



AGENDA

Ordinary Meeting of Council

23 February 2016

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

ON TUESDAY 23 FEBRUARY 2016

COMMENCING AT 10.00AM

AGENDA

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

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

NOM16/002 TRAFFIC FLOW THROUGHOUT EUROBODALLA DURING HOLIDAY SEASON

E00.4623

Responsible Officer: Rob Pollock - Councillor

Attachments: Nil

Councillor Rob Pollock has given notice that at the Ordinary Meeting of Council on 23 February 2016, he will move the following motion.

MOTION

THAT Eurobodalla Shire Council convene a meeting between NSW Roads and Maritime Services, NSW Police and all other relevant agencies, with a view to improving traffic flow throughout the Eurobodalla during peak holiday seasons.

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E12.6443

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Presentation by Araluen Resident

Focus Area: Collaborative Communities

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

This report provides an update on the NSW Government's Fit for the Future program launched in September 2014; and consideration of the Palerang Shire's communities of Araluen and Neringla's concerns with the Minister's merger proposals for their townships.

On 18 December 2015 the NSW Premier and Minister for Local Government unveiled the NSW Government's proposed boundary adjustments and merger proposals for 65 NSW councils. Under the proposal, 35 new councils will be created, reducing the existing 152 NSW councils to 112. No merger or boundary adjustments were proposed by the NSW Government for Eurobodalla Shire.

This followed the Independent Pricing and Regulatory Tribunal's (IPART) assessment of Eurobodalla Shire as 'fit' as released by the NSW Government on 20 October 2015.

To be assessed as 'fit', councils had to submit a Council Improvement Proposal and demonstrate they had sufficient scale and capacity and were financially sustainable. Eurobodalla Council was assessed as meeting the benchmarks for scale and capacity and satisfied overall the financial criteria (Sustainability, Infrastructure and Service Management, and Efficiency).

Eurobodalla's Improvement Proposal ensures that scale and capacity is retained, sustainability is strengthened, value for money is delivered and community benefits maximised. It is a comprehensive document that articulates a sustainable future for Eurobodalla and aligns with Council's Integrated Planning and Reporting documents. It was endorsed by Council on 23 June 2015.

IPART's assessment supported the initial Independent Local Government Review Panel's (ILGRP) recommendation for Eurobodalla Shire to 'stand-alone' and participate in the South East Joint Organisation (JO).

Council supported IPART's assessment as 'fit' and to be an active member of the South East JO. Council held discussions with Palerang, Cooma-Monaro, Bega Valley, Shoalhaven and Queanbeyan councils regarding possible mergers or boundary adjustments. No council supported or formally endorsed any proposal for merger or boundary changes that involved Eurobodalla Shire. At its meeting on [10 November 2015](#), Council resolved:

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‘THAT Council:

- 1. Receive and note IPART’s assessment of Eurobodalla as ‘Fit’.*
- 2. Respond to the NSW Government on IPART’s findings by 18 November 2015, noting that Eurobodalla’s four neighbouring councils of Bega, Shoalhaven, Cooma-Monaro and Palerang do not support any merger or boundary adjustment with Eurobodalla Shire Council.*
- 3. Include in its response to the NSW Government that Eurobodalla Council is willing to explore potential opportunities should they arise.’*

In January 2016 the NSW Government’s proposals were referred to the Chief Executive of the Office of Local Government (OLG), who has in turn delegated responsibility for their assessment to 18 Delegates who will report their findings. Individual Delegates have invited submissions and held public inquiries into the proposals for which they have responsibility during February and will prepare their respective reports for comment by the independent Boundaries Commission.

The Minister for Local Government has indicated that he will consider the information that is provided and announce his determination before the end of June, with the intention that the new councils will commence operating on 1 July 2016.

In the Minister’s merger proposals released in December 2015, Palerang Council is split between Goulburn Mulwaree Council and Queanbeyan City Council. The proposed boundary adjustments has caused considerable concern for the Palerang Council and the community given that it splits a number of properties, and does not take into account a number of townships including Araluen and Neringla in both a practical and historical context. Members of the Araluen and Neringla communities of Palerang Shire have also expressed major concerns about the proposed boundaries of the new councils and have contacted Eurobodalla Council with their concerns and a business case to adjust the current Local Government Area boundary and join Eurobodalla.

Palerang Council resolved on 14 January 2016 to forward an alternate proposal – full merger of Palerang and Queanbeyan - to the Minister for Local Government to consider and refer to the Chief Executive Officer of the Office of Local Government.

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RECOMMENDATION

THAT Council

1. Note the NSW Government's decision on 18 December 2015 that Eurobodalla Shire Council remains as a stand-alone Council and that it not merge with any neighbouring council or alter its boundaries.
2. Note and support Palerang Council's position in regards to the Minister of Local Government's merger proposals and Council's subsequent motion of 14 January 2016 Extraordinary Meeting.
3. Write to the Delegates of Queanbeyan and Goulburn Mulwaree and the residents who have written to Council regarding the proposed boundary change to the Palerang Council that splits the townships of Araluen and Neringla, expressing its concern with this proposed boundary.

BACKGROUND

The NSW Government, in recognition of the financial challenges that face the local government sector, has been working with NSW councils since 2011 to address how to plan for a sustainable future. Part of this review was the establishment of an Independent Local Government Review Panel (ILGRP) to review the structure, form and performance of local government in NSW. The panel assessed 152 local government areas in NSW to determine their ability to be financially sustainable now and into the future.

In September 2014, the NSW Government announced the Fit for the Future reform program in response to the ILGRP's final recommendations of October 2013. The Fit for the Future program is about ensuring that councils are able to effectively deliver the range of services needed to support their communities. The program required each NSW council to assess its financial position, and to demonstrate that it has the scale and capacity to effectively maintain critical infrastructure and continue to deliver the range of services required to support their communities.

The NSW Government also adopted the ILGRP's assessment in regard to all councils' scale and capacity in relation to potential mergers or as participants of Joint Organisations. Through this process, Eurobodalla Shire was identified as having the scale and capacity to continue as an independent organisation without amalgamation or boundary adjustments and was recommended to be a member of the South East Joint Organisation along with Shoalhaven, Bega Valley, Bombala, Cooma-Monaro, Snowy River, Palerang and Queanbeyan.

On [23 June 2015](#) Council endorsed the Fit for the Future Improvement Proposal for submission to the Independent Pricing and Regulatory Tribunal (IPART). Council's Improvement Proposal clearly explained how its successful implementation would positively influence its ability to maintain and improve Council's performance against all seven Fit for the Future benchmarks, realise efficiency savings, productivity improvements and redirect funds to address the Building and Infrastructure Asset Renewal and Infrastructure Backlog Ratios. The proposal is a comprehensive document that articulates a sustainable future for Eurobodalla and aligns with Council's Integrated Planning and Reporting documents.

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On 20 October 2015 the NSW Government released IPART’s assessment of all council’s Fit for the Future proposals. 52 proposals, including Eurobodalla Council’s proposal, were assessed as being ‘fit’ for the future and demonstrated they had sufficient scale and capacity and were financially sustainable to stand alone.

Following the release of IPART’s report, discussions were held with Palerang, Cooma-Monaro and Queanbeyan Councils. Previous discussions had also been held with Bega Valley and Shoalhaven Councils. There was no support from any Council to merge or consider a boundary adjustment with Eurobodalla Shire Council.

On [8 December 2015](#) Council endorsed a Memorandum of Understanding between Eurobodalla Shire Council and Bega Valley Shire Council to strengthen the current partnership by implementing a more formal level of cooperation between the two Councils. This strategic partnership will achieve cooperative arrangements and establish a framework to deliver greater efficiencies and progress strategies for both Councils and the communities they represent.

On 18 December 2015, the NSW Premier and Minister for Local Government unveiled the NSW Government’s proposed boundary adjustments and merger proposals for NSW councils. Under the proposal, 35 new councils will be created, reducing the existing 152 NSW councils to 112. No merger or boundary adjustments were proposed by the NSW Government for Eurobodalla. The merger proposals involves 65 NSW councils including Eurobodalla Shire’s neighboring councils Palerang and Shoalhaven. The table below demonstrates the NSW Government’s response regarding the South East councils originally identified to form the South East Joint Organisation.

Council	IPART Assessment	Scale and Capacity	Financial criteria	NSW Government Response
Bega Valley	Fit	✓	✓	Fit
Bombala	Not Fit	✗	✓	Proposed merger
Cooma-Monaro	Not Fit	✗	✗	Proposed merger
Eurobodalla	Fit	✓	✓	Fit
Palerang	Not Fit	✗	✓	Proposed merger
Queanbeyan	Not Fit	✗	✓	Proposed merger
Shoalhaven	Fit	✓	✓	Proposed merger
Snowy River	Not Fit	✗	✗	Proposed merger

Source: <http://www.fitforthefuture.nsw.gov.au/sites/default/files/What%20does%20this%20mean%20for%20my%20council.pdf>

The councils that have been assessed as fit by the NSW Government will progress the implementation of their improvement proposals, whilst the council proposed to merge have been referred to the Chief Executive of the Office of Local Government to begin the review process.

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CONSIDERATIONS

The Review Process

In January 2016, the Minister for Local Government outlined the process by which the merger proposals would be assessed and for creating new councils. The table below shows the steps in creating new councils as issued by the NSW Government:

Date	Step	Description
January 2016	1	Minister for Local Government refers merger proposals to the Chief Executive of the Office of Local Government for examination and report under the Local Government Act 1993 (NSW). Proposals will explain the impacts and benefits of a proposed merger.
	2	Chief Executive of the Office of Local Government delegates the examination of merger proposals under the Local Government Act 1993 (NSW) to Delegates.
	3	Communities will have a chance to have their say during a public consultation process for merger proposals, including through submissions and at public hearings.
	4	Local Government Boundaries Commission membership is confirmed.
	5	Delegates examine proposals, including reviewing public submissions, and after having regard to the factors listed in the Local Government Act 1993 provide a report to the Minister.
	6	Delegates will also provide their reports to the Boundaries Commission who will review and comment on the reports.
	7	Boundaries Commission provides its comments on the Delegates' reports to the Minister for Local Government.
	8	Minister for Local Government considers the reports from the Delegates and comments on those reports from the Boundaries Commission, and makes a decision for each proposal.
	9	The Minister may or may not recommend to the Governor of NSW that the proposed merger be implemented.
Mid 2016	10	New councils commence.

Source: <http://www.fitforthefuture.nsw.gov.au/sites/default/files/Creating%20new%20councils%20-%20Fact%20sheet.pdf>

Advice from the Office of Local Government has confirmed that the process involved in reviewing merger proposals is constrained in the output it can produce. It only allows for the consideration of the content of a formal proposal, or a 'minor amendment' thereof. It cannot consider a substantially different proposal.

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While the Minister may choose not to implement his current proposal, or to implement a slightly amended one, he cannot choose to implement anything that has not been referred to the Chief Executive Officer of Local Government or Boundary Commission for inquiry.

Palerang Council's Merger Proposals and Position

In the Minister's merger proposals, Palerang Council is split between Goulburn Mulwaree Council and Queanbeyan City Council. The map showing the proposed merger boundaries and split of Palerang Council is available at <https://www.councilboundaryreview.nsw.gov.au/proposals/goulburn-mulwaree-and-palerang-councils/>.

It is understood that the current proposals for Palerang differs from previous advice provided to Palerang Council regarding boundary adjustments that only full mergers would be considered.

Since the release of the proposals, Palerang Council has held a number of Extraordinary Council meetings, meetings with the Minister for Local Government and the Local Member, workshops with its neighbouring councils and community meetings to discuss the proposals.

At its Extraordinary Council meeting held on 14 January 2016 Palerang Council reported '*the proposed boundary adjustments has caused considerable concern in the community given that it splits a number of properties, and ignores both practical and historical ties that exist between Braidwood and many of its surrounding areas*'.

Some of the other issues raised and observations made in the Palerang Council's report include:

'Errors in the two proposals affecting Palerang were considerable, the most obvious being the inconsistency of the various descriptions and maps defining the proposed boundaries. Updated proposals were released on 8 January. Nevertheless, the proposals continue to include errors such as incorrect population figures'

'There is ongoing community anxiety over the separation of Braidwood from smaller communities such as Majors Creek and Araluen with which there are both traditional and practical social and economic ties'

'Council has received numerous letters and emails from residents of Braidwood and district expressing concern with the Minister's proposed boundary. Some of these express a preference for being amalgamated with GMC (Goulburn Mulwaree Council), some from the Araluen Valley suggesting Eurobodalla, but all consistently expressing concern that their respective communities are being unnaturally divided by the proposal'

Therefore, on 14 January 2016, Palerang Council resolved to forward an alternate proposal – full merger of Palerang and Queanbeyan - to the Minister for Local Government to consider and refer to the Chief Executive Officer of Local Government.

Araluen and Neringla Residents

Members of the Araluen and Neringla community have expressed major concerns about the proposed boundaries of the new councils and contacted Eurobodalla Council with their

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concerns and a business case to adjust the current Local Government Area boundary and join Eurobodalla Shire Council.

On 20 January 2016 Eurobodalla's Mayor, Councillor Lindsay Brown and General Manager, Dr Catherine Dale met with representatives of the Araluen and Neringla communities to discuss their concerns and business case. A community meeting was held in Araluen on 31 January 2016 in which the General Manager, Dr Catherine Dale attended as an observer.

Council staff have since travelled to Araluen and undertaken a general inspection of infrastructure assets to ascertain the current condition of these assets and an analysis of the business case. Upon progression of the resident's proposal, further refined analysis would need to be undertaken.

An Araluen resident presented on behalf of a number of Araluen and Neringla residents at Council's Public Access session prior to the 9 February 2016 Council Meeting (submission attached).

As outlined in this report, submissions on mergers or boundary changes are constrained, in a practical sense, to the proposals as exhibited by the Minister for Local Government on 18 December 2015. The OLG has advised that a boundary adjustment to include the townships of Araluen and Neringla in Eurobodalla Shire would not constitute a minor amendment. Therefore, should Eurobodalla Council seek to incorporate Araluen and Neringla, the consultation process as outlined in The Review Process section of this report would need to be initiated. The OLG considers that this is unlikely to occur as the current process on the proposed boundary is underway.

There are other options for boundary changes under Section 218E of the Local Government Act. However, at this stage it appears that the current review process does not provide the option for the inclusion of Araluen and Neringla to be considered by Eurobodalla Council, as it was not proposed by the Minister for Local Government in December 2015.

Council does have the option of supporting the Araluen and Neringla communities by expressing its concerns about the proposed boundary changes that split the townships of Araluen and Neringla and other towns that are currently part of the Palerang Council. It is recommended that Eurobodalla Council express its concerns on this aspect of the proposal for the Palerang Council and also communicate its concerns to the residents of Araluen and Neringla who have written to Council.

Legal

The Minister for Local Government referred the NSW Government's 35 council merger proposals to the Chief Executive of the Office of Local Government for examination and report under the Local Government Act. Eurobodalla Shire was not included in a merger proposal.

The Chief Executive of the Office of Local Government has issued Guidelines to provide instructions to councils that are the subject of merger proposals. The Guidelines have been issued under section 23A of the Local Government Act 1993. Councils are required to consider the Guidelines in exercising their functions during the period in which a merger proposal is under consideration by the Chief Executive, the Boundaries Commission and the Minister of Local Government.

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The Delegates appointed by the Chief Executive of the Office of Local Government have commenced the process of examining and reporting on the Minister for Local Governments' 35 council merger proposals.

The Delegates are not an advocate for the proposal. Their role is to examine and report on the proposal in line with the requirement of the *Local Government Act 1993*. As part of their process they will meet with councils, conduct a public inquiry (public meeting) and call for written submissions.

The reports prepared by the Delegates will consider the factors set out in the legislation, which include financial considerations, communities of interest, elected representation, employment of staff, service and facilities, and the attitude of residents and ratepayers. Once the Delegate has completed their report they will submit it to the Minister for Local Government and the Boundaries Commission. The role of the Boundaries Commission is to provide the Minister with its comments on the Delegates report.

Financial

Although the NSW Government has provided funds under its Stronger Communities Fund to support potential mergers, Eurobodalla is not eligible as no merger has been proposed. It is unclear what funds, if any, are available if a boundary adjustment is proposed, as opposed to a merger.

A preliminary assessment has been undertaken of the financial implications of the townships of Araluen and Neringla becoming part of Eurobodalla Shire. If a formal proposal were to be considered a detailed analysis would be required to determine the financial impact in the medium and longer term.

Community Engagement

Since 2012, Council has continued to seek feedback from the community through the Integrated Planning and Reporting process. Our pathway to become Fit for the Future in the next ten years will continue to involve further conversations with our community as we work together to implement our Council Improvement Action Plan to continue to build a financially sustainable future for Eurobodalla.

CONCLUSION

Throughout the Local Government reform process Eurobodalla Shire has consistently been assessed as Fit for the Future, in that it is financially sustainable and has the scale and capacity to stand alone. This assessment has been confirmed and supported by the NSW Government, IPART and the ILGRP. This confirmation is a testament to Council's financially robust strategies and long term approach to opportunities and challenges.

In response to the proposal by a number of community members from Araluen and Neringla to join Eurobodalla Shire, Council is constrained from further investigation of this proposal due to the current process that is underway. Council can support the proposition that townships should not be divided where there is a clear community of interest.

Sign the petition for Araluen and Neringla to become part of Eurobodalla Council

Our Village and Our Community

The small and thriving town of Araluen and its associated neighbours, including Neringla, sit in one of the few flat valleys of the immediate coastal ranges, equidistant between Moruya and Braidwood.

Enjoying a remarkable geographic amenity and micro-climate, Araluen is a growing and lively small township with much new housing and land development. Recent and current subdivisional activity has added around 35 new small rural allotments. These are quickly being developed adding many new permanent residents who now contribute to the community. In addition there has been an ongoing home building process taking place across established land titles that make up the mosaic of this historic township. This has seen the community increase remarkably over the last five years and more is in prospect.

There are approximately 300 full time residents in the area, with many are engaged in cattle, lucerne, sheep, and fruit and vegetable cropping. There are also a large number of retirees, smaller hobby farms and people working in local businesses in Braidwood and surrounding areas. Araluen and Neringla residents pride themselves on their self reliance, independence and community spirit, and have cooperatively worked together to overcome all manner of adversity and difficulty.

Palerang Council Revenues from Araluen and Neringla

Currently Palerang Council revenues from Araluen/Neringla are approximately \$430,000 per annum (2015-16 data). This is made up of Ordinary Rates \$200,069; waste management charges \$129,382 and apportioned percentages from the Federal Assistance grant and a Roads to Recovery grant totalling \$101,388.

Palerang Council assets in Araluen and Neringla include the local roads (of which 21 km are tarmac and 39 km gravel) as well as two new concrete bridges, two cemeteries and one campground.

Issue Number One: Don't split Araluen

We wish to make it clear that the local government rationalisation proposals announced by the NSW Premier in mid December 2015 are not in contention. Our concern lies with the proposal to divide the broader Araluen community between two council authorities. The planned splitting of Palerang appears to be one of only a few rationalisation proposals that does not involve a whole-of-council merger, where the problem would not arise.

The NSW State Government's Proposal

Figure 1 shows the Araluen, Neringla and Majors Creek areas, and has been sourced from the Boundary Changes website. The red line indicates the existing boundary between Palerang Shire and the Eurobodalla Shire areas. The yellow line indicates the new boundary proposed by NSW State

Government that will separate the Queanbeyan and Goulburn LGA's – effectively splitting the Araluen and Neringla communities in two.

Figure 1. Current NSW Government Proposal.



Under the proposal Araluen will be broadly split down the middle with the eastern areas amalgamated with the Goulburn Mulwaree Council and the western areas amalgamated with Queanbeyan City Council, itself a proud adjunct to Canberra, our largest inland city. Somehow, we sense, they will not have their heart in Araluen.

Splitting a small cohesive community according to the wandering line of the Araluen Creek makes no sense at all. A small town, divided like this, is from a local government perspective, in danger of becoming a “no-man’s” land. The proposal betrays a lack of consideration for the future sustainability of the village and its surrounds. Being divided, and especially with the respective councils being quite distant, it is all too easy for one of the councils to assume the other will assume responsibility for issues at hand. Araluen deserves better than this. There has to be a single local government authority.

Issue Number Two: Inclusion in Eurobodalla Shire Council

Those signing this petition strongly believe that Araluen and Neringla should be included into the Eurobodalla Shire Council area.

1. Eurobodalla Shire Council is our closest council

Araluen is very sensitive to its relative remoteness and 'end-of-the-road' positioning. The proposed council amalgamations profoundly compound this concern. Absorption into the Eurobodalla LGA corrects this with the council nearer than Queanbeyan and Goulburn. Both these are a good deal further than was the case with Palerang Council based in Bungendore.

The village of Araluen sits a mere 12 kilometres from the present Eurobodalla Shire boundary, and approximately 60 kilometres to the Eurobodalla Shire Council Chambers in Moruya. Eurobodalla Shire Council already assume responsibility for the Moruya – Araluen Road to within 12 kilometres of Araluen. We would like to become part of a Council that would prefer have us as part of their community and not be treated as an add-on and arbitrarily included as part of the Palerang Council area. This boundary change presents an opportunity for our growing community to fit in with a council who will support us.

2. Integrity of the water catchment

The ongoing saga of the downstream effects of the proposed Dargue's gold mine, in which Eurobodalla residents are key stakeholders, has highlighted the importance of sustaining the integrity of the Deua River system. Araluen is a critical upstream component of that watershed which should be managed as a whole. Equal concerns arise in the areas of fire management and challenges with invasive weeds within this river system.

Araluen Landcare would be better serviced by Eurobodalla Council's alignment with Local Land Services and Deua Landcare groups, who work together when seeking funding and rolling out valuable and effective natural heritage projects within the Deua River system.

3. Disenfranchisement

Araluen and Neringla have approximately 250 registered electors, a small voice in the current Palerang Area and one which will be made even smaller if it is split. The proposed boundary change will see some of our electors in the Queanbeyan LGA, and the remainder in Goulburn, effectively diminishing our representation.

4. An opportunity for a bit of vision in regional infrastructure

It has been commonly observed in recent years just how much more tourist traffic is venturing through to Araluen. Incorporation into the Eurobodalla Shire would mean that the Araluen Road could play a more useful role for this part of the South Coast region and could be better maintained to serve as an alternative route for tourist traffic, particularly through the summer months.

Araluen is increasingly economically connected to the South Coast region, with many cattle farmers engaged in direct supply contracts with Affleck's Abattoirs in Moruya, and are reliant upon the Araluen to Moruya Road as the main transport route for their livestock which could be better maintained by the Eurobodalla Shire Council. Araluen fruit and vegetable growers earn much of their income making sales in the South Coast region, including the Moruya Farmers Market and various retail outlets. These producers are also reliant upon the Araluen to Moruya Road as their key transport route.

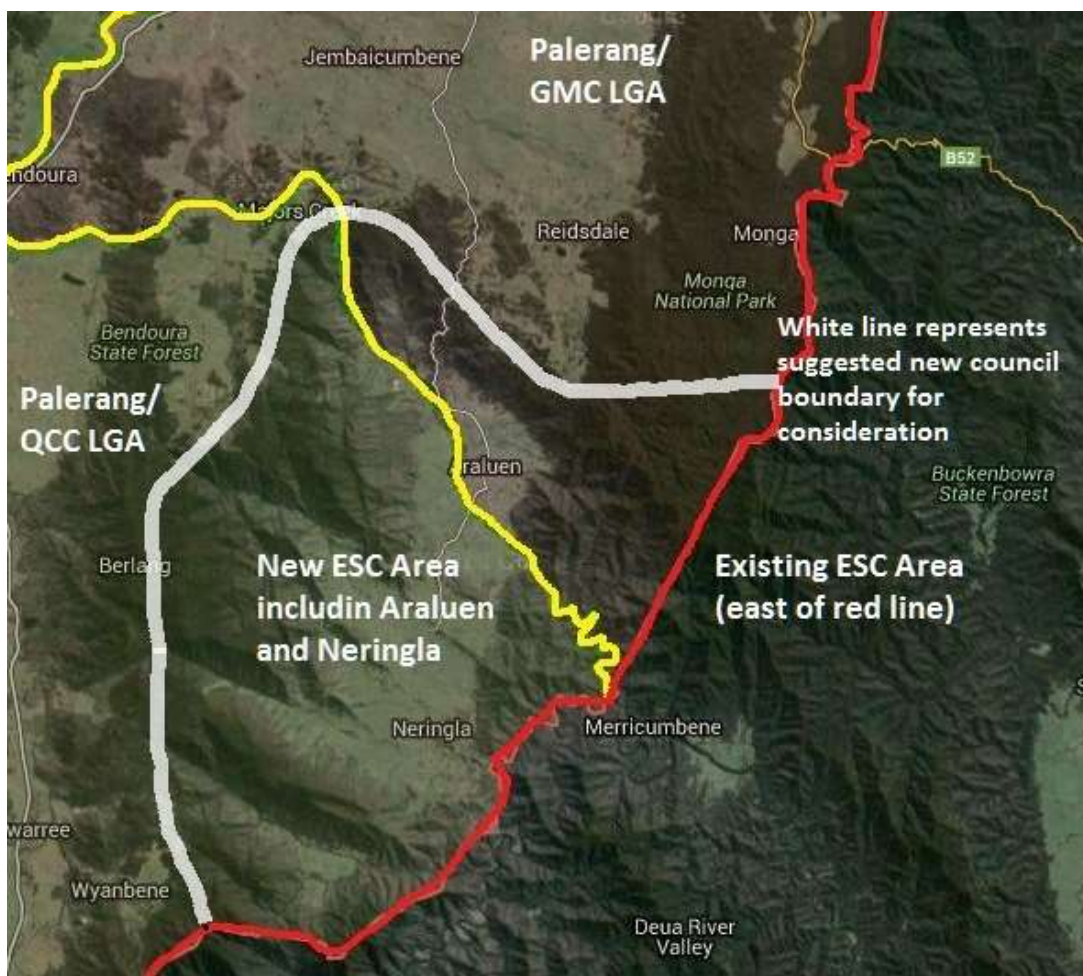
Changes Proposed in this Submission

The map at Figure 2 represents the Araluen and Neringla areas that could be amalgamated with the Eurobodalla Shire LGA.

The red line indicates the current boundary between Eurobodalla Shire (ESC) and the Palerang Shire. Following success of the NSW State Government’s merger proposal, the yellow line represents the proposed Palerang/Goulburn Mulwaree Council (GMC) areas in the north, and the proposed Palerang/Queanbeyan City Council (QCC) areas.

The white line indicates the proposed boundary and extent of change included in this proposal, and unites the Araluen and Neringla communities under one LGA, the Eurobodalla Shire Council. The total area for consideration is approximately 300 square kilometres. Approximately half of this area is State owned land as National Park or State Forest etc. The remaining freehold land consists of approximately 216 rates assessments.

Figure 2. The proposed new boundary alignment in white, which includes the Araluen and Neringla areas amalgamated into the Eurobodalla Shire LGA – a total area of approximately 300 square kilometres.



GMR16/004 TENDER NO SE0001 TRAINING SERVICES

E16.0134

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Confidential - Tender Assessment

Focus Area: Support Services

Delivery Program Link: SS2.1 Provide and manage frameworks for the development and maintenance of an effective and motivated workforce

Operational Plan Link: SS2.1.2 Coordinate learning and development

EXECUTIVE SUMMARY

The Canberra Region Joint Council (CBRJO) in partnership with stakeholders in the Canberra Region is working to promote the competitive strengths of our region and collectively enhance our economic opportunities.

The CBRJO Membership includes the NSW Local Councils of: Bombala, Boorowa, Cooma-Monaro, Eurobodalla, Goulburn-Mulwaree, Harden, Palerang, Queanbeyan, Snowy River, Upper Lachlan, Yass Valley and Young and the ACT Government.

Members of the CBRJO have agreed to collaborate on a joint tender arrangement to establish a Panel of Training Service Providers to be utilised by each Organisation. CBRJO provided oversight to the tendering process and has made a recommendation based on the established evaluation criteria and the assessed best value result for the region.

