



AGENDA

Ordinary Meeting of Council

24 February 2015

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

ON TUESDAY 24 FEBRUARY 2015

**COMMENCING AT
10.00AM**

AGENDA

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

- 1. WELCOME AND EVACUATION MESSAGE**
- 2. APOLOGIES**
Nil
- 3. QUESTIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY)**
- 4. DEPUTATIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY)**
- 5. PRESENTATIONS**
- 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
6.1 Ordinary Meeting held on 10 February 2015
- 7. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- 8. MAYORAL REPORTS**
- 9. REPORTS OF COMMITTEE**
Nil
- 10. NOTICES OF MOTION**
Nil
- 11. QUESTIONS ON NOTICE**
Nil

Page No.

12.	GENERAL MANAGER'S REPORTS	
GMR15/002	Administration of 2016 Elections of Mayor and Councillors.....	4
13.	PLANNING AND SUSTAINABILITY REPORTS	
PSR15/006	Review of Biodiversity Legislation in New South Wales.....	8
PSR15/007	Eurobodalla Interim Sea Level Rise Adaption Policy - Amendments to Reflect New Planning Levels	22
14.	INFRASTRUCTURE REPORTS	
IR15/006	Tender Source Selection for the Surf Beach Landfill Facility Crawler Loader ..	41
IR15/007	Formation of Committee - Corrigans Beach Reserve Accessible Playground Sunset Advisory Committee	43
15.	FINANCE AND BUSINESS DEVELOPMENT REPORTS	
FBD15/013	Investments made as at 30 November 2014.....	46
FBD15/014	Investments made as at 31 December 2014	49
FBD15/015	Investments made as at 31 January 2015	53
FBD15/016	Budget Review for the period ended 31 December 2014.....	56
FBD15/017	Dedication of Easement for Electricity Purposes - Tomakin Sewage Treatment Plant.....	60
FBD15/018	Easements for Multi-Purpose Electrical Installation - Narooma	64
FBD15/019	Sale of Council Land.....	67
16.	COMMUNITY, ARTS AND RECREATION REPORTS	
CAR15/001	Department of Social Services Funding for Children's Services	73
CAR15/002	New Community Care recurrent funding for supported accommodation service in Guy St, Batemans Bay.....	76
CAR15/003	Youth Opportunities Grant	79
17.	DELEGATE REPORT	
18.	URGENT BUSINESS	
19.	DEALING WITH MATTERS IN CLOSED SESSION	81

20. CONFIDENTIAL MATTERS

CON15/003 Lease of Holiday Park Narooma

Item CON15/003 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

CON15/004 Foreign Investment Proposal

Item CON15/004 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and (di) of the Local Government Act because it contains and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**DR CATHERINE DALE
GENERAL MANAGER**

**GMR15/002 ADMINISTRATION OF 2016 ELECTIONS OF MAYOR AND
COUNCILLORS**

**E81.1056,
E15.9129**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Strategic Objective: Collaborative

Delivery Program Link: C1.2 Manage the organisation to effectively and efficiently meet our statutory obligations

Operational Plan Link: C1.2.1 Respond to legislative and policy requirements set by the Department of Local Government

EXECUTIVE SUMMARY

The 2016 Local Government Elections are scheduled for Saturday 10 September 2016.

In 2011, amendments to the Local Government Act 1993 provide that, unless a Council resolves to engage the New South Wales Electoral Commissioner to administer the elections for the Mayor and Councillors, the elections are to be administered by the General Manager.

The Act also requires that a resolution to engage the New South Wales Electoral Commissioner (NSWEC) must be made 18 months prior to the date of the local government election (10 March 2015). Model resolutions provided by the Electoral Commissioner are included in this report.

RECOMMENDATION

THAT

1. The New South Wales Electoral Commissioner be engaged to administer Council's 2016 Elections for Mayor and Councillors
2. Pursuant to section 296 (2) and (3) of the Local Government Act 1993 an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council
3. Pursuant to section 296 (2) and (3) the Act, as applied and modified by section 18, a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council polls of the Council where necessary
4. Pursuant to section 296 (2) and (3) the Act, as applied and modified by section 18, a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council where necessary
5. Authority be granted to the General Manager to conduct negotiations with the Electoral Commissioner as to the terms of the engagement and to enter into a contract with the Commissioner on behalf of Council.

BACKGROUND

The 2011 amendments to the Act removed the mandate of the NSW Electoral Commissioner (introduced in 1987) to administer all Council elections in the State.

**GMR15/002 ADMINISTRATION OF 2016 ELECTIONS OF MAYOR AND
COUNCILLORS**

**E81.1056,
E15.9129**

The Act now requires the General Manager to administer Council elections (either by the engagement of an independent Returning Officer, or by the engagement of a commercial electoral services provider), unless the Council specifically resolves to engage the Electoral Commissioner to undertake the task.

If council does not engage the Commissioner by 10 March 2015 to administer its 2016 elections and decides to engage a commercial election service provider, a tender process will be required, as the estimated cost of the administration of the elections will exceed the tender value threshold of \$150,000 as prescribed by the Act.

In 2012, fourteen Councils administered their own elections. Ten of those councils engaged a commercial election service provider (Australian Election Company based in Queensland) to conduct their elections entirely. A further three Councils used the Australian Election company to varying degrees and appointed an independent Returning Officer and provided in-house administrative and materials support for the conduct of their elections. Gunnedah Shire Council conducted the elections wholly in-house.

If Council were to administer their own elections wholly in-house, Council would be responsible for coordinating all services required to deliver the election. It would be required to appoint an independent Returning Officer and a Deputy Returning Officer. This is likely to have a significant impact not only on Council's financial resources, but also its human resources and other work related priorities would need to be reassessed to accommodate undertaking this service.

Estimated costs from the Australian Electoral Company to conduct the 2016 election, for a similar size Council, indicates substantially higher costs to administer the election in full than the costs provided by the NSWEC.

Recommendation 3 to the Joint Standing Committee on Electoral Matters states:

"The Committee recommends that each council that resolve to administer its election in-house be required to prepare a report for the Division of Local Government in which it demonstrates its capacity to conduct a successful election. This report should include council's access to suitably qualified returning officers, as well as possible substitutes, and be prepared no later than 15 months prior to the 2016 elections".

The additional legal and governance responsibilities allocated to the General Manager to administer an election internally or through engagement of a commercial election service provider (i.e. Australian Electoral Company) is not considered to be a viable option.

CONSIDERATIONS

In 2012, Eurobodalla engaged the New South Wales Electoral Commissioner to conduct its election. To reduce the cost of the elections, Eurobodalla joined with Bega Valley Shire Council and shared a Returning Officer. Total costs for conduction of the 2012 election was \$220,000.

Preliminary estimated costs for the NSW Electoral Commission to conduct the 2016 elections is \$240,000. Funds have been restricted for this purpose. Further amendments to the Act now allow Councils to negotiate commercial terms with the Electoral Commissioner based upon a

**GMR15/002 ADMINISTRATION OF 2016 ELECTIONS OF MAYOR AND
COUNCILLORS**

**E81.1056,
E15.9129**

service level agreement. It is expected that these negotiations will achieve savings for Council in the overall cost of the administration of the 2016 elections.

The benefits to Council of engagement of the Electoral Commissioner to administer the election include:

- The integrity of the Electoral Commission's systems and processes include its vote counting system
- The experience of the Commissioner and his staff in conducting State and Local Government elections including the resolution of complaints and disputes
- The independent probity principle of not having the General Manager or Council's administrative staff directly involved with the administration of the election process
- Certainty of availability of polling places, polling staff and election material such as voting screens, ballot boxes and stationary.

The 2012 elections in Eurobodalla were conducted efficiently and there was a high level of cooperation between Council staff, Retuning Officer and NSWEC staff.

Policy

The administration of the local government election must adhere to the requirements of the *Local Government Amendment (Elections) Act 2012 No. 21* and the *Local Government Act 1993*.

Communication / Consultation

We will inform the community of the 2016 elections through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; posting on Council's Facebook and Twitter; writing to non-resident ratepayers regarding instructions for inclusion in the non-resident roll, advertising on Council's noticeboard page in two local newspapers; and distribution of media releases.

Staff

The General Manager will prepare the Non-Resident Roll, which involves writing to all non-resident ratepayers and providing telephone, email and other written advice to the requirements of becoming a non-resident elector. Council officers will also liaise with the Returning Officer to identify locations of polling places, organisation of statutory advertising, planning and logistics.

Financial

Preliminary estimated costs for the NSW Electoral Commission to conduct the 2016 elections is \$240,000. Funds have been restricted for this purpose. Further amendments to the Act now allow Councils to negotiate commercial terms with the Electoral Commissioner based upon a service level agreement. Negotiations with the Electoral Commission for sharing of the Returning Officer with Bega Valley Shire Council, undertaking the statutory advertising of the elections and preparation of the non-residential role internally will achieve savings for Council in the overall cost of the administration of the 2016 elections. Bega Valley Shire Council has resolved to use the services of the NSWEC.

**GMR15/002 ADMINISTRATION OF 2016 ELECTIONS OF MAYOR AND
 COUNCILLORS**

**E81.1056,
E15.9129**

CONCLUSION

It is proposed that the General Manager be authorised to conduct negotiations with the Electoral Commissioner with a view to the engagement of the Commissioner to administer the 2016 Elections of Mayor and Councillors, and any future Council polls of electors and constitutional referenda. It is also proposed that the General Manager be authorised to finalise the terms of the engagement and to enter into a contract with the Commissioner on behalf of Council for the conduct of the elections, Council polls and referenda.

PSR15/006 REVIEW OF BIODIVERSITY LEGISLATION IN NEW SOUTH WALES

E08.2564

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Review of Biodiversity Legislation in NSW

Strategic Objective: Sustainable

Delivery Program Link: S6.4 Encourage and support community sustainability and environmental projects

Operational Plan Link: S6.4.1 Provide environmental and sustainability advice and education

EXECUTIVE SUMMARY

This report provides the outcomes from the Independent Biodiversity Legislation Review Panel that has presented its final report; A Review of the Biodiversity Legislation in NSW (<http://www.environment.nsw.gov.au/resources/biodiversity/BiodivLawReview.pdf>) to the Minister for the Environment on 18 December 2014 detailing recommendations to improve the legislative and policy framework for biodiversity conservation and native vegetation management in New South Wales. The panel's report is now being considered by the government.

The aims of the review were to recommend a simpler, streamlined and more effective legislation which improves the conservation of biodiversity and supports sustainable development thereby reducing the compliance and administrative burdens.

Eurobodalla Shire Council provided a submission to the Panel in response to the issues paper in September 2014.

RECOMMENDATION

THAT the information in the report "A review of the biodiversity legislation in NSW – final report" be received and noted.

BACKGROUND

The Biodiversity legislation review terms of reference were released June 2014 by the NSW government. A Panel was appointed by the Minister and an issues paper for consultation was released in August and closed in September. Eurobodalla Shire Council provided a written submission to this paper on 5 September 2014 and, in total, 395 written submissions were provided for this review. A draft report was submitted in November and the final report submitted in December 2014.

The final report by the review panel presents 43 recommendations to achieve the objectives of:

- better environmental outcomes (and better monitoring and documentation of progress)
- reduced compliance burden and greater potential productivity gains for regulated parties
- minimal increase in program delivery and administration costs to NSW taxpayers (but some reallocation of effort).

PSR15/006 REVIEW OF BIODIVERSITY LEGISLATION IN NEW SOUTH WALES

E08.2564

The recommendations are in six themed areas: conservation in development and land management; conservation in land use planning; conservation action; managing wildlife interactions, knowledge, information and science; and objects for a new ‘Biodiversity and Conservation Act’.

This report provides a summary of the main areas that are pertinent to council in terms of development and land use planning, conservation actions and grants, impacts on agricultural activities and integration with biodiversity outcomes.

In summary the panel has concluded that the *Native Vegetation Act 2003* and the *Threatened Species Conservation Act 1995* should be repealed and new arrangements established in its place. The report proposes that ongoing agricultural land management should be managed regionally by the Local Land Services and the regulation of new agricultural development should be integrated into the mainstream planning system. All development should be required to determine how biodiversity impacts should be avoided, minimised and/or offset in accordance with a single, transparent and peer reviewed method for biodiversity assessment. The biodiversity offsetting scheme should be expanded to all development to achieve this (through mechanisms such as biodiversity certification and biobanking) and to drive a positive market for landholders to opt into stewardship contracts.

To counter losses of biodiversity the Government will need to increase public investment in biodiversity conservation on private land (including, where feasible, restoration and rehabilitation activities in areas of the state that are extensively cleared or degraded), facilitate off-site biodiversity offsetting, support the development and management of a comprehensive network of biodiversity corridors, and ensure the Saving our Species program is adequately resourced.

The panel recommends that the Government draft a new ‘Biodiversity Conservation Act’ with an overarching objective ‘to maintain a healthy, productive and resilient environment for the greatest wellbeing of the community, now and into the future, consistent with the principles of ecologically sustainable development’.

The panel also makes a series of recommendations on improving the processes for listing threatened species and ecological communities, developing a robust monitoring, evaluation and reporting framework, and risk-based regulation of human interactions with wildlife.

The attachment provides more detail on the panel’s findings and the 43 recommendations organised under the six themes that cut across the biodiversity legislation in NSW. The recommendations are summarised and additional information is provided that is deemed appropriate from a local government context.

CONSIDERATIONS

Policy

The review of biodiversity legislation in NSW is tasked by the State Government and any enacted legislation will be required to be adhered to by council.

PSR15/006 REVIEW OF BIODIVERSITY LEGISLATION IN NEW SOUTH WALES

E08.2564

Environmental

See attachment for details

Social Impact

See attachment for details

Communication / Consultation

The Biodiversity legislation review was undertaken by the State Government. Consultation occurred under the terms of reference that were released June 2014 where a Panel was appointed by the Minister, an issues paper for consultation was released (with 395 written submissions), and a draft and then final report was submitted to the Minister in December 2014.

CONCLUSION

The Minister for the Environment appointed an independent panel to undertake a comprehensive review of the Native Vegetation Act 2003, Threatened Species Conservation Act 1995, Nature Conservation Trust Act 2001 and related legislation. The Independent Biodiversity Legislation Review Panel has provided the final report to the Minister for the Environment detailing recommendations to improve the legislative and policy framework for biodiversity conservation and native vegetation management in New South Wales.

Attachment:

Summary of recommendations

Conservation in development and land management

The panel considers that decision-making processes for all forms of development, including agricultural development should be based on a balanced and transparent appraisal of the environmental, social and economic impacts of the proposed development. Agricultural development (i.e. land use change) should be managed in the same way as all other forms of development.

The panel recommends that the NSW Government should:

1. Level the playing field for agricultural development and land management activities by:
 - (a) repealing the *Native Vegetation Act 2003*
 - (b) removing the 'improve or maintain' standard for clearing of native vegetation at a site scale
 - (c) taking a risk-based approach to managing the biodiversity impacts of modifying native vegetation during agricultural land management activities by incorporating legislative arrangements for agricultural land management activities into the *Local Land Services Act 2013*
 - (d) treating all forms of development in a consistent and fair way, by integrating the assessment and approval of all forms of agricultural development that involve clearing of native vegetation into the *Environmental Planning and Assessment Act 1979*
 - (e) using private land conservation mechanisms to protect and manage the biodiversity values of areas in cases where a development application is refused because the vegetation proposed to be cleared is of very high-conservation value.
2. Support landholders and promote best practice for agricultural land management activities by:
 - (a) developing best practice guidelines for low-risk (and therefore exempt) land management activities where required
 - (b) developing new enforceable codes of practice for those management activities that can have environmental impacts
 - (c) providing landholders with the option of obtaining a certificate from Local Land Services to confirm that proposed clearing is compliant with a code of practice
 - (d) developing guidelines and codes of practice for agricultural land management activities that reflect regional differences in landscapes and agricultural land management practices
 - (e) developing an on-line system for landholders to notify Local Land Services before clearing under a relevant code of practice.

