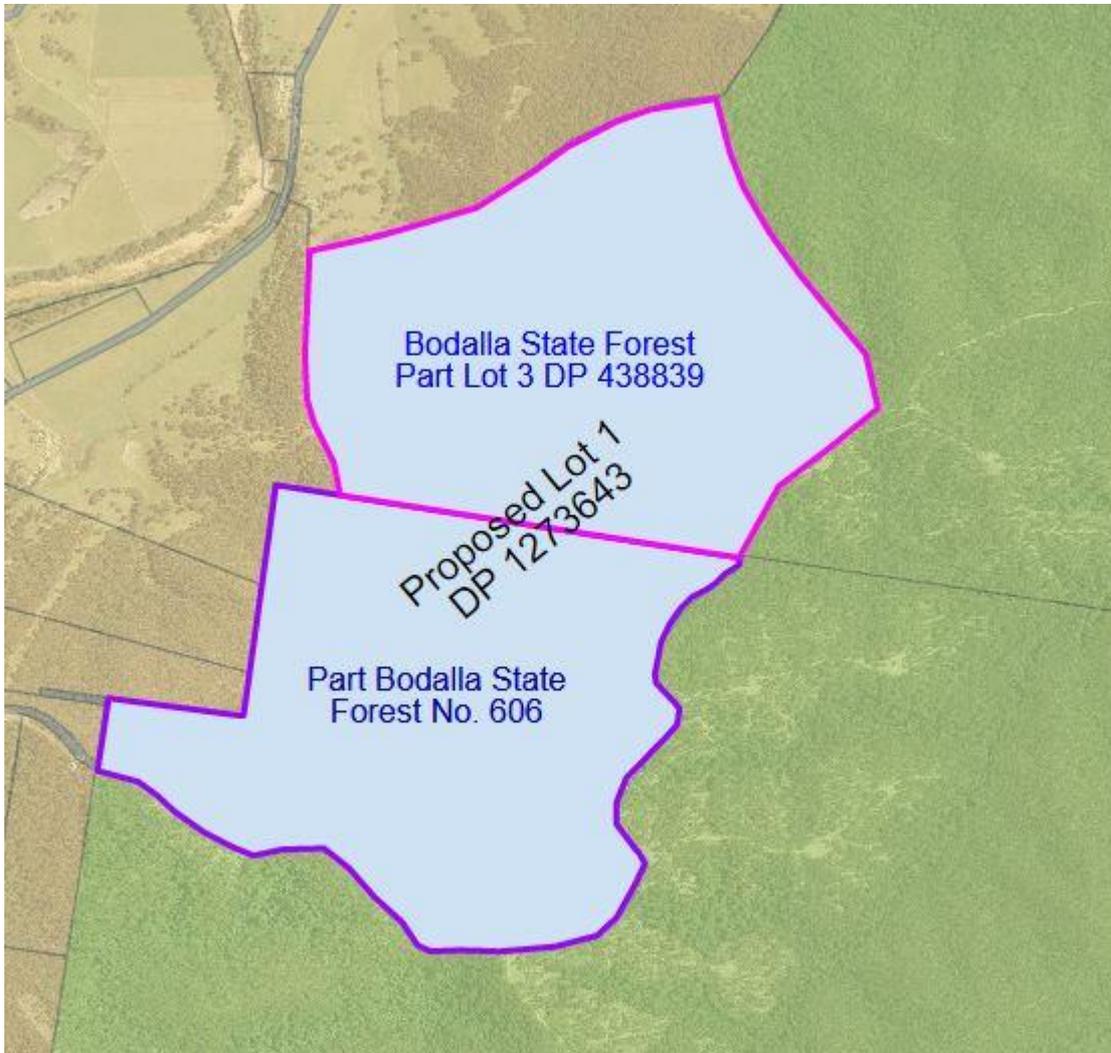
The proposed areas to be acquired by compulsory process are shown in the sketches below.



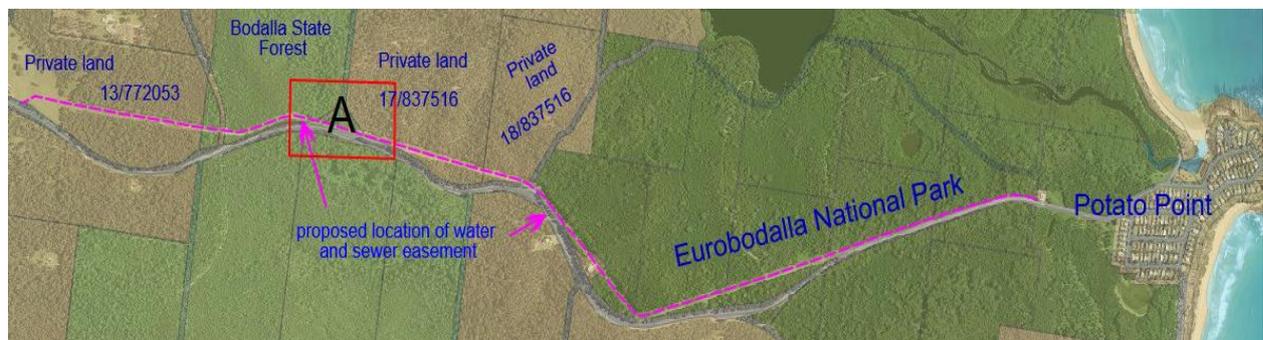
1. *George Bass Drive, Lilli Pilli - acquisition part Lot 1 DP 1151734*

**PSR21/026 VARIOUS LAND ACQUISITIONS BY COMPULSORY  
PROCESS – LOT IDENTIFICATION**

**S023-T00027 -  
STS500050; 13340;  
25906; 19438; 27859;  
23702**



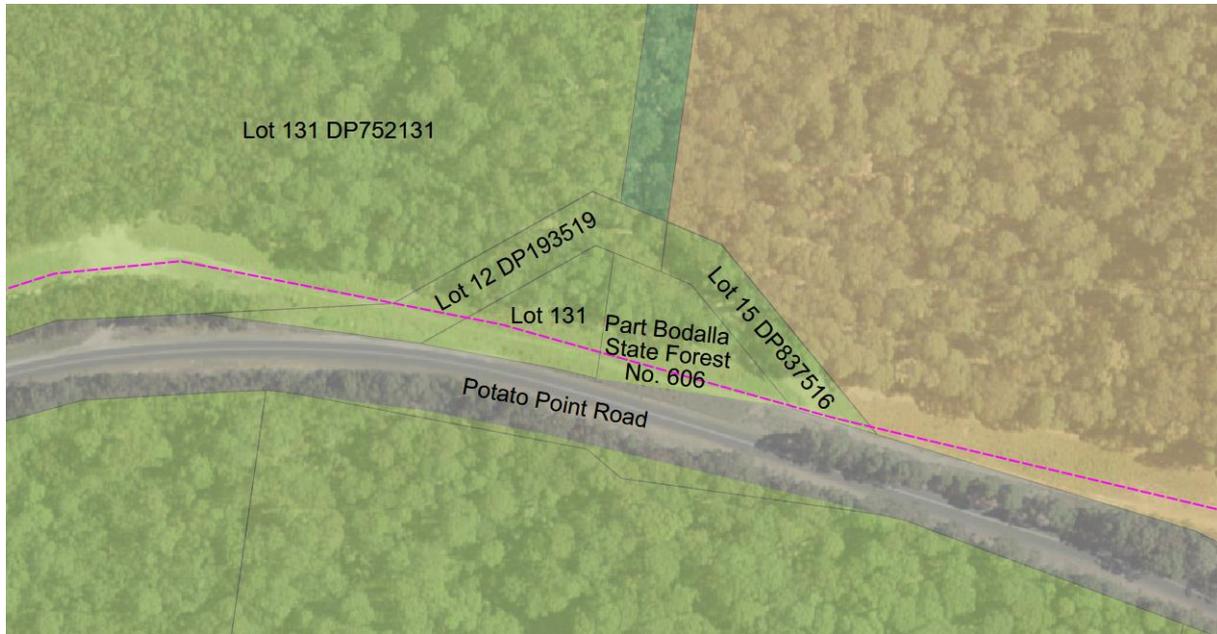
2. Southern Water Storage - proposed Lot 1 DP 1273643 being part Bodalla State Forest No. 606 and part Lot 3 DP 438839



3. Potato Point Road – easement marked by pink line

**PSR21/026 VARIOUS LAND ACQUISITIONS BY COMPULSORY  
PROCESS – LOT IDENTIFICATION**

**S023-T00027 -  
STS500050; 13340;  
25906; 19438; 27859;  
23702**



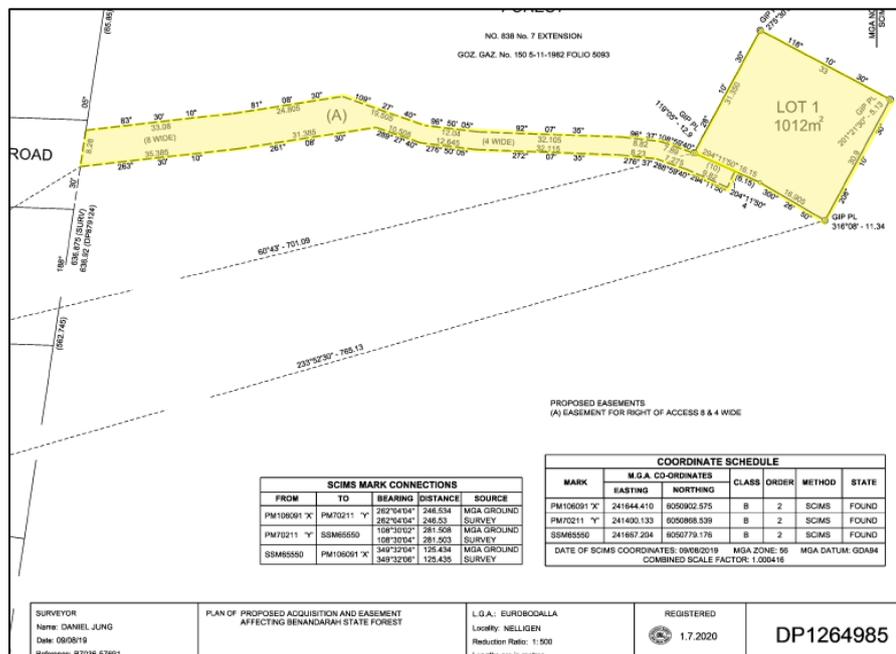
*4. Detail of 'A' in above map - Potato Point Road – easement within part Bodalla State Forest No. 606, part Lot 131 DP 752131, part Lot 15 DP 837516 and part Lot 12 DP 193519*



