



AGENDA

Ordinary Meeting of Council

12 December 2017

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

ON TUESDAY 12 DECEMBER 2017

COMMENCING AT 10.00AM

AGENDA

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

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| 2. APOLOGIES
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| 3. PUBLIC FORUM (AGENDA ITEMS ONLY) | |
| 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING
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| 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA
(Declarations also to be made prior to discussions on each item) | |
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DR CATHERINE DALE
GENERAL MANAGER

**NOM17/013 DIVESTMENT OF COUNCIL INVESTMENTS IN FOSSIL FUEL SUPPORTING
FINANCIAL INSTITUTIONS**

e00.4623

Responsible Officer: Councillor Patrick McGinlay

Attachments: 1. Amended Investment Policy

Councillor Patrick McGinlay has given notice that at the Ordinary Meeting of Council on 12 December 2017, he will move the following motion.

MOTION

THAT:

1. Council give preference to investing with financial institutions that do not invest in, or finance, the fossil fuel industry where:
 - a) Council's investment is compliant with its 'Investment Policy'.
 - b) the investment rate of interest is no less than other similar investments that may be on offer to Council at the time of investment.
2. Council's investment policy:
 - a) be amended to allow for an increase in investments in BBB+ rated institutions to a maximum 60% of Council's investment portfolio and a maximum of 20% within any one BBB+ rated institution.
 - b) as amended, be advertised for 28 days as soon as possible in February 2018. Once the submissions are received a further report be presented back to Council for consideration.

BACKGROUND

Objective

The intent of this notice of motion is aimed at environmental protection by taking action to combat climate change. Carbon emissions through the use of fossil fuels are, according to overwhelming scientific evidence, one of the key contributors to global warming and climate change.

One of the few mechanisms that smaller institutions and entities like councils can use to influence the broader movement to protect our shared environment, is by limiting or excluding investment, directly or indirectly, in the fossil fuel industry.

This can be achieved by moving ratepayer owned and Council managed investment capital from financial institutions that support the fossil fuel industry, to those that do not.

If a sufficient number of councils were to do the same, the impact financially would be very significant, and have the potential to influence many other financial institutions to move their support away from fossil fuels, into more sustainable and environmentally responsible energy sources and infrastructure.

**NOM17/013 DIVESTMENT OF COUNCIL INVESTMENTS IN FOSSIL FUEL
SUPPORTING FINANCIAL INSTITUTIONS**

E00.4623

Target

To achieve a minimum of 66% of Council's investments being placed in institutions that have a stated intent and/or track record of non-investment in the fossil fuel industry.

CONSIDERATIONS

An initial motion brought to Council at the Ordinary meeting of Council on 14 February 2017 gave staff guidance to preference investments in institutions that were free from fossil fuel investments, where the rate of interest is similar to other investments on offer.

On 22 May 2017, Standard and Poors (S&P) downgraded the credit ratings of 23 Financial Institutions from category A to lower ratings. The impacts of this downgrade resulted in Council not being compliant with its Investment Policy and a rebalance of the portfolio was required. The downgrade and rebalancing requirements directly impacted on the percentage of its portfolio that Council could place with institutions that were free from fossil fuel investments. Prior to the downgrading of these institutions Council could have met the requirements of the motion, but without amendments to the policy, Council will no longer be able to do so or hold more than 40% of its investments in these institutions.

Council's Finance team investigated options that allow it to meet the intention of the motion, and the related investment risk resulting from these options.

The outcome of these investigations was presented to the Audit, Risk and Improvement Committee (ARIC) on 14 November 2017. The findings show that the recommended target of 66% of Council's investments being placed in institutions that have a stated intent and/or track record of non-investment in the fossil fuel industry can be achieved if there are minor adjustments to the investment policy. These include:

- Increasing the maximum allowable holdings of investments in BBB+ rated institutions (S&P long term ratings) from 20% to 60% of Council's investment portfolio
- Increase the permitted investment percentage per BBB+ rated institution, from 15% to 20%.

The above amendments would result in a marginal increase of less than 1% in Council's perceived investment portfolio risk (as per S&P's 2015 annual global corporate default study and rating transactions report).

The ARIC has considered the findings and agreed that Council could include BBB as part of its acceptable risk profile should it believe it to be corporately responsible.

Factoring in the abovementioned minor policy adjustments and the ARIC considerations, the finance team note that there would be sufficient options within BBB+ rated institutions for it to achieve the desired target.

Investment Returns

It is likely that there would be very little variation on the financial return to Council if these policy amendments are implemented. The Finance section of Council provide monthly reports to Councillors and the ARIC on Council's investment performance and can be requested to comment on any trends that emerge with the implementation of these adjustments.

**NOM17/013 DIVESTMENT OF COUNCIL INVESTMENTS IN FOSSIL FUEL
SUPPORTNG FINANCIAL INSTITUTIONS**

E00.4623

As at 31 October 2017, Council had 37% of its portfolio placed in institutions that have a stated intent and/or track record of non-investment in the fossil fuel industry. Should the above adjustments to the policy be included, the proposed target could be achieved. This will allow Council to better exercise its corporate responsibility to those groups and individuals it affects; ie its stakeholders, and to society at large. It will be able to do this by maintaining earnings on ratepayers investment funds while demonstrating social and environmental responsibility.



Policy

Policy name	Investment Policy
Responsible manager(s)	Director Commercial and Corporate Services
Contact officer(s)	Director Commercial and Corporate Services
Directorate	Commercial and Corporate Services
Approval date	TBA
Outcome area	9. Innovative and proactive leadership
Strategy	9.2 Provide strong leadership and work in partnership to strategically plan for the future and progress toward the community vision.
Delivery program/Operational Plan	9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

Purpose

Eurobodalla Shire Council's policy is designed to ensure that Council's investments reflect the preference to reduce risk and comply with current NSW Local Government investing policy guidelines, 'best practice' and the current Ministerial Order.

This policy is a requirement of the *Local Government Code of Accounting Practice and Financial Reporting* issued by the Office of Local Government (OLG) pursuant to section 412 of the *Local Government Act 1993 (NSW)* (LG Act) as set out below:

"Council must maintain an investment policy that complies with the Act and ensures it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds."

The *Trustee Amendment (Discretionary Investments) Act 1997 (NSW)* section 14A(2) provides further guidance on a "prudent person": *"A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would."*

The Accounting Code defines "investments" as: *"money that is not, for the time being, required by the council for any other purpose"*.

Both the policy and investing practices of the Council must comply with Section 625 of the *Local Government Act 1993* as set out below:

"625 How may councils invest?"

- 1) *A council may invest money that is not, for the time being, required by the council for any other purpose.*
- 2) *Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.*
- 3) *An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.*
- 4) *The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section."*

The Ministerial Investment Order as at 12 January 2011 was current at the date of adopting this policy and is included in this document (see [Appendix 1](#)).

In formulating this policy the Council has also considered the 'Investment Policy Guidelines' issued by the OLG in May 2010. While it is the belief of the Council that these guidelines are not binding, it is also the Council's belief that they represent best practice and should be incorporated within the adopted investment policy.



Policy

Policy aims

This policy aims to ensure that:

- Council has appropriate working capital funds available to carry out its strategic plans as outlined in its delivery program and operational plan (or management plan). Long term core investments are limited or avoided in favour of a focus on working capital investments so that funds are readily available if required;
- a reasonable level of funds are immediately accessible in the event of a disaster or unexpected failure of infrastructure;
- Council is able to meet its liability commitments as they fall due;
- legally restricted funds are appropriately accounted for and invested so as to earn reasonable income towards their purposes. Legally restricted funds include trusts, developer contributions, unexpended grants, crown reserves etc.; and
- all statutory requirements are met.

Policy statement

1	Application This policy applies to the investment of Eurobodalla Shire Council's surplus funds.
2	Legislation Eurobodalla Shire Council will comply with Section 625 of the <i>Local Government Act (NSW) 1993</i> ; <i>The Trustee Amendment (Discretionary Investments) Act 1997 (NSW)</i> section 14A(2); <i>Local Government Code of Accounting Practice and Financial Reporting and Investment Policy Guidelines</i> dated May 2010 (issued by the OLG).
3	Australian Currency All investments must be denominated in Australian Dollars and comply with the Minister's determination.
4	Order of Priorities The order of priorities is firstly the preservation of capital, and second, the maintenance of liquidity. In this context 'liquidity' refers to the speed and ease with which an asset can be converted to cash.
5	Acceptable Risk Criteria For Financial Instruments Credit risk refers to the risk of ultimately not being able to redeem the funds. The average credit risk of the portfolio should reflect the conservative approach that a 'prudent person' would take to investing. This approach should be reinforced by investing in term deposits and remote risk investments.
5.1	Remote risk Up to 100% of all invested funds may be invested in deposits issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory. Investments held in the State and Territories must be diversified. <ul style="list-style-type: none"> • Low liquidity risk 0% - 100% • Medium liquidity risk 0% - 70% • High liquidity risk 0% - 50%



Policy

5.2

Near risk-free - Up to 100% of all invested funds.

Investments in this category must be issued by Australian authorised banks with a Standard and Poor's (S&P) rating equal to "A-1" or "A-2" short term and in the "A" category long term (A- to AA) or with an equivalent Moody's or Fitch rating equivalents. Noting that "senior debt" and like investments with banks meeting the above criteria is permitted within this risk category.

- Low liquidity risk
- Medium liquidity risk
- High liquidity risk

0% - 100%

0% - 50%

0% - 30%

5.3

Some limited risk - Up to 60% of all invested funds.

- Low liquidity risk
- Medium liquidity risk
- High liquidity risk

0% - 100%

0% - 20%

0% - 10%

Authorised banks with an S&P rating equal or better than "A-3" short term or "BBB" category long term or with an equivalent Moody's or Fitch Rating equivalents. Other authorised banks, building societies and credit unions are restricted to those with total assets in excess of \$1 billion including the Illawarra Mutual Building Society (IMB).

5.4

Investment Parameters

The maximum holding in each rating category for Council's portfolio shall be:

S&P Long Term Category	S&P Short Term Category	Maximum %	Risk Rating
AAA (incl. government guaranteed deposits)	A-1+	100%	Remote Risk
AA	A-1	100%	Near Risk Free
A	A-1 to A-2	60%	Near Risk Free
BBB+	A-3	60%	Some Limited Risk
BBB	A-3	20%	Some Limited Risk
ADI/Unrated *		10%	Some Limited Risk

The percentage per institution will restrict amount invested in one Bank, Building Society or Credit Union as shown below:

S&P Long Term Category	S&P Short Term Category	Maximum % per Institution	Risk Rating
AAA (incl. government guaranteed deposits)	A-1+	40%	Remote Risk
AA	A-1	30%	Near Risk Free
A	A-1 to A-2	20%	Near Risk Free
BBB+	A-3	20%	Some Limited Risk
BBB	A-3	15%	Some Limited Risk



Policy

	ADI/Unrated	5%	Some Limited Risk
	*This category is restricted to banks, building societies and credit unions with total assets in excess of \$1 billion.		
6	Unacceptable investments Any investment that falls outside the Minister's order or not included in this policy.		
7	Safe custody arrangements It will not be acceptable for title to Council's investments to be held by other organisations unless the following criteria are met: <ul style="list-style-type: none"> • There is adequate documentation confirming the existence of the investments • The institution recording and holding the assets is "ASX Limited", or "ANZ Nominees", or has an S&P rating equal or better than "A-1" short term and "A" long term ("strong") or with an equivalent Moody's rating of "P1" short term and "A2" long term or Fitch Rating equivalents. <i>(Where Council's assets are held in safe custody by an institution, Council may be exposed to the creditworthiness of that institution.)</i>		
8	Other Forms of Investment Internal loans are acceptable subject to any legal requirements noting that Ministerial approval is, at the time of adopting this policy, required for internal investing/borrowing arrangements to or from externally restricted funds, however such arrangements must not compromise liquidity or compliance with industry standards for financial ratios. Interest-free loans to community organisations and the like are covered by separate Council policies.		

Implementation

Requirements		Responsibility
1	Staff Under supervision of the Responsible Accounting Officer council staff will be responsible for ensuring that policies are implemented appropriately within their work area.	Divisional Manager Finance Asset Accountant Asset Officer
2	Complaints and requests Complaints and requests received regarding the Investment Policy or investments will be recorded on Council's Records Database and handled in accordance with the Customer Service or Complaints Policy.	Council officers Public Officer



Policy

3	Consultation At least every three years, arrange a full comprehensive review of Council's policy and investing activities by an appropriately qualified (e.g. ASIC) adviser with the costs to be met by interest earnings and seek appropriate advice on other occasions as required. The Audit, Risk and Improvement committee should meet quarterly to review the investing environment and strategy.	Director Finance and Business Development Audit, Risk and Improvement Committee (ARIC)
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Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages investment.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

Note: The next general local government election is expected to be held in September 2020.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Complaints	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit
Interest exceeds the Average Bank Bill Swap Rate by 25 Basis Points	Report

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182
Trustee Amendment (Discretionary Investments) Act 1997	www.legislation.nsw.gov.au/sessionalview/sessional/act/1997-102.pdf
Ministerial Investment Order 12 January 2011 Appendix A	www.olg.nsw.gov.au/sites/default/files/OLG%20-%20Code%20Update%2025%20-%20Appendices.pdf
OLG Local Government Code of Accounting Practice and Financial Reporting 2009	www.olg.nsw.gov.au/strengthening-local-government/supporting-and-advising-councils/accounting-practice
OLG Investment Policy Guidelines	www.olg.nsw.gov.au/sites/default/files/Investment-Policy-Guidelines-May-2010.pdf



Policy

Related external references

Name	Link
Office of Local Government (OLG)	www.olg.nsw.gov.au/

Supporting documents

Name	Link
OLG Circular re: Revised Ministerial Order (17 Feb 2011)	www.olg.nsw.gov.au/sites/default/files/11-01_0.pdf

Definitions

Word/Term	Definition
Prudent Person	A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would.
Credit Risk	The risk of ultimately not being able to redeem the funds.
Investments	Money that is not, for the time being, required by the council for any other purpose

Change history

Version	Approval date	Approved by	Minute	File	Change
1	22 Sep 2011	Council		E05.9513 E06.0355	Policy commenced
2	10 Sep 2013	Council	13/272	E05.9513 E06.0355 E13.7095	Report O13/56 Updated formatting, review date, references and links
3	12 May 2015	Council	15/31	E05.9513 E06.0355	Report FBD 15/034 - updated to reflect changes in banking
4	13 Jun 2017	Council	17/181	E05.9513 E06.0355 E16.0297	Reviewed, minor formatting updates
5	12 Dec 2017	Council			Divestment review

Internal use

Responsible officer	Director Commercial and Corporate Services	Approved by	Council
File no	E06.0355 E05.9513	Council report	Effective date
Min no		Review date	Pages 8



Policy

APPENDIX 1 – Ministerial Investment Order 12 Jan 2011

Extracted on 25/03/13 from:

www.nsw.gov.au/sites/default/files/Government_Gazette_11_February_0.pdf

NEW SOUTH WALES GOVERNMENT GAZETTE No. 14 pp597-598
OFFICIAL NOTICES 11 February 2011
LOCAL GOVERNMENT ACT 1993
Investment Order
(Relating to Investments by Councils)

I, the Hon. BARBARA PERRY, M.P., Minister for Local Government, in pursuance of section 625 (2) of the Local Government Act 1993 and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- a) any public funds or securities issued by or guaranteed by the Commonwealth, any State of the Commonwealth or a Territory;
- b) any debentures or securities issued by a council (within the meaning of the Local Government Act 1993 (NSW));
- c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations;
- d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- i. Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- ii. Paragraph (i) only applies to these investments made before the date of this Order and does not apply to any restructuring or switching of investments or any reinvestment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations



Policy

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons. When exercising the power of investment, councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011.
The Hon. BARBARA PERRY, M.P.,
Minister for Local Government

NOM17/014 COASTSNAP BEACH MONITORING PROGRAM

E09.3154

Responsible Officer: Councillor James Thomson

Attachments: Nil

Councillor James Thomson has given notice that at the Ordinary Meeting of Council on 12 December 2017, he will move the following motion.

MOTION

THAT Council:

1. Further investigate Council participation in the CoastSnap beach monitoring program
2. Contact the Office of Environment and Heritage to determine what is required from Council to participate in the CoastSnap program
3. Investigate suitable sites in consultation with the Office of Environment and Heritage.

BACKGROUND

The purpose of this Notice of Motion is to seek Council's support to investigate installation of CoastSnap beach monitoring stations in our Shire. The Office of Environment and Heritage (OEH) and the Water Research Laboratory (UNSW Sydney) have teamed up to establish community beach monitoring photo-point fixtures. I became aware of the CoastSnap program when attending the NSW Coastal Conference held at Port Stephens between 8 – 10 November 2017.

The program provides opportunities for the members of the community to become citizen beach scientists by capturing and sharing a photo with a mobile device using an innovative CoastSnap precision photo-points. The photo-point is simple technology consisting of a purpose built stainless steel bracket fixed to existing beach infrastructure such as a viewing platform. Participants place their mobile device onto the bracket, take a photo and upload it to the program's Facebook page or the OEH website. By controlling the position and angle of the camera, OEH can measure beach features in the photos, providing an accurate record of the beach state and shoreline position at the time of capture.

A photograph of the equipment is seen below. Details of the program can be viewed on the OEH website:

<http://www.environment.nsw.gov.au/research-and-publications/your-research/citizen-science/digital-projects/coastsnap>

The shared photos taken from fixed locations will be used to measure change in the shoreline position and beach width. Over time, the CoastSnap community beach monitoring database will provide new insights on beach response to changing wave conditions and storms, which will help communities to understand and manage our dynamic coast.

Northern Beaches Council is currently the only council participating and OEH is looking to expand program across the State. The first photo-point located outside of Sydney is proposed to be installed in the Eurobodalla National Park overlooking Moruya Beach.

NOM17/014 COASTSNAP BEACH MONITORING PROGRAM

E09.3154

The program provides multiple benefits to our local community and visitors by providing an opportunity to participate in local coastal science. In addition, the program will link local youths to a broader scientific community outside of the Eurobodalla.

The program will position Eurobodalla as an area of scientific interest and build on Councillor Maureen Nathan's recent Notice of Motion to investigate the Global Geopark concept.



Figure 1: CoastSnap bracket mounted on existing Council infrastructure (source, OEH)



Figure 2: Detail of CoastSnap bracket (source, OEH)

QON17/006 COMPARATIVE POOL COSTS

E00.4623

Responsible Officer: Phil Constable - Clr

Attachments: Nil

The following question on notice was received from Councillor Phil Constable:

Question

Recently there has been much discussion regarding replacement and other costs, such as maintenance, relating to Council's swimming pools, in particular in relation to how they compare to the Mackay Park development concept relating to the aquatic element. Can Councillors be provided with the financial information which can explain the replacement and other costs of council's swimming pools and how they compare to the Mackay Park development concept as it relates to the aquatic element?

Response

The Special Schedule 7 (SS7), as presented in Council's Annual Report every year, is a forecast of the estimated cost to bring assets Council is responsible for up to a satisfactory condition. A 'satisfactory condition' is dependent upon the willingness of service recipients to pay for an asset as well as consideration by Council of the community's other needs and priorities. In this discussion the gross replacement value (GRV) and 'satisfactory condition' is the estimate to 'replace' the current pools (and associated buildings and plant and equipment) with 'same' type of pool (and associated buildings and plant and equipment). The maintenance estimated is only to maintain the assets in their current condition, and this is purely for repairs and maintenance and does not include any staffing or other operating costs.

The gross replacement cost (GRC) of council pools, disclosed in the Annual Report 2016/17 is \$14,548,000, with total maintenance being \$290,000. Special Schedule 7 (SS7) data (page 14 through 16 of said schedule) as it relates to pools, includes the 'Buildings' asset class of \$5,134,000, the 'Open Space/Recreational Assets' asset class (swimming pools category) of \$8,144,000, and a component of 'Plant and Equipment' of \$1,270,000 associated with the pools. Maintenance similarly includes \$229,000 maintenance in the 'Buildings' asset class, with an additional amount of \$61,000 in the 'Open Space/Recreational Assets' asset class (swimming pools category).

These above costs are not comparable to the Mackay Park development concept as it relates to the aquatic element. There are vast differences between the 3 current pools (one indoor 50 metre pool with no other aquatic facilities, one 25 metre outdoor pool, one 50 metre outdoor pool – all with aging associated buildings and plant and equipment) and the concept mooted at Mackay Park (an indoor aquatic centre with 25-metre, eight-lane pool with ramp access, 10-metre warm water therapy pool and spa, freeform indoor leisure pool that includes learn-to-swim and toddler areas, water play splash pad, waterslides, gym, group fitness and wellness area). The shared spaces with the arts and culture centre of such things as café, visitor information service, administration offices also add to the differences between the current assets and those conceptually visualised and costed.

QON17/006 COMPARATIVE POOL COSTS

E00.4623

For example a legally required circulation space around the Mackay Park concept aquatic pools is required to ensure their effective and safe operation. To incorporate a 50-metre indoor pool without significantly increasing the size of the pool building would not be possible. Incorporating an additional 26.5 x 28 metres of pool space (includes a 1.5m fibreglass bulkhead to enable the 50 metre pool to be divided into two separate pools, and a minimum four-metre concourse on both sides of the additional water) will add up to 742m² to the roof structure and additional walls. The inclusion of a 50-metre pool in preference to the 25-metre pool would also significantly increase the costs associated with the plant room's specifications for water circulation, treatment and filtration. There would also be an increase the operating costs due to the additional staff required to supervise the additional area, as well as increased costs associated with maintaining the larger water area such as chemicals and materials, as well as additional energy costs. As noted above, from SS7, the annual maintenance costs of the 3 council pools last year was \$290,000. This is purely for repairs and maintenance and does not include any staffing or other operating costs. The current costs of the pools are therefore not directly comparable to the Mackay Park development concept as it relates to the aquatic element.

RECOMMENDATION

THAT the response to the question regarding comparative pool costs raised by Councillor Phil Constable be received and noted.

**GMR17/041 AUSTRALIAN COASTAL COUNCILS CONFERENCE - GEELONG,
VICTORIA - 21 - 23 MARCH 2018**

E91.3255

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Strategic Objective: Collaborative Communities

Delivery Plan Link: C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner

Operational Plan Link: C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives

EXECUTIVE SUMMARY

The 2018 Australian Coastal Councils Conference will be held at Geelong, Victoria, from Wednesday 21 March to Friday 23 March 2018.

The 2018 conference program will feature topics of relevance to all coastal stakeholders, including:

- The positive contribution planning can make to prepare coastal communities for change in the 21st century;
- The importance of character and sense of place to coastal residents;
- New ways of estimating temporary populations in coastal communities; and
- A new Great Ocean Road Taskforce prepares to boost visitor numbers and investment in the local coastal economy.

Councillor James Thomson is the NSW Representation on the Australian Coastal Councils Committee.

RECOMMENDATION

THAT Council determine whether it wishes to be represented at the Australian Coastal Councils Conference 2018 to be held on 21 – 23 March 2018 in Geelong, Victoria and if it so determines;

1. Council nominate a representative to attend the Conference;
2. Council representative be reimbursed out of pocket expenses in accordance with the Councillors' Expenses and Facilities Policy.

BACKGROUND

The Australian Coastal Councils Conference is the national event where representatives of coastal local government areas come together to consider the issues they share which are of concern to their community.

**GMR17/041 AUSTRALIAN COASTAL COUNCILS CONFERENCE - GEELONG,
VICTORIA - 21 - 23 MARCH 2018**

E91.3255

CONSIDERATIONS

Policy

Council's Councillors' Expenses and Facilities Policy provides that attendance at seminars and conferences will normally be limited to two representatives. The principle of having one Councillor and an appropriate staff member attend is considered as "*best practice*".

Councillors attending training, seminars and conferences are to provide a brief report to Council on the outcome and issues following the conference.

Economic Development Employment Potential

Eurobodalla's economy is reliant on a tourism industry that is predominately centered on coastal activity. It is expected that delegates will gain useful insights and information that will assist Council plan for the challenges and opportunities ahead for the tourism industry. Delegates will also be able to consider how planning for the future of coastal zones can be incorporated into ensuring that the wider economy in Eurobodalla becomes more resilient and where the sustainable pathways are for future business development.

Financial

Registration for Early Bird is \$1375 and includes attendance at all Conference sessions and the Pre-Conference Forum.

Council will reimburse or pay registration fees, accommodation, meals, parking, telephone and travel expenses associated with attendance at training, seminars and conferences, plus any other reasonable and directly related out-of-pocket expenses.

CONCLUSION

The Australian Coastal Councils Conference is a great opportunity for coastal decision-makers to share information on the latest developments in coastal planning and management from around Australia.

**PSR17/073 BATEMANS BAY MACKAY PARK PRECINCT REDEVELOPMENT -
MACKAY PARK SUNSET COMMITTEE**

E12.6442

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Focus Area: Support Services
Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services
Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

EXECUTIVE SUMMARY

The purpose of this report is to make recommendations to extend the tenure of the Mackay Park Sunset Committee and to seek expressions of interest from the business community to fill a vacancy following a resignation.

The Terms of Reference endorsed by Council for the Batemans Bay Mackay Park Precinct Sunset Committee set the tenure of the committee to cease on 31 December 2017.

In accordance with the Council resolution of 12 July 2016, expressions of interest were sought from 27 July to 24 August 2016 for eight (8) community representatives on the Batemans Bay Mackay Park Precinct Sunset Committee (the Sunset Committee).

The Terms of Reference for the Sunset Committee outlined the criteria for selection of community members, being involvement in a community or business group that is related to the following potential development outcomes within the precinct: conference or convention facilities, tourism accommodation, arts and culture, seniors living, tourism and recreational facilities and aquatic centre.

Following consideration of the expressions of interest received, Council resolved on 11 October 2016 to appoint nine people to committee.

On 1 November 2017, the representative for the Batemans Bay Business and Tourism Chamber resigned from the Sunset Committee.

RECOMMENDATION

THAT Council:

1. Extend the tenure of the Batemans Bay Mackay Park Precinct Sunset Committee until 31 December 2018 and that the Batemans Bay Mackay Park Precinct Sunset Committee Terms of Reference be amended accordingly.
2. Seek expressions of interest from people within the business community to fill the vacancy on the Batemans Bay Mackay Park Precinct Sunset Committee.

BACKGROUND

Council, at its meeting of 12 July 2016, endorsed the Batemans Bay Mackay Park Precinct Sunset Committee Terms of Reference (ToR).

**PSR17/073 BATEMANS BAY MACKAY PARK PRECINCT REDEVELOPMENT -
MACKAY PARK SUNSET COMMITTEE**

E12.6442

The ToR state in regard to the tenure of the committee that:

'The tenure of the committee is proposed to cease on 31 December 2017 in the first instance, with a further review at that stage. It is noted that to effectively implement a redevelopment of the precinct, a time period beyond 31 December 2017 will most likely be required.'

On 1 November 2017, the representative of the Batemans Bay Business and Tourism Chamber resigned from the Batemans Bay Mackay Park Precinct Sunset Committee. Council wrote to the Chamber asking if they wished to participate on the Sunset Committee through another representative. The Chamber have confirmed that they do not wish to appoint another person to the Sunset Committee but will look to continue to participate in the project via alternate opportunities.

CONSIDERATIONS

In accordance with the ToR and to assist Council in implementing the resolution of Council on 29 August 2017, to develop a process to ensure ongoing engagement with the community throughout the design and development phases of the facility, there remains a role for the Batemans Bay Mackay Park Precinct Sunset Committee. It is therefore proposed to extend the tenure of the committee to 31 December 2018.