3. Ensure that, where agricultural land management activities can have environmental impacts, such impacts are appropriately managed by providing for the Minister administering the proposed new 'Biodiversity Conservation Act' to have a concurrence role in the making of the codes of practice, as well as any decisions about new categories of exempt land management activities.

4. Amend Local Environmental Plans to provide landholders with certainty about which types of agricultural development that includes native vegetation clearing would require development consent under the *Environmental Planning and Assessment Act 1979* and use maps to identify areas of land (based on mapped vegetation and previous land use) for which development does or does not require development consent to permit clearing.

The panel proposes that agricultural development should be assessed and approved under the *Environmental Planning and Assessment Act 1979* in the same way as all other development. This would mean that social, economic and environmental considerations would need to be taken into account when deciding whether an agricultural development can proceed. It also means that landholders would be responsible for the costs of the assessment process where development consent is required. Local councils and the Department of Planning and Environment would be responsible for monitoring and enforcing compliance with approval requirements and development consent conditions, as they currently do for other development consents.

Clearing for non-agricultural development purposes that may currently require an approval under the *Native Vegetation Act 2003* (e.g. certain types of developments in rural residential areas, dwellings, Council infrastructure and tourist facilities) would be treated like any other form of development under the *Environmental Planning and Assessment Act 1979*. This will remove the current problem of dual consents where landholders are required to obtain an approval under both planning and native vegetation laws for the same activity.

The Act uses Local Environmental Plans to set out what types of development are permitted or prohibited within each area and land use zones. In addition to defining the types of agricultural development that requires consent maps will be used to define important biodiversity values and land that cannot be cleared without approval.

5. Provide OEHL with adequate resources to ensure the maps are developed and ready to use before the new arrangements for agricultural development commence, to ensure the maps will be updated annually and for reviews requested by landholders to be processed efficiently.

If a landholder believes there is an error with the map for his or her property or believes an area was cleared before 1990, the landholder should be able to request the map be reviewed and amended by OEHL within a reasonable timeframe. Review applications should be supported by evidence of previous uses of the land such as aerial photographs.

Having the maps in place before the new legislative arrangements come into place will be critical.

The Government should ensure that maps are made and ready to be used before the new legislative arrangements come into place. OEH should be properly resourced to ensure that the initial maps can be set up quickly, that the maps can be updated annually and so that requested reviews can be conducted within a timely manner (to be set out in a customer service standard).

6. Set requirements for agricultural development approved under the *Environmental Planning and Assessment Act 1979* that are proportionate to the scale and intensity of the proposed development and associated land clearing (including categories of exempt development and State Significant Development).

7. Review regulatory arrangements for timber harvesting on private land as part of a separate process that:

- (a) does not regulate the harvesting of native timber on private land as a form of land use change
- (b) considers options for regulating sustainable forestry operations based on their scale and intensity rather than tenure, including options for permitting low-intensity operations on private land without the need for approval and a focus on outcomes rather than process
- (c) considers a range of options for improving the environmental performance of haulage and harvest contractors operating on private and public land, including licensing and minimum standards.

8. Adopt a risk-based approach to licensing threatened species 'harm' to:

- (a) exempt very low-risk activities from the need to apply for a licence
- (b) permit low-risk activities to be carried out under an enforceable code of practice
- (c) require a licence application for all other activities that are not low risk, that is assessed against publicly available guidelines.

The licensing functions of the *Threatened Species Conservation Act 1995* would be repealed and replaced by new provisions in the proposed 'Biodiversity Conservation Act'. Low-risk activities, such as vegetation management at flying fox camps, that are generally carried out in the same way, could be authorised under enforceable codes of practice made under the proposed new 'Biodiversity Conservation Act'. If a proponent can do the activity while complying with a code of practice, an application for a licence would not be required. Carrying out the activity in accordance with a code of practice would be a defence to offences of harming threatened species or communities.

9. Ensure adequate funding and develop capacity building programs to ensure Local Land Services and councils have the appropriate skills and adequate resources to implement the proposed model.

Councils will require capacity building and additional resources to assess development applications for proposals involving agricultural development. Strong cooperation between relevant agencies on a range of issues including compliance and monitoring, evaluation and reporting is required.

10. Maximise the use of accredited third parties to assess the biodiversity impacts of development applications made under the *Environmental Planning and Assessment Act 1979*.

Building on the successful model established by the Biobanking Scheme, consideration should be given to maximising the use of accredited third parties to assess the biodiversity impacts of development applications under the *Environmental Planning and Assessment Act 1979*. This would contribute to addressing skill and capacity issues within local government.

11. Take a risk-based approach to regulation that emphasises education and voluntary compliance while still giving regulators the tools to take enforcement action against those who do the wrong thing, in a way that is commensurate with the seriousness of an offence.

The use of non-statutory guidelines and codes of practice for agricultural land management would provide some of the tools required to promote voluntary compliance. Where the rules are knowingly broken, enforcement action must be taken that is commensurate with the seriousness of an offence.

12. Adopt a single, scientifically-based, transparent, publicly-available and independently reviewed method for assessing the biodiversity and other environmental impacts of all development in NSW.'

To reduce inefficiencies and improve the consistency, certainty and transparency of biodiversity assessments, all development should be assessed using one, scientifically-based and independently-reviewed method. The same methods and assumptions should be used in quantifying loss of biodiversity at a development site and, where required, predicting biodiversity gains at an offset site.

Specific policy rules may need to be applied by consent authorities in deciding whether to approve different types of development.

In addition to repealing the *Native Vegetation Act 2003*, the proposed 'Biodiversity Conservation Act' would contain a new part that replaces the sections of the *Threatened Species Conservation Act 1995* dealing with the Biodiversity Certification Assessment Methodology and BioBanking Assessment Methodology.

13. Expand the Biodiversity Offsets Policy for Major Projects to:
- (a) create a consistent approach to avoiding, minimising and offsetting biodiversity impacts for all types of development
 - (b) drive a positive market for landholders to opt in to long-term stewardship contracts to supply environmental services.

The power to confer biodiversity certification on land and effectively 'switch off' the need for site-based assessments should be retained by the Minister for the Environment.

14. Expand the biodiversity offsets fund so it applies to all types of development, including the delivery of offsets required under multi-site assessments, such as biodiversity certification.

Conservation in land use planning

The panel supports use of biodiversity certification where the benefits it provides—of removing the need for individual site-based threatened species assessments at the development assessment stage—outweigh the costs of strategic upfront assessment.

The panel considers that the impacts of land use change and development on biodiversity should be considered as early as possible in the planning system to deliver a wide range of social, economic and environmental benefits. When the environmental values of land are known upfront, future development can be designed to preferentially avoid, minimise or as a last resort offset negative environmental impacts. Considering biodiversity impacts at a landscape scale early in the planning process also means that cumulative impacts of development can be managed more effectively and greater certainty can be provided to the community and developers.

The panel recommends that the NSW Government should:

15. Ensure that biodiversity objectives and priorities, including priorities identified in a statewide framework or strategy for conservation or in plans prepared by Local Land Services —are:
- (a) reflected in any new Stateplanning policies prepared under the *Environmental Planning and Assessment Act 1979*
 - (b) incorporated in Regional Growth and Infrastructure Plans and Subregional Delivery Plans, instead of in separate Regional Conservation Plans.

In order to be effectively integrated into strategic planning and influence land use planning decisions, biodiversity objectives and priorities must be incorporated into the strategic plans themselves (currently Regional Growth and Infrastructure Plans and Subregional Delivery Plans).

16. Identify candidate areas for biodiversity certification in Regional Growth and Infrastructure Plans and Subregional Delivery Plans.

Biodiversity certification should be focused on proposed high-intensity development areas that also contain important environmental values. Assessments should be pursued in areas that are currently, or expected to be in the future, subject to intensive development pressure or land use change, where the benefits will outweigh the upfront costs.

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

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

Biodiversity certification offers potential to provide greater certainty within the planning system and improved biodiversity outcomes and, because it can be applied on a multi-site scale, it can be strategically applied. The key benefits of biodiversity certification are that it provides certainty about the location of future development, saves time and costs at the development assessment stage, and optimises environmental benefits through the use of the 'avoid, minimise and offset' hierarchy. This should also improve biodiversity outcomes because of its potential for strategic application.

Upfront biodiversity assessments in landscapes that face development pressures and contain sensitive environmental areas can be contentious and take time to resolve. Upfront multi-site assessments are an attempt to condense tens, if not hundreds of development application assessments into a single process. The Government should focus on making this process as transparent, flexible and streamlined as possible, with adequate operational support and guidance provided to local councils and the broader community.

The panel recommends the use of biodiversity certification be expanded, that financial support for planning authorities to complete biodiversity certification be considered and that offsets identified through biodiversity certification be secured through financial contributions to a single biodiversity offsets fund.

The panel supports biodiversity certification of specified land being applied to all forms of development, including agricultural development. It is also encouraged to be used for planning proposals for spot rezoning and changes to minimum lot sizes.

18. Investigate options for providing financial support to planning authorities to help fund biodiversity certification and explore cost recovery options to recoup costs at the development assessment stage.

In recognition of the strategic benefits of biodiversity certification to both State and local governments, the panel supports the Government investigating options for providing planning authorities with financial support to complete biodiversity certification applications. These options should consider cost recovery models, including the use of levies or administration fees at the development assessment stage.

19. Provide a mechanism for proponents to make a monetary contribution to secure offsets (e.g. developer contributions) and allow these funds to be deposited into a single offsets fund.

The panel supports the creation of a mechanism in the *Environmental Planning and Assessment Act 1979* that enables proponents of development on biodiversity certified land to pay a monetary amount reflecting their contribution to the biodiversity offset requirement. All contributions should be deposited and managed under the proposed single biodiversity offsets fund to efficiently deliver on-ground benefits above and beyond normal government conservation actions.

20. Seek a strategic assessment (or bilateral agreement accreditation) of the NSW biodiversity certification process under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.

Conservation action

Conservation on private land complements the formal protected reserve system on public lands. Strengthening the effectiveness of private land conservation provisions in the proposed legislation and strategic investment could encourage greater participation by landholders to achieve better outcomes for biodiversity across the State.

The panel recommends that the NSW Government should:

21. Consolidate the mechanisms for biodiversity conservation on private land into a three tiered system that provides proportionate incentives to landholders: biodiversity offsetting agreements, voluntary conservation agreements and wildlife refuges.

22. Outsource the administration of all private land conservation mechanisms to a third party program manager for private land conservation and reconstitute the Nature Conservation Trust to perform this role initially, established under either the *NSW State Owned Corporations Act 1989* or the *Commonwealth Corporations Act 2001*.

23. In consultation with local communities and government agencies including Local Land Services, develop a statutory Statewide prioritisation mechanism that establishes a single spatially expressed vision for a network of private and public land conservation to:

- (a) map all areas where biodiversity is currently protected on public and private land, and make this information publicly available
- (b) guide investment in biodiversity conservation on private land. The prioritisation mechanism should include criteria for prioritisation such as maintaining or establishing connectivity across the landscape and improving protection of good samples of the least protected ecosystems.

24. Design a legislative framework for action on threatened species and ecological communities that formalises the programmatic approach taken by Saving our Species, and which:

- (a) streamlines and removes duplication in existing requirements for recovery planning, threat abatement and priorities action statements
- (b) focuses on outcome monitoring and prioritisation of investment rather than prescriptive legislative provisions.

25. Replace the current and little-used mechanisms for critical habitat identification with stronger provisions to maintain, conserve and restore areas of 'special biodiversity importance'.

26. Consider additional investment in positive conservation action, including:

- (a) additional direct Government investment, via the Nature Conservation Trust, for stewardship payments to landholders who enter into Biodiversity Offsetting Agreements to establish a network of private land conservation (to complement market-driven investment)
- (b) Government support, via the Nature Conservation Trust, in the form of an annual grants program and one-off establishment payments to landholders who enter into Voluntary Conservation Agreements
- (c) increased funding to the Saving our Species program to increase the number of threatened species secured in the wild.

Managing wildlife interactions

There is a strong community expectation that the Government will manage human interactions with wildlife to ensure, as a society, we are protecting our unique native plants and animals. A risk-based approach to regulation would cut some unnecessary regulatory burden.

The panel recommends that the NSW Government should:

27. Adopt a tiered and risk-based approach to the regulation of wildlife management in NSW to credibly regulate high-risk activities and reduce red tape for low-risk activities. The four tiers would be exempt activities, code-based complying activities, assessable/licensed activities, and prohibited activities.

28. Improve the public's knowledge and understanding of wildlife conservation and management through community-oriented education programs about native plants and animals, the impacts of human-wildlife interactions, and the welfare needs of animals in captivity.

29. Facilitate effective local wildlife care through strategic partnerships with wildlife rehabilitation providers.

Knowledge, information and science

Building and sharing knowledge about the status and values of biodiversity and the effectiveness of interventions is critical to making informed decisions about how best to protect and manage biodiversity and increase ecosystem services. Bringing together information on biodiversity, including local and Aboriginal knowledge, and making this information publicly available, should be priorities for the Government.

The panel recommends that the NSW Government should:

30. Better harness data collection efforts and make this data available to the public as part of open government through a whole of government biodiversity portal.

31. Align NSW listing categories and assessment criteria for threatened species and ecological communities with those of the International Union for Conservation of Nature and review supporting guidelines.

The proposed new 'Biodiversity Conservation Act' should ensure that the listing process continues to be scientific and independent of politics and social and economic considerations.

32. Adopt a more strategic approach to listing threatened species and ecological communities.
33. Require the NSW Scientific Committee to undertake periodic five-year reviews of lists. These reviews should be subject to independent scientific peer review.
34. Work with the Commonwealth Government to harmonise State and Commonwealth lists of threatened species and ecological communities.
35. Prioritise improvements to the plant community types classification system and the development of maps to support decision making (including threat and risk assessment for ecological communities).
36. Develop and implement a robust whole of government monitoring and evaluation framework to enable reporting on the condition (quality and extent) of biodiversity, effectiveness of management actions and the objectives of the proposed new 'Biodiversity Conservation Act'.
37. Mandate a statutory review of the legislation every five years to assess whether the proposed new 'Biodiversity Conservation Act' is meeting its objectives.
38. Establish an expert panel to advise the Minister for the Environment on matters relevant to the operation of the new 'Biodiversity Conservation Act'.
39. Repeal the requirement to prepare a Statewide Biological Diversity Strategy.

Objects for a 'Biodiversity Conservation Act'

Given the breadth of reforms proposed throughout this report, the panel recommends that Government should draft a new 'Biodiversity Conservation Act' to replace the current legislation. It will also be necessary to make consequential amendments to the planning system, the *Local Land Services Act 2013* and other legislation (e.g. to deal with private native forestry).

The panel recommends that the NSW Government should:

40. Modernise and simplify the legislative framework by:

- (a) repealing the laws (or parts) under review
- (b) drafting a new 'Biodiversity Conservation Act' that takes an outcomes-focused, integrated and risk-based approach to biodiversity conservation, adopts the legislative objects outlined in Recommendation 42 and establishes the mechanisms recommended in this report
- (c) making consequential amendments to other laws to transfer the regulation of agricultural development to the planning system and supervision of agricultural land management to the Local Land Services.