*5. Nelligen Reservoir site Lot 1 DP 1264985 and easement for access within part Benandarah State Forest*

**PSR21/026 VARIOUS LAND ACQUISITIONS BY COMPULSORY  
PROCESS – LOT IDENTIFICATION**

**S023-T00027 -  
STS500050; 13340;  
25906; 19438; 27859;  
23702**



6. Detail of Nelligen Reservoir site DP 1264985 land and easement.

**Legal**

The compulsory acquisition process requires application to be made to the Minister for Local Government and the Governor to acquire:

Under Section 177(1) of the *Roads Act 1993* [Roads Act 1993 Sec 177](#):

1. Part Lot 1 DP 1151734 – George Bass Drive, Lilli Pilli.

Under Section 187(2) of the *Local Government Act 1993* [Local Government Act Sec 187](#):

2. Lot 1 DP 1273643 (part Bodalla State Forest No. 606 and part (Lot 3 DP 438839) for the Southern Water Storage Facility
3. An interest in part Bodalla State Forest No. 606, part Lot 131 DP 752131, part Lot 15 DP 837516 and part Lot 12 DP 193519 for water and sewer easements
4. Lot 1 DP 1264985 (part Benandarah State Forest) for Nelligen Reservoir site and an interest in Benandarah State Forest for an easement for access to the site.

Once consent is granted, the acquisition of the land for public road purposes and infrastructure purposes will be finalised in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

In accordance with Section 34 of the *Local Government Act 1993*, public notice must be given of Council's intention to classify the land for infrastructure purposes as operational land and allowing not less than 28 days for receipt of written submissions.

[Local Government Act Sec 34](#)

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**PSR21/026 VARIOUS LAND ACQUISITIONS BY COMPULSORY  
PROCESS – LOT IDENTIFICATION**

**S023-T00027 -  
STS500050; 13340;  
25906; 19438; 27859;  
23702**

**Policy**

The acquisition of land for road and infrastructure purposes will proceed in accordance with Council's Land Acquisition and Disposal Policy [Land-Acquisition-and-Disposal-Policy.pdf](#).

**Asset**

These projects are improvements to our roads and water infrastructure.

**Economic Development Employment Potential**

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

**Financial**

All associated costs are covered by the respective project budgets.

**Community and Stakeholder Engagement**

The Crown and Forestry have been consulted and agree to the acquisition of the subject lands for road widening and infrastructure purposes.

**CONCLUSION**

Further land details are now available and these additional details must be included in the compulsory acquisition applications to the Office of Local Government (OLG) for these dealings.

This report recommends approval of compulsory acquisitions regarding the following matters:

1. land acquisition for road purposes - George Bass Drive, Lilli Pilli
2. land acquisition - Southern Water Storage Facility
3. land acquisition for easement for water and sewer infrastructure – Potato Point Road
4. land acquisition – Nelligen Reservoir.

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**PSR21/027 ARALUEN ROAD - LAND ACQUISITION FOR ROAD  
REALIGNMENT**

**S023-T00001 - LAND IDS  
21801, 21803, 21814,  
21819**

Responsible Officer: Andrew Greenway - Divisional Manager Property and Commercial Services

Attachments: 1. Confidential - Araluen Road - Land Acquisition fo Road Realignment

Outcome: 9 Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend the acquisition of private and Forestry land, a part road closure and the disposal of land for the realignment of Araluen Road, Deua River Valley to resolve the issue of the major slip in the Knowles Creek area.

The realignment requires:

- acquisition of part Lot 40 DP 755917
- acquisition of part Lot 101 DP 1088489
- acquisition of part Lot 45 DP 755917
- acquisition of part Lot 24 DP 755917
- part road closure and
- disposal of part land and closed road as part of the arrangements with the adjoining landowner/s.

The landowners' details are set out in the confidential attachment.

The acquisition will be in accordance with Council's Land and Acquisition and Disposal Policy as detailed in this report and its confidential attachment.

### **RECOMMENDATION**

THAT

1. Application be made to the Minister for Local Government and Governor to acquire by compulsory process part of Lot 40 DP 755917 for public road purposes together with part Lot 40 DP 755917 to be exchanged for part 101 DP 1088489.
2. Public notification to take place where required to enable transactions to take place in accordance with Council's power under Section 177(1) of the *Roads Act 1993* and in accordance with the *Land Acquisition (Just Terms Compensation) Act* and *s34 Local Government Act 1993*.

**PSR21/027 ARALUEN ROAD - LAND ACQUISITION FOR ROAD  
REALIGNMENT**

**S023-T00001 - LAND  
IDS 21801, 21803,  
21814, 21819**

3. All actions necessary be taken for the acquisition part Lot 101 DP 1088489, part Lot 45 DP 755917 and part Lot 24 DP 755917 for road purposes of in accordance with Council's *Land Acquisition and Disposal Policy*.
4. If the acquisition of part Lot 101 DP 1088489, part Lot 45 DP 755917 and part Lot 24 DP 755917 cannot be negotiated by agreement, Council make application to the Minister for Local Government and Governor to acquire those parts for public road purposes by compulsory process in accordance with Council's power under Section 177(1) of the *Roads Act 1993* and in accordance with Council's *Land Acquisition and Disposal Policy*.
5. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
6. A proposal to close Council road reserve adjacent to Lot 101 DP 1088489 and Lot 40 DP 755917 be publicly notified in accordance with the provisions of the *Roads Act 1993* for a period of 28 days.
7. Subject to no objections being received, the closure of Council road reserve noted in 6. above proceed. When closed the land, together with Part Lot 40 DP 755917, be transferred to the landowner of adjoining Lot 101 DP 1088489 and consolidated with their property.
8. When consent is granted by the Minister and Governor for the above transactions, all necessary action be taken to finalise the acquisitions and disposal of the lands including for public road purposes in accordance with the provisions of the *Roads Act 1993*, *Land Acquisition (Just Terms Compensation) Act 1991* and *Local Government Act 1993*.
9. All costs associated with the proposed land acquisitions and road opening and closing including the landowners reasonable costs be borne by Council.
10. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation.

**BACKGROUND**

The natural disasters have taken a heavy toll on our community and our infrastructure, particularly in the western areas of the Eurobodalla.

The major slip site on Araluen Road presents significant challenges due to the major rock fall, unstable rock face and further movement along this stretch of road following the extreme dry and drought conditions in 2019, the bushfires and the saturating rainfall during the four flood events.

The preferred solution is to build a new road around the landslide and the realignment of Araluen Road requires acquisition of private and Forestry land.

The realignment requires:

- acquisition of part Lot 40 DP 755917 – Forestry land
- acquisition of part Lot 101 DP 1088489- private land
- acquisition of part Lot 45 DP 755917 – private land

**PSR21/027 ARALUEN ROAD - LAND ACQUISITION FOR ROAD  
REALIGNMENT**

**S023-T00001 - LAND  
IDS 21801, 21803,  
21814, 21819**

- acquisition of part Lot 24 DP 755917 – private land
- part road closure and
- disposal of part Lot 40 DP 755917 and closed road as part of the arrangements with the adjoining landowner/s.

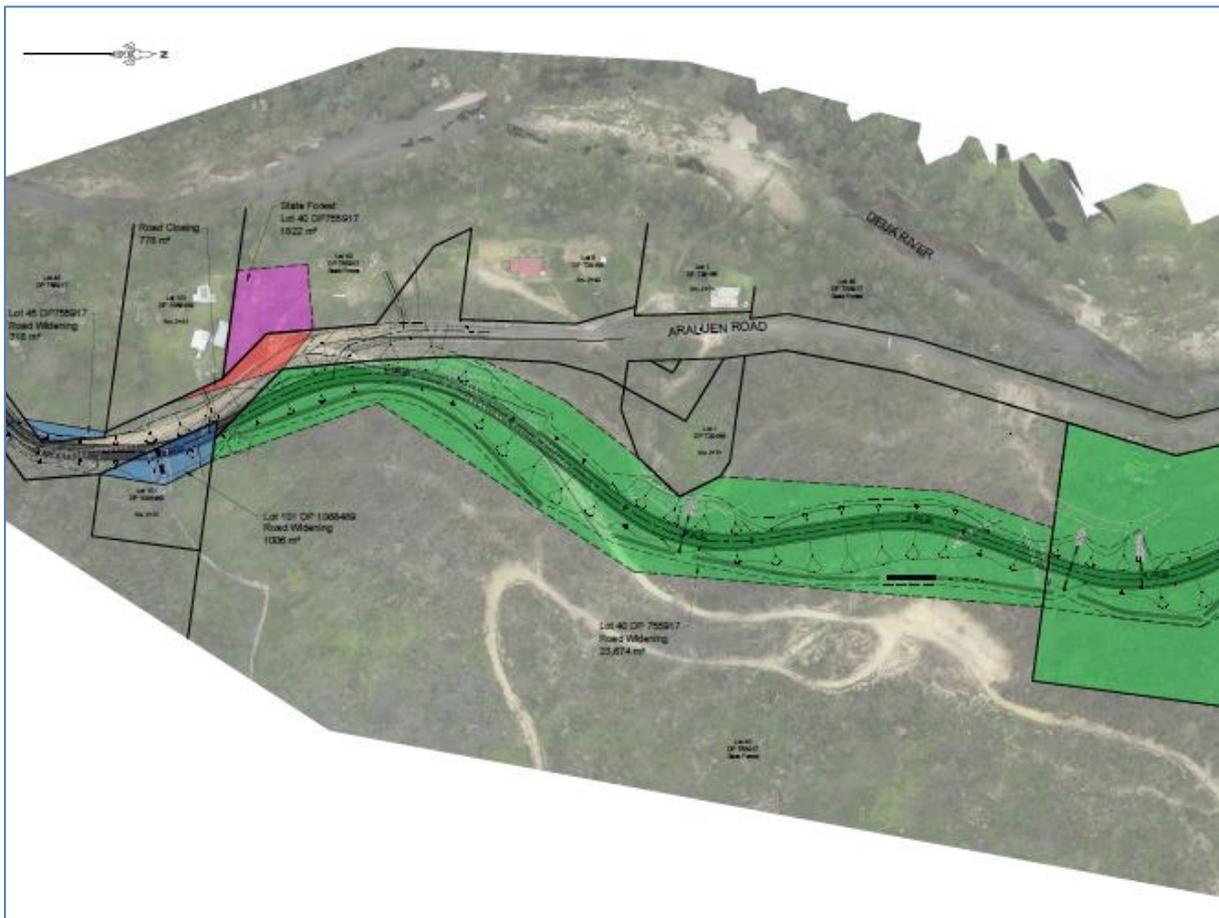
Council has formally sought a natural disaster declaration from Resilience NSW to enable access to NSW and Australian Government funding under the Natural Disaster Relief and Recovery Arrangements (NDRRA).