Member Councils then considered the recommendation by CBRJO and selected their preferred provider list for final approval at Member Council meetings. Following final approval from Council, each Member Council will then enter into an agreement with preferred suppliers.

This report outlines the evaluation of offers submitted in response to Request for Tender No. SE001 Training Services and provides a recommendation for the preferred supplier list for prescribed mandatory training.

RECOMMENDATION

THAT:

1. Council endorses the selection of the preferred tenderers listed for Tender No SE0001 Training Services within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderers, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

BACKGROUND

Council is required to provide training to staff in order to meet work, health and safety (WHS) obligations. The required training programs align to a Nationally Recognised Training Unit of Competency under the Australian Qualifications Framework. The required standards, content, delivery, assessment and qualification of each unit of competency are as defined in the Australian Qualifications Framework for that unit of competency.

GMR16/004 TENDER NO SE0001 TRAINING SERVICES

E16.0134

Council currently engages Service Providers on a case by case basis, which is a less effective process for both Councils and Service Providers. A joint tendering arrangement is seen as a way to address these issues.

The Organisation Development Group Working Party resolved to pursue a joint training services tender for members of the CBRJO.

The objectives of this tender are:

1. Provide an open, transparent and competitive process for the selection of Service Providers by Council;
2. To establish a panel of preferred Service Providers based on the responses to the tender from which Councils can select Service Providers to perform the required training services;
3. To improve probity processes and management of Service Providers engaged by the Councils;
4. To ensure compliance with *Local Government Act 1993* and *Local Government (General) Regulation 2005*; and
5. To ensure effective and efficient use of council resources to establish an Agreement that meets the needs of the Councils whilst reducing costs to the Councils.

RFT No. SE001 was advertised on 8 September 2015 with a closing date of 2 P.M on 30 September 2015. Offers were received from the following tenderers.

Tenderer
Admire Workplace Safety Pty Ltd
Advance OHS
Alertforce Pty Ltd
Allen's Training Pty Limited
Canberra Institute of Technology
Coal Services Pty Limited
Eurobodalla Adult Education Centre Inc.
Fire Smart Training Pty. Ltd.
KGE Mines Rescue Pty Ltd
Lemke Timber Training Pty Ltd
Local Government Training Institute
Machinery And Personnel (MAP) Training Pty Ltd
PARASOL EMT Pty Limited
Pipeline Training
RRR Facilities Pty Ltd
Southern Training Organisation Pty Ltd
TAFE NSW - RIVERINA INSTITUTE
TAFENSW - Illawarra institute

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Trans-Plant Training Pty Ltd
Zokal Safety Services

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

CONSIDERATIONS

Legal

Request for Tender (RFT) No. SE0001 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertising on Council's noticeboard page in local newspapers, in the Sydney Morning Herald, The Canberra Times and at Council's Tenderlink web portal (www.tenderlink.com/eurobodalla).

The offer submitted by the preferred tenderers has been assessed as representing best value for money for Council due to being assessed as providing value for money and demonstrating capacity and experience in the provision of the required service.

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, Local Government Procurement Guidelines, Local Government (General) Regulation 2005 and the Local Government Act 1993.

Financial

Expected budget savings as a result of administrative efficiencies and the ability to "bulk purchase"

Community Engagement

The following stakeholders were consulted in the development of the Request for Tender:

Canberra Joint Region Organisation (CBRJO) Procurement and Organisation Development working groups.

Existing service providers were also contacted and advised prior to tender release.

The community will be informed of the tender outcome(s) via Council's contract register found in Council's 'Public Access to Information' web link.

CONCLUSION

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

The preferred tenderers as identified in the Confidential Attachment are therefore recommended for entering into contractual arrangement for the requirement.

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

- Attachments:
1. Under Separate Cover - Volume One - The Strategy
 2. Under Separate Cover - Volume Two - Discussion Paper 1 - Rural Economic Directions
 3. Under Separate Cover - Volume Two - Discussion Paper 2 - Commercial Scale Agricultural Directions
 4. Under Separate Cover - Volume Two - Discussion Paper 3 - Use of Zoning, Overlays and Permissible Uses in NSW
 5. Under Separate Cover - Volume Two - Discussion Paper 4 - Potential Changes to State Legislation and Planning Guidelines
 6. Under Separate Cover - Volume Two - Discussion Paper 5 - Appreciation of Rural Scenic and Cultural Landscapes
 7. Under Separate Cover - Volume Two - Discussion Paper 6 - Managing Biodiversity in Rural Areas
 8. Under Separate Cover - Volume Two - Discussion Paper 7 - Local Food
 9. Volume Two - Discussion Paper 8 - Rural Tourism
 10. Under Separate Cover - Volume Two - Discussion Paper 9 - Land Use in the General Rural Areas
 11. Under Separate Cover - Volume Two - Discussion Paper 10 - Rural Living in the Rural Residential Areas
 12. Under Separate Cover - Discussion Paper by Huon Hassal, Stephen Beashel and Liz Innes
 13. Under Separate Cover - Report of the Exhibition
 14. Under Separate Cover - Submissions and Responses
 15. Under Separate Cover - Confidential - Submissions
 16. Under Separate Cover - Volume Three - Mapping

Focus Area: Sustainable Communities

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

Operational Plan Link: S5.1.1 Rural Lands Strategy

EXECUTIVE SUMMARY

On 15 October 2015, Council resolved to place a draft Rural Lands Strategy on public exhibition for community input. The draft Strategy was exhibited from 16 October to 27 November 2015. A total of 139 submissions were received. All submissions have been reviewed and, where appropriate, changes have been made to the draft Strategy. A final Rural Lands Strategy is now presented to Council for adoption.

The Rural Lands Strategy has been developed over the last three years, following a process first endorsed by Council on 26 March 2013 and generally in accordance with the Council's resolution of 23 June 2015. While the Strategy has taken longer to develop than initially anticipated, the process has been extremely thorough and has included extensive community engagement. A Rural Lands Strategy Steering Committee was established at the

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commencement of the project and has met on 22 occasions to provide input and advice into the process.

The first major stage of the project was the development of a Rural Lands Issues Paper, prepared by Council staff and the Steering Committee. This Paper was placed on public exhibition and 173 submissions were received.

The second major stage was the development of a Rural Opportunities and Constraints Report by consultants RMCG. This report, which included a suite of maps of rural land and environmental constraints was made publicly available for community members to review along with an opportunity for land owners to request validation of the vegetation mapping for their land.

The third major stage was the development of a Policy Directions Paper, following a series of workshops with land owners and other community members. The Policy Directions Paper was placed on public exhibition and 61 submissions were received.

Key themes that emerged from these three stages of the project were:

- Land suitable for primary production should be retained for such use.
- The planning and policy framework should be flexible and facilitate local food production.
- Recognition of the rights of rural land owners.
- Need to increase the capacity for dwellings and subdivision in rural areas to increase potential for agricultural activity.
- Facilitate potential for rural producers to diversify, including into rural-based tourism.
- Recognition of the importance of sustainable agriculture and the intrinsic relationship between the natural environment and agricultural activities.
- Need to avoid duplicating existing legislative requirements in local controls.
- Opposition to the use of the E3 zone and a diversity of opinion on the use of environmental overlays.
- Need to improve accuracy of vegetation and other mapping.

The work outlined above, the input, advice and recommendations from the Rural Lands Strategy Steering Committee and the issues raised in submissions, including those in relation to the draft Eurobodalla Local Environmental Plan in 2009 and 2011, were all considered in the preparation of the draft Rural Lands Strategy by consultant Garret Barry Planning Services.

Public exhibition of the draft Strategy commenced on 16 October 2015 and closed on 27 November 2015. During this time, exhibition material was placed on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre. All rural land owners were sent a letter informing them of the exhibition details and how to make a submission. Flyers containing the exhibition details and frequently asked questions were placed on Council's website and distributed at the exhibition events. Loan copies and CDs were also available from the libraries.

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While the draft Strategy was on exhibition, seven events were held to provide information and answer questions about the draft Strategy. These included two market stalls, three community meetings (with total attendance at just over 100 people, with some people attending multiple sessions) and two rural producer workshops. Of the 139 submissions received, 123 were from community members, six from community groups, nine from State Agencies and one from an adjoining Council.

Key issues raised in the community submissions included:

- Request for a particular change, such as zoning, lot size and dwelling entitlement.
- Request for more supply of rural living opportunities.
- Support for or objection to not using the E3 Environmental Management zone.
- Support for or objection to using other environmental (E) zones.
- Support for or objection to including environmental overlays in the LEP.
- Objection to the development of a scenic and cultural landscape code.
- Support for the proposed actions relating to local food and rural tourism.
- Objection to biodiversity offsets and voluntary conservation agreements.
- Support for removal of the dwelling entitlement “sunset clause” and request for removal of the “sealed road” provision.

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Significant issues raised by NSW Government Agencies in submissions include:

- The Rural Fire Service (RFS) recommend applying environmental zones to land with high conservation values and support the use of environmental overlays.
- The RFS note that additional dwelling densities in remote locations require a thorough assessment of the likely impacts, including matters for bush fire protection.
- The Office of Environment and Heritage (OEH) recommend environmental zoning for a range of properties with high conservation values.
- OEH recommends retention of a vegetation overlay in the form of the current Terrestrial Biodiversity Map.
- OEH objects to making extensive agriculture permissible without consent in the E2 Environmental Conservation Zone.
- The Department of Primary Industries – Water is concerned at the impact of additional development on water supplies.
- The Department of Primary Industries – Fisheries is concerned at the impacts of additional development on water quality.
- The Department of Industry – Mineral Resources supports the RU1 zoning of the bulk of rural land as this enables extractive industries to be permissible with consent under the Mining SEPP.
- The South East Local Land Services (SELLS) requests further discussion in the Strategy on biosecurity issues.
- SELLs support the use of E zoning and environmental overlays to provide land holders with realistic expectations for development and to protect areas of high biodiversity or natural value.
- The Roads and Maritime Services supports larger lot sizes in remote locations that will assist in reducing access density to classified roads where possible.
- NSW Crown Lands advises that the retention of a Native Vegetation Overlay supports the protection of high biodiversity values of certain Crown Lands, but would not object to an E2 zoning of these lands.
- The Office of Environment and Heritage – Heritage Division notes that there are 4 State heritage listed items in Eurobodalla and request the Strategy acknowledge these.

Key changes made by the consultant to the Strategy in response to submissions include the following:

- Some changes to proposed zoning and minimum lot sizes in appropriate locations. These changes increase the potential additional dwelling yield in rural areas from approximately 100 to approximately 150.
- Some additions or changes to the proposed additional land uses identified as permissible in the various zones, including the addition of detached dual occupancies as permissible with consent in the RU4, E4 and R5 zones. The consultant also recommends changing the draft Strategy to make grazing of livestock exempt development in the E2 zone.
- Rewording of a number of actions relating to the future master planning of rural residential estates and the development of a Scenic and Cultural Landscape Code.
- Clarification that the sealed road clause for additional dwelling entitlements is recommended to be removed from ELEP 2012.

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- The addition of minimum averaging to the RU4 zone, subject to a minimum lot size of 2ha.
- The addition of two advocacy actions, relating to the definition of intensive livestock agriculture and water supply issues.
- The development of a policy on suitable buffer distances to protect the “right to farm”.

It is important to note that, where changes have been made to the draft Strategy in relation to LEP matters, land owners will have a further opportunity to comment on the changes during the planning proposal process that will follow the adoption of the Strategy by Council.

If landowners disagree with the recommendations of the adopted strategy relating to LEP matters, they still have the right to submit a planning proposal in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

The Rural Lands Strategy Steering Committee met on 14 January 2016 to consider changes to the draft Strategy in response to issues raised in submissions. The Committee endorsed the changes recommended by the consultant subject to some further changes which the consultant subsequently accepted.

There remains only one issue where the Rural Lands Strategy is inconsistent with the position of the Rural Lands Strategy Steering Committee, being the recommendation to include the Native Vegetation Map in the LEP. The Rural Lands Strategy Steering committee at their meeting held on 7 December 2015, resolved that overlays be placed in a Eurobodalla Development Control Plan, with all members, except one, voting for this approach. On this issue, Council staff support the Strategy recommendation. However, should Council resolve not to accept this recommendation, Council staff have provided a preferred alternative to include a reference to the Native Vegetation Map in DCPs and implementation through a Code.

Councillors were briefed on the changes to the draft Strategy on 2 February 2015.

RECOMMENDATION

THAT Council:

1. Adopt the Rural Lands Strategy attached to this report.
2. Endorse the preparation of a planning proposal to implement the recommendations of the Strategy and that such planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination prior to community consultation.
3. Thank the RLS Committee for their hard work and commitment throughout the process of developing the Rural Lands Strategy and present the planning proposal referred to above to the members of the Rural Lands Steering Committee for their information.
4. Thank persons who made submissions to the draft Strategy and those who otherwise contributed throughout the process.

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BACKGROUND

In adopting the Eurobodalla Local Environmental Plan 2012, Council resolved to defer certain rural lands proposed to be zoned E3 Environmental Management. The Council resolution of 20 December 2011 included the following:

"...Council, in consultation with the local community, agrees to undertake a strategic review of the deferred E3 Environmental Management land as part of the Rural Lands Strategy to determine the most appropriate future land use planning policy and controls for the shire's rural lands with it being noted that terms of reference are to be determined in conjunction with all relevant stakeholders."

On 24 April 2012, Council endorsed Terms of Reference for a Rural Lands Steering Committee to provide advice and input into the development of the Strategy. The Committee was then established and the first meeting held in August 2012. At the first meeting, the Committee endorsed draft Terms of Reference for the project, which were then adopted by Council on 2 October 2012.

On 26 March 2013, Council adopted a Project Management Guide and Community Engagement Strategy. These documents have guided the process of developing the Strategy and the various consultations with land owners and the local community.

The Project Management Plan outlined nine key milestones in the development of the Rural Lands Strategy. Below is a summary of how the project has tracked against each key milestone.

Milestone 1: Background Research

This milestone involved a review of previous Eurobodalla rural strategies and approaches to rural strategies undertaken by other councils and was completed prior to the formal commencement of the project.

Milestone 2: Establish a Steering Committee

The Steering Committee was established and held its first meeting in August 2012. A total of 22 meetings were held with the Steering Committee throughout the process.

Milestone 3: Develop Terms of Reference for Rural Lands Strategy

The Rural Lands Steering Committee endorsed the Strategy Terms of Reference on 23 August 2012 and Council adopted them on 2 October 2012.

Milestone 4: Develop Community Engagement Strategy

The Rural Lands Steering Committee endorsed the Community Engagement Strategy on 25 February 2013 and Council adopted it on 26 March 2013.

Milestone 5: Develop Rural Lands Issues Paper

A Rural Lands Issues Paper was developed by Council and the Rural Lands Steering Committee and endorsed by Council for public exhibition on 23 April 2013. The exhibition was held during May and June 2013. This stage represented the first key community engagement stage in the process as identified in the adopted Community Engagement Strategy. 173 submissions were

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received from rural land owners and other interested community members. Issues raised in submissions were reported to Council on 27 August 2013.

Milestone 6: Develop Social Analysis of Eurobodalla Report

A Social Analysis presentation was provided to the Rural Lands Steering Committee on 14 November 2012. The presentation was also placed on Council's website for the community to view. Further social analysis was then incorporated into the Rural Opportunities and Constraints Study, discussed below.

Milestone 7: Develop Rural Opportunities and Constraints Study

On 6 May 2014, the Rural Lands Steering Committee considered a Rural Opportunities and Constraints Report, developed by consultant RMCG. The purpose of the report was to identify the key opportunities and constraints affecting rural land in Eurobodalla and provide principles to assist in the development of policy directions for the future of rural land. The Committee did not endorse the report. The Committee resolved that it does not have full confidence in the report and therefore could not rely on the document alone when formulating recommendations for the Policy Directions paper and the Rural Lands Strategy. The Committee was not unanimous in making this resolution.

This report was made publicly available from April 2014. The report was received and noted by Council at the Ordinary Meeting held on 27 May 2014.

At the 22 July 2014 Ordinary Meeting, Council considered a Notice of Motion relating to the Rural Lands Strategy and resolved as follows:

- 1. The Rural Lands Strategy recommends that overlays not be included in the Local Environmental Plan (LEP)*
- 2. Council advises the Minister for Planning that the E3 zone is not an appropriate zone for rural lands and therefore will not be seeking to apply it in the LEP.*
- 3. Council requests that the Rural Lands Committee gives further consideration to the remaining E zones and the options for the appropriate alternative use of the overlays. This should be done in consultation with the Departmental advisors that currently sit on the Rural Lands Committee. Their findings should be reported back to Council as soon as in practical.*

This resolution was considered in the development of a Policy Directions Paper and Draft Rural Lands Strategy.

Milestone 8: Develop Policy Directions Paper

A Policy Directions Paper was developed to provide specific guidance to the development of strategies and actions for the Rural Lands Strategy. This stage involved a series of workshops with rural land owners, producers, tourism operators and others in June and July 2014 independently facilitated by consultant Dr Danny Wiggins. The results of the workshops were presented in an Overview of Proceedings report that was made publicly available in August 2014.

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A draft Policy Directions Paper was developed by Council and the Rural Lands Steering Committee in response to the recommendations and suggestions from the workshops and was exhibited for community input during April and May 2015. This was the second key community engagement stage in the process as identified in the Community Engagement Strategy. 61 submissions were received. Issues raised in submissions and a final Policy Directions Paper was reported to Council and adopted on 28 July 2015.

Milestone 9: Develop Rural Lands Strategy

Submissions received and issues raised by community members during the Rural Lands Strategy process and during previous LEP exhibition periods were all considered in the development of a draft Rural Lands Strategy. For this stage, Council engaged consultant Garret Barry Planning Services to work with Council and the Rural Lands Steering Committee. The Rural Lands Steering Committee and Council endorsed the draft Strategy for the purpose of public exhibition on 8 October 2015 and 15 October 2015 respectively. The exhibition commenced on 16 October 2015 and closed on 27 November 2015.

The draft Rural Lands Strategy has now been amended following the review of submissions and further input from the Steering Committee and a final Strategy has been prepared for consideration by Council.

The Rural Lands Strategy is attached to this report and is presented in three volumes:

- Volume One: The Strategy
- Volume Two: Discussion Papers (1 to 10)
- Volume Three: Mapping

CONSIDERATIONS

Community Submissions to the Draft Rural Lands Strategy

The majority of submissions to the draft Rural Lands Strategy generally consisted of one or more of the following types:

- Request for a particular change, such as zoning, lot size and dwelling entitlement.
- Request for more supply of rural living opportunities.
- Support for not using the E3 Environmental Management zone.
- Objection to not using the E3 Environmental Management zone.
- Support for continuing to use the E2 Environmental Conservation zone.
- Objection to using any environmental (E) zone.
- Objection to including environmental overlays in the LEP.
- Support for including environmental overlays in the LEP.
- Objection to the development of a scenic and cultural landscape code.
- Support for the proposed actions relating to local food and rural tourism.
- Objection to biodiversity offsets and voluntary conservation agreements.
- Support for removal of the dwelling entitlement “sunset clause” and request for removal of the “sealed road” provision.

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Copies of all submissions have been previously provided to Councillors under separate cover. A detailed summary of submissions received with responses to the issues raised is included in the attachments to this report.

Each of the above submission types are discussed below.

1. Request for a particular change, such as zoning, lot size and dwelling entitlement.

Some of the land owners making these types of submissions were seeking specific development opportunities for their land, such as a dwelling entitlement or potential future subdivision. Others sought a specific zone that best fit their existing or intended future land use. The submissions included reasons for seeking the specific change.

Response

Each submission was considered having regard to the existing subdivision and land use pattern in the vicinity of the subject site, the environmental constraints of the land, the potential for land use conflicts to arise and the potential implications for infrastructure and services.

Where the request could be supported on planning grounds, it has been incorporated into the Rural Lands Strategy mapping through the selection of appropriate zoning and/or minimum lot size for the area in which the subject site is located. To clarify, where a submission requests a change in minimum lot size for a specific site, the proposed change was assessed over the area in which the site is located, in order to ensure there is equity in the planning process for all land owners.

Some of the requests could not be supported for strategic reasons, such as the potential impact on agricultural land, the remoteness of the property, inconsistency with the prevailing subdivision or land use pattern in the locality, potential impacts on infrastructure capacity and environmental and bush fire issues.

Other requests could not be supported at this time, as detailed planning will need to be undertaken to assess the impacts of the further development potential being sought. This further detailed planning can be undertaken as part of the five year review.

2. Request for more supply of rural living opportunities.

These submissions did not relate to specific properties but sought greater subdivision and rural living opportunities across the rural areas of the Eurobodalla Shire, on the grounds that more rural living lots would further encourage agricultural activity. The submissions called for a lowering of the proposed minimum lot sizes across the rural areas.

Response

The current LEPs for rural land in our Shire (ELEP 2012 and RLEP 1987) generally provide for no further subdivision of rural land for the purposes of providing additional dwelling entitlements (subdivision for rural purposes is permitted with consent). This has been the situation since 1987 when RLEP 1987 replaced the Interim Development Order No. 3

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(which had a 40ha minimum lot size for rural land). The only exception to the above, was the introduction of the “sealed road” provision in ELEP 2012 (further discussed in point 12 below). Therefore, (with this one exception) the only additional rural living opportunities were those dwelling entitlements that existed prior to the 1987 LEP. The draft Rural Lands Strategy estimated there to be about 300 of these remaining in our Shire and proposed that all of these entitlements be retained.

The draft Rural Lands Strategy as exhibited provided for some additional supply of rural living opportunities through the greater use of the RU4 and E4 zones and the lowering of minimum lot sizes in appropriate locations. The draft Strategy estimated that up to 100 additional dwelling opportunities in rural areas were being facilitated.

At the suggestion of a member of the Rural Lands Steering Committee, and in response to the theme of a number of submissions, an assessment was undertaken of the lot yield that could be achieved if the proposed minimum lot sizes were lowered (i.e. 500ha reduced to 200ha, 200ha reduced to 100ha, 100ha reduced to 40ha, etc). This assessment found that in some areas, the lot size reduction would result in a significant additional lot and dwelling yield that would be inappropriate due to a range of factors such as impact on agricultural land, bushfire risk, environmental constraints or infrastructure capacity. In other locations, the further reduction of the minimum lot size would have a negligible effect on lot and dwelling yield and could be supported on planning grounds.

The Rural Lands Strategy as amended now provides for an estimated 150 to 180 additional dwelling opportunities. However, over the next five to ten years, further opportunities may arise following detailed planning of some specific areas identified in the Strategy. This may result in a further 120 to 140 potential opportunities.

This level of additional dwelling opportunities in rural areas is considered sufficient to meet demand in the short to medium term without having detrimental impacts on agricultural land. However, issues of supply and demand and impacts on agricultural land will continue to be monitored on a regular basis.

3. Support for not using the E3 Environmental Management zone.

4. Objection to not using the E3 Environmental Management zone.

There were a mix of views on the use of the E3 Environmental Management zone in submissions, with some reiterating previous calls for the E3 zone not to be used (and therefore in support of the draft Strategy) while others identifying that the E3 zone is appropriate in certain circumstances, such as land with high biodiversity. Some submissions supported no use of the E3 zone subject to a vegetation overlay being included in the LEP.

Those who supported not using the E3 zone in the LEP identified that the community has been objecting to the E3 zone for many years. This was noted by Council and is what led to the Council resolution on 22 July 2014 that the E3 zone will not be used in Eurobodalla.

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Those who identified that the E3 zone may be appropriate in certain circumstances referred to the need to protect environmental qualities, particularly native vegetation and wildlife under threat, and to ensure growth in nature tourism. It was felt that there was not an adequate alternative to the E3 zone to protect biodiversity.

Response

The E3 zone is not proposed to be used in Eurobodalla. The consultant and Council staff are of the opinion that the native vegetation, wetland and riparian lands, and acid sulfate soils overlays, if included in the LEP are sufficient to identify the relevant environmental constraints that exist on land for which consideration is required as part of the assessment of any development application on that land, therefore removing the need to use the E3 zone.

This position is consistent with the NSW Government's Northern Councils E Zones Review Final Recommendations Report (October 2015) which states that:

"It is not mandatory to apply an E2 or E3 zone even if the land has been verified to meet the criteria. If Council believes the intended primary use of the land does not warrant an E zone, then other mapped planning controls can be applied." (p.6)

5. Support for continuing to use the E2 Environmental Conservation zone.

There were a mix of views on the use of other environmental (E) zones in the LEP, with some submissions supporting the continued use of the E2 zone for identified wetlands and other high biodiversity areas, while other submissions called for the removal of all E zones from the LEP (see point 6). Some submissions called for the expansion of the use of the E2 zone.

Those who supported the continued use of the E2 zone noted specifically that wetlands, littoral rainforests and coastal protection areas required an environmental conservation zone to protect the biodiversity of these areas.

Response

The extent of existing E2 zoning in Eurobodalla Local Environmental Plan 2012 is not proposed to be changed at this stage, except for one case at Mossy Point which is site specific and relates to a specific development proposal. However, further consideration of this issue is proposed to be given at the Planning Proposal stage following adoption of the Strategy by Council as discussed under point 6 below.

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6. Objection to using any environmental (E) zone.

While some submissions referred only to the E2 or E3 zones others called for no use of any environmental (E) zone in the LEP. The majority of these submissions did not provide a specific reason for rejecting all E zones, however one submission referred to “the restrictions that overlays and zonings have on land”. One submission called for the removal of all E zones from the NSW Government’s Standard Instrument for LEPs.

Response

There are four E zones in the Standard Instrument for Local Environmental Plans:

- E1 – National Parks and Nature Reserves
- E2 – Environmental Conservation
- E3 – Environmental Management
- E4 – Environmental Living

These E zones are options in the Standard Instrument for Councils to choose to use in appropriate circumstances.

The E1 zone applies only to certain public land, not to any private land. It applies to National Parks and Nature Reserves in Eurobodalla. There is no alternative to using the E1 zone for National Parks and Nature Reserves, so this zone must remain in the LEP.

The E2 zone can be used for land that has high conservation values outside of the national parks and nature reserves system where land uses should be quite limited. This zone has been applied in Eurobodalla mostly to wetlands and to some coastal lake or river foreshores and some flood affected areas.

Based on the NSW Government’s Northern Councils E Zones Review Final Recommendations Report, it is considered that the E2 zone is, in the main, being appropriately used in Eurobodalla. The Northern E Zones review states that “*an E2 or E3 zone can only be applied to land with a primary use of environmental conservation or environmental management and, which has attributes that have been verified to meet the E zone criteria*” (p.12). The report adds that public land may be zoned E2 or E3 despite being inconsistent with the criteria if the primary use of the land is environmental conservation or management. Private land may also be so zoned despite being inconsistent with the criteria only if it is consistent with a negotiated development outcome or at the request of the landowner. However, as noted above, it is not mandatory to apply an E2 or E3 zone even if the land has been verified to meet the criteria and other mapped planning controls can be applied instead. It remains Council’s decision as to when and how to apply the E2 or E3 zones.

The vast majority of the E2 zone that currently exists in Eurobodalla applies to SEPP 14 wetlands and other wetlands and some coastal foreshores that have verified endangered ecological communities or are in public ownership. In response to the OEH submission (further discussed below), a more detailed review of the public land sites (crown land and Council reserves) referred to in the OEH submission will be undertaken as part of the

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planning proposal process that will follow the adoption of the Rural Lands Strategy by Council to determine if an E2 zone is warranted for these public land sites. This review will also look in more detail at the implications of the recently released report of the Northern E Zones Review.

The E3 zone can be used for land with special ecological, scientific, cultural or aesthetic attributes, or land with some hazards, but where some development such as dwelling houses may be permissible with consent. This zone is not currently used or proposed to be used in Eurobodalla.

The E4 zone can be used for land with special environmental or scenic values where low impact residential development could be undertaken. This zone applies to existing and potential rural residential areas in Eurobodalla where there are important biodiversity values. The E4 zone has been applied to land that is or could be developed for rural residential type development in areas with high conservation values. Subject to the applicable minimum lot size and an assessment of the environmental and other constraints that exist on the land, this zone allows subdivision and residential development with consent, where the current RU1 zone does not. In that sense, it is less restrictive. It is considered that this zone has been appropriately applied in Eurobodalla.

