



# **AGENDA**

**Ordinary Meeting of Council**

**28 July 2015**



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

**ON TUESDAY 28 JULY 2015**

**COMMENCING AT 10.00AM**

**AGENDA**

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

- |            |  |                 |
|------------|--|-----------------|
| <b>1.</b>  | <b>WELCOME, ACKNOWLEDGEMENT OF COUNTRY &amp; EVACUATION MESSAGE</b>  |                 |
| <b>2.</b>  | <b>APOLOGIES</b><br>Nil  |                 |
| <b>3.</b>  | <b>PUBLIC FORUM (AGENDA ITEMS ONLY)</b>  |                 |
| <b>4.</b>  | <b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>   |                 |
| 4.1        | Ordinary Meeting held on 23 June 2015  |                 |
| <b>5.</b>  | <b>DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA</b><br>(Declarations also to be made prior to discussions on each item) |                 |
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| <b>8.</b>  | <b>QUESTIONS ON NOTICE FROM COUNCILLORS</b><br>Nil   |                 |
| <b>9.</b>  | <b>PETITIONS</b><br>Nil  |                 |
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CON15/011	Compliance Matter  <i>Item CON15/011 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	

**DR CATHERINE DALE**  
**GENERAL MANAGER**

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## **MR15/001 COMMUNITY MEETINGS**

File Ref: E15.9270; E15.9277

### **EXECUTIVE SUMMARY**

The Eurobodalla Shire community is the focus of everything Council does. Residents' views and their feedback on projects and plans help Council respond to community needs. We are committed to improving relationships and building trust between Council and the community and to further enhance our existing community consultations processes, I am proposing to conduct twice yearly community consultation sessions in Batemans Bay, Moruya and Narooma. This report seeks Council's endorsement of the proposal.

### **RECOMMENDATION**

THAT:

1. In addition to current community consultation, Council endorse twice yearly community meetings on matters of current interest to be held in Batemans Bay, Moruya and Narooma in September and February of each financial year;
2. The first community consultation sessions be arranged for September 2015 with the agenda to include presentations on the budget, including the rate variation projects, priorities for the year, and Fit for the Future, followed by an open question and answer session.

### **REPORT**

Council currently undertakes a wide range of consultation with the public including annual presentations on the Budget/Delivery Plan/Operational Plan; the regular Meet Us At the Markets program; "street meets" with residents who will be affected by works proposed for their area; and community meetings to discuss matters of interest as they arise.

Public submissions are sought on major proposals; members of the public are invited to address Council on matters of concern to them; and as Mayor I regularly meet with business owners, community groups and residents on various matters with appropriate senior staff also present.

Council staff hold regular meetings with community groups, such as the Tuross Business Owners' Association, the Tuross Head Progress Association, and the Presidents of the combined Chambers of Commerce. These meetings are an opportunity to provide feedback, discuss projects and seek information on matters relative to each community. As Mayor, I have written each year since 2012 to all community groups we have contact details for asking if they would like me to attend their meetings, with this offer being taken up by many groups across the Shire. Senior officers are also regularly invited to present to community groups.

Despite our current processes, concerns have been raised by some community groups that we do not actively engage in consultation with our community. We have taken this on board and are currently in the process of developing a Eurobodalla Shire Community Engagement Strategy. The outcome of this project will be a defined way forward to enhance relationships and build trust between Council and the broad community.

I look forward to the development of a strategy which will assist with our consultation process, however I believe we need to act now to improve our community engagement.

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**MR15/001 COMMUNITY MEETINGS**

**E15.9270;  
E15.9277**

Therefore, I propose that in addition to existing consultations/information sessions, we initiate twice yearly community meetings across the Shire where all members of the public are invited to meet with Councillors and staff to discuss current matters of interest. I believe the community meetings should be held towards the end of September and February in each financial year. In 2016, the September meeting will need to be postponed until October due to the Council election.

As Mayor, I will chair the meetings which would begin with presentations by staff on matters of current interest followed by open questions on those presentations and any other matters of concern.

For the first community meeting to be held towards the end of September this year, I propose that presentations be made on the budget, priorities for the coming year and Fit for the Future, followed by open questions.

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**GMR15/017 HUNTFEST**

**E12.6277**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Huntfest Review July 2015  
2. Under Separate Cover - Confidential - Attachments

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**

At its Extraordinary Meeting of Council held on Tuesday 9 June 2015, Council resolved:

*THAT:*

- 1. The Council appoint Dr Catherine Dale to conduct a review of Council's planning process and the timeline of legal advice sought and received for Huntfest.*
- 2. The finding of the review be reported back to Council and the community at the July 2015 Council meeting.*

In accordance with the Council's resolution a review has been undertaken of the process involved with the approval of the Huntfest event, including the development approval requirements and the issue of the initial licence and subsequent amendments. The background of the event, development application determination for temporary structures, the process to issue the event licence (and amendments sought), Council resolutions, as well as legal advice obtained during the operation of the licence, have been considered in the attached report.

There are four distinct approval processes relevant to the Huntfest event, two of which require Council approval and two which are external to Council.

Council is responsible for: Development application process (*Environment Planning and Assessment Act 1979* and *State Environment Planning Policies (SEPP)*) and an event licence under the *Crown Lands Act 1989*. In Section 5 of this report the Development approval requirements for temporary structures and the legal advice that supports the findings that the use is permissible under the *State Environment Planning Policies (Infrastructure 2007)* Clause 65 is outlined. The Development Approval for temporary structures was determined by officers under delegated authority.

In Section 6 the licence requirements and the process for the subsequent amendments is examined. The licence and subsequent amendments were approved by Council.

As outlined in the attached report, having reviewed the legal advice, relevant legislation and Council policies, it is considered that this event and associated activities is permissible. It is also considered that the appropriate approvals have been issued as approved by staff under delegation and by Council, in accordance with Council's policies and processes, the *Environmental Planning and Assessment Act 1979* and the *Crown Lands Act 1989*.

An extensive review of legislation, legal advice, Council policies, relevant documents and Council reports has been undertaken in preparing the attached report. The key aspects of the

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**GMR15/017 HUNTFEST**

**E12.6277**

event approval processes have been examined, however Council may determine that further clarification or expansion of an issue is required and this can be resolved at the Council meeting on 28 July 2015.

It is recommended that the independent members of the Audit Committee receive the attached report (or the amended report should Council so resolve), and provide feedback to Council. In undertaking its review of the attached report, the Audit Committee members will have access to any further records or information that may be requested.

**RECOMMENDATION**

THAT:

1. Council receive and note the report titled 'Huntfest Review July 2015'.
2. Council indicate additional comments or clarifications to the report titled 'Huntfest Review July 2015'.
3. Once finalised, the report titled 'Huntfest Review July 2015' be provided to the Independent Audit Committee members for consideration and report back to Council, noting that any additional information requested by the Audit Committee members will be made available.
4. The NSW Police be invited to brief Council on the risk management process undertaken with regard to the operations of Huntfest.

**BACKGROUND**

The Huntfest event has been held at the Narooma Sport and Leisure Centre and NATA Oval on the June long weekend since 2013. The event format has been as follows:

8-9 June 2013 Huntfest

(Photographic and DVD Competition including Hunting and Camping Expo)

7-8 June 2014 Huntfest

(Photographic and DVD Competition including Hunting and Camping Hunting Expo, incorporated the display of firearms, archery and simulator)

6-7 June 2015 Huntfest

(Photographic and DVD Competition including Hunting and Camping Expo incorporating all activities permissible under an Arms Fair Permit, archery and imitation firearm laser game, the operation of a mobile air rifle range, and use of all of NATA oval).

At its Extraordinary Meeting of Council held on Tuesday 9 June 2015, Council resolved:

*THAT:*

1. *The Council appoint Dr Catherine Dale to conduct a review of Council's planning process and the timeline of legal advice sought and received for Huntfest.*



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**GMR15/017 HUNTFEST**

**E12.6277**

2. *The finding of the review be reported back to Council and the community at the July 2015 Council meeting.*

The attached report provides a review of Council's planning processes involving the Huntfest event, including the timeline of legal advice sought and received.

There are four distinct approval processes relevant to the Huntfest event being:

- Development application process (*Environment Planning and Assessment Act 1979* and *State Environmental Planning Policies (SEPP)*). This approval was determined by Council staff under delegation.
- Event licence under the *Crown Lands Act 1989*. The licence and subsequent amendments were determined by Council.
- Crown lands approval under the *Crown Lands Act 1989*. This approval was determined by the Minister administering the Crown Lands Act 1989.
- Firearms approval under the *Fire Arms Act 1996*. This approval was determined by the Firearms Registry.

As indicated above, only matters related to the development application and event licence are under the control and responsibility of Council.

For the purpose of preparing the attached report, 'planning process' has been taken as being Council's approval process; being two distinct and separate processes that have been required to be undertaken to obtain the relevant approvals to hold the Huntfest event.

## **CONSIDERATIONS**

### **Legal**

The legal context and advice that has been provided by Council lawyers is outlined in the attached report. Copies of all legal advice have been provided to Councillors as confidential attachments.

### **Policy**

All relevant Council policies have been reviewed in the preparation of the attached report.

### **Financial**

In accordance with the licence issued for the event, Council receives a licence fee. This fee has generated the following income for Council:

2012/13    \$1,612.73

2013/14    \$1,648.18 & \$1,000 administration fee

2014/15    \$1,695.45 & \$1,000 administration fee

Legal advice obtained and drafting of a response to the EDO, and subsequent queries from Councillors resulted in a cost to Council of \$11,196.28 in 2015.

Legal costs of \$4,028.87 were also incurred in 2013 associated with the provision of advice related to the establishment of the licence. Further legal costs of \$4,824.05 in 2014 were incurred regarding the amendment to the licence in respect of the sale of firearms.

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**GMR15/017 HUNTFEST**

**E12.6277**

**Community Engagement**

Community consultation was not a legal requirement in the assessment process for the Development consent for the temporary structures under the *Environmental Planning and Assessment Act 1979*. It is also not a legal requirement in granting the licence and the amendments to the licence in accordance with the provisions of the *Crown Lands Act 1989*. It was also not a requirement of Council's Events Policy.