Council is discussing the works and acquisition with the landowners of the private properties and Forestry Corporation and the landowners details are set out in the confidential attachment.

This report only refers to the Knowles Creek land slip area.

**CONSIDERATIONS**

The relevant areas subject to these property transactions are shown in the sketches below.



*Part 40/755917 (purple and green), part 101/1088489 (blue), part 45/755917 (blue) and road closure (red)*

**PSR21/027 ARALUEN ROAD - LAND ACQUISITION FOR ROAD  
REALIGNMENT**

**S023-T00001 - LAND  
IDS 21801, 21803,  
21814, 21819**



*Part 24/755917*

Negotiations with one landowner involve the proposed disposal of a small parcel of land and road closure area to that landowner in return for land being acquired.

It is crucial that this relatively small land swap package proceed to avoid the need for compulsory acquisition if agreement cannot be reached.

The resolutions are complex because there are a number of different types of property transactions involved and because given there are no Council meetings during the caretaker period, it is necessary to cover a number of potential eventualities now so that the property transactions do not hold up the project itself.

**Legal**

The compulsory acquisition process requires application to be made to the Minister for Local Government and the Governor to acquire part Lot 40 DP 755917 from Forestry Corporation under Section 177(1) of the *Roads Act 1993*. Once consent is granted, the acquisition of the land for public road purposes will be finalised in accordance with the provisions of *the Land Acquisition (Just Terms Compensation) Act 1991*.

Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal land rights and interests to ensure a valid acquisition. Acquisition of part of Forestry land is to take place and is proposed to be transferred to the adjoining landowner as part compensation arrangements.

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**PSR21/027 ARALUEN ROAD - LAND ACQUISITION FOR ROAD  
REALIGNMENT**

**S023-T00001 - LAND  
IDS 21801, 21803,  
21814, 21819**

Lot 101 DP 1088489, Lot 45 DP 755917 and Lot 24 DP 755917 are privately owned and the acquisition of land is required for road purposes.

Council will seek to acquire the land by agreement together with part road closure and including disposal of part forestry land and closed road to form compensation package with the adjoining landowner/s.

If acquisition by agreement is not achieved it may need to proceed by compulsory process. Acquisition, whether by agreement or compulsory acquisition, will be in accordance with the provisions of *the Land Acquisition (Just Terms Compensation) Act 1991* and *the Local Government Act 1993*.

[Roads Act 1993 No 33 - NSW Legislation](#)

[Land Acquisition \(Just Terms Compensation\) Act 1991 No 22 - NSW Legislation](#)

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#sec.34>

### **Policy**

The acquisition of land for road purposes is to proceed in accordance with Council's Land Acquisition and Disposal Policy however, some flexibility is required in these land negotiations, as detailed in this report and its confidential attachment, to ensure this vital project is achieved with minimal stress, time and cost.

[Land-Acquisition-and-Disposal-Policy](#)

### **Environmental**

The major slip site on Araluen Road presents significant challenges due to the major rock fall. The preferred solution is to build a new road around the landslide. The disused section of Araluen Road is being revegetated as part of these works.

### **Asset**

The realignment of this section of Araluen Road will provide extended asset life and improve road conditions.

### **Social Impact**

The realignment of Araluen Road will have definite benefits to residents and the public.

### **Economic Development Employment Potential**

The provision of adequate road network is essential to a functioning economy.

### **Financial**

Compensation for the land be determined following valuations by Registered Valuers. This may include some land being swapped and will be in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Council has formally sought access to funding under the NSW and Australian Government's Natural Disaster Recovery and Relief Arrangements for the project, including land acquisitions

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**PSR21/027 ARALUEN ROAD - LAND ACQUISITION FOR ROAD  
REALIGNMENT**

**S023-T00001 - LAND  
IDS 21801, 21803,  
21814, 21819**

and construction works. All survey and legal costs associated with the land acquisitions will be borne by Council with support from the requested funding.

**Community and Stakeholder Engagement**

The Forest Corporation has been consulted and have consented to the proposed acquisition of land for road purposes and proposed land acquisition for disposal to adjoining owner. Positive discussions have taken place with the landowners regarding the works and proposed acquisitions and agreements are being finalised.

**CONCLUSION**

Realignment of Araluen Road, Deua River Valley is required to resolve the issue of the major slip in the Knowles Creek area. The realignment of Araluen Road requires acquisition of some private land and some Forestry land together with land disposal and road closure.

The Acquisition will be in accordance with Council's Land and Acquisition and Disposal Policy as detailed in this report and its confidential attachment.

This report recommends Council approve acquisition of part Forestry Corporation land and part private property for road purposes.

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**PSR21/028 PROPOSED SALE OF OPERATIONAL LAND - TATIARA STREET,  
DALMENY**

**S023-  
T00014**

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

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek approval for the sale of Council-owned land being part Lot 2 DP 1151341, 16 Tatiara Street, Dalmeny.

The land proposed for sale is classified as Operational land and part of the Dalmeny Urban Release Area. The land has been zoned for residential development for over 30 years.

The land is zoned for residential development and the sale of the Operational land would enable the land to be developed consistent with the adopted strategic and land use zone for the land. This will facilitate an increase in housing supply at a time when there is a critical shortage (rental and owner occupied).

### **RECOMMENDATION**

THAT:

1. The General Manager be given delegated authority to negotiate the sale of part Lot 2 DP 1151341 in accordance with Council's *Land Acquisition and Disposal Policy*.
2. All actions necessary be taken to enact the sale of part Lot 2 DP 1151341.
3. Council consent be given to affix the Common Seal of Council, if required, to all necessary documents associated with the transfer and sale of the property.

### **BACKGROUND**

Lot 2 DP 1151341 is an undeveloped parcel of undulating land. It is accessible from various streets within the coastal township of Dalmeny and is zoned R2 (Low Density Residential).

The land has been zoned for residential development for over 30 years. Previously it was 'Zone 10 Urban Expansion Zone' under Rural Local Environmental Plan (LEP) 1987 and the current zoning is R2 as part of the introduction of the Standard Instrument Eurobodalla Local Environmental Plan (ELEP) in July 2012 together with the Urban Release Special Provision (Clause 6.2).

Lot 2 DP 1151341 is classified as part Operational and part Community. The proposal is to sell the Operational portion of the lot.

It is proposed to prepare the lot for sale.

**PSR21/028 PROPOSED SALE OF OPERATIONAL LAND - TATIARA STREET,  
DALMENY**

**S023-T00014  
LAND ID:  
34741**

### CONSIDERATIONS

The real estate market within the Eurobodalla is experiencing strong growth, along with other areas of NSW and Australia. This has placed pressure on the supply of residential land, impacting on affordability. The demand for residential land and housing is expected to continue, fueled further by major infrastructure proposals including the Moruya Bypass and Eurobodalla Regional Hospital. As the owner of the land, Council has the opportunity to make the land available to the development sector to assist in meeting demand.

Sale of the land now will also facilitate the orderly planning of the release area in coordination with adjoining land parcels, currently being considered for development.

The land proposed to be sold is outlined in red below.



*Part Lot 2 DP 1151341, 16 Tatiara Street, Dalmeny*

Council could develop the land itself however, Council is not resourced to undertake land development of this scale, nor is it best placed to manage the development risks associated with development of this nature. It is considered the private sector is best placed to develop the land to meet market demand, hence the recommendation to sell the land.

PSR21/028 PROPOSED SALE OF OPERATIONAL LAND - TATIARA STREET,  
DALMENY

S023-T00014  
LAND ID:  
34741



*Whole of Lot 2 DP 1151341, 16 Tatiara Street, Dalmeny*

### Legal

The land proposed to be sold is classified as Operational land and as such there is no impediment to its sale.

### Policy

All actions in respect of the sale of this land will be in accordance with Council's Land Acquisition and Disposal Policy.

<https://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf>

Pursuant to the Eurobodalla LEP 2012, the land is part of the urban expansion area of Dalmeny. This zoning and intent for this land to accommodate urban development has been in place for over 30 years.

**PSR21/028 PROPOSED SALE OF OPERATIONAL LAND - TATIARA STREET,  
DALMENY**

**S023-T00014  
LAND ID:  
34741**

### **Environmental**

Environmental factors will be considered with the future development applications for this property.

### **Asset**

The land the subject of this report, is zoned for urban development. Any development proposed would require a masterplan for the provision of infrastructure across this and adjoining lands.

This would include masterplanning for roads, pathways, stormwater, water, sewer, power, recreation and telecommunications. Appropriate engineering studies (eg traffic) would need to accompany any masterplan. The proposed road layout and traffic study would be referred to the Local Traffic (Development) Committee as part of that process.

The preferred main road access to this land once development commences is to provide an access road approximately opposite Binalong Street so that excessive construction or on-going traffic is not diverted into existing local roads. Once the masterplan is prepared by any proponent, there may need to be a further report to Council to obtain a road reserve access to facilitate that outcome.

Any additional infrastructure resulting from this development would be constructed by the developer at their cost. Council would need to adjust maintenance and renewal budgets in line with the growth of infrastructure.

### **Social Impact**

This land will assist in ensuring there is an adequate supply of land into the future and reduce pressure on housing affordability.