7. Objection to including environmental overlays in the LEP.

8. Support for including environmental overlays in the LEP.

There were a mix of views on the use of environmental overlays, with some saying they should not be used at all, some saying they should be in a DCP rather than in the LEP and others supporting the use of environmental overlays in the LEP.

Those who opposed the use of environmental overlays in the LEP stated that there is no requirement from the NSW Government for overlays to be located in the LEP. They claim that the overlays introduce unnecessary additional restrictions and bureaucratic intervention, and that the protection of native vegetation is already covered by primary State legislation. These submissions noted that 40% of Councils do not have any terrestrial overlays and stated there are significant inaccuracies in the vegetation mapping for Eurobodalla, in part due to the use of outdated aerial photography. Some submissions noted that overlays in the LEP are more difficult to update due to the planning proposal process that is required to be undertaken.

Those who supported the use of overlays in the LEP stated that this was transparent and easily found by rural land owners and avoids the need to consult multiple documents. The overlay provides a signal of a conservation value to potential buyers and developers of land and it is essential to consider biodiversity when clearing or developing land. Some of the submissions supported the use of overlays if a rural zone was applied to rural lands.

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Council resolved on 22 July 2014 that the Rural Lands Strategy recommends that overlays not be included in the LEP and that the Rural Lands Committee gives further consideration to the options for the appropriate alternative use of the overlays, in consultation with the Departmental advisors that currently sit on the Rural Lands Committee.

While the legislation, the submissions and Council's resolution do not define the term "environmental overlays", it is assumed to relate the following three maps in ELEP 2012:

- Terrestrial Biodiversity Map
- Wetland, Riparian Land and Watercourses Map
- Acid Sulfate Soils Map.

It is acknowledged that through the above mentioned resolution, the Council has an adopted position that the Rural Lands Strategy recommends that environmental overlays not be included in the LEP. Notwithstanding this Council position, the consultant and Council staff are unable to support the recommendation.

Having considered all of the relevant issues, the consultant has provided his independent advice to Council that there be no change to the Wetland, Riparian Land and Watercourses Map or the Acid Sulfate Soils Map. In relation to the Terrestrial Biodiversity Map, the consultant's advice to Council is to retain a modified map in the LEP, to be called the Native Vegetation Map. The following discussion therefore focuses on the options relating to the use of a Native Vegetation Map (NV Map) only.

Consideration of options for using a Native Vegetation Map (NV Map)

The options for the alternative use of the NV Map are:

- No NV Map at all
- Reference the NV Map in a DCP and implement through a Code
- Place the NV Map in the LEP
- Place the NV Map in a regional strategy or plan

Each option is discussed below.

No NV Map at all

In this option, the data that underpins the existing map is not readily available to land owners or prospective purchasers and is only used as a "back room tool" by Council staff to assess development applications. This approach is not transparent and can lead to unnecessary time delays and increased costs for proponents of development applications. If people are able to source the information easily when preparing development applications, the information can be considered early in the planning process, saving time and money for the proponent.

It is important to note that even without such a map, Council still has a statutory obligation to consider the impacts of development on native vegetation. While some in the community view having no NV Map as a positive, purely relying on Council's statutory

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obligations under state legislation, it is difficult to see this as a positive or appropriate outcome for the aforementioned reasons.

Reference the NV Map in a DCP and implement through a Code

The Rural Lands Strategy Steering Committee at their meeting held on 7 December 2015 resolved:

MOTION *Stephen Beashel/Huon Hassall:*

THAT the Rural Lands Strategy Steering Committee recommends that all overlay maps including the proposed vegetation overlay, that are not legislatively required to be in the LEP, are not formally placed in the LEP (in line with Council Motion 14/175). The Rural Lands Strategy Steering Committee recommends that these overlays be placed in an Eurobodalla Development Control Plan.

(The Motion on being put was declared **CARRIED**. Keith Dance voted against the motion.)

Under the Environmental Planning and Assessment Act 1979, a Development Control Plan (DCP) provides guidelines for development. They are a lower order planning document compared to Local Environmental Plans (LEP) which contain standards for development. DCPs are not the primary planning document where the most important rules and information for development are found. They are therefore given less weight in the assessment of development applications.

While DCPs and Codes are available on Council's website and may soon also be available on the Department of Planning and Environment's Planning Portal, they may not always be considered by proponents when preparing development applications and as a result there may be time delays and additional costs at the development assessment stage.

The key benefit to referencing the NV Map in a DCP and implementing it through a Code is that it will be able to be amended in a more timely and efficient manner. While an LEP amendment follows a sometimes lengthy regulatory process, a Code referenced in a DCP can be amended by Council at any time. Council currently uses this approach for a range of matters such as parking and access guidelines, signage guidelines and infrastructure design standards. The DCPs reference the various Codes which are able to be amended from time to time by Council.

While ease of amending the map is a benefit, it is important to note that the map will not need to be amended on a regular basis. Where on-site investigations for a development application identify that the map incorrectly identifies native vegetation in a specific location, the development application can be assessed on the basis of those investigations. The map does not need to be amended to enable Council to approve the development.

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While no other Council in NSW is known to contain native vegetation mapping within a DCP, should Council resolve not to implement the NV Map in the LEP as recommended, this option is the preferred alternative.

Place the NV Map in the LEP

The draft Rural Lands Strategy and the consultant's Report of Public Exhibition provides extensive reasoning for the recommendation to continue to include the NV Map in the LEP. The key points are:

- The NSW Government established a Standard Instrument for LEPs for the principal purpose of improving the consistency of planning instruments across the State. The Standard Instrument provides for Councils to include zones, provisions and maps in the LEP. The Department of Planning and Environment encourages Councils to use all three of these elements consistently across Council LEPs.
- It is the most transparent approach for land owners and prospective purchasers. All Councils who have a vegetation overlay have it in the LEP. It is the standard place to locate the information and therefore the place where people are most likely to see it.
- The NV Map signals constraints that exist on land, but it does not prohibit any development.
- The NV Map does not add to the relevant legislative requirements for protection of environmental values, but it does translate how that legislation applies in Eurobodalla.
- Including the NV Map in the LEP is the most common approach for coastal rural councils in NSW. Where a NV Map has not been used the E3 zone has been used, with the exception of Tenterfield local government area.
- The NV Map only applies when a development application is required. It does not apply to normal agricultural activities that do not require development consent.

It is considered that this option is most likely to be supported by the Department of Planning and Environment as being consistent with the relevant Ministerial Directions. At the 14 January 2016 Steering Committee Meeting, the Department's representative advised that, while there is no requirement for Council to include a vegetation overlay in the LEP, the Department does encourage the use of overlays in the LEP.

Place the NV Map in a regional strategy or plan

Regional strategies or plans typically cover a very large area and mapping in those documents are not at a scale that is easy to understand at an individual site level. Regional plans are also not well known or used by persons preparing development applications and therefore proponents may not discover the issues contained within them in order to plan their development. Similar to the 'no NV Map' and 'DCP/Code' options, if the information is not known by proponents when preparing development applications, there may be time delays and additional costs at the development assessment stage.

The existing South Coast Regional Strategy already contains a map of biodiversity and coastal assets and the Strategy refers to the South Coast Regional Conservation Plan which contains more detailed biodiversity mapping for the region. The mapping

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developed for the Rural Lands Strategy is more detailed and accurate than the mapping in these regional strategies and plans, due to the additional validation processes and on site verifications that have been undertaken since the regional mapping was undertaken.

Response

It is correct to state that there is no statutory requirement for Council to place an NV Map in the LEP. However, there is a statutory requirement under section 117 (3) of the Environmental Planning and Assessment Act 1979 for Council to comply with Ministerial Directions issued under that section of the Act.

Ministerial Direction 2.1 relates to environmental protection zones and states that *“a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas”*. This Ministerial Direction also states that *“a planning proposal that applies to land within an environmental protection zone or land otherwise identified for environmental protection purposes in a LEP must not reduce the environmental protection standards that apply to the land”*. Any inconsistency with this direction must be justified to the satisfaction of the Department of Planning and Environment.

Ministerial Direction 5.1 requires planning proposals to be consistent with a regional strategy released by the Minister for Planning. As noted above, the South Coast Regional Strategy contains mapping and refers to the South Coast Regional Conservation Plan which Council must consider when preparing LEPs.

The NSW Government’s Northern Councils E Zones Review Final Recommendations Report states that *“land that has been verified to meet the criteria for an E2 or E3 zone where the primary use of the land is not environmental conservation or environmental management may be included in a mapped planning control, such as a Vegetation Map”* (p.16). It therefore remains a decision of Council as to whether to use an E zone or an NV Map.

In the opinion of the consultant, the retention of an NV Map (and the other environmental overlays referred to earlier) in the LEP will ensure compliance with the relevant Ministerial Directions and be consistent with the Northern Councils E Zones Review Recommendations Report. Reasons for the consultant’s opinion are outlined in the Rural Lands Strategy Report of Public Exhibition and further expanded upon below.

The claim that the NV Map introduces unnecessary additional restrictions and bureaucratic intervention is not supported. The map does not introduce any controls. Rather, it identifies where existing legislative provisions relating to the protection of the environment may apply. Further, the provisions in the LEP that relate to the NV Map are not “restrictions”. Instead, they outline the matters for consideration in the assessment of development applications on land where the provisions apply.

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While the statement that 40% of Councils do not have terrestrial overlays is correct, it does not tell the full story. In the draft Strategy, 7 out of 19 Council areas similar to Eurobodalla do not have a terrestrial biodiversity overlay (37%). However, 5 of these 7 Councils do have the E3 zone in their LEPs and one of these Councils had these issues deferred for further review. Only 1 of the 19 Councils (Tenterfield) had no overlays or E3 zone, which is what these submissions to Eurobodalla's draft Rural Lands Strategy are calling for.

On the issue of inaccuracies, the proposed mapping in the draft Strategy is based on the latest available and highest quality digital aerial photography (taken in 2014 for the majority of our Shire) in addition to data from over 3000 site validations across Eurobodalla. The issue of accuracy has been raised at every consultation activity since the ELEP 2012 consultation but previously related to vegetation types, the separate identification of endangered ecological communities (EECs) and biocorridors. The Strategy responds to this by applying the NV Map to the extent of native vegetation, not the type. While not ensuring 100% accuracy, it does improve accuracy by not having to distinguish vegetation types. Furthermore, during the early stages of preparation of the rural land strategy, landowners were provided the opportunity write to Council requesting validation of the vegetation mapping on their property. Any concerns about the accuracy of the maps could have been specifically identified and addressed through this process. The Office of Environment and Heritage has advised that Eurobodalla's vegetation mapping has the highest level of accuracy in the State and is suitable for the purpose of an LEP Map. This is an approach not only considered suitable in NSW, but is also used in other states. This is not an approach unique to Eurobodalla and is used by both Bega and Shoalhaven Councils who use the E3 zone and overlays.

It is important to note that the proposed NV Map does not need to be 100% accurate and it does not need to be amended to enable development to be approved. As a flag for identifying areas where proposed development may need further environmental assessment, should on-site investigations at the time of preparing development applications demonstrate that there are no environmental issues or impacts that require any further detailed assessment, then no further detailed environmental assessment will be required. Information provided with development applications over time will be used to update the NV Map on a regular basis. While updating the NV Map in the LEP will require a planning proposal process to be undertaken, where the updates are based on evidence (from site investigations undertaken through development assessment processes), the replacement of one map with another should be a relatively straightforward process.

In the opinion of the consultant, the NV Map and the other environmental overlays referred to earlier are most appropriately located in the LEP. The LEP is the principal planning document for a local government area and is the document that people should first consult when making decisions about purchasing or developing land. Information about environmental issues that affect land are critical to making such decisions and should be as transparent and available as possible. Such information is typically located

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in an LEP. This is supported by Council staff and therefore the recommendation is to retain the NV Map in the LEP.

However, Council can choose an alternative approach to retaining the NV Map in the LEP. As noted above, the Northern Councils E Zones Review Final Recommendations Report provides for Council to decide how and when to apply a vegetation overlay based on certain criteria and a view as to the primary use of the land. Should Council decide to remove the NV Map from the LEP, it will need to address how such a decision is consistent or otherwise with the relevant Ministerial Directions.

Should Council resolve not to implement the NV Map in the LEP as recommended, the option of referencing the map in a DCP and implementing it through a Code is the preferred alternative.

9. Objection to the development of a scenic and cultural landscape code.

Many submissions objected to the development of a scenic and cultural landscape code. In these submissions, it is argued that development of such a code is ideological, subjective and open to misinterpretation. It is stated that these issues should be considered at the development application stage.

Response

At the Rural Lands Steering Committee Meeting held on 7 December 2015, the Committee moved the following motion:

THAT the Rural Lands Strategy Steering Committee recommends that the Scenic Landscape Code proposed by the consultant be developed in consultation with members of the Rural Lands Steering Committee and the broader community and that it be developed in a manner that is as flexible as possible.

In the Report of Public Exhibition, the consultant recommends amending the Strategy to reflect the above motion intent. This change to the draft Strategy is considered appropriate, for the reasons outlined below:

- Issues of scenic and cultural landscapes and the potential impacts of development are currently considered at the development application stage.
- To guide staff in these assessments, Council currently has a number of Development Controls Plans (DCPs) and Codes that provide performance criteria and acceptable solutions against which applications are assessed.
- The Strategy recommendation that new guidelines for assessment of scenic and cultural landscape impacts be located in a Code is appropriate as a Code is a more flexible document than an LEP or DCP.
- In the absence of a Code that provides Council's development assessment staff with some guidance for the assessment of scenic and cultural landscape impacts, each assessment officer will be left to their own interpretation and judgement for each development application where this is a relevant issue.

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10. Support for the proposed actions relating to local food and rural tourism.

There was almost unanimous support in submissions for the actions relating to local food and rural tourism.

Response

The submissions supporting the local food and rural tourism actions are noted. However, some minor adjustments to these actions have been made in the final Strategy, particularly in response to comments from the Rural Lands Steering Committee.

11. Objection to biodiversity offsets and voluntary conservation agreements.

A number of submissions objected to biodiversity being “*forced on landholders through development offsets and planning agreements*”. In these submissions, the identification of priority areas for habitat protection with compensation to land owners was preferred.

Response

The draft Strategy did not contain any recommendation relating to “forcing” landholders into biodiversity offsets or voluntary conservation agreements. Action 39 of the draft Strategy (revised Action 46) referred to expanding possible measures to encourage land owners to maintain or enhance biodiversity as part of development offsets. In addition, Action 41 of the draft Strategy (revised Action 48) identified that Council could advocate with the NSW Government for an expanded Biodiversity Fund to assist land owners conserve biodiversity.

A development offset is one possible outcome of a development application process that may be negotiated between Council and the proponent. It is one of a suite of measures that a proponent may select as a means of mitigating against any environmental impacts resulting from their proposed development, in accordance with the relevant statutory requirements of NSW legislation. The offset area may be located on the same property as the proposed development, or it may be located on another property, but only with the agreement of that property owner. No person is forced into any biodiversity offset or voluntary conservation agreement.

It is important to note that the options for biodiversity offsets and voluntary conservation agreements are contained in NSW Government legislation and the Rural Lands Strategy or a LEP are unable to make changes to legislation. The NSW Government vegetation legislation is currently under review and the impact of any changes to that legislation will need to be considered when such changes are notified.

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12. Support for removal of the dwelling entitlement “sunset clause” and request for removal of the “sealed road” provision.

A number of submissions supported the draft Strategy recommendations to remove the “sunset clause” and also requested removal of the “sealed road” provision of ELEP 2012.

Response

The “sunset clause” (clause 4.2A (3) of ELEP 2012) provides for the extinguishment of some specific dwelling entitlements (defined as “holdings”) if they have not been taken up within 5 years of the commencement of the LEP. However, land owners who wished to retain a dwelling entitlement on a holding could request that the holding be included on the Dwelling Entitlement Map. Clause 4.2A (2) (f) of ELEP 2012 ensures that these entitlements will be retained.

The intention was that all existing dwelling entitlements would either be taken up or shown on the Dwelling Entitlement Map, resulting in a much simpler and more transparent process for determining whether a property has a dwelling entitlement.

No change is proposed to the draft Strategy in this regard and it remains a recommendation that the sunset clause be removed from ELEP 2012. This means that there will no longer be a time limit on the ability to act upon an existing dwelling entitlement.

In relation to the “sealed road” provision (clause 4.2A (2) (a) of ELEP 2012), this clause provided a dwelling entitlement to vacant land that did not previously have an entitlement, where the land was 40ha or larger and had access to a Council maintained sealed road. This was a new provision that did not exist prior to ELEP 2012.

The request to remove this clause seems to come from a misunderstanding that the clause restricts development in rural areas by limiting any development of dwellings to land adjoining a Council maintained sealed road. This is incorrect. It provides for additional development opportunities. For example, if a property does not have a dwelling entitlement but is greater than 40ha and on a Council maintained sealed road, the land owner could apply for a dwelling. Removing this clause would take this additional potential away.

The draft Strategy did not specifically state that this clause was proposed to be removed from ELEP 2012, however with the introduction of the “landscape approach” to minimum lot size across Eurobodalla’s rural areas, it was considered that this clause would no longer be necessary.

The sealed road clause is proposed to be removed from the LEP. The impact of removing this clause on properties that benefitted from it will be considered as part of the planning proposal and any property that would lose a dwelling entitlement because of the removal of the clause will be identified to ensure that those properties retain a dwelling entitlement.

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Agency Submissions to the Draft Rural Lands Strategy

Submissions were received from the following NSW Government Agencies:

- NSW Rural Fire Services
- Office of Environment and Heritage
- Department of Primary Industries – Water
- Department of Primary Industries – Fisheries
- Department of Industry – Mineral Resources
- Local Land Services
- Roads and Maritime Services
- NSW Crown Lands
- Department of Environment and Heritage – Heritage Division

Each of these submissions are addressed below.

1. NSW Rural Fire Services

The Rural Fire Service (RFS) have identified in their submission that the draft Strategy seeks an increase in subdivision potential of some areas that the RFS consider are highly constrained and isolated. Areas with constraints such as steep slopes, heavily timbered land, limited access and high conservation value should not be subject to increased densities without first undertaking a thorough investigation of the likely impacts including matters for bush fire protection.

The RFS recommends applying environmental zones to land with high conservation value and restricting subdivision through the selection of appropriate minimum lot sizes. The RFS also support the use of environmental overlays on land with high conservation values, to *“reduce the scenario of landowners/developers lodging development applications...on bush fire prone land only to discover (after possibly expending significant amounts of money and effort) that the required suite of bush fire protection measures may result in an unacceptable level of impacts on HCV [high conservation value] land”*.

The RFS advises that some of the additional land uses proposed to be included in the RU1 and RU4 zones may constitute “special fire protection purposes” that can require larger APZs, access requirements and provision of relevant services for fire protection.

The RFS note that Council will be required to demonstrate compliance with Ministerial Direction 4.4 Planning for Bushfire Protection in the planning proposal to implement the recommendations of the Strategy.

Response

The Rural Lands Strategy, as exhibited and as amended, provides for minimal additional lots and dwellings in remote rural locations. For example, in the Belowra area, based on current land ownership, only one additional lot could potentially be created (i.e. only one existing holding is currently twice the proposed minimum lot size, so if the lots in that

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holding were to be consolidated, the resulting lot could be subdivided into two lots). This principle of minimal additional lot and/or dwelling yield in remote rural locations has been broadly applied.

In the planning proposal that follows the adoption of the Strategy by Council, the potential lot and dwelling yields in each location will be justified having regard to Ministerial Direction 4.4. The RFS will be consulted during this process.

The views of the RFS with regards to environmental zones, overlays and land uses in the rural zones are noted. As discussed elsewhere in this report, the E2 zone currently applies to wetlands and coastal foreshores with high conservation values, the E3 zones is not proposed to be used and it is the recommendation of the consultant and Council staff to retain a Native Vegetation Map in the LEP.

2. Office of Environment and Heritage

The submission from the Office of Environment and Heritage (OEH) included a covering letter providing comment on the draft Strategy and detailed site specific mapping of 116 areas of land with recommendations for zoning and suitability or otherwise for subdivision and/or dwellings. The lands include Crown Lands, Council reserves and some private rural lands.

OEH have advised that they do not support certain elements of the draft Strategy and have recommended the following changes:

- Some lands currently zoned for environmental protection should be zoned in a manner that will protect their environmental values. OEH is referring in particular to some small areas of land currently zoned 7(f1) Environment Protection (Coastal Lands Protection), 7(f2) Environment Protection (Coastal Lands Acquisition) and 7(a) Environment Protection (Wetlands) under the Rural LEP 1987.
- Some Council bushland reserves should be zoned in a manner that will protect their environmental values. This refers to some small areas of land currently zoned 6(a) Public Open Space under the Rural LEP 1987.
- Certain lands at South Durras, Mossy Point and Moruya Heads should have a suitable environmental zone.
- A number of parcels of deferred lands in the coastal areas of our Shire that have validated high conservation values should have a suitable environmental zone.
- The retention of the Terrestrial Biodiversity Map in the current format that identifies extant native vegetation, endangered ecological communities (EECs) and bio-corridors.

OEH does not object to the proposed RU1 Primary Production zoning of the hinterland areas of Shire.

OEH does not have an in principle objection to the proposed minimum lot sizes that result in approximately 100 additional lots across Eurobodalla, but question whether adequate consideration has been given to the environmental impacts of future subdivision, in

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relation to new lots created in bushland areas or on potentially flood prone land. OEH note that Council will need to address Ministerial Direction 4.3 relating to flood prone land in the planning proposal to implement the strategy recommendations.

OEH does object to the proposal to allow extensive agriculture without consent in the E2 zone. The E2 zones are predominantly coastal wetlands and "*extensive agriculture in coastal wetlands would lead to irreparable damage*".

Response

In the development of ELEP 2012, all lands zoned at that time for public open space or environmental protection (including lands zoned 6(a), 7(a), 7(f1) and 7(f2)) were allocated an appropriate zone under the Standard Instrument for LEPs. Some of these lands were zoned E2 Environmental Conservation, some were proposed to be zoned E3 Environmental Management (these lands were deferred and retain their RLEP 1987 zoning) and some lands were not assigned an E zone (some lands were zoned RU1 Primary Production for example).

The lands now in question are those that were proposed to be zoned E3 and were subsequently deferred from ELEP 2012. Clearly a decision was made in the development of ELEP 2012 that these lands did not warrant an E2 zoning. Given the consultant in the Rural Land Strategy has formed the opinion that these deferred areas are suitably zoned RU1, not E2 or E3, it is the position of the consultant and recommendation of the Rural Land Strategy that an environmental zone is not necessary. Notwithstanding, a more detailed review of the public land sites (crown land and Council reserves) in the OEH submission will be undertaken as part of the planning proposal process that will follow the adoption of the Rural Lands Strategy by Council to determine if an E2 zone is warranted for these public land sites. This review will also look in more detail at the implications of the recently released report of the Northern E Zones Review.

With regard to the Terrestrial Biodiversity / Native Vegetation Map, the key benefit in including it in the LEP is that it provides a transparent and up-front signal for land owners and purchasers that there are environmental values that need to be considered as part of any development application. On this basis, it is not considered essential that the overlay separately define EECs, extant native vegetation and bio-corridors. The signal simply needs to be that there are environmental values and this will suggest to the land owner/purchaser that they should discuss the issue with Council prior to planning any development on the land. The detailed data on EECs and bio-corridors is held by Council and can be used to assist in those discussions and the data can then be provided to the customer.

In relation to the proposed minimum lot sizes, a strategic review of our Shire's rural lands was undertaken by the consultant of the potential environmental impacts. This work is considered by Council to be sufficient for the purpose of the Rural Lands Strategy. Further assessment will be undertaken as part of the planning proposal to implement the recommendations of the Strategy following its adoption by Council. However, detailed

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site assessments will need to be undertaken by land owners proposing subdivision or clearing for dwellings at the development application stage.

In relation to extensive agriculture in the E2 zone, the consultant has now proposed that grazing of livestock be exempt development in the E2 zone. This means that other forms of extensive agriculture, such as cropping will remain prohibited in the E2 zone and this is considered appropriate. It is not anticipated that this will result in any more grazing in E2 areas than is currently taking place periodically under existing use rights. However it will regularise those existing use rights, so that farmers will not be required to provide evidence of their existing and historic activities. In addition, the consultant has added a further recommendation that Council continue to work with land owners and relevant agencies to protect SEPP 14 wetlands from the impacts of rural land use, through education and land care activities.

3. Department of Primary Industries – Water

The submission from the Department of Primary Industries – Water (DPI Water) raises concerns with the greater demands that will be placed on Eurobodalla's water resources from additional lots created by subdivision, additional dwellings, additional small scale food production and growth in rural tourism. These concerns relate to:

- Groundwater resources;
- Drawing rights from existing streams (basic landholder rights and water licences); and
- Impacts of additional farm dams on catchment runoff.

Response

The additional development potential in rural areas as a result of the Strategy is considered modest. With regard to additional subdivision and dwellings, it is not considered that the scale proposed would result in significant issues. However, in the assessment of any development applications for subdivisions and dwellings, Council can consider water supply issues.

While the Strategy promotes additional small scale food production, extensive agriculture is currently permitted without consent in all rural areas. Similarly intensive agricultural activities are currently permitted with consent in all rural areas. For these intensive types of development which are usually more water reliant, Council can consider water supply issues in the assessment of development applications.

With regards to rural tourism, the zoning of much of the deferred lands to RU1 Primary Production will increase the areas where rural tourism uses under LEP 2012 are permissible. Council can consider water supply issues for new tourism proposals when development applications are submitted.

In the Report of Public Exhibition, the consultant notes that rural producers have identified limited water rights as an issue that needs to be further explored with the NSW Government. In response, the consultant has recommended an additional action in the

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Strategy relating to this matter. This change to the draft Strategy is considered appropriate and ensures that further discussions with DPI Water takes place to address the water supply issues.

4. Department of Primary Industries – Fisheries

The submission from the Department of Primary Industries – Fisheries (DPI Fisheries) raises concerns with the potential impact of further development on water quality in areas used for aquaculture (particularly oyster producing estuaries), the habitat of fisheries and the Bateman’s Marine Park (for environmental and tourism values). DPI Fisheries recommends the Strategy establish a “neutral impact” benchmark for all new development in rural areas.

DPI Fisheries strongly supports the retention of the Wetlands, Riparian Lands and Watercourses Map in ELEP 2012.

The submission also identifies some deficiencies in the draft Strategy with respect to the identification of the *Fisheries Management Act 1994*, the endangered Grayling and two land based aquaculture enterprises in Eurobodalla.

Response

The additional development potential in rural areas as a result of the Strategy is considered modest. With regard to additional subdivision and dwellings, it is not considered that the scale proposed would result in significant issues. However, in the assessment of any development applications for subdivisions and dwellings, Council can consider water quality issues.

The types of developments that are likely to have the most impact on water quality are already permissible and occurring in most rural areas, such as forestry activities in State Forests and agricultural activities on private rural lands. Nevertheless, where any activity requires development consent, such as intensive agriculture, Council can consider water quality issues in the assessment of development applications.

In the Report of Public Exhibition, the consultant acknowledges the suggestions of DPI Fisheries and has made appropriate amendments to the Strategy to address them.

5. Department of Industry – Mineral Resources

The submission from the Department of Industry – Mineral Resources acknowledges the draft Strategy proposal to extend the RU1 Primary Production zone over the bulk of the general rural area of the Eurobodalla Shire and notes that this will allow for current and future primary industry opportunities, including extractive industry.

The submissions also acknowledges that the draft Strategy proposed extensive agriculture to be permissible without consent in the E2, E4 and R5 zones and notes that under the Mining SEPP, extractive industry can be carried out with consent on land where agriculture or industry is allowed.

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Response

The submission from the Department of Industry – Mineral Resources is noted and no changes to the Strategy are warranted in response. While the Strategy has been amended to provide for grazing of livestock as exempt development in the E2 zone, the provisions of the Mining SEPP will continue to apply.

