



AGENDA

Ordinary Meeting of Council

13 November 2018

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

ON TUESDAY 13 NOVEMBER 2018

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 23 October 2018
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)

Page No.
- 6. MAYORAL REPORTS**
Nil
- 7. NOTICES OF MOTION**
Nil
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**
QON18/008 Bus stop and car park on the corner of Hector McWilliam Drive and
Princes Highway, Tuross Head 3
- 9. PETITIONS**
Nil

10. GENERAL MANAGER'S REPORTS	
Nil	
11. PLANNING AND SUSTAINABILITY REPORTS	
PSR18/088 On-Site Sewage Management Code of Practice	11
12. INFRASTRUCTURE REPORTS	
Nil	
13. CORPORATE AND COMMERCIAL SERVICES REPORTS	
CCS18/050 NRMA Electric Charging Station Batemans Bay	39
14. COMMUNITY, ARTS AND RECREATION REPORTS	
CAR18/038 Public Art Submission by Batemans Bay Business and Tourism Chamber	44
CAR18/036 Youth Services Update	54
CAR18/037 Approval of new overnight care fee	60
15. DELEGATE REPORT	
DR18/005 Australian Regional Development Conference 2018	62
16. URGENT BUSINESS	
17. DEALING WITH MATTERS IN CLOSED SESSION	65
18. CONFIDENTIAL MATTERS	

DR CATHERINE DALE
GENERAL MANAGER

**QON18/008 BUS STOP AND CAR PARK ON THE CORNER OF HECTOR MCWILLIAM DRIVE
AND PRINCES HIGHWAY, TUROSS HEAD**

E89.2065

Responsible Officer: Lindsay Brown - Councillor

Attachments: 1. Mayoral correspondence to Hon Andrew Constance re: Tuross
intersection

The following question on notice was received from Councillor Lindsay Brown:

Question

At the Council meeting of 11 September 2018 I put forward an urgent matter regarding the construction of the roadworks and accompanying bus stop at the corner of the Princes Highway and Hector McWilliam Drive, Tuross Head. The Motion 18/253 received unanimous support and identified particular concerns for users with a disability in the proposed design and construction.

My recent advice from the Tuross Head Progress Association is they are in receipt of correspondence from RMS stating the extra cost to expand the proposed carpark to accommodate a bus shelter and drive-through area for buses is \$120,000. RMS also advised the extra \$120,000 is not available to them which is a paltry sum when considering the opportunity to create a safe bus stop for Tuross residents, visitors, commuters and the travelling public. Advice from Ann Sudmalis MP is that she is still seeking an extra \$100,000 that may be available.

In light of such a low cost and noting the current construction works, what has been the result of both agency and political advocacy on this issue, especially with the relevant state Members and Ministers?

What options are available to ESC to ensure Tuross residents are being treated equitably to Sussex Inlet residents and their Princes Highway bus stop?

Response

The following Motion 18/253 was passed at the Ordinary Meeting of Council held 11 September 2018, regarding the car park works conducted by Roads and Maritime Services (RMS) on the corner of Hector McWilliam Drive and the Princes Highway:

THAT Council:

- 1. Request that RMS consider removal of the bus stops north and south, from the Princes Highway at Tuross and provide a bus stop within the proposed carpark, including a bus shelter, to address safety and access needs*
- 2. Seek urgent meeting with RMS to discuss these issues*
- 3. Seek urgent representation to the Local Member and relevant Ministers to advocate for funding for these works.*

The background to this Motion was that the Disability Inclusion Advisory Committee (DIAC) reviewed the RMS design for the Hector McWilliam Drive/Princes Highway intersection from a disability/mobility perspective at its meeting in September 2018.

**QON18/008 BUS STOP AND CAR PARK ON THE CORNER OF HECTOR
MCWILLIAM DRIVE AND PRINCES HIGHWAY, TUROSS HEAD**

E89.2065

Subsequent to the Council resolution, the following actions have been taken:

- i) 18 September 2018 - teleconference discussion with the RMS. The RMS re-affirmed previous verbal advice that this proposal was outside of the scope of the budget available for the intersection upgrade.
- ii) 18 September 2018 – letter to the RMS formally requesting they pursue the additional funding required from the NSW Government to expand the scope of works (incorporating Council’s resolution). Copy of Council’s letter provided to Councillors on 21 September 2018.
- iii) 20 September 2018 – letter from the Mayor to Hon Andrew Constance MP in accord with Council’s resolution outlining the advantages for the community in expanding the works to include the bus stop within the car park and associated bus shelter, and seeking his support to provide the necessary funding to the RMS. Copy of Council’s letter attached.
- iv) 25 September 2018 - the RMS re-affirmed verbal advice that the \$1.4M in funding for intersection improvements was to reduce crash risks which will be achieved within the current scope of works. A change to the carpark to include a bus stop would be outside the scope of the project, requiring additional approvals, development and funding. RMS have advised Transport for NSW of Council’s request for additional bus and transport facilities at the intersection. RMS advised Council to pursue funding under the Country Passenger Transport Infrastructure Grant Scheme (CPTIGS). Copy of Council’s letter provided to Councillors on 28 September 2018.
- v) 18 & 29 September 2018 - Tuross Head Progress Association (THPA) made submissions to Ann Sudmalis MP, Hon Andrew Constance MP and RMS seeking funding to incorporate the additional work required for the off-highway bus stop.
- vi) 2 October 2018 - THPA advised Andrew Constance’s office that advice from Ann Sudmalis MP was that she continues to seek avenues to provide the additional funding needed.
- vii) 26 October 2018 - Council is advised by THPA that Andrew Constance has made a representation to RMS.

The RMS has since constructed and sealed the car park off Hector McWilliam Drive for car parking (but excluding the work needed to accommodate buses). The new car park does offer a higher level of service and safety to the general community compared to the previous informal grassed/dirt car park that existed prior to work commencing on the intersection, however there would be significant benefits in accommodating bus stops within the car park.

It is noted that the RMS has also approached Transport for NSW regarding grant programs relaying that this is essentially a matter for Council to pursue separately to the current RMS project. Council will now investigate the option of securing grant funding from Transport for NSW.

**QON18/008 BUS STOP AND CAR PARK ON THE CORNER OF HECTOR
MCWILLIAM DRIVE AND PRINCES HIGHWAY, TUROSS HEAD**

E89.2065

To achieve this project Council will need to:

- Liaise with the interstate and intrastate bus companies seeking their concurrence to exiting off the Princes Highway with a pick-up within the car park as part of their route
- Formally request the consent of the RMS to utilise the land for the expanded car park
- Prepare a survey and design of an expanded car park suitable for bus pick-up and set-down
- Prepare estimates of cost and undertake a review of environmental factors for the work
- Secure grant funding from Transport for NSW
- Undertake the work, including relocation of the bus shelter.

Council staff have already indicated we would, by necessity, pursue this course of action.

In the meantime, the RMS has been requested to consent to Council utilising suitable recycled materials from other local works to contribute to the provision of the required earthworks at a lower cost. As the processes outlined above will take time, these materials will be stockpiled for future use.

Councillor Anthony Mayne, as Council's representative, has been requested to seek the support of SEATS at its meeting of 8-9 November 2018 to advocate to have the NSW Government provide, fund and maintain all bus facilities outside of town areas for interstate and intrastate bus services along the Princes Highway. Councillor Mayne may be able to provide a verbal update upon his return from the SEATS meeting.

Council may wish to formally resolve to write to the Minister for Transport and Infrastructure to advocate for the NSW Government to take responsibility for providing and owning such bus and parking facilities (as they do now for truck rest stops and the like). This would allow the RMS to consider such facilities more holistically, providing for all road users, as part of all future projects along the Princes Highway.

Council will therefore continue to work with RMS and Transport for NSW to deliver improved safety and accessibility at this and other sites.

**QON18/008 BUS STOP AND CAR PARK ON THE CORNER OF HECTOR
MCWILLIAM DRIVE AND PRINCES HIGHWAY, TUROSS HEAD**

E89.2065

RECOMMENDATION

THAT:

- i) the response to the question regarding the bus stop and carpark on the corner of Hector McWilliam Drive and Princes Highway, Tuross Head, raised by Councillor Brown be received and noted
- ii) Council write formally to the Minister for Transport and Infrastructure Hon Andrew Constance MP seeking his further support for:
 - a) Funding to be made available to the NSW Roads and Maritime Services from Transport for NSW to provide a suitable expansion of the new car park built off Hector McWilliam Drive to incorporate an interstate/intrastate bus drop-off/pick-up area
 - b) The NSW Government to take ownership and responsibility for all interstate/intrastate bus and parking facilities along highways, including the Princes Highway, with a view to incorporating such facilities where appropriate, into all future projects.



Our Ref: E89.2065

20 September 2018

The Hon Andrew Constance MP
122 Carp Street
BEGA NSW 2550

bega@parliament.nsw.gov.au

Dear Andrew

Intersection Upgrade – Princes Highway/Hector McWilliam Drive, Tuross Head

Roads and Maritime Services (RMS) is currently in the process of upgrading the intersection of the Princes Highway and Hector McWilliam Drive to improve road safety. These works are being funded by the Australian Government which is greatly appreciated. The proposed upgrade works should bring improved safety outcomes for users of the intersection.

The RMS is proposing to move the informal grassed car park near the intersection to the southern side of Hector McWilliam Drive, replacing the car park with a like for like outcome. This too will be a significant safety improvement, moving traffic movements away from the busy highway intersection.

This proposal does however offer an opportunity to provide an extended benefit to the community by moving the bus stops off the Princes Highway into the new car park. These extended works would:

- provide for improved accessibility, particularly noting the aged demographic living in Tuross Head
- remove the need for pedestrians to cross the Princes Highway near the intersection within the existing 100km/hr speed zone, thereby further improving road safety outcomes.

The RMS has advised that to achieve this outcome is outside of the current scope of work and the current funding provided by the Australian Government.

The RMS also advised that to achieve relocation of the bus stops would require additional funding from the NSW Government, to design and construct a larger car park, construct a new bus shelter, undertake the legislative approvals (new review of environmental factors) as well as liaise with and gain agreement from the interstate/intrastate bus companies.



This matter was raised as a matter of urgency at our Council meeting held on 11 September 2018, following on from this issue being raised at our Disability Inclusion Advisory Committee meetings.

Council subsequently resolved:

"That Council:

1. Request that the RMS consider removal of the bus stop north and south, from the Princes Highway at Tuross and provide a bus stop within the proposed car park including a bus shelter, to address safety and access needs
2. Seek an urgent meeting with the RMS to discuss these issues
3. Seek urgent representation to Local Member and Ministers to advocate for funding for these works."

We therefore seek your support to provide the necessary funding to Roads and Maritime Services to enable the necessary works to be undertake to remove the bus stops from the Princes Highway and provide replacement facilities in the off-road car park south of Hector McWilliam Drive.

A copy of a letter of support from Marshalls Bus & Coach Pty Ltd is attached.

If your office requires further assistance, please contact our Director Infrastructure Services on 0409 398 358.

Yours sincerely

A handwritten signature in black ink, appearing to read "Liz Innes", with a stylized flourish at the end.

Councillor Liz Innes
Mayor

Attach.

	<p><i>Marshall's Bus & Coach Pty Ltd</i> Tours - Excursions - Charters - School Bus Services 19 Yarragee Road, Moruya NSW 2537 Ph 02 4474 4991 Fax 02 4474 4989 524 E-Mail marshallsbusco@bigpond.com ABN 41 142 088 524</p>
---	---

10/09/2018

Ian Nerrie
Roads and Maritime Services
Ian.NERRIE@rms.nsw.gov.au

Dear Ian

Re: Princes Highway/Hector McWilliam Drive intersection

We at Marshall's wish to show our support for Council's Disability Inclusion Advisory Committee (the Committee) letter dated 7 September 2018.

Marshall's agrees with the Committee's proposal of a pickup/dropoff bus stop within the proposed carpark. If our buses/coaches were able to turn around in the carpark this would allow for all pick up and drop-offs to occur away from the highway intersection. This may also mean that only one bus shelter is required and needs to be maintained.

In our opinion a bus shelter inside the carpark would create a safer area and better service for passengers from/around Tuross Head.

If you have any questions or require further information, please contact office.

Regards

Melissa Marshall
Marshall's Bus & Coach Pty Ltd



PSR18/088 ON-SITE SEWAGE MANAGEMENT CODE OF PRACTICE

E98.2467

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

Attachments: 1. Draft On-Site Sewage Management Code of Practice
2. NSW Health Advisory Note 5
3. Under Separate Cover - Healthy Estuaries for Healthy Oyster Guidelines
4. Submission - NSW Department Primary Industries - Fisheries

Outcome: Protected and Valued Natural Environment

Focus Area: 3.3 Maintain clean healthy waterways and catchments

Delivery Program Link: 3.3.2 Monitor and manage impacts on our waterways

Operational Plan Link: 3.3.2.4 Review the Onsite Sewage Management System program

EXECUTIVE SUMMARY

The purpose of this report is to seek approval to adopt the draft On-Site Sewage Management (OSSM) Code of Practice following consideration of submissions received during the public exhibition period.

The draft OSSM Code of Practice has been on public exhibition and submissions have been considered in finalising the Code. This report details the proposed changes.

Overall, the proposed changes to the Code are expected to improve compliance rates, improve the approval process and ultimately be of benefit to users of on-site sewage management systems.

RECOMMENDATION

THAT:

1. The draft On-Site Sewage Management Code of Practice be adopted.
2. Council write to those who made a submission thanking them for their involvement and advising of the outcome of the process.