This will provide opportunity for the Sunset Committee to continue to assist Council with its investigation of opportunities for the development of the Mackay Park precinct and to assist in developing and overseeing the community engagement process during the investigation of opportunities for the development of the precinct.

Given the resignation of the representative for the Batemans Bay Business and Tourism Chamber from the Batemans Bay Mackay Park Precinct Sunset Committee, it is appropriate to seek expressions of interest from representatives of the business community to fill this vacancy on the committee.

CONCLUSION

The ToR endorsed by Council for the Batemans Bay Mackay Park Precinct Sunset Committee set the tenure of the committee to cease on 31 December 2017. There continues to be a role for the Sunset Committee and therefore it is proposed to extend the tenure of the committee until 31 December 2018. The tenure of the committee can be further reviewed at that time if required.

Given the resignation of the representative for the Batemans Bay Business and Tourism Chamber, it is proposed to seek expressions of interest from representatives of the business community to fill the vacancy.

PSR17/074 PLANNING PROPOSAL - 3 BROWN CLOSE, MORUYA HEADS

E17.1328

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

Attachments: 1. Under Separate Cover - Planning Proposal - 3 Brown Close, Moruya Heads
2. Under Separate Cover - Applicant's Proposal - 3 Brown Close, Moruya Heads

Focus Area: Sustainable Communities

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

Operational Plan Link: S5.2.1 Review housing, land supply and demographics and communicate change issues

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to make an amendment to the *Eurobodalla Local Environmental Plan 2012* Minimum Lot Size Map to reduce the minimum lot size applicable to Lot 3 PD 701983, 3 Brown Close Moruya Heads from 2ha to 1,500m².

The amendment will effectively create a transition area between the smaller lots to the north and west and the larger lots to the south and east. The proposal is considered to be consistent with the objectives of the Eurobodalla Settlement Strategy and Moruya Structure plan and is considered reasonable on merit to progress to the Gateway Determination stage and public exhibition.

To progress a local environmental plan amendment, Council must consider and resolve to prepare a planning proposal that is submitted to the Department of Planning and Environment for Gateway Determination. An amendment may only proceed (or not) according to the Gateway Determination given.

It is proposed that Council request an authorisation to exercise delegation to finalise the matter addressed in this planning proposal.

RECOMMENDATION

THAT Council:

1. Endorse the attached planning proposal to amend *Eurobodalla Local Environmental Plan 2012*, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979*.
2. Forward the planning proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*.
3. Advise the Secretary of the Department of Planning and Environment that Council seeks to exercise delegation for making the plan under Section 59 of the *Environmental Planning and Assessment Act 1979*.
4. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.

PSR17/074 PLANNING PROPOSAL - 3 BROWN CLOSE, MORUYA HEADS

E17.1328

5. Receive a report back on any planning proposal to which a written objection is received during consultation with the community as per the requirements of Section 57 of the *Environmental Planning and Assessment Act 1979*.
6. Note that the plan is proposed to be made under delegation following the issue of a Gateway Determination and the completion of community consultation requirements.

BACKGROUND

The *Eurobodalla Local Environmental Plan 2012* was notified on 20 July 2012. Since that time there have been ten amendments for various reasons, including two sets of 'housekeeping' amendments. A number of other amendments are currently in progress.

The site has an area of 5,494m² and is located on the western side of Brown Close in close proximity to the intersection with Dell Parade. It adjoins rural residential land to the south, and urban residential development on all other sides.

Figure 1 below shows the locality with the site circled in green. Figure 2 is the cadastral map with the site shaded yellow.

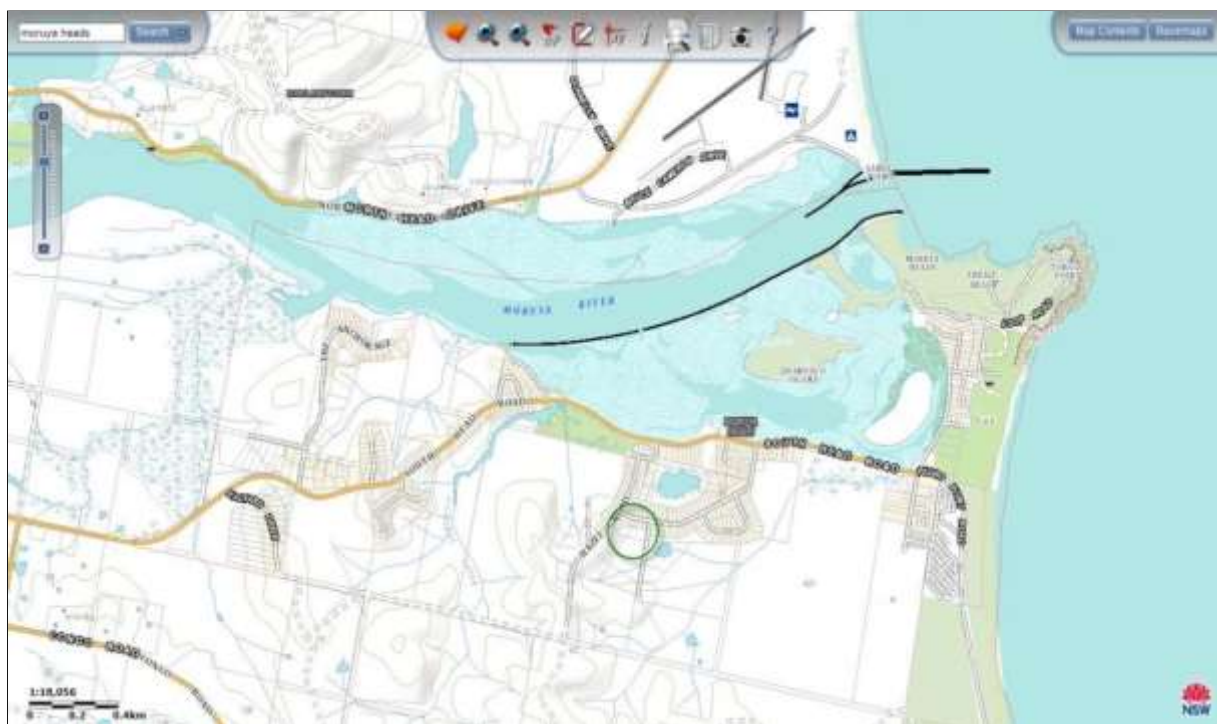


Figure 1: Locality map showing No 3 Brown Close circled in green. Source: SIX Maps, 2017



CONSIDERATIONS

Council staff have considered the potential planning impacts of the proposal on other properties in the vicinity and Council's strategic plans.

The choice of a minimum lot size that lies between the two existing development standards is appropriate. The minimum lot size of 1,500m² proposed is consistent with some other instances of land in the area that are zoned E4 and adjoin land zoned R2 as is the case here. A future subdivision enabled by the proposed minimum lot size of 1,500m² would result in three lots providing a transition between the 550m² and the 2ha minimum lot size areas.

Further, the land is located on the edge of the Moruya Heads urban area, within the urban boundary of the Eurobodalla Settlement Strategy although outside the boundary of the later Moruya Structure Plan.

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E17.1328

As the proposal provides for a transition between the 550m² minimum lot size residential land to the north and the 2ha minimum lot size rural residential land to the south, the proposal is considered consistent with the objectives of the Eurobodalla Settlement Strategy and the Moruya Structure Plan.

Should Council endorse the planning proposal and a Gateway Determination is issued by the Department of Planning and Environment, the planning proposal will be placed on public exhibition for community input. While the Gateway Determination will outline the required public exhibition period, it is anticipated that the period will be 28 days.

It is proposed that Council request an authorisation to exercise delegation to finalise the matters addressed in this planning proposal. Under Section 24 of the *Environmental Planning and Assessment Act 1979* the Minister for Planning or their delegate may make an environmental planning instrument, such as a local environmental plan (LEP). Delegations for making LEPs have been issued by the Minister to Council's Director Planning and Sustainability Services and Divisional Manager Strategic Services. These delegations operate in respect of a draft LEP on receipt by Council of a written authorisation from the Department of Planning and Environment to exercise the delegation. This authorisation is issued with a Gateway Determination.

Legal

The *Environmental Planning and Assessment Act 1979* outlines the process for making amendments to an LEP. The first stage of the process requires Council to resolve to forward a planning proposal to the Minister for Planning for a Gateway Determination.

Policy

The planning proposal has been prepared in accordance with Department of Planning and Environment Guidelines for preparing planning proposals and LEP amendments. The proposed amendment is minor in nature and are not inconsistent with any element of applicable strategies or policies.

Environmental

The applicant has provided an environmental assessment to support the proposal. The report demonstrates that the proposed amendment is minor in nature and will not have adverse impacts on the environment.

Asset

There is capacity within existing water, sewer, road and stormwater infrastructure to service the proposed future subdivision.

Social Impact

The proposed minor amendment to the lot size map will ensure development is in keeping with the existing character of local areas.

Community and Stakeholder Engagement

When a Gateway Determination is received that allows community consultation to be undertaken, Council will place the Planning Proposal on public exhibition for a period of not less

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E17.1328

than 28 days. Copies will be available for viewing on Council's website, at the Moruya library and Moruya Administration Centre.

Adjoining land owners have been informed in writing of the planning proposal and this report, and have been advised of the future opportunity to make a submission on the proposal, should a Gateway Determination be received.

CONCLUSION

The matter dealt with in this planning proposal is minor in nature and will have the effect of allowing the subdivision of one parcel of land into three lots.

It is recommended that Council endorse the Planning Proposal for the purpose of seeking a Gateway Determination from the Department of Planning and Environment. The Gateway Determination will enable the planning proposal to be placed on public exhibition. It is also recommended that Council request an authorisation to exercise delegation to finalise the matter addressed in this planning proposal.

**PSR17/075 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 -
HOUSEKEEPING AND OTHER AMENDMENTS**

E17.1168

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

Attachments: 1. Under Separate Cover - Planning Proposal
2. Summary of Submissions and Responses
3. Confidential - Submissions Combined

Focus Area: Sustainable Communities

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

Operational Plan Link: S5.2.1 Review housing, land supply and demographics and communicate change issues

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's determination to adopt an amended planning proposal for housekeeping and other amendments to Eurobodalla Local Environmental Plan 2012 (ELEP) and to resolve to make the proposed amendments.

On 9 May 2017, Council resolved to endorse a planning proposal to forward to the Department of Planning and Environment for a Gateway Determination. The planning proposal related to a number of minor housekeeping matters, the listing of additional heritage items in ELEP 2012 and a reclassification of land at Flying Fox Road/Rainforest Parkway, Narooma.

Prior to issuing a Gateway Determination, the Department requested that the reclassification proposal be separated from the housekeeping amendments as Council will not have delegation to finalise the reclassification. This was done, and a Gateway Determination was received for the housekeeping amendments on 17 July 2017. The Gateway Determination was accompanied by a written authorisation to exercise delegation with regard to this planning proposal.

The planning proposal was placed on public exhibition and five submissions were received. Three submissions expressed support for the planning proposal. Two submissions identified some incorrect property references in the planning proposal and one of these requested that an existing heritage listing be deleted. The issues regarding property descriptions have been corrected however, it is not proposed to delete the existing heritage item. The planning proposal has also been amended to update references to the new South East and Tablelands Regional Plan.

An amended planning proposal is included as an attachment to this report.

It is recommended that council adopt the amended planning proposal and resolve to make the amendments to the Eurobodalla Local Environmental Plan 2012.

**PSR17/075 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 -
HOUSEKEEPING AND OTHER AMENDMENTS**

E17.1168

RECOMMENDATION

THAT Council:

1. Adopt the amended planning proposal to make housekeeping and other amendments to Eurobodalla Local Environmental Plan 2012, attached to this report.
2. Resolve to make the amendments to the Eurobodalla Local Environmental Plan 2012.
3. Forward the amended planning proposal to Parliamentary Counsel with a request to draft the amendments and to the NSW Department of Planning and Environment for reporting and monitoring purposes.
4. Notify in writing, all affected property owners and those who made submissions to the exhibition of the planning proposal to make housekeeping and other amendments to Eurobodalla Local Environmental Plan 2012 of Council's determination.

BACKGROUND

ELEP 2012 was notified on 20 July 2012. Since this time there have been ten amendments for various reasons.

A number of housekeeping amendments to ELEP 2012 were included within a planning proposal endorsed by Council for public exhibition on 9 May 2017. A gateway determination was issued for these amendments and public and agency consultation has taken place. The NSW Rural Fire Service provided written advice prior to exhibition raising no objection to the planning proposal. Five submissions were received during the public exhibition period.

Council sought and has received delegation to finalise this planning proposal.

CONSIDERATIONS

The planning proposal placed on public exhibition included the following matters:

- Amend Schedule 5 Heritage to correct property descriptions and item names. Property descriptions change from time to time due to subdivision of land and amending the LEP keeps schedule 5 up to date. Item names can sometimes be updated to more accurately reflect either the history of the property or the current status of the property. For example, an item currently known as 'Former School of Arts' at 1084 Eurobodalla Road, Eurobodalla is proposed to be changed to 'Remains of Former School of Arts'. It is also proposed to amend the Heritage Maps to correctly identify lots with heritage items. This is to correct some anomalies in the mapping and in response to the subdivision of land.
- Amend Schedule 5 and the Heritage Maps to identify three new heritage items, being the Francis Guy's Residence and Store (former) at Batemans Bay, the Norfolk Island Pine Planting at Tuross Head and the York Engine, located at Mogo.
- Amend the Land Zoning Maps, Minimum Lot Size Maps and Height of Buildings Maps to correct anomalies. For example, some residential lots in Rosedale do not currently have a maximum height of buildings control. In this group of amendments, it is also proposed

**PSR17/075 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 -
HOUSEKEEPING AND OTHER AMENDMENTS**

E17.1168

to rezone a Council water reservoir site from the R5 Large Lot Residential Zone to the SP2 Infrastructure Zone. The subject land is classified operational.

- Amend Schedule 1 Additional Permitted Uses to remove an item that is no longer required due to a previous rezoning that facilitated the additional permitted use with consent.

As required by the Gateway Determination, the planning proposal was referred to the NSW Rural Fire Service (RFS) for comment prior to public exhibition. The RFS advised Council that it has no objections.

Legal

The Environmental Planning and Assessment Act 1979 outlines the processes that must be followed in order to make an amendment to an environmental planning instrument, such as a Local Environmental Plan. The subject amendments have been prepared in accordance with these requirements.

Policy

The Planning Proposal has been prepared in accordance with the Department of Planning and Environment's Guidelines for preparing planning proposals and local environmental plans.

Environmental

Environmental issues have been considered as part of the planning proposal. All of the subject changes are minor and will have minimal environmental impacts.

Social Impact

Social impacts have been considered as part of the planning proposal. All of the subject changes are minor and will have minimal social impacts.

Economic Development Employment Potential

Economic impacts have been considered as part of the planning proposal. All of the subject changes are minor and will have minimal economic impacts.

Community and Stakeholder Engagement

The planning proposal was placed on public exhibition from 4 October to 3 November 2017. Copies of the planning proposal were made available on Council's website, at the Batemans Bay, Moruya and Narooma libraries and at the Moruya Customer Service Centre. Affected land owners were notified in writing of the public exhibition details.

Five submissions were received to the public exhibition of the planning proposal. Three submissions supported the proposed amendments, as follows:

- Support for correction of property descriptions and mapping relating to the heritage items "*Henkley Homestead and Farm Buildings*" and "*W E Secombe Grave*" from the property owner.
- Support for the proposed name change of the heritage item "*Bingie Farm*" to "*Magney House*" from the property owner.

**PSR17/075 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 -
HOUSEKEEPING AND OTHER AMENDMENTS**

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- Support from the Heritage Division of the NSW Office of Environment and Heritage (OEH) for all of the corrections to heritage items and the three additional heritage items.

One submission from the owner of land adjoining Council's water reservoir at Vista Avenue Catalina identified an incorrect property description.

One submission from the developer of the Braemar Farm Estate identified that recent subdivision has resulted in an incorrect property description in the planning proposal and requested that the existing heritage item "*Braemar Farm, comprising Farmhouse remains, Outbuildings and Bunya Pine*" be deleted from ELP 2012. This was requested on the grounds that "*the buildings no longer exist and the Bunya Pine has no identifiable historical or heritage significance*".

The incorrect property descriptions have been corrected in a revised planning proposal. It is not proposed to delete the existing heritage item relating to Braemar Farm for the following reasons:

- The Bunya Pine is part of the name and physical description of the heritage item and is therefore recognised as an important landscape element of the former homestead.
- The Bunya Pine is the only remaining visual reference that marks the location of the former homestead.
- The [inventory sheet](#) for the heritage item includes the following statement: "*Scientifically the building and mature plantings have high-level local significance for their potential to provide information about both farming and middle class living styles on the edges of Moruya township in the late 19th century.*"
- The absence of some of the physical fabric of a heritage item (in this case the homestead and outbuildings) does not mean that the heritage significance of the place is lost. However, it is appropriate to rename the item to "Site of Braemar Farm, formerly comprising Farmhouse and Outbuildings, and Bunya Pine", consistent with other heritage items where the fabric no longer exists.
- The proposal to delete the heritage item would require a separate planning proposal and further consultation with the community and with the Heritage Division of OEH.

The proposal to delete the heritage item would require a separate planning proposal and further consultation with the community and with the Heritage Division of the Office of Environment and Heritage.

The planning proposal has also been amended to update references to the new South East and Tablelands Regional Plan.

CONCLUSION

The majority of matters in this planning proposal received no submissions. The planning proposal has been amended to correct a number of property identifications, change the name of a heritage item and updated references to the South East and Tablelands Regional Plan.

**PSR17/075 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 -
HOUSEKEEPING AND OTHER AMENDMENTS**

E17.1168

It is recommended that Council adopt the amended planning proposal and resolve to make the amendments to the Eurobodalla Local Environmental Plan 2012.

	Submission Summary	Staff Response
1	Supports the property description and map amendments in relation to Henkley Farm Homestead and Farm Buildings and W E Secombe Grave.	Noted.
2	Supports the heritage listed dwelling proposed name change from Bingie Farm to Magney House.	Noted.
3	Support proposed heritage listed changes	Noted.
4	Identified an incorrect property description.	Property description has been corrected.
5	Advising of incorrect property descriptions due to further subdivision.	Property description and mapping has been corrected to reflect the latest subdivision.
	Requests deletion of heritage item from Schedule 5 of ELEM 2012.	The absence of physical fabric at the site (aside from the Bunya Pine) is not a reason to delete the listing. Other heritage items in Schedule 5 refer to the "site of" the item where the fabric no longer exists. It is proposed to rename the item to "Site of Braemar Farm, formerly comprising Farmhouse and Outbuildings, and Bunya Pine"

**PSR17/076 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 - REZONING
AND RECLASSIFICATION OF LAND AT NAROOMA**

E17.1168

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

Attachments: 1. Planning Proposal
2. Report of Public Hearing
3. Confidential - Submissions Combined

Focus Area: Sustainable Communities

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

Operational Plan Link: S5.2.1 Review housing, land supply and demographics and communicate change issues

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's determination to adopt an amended planning proposal to rezone and reclassify land at Flying Fox Road/Rainforest Parkway, Narooma as an amendment to Eurobodalla Local Environmental Plan 2012, and to forward the planning proposal to the NSW Department of Planning and Environment to arrange for the amendments to be made.

On 9 May 2017, Council resolved to endorse a planning proposal to forward to the Department of Planning and Environment for a Gateway Determination. The planning proposal related to a number of minor housekeeping matters, the listing of additional heritage items in ELEP 2012 and a reclassification of land at Flying Fox Road/Rainforest Parkway, Narooma.

Prior to issuing a Gateway Determination, the Department requested that the reclassification proposal be separated from the housekeeping amendments as Council will not have delegation to finalise the reclassification. This was done, and a Gateway Determination was received for the reclassification on 18 July 2017. As the matter involves a reclassification of community land, Council does not have delegation with regard to this planning proposal.

The planning proposal was placed on public exhibition and one submission was received, expressing support for the planning proposal.

As required by the *Local Government Act 1993*, a public hearing was held on 16 November 2017. No members of the community attended the hearing.

The only change required to be made to the planning proposal, which is included as an attachment to this report, was to update references to the new South East and Tablelands Regional Plan. It is recommended that Council adopt the planning proposal and forward it to the Department of Planning and Environment to arrange for the amendments to ELEP 2012 to be made.

**PSR17/076 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 - REZONING
AND RECLASSIFICATION OF LAND AT NAROOMA**

E17.1168

RECOMMENDATION

THAT Council:

1. Adopt the amended planning proposal to rezone and reclassify land at Flying Fox Road/Rainforest Parkway, Narooma, attached to this report.
2. Forward the amended planning proposal to the NSW Department of Planning and Environment with a request to arrange for the amendments to be made.
3. Notify in writing all relevant property owners and those who made submissions to the exhibition of the planning proposal to rezone and reclassify land at Flying Fox Road/Rainforest Parkway, Narooma, of Council's determination.

BACKGROUND

ELEP 2012 was notified on 20 July 2012. Since this time there have been ten amendments for various reasons. A number of other amendments are currently in progress.

A number of housekeeping amendments to ELEP 2012 were included within a planning proposal endorsed by Council for public exhibition on 9 May 2017. A gateway determination was issued for these amendments and public and agency consultation has taken place. The NSW Rural Fire Service provided written advice prior to exhibition raising no objection on the grounds that there would be no increase in density of development in the location. One submission was received during the public exhibition period in support of the planning proposal. A public hearing was held following the public exhibition period. No members of the community attended the hearing.

Council does not have delegation to finalise this planning proposal.

CONSIDERATIONS

The planning proposal to rezone and reclassify a part of community land at Flying Fox Road/Rainforest Parkway included the following matters:

- Rezone the subject land from E2 Environmental Conservation to E4 Environmental Living
- Amend the Minimum Lot Size Map to apply a 2ha minimum lot size standard to the subject land
- Amend the Maximum Building Height Map to apply an 8.5m building height standard to the subject land.
- Reclassify the subject land from community to operational.

The planning proposal was prepared in response to a request from the adjoining land owner to purchase the subject land for the purpose of increasing the size of lots in an approved subdivision to improve the bushfire protection standards for future dwellings on those lots. The proposal will not result in any increased lots or dwellings in the location.

The subject land was dedicated to Council in 1997 as public reserve as part of the Ringlands Estate development. As part of this development, a large area was dedicated along the foreshore of Wagonga Inlet of varying widths for two purposes, being for access along the

**PSR17/076 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 - REZONING
AND RECLASSIFICATION OF LAND AT NAROOMA**

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foreshore and for public reserve areas generally located at headland points along the foreshore. The subject lot is at a headland. As only a portion of the subject lot is proposed to be reclassified and rezoned, and the adjoining foreshore access lot will remain in public ownership, it is considered that the intent and outcome of the original land dedication remains, as access is retained along the foreshore and a public reserve, while reduced in size, is retained at the headland. Vegetation will be retained in public ownership between the subject land and the foreshore, and given the intent for the subject land is to ensure adequate asset protection zones for dwellings on the adjoining lots (predominantly for outer protection areas where there may be some clearing of understorey vegetation and thinning of upper storey vegetation), there will be minimal visual impacts of development when viewed from Wagonga Inlet.

There are no trusts or dedications upon the land. An easement for electricity transmission exists and will be retained. The land is currently partly vegetated and partly cleared. There is no formal use of the subject land. The land may be used from time to time for walking. Council has previously undertaken some weed control and revegetation on a part of the land. The effect of the reclassification is that the relevant part of the subject land ceases to be a public reserve. There are no other interests to be discharged. There are no leases or agreements applying to the land.

As required by the Gateway Determination, the planning proposal was referred to the NSW Rural Fire Service (RFS) for comment prior to public exhibition. The RFS advised Council that it has no objection on the basis that the planning proposal will not result in any increased densities for the location by way of creating potential for additional dwellings. As noted above, the planning proposal does not result in any increased lots or dwellings in the location. The RFS recommended that a covenant be applied to the lot to prevent a dwelling entitlement. If appropriate, this can be undertaken at the time of subdivision.

The only changes that have been made to the planning proposal as exhibited was to update references to the new South East and Tablelands Regional Plan.

Legal

The Environmental Planning and Assessment Act 1979 outlines the processes that must be followed in order to make an amendment to an environmental planning instrument, such as a Local Environmental Plan. The subject amendments have been prepared in accordance with these requirements.

Policy

The Planning Proposal has been prepared in accordance with Department of Planning and Environment Guidelines for preparing planning proposals and local environmental plans.

Environmental

Environmental issues have been considered as part of the planning proposal. All of the subject changes are minor and will have minimal environmental impacts.

Social Impact

Social impacts have been considered as part of the planning proposal. All of the subject changes are minor and will have minimal social impacts.

**PSR17/076 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 - REZONING
AND RECLASSIFICATION OF LAND AT NAROOMA**

E17.1168

Economic Development Employment Potential

Economic impacts have been considered as part of the planning proposal. All of the subject changes are minor and will have minimal economic impacts.

Community and Stakeholder Engagement

The planning proposal was placed on public exhibition from 4 October to 3 November 2017. Copies of the planning proposal were made available on Council's website, at the Batemans Bay, Moruya and Narooma libraries and at the Moruya Customer Service Centre. Affected land owners were notified in writing of the public exhibition details.

One submission was received to the public exhibition of the planning proposal supporting the proposal.

CONCLUSION

The proposed rezoning and reclassification of a part of public land at Flying Fox Road/Rainforest Parkway, Narooma was exhibited for public comment and a public hearing was held. No objections for the community were received. The only changes to the planning proposal as exhibited was to update references to the new South East and Tablelands Regional Plan.

It is recommended that Council adopt the planning proposal and resolve to forward it to the Department of Planning and Environment to arrange for the amendments to ELEM 2012 to be made.



Planning Proposal

Amendments to ELEP 2012 to reclassify and rezone land at Narooma.

Amendment No. 13

INTRODUCTION

Background

Eurobodalla Local Environmental Plan 2012 (LEP) was notified on 20 July 2012. Since then there have been ten (10) amendments for various reasons. Two (2) other amendments for a range of matters are currently in progress.

This planning proposal seeks to rezone and reclassify part of a certain parcel of land at Narooma.

PART 1: OBJECTIVES or INTENDED OUTCOMES

To amend the Eurobodalla Local Environmental Plan 2012 to rezone and reclassify a certain parcel of land to enable the sale of the subject land.

PART 2: EXPLANATION of PROVISIONS

The proposed outcome will be achieved by:

- Amending the Eurobodalla Local Environmental Plan 2012 Land Zoning, Minimum Lot Size and Building Height Maps.
- Amending Schedule 4 of the Eurobodalla Local Environmental Plan 2012 in relation to the lot in the following table.

Lot and DP	Address	Area	Current Zone	Proposed Zone	Interests Changed	Intention
Part of Lot 23 DP 865887	Flying Fox Road / Rainforest Parkway, Narooma	11,269m ²	E2	E4	Yes (removal of public reserve status from part of the land)	To enable the sale of the land to an adjoining owner.

PART 3: JUSTIFICATION

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report, but is in response to a request from an adjoining land owner. The intent of the adjoining land owner is to amalgamate parts of the reclassified area into two or three of the adjoining lots, in order to facilitate the erection of dwellings on those lots through ensuring adequate areas are available for asset protection zones.