6. South East Local Land Services

The submission from South East Local Land Service (SELLS) highlights two goals of the recently exhibited Draft South East Local Strategic Plan relating to biosecurity (Goal 2) and the natural environment (Goal 3) as being directly relevant to the Rural Lands Strategy.

The SELLS submission suggest further discussion could be included in the Rural Lands Strategy on biosecurity and suggests that the Strategy carefully consider the cumulative impacts of the clearing of native vegetation for dwellings and subdivision to minimise the impact on intact native vegetation.

SELLS supports the use of E zoning and accurate environmental overlays to provide land holders with realistic expectations for development and specifically protect areas of low land capability and high biodiversity or natural value. With regards to the vegetation overlays, SELLS supports the format of the existing Terrestrial Biodiversity Map in ELEP 2012 which identifies EECs and bio-corridors so that land owners are aware of these specific issues. SELLS notes that grassy ecosystems may not be shown on a native vegetation map and therefore, EECs should be shown on the Map.

SELLS opposes the exhibited proposal to allow extensive agriculture to be permissible without consent in the E2 zone.

Response

In the Report of Public Exhibition, the consultant recommends an additional discussion on biosecurity be included in Discussion Paper 2 and that grazing of livestock be exempt development in the E2 zone, rather than permissible without consent as recommended in the draft Strategy.

Discussion on the Strategy's recommendations with regards to E zones and vegetation overlays is contained elsewhere in this report.

7. Roads and Maritime Services

The submission from the Roads and Maritime Services (RMS) notes that the draft Strategy proposes larger minimum lot sizes in areas with poor access and advises that this is in line with RMS' practice of reducing access density to classified roads where possible.

The RMS raises concern with the proposal to encourage roadside stalls, particularly on classified roads unless adequate provision is provided for vehicular access and parking.

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The RMS suggests Council make provision for developer funding of any required road/transport infrastructure improvements that may be required as a result of the additional development.

Response

The additional development potential in rural areas as a result of the Strategy is modest and in most cases will be unlikely to result in additional traffic generation to warrant road infrastructure improvements. Nevertheless, consideration of the need for development contributions for specific road upgrades in specific locations will be undertaken as part of the planning proposal to implement the recommendations of the Strategy following its adoption by Council.

The draft Strategy proposes a landscape approach to minimum lot size across Eurobodalla's rural areas. In some locations the recommended minimum lot size may result in some additional dwellings on land fronting a classified road. In these cases, the land owner will need to obtain approval from RMS for access prior to approval for a dwelling being able to be granted. In some cases, the land owner may be required to negotiate with adjoining owners to secure rights of way and shared access arrangements, to address any concerns of the RMS about traffic safety on the classified road.

As noted by the consultant in the Report of Public Exhibition, issues of access and parking are already required to be considered in the assessment of any development application for roadside stalls to comply with RMS standards on regional roads and highways.

8. NSW Crown Lands

The submission from NSW Crown Lands related specifically to two parcels of Crown Land at South Durras and Moruya and states that the retention of the Native Vegetation overlay, other legal protections for EEC and Lands own policies and procedures for land management and assessment are sufficient for protection of the high biodiversity values of these blocks regardless of the zoning. Crown Lands also raised no objection to zoning these lands E2 Environmental Conservation.

Response

In the Report of Public Exhibition, the consultant notes that there are other Crown Lands that OEH have raised concerns over zoning and development potential that Crown Lands have not commented on.

As noted above, a more detailed review of land currently zoned E2 is proposed as part of the planning proposal that will follow the adoption of the Strategy by Council. This review will also consider the other parcels of Crown Lands raised by OEH in their submission. Council will consult further with Crown Lands during this process.

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9. Office of Environment and Heritage – Heritage Division

The submission from OEH Heritage Division notes there are four State listed heritage items in Eurobodalla and suggests the Strategy state that approval under the Heritage Act is required for development affecting State listed items. The submissions also suggests that the State listed items be separately identified in the relevant Strategy map.

Response

As noted in the consultant's Report of Public Exhibition, two of the State listed items are in urban areas and one is Montague Island which is within National Park estate. The fourth item is on private rural land and the consultant has recommended amending the relevant Strategy map to identify this item. This change is considered appropriate.

Views of the Rural Lands Steering Committee

The Rural Lands Strategy Steering Committee met on 14 January 2016 to consider changes to the draft Strategy in response to issues raised in submissions. The Committee moved and carried the following motions:

- 1. THAT the Committee endorse the proposed changes to the zoning and lot size maps as presented at the Rural Lands Strategy Steering Committee meeting held on 14 January 2016, subject to the changes identified in the motions below, with the areas proposed for no change from the draft Strategy be reconsidered as part of the next Rural Lands Strategy process.*
- 2. THAT in relation to land along the eastern portion of Potato Point Road, the Committee recommends that the area currently proposed to have a minimum lot size of 100ha be reduced to 40ha so that there is a consistent approach in this area and given there is minimal additional lot or dwelling yield generated.*
- 3. THAT in relation to land along the western portion of Potato Point Road, the Committee agrees to change the minimum lot size from 40ha to 20ha, to provide some additional subdivision and dwelling entitlement in a location with an existing sealed road and where there will be minimal environmental impacts.*
- 4. THAT in relation to land South of Moruya, the Committee recommends that the existing R5 zoned land be rezoned to RU4, as this is an area which is more rural in nature and the RU4 zone will facilitate additional rural activities. The minimum lot size in this area to remain at 2ha pending a later and separate review.*
- 5. THAT the Committee recommends retaining extensive agriculture as permitted without consent as exhibited in the draft Strategy.*

The consultant has given further consideration to the above matters and has amended the Strategy accordingly. The consultant agreed to motions 1 to 4, but not to motion 5. In relation to motion 5, the consultant has amended the Strategy to recommend grazing of livestock be

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exempt development in the E2 zone, rather than list extensive agriculture as permitted with or without consent in that zone.

The Committee suggested a number of other wording changes to the draft Strategy which were agreed to by the consultant.

The Committee also considered a discussion paper tabled by some of the Committee members. The discussion paper responds to the rationale provided by the consultant for the retention of the Native Vegetation Map in the LEP, to support the Committee's previous motion (which was not unanimous) that environmental overlays be placed in a DCP. The Committee requested that this discussion paper, with some amendments, be presented to Council. The amended discussion paper is included in the attachments to this report.

There remains one issue where the Rural Lands Strategy is inconsistent with the position of the Rural Lands Strategy Steering Committee, being the recommendation to include the Native Vegetation Map in the LEP. On this issue, Council staff support the Strategy recommendation as outlined earlier in this report. However, should Council resolve not to accept this recommendation, Council staff have provided a preferred alternative to include a reference to the Native Vegetation Map in DCPs and implementation through a Code.

Amendments to draft Strategy in response to issues raised in submissions and by the Rural Lands Strategy Steering Committee

The changes made to the draft Strategy in response to submissions and the suggestions of the Rural Lands Strategy Steering Committee are outlined below.

Changes to Zone and Minimum Lot Size

In response to a range of submissions relating to zoning and lot size a review of all areas was undertaken and the changes in the table below were made.

Location	Draft Strategy as Exhibited		Amended Strategy	
	Area	Draft Strategy Zone and Lot Size	Area	Amended Strategy Zone and Lot Size
Old Bolaro Road, West Nelligen	3	E4 – 10ha	3	A portion of this area changed to E4 – 5ha
Benandarah		RU1 – 40ha	4a	RU4 – 40ha
Mogo	6	RU4 – 20ha	6a	A portion of this area changed to RU1 – 40ha
Rosedale	7	RU1 – 40ha	7	A portion of this area changed to E4 – 10ha
Mossy Point		E4 – 2ha	12a	A portion of this site changed to E4 – 1000m ² with the remainder E2
Moruya Heads		RU1 – 100 and RU1 - 40ha	17b	A section changed to E4 – 40ha
Congo	18	RU1 – 100ha and RU1 – 40ha	18	Some small sections proposed for RU4 – 10ha and E4 – 10ha and a portion of this area changed from

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				RU1 – 100ha to RU1 – 40ha
Bodalla-Potato Point	23 & 25	RU1 – 100ha and RU – 40ha	23 & 25	Area of RU1 – 40ha extended further east and a portion of this area changed from RU1 – 40ha to RU1 – 20ha
West Bodalla	26	RU1 – 200ha	26a	Small area changed to RU1 – 40ha
Dignams Creek	33	RU1 – 100ha	33	RU1 – 40ha
Deua River Valley	37	RU1 – 40ha	37b	A portion of this area changed to RU1 – 20ha
South Moruya		No change to ELEP 2012		The current R5 – 2ha area changed to RU4 – 2ha
East Moruya		RU1 – 100ha	17a	Change to RU1 – 40ha
Tuross Head		E4 – 2ha		Change to RU1 – 20ha

These changes result in an addition potential for approximately 50 dwellings in rural areas, increasing the total potential additional dwellings in the Strategy to approximately 150.

Changes to Permissible Land Uses

The draft Strategy recommended a number of land uses be added to the land use tables as permissible with consent or permissible without consent. Some submissions suggested a number of changes. The following table outlines the changes that have been agreed to and the Strategy has been amended accordingly.

Draft Strategy Recommendation: That Council add the following permissible uses to the LEP 2012: (with consent unless otherwise stated)	Amended Strategy Recommendation: That Council add the following permissible uses to the LEP 2012: (with consent unless otherwise stated)
RU1 Zone Education facilities/establishments Function centres Information and education facilities Places of public worship	RU1 Zone Education facilities/establishments Function centres Information and education facilities Places of public worship
RU4 Zone Detached dual occupancies Function centres	RU4 Zone Community facilities Detached dual occupancies Function centres Jetties Recreation areas Rural industries (except livestock processing industries, sawmill or log processing works and stock and sale yards) Secondary dwellings

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<p>R5 Zone Aquaculture Extensive agriculture (without consent) Farm buildings Plant nurseries</p>	<p>R5 Zone Aquaculture Detached dual occupancies Extensive agriculture (without consent) Farm buildings Jetties Plant nurseries</p>
<p>E4 Zone Community facility Environmental facility Extensive agriculture (without consent)</p>	<p>E4 Zone Community facility Detached dual occupancies Environmental facility Extensive agriculture (without consent) Jetties</p>
<p>E2 Zone Extensive Agriculture (without consent)</p>	<p>E2 Zone Extensive Agriculture to remain prohibited. Note: The Strategy has been amended to recommend grazing of livestock be exempt development in the E2 zone.</p>

Changes to other recommendations

Some specific wording changes to recommended actions in the Draft Strategy were suggested and the table below identifies those that have been agreed to and included in the Strategy.

Draft Strategy Recommendation:	Revised Strategy Recommendation:
<p>Action No. 13 <i>That Council effect masterplanning of proposed rural residential estates to ensure a structure is set to guide future subdivision and to strategically address constraints such as bushfire, topography and biodiversity and to set structure for road and possible private services such as bore water schemes.</i></p>	<p>Revised Action No.17 <i>That Council effect masterplanning of proposed rural residential estates to ensure a structure is set to guide future subdivision and to strategically address constraints such as maintaining the quality of downstream (receiving) waters, bushfire, topography and biodiversity and to set structure for road and possible private services such as bore water schemes.</i></p>
<p>Action No. 14 <i>That Council develop a Scenic and Cultural Code to guide rural development with respect to managing scenic quality and building community ownership of the landscape values. Suggestions for such a code/guideline are outlined in the appendix of Discussion Paper 5.</i></p>	<p>Revised Action No.18 <i>That Council develop a Scenic and Cultural Landscape Code, in consultation with the Rural Lands Committee and the general community, to guide rural development with respect to protecting scenic quality and building community ownership of the landscape values. Suggestions for such a code/guideline are outlined in the appendix of Discussion Paper 5.</i></p>

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<p>Action No.15 <i>That Council prepare a set of management guidelines for the Bodalla Cultural Landscape Area's historic values in a manner that does not impede or constrain current or future farming use.</i></p>	<p>Revised Action No.19 <i>That the proposed code in Action 18 include a set of management guidelines for the Bodalla Cultural Landscape Area's historic values in a manner that does not impede or constrain current or future farming use.</i></p>
<p>Action No.45 This action listed a number of issues that Council could advocate for once the NSW Government has released a discussion paper on the biodiversity legislation review.</p>	<p>Revised Action No.48 The following has been added to the points under this action in the draft Strategy:</p> <ul style="list-style-type: none"> • <i>Expanded programs and funding for landholder education on the values of biodiversity and practical measures landholders may take to conserve important features such as wetlands.</i>

New recommendations

Some new recommendations were suggested and those that have been agreed to and included in the Strategy are:

- **New Action No.4** – That, as part of the development of the planning proposal to implement this Strategy, Council effect further consultations with Office of Environment and Heritage to review in detail their concerns expressed for the specific parcels in their submission where OEH are concerned about the exhibited proposal to zone these lands RU1 Primary Production. That the results of that consultation be the subject of a subsequent report to Council with recommendations for the specific areas.
- **New Action No.12** – That Clause 4.1E of the Eurobodalla LEP 2012 be amended to add the RU4 zone as a zone where minimum averaging provisions apply. Further that the new clause be subject to a requirement that no lot be created below 2ha in area.
- **New Action No.15** – That Council amend the Eurobodalla LEP 2012 to delete clause 4.2A(2)(a). Further, that the planning proposal to make the change include mapping of any lots where current owners might be disadvantaged by this deletion.
Note: This action relates to the sealed road clause for additional dwelling entitlements.
- **New Action No.16** – That Council make submission to the NSW Department of Planning and Environment to review the definition of “intensive livestock agriculture” in the Standard instrument so that minor supplementary feeding activity associated with extensive agriculture is made exempt development but subject to some specified performance criteria that might be developed in consultation with the Department of Primary Industries.

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- **New Action No.34** – That Council consider the development of a “Local Food Production Policy” with input from local producers and other relevant stakeholders. That this policy also explore ways for local producers to expand production and sales into the Canberra market.
- **New Action No.35** – That Council consider the development of a “Local Rural Tourism Promotion Policy” with input from current rural tourism operators and other relevant stakeholders.
- **New Action No.45** – That Council develop a policy on suitable buffer distances to be required between commercial agricultural operations and new residential development. The policy to have control elements for both DA planning and Planning Proposals to zone new rural residential or residential land. Further that Council monitor the implementation of the NSW Government’s new policy on “Right to Farm” for a period of 12 months then consider if Council should support measures for actual legislative protection for established agricultural operations.
- **New Action No.49** – That Council hold discussions with Department of Primary Industries (Water) to test the potential for a variation in policy approach to water resources in coastal catchments. Council might question:
 - Whether the limitation of 10% of catchment area for rural property dams is reasonable in coastal catchments where environmental flows may be higher than inland catchments?
 - Similarly, if there may be capacity for granting of additional small water extraction licences for horticultural developing producers and related to that issue, whether all current water allocations are being efficiently used?
- **Map Change** – Amend Heritage Map to identify State listed Lakeview Homestead Complex.
- **Change to Discussion Paper No.2** – Include a small section in Discussion Paper 2 on the need to encourage biosecurity practices in agriculture and rural subdivision and to reference the South East Local Land Services Local Strategic Plan and the NSW Biosecurity Strategy 2013-2021.
- **Change to Discussion Paper No.9** – Amend Discussion Paper 9 to clarify that the sunset clause for dwelling entitlement is proposed to be deleted from ELEP 2012.

A copy of the amended Rural Lands Strategy (all three volumes) is included in the attachments to this report.

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Legal

The Rural Lands Strategy makes a number of recommendations that will require amendments to the Eurobodalla Local Environmental Plan 2012 (LEP 2012). Recommendations relating to zoning, minimum lot size, overlays and other LEP provisions will require LEP amendments through the Planning Proposal process. This process will commence following adoption of the Strategy by Council and will be undertaken in accordance with the requirements of the Environmental Planning and Assessment Act 1979. A further report will be submitted to Council when the planning proposal is prepared. Where Council proposes a position that may be inconsistent with government policy or ministerial directions, the planning proposal may fail to achieve approval in the gateway process. This would prevent Council from implementing the strategy.

Policy

The Rural Lands Strategy has been developed having regard to the existing NSW and Australian Government policy context and adopted Council strategies and policies. The Discussion Papers included in Volume 2 of the Strategy provide the policy context relevant to each topic and Discussion Paper 4 considers the potential implications of current reviews into legislation and policy concerning rural lands.

Environmental

The Rural Lands Strategy has been developed taking into account all relevant environmental issues. Discussion Paper 6 in particular outlines the environmental issues and recommendations for the Rural Lands Strategy.

Asset

The Rural Lands Strategy has been developed having regard to the potential implications of land use changes on Council's assets, particularly road, water and sewer infrastructure. Consideration is also given to the potential implications of land use changes for service delivery to rural areas, particularly in relation to bush fire.

Social Impact

The Rural Lands Strategy has been developed having regard to the issues raised by rural land owners in response to the previous exhibitions of the draft Local Environmental Plan in 2009 and 2011, and in response to the engagement activities undertaken in the development of the Strategy. In particular, the Strategy seeks to provide an appropriate amount of additional subdivision and dwelling opportunities in rural lands to facilitate growth in the rural community.

Economic Development Employment Potential

The Rural Lands Strategy has had a particularly strong emphasis on rural economic growth. Four of the Discussion Papers focus specifically on economic matters, being the Economic Directions, Commercial Agricultural Directions, Local Food and Rural Tourism Discussion Papers. All of the recommendations of the Strategy aim to support growth in the rural economy.

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Community Engagement

We have consulted with the community by seeking feedback through a 42 day public exhibition where the draft Strategy was on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre. The exhibition commenced on 16 October 2015 and closed on 27 November 2015.

All rural land owners were sent a letter informing them of the exhibition details and how to make a submission. Flyers containing the exhibition details and frequently asked questions were placed on Council's website and distributed at the exhibition events, discussed below. Loan copies and CDs were also available for people at the libraries. A total of 139 submissions were received during the exhibition period.

During the exhibition of the draft Strategy, seven events were held. These exhibition events were:

- Market stall at the Moruya Farmers Market on 27 October 2015
- Community meeting at Nelligen on 28 October 2015
- Community meeting at Narooma on 4 November 2015
- Market stall at Central Tilba on 7 November 2015
- Rural Producers Workshop at Central Tilba on 7 November 2015
- Community meeting at Moruya on 11 November 2015
- A second Rural Producers Workshop was held on 11 November at the request of some producers.

A record of the discussions at each of the community meetings and rural producers' workshops is contained in the consultant's Report of Public Exhibition, included in the attachments to this report. Also attached to this report is a summary of all submissions received with responses provided to each submission.

Council also consulted with the community through the Rural Lands Strategy Steering Committee who met on 22 occasions throughout the strategy development process. In accordance with the Rural Lands Strategy Steering Committee Terms of Reference, which states that "*the tenure of the Steering Committee will coincide with the development of the Rural Lands Strategy and will conclude when the Rural Lands Strategy is adopted by Council*", the Committee has concluded its work and has now finished.

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CONCLUSION

Following the exhibition of the draft Strategy, consideration of submissions by the consultant and Council staff, and discussion of recommended changes to the Strategy by the Rural Lands Steering Committee, a final draft Strategy has been prepared for consideration by Council.

There is one issues where the Rural Lands Strategy is inconsistent with the position of the Rural Lands Strategy Steering Committee, being the recommendation to include the Native Vegetation Map in the LEP.

On this issue, Council staff support the Strategy recommendation. However, should Council resolve not to accept this recommendation, the alternative preference would be the inclusion of a reference to the Native Vegetation Map in DCPs and implementation through a Code.

It is important to note that, where changes have been made to the Draft Strategy in relation to LEP matters, land owners will have a further opportunity to comment on the changes during the planning proposal process that will follow the adoption of the Strategy by Council.

If landowners disagree with the recommendations of the adopted strategy in relation to LEP matters, they still have the right to submit a planning proposal in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

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

Attachments: 1. Draft submission - Coastal SEPP
2. Draft submission - Stage 2 Coastal reforms

Focus Area: Sustainable Communities

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

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

EXECUTIVE SUMMARY

The NSW Government released a framework of Coastal Management reforms for public exhibition on 13 November 2015. Submissions on the reforms are due by 29 February 2016.

The draft framework for coastal management consist of three key reform documents:

1. Draft Coastal Management Bill
2. Coastal Management State Environmental Planning Policy (SEPP)
3. Draft Coastal Management Manual.

The NSW Government and the Agencies responsible for delivering the reforms, have proposed significant changes that have the potential for an overall positive outcome for how the coast is managed in NSW.

The major initiatives of the Coastal Reforms include the introduction of a new Coastal Management Act, consolidating four existing State Environmental Planning Policies (SEPP) into a new Coastal Management SEPP and a new Coastal Management Manual.

The reforms are a positive initiative that should make coastal management objectives clearer to understand and implement. There are several issues that remain unresolved within the draft framework for coastal management, therefore Council's support for the reforms should be conditional upon consideration of resolving these issues. A summary of the key issues to support and issues that need to be resolved is provided below. The attached submission provides more detail on each issue.

The key points of support are:

- Introduction of a new Act to replace the Coastal Management Act (1979)
- Consolidation of four existing SEPPs into a single Coastal Management SEPP
- New Manual to meet the requirements of the draft Coastal Management Bill.

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The key points of concern are:

- Shift of more responsibility back to local government and private sector to fund aspects of coastal management such as protection works and long-term nourishment.
- Capacity differences between regional and metropolitan areas to fund management solutions.
- Relationship to broader legislative reform, non-statutory planning instruments and regional planning strategies.
- The new Coastal Council does not include direct representation from local government.
- The cost of preparing a Coastal Management Program may increase.
- Ongoing potential for conflicts within the community over funding and management priorities.
- Late release of essential components of the draft Coastal Management Manual.
- SEPP and mapping has not been released – Explanation of Intended Effect only.

Feedback from Council's Coastal and Environmental Management Advisory Committee has been incorporated into the submissions.

RECOMMENDATION

THAT:

1. Council thanks the Coastal and Environmental Management Advisory Committee for their review of the Coastal Management Reforms and input into Council's submissions.
2. Council adopt the submission for the Coastal State Environmental Planning Policy and the submission for Stage 2 Coastal Reforms prepared in response to the exhibition of the NSW Coastal Management Reforms and submit to the NSW Department of Planning and Environment and the Office of Heritage.
3. Council forward the submission for the Coastal State Environmental Planning Policy and the submission for Stage 2 Coastal Reforms to the Honorable Andrew Constance MP, for information.

BACKGROUND

The Minister for Planning, the Hon. Rob Stokes MP, announced the release of a new draft framework for coastal management at the NSW Coastal Conference on Friday 13 November 2015. Councillors were initially briefed on the reforms on 1 December 2015 and again on 2 February 2016. Council's Coastal and Environmental Management Advisory Committee were initially informed of the coastal reforms on 17 November 2015 and then provided a detailed briefings on 28 January 2016 and an opportunity to provide input into Council's submission on 10 February 2016.

The public were invited by the NSW Government to forward submissions before February 29 February 2016.

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The documents placed on exhibition were:

- [draft Coastal Management Bill](#)
- [Explanation of Intended Effect for the proposed new Coastal Management State Environmental Planning Policy \(SEPP\)](#)
- Key elements of a [draft coastal management manual](#).

Draft submissions have been prepared and are attached to this report for consideration by and endorsement of Council. Submissions are due by 29 February 2016.

CONSIDERATIONS

The NSW Government and the Agencies responsible for delivering the reforms have proposed significant changes to the coastal management framework that have the potential for an overall positive outcome for how the coast is managed in NSW.

The major initiatives of the Coastal Reforms include the introduction of a new Coastal Management Act; consolidating four existing State Environmental Planning Policies (SEPP) into a new Coastal Management SEPP and a new Coastal Management Manual.

The shift away from an Act focused on regulation and enforcement towards an Act focused on integrating coastal management into the broader land use planning framework is a positive initiative. Although several important issues are not fully resolved in the draft Bill and supporting SEPP and Manual, the general intent to modernise the approach of coastal management is a welcome and positive change.

While in principle support can be provided for the reforms, the reform package is currently incomplete. The effects of the reforms on the wider land use planning system need to be addressed and available for consideration, for example the draft SEPP that is part of the package was not available for detailed review, only a statement of intended effects was exhibited.

Council cannot anticipate the full impact of the reforms therefore the Department will need to ensure adequate information and support is available to local councils during the transition period with a focus on the new mapping and how it will be applied and the actual planning controls within the SEPP.

The proposed improvements to mapping in the coastal zone are welcome. The SEPP14 mapping has always been problematic and of dubious quality. The ability for local councils to provide updated and more accurate mapping is welcomed. Provisions should be made for councils to provide updated mapping independent of a Planning Proposal process.

Council anticipates additional consultation will occur to allow for comment on a draft SEPP and the new mapping.

The reforms are a positive initiative that should make coastal management objectives clearer to understand and implement. There are several issues that remain unresolved within the draft framework for coastal management therefore Council's support for the reforms should be conditional upon consideration of resolving these issues. A summary of the key issues to

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support and issues that need to be resolved is provided below. The attached submission provides more detail on each issue.

A summary of key points to support is provided as follows:

- Introduction of a new Act to replace the Coastal Management Act (1979)
- Consolidation of four existing SEPPs into a single Coastal Management SEPP
- New Manual to meet the requirements of the draft Coastal Management Bill.

Summary of key points of concern:

- Shift of more responsibility back to local government and private sector to fund aspects of coastal management such as protection works and long-term nourishment
- Capacity differences between regional and metropolitan areas to fund management solutions
- Relationship to broader legislative reform, non-statutory planning instruments and regional planning strategies
- The new Coastal Council does not include direct representation from local government
- The cost of preparing a Coastal Management Program may increase.
- Ongoing potential for conflicts within the community over funding and management priorities
- Late release of essential components of the draft Coastal Management Manual
- SEPP and mapping has not been released – Explanation of Intended Effect only.

Legal

The Coastal Management Act will, when ascended, replace the Coastal Protection Act 1979.

The Coastal Management SEPP will replace the following:

- SEPP14 – Coastal Wetlands
- SEPP26 – Littoral Rainforest
- SEPP71 – Sensitive Coastal Locations.

The NSW Coastal Policy 1997 will be repealed when the Coastal Management SEPP is published in the Gazette.

The Coastal Management Manual, when adopted, will be the Manual referred to under Section 733 Local Government Act as providing indemnity from liability.

Policy

There will be no immediate impact on Council's Interim Coastal Hazards Adaptation Code. This will be replaced when Council has completed a Coastal Management Program and transitioned to the new coastal management framework.

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Environmental

The draft Bill has extended the protection of the coast offered under the current Coastal Protection Act 1979. Additional coastal areas have been recognised for conservation, including coastal headlands.

Social Impact

Together, the draft Bill, SEPP and Manual place a stronger obligation on local communities to fund coastal management independent of assistance from the State Government. Issues associated with private property have not yet been fully resolved in spite of the coast being recognised in statute as ambulatory and dynamic.

Financial

The potential financial impacts are:

1. Increased cost to prepare a Coastal Management Program (current a CZMP) under the new manual.
2. Emphasis on local councils and property owners to fund coastal management and hazard adaptation.

The second financial impact will only be realized if Council chooses to undertake works or fund other adaptation options and alternative funding options are not provided by the state or federal governments.

Community Engagement

Council has collaborated with the community through seeking advice, ideas and recommendations from Council's Coastal and Environmental Management Advisory Committee (CEMAC) that met on 17 November 2015, 28 January 2016 and again on 10 February 2016 to discuss the submission.

In addition, coastal managers and the public were provided the opportunity to attend consultation sessions run by Office of Environment and Heritage in Narooma on 2 December 2015. The public has been able to access the consultation documents, ask questions and make submissions on the OEH website at www.environment.nsw.gov.au/coasts/coastreforms.htm. The CEMAC meeting held on 10 February 2016 unanimously agreed on the following points to be considered by Council for inclusion in Council's submission.