Factors supporting the release of more land to increase housing supply include:

- The median housing rental for properties in Eurobodalla is 29% higher than the rest of NSW.
- Supply shortages are evidenced by extremely strong growth in residential property prices and feedback from real estate agents, who state that housing stock has not been in this short supply in decades
- The Bushfire Recovery Service indicates that bushfire impacted families are reporting a shortage of housing for rent or purchase in Eurobodalla.

### **Economic Development Employment Potential**

A significant residential land release in Eurobodalla will boost residential construction. This land sale would support employment development in the south of our Shire.

### **Financial**

The land would be marketed by a commercial real estate agent. A valuation report from a registered valuer has been obtained and this will be used to guide sale price negotiations in accordance with Council's Land Acquisition and Disposal Policy.

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**PSR21/028 PROPOSED SALE OF OPERATIONAL LAND - TATIARA STREET,  
DALMENY**

**S023-T00014  
LAND ID:  
34741**

### **Community and Stakeholder Engagement**

Council's Engagement Planning Tool and relevant legislation have been used to guide the best approach to engagement on this matter. There is no legal requirement to advise the community through public notice or to seek feedback through public exhibition of land dealings concerning operational land. The community has been consulted via past landuse planning and Local Environment Plan processes that have resulted in the land's current zoning.

### **CONCLUSION**

Part Lot 2 DP 1151341, 16 Tatiara Street, Dalmeny is classified as Operational land. The proposal is to sell the land in accordance with Council's Land Acquisition and Disposal Policy.

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**PSR21/029 EVENT LICENCE - CRANK IT UP**

**S023 T00017**

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

Attachments: 1. Confidential - Attachment - Crank It Up

Outcome: 9 Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community

Operational Plan Link: 9.2.2.1 Manage leases and licences

**EXECUTIVE SUMMARY**

The purpose of this report is to seek approval for a licence for the Batemans Bay Rock n Rollers to host 'Crank it Up', an event to be held on Clyde Street, Batemans Bay and the Crown Reserve, Batemans Bay Foreshore Reserve 89579 within part Lot 7030 DP 1054995, Lot 365 DP 755902, Lot 7050 DP 1101634 and Lot 7051 DP 1101634 Batemans Bay.

Crank it Up is a rock and roll event principally held at the Batemans Bay foreshore. The event will be held 11 and 12 September 2021.

The event will consist of live music, vehicles from the 1930s to 1970s, market stalls, local food experiences, dancing demonstrations and learn to dance sessions and children's activities.

This event is consistent with the Batemans Bay Waterfront Master Plan and Activation Strategy.

It is recommended that approval of a licence be granted to Batemans Bay Rock n Rollers, including set up and set down, for the use of the foreshore area, with any renewals considered upon successful completion of the initial event.

**RECOMMENDATION**

THAT

1. Council, as landowner and Crown Land Manager, grant a licence to Batemans Bay Rock n Rollers for the use of Clyde Street and the Crown Reserve, Batemans Bay Foreshore Reserve 89579 within part Lot 7030 DP 1054995, Lot 365 DP 755902, Lot 7050 DP 1101634 and Lot 7051 DP 1101634, Batemans Bay for the Crank it Up event, including the following conditions:
  - a. The licence fee be in accordance with Council's fees and charges.
  - b. An event bond in line with similar event bonds be paid in full prior to the event.
  - c. The licence area is to be left clean and tidy after use, and any damage caused is to be rectified by the licence holder.
  - d. The provision of \$20 million public liability insurance.
  - e. The provision of an Event Management Plan acceptable to Council for the event.
  - f. The provision of a Traffic Management Plan acceptable to Council for the event.
  - g. Conditions generally in line with similar licences.

---

**PSR21/029 EVENT LICENCE - CRANK IT UP**

**S023 T00017**

**BACKGROUND**

Batemans Bay Rock n Rollers are a community group established in 2018 who encourage people to learn to rock and roll dance. They have expressed an interest in obtaining a licence to run the Crank it Up Batemans Bay event at the Batemans Bay foreshore, in partnership with the Batemans Bay Soldiers Club.

Crank it Up Batemans Bay is an event based around rock and roll music and classic cars. The event activities include: live music from bands from Melbourne, Sydney and locally; market stalls; local food experiences; dancing demonstrations and lessons; children's activities and the display of vehicles from the 1930s to 1970s era.

The licence request is for three days which allows for set up and set down.

The event has been assessed and the benefits to the Eurobodalla recognised, including: the provision of quality entertainment in a safe environment for all patrons; the significant boost to the local community having a positive impact on local food, hospitality and trade services; the creation of economic opportunities for local community groups and an increase in tourism visitation to the Eurobodalla.

Closure of Clyde Street, Batemans Bay for traffic and parking is proposed for Saturday 11 September 2021 from 9am to 5pm. Local Clyde Street residents will be permitted through the event area via traffic control; other vehicle access may also be required. Parking will be available on North Street and Perry Street.

A Traffic Management Plan for the event has been approved by the Local Traffic Committee.

The applicants have consulted with, and have notified the surrounding shop keepers. A list of businesses consulted and a site plan is attached as a confidential attachment.

**CONSIDERATIONS**

Conditions for the licence are to be generally in line with similar licences granted.

The licence area is shown in the sketch below.

PSR21/029 EVENT LICENCE - CRANK IT UP

S023 T00017

Batemans Bay Foreshore Reserve 89579



**Legal**

Crown Reserve 89579, being Batemans Bay Foreshore Reserve, is under the management of Council as Crown Land Manager.

In accordance with the *Local Government (General) Regulation 2005 – Reg 117* – Council is not required to publicly notify when issuing a licence where the use or occupation:

- does not involve the erection of any building or structure of a permanent nature, and
- that occurs only once, it does not continue for more than three consecutive days.

[Local Government \(General\) Regulation 2005 - NSW Legislation Regulation 117](#)

Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal Land Rights and Interests.

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**PSR21/029 EVENT LICENCE - CRANK IT UP**

**S023 T00017**

**Policy**

In line with the provisions of Council's Code of Practice – Licencing of Council Controlled Public Reserves and Associated Buildings, an Expression of Interest (EOI) was called in February 2021 for parties interested in seeking a licence for periods up to five years to use any Council-owned or managed public reserves. No other party expressed an interest in using the same part of this reserve. [Licencing of Council-controlled public reserves and associated buildings Code of Practice \(nsw.gov.au\)](#)

The event complies with Council's Events Policy and is consistent with the Batemans Bay Waterfront Master Plan and Activation Strategy. [Events policy \(nsw.gov.au\)](#)  
[Batemans-Bay-Waterfront-Masterplan-and-Activation-Strategy.pdf \(nsw.gov.au\)](#)

**Environmental**

Decibel limits are in place to limit noise levels and the event finishes at 11pm.

**Asset**

It will be a condition of the licence that the licensee is to repair and make good any damage occasioned by the licensee's use of the licensed area during the event.

**Social Impact**

The event organiser advised the event is aimed at a diverse market of rock fans and music enthusiasts, generally in the 18-34 year plus demographic. The organiser is providing quality entertainment to regional areas in a safe environment for all patrons.

**Economic Development Employment Potential**

The event will provide entertainment and economic benefit to the Eurobodalla and has the potential to become an annual attraction.

**Financial**

The event fees will be in accordance with Council's adopted fees and charges. A bond will be payable prior to the event.

**Community and Stakeholder Engagement**

In accordance with *Local Government (General) Regulation 2005 Reg 117*, public notification is not required for this three-day event.

The applicants have consulted with and notified the surrounding businesses.

**CONCLUSION**

Batemans Bay Rock n Rollers have applied to stage an event within Clyde Street and the Batemans Bay foreshore reserve from 10 September to 12 September 2021 inclusive, including set up and set down.

The Crank it Up Batemans Bay event will provide entertainment and economic benefit to the Eurobodalla and has the potential to become an annual attraction.

It is recommended that Council support the event by granting a three-day licence to Batemans Bay Rock n Rollers to stage Crank it Up within the foreshore area, with any renewals considered upon successful completion of the initial event.

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**IR21/020 ROAD SAFETY PROGRAM - SCHOOL ZONE INFRASTRUCTURE -  
ACCEPTANCE OF FUNDING**

**S014-T00007;  
S030-T00027**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services  
Attachments: Nil  
Outcome: 7 Connected and Accessible Places  
Focus Area: 7.1 Work in partnership to provide an integrated transport network  
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network  
Operational Plan Link: 7.1.2.1 Provide a safe efficient and integrated transport network

**EXECUTIVE SUMMARY**

Council has been successful in securing funding under the \$540 million Federal Stimulus NSW Road Safety Program, School Zone Infrastructure Sub-program for installation of Pedestrian Crossings at 6 sites. The project is to be delivered over the 2021-22 financial year with an expected expenditure of \$360,000.

**RECOMMENDATION**

THAT Council endorses the acceptance of the \$360,000 grant funding offered under the Federal Stimulus NSW Road Safety Program, School Zone Infrastructure Sub-program for installation of pedestrian crossings at six locations.

**BACKGROUND**

The Eurobodalla Road Safety Plan 2019-22 identifies that vulnerable road users including pedestrians make up 5.5% of casualty crashes and injuries are often serious due to higher severity of impact.

A grant application was submitted to Transport for NSW on 25 March 2020 under the Federal Stimulus NSW Road Safety Program, School Zone Infrastructure sub-program.

Six locations will be funded, noting that a 'wombat crossing' is a raised road hump with a line marked pedestrian crossing:

- Queen Street, Moruya - convert school crossing to wombat crossing \$50,000
- Church Street, Moruya - convert school crossing to wombat crossing \$45,000
- Mirrabooka Avenue, Moruya - new wombat crossing \$55,000
- Noble Parade, Dalmeny - new pedestrian refuge and footpath link to school bus stop \$70,000
- Sunshine Bay Road, Sunshine Bay - convert school crossing to wombat crossing \$80,000
- Train Street, Broulee - new wombat crossing \$60,000.

The grant offer was received on 26 May 2021. This grant has been accepted.

**CONSIDERATIONS**

These road safety grants allow works with a strong focus on improving road safety for school children. The work will also benefit the broader community including improving the pedestrian

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**IR21/020 ROAD SAFETY PROGRAM - SCHOOL ZONE INFRASTRUCTURE - S014-T00007;  
ACCEPTANCE OF FUNDING S030-T00027**

environment within Moruya CBD west of the Princes Highway. This aspect has been raised by and discussed with the Moruya Chamber of Commerce.