BACKGROUND

At the Ordinary Meeting on 11 September 2018, the following Motion (18/250) was adopted:

THAT:

1. The draft Onsite Sewage Management Code of Practice be placed on public exhibition for a period of 28 days.
2. A further report be presented to Council to consider any submissions that may be received during the exhibition period.

The current Code of Practice was adopted on 24 September 2013 following a comprehensive review, which included the formation of a working group and a customer survey.

PSR18/088 ON-SITE SEWAGE MANAGEMENT CODE OF PRACTICE

E98.2467

The draft Code has been developed in consultation with practitioners and in accordance with industry best practice.

CONSIDERATIONS

The review of the Code has considered the technical requirements associated with the installation of OSSM systems, and the practical application in relation to the regulation of wastewater systems.

The key changes to the OSSM Code of Practice that have been exhibited, include:

1. Inclusion of a risk assessment matrix

The current Code of Practice includes an opportunity for property owners that have an OSSM system rated as a 'low' or 'medium' risk, to apply for a downgrade where systems regularly comply, thereby reducing their inspection regime.

The risk assessment matrix has been developed to provide for greater consistency and transparency in the application of risk ratings through the approval process. The matrix will demonstrate how particular systems are rated.

2. The requirement to install a visible alarm on collection wells

The OSSM inspection program has identified an increasing number of issues associated with poor maintenance and operation of pump-out systems, such as overflowing collection wells when they are not pumped-out at regular intervals.

The installation of a visible alarm (flashing light) on the collection well will notify the occupier that the collection wells are approaching capacity and require a pump-out. The alarm activates at approximately 80% capacity of the tanks, which allows time for the pump-out contractor to attend the property to remove effluent.

3. Service agents for Aerated Wastewater Treatment Systems (AWTS) to gain accreditation

NSW Health (Advisory Note 5 from the NSW Ministry of Health) will add new servicing conditions to on-site sewage or greywater treatment system accreditations when renewed (from 2020) under Australian Standards AS 1546.3:2017 and AS 1546.4:2016, respectively. This will require that service agents are employed or authorised by the systems' manufacturer.

The system manufacturer may require new service agents to complete an orientation or training session to become an authorised agent. Existing service agents deemed to have extensive unsupervised experience or relevant industry training in Eurobodalla Shire will not be affected by the proposed changes.

Clause 45 of the *Local Government (General) Regulation 2005* requires that conditions of accreditation must be complied with as a condition of 'approval to operate a system of sewage management'. Additionally 'the local council should maintain a register of all service agents operating in its area'.

PSR18/088 ON-SITE SEWAGE MANAGEMENT CODE OF PRACTICE

E98.2467

The OSSM Code of Practice references a number of best practice standards and guidelines for the operation of wastewater management systems. During the exhibition period, the NSW Department of Primary Industries requested that the Code make reference to the *Healthy Estuaries for Healthy Oysters Guidelines* developed by the Department.

The *Healthy Estuaries for Healthy Oysters Guidelines* provide Council, NSW Government agencies, private landowners and developers with advice about how to ensure development in close proximity to estuaries is compatible with the requirements of oyster aquaculture.

The Eurobodalla oyster industry contributes significantly to local employment, economic growth and tourism. Council works with local farmers and relevant NSW Government agencies in supporting the local shellfish industry.

The draft OSSM Code of Practice has been amended in response to a request by the NSW Department of Primary Industries.

In addition to the above, other minor formatting and rewording of the Code has been undertaken.

Legal

Council is required to process approvals and undertake inspections of OSSM systems in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. The Department of Local Government Circular to Councils 98/27 (issued 1 April 1998) outlines Council's requirements for the monitoring of OSSM systems.

Policy

The draft OSSM Code of Practice was developed through consultation with industry professionals.

It is considered that the proposed changes will improve compliance rates, improve the approval process, and ultimately be of benefit to users of on-site sewage management systems.

Environmental

Due to the sensitive environmental nature of much of Eurobodalla Shire, particularly in relation to waterways, including fisheries and recreational use, monitoring of OSSM is important to mitigate potential environmental impacts from OSSM systems, and to protect the economic contribution arising from these assets.

Social Impact

There are potential health risks for users and those in the vicinity of OSSM systems. Council is obligated to demonstrate that it has met its duty of care in avoiding public health concerns associated with the operation of OSSM systems.

Financial

The OSSM inspection program aims to be cost neutral with costs recovered through inspection fees. During 2018 to 2019, the fee for a primary inspection is \$126. Where a formal reinspection is required, a fee of \$165 is charged. These fees are identified in Eurobodalla Shire Council's Fees and Charges (2018-19).

PSR18/088 ON-SITE SEWAGE MANAGEMENT CODE OF PRACTICE

E98.2467

Community and Stakeholder Engagement

The draft plan was developed through consultation with industry professionals. Prior to public exhibition, invitations were sent to a broad range of stakeholders including: qualified plumbers and drainers; service technicians; engineers; designers and consultants; and NSW Government agencies to participate in the review process.

A public notice was published in the newspaper on 12 September 2018.

The public exhibition was promoted via advertisement in the local press, media release, Council's website, and further communication to stakeholders.

One submission was received with feedback reviewed and the requested addition of referencing in the Code, the *Healthy Estuaries for Healthy Oysters Guidelines*, included. A copy of the submission is contained in Attachment 4.

CONCLUSION

The review of the On-Site Sewage Management Code of Practice has been undertaken in consultation with local wastewater consultants, industry professionals and relevant NSW Government agencies. Overall, the proposed changes to the Code of Practice are minimal.

The draft Code aims to ensure that OSSM systems meet best environmental and health performance standards, and provide a sustainable option for wastewater management.



CODE OF PRACTICE

Code name	On-Site Sewage Management
Responsible manager(s)	Divisional Manager, Environmental Services
Contact officer(s)	Divisional Manager, Environmental Services
Directorate	Planning & Sustainability
Approval date	
Community Strategic Plan Outcome	3. Protected and valued natural environment 4. Sustainable living
Delivery Program link	3.3.2 Monitor and manage impacts on our waterways
Operational Plan link	3.3.2.3 Deliver the On-Site Sewage Management System inspection program

Summary

The purpose of this Code of Practice is to ensure that On-Site Sewage Management (OSSM) systems meet best practice environmental and health performance standards and provide a sustainable option for wastewater management.

Eurobodalla Shire Council developed an OSSM Plan in 1998, and implemented it in 1999. The aim of this Code of Practice is to offer guidance in preparing applications to Council, clarify what is required and how to apply the various related documents, and to describe how systems will continue to be monitored once installed.

This Code covers the following:

1	INTRODUCTION	2
1.1	Purpose	2
1.2	Land to which this code applies.....	2
1.3	Objectives.....	2
1.4	Relationship to Legislation/ Policy/ Plan	2
1.4.1	Legislation.....	3
1.4.2	Standards and Guidelines	3
1.5	Version	3
2	CODE DETAILS.....	3
2.1	Systems covered by this Code of Practice	3
2.2	Applications and approvals.....	3
2.2.1	Exemptions	3
2.2.2	Applications	4
2.2.3	Application fees and charges.....	4
2.3	Performance standards.....	5
2.3.1	Performance criteria and acceptable solutions	5
2.3.2	Variations.....	8
2.4	On-Site Sewage Management (OSSM) System Inspection Program	9
2.4.1	Inspection process	9
2.4.2	Fees and charges	9
2.4.3	Risk rating	9



2.4.4	Regular servicing and Council inspection of Aerated Wastewater Treatment Systems.....	10
2.4.5	Requirements for Aerated Wastewater Treatment System service technicians.....	11
2.4.6	Auditing process	11
3	RESPONSIBILITIES	11
3.1	Staff	11
3.2	Requests and Concerns.....	11
3.3	Complaints	11
3.4	Consultation	11
4	MONITORING AND REVIEW	11
5	ACKNOWLEDGEMENTS	12
6	SUPPORTING DOCUMENTS	12
7	GOVERNANCE	12

1 INTRODUCTION

1.1 Purpose

The purpose of this Code of Practice is to ensure that On-Site Sewage Management (OSSM) systems meet best practice environmental and health performance standards and provide a sustainable option for wastewater management.

The aim of this Code is to offer guidance in preparing applications to Council, clarify what is required and how to apply the various related documents, and to describe how systems will continue to be monitored once installed.

1.2 Land to which this code applies

This Code of Practice applies to all land within the Eurobodalla Shire Council Local Government Area (LGA) with the exception of National Parks, as outlined in the Department of Local Government Circular 99/59.

1.3 Objectives

The objectives of this Code are to provide a framework to:

- Ensure transparency, consistency and fairness in the manner in which Council deals with OSSM;
- Assess and regulate the design, installation and operation of OSSM systems in the Eurobodalla Local Government Area;
- Protect and enhance public health and the environment from potential OSSM impacts;
- Promote awareness of requirements with respect to OSSM.

1.4 Relationship to Legislation/ Policy/ Plan

This Code should be read in conjunction with the latest available editions or revisions of the following:



1.4.1 Legislation

- [Local Government Act 1993](#)
- [Local Government \(General\) Regulation 2005](#)
- [Environmental Planning and Assessment Act 1979](#)
- [Environmental Planning and Assessment Regulation 2000](#)

1.4.2 Standards and Guidelines

- AS/NZS 1546:1-3 On-site domestic wastewater treatment units
- AS/NZS 1547:2012 On-Site domestic wastewater management
- AS/NZS 3500:2012 Plumbing and drainage
- [Designing and Installing On-site Wastewater Systems, Sydney Catchment Authority 2012](#)
- [Environment & Health Protection Guidelines: On-site sewage management for single households \(the 'Silver Book'\), NSW Department of Local Government, 1998](#)
- [Neutral or Beneficial Effect on Water Quality Assessment Guideline \(NorBE\), Sydney Catchment Authority, 2015](#)
- [NSW Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises, NSW Department of Energy, Utilities and Sustainability, 2008](#)
- Plumbing Code of Australia 2016
- [Water Sensitive Design Guide for Rural Residential Subdivisions, Sydney Catchment Authority, 2011](#)
- [NSW Health Servicing of Single Domestic Sewage Management Facilities Advisory Note 5.](#)

1.5 Version

- This Code came into force on [date Code approved].
- This Code replaces the Eurobodalla Shire Council On-Site Sewage Management Code of Practice September 2013.

2 CODE DETAILS

2.1 Systems covered by this Code of Practice

- All OSSM systems and disposal unless the system is required to be licensed under the *Protection of the Environment Operations Act 1997* Schedule 1;
- Effluent pump-out systems;
- Domestic greywater treatment and reuse systems;
- Greywater disposal systems.

2.2 Applications and approvals

2.2.1 Exemptions

- Council approval for a system is not required if the system is exempt under the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.



- Council must be notified prior to the installation of an exempt system; or, if the exempt system meets the criteria for exemption of a greywater diversion device in reticulated sewered areas under clause 75(A)(2) of the *Local Government (General) Regulation 2005*, following installation in accordance with 7.1.1.
- Exempt systems may still be included in Council's OSSM System Inspection Program.

2.2.2 Applications

Any system of sewage management which is not exempt must not be installed or operated in the Eurobodalla Shire Council Local Government Area unless:

- An application in accordance with s68 of the *Local Government Act 1993* is made to Council on the appropriate form accompanied by required supporting material and the appropriate fees; and
- Approval has been given in writing by the owner for Council to enter the property for the means of undertaking inspections; and
- Council approval has been granted in writing to install and operate the system of sewage management and conditions of the approval have been met.

2.2.3 Application fees and charges

Details of application fees are available from Council's publication – Fees and Charges.



2.3 Performance standards

2.3.1 Performance criteria and acceptable solutions

The following performance standards apply for the design, installation and construction methods for all applications to install/alter and operate an OSSM system.