1. Two (2) additional representatives be added to the NSW Coastal Council to include a relevant local government representative and a peak coastal community group
2. The compensation / buyback issue should be addressed in the Bill. The level of cost and responsibility shifting to local government is too high. Additional funding from the State and Federal Government is required to support settlement realignment (planned retreat) actions.
3. The reform package is overly complex, provides for a lack of parliamentary oversight (eg ability for Minister to amend the manual and toolbox) and Ministerial delegations (Minister can delegate functions to the OEH).

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4. The mapping of the coastal use areas are not yet complete. The broad approach of a 500m – 1km coastal use may prove overly restrictive in local circumstances. Council should reserve comment until the mapping is completed and released for comment.
5. The scope of exempt and complying development in the coastal zone needs to be expanded and should apply to land adjoining the seaward edge of a foreshore and beachfront reserve.

One other comment was raised but not unanimously supported by the committee:

- Until coastal use mapping is completed, in the interim, distances of 50m – 200m should apply.

The CEMAC also advised staff that the position put forward regarding development controls being outlined in the Standard Instrument LEP and the mapping of coastal management areas being in the SEPP needs to be made clearer. The submission has been re-worded to make it easier to understand that Council is supporting the position that development controls be included in the Standard Instrument Principal LEP and mapping be included in the SEPP.

Of the above five points, points 1, 2, 4 and 5 are supported and have been included in the draft submissions. Point 3 is not supported in full. While the reform package is complex, the manual cannot simply be amended by the Minister without due process and the ability for the Minister to delegate certain functions exists now under the current system so the reforms do not result in a change on these issues.

CONCLUSION

Submissions have been prepared in response to the draft framework for coastal management that was announced by the Minister for Planning on Friday 13 November 2015. A copy of the submissions are attached to this report.

On balance, the draft framework for coastal management is a positive initiative that could provide additional protection for the coast, recognise the coast as a unique economic resource and provide long-term management goals for the coastline, inclusive of the natural and built environments.

Several concerns with the framework have been identified. Funding has been shifted to local councils and private property owners. The capacity of regional councils to implement coastal management programs may be limited without assistance from other levels of Government. Issues associated with managing the ambulatory nature of the coast have not been resolved under the draft Bill, particularly ownership of the coastline under conditions of long-term shoreline recession.

Feedback from Council's Coastal and Environmental Management Advisory Committee has been incorporated into the submissions.

The draft framework for coastal management is generally positive and should be conditionally supported. Submissions close on the 29 February and the attached submissions have been prepared for consideration of and endorsement by Council.

Our Reference:

Date:

Executive Director
Resources and Industry Policy
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear

**Submission from Eurobodalla Shire Council regarding the
Coastal Management State Environmental Planning Policy (SEPP)**

Eurobodalla Shire Council supports the concept of introducing a consolidated SEPP for coastal management. This could deliver efficiencies in the assessment of coastal development and improve environmental outcomes for the coast.

While we provide in principle support for the concept, the coastal management reforms package is currently incomplete. The effects of the reforms on the wider land use planning system need to be addressed and available for consideration, for example the draft SEPP that is part of the package was not available for detailed review, only a statement of intended effects was exhibited.

Council cannot anticipate the full impact of the reforms therefore the Department will need to ensure adequate information and support is available to local councils during the transition period with a focus on the new mapping and how it will be applied, and the actual planning controls within the SEPP.

The proposed improvements to mapping in the coastal zone are welcome. The SEPP 14 mapping has always been problematic and of dubious quality. The ability for local councils to provide updated and more accurate mapping is welcomed. Provisions should be made during the transition period for councils to provide updated mapping independent of a Planning Proposal process. Council anticipates additional consultation will occur to allow for comment on a draft SEPP and the new mapping.

Please find attached a detailed response to each of the thirteen questions that you have sought feedback on from the exhibition of the coastal management reforms, including additional comments on the proposed SEPP.

If you have any questions or require additional comment please contact Lindsay Usher, Director Planning and Sustainability Services on 4474 1304.

Yours sincerely

Cr Lindsay Brown
Mayor

Question 1: Should councils be able to propose changes to the maps for all or some of the coastal management areas?

Yes, the proposal to allow councils to propose changes to the maps is supported, however alternative pathways to submitting a planning proposal should be considered.

The draft Coastal Management Bill requires councils to prepare a Coastal Management Program (CMP) that will include assessment and mapping of coastal hazards. In addition, councils will be required to have a CMP certified by the Minister for Planning and Environment. There is duplication in having to submit a CMP for certification followed by potentially submitting to a planning proposals to have amendments to the mapping made in accordance with the CMP.

Furthermore, the mapping from a certified or certifiable CMP will have been subjected to a rigorous process of public exhibition and direct community consultation. The mapping from a certified CMP should automatically amend any SEPP mapping.

If a council identifies changes to the coastal management area mapping through a study other than a CMP, a mechanism similar to that for bushfire prone land mapping under Section 146 (Bushfire Prone Land) of the Environmental Planning and Assessment Act would be appropriate and efficient. The function of the Commissioner of the NSW Rural Fire Service in certifying amendments to bushfire prone land mapping could be replicated by the relevant authority in the Department of Planning and Environment for changes to coastal management area mapping.

Question 2: Should the development controls be included in the proposed Coastal Management SEPP or as a mandatory clause in council LEPs?

Council understands that this question is about the development controls that will apply to the mapped coastal management areas. Council is of the view that the mapping of coastal management areas is appropriately located in the SEPP, while the development controls should be in the Standard Instrument – principal LEP, not in the proposed SEPP. This will ensure consistent controls for development are applied across NSW in all LEPs and that the overall management goals for the NSW coast, including the objectives of the draft Bill, are met.

The ability to include local provisions relating to the coast needs to be maintained to recognise unique management challenges of individual local government areas. The aim of local provisions should be to support specific actions from a certified CMP that are not adequately captured in the Standard Instrument – principal LEP or draft Coastal Management SEPP.

Question 3: Do the proposed development controls for coastal wetlands remain appropriate for that land?

The development controls are adequate, however our experience as the authority that assess most development applications is that guidance is required in regards to appropriate 'set backs' to SEPP 14 Wetlands for various types of developments. This is particularly important for development applications on private land where new development (ie residential dwellings) is proposed adjacent to SEPP 14 Wetlands.

Notwithstanding, a review of exempt and complying development should also be undertaken to increase the types of exempt and complying development adjacent to wetlands, particularly for existing residential development.

Question 4: Do you support the inclusion of a new 100m perimeter around the mapped wetlands, including the application of additional development controls?

There is a current 100m buffer from SEPP 14 Wetlands identified under SEPP 71, therefore this does not seem to be a new inclusion but is simply transferring a current arrangement across to the new SEPP. The perimeter may have limited impact on the development application process however, given it does not apply to residential development.

Council has previously made representation that the exempt and complying development provisions in the coastal zone need to be reviewed. Particularly within such a 100m buffer, the types of exempt and complying development should be expanded. For example, in an existing residential development, the current SEPP 71 100m buffer around a SEPP 14 Wetland would trigger the need for development consent for a small garden shed. This is unnecessary and should be rectified.

Question 5: Are the proposed development controls for mapped vulnerability areas appropriate?

Council welcomes the provision of State-wide development controls that recognise the dynamic and ambulatory nature of the coast. Additional guidance is required on how each specific control is to be applied through the development assessment process. For example, how does a local council ensure a development allows for the ambulatory nature of the coast? We are anticipating the new coastal management manual will deliver more detailed guidelines on how to implement the controls outlined in the SEPP.

The current NSW Coastal Planning Guideline: Adapting to Sea Level Rise advises against development in areas at immediate risk from coastal erosion. The development controls proposed in the SEPP should reflect this advice and prescribe what development is not appropriate in areas exposed to a current risk from a coastal hazard.

Provision should also remain for local planning controls to be included in LEPs/DCPs to recognise the unique nature of different parts of the NSW coast.

Question 6: Are the proposed development controls for coastal environment areas appropriate for that land?

The list is adequate but consider adding a clause relating to protecting foredunes as there are examples where the dune field is wider than the proposed 100m buffer.

Question 7: Is the inclusion of the catchments of the 15 sensitive lakes within the coastal environment area appropriate?

Eurobodalla contains five of the fifteen lakes listed. A majority of the catchments are wholly contained within a National Park therefore there is limited impact on how development will be considered in reference to the lakes. Notwithstanding this, the coastal lakes review pre-dated gazettal of the Batemans Marine Park. The process of establishing the Marine Park included rigorous assessments that may provide updated information on the conservation values of coastal lakes.

Question 8: Which is the best option for mapping the Coastal Use Area? Is the proposed approach to mapping the CUA for the Sydney metro area appropriate?

Option 3 is supported by Eurobodalla as it provides a degree of flexibility based on local knowledge. However it is noted that this broad approach may be overly restrictive in local circumstances. Amendments to the mapping should be supported by an adopted study, CMP or Environmental Planning Instrument (EPI) that identifies the extent of Coastal Use Areas. For example, mapping may be varied following adoption of a new LEP or settlement strategy. Mapping from an adopted study, CMP or EPI will have been previously exhibited and discussed with local communities prior to adoption.

Notwithstanding our support for Option 3, this position may change following release and exhibition of the draft SEPP and associated mapping.

Question 9: Should councils be able to propose variations to the CUA maps over time to take into account local characteristics and circumstances?

Yes. As above.

Question 10: Are the proposed development controls for mapped CUA's appropriate for that land?

The development controls are appropriate however the following clause may be interpreted in such a way that it could unreasonably restrict development and the achievement of agreed and desired change.

"does not exceed the scale and size of the existing buildings and the visual impact on the surrounding area"

The intent of this clause is understood, however many regional areas are currently being re-developed with older holiday cabins being replaced with modern permanent dwellings. Much of the existing building stock is unsuitable as permanent homes therefore it would be unreasonable to demand the current scale is maintained. The visual amenity and scale can be controlled through local provisions such as set-backs and building heights. In addition, there are advantages in up-scaling the scale and size of buildings in some coastal areas to consolidate development and therefore avoid strip development and loss of amenity along a longer stretch of coastline.

Question 11: Should the current exempt development and complying development provisions be retained for coastal management areas?

The current arrangements for exempt and complying need to be reviewed and expanded to include more small scale development. For example, a pre-fabricated garden shed or fence within 100m of existing SEPP 71 areas currently requires development consent. This is not considered by council to be development that can result in significant environmental damage, especially where it is associated with existing development and only serves to add a burden and cost to local communities.

Question 12: Should consideration be given to applying other controls for these areas? For example, what types of exempt and complying development might appropriate in coastal wetlands and littoral rainforests or in the catchments of sensitive coastal lakes?

In general, the controls could be less restrictive and include more small scale development such as garden sheds, pathways and boundary fences as exempt and complying development. These types of development are not large in scale and will not have any impact above that of an existing approved building.

Question 13: Should any provisions be retained to allow the use of emergency coastal protection works in emergency situations? What limitations should be put on such works being undertaken by private individuals or public authorities?

The function within the SEPP and the draft CM Bill to establish the JRPP as an independent assessor of emergency coastal protection works is supported.

The proposal to remove entirely the provision for private land owners to place temporary or emergency coastal protection works needs to be considered more carefully. Private landowners should have a provision to place temporary works in certain circumstances if all of the following circumstances apply:

- Long term works are identified within a certified CMP
- Funding for arrangements for long-term works have been identified and committed to through a legally binding agreement
- A development application has been lodged and approved.

Alternatively, should temporary coastal protection works be required that are minor in nature and have minimal impact, provision to place such temporary or emergency coastal p

General Comments relating to coastal protection works

A public Authority should be exempt for modification of existing coastal protection works. For example, what will be considered as routine maintenance, replacement or upgrading of existing infrastructure and works?

Amendment to Infrastructure SEPP

Eurobodalla Shire Council supports the amendment to ISEPP that requires public authorities to consult with councils about works on lands within a coastal vulnerability area. Identifying the long-term strategies of large public authorities for managing coastal hazards has often been problematic. The provisions under the SEPP need to be strengthened in order to compel a public authority to participate in coastal planning and contribute to the preparation of a CMP. The current provisions are more voluntary than mandatory and this may result in key infrastructure managers not participating in long-term strategic planning for the coast.

Removal of Concurrence

Eurobodalla Shire Council supports the removal of the concurrence requirements under the existing assessment procedures. Local councils have the necessary expertise and local knowledge to thoroughly assess the environmental considerations associated with development applications in sensitive areas. The capacity to have coastal protection works assess by the JRPP will extend the range of expertise available to a local council to assess development application in the coastal zone. The efficiency gains within a council will be passed on to local communities.

Notwithstanding, the OEH needs to maintain the capacity to provide technical advice to councils, particularly on development matters relating to Management Area 1: Coastal Wetlands and Littoral Rainforest Area.

Notations on section 149 Planning Certificates

As part of the current coastal management reforms, the Department should release proposed changes to the EP&A Regulation regarding information required on section 149 Planning Certificates as well as an updated *Planning Circular 'Coastal hazard notations on section 149 planning certificates'* detailing how section 149 Planning Certificates will be affected.

To enable the notations on section 149 planning certificates to align with the information contained in the Coastal Management SEPP and mapping, at the time of issue, significant staff resources will be required to review, analyse, update and make needed changes to Council GIS and data systems. A new planning Circular and the actual Coastal Management SEPP maps should be released as soon as possible. Furthermore, standard wording for inclusion on section 149 certificates should also be issued.

Our Reference:

Date:

Coastal Reforms Team
Office of Environment and Heritage
PO Box A290
SYDNEY SOUTH NSW 1232

Dear Coastal Reforms Team

Submission to the Stage 2 Coastal Reforms - Eurobodalla Shire Council

Eurobodalla Shire Council welcomes the opportunity to comment on Stage 2 of the NSW Coastal Reforms. The NSW Government and the Agencies responsible for delivering the reforms have proposed significant changes that have the potential for an overall positive outcome for how the coast is managed in NSW.

Eurobodalla Shire Council supports the major initiatives of Stage 2 of the Coastal Reforms, those being: the introduction of new Coastal Management Act; consolidating existing SEPPs into a new Coastal Management SEPP and; a new Coastal Management Manual.

The current Coastal Protection Act is overburdened with amendments and interactions between related planning legislation and guidelines that have created an unnecessarily complicated system for managing the coast. The approach of preparing a new Coastal Management Act is the best option to move coastal management forward in New South Wales.

The shift away from an Act focussed on regulation and enforcement towards an Act focussed on integrating coastal management into the broader land use planning framework is a positive initiative. Although several important issues are not fully resolved in the draft Bill and supporting SEPP and Manual, the general intent to modernise the approach of coastal management is a welcome and positive change.

The following submission is presented in three parts:

1. Comments in response to the draft Coastal Management Bill
2. Comments in response to the draft Coastal Management Manual
3. General comments on the Stage 2 Coastal Reforms.

A separate submission has been forwarded to the Department of Environment and Planning in response to the Explanation of Intended Effect: Coastal Management SEPP.

If you require any additional information, comment or input, please contact Lindsay Usher, Director, Planning and Sustainability Services on 4474 1304.

Yours sincerely

Cr Lindsay Brown
Mayor

1. Comments in response to the draft Coastal Management Bill

1.1. Support for the draft Coastal Management Bill

1.1.1. Objects of Bill

The Bill is welcomed and viewed as a positive step towards integrating coastal management as a core function of land use planning, social and economic planning and council works programs.

The draft Bill has not rescinded any of the protection of coastal ecosystems or amenity values that was at the core of the soon to be rescinded Coastal Protection Act 1979 and NSW Coastal Policy 1997.

Eurobodalla Shire Council supports the following objectives of the draft Coastal Management Bill that have been included as an addition to the current Act and NSW Coastal Policy:

- Recognition of the coast as a vital economic zone and provision for sustainable coastal economies
- Recognition of local and regional scale effects of coastal processes and the dynamic and ambulatory nature of the shoreline and to manage coastal use and development accordingly
- Ensure the coordination of policies and activities of government and public authorities relating to the coastal region and to facilitate the proper integration of their activities.

One exclusion of concern between the existing Act and the draft Bill is the removal of the following objective:

(e) to provide for the acquisition of land in the coastal region to promote the protection, enhancement, maintenance and restoration of the environment of the coastal region, Acquisition of coastal lands can be a valuable tool to meet the primary and subordinate objectives of the draft Bill. These objectives include:

- Maintain public access, amenity and use
- Protect and enhance natural coastal processes
- Mitigate current and future risk from coastal hazards
- Improve the resilience of coastal wetlands... including opportunities for migration (Part 2(6)(2)(c))

Given the forecast increasing severity of coastal hazards due to climate change, which is a national and global problem, there must continue to be a legislatively defined role for state government to acquire land if necessary. This should also include additional funding mechanisms from state and federal government to support settlement realignment (planned retreat) actions.

1.1.2 Part 2 – Coastal zone and management objectives for coastal management areas

Eurobodalla supports the identification of four coastal management areas, the management objectives for each and the hierarchy of consideration.

The inclusion of a specific management area for coastal hazards will support community awareness, local adaptation and mitigation responses. The standard template LEP zoning does not provide sufficient flexibility to manage a naturally dynamic environment that does not readily fit in with traditional land use planning boundaries. If the Draft Bill and supporting Coastal Management SEPP are applied as intended, it may contribute to managing the conflict between fixed planning boundaries colliding with a naturally dynamic coast.

1.2 Suggested improvements to the Draft Bill

1.2.1 Integration of assessment and management of coastal processes including catchment flooding within estuaries and ICOLLs

Object (h) of the Bill promotes integrated planning for the coast. This objective is supported by listing “*...the interaction of those waters with catchment floodwaters*” as a coastal hazard under Section 1(g) of the draft Bill. This objective is constrained by there currently being two independent processes for assessing and managing flood risk and coastal hazards; each with separate manuals and grant assistance programs.

Managing the coast will benefit from integrating the two processes and grant assistance programs under a single Coastal Management Program. This will allow for integrated concurrent assessment of natural hazards impacting coastal settlements and the preparation of a single coordinated management response and a single funding program. The same adverse weather event can produce flooding and coastal hazard events.

Councils would be able to communicate the full suite of natural hazards and management options within a single coordinated consultation plan. Experience with consultation and engagement within our local area has taught us local communities can be overwhelmed by the technical content of hazard studies and are often confused by there being two separate programs. We have had direct experience where members of the local community have criticised council for “exempting” estuaries from a coastal hazard study because we were in the process of preparing a flood study for a coastal waterway.

Eurobodalla has integrated coastal and tidal inundation assessments into flood studies currently being prepared for the Tomaga River, Candlagan Creek, Wagonga Inlet and several other coastal inlets in the Narooma area. Cost savings are realised by re-routing flood models to assess in detail the impacts of tidal inundation, elevated tail-water levels.

This approach will mean the management objectives for each coastal management area within the Coastal Zone will have the assessment, response and funding aligned under a single program. It will also align land use planning objectives at a higher level of the planning hierarchy so that subordinate planning tools will be informed by the same hazard assessment process.

1.2.2 Broader legislative reforms to support interaction of ambulatory coastal boundaries and fixed property boundaries.

Objective (g) of the draft Bill states:

“to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly”

The draft Bill cannot meet Objective (g) in isolation and a broader legislative reform process will need to occur in concert with the planning and coastal reforms currently underway.

Except under rare circumstances, we currently operate under a fixed title property system with very few properties having a water boundary reference to mean high water. The doctrine of erosion and accretion is limited in application therefore it cannot be relied upon to meet Objective (g) and other key objectives of the draft Bill including (b) *“to support social and cultural values of the coast and maintain public access, amenity and use”*.

The Minister noted in his speech to the NSW Coastal Conference in November 2015:

“we continue to have unresolved legal ambiguities about land tenure when property boundaries are subject to coastal erosion or accretion”.

Minister Stokes is a noted expert in this field and acknowledged the request made by local councils during the consultation period to provide more certainty around the use of coastal planning measures and to clear up the ambiguity associated with land tenure. Furthermore, coastal land may be lost to the sea as a result of tidal inundation. In some estuaries, this may present as the primary risk from changing sea levels and it therefore needs to be included in any consideration on how to address the tenure issue.

The draft Bill does not solve these issues in isolation therefore local councils need to be informed of the wider process of legislative reform that will occur to realise these higher order objectives. The Explanation of Intended Effect for the Coastal Management SEPP and the draft Coastal Management Manual both offer planning and development options, with the draft Manual going as far as to offer recommendations such as tenure exchanges. Notwithstanding, there is nothing in the draft Bill that guarantees public ownership of a beach in perpetuity.

1.2.3 Part 2, Division 2, Section 15 - Matters to be dealt with in a coastal management program

1.2.3.1 Consideration given to Coastal Town Centres areas of essential community utility

Coastal towns are a centre of economic and cultural activities and provide a hub for services such as health, banking, government agencies and retail. Eurobodalla Shire Council has recognised coastal towns as “areas of critical community utility” in our current coastal management strategies, including the LEP and Interim Coastal Hazards Adaptation Code. These actions are consistent with the coastal reforms in supporting the “saltwater economy” and applying objective (d) of the draft Bill to recognise the coast as a vital economic zone.

Special planning consideration has been afforded to these areas in respect to managing coastal hazards. The draft Bill should identify coastal towns and in particular, regional centres as areas of essential community utility and be given the same consideration as essential infrastructure. Exemptions should be extended to protecting these centres from coastal hazards if no measures are currently in place. These areas must be given priority over other land use in the hierarchy of consideration for management responses and investment in works.

1.2.3.2 Cost sharing arrangements – Section 15(1), (c)

The general direction of the Stage 2 of the NSW Coastal Reforms has focussed more responsibility on local councils and private land owners to fund coastal management. Section 15 (d) places a statutory obligation on a council to cost-share coastal management through reinforcing the advice and guidelines presented in the draft Coastal Management Manual. It is acknowledged cost-sharing can include support from all levels of government however the majority of funding options presented in draft Manual are from local government fees, charges and levies. It is disappointing that the reforms are look toward existing local government and private sector funding mechanisms to address these problems without looking at how the state can contribute. Given the national and global scale of climate change and the impact on coastal hazards, it is also noted that there is no evidence in the reforms of discussions between the NSW state government and the federal government on potential solutions and funding mechanisms.

1.2.3.3 Transition of tenure

In addition to identifying cost sharing arrangements, the Bill should list as a matter to be dealt with in a coastal management program the arrangements to maintain public ownership of beaches and foreshores under conditions of long-term erosion, recession and inundation. The draft Manual does offer a list of potential options, but until these options are given broader legislative support, they will remain within the scope of wicked problems alluded to by the Minister and potentially remain unsolved. The compensation / buyback issue should be addressed in the Bill. The level of cost and responsibility shifting to local

government is too high. Additional funding from the State and Federal Government is required to support settlement realignment (planned retreat) actions.

1.2.4 Part 4 - NSW Coastal Council

Council has no objections to transferring the assessment role of the existing Coastal Panel to the Joint Regional Planning Panel (JRPP) and is satisfied the draft Bill has ensured the relevant expertise will be recruited to the JRPP when needed.

Council is concerned that the new Coastal Council does not include a statutory position for Local Government NSW. The current Coastal Panel has two positions dedicated for local Government and it is disappointing that this has not carried over to the new Coastal Council. It is understood there may be concerns regarding independence in respect to the auditing role of the Coastal Council, however these can be overcome in the Terms of Reference for the Coastal Council where procedures could be put in place.

It is still unclear what advisory service the Coastal Council will provide. The manual is clear in recommending a draft Coastal Management Program be forwarded to the Coastal Council for comment prior to applying for certification however this role doesn't appear to be strongly supported in the draft Bill.

The functions of the Coastal Council state advice will be provided to another public authority at the request of the Minister (Section 25 (b)). It is important that local councils have access to advice regarding if a Coastal Management Program is certifiable prior to sending to the Minister. This will save considerable effort on behalf of local councils, OEH staff and the Minister if advice is offered on how best to proceed to certification.

Two (2) additional representatives be added to the NSW Coastal Council to include a relevant local government representative and a peak coastal community group.

1.2.5 Schedule 4 – removal of consideration of Coastal Zone Management Plan from Section 79(c) of Environmental Planning and Assessment Act

Schedule 4 of the draft Bill states S79C(1)(a)(v) will be removed as a consideration. Is it anticipated the new Coastal Management SEPP will serve as a substitute for this clause?

1.2.6 Comments on Definitions

Section 3(i) - "Coastal Asset" needs to be defined in respect to referring to natural or built assets. Currently this term is open for interpretation which may exclude natural features as a coastal asset and conversely, built assets essential to underpinning the operation of coastal communities.

S3(B) *....maintain public, access, amenity and use....*Ongoing public ownership of the beach must be a high order objective of a Coastal Management Act.

S4(1) beach...expand definition to include the whole dune field. The current definition may only capture the insipient dune and not the fore dunes or hind dunes within the *beach fluctuation zone*.

Eurobodalla Shire Council submission to Stage 2 Coastal Reforms Page 6 Alternatively, dunes could be given a separate definition within the SEPP and under Part 2(8) of the Bill. The hind dunes are not currently captured under the definitions. For example, P2(8)(e)(f) specifically refer to *beaches, foreshores, headlands and rock platforms*. The hind dunes are not captured under the current definition of these features. The SEPP captures land 100m landward of State waters. Hind dunes may be beyond this zone.

P2(7)(f,i) refers to *restoring or enhancing natural defences including coastal dunes, vegetation and wetlands*. There is no definition for a coastal dune in the draft Bill as a reference to support this.

The Minister specifically referred to fore dunes and hind dunes (back dunes) in his announcement.

Hind dunes could be broadly interpreted as being included in the Coastal Environment Area but it may differ from locality to locality. Furthermore, the dune filed may migrate landwards under existing conditions and conditions projected to occur with climate change. Capturing a broader definition for coastal dunes will facilitate forward strategic planning to accommodate the potential for landward migration.

Part 1 (4) Essential Infrastructure

- Should include hospitals

2.0 Comments on the Draft Coastal Management Manual

The draft Manual and supporting toolkits required a substantial effort to read and critically review. As a consequence, the release of the toolkit on 23 December 2015 with submissions due on 29 February was not satisfactory given the time required for Council to consult with its Coastal and Environment Advisory Committee and the reporting cycle of Council.

The comments provided on the draft toolkit can therefore be considered as preliminary and council requests that the exhibition period for the material released on 23 December 2015 be extended until Friday 1 April to allow for a more detailed review and response. If this is not possible, councils should be able to provide further comment on the current material during the anticipated consultation period for the technical advice that has not yet been included in the draft Manual.

2.1 Support for the draft NSW Coastal Management Manual

The process outlined in the Introduction to the NSW Coastal Management Manual is supported by council. The staged approach to preparing a Coastal Management Program (CMP) is logical and clearly understood. In particular, the following proposed approaches are supported:

- Staged approach
- Ability to fast track stages by applying existing studies and management actions
- Focus on managing the hazards as opposed to identifying the hazards
- Integration of CMP into the Integrated Planning and Reporting process and the operations of council through uptake in the Delivery Program
- Inclusion of advice on the preparation of Coast Benefit Analysis
- Links with the wider objectives of the reforms to shift focus towards management solutions and planning.

The Manual has proposed a suite of management responses that will ultimately contribute to the debate about coastal management. Notwithstanding the potential for conflict, the manual directs councils towards preparing a coastal management plan that is funded and deliverable. This is a positive step forward for coastal management in NSW because the manual will ensure each council is considering the same list of management options as neighbouring councils.

2.2 Specific comments

2.2.1 Part A: What outcomes are required from a CMP

The content of Part A: Mandatory requirements is generally supported. The essential elements and required outcomes are a good reflection of current coastal management practices.

It is interesting to note the draft Manual includes the consideration of catchment flooding in the assessment of coastal hazards. This requirement strongly supports our earlier recommendation to more closely integrate the flood and coastal management manuals, funding programs and pathways to exemption under Section 733 of the Local Government Act. Catchment flooding is clearly accepted by practicing professionals as an essential component of the assessment of coastal hazards.

2.2.2 Mandatory requirement: consult with public authorities

Consultation with large public authorities can be problematic. Experience from Eurobodalla with the preparation of flood studies has attracted limited interest and input from large agencies in spite of significant essential infrastructure being impacted. There has generally been a limited exchange of information and advice with councils generally being the main provider of the information. Although we support better consultation links with Agencies, there must be a stronger legislative obligation placed on such Agencies to participate in the coastal and flood management processes.