While community consultation was not a requirement under legislation or Council policy, Council has the authority to resolve that community consultation be undertaken in consideration of the amendment to the licence, which it did on 26 August 2014. As a result, community consultation was undertaken in accordance with Council's resolution.

**CONCLUSION**

The review of the process involved with the approval of the Huntfest event and the granting of the initial event licence and subsequent amendments has been undertaken.

It is considered that having reviewed the relevant documents and legal advice, Huntfest is a permissible use in accordance with the *Bill Smyth Reserve, Narooma Leisure Centre, Narooma Pool, NATA Oval, Wagonga Foreshore Reserve and Ken Rose Park Plan of Management (2008)* which governs the use of the subject land and pursuant to Clause 65 of the SEPP (Infrastructure 2007) did not require Development Consent.

Development Consent was required for the temporary structures associated with the event and the approval process for the temporary structures was carried out in accordance with the *Environmental Planning and Assessment Act 1979*.

The Licence and the amendments to the licence were granted by Council as Trust Manager for the Eurobodalla (South) Reserve Trust in accordance with Section 102 of the *Crown Lands Act 1989*. Council resolved to grant a licence for Huntfest in 2012 and approved subsequent amendments to the licence in 2013 and 2014.

Accordingly having reviewed the legal advice and Council policies, this event and associated activities is permissible and it is considered that the appropriate approvals which have been granted are in accordance with Council's policies, processes and legal obligations.

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**GMR15/018 2015 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS -  
BALLARAT - 17-19 NOVEMBER 2015**

**E91.3255**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. National Local Roads & Transport Congress Program

Focus Area: Productive Communities

Delivery Program Link: P1.2 Undertake advocacy activities to deliver major initiatives and infrastructure to support future growth

Operational Plan Link: P1.2.1 Advocate for improved infrastructure and funding to support regional initiatives

### **EXECUTIVE SUMMARY**

The Australian Local Government Association is hosting the National Local Roads and Transport Congress in Ballarat from 17-19 November 2015.

### **RECOMMENDATION**

THAT Council determine which Councillor(s) will attend the National Local Roads and Transport Congress to be held on 17-19 November 2015 in Ballarat and if so determines that:

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

### **BACKGROUND**

The Congress has a reputation for influencing significant change. For example, the very first Congress resulted in the Roads to Recovery program in 2000. The 2013 Congress campaign to renew the Roads to Recovery program was instrumental in securing the renewal of the program until 2019.

Given the increasing fiscal pressure on the Federal Government and recent Budget decisions such as the freeze to the indexation of Financial Assistance Grants, it is important that local government present a united front when dealing with the Government on road and transport issues, particularly funding.

The National Local Roads and Transport Congress is critical in providing a platform to engage with the Federal Government and Opposition on road and infrastructure policies and initiatives.

It is also important that the outcomes from the NSW Roads Congress are promoted to a national level to ensure the issues prevailing in New South Wales are incorporated.

### **CONSIDERATIONS**

The Australian Government provides significant funding to Local Government through its various programs including Federal Assistance Grants, Roads to Recovery, Black Spot Program and the Bridge Renewal Program. Many of these programs have been instigated following strong and collaborative representation by Local Government at both a state and national level.

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**GMR15/018 2015 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS -  
BALLARAT - 17-19 NOVEMBER 2015**

**E91.3255**

Recent funding announcements on additional Roads to Recovery for the 2015-16 and 2016-17 financial years are welcomed and the Australian Government is to be congratulated for these initiatives.

Longer term, a more sustainable national infrastructure funding framework is required to support infrastructure management, particularly in regional areas where population densities are lower and the lengths of transport infrastructure are relative large.

This advocacy is vital to support economic development, employment, road safety and social equity as well as the long term financial sustainability of Councils across Australia.

**Policy**

Council's 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*'.

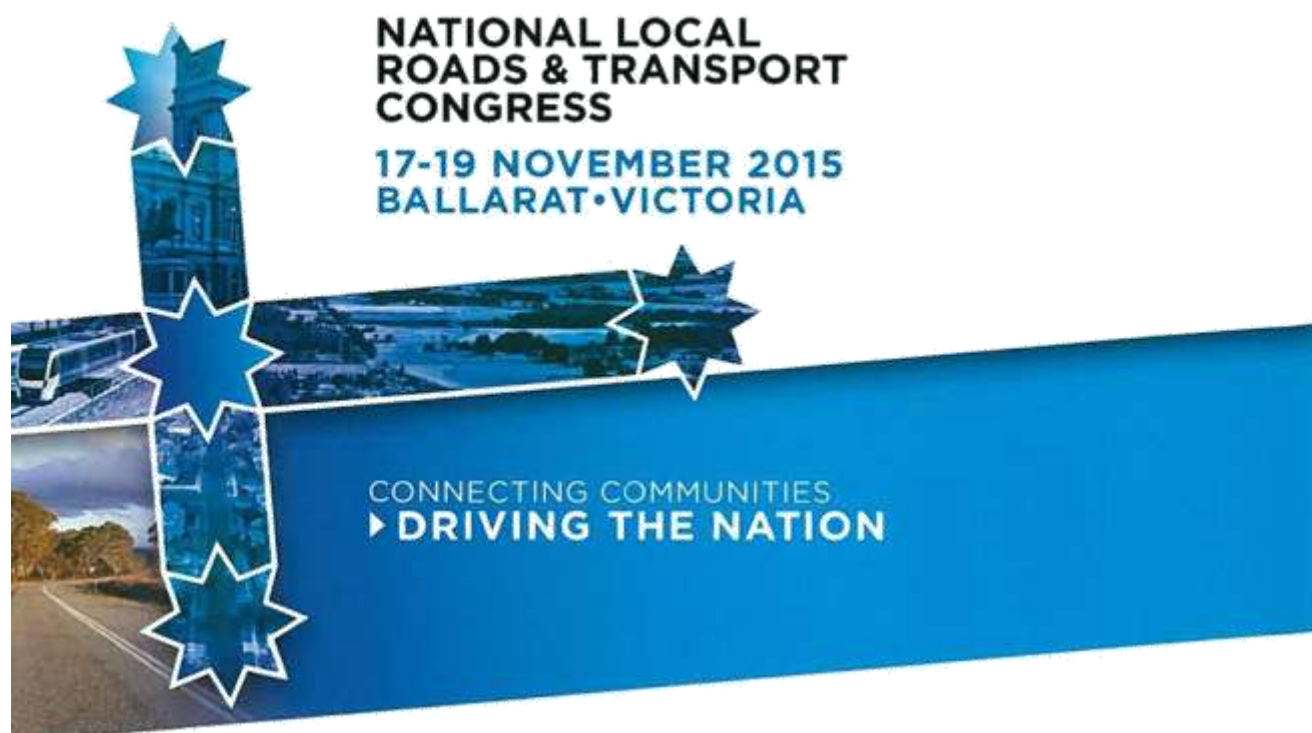
**Financial**

Full registration for the conference is \$890 which includes all Conference sessions, materials, welcome reception and congress dinner.

Council will reimburse or pay registration fees, accommodation, meals, parking, telephone and travel expenses associated with attendance to the conference plus any other reasonable and directly related out of pocket expenses.

**CONCLUSION**

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



## INVITED SPEAKERS



The Hon Warren Truss  
MP

The Hon Anthony Albanese  
MP

### TUESDAY 17 NOVEMBER

5:00-7:00pm Welcome Reception: Sovereign Hill Historic Park

### WEDNESDAY 18 NOVEMBER

9:00am Opening Address: ALGA President, **Mayor Troy Pickard**  
 9:30am Deputy Prime Minister, **the Hon Warren Truss MP** (invited)  
 10:00am Keynote Address (TBC)  
 10:30am Morning Tea  
 11:00am Panel Session  
 12:30pm Lunch  
 1:30pm Concurrent sessions  
*Regional Funding Challenges*  
*Managing Urban Sprawl*  
 3:00pm Afternoon Tea  
 3:30pm International Speaker (TBC)  
 4:00pm A discussion with key stakeholders  
 5:00pm Day One Close  
 6:30pm Official Dinner  
 Pre-dinner drinks: Jackson's & Co  
 Dinner: Mining Exchange

### THURSDAY 19 NOVEMBER

9:00am Shadow Minister for Infrastructure and Transport,  
**The Hon Anthony Albanese MP** (invited)  
 9:30am Launch of State of the Assets  
 10:15am Keynote Address (TBC)  
 10:45am Morning Tea  
 11:15am Concurrent sessions  
 12:45pm Lunch  
 1:45pm Panel session: *Regional Collaboration*  
 3:15pm President's Closing Address  
 3:30pm Congress Close

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**PSR15/028 SOUTH MORUYA BIOCERTIFICATION PROJECT - POST  
CONSULTATION**

**E06.0470**

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: Nil

Focus Area: Sustainable Communities

Delivery Program Link: S8.1 Plan for the protection and enhancement of our natural environment

Operational Plan Link: S8.1.1 Broulee Bio certification Project

### **EXECUTIVE SUMMARY**

A biocertification strategy process for South Moruya commenced in 2011 with the support and involvement of some of the land owners in the precinct. The process was placed on hold following the assessment of the vegetation in the precinct, awaiting the outcome of a similar process underway for land at Broulee.

Following the completion of the Broulee project, Council sought advice from land owners who previously participated in the South Moruya project in order to consider the options moving forward for that project.

Following engagement with land owners, it is clear that there is insufficient interest from land owners in the South Moruya area to justify proceeding with the biocertification process. It is therefore recommended that no further work on the project be undertaken.

### **RECOMMENDATION**

THAT

1. Council resolve not to proceed with the South Moruya Biocertification project.
2. Land owners who previously participated in the project be notified of Council's decision and be provided with a copy of relevant data from completed stages of the project.

### **BACKGROUND**

Biocertification processes were commenced in 2011 for two locations in Eurobodalla Shire, being at Broulee and South Moruya. The process first involved engaging with land owners in those areas to explain the process and to seek interest in participation. A number of land owners expressed interest in participation and consented to allowing expert consultants to enter their properties to validate the vegetation and assess its condition.

The process for the Broulee area was progressed to completion, while the process for the South Moruya area was delayed.