41. Adopt an overarching goal for the proposed new 'Biodiversity Conservation Act': to maintain a healthy, productive and resilient environment for the greatest wellbeing of the community, now and into the future, consistent with the principles of ecologically sustainable development.

42. Adopt objects for the proposed new 'Biodiversity Conservation Act':

- (a) to conserve biodiversity and ecological integrity at bioregional and state scales
- (b) to facilitate sustainable development
- (c) to improve and share knowledge, including local and Aboriginal knowledge, about the status and values of biodiversity and ecosystem services and the effectiveness of conservation actions.

43. Amend the definition of Ecologically Sustainable Development in the *Protection of the Environment Administration Act 1991* to require integration of social (as well as economic and environmental) considerations in decision-making.

**PSR15/007 EUROBODALLA INTERIM SEA LEVEL RISE ADAPTION POLICY -
AMENDMENTS TO REFLECT NEW PLANNING LEVELS**

E10.4158

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Interim Coastal Hazard Adaptation Code

Strategic Objective: Sustainable

Delivery Program Link: S8.2 Plan for the impact of climate change on settlement including coastal hazard, flood impacts, bushfire

Operational Plan Link: S8.3.2 Monitor, report, communicate and implement changes relating to nature resource management

EXECUTIVE SUMMARY

Council applies the *Interim Sea Level Rise Adaptation Policy - 2010* (Min No: 10/157) in the consideration of coastal and flood related hazard assessment. This policy currently applies the sea level rise (SLR) planning benchmarks recommended in the *NSW Sea Level Rise Policy Statement 2010* that was withdrawn by the NSW Government in September 2012.

This report presents amendments to the existing interim policy that reflects the positive improvements made possible by the *South Coast Regional Sea Level Rise Policy and Planning Framework* adopted by Council at its meeting held on 25 November 2014.

The positive changes that arise are summarised as:

- Adoption of reduced SLR projections
- More flexible planning framework
- Reduction in occasions where proponents need to engage consultant.

The task of amending the policy has been completed in response to the following recommendations from the Report (PSR14/062) presented on 25 November 2014.

- Review and amend any relevant Council planning policies to ensure provisions are consistent with the adopted South Coast Regional Sea Level Rise Planning and Policy Response Framework.
- Receive a report of any proposed amendments to existing policies.

A draft Interim Coastal Hazard Adaptation Code is presented in response to these actions.

**PSR15/007 EUROBODALLA INTERIM SEA LEVEL RISE ADAPTION POLICY -
AMENDMENTS TO REFLECT NEW PLANNING LEVELS**

E10.4158

RECOMMENDATION

THAT Council:

1. Adopt the Interim Coastal Hazard Adaptation Code
2. Amend mapping identifying the extent of Investigation Areas following adoption of the Code
3. Where applicable, remove notations in relation to the policy from Planning Certificates issued under Section 149 of the *Environmental Planning and Assessment Act 1979*
4. Issue a media release promoting the positive changes implemented as a result of Council's decision on the 25 November 2014.
5. Write to property owners whose properties are impacted by the Code to advise them of the changes and to provide an update of the Coastal Zone Management Plan process and forthcoming community meetings.
6. Include a briefing of the Interim Coastal Hazard Adaptation Code and positive changes made at the Development Industry/Real Estate Industry forums.

BACKGROUND

Council adopted the *Interim Sea Level Rise Adaptation Policy* in July 2010 (Min No: 10/157) in response to increasing public enquiries regarding the potential impacts of climate change on properties and how this may alter consideration of development applications. There was also increasing recognition of the legal responsibilities of a council to consider climate change in the execution of functions delegated under several key areas of legislation.

The Policy was written to serve as an interim reference during the preparation of a comprehensive Coastal Zone Management Plan, however ongoing delays to this project caused by changes in the NSW Government have extended the application of the Interim policy.

The NSW Government withdrew the *NSW Sea Level Rise Policy Statement 2010* in September 2012 and subsequently advised councils to adopt regionally relevant sea level rise projections commensurate with competent scientific opinion.

As a consequence of the State Government actions, Eurobodalla Shire Council and Shoalhaven City Council, with financial and technical assistance provided by the Office of Environment and Heritage, jointly engaged Whitehead and Associates and Coastal Environment Pty Ltd to prepare the *South Coast Regional Sea Level Rise Planning and Policy Response Framework* (Planning and Policy Response Framework).

The Planning and Policy Response Framework was adopted by Council at its meeting held on 25 November 2014. The planning level for sea level rise adopted by Council for 2050 was 12cm below the benchmark of the former NSW policy and current Eurobodalla policy. Further, the planning periods were reduced and assessment processes have become more flexible.

**PSR15/007 EUROBODALLA INTERIM SEA LEVEL RISE ADAPTION POLICY -
AMENDMENTS TO REFLECT NEW PLANNING LEVELS**

E10.4158

As a consequence, it was recommended to review and amend any relevant Council planning policies to ensure provisions are consistent with the adopted *South Coast Regional Sea Level Rise Planning and Policy Response Framework*.

CONSIDERATIONS

The *South Coast Regional Sea Level Rise Planning and Policy Response Framework* made three key recommendations relevant to the proposed amendment to the *Interim Sea Level Rise Adaptation Policy*:

1. Application of a fifty year planning period to residential development
2. Application of 100 year plus planning periods only considered for major critical infrastructure or new land releases
3. Lower planning levels for sea level rise.

These considerations will impact on the extent of Investigations Areas and planning levels for new development.

Review of Investigation Area boundary

The criteria determining the boundary of Investigation Areas will be reviewed based upon the growing availability of existing flood and coastal inundation hazards information.

Current Boundary

The current boundary to determine the extent of Investigation Areas is taken as either 4m or 5m AHD elevation contour and/or a 100m distance from the high tide mark at ocean beaches.

The current Investigation Areas were determined by adding:

- sea level rise projections outlined in State policy current at the time
- water levels during current modelled and observed storm events
- rounding to account for waves, rainfall induced flooding and uncertainty based on figures within existing studies.

The amended policy will apply the following criteria:

- sea level rise projections out to a fifty year planning period as adopted in the *South Coast Regional Sea Level Rise Planning and Policy Response Framework* and/or
- A distance of 50m from the high tide mark
- water levels during current modelled and observed storm events
- 4m AHD where no reliable information for current modelled water levels is available.

It must be noted that sea level rise projections do not include the influences of flooding and waves washing up a beach during a storm (wave run-up).

Studies carried out locally calculated wave run-up values within Batemans Bay as ranging from between 0.8m (Cullendulla) to 4.6m (Caseys Beach) (Batemans Bay Vulnerability Study, 1996).

**PSR15/007 EUROBODALLA INTERIM SEA LEVEL RISE ADAPTION POLICY -
AMENDMENTS TO REFLECT NEW PLANNING LEVELS**

E10.4158

Applying a 4m boundary in the absence of any reliable information is a conservative proxy given existing wave run-up values can exceed this level in some locations.

Provision of Interim Flood Planning Levels

Additional information made available since the first draft Interim Sea Level Rise Adaptation Policy will allow Council to provide flood planning levels at a number of locations. This will remove the requirement for proponents of development at these locations to prepare a study to determine flood planning levels under the new Code.

If however, a proponent wants to prepare their own study to investigate alternative planning levels, this option will still be available under the proposed Code.

Flood Planning Levels for these locations will be determined by addition of the following:

- Existing flood levels (1% flood level)
- 50 year projection for sea level rise
- 500mm residential/300mm commercial freeboard.

The interim Flood Planning Levels will be reviewed upon completion of updated studies such as the Eurobodalla Coastal Zone Management Plan and flood studies that are currently under preparation for Tomaga River, Mummaga Lake, The Duck Pond, Kianga Lake and Wagonga Inlet.

Legal

Council has a duty to consider climate change, particularly in the following areas of planning law, policy and guidelines:

- *NSW Coastal Protection Act 1979*
- In order to benefit from the S733 of the *Local Government Act 1993* (exemption from liability) Councils should '*consider adopting projections that are widely accepted by competent scientific opinion*'.
- In order to benefit from the S733 of the *Local Government Act 1993*, councils must consider the *Guidelines for Preparing Coastal Zone Management Plans 2013* and the *NSW Floodplain Development Manual 2005* respectively
- Councils must meet the minimum requirements of the *Guidelines for Preparing Coastal Zone Management Plans 2013* when preparing a coastal zone management plan
- The *Environmental Planning and Assessment Act, 1979* requires that the New South Wales Coastal Policy be taken into account. The Coastal Policy indicates that:
 - i) actions should be taken to prevent problems for further generations; and
 - ii) a 'risk-adverse' approach should be taken regarding land use planning for sea level rise.

Section 55D (1) of the Coastal Protection Act 1979 directs that "a council is to prepare a draft coastal zone management plan in accordance with the Minister's guidelines. The Minister's

**PSR15/007 EUROBODALLA INTERIM SEA LEVEL RISE ADAPTION POLICY -
AMENDMENTS TO REFLECT NEW PLANNING LEVELS**

E10.4158

adoption of guidelines for the purposes of the Coastal Protection Act 1979 was notified in the Government Gazette on 19 July 2013. This interim Code will be rescinded upon completion of the Eurobodalla Coastal Zone Management Plan which is currently in preparation.

Council and Councillors are exempt from liability under Section 733 (Exemption from liability—flood liable land and land in coastal zone) of the *NSW Local Government Act 1993* for decisions made relating to development of coastal and flood liable lands. To be afforded protection under Section 733, a Council must offer advice in good faith and in accordance with the best available information. If a council does not act in *good faith* and apply the best available information it will likely influence the Council's and councillors' protection ("*will likely limit statutory defences otherwise available to them in any liability claim*").

Community Consultation

Considering the proposed levels and planning response has been publically exhibited and adopted by Council, it is not proposed to further delay the implementation of the improved planning outcomes realized through the *South Coast Regional Sea Level Rise Planning and Policy Response Framework*. Implementing these improvements at the earliest available opportunity will deliver positive outcomes for the local community and proponents of development.

The approach proposed in the Interim Coastal Hazard Adaptation Code has been extensively exhibited and endorsed by Council in adopting the *South Coast Regional Sea Level Rise Planning and Policy Response Framework* on 25 November 2014.

Preparing the *South Coast Regional Sea Level Rise Planning and Policy Response Framework* for adoption involved extensive community consultation that included:

- direct mail out to residents identified as potentially at risk from sea level rise
- six week exhibition period
- availability of report at our libraries, Administration Centre and website
- invitation to community to forward written comments.

It is not considered necessary to delay adoption of the Interim Coastal Hazard Adaptation Code in view of the above consultation that has already occurred.

Policy

Council currently applies the *Interim Sea Level Rise Adaptation Policy - 2010* (Min No: 10/157) in the consideration of coastal and flood related hazard assessment. This policy applies the sea level rise planning benchmarks recommended in the *NSW Sea Level Rise Policy Statement 2010* that was withdrawn by the NSW Government in September 2012.

This report presents an amendment to the existing interim policy that reflects the updated information contained within the *South Coast Regional Sea Level Rise Policy and Planning Framework 2014* proposed under Recommendation (3) and Council's adoption of Sea Level Rise projections derived from the RCP6.0 climate change scenarios in the IPCC Assessment Report 5.

**PSR15/007 EUROBODALLA INTERIM SEA LEVEL RISE ADAPTION POLICY -
AMENDMENTS TO REFLECT NEW PLANNING LEVELS**

E10.4158

The attached draft Interim Coastal Hazard Adaptation Code represents a broader and more flexible approach to assessing coastal hazards and sea level rise. The change of name to Coastal Hazard Adaptation Code has been proposed to recognise the full extent of coastal hazards to be considered for the purposes of strategic planning and development assessments.

CONCLUSION

The Interim Coastal Hazard Adaptation Code is presented in accordance with projections for sea level rise and the planning periods adopted by Council in the *South Coast Regional Sea Level Rise Policy and Planning Framework*.

CODE

Code name	Interim Coastal Hazard Adaptation Code
Responsible manager(s)	Director, Planning and Sustainability Services
Contact officer(s)	Coastal and Flood Management Planner
Directorate	Planning and Sustainability Services
Approval date	February 2014
Community Strategic Plan Objective	Objective 3: Our Community and Environment are in harmony
Delivery Program link	Natural Environment Planning
Operational Plan link	Eurobodalla Coastal Hazard Management Plan (Key Projects 2013–14)

Purpose

Eurobodalla Shire Council, as a coastal local government authority, recognises and manages exposure of our Shire to coastal hazards and the potential impacts of sea level rise. The challenge is to develop long term planning strategies that reduce our exposure to risk while recognising and maintaining the social, economic and environmental value of our built and natural environments including our beaches.

Planning for coastal hazards requires long term management solutions. The current approach to managing the coastline in NSW is the development of comprehensive Coastal Zone Management Plans that draw upon extensive consultation with the local community, Government agencies and experts in the field of identifying and managing coastal hazards. Council is currently working in partnership with the State Government to prepare the Eurobodalla Coastal Zone Management Plan.

This Code initiates the process of providing long term management options for our coastline and provides guidance on how coastal hazards will be considered in the assessment of development applications in Eurobodalla Shire until such time as the Eurobodalla Coastal Zone Management Plan is completed.

This Code will provide a framework that allows Council to make a strategic response to the projected impacts of coastal hazards in the Eurobodalla.

This Code will serve as an interim measure until the full scope of risks and management options associated with coastal hazards have been identified through the preparation of the Eurobodalla Coastal Zone Management Plan. This interim Code aims to:

- Facilitate economic and residential use of the coast and foreshore over the maximum period possible under conditions of sea level rise
- Provide a precautionary risk based approach to managing the impacts of coastal hazards
- Provide strategic options for an adaptive response to coastal hazards

- Identify Investigation Areas in accordance with recommendations contained within the *NSW Coastal Planning Guideline: Adapting To Sea Level Rise*
- Promote appropriate development within Investigation Areas
- Apply coastal hazard planning guidelines for merit based assessment of development applications and
- Provide an interim reference during the development of a comprehensive coastal zone management study and plan in accordance with the process outlined in the NSW Guidelines for Preparing Coastal Zone Management Plans 2013.

Code criteria (relevant considerations for decision-making)

1	<p>Application of this Code</p> <p>This Code applies to the Eurobodalla Shire Council local government area, and all decisions by Eurobodalla Shire Council in relation to lands or relevant matters described in this Code.</p>
2	<p>Lands to which this Code applies</p> <p>For lands where a comprehensive study accepted by Council does not exist, this policy will apply to lands within the coastal zone identified by Council as Investigation Areas. An Investigation Area is an interim guide to indicate land potentially subject to coastline hazards (including sea level rise) or flooding now or in the future, and will be taken as:</p> <ul style="list-style-type: none"> • Lands within 50m landward of a 1% Annual Exceedance Probability (AEP) high tide event (1.435AHD) and/or at an elevation less than or equal to 4m above the Australian Height Datum (AHD) or • Land within the maps attached to Appendix (A) – Eurobodalla Investigation Areas; however it must be noted that not all areas will be identified within the adopted maps.
3	<p>Legislation</p> <p>This Code will be applied with full consideration of the following New South Wales State legislation, Policies and Guidelines:</p> <ul style="list-style-type: none"> • Local Government Act 1993 • Environmental Planning & Assessment Act 1979 • Conveyancing Act 1919 • NSW Coastal Protection Act 1979 • Crown Lands Act 1989 • NSW Coastal Policy 1997 • NSW Estuary Policy • State Environmental Planning Policy 71 – Coastal Protection • NSW Flood Prone Land Policy 2005 • NSW Coastal Design Guidelines 2009 • NSW Coastal Planning Guideline: Adapting to Sea Level Rise 2010

	<ul style="list-style-type: none"> • Flood Risk Management Guide: Incorporating sea level rise benchmarks in flood risk assessment 2010 • Guidelines for Preparing Coastal Zone Management Plans 2013.
4	<p>Planning period</p> <p>All development will be assessed in accordance with the hazard categories outlined in Appendix C of the <i>South Coast Sea Level Rise Planning and Policy Response Framework</i> adopted by Council on 25 November 2014 (M 14/336).</p> <p>As a guide, the following planning periods will apply:</p> <ul style="list-style-type: none"> • A maximum fifty (50) year planning period will be used for all residential development • Commercial development will assessed at a maximum fifty (50) year planning period but may be assessed on merit in accordance with Appendix C of the South Coast Sea Level Rise Planning and Policy Response Framework • Major infrastructure and new land releases will be assessed as Possible Maximum Strategic in accordance with Appendix C of the South Coast Sea Level Rise Planning and Policy Response Framework.