The strategic merits of the reclassification are that the proposed reclassification does not impact on the retention of a consistent and continuous public reserve along the Wagonga Inlet foreshore. The site specific merits of the reclassification are that the majority of the area proposed to be reclassified is cleared, including for a power transmission easement and the remaining vegetation

is not an endangered ecological community (EEC). The vegetation is classified as Spotted Gum – White Stringybark – Burrawang shrubby open forest which is not an EEC. Spotted Gum dominates the upper storey. The understorey is disturbed and degraded as evidenced by the presence of lantana, pittosporum and black wattle. The subject land does not meet the criteria for an E2 zoning as outlined in the Northern Councils E Zone Review Final Recommendations and as such is proposed to be rezoned to be consistent with the zone of the adjoining land to which it is proposed to be amalgamated (E4 Environmental Living).

The subject land was dedicated to Council in 1997 as public reserve as part of the Ringlands Estate development. As part of this development, a large area was dedicated along the foreshore of Wagonga Inlet of varying widths for two purposes, being for access along the foreshore and for public reserve areas generally located at headland points along the foreshore. The subject lot is at a headland. As only a portion of the subject lot is proposed to be reclassified and rezoned, and the adjoining foreshore access lot will remain in public ownership, it is considered that the intent and outcome of the original land dedication remains, as access is retained along the foreshore and a public reserve, while reduced in size, is retained at the headland. Vegetation will be retained in public ownership between the subject land and the foreshore, and given the intent for the subject land is to ensure adequate asset protection zones for dwellings on the adjoining lots (predominantly for outer protection areas where there may be some clearing of understorey vegetation and thinning of upper storey vegetation), there will be minimal visual impacts of development when viewed from Wagonga Inlet.

There are no trusts or dedications upon the land. An easement for electricity transmission exists and will be retained. The land is currently partly vegetated and partly cleared. There is no formal use of the subject land. The land may be used from time to time for walking. Council has previously undertaken some weed control and revegetation on a part of the land.

The effect of the reclassification is that the relevant part of the subject land ceases to be a public reserve. There are no other interests to be discharged. There are no leases or agreements applying to the land. A copy of the title search is attached to this planning proposal.

Council has indicated to the adjoining land owner that Council would be willing to sell the land proposed to be reclassified following the completion of the planning proposal process. Funds raised from the sale of the land would be restricted and used in accordance with Council's Recreation and Open Space Strategy, to implement the strategy and obtain grants to increase available funding to invest in developing open space and recreation and community facilities.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is no alternative means to achieve the objective of the planning proposal to reclassify the land to operational. Rezoning the land to E4 Environmental Living ensures that the whole of the future amalgamated lots have a single zone, rather than a split zone.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is not inconsistent with any element of the South East and Tablelands Regional Plan.

4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan

The planning proposal is not inconsistent with Council's Community Strategic Plan, One Community.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP 71	Coastal Protection	The planning proposal applies to land in the coastal zone.	Consistent – The subject land is within the coastal zone and/or is in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
2.1	Environment Protection Zones	The planning proposal relates to land currently zoned E2 Environmental Conservation.	Inconsistent, but of minor significance – While the planning proposal relates to 77% of the subject lot, much of the area is cleared, including for a power transmission line (65%) and the remaining vegetation is not an endangered ecological community. The area to be retained in the E2 zone still provides for a larger than usual vegetated buffer to Wagonga Inlet.
2.2	Coastal Protection	The planning proposal relates to land in the coastal zone.	Consistent – The subject land is within the coastal zone and/or is in a sensitive coastal location. The proposed amendments will have no impact on the coastal zone.
4.4	Planning for Bushfire Protection	The planning proposal relates to land that is bushfire prone.	Consistent – While the planning proposal relates to 77% of the subject lot, much of the area is cleared, including for a power transmission line. The adjoining land to which the

			rezoned and reclassified area will likely be consolidated with has an approved subdivision with building footprints and asset protection zones. Should the additional area result in an application to modify the lot shapes and/or building footprints, an assessment against Planning for Bushfire Protection will be required.
5.10	Implementation of Regional Strategies	The South East and Tablelands Regional Plan applies to all planning proposals.	Consistent – The planning proposal is not inconsistent with the South East and Tablelands Regional Plan.

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no likelihood of any adverse effect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal. There are no endangered ecological communities on the subject land.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of this planning proposal.

9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have no adverse social or economic effects. It is noted that the adjoining land to which the subject area may be consolidated with has recently been subdivided into four lots. The addition of the subject land to the adjoining land does not provide for any additional lots or dwellings to be created.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

Not applicable.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council will consult with all relevant State and Commonwealth Agencies when the planning proposal is placed on public exhibition and will take into consideration any comments made prior to finalising the proposal.

PART 4: MAPPING



Area of lot to be retained in public ownership as community land.

Area of lot to be reclassified from community to operational and zoned E4 Environmental Living, with a 2ha minimum lot size and an 8.5m maximum height of building standard.

PART 5: COMMUNITY CONSULTATION

An exhibition period of 28 days for the planning proposal is proposed. A public hearing will also be required in accordance with the requirements of the Local Government Act 1993.

Part 6: PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	July 2017
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	July 2017
Commencement and completion dates for public exhibition period	August 2017 (28 days)
Dates for public hearing (if required)	September 2017
Timeframe for consideration of submissions	September 2017
Timeframe for the consideration of a proposal post exhibition	October 2017
Date of submission to the department to finalise the LEP	October 2017
Anticipated date RPA will make the plan (if delegated)	November 2017
Anticipated date RPA will forward to the department for notification	November 2017

**REPORT OF THE PUBLIC HEARING
OF 16 NOVEMBER 2017 INTO THE
PROPOSAL BY EUROBODALLA SHIRE
COUNCIL TO RECLASSIFY A PARCEL
OF COMMUNITY LAND AT FLYING FOX
ROAD, NAROOMA.
(Part Lot 23 DP 865887)**

Garret Barry Planning Services Pty Ltd

16 November 2017

Summary

Council has exhibited a Planning Proposal to reclassify part of lot 23 DP 865887, off Flying Fox Road, Narooma from its current status of Community land to Operational land.

As required under the planning and local government legislation, a public hearing into the proposal was held at Council's Moruya Office on 16 November 2017, commencing 2 pm. Garret Barry of Garret Barry Planning Services, conducted the hearing as an independent Chair.

No submissions were made to the hearing and only one submission (expressing support for the proposal) was received during public exhibition.

The Consultant considers Council is able to progress the proposal to have the exhibited section of Lot 23 changed from Community to Operational land.

1 Statutory requirements

Under Section 29 of the Local Government Act 1993 and Section 57 of the Environmental Planning and Assessment Act 1979 (EPA Act), before a Council can finally resolve whether or not to proceed to convert Council owned Community Land to Operational Land, a public hearing must be conducted and the community provided the opportunity to make submission to such hearing. Where submissions are made, Council must consider such submissions before making any final resolution on the land classification.

The proposal for the hearing must be given public notice.

Best practice guidelines suggest that the Chair of a public Hearing should be independent from the Council.

Following the hearing, the chairperson should report to Council and Council should make such report publicly available.

2 Report of the hearing

Garret Barry, a Registered Town Planner, of Garret Barry Planning Services was engaged by Council to conduct the hearing.

The Planning Proposal relating to the potential reclassification of part Lot 23 was publicly exhibited in accordance with the EPA Act from 13 September to 13 October 2017. One submission was received from the community and is addressed in the staff report. The submission was from an adjoining landowner and supports the proposal.

Notice of the proposed public hearing was given by Council and the community invited to register to make an address if desired.

I, (Garret Barry) attended Council's Moruya Office chambers on 16 November 2016 and formally opened the public hearing at 2 pm. In attendance was Councils Land Use Planning Coordinator, Mr Hutchinson.

No members of the community attended the hearing and at 2.30pm I declared the hearing concluded.

I have reviewed the one submission received during exhibition. The submission is from an adjoining neighbour to lot 23. It raises no objection and supports the intent of the Planning Proposal.

There are no expressed community concerns over the proposal. From my examination of the background documents, including the Planning Proposal, it appears the conversion of part lot 23 to operational land will allow its acquisition by adjoining owners and allow a better subdivision layout with respect to bushfire protection. Adequate measures appear in place to protect vegetation and foreshore values. As such the proposal is considered to demonstrate planning merit and Council is now able to make final consideration as to the making of the plan to convert the exhibited section of lot 23 DP 865887 to operational land.



Garret Barry

MPIA, RP
Hearing chairman
16 November 2017.

**PSR17/077 SUBMISSION TO PROPOSED PRIMARY PRODUCTION AND RURAL
DEVELOPMENT SEPP**

E12.6191

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

Attachments: 1. Draft Submission

Focus Area: Sustainable Communities

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

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

EXECUTIVE SUMMARY

The purpose of this report is to present a draft submission on a proposed new State Environmental Planning Policy (SEPP) for Primary Production and Rural Development and changes to local environmental plans and a Ministerial Direction, for Council's consideration.

The NSW Department of Planning and Environment has released an [Explanation of Intended Effects \(EIE\)](#) for the proposed new SEPP and other changes. The Department has also released a draft Planning Guideline for Intensive Livestock Agriculture Development.

Submissions on the draft documents close on 18 December 2017.

Council staff have met with a sub-group of the Rural Producers Advisory Committee (RPAC) to discuss the proposed provisions of the draft SEPP and other changes. Comments from the RPAC members have been incorporated into the draft submission, included as an attachment to this report.

RECOMMENDATION

THAT Council endorse the submission attached to this report and forward it to the NSW Department of Planning and Environment.

BACKGROUND

The NSW planning framework includes a number of State Environmental Planning Policies (SEPPs) relating to rural land, including:

- *SEPP (Rural Lands) 2008*
- *SEPP 30 – Intensive Agriculture*
- *SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas*
- *SEPP 62 – Sustainable Aquaculture*

The planning system also includes Ministerial Directions under s177 of the *Environmental Planning and Assessment Act 1979*, including the following directions that relate to rural land/primary production:

- Rural Zones 1.2
- Oyster Aquaculture 1.4

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- Rural Lands 1.5

Local Environmental Plans also contain provisions relating to rural land and development, including zoning, land use tables and minimum lot size.

The NSW Government is undertaking a comprehensive review of all SEPPs and where appropriate is reducing the number of SEPPs that apply in NSW. The current proposal on exhibition will replace five existing SEPPs with one new SEPP and will make amendments to Ministerial Direction 1.5, Local Environmental Plans (LEPs) and the *Environmental Planning and Assessment Regulation 2000*.

CONSIDERATIONS

The Explanation of Intended Effects (EIE) for the proposed new SEPP contains a range of changes to NSW Government policy in relation to rural lands and a number of changes to definitions and provisions in LEPs relating to intensive and extensive agriculture.

As discussed with the Rural Producers Advisory Committee sub-group, there are some benefits to rural land owners from the changes proposed. However, some of the changes do not go far enough in terms of facilitating and streamlining rural development and there are some concerns in relation to the potential for land use conflicts that may negatively impact on primary production.

Proposed change to subdivision provisions

The most significant provision in the proposed reforms is the proposal to amend clause 4.2 of LEPs to enable the subdivision of a dwelling on a rural lot without having to meet the minimum lot size provision. This is a significant change to State planning policy following the phasing out of concessional lot provisions as new LEPs under the Standard Instrument were made.

The EIE states that the change will apply to subdivisions for rural purposes and indicates that a mechanism will be introduced to prevent continued fragmentation of the rural lot. A fact sheet accompanying the EIE clarifies that a dwelling would not be permissible on the residual rural lot and that the subdivision must be for a primary production purpose. There is currently no definition of primary production in local environmental plans and it is considered that such a definition would be useful to clarify the purposes for which a subdivision under clause 4.2 would be permissible.

The RPAC sub-group expressed support for a provision to facilitate subdivision where it is for farm succession planning purposes, but there is a need to consider potential land use conflict and impact on right to farm. They also argued that a dwelling should be permissible on the rural lot to ensure viable farming operations and supported a mechanism to prevent ongoing fragmentation.

Balancing additional small lot subdivision for dwellings with protecting the viability of agricultural land will depend on the details of the proposed amendment to clause 4.2 of LEPs and the Department's proposed mechanism to prevent ongoing fragmentation. The wording of the amended clause will be critical to understanding the impact of this change on rural areas. It is therefore critical that a draft instrument be placed on public exhibition for public comment before any changes are made.

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DEVELOPMENT SEPP**

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Proposed changes to definitions

The second major change proposed in the reforms relates to the definitions of intensive livestock agriculture and extensive agriculture. The provisions appear to be making a distinct difference between the grazing of livestock primarily on plants that grow on the land with supplementary and emergency feeding and penning (defined as extensive agriculture) and other forms of keeping livestock for commercial purposes (defined as intensive livestock agriculture). However, the discussion in the EIE includes statements that free range poultry and pig farms will be defined as intensive livestock agriculture. This is not clear in the proposed amended definitions.

The RPAC sub-group argued that all free-range livestock farms should be defined as extensive agriculture. This could be achieved through the definitions by listing the type of livestock in the extensive agriculture definition (in a manner similar to the listing of types of livestock in the intensive livestock agriculture definition).

Proposed thresholds for intensive livestock agriculture

The third major issue is the introduction of thresholds for intensive livestock agriculture below which development consent is not required. This is a good principle, to make it easier for small-scale production to be undertaken without consent. However, the threshold numbers (and the proposed distance from adjoining residences) are arbitrary and do not appear to be based on any evidence. They also apply irrespective of the size of the property.

The RPAC sub-group recommended increasing some of the threshold numbers to better reflect the realities of farming operations. One of the participants provided the following example:

"A minimum of 1600 pasture raised birds only produced around 100 chickens ready for processing per week. Our small Tilba community can snap that up without any trouble & so providing for the wider community requires a much larger flock.

It may sound like a lot of chickens but it's important to remember that to have a continual flow of chickens ready for market the age of the chickens in the flock vary greatly. Of the 1600 chickens above mentioned 400 of those may be day old, 400 @ 3 weeks old, 400 @ 6 weeks old & 400 at 9 weeks old ready to be processed. The different ages of the chickens have vastly different impacts on pasture. The day old chicks up to 3 weeks old have almost no impact even though they have full time access to pasture. This means that 800 chicks in the flock are not even making a registrable impact on the land simply because they are too small to."

In relation to the setback from the nearest adjoining dwelling, which is currently proposed to be 500m, the opportunity for intensive livestock agriculture to be exempt development in Eurobodalla is limited. The RPAC sub-group recommended that the setback be reviewed based on evidence of the impact of such development, with a view to reducing the setback requirement where appropriate.

The proposed provision is intended to reduce regulation for small-scale commercial intensive livestock agriculture, however, the proposed clause outlined in the EIE would also apply to large-scale, high-impact developments.

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A draft submission addressing the matter above and other issues with the proposed SEPP and other changes has been prepared for Council's consideration.

Community and Stakeholder Engagement

We have consulted with members of Council's Rural Producers Advisory Committee in the development of a submission on the proposed SEPP and other changes. Issues raised by members of the Committee have been incorporated into a draft submission for Council's consideration.

CONCLUSION

As part of a wider review of State Environmental Planning Policies (SEPPs) the NSW Government has released an Explanation of Intended Effects (EIE) for a new Primary Production and Rural Development SEPP for public comment. The EIE outlines matters that would be included in a new SEPP, changes to local environmental plans and Ministerial Direction 1.5. Submissions close on 18 December 2016.

Council staff have consulted with a working group of rural producers on the proposed changes and a draft submission has been prepared for consideration by Council.

Proposed Primary Production and Rural Development SEPP

Draft Submission from Eurobodalla Shire Council

Eurobodalla Shire Council welcomes the release of the Explanation of Intended Effects (EIE) for a proposed new Primary Production and Rural Development State Environmental Planning Policy (SEPP), the proposed changes to local environmental plans and a Ministerial Direction. However, we are concerned with some of the elements outlined in the EIE and the lack of consultation with local government in the development of the proposed reforms. The EIE raises a number of issues for Council and Eurobodalla's rural community as outlined in this submission. These concerns may, or may not, be alleviated through the drafting of clauses in the new SEPP and as such it is critical that a draft SEPP and a revised Standard Instrument – Principal Local Environmental Plan also be released for community input before they are finalised and implemented.

In particular, the proposed provision to allow the subdivision of a rural dwelling below the minimum lot size requires careful consideration. While there are benefits to existing rural land owners from such a provision, there are also risks to agricultural productivity (right to farm) from facilitating this kind of subdivision in rural areas.

The EIE states that the proposed reforms seek to:

- Support investment in sustainable agricultural development
- Reduce land use conflict
- Facilitate an adaptive approach to new and emerging agricultural practices, technology and industries
- Protect environmental values.

It is not clear how the proposed reforms achieve these goals, particularly as many of the changes outlined in the EIE are simply a transfer of provisions from one planning instrument to another. Where there is a proposed change in policy, the EIE does not satisfactorily explain how the above objectives are being met.

The proposed SEPP is named "Primary Production and Rural Development" however it appears the SEPP provisions will be limited to the ability to identify State significant agricultural land, some exemptions for artificial waterbodies (dams) and intensive livestock agriculture and provisions for natural water-based aquaculture. A number of these matters could be included within local environmental plans.

The substantive changes outlined in the EIE are to local environmental plans and a Ministerial Direction. Given this, Council is of the view that the proposed SEPP is not well-named, or in fact necessary. Should a Primary Production and Rural Development SEPP be introduced, it should be more strategic and include appropriate provisions that reinforce the

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NSW Government's Right to Farm Policy, mapping of State significant land and provisions to support other forms of development in rural areas such as rural tourism.

While SEPPs and Standard Instrument LEP provisions generally apply State-wide, consideration should be given in the drafting of provisions to the differences in rural lands across NSW. Eurobodalla's rural lands, for example, are very different to rural lands in western NSW, and as such warrant different and more flexible planning provisions, in particular to encourage more small-scale niche agricultural activities and rural tourism.

This submission focuses on those elements of the reform package where there will be a change in policy relating to rural land in Eurobodalla. Council has consulted with its Rural Producers Advisory Committee (RPAC) in the development of this submission and the comments below represent the views of Council and, through the RPAC, Eurobodalla's rural community.

Proposed change to subdivision provisions

The most significant provision in the proposed reforms is the proposal to amend clause 4.2 of LEPs to enable the subdivision of a dwelling on a rural lot without having to meet the minimum lot size provision. This is a significant change to State planning policy following the phasing out of concessional lot provisions as new LEPs under the Standard Instrument were made. The Department needs to explain how this proposed policy change is consistent with the NSW Government's Right to Farm Policy, in particular how the proposal to permit subdivision of rural dwellings supports rural development while at the same time managing potential for land use conflict and minimising further administration obligations on local government (eg. monitoring leasing arrangements).

There are numerous examples across the State and in other States of rural production being inhibited by land use conflicts that arise from the creation of residential sized lots in rural areas. Has the Department considered the potentially significant cost implications to existing farmers who may be required to undertake expensive upgrades of existing facilities to address any future amenity complaints? Has the Department considered the potential cost to the NSW economy of the potential constraint to the growth of primary production that may result from this proposal?

Further, on what planning basis does the Department believe that allowing the current generation of farmers an opportunity to subdivide a rural dwelling for farm succession purposes is appropriate, but with the proposal to include a mechanism preventing ongoing fragmentation of rural land, the same opportunity will not be afforded to future generations.

Planning for the future of rural land should be undertaken in a strategic way and be based on an understanding of the issues relevant to each rural area. A one size fits all approach is not appropriate. Eurobodalla Shire Council took a strategic landscape approach to the development of our Rural Lands Strategy, adopted in 2016. This approach allowed Council to identify opportunities for further rural subdivision and dwellings in appropriate locations

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within Eurobodalla's rural areas. A strategic approach with good rationale, consistently applied, gives land owners the confidence to make decisions about the future use of their land.

The EIE states that the change will apply to subdivisions for rural purposes and indicates that a mechanism will be introduced to prevent continued fragmentation of the rural lot. A fact sheet accompanying the EIE clarifies that a dwelling would not be permissible on the residual rural lot and that the subdivision must be for a primary production purpose. There is currently no definition of primary production in local environmental plans and it is considered that such a definition would be useful to clarify the purposes for which a subdivision under clause 4.2 would be permissible.

On behalf of rural producers and land owners, members of Council's RPAC have expressed support for a provision to facilitate subdivision where it is for farm succession planning. However there is a need to consider the potential for land use conflict and the impact on right to farm from such subdivision. It was also argued that a dwelling should be permissible on the rural lot to ensure viable farming operations and a mechanism to prevent ongoing fragmentation was supported.

Balancing additional small lot subdivision for dwellings with protecting the viability of agricultural land will depend on the details of the proposed amendment to clause 4.2 of LEPs and the Department's proposed mechanism to prevent ongoing fragmentation. The wording of the amended clause will be critical to understanding the impact of this change on rural areas. Should this proposal be implemented, any provision must require the proponent to demonstrate how the proposed subdivision of a rural dwelling is for rural purposes and will not lead to increased land use conflicts. It is therefore critical that a draft instrument be placed on public exhibition for public comment before any changes are made.

The Department must also provide further justification to demonstrate the rationale behind the proposal for small lot subdivision and the applicability of such a provision across the State.

Proposed changes to definitions

The second major change proposed in the reforms relates to the definitions of intensive livestock agriculture and extensive agriculture. The proposed revised definitions appear to be making a distinct difference between the grazing of livestock primarily on plants that grow on the land with supplementary and emergency feeding and penning (defined as extensive agriculture) and other forms of keeping livestock for commercial purposes (defined as intensive livestock agriculture). However, the discussion in the EIE includes statements that free range poultry and pig farms will be defined as intensive livestock agriculture. This is not clear in the proposed amended definitions.

Members of Council's RPAC recommend that all free-range livestock farms should be defined as extensive agriculture. Council supports this view. This could be achieved through the definitions by listing the type of livestock in the extensive agriculture definition

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(in a manner similar to the listing of types of livestock in the intensive livestock agriculture definition), as follows:

extensive agriculture means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of cattle, poultry, pigs, goats, sheep, horses or other livestock for commercial purposes, where the animals eat plants growing on the land,
- (c) bee keeping,
- (d) a dairy (pasture-based), where the animals eat plants growing on the land,
- (e) supplementary and emergency feeding, and temporary penning or housing of animals for weaning, dipping or related purposes, that is incidental to the grazing of livestock or a dairy (pasture-based).

This recognises the lesser impacts that free range farming has on the environment and the amenity of rural areas and encourages more sustainable farming practices (as extensive agriculture does not require development consent in rural zones).

Council supports the amendment to the definition of extensive agriculture that allows for supplementary and emergency feeding and temporary penning or housing of animals, but would encourage the Department to provide further guidance on this matter to address any future questions that might arise over the definitions of “supplementary” and “temporary”.

Proposed thresholds for intensive livestock agriculture

The third major issue is the introduction of thresholds for intensive livestock agriculture below which development consent is not required. This is a good principle, to make it easier for small-scale production to be undertaken without consent. However, the threshold numbers (and the proposed distance from adjoining residences) are arbitrary and do not appear to be based on any evidence. They also apply irrespective of the size of the property.

Members of Council’s RPAC recommended increasing some of the threshold numbers to better reflect the realities of farming operations, as follows:

- A cattle feedlot or dairy (restricted) – 250 or more cattle
- A pig farm – 200 or more pigs / 20 or more breeding sows
- Sheep or goat farm – 1000 or more animals
- Egg or poultry production facilities – 1000 or more birds.

It is also recommended that it be clarified that the above thresholds apply only to intensive livestock agriculture (defined to exclude all forms of free-range farming as discussed above) to ensure that they do not apply to free range poultry or pig farms.

One of the members of Council’s RPAC provided the following example:

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"A minimum of 1600 pasture raised birds only produced around 100 chickens ready for processing per week. Our small Tilba community can snap that up without any trouble & so providing for the wider community requires a much larger flock.

It may sound like a lot of chickens but it's important to remember that to have a continual flow of chickens ready for market the age of the chickens in the flock vary greatly. Of the 1600 chickens above mentioned 400 of those may be day old, 400 @ 3 weeks old, 400 @ 6 weeks old & 400 at 9 weeks old ready to be processed. The different ages of the chickens have vastly different impacts on pasture. The day old chicks up to 3 weeks old have almost no impact even though they have full time access to pasture. This means that 800 chicks in the flock are not even making a registrable impact on the land simply because they are too small to."

The proposed 500m distance from the nearest adjoining dwelling would mean that the opportunity for small-scale intensive livestock agriculture to be undertaken without consent in Eurobodalla would be very limited. Council is of the view that a lesser setback from the nearest adjoining dwelling should be considered for small-scale intensive livestock agriculture, on the basis of evidence relating to the impacts of such developments. It may be appropriate that the setbacks are different for each type of intensive livestock agriculture.

The proposal to permit subdivision of rural dwellings will increase the number of dwellings not associated with the farm, further restricting the potential for smaller-scale intensive livestock agriculture to be exempt development.

Notwithstanding the above comments regarding small-scale intensive livestock agriculture, it is noted that the proposed drafting of the new threshold clause provides for any cattle feedlot, dairy (restricted), etc, to be exempt development if located more than 500m from the nearest adjoining dwelling and not in an environmentally sensitive area. This provides for large-scale, high-impact developments to be exempt from requiring development consent. This is contrary to the stated intent of the provision which is to reflect the risks associated with a range of commercial livestock agriculture and to ensure that small-scale operators in low-risk locations are not subject to inappropriate levels of regulation.

Proposed changes in relation to farm dams

The proposed expansion of the SEPP 52 rules to apply State-wide results in a change to the current provisions applying to Eurobodalla through the EEP 2012. EEP 2012 provides for farm dams to be exempt development in the RU1, RU4 and E4 zones where they are permitted or authorised under the *Water Management Act 2000*. The Order under Section 54 of the Water Management Act outlines the harvestable rights for the construction of water supply works (such as dams).

The introduction of the SEPP 52 rules to Eurobodalla results in additional complexity for landowners. It is recommended that the SEPP 52 provisions be applied only to those areas where they currently applied and specifically not to Eurobodalla.

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A key issue for the growth of primary production and rural development in Eurobodalla is access to water. Council's Rural Lands Strategy, adopted in 2016, includes a recommendation for Council to advocate to the NSW Government for a variation in policy approach to water resources in coastal catchments. Specifically, the strategy recommends that the following questions be asked:

- Whether the limitation of 10% catchment area for rural property dams is reasonable in coastal catchments where environmental flows may be higher than inland catchments.
- Whether there is capacity for granting additional small water extraction licences for horticultural developing producers and whether current water allocations are being efficiently used.

While these are not matters directly related to planning provisions for the proposed SEPP or for local environmental plans, the NSW Department of Planning and Environment has an important role to play in setting the policy directions to encourage growth in rural production. Council recommends that the NSW Government review the provisions of the *Water Management Act 2000* and the orders under that Act to increase the harvestable rights on the east coast of NSW from 10% to 15%.

Temporary and emergency events and management of goats

Council supports the provisions providing for temporary and emergency actions and goat depots as exempt development. However, clarification is required as to what the proposed distance from adjoining dwellings will be. If the 500m rule is to be applied, the opportunity to use these provisions will be very limited in Eurobodalla. A reduced setback, based on evidence of potential impacts, should be applied.

Planning principles for rural planning and subdivision and matters for consideration for rural subdivision and rural dwellings

In the transfer of revised planning principles from the Rural Lands SEPP to Ministerial Direction 1.5 and the matters for consideration for rural subdivision and dwellings from the SEPP to local environmental plans, consideration should be given to the future potential uses of rural land, not just existing and approved uses.

Rural Tourism

The new SEPP could include matters for consideration in relation to rural tourism, such as whether the rural tourism activity is likely to have a significant impact on existing approved and potential future rural activities in the vicinity. The Department of Planning and Environment should prepare a planning guideline relating to rural tourism developments, similar to the proposed Planning Guideline for intensive livestock agriculture development.