On 17 March 2015, councillors were briefed on the options for proceeding with a biocertification process for South Moruya, or not. The matter was then reported to Council on 14 April 2015, when Council resolved to consult further with the land owners who previously agreed to participate in the process. No further consultation was to be undertaken with other

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**PSR15/028 SOUTH MORUYA BIOCERTIFICATION PROJECT - POST  
CONSULTATION**

**E06.0470**

land owners within the subject area as they had not previously participated in the process and therefore no vegetation surveys had been conducted on their land.

On 22 April 2015, Council staff invited land owners to a meeting with Council staff and a reminder letter was sent on 15 May 2015. Land owners relating to two of the 11 subject properties were represented at the meeting held on 20 May 2015. Two other land owners offered apologies. Following the meeting, a copy of the presentation delivered at the meeting was mailed to all of the subject land owners along with a letter requesting advice as to whether the land owners wished to be involved in a continuation of the biocertification process. Only two land owners have indicated a willingness to be involved.

During this time, Council staff met with one other owner within the area who had not previously participated in the biocertification process. This owner was advised that they had not been invited to participate further as the Stage 1 vegetation surveys had not been undertaken on their land due to their decision to not participate at that time, and that Council did not have a budget to commission further vegetation surveys.

**CONSIDERATIONS**

At the land owner meeting on 20 May 2015 and in follow up correspondence, the land owners were presented with three options, as follows:

**Option 1:** Continue with biocertification process over all of the land on which the vegetation surveys have been completed.

This option required all land owners to agree to participate. In this option, land owners were advised that the next steps would include:

- Determining the extent of area to continue with process
- Identifying development and conservation areas
- Determining credits and offsets (if required)
- Public exhibition of a draft Biocertification Strategy
- Finalising a Biocertification Strategy
- Achieving a Biocertification Order
- Submission of development applications. Where development avoids conservation areas, there would be no further threatened species assessments required. Where development impacts on conservation areas, land owners can decide how to offset the impact (various mechanisms available)
- Approval under Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) may be required.

**Option 2:** Continue with biocertification process over part of the subject land.

This option required some of the land owners to agree to participate and a decision by Council as to whether the combined area of land was sufficient to warrant continuation of the biocertification process. The next steps for this option are the same as for Option 1.

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**PSR15/028 SOUTH MORUYA BIOCERTIFICATION PROJECT - POST  
CONSULTATION**

**E06.0470**

**Option 3:** Do not continue with the biocertification process.

For this option, land owners were advised that the next steps would include:

- Land owners to submit development applications
- Land owners to prepare environmental studies as required by Environmental Planning and Assessment Act 1979 (EP&A Act) and Threatened Species Conservation Act 1995 (TSC Act)
- Species impact statements may be required
- Council to determine development applications
- Management plans (such as PVPs) for any proposed on site conservation areas may be required
- Land owners may pursue offsets for any impacts, and these may be on or off-site (various mechanisms available)
- Land owners may pursue conservation agreements to generate income to support conservation management
- Approval under Commonwealth EPBC Act may be required.

Following the meeting, land owners were asked to formally advise of their interest in continuing with the process. Only two land owners responded in the affirmative. The subject properties represent a relatively small proportion of the originally surveyed lands. On this basis, it is not recommended that Council proceed with the biocertification process. The work completed to date can be provided to each land owner for their use in any future development application process.

### **Legal**

Under the NSW Local Government Act 1993, it is a part of Council's charter *"to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development"*.

The EP&A Act and the TSC Act, the NSW Native Vegetation Act 2003, the Commonwealth EPBC Act and other legislation include provisions requiring local governments and land owners to assess the impacts of development on the environment.

Any future development applications submitted for the subject land will be assessed in accordance with the relevant legislation.

### **Policy**

The South Moruya biocertification project was commenced to ensure development is consistent with the principles of the NSW Biodiversity Strategy, the South Coast Regional Conservation Plan, the South Coast Regional Strategy and the Southern Rivers Catchment



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**PSR15/028 SOUTH MORUYA BIOCERTIFICATION PROJECT - POST  
CONSULTATION**

**E06.0470**

Action Plan. The project was also consistent with the Eurobodalla Settlement Strategy and the Community Strategic Plan – One Community.

Any future development applications submitted for the subject land will be assessed in accordance with the relevant policies.

**Environmental**

The South Moruya biocertification study area contains two endangered ecological communities, one of which is listed under Commonwealth legislation as critically endangered. The endangered communities are:

- Dry Rainforest (endangered)
- Lowland Grassy Woodland (critically endangered)

The majority of the remaining clusters of these endangered ecological communities are located on private land. With very little of these vegetation types protected in National Parks or State Forests, ongoing development of the subject land has the potential to have a significant impact on the extent, condition and ecological function of the remnant vegetation.

Any future development applications submitted for the subject land will be assessed having regard to its impact on the environmental values of the land in accordance with Council's legal obligations under NSW and Australian Government legislation.

**Financial**

Not proceeding with the biocertification project will result in a saving of approximately \$13,000 to Council and removes the need to allocate an additional \$15,000 to complete a Biocertification Strategy and application to the NSW Government for a Biocertification Agreement.

**Community Engagement**

Land owners who previously participated in the South Moruya biocertification project were invited to a meeting with Council staff and sent a copy of the presentation delivered at the meeting with a request to advise if they wished to participate in a continuation of the project.

**CONCLUSION**

A biocertification process for South Moruya commenced in 2011 with the support and involvement of some of the land owners in the precinct. The process was placed on hold following the assessment of the vegetation in the precinct, awaiting the outcome of a similar process underway for land at Broulee.

Following the completion of the Broulee project, Council sought advice from land owners who previously participated in the South Moruya project in order to consider the options moving forward for that project.

Following engagement with land owners, it is clear that there is insufficient interest from land owners in the South Moruya area to justify proceeding with the biocertification process. It is therefore recommended that no further work on the project be undertaken.

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**PSR15/029 ADOPTION OF POLICY DIRECTIONS PAPER FOR RURAL LANDS  
STRATEGY**

**E13.7173**

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Under Separate Cover – Policy Directions Paper  
2. Confidential - Submissions Summary and Responses

Focus Area: Sustainable Communities

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

Operational Plan Link: S5.1.1 Rural Lands Strategy

### **EXECUTIVE SUMMARY**

Council, with the assistance of the Rural Lands Steering Committee prepared a Draft Policy Direction Paper as part of the second last stage of the Rural Lands Strategy project. The Draft Paper was placed on public exhibition from 15 April to 27 May 2015. Sixty submissions were received.

A draft vision statement was also placed on public exhibition. There were no submissions relating to the draft vision statement.

Councillors were briefed on the issues raised in submissions on 16 June 2015 and full copies of all submissions were provided to Councillors. All submissions have also been provided to members of the Rural Lands Steering Committee and to the consultant preparing a draft Rural Lands Strategy.

The draft Policy Directions Paper has been updated to remove details of the exhibition that has now been completed and to include a section on the outcomes of the exhibition and other previous community engagement activities relating to the Rural Lands Strategy.

A final Policy Directions Paper has been included as an attachment to this report recommending that Council adopt the paper.

### **RECOMMENDATION**

THAT Council

1. Adopt the final Policy Directions Paper attached to this report as a guiding document to inform the preparation of a draft Rural Lands Strategy.
2. Write to all persons who made a submission to the draft Policy Directions Paper thanking them for their participation.
3. Note that no submissions were received to the draft vision statement and refer the draft statement to the consultant preparing the Rural Lands Strategy.

### **BACKGROUND**

Council commenced development of a Rural Lands Strategy in mid-2012. A Steering Committee of representatives from the community, Council and NSW Government Agencies was

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**PSR15/029 ADOPTION OF POLICY DIRECTIONS PAPER FOR RURAL LANDS  
STRATEGY**

**E13.7173**

established to guide the process. A Project Management Plan with nine stages was endorsed by the Steering Committee and Council.

Stage 8 of the project was the development of policy direction to guide the preparation of a draft Rural Lands Strategy. This stage commenced with ten independently facilitated community workshops. The suggestions and recommendations from those workshops guided the preparation of a draft Policy Directions Paper by Council staff with input from the Rural Lands Steering Committee.

Council endorsed the Draft Policy Directions Paper for public exhibition on 24 March 2015. The exhibition period commenced on 15 April 2015 and closed on 27 May 2015, a period of 6 weeks. All rural land owners were mailed flyers to inform them of the exhibition details. Copies of the Draft Paper were located at Council's Customer Service Centre and libraries for people to read and/or loan and full details were placed on Council's website.

**CONSIDERATIONS**

**Policy**

The Policy Directions Paper provides guidance for policy development for rural lands in Eurobodalla through the preparation of the Rural Lands Strategy.

**Environmental**

The Policy Directions Paper provides guidance for protection of important conservation values in Eurobodalla.

**Asset**

The Policy Directions Paper addresses the need to consider impact on community assets when planning for the future use and development of rural land in Eurobodalla.

**Social Impact**

The Policy Directions Paper provides guidance for policy development in relation to rural living and rural residential opportunities.

**Economic Development Employment Potential**

The Policy Directions Paper provides guidance for policy development in relation to encouraging primary production and rural tourism, supporting economic development and sustainable resource use.

**Community Engagement**

Council consulted with the community by seeking feedback through a six week public exhibition where the draft Policy Directions Paper was placed on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre. All rural land owners were sent "Have Your Say" cards to inform them of the exhibition details. In addition, Council advertised the public exhibition through the use of Council's Online News, advertising on Council's noticeboard page in local newspapers, distributing a media release and updates to existing Rural Lands Strategy email groups and workshop participants.

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**PSR15/029 ADOPTION OF POLICY DIRECTIONS PAPER FOR RURAL LANDS  
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Sixty submissions were received to the exhibition of the Draft Policy Directions Paper. About one-third of the submissions (21) expressed satisfaction with the general directions for rural lands outlined in the draft Paper. A similar number (20) expressed some concerns with elements of the directions, while the remaining (20) related to specific properties or specific matters. Where submissions raised some concerns or issues, they related to how the policy direction will be interpreted and implemented in the Strategy. A small number of submissions indicated that the Draft Policy Directions Paper did not address the issues raised by the community during the LEP exhibitions or the Policy Directions Workshops.