There is currently a lack of top down leadership in the field of adaptation with a majority of the strategic planning falling to local government. For example, parts of the Princes Highway will be vulnerable to tidal inundation within the medium term planning period. There is currently no adaptation strategy for these section of highway. This is an issue broader than the current updating of the Coastal Management Manual that the higher levels of Government need to address.

2.3 Part B: Scoping

2.3.1 State-wide coastal hazard mapping

The provision of State wide hazard mapping to inform the scoping stage is welcomed. Eurobodalla Shire Council wrote to the then Minister for the Environment in February 2015 requesting that the State take responsibility for identifying and mapping coastal vulnerability areas. The provision of generic hazard mapping is strongly supported as it will save considerable time and expense in allowing councils to focus on areas that are most at risk.

The only potential issue with the mapping is the scope for conflicts between information on existing hazard mapping prepared by councils and the state wide maps. The OEHL needs to release full technical details on how the maps were prepared and what parameters informed the hazard assessment. It needs to be mandatory that each council applies the same input parameters when preparing detailed probabilistic mapping. This is of particular importance for areas where sediment compartments overlap adjoining LGAs where the mapping will need to be directly comparable to prepare joint management responses.

2.3.2 Public Infrastructure

To follow on from our response to the draft Bill, we recommend the following infrastructure is added to the list under section 1.7.1:

- Hospitals
- Schools
- Regional town centres.

2.4 Part B, Stage 3: Response identification and evaluation

Coastal managers have been applying a majority of the principles and practices presented in the draft manual for at least a decade. What is welcome is the recognition of these management innovations within the draft manual. There has been ongoing difficulties and conflicts with the application of coastal adaptation management practices and the inclusion of a wide range of management options in the manual will lend support to local councils when attempting to communicate modern coastal management challenges to communities.

2.5 Part B: 3.4 Strategic Approaches, opportunities and management actions in coastal vulnerability area

2.5.2 Table B3:2

The strategic options presented in Table B3:2 are good guideline for local council planners responsible for Strategic Land Use Planning.

There is one option however that should not be considered as a Strategic Approach to Accommodate Risk: time limited consents.

There is existing case law against the application of Time Limited consents (Lake Macquarie Council). Time does not in reality, relate or respond to a hazard. There is always the possibility of hazards impacting on a development prior to or after the time limited consent lapsing.

Management must be focussed on responses to avoid the impacts from a hazard event.

Under the same heading of Accommodate risk, consider adding an example for this approach. Zoning change within a vulnerability area is a useful tool to encourage ongoing use of a site, albeit for a different purpose. Eurobodalla has changed a zoning from residential to environmental living to facilitate the use of a vulnerable site as a camping area. This flexible approach to zoning and development controls within a vulnerable area has allowed for an economic use by a suitably short term, event triggered controlled activity. This will allow valuable coastal land to have an economic return for as long a period as the hazards permit.

The Emergency response approach needs to be clarified from the perspective of existing and planned development. Experience with flood management has taught us that some applicants for development have a perception that an Emergency Action Plan can sufficiently manage the risk at highly dangerous sites. From a professional perspective, the Manual is clear however it needs to be spelled out that Emergency Action response plans are not a pathway for development consent. Emergency plans are only there to support a consent once it has been given.

2.5.3 Additional opportunities associated with avoiding risk

This section recommends *"A land acquisition or tenure transfer program may be used...to facilitate settlement realignment"*. These options have been broadly discussed within the international literature as viable options to buffer the social and economic impacts of climate change and coastal hazards. Comment was made in our response to the draft Coastal Management Bill in respect to removing a clause relating to the purchase of coastal land and the lack of associated legislative reforms to support the concept of tenure exchange. Until these important mechanisms are put in place, discussion on genuine options for managing retreat under conditions of shoreline change will remain in the

academic arena. Facilitating these option in statute will genuinely broaden the scope of options available beyond coastal protection works or the hardships of loss associated with homes being lost. It will also secure ownership of our coast for the community in perpetuity.

Setting these points aside, the provision of guidelines relating to when it is appropriate to consider settlement realignment, accommodate the risk or to construct coastal protection works is a positive. A majority of the conflict attendant to coastal management is associated with these options and where each option is applied.

One issue that will arise through the application of these options is the gaining and placement of sand for nourishment. Eurobodalla is contained wholly within a marine park and therefor constrained in the application of this option. We have a current example where the crown is looking to potentially place clean material from a channel dredging program onto a dynamic shoal that would in turn nourish a nearby beach over time but this may be difficult to undertake due to the constraints of being within the marine park. The coastal reforms need to look at the constraints the marine park is placing on sensible, minimal impact mitigation measures. These issues need to be resolved to allow for low impact works to occur.

2.6 Part B Stage 4: Preparing, exhibiting, finalising, certifying and adopting a CMP

Council generally supports the staged process for preparing and certifying a coastal management program.

One area that may be problematic in the process is the need to prepare a business plan and detailed cost benefit analysis for each adopted management option. Council has no objection for preparing these reports and believes it is a necessary component of good management. Our comments relate to how these reports will potentially stall the staged preparation process and delay certification.

These reports will make it difficult to identify the cost for preparing a CMP at the briefing and scoping stages. For example, how will it be possible to know what options will require a detailed analysis before the investigations and consultation have been completed?

As a consequence, we have the following questions:

- Will there need to be a hold-point between Stages 3 and 4 to allow for the preparation of CBA and business case
- How will the coastal grants program operate to accommodate additional funding required to prepare the financial reports?

3.0 General comments on the Stage 2 Coastal Reforms

Part C: Coastal management toolkit: funding mechanisms to implement coastal management actions

This section of the draft Manual highlights the most critical point of concern for our local council in that it discusses the allocation of responsibility to fund coastal management and more broadly, adaptation of coastal settlements to climate change.

Funding mechanisms is being treated as a general discussion in our response because it requires a general examination of the relationship between all three levels government and how funding is allocated between different communities.

We believe the coastal reforms process in NSW presents an excellent opportunity for the State Government to attract interest from the Federal Government to invest in the nationally significant problem of adapting coastal settlements to the projected impacts of climate change.

The preparation of CMPs by councils across NSW will put the State in a strong position to illustrate the scope and scale of investment needed to adapt coastal towns, regional centres and cities. CMPs will also identify how acute the problem of coastal risk is for coastal settlements and reinforce the need to invest in adaptation.

The current approach has overlooked this opportunity and put the responsibility onto local government and private landowners.

The population structure and revenue capacity of regional communities is very different to metropolitan areas that have wealthier residents, small management areas and larger rateable populations. The provisions to shift the cost away from State government to local councils and local communities is not an equitable solution for regional councils.

In some circumstances (ie new development) this may be equitable in terms of private owners paying to protect their own assets, however the capacity to pay for and maintain protection works may be limited to Sydney metropolitan areas. Many residents in regional areas do not have the capacity to pay. In circumstances where existing development is threatened, placing the cost on affected land owners may not be equitable where the coastal hazards have been exacerbated by climate change which is a global phenomenon. In these circumstances, funding programs at a national or state level need to be explored. From a critical perspective, the draft Manual simply states the fees and charges currently available to local government that could be applied to fund coastal management. This is a very top down approach where the level of government with the least capacity to collect revenue is being delegated the responsibility to fund adaptation to coastal hazards while at the same time being criticised at the level of rates it currently charges.

Eurobodalla Shire Council will follow up our submission with a request to the Minister to take this opportunity to commence discussions with the Federal Government to take a stronger interest in coastal adaptation. Adaptation is a national issue and we will support any initiatives by State government to progress a stronger investment from Federal in building resilience of local coastal communities to longer term coastal change.

Coastal cities, towns and villages underpin the Australian culture and lifestyle with most Australians living within easy driving distance to a beach. As a regional coastal council, Eurobodalla is one of many councils in NSW that has been delegated to adapt our local communities to the challenges presented by climate change. We ask the State Government to take a more open minded and innovative approach to providing funding models that will assist regional councils to adapt to coastal hazards and climate change.

Broader Government reforms

The Crown Lands reforms currently underway include a proposal to transfer ownership and responsibility of coastal reserves to local councils. The reforms paper states that any transfers will be voluntary and no local council will be forced to expand their network of coastal reserves. Eurobodalla is concerned by contrary recommendations of the IPART review that concluded it would be better for the State Government to transfer the cost of managing these reserves to local councils. Although not directly related to the material presented to support the coastal reforms, it must be considered in the broader context of delivering the reforms as it will impact directly on a council's coastal management program if the area for consideration is expanded.

Council is requesting the State Government to consider the existing responsibilities of councils before transferring more management responsibility and expenses onto local councils.

IR16/003 ROSEDALE AND GUERILLA BAY SEWERAGE SCHEME

E06.0086

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Sustainable Communities

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

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

EXECUTIVE SUMMARY

The provision of sewerage services at Rosedale and Guerilla Bay is eligible for funding under the NSW Country Towns Water Supply and Sewerage Program. Council has previously completed preconstruction activities including survey, investigation, environmental assessment, community consultation and detailed design, and in March 2015 received approval from the Hon Andrew Constance MP to commence the tendering process.

The work will be carried out in two stages:

1. The construction of a regional sewage pumping station at Rosedale including the construction of an inflow balance tank at the Tomakin Sewage Treatment Plant.
2. The installation of a pressure sewer reticulation system at Rosedale and Guerilla Bay.

Council commenced tendering for stage one in March 2015 and for stage two in July 2015.

In September 2015 Council received an offer of financial assistance from the NSW Government of up to \$1,287,754 under the NSW Country Towns Water Supply and Sewerage Program for stage one of the Rosedale/Guerilla Bay Sewerage Scheme. Council formally accepted this offer on 22 September 2015 and work on stage one is now progressing.

Council has now received a further offer of financial assistance from the NSW Government of up to \$2,480,674 under the Country Towns Water Supply and Sewerage Program for stage two of the Rosedale/Guerilla Bay Sewerage Scheme.

Council is required to formally accept the offer of financial assistance for stage 2 works and affix the Common Seal of Council to the grant document.

RECOMMENDATION

THAT:

1. Council accepts the offer of financial assistance under the Country Towns Water Supply and Sewerage Program of up to \$2,480,674 for stage two of the Rosedale/Guerilla Bay Sewerage Scheme.
2. The Common Seal of Council be affixed to the grant document.

BACKGROUND

Council awarded a tender for stage one of the Rosedale/Guerilla Bay Sewerage Scheme on 8 September 2015. Work on stage one is progressing in accordance with the agreed program and should be completed in June 2016.

IR16/003 ROSEDALE AND GUERILLA BAY SEWERAGE SCHEME

E06.0086

Tenders for stage two have been received and assessed, and at Council's meeting held on 27 October 2015 Council resolved the following:

THAT, subject to State Government approval to proceed, Council accepts the tender identified as the preferred tender in the confidential attachment for the construction of a pressure sewerage system at Rosedale and Guerilla Bay.

Following the Council resolution, Council wrote to the Minister for Primary Industries seeking approval to award a tender in accordance with Council's resolution.

On 21 December 2015 (received on 13 January 2016) the Hon Niall Blair MLC, Minister for Primary Industries and Minister for Lands and Water approved awarding a tender for stage two of the project, and advised that Council were eligible for funding of up to \$2,480,674 (being 41% of \$6,050,424 – Stage 2 tender plus preconstruction, tendering and project management costs), which brings the total financial assistance provided for this project to \$3,768,428.

CONSIDERATIONS

Legal

Council is required to formally accept the offer and return a signed original of the funding conditions with the Common Seal of Council affixed.

Financial

Council has revised the budget allocations and has provided the following funds in the 2015-16 and 2016-17 Operational Plans:

- Stage 1: 2015-16 Expenditure \$3.0M, Income \$0.6M
- Stage 2: 2015-16 Expenditure \$2.5M, Income \$1.4M
- Stage 2: 2016-17 Expenditure \$3.7M, Income \$1.7M

CONCLUSION

The Rosedale and Guerilla Bay Sewerage Scheme will significantly improve the public and environmental health at these villages. Council has awarded a tender for the construction of stage two and recommends that Council accepts the NSW Government's contribution to the scheme.

**IR16/004 CORRIGANS BEACH RESERVE ACCESSIBLE PLAYGROUND SUNSET
ADVISORY COMMITTEE - DRAFT CONCEPT PLAN OF CORRIGANS
BEACH RESERVE INCLUSIVE PLAYGROUND E15.9130**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Draft Plan of Corrigan's Beach Reserve Inclusive Playground
2. Under Separate Cover - Inclusive Playground Ideas Booklet

Focus Area: Liveable Communities

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

Operational Plan Link: L1.3.1 Implement volunteer programs and initiatives

EXECUTIVE SUMMARY

Corrigan's Beach Reserve Accessible Playground Sunset Advisory Committee was formed to oversee the development of a design plan for an inclusive playground on Corrigan's Beach Reserve.

Expressions of Interest were called for members of this committee and Council, at its meeting held on 14 April 2015, recommended the appointment of two members of The Bay Push (Charles Stuart and Joe Smith) and two members of the community (Jenny Scullin and Sally Minato). Councilor's Rob Pollock (Chair) and Danielle Brice are also members of this committee. Following Joe Smith's recent resignation from the committee, Geoff Fielding is now one of the representatives of The Bay Push and Anne Minato is currently representing Sally Minato.

Council sought quotations from five consultants for the design of the playground and subsequently appointed Architects of Arcadia – Fiona Robbe as the preferred consultant. The Committee has been working with the consultant, which included public consultation, on line surveys and attendance at Corrigan's Markets, to gain feedback from the public on what they would like to see in the playground.

On 1 February 2016 the consultant presented the draft concept plan of Corrigan's Beach Reserve Inclusive Playground to the committee. The committee is now seeking Council's endorsement of the plan and that it be placed on public exhibition.

RECOMMENDATION

THAT:

1. Council endorse the draft concept plan and 'Ideas Booklet' of the Corrigan's Beach Reserve Inclusive Playground and it be placed on public exhibition for a period of 21 days for comment.
2. A copy of the draft plan, including the 'Ideas Booklet', of the Corrigan's Beach Reserve Inclusive Playground be provided to the Disability Advisory Committee for comment.
3. Following the consultation period, the results be referred back to the Corrigan's Beach Reserve Accessible Playground Committee to make recommendations to Council.

IR16/004 CORRIGANS BEACH RESERVE ACCESSIBLE PLAYGROUND SUNSET E15.9130
ADVISORY COMMITTEE - DRAFT CONCEPT PLAN OF CORRIGANS
BEACH RESERVE INCLUSIVE PLAYGROUND

BACKGROUND

Corrigans Beach Reserve playground is the largest of 36 playgrounds across the Eurobodalla and is located on Beach Road 3km south of the Batemans Bay CBD at Batehaven. The reserve and playground are located between the shopping precinct of Batehaven on the western side and bounded by Corrigans Beach on the eastern side.

Council is committed to improving facilities for persons with disabilities through the upgrade of this major playground to create an integrated play space on this high profile reserve. Our aim is to create a vibrant inclusive play space that is fun, sparks the imagination and encourages active participation by all children.

The Corrigans Beach Reserve Accessible Playground Sunset Advisory Committee was formed to oversee the development of a design plan for an inclusive playground on Corrigans Beach Reserve.

CONSIDERATIONS

A draft concept plan has been prepared for Corrigans Beach Reserve Inclusive Playground and the committee is now seeking endorsement of the draft concept plan.

The draft concept plan and accompanying 'Ideas Booklet' is attached.

Public consultation will be undertaken to seek feedback from the broader community to make comment on prior to submitting a final plan back to Council for consideration and adoption.

Consultation will include seeking comments from the Disability Advisory Committee.

Policy

This project contributes positively to the outcomes of the Disability Action Plan, which was endorsed by Council and developed in consultation with the Disability Advisory Committee.

Environmental

All appropriate environmental approvals will be in place prior to the commencement of construction. There are no envisaged environmental impediments to the project proceeding.

Asset

This project will require additional costs to maintain and ultimately renew the playground equipment. The annual maintenance and depreciation costs for these assets have been estimated at \$135,000 per annum (including \$30,000 for routine maintenance). It is proposed to increase the annual maintenance allocation for playground maintenance by \$25,000 commencing in the 2016/17 financial year. An increase in the annual allowance for depreciation of \$70,000 will be required to renew this new asset over the longer term.

Social Impact

The aim of this project is to create a vibrant inclusive play space that is fun, sparks the imagination and encourages active participation by all children and the wider community. The playground will have something for everyone, not everything for everybody.

IR16/004 CORRIGANS BEACH RESERVE ACCESSIBLE PLAYGROUND SUNSET E15.9130
ADVISORY COMMITTEE - DRAFT CONCEPT PLAN OF CORRIGANS
BEACH RESERVE INCLUSIVE PLAYGROUND

Economic Development Employment Potential

Research indicates that the accessible tourism sector has significant growth potential. It also shows that customers who find suitable accessible facilities are more likely to return to the destination for holidays. This sector has a higher spend per visit than that of other tourists. This project fits neatly with business development and tourism marketing plans to target this sector.

Financial

Council was successful in securing grant funding under the ClubGRANTS Category 3 Fund for enhancing Corrigans Beach Reserve to create an all inclusive, accessible playground from the NSW Trade & Investment, Office of Liquor, Gaming & Racing in the amount of \$300,000.

The Bay Push has secured \$100,000 under the Community Building Partnership program and this grant is being administered by the Bay Push.

Council has allocated \$100,000 from the Special Rate Variation towards the project and the Bay Push are in the process of securing other small grants that will be administered by them.

Works will only be able to proceed on a priority basis as funding becomes available. The provision of an agreed plan allows these works to proceed in a planned manner.

Council will continue to advocate to both the NSW and Australian Governments to secure further funding in addition to the work the Bay Push is undertaking in this area.

Community Engagement

The draft concept plan, including the 'Ideas Booklet', for Corrigans Beach Reserve Inclusive Playground will be placed on public exhibition for a period of 21 days for comment.

A copy of the draft concept plan and booklet will be made available for viewing on Council's website at www.esc.nsw.gov.au under 'Major Projects' and at Council's Libraries in Batemans Bay, Moruya and Narooma and Council's customer service centre in Moruya.

A copy of the concept plan and Ideas Booklet will be provided to the Disability Advisory Committee.

CONCLUSION

Council's endorsement is sought to exhibit the draft concept plan for Corrigans Beach Reserve Inclusive Playground.



IR16/005 PATHWAYS STRATEGY - FORMATION OF SUNSET COMMITTEE

E07.1434

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Terms of Reference

Focus Area: Liveable Communities

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

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

EXECUTIVE SUMMARY

Council identified in its 2015-16 Fit for Future Improvement Action Plan to review the existing Pathways Strategy.

Approval is now sought to form a sunset advisory committee to help facilitate engagement with the community as part of the review of the existing Pathways Strategy.

The new committee would be invited to contribute to the development of a revised and updated strategy which will focus on creating alternative transport options, providing recreational opportunities and facilitate an integrated network of pathways for the community.

The committee will assist Council deliver an effective community engagement plan to ensure that the community is involved in the project.

The formation of a Pathways Strategy Sunset Advisory Committee will ensure a collaborative approach to this project.

RECOMMENDATION

THAT:

1. The Pathways Strategy Sunset Advisory Committee be formed to undertake the role as outlined in the Terms of Reference.
2. The committee remain in place until the Strategy is adopted by Council.
3. The Pathways Strategy Sunset Advisory Committee consist of the following representatives:
 - a. the Mayor or his delegate and one Councillors – the Mayor or his delegate to be the Chair
 - b. three community representatives.
4. Expressions of Interest be sought for the community representatives and this be advertised for a period of 21 days.
5. The Terms of Reference for the Pathways Strategy Sunset Advisory Committee be adopted.

BACKGROUND

Item 1.5.3 of Council's Community Strategic Plan identifies that Council will provide and develop a path and cycleway network. To ensure that this development is in accordance with

IR16/005 PATHWAYS STRATEGY - FORMATION OF SUNSET COMMITTEE

E07.1434

the community's desires, a strategy had been previously prepared that identified opportunities, networks, routes and works. This strategy was adopted by Council on 27 July 2010 and is due for review.

Council's Improvement Plan prepared for submission with our Fit for the Future submission to IPART identified that during 2015-2016 it would "*review, exhibit and adopt a Pathways Strategy.*" Whilst preliminary background work has commenced on this, it is important to engage the community in a more detailed manner to ensure that their views and aspirations are identified and considered.

The existing Pathways Strategy identifies alternative transport options, network routes to maximise opportunities for alternative movement, as well as opportunities for recreation and tourism. From this strategy a list of works to achieve these outcomes in both the short term and the long-term was developed. The work programs have been used to populate Council's forward works program as outlined in its Long-Term Financial Plan and includes footpaths, shared paths, road crossings, on-road facilities and ancillary facilities such as bike racks and storage facilities.

The existing Pathways Strategy and its appendices can be accessed on Council's web site at the following link:

<http://www.esc.nsw.gov.au/inside-council/community-and-future-planning/strategies/shared-path-strategy>

CONSIDERATIONS

It is proposed to establish a sunset advisory committee to facilitate engagement with the community during the development, exhibition and adoption of an updated Pathways Strategy.

Terms of Reference

The key role of the sunset advisory committee would be to oversee the engagement process including broader community consultation on the draft strategy.

The draft Terms of Reference is attached.

Policy

This Strategy will update the existing Strategy adopted by Council on 27 October 2010.

Formation of an Advisory Committee

It is proposed that the Pathways Strategy Sunset Advisory Committee consist of the following representatives:

- The Mayor and one Councillor – the Mayor or his delegate to be the Chair
- Three community representatives.

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

Council officers will support the sunset advisory committee via the Infrastructure Services team, who are responsible for with the development and delivery of the revised strategy.

IR16/005 PATHWAYS STRATEGY - FORMATION OF SUNSET COMMITTEE

E07.1434

Asset

The proposed works included in the strategy will help inform Council's works programs in respect of the provision of footpaths, shared pathways and cycling facilities.

Identified works may possibly include provision of additional footpaths, shared paths, road crossing and ancillary facilities including cycle racks at major locations such as commercial centres, sporting facilities and Council buildings and even the possibility of storage facilities and facilities to allow for integration of walking, scooters, cycling and bus travel.

The provision of an integrated pathway network assists in managing demand by reducing vehicle trips and the need for parking within commercial and other high use areas. This is achieved via direct connection to commercial and other high use areas. The integration of the pathway network to provide connections to bus shelters further encourages use of public transport via use of the commercial bus services as an alternative to the use of motor vehicles.

Social Impact

Walking and cycling provide many opportunities for both residents and visitors. The continued development of an integrated network of paths and facilities will provide opportunities for walking and cycling for a wide spectrum of users, both from transport and recreation viewpoint.

An integrated pathway network allows for safe walking and cycling improving access to commercial areas, existing bus services and other facilities.

The desire for improved recreational opportunities, as identified in our surveying of the community, can be further assisted by the development of additional pathways and facilities.

The provision of an appropriate network of facilities assists us in meeting the following objectives and strategies in our Community Strategic Plan:

- Objective 1 *we are healthy and active*
- Strategy 1.2 *encourage and enable healthy lifestyle choices*
- Strategy 1.3 *provide the right spaces and activities*
- Objective 3 *we help our community grow*
- Strategy 5.1 *plan for and develop the right assets and infrastructure*
- Strategy 5.2 *support the growth of our business community*
- Strategy 5.3 *promote our community as the place to visit, live, work and invest*

A leading, forward looking strategy is a significant measure of meeting those objective by offering choice for residents and visitors as well as providing the opportunity to market the area as a leading provider of cycling opportunities.

Economic Development Employment Potential

The Shire attracts a large numbers of visitors each year and tourism remains our number one economic driver. Walking and cycling are increasingly popular and many holiday makers now expect and look for opportunities to walk and cycle when choosing their holiday destination. If

IR16/005 PATHWAYS STRATEGY - FORMATION OF SUNSET COMMITTEE

E07.1434

Eurobodalla is to continue to thrive as a tourist destination it needs to continue to develop a comprehensive walking and cycling network.

Financial

The strategy will be developed using existing in-house resources.

The adoption of an applicable, current and encompassing strategy will enable Council to continue to leverage additional funding for the provision of pathway facilities. The strategy will integrate with the Roads and Maritime Services' (RMS) walking and cycling programs. It is noted that many of the applications for funding through the RMS or other bodies require reference to Council's strategy and so having a thorough, detailed identification of works will support future grant applications.

Community Engagement

This report recommends the establishment of the Pathways Strategy Sunset Advisory Committee to work with Council to oversee the community engagement process. It is anticipated this process will provide opportunity for broad community consultation with more specific involvement of identified target groups as required.

CONCLUSION

The formation of a Pathways Strategy Sunset Advisory Committee will help facilitate engagement with the community during the revision of the existing strategy.

Pathways Strategy Sunset Advisory Committee

Terms of Reference

February 2016

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Introduction and Background

The Community Strategic Plan 'One Community' identifies we are healthy and active and our community is a great place to live.

The Delivery Program includes:

We help our local economy grow:

- *Plan and develop the right assets and infrastructure*

The Operational Plan further identifies that Council will:

- *manage and maintain a safe, sustainable and accessible range of community facilities*

Purpose of the Pathways Strategy Sunset Advisory Committee

To oversee the public engagement process with the community during the revision and updating of Council's Pathways Strategy.

Title and Delegations

- The committee shall be referred to as the Pathways Strategy Sunset Advisory Committee.
- The committee shall function as a non-delegated advisory committee.

Objectives

Oversee the community engagement process during the development of a revised strategy.

Quorum and Voting Rights

A quorum of the committee shall be half plus one. All members will have voting rights. The Chairperson has a casting vote. Eurobodalla Shire Council staff do not have voting rights.

Tenure of the Committee

The tenure of the Pathways Strategy Sunset Advisory Committee will conclude when this project is complete.

Composition

The Committee will be coordinated by the Eurobodalla Shire Council and will include the following representatives:

- The Mayor or his representative and one Councillors – the Mayor or his representative to be the Chair
- three community representatives.

The Director Infrastructure Services will be Council's contact for this committee. The committee will be supported by personnel from Infrastructure Services.

Chairperson

The Mayor or his representative will be the Chair. In the absence of the appointed Chair, the other Councillor on this Committee shall be the Chair.

Delegations of Committee

Nil.

Reporting Hierarchy

Minutes of each meeting will be distributed to Councillors and the General Manager. Council responses will be communicated through the Director Infrastructure Services.

Contact Officer

Contact officer for the committee is the Director Infrastructure Services.

Responsibilities of Committee Members

1. Give advice to the best of their knowledge and ability that will help achieve the objectives of the committee in accord with their role.
2. Review results and recommendations of the project or provide general advice.
3. Behave in a manner that respects the interests and viewpoints of other members, community and Council officers.
4. Declare any potential or actual conflicts of interest on matters that are brought before the committee.
5. All members will abide by Council's Code of Conduct and Council's Code of Meeting Practice.

Responsibilities of the Chairperson

1. To chair the meeting and exercise functions, that are determined by the committee.
2. To be the spokesperson for the committee.
3. To advocate positively for the committee and represent its decisions.
4. Extraordinary meetings may be called by the Chairperson.

Responsibilities of Council

1. Council will provide secretarial support, including minute taking, distribution of related correspondence and professional officer support.
2. Council will be responsible for providing suitable venues and related support to Committee members including refreshments.
3. Matters will be referred to the committee for its consideration and information will be provided on actions arising from adopted committee recommendations.
4. Council has the discretion to review the role, re-organise or disband the committee at any time.
5. Council will facilitate liaison with Councillors, Executive Leadership Team and Government.
6. Only the Chair can speak on behalf of the committee with the media unless otherwise approved.

General Meetings

It is anticipated that committee meetings will be required for the following purpose:

1. Review of the current strategy, progress on provision of identified works to date, and the purpose of the update.
2. Oversee the community engagement process.
3. Review results from the community engagement process.
4. Make recommendations following the community engagement process to allow for finalisation of the strategy document.