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E07.1407

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

Attachments: 1. Under Separate Cover - draft Eurobodalla Heritage Strategy 2017-2021
2. Museum Advisor Program
3. Eurobodalla Heritage Strategy 2014-2017 Performance Report

Focus Area: Sustainable Communities

Delivery Program Link: S5.3 Manage and promote our Aboriginal and Non-Aboriginal Heritage

Operational Plan Link: S5.3.1 Coordinate the Heritage Advisory Committee and associated projects

EXECUTIVE SUMMARY

This report seeks adoption of the Eurobodalla Heritage Strategy 2017-2021.

The Strategy will guide heritage conservation and management in the Eurobodalla Shire for the next four years. Developed in accordance with the guidelines of the Heritage Division of the NSW Office of Environment and Heritage, the Strategy identifies 32 actions for completion during the period, subject to available staff and financial resources.

Adoption of the Strategy is required by the Heritage Division as a condition for the continuation of grant funding to support heritage management in the Eurobodalla Shire.

A copy of the draft Eurobodalla Heritage Strategy 2017–2021 for Council’s consideration to adopt is attached to this report.

RECOMMENDATION

THAT Council

1. Adopts the Eurobodalla Heritage Strategy 2017–2021;
2. Allocates \$7,000 for each of the 2018-19, 2019-20 and 2020-21 financial years for the delivery of the Museum Advisors Program
3. Forwards the Eurobodalla Heritage Strategy 2017–2021 to the Heritage Division in accordance with the condition of the funding agreements; and
4. Thanks the members of the Heritage Advisory Committee for their contribution to the development of the Eurobodalla Heritage Strategy 2017 - 2021.

BACKGROUND

Eurobodalla Shire Council has conducted a successful heritage program over the last 23 years. This has continued with the completion of many of the tasks identified in the Eurobodalla Heritage Strategy 2014-2017. A performance report on the Eurobodalla Heritage Strategy 2014-2017 is included as an attachment to this report.

The main outcomes of the Eurobodalla Heritage Strategy 2014-2017 include:

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E07.1407

- Several items and places have been assessed as having heritage significance and approved by Council for listing
- Development of a Shire-wide heritage tourism map to inform and guide visitors and locals to the main areas of heritage interest in the Eurobodalla
- The institution of an annual Heritage Award to recognise and encourage heritage conservation and promotion
- The continued delivery of the Heritage Advisory Service to advise Council staff and the owners of heritage places, in practical measures to preserve the heritage significance of our Shire's heritage places.

A draft strategy for 2017 to 2021 has been developed in close consultation with Council's Heritage Advisory Committee and Council's Heritage Advisor. The Heritage Advisory Committee consists of representatives of our shire's three historical societies, the Chairperson of the Eurobodalla Aboriginal Advisory Committee, three community representatives and two councillors. At the Heritage Advisory Committee meeting held on 25 September 2017, the Committee resolved, subject to some minor housekeeping amendments, to recommend the draft Heritage Strategy 2017-2021 to Council.

CONSIDERATIONS

Developed in accordance with the Heritage Division guidelines, the draft Strategy identifies 32 actions for completion during the four year period, subject to available staff and financial resources.

The draft strategy focuses on the consolidation of recent achievements and the continuation of themes adopted in the previous strategy. As a result, there are few new major projects to be commenced in the 2017-2021 period. However, the further development and promotion of the Eurobodalla Shire's rich heritage as a tourism product will be given increased focus. This matter is more directly addressed by points 3 and 5 below.

The actions include the following:

1. Continuation of the Heritage Advisory Committee to maintain a dialogue with the community and provide relevant advice to Council on heritage matters.
2. Continuation of the Heritage Advisory Service to provide professional advice to Council staff and the owners of heritage places to preserve their heritage significance
3. Continue to support local historical societies and value-add to our museums as tourist attractions by partnering with Create NSW to provide the Museum Advisors Program (MAP). A summary of the MAP is included as an attachment to this report. This program is delivered by [Museums & Galleries of NSW](#).
4. Continuation of the Local Heritage Places Grant program to assist owners of heritage places to employ local tradespeople to perform conservation work on their properties.
5. Promote heritage tourism through the development of local heritage tour maps building on the shire-wide tourism map launched in 2016.

The Eurobodalla Heritage Strategy 2017-2021, if adopted by Council, will build upon previous achievements and continue to guide heritage management into the future.

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E07.1407

Legal

Adoption of the draft Heritage Strategy 2017-2021 is a requirement of Council's funding agreement with the Heritage Division, NSW Office for Environment and Heritage.

Economic Development Employment Potential

Employment and economic activity is enabled through the Local Heritage Places Grants program which supports the owners of local heritage to employ local tradespeople to conduct conservation works on their heritage items.

Support of our local museums and the development of heritage activities as tourist drawcards will help to underpin our shire's tourism credentials.

Financial

The Heritage Division has made a funding offer to Council of \$14,200 for the 2017-18 and the 2018-19 financial years on a \$1 for \$1 basis. This consists of \$7,000 towards the Local Heritage Places Grants and \$7,200 towards the Heritage Advisory Service. The offer is subject to the adoption of the Eurobodalla Heritage Strategy 2017-2021.

Action 29 of the strategy, funding the Museums Advisors Program, will require a funding allocation of \$7,000 per annum to match equal funding with Create NSW delivered through [Museums & Galleries of NSW](#) for the duration of this strategy.

Community and Stakeholder Engagement

We have involved Council's Heritage Advisory Committee in the development of the draft Heritage Strategy 2017-2021 through workshops with the committee.

We will inform the community through providing information on Council's website and distributing a media release.

CONCLUSION

Eurobodalla Shire Council has managed a highly successful heritage program over the last 23 years, achieving many rewards and recognition of its valuable work. Council's continued support for heritage management, promotion and protection for 2017-2021, as outlined in the new Heritage Strategy, will ensure the continuation of this work and best practice heritage management in Eurobodalla and build upon a rich tourism drawcard.

The strategy has been developed in close consultation with the Council's Heritage Advisory Committee and Council's Heritage Advisor. The Heritage Advisory Committee has recommended the Heritage Strategy 2017-2021 to Council for adoption.

Museums & Galleries of NSW

MUSEUM ADVISORS PROGRAM

The Museum Advisors Program is an important service co-funded by Arts NSW and local government and coordinated by Museums & Galleries NSW (M&G NSW). Local Governments are invited to participate through matching the Arts NSW funding of \$7,000.

The Museum Advisors Program assists local governments and volunteer museums to develop more effectively operated and vibrant museums leading to greater cultural and tourism opportunities for the museums and their towns.

The scheme is modelled on the Heritage Advisors Network, which is coordinated by the NSW Heritage Branch of the Department of Planning. This funds Heritage Advisors to work with councils across NSW to facilitate a better understanding of heritage and its importance in the community.

The Museum Advisors Program operates in a similar manner to place experienced museum specialists to work with local museums within a local government area.

The aim of the Museum Advisors Program

The aim of the service is to facilitate the development of museums in regional NSW. This will be undertaken in the following ways:

1. Preparing a Museum Development Plan for a museum or groups of museums in a local government area, based on analysis of collections, history and community identity of the local government area.
2. Developing connections between local government and museums in a local government area to encourage cooperation within a community.
3. Raising standards in museums through training, introducing best practice standards in conjunction with M&G NSW and assisting museums to identify gaps in skills and ways to meet needs in any definable area of museum practice.
4. Developing projects that enliven the presentation of museums, and help to realise their potential as tourism and educational resources.
5. Giving advice to the local government and museums on all aspects of museum practice in advance to ensure best practice museum development and presentation.
6. Assisting in preparation of grants including M&G NSW Volunteer Museums grants.

Eurobodalla Heritage Strategy 2014 – 2017

Performance Report

Our Vision

The Shire's environmental heritage is identified, promoted and sympathetically managed for present & future generations.

1. Heritage Advisory Committee

Strategy

Continue to manage and support Council's Heritage Advisory Committee.

Tasks

1. Heritage Advisory Committee assists by acting as a conduit between the general community and Council on heritage related matters.
2. Heritage Advisory Committee provides advice on heritage-related matters which are of interest to the community by providing expertise, local knowledge and guidance.
3. Heritage Advisory Committee provides advice on strategies to ensure the conservation of items listed in Council's Local Environmental Plans.
4. Heritage Advisory Committee advises Council staff and the Heritage Advisor on matters relating to the implementation of the Council's Heritage Strategy and assists Council with procuring and allocating funding.
5. Heritage Advisory Committee members participates in meetings, field trips and site visits as required in order to expand their knowledge of heritage items within the Shire.

Outcomes

Achieved – Fourteen meetings of the Heritage Advisory Committee were held during the three-years of the previous strategy. They were organised and documented by Council to ensure that the Council is updated on heritage matters and to provide a forum for dialogue related to the conservation of the Shire's heritage.

Advice and dialogue on heritage items, policies, interpretation, studies, issues and strategies and other projects is provided by the committee to Council in the management of the Shire's heritage.

2. Identification and listing of heritage items, areas and sites

Strategy

To ensure Council's Local Environmental Plans include up-to-date lists of environmental heritage items.

Tasks

6. Maintain a Potential Heritage Items List and investigate the heritage significance of items as resources become available.
7. Ensure Council's Local Environmental Plans are updated with new or amended heritage items and

Outcomes

Achieved – A Potential Heritage Items list is maintained and nominated places are investigated and assessed as resources allow.

New items, such as the Wallace Herbarium and

that property descriptions are kept up-to-date.	<p>the Norfolk Island pine plantation at Tarandore Point Tuross Heads, have been listed as they are assessed as having heritage significance. Further, as property details change the heritage schedules within the LEPs are updated.</p> <p>The recommendations of the Community Based Heritage Study 2011 are being included in Eurobodalla Shire Council's Local Environmental Plans. eg. Francis Guy Residence and Store. Also, the Headmaster's Residence at 253 Princes Hwy Narooma.</p> <p>Collectively there has been a significant update to the heritage schedule during the period of the strategy.</p>
8. Maintain a Tree Register and assess against a rigorous criteria as resources allow.	Achieved - A Significant Tree Register is maintained and publicly available.

3. Heritage Advisory Service

Strategy

Continue to support and fund a Heritage Advisor to assist Council, the community and owners of heritage listed items.

Tasks

9. The primary task of the Heritage Advisor is to provide professional heritage advice that assists Council to work with the community to ensure that heritage conservation and urban design are well managed and presented in Eurobodalla.
10. Provide a Heritage Advisory Service to the owners of listed heritage items at no cost to them.

Outcomes

Achieved – Over 150 items of professional advice were provided by the Heritage Advisor to inform decision-making by staff and owners of heritage items in order to best manage, conserve and protect heritage in Eurobodalla.

4. Managing local heritage

Strategy

To research, interpret and conserve the significant heritage items that have shaped the history and development of Eurobodalla.

Tasks

11. Continue to work with the Office of Environment and Heritage and other relevant agencies to map the location of the identified historic bridle tracks in Eurobodalla Shire.
12. Support our local Historical Societies with funding for specific approved projects and the continuation of information sharing.

Outcomes

Achieved - The Byrnes, Bate and Tarlington Tracks and the Bridle Tracks have been mapped and included in the Eurobodalla LEPs.

Achieved - through the Historical Societies Support Grants and other in-kind support.

13. Work with the historical societies and the wider community to undertake a thematic study of historic tree plantings along the coast and bays of the Eurobodalla to investigate their potential heritage significance.	Not Achieved – limited resources did permit the completion of this task. Could be considered under 2017-21 resources permitting.
14. Work with community groups to undertake architectural, photographic and mapping of heritage sites at risk in Eurobodalla as they become apparent.	Achieved - Francis Guy Residence and Store, Clyde St Batemans Bay, the Norfolk Island pine plantation at Tarandore Point Tuross Heads.
15. Adopt a flexible and sympathetic approach to conservation works or proposals.	Achieved – Guidance of works on heritage have been pragmatic to the effect that heritage listing does not create an unreasonable burden on a property owner.
16. Work with landowners to adopt the directions of the Bodalla Cultural Landscape Study to guide any future development of the rural area to the north and west of Bodalla.	Not Achieved – Delayed pending resolution of the Eurobodalla Rural Land Strategy planning proposal. Could be considered under 2017-21 resources permitted.
17. Encourage, and support where possible, the archiving of local newspapers on the Trove website.	Achieved – Supported through letter of support to custodians of Trove.

5. Local Heritage Places Grants

Strategy

Continue to coordinate and finance Local Heritage Places Grants to provide small grants to support owners of heritage items in maintaining and conserving their property.

Tasks	Outcomes
18. Support the conservation and maintenance of heritage items through Council's Local Heritage Places Grants.	Achieved - Maximum funds employed to assist with conservation and maintenance works of heritage items
19. Advertise and promote the availability of grant funding for heritage items.	Achieved - Grant opportunities publicised to eligible parties.
20. Provide assistance to owners of heritage items in procuring grant funding.	Achieved – Provided advice and letters of support to facilitate grant applications by community groups to win over \$200,000 in NSW government grants
21. Encourage the appreciation and conservation of our heritage.	Achieved – Positive, pragmatic and flexible heritage advice provided by Council's Heritage Advisor and Strategy and Heritage Planner has led to an appreciable increase in the appreciation and value of the Shire's heritage. This is evidenced through the positive nature letters from the community to Council.
22. Conduct an awards program for members of the community engaged in the promotion and conservation of the heritage of the Eurobodalla Shire.	Achieved – Adopted by Council mid-2017. To be commenced 2018 – The Fergus Thomson Heritage Award will recognise community members who do excellent work in preserving the Shires heritage.

6. Educational and promotional programs

Strategy

Continue to fund and present educational and promotional programs

Tasks	Outcomes
23. Provide training for Council Development Assessment staff in assessing development applications for new development on properties that contain or are adjacent to heritage items.	Not achieved in the term of the strategy but currently being negotiated for 2018.
24. Council staff to continue to attend and participate in the Office of Environment and Heritage Division's training and educational programs.	Achieved – Council's Strategy and Heritage Planner has attended the annual heritage seminar, training and workshops disseminates information to relevant staff.
25. Provide information on heritage resources, management, heritage tourism and links to relevant websites which would be accessible from Council's website.	Achieved – Through Council's web site, the wider community has access to relevant procedures, initiatives and techniques on heritage and heritage management in the Eurobodalla Shire.
26. Support exhibitions and information sessions on heritage issues and topics.	Achieved – For example, a historical portraits exhibition held in Moruya Library and the Dairy Industry Heritage photographic exhibition.
27. Employ a coordinated approach to the development of digital and printed heritage tourism maps in collaboration with Eurobodalla Tourism.	Achieved - The local tourism industry is enhanced by the offer of rich heritage products in the form of maps of heritage walks and drives. Tourist maps promote heritage tourism within the Shire, showcase this community's rich and vibrant heritage and continue to develop a sense of identity for the Eurobodalla beyond forests and beaches.
28. Encourage participation in the annual National Trust Heritage Festival.	Achieved – Each year local historical societies are made aware of the opportunity and path to participation in the festival.

7. Managing Council owned heritage places

Strategy

Properly manage Council owned and/or managed heritage assets such that they are well maintained and used by the community

Tasks	Outcomes
29. Cooperatively manage Council's heritage assets with the community.	Achieved - Council's heritage assets are generally well maintained and accessible to the community. A good example is the Mechanic's Institute Hall in Moruya.

<p>30. Ensure Council owned and/or managed heritage items or areas are specifically addressed in Council's Asset Management Plan with actions for conserving the item for its heritage values.</p>	<p>Achieved - Council's Asset Management Plan identifies heritage items and their maintenance requirements.</p>
<p>8. Sustainable development Strategy Encourage the sustainable development of heritage items through the development assessment process.</p>	
<p>Tasks</p>	<p>Outcomes</p>
<p>31. Development assessment staff to consider the following when assessing development applications:</p> <ul style="list-style-type: none"> a. encouraging and supporting compatible adaptive reuse/infill/ sympathetic additions to heritage items; and b. sensitive application of the BCA and <i>Disability Discrimination Act 1992</i> requirements for new development in a heritage building; and c. incorporation of energy efficient design solutions into heritage items for water, energy and waste. <p>32. Encourage owners of heritage items to consider sustainable development options when preparing conservation/development applications for approval on heritage items.</p>	<p>Achieved - Sustainable development is employed as a tool for the preservation and conservation of heritage items.</p> <p>Achieved - Sympathetic sustainable development contributes to the viability of heritage items. Application of the principle of doing "as much as necessary but as little as possible" when conducting work on heritage items means that the construction energy embedded in a building is not wasted.</p> <p>This has been achieved through advice from Council's Heritage Advisor and council staff.</p>

PSR17/079 SUBDIVISION AT MORUYA AIRPORT FOR ELEVEN (11) ADDITIONAL LOTS 89.2443.S

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Focus Area: Productive Communities
Delivery Program Link: P1.1 Facilitate growth and development of our business community
Operational Plan Link: P1.1.3 Promote Eurobodalla as the place to invest and do business

Applicant: Eurobodalla Shire Council
Land: Lot 11 DP 1229406 Bruce Cameron Drive, Moruya (Moruya Airport)
Area: 232.7 hectares
Setbacks: Not relevant
Height: Not relevant
Zone: SP1 (Airport)
Current Use: Airport
Proposed Use: Commercial Aviation Business
Description: 11 Lot Subdivision
Permitted in Zone: Yes
DA Registered: 31 August 2017
Reason to Council: Council is the applicant and owner
Recommendation: Approval

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the subdivision of land at Moruya Airport to create eleven allotments to the north-west of the runway, for the purpose of future commercial aircraft hangers.

The application is reported to the Ordinary Meeting of Council as Council is both the applicant and landowner.

The development is consistent with the Moruya Airport Master Plan and will meet relevant Council and State Policies applicable to the land and development.

There is an unresolved matter in relation to Aboriginal heritage, about which further information has been sought by the Office of Environment and Heritage. Subject to a satisfactory resolution to the Aboriginal heritage matters, the proposal is considered suitable for the site and will strengthen the economic vitality of the airport precinct.

It is recommended that approval be granted subject to a positive response from the Office of Environment and Heritage in relation to cultural heritage.

PSR17/079 SUBDIVISION AT MORUYA AIRPORT FOR ELEVEN (11) ADDITIONAL LOTS 89.2443.S

RECOMMENDATION

THAT pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, Development Application No. 130/18 in relation to Lot 11 DP 1229406 Bruce Cameron Drive, Moruya be **APPROVED** subject to conditions as set out below and a positive response from the Office of Environment and Heritage:

- That the proposed development:
 - (a) achieves the objectives of the Environmental Planning and Assessment Act, 1979;
 - (b) complies with the provisions of all relevant Environmental Planning Instruments;
 - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies;
- That the relevant public authorities have been consulted and their requirements met, or arrangements made, for the provision of services to the satisfaction of those authorities;
- It meets the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979 and Section 64 of the Local Government Act 1993;
- That the protection of the amenity and character of land adjoining, and in the locality of the proposed development;
- Any potential adverse environmental, social or economic impacts of the proposed development is minimised; and
- That all traffic, car parking and access requirements arising from the development are addressed.

GENERAL CONDITIONS

1. **Approved plans**

The development must be carried out in accordance with the following stamped approved plans and documentation, or as modified by any conditions of this consent, or as noted in red by Council on the approved plans.

DA & Sheet No.	Plan No.	Date of Plan	Prepared by
130/18 Sheets 1 to 7 (inclusive)	2815 Set M, Sheets 1 to 7 (inclusive)	27 July 2017	Eurobodalla Shire Council
130/18 Sheet 8	2815, Set M, Sheets 13	24 August 2017	
130/18 Sheet 9	2815, Set M, Sheets 15	15 September 2017	

Note: Any alteration to the plans and/or documentation may require the lodgement of an application to modify the consent under s96 of the Environmental Planning and Assessment Act (EPA Act) 1979, or a fresh development application. Your Principal Certifying Authority should be consulted prior to any works contrary to this consent being carried out.

PSR17/079 SUBDIVISION AT MORUYA AIRPORT FOR ELEVEN (11) ADDITIONAL LOTS 89.2443.S

Where there is an inconsistency between the documents approved with this consent and the following conditions, the conditions shall prevail to the extent of that inconsistency.

2. *Biocertification Obligations*

The Landowner must purchase credits for developing land as required under Schedule 3, 2(a) of the Biocertification Agreement. The purchase and retirement of credits shall occur within 90 (ninety days) of the date of this determination.

3. *Aboriginal Heritage*

Prior to any work taking place, the consent holder shall obtain an Aboriginal Heritage Impact Permit. The disturbance of Aboriginal objects in carrying out the works subject of this Consent is limited to those which are permitted by that Permit. Any works which are likely to disturb any further areas may be subject to the need for a further AHIP for those works.

If any Aboriginal relics or objects are uncovered during work, excavation or disturbance of the areas outside of those permitted by the AHIP, any activity must stop immediately and the Environmental Protections and Regulation Group of the Office of Environment and Heritage is to be immediately contacted.

4. *Clarification of Consent*

This consent relates to the subdivision for the purpose of 11 new lots, land clearing, access road and fencing only as depicted on approved plans.

Note: The consent is reliant upon the installation of services, taxiway extension and intersection upgrades which is to be assessed and carried out separately under Part 5 of the Environmental Planning and Assessment Act 1979.

5. *Prior to the Issue of Infrastructure Construction Certificate*

Submission to and approval by Council of engineer's design for the internal road and drainage system is required prior to the issue of the Infrastructure Construction Certificate. Plans are to be in accordance with Council's Infrastructure Design Standard.

Drainage infrastructure to the access road and the new lots in accordance with design plans prepared by a suitably qualified practising professional. The design plans shall be in accordance with Council's infrastructure Design Standards for commercial/industrial developments (5% AEP design flow). The stormwater network shall include a legal discharge/connection location within each lot. The design shall ensure all lots which cannot drain to a street are to be provided with adequate inter-lot stormwater drainage disposal and any associated drainage easements. Where required to meet the objectives of the stormwater design, a positive covenant is to be placed on the title of all lots requiring each future development to provide rainwater tanks, onsite detention, subsurface absorption as specified in the design. The requirements of such systems shall be specified in the positive covenant.

The drainage design shall consider the ultimate drainage solution for the Airport west precinct.

PSR17/079 SUBDIVISION AT MORUYA AIRPORT FOR ELEVEN (11) ADDITIONAL LOTS 89.2443.S

The stormwater infrastructure shall be installed in accordance with Council's Construction Specifications.

The fee for the issue of the Infrastructure Construction Certificate is currently \$1535 per lot or will be charged at the rate for the current financial year at the time of issue, as set in Eurobodalla Shire Council's Fees and Charges.

The Construction Certificate for the provision of engineering infrastructure for this development is required in addition to the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia.

PRIOR TO COMMENCEMENT OF WORKS

6. *Construction Certificates*

A Construction Certificate is to be issued prior to any works, including clearing or installation of services, being undertaken on the site.

7. *Imported Fill*

Prior to the importation of fill onto the development site details of the origin/quality of the material are to be provided to the Council's Divisional Manager of Development Services. The fill is to be certified as virgin excavated natural material (VENM). The fill is to be of similar particle size distribution to the natural soil (i.e. sand) to maintain natural hydrological regimes.

8. *Fill Requirements*

Earthworks- Geotechnical Stability:

Prior to the issue of a Subdivision Certificate if any lot on the subdivision is to be filled by over 0.2 metres in depth the entire depth of fill is to be compacted to a minimum dry density ratio of 95%.

The earthworks-filling program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-2007. In addition the frequency of field testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-2007

The Geotechnical Report shall be submitted to Council accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-2007.

9. *Removal of Hollow-bearing Trees*

If hollow-bearing trees require removal the following protocol is to be observed in order to minimise disturbance to fauna during the removal of those trees:

A fauna ecologist or handler licensed under the National Parks and Wildlife Act 1974 shall supervise and provide instructions on the felling of hollow bearing trees. Arrangements shall be made for their attendance on site during the time that hollow bearing trees are to be cut down.

Clear non-hollow bearing trees first as approved on the tree plan. Remaining hollow

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bearing trees shall be shaken and/or nudged by tree-felling equipment to encourage any fauna to vacate the trees. In the event that fauna emerge from a hollow, they must be permitted to exit the tree prior to felling.

Felled trees should be gently lowered to the ground (where possible) and left overnight to allow any remaining fauna to vacate hollows.

10. *Erosion and Sedimentation Control*

During the works, the design, management and implementation of pollution controls must be consistent with "Managing Urban Stormwater: Soils and Construction guidelines; 4th Edition Landcom 2004 (The Blue Book)" to ensure containment of sediment to the immediate work site. All sediment control measures must be regularly inspected and cleaned out and/or repaired as necessary, and all collected silt disposed of appropriately. The controls are to be maintained and remain in place until the development is completed and disturbed areas are stabilised.

Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.

DURING CONSTRUCTION

11. *Loading and Unloading of Construction Vehicles*

All loading and unloading associated with construction must be accommodated on-site. If this is not feasible, an application may be made for the provision of a construction zone, during the specified hours of work.

12. *Hours of Construction - NOISE*

If audible at any residence or other sensitive noise receiver, construction may only be carried out between 7.00am and 6.00pm on Monday to Friday, and 8.00am to 5.00pm Saturdays. No construction can be carried out on a Sunday or public holiday if audible at any residence of other sensitive receivers.

13. *Stormwater management and inundation*

During the works, and once complete, any stormwater leaving the site complies with the water quality benchmarks for estuaries of the catchments within the Batemans Marine Park (Moruya River) as expressed in the NSW Water Quality Objectives (WQOs) developed in accordance with the ANZECC 2000.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

14. *Restriction as to User - Prohibition of Residential Development*

In accordance with the undertaking specified by the applicant, a restriction as to user shall be placed on Lots 1 to 11 prohibiting residential development on each of the respective lots.

15. *Plan of Survey Amendment*

The Plan of Survey submitted in conjunction with an application to Council for a Subdivision Certificate is to incorporate requirements specified in the conditions of subdivision approval.

16. *Easements*

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The Plan of Survey subject of a Subdivision Certificate shall create drainage, water, sewer and service easements where required and/or as directed by Council, free of all costs to Council.

17. Telecommunications Cabling

Prior to issue of a Subdivision Certificate the applicant shall provide to Council written confirmation from Telstra that arrangements have been made for telecommunication cabling to all lots including the provision of NBN cabling and conduits.

18. Inter-allotment Drainage

Prior to issue of a Subdivision Certificate the applicant shall, in accordance with design plans approved by Council and subject of a Construction Certificate, construct an inter-allotment drainage scheme for all lots that cannot discharge stormwater to Council's street or an approved stormwater drainage scheme.

19. "Work as Executed" Plans

Prior to issue of a Subdivision Certificate the applicant shall provide Work as Executed plans in accordance with Council's specification, duly certified by an engineer or registered surveyor, for all construction work required pursuant to a condition of subdivision.

20. Compliance Certificates

Prior to issue of a Subdivision Certificate the applicant shall apply to Council for a Compliance Certificate for works carried out as a condition of subdivision for which specific design plans were required and a Construction Certificate issued.

21. Subdivision Certificate

A Subdivision Certificate is to be obtained once any works required by this consent are complete. Submission of a completed subdivision certificate application form together with all required documents and fees is required to be made to Council. The application form, checklist and fee detail can be found at www.esc.nsw.gov.au.

22. Section 94 Contributions Subdivision

Prior to issue of a Subdivision Certificate the developer/consent holder shall pay Council contributions towards the provision of public amenities and services in accord with Council's Contributions Plan. The contribution rates for the current financial year are as follows:

- a) Waste Disposal \$1421.20

Note: The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. Contributions can be paid prior to each stage of the subdivision.