Performance criteria	Acceptable solutions																	
P1 Proposed system complies with clause 41 of the <i>Local Government (General) Regulation 2005</i>	A1 <ul style="list-style-type: none">a) The system has NSW Health Accreditation; orb) Is exempt under the Regulation and NSW Advisory Note 1; andc) Is approved by NSW Fair Trading as an alternative solution.																	
P2 The development is consistent with the requirements of any ESC instrument on title under <i>Part 6, Division 4 of the Conveyancing Act 1919</i>	A2 <ul style="list-style-type: none">a) Effluent management area is identified on the title and is consistent with the proposal; orb) Where the Instrument is to Council's benefit, that an equal or superior solution is presented.																	
P3 Proposal is for an effluent pump-out system <i>NOTE: Development relying on pump-out systems is not a viable option in the long term because of widespread misuse and abuse by the householder and prohibitive operation costs. They may be considered on a case-by-case basis where acceptable solutions in A3 are demonstrated.</i>	A3 <ul style="list-style-type: none">a) Area is proposed to be connected to reticulated sewer in the near future;b) Existing lot cannot support full on-site effluent disposal; andc) Partial on-site wastewater disposal has been considered; andd) Collection well(s) to be fitted with an alarm; ande) Collection wells sized as per Table 2.3 of the 'Designing and Installing On-site Waste water Systems' (SCA, 2012), below:<table><tr><th rowspan="2">Number of bedrooms</th><th colspan="2">Collection well size (litres)</th></tr><tr><th>Tank water</th><th>Reticulated / bore water</th></tr><tr><td>3</td><td>10,000</td><td>16,000</td></tr><tr><td>4</td><td>14,000</td><td>21,000</td></tr><tr><td>5</td><td>16,000</td><td>24,000</td></tr><tr><td>6</td><td>18,000</td><td>26,000</td></tr></table>f) Development where an increase in the intensity of occupancy is proposed (e.g. single to dual occupancy) shall not rely solely on an effluent pump-out system.	Number of bedrooms	Collection well size (litres)		Tank water	Reticulated / bore water	3	10,000	16,000	4	14,000	21,000	5	16,000	24,000	6	18,000	26,000
Number of bedrooms	Collection well size (litres)																	
	Tank water	Reticulated / bore water																
3	10,000	16,000																
4	14,000	21,000																
5	16,000	24,000																
6	18,000	26,000																
P4 The proposal is for a subdivision	A4 <ul style="list-style-type: none">a) Assessment is undertaken in accordance with Appendix C in AS/NZS 1547:2012;b) Chapter 3 in the 'Water Sensitive Design Guide for Rural Residential Subdivisions' (SCA, 2011) has been used for effluent management areas and loadings.<ul style="list-style-type: none">1. An effluent management area of 1600m² will generally be required for nominated sites:																	



Performance criteria	Acceptable solutions															
	<p>2. Minimum loadings of 1200L/d (reticulated/bore water) or 800L/d (tank water) are to be used for calculating hydraulic disposal areas.</p> <p>c) All proposed subdivision developments must demonstrate a sustainable on-site sewage management option for each proposed lot.</p>															
P5 Site & Soil Assessment has been undertaken	A5 <p>a) Assessment has been undertaken in accordance with Section 2 of <i>'Designing and Installing On-site Waste water Systems'</i> (SCA, 2012) and/or AS/NZS 1547:2012;</p> <p>b) Appropriate design loading rate (DLR) or design irrigation rate (DIR) is used according to the soil description as per either Table L1, M1 or N1 of AS/NZS 1547:2012 depending on proposed method of disposal;</p> <p>c) Water balance is calculated in accordance with local median rainfall and evaporation records where available or using the data in Table 1 below.</p>															
P6 Design daily loadings are appropriate for the development	A6 <p>a) Daily loading per potential bedroom are as per Table 2.1 of the <i>'Designing and Installing On-site Waste water Systems'</i> (SCA, 2012), below:</p> <table><tr><th>Design Wastewater loading for each potential bedroom</th><th>Reticulated/bore Water</th><th>Tank Water</th></tr><tr><td>1-2 potential bedrooms</td><td>600 L/d</td><td>400 L/d</td></tr><tr><td>3 potential bedrooms</td><td>900 L/d</td><td>600 L/d</td></tr><tr><td>4 potential bedrooms</td><td>1200 L/d</td><td>800 L/d</td></tr><tr><td>More than 4 potential bedrooms</td><td>1200 L/d plus 150 L/d for each additional bedroom</td><td>800 L/d plus 100 L/d for each additional bedroom</td></tr></table> <p>b) Ancillary structures – refer to A7;</p> <p>c) Separation of waste streams – greywater loading should be taken as 65% of the total loading;</p> <p>d) A potential bedroom is that defined in the <i>'Neutral or Beneficial Effect on Water Quality Assessment Guideline'</i> (SCA, 2015).</p>	Design Wastewater loading for each potential bedroom	Reticulated/bore Water	Tank Water	1-2 potential bedrooms	600 L/d	400 L/d	3 potential bedrooms	900 L/d	600 L/d	4 potential bedrooms	1200 L/d	800 L/d	More than 4 potential bedrooms	1200 L/d plus 150 L/d for each additional bedroom	800 L/d plus 100 L/d for each additional bedroom
Design Wastewater loading for each potential bedroom	Reticulated/bore Water	Tank Water														
1-2 potential bedrooms	600 L/d	400 L/d														
3 potential bedrooms	900 L/d	600 L/d														
4 potential bedrooms	1200 L/d	800 L/d														
More than 4 potential bedrooms	1200 L/d plus 150 L/d for each additional bedroom	800 L/d plus 100 L/d for each additional bedroom														
P7 Proposal addresses all wastewater generated on the site	A7 <p>a) Loadings from non-habitable serviced ancillary structures shall be calculated using Table H2 from AS/NZS 1547:2012.</p>															
P8 Proposed disposal method is appropriate for the slope.	A8 <p>a) Is less than maximum slope requirements as outlined in Table K1 of AS/NZS 1547:2012; and</p> <p>b) Design includes methods of preventing surface water flow onto effluent management areas; and</p> <p>c) Subsurface irrigation DIR is reduced with increasing slope in accordance with Table M2 of AS/NZS 1547:2012.</p>															



Performance criteria	Acceptable solutions															
P9 Buffer distances are appropriate to the development.	A9 <ul style="list-style-type: none">a) Buffers meet those outlined in Table 2.4 of the <i>‘Designing and Installing On-site Waste water Systems’</i> (SCA, 2012); andb) Buffers apply to entire effluent management area; andc) Additional buffers to site specific factors may be applied (such as to significant vegetation);d) Variations to buffers with assessment using Tables R1 & R2 of AS/NZS 1547:2012 may be considered.															
P10 The nominated system requires regular servicing	A10 <ul style="list-style-type: none">a) An appropriately qualified service technician is available in the area for servicing and repairs; andb) All servicing and maintenance of the system, and any associated costs is the owner’s responsibility; andc) Owners must be provided with adequate information on the operation and maintenance of the system.															
P11 Where surface, shallow sub-surface or LPED disposal is nominated, nutrients are contained on-site and within buffers	A11 <ul style="list-style-type: none">a) The ‘minimum area method’ as outlined in Appendix 6 <i>‘Environment & Health Protection Guidelines: On-site Sewage Management for Single Households’</i> is preferred;b) Where this method is not applied, the hydraulic irrigation area shall be sized in accordance with AS/NZS 1547:2012 and an area for the calculated nutrient uptake to be reserved downslope following the natural flow;c) Where wastewater nutrient concentrations are not specified in the NSW Health Certificate of Accreditation for the system, then the design parameters as shown below shall be used: <table><tr><th>Parameter</th><th>Septic Tank Effluent</th><th>Greywater Effluent</th><th>AWTS Effluent</th><th>Critical Loading Rate of Nutrient</th></tr><tr><td>Total Nitrogen</td><td>55mg/L</td><td>15mg/L</td><td>30mg/L</td><td>25mg/m²/d</td></tr><tr><td>Total Phosphorus</td><td>12mg/L</td><td>10mg/L</td><td>12mg/L</td><td>2.8mg/m²/d</td></tr></table>	Parameter	Septic Tank Effluent	Greywater Effluent	AWTS Effluent	Critical Loading Rate of Nutrient	Total Nitrogen	55mg/L	15mg/L	30mg/L	25mg/m ² /d	Total Phosphorus	12mg/L	10mg/L	12mg/L	2.8mg/m ² /d
Parameter	Septic Tank Effluent	Greywater Effluent	AWTS Effluent	Critical Loading Rate of Nutrient												
Total Nitrogen	55mg/L	15mg/L	30mg/L	25mg/m ² /d												
Total Phosphorus	12mg/L	10mg/L	12mg/L	2.8mg/m ² /d												
P12 Risk Rating assessment has been undertaken	A12 The risk rating is determined on the potential of the system’s impact to public health and the environment in accordance with the OSSM Risk Assessment matrix (Appendix 5).															



Performance criteria	Acceptable solutions
P13 Proposal includes separate grey water treatment/disposal	A13 <ul style="list-style-type: none"> a) Approval under s68 of the <i>Local Government Act 1993</i> is required unless the property is exempt; b) To be exempt the property must be connected to sewer and a <i>greywater diversion device</i> is installed in accordance with clause 75A (2) of the <i>Local Government (General) Regulation 2005</i> and the '<i>NSW Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises</i>' (NSW Government, 2008); c) All applications must include a full site and soil assessment as per P5 above. <p><i>Note: Council accepts applications for greywater diversion, however this is not considered a method of treatment and cannot be used to reduce the hydraulic load used to calculate the size of the required effluent disposal system.</i></p>
P14 Proposal is for a Pit Toilet	A14 <ul style="list-style-type: none"> a) The location of the pit toilet must meet all required buffers outlined in Appendix 4; and b) The soil category must be in the range of 4 (clay loams) to 6 (medium to heavy clays) below 500mm from top level of the pit; and c) The groundwater level must be in excess of 1.5m below the base of the pit; and d) Occupation of the site not to exceed 60 days in any 12 month period; and e) Construction should be in accordance with the World Health Organisation specifications for simple pit latrines, ventilated improved pit (VIP) or Reed's odourless earth closet (ROEC); and f) Details of the separate disposal of other wastewater on the site (such as kitchen, laundry and bathroom) to be provided; and g) Property is to be owner-occupied only; and h) Changes of property ownership requires a new application.

2.3.2 Variations

Where acceptable solutions in 2.3.1 are not adopted the proponent must submit an alternate solution prepared by a suitably qualified and experienced person for assessment by Council. Any variation must demonstrate an equal or superior outcome to performance standards in section 2.3.1.



Table 1: Precipitation, Evaporation and Crop Factor

Month	Days per Month	Daily Pan Evaporation (mm)	Median Rainfall (mm/month)	Crop Factor
January	31	6.3	75.3	0.8
February	28	5.7	66.7	0.8
March	31	4.7	70.7	0.8
April	30	4	54.9	0.8
May	31	3.1	55.8	0.7
June	30	2.9	47.8	0.6
July	31	3	34.3	0.6
August	31	4.1	27.9	0.6
September	30	4.9	44.3	0.7
October	31	5.7	57.7	0.8
November	30	6.1	63	0.8
December	31	6.7	58.5	0.8

2.4 On-Site Sewage Management (OSSM) System Inspection Program

2.4.1 Inspection process

Council is required to implement and maintain an OSSM system inspection program by the Department of Local Government and NSW state legislation. The inspection process is outlined in Appendix 2. Owners will be notified by letter prior to the inspection where permission in writing has not been given by the owner or the owner has requested notification. Where the owner/occupant wishes to be present at the time of inspection, they can notify and liaise with Council to do so.

2.4.2 Fees and charges

Details of inspection fees are available from Council's publication – Fees and Charges.

2.4.3 Risk rating

New sites shall be given a risk rating in accordance with the OSSM Risk Assessment Matrix (Appendix 5) at the time of approval and existing sites at the time of the first inspection. The risk rating shall determine the frequency of inspections which are:

- High – inspected annually;
- Medium – inspected every two years;
- Low – inspected every five years.



2.4.3.1 Downgrade of risk rating

Property owners with OSSM systems rated as high and medium risk who have demonstrated a high level of care and maintenance of their system may apply to Council to have their risk rating downgraded if they meet the following criteria:

- a) No defects have been identified for the last 3 inspections (high risk) or 2 inspections (medium risk);
- b) The property has remained in the same ownership during the above inspections;
- c) The property is owner/occupied (not tenanted or holiday rented);

For applications to downgrade an OSSM system to low risk, an assessment will also be undertaken in accordance with the risk assessment matrix in Appendix 5. Consideration will be given to the level of risk to public health and the environment when assessing the application.

If the risk rating is downgraded, it may remain at the lower risk level if the following criteria are met:

- a) No defects are identified at any subsequent inspection;
- b) The property remains in the same ownership;
- c) The property remains owner/occupied (not tenanted or holiday rented).

Properties can only downgrade by the one level from their original risk assessment.

2.4.3.2 Upgrade of risk rating

Property owners with OSSM systems that are observed to be poorly performing and/or that pose a risk to public health and/or the environment may have their risk rating upgraded if the following criteria are met:

- a) Compliance action has been required pertaining to the operating performance of the OSSM; or
- b) Defects have been identified for the last 2 inspections.

2.4.4 Regular servicing and Council inspection of Aerated Wastewater Treatment Systems

Aerated wastewater treatment systems (AWTS) undergo two levels of attention:

- a) Regular servicing by an accredited AWTS service technician:
This is required as part of the NSW Health Accreditation of the system, and enables the system to be used in NSW. Servicing is generally carried out on a three-monthly basis depending on the accreditation. The owner is required to enter into an annual service contract with an accredited technician registered with Council in accordance with NSW Health Advisory Note 5.
- b) Council inspection is required by the Department of Local Government and is undertaken as part of Council's OSSM System Inspection Program on a regular basis determined by the risk assessment rating.



A well serviced and maintained AWTs will assist in qualifying for a downgrade for high and medium risk systems (see section 2.4.3.1).

2.4.5 Requirements for Aerated Wastewater Treatment System service technicians

In February 2018, NSW Health introduced new requirements for service technicians to be accredited by the manufacturer of the system (See NSW Health Advisory Note 5).

A list of accredited service technicians registered with Council is available upon request from Council.

2.4.6 Auditing process

Systems which are required by NSW Health to undergo regular servicing must meet performance criteria. These criteria are outlined in the system's NSW Health Accreditation Certificate.

Council may undertake auditing programs from time to time to ensure that the servicing standard of the systems meet the required performance criteria.

3 RESPONSIBILITIES

3.1 Staff

Under supervision, applicable Council staff will be responsible for ensuring that this Code is implemented appropriately within their work area, after they have received relevant training to do so.

3.2 Requests and Concerns

Requests and concerns received from the community regarding this Code will be recorded and handled in accordance with Council's Customer Service Policy. They will be used to help determine follow up actions and to analyse the history of requests and concerns.

3.3 Complaints

Complaints received regarding this Code will be lodged with Council and handled in accordance with Council's Complaints Policy.

3.4 Consultation

Any necessary consultation will occur when and if required with key stakeholders and may include the community, legislative bodies, other relevant legislation, and industry guidelines. Public submissions will be considered during the exhibition period. Consultation with industry professionals in the local area and consideration of community submissions has occurred in the development of this Code.