5 Coastal Hazard Planning Areas

Development will be assessed in accordance with the following Coastal Hazard Planning Areas.

Table 1: Coastal Hazard Planning Areas

Coastal Hazard Planning area ³	Time period (yrs)
Current Hazard ⁴	0 -15
Medium Term	15 - 35
Strategic Hazard Planning	35 - 85
Possible Maximum Strategic Hazard	85+

Determination of an appropriate Coastal Hazard Planning area will be determined by the locally adjusted projections for sea level rise derived from RCP6.0 scenarios from the IPCC Assessment Report 5 (AR5) and adopted by Council on 25 November 2014. Sea level rise projections and corresponding planning periods are presented in Table 2 below.

Table 2: Locally Adjusted Sea Level Rise Projections

Year	Locally Adjusted Sea level Rise Projection (cm) ^{1,2}
2015	0.00
2020	0.03
2030	0.10
2040	0.15
2050	0.23
2060	0.30
2070	0.39
2080	0.50
2090	0.61
2100	0.72
2100+	100.00

Notes:

1. These values are a sea level rise relative to the beginning of 2015
2. Based on IPCC AR5 RCP6.0 adopted by Council on 25 November 2014
3. The extent of coastal hazard planning areas will be determined through detailed studies carried out during the preparation of coastal zone and floodplain risk management studies. Until such studies are complete, proponents of development may need to engage a suitably qualified consultant to prepare their own hazard assessment report
4. Current Hazard is taken as any lands currently threatened by a 1% design storm event.

This Code is consistent with the most credible information currently available for

	regional and global sea level rise projections to 2100.
6	<p>Development procedures within investigation areas</p> <p>Any development within an Investigation Area will need to prepare a Statement of Environmental Effects as recommended within the NSW Coastal Planning Guideline: Adapting to Sea Level Rise, 2010.</p> <p>Proponents of development will need to engage a suitably qualified coastal engineer to prepare the Statement of Environmental Effects. Council will assist where able by providing proponents with a suitable flood planning level for those areas identified under Schedule 1 attached to this Code.</p> <p>It is recommended that proponents of development within an Investigation Area have a pre-development application meeting with Council Staff to identify matters for consideration prior to developing detailed plans.</p>
7	<p>Planning levels</p> <p>Planning levels will vary throughout the Shire according to the location of a property in relation to the coast or tidal area. Coastal properties will need to account for total coastal inundation and/or flooding plus sea level rise when determining planning levels.</p> <p>Council can assist by providing a planning level for areas where available information can inform the issuing of appropriate development controls. These areas are identified under Schedule 1 attached to this Code.</p> <p>A proponent of development within an area listed under Schedule (1) may choose to engage a suitably qualified consultant to prepare a report if they wish to investigate alternative planning levels to those provided by Council.</p> <p>For areas not listed under Schedule 1, Planning Levels will be determined by the proponent doing a study that considers the Sea Level Rise projections identified under Section 5.</p> <p>All planning levels will include an additional freeboard above the projected inundation level. The following free board will apply:</p> <ul style="list-style-type: none"> • 500mm residential • 300mm commercial <p>Notwithstanding the provision of a floor level, it will be the responsibility of the proponent to demonstrate a suitable adaptation response for those areas identified as potentially at risk from coastal hazards through the presentation of a report prepared by a suitably qualified consultant.</p>
8	<p>Application of this Code</p> <p>Implementing this interim Code will ensure Council considers and incorporates projected sea level rise into:</p> <ul style="list-style-type: none"> • assessment and management of flood risk and coastal hazards • determining development applications • determining location and design life of essential assets and infrastructure • land use planning strategies to minimise the risk of coastal hazards on new and

	<p>existing developments</p> <ul style="list-style-type: none"> • planning and design of mitigation works to manage coastal hazards • management of natural assets such as coastal and estuarine habitats, lake entrances, beaches and dunes.
9	<p>Adaptation Options</p> <p>Adaptation refers to actions that will reduce, manage or eliminate the risk from coastal hazards. Adaptation options can generally be summarised into three categories:</p> <ol style="list-style-type: none"> 1. Avoidance 2. Mitigation 3. Planned Retreat. <p>Avoidance is the preferable option but it is limited to sites where hazard free areas are available. Application of this option would simply require placing new structures outside areas at risk from existing and projected future risk from coastal and flood related hazards.</p> <p>Mitigation includes a range of design, built or engineered responses such as raising floor levels or engineered coastal protection works like rock walls. It can also include other works such as sand nourishment which pumps or transports sand to sites at risk from coastal hazards.</p> <p>Planned retreat involves the design and construction of buildings that can be easily removed following the risk from coastal hazards reaching a certain “trigger point”. Trigger points are linked to events such as beach erosion reaching a critical point or tidal inundation reaching a property on a regular basis. Planned retreat allows development to occur and the land to be utilised for as long a period as possible in view of the potential future exposure to hazards. Planned retreat is an affordable pathway to achieving development approval that avoids unnecessary sterilisation of the land or expensive mitigation works.</p>
10.1	<p>Mitigation - Engineered Coastal Protection Works</p> <p>The owners of existing or proposed private developments identified as at risk from coastal hazards may seek to investigate engineered coastal protection works. Property owners investigating this option need to consider:</p> <ul style="list-style-type: none"> • Any works on private lands will be subject to approval under the Environmental Planning & Assessment Act 1979 • works will need to comply with the NSW Coastal Policy 1997 and the NSW Coastal Protection Act 1979 • protection works must not be carried out or impact on public lands or public access without appropriate approval and permits • Engineered coastal protections works on private lands will be at the property owner’s expense • property owners must maintain the structure to an appropriate engineering standard for the life of the asset • Council will not accept any costs or responsibility for the construction, maintenance or renewal of private coastal protection works.

	<p>Works to protect private property from coastal hazards and sea level rise will only be considered if the owner can demonstrate compliance with State policy and legislation and that the development will not adversely affect:</p> <ul style="list-style-type: none"> • coastal processes and significant ecosystems • adjoining properties • the local built and natural environment • amenity and values of adjoining beaches and foreshores and • immediate and long-term public access to beaches and foreshores. <p>Until a Coastal Zone Management Plan is adopted, Council will not have delegated authority under the NSW Coastal Protection Act 1979 to assess coastal protection works. All such applications must be forwarded to the NSW Coastal Panel for assessment.</p>
10.2	<p>Planned Retreat</p> <p>In response to the use by the proponent of retreat as a mitigation measure, Council may apply a condition of consent to give effect to the proposal.</p> <p>Planned retreat will implement a staged removal of permanent development at sites as the risk from coastal hazards increase over time under conditions expected with sea level rise. New developments within the coastal zone will be assessed on merit with proponents needing to identify that the development:</p> <ul style="list-style-type: none"> • will not create any risk to the community within the specified building life • will manage risk from any coastal hazard, including sea level rise within specified building life • will not necessitate property protection and/or mitigation works within specified building life • will not create significant adverse economic, social or environmental cost to the community or • can be relocated or removed at no cost to the community upon reaching a pre-determined trigger set as a measure of vulnerability to coastal hazards. <p>A section 88b instrument (positive covenant) may be required to be created, at full cost of proponent, to make any prospective purchaser aware of any pre-determined coastal hazard triggers outlined in a Coastline Management Study or Plan or other information provided in support of a proposed development, and confirming any actions required to be undertaken when such trigger is reached.</p>
11.0	<p>Generic Planning Controls</p> <p>Development will be assessed in accordance with Appendix A: Sea Level Rise Planning Framework. A general outline of planning constraints for each hazard area is outlined below.</p>
11.1	<p>Current Hazards (0-15 years)</p> <p>a) no new residential, commercial or industrial development.</p>

11.2	<p>Medium Term (15-35 years)</p> <ul style="list-style-type: none"> a) no new sub-divisions b) no net increase of residential densities c) Proponents will need to provide a report from a suitably qualified coastal engineer and structural engineer to support any claims for development d) Time-limited development such as tourist camping and cabin accommodation considered on merit e) Time-limited residential development such as modular and/or relocatable homes (moveable dwellings) considered on merit f) Proponents must demonstrate retreat strategy for site through appropriate building design, methods for removal of buildings and infrastructure, site remediation and commitment to meeting costs g) Council will not meet the costs for implementing any retreat plans for private developments h) Maintenance of existing buildings will be permitted in accordance with the definitions outlined in Appendix (A).
11.3	<p>Strategic Hazard (35-85 years)</p> <ul style="list-style-type: none"> a) infill, new residential and commercial development assessed on merit b) Proponents will need to provide a report from a suitably qualified coastal engineer and structural engineer to support any claims for development c) Proponents must demonstrate retreat strategy for site through appropriate building design, methods for removal of buildings and infrastructure, site remediation and commitment to meeting costs d) Maintenance of existing buildings will be permitted in accordance with the definitions outlined in Appendix (A) e) Renovation of existing buildings will be permitted in accordance with the definitions outlined in Appendix (A).
11.4	<p>Possible Maximum Strategic Hazard (85 years +)</p> <ul style="list-style-type: none"> a) standard building codes apply b) any development allowable within applicable zoning outlined in the planning controls.
12.0	<p>Areas of Critical Utility</p> <p>The following areas will be assessed on merit due to protection from coastal erosion by current mitigation measures:</p> <ul style="list-style-type: none"> • The areas of Beach Road, Batemans Bay identified in Map (1) and • The areas in Map (2) identified as “The Flat” within the Narooma Structure Plan. <p>Clause 11.2(c) will apply to any development proposals provided Exemption under this Clause. Alternatively, a proponent may choose to accept the Flood Planning levels provided by Council listed on Schedule 1.</p>

13.0	<p>Special Circumstances</p> <p>Special consideration will be extended to development of infrastructure associated with Surf Life Saving and other recognised emergency service providers. This is consistent with Goal 2 of the NSW Coastal Policy that allows development seaward of public set back lines for the purpose of facilities associated with Surf Life Saving.</p> <p>Clause 11.2(c) will apply to any development proposals granted Special Circumstances consideration under this Clause.</p>
14.0	<p>Review Period and Life of Interim Code</p> <p>This Interim Code will be replaced at the completion of the Eurobodalla Coastal Zone Management Plan. This plan is currently being prepared as a priority with financial and technical assistance provided by the State Government.</p> <p>Council will review the inclusion of a site within an Investigation Area where:</p> <ul style="list-style-type: none"> • Site specific studies have been prepared by a proponent in accordance with this Code • The study demonstrates a site is not at risk within the relevant defined planning period and • The study has been accepted by Council under Environmental Planning and Assessment Act 1979. <p>Planning levels for sea level rise will be reviewed with each statement of advice from the NSW Government. Subsequent updates will be considered with each report from the Intergovernmental Panel on Climate Change or the CSIRO. This will ensure that advice from Council is offered in good faith and based on the most recent and credible information therefore meeting Council's obligations under Section 733 of the Local Government Act 1993. The IPCC Assessment Reports are generally released every 5 – 7 years.</p>

Map (1): Areas of Critical Community Utility – Batemans Bay





Map (2): Areas of Critical Community Utility - Narooma Flat

Related external references

Department	Publication
NSW Office of Environment and Heritage, 2013	Guidelines for Preparing Coastal Zone Management Plans. ISBN 978-1-74359-054-6.
Department of Environment, Climate Change & Water NSW, 2010	<i>Coastal Risk Management Guide: Incorporating sea level rise benchmarks in coastal risk assessment.</i> ISBN 978 1 74232 466 1.
Department of Environment, Climate Change & Water NSW, 2010	<i>Flood Risk Management Guide: Incorporating sea level rise benchmarks in flood risk assessment.</i> ISBN 978 1 74232 467 8.
Department of Planning, 2010	<i>NSW Coastal Planning Guideline – Adapting To Sea Level Rise.</i>
Department of Infrastructure, Planning & Natural Resources, 2005	<i>NSW Floodplain Development Manual – the management of flood liable land.</i> ISBN 0 7347 5476 0.

Supporting documents

Definitions

Word/Term	Definition
Annual Exceedance Probability (AEP)	is the chance of a storm of a given or larger size occurring in any one year. The AEP is usually expressed as a percentage. For example, an AEP of 1% means there is a 1% chance (1 in 100) that a storm of that size or larger will occur in any one year.
Australian Height Datum (AHD)	according to Geoscience Australia, heights above mean sea level (MSL) are referenced to the Australian Height Datum (AHD).
Cliff Top Development	is development on top of a high face of rock.
Coastline Hazards	are those identified in the manual relating to the management of the coastline for the purpose of Section 733 of the Local Government Act 1993 and include beach erosion, shoreline recession, coastal entrance behaviour, sand drift, coastal inundation, slope and cliff instability, storm water erosion and climate change.
Coastal Processes	are those identified in the manual relating to the management of the coastline for the purpose of Section 733 of the Local Government Act 1993 and include wave climate, longshore sediment transport, onshore/offshore sediment transport, vegetation, sand drift, tidal prism, storm water flows and water quality.
Immediate hazard line	is the line identified on a Coastal Risk Planning Map which represents the estimated extent of beach erosion from a design storm event (as outlined in the Coastal Risk Management Guide: Incorporating sea level rise benchmarks in coastal risk assessment, 2010).
Maintenance of existing buildings	can include replacing worn out, defective, rotten, corroded or damaged materials within a building with the same or similar materials. Maintenance does not include replacing one type of material for another (e.g. clad timber frame with brick); changing the floor area or layout of a building; or changing the roof shape, pitch or height.
Renovation of existing buildings	will include creating additional floor space up to an area of 30 square metres. A one-off extension up to 30m ² may be done at the same floor level of the existing building and must not include replacing one type of material for another (e.g. clad timber frame with brick) unless the materials are of a lighter weight construction than original building (e.g. clad timber frame/timber floor renovation of existing masonry building).

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	27 July 2010	Council	10/157	E10.4158	Policy commenced, Refer report O10/31 - Council meeting 27 July 2010
2	24 Sept 2013	Council	13/301	E10.4158	Reviewed policy boundary mapping; updated formatting and; removed references to rescinded State policy.