23. Road Works – Intersection with George Bass Drive

Prior to issue of a Subdivision Certificate the applicant shall construct an intersection to George Bass Drive to the standards of Council's Infrastructure Design Specification, including associated drainage and erosion/sediment controls.

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24. Road Works and drainage – internal road and subdivision

Prior to issue of a Subdivision Certificate the applicant shall construct the road to the standards of Council's Infrastructure Design Specification, including associated drainage and erosion/sediment controls, in accordance with Design Plans subject of a Construction Certificate.

25. Road Dedication

The Plan of Survey subject of a Subdivision Certificate shall include dedication of all roads, road widening and pathways to Council's standards and/or requirements free of all cost to Council.

26. Sewer Reticulation

Prior to issue of Subdivision Certificate the applicant shall construct sewer reticulation to the new lots in accordance with Council's codes and specifications and provide certified Works as Executed Plans to Council.

27. Pressure Sewerage System (where pods not previously installed)

Development will be connected to Council's sewer mains via a Pressure Sewerage System. Council will maintain and install the Pressure Sewerage System in accordance with the adopted Pressure Sewerage System Policy. This Policy can be viewed on Council's web site. Prior to the release of the subdivision certificate the developer shall provide payment of the prescribed fee of \$11,000 per lot (refer to the Fees and Charges Policy viewable on Council's website) for the future installation of the pressure sewerage pods.

28. Water/Sewer Developer Contributions - Subdivision

Prior to the issue of a Subdivision Certificate the developer/consent holder will have to be eligible to obtain a Section 307 Certificate of Compliance under the Water Management Act 2000/ compliance with Section 64 of the Local Government Act 1993. To be eligible, the developer/consent holder will have to contribute:

- a) \$134,530 (11 ET) for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$12,230
- b) \$117,095 (11 ET) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$10,645.

Note: The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. Contributions can be paid prior to each stage of the development.

29. Water Reticulation

Prior to the issue of a Subdivision Certificate the applicant shall construct water reticulation including 20mm water service connections to each newly created lot in accordance with Plan No: 4753. The limit of the service connection shall be the 20mm M*F stopcock.

Work as Executed Plans are to be submitted to Council prior to the release of the Subdivision Certificate.

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30. *Electricity Supply*

Prior to issue of Subdivision Certificate the developer/consent holder shall provide to Council written confirmation from the electricity supply authority that all relevant requirements for supply of electricity to all lots have been satisfied including provision for street lighting (where applicable).

ADVISORY NOTES

(i) *Discovery of a Relic*

If Aboriginal relics or objects are uncovered during work, excavation or disturbance of the area, any such activity must stop immediately. The Environmental Protections and Regulation Group of the Office of Environment and Heritage is to be immediately contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

BACKGROUND

The Moruya Airport Master Plan (the master plan) was adopted by Council on 26 May 2015 and was followed by the endorsement of the Moruya Airport Business Case on 9 June 2015. The master plan sets out a long-term vision for Moruya Airport and lists employment generating development options for the future with indicative costings. The master plan identified eight stages of development. Stage one identifies land to the south-west and north-west of the runway as an aviation/marine precinct and phase one of the commercial aviation business precinct.

The implementation of the Moruya Airport Master plan is a key project stated within Outcome 7 (Connected and Accessible Places) of Council's Delivery Program 2017-2021 with reference to commencement of the implementation of Stage 1 and 3 at 7.4.1.2 of the Operational Plan 2017-2018.

At the Ordinary Meeting of 12 September 2017, Council considered a development application (742/17) for four (4) lots on the south-western side of the existing hangers and runway. It was resolved at that meeting that the application be approved subject to a positive response being received from the Office of Environment and Heritage (OEH) in relation to cultural heritage. The matter is being considered by OEH.

The current application (DA 130/18) was submitted by Council on 31 August 2017 and seeks consent to subdivide land on the north-western side of the runway, representing the remainder of stage one of the master plan and is the subject of this report.

The main considerations which are of particular relevance to the assessment of the current proposal include:

- permissibility of the proposed development;
- ensuring the development is generally consistent with the master plan which has been adopted for the land;
- ensuring access is available to the proposed lots;

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- measures to ensure environmental impacts to surrounding land and the Moruya River are adequately addressed;
- impact upon any known objects or places of Aboriginal heritage; and
- adequate provision of water, sewer, stormwater, power and telecommunication infrastructure will be made available to the lots.

The above considerations are addressed within the Policy and Environmental sections of this report.

POLICY

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and the following relevant legislation, planning instruments and policies.

The proposed subdivision does not trigger designated development provisions nor requires any integrated permits or approvals.

State Environmental Planning Policy (SEPP) 71 – Coastal Protection

The subject site is situated within the Coastal Zone, and as such the provisions of SEPP 71 applies. The proposal will not impact existing public access to or along the foreshore and the site is not positioned such that opportunities exist to improve existing access. The proposal does not involve subdivision of land in a residential or a rural residential zone and therefore is not subject to the requirement for a master plan pursuant to cl. 18. The proposal is considered satisfactory in terms of measures to conserve animals, fish, existing wildlife corridors, coastal hazards, Aboriginal cultural significant places and the cumulative impact of development along the foreshore. The proposal will achieve a satisfactory response with regard for the matters for consideration under State Environmental Planning Policy No. 71.

Eurobodalla Local Environmental Plan 2012 (LEP)

The site is zoned SP1 – Special Activities (Airport) pursuant to the *Eurobodalla Local Environmental Plan 2012* (LEP). It is noted that subdivision and the intended use are permissible with consent on the land, and the intended use is consistent with the objectives of the zone. No minimum lot size applies to the land the subject of the proposal. The lots are to be utilised for commercial aircraft hangers and plans indicate satisfactory envelopes to accommodate the hangers. An assessment has been carried out against the relevant provisions of the LEP and the development

Moruya Flood Plain Code

The property is identified as flood prone. The current day 1% AEP flood level is identified as 3.85m AHD. The 5% AEP flood level is identified as 2.66m AHD. The existing level of each of the respective lots is well above these levels along with access. Accordingly, the proposal is considered satisfactory with regard for considerations and requirements of the Moruya Flood Plain Code.

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ENVIRONMENTAL

The site of the proposed subdivision is a reasonably level, vegetated parcel of land to the north-west of the runway and located approximately 450m from the Moruya River. The lots are situated at a distance greater than the 40m buffer zone stipulated for a Category 1 watercourse in Council's LEP. Conditions are recommended to ensure that the proposed lots will have stormwater measures within each lot to mitigate any offsite drainage impacts.

The proposal will require land clearing to accommodate the lots and access road. The land under application contains Bangalay Sand Forest which is an endangered ecological community. Biodiversity certification applies to the land and as such no further consideration of impacts to biodiversity is required. Recommended conditions include retirement of biodiversity credits in accordance with the biodiversity certification agreement.

Council has considered the potential impacts to matters of national environmental significance as required under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999. The significant impacts to matters of national environmental significance are considered unlikely. A referral to the Australian Government is therefore not considered necessary.

The land is identified as being subject to Class 4 Acid Sulphate Soils on the Acid Sulphate Soils Map. The LEP requires consent if work occurs more than 2m below the natural ground surface, or if the water-table is likely to be lowered by 2m below the natural ground surface. The physical works relate to cut and fill to an average depth of 800mm associated with the road construction and do not require ground disturbance below 2m. As there will be limited, or no excavation required, the proposal is considered unlikely to expose acid sulphate soil and as such no specific condition is deemed necessary in relation to this issue.

Consideration of prior contamination is required pursuant to the requirements of State Environmental Planning Policy No. 55. The proposed lots are well distanced from operational activity of the airport and there is no evidence to suggest that the area where the lots are to be situated is contaminated.

Water, sewer, storm water, power and telecommunication facilities are both feasible and proposed for the allotments, however, these services will be assessed and approved separately as infrastructure under Part 5 of the Environmental Planning and Assessment Act 1979.

The site of the proposed subdivision and roadwork contains landscape characteristics, which have been assessed as being archaeologically sensitive. The application has been referred to the Office of Environment and Heritage (OEH) who have requested the results of consultation with the Aboriginal community prior to providing comments. Due to the high likelihood of Aboriginal objects, Council is not in a position to determine the application without confirmation from OEH. The information requested by OEH is in the process of being finalized. This is the only outstanding matter which is currently preventing determination.

CONSULTATION

The application was publicly advertised between 19 September and 11 October 2017 in accordance with Council's Advertisement and Notification Code. This process involved the placement of a notification sign, notification by mail to adjoining property owners, placement

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of a notice in the local paper and the proposal was on display in Council's customer service office in Moruya.

The application was referred to the NSW Office of Environment and Heritage regarding cultural heritage issues. The application was also referred to the Civil Aviation Safety Authority (CASA) previously and no objections were raised.

One submission was received during the public notification and advertising period with concerns raised in relation to the size of the allotments being larger than required to accommodate recreational aircraft and also that the subdivision does not provide for a sea plane to transit from the existing airport to the boat ramp for launching. The subject lots are identified for commercial aviation use within the Airport Master plan and the lot sizes and layout has been designed to suit this end use. The need for recreational smaller aircraft storage is recognised within the Master plan and is to be provided for at a later stage of development to the north-east of the proposed lots. The comments in relation seaplane access are not relevant to the current application as these lots are not positioned such to facilitate access to the river.

CONCLUSION

The application gives positive implementation to the range of uses provided for within Moruya Airport Master Plan and is permissible with consent under the Eurobodalla Local Environmental Plan 2012. With the exception of Aboriginal heritage matters, to which further work and consultation is currently being undertaken, the application adequately addresses matters of relevance to the proposal.

Subject to a satisfactory resolution to the Aboriginal heritage matters, the proposal is considered suitable for the site and will strengthen the economic vitality of the airport precinct.

It is recommended that approval be granted, subject to a positive response from the Office of Environment and Heritage in relation to cultural heritage.

PSR17/080 NAROOMA OYSTER FESTIVAL

E15.9389

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

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P1.3 Seek and support the development and hosting of events

Operational Plan Link: P1.3.1 Support event organisers in the delivery of a range of events

EXECUTIVE SUMMARY

The purpose of this report is to seek Council support for the request by the Narooma and District Chamber of Commerce to increase Council's current cash contribution for the Narooma Oyster Festival from \$5,000 to \$10,000 for 2018.

RECOMMENDATION

THAT Council allocate \$10,000 from the Events Support Program to the Narooma and District Chamber of Commerce to support the 2018 Narooma Oyster Festival.

BACKGROUND

The Narooma Oyster Festival (the 'festival'), an initiative of the Narooma and District Chamber of Commerce, aims to be the NSW South Coast's premier regional event. The festival, now preparing for its tenth year, is entirely a destination marketing initiative to showcase the region's industries, tourism opportunities and community and lifestyle.

The festival has been hugely successful in generating positive public relations, making industry partnerships for local producers and providing the impetus for visitors to Eurobodalla.

CONSIDERATIONS

The 2017 review of the 2011-2020 Eurobodalla Destination Management Plan noted that flagship events have the potential to act as a 'cornerstone' or flagship tourism event for Eurobodalla Shire by contributing to the unique character of the region, attracting overnight tourism and delivering long-term benefits to the region. The review recommends identifying three annual signature events that Council and industry will support to attract new repeat visitors and promote and celebrate Eurobodalla's nature-based and regional food experiences.

The Narooma Oyster Festival meets the criteria for a signature event.

Policy

The Community Grants Policy aligns community grants with Council's strategic objectives and planning. It establishes clear expectations around Council and community roles and sets out an accessible yet rigorous and robust approach to governance and accountability. Under Section 9 (Events grants) of the Community Grants policy, Council offers an Event Support Program to support and grow events which provide Eurobodalla with an economic boost.

The requested funding will come from the Event Support Program under the Community Grants Policy.

PSR17/080 NAROOMA OYSTER FESTIVAL

E15.9389

Social Impact

Planning and conducting festivals involves many members of the community, which results in a number of social benefits. Festivals foster community pride, teach people new things, and strengthen relationships.

Economic Development Employment Potential

The festival has run for nine years and has routinely attracted 3,000 to 4,000 attendees. The Festival traditionally contributes approximately \$500,000 directly to the local economy, using the NSW Department of Industry formula. This formula factors in variables such as where attendees live, length of stay and a conservative average Eurobodalla domestic visitor overnight spend of \$129* per person and visit spend of \$433* per person. (*Destination NSW LGA profiles December 2016).

The local oyster industry's peak body, "The Australia Oyster Coast" brought significant seafood industry influencers to the festival who declared the festival the 'best oyster festival in the country'.

The festival was lifted to a new level in 2017. This was due to a few key initiatives such as the cooking program featuring Colin Barker, the executive chef at The Boathouse on Blackwattle Bay, arguably one of the best oyster restaurants in the country. John Susman, Australia's pre-eminent providore of seafood and Stephen Hodges, regarded by many as Australia's best seafood chef, also brought their expertise to the festival. These chefs are keen to bring their resources, network and support to the 2018 festival.

A partnership with WIN TV was developed, which more than doubled the festival's investment in regional television advertising.

The 2017 festival had its best ever participation from oyster farmers drawn from five estuaries within the region. The Festival provided oyster farmers a platform to showcase their industry and product. Australia's oyster coast's oyster precinct ('oyster alley') featuring stalls run by oyster farmers, was busy all day. They reported selling between 180-200 dozen oysters per stall on average.

The 'ultimate oyster experience', the only separately ticketed event, was sold out well in advance and tickets for 2018 are already selling online.

It also provided a platform to boost the area's reputation for quality sustainable produce, with dairy, beef and seafood producers participating. A number of producers made new contacts for supply and Australia's oyster coast developed a major supply contract with the Merivale Group of restaurants in Sydney.

Financial

The commitment of the 2017-2018 event support budget year to date is \$38,000, including the existing \$5,000 committed to the oyster festival. There are adequate funds in the budget to contribute an extra \$5,000 to this event, leaving sufficient funds to support other events for the remainder of the financial year.

Destination NSW, Club Narooma and Eurobodalla Shire Council are major partners of the festival and provide both financial support and goods and services in-kind.

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E15.9389

The festival is a recipient of a Destination NSW Regional Flagship event grant of \$27,500 per year. The grant funds the festival's integrated print, digital, TV, social media and outdoor advertising program.

The return on investment included premium editorial print and digital media coverage, and endorsement in a variety of food, travel and industry publications, including the *Australian Traveller* magazine, *Delicious* magazine, *The Weekend Australian (Travel and Indulgence)*, *SBS Food*, *Sydney Time Out* and *The Hospitality* magazine. High profile food and travel bloggers including Carla Grossetti and David Tang (*I Ate My Way Through*), provided significant social media coverage.

The festival is funded by gate takings, retail revenue, and corporate and community partners.

Ticket prices will be increased in 2018 from \$10 to \$15 per adult (children remain free). New revenue opportunities are being explored including expanding the number of ultimate oyster experiences, keeping the bar open longer, new corporate sponsorships, and satellite events in the lead-up to the festival.

Community and Stakeholder Engagement

We have collaborated with the community by seeking advice, ideas and recommendations from the Narooma and Districts Chamber of Commerce Committee.

CONCLUSION

Council recognises quality events as an essential part of Eurobodalla's economic sustainability and as a vehicle to enhance a sense of community. The Narooma Oyster Festival presents the best offering as a flagship event to be supported by Council to drive and increase visitation.

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Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: 1. Under Separate Cover - Submission - to be provided
Focus Area: Productive Communities
Delivery Program Link: P3.1 Undertake advocacy activities to further the development of transport infrastructure and support future growth
Operational Plan Link: P3.1.1 Advocate for improved infrastructure and increased levels of funding

EXECUTIVE SUMMARY

Eurobodalla Shire Council thanks the NSW Government, and the local member for Bega and Minister for Transport and Infrastructure, Hon Andrew Constance MP, for driving the proposed \$300 million investment in the new Batemans Bay Bridge and replacement of the Nelligen bridge. We thank both the current Minister for Roads, Maritime and Freight, Hon Melinda Pavey MP and the previous Minister, Hon Duncan Gay MLC, for their support of the project and for taking the time to visit the site first hand.

Batemans Bay is a regional growth centre with great potential. Situated on the Clyde River estuary at the junction of Batemans Bay Marine Park and Clyde River National Park, its future development can maximise the benefits of this unique location for both residents and visitors.

Council strongly supports the proposal for the replacement of the Batemans Bay Bridge with a new four lane bridge on the western side of the existing bridge, inclusive of the removal of the existing Batemans Bay Bridge.

The proposed new bridge represents a landmark investment in critical transport infrastructure by the NSW Government for Batemans Bay, the south coast region of NSW and the broader ACT region. The proposal will bring positive benefits for the region's economy, the efficiency and safety of road transport as well as greater flexibility in the use of the Clyde River.

More broadly, we support the commitment of the NSW Government, and Roads and Maritime Services (RMS) to continue engaging closely with Council and the community in developing detailed design solutions and the associated social, economic and environmental studies, and throughout the delivery phases of the project. This will be critical as a project of this scale in this location will need to be carefully managed to minimise disruption to the day to day activities of the community and business.

RMS has created a project page on their website for the bridge project to allow the community to remain up to date at:

<http://www.rms.nsw.gov.au/projects/south-coast/batemans-bay-bridge/index.html>

The proposed new bridge will address traffic congestion on the Princes Highway and Kings Highway, provide access for more efficient 26m B-double vehicles across the Clyde River and remove the known risks associated with the existing ageing bridge structure. The proposal also includes upgrading of the Kings Highway roundabout, enhanced pathways and opens up

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significant opportunities to redevelop and activate the foreshore on both sides of the Clyde River in the vicinity of the proposed new bridge.

RMS has already consulted the community on the preferred route of the proposed new bridge during a public exhibition undertaken from 4 August 2017 to 1 September 2017. Council made a formal submission to RMS, after consultation with RMS and Councillors, at the conclusion of the public consultation period on 1 September 2017. This submission was endorsed by Council at its meeting held on 12 September 2017.

RMS has now prepared a Review of Environmental Factors (REF) and an Environmental Impact Statement (EIS) for the Batemans Bay Bridge project, and is seeking further feedback from the community. These documents were on display for feedback from Wednesday 8 November to Friday 8 December 2017, and the deadline for submission is 8 December 2017. The timeline for consultation on the review of environmental factors is four and a half weeks which is considered short given the complexities of the project.

These documents identify the positive outcomes from the project along with the significant challenges in delivering this project at Batemans Bay. The documents propose a number of actions to mitigate both the short and long term impacts of the proposed new bridge.

RMS remains responsible for directly engaging with the community throughout all phases of this project. RMS held public drop in sessions to outline the project in more detail to interested members of the community and business on Thursday 10 August, 4pm to 7pm and Saturday 19 August, 10am to 1pm at the Batemans Bay Community Centre; and Thursday 17 August, 3pm to 6pm at the Batemans Bay Village Centre. Further public drop-in sessions were held:

Batemans Bay Community Centre

Wednesday 15 November, 3pm to 6pm

Batemans Bay Sunday Market, Corrigans Beach Reserve

Sunday 19 November, 8am to 1pm

Village Plaza

Thursday 23 November, 3pm to 5pm

Batemans Bay Community Centre

Saturday 25 November 10am to 1pm.

Due to the limited time available to Council, the following governance process has been agreed with RMS:

- i) Draft submission provided to RMS following input from Councillors by the due date of 8 December 2017. This submission was subject to review by Council at this meeting.
- ii) Final submission to be provided to RMS on 12 December 2017 following the Council meeting.

The draft submission was prepared with input from Councillors by the due date of 8 December 2017. Due to the limited exhibition timelines, the draft submission was placed on Council's

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E05.9204

website as a separate attachment to the business paper on 7 December 2017 to allow access to Council's submission by the community in advance of the Council meeting.

The overall project outcomes are considered positive for our region. There will be, however, some significant challenges in managing the delivery phases of the project and ensuring appropriate measures are put in place to offset both the short and long term impacts on the community. These are outlined within Council's draft submission.

Critical to the success of this NSW Government project will be the ongoing engagement by RMS with the community throughout the detailed design of the bridge, associated traffic management offsets (for all road users) and the redevelopment of the foreshore areas. Council's draft submission outlines a recommended approach for RMS to engage more fully with the community through the next phases of the project.

This report seeks Council's formal review and endorsement of Council's draft submission made to RMS on 8 December 2017 (within RMS's public exhibition period).

RECOMMENDATION

THAT Council endorse the submission to Roads and Maritime Services dated 8 December 2017 in response to Roads and Maritime Services' Review of Environmental Factors and Environmental Impact Statement for the Batemans Bay Bridge project.

BACKGROUND

The replacement of the Batemans Bay bridge is the responsibility of the NSW Government. RMS is the responsible NSW Government agency for the project, and has committed to working closely with Council and engaging with the community to deliver this transformational infrastructure project.

RMS has prepared a [Review of Environmental Factors](#) and an [Environmental Impact Statement](#) for the Batemans Bay Bridge project. These documents were placed on display by RMS for public comment from Wednesday 8 November to Friday 8 December 2017.

All submissions are made to RMS who will consider the issues raised and prepare a formal report on the submissions received. The RMS report on submissions will be made available on the RMS website.

Council prepared a draft submission (attached) on the proposals outlined in the REF and EIS following input from Councillors at the briefings held on 21 and 28 November 2017. Councillors further reviewed the draft submission prior to finalising the document.

The draft submission (dated 8 December 2017) from Council was then provided to RMS by the closing date of 8 December 2017, subject to endorsement by Council at the meeting of 12 December 2017.

This report seeks to formally endorse the submission made to RMS within the exhibition period.

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CONSIDERATIONS

The NSW Government has committed to replacing the Batemans Bay bridge. This is a landmark investment in transport infrastructure for our region that offers substantial short and long terms benefits to the Eurobodalla and greater region area.

The NSW Government and RMS have given an undertaking to continue to engage with Council and the community which is welcomed and essential for the success of the project.

Council has commenced development of a new vision for Batemans Bay to realise its potential as a regional economic centre and visitor destination for both domestic and international tourism. The realignment of the bridge offers a once in a generation opportunity to reshape and activate the foreshore and to plan for what Batemans Bay can be.

Batemans Bay vision and growth project aims to develop a draft vision statement for Batemans Bay with a prospectus to promote investment in the town and possible changes to planning controls to facilitate new development. The link on Council's web-site is <http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/batemans-bay-vision-and-growth-project>.

The proposed bridge project helps deliver against the outcomes in the adopted Eurobodalla Community Strategic Plan 2017, Delivery Program 2017-21 and Operational Plan 2017-18 to advocate to Government to improve the Princes Highway and Kings Highway, pathways and public transport (refer to pages 50 and 51 on the attached link):

<http://www.esc.nsw.gov.au/inside-council/community-and-future-planning/delivery-program-and-operational-plan/current-adopted-plan/DPOP-2017-Web.pdf>

Council has undertaken recent upgrade of the Batemans Bay foreshore and streets in Clyde Street, North Street (part) and Orient Street (North Street to Beach Road). The style and form of the streetscaping was developed following a rigorous community and business engagement process. The link to the project page for the most recent work is <http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/batemans-bay-streetscape-project>.

The RMS should also be cognisant of the proposed redevelopment of the MacKay Park precinct. Whilst outside of the scope of the bridge project, the final outcomes of the proposed bridge will need to provide a high quality urban design outcome for Batemans Bay. Council acknowledges the form of this marque development on this key strategic site will set an immediate impression for Batemans Bay and the Eurobodalla coast in its own right. The link on Council's web-site is <http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/proposals/batemans-bay-mackay-park-precinct-redevelopment-proposal>.

The proposed new bridge will address traffic congestion on the Princes Highway and Kings Highway, provide access for more efficient 26m B-double vehicles across the Clyde River and remove the known risks associated with the existing ageing bridge structure. The proposal also includes upgrading of the Kings Highway roundabout, enhanced pathways and opens up significant opportunities to redevelop and activate the impacted portion of the foreshore on both sides of the Clyde River in the vicinity of the proposed new bridge. The proposal also

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includes the reconstruction of an improved wharf structure to replace the existing NSW Government owned T-wharf on Clyde Street.

The proposed improvements to the existing pathway network include:

- Upgrading the existing footpath across the Clyde River and back to Peninsula Drive to a fully accessible shared pathway, thereby removing the current restriction on legal use of the bridge pathway by cyclists, and addressing the current conflict that occurs when cyclists ride across the bridge currently.
- Addressing the shortcomings of the existing footpath between Peninsula Drive and Wharf Road, which has been subject to a number of complaints to Council.
- Providing a connecting shared pathway along the Princes Highway from Clyde Street to North Street traffic lights.
- Providing a shared pathway from the foreshore on the northern side of the river along Old Punt Road to North Batemans Bay.
- Providing appropriate connections to the Clyde Street and Wharf Road precincts off the bridge.
- Providing appropriate pathways within the proposed foreshore development.

Council's submission asks RMS to incorporate further enhancements to the pathway network by:

- Extending the proposed shared pathway along the Princes Highway from North Street to the traffic lights access to the MacKay Park precinct.
- Extending the proposed shared pathway along the Princes Highway from Peninsula Drive to north of the Lincoln Downs motel and into the suburb of Surfside via the Batemans Bay Public School.

Both of these additional pathways are included in Council's adopted Eurobodalla Pathways Strategy 2017 and would normally be fully or partly funded by RMS.

Public transport will be impacted by the removal of the left turn into Clyde Street making access to the existing bus stop in Clyde Street/Orient Street more difficult. RMS will need to develop new and improved solutions for interstate and intrastate bus services within the regional centre of Batemans Bay working closely with Council to explore options.

The Review of Environmental Factors and Appendices assesses the potential environmental impacts of the proposal and identifies ways to manage them. This includes assessment impacts and mitigation measures during the construction period as well as when the bridge and associated infrastructure is in service.

The Environmental Impact Statement assesses the potential environmental impacts of the proposal specifically on the coastal wetlands located within the project site.

The proposed project will significantly change the movement of traffic within Batemans Bay CBD and on the northern side of the Clyde River. The proposal does include a number of appropriate mitigation measures. Nevertheless, given the significant impact on traffic

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movements, a longer term view of the traffic changes is required to ensure an appropriate integrated transport solution is provided for Batemans Bay and the region.

Council's submission therefore proposes a number of additional traffic management measures more appropriate to the changes that will result from the construction of the new bridge. These include additional upgrades on the Princes Highway north of the Kings Highway roundabout, at the Princes Highway/Kings Highway intersection and Princes Highway/North Street intersection, the inclusion of a northbound left turn slip lane off the Princes Highway into Clyde Street and a new entry/exit from the Village Centre car park onto Vesper Street, and the connection of the Princes Highway to the South Batemans Bay Link Road.

Council's submission also outlines the need for rigorous community engagement to develop the proposed foreshore plans using a similar process to that adopted by Council for the Batemans Bay streetscape project. RMS has advised they will engage further with the community and Council as key stakeholders throughout this process.

The construction phases of the project will require extensive management and community engagement to mitigate the disruption to the community during this period. Council's draft submission outlines the key issues and recommends measures to minimise the impacts of the works.

The full details of these impacts and mitigation measures will continue to be worked upon as the design of the discrete elements of the project are developed, when the selected RMS contractor is appointed and throughout the construction phases of the works.

The proposals in the submission will therefore require further and ongoing discussions with RMS throughout the project.

Community and Stakeholder Engagement

RMS is responsible for community and stakeholder engagement regarding the replacement of the Batemans Bay Bridge. The success of the project relies on RMS planning and implementing a rigorous engagement framework with appropriate resourcing to ensure the community and businesses are kept informed and have the opportunity to have input into the final outcomes, particularly in relation to traffic management (for all users) and the foreshore areas.