4 MONITORING AND REVIEW

This Code may be reviewed and updated as necessary when legislation or policy requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages OSSM.



5 ACKNOWLEDGEMENTS

Eurobodalla Shire Council acknowledges the assistance in the development of this Code of Practice given by Division of Local Government, NSW Health, Water NSW, participants in Council's consultation with industry professionals and the community submissions.

6 SUPPORTING DOCUMENTS

The following documents support this Code of Practice:

Name	Link
Approvals Process Flow Chart	Appendix 1
Inspection Process Flow Chart	Appendix 2
Guidelines for Horizontal and Vertical Setback Distances (from AS/NZS 1547:2012)	Appendix 3
Table 2.4 Buffer Distances (from 'Designing and Installing On-site Waste water Systems' (SCA, 2012))	Appendix 4
OSSM System Risk Assessment Matrix	Appendix 5

7 GOVERNANCE

Related legislation and policies

Name	Link
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993_182
Local Government (General) Regulation 2005	http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/nsw/consol_reg/lgr2005328/
Environmental Planning and Assessment Act 1979	http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/nsw/consol_act/epaaa1979389/
Environmental Planning and Assessment Regulation 2000	http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/nsw/consol_reg/epaar2000480/



Related external references

Name	Link
Division of Local Government	www.dlg.nsw.gov.au/
AS/NZS 1546:1-3 On-site domestic wastewater treatment units	-
AS/NZS 1547:2012 On-Site domestic wastewater management	-
AS/NZS 3500:2012 Plumbing and drainage	-
Designing and Installing On-site Wastewater Systems, Sydney Catchment Authority 2012	http://www.watarnsw.com.au/_data/assets/pdf_file/0003/58251/Designing-and-Installing-On-Site-Wastewater-Systems-complete-document.pdf
Environment & Health Protection Guidelines: On-site sewage management for single households (the 'Silver Book'), NSW Department of Local Government, 1998	https://www.olg.nsw.gov.au/sites/default/files/Onsite-sewage-management-guide.pdf
Neutral or Beneficial Effect on Water Quality Assessment Guideline (NorBE), Sydney Catchment Authority, 2015	http://www.watarnsw.com.au/_data/assets/pdf_file/0009/55989/NorBE-Assessment-Guidelines-2015.pdf
NSW Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises, NSW Department of Energy, Utilities and Sustainability, 2008	http://www.water.nsw.gov.au/_data/assets/pdf_file/0008/557324/recycling_grey_nsw_guidelines_for_greywater_reuse_in_sewered_single_household_residential_premises.pdf
Water Sensitive Design Guide for Rural Residential Subdivisions, Sydney Catchment Authority, 2011	http://www.watarnsw.com.au/_data/assets/pdf_file/0003/56478/Water-sensitive-design-for-rural-subdivision.pdf
NSW Health Servicing of Single Domestic Sewage Management Facilities Advisory Note 5.	http://www.health.nsw.gov.au/environment/domesticwastewater/Documents/adnote5.pdf

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	20 Feb 2010	Internal	NA	NA	Code commenced
2	24 Sep 2013	Council	13/289	E13.7095	Reviewed and updated. Ref report O13/75 Council meeting 24/09/2013
3	11 Dec 2013	Internal	N/A	N/A	Reviewed and updated



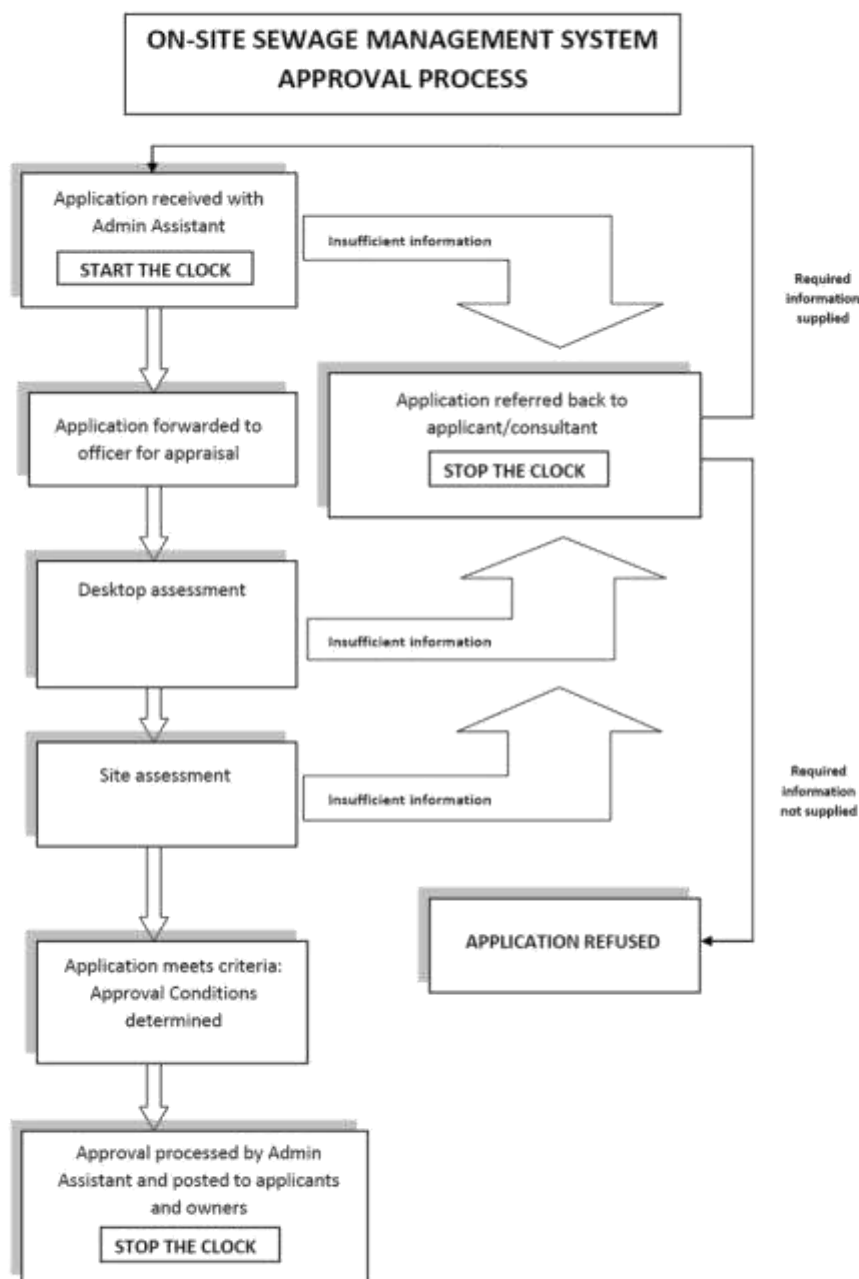
Internal use

Responsible officer		Divisional Manager, Environmental Services		Approved by	Council
Min no	Min No	Report no	Report No	Effective date	DD MMM YYYY
File No	File No	Review date	Mmm YYYY	Pages	19

DRAFT

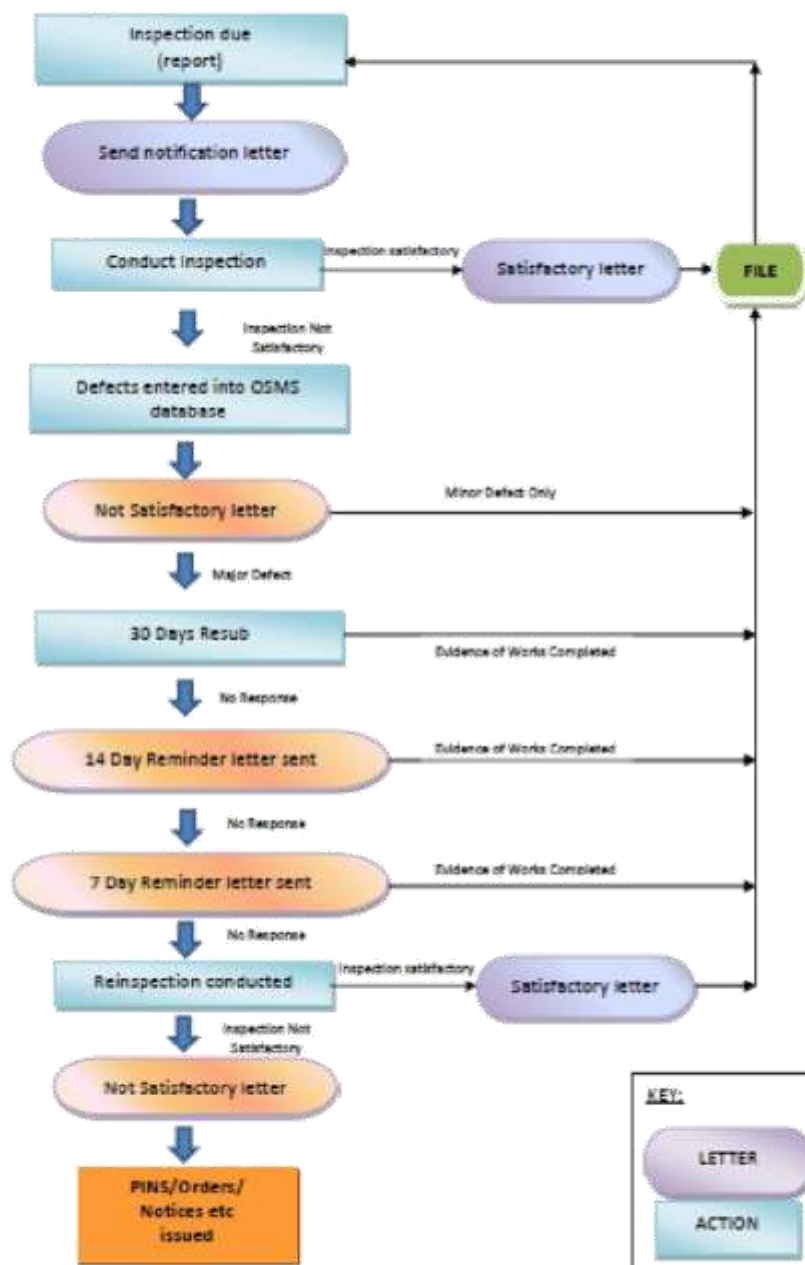


Appendix 1. Approvals Process Flow Chart





Appendix 2. Inspection Process Flow Chart





Appendix 3. Table R1 – Guidelines for Horizontal and Vertical Setback Distances (from AS/NZS 1547:2012)

Site feature	Setback distance range (m) (See Note 1)	Site constraint items of specific concern (from Table R2) (see Note 1)
Horizontal setback distance (m)		
Property boundary	1.5 – 50 (see Note 2)	A, D, J
Buildings/houses	2.0 - > 6 (see Note 3)	A, D, J
Surface water (see Note 4)	15 - 100	A, B, D, E, F, G, J
Bore, well (see Notes 5 and 6)	15 – 50	A, C, H, J
Recreational areas (Children's play areas, swimming pools and so on) (see Note 7)	3 – 15 (see Notes 8 and 9)	A, E, J
In-ground water tank	4 – 15 (see Note 10)	A, E, J
Retaining wall and Embankments, escarpments, cuttings (see Note 11)	3.0 m or 45° angle from toe to wall (whichever is greatest)	D, G, H
Vertical setback distance (m)		
Groundwater (see Notes 5, 6 and 12)	0.6 - > 1.5	A, C, F, H, I, J
Hardpan or bedrock	0.5 - ≥ 1.5	A, C, J
NOTES: 1. The overall setback distance should be commensurate with the level of risk to public health and the environment. For example, the maximum setback distance should be adopted where site/system features are on the high end of the constraint scale. The setback distance should be based on an evaluation of the constraint items and corresponding sensitive features in Table R2 and how these interact to provide a pathway or barrier for wastewater movement. 2. Subject to local regulatory rules and design by a suitably qualified and experienced person, the separation of a drip line system from an upslope boundary, for slopes greater than 5%, may be reduced to 0.5 m.		