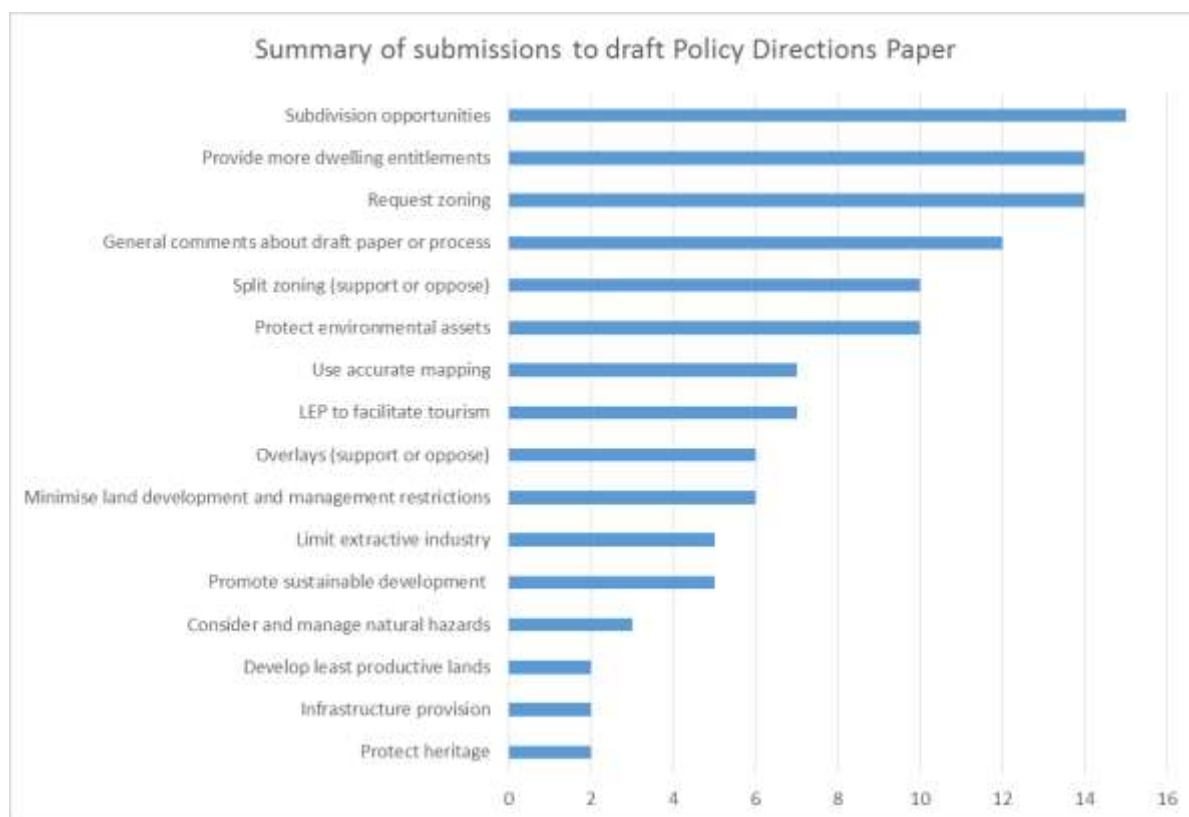
In addition to general comments made about the draft paper or the process, the key issues raised in submissions were:

1. Provide subdivision opportunities
2. Provide more dwelling entitlements
3. Request a specific zoning
4. Views on the use of split zoning
5. Protection of environmental assets
6. Use of accurate mapping
7. LEP to facilitate tourism
8. Views on the use of overlays
9. Minimise land development and management restrictions

The following graph identifies the number of submissions that raised each issue.

**PSR15/029 ADOPTION OF POLICY DIRECTIONS PAPER FOR RURAL LANDS  
STRATEGY**

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The majority of issues raised will be resolved through the development of the Rural Lands Strategy. Land owners and other community members will have an opportunity to respond to the details (such as proposed zoning, lot size, dwelling potential, etc) when a draft Strategy is placed on public exhibition.

**CONCLUSION**

The Draft Policy Directions Paper has been exhibited for community comment. The relatively small number of submissions received and the generally positive nature of many of the submissions towards the draft policy directions suggests that the Draft Paper is, on the whole, identifying the right direction for the future of rural lands in Eurobodalla.

Submissions which questioned how some policy directions will be implemented in the Rural Lands Strategy will be addressed in the drafting of the Strategy. There will be further opportunity for community input when a draft Strategy is placed on public exhibition.

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**PSR15/030 MINOR HOUSEKEEPING AMENDMENTS TO EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012- POST EXHIBITION E14.8415**

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Under Separate Cover – Housekeeping LEP Amendments (10 docs)

Focus Area: Sustainable Communities

Delivery Program Link: S7.2 Maintain, update and communicate planning information and issues

Operational Plan Link: S7.2.3 Monitor, report and communicate and implement changes relating to land use planning

### **EXECUTIVE SUMMARY**

A number of minor housekeeping amendments to the Eurobodalla Local Environmental Plan 2012 (ELEP 2012) were endorsed by Council for public exhibition on 25 November 2014. The amendments also included minor amendments to the Rural Local Environmental Plan 1987 and the full repeal of the Urban Local Environmental Plan 1999.

A gateway determination for those amendments was issued by the NSW Department of Planning and Environment on 22 April 2015. Council also received delegation to make the plan following community consultation.

Public exhibition of the proposed amendments was conducted between 20 May and 19 June 2015 and relevant NSW Government Agencies were consulted. Fifteen submissions were received, thirteen from community members and two from NSW Government Agencies.

This report outlines and responds to the issues raised in submissions and presents a final Planning Proposal to Council with a recommendation to adopt and forward the Planning Proposal to the NSW Department of Planning and Environment and Parliamentary Counsel to make the plan.

### **RECOMMENDATION**

THAT Council:

1. Adopt the Planning Proposal attached to this report.
2. Resolve to make the amendments to the Eurobodalla Local Environmental Plan 2012 and the Rural Local Environmental Plan 1987 and repeal the Urban Local Environmental Plan 1999.
3. Forward the Planning Proposal to Parliamentary Counsel with a request to draft the amendments and to the NSW Department of Environment and Planning and Environment for reporting and monitoring purposes.
4. Notify in writing all those who made submissions of its decision.
5. Notify in writing all relevant property owners of its decision.

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**PSR15/030 MINOR HOUSEKEEPING AMENDMENTS TO EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012- POST EXHIBITION E14.8415**

**BACKGROUND**

Eurobodalla Local Environmental Plan (LEP) 2012 was notified on 20 July 2012. Since this time there have been six amendments to the LEP for various reasons.

Notwithstanding the above, Council staff and land owners identified a number of anomalies and omissions of a minor nature that require correction. A planning proposal process was commenced by Council on 25 November 2014. A gateway determination was issued by the NSW Department of Planning and Environment and public and agency consultation has taken place. Fifteen submissions have been received.

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

**CONSIDERATIONS**

**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 impact 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 Engagement**

We have consulted with the community by seeking feedback through a 28 day public exhibition where the planning proposal was placed on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre. In accordance with the requirements of the Environmental Planning and Assessment Act 1979, a notice was also placed in the local paper to inform the community of the proposed amendments.

There were 19 amendments in the planning proposal, some of which related to a number of individual properties. Submissions from community members related to three of the proposed amendments. Submissions from agencies related to four of the proposed amendments.

**PSR15/030 MINOR HOUSEKEEPING AMENDMENTS TO EUROBODALLA LOCAL  
ENVIRONMENTAL PLAN 2012- POST EXHIBITION**

**E14.8415**

A summary of the submissions and responses is included in the tables below.

**Community Submissions**

No.	Amendment	Issues Raised	Response
1	1.1-1.4 (Rezoning and other map amendments to land at Kings Highway, Nelligen)	The land should have some environmental protection. The amendment does not cover sections of road reserve adjoining the land.	Noted. The proposed zone is equivalent to the current zone under the Urban LEP 1999. The map amendments include identification of extant native vegetation and wetlands on the land. The sections of road referred to were not zoned under the Urban LEP 1999.
2	6.5 (Apply height of building control to land at Iluka Street, Broulee)	Object to development of lot. Concerned about impacts on privacy and solar access.	Noted. However, the process for reclassification and rezoning of the lot was completed on 18 October 2013 (LEP Amendment No. 3). The proposed amendment ensures any future development on the lot is consistent with surrounding development.
3	6.5 (Apply height of building control to land at Iluka Street, Broulee)	Object to development of lot. Concerned about impacts on privacy and solar access.	Noted. However, the process for reclassification and rezoning of the lot was completed on 18 October 2013 (LEP Amendment No. 3). The proposed amendment ensures any future development on the lot is consistent with surrounding development.
4	6.7 (Apply height of building and lot size controls to land at Penguin Place, Catalina)	Changes should only apply to that part of the lot proposed for development.	Whilst no objection is raised to the suggestion, there is no additional development potential that results from applying the changes to the whole of the lot. It remains Council's intention to only allow development on a portion of the lot and the remaining area will be reclassified as community land once the developable portion has been subdivided. Furthermore, advice from the NSW Department of Planning and Environment is that such a change would require a new Gateway Determination and re-exhibition of the change, or a new planning proposal process to commence.