A calendar of meetings will be prepared.

Meetings will ordinarily take place at Council's office in Moruya, however alternate venues may be arranged.

Distribution of Information

1. Committee minutes will be distributed to Councillors through the Councillor newsletter and to all committee members.
2. Recommendations of the committee requiring a Council resolution will to be reported to Council.
3. Media releases are approved by the Chairperson of the committee and distributed by Council according to Council's Media Policy.
4. The Chairperson is the spokesperson for the committee.

5. Individual committee members may not issue a media release or speak with the media on behalf of the committee.
6. Individual committee members will be required to sign a confidentiality agreement.

Variation to the Terms of Reference

The *Terms of Reference* may be added to, repealed or amended by resolution of the Council, or in consultation with or upon the recommendation of the committee.

APPENDIX 1 - WEBSITES

Eurobodalla Shire Council

<http://www.esc.nsw.gov.au>

Eurobodalla Shire Council's Code of Meeting Practice

<http://www.esc.nsw.gov.au/inside-council/council/council-policies>

Division of Local Government Model Code of Conduct for Local Councils in NSW

<http://www.esc.nsw.gov.au/inside-council/council/council-policies>

Strategies

<http://www.esc.nsw.gov.au/inside-council/community-and-future-planning/strategies>

**IR16/006 CONSTRUCTION OF CONCRETE BRIDGE AT MOGENDOURA CREEK,
LARRYS MOUNTAIN ROAD, MORUYA - TENDER 2016-ISD-085** **E15.9384**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Tender Evaluation

Focus Area: Productive Communities

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

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

EXECUTIVE SUMMARY

The construction of a new concrete bridge at Mogendoura Creek, Larrys Mountain Road, Moruya, will replace the existing timber bridge and will be located alongside its current location. Works will also be undertaken adjacent to the bridge, including reconstruction of the bridge approach roads, adjustment to property access and service adjustments.

The existing timber bridge has deteriorated to the point where substantial rehabilitation works will be required to maintain safe access for the community and support heavy vehicles using this road. The new concrete bridge will be designed in accordance with current standards and codes which will result in a durable higher load carrying capacity bridge designed for a 100 year lifespan.

Whilst the bridge is under construction the existing timber bridge will remain open and provide access at all times. Once the new concrete bridge is in use, the existing timber bridge will be demolished and removed from site.

Council will manage the construction of the concrete bridge and approach roads to the bridge with works proposed to be completed in the second half of 2016.

Tenders were called for the construction of the concrete bridge at Mogendoura Creek, Larrys Mountain Road, Moruya and this report considers the tenders received and recommends acceptance of the preferred tenderer.

This report contains a confidential attachment for Councillors' information only, pursuant to Section 10A (2) of the Local Government Act 1993.

RECOMMENDATION

THAT the tender from the tenderer ranked 1 in the confidential attachment to this report be accepted for construction of a concrete bridge at Mogendoura Creek, Larrys Mountain Road, Moruya.

IR16/006 CONSTRUCTION OF CONCRETE BRIDGE AT MOGENDOURA CREEK, LARRYS MOUNTAIN ROAD, MORUYA - TENDER 2016-ISD-085 E15.9384

BACKGROUND

Tenders have been invited for a contract to construct a concrete bridge at Mogendoura Creek, Larrys Mountain Road, Moruya.

The following contractors have submitted tenders for the project:

- Bridging Australia
- Kenpass
- Shumack
- Civil Bridge & Wharf
- Jarvis Norwood

Tenders for the construction of a concrete bridge at Mogendoura Creek, Larrys Mountain Road, Moruya were received and a tender assessment is summarised and attached for Councillors' information.

CONSIDERATIONS

A request for tenders was advertised in the Sydney Morning Herald, the local newspaper and on the internet through Tenderlink.

Upon close of tenders on 2 February 2016, five tenders were received and a formal tender evaluation process has been carried out by Infrastructure Services team members and verified by the Senior Projects Engineer. The tenders received are on file E15.9384.

Legal

Request for Tender (RFT) No 2016-ISD-085 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 on 15 December 2015 and closed on 2 February 2016.

The tender was advertised 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.

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

The construction of the concrete bridge at Mogendoura Creek, Larrys Mountain Road, Moruya will be undertaken in accordance with environmental permits issued by NSW Department of Primary Industry.

IR16/006 CONSTRUCTION OF CONCRETE BRIDGE AT MOGENDOURA CREEK, LARRYS MOUNTAIN ROAD, MORUYA - TENDER 2016-ISD-085 E15.9384

Pre-construction meetings have been undertaken with representatives from NSW Fisheries, Batemans Marine Park and Environmental Protection Authority to ensure construction methods and environmental impacts are appropriately managed.

The contractor is required to perform the works in accord with these permits and approvals.

Asset

The overall project will see the existing timber bridge and bridge approach roads replaced, providing a complete renewal of the existing assets.

This replacement removes a significant backlog in the bridge infrastructure assisting Council's long term financial sustainability.

Ongoing maintenance is covered within existing programs.

Social Impact

The construction of the new bridge will not involve the closure of the existing timber bridge and approach roads to the bridge for the duration of the works.

Economic Development Employment Potential

Provision of high quality bridge assets helps support our agricultural industry, aiding economic development, assist community connectivity and employment within the region.

Financial

Council has allocated \$1M in the 2015-16 Operational Plan for this project, inclusive of \$742,000 in Roads to Recovery funding from the Australian Government.

Community Engagement

Prior to works commencing, local residents will be advised by letter of the project's timeframe and impacts. A project noticeboard will also be erected onsite. A project page will be established on Council's website to inform the wider community about the project as well the circulation of a media release.

CONCLUSION

The tender from the tenderer ranked 1 is considered the most suitable on a value for money basis for the construction of a concrete bridge at Mogendoura Creek, Larrys Mountain Road, Moruya.

FBD16/004 MARKETS IN MORUYA RIVERSIDE PARK

E05.9368

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

Attachments:

1. EOI
2. Under Separate Cover - Confidential - MCM Submission (1)
3. Under Separate Cover - Confidential - Rotary Submission (1)
4. Under Separate Cover - Confidential - SAGE Submission
5. Under Separate Cover - Confidential - First Evaluation
6. Request for further information
7. Under Separate Cover - Confidential - MCM Submission (2)
8. Under Separate Cover - Confidential - Rotary Submission (2)
9. Under Separate Cover - Confidential - Second Evaluation
10. Confidential - Recommended Licensees

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

Existing licences for the operation of weekly markets in Riverside Park, Moruya have expired and the incumbents have been operating on a carry-over basis.

To meet legal requirements and ensure an open and fair process to grant new five year licences, Council resolved to call for Expressions of Interest from incorporated, not-for-profit groups or organisations wishing to conduct weekly markets in Riverside Park for a period of up to five years.

Three submissions were received, one to operate on Tuesdays and two to operate on Saturdays.

Following evaluation of the submissions, two licences are recommended to be granted.

It will also be recommended the new licences include additional conditions to ensure governance transparency in the running of the markets.

RECOMMENDATION

THAT:

1. Subject to consent from the Minister administering the Crown Lands Act, 1989, Council as Trust Manager for the Eurobodalla (Central) Reserve Trust, grant a five-year licence to operate weekly Saturday markets to the parties set out in the confidential attachment to Report FBD16/004 based on a standard Crown Lands' licence with stall fees in accordance with Council's adopted Fees and Charges with additional conditions including:
 - (a) Random audits of stall numbers,
 - (b) Monthly reporting on weekly stall numbers,

FBD16/004 MARKETS IN MORUYA RIVERSIDE PARK

E05.9368

- (c) Annual provision of the licensee's audited financial details, and
 - (d) Provision of Licensee's market committee report minutes.
2. A further report be received recommending a five-year licence be granted to Sustainable Agriculture & Gardening Eurobodalla Inc. subject to the same conditions as the licence for Saturday markets following consideration of the fees for the farmers market.

BACKGROUND

The licences for the weekly Saturday markets and Tuesday farmers market have expired with the incumbent licensees operating on a carryover basis.

To meet legal requirements and ensure an open and fair process to grant new five year licences, Council resolved at its Ordinary meeting held on 28 July 2015:

THAT:

1. *Council as Trust Manager for the Eurobodalla (Central) Reserve Trust call for Expressions of Interest (EOI) from incorporated not-for-profit groups to operate markets within Riverside Park, Moruya being Crown Reserve R82377.*
2. *The EOI be available for a period of 42 days.*
3. *A further report be presented to Council following the receipt and consideration of submissions.*

Expressions of Interest (EOI) were sought from incorporated, not-for-profit groups or organisations wishing to conduct weekly markets for a period of up to five years.

A copy of the EOI is attached.

CONSIDERATIONS

Following the call for an EOI, three submissions were received.

One to operate every Tuesday - from Sustainable Agriculture & Gardening Eurobodalla Inc. (SAGE).

Two to operate every Saturday - from Moruya Country Markets Inc. (MCM) and Rotary Club of Moruya Inc. (Rotary).

A copy of the submissions is provided as a confidential attachment.

The three submissions were assessed through an evaluation based on a weighted point score. A copy of the evaluation is provided as a confidential attachment.

With respect to the Saturday markets, a recommendation could not be made from the information provided in the two submissions. Therefore further information was requested from both parties. A copy of the letter sent to both parties is attached.

A copy of the further submissions is provided as a confidential attachment.

These submissions were assessed through a further evaluation against set criteria.

A copy of the evaluation is provided as a confidential attachment.

FBD16/004 MARKETS IN MORUYA RIVERSIDE PARK

E05.9368

The recommended new licensees are set out in the confidential attachment.

Legal

Riverside Park, Moruya is a Crown Reserve under the Trusteeship of the Eurobodalla (Central) Reserve Trust for which Council is Trust Manager.

Council, as Trust Manager, cannot grant a licence for markets within Riverside Park for a period exceeding twelve months without the consent of the Minister administering the Crown Lands Act, 1989. The Minister will not consent to any licence unless the Trust Manager has engaged in an open and competitive process or the Trust Manager clearly demonstrates that it has considered the 2006 ICAC Guidelines for managing risk in direct negotiations in making a determination of the appropriateness of direct dealing.

Accordingly Council considered an open and competitive process was appropriate.

It is proposed the new licences will be based on a standard Crown Lands Licence with special conditions generally in line with the current licences, however to increase transparency it will be recommended additional conditions be included to provide for such things as random audits of stall numbers, monthly reporting on weekly stall numbers, the requirement to provide the Licensee's audited annual financial details and the provision of the Licensee's market committee report minutes.

Policy

The call for an EOI is in accordance with Council's Code of Practice - *Licensing of Public Reserves and Associated Buildings*.

Asset

Markets provide income for maintenance and ongoing improvements to Riverside Park.

Social Impact

The ongoing success of markets at Riverside Park indicates the value of markets to the community.

Markets are a source of income for Council and the wider community benefits with donations by licensees to either local charities or community facilities.

Economic Development Employment Potential

Markets provide for increased local economic growth through tourism, encouraging shoppers from out of the Shire and giving local primary producers an alternate outlet for their produce.

Financial

Council has set fees for markets in its adopted Fees and Charges for the 2015-2016 financial year.

A recommendation from the draft Rural Lands Strategy discussion paper states:

'Council could consider reviewing its rental policy for the SAGE and Tilba markets to release some funds for grower education and training. Funding could be tied to specific outcomes. For example, an annual programme could be developed in partnership between Council's Business Development Unit and SAGE.'

FBD16/004 MARKETS IN MORUYA RIVERSIDE PARK

E05.9368

This was developed into a proposed action in the final draft strategy to be:

'Council could consider providing assistance to local food groups to assist with producer education and training. For example, an annual program could be developed in partnership between Council's Business Development Unit and local food groups such as SAGE'.

Such assistance could be related to the fee structure for farmers' markets.

At the time of writing this report the Draft Rural Lands Strategy has not been adopted.

It is appropriate to delay the granting of a licence for the farmers market until the Rural Lands Strategy has been adopted and the issue of fees has been considered accordingly.

Community Engagement

Expressions of Interest were publicly notified on Council's website and advertised on Council's noticeboard page in two local newspapers giving a period of 42 days for submissions.

CONCLUSION

An Expression of Interest for licences to operate weekly markets in Riverside Park Moruya was called in accordance with Council's resolution resulting in three submissions being received.

The submissions were evaluated on a weighted point score.

A five year licence will be recommended to be granted to SAGE to continue their Tuesday farmers market subject to further consideration of the fees for farmers market.

From the final point score for the Saturday markets there was little between them, however the Panel unanimously agreed on the recommended operator.

To ensure greater transparency additional conditions are proposed for the new licences.



Expressions of Interest to Operate Weekly Markets at Riverside Park, Moruya

The operation of weekly markets in Riverside Park, Moruya requires licences to be granted by Eurobodalla Shire Council as Trust Manager for the Eurobodalla (Central) Reserve Trust with endorsement by the Minister administering the Crown Lands Act, 1989.

To ensure the process in granting licences is fair and transparent Council is seeking expressions of interest from incorporated, not-for-profit groups or organisations wishing to conduct weekly markets for a period of up to five years.

Information to be provided in submissions should include:

1. Organisation Name.
2. When the markets are to be conducted.
3. Organisation Details: provide details of incorporation/not-for-profit status, also provide a copy of your constitution, a summary and information about your management committee including information about its structure and organisation, key roles, functions and any notable achievement.
4. Demonstrated capacity to operate markets.
5. Copies of financial accounts for past two years (if not a new entity).
6. Details of how profits are to be distributed.
7. Demonstrated community support.
8. Economic benefit to Eurobodalla including policy on local goods/local businesses.
9. Operational procedures for markets.
10. Any additional information considered relevant.

Send your expression of interest to:

If emailing, list subject as:

WEEKLY MARKETS – EOI 2016/FBD066

and email to following address:

council@eurocoast.nsw.gov.au

Or

If manually lodged, enclose all documentation in a sealed envelope marked as follows:

WEEKLY MARKETS – EOI 2015/FBD066

and either deliver by hand or by courier and place in the:

Tender Box
Moruya Council Chambers
Eurobodalla Shire Council
Cnr Vulcan Street and Campbell Street
MORUYA NSW 2537

Or mail to the tender box address as follows:

Tender Box
Eurobodalla Shire Council
PO Box 99
MORUYA NSW 2537

by **2:00 pm, Wednesday 23 September 2015**



In Reply Please
Quote Reference: E05.9368

16 November 2015

MORUYA NSW 2537

Dear

Weekly Markets at Riverside Park, Moruya

Thank you for your expression of interest to conduct weekly Saturday markets at Riverside Park, Moruya. Two submissions were received to operate the Saturday markets.

To assist your organisation to make a strong and thorough case, Council requires that you provide a response to each of the following criteria:

1. A detailed business case, including fee schedule for stall holders, noting Council's fees will be \$18 for powered stalls and \$14 for unpowered stalls.
2. Your policy on the makeup of markets stalls, e.g. the number of each type, and the precedence for local produce/handicrafts makers.
3. The criteria for determining acceptance or otherwise of a stall holder application.
4. Your policy on donations and the criteria for distribution.
5. Copies of the minutes of your last two general meetings and annual general meetings.

The information you provide will be used as part of the expression of interest evaluation process.

Please lodge your submission in the tender box at the Council Administration Building by 2pm Wednesday 2 December 2015.

Please contact me on 44741321 if you require further information.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Addison", is written over a white background.

Rob Addison
Property Manager

FBD16/005 LEASE OF COMMUNITY LAND - MELALEUECA CRESCENT, CATALINA E03.7447.

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

Muddy Puddles is a not-for-profit non-government organisation established in the Eurobodalla to provide education, therapy and support services for children and teens with a disability.

In order to establish an educational therapy centre in Batemans Bay for children with a disability with funds already committed by the NSW Government, the group has requested the lease of part of Melaleuca Reserve, Catalina, being part of Lot 39 DP 800369.

The Council owned reserve is classified as community land and categorised as "Park" in the Catalina Reserves and the Hanging Rock Boat Ramp Carpark Reserve Plan of Management (POM).

In order to authorise a lease on that site it will be necessary to re-categorise the subject land from "Park" to "General Community Use" by way of an amendment to the POM.

The establishment of an educational therapy center for children with a disability is considered a worthwhile project and an educational therapy centre in Batemans Bay would be beneficial for families in the Shire with children with a disability.

Re-categorisation will require extensive community consultation including a public hearing, chaired by an independent person, during the submission period.

This report recommends the proposal to re-categorise part of Melaleuca Reserve proceed.

If Council resolves in accordance with the recommendation of this report, a further report will be presented following the public hearing. If the recommendation of that report is for the adoption of the re-categorisation it will also recommend the granting of a lease to Muddy Puddles in accordance with the provisions of the Local Government Act, 1993.

RECOMMENDATION

THAT:

1. The draft amendment to the Catalina Reserves and the Hanging Rock Boat Ramp Car park Reserve Plan of Management for the re-categorisation of part of Lot 39 DP 800369, Melaleuca Reserve, Catalina from "Park" to "General Community Use" for the purpose of permitting the lease of part of the land for an educational therapy centre for children with disabilities be endorsed for exhibition to the public for a period of 28 days and that public submissions be received for a period of 42 days.
2. A consultant be engaged as an independent chairperson to hold a public meeting into the

FBD16/005 LEASE OF COMMUNITY LAND - MELALEUECA CRESCENT, CATALINA E03.7447

draft amendment to the Catalina Reserves and Hanging Rock Boat Ramp Car park Reserve Plan of Management.

3. A further report be received following the receipt of the report from the independent person chairing the public hearing into the re-categorisation of part of Melaleuca Reserve.

BACKGROUND

Muddy Puddles is a not-for-profit non-government organisation established in the Eurobodalla to provide education, therapy and support services for children and teens with a disability.

The NSW Disability Services Minister, John Ajaka and Bega MP Andrew Constance, have committed \$1.5m to the project for capital works.

Council staff have subsequently been working with Muddy Puddles in a search for a suitable site for them to develop the educational therapy centre.

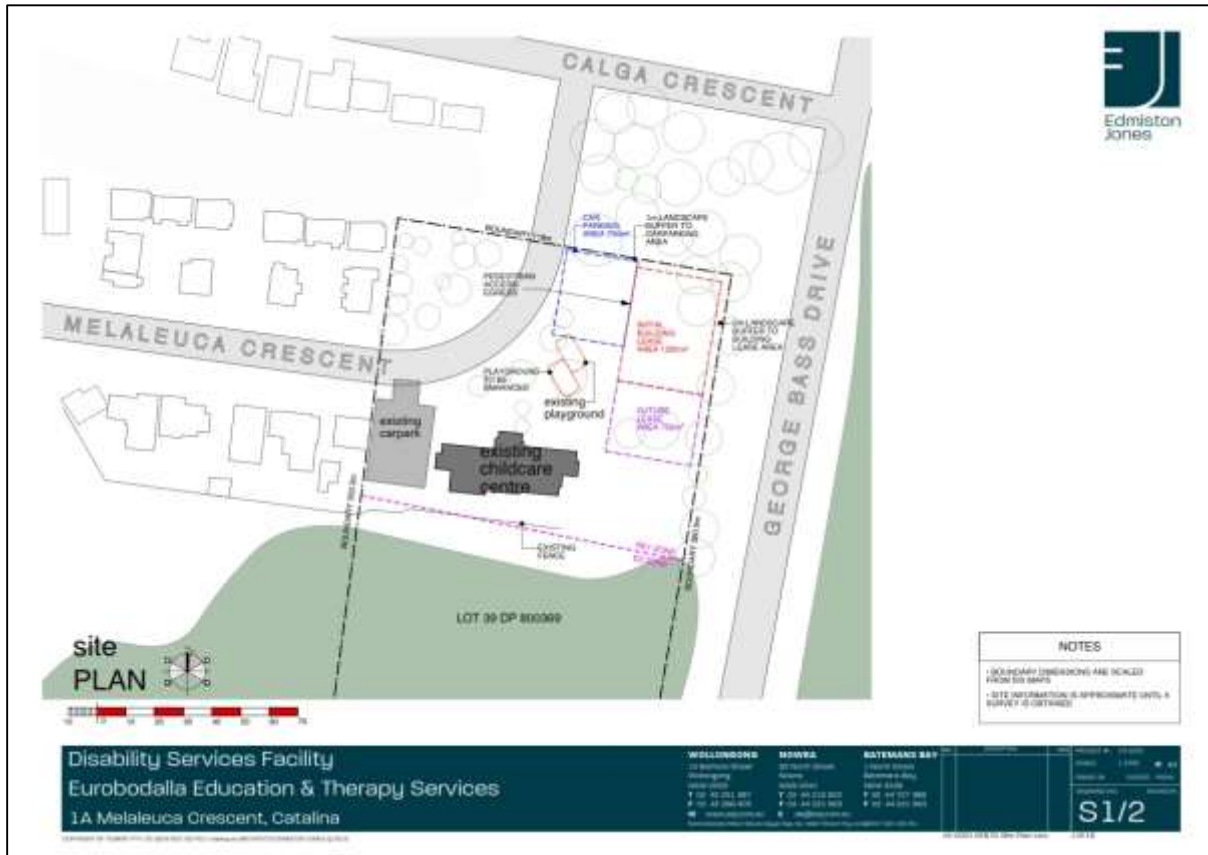
A potential site, being a Crown Road off Gregory Street, Batemans Bay has been dismissed after efforts made to secure the closure and transfer of the road to Muddy Puddles without payment of compensation to the Crown were unsuccessful.

Muddy Puddles is now requesting a long term lease, up to 30 years over part of Council's reserve in Melaleuca Crescent, Catalina being part Lot 39 DP 800369, adjacent to the site of the Batemans Bay Children and Family Centre.

The proposal from Muddy Puddles is initially for an area required for an educational therapy centre and car park, with a further area proposed for a second stage. A plan showing the proposed lease areas is below.

FBD16/005 LEASE OF COMMUNITY LAND - MELALEUECA CRESCENT, CATALINA

E03.7447



CONSIDERATIONS

Legal

Melaleuca Reserve is Council owned land classified as community land comprising part Lot 2 DP 729153, Lot 1 DP 821449 and part Lot 39 DP 800369. A plan showing the reserve is below.



FBD16/005 LEASE OF COMMUNITY LAND - MELALEUECA CRESCENT, CATALINA E03.7447

The Catalina Reserves and the Hanging Rock Boat Ramp Car Park Reserve Plan of Management (POM) adopted in January 2002 categorised Melaleuca Reserve as part “Park” and part “General Community Use”. The categorisation of “General Community Use” was adopted to authorise the construction of the Batemans Bay Preschool and Batemans Bay Children and Family Centre.

A plan showing the current categorisation is below.



For the proposal by Muddy Puddles to progress it will be necessary to re-categorise part of Lot 39 from “Park” to “General Community Use”.

In accordance with the provisions of the Local Government Act 1993, the re-categorisation of community land requires an amendment to the POM.

An amendment to the POM requires the draft amendment to be exhibited for a minimum period of 28 days and allow for submissions for a minimum period of 42 days. The re-categorisation of land will require a public hearing chaired by an independent person during the submission period. Council has established a panel of independent consultants qualified to hold public hearings and a suitable consultant will be selected from this panel.

FBD16/005 LEASE OF COMMUNITY LAND - MELALEUECA CRESCENT, CATALINA

E03.7447

A plan showing the proposed re-categorisation of part Lot 39 is below.



Following the receipt of the report from the independent chairperson, a report will be presented to Council for determination whether to adopt or reject the proposed amendment to the Catalina Reserves and the Hanging Rock Boat Ramp Car Park Reserve Plan of Management.

If recommending the adoption of the re-categorisation, the report will also recommend Council proceed with the granting of a lease to Muddy Puddles in accordance with the provisions of the Local Government Act, 1993.

In accordance with the provisions of the Local Government Act 1993, any licence of community land requires 28 days for public notification and receipt of submissions.

Depending on the term of the lease, one of the following processes must be observed following the close of the submission period:

- Terms of five years or less, Council must consider any objections before making a decision to grant a lease;
- Terms 5-21 years, if objections are received, Council must consider any objections and requires the consent of the Minister for Local Government to grant a lease;
- Terms exceeding 21 years, Council must consider and objections, and regardless of objections requires the consent of the Minister for Local Government to grant a lease. Applications to the Minister must include a statement outlining the special circumstances that justify the period of the lease exceeding 21 years.

Given the purpose of the re-categorisation is to authorise the lease and construction of the educational therapy centre, the public notification for the proposed lease can be incorporated with the public notification of the proposed re-categorisation.

FBD16/005 LEASE OF COMMUNITY LAND - MELALEUECA CRESCENT, CATALINA E03.7447

Asset

There is no fixed infrastructure on that part of the reserve sought by Muddy Puddles.

As part of the proposal Muddy Puddles has indicated it will enhance and expand the existing play equipment and the proposed car park will be available for patrons of the reserve.

The proposed lease will be a land only lease and accordingly Council will have no responsibility for any associated building construction or maintenance costs.

Recommended conditions of a lease will include any assignment of the lease will be at the lessor's absolute discretion. This will ensure Council has control over who occupies its land.

Social Impact

In their submission Muddy Puddles has advised:

Unlike surrounding shires, the Eurobodalla does not have a hub from which education, therapy and support can be coordinated and delivered to children with a disability aged 0 to 17 years. Families living in the Eurobodalla are not eligible for services in neighbouring shires as these providers are at capacity and can only service families within their shire boundaries. Impacted families currently have to travel as far as Canberra and Sydney to access the services they require, often at huge personal expense.

The provision of the proposed educational therapy centre would be beneficial to the Shire for families of children with a disability.

Economic Development Employment Potential

The proposed educational therapy centre will provide employment including professional consultants.

Financial

Costs for the engagement of the independent chairperson should be borne by Muddy Puddles.

In accordance with existing leases to community not-for-profit groups, it would be recommended annual rent for the land would commence at 1.5% of the unimproved capital value (UCV) of the land, increased to 2.25% UCV at year 10 and 3% UCV at year 20 with annual increases in line with the CPI for the intervening years. It would be anticipated all costs associated with the establishment of a lease would be borne by Muddy Puddles, including survey and plan registration.

In line with Council practice, the lessee will be responsible for all outgoings.

Full details of the proposed lease will be outlined in the further report to Council following the community consultation.

Community Engagement

We will consult with the community by seeking feedback through a 28 day Public Exhibition where the re-categorisation proposal will be on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre; writing to local residents, stakeholders, community groups; advertising on Council's noticeboard page in the local newspapers; and distributing a media release.

FBD16/005 LEASE OF COMMUNITY LAND - MELALEUECA CRESCENT, CATALINA E03.7447

A period of 42 days will be allowed for the receipt of submissions.

A public hearing will be held as part of the public consultation process.

CONCLUSION

The establishment of an educational therapy centre for children with a disability is considered a worthwhile project.

The proposal by Muddy Puddles to lease part of Melaleuca Reserve at Catalina will however, require the re-categorisation of part of the reserve by way of an amendment to the Catalina Reserves and the Hanging Rock Boat Ramp Car Park Reserve Plan of Management (POM).

The amendment to the POM will require extensive public consultation which will include the leasing proposal.

FBD16/006 LICENCE FOR BATEMANS BAY RADIO CONTROL CLUB

**E16.0129;
90.0372.D**

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

Attachments: 1. Hanging Rock Concept Master Plan
2. Remote Control Car Club Structure and site

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

The Batemans Bay Radio Control Club Inc. has been operating for a number of years on a track constructed on Hanging Rock Reserve. The Club has requested a licence and consent to construct a temporary starter's stand.

Hanging Rock Reserve is a Crown Reserve under the Trusteeship of the Eurobodalla (North) Reserve Trust for which Council is Trust Manager and as such require consent from the Minister administering the Crown Lands Act to grant a licence for a period exceeding twelve months.

The Club provides the opportunity for members of the public to participate in the recreational activity of remote control cars including competitive racing, and attracts visitors to the Shire through the competitions it organises.

It is considered appropriate for consent to be given to construct the temporary structure and grant a five-year licence subject to the Minister's consent.