TABLE R1
GUIDELINES FOR HORIZONTAL AND VERTICAL SETBACK DISTANCES
 (to be used in conjunction with Table R2) (continued)

3. Setback distances of less than 3 m from houses are appropriate only where a drip irrigation land application system is being used with low design irrigation rates, where shallow subsurface systems are being used with equivalent low areal loading rates, where the risk of reducing the bearing capacity of the foundation or damaging the structure is low, or where an effective barrier (designed by a suitably qualified and experienced person) can be installed. This may require consent from the regulatory authority.
4. Setback distance from surface water is defined as the areal edge of the land application system to the edge of the water. Where land application areas are planned in a water supply catchment, advice on adequate buffer distances should be sought from the relevant water authority and a hydrogeologist. Surface water, in this case, refers to any fresh water or geothermal water in a river, lake, stream, or wetland that may be permanently or intermittently flowing. Surface water also includes water in the coastal marine area and water in man-made drains, channels, and dams unless these are to specifically divert surface water away from the land application area. Surface water excludes any water in a pipe or tank.
5. Highly permeable stony soils and gravel aquifers potentially allow microorganisms to be readily transported up to hundreds of metres down the gradient of an on-site system (see R3, Table 1 in Pang et al. 2005). Maximum setback distances are recommended where site constraints are identified at a high scale for items A, C, and H. For reading and guidance on setback distances in highly permeable soils and coarse-grained aquifers see R3. As microbial removal is not linear with distance, data extrapolation of experiments should not be relied upon unless the data has been verified in the field. Advice on adequate buffer distances should be sought from the relevant water authority and a hydrogeologist.
6. Setback distances from water supply bores should be reviewed on a case-by-case basis. Distance can depend on many factors including soil type, rainfall, depth and casing of bore, direction of groundwater flow, type of microorganisms, existing quality of receiving waters, and resource value of waters.
7. Where effluent is applied to the surface by covered drip or spray irrigation, the maximum value is recommended.
8. In the case of subsurface application of primary treated effluent by LPED irrigation, the upper value is recommended.
9. In the case of subsurface spray, the setback distances are based on a spray plume with a diameter not exceeding 2 m or a plume height not exceeding 0.5 m above finished surface level. The potential for aerosols being carried by the wind also needs to be taken into account.
10. It is recommended that land application of primary treated effluent be down gradient of in-ground water tanks.
11. When determining minimum distances from retaining walls, embankments, or cut slopes, the type of land application system, soil types and soil layering should also be taken into account to avoid wastewater collecting in the subsoil drains or seepage through cuts and embankments. Where these situations occur setback clearances may need to be increased. In areas where slope stability is of concern, advice from a suitably qualified and experienced person may be required.
12. Groundwater setback distance (depth) assumes unsaturated flow and is defined as the vertical distance from the base of the land application systems to the highest seasonal water table level. To minimise potential for adverse impacts on groundwater quality, minimum setback distances should ensure unsaturated, aerobic conditions in the soil. These minimum depths will vary depending on the scale of site constraints identified in Table R2. Where groundwater setback is insufficient, the ground level can be raised by importing suitable topsoil and improving effluent treatment. The regulatory authority should make the final decision in the instance. (See also the guidance on soil depth and groundwater clearance in Tables K1 and K2.)



Appendix 4. Table 2.4 – Buffer distances (from ‘Designing and Installing On-site Waste water Systems’ (SCA, 2012))

Design and Installation of On-site Wastewater Systems



Table 2.4 – Buffer distances (after Table 5.5 ‘Silver Book’ (DLG, in draft))

Feature	Level of effluent treatment	Effluent application method	Buffer distance	Achievable
Buildings, retaining walls	Primary	Subsoil	2.0 m downslope and where flat, or 4.0 m upslope	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Secondary (disinfected)	Subsurface and surface (including drip or trickle) irrigation	6.0 m	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Premises boundaries, paths and walkways, recreation areas	Primary	Subsoil	3.0 m downslope and where flat, or 6.0 m upslope	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Secondary (disinfected)	Subsurface irrigation	2.0 m downslope and where flat, or 4.0 m upslope	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
		Surface irrigation	6.0 m up- or downslope	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
In ground potable water tanks, in ground swimming pools	Primary	Subsoil	15.0 m	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Secondary (disinfected)	Subsurface and surface irrigation	15.0 m - should not be located upslope of feature	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Permanent and intermittent watercourses	Primary	Subsoil	100 m from the high water level; 150 m to a SCA named river*	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Secondary (disinfected)	Subsurface and surface irrigation	100 m from the high water level; 150 m to a SCA named river*	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Bore or well used for domestic ^A consumption	Primary	Subsoil	100 m from the high water level	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Secondary (disinfected)	Subsurface and surface irrigation	100 m from the high water level	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Dam and drainage depression	Primary	Subsoil	40 m from the high water level	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Secondary (disinfected)	Subsurface and surface irrigation	40 m from the high water level	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
* SCA named rivers include: Wingecarribee, Nattai, Nepean, Coffs, Wollondilly, Kangaroo, Shoalhaven, Mongarlowe and Tarlo for the full length as defined on the topographical maps, and the Mulwaree River upstream as far as the Braidwood Road Crossing. Reference must be made to the SCA NorBE Assessment Guideline (SCA, 2011). ^A If within 100 metres of a bore or well used for domestic consumption, a draw-down analysis done using an appropriate methodology, such as Cromer, Gardner and Beavers, 2001 ‘An improved viral die-off method to estimate setback distances’ is required.				



Appendix 5. OSSM System Risk Assessment Matrix

RISK ASSESSMENT FACTORS		Level of risk		Level of risk		COMMENTS
		HIGH	MEDIUM	LOW		
Land area	<5000m ² OR No reserve area identified	25	5000m ² -2 ha	>2 ha	0	
Distance from waterbodies	<40 m to drainage- depression/dam/intermittent watercourse OR < 100 m to permanent waters	25	40-100 m to drainage- depression/dam/intermittent watercourse OR 100-200m from permanent watercourse	>100m to drainage- depression/dam/intermittent watercourse OR >200m from permanent watercourse	0	
Soil type	Category 1,5 and 6	20	Category 4	Category 2 and 3	0	
Potential occupancy of dwelling (no. bedrooms)	>4 bedrooms OR 3 bedrooms + serviced shed or studio	20	3-4 bedrooms	< 3 bedrooms	0	
Slope	Steep >20%	20	Undulating/ slope 10%-20%	Flat – up to 10%	0	
Nearest bore	<100m with draw down analysis resulting in a required setback distance <50 m	15	<100m with draw down analysis resulting in a required setback distance >50 m	>100m	0	
Proximity to human activity (house/recreational lawn, etc)	<6m	15	6-20m	20m+	0	
System type appropriate for site (giving consideration to any risk mitigation measures implemented – e.g. high level alarms on collection wells)		20			0	
<i>Note: Effluent pump-out systems considered high risk regardless of mitigation measures</i>						
Pump used to convey effluent upslope to effluent management area	Primary treated effluent with no high level alarm on holding tank	15	Primary treated effluent with high level alarm on holding tank OR Secondary treated effluent	Effluent not pumped upslope	0	
Other Considerations (e.g. variations to Council's OSSM CoP)						
TOTAL SCORE						
OVERALL RISK RATING						
>80 = HIGH RISK 20-80 = MEDIUM RISK <20 = LOW RISK						



Advisory Note 5 – February 2018

Servicing of Single Domestic Secondary Treatment Sewage Management Facilities (SMF)

1. Application and Implementation

New servicing conditions of Accreditation will be applied to on-site single domestic secondary treatment systems which treat sewage or greywater when these systems are accredited under Australian Standards AS1546.3:2017 and AS1546.4:2016 respectively. The servicing condition will not be applied retrospectively to existing Accreditations.

The new servicing conditions are as a result of complaints received about current inadequacies of servicing and reporting of servicing. The new servicing conditions seek to apply a uniform approach to all service agents whether independent or employed by a manufacturer. It is intended that all systems be serviced and maintained according to their specifications and the manufacturer's service manual during their serviceable life.

Also the IPART "Review of reporting and compliance burdens on Local Government" has recommended that a standard "service report form" be used by all service agents to inform local councils of servicing.

2. Local Council Role and Legal Context

Clause 45 of the *Local Government (General) Regulation 2005* requires that conditions of accreditation must be complied with as a condition of "approval to operate a system of sewage management". Also, the local council should maintain a register of all service agents operating in its area.

3. Servicing Requirements

3.1 Owner / Occupier

The Accreditation conditions will require that the owner / occupier of the premises where the system is installed and operated is always subjected to a minimum 12 month service contract or agreement with the manufacturers employed service agent or a service agent authorised by the manufacturer.

The owner/occupier of premises where a SMF is installed;

- Shall not service their own system unless they are an authorised service agent.
- Shall ensure that the system is serviced at regular specified intervals.
- Should check with the manufacturer to ensure that any independent service agent is authorised by the manufacturer.

3.2 Attributes of Service Agent

The service agent engaged by the owner / occupier must:

- Have completed a course on servicing and maintenance of system; and have some supervised servicing experience, or extensive un-supervised experience.
- Not perform electrical work or enter confined spaces unless qualified to do so.
- Be either employed or authorised by the manufacturer.
- Must service the system in accordance with the manufacturer's service requirements specified in its service manual. A completed manufacturer's service report shall be submitted to the owner / occupier.
- When maintaining or servicing a system, install replacement parts at least to the minimum specification.
- Register their name and credentials with the local council as a service agent who is employed or authorised by the manufacturer to service SMF in their area.
- The service agent must submit a completed NSW Health standardised "Local Council Service Report" for the serviced systems to the local council, and a copy to the owner / occupier of the premises if requested.
- The service agent shall report to the local council instances where the owner / occupier does not accept recommended remedial actions.

3.3 Manufacturer

The manufacturer may require the service agent to complete an orientation or training session to become authorised.

The manufacturer should not unfairly withhold orientation opportunities to an independent service agent. In remote areas, with multiple system brands, which might be served by only one service agent, the service agent may need to make arrangements with the manufacturer to ensure that backup information and resources are available instead of face to face training or orientation to enable authorisation. Individual training with each manufacturer may not be viable.

The manufacturer must place the specifications, drawings, service manuals and service forms of the accredited system on its web site. Commercial-in-confidence documents may be provided directly to the service agent without uploading to the web site.

It was not considered necessary that service agents be qualified plumbers and drainers.

4. Local Council STS Service Report

Local councils need to be aware that the SMF has been serviced in accordance with the manufacturer's requirements, that the SMF is

operating well and that it produces good quality effluent, without nuisance or odours. The local council needs to also be informed when the SMF requires de-sludging, that the alarms work correctly and that the related land application system is performing well. Importantly local councils also need to know if the owner / occupier does not authorise reasonable repairs. The "Local Council Service Report" can be found attached.

5. Consumer Guarantees

Under Australian consumer law, products and services are protected with automatic guarantees that the product or service will work and do what was sought. Service agents should be aware that their products and services must comply with consumer guarantee requirements. Further information is available at:

<https://www.accc.gov.au/consumers/consumer-rights-guarantees/consumer-guarantees> ; and

http://www.fairtrading.nsw.gov.au/ftw/Consumers/Consumer_guarantees_warranties_and_refunds/Consumer_guarantees.page ; and

http://www.fairtrading.nsw.gov.au/ftw/Consumers/Consumer_guarantees_warranties_and_refunds/Repairs_refunds_replacements.page



Local Council STS (DGTS) Service Report: (Version 5: August 2017)		
Owner's Name:	Local Council:	
Installation Address:		
System Brand & Model:	<input type="checkbox"/> Domestic	<input type="checkbox"/> Commercial
Date of this service: / /	Date of last Service: / /	Next service due: / /
Has the STS/DGTS been serviced in accordance with the manufacturer's / supplier's requirements and using the service sheet? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No" why?		
STS/DGTS functioning correctly? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No" why?		
According to sludge-judge or other methodology is de-sludging needed? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" what action is recommended?		
Offensive odours? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" what action is recommended?		
Alarms tested and functional? <input type="checkbox"/> Yes <input type="checkbox"/> No If not "functional" what action is recommended?		
Final Effluent Quality Tested? <input type="checkbox"/> Yes <input type="checkbox"/> No Disinfected? <input type="checkbox"/> Yes <input type="checkbox"/> No Chlorine tablets remaining? <input type="checkbox"/> Yes <input type="checkbox"/> No Quality? <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory On what evidence is this judgement made? If "Unsatisfactory" what action was recommended?		
Land Application Area Surface ponding? <input type="checkbox"/> Yes <input type="checkbox"/> No Run off? <input type="checkbox"/> Yes <input type="checkbox"/> No Excess plant growth? <input type="checkbox"/> Yes <input type="checkbox"/> No Effluent leaving premises? <input type="checkbox"/> Yes <input type="checkbox"/> No High risk areas contaminated?* <input type="checkbox"/> Yes <input type="checkbox"/> No * Patio, play areas, BBQ, etc Operating satisfactorily? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Not operating satisfactorily" what action was recommended?		
Overall Condition of STS? <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor Comments / Action Recommended / Repairs Needed / Repairs Performed:		
Has the owner / occupier taken recommended actions? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Service Agent:	Contact Details:	
Signature:	Date:	

Source: Adapted from "Checklist 4.2: Operational AWTs inspection report for use by service providers and Council inspectors" in Designing and Installing On-Site Wastewater Systems, Sydney Catchment Authority, May 2012



Department of
Primary Industries

OUR REF: V17/769

Eurobodalla Shire Council
By email to: council@esc.nsw.gov.au
Attention: The General Manager
Your Ref: E98.2467

9 October 2018

Dear Madam / Sir

Re: E98.2467 - Draft Onsite Sewage Management Code of Practice

DPI Fisheries commends Council on its development of the draft Onsite Sewage Management Code of Practice.

NSW DPI Fisheries submits that the Onsite Sewage Management Code of Practice pay due reference to '*Healthy Estuaries for Healthy Oysters Guidelines*' produced by NSW DPI Fisheries, to ensure development in close proximity to estuaries is compatible with the requirements of oyster aquaculture. This document can be accessed at:

https://www.dpi.nsw.gov.au/data/assets/pdf_file/0009/738972/Healthy-Estuaries-for-Healthy-Oysters-Guidelines.pdf

NSW DPI would like to highlight the importance that Council ensures all proposed wastewater infrastructure is consistent with *AS/NZS 1547:2012 On-site domestic wastewater management*. Specifically that the below key criteria are enforced with Onsite Sewage Management Systems:

- Appropriate setbacks from waterways
- Avoidance of pump-out systems
- Appropriate dispersal areas
- Soil type is suitable to accommodate loading
- Design components will result in mean pollutant loads meeting required levels
- Regular inspection program

Should you have any queries, please do not hesitate to contact Michael Baer Aquaculture Policy Officer on 4916 3877.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Lyall', written over a white background.