In Moruya CBD, this work fits in well with the recently completed works in Shore and Ford Street east of the Princes Highway.

The planned work will be delivered during the 2021-22 financial year by Council's construction team. The first three projects in Moruya will be delivered by 31 December 2021.

**Policy**

The delivery of this program will support the actions within the *Delivery Program 2017-21*, *Operational Plan 2021-22* and the *Eurobodalla Road Safety Plan 2019-22*.

**Asset**

The new assets are constructed using reinforced concrete structures, replacing existing sealed road pavements. These structures are long lived with low on-going costs.

**Social Impact**

This project will deliver improved road safety outcomes reducing potential trauma on our local roads.

The wombat pedestrian crossings are proposed in suitable locations for this type of treatment and will significantly reduce the actual speed of travel of motor vehicles, creating a safer environment for pedestrians.

The provision of permanent marked crossings will negate the need for schools to daily install and remove orange flags at 3 locations, reducing that burden and risk if flags are not correctly installed.

**Economic Development Employment Potential**

These grant funded works will provide a safer environment when crossing busy roads making the areas, particularly within Moruya CBD more attractive to pedestrians.

The success in bringing in an additional \$360,000 of external funding will increase work within the local area, supporting businesses and sub-contractors.

**Financial**

This project is fully grant-funded by Federal Stimulus NSW Road Safety Program, School Zone Infrastructure Sub-program for a total of \$360, 000. The ongoing costs will be borne within existing maintenance budgets.

**Community and Stakeholder Engagement**

We will inform the community through providing information on Council's Major Projects website; the Living in Eurobodalla residents newsletter; writing to stakeholders; advertising on Council's noticeboard page in two local newspapers; and when road closures are required, issuing a media release and working directly with the schools.

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**IR21/020 ROAD SAFETY PROGRAM - SCHOOL ZONE INFRASTRUCTURE - S014-T00007;  
ACCEPTANCE OF FUNDING S030-T00027**

**CONCLUSION**

Council has been successful in securing \$360,000 of grant funds to improve road safety outcomes for pedestrians at six sites. This grant has been accepted.

This report recommends that Council endorse the actions taken to accepting the \$360,000 grant offered under the \$540 million Federal Stimulus NSW Road Safety Program, School Zone Infrastructure Sub-program.

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**IR21/021 LOCAL TRAFFIC COMMITTEE NO 9 FOR 2020-21**

**S030-T00018**

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

**EXECUTIVE SUMMARY**

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for review. The main issues covered at the Eurobodalla Local Traffic Committee meeting, held 10 June 2021, are as follows:

- Signage – ‘No Parking’ Old Princes Highway, Batemans Bay
- Signage and Line Marking – Batemans Bay Regional Aquatic, Arts and Leisure Centre, Batemans Bay
- Signage and Line Marking – Shift Centre Line and ‘No Stopping’ Cranbrook Road, Batemans Bay
- Signage and Line Marking – Roundabout on Heron Road, Catalina
- Signage and Line Marking – North Street and Clyde Street, Batemans Bay
- Special Event Application – Crank it Up Rock and Roll, Batemans Bay.

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**IR21/021 LOCAL TRAFFIC COMMITTEE NO 9 FOR 2020-21**

**S030-T00018**

**RECOMMENDATION**

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 9 for 2020-21 be received and noted.
2. Council Plan No. 5156 Set BB Sheet 31 detailing the 'No Parking' signage on Old Princes Highway at the intersection of South Street, Batemans Bay be approved.
3. Council Plan No. 5167 Set C Sheet 07 and TTW Plan No. 181571/C17 Rev G detailing the signage and line marking associated with the Batemans Bay Regional Aquatic, Arts and Leisure Centre, Batemans Bay be approved
4. Taylor Thompson Whitting Plan No. 181571/C17 Rev G detailing the signage and line marking associated with the Batemans Bay Regional Aquatic, Arts and Leisure Centre, Batemans Bay be approved (with the exception of the 30 AREA high pedestrian activity speed zone which will be referred directly to Transport for NSW for consideration).
5. Council Plan No. 5156 Set BB Sheet 34 detailing a widened (white) BB1 offset centre, 'No Stopping' signage and (yellow) No Stopping line along Cranbrook Road Batemans Bay, between 500 metres and 700 metres from Princes Highway on the inside of the curve be approved.
6. Council Plan No. 4600 Set D Sheet 05 detailing the signage and line marking associated with the roundabout at the intersection Heron Road and Albatross Road, Catalina be approved.
7. That Council Plans No. 5156 Set BB Sheet 32 and 4392 Set I Sheet 01 detailing the signage and line marking on Clyde Street and North Street, Batemans Bay associated with street reconstruction works be approved.

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 8 for 2020-21 was held on 6 May 2021. The meeting was attended by Councillor Anthony Mayne (Chair), Senior Constable Scott Britt (NSW Police), Senior Constable Kieran Bryant (NSW Police), Michael Travers (Transport for NSW), Danielle Brice (representative for the Hon Andrew Constance MP), Dave Hunter (Traffic Coordinator and minute taker) and Daniel Week (Maintenance Planning Officer).

**APOLOGIES**

Kate McDougall (Road Safety Officer).

**DEPUTATIONS**

Nil.

**MINUTES OF PREVIOUS MEETING**

The minutes of the Eurobodalla Local Traffic Committee Meeting No 8 for 2020-21 held on 6 May 2021 were confirmed and accepted.

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**IR21/021 LOCAL TRAFFIC COMMITTEE NO 9 FOR 2020-21**

**S030-T00018**

**OUTSTANDING ITEMS FROM PREVIOUS MEETING**

Nil.

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

**2021.RT.026 Signage – ‘No Parking’ Old Princes Highway, Batemans Bay**

The manager of a Motor Inn located on Old Princes Highway at the intersection of South Street, Batemans Bay raised a concern that the current arrangement for gas delivery via a truck and hose system will soon discontinue as the adjoining property is being re-developed.

The gas delivery truck currently parks on the adjoining property and runs the hose through to the gas storage bottles. The truck is unable to park in the street as this section is designated ‘No Stopping’.

It is not practical for the truck to park on the Motor Inn property as the driveway is covered with a low roof and the gas bottles are out the back in the north end.

It is proposed to designate the north west edge of the ‘No Stopping’ zone as ‘No Parking’. This will allow the truck to park on the street for a short period of time to deliver gas.

The ‘No Stopping’ signage is installed on the west (Motor Inn) side of the intersection to facilitate right turn movements (right turn with through vehicles able to pass to mitigate rear end crashes and improve traffic flow). The parked truck will temporarily impede the straight through movements. However given that this is predicted to occur for less than 20 minutes each month the additional crash risk is minimal.

As standard practice, the truck will have traffic cones and other warning devices in place during the delivery period.

Council Plan No. 5156 Set BB Sheet 31 detailing the ‘No Parking’ signage on Old Princes Highway at the intersection of South Street, Batemans Bay, was reviewed by the Committee.

Recommendation:

That Council Plan No. 5156 Set BB Sheet 31 detailing the ‘No Parking’ signage on Old Princes Highway at the intersection of South Street, Batemans Bay be approved.

**2021.RT.027 Signage and Line Marking – Batemans Bay Regional Aquatic, Arts and Leisure Centre, Batemans Bay**

The Council's regional aquatic, arts and leisure centre (BBRAALC) at Mackay Park, Batemans Bay, will deliver a range of modern facilities for the Batemans Bay and the wider Eurobodalla community.

Construction has commenced.

The main vehicular entry / exit point will be at the Vesper Street (Princes Highway) and Beach Road signalised intersection. An additional (new) left in left out intersection off Vesper Street including a deceleration lane will be built.

At the junction within the Mackay Park precinct a new roundabout will be built. This leads to both the BBRAALC and the sports oval and (undeveloped) old Bowling Club site.

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**IR21/021 LOCAL TRAFFIC COMMITTEE NO 9 FOR 2020-21**

**S030-T00018**

A new carpark located on the south and west side will also be constructed.

Council Plan No. 5167 Set C Sheet 07 and TTW Plan No 181571/C17 Rev G detailing the signage and line marking associated with the Batemans Bay Regional Aquatic, Arts and Leisure Centre, was reviewed by the Committee.

Key components of the plan include:

- Raised pedestrian (wombat) crossing
- 30 AREA high pedestrian activity speed zone
- 9 accessible parking spaces
- Roundabout to comfortably cater for large buses
- Pick up and set down area at main entry
- Apart from existing signalised intersection, a new left in / out with deceleration lane off Vesper Street.

The Transport for NSW representative advised that the 30 AREA high pedestrian activity speed zone identified on Plan No 181571/C17 Rev G should be submitted to Transport for NSW who have responsibility for speed zones. This matter is unable to be considered by the Committee and is being referred directly to Transport for NSW.

Recommendation:

That:

- i. Council Plan No. 5167 Set C Sheet 07 and TTW Plan No. 181571/C17 Rev G detailing the signage and line marking associated with the Batemans Bay Regional Aquatic, Arts and Leisure Centre, Batemans Bay be approved
- ii. Taylor Thompson Whitting Plan No. 181571/C17 Rev G detailing the signage and line marking associated with the Batemans Bay Regional Aquatic, Arts and Leisure Centre, Batemans Bay be approved (with the exception of the 30 AREA high pedestrian activity speed zone which will be referred to Transport for NSW for consideration).

**2021.RT.028 Signage and Line Marking – Shift Centre Line and ‘No Stopping’ Cranbrook Road, Batemans Bay**

NSW Police raised concerns that a section of Cranbrook Road is configured in a way that many vehicles cross the double barrier centerline presenting a higher risk of head on collisions.

This 200 metre long section of road is between 500 metres and 700 metres from Princes Highway and includes two curves of 85 metre and 50 metre radius.

The road is 12.5 metres wide with upright kerb on both sides with a line marked unbroken (BB) centerline. There are no regulatory parking restrictions along the kerb lines.