**PSR15/030 MINOR HOUSEKEEPING AMENDMENTS TO EUROBODALLA LOCAL  
ENVIRONMENTAL PLAN 2012- POST EXHIBITION**

**E14.8415**

5	6.9 (Apply height of building and lot size controls to land at White Sands Place, Denhams Beach)	Object to sale and development of lot.	Noted. However, the process for reclassification and rezoning of the lot was completed on 18 October 2013 (LEP Amendment No. 3). The proposed amendment ensures any future development on the lot is consistent with surrounding development.
6	6.24 (Apply height of building and lot size controls to land at Penthouse Place, North Batemans Bay)	Concerned about development of lot. Any development should blend in as discreetly as possible.	Noted. However, the process for reclassification and rezoning of the lot was completed on 18 October 2013 (LEP Amendment No. 3). The proposed amendment ensures any future development on the lot is consistent with surrounding development.
7	6.26 (Apply height of building and lot size controls to land at John Oxley Crescent, Sunshine Bay)	Object to development of lot. Concerned about impacts on privacy and trees.	Noted. However, the process for reclassification and rezoning of the lot was completed on 18 October 2013 (LEP Amendment No. 3). The proposed amendment ensures any future development on the lot is consistent with surrounding development.
8	6.30 (Apply height of building and lot size controls to land at Tuross Boulevard, Tuross Head)	Concerned about development of lot. Concerned about impacts on privacy and solar access.	Noted. However, the process for reclassification and rezoning of the lot was completed on 18 October 2013 (LEP Amendment No. 3). The proposed amendment ensures any future development on the lot is consistent with surrounding development.
9	17 (Reinstatement of dwelling permissibility on land at Wharf Road, Nelligen)	Support amendment	Noted
10	17 (Reinstatement of dwelling permissibility on land at Wharf Road, Nelligen)	Support amendment and request two storey development.	Noted. Proposed height limit provides for two storey development.
11	17 (Reinstatement of dwelling permissibility on land at Wharf Road, Nelligen)	Support amendment.	Noted.
12	17 (Reinstatement of	Support amendment and	Whilst no objection is raised in

**PSR15/030 MINOR HOUSEKEEPING AMENDMENTS TO EUROBODALLA LOCAL  
ENVIRONMENTAL PLAN 2012- POST EXHIBITION**

**E14.8415**

	dwelling permissibility on land at Wharf Road, Nelligen)	request tourist and visitor accommodation also be permitted, consistent with the previous zoning of the land under the Rural LEP 1987. Consideration should be given to identifying a habitable floor level of a residence.	principle to the suggestion of including tourist and visitor accommodation as a permissible use, such an amendment to the planning proposal would require re-exhibition. It is proposed to proceed with the matter as exhibited and include the additional use in a separate planning proposal process. Floor levels will be determined on the basis of studies undertaken as part of any development application.
13	17 (Reinstatement of dwelling permissibility on land at Wharf Road, Nelligen)	Support amendment and request tourist and visitor accommodation also be permitted, consistent with the previous zoning of the land under the Rural LEP 1987. Consideration should be given to identifying a habitable floor level of a residence.	Whilst no objection is raised in principle to the suggestion of including tourist and visitor accommodation as a permissible use, such an amendment to the planning proposal would require re-exhibition. It is proposed to proceed with the matter as exhibited and include the additional use in a separate planning proposal process. Floor levels will be determined on the basis of studies undertaken as part of any development application.

**Agency Submissions**

Agency	Amendment	Issues Raised	Response
NSW Rural Fire Service	1.10-1.13 (Rezoning and other map amendments to land at Coronation Drive, Broulee)	Rezoning to E4 permits development other than a dwelling house, such as tourist and visitor accommodation and eco-tourist facilities which are defined as special fire protection purposes.	Noted. Any development application for such uses would be referred to the RFS in accordance with Planning for Bushfire Protection.
	1.14 (Rezoning and other map amendments to land at South Head Road, Moruya)	Council should consider any implications for the bush fire prone land map.	Noted. Council will consider as a part of the review of the bush fire prone land map.
	3(ii) (Rezoning and other map	Council should undertake a bush fire assessment	Noted. The proposed rezoning reflects the

**PSR15/030 MINOR HOUSEKEEPING AMENDMENTS TO EUROBODALLA LOCAL  
ENVIRONMENTAL PLAN 2012- POST EXHIBITION**

**E14.8415**

	amendments to land at Dalmeny Drive, Kianga)	where a planning proposal seeks to increase residential density in an area that is bushfire prone. This advice only applies if there is potential for additional development as a result of the planning proposal.	boundaries of an approved subdivision on the land and does not increase the residential density of the land.
	6 (Apply lot size and height of building controls to various properties)	Where a planning proposal seeks to increase residential density and where significant hazards are located in close proximity, Council should carry out an assessment of relevant bush fire considerations. This advice only applies if there is potential for additional development as a result of the planning proposal. This advice only applies if there is potential for additional development as a result of the planning proposal.	Noted. The proposed amendment does not provide potential for additional development as the land is already zoned for residential development (LEP Amendment No. 3).
	7(i) Recognition of existing dwelling entitlement on land at Dignams Creek Road, Dignams Creek)	Council should strategically consider access requirements for the site prior to progressing this component of the planning proposal. This advice only applies if there is potential for additional development as a result of the planning proposal. This advice only applies if there is potential for additional development as a result of the planning proposal.	Noted. However, the proposed addition to the Dwelling Entitlement Map recognises an existing dwelling entitlement and does not provide any additional development opportunity.

**PSR15/030 MINOR HOUSEKEEPING AMENDMENTS TO EUROBODALLA LOCAL  
ENVIRONMENTAL PLAN 2012- POST EXHIBITION**

**E14.8415**

Crown Lands	1.1-1.4 (Rezoning and other map amendments to land at Kings Highway Nelligen)	Object to RE1 zoning as land is not reserved for public recreation. Suggest E4, RU4 or RU5 zoning instead.	Noted. However, the proposed rezoning was intended as a like-for-like zone (6(a1) Public Open Space to RE1 Public Recreation) and the suggested zones provide for additional development potential on the land.
	1.5-1.7(Rezoning and other map amendments to land at Princes Highway, Batemans Bay)	Object to part RU1 and part RE1 zoning as land is not reserved for public recreation and is not rural land. Suggest whole of land be zoned IN1.	Noted. However, the proposed rezoning was intended as a like-for-like zone (1(a) Rural to RU1 Primary Production and 6(a1) Public Open Space to RE1 Public Recreation) and the land is not suitable for industrial development given topography.
	1.15(Rezoning and other map amendments to land at Riverview Road, Narooma)	Support the proposed rezoning.	Noted.

## CONCLUSION

The Planning Proposal has been exhibited in accordance with the gateway determination. The majority of matters included in this Planning Proposal received no submissions.

The submissions received to various properties in amendment number 6 generally relate to the potential development of the land rather than the actual matters in this planning proposal, being the inclusion of height and lot size controls. One submission suggested a reduction in the area of land where the controls are to be imposed to be consistent with the area of the subject land intended for future sale and development. Whilst no objection is raised to this suggestion, there is no additional development potential that results from applying the changes to the whole of the lot.

Similarly, no objection is raised in principle to the submissions relating to amendment number 17, however to facilitate the progress of this planning proposal, the matters raised in those submissions can be included as part of a future planning proposal.

The issues raised by the Rural Fires Service are matters that can be addressed at the development application stage.

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<b>PSR15/030</b>	<b>MINOR HOUSEKEEPING AMENDMENTS TO EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012- POST EXHIBITION</b>	<b>E14.8415</b>
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In relation to Crown Lands' suggestions for alternative zoning for a number of parcels of Crown Land, these are best addressed as part of a future planning proposal. This planning proposal presents a like-for-like transfer of existing zoning and enables the full repeal of the Urban LEP 1999.

Given the above, the planning proposal can now be finalised. Council has received delegation to finalise this Planning Proposal.

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**PSR15/031 NATA OVAL - COMPANION ANIMAL MANAGEMENT PLAN  
INCLUSION**

**E98.2522  
E10.4150**

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. NATA Oval - list of submissions  
2. Confidential - NATA Oval - list of submissions  
3. Confidential - NATA Oval - copy of submissions

Focus Area: Liveable Communities

Delivery Program Link: L4.1 Conduct regulatory compliance and enforcement activities

Operational Plan Link: L4.1.1 Monitor, inspect, enforce and investigate complaints in relation to public safety

### **EXECUTIVE SUMMARY**

This report seeks approval to formalise a 24 hour off leash area for dogs at NATA Oval Narooma, via the Companion Animal Management Plan 2015-2019 (Plan).

The reserve has been utilised as an off leash area on a trial basis and this amendment to the Plan has been publicly exhibited for 42 days seeking community feedback on the formalisation of the proposal. The submission period has closed and community feedback received, include nine submissions in favour of the proposal and one raising concern.

### **RECOMMENDATION**

THAT:

1. The Companion Animal Management Plan be amended to include NATA Oval, Narooma as a 24 hour off leash area. Animals are required to be under the care and control of a competent person at all times. Off leash is not permissible when authorised events are to be conducted on NATA Oval.
2. Council write to all persons who made a submission to the proposal to include NATA Oval, Narooma as a 24 hour off leash area in the Companion Animal Management Plan 2015-2019 thanking them for their participation.

### **BACKGROUND**

On 12 May 2015 (PSR15/013, Minute 15/25) Council adopted the following:

THAT Council:

1. *Publicly exhibit for forty two (42) days a draft amendment to the Companion Animal Management Plan 2015-2019 on the usage of NATA Oval, Narooma as a 24 hour off leash area for dogs. Animals would be required to be under the care and control of a competent person at all times. Off leash is not permissible when authorised events are to be conducted on NATA Oval.*
2. *A further report be provided to Council containing a revised Companion Animal Management Plan 2015-2019 inclusive of considerations of the submissions.*

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<b>PSR15/031</b>	<b>NATA OVAL - COMPANION ANIMAL MANAGEMENT PLAN INCLUSION</b>	<b>E98.2522 E10.4150</b>
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Following the public exhibition and consultation with relevant users of NATA Oval a total of ten submissions were received. A summary of the submissions are included in this report.

### **CONSIDERATIONS**

The usage of the NATA Oval as a 24 hour off leash area for dogs is to be considered for inclusion in the Companion Animal Management Plan 2015-2019.

#### **Legal**

The *Companion Animals Act 1998* provides the legal framework for the effective and responsible care and management of companion animals. The Plan provides the mechanism to identify dog exercise areas and requirements.

#### **Policy**

The Plan includes details on animal, community and environmental issues, monitoring and review, exercise areas and prohibitions. A major focus of the Plan is the dog exercise areas which includes the time-share, off leash and leashed and prohibited areas. The Plan was developed with the view to allow for competing uses at a range of popular locations within the Eurobodalla.

The usage of NATA Oval as an off leash area would require an amendment to the Companion Animal Management Plan 2015-2019.

#### **Environmental**

The usage of NATA Oval as an off leash area has minimal impact on the environment.

#### **Social Impact**

The Plan aims to balance competing uses of reserves by the community taking into account the environment and in accord with relevant legislation.

#### **Financial**

All financial costs to adopt the NATA Oval as 24 hour off leash area will be borne by Council through existing budgets. This includes signage and installation of a dog faeces bag dispenser at the Oval. Any additional items would require additional funds and budget requests to Council.