Internal use

Responsible officer		Director, Planning & Sustainability Services		Approved by	Council
Min no	13/301	Report no	13/301	Effective date	27 July 2013
File No	E10.4158	Review date	Sep 2016	Pages	91

Schedule (1) – Availability of Interim Flood Planning Levels

Area
Maloneys Beach
Long Beach
Cullendulla Beach
Surfside
Wharf Road
Central Business District
Beach Road
Corrigans Beach
Joes Creek
Caseys Beach
Short Beach Creek
Reedy Creek
Tomaga River
Congo Creek
Coila Lake
Mummaga Lake
Kianga
Wagonga Inlet

Notes:

- Flood Planning Levels will vary within each location in accordance with proximity to a waterway or exposure to wave run-up
- Proponents will need to contact Council for the relevant flood planning level
- Provision of a flood planning level applies to inundation hazards
- Proponents of development may need to engage a suitably qualified consultant to identify potential risk from coastal erosion at the following locations.
 1. Long Beach (Bay Road and Sandy Place)
 2. Surfside (beach front homes on Timbara Crescent and Myamba Pde)

**IR15/006 TENDER SOURCE SELECTION FOR THE SURF BEACH LANDFILL
FACILITY CRAWLER LOADER**

E00.4650

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential Attachment

Strategic Objective: Sustainable

Delivery Program Link: S5.1 Provide and renew waste infrastructure

Operational Plan Link: S5.1.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

The purpose of this report is to seek Council resolution as to the selection of the preferred tenderer for the supply of a crawler loader (traxcavator) to be operated at the Surf Beach Waste Facility.

RECOMMENDATION

THAT Council endorse the selection of the preferred tenderer listed in the Confidential Attachment to this report.

BACKGROUND

A requirement exists for a heavy duty loader capability at the Surf Beach Waste Facility to provide enhanced compaction of waste and achieve significant savings in terms of cost and landfill space.

A specification was developed to attract offers for a heavy duty crawler loader, suitable for meeting the operational requirements and resultant savings outlined by Council's Waste Division.

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2015/ISD007 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 on 29 Sep 2014 and closed on 22 Oct 2014. The tender was advertising on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal (www.tenderlink.com/eurobodalla).

Upon release of the RFT a Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Board (TEB). Declarations of Confidentiality and Interest Forms were completed and signed by the TEB.

A total of three submissions were received in response to the RFT and were evaluated in accordance with the TEP. Two offers (as listed in the Confidential Attachment) were assessed as compliant with all of the tender requirements and were therefore shortlisted. The preferred tenderer as listed in the Confidential Attachment was assessed to represent Best Value for Money based on being the lowest priced compliant offer with more favorable support provisions and equivalent warranty coverage.

**IR15/006 TENDER SOURCE SELECTION FOR THE SURF BEACH LANDFILL
FACILITY CRAWLER LOADER**

E00.4650

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.

Environmental

Optimum compliance with current emissions standards, along with suitable noise limits formed part of the technical specification. Both shortlisted tenders complied with these specified requirements.

Financial

Expenditure for the Plant item discussed within this report is approved within the Fleet budget for 2014/15.

CONCLUSION

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

The preferred tender as identified in Appendix A is recommended.

IR15/007 FORMATION OF COMMITTEE - CORRIGANS BEACH RESERVE ACCESSIBLE PLAYGROUND SUNSET ADVISORY COMMITTEE	E98.2461; E15.9130
----------------------------------------------------------------------------------------------------------------------	-------------------------------

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Corrigans Beach Reserve Accessible Playground Sunset
Advisory Committee - Draft Terms of Reference

Strategic Objective: Liveable

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

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

EXECUTIVE SUMMARY

This report seeks Council's concurrence to the formation of a Sunset Advisory Committee for Corrigans Beach Reserve playground design.

Council at its meeting held on 9 December 2014 moved the following motion (Minute No 14/363):

THAT as a matter of urgency, Council form a working group consisting of Councillors, staff and appropriate people from the voluntary group working on the Corrigans Beach playground, to meet with the Chief Executive and representatives of the Variety Club during January 2015 with a view to progressing the vision for Corrigans Reserve and the playground.

RECOMMENDATION

THAT:

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

BACKGROUND

A local community group, the Bay Push, has been established to advocate for an accessible playground on Corrigans Beach Reserve.

To date they have raised about \$20,000 working through the Variety Club to secure a new liberty swing for the playground.

IR15/007 FORMATION OF COMMITTEE - CORRIGANS BEACH RESERVE ACCESSIBLE PLAYGROUND SUNSET ADVISORY COMMITTEE	E98.2461; E15.9130
----------------------------------------------------------------------------------------------------------------------	-------------------------------

Council also allocated and has completed a \$75,000 upgrade to provide new fencing of the playground in line with the proposed actions in the Disability Action Plan.

These works are now completed, with the opening taking place in late 2014.

Since that time, the community has worked with Council and the local member, the Hon Andrew Constance MP, has announced two grants from the NSW Government including:

1. \$100,000 under the Community Building Partnership Program; and
2. \$300,000 under NSW Club Grants Program

This reflects the outcomes achieved to date through the strong partnership with the community who are driving this project.

These funds can be utilized to engage specialist designers in accessible playground to work with Council's in-house team to develop plans for the playground.

Council has also flagged an additional \$100,000 under the Special Rate Variation proposed to assist with this project. This funding will be determined when Council adopts its budget in June 2015 after receipt of advice from IPART.

Corrigans Beach Reserve is Crown land under the care and control of Council. Council will liaise as necessary with Crown lands throughout the project. The proposed accessible playground is in keeping with the existing Corrigans Beach Reserve Plan of Management.

CONSIDERATIONS

Corrigans Beach Reserve is a high profile site in close proximity to the Batehaven commercial precinct and accommodation. The site is used by multiple users.

It is therefore essential that the development of the playground on this reserve be undertaken in close consultation with the community.

It is appropriate that Council form an advisory committee to oversight the consultation process and design of the playground in the context of the reserve, to ensure adequate and inclusive consideration of community views.

The Bay Push has provided a significant drive for this project and greatly assisted with successful funding approaches to the NSW Government. They have sought active inclusion on any advisory committee established and this is supported.

Terms of Reference

The key role of the advisory committee would be to oversight the consultation process and design of the accessible playground for Corrigans Beach Reserve, including broader community consultation on the draft plans. This approach has worked well on other significant community projects such as the sale of the old Tuross Hall and Narooma Streetscape projects.

The draft terms of reference is attached for the information of Council.

Formation of an Advisory Committee

It is proposed that the Corrigans Beach Reserve Accessible Playground Sunset Advisory Committee consist of the following representatives:

IR15/007	FORMATION OF COMMITTEE - CORRIGANS BEACH RESERVE ACCESSIBLE PLAYGROUND SUNSET ADVISORY COMMITTEE	E98.2461; E15.9130
-----------------	-------------------------------------------------------------------------------------------------------------	-------------------------------

- two Councillors – one to be the Chair of the meeting; and
- three community members, one being a representative of the Bay Push

The two remaining community members would be sought by advertising for expressions of interest to participate on the advisory committee. The nominations would be considered by the Councillor representatives on the advisory committee and reported back to Council for final determination.

Council officers will support the advisory committee via the Infrastructure Services team, who are charged with the design and delivery of the project, supported by the Community, Arts and Recreation Services team.

CONCLUSION

The formation of the Corrigans Beach Reserve Accessible Playground Sunset Advisory Committee will allow effective consultation and input into the detailed design of the proposed accessible playground at Corrigans Beach Reserve.

Community membership should include a representative of the Bay Push and two other community members sought via public expression of interest. Council shall determine the final membership of the advisory committee.

FBD15/013 INVESTMENTS MADE AS AT 30 NOVEMBER 2014

E99.3517

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

Attachments: Nil

Strategic Objective: Support Services

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

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

EXECUTIVE SUMMARY

The purposes of this report are:

- To certify the Council's investments in financial instruments have been made in accordance with the legal and policy requirements.
- Provide information on and details of investments.
- Raise other matters relevant to investing as required.

RECOMMENDATION

THAT the certification that the investments as at 30 November 2014 have been made in accordance with the Act, the Regulations and Council's investment policies, in accordance with the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

Legal

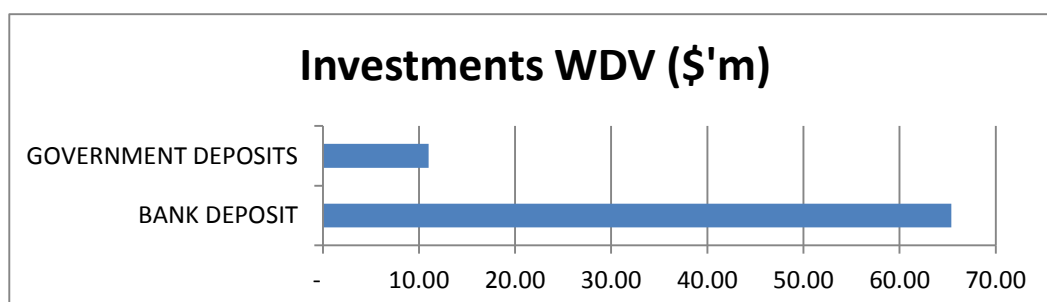
Actual investment legal costs for the financial years 2008-2014 are \$0.37M. Budgeted legal fees are \$0.03M for 2014-2015 with only minor net expenditure incurred year to date.

Policy

Investments comply with Council policy with the exception of government guaranteed deposits which are 2.62% under the 20% required by the investment policy. There has been a further reduction in these deposits due to the Territory Insurance Office being sold. Information has been received that all deposits with the Territory Insurance Office will need to be redeemed no later than the 23 December 2014. Investigation is currently being undertaken to purchase government bonds to facilitate the policy requirements.

Financial

Council Investing Overall



FBD15/013 INVESTMENTS MADE AS AT 30 NOVEMBER 2014

E99.3517

Type	Bank Deposits	Government Deposits	Grand Total
Investments WDV (\$'m)	65.38	11.00	76.38
WDV %	85.59	14.41	100.00

Council has 100% (\$76.38M) invested in bank deposits or Northern Territory government guaranteed term deposits. Bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$5.75M with IMB (Rated BBB+), \$6.75M with ING Bank (Rated A-) and \$5.75M with the Bank of Queensland (Rated A-)). Investment in Government Guaranteed Deposits is \$13.25M and represents 17.38% of the portfolio which is below the 20% required in the policy.

The weighted average return for all investments for the month is 3.42% which is above the Council policy benchmark of Bank Bill Swap rate ("BBSW") + 0.25% (3.00%).

Collateralised Debt Obligation ("CDO")

A Proof of Claim has been lodged on behalf of Council in respect of the scheme of arrangement (Scheme) between Lehman Brothers Australia Limited (in liquidation) and its Scheme Creditors. This matter will now proceed to finalisation which was expected before the year end, however is now likely to be the New Year. Legal action against the Commonwealth Bank is proceeding and any developments will be advised when information is received.

Summary Investment Information

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

CATEGORY	WDV (\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	3,132,746
Term Deposits	60,000,000
Term Deposits Government Guaranteed	13,000,000
	\$76,382,746
<i>Weighted Average Interest %:</i>	<i>3.42%</i>
<i>Average 90 day BBSW + 25%:</i>	<i>3.00%</i>

Policy and Liquidity Risk

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

FBD15/013 INVESTMENTS MADE AS AT 30 NOVEMBER 2014

E99.3517

Policy Risk	Low Liquidity Risk %	Medium Liquidity Risk %	High Liquidity Risk %	Total % WDV
Remote Risk	17.38	0.00	0.00	17.38
<i>Policy Limit</i>	<i>100.00</i>	<i>70.00</i>	<i>50.00</i>	
Near Risk Free	58.74	0.00	0.00	58.74
<i>Policy Limit</i>	<i>80.00</i>	<i>50.00</i>	<i>30.00</i>	
Some Limited Risk	23.88	0.00	0.00	23.88
<i>Policy Limit</i>	<i>30.00</i>	<i>20.00</i>	<i>10.00</i>	
At Risk	0.00	0.00	0.00	0.00
<i>Policy Limit</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	
Grand Total:	100.00	0.00	0.00	100.00

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Department of Local Government suggests 1.5:1 and the audited unrestricted current ratio as at the 30 June 2014 is 2.85:1. Council is therefore expected to have approximately \$2.85 of current assets for each \$1 of current liabilities.

CONCLUSION

Certification

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

FBD15/014 INVESTMENTS MADE AS AT 31 DECEMBER 2014

E99.3517

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

Attachments: Nil

Strategic Objective: Support Services

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

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

EXECUTIVE SUMMARY

The purposes of this report are:

- To certify the Council's investments in financial instruments have been made in accordance with the legal and policy requirements.
- Provide information on and details of investments.
- Raise other matters relevant to investing as required.

RECOMMENDATION

THAT the certification that the investments as at 31 December 2014 have been made in accordance with the Act, the Regulations and Council's investment policies, in accordance with the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

Legal

Actual investment legal costs for the financial years 2008-2014 are \$0.37M. Budgeted legal fees are \$0.03M for 2014-2015 with only minor net expenditure incurred year to date.

Policy

Investments comply with Council policy with the exception of government guaranteed deposits which are under the 20% required by the investment policy. The Territory Insurance Office has now been sold and all deposits have been redeemed. These investments were government guaranteed and it has been decided to table a report to the next audit committee meeting, outlining options and recommend amendments to bring it in line with the current economic environment and other councils. The investments will not comply with the investment policy until after that meeting in February 2015.

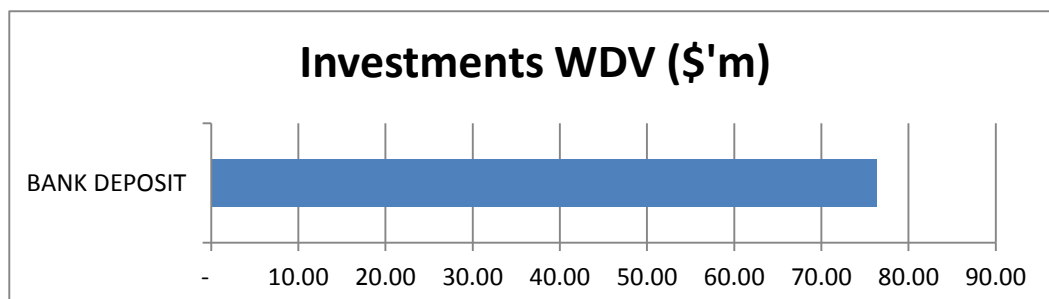
Investments in the Bank of Queensland and ING Bank are over the policy limit by 0.15% and will also be subject to discussion at the audit committee meeting in February 2015.

FBD15/014 INVESTMENTS MADE AS AT 31 DECEMBER 2014

E99.3517

Financial

Council Investing Overall



Type	Bank Deposits	Government Deposits	Grand Total
Investments WDV (\$'m)	76.39	0.00	76.39
WDV %	100.00	0.00	100.00

Council has 100% (\$76.39M) invested in bank deposits. Bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$6.75M with IMB (Rated BBB+), \$7.75M with ING Bank (Rated A-) and \$7.75M with the Bank of Queensland (Rated A-)). Investment in Government Guaranteed Deposits is \$2.00M and represents 2.64% of the portfolio which is below the 20% required in the policy.

The weighted average return for all investments for the month is 3.47% which is above the Council policy benchmark of Bank Bill Swap rate ("BBSW") + 0.25% (3.00%).

Collateralised Debt Obligation ("CDO")

A Proof of Claim has been lodged on behalf of Council in respect of the scheme of arrangement (Scheme) between Lehman Brothers Australia Limited (in liquidation) and its Scheme Creditors. This matter will now proceed to finalisation and is now likely to be around March 2015. Legal action against the Commonwealth Bank is proceeding and any developments will be advised when information is received.