Council's submission encourages RMS to continue to engage with the community during project development and construction phases of the project.

CONCLUSION

The proposed new Batemans Bay Bridge is a landmark infrastructure project for Batemans Bay and the region. The project will have substantially positive impacts on transport and the associated economy of the region.

There will be adverse impacts during construction and when the bridge is in service. Council's submission outlines the mitigation measures required to offset these impacts.

Council's draft submission developed with Councillors was provided to RMS by the closing date of 8 December 2017. This draft submission is subject to Council's formal endorsement at the meeting of 12 December 2017.

**IR17/068 BATEMANS BAY BRIDGE REF: COUNCIL SUBMISSION TO ROADS AND
MARITIME SERVICES**

E05.9204

This report recommends the draft submission be formally endorsed by Council.

**IR17/069 MARINE DREDGING AND RENOURISHMENT OF LEWIS ISLAND
NAROOMA**

E89.2065

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Liveable Communities

Delivery Program Link: L4.2 Monitor recreational waters

Operational Plan Link: L4.2.2 Undertake estuary monitoring program

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council on 9 May 2017, Councillor Phil Constable raised a Question on Notice (QON17/003) regarding the maintenance of Lewis Island Narooma. Council subsequently resolved to:

2. Continue advocacy efforts to see the appropriate approvals, and avenues for assistance, from the relevant Government agencies to facilitate the dredging of the Wagonga Inlet and renourishment of Lewis Island.

3. Seek relevant approvals from the applicable Government agencies to enable the installation of short-term measures to mitigate further erosion of Lewis' Island; including, but not limited to;

a. the introduction of a temporary 4 knot speed limit on vessels travelling from the bridge over Wagonga Inlet to Lavender Point.

b. the establishment of an appropriate barrier to facilitate shore protection and beach renourishment.

4. Write to the Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight and the Hon. Andrew Constance MP, Member for Bega advocating for the NSW Government to fully fund all dredging works in navigational channels, noting that the NSW Government collects income generated from use of waterways and recreational fishing licenses.

5. A report be prepared to Council outlining the outcomes of (3) and (4) above with estimate of costs to undertake the protection works.

This report provides a response to the items above.

RECOMMENDATION

THAT:

1. The report providing information on the restabilisation of Lewis Island, Narooma and advocacy for a 100% NSW Government funded program for monitoring and dredging of waterways be received and noted.
2. The advocacy for a 100% NSW Government funded program for monitoring and dredging of waterways be added to Council's Infrastructure Advocacy document.

**IR17/069 MARINE DREDGING AND RENOURISHMENT OF LEWIS ISLAND
NAROOMA**

E89.2065

BACKGROUND

Lewis Island in the Wagonga Inlet, Narooma, has in the past been used for fishing, picnicking and other activities. In recent times the island has experienced erosion issues, particularly on the southern side, and the community sought Council's assistance with rectification works to stabilise the island.

More broadly, the Wagonga Inlet would benefit from dredging works to improve the channel for boating activities.

CONSIDERATIONS

Council wrote to the Hon Melinda Pavey, Minister for Roads, Maritime and Freight, on 17 May 2017, with a copy to the Hon Andrew Constance MP, Minister for Transport and Infrastructure and Member for Bega, and the Hon Bronnie Taylor, Parliamentary Secretary for the Deputy Premier and Southern NSW. The letter requested a fully NSW Government funded program for the effective monitoring of waterways and dredging program overseen by the NSW Government. The letter also sought a review of key items to reduce the 'red tape' associated with routine maintenance and minor activities undertaken by Council to manage waterway infrastructure for the boating and fishing fraternity.

A response from Hon Melinda Pavey is pending.

Council has also been advocating to Department of Industry – Lands and Forestry for dredging of the Wagonga Inlet which we believe will improve navigation in the channel, with benefits to recreational users of this area.

Council continues to advocate to the NSW Government to fully fund and implement an ongoing dredging program for navigation channels along the NSW coastline. The NSW Government currently receives income from use of waterways, such as leases, recreational fishing licenses, moorings and the like, which should be returned for the ongoing dredging operations.

A letter to NSW Maritime was also sent from Council on 27 July 2017 requesting a 4 knot speed limit be placed on vessels travelling from the Narooma Bridge over Wagonga Inlet to Lavender Point. The Maritime Division of Roads and Maritime Services (RMS) responded on 31 August 2017 with a proposal to replace existing waterway management arrangements with a single 4 knot speed limit. This covered all navigable waters from 200m east (downstream) of the Town Wharf upstream to 100m past Lewis Island. This advice was included in the Councillors' Newsletter on 15 September 2017.

Environmental

Council's Environment Team met with Marine Parks, Local Land Services (LLS) and the Office of Environment and Heritage and developed a plan to stabilise the island bank. This plan included installing eco-logs, moving some sand from the sandspit formed under the footbridge to reform the eroded bank, and restoring the natural bank by planting with natives. Mangroves are regenerating naturally and will be monitored. Some additional mangroves may be planted to further reduce wave impacts on the area. The northern part of the bank will be kept free of vegetation to allow for recreation and access to the beach area. LLS agreed to providing Council

**IR17/069 MARINE DREDGING AND RENOURISHMENT OF LEWIS ISLAND
NAROOMA**

E89.2065

with funding for the materials, and the community offered to do the work as Landcare volunteers.

Following an information session a working bee was held on the island on Saturday 28 October 2017, and the above works were conducted.

Council received a Marine Parks permit for this work.

There was also coverage of the working bee on the Narooma News website:

<http://www.naroomanewsonline.com.au/story/5018698/lewis-island-working-bee-brings-out-best-of-narooma-photos/?cs=1867>

The following before and after photos illustrate the improvements made to the island as a result of the working bee:



Southern bank of Lewis Island before renourishment works

**IR17/069 MARINE DREDGING AND RENOURISHMENT OF LEWIS ISLAND
NAROOMA**

E89.2065



Southern bank of Lewis Island after renourishment works

Community and Stakeholder Engagement

Council's Environment Team has worked successfully over the last few months with locals and volunteers to develop a plan for the renourishment of Lewis Island. A media release was issued to inform the community and encourage active participation in the working bee, which was held Saturday 28 October 2017. Activities conducted on the day were performed in accordance with the NSW Government authorised plans as above.

Over 50 people attended the four hour working bee and sausage sizzle.

Costs

A grant of \$12,000 from South East Local Land Services for erosion control materials and weed control was provided. The project works will be monitored and maintained by Council and the community volunteers. The cost to Council for coordinating the works conducted to restabilise the southern bank of Lewis Island include staff time only covered under existing budgets.

CONCLUSION

Council has advocated successfully for the implementation of a 4knot limit on Wagonga Inlet from 200m east of town wharf to 100m west of Lewis Island.

Council has worked with the community and a range of NSW Government agencies to undertake stabilisation works to Lewis Island. The island will be monitored with the assistance of the community.

Council continues to advocate to the NSW Government for a 100% funded waterways monitoring and dredging program.

**IR17/070 FUNDING OFFER - BRIDGES RENEWAL PROGRAM - CULLENDULLA
DRIVE CULVERT**

E08.2547

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P3.2 Develop, renew and maintain the road network

Operational Plan Link: P3.2.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

Council sought grant funding under the Australian Government's Department of Infrastructure and Regional Development's Bridges Renewal Program Round Three in May 2017. The Minister for Infrastructure and Transport, the Hon Darren Chester MP, advised Council of its successful application of \$202,021 in funding to upgrade the existing culvert crossing over Cullendulla Creek on Cullendulla Drive at Long Beach in September 2017. This grant has been accepted.

This report seeks Council's endorsement of the actions taken to accept the grant.

The Bridges Renewal Program is an initiative of the Australian Government that will provide \$420 million from 2015-16 to 2020-21 financial years, with an ongoing commitment of \$60 million each year following, to upgrade and replace bridges to enhance access for local communities and facilitate higher productivity vehicle access. Eligible proponents under Round Three include state, territory and local governments.

This project involves the extension of an existing 4 cell, 2.4 metre wide x 1.2 metre high reinforced concrete box culvert, provision of scour protection and reconstruction of a 150 metre section on Cullendulla Drive, Long Beach. The extension of the culvert will allow for two full width 3.5 metre lanes with 2.0 metre wide sealed shoulders and guardrail protective fencing.

This funding will allow Council to address the narrow pavement width and safety issues surrounding the existing culvert crossing over Cullendulla Creek on Cullendulla Drive. The culvert is located approximately 70 metres from the intersection of the Princes Highway.

These works form part of an overall strategic approach to widen Cullendulla Drive from the Princes Highway to Blairs Road and complements the safety improvement works already carried out on Cullendulla Drive east of Kettle Road. This section of road carries approximately 1.3 million vehicles per annum.

The offer of funding requires 50% matching funds from Council and this has been provided for within the adopted 2017-18 Operational Plan.

RECOMMENDATION

THAT:

1. Council endorse the actions taken to accept the funding offer of \$202,021 under the Australian Government's Bridges Renewal Program Round Three to upgrade the existing culvert crossing over Cullendulla Creek on Cullendulla Drive, Long Beach.

**IR17/070 FUNDING OFFER - BRIDGES RENEWAL PROGRAM - CULLENDULLA
DRIVE CULVERT**

E08.2547

2. Council write to the Minister for Infrastructure and Transport, the Hon Darren Chester MP and local Federal member Ann Sudmalis MP thanking the Australian Government for the funding of \$202,021 provided under the Australian Government's Bridges Renewal Program Round Three to upgrade the existing culvert crossing over Cullendulla Creek on Cullendulla Drive, Long Beach.

BACKGROUND

Council actively applies for grants from various government programs to assist with the development, renewal and maintenance of the road network for the benefit of all road users.

A funding application was submitted to the Department of Infrastructure and Regional Development under the Bridges Renewal Program Round Three in May 2017 to upgrade the existing major box culvert crossing in Cullendulla Drive, Long Beach.

The Bridges Renewal Program is an initiative of the Australian Government that will provide \$420 million from 2015-16 to 2020-21 financial years, with an ongoing commitment of \$60 million each year following, to upgrade and replace bridges to enhance access for local communities and facilitate higher productivity vehicle access. Eligible proponents under Round Three include state, territory and local governments.

The Minister for Infrastructure and Transport, the Hon Darren Chester MP, formally advised Council of its successful application in September 2017. The grant offer has been accepted and this report seeks endorsement of the actions taken to accept the grant funding.

CONSIDERATIONS

This grant funding will allow Council to address the narrow pavement width and safety issues surrounding the existing culvert crossing over Cullendulla Creek on Cullendulla Drive. The culvert is located approximately 70 metres from the intersection of the Princes Highway.

This project involves the extension of an existing 4 cell, 2.4 metre wide x 1.2 metre high reinforced concrete box culvert with provision of scour protection and reconstruction of a 150 metre section Cullendulla Drive, Long Beach. The extension of the culvert will allow for two full width 3.5 metre lanes and 2.0 metre shoulders on either side of the road and new protective fencing.

These works form part of an overall strategic approach to widen Cullendulla Drive from the Princes Highway to Blairs Road and complements the safety improvement works already carried out on Cullendulla Drive east of Kettle Road.

The offer of funding requires 50% matching funds from Council and this has been provided for within the adopted 2017-18 Operational Plan.

Council has sought further funding under the NSW Government's Fixing Country Roads Program which would allow the works on Cullendulla Drive to be extended toward Kettle Road. Council is awaiting feedback on this grant application.

**IR17/070 FUNDING OFFER - BRIDGES RENEWAL PROGRAM - CULLENDULLA
DRIVE CULVERT**

E08.2547

Asset

Council's goal is to provide a safe, reliable and efficient transport network. Achieving this outcome is only possible by adopting a focused strategic network management approach and through the support of the Australian and NSW Government grant funding programs.

Council continues to progressively target works that address the condition of the asset, network deficiencies and capacity issues to deliver our goal.

This project to widen the major box culvert on Cullendulla Drive is part of a strategic approach to upgrade Cullendulla Drive with priority given to the higher trafficked section between the Princes Highway and Blairs Road. This section of the road carries approximately 1.3 million vehicles per annum.

Council has worked closely with the community associations at Long Beach and Maloneys Beach to successfully pursue funding to:

- upgrade the Princes Highway/Cullendulla Drive intersection by Roads and Maritime Services (complete)
- deliver road safety improvements on Cullendulla Drive from Kettle Road to Blairs Road (complete to initial seal with the second coat seal to be undertaken in 2018-19)
- upgrade Cullendulla Drive between the Princes Highway and Kettle Road.

The proposed road works will:

- address the declining condition of the existing road pavement and ancillary assets over the box culvert
- provide widened traffic lanes and sealed shoulders with appropriate protective fencing suitable for current and future traffic volumes.

Cullendulla Drive is a regional road with the ongoing costs met, in part, through the funding provided by the NSW Government under the Regional Road Block Grant. The remaining 'whole of life costs' will be met through Council's own funding with suitable provision identified in our long term financial plan.

Social Impact

Across NSW there were 384 fatalities and over 12,000 serious injury crashes in 2016 resulting in an economic cost of \$7.6 billion per annum.

Councils across NSW manage almost 90% of the total road network in NSW. Councils therefore have a vital role in managing the social wellbeing and equity of communities across NSW.

The proposed works on Cullendulla Drive are an example of this Council's continued focus on improving road safety outcomes on our local and regional road network.

The proposed additional works on Cullendulla Drive will have a positive effect on road safety outcomes with flow-on benefits to the social wellbeing of our community.

**IR17/070 FUNDING OFFER - BRIDGES RENEWAL PROGRAM - CULLENDULLA
DRIVE CULVERT**

E08.2547

Financial

This grant requires 50% matching funds from Council and this has been provided for within the adopted 2017-18 Operational Plan.

Community and Stakeholder Engagement

Council has worked pro-actively with the support of the Long Beach Community Association and the Maloneys Beach Residents Association to secure this grant funding. Included in the funding application were letters of support from both Associations.

We will inform the community about this project by providing information on Council's website, writing to the Long Beach Community Association and Maloneys Beach Residents Association, advertising in Council's noticeboard page in two local newspapers and distributing a media release at the commencement of the works.

CONCLUSION

Council has been successful in gaining \$202,021 in funding under the Australian Government's Bridges Renewal Program Round Three to upgrade the existing culvert crossing over Cullendulla Creek on Cullendulla Drive, Long Beach.

The grant requires 50% matching Council funds that were provided for within the adopted 2017-18 Operational Plan. The project will be completed by the end of the 2017-18 financial year. This report seeks Council's endorsement of the actions taken to accept the grant.

IR17/071 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2017-18

E16.0002

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P3.1 Undertake advocacy activities to further the development of transport infrastructure and support future growth

Operational Plan Link: P3.1.2 Coordinate the Local Traffic & Development Committees

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for the Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 17 November 2017 were as follows:

- Special Event – Batemans Bay Triathlon
- Signage & line marking – Stop Sign at the George Bass Drive / Annetts Parade intersection, Mossy Point
- Special Event – Narooma Oyster Festival.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 of 2017-18 held on 13 October 2017 be received and noted.
2. Council Plan No.4925 Set C Sheet 01, detailing the signage and line marking at the intersection of George Bass Drive and Annetts Parade, Mossy Point be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 4 for 2017-18 was held on 17 November 2017 in a Council meeting room. The meeting was attended by Danielle Brice (representative for the Hon Andrew Constance MP), Jesse Fogg (Roads and Maritime Services), Senior Constable Scott Britt (NSW Police), Dave Hunter (Traffic Officer) and Matt Cormick (Minute Taker).

APOLOGIES

Councillor Anthony Mayne (Chairperson), Suketu Bhatt (Divisional Manager Technical Services) Kate McDougall (Road Safety Officer).

In the absence of Councillor Anthony Mayne, the Traffic Officer chaired the meeting.

IR17/071 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2017-18

E16.0002

DEPUTATIONS

Nil

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 for 2017-18 held on Friday 13 October 2017 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

The action sheet outlining all outstanding items was distributed to members.

2018.SE.004 Special Event – Capital Coast Triathlon 2018, additional information

This annual triathlon event is proposed to be conducted on Sunday 8 April 2018. At the previous Committee meeting on 13 October 2017 the concept for hold this event around Tomakin was discussed. At that meeting, the Chair commented that the whole community living in Tomakin should be consulted to ensure there is strong support for the Triathlon, particularly given the impact of road closures during the run legs within Tomakin.

Additional information has been received from the organiser that there will be no road closures throughout the Tomakin streets associated with the run legs. Participants will be required to give way to all vehicles.

The Committee noticed that a section of the running course was along George Bass Drive, between Oceanview Way, Tomakin and the tourist park to the east.

The Traffic Officer will contact the organiser to advise:

- appropriate traffic management is required to be in place for the run leg along George Bass Drive
- consultation with the whole Tomakin community is required to be implemented
- event warning signs, including strategic placement within Tomakin, need to be included in the Traffic Management and Control Plans
- the final Traffic Management and Control Plans will need to be submitted to Council no later than 5 working days prior to the next Local Traffic Committee meeting to be held on 13 December 2017.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2018.RT.008 Signage and line marking – George Bass Drive / Annetts Parade intersection, Mossy Point

Requests have been received from several customers, including the Broulee Mossy Point Community Association, to improve the safety of the operation of the George Bass Drive/Annetts Parade intersection at Mossy Point.

An investigation is now complete including a detailed survey and design of the improvements Council proposes to undertake at the intersection prior to the Christmas holiday period, to improve safety.

IR17/071 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2017-18

E16.0002

The scope of the works is:

- excavate the existing cut batter to the north east of the intersection to increase the sight distance to approaching vehicles.
- move the existing hold line forward 1.6 metres.
- install a Stop Sign. There is currently a Give Way sign at the intersection, however, replacing this with a Stop sign will further reduce the crash risk to road users.

The Committee reviewed Council Plans No.4925 Set C Sheet 01 detailing the signage and line marking. The works will increase the sight lines to the north from 155m to 200m providing a significant improvement. There is already over 250m sight distance to the south from the junction.

Recommendation:

That Council Plans No.4925 Set C Sheet 01, detailing the proposed stop sign and line marking at the intersection of George Bass Drive and Annetts Parade, Mossy Point be approved.

INFORMAL ITEMS FOR DISCUSSION

2018.SE.007 Special Event – Narooma Oyster Festival

Traffic Management and Control Plans have been received for the 2018 Narooma Oyster Festival to be conducted in the vicinity of Quota Park on Riverside Drive, Narooma on Friday 4 and Saturday 5 May 2018. A special event application has not been submitted as yet.

The event is comprised of stalls and events conducted around the foreshore area in Riverside Drive. Parking will be in the various on-street and off-street areas available in the vicinity of Quota Park.

Road closure of a section of Riverside Drive on Saturday 5 May 2018 is proposed. The submitted Traffic Management Plan and associated Traffic Control Plan No 5156 Set N Sheet 012017 was reviewed by the Committee.

The proposed traffic arrangements, including closures and detours, are the same as those used during the May 2017 Oyster Festival. Road closures will be in place from 3am until 8pm on Saturday 5 May 2018. On Saturday, the event will be conducted from about 10am to 6pm.

This is a class 2 event. An RMS Road Occupancy License is not required.

Recommendation:

That the submitted Traffic Management Plan and associated Traffic Control Plan No 5156 Set N Sheet 01 for the Narooma Oyster Festival to be conducted on Riverside Drive on Friday 4 and Saturday 5 May 2018 be approved.

GENERAL BUSINESS

Nil

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee is to be held at 9.30am on 15 December 2017 in Council's Committee Room.

CCS17/096 LEGALISATION OF CLOUDS ROAD, MOGENDOURA

**83.7035.B;
89.3301.B**

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

EXECUTIVE SUMMARY

Clouds Road at Mogendoura has been maintained by Council for decades. The road formation however, like many rural roads in the Shire, is not fully contained within the legal road reserve.

The owner of Lot 1 DP 108612 has agreed to dedicate part of their property as public road in exchange for the closure and transfer of part of the road reserve not required.

The remaining section of Clouds Road is being discussed with the relevant land owners that adjoin Clouds Road.

The proposed road opening and closing action is the most appropriate means to legalise the road reserve within this section of Clouds Road.

RECOMMENDATION

THAT:

1. A Deed of Agreement be entered into with the registered proprietor of Lot 1 DP 108612 providing for the dedication of part of Lot 1 DP 108612 for public road purposes subject to Council taking all necessary action to have part of Clouds Road, Mogendoura closed, transferred and consolidated with the residue of Lot 1 DP 108612 with Council being responsible for all costs including the registered proprietor's reasonable legal costs.
2. Subject to the registered proprietor of Lot 1 DP 108612 entering into the Deed of Agreement in 1. above, and there being no objection from the community or statutory authorities to the proposed road closure, application be made to the Crown Lands Division of the Department of Industry – Lands and Forestry to close part of Clouds Road shown in the report CCS17/096 Legalisation of Clouds Road, Mogendoura.
3. Once closed and vested in Council the land be transferred to the registered proprietor of Lot 1 DP 108612 in exchange for parts of Lot 1 DP 108612 dedicated as public road to cover those parts of Clouds Road not located within a road reserve.
4. All costs associated with the proposed acquisition for road opening and closing, including the registered proprietor's reasonable legal costs, be borne by Council.
5. Consent be given to affix the Common Seal of Council to the Deeds of Agreement and the Transfer of those parts of Clouds Road closed and vested in Council.

CCS17/096 LEGALISATION OF CLOUDS ROAD, MOGENDOURA

**83.7035.B;
89.3301.B**

BACKGROUND

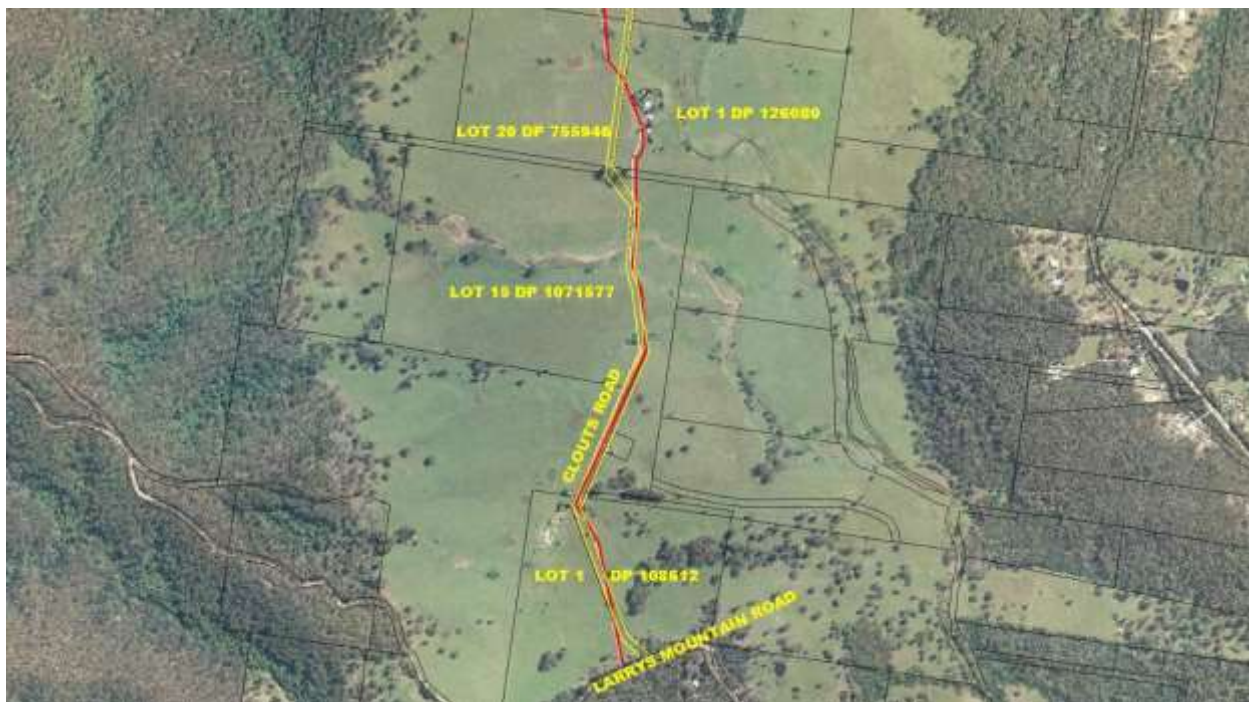
Clouds Road at Mogendoura has been maintained by Council for decades. The road formation however is not fully contained within the legal road reserve.

A proposal to dedicate a public road over the physical road, in exchange for the closing of parts of legal road reserve and transferring them to the adjoining property, has been agreed to by the owner of Lot 1 DP 108612, subject to Council paying all associated costs including the landowner's reasonable legal costs.

The remaining section of Clouds Road is being discussed with the land owners adjoining the northern area of that road. The land owners with whom Council has as yet been unable to reach an agreement have been provided with three options for their consideration following a meeting on 13 November 2017.

CONSIDERATIONS

A plan showing the current location of Clouds Road is below. The physical road is shown in red with the legal road reserve in yellow.



Legal

The process to locate Clouds Road within a legal road reserve and transfer part of the current road reserve to the adjoining registered proprietors is as follows:

- The proposed closure is advertised in the local press and statutory authorities notified allowing 28 days for submissions
- Subject to no objections being received, an application is made to the Crown Lands Division of the Department of Industry – Lands and Forestry to close parts of Clouds Road

CCS17/096 LEGALISATION OF CLOUDS ROAD, MOGENDOURA

**83.7035.B;
89.3301.B**

and vest the land in Council to use as compensation for the dedication of part Lot 1 DP 108612

- Once approved by Crown Lands a plan of survey is registered at the Land and Property Information Office which will dedicate parts of Lot 1 DP 108612, Lot 15 DP 10715677, Lot 1 DP 126080 as road reserve and identify those parts of the road reserve proposed to be closed
- The road closure is then notified in the NSW Government Gazette
- Title is issued for the parts of closed road in the name of Council
- Transfers for the titles of the parts of closed road and a plan of consolidation of the parts of closed road with the respective residues of Lot 1 DP 108612 following the dedication of road reserve is lodged for registration with the Land and property Information Office.

To provide certainty for both Council and the registered proprietor of Lot 1 DP 108612 a Deed of Agreement should be entered into setting out the obligations of Council and the landowner.

Asset

In accordance with Council's normal procedure involving closed road transfers, that part of Clouds Road closed and transferred should be consolidated with the residue parts of Lot 1 DP 108612 following dedication of road reserve.

Environmental

The proposed opening and closing proposal will have no environmental impact as there is no physical change to the current situation.

Financial

All costs associated with the opening and closing of parts of Clouds Road should be borne by Council including the reasonable legal costs incurred by the registered proprietor of Lot 1 DP 108612.

Survey and plan preparation can be carried out by Council staff and the registration and legal costs can be funded within allocated budgets.

Community and Stakeholder Engagement

The proposed road opening and closing will be publicly notified through the local newspaper and on Council's website allowing 28 days for submissions. State statutory authorities will be notified and allowed 28 days to lodge an objection. Adjoining landowners will be advised of the submission timeline and discussions are continuing with directly affected landowners.

CONCLUSION

Clouds Road at Mogendoura has been maintained by Council for decades. The road formation however is not fully contained within the legal road reserve.

A proposal to dedicate a public road over the physical formation in exchange for the closing of parts of legal road reserve and transferring them to the adjoining property has been agreed to

CCS17/096 LEGALISATION OF CLOUDS ROAD, MOGENDOURA

**83.7035.B;
89.3301.B**

by the owner of Lot 1 DP 108612, subject to Council paying all associated costs including the landowner's reasonable legal costs.