On a weekday afternoon inspection, it was observed that many cars were parked on the western side of the road, which is the outside of the curves. On that day there were no cars parked on the eastern (inside) of the curves side. Several north bound vehicles including trucks and a utility towing a trailer were observed crossing the BB centerline.

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**IR21/021 LOCAL TRAFFIC COMMITTEE NO 9 FOR 2020-21**

**S030-T00018**

Restricting parking on both sides of the road is problematic as this area is used by workers parking for long periods. The west side of the road is better suited to long term parking as it maximises the space available, is on the outside of the curve so vehicle tracking is not a significant issue and there are no driveways that can have sight lines impeded. The east side of the road has several driveways.

To reduce the risk to road users as well as maintaining the parking for workers it is proposed to:

- Install unbroken widened BB1 (450mm wide) offset line marking
- Install a (yellow) No Stopping line marking on the inside of the curves (east side)
- Install 3 'No Stopping' signs on the inside of the curves (east side).

The BB1 centerline will be offset 1050mm from the existing BB centerline.

Simulated 26 metre B-Double truck turning manoeuvres have been modelled in both directions and indicates that these vehicles will not cross the BB1 centerline.

Council Plan No. 5156 Set BB Sheet 34 detailing the signage and line marking, was reviewed by the Committee.

Recommendation:

That Council Plan No. 5156 a Set BB Sheet 34 detailing unbroken widened BB1 (450mm wide) offset line marking, 'No Stopping' signage and (yellow) No Stopping line marking along Cranbrook Road Batemans Bay, between 500 metres and 700 metres from Princes Highway on the inside of the curve be approved.

**2021.RT.029 Signage and Line Marking –Roundabout on Heron Road, Catalina**

A small concrete mountable roundabout has recently been installed at the intersection of Heron Road and Albatross Road, Catalina.

This structure is part of a wider plan to install traffic calming devices along Heron Road prior to the connection of this road to the Princes Highway via the partially constructed Glenella Road.

Delineation of the roundabout approaches is by line marking and three R1-3 roundabout signs will also be installed.

Council Plan No. 4600 Set D Sheet 05 detailing the signage and line marking associated with the roundabout, was reviewed by the Committee.

Recommendation:

That Council Plan No. 4600 Set D Sheet 05 detailing the signage and line marking associated with the roundabout at the intersection Heron Road and Albatross Road, Catalina be approved.

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**IR21/021 LOCAL TRAFFIC COMMITTEE NO 9 FOR 2020-21**

**S030-T00018**

**2021.RT.030 Signage and Line Marking – North Street and Clyde Street, Batemans Bay**

The new Batemans Bay bridge includes altered traffic arrangements impacting the main CBD area. This includes linking Clyde Street under the new bridge following the removal of the direct connection with the Princes Highway.

John Holland is undertaking the major components of the work in Clyde Street for Transport for NSW as part of the bridge work. The middle section of Clyde Street is under construction with a temporary access road in place under the new bridge.

The eastern end of Clyde Street has been modified to include 2 raised pedestrian crossings and a change on the water side from 45 degree to 90 degree parking. This area is currently designated as a 40 (km/h) high pedestrian activity area.

The western end has been widened to cater for bus U-turns. This is required so that buses can turn around then stop on the water side of Clyde Street at the interchange near North Street intersection.

On North Street at Vesper Street (Princes Highway) intersection, new 'No Stopping' signage has been installed to better cater for delivery trucks turning left into Bridge Plaza.

Council Plans No. 5156 Set BB Sheet 32 and 4392 Set I Sheet 01 detailing the signage and line marking on Clyde Street and North Street associated with street reconstruction works was reviewed by the Committee.

Recommendation:

That Council Plans No. 5156 Set BB Sheet 32 and 4392 Set I Sheet 01 detailing the signage and line marking on Clyde Street and North Street, Batemans Bay associated with street reconstruction works be approved.

**INFORMAL ITEMS FOR DISCUSSION**

**2021.SE.007 Special Event Application – Crank it Up Rock and Roll, Batemans Bay**

A special Event Application including Traffic Management and Control Plan documentation has been received for the Crank it Up Rock and Roll Event to be conducted in the Batemans Bay CBD on Saturday 17 July 2021 on Clyde Street and Orient Street.

Crank it Up is a three day rock n roll event scheduled from Friday 10 September to Sunday 12 September 2021 to be held in Batemans Bay and presented by Batemans Bay Rock n Rollers in partnership with the Batemans Bay Soldiers Club.

Various activities are proposed including unique food experiences, eight bands and custom car showings.

The part of the event that requires traffic management is only on Saturday 17 July 2021 on Clyde Street (adjoining the foreshore park), North Street (temporary bus stop only) and Orient Street (custom car parking).

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**IR21/021 LOCAL TRAFFIC COMMITTEE NO 9 FOR 2020-21**

**S030-T00018**

On the Saturday, traffic management will commence at 9am and finish at 5pm. Clyde Street will be temporarily closed between Bridge Plaza truck exit driveway (opposite the T Wharf) through to North Street intersection.

Bridge Plaza delivery vehicles / trucks will drive in and out of that site as usual and will be then directed through the Clyde St road closure by traffic controllers under a 10km/h temporary speed zone. Additionally, drivers requiring access to Clyde St west will be directed through Bridge Plaza by signage and will also be directed back out through the Clyde St road closure by traffic controllers under a 10km/h temporary speed zone.

Custom cars will be park along Orient Street, from North Street through to Breach Road and will require an exemption to overstay the signed 1 hour parking.

Extensive consultation has been undertaken by the event organisers including discussion with all shop front businesses in the area (refer consultation map).

The Traffic Management and Control Plans as well as other event documentation, were reviewed by the Committee.

The Event Applicant then joined the meeting. The Chair asked how much communication with the business community has been undertaken and if given the high impact on traffic in this section of the CBD on the Saturday, was consideration given to possible banking up of traffic on both Vesper Street and Beach Road. The Event Applicant explained that traffic impact on the surrounding major roads has been considered and that extensive consultation and information have already started including discussions with all businesses on Clyde and Orient Streets, the Business Chamber and Bridge Plaza Management and that no negative feedback has been received.

The Committee was also informed that the Batemans Bay Soldiers Club is partnered in the event with various functions at that venue. A detailed parking and transport plan is being developed as part of a communications plan and drivers will be directed to park on the southern end of the CBD. Shuttle buses will also be provided by the Batemans Bay Soldiers Club.

The Committee agreed to review the detailed communications plan that must be made available before the next Committee meeting on 8 July.

Recommendation:

That the Crank it Up Rock and Roll Event, to be conducted in the Batemans Bay CBD on Saturday 17 July 2021 on Clyde Street and Orient Street based on the submitted Traffic Management Plan, Traffic Control Plan and Communications Plan be approved.

**GENERAL BUSINESS**

The representative for the Hon Andrew Constance MP sought advice on how the Committee could assist with a proposal by a Mountain Bike Club at Narooma forwarded to the local member. The Traffic Coordinator advised that this is not a matter for the Committee to consider and should be referred directly to the relevant personnel within Transport for NSW and Council.

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**IR21/021 LOCAL TRAFFIC COMMITTEE NO 9 FOR 2020-21**

**S030-T00018**

**NEXT MEETING**

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 8 July 2021 in Council's Glass Meeting Room commencing at 9am (dependent on COVID-19 protocol at that time).

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**CAR21/010 ACCEPTANCE OF DISABILITY SUPPORT FOR OLDER AUSTRALIANS  
(DSOA) 3 MONTH INTERIM GRANT FUNDING**

**S003-  
T00026**

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

Attachments: Nil

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs

Delivery Program Link: 1.4.2 Provide flexible, community based services to support older people, people with a disability and their carers

Operational Plan Link: 1.4.2.2 Provide support services for older people

### **EXECUTIVE SUMMARY**

Council's Community Care provides the Disability Support for Older Australians program, funded by the Commonwealth Department of Health.

Council recently received a Letter of Agreement detailing an extension of funding of \$67,064 as part of an interim arrangement to continue existing service provision to people with disability who are ageing during the quarter from 1 July 2021 to 30 September 2021. In order for the funds to be released, the Letter of Agreement had to be signed and returned to the Department of Health by 21 June 2021.

The funding has been formally accepted and this report seeks a resolution formally endorsing the actions taken.

### **RECOMMENDATION**

THAT Council endorse the actions taken to accept grant funding of \$67,064 from the Commonwealth Department of Health for Disability Support for Older Australians.

### **BACKGROUND**

People over 65 years are ineligible for NDIS funding, so the federal government's Disability Support for Older Australians (DSOA - previously the Continuity of Support program) provides funding for services necessary to support their needs. The annual DSOA Funding Offers are yet to finalised, so an interim arrangement of an extension of current funding has been offered through a Letter of Agreement.

Community Care is currently contracted to provide accommodation support, personal care and respite. Funding arrangements have been extended for three months to ensure clients continue to access their services and supports.

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<b>CAR21/010</b>	<b>ACCEPTANCE OF DISABILITY SUPPORT FOR OLDER AUSTRALIANS (DSOA) 3 MONTH INTERIM GRANT FUNDING</b>	<b>S003 T00026</b>
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### **CONSIDERATIONS**

The additional Disability Support for Older Australians funding will enable Community Care to provide continued essential support services to older clients with disability who were ineligible for NDIS due to their age at the time NDIS was implemented in our region, including those receiving residential accommodation support.

#### **Social Impact**

The additional Disability Support for Older Australians funding will enable Community Care to provide continued essential support services to older clients with disability who were ineligible for NDIS due to their age at the time NDIS was implemented in our region, including those receiving residential accommodation support.

#### **Financial**

The total annualised Disability Support for Older Australians funding is expected to provide \$268,276 in support services to clients. The current additional funding of \$67,064 will ensure continuation of care and support while the annual DSOA Funding Offers are finalised.

### **CONCLUSION**

Council's Community Care provides the Disability Support for Older Australians program, funded by the Commonwealth Department of Health. Grant funding of \$67,064 will ensure continuous care and support for older clients with a disability who are ineligible for the NDIS due to their age.

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**CAR21/011 EMPLOYMENT PROJECTS FUNDING**

**S003-T00044**

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

Attachments: Nil

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs

Delivery Program Link: 1.4.1 Plan for and provide opportunities, services and activities for youth

Operational Plan Link: 1.4.1.1 Provide services and opportunities for young people

**EXECUTIVE SUMMARY**

A further two years funding has been offered to Council to extend the successful Youth Employment Strategy project, implemented by the Community Development Division's Employment Projects team.