Ian Lyall
Program Leader - Aquaculture

CCS18/050 NRMA ELECTRIC CHARGING STATION BATEMANS BAY

E07.1073

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.3 Strategic management and review of Council operational land

EXECUTIVE SUMMARY

NRMA has approached Council with a view to installing an electric vehicle charging station (station) within Lot 1 DP 740584 at the Batemans Bay Visitor Information Centre (VIC) carpark and to be subsequently relocated to Mackay Park as part of that precinct's development.

This follows Council's Notice of Motion 17/005 on 11 April 2017 to investigate the potential to establish an electric vehicle charging station in the Eurobodalla.

A licence is proposed for a period of five years with a further term of five years for a station to be located within the carpark at Batemans Bay VIC which allows for relocation of the station to Mackay Park when that precinct is developed. The VIC is within Council operational land and Mackay Park is Crown Land with Council as Crown Land Manager.

A new Plan of Management is being developed for the Mackay Park precinct which is to include electric vehicle charging stations as a permissible use within that reserve.

Under the *Local Government Act 1993*, Council will need to give public notice of the future licence for the station at Mackay Park and consider any submissions received.

RECOMMENDATION

THAT :

1. A licence within Lot 1 DP 740584 at the Batemans Bay Visitor Information Centre carpark be granted to NRMA for an annual rental of \$1 per annum plus GST at the Batemans Bay Visitor Information Centre carpark.
2. Subject to the relevant approvals including the Plan of Management and consideration of any submissions received during the public notification period, the licence with NRMA be transferred to Mackay Park when that precinct is developed for an annual rental of \$1 per annum per GST or the statutory prescribed minimum if one is applicable for a term of up to five years with a further term of up to five years.
3. Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
4. Consent be given to the lodgement of any development applications required to construct the stations.

CCS18/050 NRMA ELECTRIC CHARGING STATION BATEMANS BAY

E07.1073

BACKGROUND

Council's Notice of Motion 17/005 on 11 April 2017 aimed to investigate the potential to establish an electric vehicle charging station in the area.

NRMA has approached Council to install a rapid charging station at the Batemans Bay VIC.

The NRMA has agreed to the terms of this proposal in writing and is aware that the relocation to Mackay Park is subject to the Plan of Management and the consideration of submissions during the public notification period.

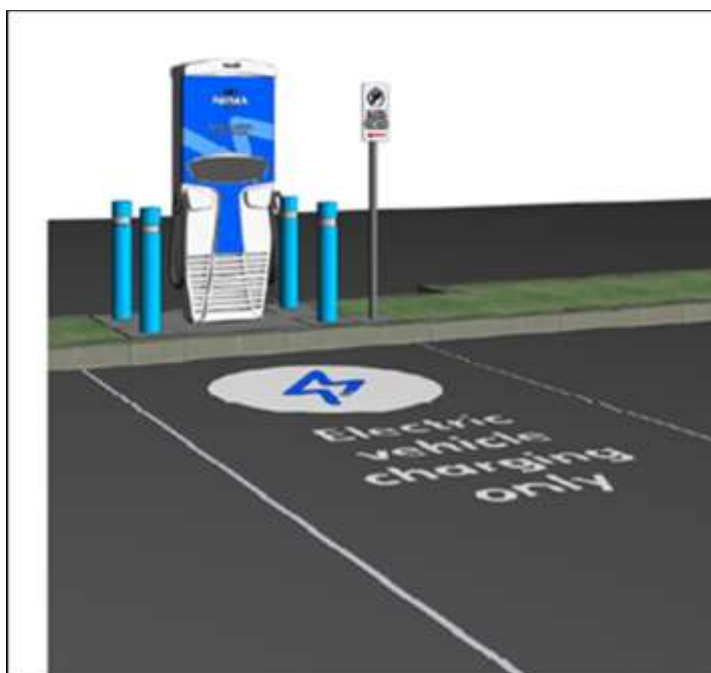
The required signage for the charging station has been presented to the Local Traffic Committee.

In the Eurobodalla there are two slower Tesla 'destination' charging facilities at the Batemans Bay Soldiers Club and The Bower, and a four-bay Tesla 'Supercharger station' in Narooma. These existing facilities will only charge Teslas and no other types of electric vehicles. The provision of such facilities by private business provides them a point of difference in promoting the area and its business, and having a station at the VIC and then Mackay Park assists with the further provision of electrical charging facilities. The position of the station at Mackay Park will be determined as part of the overall development.

CONSIDERATIONS

The charging station is proposed for the Batemans Bay VIC. When visitor information services transition to the Mackay Park precinct, and subject to the relevant approvals, the NRMA will relocate the charging station to Mackay Park at its expense. As part of the new car parking infrastructure development at Mackay Park, Council will prepare the car park for the charging station.

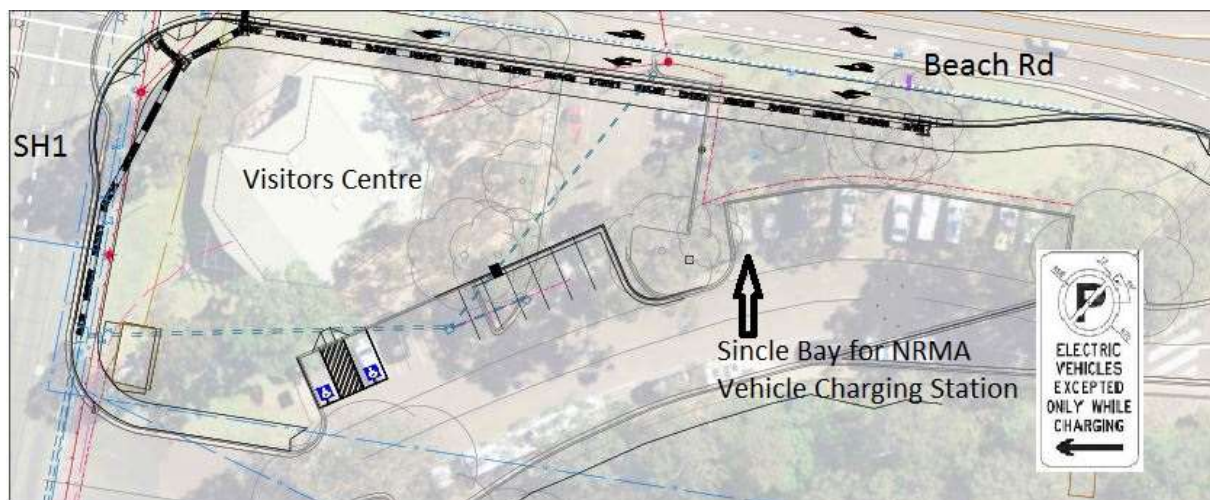
Indicative design is shown below.



The VIC licence area is shown below:

CCS18/050 NRMA ELECTRIC CHARGING STATION BATEMANS BAY

E07.1073



Legal

Lot 1 DP 740584 is operational land and therefore there is no legal impediment to granting a licence for this charging station.

Council has been appointed Crown Land Manager to manage Crown Reserves within the Shire under the provisions of Section 3.22 of the *Crown Land Management Act 2016*.

www.legislation.nsw.gov.au/#/view/act/2016/58/part3/div3.4/sec3.22

Mackay Park is Crown Land under the control of Council as Crown Land Manager. Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal land rights and interests.

The licence is subject to an approved Plan of Management being in place and the consideration by Council of any submissions during the public notification period outlined below.

CCS18/050 NRMA ELECTRIC CHARGING STATION BATEMANS BAY

E07.1073

Once a Plan of Management is approved, Council, as Crown Land Manager, may issue a licence for a period of more than five years after giving public notice of its intent to issue a licence and considering any submissions in accordance with Section 47 of the *Local Government Act 1993*.
www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div2/sec47

Policy

The 2017-21 Emissions Reduction Plan (ERP) was adopted by Council (minute 17/175) on 13 June 2017. This license application will support the intent of ERP action 12: 'work with stakeholders to facilitate electric car charging infrastructure'.

This license application will also support the Delivery Plan action 4.4.2 'Work with stakeholders to facilitate electric car charging stations.'

Environmental

The electric car charging station is enabling infrastructure that will support the greater adoption and utilization of zero emissions electric vehicles. The electricity sourced by NRMA is renewable energy so there will be effectively no tailpipe emissions from vehicles refueling from the charging stations. This will help to deliver reduced greenhouse gas emissions from transport.

Asset

Those areas which have the infrastructure in place to support travel with the use of electric vehicles will be able to promote themselves as being electric vehicle ready, providing the opportunity to capture the economic and tourism benefits that will come from visitors to the area.

Economic Development Employment Potential

The provision of electric vehicle charging stations provides another reason for visitors to stop and spend money in Eurobodalla.

Financial

To promote facilities of this nature in our Shire a licence fee of \$1 per annum plus GST is proposed for the licence at Batemans Bay VIC. The licence fee at Mackay Park is proposed for \$1 per annum plus GST or the statutory prescribed minimum if one is applicable. NRMA will pay for and own the chargers, their installation and relocation to Mackay Park, and will also pay the electricity usage charges for the station.

Community and Stakeholder Engagement

Council's quarterly newsletter 'Living in Eurobodalla' of July 2018 advised of the support being sought to establish an electric highway from Sydney to Melbourne via Canberra. The proposed station will assist this initiative and now all councils along the route have indicated their support.

Batemans Bay VIC is on Council owned operational land so no public notice is required.

The community will have the opportunity to make submissions following a 28 day public notification in accordance with Section 47 of the *Local Government Act 1993* of the intention to grant a licence within the Mackay Park precinct.

CCS18/050 NRMA ELECTRIC CHARGING STATION BATEMANS BAY

E07.1073

CONCLUSION

Council has been approached by NRMA with a view to installing an electric vehicle charging station at Batemans Bay VIC carpark within Lot 1 DP 740584 and then be relocated to Mackay Park as part of that precinct's development.

Public notice of Council's intent to issue a licence at Mackay Park will be given.

It is considered that the granting of a licence to NRMA for the charging station for a term of five years with a further term of five years is a positive outcome for Council and the community.

**CAR18/038 PUBLIC ART SUBMISSION BY BATEMANS BAY BUSINESS AND
TOURISM CHAMBER**

E06.1062

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

Attachments: 1. Proposed sculptures
2. Site map

Outcome: Celebrated Creativity, Culture and Learning

Focus Area: 2.1 Support and encourage the expression of our vibrant creative arts sector

Delivery Program Link: 2.1.1 Develop and promote creative arts activities and industries

Operational Plan Link: 2.1.1.3 Coordinate the Public Art Advisory Committee and associated projects

EXECUTIVE SUMMARY

This report provides Council with background information and recommendations from Council's Public Art Advisory Committee (PAAC) regarding the recent Batemans Bay Business and Tourism Chamber (the Chamber) public art submission.

The Chamber's submission proposed the acquisition and permanent placement of three sculptures on public land in the Batemans Bay CBD. In line with Council's process, the application was referred to the Public Art Advisory Committee for consideration and recommendation.

In assessing the artworks the PAAC considered the expected works and town centre development in Batemans Bay, the individual sculpture's structural and conceptual merits, the level of ongoing maintenance required by Council, any physical, financial or other risk to the community, suitability of the proposed locations for the artwork and any alternatives that could be considered.

The PAAC put considerable effort into the process. This included a visit to Willinga Park to view the works, requests for additional information from the Chamber and Council's engineering staff, as well as visiting the Batemans Bay CBD and evaluating potential site options.

The PAAC acknowledge the world class quality of the sculpture *Dance* and recommend acceptance of the work. However, the PAAC proposes an alternate location to the site put forward by the Chamber. The PAAC's recommendation includes a proposal to mount the work on a plinth to really showcase the piece.

The PAAC also acknowledge the quality of the sculpture *Portal* and recommend acceptance of the piece at the site requested by the Chamber, including a proposal for a different orientation for the piece.

However, the PACC recommend Council decline acceptance of the sculpture *Pelican*.

**CAR18/038 PUBLIC ART SUBMISSION BY BATEMANS BAY BUSINESS AND
TOURISM CHAMBER**

E06.1062

The PAAC wish to congratulate the Chamber and value-add to the burgeoning sculpture walk. To support this the PAAC recommend Council considers installation and lighting options for the two accepted pieces, as well as lighting for the existing work, *Buoyansea*, to create cohesion and connection between the pieces, as the beginnings of a sculpture walk for Batemans Bay.

The PAAC recognises that the inclusion of the plinth for *Dance* and lighting of the three pieces, *Buoyansea*, *Dance* and *Portal* will be dependent on collaboration and agreement with the Chamber.

RECOMMENDATION

THAT Council

1. Endorse the Public Art Advisory Committee (PAAC) recommendation to accept the sculpture *Dance* to be installed at the recommended site B on the attached map (Attachment 2) and to mount the work on a plinth;
2. Endorse the PAAC recommendation to accept the sculpture *Portal*, including the preferred orientation and site, as indicated at site A on the attached map (Attachment 2);
3. Endorse the PAAC recommendation to decline acceptance of the sculpture *Pelican*;
4. Allocate up to \$5,000 toward installation of the sculptures *Dance* and *Portal* at the PAAC recommended sites and in the proposed orientation;

Collaborate with the Chamber to implement Council's resolutions including consideration of installation and potential lighting options.

BACKGROUND

The Chamber developed the Sculpture on Clyde Sculpture prize and exhibition event with the aim of stimulating business in the Batemans Bay CBD. The event comprises a temporary exhibition to be held annually and an associated acquisitive prize, providing a winning sculpture to be included in a sculpture walk of permanent works along the foreshore.

The event commenced in 2017, with a permanent acquisition, *Buoyansea*, purchased and placed along Beach Road and the 2017 winning sculpture, *Duet*, located on private land in the CBD.