The remaining section of Clouds Road is being discussed with the relevant land owners that adjoin Clouds Road.

The proposed road opening and closing action is the most appropriate means to legalise the road reserve within this section of Clouds Road.

CCS17/097 COMPULSORY ACQUISITION OF COUNCIL LAND - BATEMANS BAY

E16.0309

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

Council has previously resolved to subdivide and sell a parcel of land in Gregory Street, Batemans Bay. Lot 388 DP 248840 zoned part IN1 General Industrial and R3 Medium Residential was reclassified as operational land with the gazettal of the Eurobodalla Local Environmental Plan 2012 with the intention to sell it. However, a caveat on the title restricting any dealing with the land was not discharged upon gazettal.

To discharge the caveat it will be necessary for Council to use its power under the Local Government Act 1993 to compulsorily acquire the property from itself in order to proceed with the subdivision and sale of the property.

It would be appropriate that Council follow the normal procedure for compulsory acquisition and make application to the Minister for Local Government and the Governor to acquire the land by compulsory process in accordance with Council's power under Section 187(2) of the *Local Government Act 1993* and Section 7B of the *Land Acquisition (Just Terms Compensation) Act 1991*.

RECOMMENDATION

THAT:

1. Application be made to the Minister for Local Government and the Governor to acquire Lot 388 in Deposited Plan 248840 for the purpose of extinguishing an existing caveat on title and resale by compulsory process in accordance with Council's power under Section 187(2) of the *Local Government Act 1993* and in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. If consent is granted, all necessary action be taken to finalise the acquisition in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

BACKGROUND

Lot 388 DP 248840 is a parcel of Council owned land in Gregory Street, Batemans Bay. It was reclassified as operational land with the gazettal of the Eurobodalla Local Environmental Plan 2012 with the intention to sell it.

CCS17/097 COMPULSORY ACQUISITION OF COUNCIL LAND - BATEMANS BAY

E16.0309

At its Ordinary meeting held on 24 February 2015 Council resolved to lodge a development application to subdivide Lot 388 and for the General Manager to be given delegated authority to sell the land for not less than 10% below market value determined by a registered valuer.

Due to an administrative oversight in the reclassification process a caveat placed on the title by the Registrar General, resulting from a Trust to hold the land as public reserve, was not discharged upon gazettal. Accordingly, although the land is classified as operational land, dealing with the land is not permissible until the caveat is removed.

CONSIDERATIONS

A plan showing the subject land is below.



Legal

An interest on a title, such as the subject caveat, can be removed by either the process of reclassification or compulsory acquisition. As the land is already classified as operational land, it will be necessary for Council to compulsorily acquire the land from itself.

This requires application being made to the Minister for Local Government and the Governor to acquire the land by compulsory process in accordance with Council's power under Section 187(2) of the *Local Government Act 1993* and Section 7B of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Once consent is granted action can be taken to finalise the acquisition in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* which will result in the extinguishment of the caveat, allowing the implementation of Council's previous resolution of 24 February 2015 to subdivide and sell.

Asset

Lot 388 is currently has a split zoning of IN 1 General Industrial and R3 Medium Residential.

CCS17/097 COMPULSORY ACQUISITION OF COUNCIL LAND - BATEMANS BAY E16.0309

The proposed subdivision and sale will facilitate further industrial and residential development.

Economic Development Employment Potential

Vacant industrial land in Batemans Bay is scarce. An additional industrial lot in Batemans Bay will provide the opportunity for a new industrial business.

Financial

Other than staff time, there is no financial cost associated with the compulsory acquisition process.

Community and Stakeholder Engagement

Council undertook extensive public consultation in the reclassification process.

CONCLUSION

Council has previously resolved to subdivide and sell Lot 388 DP 248840 however action cannot be taken until the caveat on title preventing dealing with the land, has been discharged.

This can be achieved by using Council's powers under the *Local Government Act 1993* to compulsorily acquire the land from itself.

Accordingly consent should be sought from the Minister for Local Government and the Governor to undertake the compulsory acquisition process.

CCS17/098 CLASSIFICATION OF LAND - RIVER STREET, MORUYA

13.7193.E

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

EXECUTIVE SUMMARY

Council has previously resolved to acquire Part Lot 41 DP 752151 River Street, Moruya for a new sewage pumping station with the intention of classifying the land as operational land.

The land, now known as Lot 1 DP 1235258 has been acquired and needs to be classified in accordance with the provisions of the *Local Government Act, 1993*.

www.austlii.edu.au/cgi-bin/viewdb/au/legis/nsw/consol_act/lga1993182/

The intention to classify the land as operational land has been publicly notified with no submissions received.

It is considered reasonable and appropriate that the land be classified as operational land.

RECOMMENDATION

THAT Lot 1 DP 1235258 be classified as operational land.

BACKGROUND

At its ordinary meeting held on 23 July 2013, Council resolved that all actions necessary be taken for the acquisition of part Lot 41 DP 752151 to accommodate a sewer pump station and the acquisition of easement to drain sewage within Lots 39 and 41 DP 752151 proceed in accordance with the Council's Code of Practice for *Acquiring Land for Public Purposes*.

Public notice for a period of 28 days was given to classify the land as operational land and no submissions were received.

CONSIDERATIONS

The property is shown in the diagram below.

CCS17/098 CLASSIFICATION OF LAND - RIVER STREET, MORUYA

13.7193.E



Legal

The land required for the sewer pump station was excised from Lot 41 DP 752151 and is now known as Lot 1 DP 1235258. Acquisition of the land has been finalised.

All land owned by Council must be classified as either community or operational land. In accordance with Section 34 of the *Local Government Act, 1993*, public notice has been given of Council's intention to classify the land as operational land and 28 days have been allowed for submissions.

www.legislation.nsw.gov.au/#/view/act/1993/30/whole#/chap6/part2/div1/sec34

Policy

The land for the sewer pump station was acquired in accordance with the Council's Code of Practice for *Acquiring Land for Public Purposes*.

Asset

Acquisition of the land is finalised and the sewer pump station has been completed.

Social Impact

The sewer scheme upgrade is a benefit for the Moruya community.

Financial

All legal costs associated with the classification of Lot 1 DP 1235258 will be borne by Council and sufficient funds are available within allocated budgets.

Community and Stakeholder Engagement

We have consulted with the community requesting submissions within a 28 day notification period. No submissions have been received.

CCS17/098 CLASSIFICATION OF LAND - RIVER STREET, MORUYA

13.7193.E

CONCLUSION

No submissions have been received and it is appropriate for Lot 1 DP 1235258 to be classified as operational land.

CCS17/099 LICENCE - BATEMANS BAY TENNIS CLUB

E16.0386/E12.6337

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

EXECUTIVE SUMMARY

Batemans Bay Tennis Club (BBTC) has been operating from the Batemans Bay tennis facility at Hanging Rock for over 30 years.

The BBTC is a not-for-profit, active club however membership numbers have decreased in recent years. Council and BBTC have been working together looking at management options for the facility to achieve the best use, management, financial return and its maintenance.

It is considered practical to licence the 'club house' to one licensee and have Council maintain the tennis facilities including the tennis courts. Tennis coaches can hire the tennis courts to suit their business needs and the community can continue to hire courts for casual use.

Public notification of proposed use of operational land is not required, however being guided by Council's Community Engagement Framework, public notice of 28 days has been given of Council's intention to grant a licence to BBTC. One submission was received.

The submission received raised questions about the terms and conditions related to the use of the courts and the clubhouse by tennis coaches including the availability of the courts for competitions. Council staff will discuss these issues with the party who made the submission.

It is considered reasonable and appropriate that a five-year licence be granted to the Batemans Bay Tennis Club for the club house.

RECOMMENDATION

THAT: Council grant a licence to Batemans Bay Tennis Club for the club house within Lot 3 DP 1171024 for five years commencing on 1 December 2017 and terminating on 30 November 2022 subject to conditions generally in line with the previous licence including:

- (a) Payment of a licence fee of \$488.09 plus GST pa, increased annually in line with the CPI.
- (b) Provision of evidence of public liability insurance cover in the amount of at least \$20 million.

BACKGROUND

BBTC has been operating from the Batemans Bay premises for many years. Although the club continues to be very active, membership numbers have decreased in recent years. The current committee is committed to investing club funds into program development, with a view to increasing the opportunities for social and competitive play, and for increasing the benefits of membership. The club wishes to continue to use the club house as a base for its activities.

CCS17/099 LICENCE - BATEMANS BAY TENNIS CLUB

E16.0386/E12.6337

There has been a recent review of tennis fees and coaching services operating from the courts and a licence agreement to BBTC will allow the club to initiate activities to build participation and work with all available local coaches to develop programs to meet the needs of the local community.

Previously BBTC had a licence over the tennis club building and a building management agreement to maintain the club house building and tennis courts. The proposed licence is for the club house only.

With the aim of determining the needs of the community and the sporting precinct, investigation of options for the continued management of the tennis facility was undertaken by an internal council working group that completed an extensive review of tennis centre management models, consulted with Tennis NSW and engaged independent consultants to complete an asset assessment report.

Based on this review, and consideration being given to community benefit and transparency of process, the working group recommended that public tenders be called for a professional Centre Manager, with key service requirements to be built into a lease. At the Council meeting on 26 April 2016, Council approved a public tender process for the lease of the Batemans Bay tennis centre be undertaken, thereby ensuring that all interested parties and organisations be afforded the opportunity to apply.

Following the tender process a report to Council was presented on 28 February 2017 and it recommended that, as the tender process was not able to achieve value for money or a neutral financial impact, Council reject all tenders and investigate alternate management options for the Batemans Bay tennis facility.

Further consideration of the alternate management options took place including consultation with Tennis NSW, review of the Profit Primers Management Model Report, review of the National Club Health Check Survey for Australian Facilities, and consultation with the BBTC. The Profit Primers Management Model Report is the independent report Council commissioned to review and make recommendations on a suitable management model for this type of facility. The National Club Health Check Survey is a summary of data from tennis clubs around Australia, relating to usage levels, income, volunteer contributions, and utilities.

To move forward and achieve the best use, management, financial return and maintenance of the facility it is considered practical to licence the Batemans Bay tennis club house to one licensee. A five-year licence to BBTC will enable the club to continue promoting the participation in the sport of tennis in our region.

Council would maintain the tennis facilities including the tennis courts; tennis coaches hire the tennis courts to suit their business needs and the community continue to hire courts for casual use.

CONSIDERATIONS

The licence area is the club house area marked in the sketch below.

CCS17/099 LICENCE - BATEMANS BAY TENNIS CLUB

E16.0386/E12.6337



Legal

The licence site being part Lot 3 DP 1171024 is classified as operational land and there is no impediment to granting a licence.

Policy

Granting of a licence to BBTC is in accordance with Council's policy 'Property Use by Community Organisations'.

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Property-Use-by-Community-Organisations-Policy.pdf

Asset

To achieve the best use, management, financial return and maintenance of the facility it is considered practical to licence the Batemans Bay tennis club house to one licensee; have Council maintain the tennis facilities including the tennis courts.

Social Impact

It is important that the participation in the sport of tennis in our region continues to encourage a healthy community.

Economic Development Employment Potential

The BBTC will develop programs to provide opportunities for social and competitive tennis.

CCS17/099 LICENCE - BATEMANS BAY TENNIS CLUB

E16.0386/E12.6337

Financial

It is considered appropriate the licence fee be \$488.09 plus GST pa (being previous rental of \$468.09 plus GST being Crown minimum, increased by CPI).

Community and Stakeholder Engagement

Public notification of proposed use of operational land is not required, however being guided by Council's *Community Engagement Framework*, public notice of 28 days has been given of Council's intention to grant a licence to the applicant. One submission was received.

The submission received raised questions about the terms and conditions related to the use of the courts and the clubhouse by tennis coaches. The need to make all courts available for competitions will be covered in the licence agreement. The submission also requested that coaches be responsible for their clients' use of the clubhouse and any damage they or their clients cause – both these matters will be accommodated with the licence.

The submission further requested that coaches pay a fee to access the clubhouse and that it be possible to deny coaches access to the clubhouse if their clients' behaviour warrants this. A fee for coaches to access the clubhouse is not being agreed to. The licences will reflect Council's ability to deny access but not, as requested in the submission, at the discretion of the clubhouse licensee.

Council staff will discuss the submission responses with the party who made the submission.

CONCLUSION

The five-year licence to Batemans Bay Tennis Club, for the club house only, will enable the club to continue promoting the participation in the sport of tennis in our region.

It is considered reasonable and appropriate for Council to support the granting of a five-year to the Batemans Bay Tennis Club.

CCS17/100 LICENCE FOR COACHING PURPOSES, BATEMANS BAY TENNIS FACILITY

E16.0386

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

Attachments: 1. Confidential - Attachment
2. Confidential - Submission

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

A business has been operating a coaching business from the Batemans Bay Tennis facility for approximately 12 years.

This coaching business is keen to continue to operating from the Batemans Bay Tennis facility and has been a compliant licensee. The licence for use of the facility has now lapsed and a new five-year licence is requested.

To have secure court bookings, a licence over one tennis court for the business is proposed. The licence fee, as set out in the confidential attachment, includes court hire and maintenance contributions. Licence conditions will ensure that all courts will be available for tennis tournaments and events when required.

The licence will enable the business to use a court, while still providing opportunity for others to access the other courts for coaching purposes.

Public notification of proposed use of operational land is not required, however being guided by Council's *Community Engagement Framework*, public notice of 28 days has been given of Council's intention to grant a licence to the applicant. One submission was received.

The submission received raised questions about the terms and conditions related to the use of the courts and the clubhouse by tennis coaches including the availability of the courts for competitions. Council staff will discuss these issues with the party who made the submission.

It is considered reasonable and appropriate that a five-year licence be granted to the coaching business.

RECOMMENDATION

THAT Council grant a licence over one court for tennis coaching purposes to the tennis coach named in the confidential attachment at the Batemans Bay tennis facility within Lot 3 DP 1171024 for five years commencing on 1 December 2017 and terminating on 30 November 2022 subject to conditions generally in line with the previous licence including:

- (a) All courts be available for tennis tournaments and events when required;
- (b) Payment of a licence fee as set out in the confidential attachment;
- (c) Provision of evidence of public liability insurance cover in the amount of at least \$20

**CCS17/100 LICENCE FOR COACHING PURPOSES, BATEMANS BAY TENNIS
FACILITY**

E16.0386

million.

BACKGROUND

A tennis coach has been operating from the Batemans Bay Tennis facility for approximately 12 years. This long term coach is keen to continue coaching at the Batemans Bay Tennis facility. A five-year licence will enable the coach to utilise the facility, whilst still providing opportunity for other coaches to access the other courts for coaching purposes.

The continued operation and maintenance of the Batemans Bay Tennis facility was investigated by an internal council working group that completed an extensive review of tennis centre management models, consulted with Tennis NSW and engaged independent consultants with the aim of determining the management model that would best meet the needs of the community, the sporting precinct and Council. As part of those investigations it was agreed that it would be best for Council to maintain the tennis facilities including the tennis courts. Tennis coaches can continue to hire the tennis courts to suit their business needs and the community can continue to hire courts for casual use.

Use of the Batemans Bay Tennis facility by tennis coaches is important for the development of the sport of tennis in the area and will assist with the cost of maintenance. Use of the facility by tennis coaches encourages the growth and development of the sport of tennis in the area.

Since the discussion around the best model for the tennis facility commenced, additional coaches have started using the tennis courts. They will also be encouraged to apply for licences if they want.

In determining the annual hire fee for this agreement benchmarking has been carried out against other local government areas, the National Club Health Check Survey for Australian Facilities and Tennis NSW. The fee is comparable to industry standards.

The agreement will provide annual guaranteed income towards essential asset maintenance and replacement. Combined with casual use fees, and Batemans Bay Tennis Club member fees, it is expected that total income received will be sufficient to adequately complete the asset maintenance schedule.

**CCS17/100 LICENCE FOR COACHING PURPOSES, BATEMANS BAY TENNIS
FACILITY**

E16.0386

CONSIDERATIONS

The proposed licence is one court within the area shown on the diagram below.



Legal

The licence is within Lot 3 DP 1171024 which is classified as operational land and there is no impediment to granting a licence.

Asset

Use of the facility by tennis coaches encourages the growth and development of the sport of tennis in the area. The licence fee contributes towards maintenance of this important asset.

Social Impact

Continued tennis coaching is valuable to encourage a healthy community.

Financial

The licence fee is set out in the confidential attachment.

Community and Stakeholder Engagement

Public notification of proposed use of operational land is not required, however being guided by Council's *Community Engagement Framework*, public notice of 28 days has been given of Council's intention to grant a licence to the applicant. One submission was received.

**CCS17/100 LICENCE FOR COACHING PURPOSES, BATEMANS BAY TENNIS
FACILITY**

E16.0386

The submission received raised questions about the terms and conditions related to the use of the courts and the clubhouse by tennis coaches. The need to make all courts available for competitions will be covered in the licence agreement. The submission also requested that coaches be responsible for their clients' use of the clubhouse and any damage they or their clients cause – both these matters will be accommodated with the licence.

The submission further requested that coaches pay a fee to access the clubhouse and that it be possible to deny coaches access to the clubhouse if their clients' behaviour warrants this. A fee for coaches to access the clubhouse is not being agreed to. The licences will reflect Council's ability to deny access but not, as requested in the submission, at the discretion of the clubhouse licensee.

Council staff will discuss the submission responses with the party who made the submission.

CONCLUSION

A five-year licence to the tennis coach will ensure regular use of the facility, contribute to the cost of the maintenance of the facility and encourage the development of tennis in this area.

CCS17/101 LEASE - MORUYA RACECOURSE

E80.0801

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

Attachments: 1. Master Plan
2. Under Separate Cover - Confidential - Lease
3. Confidential - Lease fee calculation

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

The thoroughbred racing industry in Eurobodalla is important for providing employment and value to the local economy and the industry operates at Moruya Racecourse under the Moruya Jockey Club (MJC).

Negotiations with the MJC for a 50 year lease have been finalised subject to acceptance by Council.

A 50 year lease will provide certainty to the MJC and assist them in planning future works and it is considered appropriate to consider granting such a lease.

Rent has been negotiated as 3% of the Unimproved Capital Value (UCV) of the Land with annual CPI increases.

Approval of the proposed lease will assist the MJC to undertake future works and to advocate for grants.

This report recommends the lease be granted in accordance with the draft lease attached to this report.

RECOMMENDATION

THAT:

1. Council take all necessary actions and grant a lease to Moruya Jockey Club over part Lot 41 DP 1036166 for a term of 50 years subject to conditions including:
 - a) Payment of rent to Council being 3% of the Unimproved Capital Value (UCV) of the Land with annual CPI increases
 - b) Provision of evidence of public liability insurance cover in the amount of at least \$20 million
 - c) The Lessee paying Council rates
 - d) Commercial rent to be charged if new commercial activities generate profits
 - e) Protection of the tenure of the St Johns Ambulance.
2. Consent be given to affix the Council Seal to the lease documentation.

CCS17/101 LEASE - MORUYA RACECOURSE

E80.0801

3. That rent from the lease be provided to the Moruya Racecourse Management Committee for reinvestment back in the racecourse.
4. That Council note the attached master plan that the MJC has developed to guide its future capital investment at the racecourse.

BACKGROUND

There have been lengthy discussions held with the MJC about entering into a long term lease over Moruya Racecourse.

Council resolved on 18 December 2012 and on the 8 December 2015 to give the General Manager delegated authority to negotiate a long-term lease over part Lot 41 to the MJC to operate the Moruya Racecourse.

Councillors were briefed on 19 September 2017 about how the finalisation of this lease would be concluded.

CONSIDERATIONS

The care, control and management of the facility is vested by Council in the Moruya Racecourse Management Committee, a Committee of Management appointed under the *Local Government Act 1993*, Section 355. New terms of reference will be developed by the Management Committee and brought back to Council for endorsement.

The current MJC licence has a fee as detailed in the confidential attachment which goes to the Management Committee for reinvestment in the racecourse.

While still going back to the Management Committee, in line with other not for profit leases and reflecting that the MJC will now be paying insurance and Council rates, the new lease will be at a lower rent. This will be a fixed percentage of the UCV of the land as set out in the confidential attachment.

Lot 41 DP 1036166 is a 63ha parcel of Council owned operational land and as such there is no impediment to issuing a lease.

Moruya Racecourse and associated facilities occupies an area of approximately 50ha as shown in the plan below.

CCS17/101 LEASE - MORUYA RACECOURSE

E80.0801



Asset

It will be appropriate that Council be informed about the MJC's plans to invest in capital works at the racecourse. The MJC has developed a master plan in order to provide guidance to the Management Committee on how rent funds could be used, and to support it in future MJC grant applications. A copy of the master plan is attached for Councillor's information.

Council staff have visited the racecourse to review the proposed capital works on site. The planned works are measured and set out a realistic schedule for future upgrades.

The MJC president has advised that the MJC has a strong relationship with Racing NSW and it will be a key partner in delivering on the aims of the master plan.

Having a 50 year lease in place will assist the MJC to undertake future works and to advocate for grants.

Economic Development Employment Potential

The thoroughbred racing industry in Eurobodalla is important for providing employment and value to the local economy.

Financial

Rental income will continue to be passed to the Management Committee for reinvestment in the racecourse but the lessee will pay rates for the first time.

Community and Stakeholder Engagement

Public notification of proposed use of Council owned operational land is not required in accordance with the *Local Government Act 1993*. Considering the long standing use of the site and previous Council resolutions, and being guided by Council's *Community Engagement*

CCS17/101 LEASE - MORUYA RACECOURSE

E80.0801

Framework, adopted by Council on 14 February 2017, the engagement method will be to 'inform'.

CONCLUSION

A 50 year lease will provide certainty to the MJC and assist them in planning future works and it is considered appropriate to consider granting such a lease.

Moruya Racecourse

Master Plan (Nov 17)



Introduction

The Moruya Jockey Club expects to enter into a 50 year lease of the Moruya Racecourse in late 2017. A structure involving Council and MJC representation will be put in place to oversee the operation of the Lease, including the ongoing development of the racecourse. This Master Plan will set out the development plans for the racecourse, including a proposed timetable and funding options.

The Moruya Jockey Club Ltd (MJC) has operated the Moruya Racecourse since it was moved to its current site in 1985. Up until the Lease is enacted the Club has been operating the racecourse under a Licence Agreement with the Eurobodalla Shire Council (ESC). Under that agreement the Licence Fee has been invested back into the racecourse through capital improvements managed by the Moruya Racecourse Management Committee (joint MJC and ESC group).

The MJC operates the racecourse as both a racing and training centre under a licence granted by Racing NSW. Racing NSW (RNSW) provides both operating funds and racecourse development funds. Racecourse development funding is provided through the Country Racing Development Fund (CRDF) normally on an 80% funding basis with the Club providing the other 20%. At times the Club invests its own funds in projects and occasionally funding can become available through other grant facilities.

MJC Vision and Strategic Direction

Vision. The Board of the MJC is guided by the vision of the Moruya Racecourse being recognised as one of the best medium sized race clubs in country NSW and a facility that the local community is proud to enjoy.

Strategic Goals. The Club aims to:

- Provide excellent training facilities for trainers and riders and a high quality racing surface on which to conduct race meetings.
- Attract additional trainers to the racecourse.
- Increase the number of race meetings conducted.
- Provide a relaxed, enjoyable and high quality experience for race day patrons.
- Provide Member facilities which encourage patrons to join the Club.
- Encourage the local community and organisations to use the facility for non racing activities.
- Allow suitable private functions to be conducted.

Future Trends

Industry. Racing in NSW is currently in a very healthy state. Recent financial gains by RNSW have flowed into increased prizemoney and improved distributions to race clubs. Gambling revenue from racing is what funds the industry and Racing has been under pressure for many years to maintain its share of gambling revenue following the introduction of sports betting and corporate and off shore gambling agencies. With the advent of digital media attendance at race meetings in general has declined over the recent decades however, Moruya crowds have remained relatively strong.

Racing. While it is unlikely that the number of race meetings conducted in NSW will significantly increase there is a reasonable chance that the MJC will be offered an additional race meeting or two over the next few years. The Club believes that a significant increase is not only unlikely but also could be beyond the local industry and community's capacity to absorb.

Training. There are about 100 racehorses registered to be trained at Moruya. This is a very healthy situation and has remained at about this level for many years. There is capacity, both at the track and in local stables, for this to increase. While there has been a trend for some local trainers to relocate to larger centres, such as Goulburn and Canberra, they are at near capacity levels. There have been inquiries from trainers about the feasibility of setting up pre-training at Moruya. The Club views this as the most likely scenario for increased training activity at the track.

Non Racing Functions. For many race clubs this additional revenue stream has become critical as race crowds have declined. While this is not the case for the MJC the Club is keen to see the facility used more broadly by the community and to a certain extent the public. While this would involve some additional revenue for the Club, the Board are equally motivated by the desire to see the facility used and assist community groups in their endeavours especially where it involves fund raising activities.

Broader Utilisation of the Site. The Equine Centre study of 2015 showed the site has the potential for broader use than just as a racecourse. It indicated that there was considerable scope to develop the car park and other undeveloped areas. In concert with the Moruya Airport development there may be the opportunity to do a complementary development at the racecourse. While the Equine Centre proposal is no longer being progressed there are elements of that plan could be utilised to develop a more general Events Centre which would provide great benefit to the local community while also improving the racecourse facility. Such a development would require funding from outside the racing industry.

Status of Current Facilities

Racing and training surfaces. Moruya has an excellent set up with 2 grass tracks, a sand track and a bull ring. This is complemented by some trainers having private training tracks and the ability to swim horses in the river and at the beach. These surfaces need to be maintained but do not need to be significantly altered.

Irrigation. Due to the sand base nature of the racecourse the irrigation system is a critical piece of infrastructure. It is in urgent need of an upgrade to the mainline, sprinklers and control system. A project is underway to carry out this work later in 2017. When complete the Club will have a system which should be adequate for the next 20 years. The details of this project are addressed later in this Plan.

Track Rail. While the course proper was fitted with plastic rail in 2014 some of the training track and outside rails are in need of replacement. This can be done in stages as funds become available.

Barriers. Both race day and practice barriers are new and should last for at least 20 years.

Horse Stalls. Generally in satisfactory condition and require minimal maintenance. On a few race meetings each year the 102 stalls are insufficient to meet all needs. The Club would benefit from up to 10 additional stalls.

Swab/Vet Box. Newly constructed in 2015. While it needs some ventilation improvements which will be done in 2017/18 it will meet needs for many years.

Sand Roll. Constructed in 2016 and should provide service for 10-20 years.

Machinery Shed. Constructed in 2015 to house the new barriers it should satisfy requirements for at least 20 years.

Members Area. Significantly upgraded in 2014 however, with Club membership now at 500 it does not provide satisfactory space and service on the larger race days. In particular the toilet facilities are old and undersized. Plans are being developed with a view to renovating the facility in 2018. Details of project addressed alter in this Plan.



Jockeys & Stewards Area. While the current facilities are adequate RNSW has a project to gradually upgrade racecourses with the focus being changes to reflect the increasing number of female jockeys.

Betting Pavilion. Constructed in 1995 the structure is showing signs of corrosion and will likely require replacement in the next 5-10 years. As the future of bookmakers is somewhat clouded the structure may have a very different function by that time. Current opinion is that the space may be available for patrons in the form of a reserved seating, catering and entertainment area.

Public Toilets. They have been largely untouched since opened 30 years ago with the exception of having been converted from bore to fresh water. At all but 1-2 race meetings they provide sufficient capacity. The roof structure is corroding and will need renovating in the next 5-10 years. At the same time the internal fit out should be considered and if expansion became a requirement this would be the best time to do that work. RNSW is currently considering doing a state wide audit of racetrack toilet blocks and developing a remediation plan.