FBD15/014 INVESTMENTS MADE AS AT 31 DECEMBER 2014

E99.3517

Summary Investment Information

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

CATEGORY	WDV (\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	4,144,298
Term Deposits	70,250,000
Term Deposits Government Guaranteed	1,750,000
	\$76,394,298
<i>Weighted Average Interest %:</i>	<i>3.47%</i>
<i>Average 90 day BBSW + 25%:</i>	<i>3.00%</i>

Policy and Liquidity Risk

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

Policy Risk	Low Liquidity Risk %	Medium Liquidity Risk %	High Liquidity Risk %	Total % WDV
Remote Risk	2.64	0.00	0.00	2.64
<i>Policy Limit</i>	<i>100.00</i>	<i>70.00</i>	<i>50.00</i>	
Near Risk Free	68.22	0.00	0.00	68.22
<i>Policy Limit</i>	<i>80.00</i>	<i>50.00</i>	<i>30.00</i>	
Some Limited Risk	29.14	0.00	0.00	29.14
<i>Policy Limit</i>	<i>30.00</i>	<i>20.00</i>	<i>10.00</i>	
At Risk	0.00	0.00	0.00	0.00
<i>Policy Limit</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	
Grand Total:	100.00	0.00	0.00	100.00

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Department of Local Government suggests 1.5:1 and the audited unrestricted current ratio as at the 30 June 2014 is 2.85:1. Council is therefore expected to have approximately \$2.85 of current assets for each \$1 of current liabilities.

FBD15/014 INVESTMENTS MADE AS AT 31 DECEMBER 2014

E99.3517

CONCLUSION

Certification

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

FBD15/015 INVESTMENTS MADE AS AT 31 JANUARY 2015

E99.3517

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

Attachments: Nil

Strategic Objective: Support Services

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

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

EXECUTIVE SUMMARY

The purposes of this report are:

- To certify the Council's investments in financial instruments have been made in accordance with the legal and policy requirements.
- Provide information on and details of investments.
- Raise other matters relevant to investing as required.

RECOMMENDATION

THAT the certification that the investments as at 31 January 2015 have been made in accordance with the Act, the Regulations and Council's investment policies, in accordance with the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

Legal

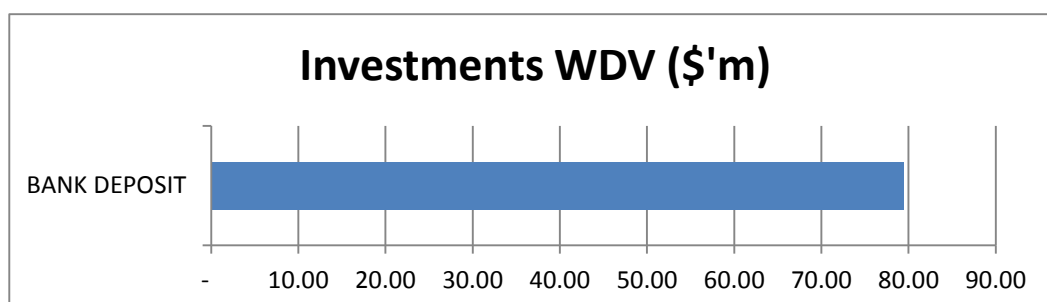
Actual investment legal costs for the financial years 2008-2014 are \$0.37M. Budgeted legal fees are \$0.03M for 2014-2015 with only minor net expenditure incurred year to date.

Policy

Investments comply with Council policy with the exception of government guaranteed deposits which are under the 20% required by the investment policy. The Territory Insurance Office has now been sold and all deposits have been redeemed. These investments were government guaranteed. A report is being prepared for the audit committee outlining options and recommended amendments to bring it in line with the current economic environment, and other councils.

Financial

Council Investing Overall



FBD15/015 INVESTMENTS MADE AS AT 31 JANUARY 2015

E99.3517

Type	Bank Deposits	Government Deposits	Grand Total
Investments WDV (\$'m)	79.41	0.00	79.41
WDV %	100.00	0.00	100.00

Council has 100% (\$79.41M) invested in bank deposits. Bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$6.75M with IMB (Rated BBB+), \$7.75M with ING Bank (Rated A-) and \$7.75M with the Bank of Queensland (Rated A-)). Investment in Government Guaranteed Deposits is \$2.00M and represents 2.48% of the portfolio which is below the 20% requirement of the current policy.

The weighted average return for all investments for the month is 3.46% which is above the Council policy benchmark of Bank Bill Swap rate ("BBSW") + 0.25% (2.95%).

Collateralised Debt Obligation ("CDO")

A Proof of Claim has been lodged on behalf of Council in respect of the scheme of arrangement (Scheme) between Lehman Brothers Australia Limited (in liquidation) and its Scheme Creditors. This matter will now proceed to finalisation and is now likely to be around March 2015. Legal action against the Commonwealth Bank is proceeding and any developments will be advised when information is received.

Summary Investment Information

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

CATEGORY	WDV (\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	4,156,055
Term Deposits	73,250,000
Term Deposits Government Guaranteed	1,750,000
	\$79,406,055
<i>Weighted Average Interest %:</i>	<i>3.46%</i>
<i>Average 90 day BBSW + 25%:</i>	<i>2.95%</i>

Policy and Liquidity Risk

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

FBD15/015 INVESTMENTS MADE AS AT 31 JANUARY 2015

E99.3517

Policy Risk	Low Liquidity Risk %	Medium Liquidity Risk %	High Liquidity Risk %	Total % WDV
Remote Risk	2.48	0.00	0.00	2.48
<i>Policy Limit</i>	<i>100.00</i>	<i>70.00</i>	<i>50.00</i>	
Near Risk Free	69.50	0.00	0.00	69.50
<i>Policy Limit</i>	<i>80.00</i>	<i>50.00</i>	<i>30.00</i>	
Some Limited Risk	28.02	0.00	0.00	28.02
<i>Policy Limit</i>	<i>30.00</i>	<i>20.00</i>	<i>10.00</i>	
At Risk	0.00	0.00	0.00	0.00
<i>Policy Limit</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	
Grand Total:	100.00	0.00	0.00	100.00

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Department of Local Government suggests 1.5:1 and the audited unrestricted current ratio as at the 30 June 2014 is 2.85:1. Council is therefore expected to have approximately \$2.85 of current assets for each \$1 of current liabilities.

CONCLUSION

Certification

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

FBD15/016 BUDGET REVIEW FOR THE PERIOD ENDED 31 DECEMBER 2014

E05.9535

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

Attachments: Under Separate Cover

Strategic Objective: Support Services

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

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

EXECUTIVE SUMMARY

This Budget Review reports on Council's performance against the current Operational Plan for the quarter ending 31 December 2014. Variations from its original budget are highlighted.

The original budgets for 2014-15 are an Income Statement deficit of (\$0.2M) and positive cash/fund flows of \$0.3M. The revised budgets for the quarter ending 31 December 2014 are an Income Statement surplus of \$1.6M and a deficit in cash/fund flows of \$(1.7M).

The 2014-15 budget is impacted by the deferral of projects from the current year to future capital programs. Net funds of \$0.3M are being deferred from 2014-15, including \$0.8M of loan funded works on Candalagan Bridge and \$1.0M for the Rosedale/Guerilla Bay sewerage works with \$0.7M associated grant funding.

Favourable adjustments are recommended to the 2014-15 original budget estimates. The main items include adjustments to anticipated interest on investments, additional grants and contributions, revised interest on actual borrowings and the receipt of a risk management incentive bonus. The main offsetting unfavourable adjustments result from expenditure associated with the additional grants and contributions received.

There are no material concerns at this quarterly review about meeting Council's budget targets for 2014-15.

It is recommended to receive and note the budget review for the quarter ended 31 December 2014.

RECOMMENDATION

THAT:

1. The budget review report for the quarter ended 31 December 2014 be received and noted.
2. The favourable variations of \$2.3M this review for the Operating Statement and favourable variations of \$0.1M as per the Consolidated Fund Flow Statement be adopted.
3. Council considers it is substantially compliant with best practice pricing and proposes to transfer a dividend from the Sewer Fund of up to \$0.53M based upon 2013-14 results, subject to an audit of compliance with Best Practice Guidelines and approval from the NSW Office of Water.

FBD15/016 BUDGET REVIEW FOR THE PERIOD ENDED 31 DECEMBER 2014

E05.9535

BACKGROUND

The Council reviews its performance and financial results against the adopted Operational Plan quarterly, authorized adjustments to budget items and highlights variations from its original budget strategy.

It should be noted that the financial results referred to in this report are unaudited.

The attachments to this report are as follows:

Financial reports (Attachment 1)

These reports provide information at a consolidated level on Council's performance against its financial objectives contained in the Operation Plan.

Financial reports include:

- a) Consolidated Fund Flow Statement – This report shows the impact of operational, financial and investing activities on working capital (unrestricted).
- b) Consolidated Income Statement – Provides sources of income and expenditure, including depreciation, in the program areas and associated services.
- c) Consolidated Capital Program Statement – Provides capital expenditure information for each program area and associated services.
- d) Projected Funds Balance Statement – Provides information on the balances and movements in both unrestricted and restricted fund accounts.
- e) Budget Amendment Report – Provides details of all proposed significant adjustments to budgets.

Consultancy, Legals and Contractors Report (Attachment 2)

Provides information on major contracts entered into, legal fees and consultancy costs for the quarter ended 31 December 2014.

Key Financial Indicators (Attachment 3)

Provides information about key financial indicators designed to assist in monitoring Council's financial sustainability.

Mayoral and Councillor Expenses (Attachment 4)

Provides information about Mayoral and Councillor expenditure for the quarter ended 31 December 2014

CONSIDERATIONS

Consolidated Fund Flow Statement (Attachment 1(a)):

The revised budgeted movement of unrestricted funds this quarter is favourable by \$0.1M. This partially offsets the unfavourable movements in the previous quarter. The revised unrestricted fund flow is \$(1.68M).

Net favourable income adjustments after capital revenue total \$2.3M. These are largely attributable to the receipt of grants, contributions and investment revenues, partially offset by expenditure relating to the grants and contributions and other minor adjustments in Council's

FBD15/016 BUDGET REVIEW FOR THE PERIOD ENDED 31 DECEMBER 2014

E05.9535

operation program. A net reduction of \$1.3M in restricted fund utilization is largely due to capital projects being amended or deferred from the current capital program. This is further detailed in the *Capital Program Statement (Attachment 1(c))*. The full projected fund flow balances are represented by the *Projected Funds Balances Statement (Attachment 1(d))*.

Consolidated Income Statement (Attachment 1(b)):

The revised budgeted deficit before capital revenue has been reduced by \$0.8M this quarter to \$(3.4M). Budget amendments that make up these improvements are detailed in the *Budget Amendment Report (Attachment 1(e))*.

Main points to note include:

Income is \$3.6M favourable due to increased revenues relating to user fees and charges \$0.2M, investment revenues \$0.35M, operating grants and contributions \$1.5M and capital revenues of \$1.6M.

Adjustments to the 2014-15 original income and expense budgets are recommended for the following items;

Favourable

- Increase tipping and landfill revenues
- Recognition of interest on audited cash balances
- Grants income, mainly relating to Rural Fire Service (RFS) activities, Community Wellbeing, Environment, Roads, Bridges and other minor projects
- Capital contributions for works to Roads, Bridges and RFS projects
- Increased Developer Contributions relating to Sections 64 and 94
- Reductions to insurance premiums and the receipt of rebates relating to good performance and risk management
- Amendments to modelled interest payable on loans to reflect the current loan portfolio.

Partially offset by the flowing unfavourable items

- Works relating to the grants and contributions received
- Legal actions largely relating to development actions
- Other minor expenses.

Consolidated Capital Program Statement (Attachment 1(c)).

Capital expenditure is net \$1M favourable. This is largely due to the deferral of \$1.8M of works relating to the Candlagan bridge refurbishment and the sewerage of Rosedale/Guerilla Bay. Unfavourable additional capital works relate to \$0.5M of Roads and Maritime Services (RMS) funded traffic facility and lighting works at various sites, including North/Perry Street Batemans Bay, the children's crossing at Church Street Moruya and the pedestrian refuge at Tomakin. Murray Street Moruya is being raised with \$0.3M funding from the Minister for the

FBD15/016 BUDGET REVIEW FOR THE PERIOD ENDED 31 DECEMBER 2014

E05.9535

Environment. RFS funded capital works are planned at Nerrigundah, Belowra, the Eurobodalla Fire Control Complex and Runnyford.

Whilst the deferral of some capital expenditure from this year to next is quite substantial, it must be noted that much of these works were grant or loan funded and these funding sources will be allocated together with these expenditure budgets. These deferred projects are being included in the operational plan for 2015-16 which is currently being finalized.

Detailed budget amendments are presented in the Budget Amendments Report (Attachment 1 (e)).

Based upon 2013-14 audited results in the Sewer Fund, and subject to a satisfactory compliance of best practice audit and approval from the NSW Office of Water, Council will be in a position to transfer a dividend of \$0.53M from the Sewer Fund.

Council's 2014-15 borrowing program will be completed in the final quarter and will be based upon the revised projected capital spend as per the results of the March Quarterly Budget Review.

Legal

This review is based on the Quarterly Budget Review Statement Guidelines issued December 2010 pursuant to the provisions of the Local Government Act 1993 relating to integrated planning.

Policy

The accounting policies being used are based on the financial statements for the year ended 30 June 2014. The 2013-14 financial statements have been audited and are available on Council's website.

"Variations" in the Fund Flow Statement are changes in funding requirements where 'funds' are net current assets (working capital) excluding both internal and externally restricted funds.

Financial Environmental

Interest rates continue to remain at low levels.

Staff

Council is currently in the process of some minor restructuring and positional reviews and any potential salary savings will be known once this process is complete. No savings linked to this restructure have been processed in this review.

Financial

The 2014-15 borrowing program will be completed in the final quarter with the borrowing amount to be based on the revised projected capital spend as at that time.

CONCLUSION

There are no material concerns at this quarterly review about meeting budget targets for 2014-15.

FBD15/017 INVESTMENTS MADE AS AT 31 DECEMBER 2014

E99.3517

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

Attachments: Nil

Strategic Objective: Support Services

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

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

EXECUTIVE SUMMARY

The purposes of this report are:

- To certify the Council's investments in financial instruments have been made in accordance with the legal and policy requirements.
- Provide information on and details of investments.
- Raise other matters relevant to investing as required.

RECOMMENDATION

THAT the certification that the investments as at 31 December 2014 have been made in accordance with the Act, the Regulations and Council's investment policies, in accordance with the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

Legal

Actual investment legal costs for the financial years 2008-2014 are \$0.37M. Budgeted legal fees are \$0.03M for 2014-2015 with only minor net expenditure incurred year to date.

Policy

Investments comply with Council policy with the exception of government guaranteed deposits which are under the 20% required by the investment policy. The Territory Insurance Office has now been sold and all deposits have been redeemed. These investments were government guaranteed and it has been decided to table a report to the next audit committee meeting, outlining options and recommend amendments to bring it in line with the current economic environment and other councils. The investments will not comply with the investment policy until after that meeting in February 2015.