In early 2018 Council and members of the PAAC met with Chamber representatives on site in Batemans Bay to consider eight possible sites along the foreshore, with a ninth site added to considerations after a request from the Chamber. Unfortunately it was not possible to settle on any site/s prior to the Sculpture on Clyde 2018 event. As a result Council advised the Chamber to revisit possible sites in their public art submission, once a winning sculpture was chosen and the particular size, materials and aesthetics of the chosen piece were known.

Following the close of the Sculpture on Clyde 2018 event, held in Willinga Park, the Chamber submitted a public art application for three sculptural works to be considered for placement in

**CAR18/038 PUBLIC ART SUBMISSION BY BATEMANS BAY BUSINESS AND
TOURISM CHAMBER**

E06.1062

the public domain in Batemans Bay. In line with Council's process, the application was referred to the PAAC for consideration and recommendation.

The three works proposed (see Attachment 1) are *Dance* by artist Haruyuki Uchida (Photo 1), *Portal* by John Fitzmaurice (Photos 2a) and 2b)) and *Pelican* by Jesse Graham (Photos 3a and 3b)).

Dance was the winning work of Sculpture on Clyde 2018 and the two other pieces were selected by the Chamber.

In an email [30 August 2018], subsequent to the initial submission, the Chamber advised that 'All art the Chamber purchases will be covered by the Chamber's public liability cover (not the artists). As with *Buoyansea* we hope that ownership be passed to Council at an early stage – not after 10 years'.

The Chamber proposed the following sites for the sculptures:

- ***Dance*** - the middle of the Beach Road roundabout, near the 'Rivers' store.
- ***Portal*** - the triangular piece of land approximately 20m from the Esplanade Hotel, on Beach Road at the end of the Mara Mia Walkway.
- ***Pelican*** - either on the Clyde Street foreshore (the site of last year's outdoor exhibition) or between Innes' Boat Shed and the Starfish Deli.

CONSIDERATIONS

A thorough assessment of each of the proposed artworks and sites was undertaken by the PAAC, including a visit to Willinga Park to view the sculptures.

The PAAC took into consideration the following when assessing the artworks:

- The expected works and town centre development in Batemans Bay.
- The individual sculpture's structural and conceptual merits.
- The level of ongoing maintenance required by Council.
- Any physical, financial or other risk to the community.
- Suitability of the proposed locations for the artwork and any alternatives that could be considered.

Sculptures

Dance: The PAAC considers this work to be of world class standard and that its potential impact and location should be considered carefully.

The PAAC does not support the placement of this sculpture on the roundabout on Beach Road. A work of this repute requires space and a site of prominence. The requested site does not

**CAR18/038 PUBLIC ART SUBMISSION BY BATEMANS BAY BUSINESS AND
TOURISM CHAMBER**

E06.1062

align with a foreshore location for the proposed 'sculpture walk' or enable the community to fully engage with, or get close to, the sculpture.

The PAAC recommend that *Dance* be situated on the point of land out from Spinnaker's Reach at site (B) on attached map (Attachment 2) where its dynamic colour and form could be seen from across the river, from Beach Road, along Mara Mia Walkway and even the look out at Observation Point. This positioning, coupled with the colour of the sculpture, would provide a vibrant aspect from the marine corridor into the CBD.

The PAAC also considered that it would be important to place the sculpture on a plinth to accentuate its scale, discourage climbing and mitigate any potential damage to the work. However, the PAAC acknowledge that the addition of a plinth would require collaboration and agreement from the artist and Chamber, if Council supports this option, as the plinth would become part of the piece.

Portal: The PAAC considers *Portal* to be an elegant and well considered sculpture. The marine theme suits the foreshore well. There were some concerns surrounding ongoing cleaning considerations as well as reflected heat and light, as the sculpture reflects on and burns the grass. Installation options will need to address this.

The PAAC agree that the placement of this work, at site (A) on the attached map (Attachment 2), would be pivotal in setting up a dialogue between all of the sculptures along the foreshore and the development of a Sculpture Walk. The committee believe that *Portal* was intended to be looked through, acting as a conduit between the viewer on one side and elements of the surroundings on the other. It is for this reason they recommend that the sculpture be oriented to focus on something particular, rather than the landscape in general.

Placing *Portal* to frame the marine entrance to the Bay would optimise the potential impact of the work. Situating the sculpture *Dance* within its sightline would enhance the flow of the artworks in the walk and realise the intent of the artist. The PAAC also suggested that this particular orientation, facing north-east, and installation on a suitable base would also significantly reduce reflective light concerns.

Pelican: The PAAC do not recommend acceptance of *Pelican* for a number of reasons, including the structure and materials used in the piece, potential risks and maintenance concerns and the lack of a suitable site.

The PAAC and Council's Infrastructure Services staff assessed the piece on site at Willinga Park and reviewed the basic engineering information provided as part of the assessment, concluding that the 2mm outer layer would present a higher risk of damage. At any site in the Batemans Bay CBD *Pelican* would be subject to significant marine exposure and the internal structure would not be protected, as it is not fully sealed. In addition, there is no indication that the steel has been galvanised or similarly treated to protect against corrosion.

Once installed it would be almost impossible to inspect the internal condition of the steel, with risk of damage and public safety potentially increasing yearly. It is of concern that the sculpture would attract climbing children and it does not conform to any of the rigorous Australian standards required for children's play equipment.

**CAR18/038 PUBLIC ART SUBMISSION BY BATEMANS BAY BUSINESS AND
TOURISM CHAMBER**

E06.1062

The size of the sculpture presents an additional problem. It would require a great deal of space surrounding it to be shown to its full potential. Currently there is no site within the Batemans Bay town centre to accommodate this piece. Coupled with CBD visioning work and new developments being considered, it is premature to place any sculpture in the space requested at this point in time.

The Chamber may wish to negotiate placement of *Pelican* on private land as an alternate option.

Sculpture walk

The PAAC has given a great deal of consideration and time to look at the benefit of the sculptures for the community and how Council can positively work with the Chamber.

The PAAC agree that there is a great opportunity for Council to embrace the request and suggest some value-adds that may help unify and create a thoughtful aesthetic for the foreshore.

The PAAC agreed that lighting should be considered for all the sculptures (*Dance*, *Buoyansea*, and *Portal*) with LED ground lights so that they are visible at night. The addition of lighting would significantly enhance their overall impact.

Placements, as suggested above, with artworks visible through *Portal*, including last year's sculpture *Buoyansea*, would be the most ideal curatorial choice at this time, creating flow and dialogue between the pieces, as well as grouping them together along the walkway.

The PAAC would like to congratulate the Chamber for acquiring the sculptures *Dance* and *Portal*. They are of a high standard and the committee feel that the pieces, lit appropriately, have the potential to make a magnificent statement and foundation for the future development of the sculpture walk.

Asset

The PAAC would also like it to be noted that in order to achieve better outcomes for public art in our community, artists must be fully briefed about the intended location of the work, including engineering prerequisites, as part of the call for submissions for this and similar significant events.

Financial

This report recommends a budget of up to \$5,000 be allocated towards the installation of the two sculptures.

Community and Stakeholder Engagement

We have collaborated with the community through by seeking advice, ideas, and recommendations from Council's Public Art Advisory Committee.

CONCLUSION

The PAAC recommends acceptance of two of the Chamber's proposed sculptures, *Dance* and *Portal* and further recommends specific locations for placement of the works on public land in Batemans Bay as part of the sculpture walk. The PAAC does not recommend acceptance of the third piece *Pelican*.

Attachment 1
Photo 1



Attachment 1
Photo 2
a)



Attachment 1
Photo 2
b)



Attachment 1



Photo 3
a)



b)



c)

Pelican on exhibition at Willinga Park



Attachment 2

CAR18/036 YOUTH SERVICES UPDATE

E00.4938

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services
Attachments: Nil
Outcome: Strong Communities, Desirable Lifestyle
Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs
Delivery Program Link: 1.4.1 Plan for and provide opportunities, services and activities for youth
Operational Plan Link: 1.4.1.2 Coordinate the Youth Committee and associated projects

EXECUTIVE SUMMARY

Council's Youth and Community Development team provide a range of services and activities for the community that support local issues. Council has a lead role in advocating, network building and the delivery of initiatives that increase skills, knowledge, and community connectedness.

Council provides a diverse range of important social supports to young people in the shire and over the past year has demonstrated a strong suite of complementary programs that assist emerging leaders through to the disadvantaged. These services are provided by a mix of paid staff and volunteers and, where appropriate, seek to collaborate with other stakeholders in Council and the wider community.

Council's Youth and Community Development Services plays a significant advocacy and development role for young people, with strong links and partnerships in the community and region. Eurobodalla Shire Council's Youth Services is highly regarded across NSW for innovative and creative youth programs. Other levels of government seek advice from the team and fund initiatives based on Council's reputation for delivering quality projects.

This report provides an update on Youth Services and activities over the past year and key projects currently underway.

RECOMMENDATION

THAT Council receive and note the report.

BACKGROUND

Council has been providing Youth Services since 2002 when Council's Youth Committee was first established. The service has developed over time and Council has gained a reputation as a 'go-to' service in the provision of youth programs and activities in NSW. The Youth services team has been implementing a range of relevant and successful programs for young people in relation to issues such as leadership, disadvantage, skill development, health, recreation and transport.

CAR18/036 YOUTH SERVICES UPDATE

E00.4938

In the Eurobodalla there are approximately 4500 young people in the 12-24 year age group which comprises 12% of the total population (Census 2016).

Council recognises that young people are an integral part of our community. Our youth provide energy, vitality, creativity and optimism which are essential elements of community wellbeing. Many of our youth leave the area to pursue careers and study interests once they finish school, but a determining factor for young people deciding to return is the contribution they perceive they can make to their communities (National Youth Affairs Research Scheme, 2015).

Therefore, it is essential that as a community we value, engage and support our young people to enable them to develop their identity and independence to reach their full potential and provide them with strong ties and connections, which may encourage them to return.

Council is committed to working in partnership with young people, other youth service providers and government organisations to improve opportunities and services for young people. The *NSW Government Best Practice Principles for Youth Participation* is used as a guide when developing programs and services for youth in our shire.

When young people are actively involved in community projects, they are contributing to the strength of their community whilst also building the strength of their character. It is important to actively engage youth so that they can transition to adulthood and be confident, productive and contributing citizens.

CONSIDERATIONS

Youth Cafes

The shire's youth cafes attract young people's participation on a regular basis at Batemans Bay and Narooma. The cafes attract an average of 1250 visits per year with the majority of the young people identifying as Aboriginal. However, the Cafes are open to the whole community and occasionally a wider spectrum of youth attend.

The cafes continue to be supported by volunteers who assist staff with supervision and tasks such as cooking, craft and art with the young people. Both cafes have long term volunteers, some of whom have been with the service for over ten years. The Cafes have also provided opportunities for short workshops including sexual health programs, mental health and fitness, beauty and make up sessions and boxing programs. Narooma Youth Café received a NAIDOC Week Award for services to the Aboriginal Community in 2017.

Recently the team were approached by a concerned community member requesting Council establish a program for young Aboriginal people in Moruya. This was followed up by a meeting with local police who were also looking for programs to support disengaged youth in Moruya.

As a result of this interest Council is leading a collaborative partnership with PCYC, Campbell Page and local police to establish Walawaani Garindja (safe journey to our youth) as a pilot project to see if there is demand and support for this initiative. The café currently runs from the Gundry Oval clubhouse on Wednesday afternoons from 3:30-5:00pm. Regularly there are 25 children in attendance, 5 police officers, 2 staff from Campbell Page, 5 volunteers from the community and one Council staff member.

CAR18/036 YOUTH SERVICES UPDATE

E00.4938

Eurobodalla Youth Transport Project

Attached to the Youth Cafes is our ongoing highly successful Eurobodalla Youth Transport Project, first established in 2005. This project enables Cafe participants access to safe transport home via a taxi for a \$2 donation. To date the project has supplied approximately 25,000 transports home from the cafes. Without this program young people would not be able to participate in our café service as they would be unable to get home safely of an evening.

A recent NSW Transport grant of \$10,000 was secured to enable Council to offer more transport options for young people to attend youth events. This funding has been very beneficial and allowed us to offer free or subsidised buses to attend Council events and activities, such as all age music events, youth week activities, youth tourism research and the Giiyong cultural festival.

Youth Committee

Council's Youth Committee is comprised of representatives from each of the five high schools (approximately 20 students) in the shire. The purpose of the Youth Committee is to plan youth activities, provide a communication link for other matters between Council and young people, provide a platform for young people to express their views, and contribute to the development of the local community, provide feedback to Council on a range of issues, and to contribute to the development of strategies that will promote a positive image of young people to the community.

The past twelve months the Committee has been involved in the following activities:

- attended the NSW Youth Council Conference in Ryde,
- hosted the Youth Consultation Think Tank with the Deputy Premier of NSW,
- determined and participated in the 2018 Youth Week program,
- supported Foster Care workers at the Family Fun Day,
- attended the RDA South Coast Leadership Forum in Tuross,
- facilitated the 'Bullying - No way' program with Peter Slattery with 65 attendees,
- initiated bullying policy reviews at Moruya High, St Peters and Carrol College,
- finalised the ABC Heywire Back2Bush youth tourism project,
- ran two all ages music events
- organised and ran drive in movie at Riverside Park Moruya
- assisted with advice on the development of the Recreation and Open Space Strategy, Flying Fox Management Plan, Companion Animal Management Plan, Creative Arts Plan, Wayfinding and Signage Strategy by providing feedback and suggestions
- participated in the discovery tour to Port Stephens and Newcastle to research possible youth tourism ventures for the Eurobodalla
- attended the Advocate for Children and Young People Youth Week Forum in Sydney
- Hosted a youth meeting with his Excellency, the Governor of NSW, David Hurley and Mrs Hurley.
- participated in a leadership day and awards presentation for members
- supported the delivery of 5 skate events across the shire
- nominating for representation on NSW Youth Advisory Council
- representing Eurobodalla in the Youth Reference Group for Headspace Bega

CAR18/036 YOUTH SERVICES UPDATE

E00.4938

A highlight project “Bullying – No Way” forum that was held in Moruya has resulted in the team applying for a NSW Youth Opportunities Grant of \$50,000 to train young people to be peer facilitators of anti-bullying programs in conjunction with schools, businesses, health services; supported by a shire-wide marketing campaign.