Kiosk. A significant beautification and internal refit was conducted in 2016. It is considered satisfactory for the amount of use it gets.

Facilities Development Plans

Major Projects

- 1. Irrigation Upgrade.** This project is planned to be undertaken in late 2017. It involves replacing the grass tracks ring main, all sprinklers, extending the system to the shuts, new pumps and an automated control system. The project cost has been estimated at \$340,000 and RNSW has agreed to fund 80% with the MJC to fund the other 20%. The current system has been in place for 30 years and it is expected the new system will last a similar period of time.
- 2. Members Extension.** The original Members area was extended in 2014 and this doubled the seating capacity to around 100 however, it did not improve the bar, toilet or catering facilities. Since 2014 Membership has continued to increase and in addition to a lack of seating the toilets and catering facilities are now inadequate. It is planned to include the fitting of reverse cycle air-conditioning. While there is a possibility of financial support from the CRDF the MJC intends to fund the entire project if necessary. The estimated cost is \$300-350,000. Plans have been developed and the work is scheduled for Apr-Jun 2018 in a period when there are no races planned as the scope of work will make racing not possible.
- 3. Big Screen.** Racing NSW has called for tenders to fit large (8mx4m) outdoor screens at selected country racecourses. Moruya is expected to be one of the racetracks with fitting likely to be in 2018. The cost of each fit is expected to be between \$100-120,000 with 50:50 funding by RNSW and race clubs. The screen would not only dramatically improve the race day experience but has a wide range of other potential uses on non-race days.
- 4. Public Toilet Block.** The public toilets have satisfactory capacity for nearly all events/race meetings with the exception of Narooma Cup day when in excess of 2500 are in attendance. The provision of 3-4 portaloos satisfies the additional requirement. Therefore, it is considered unnecessary to spend considerable funds to extend the toilet block. The roof structure is beginning to corrode and will require replacement around 2022. At the same time a level of fitout improvement would be sensible with improved lighting, weather sealing and new basins likely priorities. It is estimated that the project would cost in the order of \$75,000. Racing NSW is aware of inadequate toilet facilities at many racecourses so it is likely that CRDF funding assistance will be available. A Govt grant is another funding option to be explored.

- 5. Betting Pavilion.** The frame and roofing is beginning to corrode and will reach end of life around 2025. The existing footings and paved floor provide the basis for an economical option of replacing the shed structure at a cost of around \$100,000. However, if funds were available it is more likely that a much improved structure will be built. The form and function of the structure will largely depend on the future shape of gambling. The current structure almost completely serves the TAB and bookmakers however, in 10 years time these 2 functions may need little or no space. In that case the area could be used to provide seating and catering for the public. The Board will use the ensuing years to develop options for this space.



- 6. Jockeys and Stewards Rooms.** In 2011 RNSW audited jockeys facilities at racetracks due to the increasing number of female jockeys. A plan was developed for Moruya however, was a low priority as our female facilities were better than most and had not been a source of complaint from the jockeys. Accordingly, there is no timeframe for a Moruya upgrade. The plan involves converting the stewards room to a females' jockey room and building a new stewards room adjacent to the current one. The cost of the internal refit and new Stewards Room would be in the order of \$50-70,000.
- 7. Spectator Pavilions.** Providing undercover seating areas for patrons is difficult due to the sandy soil and strong prevailing winds in summer. Umbrellas as used at other courses are unsafe and growing shade trees is very difficult. A grandstand type facility would be very expensive and therefore not feasible. Smaller multi-function pavilions are considered a good option. Three possible sites have been identified, west of the saddling enclosure, adjacent to the Members Area and to the south of the kiosk. A 10mx5m open sided pavilion could be built for approximately \$20,000 and provide covered space for a range of uses such as public in general, sponsors or private groups.

Other Requirements

1. **Track rails.** The B Grass rail and much of the course proper outside rail would benefit from replacement. At about \$15 pm the total cost would be approximately \$40,000. This work could be done in stages as funds become available. Depending on the success of achieving CRDF funding for other projects, CRDF support could be sought.
2. **Additional horse stalls.** It is planned to construct 3 additional stalls during 2017/18 and probably a further 3-5 stall extension at the SW end of the current structure. These will be constructed by MJC staff at a cost of \$5-7,000 per set using MJC funds.
3. **Kiosk improvements.** Considerable Kiosk improvements were carried out in 2016/7 at a cost of approximately \$20,000. This included lining the outside of the building, fitting roller shutters and an internal rearrangement of cooking facilities. Further minor work will be carried out as required and when funds are available.
4. **Sponsor area improvements.** Further aesthetic improvements will be incorporated and some outdoor catering equipment may be required. The long term usage of this area will likely be determined as part of the Betting Ring replacement decision around 2025.

Cost Schedule, Funding Options and Timetable

A table outlining the cost, funding options and timetable for these development plans is on the following page.

Moruya Racecourse Master Plan Outline

Project	Time	Cost	Funding option	Notes
Irrigation System Upgrade	2017	\$300-350,000	CRDF 80% MJC 20%	Underway
Members Extension	2018	\$300-350,000	MJC & MC (possible CRDF support)	Plans being developed
Big Screen	2018/19	\$100-120,000	CRDF 50% MJC 50%	RNSW initiated project
Running Rail	2020-25	\$40,000	CRDF80%/MJC20%	Phased replacement
Public Toilets (refurbishment)	2019-22	\$75,000	CRDF80%/MJC20%	Possible Govt grant
Public Pavilions	2020-25	\$30,000 each	MJC	
Betting/ Public Pavilion	2025-30	\$100- ?	CRDF/MJC/other	Scope tbd
Female Jockey Room	?	\$50,000	CRDF80%/MJC 20%	Tbd by RNSW
Events Centre	?	\$5M	Govt grant	Opportunity

CCS17/102 MORUYA AIRPORT - HERITAGE APPROVALS

E88.0056

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

Attachments: 1. Confidential - Heritage Approval

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

Council's Aboriginal Heritage Impact Permit application, required to commence new construction work at Moruya Airport, will be enhanced if Council has made its intention clear and already committed to certain measures. This report seeks Council endorsement of those measures in the confidential attachment.

A Master Plan for Moruya Airport was publicly exhibited and approved by Council in early 2015. Council obtained grants from the NSW and Australian Governments of \$7.1 million to deliver elements of the Moruya Airport Master Plan. Together with Council's financial contribution, it is a \$9.6 million project. Development cannot proceed until Aboriginal Heritage approvals have been obtained. The process to obtain these began in 2015 and extensive consultation has been undertaken since that time.

RECOMMENDATION

THAT Council undertake the actions outlined in the confidential attachment to this report CCS17/103.

BACKGROUND

Council obtained grants from the NSW and Australian Governments of \$7.1 million to deliver elements of the Moruya Airport Master Plan. Together with Council's financial contribution, the \$9.6 million project cannot commence construction until Aboriginal Heritage approvals have been obtained.

NSW Office of Environment and Heritage (OEH) are the relevant agency who assess these approval applications. OEH need to consider Council's response to a number of matters the heritage investigation and consultation has uncovered.

Council's heritage application to begin new construction will be enhanced if Council has made its intention clear and already committed to certain measures. The commitments would be contingent on Council getting the permit to construct.

CONSIDERATIONS

Council endorsement is sought to the measures detailed in the confidential attachment.

CCS17/102 MORUYA AIRPORT - HERITAGE APPROVALS

E88.0056

Legal

Council requires a permit to 'harm Aboriginal objects and places' under the *NSW National Parks and Wildlife Act 1974*.

The measures outlined in the confidential attachment will demonstrate to OEH that Council is seeking to mitigate and minimise the impacts of the development on Aboriginal heritage objects and places, as required by the legislation.

Policy

Development at Moruya Airport is consistent with the Moruya Airport Master Plan approved by Council in May 2015.

Asset

Significant investment in this critical Council asset can commence once heritage approvals are obtained.

Economic Development Employment Potential

There are major economic benefits of issuing a permit and these benefits are the main purpose of the development. The funding applications approved by the NSW and Australian Governments identify that once the funded area is developed, 71 jobs will be created.

Community and Stakeholder Engagement

Consultation with the Aboriginal community has been extensive over the last 18 months and is continuing. The consultation has involved the OEH, archaeological and cultural heritage assessments, and face to face meeting with community members.

CONCLUSION

Council is making an application for an Aboriginal Heritage Impact Permit. The measures outlined in the confidential attachment will demonstrate to OEH that Council is seeking to mitigate and minimise the impacts of the development on Aboriginal heritage objects and places, as required by the legislation.

CCS17/104 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: 1. Under Separate Cover - Code of Conduct Complaints Statistics report
Focus Area: Support Services
Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council operates
Operational Plan Link: SS1.2.2 Ensure transparency in council dealings

EXECUTIVE SUMMARY

The Office of Local Government requires Council to submit a Code of Conduct Complaints Statistics Report by 30 November each year. Council submitted the Code of Conduct Statistics Report to the Office of Local Government on 13 November 2017. A copy of the report is attached for Council information.

The report includes statistical information on the code of conduct complaints relating to Councillors and the General Manager from 1 September 2016 to 31 August 2017. As part of this process the report must be presented to Council by 31 December 2017.

RECOMMENDATION

THAT

1. Council receive and note the Code of Conduct Complaints Statistics Report.

BACKGROUND

The Model Code of Conduct states a council official must act in a manner that is not likely to bring Council or holders of civic office into disrepute. Specially, they must not act in a way that:

- a) contravenes the *Local Government Act 1993* (the Act), associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment.

A council official must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Act or any other Act. Further, they must treat others with respect at all times.

When a complaint is lodged with a conduct reviewer they will conduct a preliminary assessment for the purpose of determining how the complaint is to be managed. The conduct reviewer may determine one or more of the following:

- to take no action, or

CCS17/104 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

- to resolve the complaint by alternative and appropriate strategies such as, counselling, training, mediation, informal discussion, negotiation or apology, or
- refer the matter back to the general manager for by alternative and appropriate strategies such as, counselling, training, mediation, informal discussion, negotiation or apology, or
- to refer the matter to another agency or body such as, the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, the Office of Local Government or the Police, or
- to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.

If the conduct reviewer believes the complaint needs to be investigated, the conduct reviewer may make one or more of the following recommendations on completion of the investigation:

- that the council revise any of its policies and procedures
- that the subject person undertake any training or other education relevant to conduct giving rise to the breach
- that the subject person be counselled for their conduct
- that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
- that finds of inappropriate conduct be made public
- in the case of breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act
- in the case of the breach by a councillor, that the Council resolves as follows:
 - that the Councillor be formally censured for the breach under section 440G of the Act, and
 - that the matter be referred to the Office of Local Government for further action under the misconduct provision of the Act.

The Model Code Procedures (for administering the Model Code of Conduct) states that the following statistics must be reported to Council within three (3) months from the end of September each year.

- Total number of complaints received in the period about councillors and the General Manager under the code of conduct.
- Total number of complaints finalised in the period about councillors and the General Manager under the code of conduct.
- The number of complaints finalised at the outset by alternative means by the General Manager or Mayor.
- The number of complaints finalised referred to the Office of Local Government under a special complaints management arrangement.

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- The number of code of conduct complaints referred to a conduct reviewer.
- The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer.
- The number of code of conduct complaints referred back to General Manager of Mayor for resolution after preliminary assessment by conduct reviewer.
- The number of finalised code of conduct complaints investigated by a conduct reviewer.
- The number of finalised code of conduct complaints investigated by a conduct review committee.
- The number of finalised complaints investigated where there was found to be no breach.
- The number of finalised complaints investigated where there was found to be a breach.
- The number of complaints referred by general Manager or Mayor to another agency of body such as ICAC, the NSW Ombudsman, the Office of Local Government or the Police.
- The number of complaints being investigated that are not yet finalised.
- The total cost of dealing with code of conduct complaints relating to councillors and the General Manager including staff costs.

CONSIDERATIONS

All complaints received against Councillors and the General Manager from 1 September 2016 to 31 August 2017 have been included in this report. All code of conducts complaints received in the reporting period have been finalised.

Legal

The Model Code of Procedures for administration of the Model Code of Conduct states that a Code of Conduct Complaints Statistics report must be presented to Council within three months from the end of September each year.

Policy

The Code of Conduct Complaints Statistics report is a requirement of the Model Code of Procedures for the administration of the Model Code of Conduct.

Social Impact

Enhancing transparency of Council Policy and procedures.

Financial

The total cost of dealing with code of conduct complaints relating to Councillors and the General Manager for the 2016-2017 period is \$10,447 compared to the 2015-2016 period of \$11,550.

Community and Stakeholder Engagement

The Model Code of Conduct is a mechanism that allows the public to submit complaints for

CCS17/104 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

breaches of the Code by Councillors and the General Manager. The Model Code of Conduct has been developed to assist council officials to act in a way that enhances public confidence in the integrity of local government.

CONCLUSION

The Code of Conduct Complaints Statistics report has taken into account all the requirements listed in the Model Code of Procedures for administration of the Model Code of Conduct. Council submitted the Code of Conduct Complaints Statistics report to the Office of Local Government on 13 November 2017. It is recommended that Council receive and note the Code of Conduct Complaint Statistics report.

**CAR17/031 TENDER - MORUYA LIBRARY AND ARTS CENTRE NEW BUILDING
AND REFURBISHMENT STAGE 1 WORKS**

E16.0156

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

Attachments: 1. Confidential - Tender Moruya Library and Arts Centre

Focus Area: Liveable Communities

Delivery Program Link: L3.2 Support and deliver enhanced cultural experiences and programs

Operational Plan Link: L3.2.2 Support the conduct of exhibitions, talks, seminars, workshops
and other initiatives and programs

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender No. 2017 ISD/090, 'Moruya Library and Arts Centre New Building and Refurbishment Stage 1 works' and recommends invitation of fresh tenders in accordance with Local Government (General) Regulation (2005) – REG 178(3)(b).

As detailed in the report below, the basis of this recommendation is the tendered offers being considerably higher than the Pre-tender Estimate (PTE) and accordingly, Council's inability to demonstrate Value for Money.

RECOMMENDATION

THAT based on the assessment of value provided in the confidential attachment for the tenders for the construction of the Moruya Library and Arts Centre Stage - 1 Works outlined in this report, Council decline acceptance of all tenders under Local Government (General) Regulation 178(3) and consistent with Regulation 178(3)(b), repackage and invite fresh tenders.

BACKGROUND

RFT No. 2017 ISD/090 was advertised on 26 September 2017 with a closing date of 25 October 2017. Complying tenders were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

Patterson Building Group Pty. Ltd.

Cercol Construction Services Pty. Ltd.

McMahon Services Australia Pty Ltd.

A summary of the evaluation including each tenderer's scoring against the evaluation criteria and pricing will be provided in a confidential attachment.

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2017 ISD/090 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertising on Council's noticeboard page in two local newspapers, in the

**CAR17/031 TENDER - MORUYA LIBRARY AND ARTS CENTRE NEW BUILDING
AND REFURBISHMENT STAGE 1 WORKS**

E16.0156

Sydney Morning Herald and at Council's Tenderlink web portal
(www.tenderlink.com/eurobodalla).

Policy

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

Environmental

The construction of the new building will be undertaken in accordance with the relevant environmental requirements. The acid sulphate soils will be treated and disposed of on site. The building complies with flooding requirements and, where appropriate, we will seek to use recycled timber.

Asset

The new building will provide the place and space for learning, exhibitions and for community use. The Arts facilities will cater for travelling exhibitions and will also create opportunities for local artists to showcase their works.

This space will attract exhibitions and visitors alike and add vibrancy to community cultural life.

Social Impact

The expansion of Moruya Library, incorporating arts and cultural facilities projects, will have a significant positive impact, providing a modern purpose built facility, with increased community spaces for programs, meetings, activities, creative pursuits, exhibitions and events. The project is in line with the infrastructure and community benefit aims of the *Eurobodalla Shire Situational Analysis: Arts and Cultural Infrastructure Report 2010 and the Libraries and Lifelong Learning Strategic Plan 2014-2018*.

Economic Development Employment Potential

When completed, the facility will provide economic opportunities for arts practitioners, tourism (eg, arts trails, creative workshops, commercial bookings for exhibition space), travelling exhibitions (eg, national touring programs), workshops, literary events as well as a comprehensive community program. Opportunities will also exist for increased volunteering participation across the facility for both library and arts activities.

Financial

The Moruya Library, Arts and Cultural Centre has received commitments of funding from Eurobodalla Shire Council, various Federal and State Government agencies and a philanthropist.

In order to ensure the best value for money, and the most effective outcome quantity, surveyors were engaged at appropriate stages to ascertain costs to deliver the project. The tender price submitted by the highest scoring bid was greater than 20% of the pre tender estimate (PTE).

This project is unable to proceed in its current format. A repackaged project of works is likely

**CAR17/031 TENDER - MORUYA LIBRARY AND ARTS CENTRE NEW BUILDING
AND REFURBISHMENT STAGE 1 WORKS**

E16.0156

to achieve the intent of this project with each stage implemented as funds become available.

Community and Stakeholder Engagement

The community was consulted to better understand their needs now and into the future and will be informed of the tender outcome(s) via Council's contract register found in Council's 'Public Access to Information' web link.

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the decision to not select a preferred tenderer has been assessed, through extensive evaluation, and a determination has been reached that the proposed contract would not achieve value for money for the public.

DR17/007 NSW COASTAL CONFERENCE

E97.1325

Responsible Officer: Councillor James Thomson and Councillor Maureen Nathan

Attachments: Nil

Focus Area: Collaborative Communities

Delivery Program Link: C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner

Operational Plan Link: C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives

EXECUTIVE SUMMARY

Councillors James Thomson and Maureen Nathan represented Eurobodalla Shire Council at the 26th Annual NSW Coastal Conference held on 8 – 10 November 2017 at the Shoal Bay Country Club, Port Stephens and they present their delegate's report on the Conference.

RECOMMENDATION

THAT the Delegates Report from Councillors James Thomson and Maureen Nathan on the 2017 NSW Coastal Conference be received and noted.

BACKGROUND

The Welcome to Country was performed by Uncle John Ridgeway, a Warimi Elder who explained coastal issues including development through Aboriginal eyes. It was a powerful speech and useful in gaining another perspective for coastal management.

The conference was opened by Scott MacDonald, Parliamentary Secretary for Planning – Central Coast and Hunter.

Keynote speakers David Harasti from Fisheries NSW gave a very enlightening talk about the biodiversity of Port Stephens with great five photos and videos. He spoke about the Marine National Park and the benefits of various fish species at the cost of the local seahorse population.

Professor Bruce Thom presented his study of sedimentary history from the last glacial period around 200,000 years ago to the present. He explained where and how glaciers moved and how soils sand and clay travelled from one area to another to form the current geography of Port Stephens.

Jason Ruzzczyk in 'Working our way to the Core' investigated the late Holocene changes in Dee Why lagoon on the Northern Beaches of Sydney.

Mathew Prum spoke about the lessons learned from Cyclone Debbie in Shute Harbour, Queensland. One of the anomalies of the cyclone was the slowness of its movement, around 7km per hour. This meant areas and infrastructure were exposed to the extreme weather event for much longer than normal which lead to widespread damage.

Raphael Carvelho, University of Wollongong, presented this study of Sediment Compartment Dynamics on the Illawarra coast and the implications for coastal planning.

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James Carley's look at Sydney's most overtopped seawall at Fairy Bower beach, Manly was insightful. The lessons learnt and design improvements made to the seawall has enhanced public safety and asset protection. The wave return infrastructure installed there has so far been very successful.

Ian Botha's talked on the Stockton Coastal Protection Project and how Soil Conservation Services built a 10,000 tonnes seawall and sand dune in just 12 weeks was interesting. The key was good communication with local residents and council which minimized delays on the build. The biggest challenges was finding suitable rock close to the project.

Kylie Russell, Department of Primary Industries, presented 'Lost and Found: The Oyster reef restoration opportunity'. It was interesting to learn that 85% of shellfish reefs worldwide have been lost. Many of Australia's oyster reefs were used to make lime for building materials in the early days of the colony. Shellfish reefs help to keep estuaries clean by filtering the water. They are biodiversity hotspots and provide crucial habitat for many marine species, especially during low tide periods. Shellfish reefs attract fish and create natural seawalls that protect the shoreline. Rehabilitating shellfish reefs improves estuary water quality and habitat, it is also proven to create jobs in the local community both directly and indirectly.

Michael Taylor, Soil Conservation Services, demonstrated three options for stabilizing estuarine riparian zones. Rock fillets are structures to catch sediment and encourage mangroves to re-colonize. Salt marsh beaches provide the best habitat for salt marsh regeneration and log crib walls which use dead trees placed along the shoreline to halt erosion and create mangrove habitat.

Tom Davies' discussion on 'Is your community resilient?' explored the best practice guidelines for natural hazard resilience in the built environment. He looked at the consequences of climate change on insurance, pointing out the need for good planning to lower risk to keep insurance affordable.

Allan Young presented 'The poor cousin: What it takes to make relocation work'. Allan studied how money is spent on mitigation and adaption for climate change. He discussed how relocation of buildings at risk from sea level rise was possible, but prohibited by expense. He found that properties in high risk areas continue to increase in value because people expect government to bail them out if something goes wrong. Allan suggested a possible solution called 'Retreat and Lease' where government leases the land after it has lost its amenity, for a period of 10 years. This would give the owners some income while they relocate and clean the site.

Mitchell Harley presented 'CoastSnap: A novel community beach monitoring program using a smart phone and coastal image technology'. CoastSnap is a citizens science style of gathering data on beach movement. A post with a cradle to hold a smart phone is installed onsite and people are invited to take a photo of the beach at any time and using facebook, send it to CoastSnap. The photo is added to the data bank where it is used to measure beach erosion overtime. The twin benefits are a greater pool of knowledge of our coastal areas and an active participation by our community in environmental awareness.

The field trip to the Department of Primary Industries Fisheries Research Centre was valuable experience especially in light of Council's plan to build an oyster hatchery. The Fisheries Research Centre was established in the early 1970's and is a world leader in freshwater and

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marine ecosystems research. It has pioneered Australian fish hatchery technology and encouraged and supported the Australian fish farming industry. The oyster hatchery was fascinating and informative. It seems that while there is a lot of science involved in breeding oysters in captivity, the physical work is relatively simple. The equipment needed is fairly basic, and the only real concern is access to abundant clean water. The food source for the oyster spat is algae, which is grown on site from several varieties identified as ideal for maximum growth. The research centre has selectively bred oysters for size, shape and taste and also to suit specific aquatic conditions. Farmers can order spats to suit their particular area and conditions and to suit specific markets. The generic work done on oysters by the Fisheries Research Centre will, I believe, remove many of the hurdles we may face in setting up an oyster hatchery in the Eurobodalla.

Elizabeth Akerman and Philippa Hill presented 'Treading the Fine Line – Consultation on the coast'. A key message was: "Engagement generates expectations... engagement is not about consensus. It is to facilitate respect and understand." It is to facilitate respect and understanding. Clarify whether the engagement is information or consultation.

Natalie Moltschaniwskyj presented "Sharks, Tags and technology – how are they helping us to be Shark Smart?" 100 SMART drumlines and 21 VR4G receivers are now deployed to capture, tag and track sharks with over 215 tagged white, tiger and bull sharks. The technologies may help revolutionise personal risk management when entering the shark's domain. Community engagement is essential.

Helen Monks presented 'Land Use Zoning Response to Climate Change'. The presentation was from a property market perspective by a town planning consultant. A take home message from the consultant was to tell the market what will happen and why. Insurers are demanding less risk-taking. Minimise the risks by selectively changing land use intensity i.e. replace the current concept off up zoning in at risk areas from low to more intensive valuable uses.

Anna Attard presented on Community Understanding of Coastal Hazards. The message was the paramount need to identify the existing gaps in community understanding and highlight the management interventions which resonate most with the community

Ian Coghlan presented 'Wave penetration into waterways with intermittently closed entrances' Interesting to understand what has happened in our neighbouring shires.. Shoalhaven Heads and Wonboyn Lake Bega.

Karen Coleman presented 'Misfeasance in Public Office' the key message was the Tort of 1828 was cited in NSW in 2009 and in Qld in 2015 and the Key issue is relevant to state of mind, i.e. misfeasance in intentional: Targeted malice or reckless indifference.

Wendy Craik presented 'The draft NSW Marine Estate Management Strategy – How will it benefit the coast and people of NSW?' The key message is the public engagement is underway to inform the final strategy in 2018 Submissions are on line ending 8 Dec 2017. There are 8 Draft Initiatives.

Mathew Glatz presented 'It's time for a update – Extreme waves and Directional Distributions along with NSW Coastline' key message was to compare Batemans Bay with Eden for Maritime tourism. The Extreme Value Analysis (EVA) comparison proves we have less extreme.

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Emma Graham presented 'Self Help Steven the Seawall' the perfect seawall or revetment is one that provides protection from erosion, wave overtopping and future sea level rise impacts such as permanent inundation. It is also able to be adapted to cater for change. However, in order for this seawall to meet Council's other goals in terms of ecology, water quality and public access the perfect seawall would be set back a substantial distance from the foreshore itself.

D Hanslow presented on NSW Marine Seabed, key message was there is not much mapping on the South Coast! With recent mapping only in Wollongong

Megan Halway presented 'The Next Wave of Coastal Planning Law – A Legal Update. The key message is that the new Coastal Management Act , Drafts , SEPP's are designed to replace current laws with less complex laws which are a better fit with land use.

D Lord presented 'Relocation high risk residential development from coastal hazards: realistic adaptation or unrealistic aspiration? An Opinion piece' key message was planning is trying to predict the future. Individual councils with strategic withdrawal policies have had 8 triggers with NO subsequent removals. Suggestion is to have Disclosure of Vulnerability on property title.

R Massie presented 'Reclaimed land reclaimed again? Depends what bag you use to clean up the mess' key message is that Shoalhaven's Greenwell Point precinct is probably Australia's oldest reclaimed site when Berry's Canal modified the river in 1827.

Sean Pascoe presented 'What's my beach worth? Economic values of NSW coastal assets' the key message requirements and estimates for cost benefit analysis of coastal projects.

S Pearce presented on 'Life Saving Technology – how unmanned aerial vehicles (UAVs) are preventing drowning along the NSW Coastlines' key messages include Drones being used spontaneously and after 10 years of debate, in 3 years have gone from Trial technology in 2015-16 to Operational trial 16-17 and full operation this year. This technology enables inclusivity as the wheelchair bound can still operate. There is high public acceptance of the technology.

Useful links to papers:

<http://www.coastalconference.com/2017/papers2017/Anna%20Attard.pdf>

<http://www.coastalconference.com/2017/papers2017/Karen%20Coleman.pdf>

<http://www.coastalconference.com/2017/papers2017/Dr%20Wendy%20Craik.pdf>

<http://www.coastalconference.com/2017/papers2017/Matthieu%20Glatz%20Full%20paper.pdf>

<http://www.coastalconference.com/2017/papers2017/Emma%20Graham.pdf>

<http://www.coastalconference.com/2017/papers2017/Megan%20Hawley.pdf>

<http://www.coastalconference.com/2017/papers2017/Helen%20Monks.pdf>

<http://www.coastalconference.com/2017/papers2017/Sean%20Pascoe.pdf>

CONCLUSION

The NSW Coastal Conference provided an opportunity to hear from experts on how the most recent research and coastal planning initiatives are being applied across New South Wales.

DR17/007 NSW COASTAL CONFERENCE

E97.1325

17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

Nil

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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