#### **Community Engagement**

The proposed amendment to the Companion Animal Management Plan 2015-2019 to include the usage of NATA Oval as a 24 hour off leash area for dogs, was publicly exhibited for 42 days. The proposal was placed on Council's website and information was available at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre. The proposal was also promoted via media release and public notice advertisement.

Of the ten submissions received, nine were in favour of the inclusion of NATA Oval as a 24 hour off leash and one was opposed. A copy of the submissions is attached.

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**PSR15/031 NATA OVAL - COMPANION ANIMAL MANAGEMENT PLAN  
INCLUSION**

**E98.2522  
E10.4150**

Those in favour of the amendment, note that the area is fully enclosed, is utilised for dog training, provides a safe area for dogs to exercise and socialise with other dogs, is a benefit for those tourists with pets travelling through Narooma and provides an alternative to beach off leash areas.

The submission which opposed the proposal, cited the potential of having unpredictable and potentially dangerous dogs off leash in a public area. It is a legal requirement for companion animals to be kept under control and although it is in a public area, it is proposed that the area be a leash free area.

**CONCLUSION**

Council proposes an amendment to the Companion Animal Management Plan 2015-2019 following the public exhibition period and the submissions received on the usage of NATA Oval, Narooma as a 24 hour off leash area for dogs.

Animals are required to be under the care and control of a competent person at all times.

Off leash is not permissible when authorised events are conducted on NATA Oval.



SUBS	RECEIVED	GROUP/INDIVIDUAL FOR or AGAINST	BRIEF SUBMISSION DETAILS	STAFF RECOMMENDATIONS
1	10/06/2015	Individual - For	Multiple benefits for dogs, provides a safe area for the elderly to give their dog a run	
2	10/06/2015	Individual - Against	Denial of access for all because of unpredictable and potentially dangerous dogs	
3	10/06/2015	Individual - For	Benefits dog owners	
4	10/06/2015	Individual - For	Value access for training and exercising pet	
5	10/06/2015	Individual - For	Pets are part of peoples lives. Area is important for socialisation of dogs	
6	17/06/2015	Individual - For	Important for dogs to have areas for run, benefits tourists that use the area for their pets	
7	23/06/2015	Animal Welfare Group - For	Secured area for owners to provide their dogs a run and exercise. Provision of seating and shade within the fenced area requested. Replacement of signage, doggy bag dispenser and garbage bin.	Additional works such as seating and shade to be in accordance to the streetscape plans for the area and with funds availability. Signage and dog bag dispenser to be installed. Replacement of the bags may be undertaken by AWL. Bins located in the vicinity can be utilised if required.
8	15/06/2015	Individual - For	Area compliments off leash beach areas	
9	19/06/2015	Individual - For	Exercise area for dogs that is safe, fully enclosed. Provides an appropriate off leash area. Dog training occurs in the oval	
10	24/06/2015	Individual - For	Puppy school is in a safe environment. Signs, poo bags, pooper scoopers needed. Bindies in lawn need spraying	Signage and dog bag dispenser to be installed. Advice to Parks for spraying of Bindies completed.

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**PSR15/032 TENDER FOR ESC RECYCLING AND WASTE TRANSFER**

**E12.6161**

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Confidential - Attachment Tender for ESC Recycling and Waste Transfer

Focus Area: Sustainable Communities

Delivery Program Link: S3.2 Operate and maintain Council's waste management and collection service

Operational Plan Link: S3.2.2 Manage kerbside collection

**EXECUTIVE SUMMARY**

This report outlines the evaluation of offers submitted in response to Request for Tender No. 2015/PLS038 ESC Recycling and Waste Transfer and provides a recommendation for the preferred service provider/s.

Council's Waste Collection Contract for Part 5 – Community Recycling from Sites and Part 7 – Moruya Waste Transfer bins expire on 30 September 2015. For Part 5 the contract is for the supply of bins and collection of recyclables and paper/cardboard at the Waste Management Facilities. For the co-mingled recyclables the contract includes a price to process the material and for the Paper/Cardboard the price is for transfer only. A price per service for audit and internal transfer of waste was also included. For Part 7 the contract is for the provision of services to supply collection bins and collect waste and transfer to landfill from the Moruya Transfer Station.

**RECOMMENDATION**

THAT Council:

1. Endorse the selection of the preferred tenderer/s listed for 2015/PLS038 ESC Recycling and Waste Transfer Contracts within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer/s, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

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**PSR15/032 TENDER FOR ESC RECYCLING AND WASTE TRANSFER**

**E12.6161**

**BACKGROUND**

Council's Waste Collection Contract for Part 5 – Community Recycling from Sites and Part 7 – Moruya Waste Transfer bins expire on 30 September 2015. For Part 5 the contract is for the supply of bins and collection of recyclables and paper/cardboard at the Waste Management Facilities. For the co-mingled recyclables the contract includes a price to process the material and for the Paper/Cardboard the price is for transfer only. A price per service for audit and internal transfer of waste was also included. For Part 7 the contract is for the provision of services to supply collection bins and collect waste and transfer to landfill from the Moruya Transfer Station. The tenders are for a period of four years with an extension of three years at Council's discretion. This time frame will correspond to the timing of the Domestic Collection contract, the Hardwaste Collection and the Litter Collection Contracts.

The tender (RFT No. 2015/PLS038) was advertised on 12 May 2015 with a closing date of 10 June 2015. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan on 25 June 2015:

- Sita Australia Pty Ltd T/A Suez Environnement  
201-205 Newton Road, Wetherill Park, NSW, 2164
- Subloo's Pty Ltd  
Lot 5, Dickson Road, Innisfail, QLD, 4860
- Transpacific Cleanaway Pty Ltd  
88 Sawmill Circuit, Hume, ACT, 2620

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

**CONSIDERATIONS**

The tenders were constructed so that Part 5 Community Recycling from Sites and Part 7 Moruya Waste Transfer Bins could be separated. In the confidential attachment a recommendation to combine the parts has been offered as well as an option to split the parts.

**Legal**

Request for Tender (RFT) No. 2015/PLS038 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 on 12 May 2015 and closed on 10 June 2015.

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

Upon release of the RFT a Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Board (TEB).

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council as they met all mandatory criteria and scored the highest for the provision of Recycling and Waste transfer services.

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**PSR15/032 TENDER FOR ESC RECYCLING AND WASTE TRANSFER**

**E12.6161**

**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 provision of recycling services at the waste facilities provides the opportunity for residents to dispose of excess recyclables free of charge at the gate which encourages diversion of recycling from landfill, saving landfill space and recovering resources.

**Asset**

The successful tenderer provides the bins as part of the services under the contract/s. Recycling services assist in prolonging the life of Council's landfill sites.

**Social Impact**

The Cardboard and Paper recycled under the contract will continue to be processed by Yumaro Industries.

**Economic Development Employment Potential**

Encouraging more recycling has potential employment benefits for the sorting facility especially for the cardboard recycling that is undertaken by the social enterprise Yumaro Industries.

**Financial**

The tendered prices are covered by the amount in the Waste Fund budgets.

**Community Engagement**

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

**CONCLUSION**

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

The preferred tender as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the requirement.

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**IR15/031 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2015-16**

**E99.3954;  
E99.3955**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Reseal Program for Sealed Roads  
2. Maintenance Grading Schedule 2015-16

Focus Area: Productive Communities

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

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

### **EXECUTIVE SUMMARY**

To provide Councillors with the proposed schedules of work for maintenance grading and reseal works for 2015-16.

### **RECOMMENDATION**

THAT the proposed maintenance grading and reseal schedules for 2015-16 attached to this report be adopted.

### **BACKGROUND**

Each year a schedule of works is formulated for maintenance grading and resealing of sealed roads.

Once adopted, the grading schedule will be placed on Council's website for the information of the public. Minor adjustments are made to the program with the approval of the Director, Infrastructure Services to account for variations in costs, to take advantage of any opportunities for efficiencies of work and to treat any significant problems that might arise as the year proceeds. These outcomes are reported to Council via the quarterly reviews.

The proposed schedules for each of the activities are provided as attachments.

### **CONSIDERATIONS**

Historically, funding levels for resealing road works have been well below desirable levels, resulting in a significant amount of deferred maintenance and renewal work.

The introduction of the Infrastructure Fund during the mid-2000's, combined with the Federal Government's Roads to Recovery Program has allowed Council to dramatically improve its response to the infrastructure renewal funding gap, providing a more sustainable position, albeit still short of long term desirable levels.

The consequence of insufficient renewal funding is to increase routine maintenance costs (eg pothole repair, heavy patching), reduce the level of service to the public, increase the risk to

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**IR15/031 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2015-16**

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the community and inevitably pass these 'deferred' costs onto future generations. It also means that the additional work is required when these elements are renewed (eg additional surface preparation, additional build-up of roadside debris to be removed from gravel roads).

Council has now taken a significant positive step through the submission and adoption of the recent Special Rate Variation to address this deficiency in annual funding gap.

Council's long term financial plan now includes sufficient funds to sustain the annual renewal need in future years. Council has adopted a sound infrastructure management strategy whereby the ongoing cycle of annual renewal will address both asset renewal and backlog over time. This strategy will contribute positively to improving Council's asset renewal and backlog ratios, as outlined in Council's Fit for Future proposal.

This strategic approach was supported at the NSW Roads Congress held on 1 June 2015.

**1. Maintenance Grading Schedule**

There are approximately 420km of unsealed roads maintained by Council.

The grading program is based on delivering a reasonable level of service taking the various factors impacting on the performance of the road network, in particular traffic volumes, type of traffic, terrain, amount and quality of gravel and the available budget. The annual schedule is adjusted prior to presentation to Council, where appropriate, using feedback from the maintenance grading staff and customers.

The impact of gravel resheeting will continue to be monitored. Improvements in gravel resheeting work over a period of time has allowed a reduction in grading frequency, where drainage, vegetation and other issues do not over-ride. This has allowed a more equitable level of service across the unsealed network. Gravel resheeting also provides an improved level of service between grades.

The main changes to the grading schedule in 2015-16 involves the removal of the roads that were sealed during 2014-15 (that is Tilba Punkally Road).