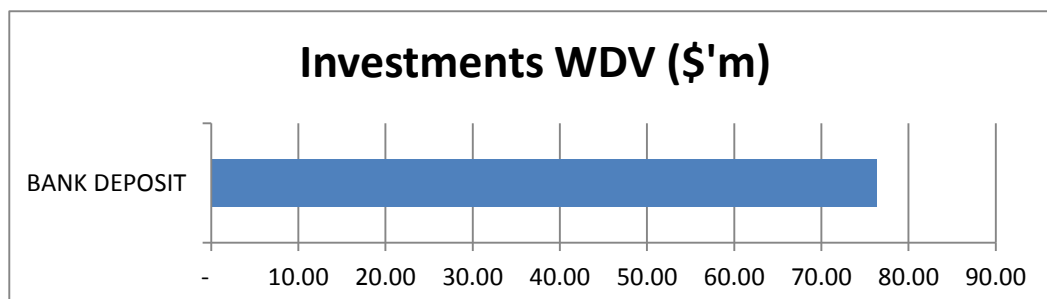
Investments in the Bank of Queensland and ING Bank are over the policy limit by 0.15% and will also be subject to discussion at the audit committee meeting in February 2015.

FBD15/017 INVESTMENTS MADE AS AT 31 DECEMBER 2014

E99.3517

Financial

Council Investing Overall



Type	Bank Deposits	Government Deposits	Grand Total
Investments WDV (\$'m)	76.39	0.00	76.39
WDV %	100.00	0.00	100.00

Council has 100% (\$76.39M) invested in bank deposits. Bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$6.75M with IMB (Rated BBB+), \$7.75M with ING Bank (Rated A-) and \$7.75M with the Bank of Queensland (Rated A-)). Investment in Government Guaranteed Deposits is \$2.00M and represents 2.64% of the portfolio which is below the 20% required in the policy.

The weighted average return for all investments for the month is 3.47% which is above the Council policy benchmark of Bank Bill Swap rate ("BBSW") + 0.25% (3.00%).

Collateralised Debt Obligation ("CDO")

A Proof of Claim has been lodged on behalf of Council in respect of the scheme of arrangement (Scheme) between Lehman Brothers Australia Limited (in liquidation) and its Scheme Creditors. This matter will now proceed to finalisation and is now likely to be around March 2015. Legal action against the Commonwealth Bank is proceeding and any developments will be advised when information is received.

FBD15/017 INVESTMENTS MADE AS AT 31 DECEMBER 2014

E99.3517

Summary Investment Information

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

CATEGORY	WDV (\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	4,144,298
Term Deposits	70,250,000
Term Deposits Government Guaranteed	1,750,000
	\$76,394,298
<i>Weighted Average Interest %:</i>	<i>3.47%</i>
<i>Average 90 day BBSW + 25%:</i>	<i>3.00%</i>

Policy and Liquidity Risk

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

Policy Risk	Low Liquidity Risk %	Medium Liquidity Risk %	High Liquidity Risk %	Total % WDV
Remote Risk	2.64	0.00	0.00	2.64
<i>Policy Limit</i>	<i>100.00</i>	<i>70.00</i>	<i>50.00</i>	
Near Risk Free	68.22	0.00	0.00	68.22
<i>Policy Limit</i>	<i>80.00</i>	<i>50.00</i>	<i>30.00</i>	
Some Limited Risk	29.14	0.00	0.00	29.14
<i>Policy Limit</i>	<i>30.00</i>	<i>20.00</i>	<i>10.00</i>	
At Risk	0.00	0.00	0.00	0.00
<i>Policy Limit</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	
Grand Total:	100.00	0.00	0.00	100.00

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Department of Local Government suggests 1.5:1 and the audited unrestricted current ratio as at the 30 June 2014 is 2.85:1. Council is therefore expected to have approximately \$2.85 of current assets for each \$1 of current liabilities.

FBD15/017 INVESTMENTS MADE AS AT 31 DECEMBER 2014

E99.3517

CONCLUSION

Certification

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

**FBD15/018 EASEMENTS FOR MULTI-PURPOSE ELECTRICAL
INSTALLATION - NAROOMA**

87.6170.D;12.6320.D

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

EXECUTIVE SUMMARY

Part of the Narooma Streetscaping project involved the undergrounding of electricity which required a new substation to replace the existing one. Essential Energy's policy now requires easements to be dedicated over all new electrical installations. Accordingly Council will have to acquire an easement from two parcels of land within Crown Reserve R63051. This will require Council as Trust Manager for the Eurobodalla (South) Reserve Trust to give consent to the acquisition and for the Minister administering the Crown Lands Act to give consent to the compulsory acquisition of the easements.

RECOMMENDATION

THAT:

1. Council as Trust Manager for the Eurobodalla (South) Reserve Trust consent to the acquisition of easements for multi-purpose electrical installations within Lot 7011 DP 1055108 and Lot 916 DP 823230 being part of Crown Reserve R63051, Narooma.
2. Application be made to the Minister for Local Government and the Governor to acquire an easement for multi-purpose electrical installation within Lot 7011 DP 1055108 and Lot 916 DP 823230 by compulsory process in accordance with Council's power under Section 187(1) of the Local Government Act 1993 and in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
3. If consent is granted to acquire an easement for multi-purpose electrical installations within part Lot 7011 DP 1055108 and Part Lot 916 DP 823230 all necessary action be taken to finalise the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

BACKGROUND

Part of the Narooma Streetscaping project involved the undergrounding of electricity. This required the upgrading of the existing aerial substation to a ground mounted substation. The site of the substation is located within part of two lots, (Lot 7011 DP1055108 and Lot 916 DP823230) in Crown Reserve R63051.

**FBD15/018 EASEMENTS FOR MULTI-PURPOSE ELECTRICAL
INSTALLATION - NAROOMA**

87.6170.D;12.6320.D

CONSIDERATIONS

In accordance with Essential Energy's policy, easements covering the site of the new substation are required to be dedicated in favour of Essential Energy. A plan showing the site of the required easements is below.



Legal

Crown Reserve R63051 is under the trusteeship of the Eurobodalla (South) Reserve Trust for which Council is Trust Manager.

To comply with Essential Energy's requirements it will be necessary for Council to acquire easements for multi-purpose electrical installations. Such acquisition will require the consent of Council as Trust Manager.

As the easements are over Crown Land it will be necessary to acquire them by compulsory process with agreement from the Minister administering the Crown Lands Act 1989.

Following consent from the Minister administering the Crown Lands Act, an application is made to the Minister for Local Government and the Governor for approval to compulsorily acquire the easements.

Financial

The compulsory acquisition, once approved by the Minister for Local Government and the Governor, will be made in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

In accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, Council will be responsible for payment of compensation determined by the Valuer General

**FBD15/018 EASEMENTS FOR MULTI-PURPOSE ELECTRICAL
INSTALLATION - NAROOMA**

87.6170.D;12.6320.D

together with all reasonable costs associated with the acquisition including survey and legal fees.

Based on previous acquisitions of easements, sufficient funds are available within existing budgets.

CONCLUSION

The acquisition of an easement for multi-purpose electrical installations is required to satisfy Essential Energy's policy of dedicating easements over electrical infrastructure. Acquisition by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act will be required.

FBD15/019 SALE OF COUNCIL LAND

E01.5076

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

Attachments: 1. Confidential Attachment - Sale of Council Land

Strategic Objective: Support Services

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

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

EXECUTIVE SUMMARY

Council has a number of properties identified surplus to needs. Many of the properties were identified during the preparation of the Recreation and Open Space Strategy (Adopted in August 2010). As a result some 37 of community land including those identified in the Recreation and Open Space Strategy were reclassified as operational land with the adoption of the 2012 LEP. In accordance with Council's Property Strategy (Adopted in October 2014) it is appropriate for these properties to be sold.

The net revenue from the sale of properties identified in the Recreation and Open Space Strategy is proposed to be reinvested in recreation and open space facilities. This will be of significant social benefit for the Shire's residents and visitors.

The net revenue from the sale of other properties will be placed in Council's Land Investment Fund for future land/business investment/improvement in accordance with Council's Property Strategy.

RECOMMENDATION

THAT:

1. The General Manager be given delegated authority to negotiate the sale of the following properties for amounts not less than 10% below market value determined by a registered valuer:
 - (a) Lot 38 DP 7188667, Train Street, Broulee;
 - (b) Lot 1 DP 240467, Station Street, Central Tilba;
 - (c) Lot 1 DP 1151341, Goolara Avenue, Dalmeny;
 - (d) Lot 21 DP 825840, Chisholm Place, Narooma; and
2. Notification be made in the Government Gazette dedicating the following properties as public road:
 - (a) Lot 3 DP 631315;
 - (b) Lot 102 DP 710162; and
 - (c) Land shown as "*Public Garden and Recreation Space*" in DP 26279.
3. The General Manager be given delegated authority to negotiate the sale of the following properties or interests in properties for amounts not less than fair sale value

FBD15/019 SALE OF COUNCIL LAND

E01.5076

determined by a registered valuer:

- (a) Easement for access within Lot 2 DP 514468 in favour of Lot 12 DP 803051;
 - (b) Part Lot 386 DP 248840 to the registered proprietor of adjoining Lot 1 DP 1036103 subject to consolidation of the two parcels;
 - (c) Lot 17 DP 264212 to the registered proprietor of Lot 16 DP 264212 subject to consolidation of the two parcels with dedication of a splay for road widening;
 - (d) Part Lot 18 DP 264212 to the registered proprietors of Lot 1 DP 264212 subject to consolidation of the two parcels;
 - (e) Part Lot 36 DP 264448 to either the registered proprietors Lot 35 DP 264448 or Lot 83 DP 747852 subject to consolidation of the two parcels;
 - (f) Part Lot 1 DP 363010 to the registered proprietor of Lot 1 DP 505968 following the dedication of Part Lot 1 DP 363010 for road widening and subject to consolidation of the two parcels;
 - (g) Lot 9 DP 776904 to either the registered proprietor of Lot 1120 DP 218665 or Lot 8 DP 776904 or half Lot 9 to both.
4. All actions necessary be taken to enable the sales listed in 3. Above including the lodgement of development applications for subdivision.
5. Development applications be made for the subdivision of the following properties:
- (a) Lot 388 DP 248840 – (2 lots);
 - (b) Lot 102 DP 1170964 - (2 lots);
 - (c) Lot 58 DP 739830- (2 lots);
 - (d) Lot 66 DP 261646- (2 lots plus public reserve);
 - (e) Lot 13 DP 785266 – (up to 3 lots);
 - (f) Lot 127 DP 1068529 – (2 lots with possible boundary adjustments);
 - (g) Lot 14 DP 701609 – (1 lot plus public reserve);
 - (h) Lot 246 DP 569875 – (up to 4 lots plus public reserve);
 - (i) Lot 11 DP 771497 – (2 lots with dedication of pathway);
 - (j) Lot 11 DP809702 – (2 lots plus public reserve);
 - (k) Lot 51 DP 771497 – (2 lots);
 - (l) Lot 173 DP262910 – (up to 4 lots plus public reserve);
 - (m) Lot 9 DP 774356 – (2 lots with dedication of pathway); and
 - (n) Lot 14 DP 303365 and Lot 3 DP 622389 – (2 lots plus dedication of public road).
6. If development consent is granted for the proposed subdivisions in 5. above all action

FBD15/019 SALE OF COUNCIL LAND

E01.5076

necessary be taken to enact the consents.

7. The General Manager be given delegated authority to negotiate the sale of subdivided properties in 5. above for amounts not less than 10% below market value determined by a registered valuer.
8. Subject to there being no objections from the community or statutory authorities, application be made to the Crown Lands Division of the Department of Trade and Industries to close the following Council roads:
 - (a) Part of Tuross Boulevarde in exchange for the dedication of part of Lot 277 DP 218664 for public road;
 - (b) Part of Kianga Commercial Lane in exchange for the dedication of part of Lot 431 DP 31234 6 metres wide for public road.
9. The parts of Council Road in 8. above, if closed, be consolidated with the respective adjoining Council owned lands following dedication of the respective parts for public road and the General Manager be given delegated authority to sell the consolidated lots for amounts not less than 10% below market value determined by a registered valuer.
10. Consent be given to affix the Common Seal of Council to the plans of subdivision of the following Lots:
 - (a) Lot 386 DP 248840;
 - (b) Lot 17 DP 264212;
 - (c) Lot 18 DP 264212;
 - (d) Lot 36 DP 264448;
 - (e) Lot 1 DP 363010;
 - (f) Lot 9 DP 776904;
 - (g) Lot 388 DP 248840;
 - (h) Lot 102 DP 1170964;
 - (i) Lot 58 DP 739830;
 - (j) Lot 66 DP 261646;
 - (k) Lot 13 DP 785266;
 - (l) Lot 127 DP 1068529;
 - (m) Lot 14 DP 701609;
 - (n) Lot 246 DP 569875;
 - (o) Lot 11 DP 771497;

FBD15/019 SALE OF COUNCIL LAND

E01.5076

- (p) Lot 11 DP809702;
 - (q) Lot 51 DP 771497;
 - (r) Lot 173 DP262910
 - (s) Lot 9 DP 774356;
 - (t) Lot 14 DP 303365 and Lot 3 DP 622389;
 - (u) Lot 277 DP 218664; and
 - (v) Lot 431 DP 31234
11. Consent be given to affix the Common Seal of Council to the plans of consolidation of the following properties:
- (a) Part Lot 277 DP 218664 and closed road;
 - (b) Lots 17, 18 and part Lot 431 DP 31234 and closed road.
12. Consent be given to affix the Common Seal of Council to the Transfer of the following properties:
- (a) Lot 38 DP 7188667;
 - (b) Lot 1 DP 240467;
 - (c) Lot 1 DP 1151341;
 - (d) Lot 21 DP 825840;
 - (e) Part Lot 386 DP 248840;
 - (f) Part Lot 17 DP 264212;
 - (g) Part Lot 18 DP 264212;
 - (h) Part Lot 36 DP 264448;
 - (i) Part Lot 1 DP 363010;
 - (j) Lot 9 DP 776904;
 - (k) Part Lot 388 DP 248840;
 - (l) Part Lot 102 DP 1170964;
 - (m) Part Lot 58 DP 739830;
 - (n) Part Lot 66 DP 261646;
 - (o) Lot 13 DP 785266;
 - (p) Lot 127 DP 1068529;
 - (q) Part Lot 14 DP 701609;
 - (r) Part Lot 246 DP 569875;
 - (s) Part Lot 11 DP 771497;
 - (t) Part Lot 11 DP809702;

FBD15/019 SALE OF COUNCIL LAND

E01.5076

- (u) Lot 51 DP 771497;
 - (v) Part Lot 173 DP262910
 - (w) Part Lot 9 DP 774356;
 - (x) Part Lot 14 DP 303365 and Lot 3 DP 622389;
 - (y) Part Lot 277 DP 218664 and closed road;
 - (z) Lots 17, 18 and part Lot 431 DP 31234 and closed road.
13. Net proceeds from the sale of the properties identified in the Recreation and Open Space Strategy listed by restricted for expenditure on recreational facilities and the net proceeds from the sale of the other properties listed by placed in Council's Land Investment Fund.

BACKGROUND

Council has a number of properties identified as being surplus to needs. In accordance with Council's Property Strategy it is appropriate for these properties to be sold. Many of the properties were identified during the preparation of the Recreation and Open Space Strategy. As a result some 37 parcels of community land including those identified in the Recreation and Open Space Strategy were reclassified as operational land with the adoption of the 2012 LEP.

CONSIDERATIONS

Not all of the parcels identified are included in this report as some require further investigation into the timing and/or development before disposal and will be the subject of a further report.

Whilst some parcels will be able to be marketed immediately, others will require subdivision to provide for pathways, be subdivided into multiple lots or multiple lots with a public reserve residue which will be reclassified back to community land. Two properties involve the opening and closing of Council roads. Other land is required to be dedicated as public road.

Legal

The properties proposed to be sold are classified as operational land and as such there is no impediment to their sale. Of the 26 parcels proposed to be sold, 17 were identified in the Recreation and Open Space strategy.