A total of \$300,000 has been offered via the NSW Department of Education to enable the project to continue to support businesses and local youth to support employment and training needs.

**RECOMMENDATION**

THAT Council endorse the use of the General Manager's delegated authority to approve acceptance of \$300,000 funding for the Youth Employment Strategy Project from the NSW Department of Education.

**BACKGROUND**

In 2018, Council was the recipient of \$300,000 for a 2-year program to implement the Eurobodalla Youth Strategy with the aim of reducing youth unemployment by 3% which equated to approximately 50 jobs. The project was due to conclude at the end of August 2020 when an additional year of funding was awarded, seeing the project continuing to end of August 2021. This new funding will now take the project through until end of August 2023.

The project has been so successful, in terms of outcomes, that the Department of Education continues to offer Council funding to prolong the project.

Project outcomes since 2018 include:

- 272 clients supported
- Over 200 employment outcomes (as of April 2021)
- 36 training programs sourced and delivered including training in community services, construction, landscaping, hospitality, events, career development, resume preparation, job readiness, first aid and white card
- Jobs drive x 5
- Won the NSW Local Government Professionals award for Councils under 60,000 population in the Community Partnerships category

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**CAR21/011 EMPLOYMENT PROJECTS FUNDING**

**003-T00044**

- Established the 'Job shop' which now has 6 partners sharing office space including Training Services NSW, Regional Industry and Education Partnerships Coordinator Department of Community and Justice, Mission Australia, Max Employment, Fusion Training (which includes Walan Miya Aboriginal Training Organisation and Katagic Strategic Planning)
- Produced a 70-page career guide to working in the health and human services sector to demonstrate career pathways, training and employment opportunities to young people
- 23 youth education and employment information sessions presented to 304 attendees (delivered in community, local high schools and University of Wollongong)
- Member of University of Wollongong 'Parent as Career Guides' research working group with 100 parents from local high schools
- 17 x monthly youth employment services meetings with 306 attendees
- Engaged Southern Region Business Enterprise Centre to provide free business advice to 4 youth traineeship employers and deliver two 'How to start your own business' workshops to 13 job seekers
- Provide a weekly jobs and training Facebook post via our Eurobodalla Jobs and Training Facebook page which is also emailed to 600 clients and project partners.
- Implemented a project Facebook page, recorded 20,000+ reach for 2 youth job posts, with an average job post reach of 3,000
- Free recruitment support provided to 173 local employers wishing to employ young workers
- Supported Council to extend its annual youth traineeships recruitment drive to the business community with innovative program called 'Y-Train' resulting in 22 combined youth jobs equating to a 100% increase in job offerings at the intake period from the previous year
- Development of a supported School-based Aboriginal traineeship trial being prepared for Council
- Improved measures and accountability to workforce development actions in the Economic Development Strategy for Council
- Project staff asked to present to Snowy 2.0 Future Generation sub-committee re youth employment strategy and Bega Valley Shire and Wagga Wagga City Councils, Merimbula Chamber of Commerce on the project
- Development and launch of a volunteering guide as a result of working with the post-fire youth forums.

The opening of the 'Job Shop' has made it evident that the wrap-around-service model works well for job seekers and employers. Services in the building collaborate to support training and

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**CAR21/011 EMPLOYMENT PROJECTS FUNDING**

**003-T00044**

employment options and referral paths for clients. The space is now at capacity with the team being approached by local services to run group meetings for target groups that may benefit from opportunities available via Job Shop services.

In April 2021 a client survey was conducted with 51 people responding. The survey sought feedback on the service Facebook posts; Job Alert and training emails; one on one assistance with resumes, cover letters or job applications; listing a job vacancy on the Facebook page and shortlisting applicants for job vacancies through the service.

All (100%) of respondents agreed or strongly agreed that the service is friendly and courteous; that they are happy with the quality of the service; and that the service positively contributes to the community.

Some comments included:

- *This is the first time in a long time that I have received quality applicants that were actually wanting to fill the position, not just time wasters.*
- *I truly think your Employment Revolution service is brilliant. I feel you successfully help bring information about available jobs in the community out to people seeking these community, hospitality and services type roles through what you do via email and in those occasional job drive information booths event. Thank you and well done guys!*
- *A valuable service to the community. 'User friendly', supportive and encouraging. Have told many people about this great service.*
- *This program is a massive benefit to employment and training outcomes in the Eurobodalla.*
- *As an RTO they provide us a link between all parties (employers/students/job networks, community) and an invaluable level of local knowledge. The staff are very professional and highly knowledgeable in the employment and training space.*

## **CONSIDERATIONS**

### **Social Impact**

Given the impacts of the bush fires and Covid19 on the general community and economy, this project has been very important to target training needs to requirements of industry and the individual. Job seekers have been provided support to retrain, upskill and re-enter the workforce after lockdown.

Having work, a labour supply and a sense of achievement is vital to our local recovery and general wellbeing. Having a high-functioning and adaptable program has enabled timely responses to a range of needs and an excellent level of buy-in from businesses and jobseekers alike whilst building and evolving the project with partners.

### **Economic Development Employment Potential**

The project has been instrumental in assisting both jobseekers and business alike. Jobseekers are provided support with free training, work experience, exposure to several modes of job

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**CAR21/011 EMPLOYMENT PROJECTS FUNDING**

**003-T00044**

availability information, assistance with applications and resumes and referral to other agencies when required.

Businesses have been supported with workforce planning support, job-matching, interviewing and shortlisting, free training and promotion of jobs.

The project has seen over 200 locals placed into a range of permanent, part-time and casual work opportunities worth over \$5.5 million in economic return for the shire.

**Financial**

The project does not require any matching Council funds with all project staff and expenditure covered by the grant. The funding covers the project continuation from September 2021 to end of August 2023.

**Community and Stakeholder Engagement**

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

**CONCLUSION**

Council's reputation for providing quality outcomes for young people has again resulted in the Department offering funds for youth development programs. The Youth Employment Strategy program is meeting the needs of many jobseekers and businesses and developing a reputation for excellence. The offered funding will enable the project to continue to support economic imperatives for our community.

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**CAR21/012 REQUEST FOR TENDER NO. 2021-046 - MANAGEMENT AND  
OPERATIONS OF BBRAALC AND SHIRE POOLS**

**OP006S001**

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

Attachments: 1. Under Separate Cover - Confidential - Request for Tender No. 2021-046 - Management and Operations of BBRAALC and Shire Pools

Outcome: 5 Vibrant and Diverse Economy

Focus Area: 5.1 Diversify the region's economy, attract investment and target new and emerging employment sectors

Delivery Program Link: 5.1.3 Plan for the development of the Batemans Bay Mackay Park Precinct

Operational Plan Link: 5.1.3.2 Conduct a tender process for the management of the Regional Aquatic, Arts and Leisure Centre Batemans Bay, subject to all Council and Development Application approvals

**EXECUTIVE SUMMARY**

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) Number 2021-046 - *Management and Operation of the Batemans Bay Regional Aquatic, Arts and Leisure Centre (BBRAALC) and Shire Pools* and provides a recommendation to enter into contract negotiations with the preferred tenderer.

At its meeting of 10 March 2020 Council resolved to establish a Fee for Service contract model to manage operations at the proposed BBRAALC, with an option to also manage the Moruya War Memorial Pool and Narooma Swimming Centre (PSR20/001). It was also resolved that Council undertake a tender process to establish the agreement.

The RFT was advertised on Monday 19 April 2021 via Council's Tenderlink Portal and on Wednesday 21 April 2021 in the Bay Post and Narooma News in accordance with Local Government (General) Regulation 2005 clause 167(1). Tenders closed on 19 May 2021, after a period of 30 days.

Four compliant tenders were received in response to the RFT, in alphabetical order:

1. Aligned Leisure
2. Belgravia Leisure Pty Ltd
3. BlueFit Pty Ltd
4. Community Aquatics Pty Ltd

A preferred tenderer was determined after a comprehensive evaluation of responses that took into account technical merit, financial viability and proposed cost. Two separate Tender Evaluation Working Groups (TEWGs) were developed to separately evaluate the service delivery and the financial sustainability of each tender, providing a recommendation to the Tender Evaluation Board (TEB) to endorse for recommendation to Council.

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**CAR21/012 REQUEST FOR TENDER NO. 2021-046 - MANAGEMENT AND  
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**OP006S001**

**RECOMMENDATION**

THAT

1. Council endorse the selection of the preferred tenderer listed for Request for Tender No. 2021-046 – *Management and Operation of the Batemans Bay Regional Aquatic, Arts and Leisure Centre (BBRAALC) and Shire Pools* (incorporating Moruya War Memorial Pool and Narooma Swimming Centre) within the confidential attachment.
2. Council accordingly approve entering into a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with the confidential attachment
3. The General Manager be given delegated authority to negotiate the terms of the contract, including:
  - a) Incorporation of Moruya and Narooma pools
  - b) Appropriate pro rata rate for the transition period and initial opening period up to 30 June 2022
  - c) A three year contact from 1 July 2022 with the option for a further two years, upon review and at an agreed price
  - d) Conclusion of negotiations, and if appropriate, the entering into a contract with the preferred tenderer identified in the confidential attachment to the Council report for Tender No. 2021-046 – *Management and Operation of the Batemans Bay Regional Aquatic, Arts and Leisure Centre (BBRAALC) and Shire Pools* (incorporating Moruya War Memorial Pool and Narooma Swimming Centre).
4. Council allocate a total project budget in accordance with the confidential attachment.

**BACKGROUND**

At the Ordinary Council meeting of 27 March 2018 Council resolved that an integrated Aquatic, Visitor Centre, Arts and Cultural centre be constructed at the southern precinct of Mackay Park, endorsing this option as the basis for undertaking detailed design of the proposed BBRAALC.

Council approved the project to release the tender for the construction of the BBRAALC on 25 February 2020 and endorsed the selection of ADCO Constructions Pty Ltd for the design finalisation and facility construction on 28 July 2020.