It should be noted that the grading crew has the responsibility (and is accountable) to make judgements regarding the method of grading based on the condition of the road. These include:

- a. do nothing – record for future inspection
- b. do drains and culvert and vegetation only – record for future road surface inspection
- c. work to a depth of 80-100mm and re-compact
- d. deep rip and re-compact to remove deep corrugations or potholes.

The proposed schedule is attached.

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**IR15/031 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2015-16**

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## **2. Reseal Program for Sealed Roads**

Sealed roads should be resealed every 10-15 years depending on traffic volumes and type of seal. Research for our part of the State indicates that bitumen will oxidise and crack at about 10-11 years.

The reseal program is vital in keeping maintenance costs down, extending the life of the underlying road pavement and minimising more expensive pavement rehabilitation work. It is also vital from a road safety perspective.

An additional \$200,000 was provided within the 2015-16 Operational Plan increasing the funding available for reseals on local roads and car parks to \$1,507,000.

The reseal program is determined through inspection of the road network and with consideration to cracking, ravelling and other failure mechanisms giving consideration to known problem areas and feedback from maintenance crews. This year's reseal program has a strong focus on treating our more highly trafficked roads to manage the risk to the public and minimise the risk of pavement failure.

The proposed reseal program is attached.

### **Legal**

Council has a legal responsibility under the Civil Liabilities Act 2002 to appropriately manage risk within the available resources. It is prudent for Council to adopt schedules on behalf of the community to allocate resources appropriately.

### **Policy**

The proposed works are consistent with the Asset Management Policy.

### **Asset**

All of the works listed are an integral part of keeping Council's road network to a reasonable condition.

The recent Special Rate Variation and Federal Government's Roads to Recovery Program have provided invaluable funding assist with this much needed work.

This work helps address the infrastructure ratios recently outlined in Council's Fit for Future submission.

The strong focus on reseals was endorsed in the recent Roads Asset Benchmarking report released at the NSW Roads Congress.

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**IR15/031 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2015-16**

**E99.3954;  
E99.3955**

**Social Impact**

The provision of roads of reasonable standard is essential to the wellbeing of our Shire, particularly as we are so heavily dependent on road transport.

The proper maintenance and renewal of these roads is required to minimise the risk to the public and the potential for claims against Council (and its community). This is particularly the case since the removal of the non-feasance protection previously afforded to road authorities by the High Court.

**Economic Development Employment Potential**

The provision and maintenance of a road network of reasonable standard is integral to the economic wellbeing of the community.

The completion of these works by a mixture of day labour staff and local contractors provides an important role in maintaining and boosting local employment within our Shire and the immediate surrounds.

The Roads to Recovery funding has brought additional money into the Shire. Although this program has been extended through to 2019, Council should continue to work collaboratively with other Councils, the community and peak associations to secure a commitment from the Federal Government to make this program ongoing.

**Financial**

The budget allocation is contained within the 2015-16 Operational Plan.

**CONCLUSION**

The proposed schedules for 2015-16 for the maintenance grading and reseal are attached.



RESEALS 2015-16		
	ROAD	LOCATION
<b>North</b>		
	Long Beach Road	Northcove Road to Fauna Avenue
<b>Surfside</b>		
	Sunset Street	Full length
	Marina Avenue	Full length
	Wray Street	Full length (ESC owned part only)
	Penthouse Place	Full length
<b>Batemans Bay</b>		
	Bavarde Avenue	South Street to Beach Road
	Old Princes Highway	Highway to South Street
	Princes Highway	Service Road 59-83
	Flora Crescent	Full length
<b>Catalina</b>		
	Albatross Road	Full length
	Country Club Drive	Penguin Place to Albatross Road
	Catalina Drive	Full length
<b>Batehaven</b>		
	Edward Road	Christopher Crescent to end
	Mathew Parade	Full length
	Observation Avenue	Full length
	John Street	Full length
	Peter Crescent	Full length
<b>Sunshine Bay</b>		
	Barbara Crescent	Full length
	Valley Road	Full length
	Graydon Avenue	Full length
	Stuart Place	Full length
	Kennedy Crescent	Full length
	Burrawang Street	Full length

<b>Surf Beach</b>	Eric Fenning	Full length	
	Parker Avenue	Full length	
	Jerupa Close	Full length	
<b>Malua Bay</b>	Waroo Crescent	Full length	
	Wimbin Avenue	Full length	
	King Street	Full length	
	Nurla Avenue	Full length	
	Pyang Avenue	Full length	
	The Ridge Road	Tallgums Way to markings - second coat seal	
<b>Central</b>			
<b>Guerilla Bay</b>	Shaw Place	Full length - second coat seal	
	Beach Parade	Full length	
	Guerilla Bay Road	First 50 metres only - second coat seal	
<b>Tomakin</b>	Ainslie Parade	Full length	
	Parks Parade	Full length	
	Deakin Parade	Full length	
	Barton Parade	Full length	
	Reid Street	Full length	
	Tomakin Road	Markings No 397 west to No 330	
<b>Moruya</b>	Otton Street (sth)	Full length	
	Ascot Street	Full length	
	Bootman Place	Full length	
	John Street	Full length	
	Albert Street	Missed section Vulcan Street to Evans Road	
	Gundry Street	Full length	
	Emmott Street	Full length	

<b>Moruya (contd)</b>	Scenic place	Full length
	Crest Crescent	Full length
	Grove place	Full length
	Vulcan Street (sth)	Bergalia Street to Albert Street (both ends)
	Lagoon Street	Full length
	Donnellys Road	Highway to markings
	Donnellys Ridge Road	Full length
<b>Congo/Bingi</b>	Gumleaf Drive	End of maintenance/markings
<b>South</b>		
<b>Narooma</b>	Dalmeny Drive Service Road 91-105	Full length
	Bettini Lane	Full length
	Bowen Street	To end K&G
	Wagonga Street	Flush sealed section
	Marine Drive	Farncombe Avenue to Willcocks Avenue
	Bellbird Lane	Full length
	Field Street on street parking	Markings
	Davison Street	Full length
	Bar Rock road	Bottom part only to Australia Rock
	Barker Parade	Full length
	Burrawang Street	Full length plus off street parking
	Riverview Road	Woodbury Road to end seal
	Lavender Point Road	Full length
	Loader Parade	Full length
	Hillcrest Ave	Highway to Rifle Range Pit Road
	Gem Crescent	Full length
	Gareth Avenue	Full length
<b>Tilba</b>	Flower Circuit	Full length

<b>Dalmeny</b>	Hadrill Parade	Mort Ave to John Reilly st
	George Place	Full length (not AC sections)
	Emma Place	Full length
	Cresswick Parade	Harrison street To Ernest St
<b>Bodalla</b>	Bodalla Park Estate	Last Segment
<b>Tuross Head</b>	Tuross Reserve Road	Full length plus car park/off Clive Court
	Oaks Avenue	Full length
	Gould Street	Full length
	Clive Court	Full length
	Monash Avenue	Anderson Avenue to Wave Street
	Hawkins Road	Tuross Blvd to Marlin street
	Salmon Street	Cul de sac to markings
	Anderson Avenue	Full length
	<b>Car Parks</b>	
	Sunshine Cove	
	McKenzie Beach	
	Flora Crescent (Woolworths)	
	Lilli Pili (second coat seal)	
	Observation Point (second coat seal)	
	Charles Street Mogo	In front of day surgery
	Canty Street car park	On street parking Princes Highway
	George Bass Drive	North of airport to Bengello culvert
	Cullendulla Drive	Sth of Lucas Road to north of Sea Acres
	Beach Road	Vesper Street to Herarde Street

	<b>Rehabilitation</b>	
	Caseys Beach South car park	Prep and Seal
	Country Club Drive	Second coat
	Peninsula Drive	Second coat
	<b>Asphaltic Concrete Works</b>	
	Woolles Moruya	South side of Homemaker Centre
	Payne Street, Narooma	cul-de-sac
	Sunshine Bay Rd X Canning Cres	Roundabout
	Shelley Road	ARC to SITA
	Wagonga Street	AC to start of flush seal
	<b>Construction</b>	
	The Loop	
	Francis Street	
	Tilba Punkalla	
	Orient Street	
	Murray Street	
	Princes Highway Bodalla	
	<b>With SRV</b>	
<b>NORTH</b>	Gregory Street	Full length
	Old Punt Road	Roundabout to Wray Street
	Bavarde Avenue	South Street to Beach Road
	Edward Road	Christopher Crescent to end
<b>CENTRAL</b>	Burri Point Road	Full length & carpark
	Beach Parade	Full length
	Mossy Point boat ramp access	Full length plus carpark
	Mossy Point reserve access	Full length
<b>SOUTH</b>	Tilba Punkalla Road	340m from start to new construction
	Glasshouse Rocks Road	Full length
	Hawkins Road	Tuross Blvd to Marlin Street

seq	rdnum	road name	grade start	length	grade 1	grade 2	grade 3	grade 4
80	8155	Batemans Road	seal	429	3/07/2015			
90	8149	Rotary Drive	seal off Kings Highway	1212	3/07/2015	22/01/2016		
100	8017	Old Nelligen Road	seal @ Kings Highway	3945	3/07/2015			
110	8017	Old Nelligen Road	Sproxtons Road	1008	3/07/2015			
120	8623	Sproxtons Road	Old Nelligen Road	401	3/07/2015			
130	8250	Timber Barge Lane	Sproxtons Road	302	3/07/2015			
135	510	Sproxtons Lane	seal	130	3/07/2015			
140	9099	River Access Off Sproxtons Lane	Sproxtons Lane	96	3/07/2015			
145	8019	The Western Distributor	Kings Highway	1555	3/07/2015			
150	8185	Black Flat Road	(null)	10148	10/07/2015	22/01/2016		
160	8018	The River Road	dust seal	11752	17/07/2015	5/02/2016		
170	8023	Old Bolaro Road	seal @ Kings Highway	4113	24/07/2015			
180	8024	Paradise Road	Old Bolaro Road	2315	24/07/2015			
190	9045	Nelligen Creek Road	Old Bolaro Road	1351	24/07/2015			
200	8131	Donovan Creek Road	Old Princes Highway	1292	24/07/2015			
220	8153	Windwoppa Road	forest boundary	2546	24/07/2015			
230	8152	Wild Pig Road	forest boundary	477	24/07/2015			
280	8022	Runnyford Road	seal @ Nelligen	3937	31/07/2015			
290	9004	Bolaro Mtn Rd	Runnyford Road	2556	31/07/2015			
300	8022	Runnyford Road	Bolaro Mountain Road (Gollarrabee)	7210	31/07/2015			
320	8022	Runnyford Road	Runnyford Bridge	2179	7/08/2015	5/02/2016		
330	8026	Egans Road	Runnyford Road	2728	7/08/2015			
340	8022	Runnyford Road	Egans Road	7959	14/08/2015	12/02/2016		
350	8150	Lattas Point Road	(null)	4063	14/08/2015	12/02/2016		
400	8030	The Ridge Road	Princes Highway	760	14/08/2015			
410	9089	Catalina Res Rd (heron - The Ridge Rd)	The Ridge Road	566	14/08/2015			
420	9089	Catalina Res Rd (heron - The Ridge Rd)	driveway @ 91	174	14/08/2015			
430	8030	The Ridge Road	Catalina Reservoir Road	3754	14/08/2015			
460	8163	Old Grandfathers Pit Rd	pit gate	382	14/08/2015			
490	8084	Woodlands Road	Dunns Creek Road	734	14/08/2015			
500	8031	Burri Road	seal	1183	21/08/2015			