Application to close Council roads will require an application to be made to the Crown Lands Division of the Department of Trade and Investment.

Properties proposed to be subdivided will require the lodgement of development applications.

Land to be dedicated as public road will be require a notice published in the Government Gazette.

Policy

All actions in respect of the sale of these properties should be in accordance with Council's Land Acquisition and Disposal Policy.

FBD15/019 SALE OF COUNCIL LAND

E01.5076

Given the size and location of some properties, it will be appropriate to have direct dealings with the adjoining landowners. These dealings would be in accordance with Council's Land Acquisition and Disposal Policy.

Asset

The subject properties deemed surplus to needs and the proposed actions for disposal are set out in the Confidential Attachment to this report.

Social Impact

The use of the proceeds of the sale of those properties identified in the Recreation and Open Space Strategy will have significant social benefit with the improvement and provision of recreational facilities.

Communication / Consultation

In accordance with the requirements of the Crown Lands Division of the Department of Trade and Industries, the proposal to close roads will be publicly notified (local newspapers and the Council website) together with notification given to adjoining owners and statutory authorities.

The submission period will be 28 days.

Financial

In accordance with Council's Land Acquisition and Disposal Policy all sales should be no less than 10% below market value determined by a registered valuer.

The costs to prepare those properties not able to be immediately sold, i.e. those requiring subdivision etc. will be met with the proceeds of sales.

The Recreation and Open Space Strategy 2010 identifies that funds raised from the sale of surplus community lands in the strategy would be used for improving recreation facilities. At its meeting held on 23 September 2014 Council endorsed the proposed list of recreation projects set out in the Priority Infrastructure List attached to the Proposed Special Rate Variation Application report.

The net revenue from the sale of other properties will be placed in Council's Land Investment Fund for future land/business investment/improvement in accordance with Council's Property Strategy.

CONCLUSION

The properties identified as being surplus to needs should be sold in accordance with Council's Land Acquisition and Disposal Policy.

CAR15/001 DEPARTMENT OF SOCIAL SERVICES FUNDING FOR CHILDREN'S SERVICES

E15.9106

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

Attachments: Nil

Strategic Objective: Liveable

Delivery Program Link: L1.4 Undertake advocacy activities to improve collaboration, health, service availability, development and funding

Operational Plan Link: L1.4.2 Advocate for improved service delivery and increased levels of funding

EXECUTIVE SUMMARY

Council's agreement is sought to accept a grant from the Federal Department of Social Services' (DSS) Families and Children Programme for Children and Parenting Support Services funding for \$800,000 over five years for the *Participating in Early Teaching and Support* (PETALS) project. The project aims to provide supported playgroups across the shire, improving early childhood development and supporting the capacity of those in a parenting role.

RECOMMENDATION

THAT Council endorse the use of the Mayor's executive powers under Section 226 of the Local Government Act to:

1. Approve the acceptance of \$800,000 offer from the Department of Social Services for the PETALS project;
2. Affix the Common Seal of Council to the DSS Funding Agreement; and
3. Sign the DSS Funding Agreement.

BACKGROUND

Council has coordinated a range of State and Commonwealth funded Children's Educational Services, including Nationally Accredited Family Day Care and After School and Vacation Care, for families with children 0-12 years for 25 years.

PETALS is an early intervention and prevention project. It has been designed to complement and value-add services already provided. The project will provide additional service to local families, with a focus on hard-to-reach families with pre-school aged children. The program focuses on addressing the need for improved school readiness and supporting parental capacity.

The level of socio-economic disadvantage in the area where children live is known to influence children's development. Of the nine primary schools, four high schools and one K-12 college in the shire, six schools participate in the National Partnerships for Low Socio-Economic Status School Communities, and Literacy and Numeracy.

CAR15/001 DEPARTMENT OF SOCIAL SERVICES FUNDING FOR CHILDREN'S SERVICES

E15.9106

Participation in quality early childhood education/care is associated with better child outcomes for school readiness with evidence that demonstrates long term effects that include engagement and successful outcomes throughout school years even as far as years 11 and 12.

The Australian Early Development Census (AEDC) is a national measure of child development. It measures five key areas or domains when a child starts school. The domains are: physical health and wellbeing; social competence; emotional maturity; language and cognitive skills; communication skills and general knowledge.

The 2012 results for Eurobodalla revealed that 21.2% per cent of children in their first year of school were developmentally vulnerable on one or more domains, a figure higher than the NSW (19.9 %) results. PETALS has been designed to address these issues and support a positive transition to the school environment.

CONSIDERATIONS

The project recognises the role of parents as their child's first teacher and seeks to deliver fortnightly supported playgroups across seven locations in the shire from Batemans Bay to Wallaga Lake. The focus will be on building parent competency and confidence to engage in children's play and learning experiences, to promote school readiness and reduce developmental vulnerability across key domains in the early years.

Social Impact

All Eurobodalla families with children under school age will be eligible to attend. The supported playgroups will seek to help families connect with existing services, child development expertise and online resources to develop positive community connections.

The project coordinator will seek active engagement with local Elders, mothers, fathers and grandparents to incorporate 'hands-on' approaches and discussions to build confidence through the provision of learning opportunities at every session. There will be a focus on innovation to initiate and maintain contact with hard-to-reach families and individual child assessments to determine programming requirements.

Improving home learning experiences and increasing knowledge and pathways to pre-school options for local children and families will result in positive long term social outcomes that include higher levels of readiness for school curriculums, and school engagement and retention in the longer term.

Economic Development Employment Potential

The project will provide two part time positions for five years and a new stream of volunteer opportunity to provide support for the playgroups.

Local goods and services will be sourced wherever possible to maximize the benefit of external funding in our community.

There may also be flow on career path options for parents or volunteers developing skills in child development, particularly the consideration of establishing Family Day Care home-based businesses.

**CAR15/001 DEPARTMENT OF SOCIAL SERVICES FUNDING FOR CHILDREN'S
SERVICES**

E15.9106

Communication / Consultation

We will inform the community through providing information on Council's website; Online News; Living in Eurobodalla resident's newsletter; posting on Council's Facebook and Twitter; distributing print brochures, and distributing media releases.

As the project commences, programming and outcomes will be determined by consulting with the user groups, reviewing current research and best practice evidence and undertaking individual child assessments at supported playgroups. The project will also seek to work collaboratively with the Batemans Bay, Moruya and Narooma libraries to improve community knowledge of improved early parenting, and early childhood development practice. Supporting information will be available online.

Financial

The PETALS project is fully funded, requiring statements each year to report on expenditure with an independent audited report at the cessation of the project.

No funding from Council is required.

CONCLUSION

The funding application was successful in a highly competitive process being one of 5500 submissions reviewed across 26 funding areas.

The DSS funding will provide support for Eurobodalla families to build their confidence and skills as the child's first teacher; to better manage children's transition from home to early childhood education and school; to strengthen and promote local children's services networks and support inclusion of the diverse needs of the local community.

School readiness is essential for long term school and occupational achievement. The PETALS project will ultimately contribute to a more positive outcome for the participating families.

**CAR15/002 NEW COMMUNITY CARE RECURRENT FUNDING FOR SUPPORTED
ACCOMMODATION SERVICE IN GUY ST, BATEMANS BAY.**

L.0332

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

Attachments: Nil

Strategic Objective: Liveable

Delivery Program Link: L2.2 Provide case management and accommodation support

Operational Plan Link: L2.2.2 Provide supported accommodation including drop in and 24 hour support

EXECUTIVE SUMMARY

NSW Department of Family and Community Services, Ageing Disability and Home Care (ADHC) has requested Council's Community Care Services establish a new group home facility in Guy Street, Batemans Bay. The villa-model complex will accommodate five people, including one designated Leaving Care Placement. Council is requested to accept recurrent funds of \$703,467 and one-off set up funds of \$58,341 provided by ADHC for this purpose.

RECOMMENDATION

THAT Council endorse the use of the Mayor's executive powers under Section 226 of the Local Government Act to

1. Approve acceptance of recurrent funding of \$703,467 and one-off set up funds of \$58,341 to provide supported accommodation services at Guy Street, Batemans Bay.
2. Affix the Common Seal of Council to the Deed of Licence.
3. Sign the two Funding Agreement Major Change Forms and the Deed of License from NSW Department of Family and Community Services, Ageing Disability and Home Care (ADHC).

BACKGROUND

Council's Community Care Services have been funded by ADHC for more than 18 years to provide a 24hr Group Home supported accommodation service for 5 people with disability in Murray Street, Moruya. Additional ADHC funding is now available to establish and run a similar facility in Guy Street, Batemans Bay.

The villa-model complex will accommodate five people with disability, including one designated Leaving Care Placement. This will be one of the last establishments funded by ADHC for this purpose prior to the NDIS implementation in NSW from 2018. The new facility will improve the provision of disability services and infrastructure in the shire.

ADHC advised Community Care last year that they were intending to provide these funds to Council by way of a direct allocation and requested an Expression of Interest (EOI) be completed based on the advised funding. This EOI was duly accepted by ADHC and advice provided regarding the proposed timeframe for building, and process for the selection of residents.

**CAR15/002 NEW COMMUNITY CARE RECURRENT FUNDING FOR SUPPORTED
ACCOMMODATION SERVICE IN GUY ST, BATEMANS BAY.**

L.0332

CONSIDERATIONS

The buildings are still being completed at the time of finalising this report and the keys are expected to be handed over in February/March 2015. De-identified client profiles have been received for two of the five residents proposed and transitional arrangements will be made to ensure their move in to the facility goes smoothly with adequate supports in place.

The establishment of a second Group Home will enable some economies of scale and it is anticipated that a Coordinator position will be contracted to work across both facilities. Community Care's current client management system will be utilised to facilitate rosters and proven existing systems can be replicated in the new facility.

Asset

The group home facility in Guy Street will not be a Council asset. It will be owned by the Minister for Family and Community Services. As such Council will not be liable for the depreciation of the complex. A Deed of License details Council's responsibility as tenants.

A suitable vehicle will be purchased with one-off funds provided and used by accommodation staff to support residents with their transport needs.

Social Impact

Five new supported accommodation places will be available for people with disability who require 24hr support. The vacancy process is managed by ADHC, who make the final decision about resident occupation based on relative need. However, Community Care will be consulted about the proposed matches of clients.

Economic Development Employment Potential

Approximately 6 new staff positions will be required to facilitate support and it is anticipated that a proportion of these may be found within existing temporary/casual staff.

Local goods and services will be sourced wherever possible to maximize the benefit of external funding in our community.

Communication / Consultation

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

Staff

An EOI has been advised to Council Permanent Part Time (PPT) and Casual staff for the provision of direct support to residents during the transition period from home/care to the new facility.

Further casual staffing will be obtained as necessary for the remainder of the 2014-2015 financial year, with a view to establishing permanent positions for the commencement of the 2015-2016 financial year.

**CAR15/002 NEW COMMUNITY CARE RECURRENT FUNDING FOR SUPPORTED
ACCOMMODATION SERVICE IN GUY ST, BATEMANS BAY.**

L.0332

Financial

Recurrent funding of \$703,467 will be provided by ADHC to facilitate the service. Duration of funding is subject to ADHC, which ceases to be an entity within the NSW Government when the NDIS is implemented in 2018. Ongoing funding will then be provided to each resident as part of their individually funded package.

One-off set up funds of \$58,341 will be used to provide staff with necessary office equipment and sleep over accommodation furnishings, plus a suitable vehicle.

No funding from Council is required.

CONCLUSION

Council's Community Care has been given a direct allocation of recurrent funding of \$703,467 and one-off set up funds of \$58,341 to facilitate the establishment of a new group home for people with disability in Guy Street, Batemans Bay. This is a substantial allocation of funding during a period of significant change and reform within the disability sector and as such reflects the positive regard that ADHC has for Community Care's ongoing track record for quality service provision. The new facility will improve the provision of disability services and infrastructure in the shire.

In order for the funds to be accepted Council, two copies of the Funding Agreement Major Change Form and the Deed of License must be endorsed and returned to NSW Department of Family and Community Services, Ageing Disability and Home Care (ADHC).

CAR15/003 YOUTH OPPORTUNITIES GRANT

**E12.6543,
E86.3721**

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

Attachments: Nil

Strategic Objective: Liveable

Delivery Program Link: L1.2 Plan for and provide opportunities, services and activities for youth

Operational Plan Link: L1.2.2 Coordinate Youth Committee and associated projects

EXECUTIVE SUMMARY

Council's agreement is sought to accept a \$30,000 Youth Opportunities Program grant from the NSW Department of Education and Communities to support the presentation of the 2015 NSW Youth Council Conference.

RECOMMENDATION

THAT Council endorse the use of the Mayor's executive powers under Section 226 of the Local Government Act to:

1. Approve and accept the one-off \$30,000 funding from NSW Department of Education and Communities (DEC) to support the presentation of the 2015 NSW Youth Council Conference; and
2. Sign the DEC funding agreement.

BACKGROUND

Four Eurobodalla Youth Council representatives attended the 2013 Youth Council Conference in Dubbo in October 2013 where a bid and presentation for Eurobodalla to host the 2015 Youth Council Conference was delivered and accepted.

Youth Councils are committees made up of young people from across Local Government Areas, who provide a voice on youth issues back to their council. The Youth Council Conference takes place every two years and brings together approximately 100 representatives from Youth Councils from across NSW to discuss and workshop youth related issues and challenges and develop their leadership skills.

The Eurobodalla Shire Council's Youth Committee will work on this project, together with the Council's Youth Service staff to present the conference in October 2015.

CONSIDERATIONS

Social Impact

The conference theme is to build the capacity of young people to activate change in their own community. The aim is that conference delegates will leave the conference with: some insight into how other young people have activated change in their community; a framework for how they can initiate a project within their own community; increased knowledge about what resources are available to them to support their enthusiasm.

CAR15/003 YOUTH OPPORTUNITIES GRANT

**E12.6543,
E86.3721**

Information is expected to be provided to delegates about managing their own health: mental health, sexual health, and physical health. In particular the Council's Youth Committee wish to source information on creating safe spaces for young people, how to increase drug awareness and education and how to help young people develop an 'I can do it' attitude. Importantly, they also wish to showcase the Shire and local youth talents.

Economic Development Employment Potential

The conference will provide the opportunity for the delegates to participate in a range of recreation/cultural and tourism activities. The conference will be held at Murramarang Resort with the schedule also including an evening visit to Mogo Zoo, and the use of local services and businesses for workshops.

Communication / Consultation

We will inform the community through providing information on Council's website; Online News; 'Living in' Eurobodalla residents newsletter; posting on Council's Facebook and Twitter; distributing a print brochure and program information across 150 LGA areas in NSW; advertising on Council's noticeboard page in two local newspapers; and distributing a media releases.

We have involved the community in the development of the conference by seeking advice, ideas, and recommendations from Council's Youth Committee, schools feedback and working with local business to support the activity in terms of sponsorship, venues and activities for delegates.

Financial

The conference will be funded by the grant, fundraising, donations/sponsorship and delegate contributions.

CONCLUSION

The conference provides a great opportunity for leadership and skill development for a range of local and NSW young people with recognition of the Eurobodalla Shire Council as a leader in youth development and a preferred destination over other LGA areas. The grant will enable the Council to provide a high quality experience for delegates.

19. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

RECOMMENDATION

THAT pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

CON15/003 Lease of Holiday Park Narooma

Item CON15/003 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

CON15/004 Foreign Investment Proposal

Item CON15/004 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and (di) of the Local Government Act because it contains and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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