At the Ordinary Council meeting of 10 March 2020 Council resolved (Motion 20/26) to undertake a tender process to appoint an external contractor to manage the BBRAALC:

THAT:

1. Council adopt a Contract Fee for Service model to manage operations at the proposed Batemans Bay Regional Aquatic, Arts and Leisure Centre.

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**CAR21/012 REQUEST FOR TENDER NO. 2021-046 - MANAGEMENT AND OPERATIONS OF BBRAALC AND SHIRE POOLS**

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2. *Council undertake a tender process to appoint an external contractor to manage the Batemans Bay Regional Aquatic, Arts and Leisure Centre under a Fee for Service contract model.*
3. *The contract length of the Fee for Service model to manage operations at the new Batemans Bay Regional Aquatic, Arts and Leisure Centre be five years with a review period after the first three years.*
4. *The Moruya and Narooma aquatic centres be included as options in the scope of work contained in the Contract Fee for Service for the Batemans Bay Regional Aquatic, Arts and Leisure Centre.*

Council released an RFT to obtain responses from appropriately qualified and experienced organisations to develop and implement full management and operations of the new BBRAALC with an option to also manage and operate the two other existing facilities at Moruya and Narooma.

It was acknowledged that the management of a large and diverse centre such as the BBRAALC would require a combination of specialist knowledge that should be evaluated as part of the RFT. Tender response schedules covered the following areas:

- Anticipated centre income, expenditure and net operating costs
- Strategic and business planning and programming – aquatic, arts, and health and fitness components
- Customer service, access, equity, and social outcomes
- Marketing
- Human resource management
- Catering services (operating at various levels)
- Emergency management, risk management and environmental management
- Work health and safety
- Maintenance and asset management
- IT systems and reporting
- Transition planning.

RFT No. 2021-046 was advertised on Monday 19 April 2021 with a closing date of Wednesday 19 May 2021. The RFT was advertised for 30 days, exceeding the 21-day legislative requirement for advertising tenders. Council received five (5) responses, however one tender only included an attachment noting that the submission was formally withdrawn.

**Tenderer**

1. Aligned Leisure
2. Belgravia Leisure Pty Ltd
3. BlueFit Pty Ltd
4. Community Aquatics Pty Ltd
5. *Lifeguarding Services Australia (Withdrawn)*

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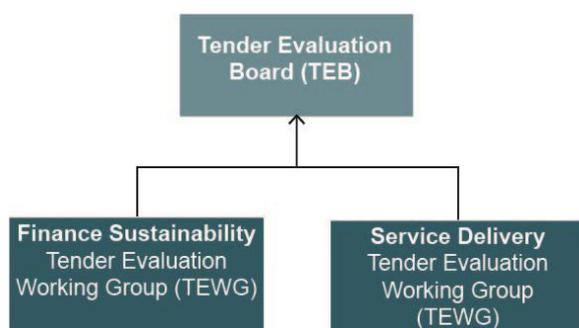
**OP006S001**

Offers from the four compliant tenderers were assessed in accordance with the Tender Evaluation and Probity Plan dated 21 May 2021. All Tenderers submitted responses to both Option 1 (management and operation of the BRAALC) and Option 2 (management and operation of Moruya and Narooma aquatic facilities).

The tender evaluation framework (Figure 1) involved the establishment of a Tender Evaluation Board (TEB), comprising Council's Executive Leadership Team, overseeing the evaluation of tenders by two separate Tender Evaluation Working Groups (TEWGs). The TEWGs comprised specialist personnel to evaluate each tender, specifically for:

- 1) service delivery
- 2) financial sustainability.

**Figure 1 – Tender Evaluation Framework**



Based on the findings of the TEWGs, a recommendation was presented to the TEB to endorse for recommendation to Council.

A summary of the evaluation including each tenderer's scoring against the evaluation criteria is provided at the Confidential Attachment to this report.

## **CONSIDERATIONS**

### **Legal**

In preparing the tender documentation, Council staff relied on the expertise of Maddox Lawyers in developing and reviewing a contract (Part 3: Management Services Agreement) for the management and operation of the BBRAALC and Shire Pools.

The Request for Tender (RFT) No. 2021-046 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and *Local Government Act 1993*.

The tender was advertised on Council's noticeboard page, in two local newspapers, and at Council's Tenderlink web portal ([www.tenderlink.com/eurobodalla](http://www.tenderlink.com/eurobodalla)).

Upon release of the RFT a Tender Evaluation and Probity Plan was distributed amongst the TEB and TEWG members. In addition, Declarations of Confidentiality and Interest Forms were completed and signed by the TEB and TEWG members.

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to:

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- their extensive experience in managing greenfield leisure facilities at a similar scale to the BBRAALC
- providing detailed and considered transition, planning and programming of the BBRAALC and existing aquatic facilities at Moruya and Narooma
- providing strategic documentation that closely aligns with Council's own planning documents
- establishing a thorough contract price that best aligns with BBRAALC income and expenditure modelling prepared by Otium Planning Group.

**Policy**

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

**Timeframe for Tendering and Transition**

The BBRAALC is a greenfield site, with multiple facilities, services and programs set to commence once the doors open in early 2022.

The tender for the operation of the BRAALC was released in April 2021, to allow for a thorough evaluation process and enable sufficient flexibility in determining the Transition period, based on industry experience for establishment of such services. The timeframe will also accommodate any variations in the construction schedule.

A Transition period, commencing approximately 9-12 months prior to opening, helps to ensure an effective and successful transition from construction to operation, in line with industry practice. In relation to specific services within the facility it is an essential requirement. For example, the calendar for arts and theatre programming is generally developed and scheduled up to a year in advance.

Tenderers were asked to map out a clear strategy, including the goals, timelines, tasks and resources required to launch the facility, with the aim of maximising community benefit, program offerings, services, equipment, policies and procedures, and safety.

The preferred tenderer included a comprehensive transition plan for Option 1 and Option 2, outlining key strategic objectives and transition requirements, including:

- Connect the new facility to the community and promote service and program offerings
- Recruit key positions in the first instance and the team closer to opening
- Ensure equipment and resources are in place, including IT and technical systems, policies and procedures
- Ensure safety systems and protocols are in place and audited

The final transition and initial opening dates will be negotiated with the successful tenderer, taking into consideration the construction schedule and anticipated opening date.

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**Environmental**

Each tenderer was required to supply within their tender submission an Environmental Management Plan and detail how they would operate in reducing waste and incorporate environmental strategies through the management and operation of the three facilities.

The preferred tender illustrated a commitment to reducing waste and incorporating several environmental strategies.

**Asset**

The selection of the preferred tenderer has taken into consideration key aspects that must underpin the operation of the BBRAALC as a new Council asset:

- achieving the best use of the facility by providing the desired level of service in the most cost-effective manner for present and future customers
- optimising the service delivery of the facility assets in the most effective way with customer experience and safety at the forefront.

As part of the contract, the successful tenderer is required to prepare an agreed Asset Management Plan to cover both transition in and ongoing operations of the BBRAALC, and the existing Council assets of the Moruya and Narooma pool facilities.

**Social Impact**

Operation of the BBRAALC is designed to have a significant positive social impact for residents of and visitors to Eurobodalla Shire. It will provide a heated, indoor, year-round aquatic facility, 24-hour gymnasium, and arts workshop, rehearsal and theatre space supported by active programming. The Moruya and Narooma aquatic facilities are existing and popular facilities for the Eurobodalla community.

Management under the contract is guided by key principles including:

- Participation
  - Create a healthy and active environment and manage and operate the facilities with the aim to increase community participation and engagement in aquatic, arts, leisure, and recreation programs and services.
  - Respond to the changing needs and demographics of the local, district and shire wide Eurobodalla Community, adjoining regional population and visitors to the area, to maximise active participation, promote social inclusion and improve people's wellbeing and dynamic lifestyles.
- Access and Inclusion
  - Encourage opportunities for the participation of all residents and visitors to the area, regardless of age, gender, cultural background, ability or socio-economic background.
  - To encourage social interaction of centre users, promote healthy lifestyles and foster community involvement.

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- Health and Wellbeing
  - Manage and operate the facilities to continually support positive health and wellbeing, supporting individuals to realise their potential, to achieve optimal physical, creative and mental health, and to be empowered and connected to other people in the community.

The tender evaluation has taken the proposed programming of arts, aquatic, health and fitness activities, and operation of the BBRAALC and existing Moruya and Narooma aquatic facilities into consideration in recommending the preferred tenderer.

**Economic Development Employment Potential**

The establishment of the contract will offer a variety of job positions, with several full-time and part-time employment opportunities being created, as well as career progression and individual development. The preferred tenderer has made a commitment to employing local people and ensuring a broad range of roles and positions will be available.

A cost benefit analysis, based on the original concept and business case, was undertaken on behalf of Council by SGS Economics and Planning. This assessment found that the BBRAALC would have a positive impact on the local economy, including direct and indirect economic benefits of ongoing operations of the facility.

**Financial**

The contract management fee will be sourced from within existing Council budgets. These costs will be partly offset by previous costs to operate the Batemans Bay pool, as well as the existing separate contract for management of the Moruya and Narooma aquatic facilities.

Fees and charges for the use of the BBRAALC, Moruya War Memorial Pool and Narooma Swimming Centre will also contribute to reducing contract costs.

**Community and Stakeholder Engagement**

The following stakeholders were consulted in the development of the RFT:

- a broad cross-section of internal stakeholders, particularly subject matter experts on the range of services to be delivered (eg, arts, facilities management, programming, etc.)
- other councils operating similar facilities
- Otium Planning Group, drawing on the breadth of knowledge and experience they have collected throughout the various projects they have either managed or with which they have been involved, including the development of the BBRAALC
- Council legal advisors – Maddocks Lawyers.

The community will be informed of the tender outcome(s) via Council's contract register found in Council's 'Public Access to Information' web link and a hard copy of the register is on display in the foyer of Council's Administrative building.

**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

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evaluation process, as representing best value for money to deliver the required services for the BBRAALC and Shire Pools.

The preferred tender as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the management and operations of Bateman Bay Regional Aquatic, Arts and Leisure Centre and Shire Pools at Moruya and Narooma.

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## 15. 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.

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

### AGENCY ADVICE

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

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

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

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

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

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

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

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

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

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

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

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<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.