RECOMMENDATION

THAT:

1. Subject to consent from the Minister administering the Crown Lands Act 1989, Council as Trust Manager for Eurobodalla (North) Reserve Trust consent to the granting of a five-year licence to Batemans Bay Radio Control Club Inc. to conduct Club activities on Crown Reserve R66122 at Corrigan's Beach, Batehaven with terms and conditions including:
 - (a) Annual fee in line with Statutory Crown minimum rent
 - (b) Full responsibility for the repair and maintenance of the remote control car track and all associated facilities including structural replacement
 - (c) Maintenance of public liability insurance for \$20 million
 - (d) The licence area to be maintained in a clean and tidy state
 - (e) No fixed structures to be constructed without the consent of Licensor
 - (f) No signage, including sponsor's signage, without the consent of Licensor.
2. Consent be given to construct a temporary starter's stand.

FBD16/006 LICENCE FOR BATEMANS BAY RADIO CONTROL CLUB

**E16.0129;
90.0372.D**

BACKGROUND

Batemans Bay Radio Control Club Inc. has been in operation at Hanging Rock Reserve for a number of years on a track constructed on Hanging Rock Reserve. The Club has increased in size over the years and currently has 40 members comprising of males and females from young children to adults in their 50's.

CONSIDERATIONS

The granting of a licence to Batemans Bay Radio Control Club Inc. will legitimise the Club's use of the track and ensure the responsibilities of Council and the Club are clearly and legally defined.

Legal

Hanging Rock Reserve is a Crown Reserve under the care and control of the Eurobodalla (North) Reserve Trust for which Council is the Trust Manager. Under the provisions of the Crown Lands Act 1989 a licence cannot be granted for a period of over twelve months without consent from the Minister administering the Crown Lands Act.

Crown Lands has advised that the Minister will only give consideration to a five-year licence if they are satisfied Council as Trust Manager, has engaged in an open and competitive process or the Trust Manager clearly demonstrates that it has considered the 2006 ICAC Guidelines for managing risk in direct negotiations in making a determination of the appropriateness of direct dealing.

In this case it is considered appropriate to deal directly with the Club as the site has been approved as a remote control car track in the Hanging Rock Concept Master Plan which went through rigorous public consultation and was endorsed by Council 2 May 2013, and the Club is the only remote control car club in the Batemans Bay area.

A copy of the Hanging Concept Master Plan is attached for information.

Asset

Currently, the site of the proposed licence consists only of a gravel track. The Club eventually want to construct a purpose built starter's stand and viewing stand, however until sufficient funds are available they want to construct a temporary starter's stand and have requested consent accordingly. A copy of the proposed facility is attached.

Given the remote control car track is a purpose built facility, similar to the BMX track, it is considered appropriate for the licence conditions to include responsibility for the maintenance and replacement of the track and associated facilities to be the licensees.

Other conditions of the licence should be in line with licences held by recreational/sporting clubs such as the Batemans Bay BMX Club including:

- Maintenance of public liability insurance for \$20 million
- The licence area to be maintained in a clean and tidy state
- No fixed structures to be constructed without the consent of Licensor
- No signage, including sponsor's signage, without the consent of Licensor.

FBD16/006 LICENCE FOR BATEMANS BAY RADIO CONTROL CLUB

**E16.0129;
90.0372.D**

Social Impact

The Club provides the opportunity for members of the public to participate in the recreational activity of remote control cars including competitive racing.

Economic Development Employment Potential

The competitions organised by the Club attract visitors from outside the Shire adding to the Shire's economy.

Financial

Given the Club will be responsible for repair and maintenance of the licensed facilities, Council's minimum licence fee in line with the Crown Lands statutory minimum, currently \$469 plus GST, should apply.

Community Engagement

Council has previously consulted the community through the public exhibition process associated with the adoption of the Hanging Rock Concept Master Plan which as adopted, includes the remote control car track.

CONCLUSION

The Batemans Bay Radio Control Club Inc. facilitate a recreational activity open to all members of the public and it is appropriate the Club be granted a licence over the facility at Hanging Rock Reserve to legitimise their activities.

Conditions for the licence should be generally in line with similar licences granted to other recreational/sporting clubs such as the Batemans Bay BMX Club.

The construction of a temporary starter's stand will enhance the facility and the operation of the Club's activities.

Hanging Rock Concept Master Plan

OPTION 2- No Arts

Cost to build- \$44 million
 Cost to operate- (\$301,000) loss

JR SPORTS

- Sport stadium
- 10000pp spectator seating

INDOOR AQUATIC CENTRE

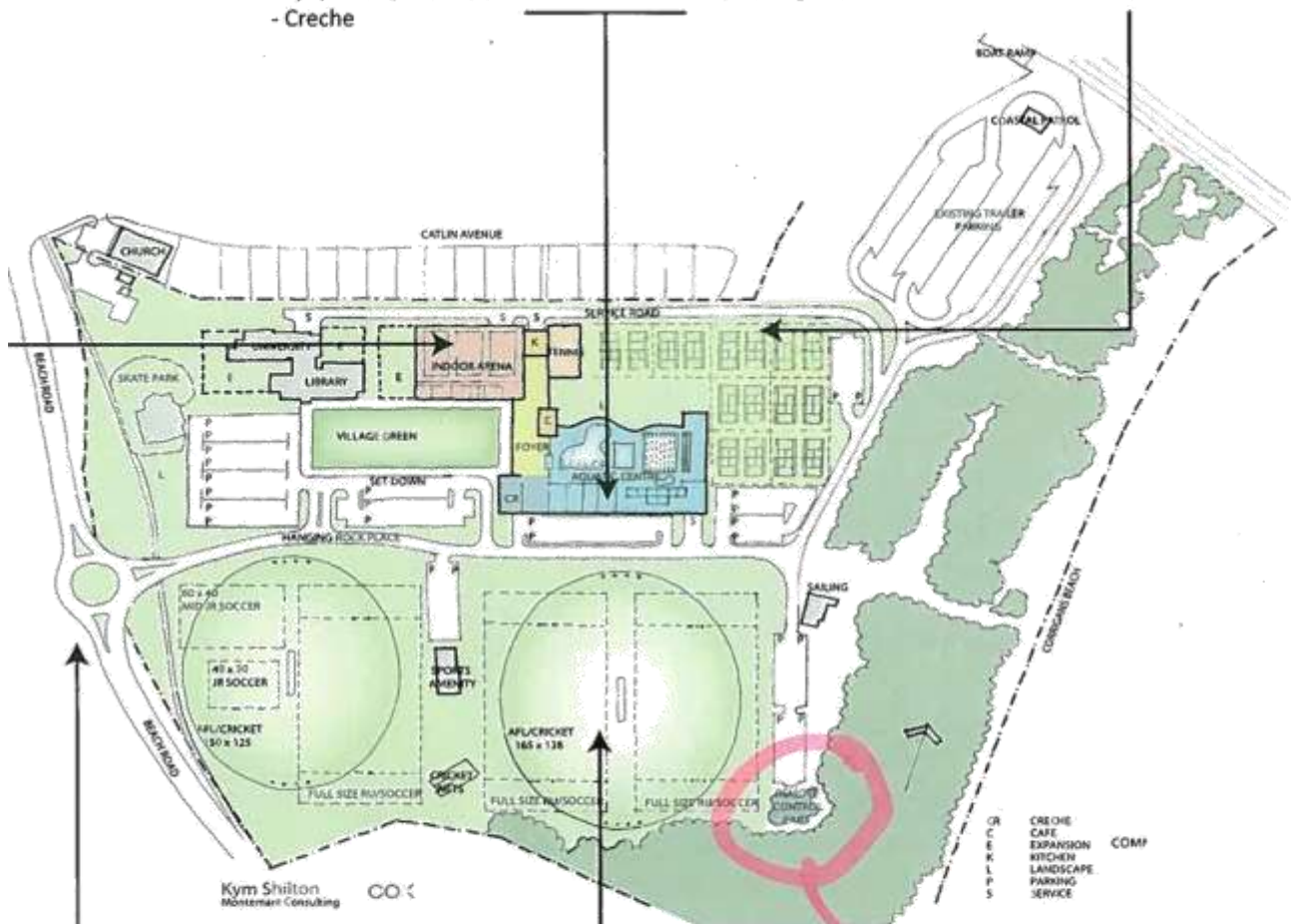
- 8 x 25m lane pool
- Hydrotherapy/Program pool
- Leisure pool and waterslide
- Spa, sauna, steam rooms
- Creche

HEALTH & WELLNESS

- Gym
- Multipurpose rooms
- Wellness centre
- Consulting rooms

TENNIS CENTRE

- Regional Tennis Centre
- 12-16 Tennis Courts
- Show Court
- Multi use club room



Handabout
 and access from Beach Road

SPORTS FIELDS

- 2 x multipurpose pitches including
- 2 x rugby
- 4 x soccer
- 2 x AFL
- 2 x cricket

REMOTE CONTROL
 CAR TRACK.

Kym Shilton
 Montemari Consulting

- CR CRECHE
- C CAFE
- E EXPANSION
- K KITCHEN
- L LANDSCAPE
- P PARKING
- S SERVICE

Temporary Platform Radio Control Car Club Hanging Rock Batemans Bay

BUILDING DRAWINGS

No	DRAWING
01	SITE PLAN
02	TEMPORARY PLATFORM



BUILDING DESIGN & DRAFTING

AUGUST 2015



DR16/002 NSW COASTAL CONFERENCE 2013

**E91.3255;
E09.3154**

Responsible Officer: Liz Innes - Councillor

Attachments: Nil

Focus Area: Collaborative Communities

Delivery Program Link: C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner

Operational Plan Link: C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives

EXECUTIVE SUMMARY

Councillor Liz Innes represented Eurobodalla Shire Council at the 22nd NSW Coastal Conference held in Port Macquarie from 12-15 November 2013.

RECOMMENDATION

THAT Councillor Liz Innes' delegate's report following her attendance at the NSW Coastal Conference in Port Macquarie in November 2013, be received and noted.

BACKGROUND

The 22nd NSW Coastal Conference was hosted by the then Hastings Council in Port Macquarie, under the theme of *Valuing Our Coastal Zone: Planning Our Future: What's the Big Picture?*

Over 250 delegates with interest and expertise in the fields of coastal and estuary management, research, education and policy attended the conference. There were also representatives from local government, user groups, and community volunteer organisations. It was an opportunity to discuss coastal management issues first hand with practitioners in the field and with Councillors and staff from other local government areas.

The program consisted of a mix of plenary sessions with keynote addresses, followed by concurrent sessions on a range of matters including complex technical issues, risk management and coastal insurance matters, and local government planning issues.

Of particular interest were the various case studies and the presentation by Eurobodalla Shire Council staff on the Broulee biodiversity project.

Also of interest was the presentation by Andrew Wales of Australia's Oyster Coast; an initiative which this Council has supported and continues to support.

Another speaker, Mr Brian Hughes, presented the topic 'Plastic not fantastic'. His presentation and research on plastics in the marine environment and how to reduce its occurrence and impact has left a lasting impression. I was very pleased that this Council, following my request, was subsequently able to host Mr Hughes in Eurobodalla. I have no doubt that not only staff, but Councillors benefited from his presentation.

A full list of the papers presented at the 2013 NSW Coastal Conference can be found at <http://www.coastalconference.com/papers.php>

DR16/002 NSW COASTAL CONFERENCE 2013

**E91.3255;
E09.3154**

CONCLUSION

Coastal management is a key issue for this council and our community and I found this conference to be of particular interest. I would encourage anyone who would like further information on this topic to access the website listed above.

DR16/003 NSW COASTAL CONFERENCE 2014

**E91.3255;
E14.8054**

Responsible Officer: Liz Innes - Councillor

Attachments: Nil

Focus Area: Collaborative Communities

Delivery Program Link: C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner

Operational Plan Link: C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives

EXECUTIVE SUMMARY

Councillor Liz Innes represented Council at the 23rd NSW Coastal Conference held in Ulladulla from 11-14 November 2014.

RECOMMENDATION

THAT Councillor Liz Innes' delegate's report following her attendance at the NSW Coastal Conference in Ulladulla in November 2014, be received and noted.

BACKGROUND

The 23rd NSW Coastal Conference was hosted by Shoalhaven City Council in Ulladulla in November 2014, with the conference theme being *Our Coast ... a sustainable resource for everyone*.

This conference attracted over 220 delegates with an interest in, or who work in the fields of coastal and estuary management research, education and service provision and policy. Also attending were representatives from government, user groups and community volunteer organisations.

The NSW Coastal Conference provides an opportunity for Council delegates to discuss coastal management issues first hand with practitioners in the field and with councillors and staff from other local government areas.

The program consisted of a mix of plenary sessions with keynote addresses, followed by concurrent sessions on a range of topics including complex technical issues, through to local government planning issues.

Of particular note were the keynote speakers Enzo Pranzini of the University of Florence, Italy speaking on the European experience, both the pros and cons of armouring the coastline for coastal erosion.

The keynote speaker, Karen Coleman from Kingwood Mallesons Law Company, on the legal considerations of a Sea Level Rise Policy in particular, addressing the issue on councils' liability when stepping outside guidelines when they are developing the policy.

A speaker of local interest was Eurobodalla Shire Council staff member Norm Lenehan who spoke on the South Coast Sea Level Rise Planning and Policy Response Framework.

DR16/003 NSW COASTAL CONFERENCE 2014

**E91.3255;
E14.8054**

A full list of the papers presented at the 2014 NSW Coastal Conference can be found at
<http://www.coastalconference.com/papers.php>

CONCLUSION

I found the conference to be a great value, particularly noting the range of speakers and presentations. I would encourage anyone interested in this area to access the papers on the website listed above.

DR16/004 AUSTRALIAN COASTAL COUNCILS CONFERENCE - 2014

E91.3255

Responsible Officer: Liz Innes - Councillor

Attachments: 1. Australian Coastal Councils Conference Program 2014
2. Australian Coastal Councils Conference Communique

Focus Area: Collaborative Communities

Delivery Program Link: C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner

Operational Plan Link: C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives

EXECUTIVE SUMMARY

Councillor Liz Innes represented Eurobodalla Shire Council at the Australian Coastal Councils Conference which was held in Ballina in March 2014.

RECOMMENDATION

THAT Councillor Liz Innes' delegate's report following her attendance at the Australian Coastal Councils Conference in Ballina in 2014, be received and noted.

BACKGROUND

The Australian Coastal Councils Conference is a national event where representatives of coastal local government areas come together to consider issues of shared concern to their communities.

The 2014 Conference was held over two days in Ballina, NSW.

The keynote address was by Denise Carlton, Head of Demography, Australian Bureau of Statistics on *Population Trends in Coastal Australia*.

This was followed by a number of panel discussion sessions, concurrent sessions and field trips.

The range of topics covered at the conference is outlined in the program attached to this report.

The presentations were of great interest to me and of particular relevance to Eurobodalla. Of note was the paper by Karl Sullivan from the Insurance Council of Australia; Andrew Beatty on the legal implications of planning for climate change impacts; and the CSIRO staff on opportunities for research with partnering councils.

At the conclusion of the Conference, delegates issued a communique addressed to then Prime Minister the Hon Tony Abbot MP, calling on the Federal Government to amend the formula for measuring populations when determining Financial Assistance Grants, to take into account the impact of peak populations in Australia's coastal local government areas and communities. A copy of the communique is attached to this report.

DR16/004 AUSTRALIAN COASTAL COUNCILS CONFERENCE - 2014

E91.3255

CONCLUSION

I found this conference to be of particular relevance to our Council as it provided valuable insights and information about many of the challenges that we face. As a national conference it also provided insights into the various issues that all coastal councils throughout Australia were addressing.

Program

Monday 24 March 2014

- 09:00 WELCOME TO COUNTRY – Lois Cook, a Traditional Owner of the *Nyangbul* country
 INTRODUCTION – Mayor **Barry Sammels**, Chair, National Sea Change Taskforce and Mayor of the City of Rockingham (WA)
- 09:10 SESSION AND DISCUSSION: **Coastal Issues - A Snapshot of issues facing Coastal Councils in Australia**
 Presentations and panel discussion with representatives of coastal councils from around Australia who discussed key issues facing coastal communities:
- Managing Coastal Risks – an Insurance Perspective*
Karl Sullivan, General Manager Policy, Risk and Disaster Planning, Insurance Council of Australia
Coastline Management and Planning in Ballina Shire
Matthew Wood, Manager Strategic Planning, Ballina Shire Council (NSW)
90 Mile Beach Plan
Kim Phillips, Major Land Use Planning Projects Coordinator, Wellington Shire Council (VIC)
Organisational Benchmarking
Steve Piasente, Director Corporate Services, Bass Coast Shire Council (VIC)
- 10:30 *Morning tea*
- 11:00 KEYNOTE ADDRESS AND DISCUSSION: **Population Trends in Coastal Australia** Keynote address and discussion with **Denise Carlton**, Head of Demography, Australian Bureau of Statistics
 Population trends in non-metro coastal areas over the past decade have been amongst the highest in Australia. But what are the current population trends in coastal Australia?
- 11:30 RESEARCH FORUM AND DISCUSSION:
Update on Current Climate Adaptation Research
 Dr **David Rissik**, Deputy Director and General Manager, National Climate Change Adaptation Research Facility
Coastal Carbon Matters: opportunities for local councils
 Prof **Peter Ralph**, CSIRO Coastal Carbon Cluster Leader and Professor of Marine Biology, University of Technology, Sydney
Jellyfish bloom and sting impacts and Australian coastal management
 Dr **Lisa-ann Gershwin**, Research Scientist, CSIRO Wealth from Oceans
Catchment to coast water quality information and integration
Toni Cannard, Coastal Ecologist, CSIRO Wealth from Oceans
- 12:30 *Lunch*
- 13:30 CONCURRENT SESSIONS
 SESSION MON A ORGANISATIONAL BENCHMARKING
Steve Piasente, Director Corporate Services, Bass Coast Shire Council (VIC)

	SESSION MON B	OPPORTUNITIES AND PRIORITIES FOR RESEARCH PARTNERING WITH COASTAL COUNCILS – Toni Cannard and Dr Chris Wilcox , CSIRO Wealth from Oceans
15:00	<i>Afternoon tea</i>	
15.30	CONCURRENT SESSIONS	
	SESSION MON C	COASTAL PLANNING AND MANAGEMENT <i>Assessing and managing sulfidic dredge spoil</i> Prof Richard Bush , Southern Cross University <i>Noosa Main Beach Sand Recycling</i> Russell Green , RG Strategic
	SESSION MON D	CSIRO COASTAL COLLABORATION CLUSTER UPDATE Assoc Prof Laura Stocker , Curtin University and Prof Richard Kenchington , Leader Integration Theme, CSIRO Coastal Cluster, University of Wollongong and Professorial Fellow, Australian National Centre for Ocean Resources and Security The CSIRO Coastal Collaboration Cluster presented a variety of outputs from their research project and also sought input from Councils on their recent activities relevant to coastal adaptation to climate change
17:00	CONFERENCE DAY ONE CONCLUDES	
19:00	WELCOME RECEPTION	Northern Rivers Community Gallery Hosted by Ballina Shire Council.

Tuesday 25 March 2014

- 09:00 SESSION AND DISCUSSION: **Planning for Uncertainty**
Findings of Climate Change Legal Risks Project
Andrew Beatty, Beatty Legal, on the legal implications of planning for climate change impacts
- 09:25 SESSION AND DISCUSSION: **Managing Coastal Hazards – the US Experience**

Allan Young, Manager Coastal and Natural Resource Policy, NSW Department of Planning and Infrastructure
- 09:50 SESSION AND DISCUSSION: **Coastal Planning in Victoria**
Engaging the Victorian Community on the draft Victorian Coastal Strategy 2013
Jon Hickman, Chair, Victorian Coastal Council
Providing guidance while maintaining flexibility – the importance of regional coastal planning
Jane Ryan, Project Manager, Regional Coastal Plans and **Rebecca Price**, Principal Project Officer, Coastal Services Improvement Team Regional Services, VIC Department of Environment and Primary Industries
- 10:30 *Morning tea*
- 11:00 SESSION AND DISCUSSION
Climate Adaptation Case Studies
Ms **Carole Macmillan**, Program Manager Strategy and Integration, VIC Department of Environment and Primary Industries and Ms **Kate Nelson**, Director of Planning and Community, East Gippsland Shire Council (VIC)
Dr **Imogen Fullagar**, Coordinator D’Entrecasteaux and Huon Collaboration, Kingborough Council (TAS)
- 11:35 RESEARCH FORUM AND DISCUSSION: Presentations and panel discussion on research on coastal Australia.

All at sea? The current conundrum of how to fund coastal adaptation to coastal change
Assoc Prof **Geoff Wescott**, School of Life and Environmental Sciences, Deakin University
Response of estuaries to climate change: investigating their role as sediment sinks
Dr **Kerrylee Rogers**, Research Fellow, School of Earth and Environmental Science, University of Wollongong
Coastal wetlands and mosquito hazard: can we have one without the other?
Patrick Dwyer, Fisheries Conservation Manager (North), Fisheries Ecosystems Branch, Fisheries NSW, Department of Primary Industries
- 12:30 *Lunch*
- 13:30 CONCURRENT SESSIONS
SESSION TUE A CLIMATE ADAPTATION: COMMUNITY ENGAGEMENT
Developing the Capacity to Communicate about Climate Change

Ms **Kate Nelson**, East Gippsland Shire Council (VIC)
Coastal Climate Risk: from "too hard" environmental consideration to whole-of-community response
Dr **Imogen Fullagar**, Kingborough Council (TAS)

SESSION TUE B FIELD TOUR

Hosted by Ballina Shire Council

15:00

Afternoon tea

15:30

CONCURRENT SESSIONS

SESSION TUE C

COASTAL POLICY

Ageing in the regions: more than healthcare and pensions

Morgan Rennie, Policy Researcher, The Regional Australia Institute

Facilitated workshop session on options for developing effective policy in Australia's coastal areas including managing population growth

SESSION TUE D FIELD TOUR

Hosted by Ballina Shire Council

17:00

CONFERENCE DAY TWO CONCLUDES

19:00

GALA CONFERENCE DINNER

Ballina Surf Club, 65 Lighthouse Parade, East Ballina

19:30

Australian Coastal Awards Presentation

Wednesday 26 March 2014

- 09:00 PRESENTATION: **Ballina Shire Council's Flood Plain Management Strategy.**
Year 10 Marine Science students from Ballina High School presented on their studies into the lower Richmond estuary that is part of their normal curriculum
- 09:15 SESSION AND DISCUSSION: COASTAL VALUES AND CHARACTER
Dr **Garry Middle**, Curtin University reported on the findings from the research project undertaken for the National Sea Change Taskforce on beaches in four WA LGAs
- 09:35 SESSION AND DISCUSSION: CARING FOR THE BEACH
Dr **Lee Andresen**, Volunteer Coordinator, Ballina Coastcare Inc.
Meeting the social needs of coastal communities through Coastcare volunteering
Naomi Edwards, Community Engagement Manager, Griffith Centre for Coastal Management, Griffith University, *The Beach Happiness Index*
Erica Davey, Project Engineer, Water Research Laboratory, University of NSW, *Beach Width: the Ideal Expectations and Observations*
- 10:30 *Morning tea*
- 11:00 SESSION AND DISCUSSION: **Managing Coastal Erosion**
Paul Busmanis, Manager Engineering Works, Ballina Shire Council (NSW)
Managing coastal erosion: a local perspective
Oliver Moles, Director of Sustainable Development, Moyne Shire Council (VIC), *Coastal hazard – Defending Port Fairy*
Kurt Laboyrie, Environmental Consultant and Operations Manager, Cronulla Coastal Management Centre, NSW Soil Conservation Service
The impacts and management of coastal erosion on the Kurnell Peninsula
- 11:50 RESEARCH FORUM AND DISCUSSION: COASTAL MARINE DEBRIS IN AUSTRALIA
Dr **Chris Wilcox**, Senior Scientist, CSIRO Marine and Atmospheric Research *A national survey of marine debris along Australia's coast, patterns and implications for local managers and policy makers*
Dr **Britta Denise Hardesty**, Research Scientist, CSIRO Marine and Atmospheric Research, *The influence and efficacy of waste management policies on coastal marine debris in Australia.*
- 12:30 *Lunch*
- 13:30 COASTAL POLICY AND RESEARCH NEEDS
- 14:30 CONFERENCE CONCLUDES

**AUSTRALIAN COASTAL COUNCILS CONFERENCE
BALLINA – 24-26 March 2014
COMMUNIQUE**

Preamble

Representatives of Australian coastal councils and other coastal stakeholders attending the Australian Coastal Councils Conference at Ballina from 24 to 26 March, 2014, considered the current arrangements for determining Financial Assistance Grants. The representatives noted that the Report of the NSW Legislative Council General Purpose Standing Committee No. 3 titled *Tourism in local communities* recommended: *‘That the NSW Government request the Federal Government to investigate a more effective method of measuring populations when determining Financial Assistance Grants, that takes into account peak population figures¹.’*

The delegates attending the conference subsequently issued the following communiqué in respect of the inquiry recommendations:

Communiqué - Recommendations of Parliamentary Coastal Inquiry

We call on the Abbott Government to amend the formula for measuring populations when determining Financial Assistance Grants to take into account the impact of peak populations in Australia’s coastal local government areas and communities.

For many years coastal communities have experienced population growth at levels well above the national average. Between 1997 and 2010 the population of coastal areas outside the nation’s metropolitan areas increased substantially – from 4.9 million to 6.9 million. These communities therefore represent a major portion of Australia’s regional population. But while significant numbers of people have moved to the coast over recent decades, resources have not moved with them. As a result, coastal councils are struggling to meet increasing demands for infrastructure and services in their communities. This situation is compounded by the current methodology for collecting population data in the Census, which understates the number of people who depend on basic infrastructure and services in coastal communities. The census is conducted at five yearly intervals in the middle of the week in winter. As a result it does not capture data on the large number of people who would otherwise be in these communities at weekends or at other times of the year. A study of populations in coastal communities, which was conducted for the National Sea Change Taskforce by Professor Graeme Hugo, one of Australia’s leading demographers, has found that a large number of people were ‘missing’ from the data gathered in these communities for the 2011 Census.²

The study found that once people such as tourists, absentee property owners and visitors are taken into account the population numbers in coastal communities increases substantially compared to the official permanent population figures. The population of the Mornington Peninsula Shire in Victoria, for example, would increase by more than 30,000, the Cairns Regional Council population would increase by almost 29,000, Shoalhaven City Council (NSW) by more than 22,000 and the City of Mandurah (WA) by nearly 12,000. This

¹ Recommendation 11, General Purpose Standing Committee No. 3 Report *‘Tourism in local communities’*

² Hugo G and Harris K, (2013) *‘Time and tide: moving towards an understanding of temporal population changes in coastal Australia’*, Adelaide

matter is of considerable concern to councils attempting to meet the needs of local communities in these areas.

This matter was recently considered by a NSW Legislative Council inquiry into funding arrangements for regional tourism promotion. The report of the General Purpose Standing Committee No.3 inquiry was tabled in the NSW Legislative Council on Thursday 6 March 2014. It recognised the impact of visitation on community infrastructure, such as parking, water, sewerage, public toilets and parks, and identified the need for improved transport infrastructure for visitors.

A submission by the National Sea Change Taskforce to the inquiry called for a more accurate method of measuring non-resident populations, stating: *'There is a clear need to establish an accurate and consistent method of measuring the impact of tourists and other non-resident population groups in Australian coastal areas to enable planners and decision-makers to better match resources with demand associated with peak population levels.'*

Having considered this matter the Committee recommended the following in the inquiry report: *'That the NSW Government request the Federal Government to investigate a more effective method of measuring populations when determining Financial Assistance Grants, that takes into account peak population figures.'*

The delegates attending the 2014 Australian Coastal Councils Conference call upon the Abbott Government, in the national interest, to adopt and implement the recommendation of the General Purpose Standing Committee in order to partly address the shortfall in funding for infrastructure and services in coastal communities. The current formula for distributing Financial Assistance Grants to councils in these areas is inequitable and is in urgent need of reform.

17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

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:

CON16/002 Property Matter

Item CON16/002 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains 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.