Youth Week

Council has a sound reputation for its Youth Week program. Council was a finalist in 2017 for the ‘Best Small Council Youth Week Program’ and has won the award a number of times in previous years. This year Council supported a calendar of 11 events during youth week in April, including skate events, bike safety programs, a beach activities day and a pop-up drive in. Council’s Youth Committee gained skills and civic leadership by developing, running and participating in the events.

Y Drive

In 2017 Council received a \$20,000 grant from the Department of Premier and Cabinet to run the pilot Y Drive project. This funding for the pilot project has been fully utilised and achieved the goals of the project, which was to assist young learner drivers who are experiencing high levels of disadvantage to obtain 120 hours of supervised driving experience to become P plate independent drivers. To date 5 participants have achieved their independence and now have jobs or are attending TAFE, 4 others have obtained between 80 - 100 hours of supervised driving time and one participant did not complete the program.

As a result of the positive feedback and success of this initial program Council recently received \$125,000 in new funding from the Department of Justice to continue and expand the program, enabling up to 30 young people to engage with YDrive. This means the long waiting list of prospective learners will be able to apply to participate in the program, which will run through to December 2019.

The grant will also fund another vehicle to assist the mentors and shorten the amount of time they spend getting to and from the program. The success of the pilot will also see two new workshops added to provide education around car maintenance and budgeting. This will only enhance the experience for the learner driver and assist them well into the future. Council’s youth team are also working with Bega Valley to enable a similar project to be established in that Shire.

Workers With Youth Network (WWYN)

Council facilitates the regular local youth services interagency meeting which provides the forum for engagement, information sharing and collaboration on local youth issues and activities. Coupled with this forum is the support of the interagency e-group network where services connect, seek advice and share information on sector issues and events.

The e-group has approximately 150 local service subscribers. The team has also developed a directory of local youth services and maintains and updates the information regularly via Council’s youth web page.

CAR18/036 YOUTH SERVICES UPDATE

E00.4938

What's Buzz'n? e-news

The youth team produce a quarterly e-newsletter that promotes information on local events and activities to young people and families, to assist participation and awareness of opportunities. The newsletter currently has 160 subscribers with an 'open rate' (if they open and read the email) of 35% - which is pleasing as the average open rate for this age range is 20%.

Youth Grants

This year the Youth Grants program was offered to the community for the first time. It was very well received with 15 applications coming from a broad variety of community groups and organisations. Council was able to support 10 of these programs with \$500 grants. Activities supported include a young parents support group, a media industry training program, youth development camps, driver safety programs, mental health, fitness and resilience programs.

Far South Coast Headspace

Council is a consortium member for the recently successful bid via Grand Pacific Health to establish a Headspace service on the Far South Coast. Headspace is an early intervention mental health service for young people with the Narooma Youth Café being used as a clinic space one day per week.

Regional Development Australia (RDA) Youth Leadership Forum

In August 2018 Council partnered with RDA Far South Coast to run a youth leadership camp held at 'The Pines' at Tuross Head. Council staff were able to support the event by assisting eight young people to attend and provide support to them over the camp. RDA organisers were very pleased with participation rates, particularly the high number of Aboriginal youth.

The program provided life changing experiences for the youth involved. RDA are reviewing their presentation of the camp based on the success of the Eurobodalla activity. This was a very successful partnership resulting in Council staff being invited to present at the Shoalhaven Youth Leadership Forum and to facilitate a group of young people for the whole weekend. Council will be working further with RDA, including the Regional Employment Trials program via the Eurobodalla YES project.

Eurobodalla YES project

Recently Council received \$300,000 to improve youth employment rates in the shire. The project will fund 3 temporary positions over 2 years to increase school-based traineeships, traineeships, apprenticeships and jobs for those aged 18-25 years in the shire. The project team will be in place by November to commence the project.

Our targets are: 3 job boot camps, 3 work placement 'taster experiences', 1 career expo, community engagement with 10 business sectors and 50 employment outcomes (jobs)

In addition to the above projects, the team also host work experience students, provide advice to other local government youth services, network with the neighbouring shire councils, attend local forums, consultations and advocate for young people and their wellbeing.

CAR18/036 YOUTH SERVICES UPDATE

E00.4938

Community and Stakeholder Engagement

We have informed the community through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; posting on Council's Facebook and Twitter and distributing media releases.

We have collaborated with the community through by seeking advice, ideas, and recommendations from Council's Youth Committee through participatory decision making.

CONCLUSION

Council's Youth and Community Development Services plays a significant advocacy and development role for young people, with strong links and partnerships in the community and region. Eurobodalla Shire Council's Youth Services is highly regarded across NSW for innovative and creative youth programs. Other levels of government seek advice from the team and fund initiatives based on Council's reputation for delivering quality projects.

This has resulted in practical outcomes which include more awareness of programs for young people to improve health, wellbeing, employment, increased social cohesion, ongoing social and recreational programs and activities for young people, safer young drivers, and increased participation in community events.

The reward for Council's investment in these programs includes improved perception, life skills, links to employment and educational opportunities, increased wellbeing and a more coordinated approach to service provision for young people in the shire.

CAR18/037 APPROVAL OF NEW OVERNIGHT CARE FEE

E11.5375

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services
Attachments: Nil
Outcome: Strong Communities, Desirable Lifestyle
Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs
Delivery Program Link: 1.4.2 Provide flexible, community based services to support older people, people with a disability and their carers
Operational Plan Link: 1.4.2.1 Provide support services for people with disability

EXECUTIVE SUMMARY

This report seeks approval from Council for a new fee to be added to Council's fees and charges for 2018-19.

Council's Community Care Active Living program for older people and Involve program for people with a disability provide support services to clientele in our community. Services include direct care and support, case management, program facilitation as well as supported classes and group activities.

The fee is to provide a new service of overnight care. Council's Community Care team have developed the proposed fee based on feedback and the need expressed by current frail aged clients and clients with a disability and their carers. The proposed fee is \$195.00 per night for overnight in-home support, representing full cost recovery.

The fee was placed on public exhibition for 28 days in accordance with the Local Government Act 1993 and no submissions were received.

RECOMMENDATION

THAT Council adopt the new fee of \$195.00 per night for overnight in-home support and add it to Council's Fees and Charges 2018-19.

BACKGROUND

Community Care is a provider of choice for people with a disability and is contracted by state and federal governments to provide services for older people. Programs can be chosen by individuals as one-off services or clients choose to have staff coordinate a range of supports for them via the NDIS or My Aged Care programs.

Client or community members can directly pay a 'fee for service' for a range of services or they can top up their 'package' of services. Community Care service fees are currently listed in Councils Fees and Charges.

CAR18/037 APPROVAL OF NEW OVERNIGHT CARE FEE

E11.5375

CONSIDERATIONS

The new fee is not limited by eligibility and meets identified needs via feedback processes. It is also available to be provided to other local providers who may wish to broker Council's services for their clients.

The fee is for overnight in-home support at \$195 per night and is full cost recovery.

Legal

In accordance with 610F of the Local Government Act 1993 Council placed the fee on public exhibition for 28 days, during which no submissions were received.

Social Impact

Providing services that meet the local need for some of our community's most vulnerable members and their carers contributes to quality of life and community wellbeing. The introduction of the new service provides an extended range of choice for the community, enabling a greater degree of independence for service users, particularly those in the community that are not eligible for funded programs and need this type of assistance.

Economic Development Employment Potential

The new service provides additional shift options for the pool of personal care workers available locally, whilst also providing a point of difference for Council's service provision.

Community and Stakeholder Engagement

We have consulted with the community by seeking feedback through a 28 day public exhibition period.

CONCLUSION

Council's Community Care provides a wide range of service for older people, people with disability and their carers. Listing this fee will allow Community Care to provide overnight service for clients and broker to other providers who wish to engage our direct support workers, increasing service and assistance to the community.

DR18/005 AUSTRALIAN REGIONAL DEVELOPMENT CONFERENCE 2018

E91.3255

Responsible Officer: James Thomson - Councillor

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.3 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

Councillor James Thomson represented Eurobodalla Shire Council at the 2018 Australian Regional Development Conference which was held on the 17 to 18 September 2018 in Tweed Heads, NSW.

RECOMMENDATION

THAT the Delegates Report from Councillor James Thomson on the 2018 Australian Regional Development Conference be received and noted.

BACKGROUND

The Australian Regional Development Conference 2018 was held at Tweed Heads in the Twin Towns Services Club, from the seventeenth to the eighteenth of September.

Welcome to Country was performed by Aunty Jacki McDonald, a Bunjulong Elder. Aunty Jacki explained the landscapes of the Tweed through Indigenous eyes and the cultural significance of the local waterways and mountain peaks and particularly the cultural significance of the local sea birds to the Bunjulong people.

The welcome address was by Mr Tony McBurney, the Conference Program Committee Chair and Director, IntegratedDESIGNgroup. Mr McBurney spoke about how important relationships are in the regions. Relations between friends and co-workers, small and larger towns and region to region. He also spoke about the effect of seasons and seasonal variability on the economies of regional Australia.

Councillor Katie Milne, Mayor of Tweed Shire Council gave the Opening Address and following on from Aunty Jacki, explained some of the landscape features of the Tweed Shire. Councillor Milne explained how the western boundary of the shire is in fact the edge of an ancient volcano caldera.

She then went on to speak about the proposed regional hospital that will be built at Kingscliff and the division it is causing in the community. The Mayor was unsupportive of the hospital being located on this site because she felt it impacted on local farmers. The Mayor then outlined that she was against private native forestry, water mining and most industry. It seemed an interesting approach to take at an Australian Regional Development Conference.

DR18/005 AUSTRALIAN REGIONAL DEVELOPMENT CONFERENCE 2018

E91.3255

The Hon Ben Franklin MLC, Parliamentary Secretary for Renewable Energy and Northern NSW spoke about the importance of renewable energy and economic growth in the regions, adding that his Party had generated ninety seven thousand jobs in regional NSW. He announced that in July the Government had released the Twenty Year Economic Vision that will recognise the importance of regional NSW and tie together the various regional economic plans.

Ms Fiona Nash, Strategic Advisor, Regional Development, Charles Sturt University, spoke about the challenges of rural and regional areas but was positive for the future. Ms Nash acknowledged the drought situation but explained that the farming sector is still generally tracking alright. She spoke about the constant negative press about rural Australia in the city press organisations and how this needs to be addressed. Ms Nash recognised the business people and entrepreneurs making a go of it in the regions and their contribution to the economy. She mentioned that sixty billion dollars a year is added to the national economy through agriculture. She also outlined the many benefits of decentralising government departments to the regions adding that regions need strong leadership to grow and thrive.

The panel discussion 'The value of good design in regional areas-stories from the front line' raised some good points:

1. Make public spaces more accessible and user friendly, ask the locals what they need and want in their public spaces.
2. If the community supports a project, it is far more likely to be successful and as a result possibly cheaper.
3. It is a good idea to use case studies to show the community what is possible on a specific site and to demonstrate the possibilities of incorporating existing infrastructure- such as industrial infrastructure into new residential or artistic spaces.

Danny Rose from the Tweed Shire Council (and is also on the Executive of Floodplain Management Association as Technical Director) presented on the effects of Cyclone Debbie in the Tweed Shire. Danny talked about rebuilding the South Murwillumbah industrial area after the storm and how the Council decided to enter into a land swap with some of the businesses there to relocate to higher ground. He explained that while some businesses were very happy to move, with Councils assistance, others chose to stay as they felt moving further from the highway would disadvantage their business. Further conflict occurred where some businesses were not eligible for the land swap, but felt that they should be. Danny said that while it was a challenging project, a lot of positive lessons were learnt and over all a good result was achieved for the businesses involved and the community as a whole. Danny also made the following observations. Businesses are usually well prepared for small to medium floods but are often unprepared for large ones.

Floodplain development changes over time, eg. We are left with industrial areas that were built in areas that were deemed inappropriate for residential housing.

Engineered flood mitigation schemes are not the only solution, as in the case we are discussing, a better solution may be to move out of the floodplain. His final observation was that when dealing with difficult and complex situations, don't whinge to government for help, approach them with a solution that you need help with.

DR18/005 AUSTRALIAN REGIONAL DEVELOPMENT CONFERENCE 2018

E91.3255

CONCLUSION

The Australian Regional Development Conference was interesting in some ways, but I did not leave feeling totally satisfied that it was value for money. Considering the scope of subjects that could have been discussed, the conference felt a bit under done. I don't think I would be keen to attend another one. The networking evening, although small was valuable as these things usually are. It is always valuable to meet people from other Shires and professions and trade ideas and insights.

The take away thought of the conference is that for regional Australia to continue to grow and thrive we need to drive intelligent forward thinking strategic planning and we need to make sure we are explaining to our communities the reasons for the direction we are taking them.

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.

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.