MAINTENANCE GRADING SCHEDULE 2015 - 2016

seq	rdnum	road name	grade start	length	grade 1	grade 2	grade 3	grade 4
510	8035	Bevan Road	seal @ George Bass Drive	709	21/08/2015			
520	9971	Bevan Road Southern Access	driveway @246	159	21/08/2015			
600	8164	Barlings Beach Access Rd	George Bass Drive	428	21/08/2015			
610	306	Short Street	Creek Street (unformed)	483	21/08/2015			
620	8027	Buckenbowna Road	Park Street	355	21/08/2015	12/02/2016		
630	8027	Buckenbowna Road	basalt quarry access	8214	21/08/2015			
640	8027	Buckenbowna Road	Quartpot Road	2630	28/08/2015			
650	8025	Quartpot Road	Buckenbowna Road	5056	28/08/2015			
660	8198	Buckenbowna P/station Rd	Quartpot Road	761	28/08/2015			
670	8025	Quartpot Road	Buckenbowna Pump Stn Road	879	28/08/2015			
675	8025	Quartpot Road	seal	7952	4/09/2015			
680	8618	Hanns Road	(null)	5502	4/09/2015			
690	8023	Old Bolaro Road	Hanns Road [maintain to 4WD standard]	3907	11/09/2015			
700	8233	Maulbrooks Road	seal @153	544	11/09/2015			
710	8117	Onslow Close	Old Mossy Point Road	352	11/09/2015			
720	8115	Old Mossy Point Road	seal	615	11/09/2015			
730	8116	Goldfields Drive	Old Mossy Point Road	2194	11/09/2015			
735	8118	Jeremadra Grove	Goldfields Drive	651	11/09/2015			
740	8118	Jeremadra Grove	Goldfields Drive	1043	11/09/2015			
750	9844	Bimbimble Lane	Bimbimble Road	530	11/09/2015			
760	8137	Phyllis Price Drive	seal	2751	18/09/2015			
770	8037	Percy Davis Drive	seal	787	18/09/2015			
800	8145	Bengello Beach Road	Grant Street	741	18/09/2015			
810	8145	Bengello Beach Road	carpark	1256	18/09/2015			
820	8145	Bengello Beach Road	George Bass Drive	429	18/09/2015			
830	8145	Bengello Beach Road	windsock	2141	18/09/2015			
880	8105	Brierley Avenue	seal	885	18/09/2015			
890	8112	Malabar Drive	seal	728	18/09/2015			
900	8111	Bushland Road	seal	406	18/09/2015			
920	5119	Guthrie Street	Princes Highway	694	18/09/2015			
930	9803	Main Street	Guthrie Street	126	18/09/2015			



MAINTENANCE GRADING SCHEDULE 2015-16

seq	rdnum	road name	grade start	length	grade 1	grade 2	grade 3	grade 4
940	9863	Ryans Creek Reserve Road	Riverside Carpark	1123	18/09/2015			
950	8056	Hawdons Road	cattle grid	2786	25/09/2015	12/02/2016		
960	8233	Maulbrooks Road	Larrys Mountain Road	2667	25/09/2015	12/02/2016		
970	8114	Meadows Road	seal	556	25/09/2015			
980	8041	Clouts Road	Larrys Mountain Road	2551	25/09/2015			
990	8040	Larrys Mountain Road	seal	6930	2/10/2015	19/02/2016		
995	8014	Araluen Road	Larrys Mountain Road	352	2/10/2015	19/02/2016		
997	8014	Araluen Road	seal @ 1885	2180	2/10/2015	19/02/2016		
998	8014	Araluen Road	dust seal west of Knowles Road	3909	2/10/2015	26/02/2016		
1000	8014	Araluen Road	seal @ 2662	2036	2/10/2015	26/02/2016		
1002	8014	Araluen Road	park boundary @ 2857	16567	16/10/2015			
1005	8014	Araluen Road	Larrys Mountain Road [between dust seals]	2116	16/10/2015	26/02/2016		
1007	8014	Araluen Road	seal @ 1447 [between dust seals]	4742	23/10/2015	26/02/2016		
1020	8039	I Ridge Road	Araluen Road	1409	23/10/2015			
1030	8014	Araluen Road	I Ridge Road	1859	23/10/2015	4/03/2016		
1040	8253	Stewarts Road	Araluen Road	1125	23/10/2015			
1050	8050	Wampan Road	seal W of Wampan Bridge #1	1282	23/10/2015	4/03/2016		
1055	8050	Wampan Road	(null)	1401	23/10/2015	4/03/2016		
1060	8143	Donalds Creek Road	Wampan Road	8593	30/10/2015			
1070	8165	Myrnossa Road	Donalds Creek Road	1085	30/10/2015			
1080	8628	Cherryrise Road	Wampan Road	219	30/10/2015			
1090	8252	Moruya Reservoir Road	dust seal	830	30/10/2015			
1100	8052	Yarragee Road	(null)	203	30/10/2015			
1110	20028	Yarragee Reserve Carpark	(null)	45	30/10/2015			
1120	9344	Turnbulls Lane	seal	505	30/10/2015	4/03/2016		
1140	9351	Spencer Street - West Of Vulcan St	Dwyers Creek Road	303	30/10/2015			
1160	5224	Fitzroy Street	Princes Highway	95	30/10/2015			
1170	5203	Kiora Street	seal	329	30/10/2015			
1180	8275	Summerhill Road	Dwyers Creek Road	109	30/10/2015			
1190	9362	Windus Road	Dwyers Creek Road	245	30/10/2015			
1200	8049	Dwyers Creek Road	seal	269	30/10/2015			



MAINTENANCE GRADING SCHEDULE 2015 - 2016

seq	rdnum	road name	grade start	length	grade 1	grade 2	grade 3	grade 4
1210	8222	Spring Creek Road	Dwyers Creek Road	226	30/10/2015			
1220	8205	Patons Road	Dwyers Creek Road	1271	6/11/2015			
1230	8277	Valley View Lane	Mollee Road	204	6/11/2015			
1240	8202	Noads Drive	(null)	1027	6/11/2015	4/03/2016		
1250	8044	Pedro Point Road	seal	1305	6/11/2015			
1255	8044	Pedro Point Road	Pedro Point Reserve Road	1947	6/11/2015			
1260	5401	Congo Road	seal @ Congo Creek	757	4/09/2015	18/12/2015	4/03/2016	24/06/2016
1280	5401	Congo Road	seal @ park boundary	1327	6/11/2015	4/03/2016		
1285	5401	Congo Road	mid	1327	6/11/2015			
1300	8148	Priory Lane	seal	645	6/11/2015			
1310	8047	Bingie Road	Priory Lane	662	6/11/2015	4/03/2016		
1320	8047	Bingie Road	seal @ Kelly Road	457	6/11/2015	4/03/2016		
1330	8260	Alcheringa Lane	seal	683	6/11/2015			
1340	8046	Mullimburra Point Road	seal @ dog leg	670	6/11/2015	4/03/2016		
1350	8232	Pinnacles Close	Mullimburra Point Road	228	6/11/2015			
1360	8247	Munjeroo Lane	dust seal	162	6/11/2015			
1370	8142	Meringo Road	seal @ Bingie Road	1752	13/11/2015	4/03/2016		
1380	8048	Beashels Lane	Bergalia Link Road	1799	13/11/2015	11/03/2016		
1390	8144	Noggarula Drive	Princes Highway	1757	13/11/2015	11/03/2016		
1410	8109	Coila Creek Road	seal @ Princes Highway	1228	13/11/2015			
1450	8159	Old Mill Road	dust seal @ Princes Highway	1304	13/11/2015			
1460	9601	Western Boundary Rd	seal	1130	13/11/2015			
1470	8059	Coopers Island Road	Princes Highway	899	13/11/2015			
1480	8060	Bumbo Road	seal	1253	13/11/2015			
1490	8162	Redex Road	Bumbo Road	91	13/11/2015			
1500	9972	Bumbo Bridge Access Road	Bumbo Road	296	13/11/2015			
1505	8060	Bumbo Road	Redex Road	567	20/11/2015			
1510	8060	Bumbo Road	seal	2443	20/11/2015			
1530	8061	Horse Island Road	Borang Lake Road	358	20/11/2015			
1530	8061	Horse Island Road	Potato Point Road	1948	20/11/2015	11/03/2016		
1540	8061	Horse Island Road	(null)	1508	20/11/2015			

MAINTENANCE GRADING SCHEDULE 2015 - 2016

seq	rdnum	road name	grade start	length	grade 1	grade 2	grade 3	grade 4
1550	8160	Borang Lake Road	Horse Island Road	1487	20/11/2015			
1600	8091	Comerang Farm Road	(null)	1150	20/11/2015			
1610	8063	Widgett Road	Comerang Farm Road	1297	20/11/2015			
1620	8064	Comerang Forest Road	Eurobodalla Road	2925	27/11/2015			
1630	8067	Nerrigundah Mtn Road	seal east of Cadgee Mountain Road	4995	27/11/2015	11/03/2016		
1640	8259	William Street	Eurobodalla Road	160	27/11/2015			
1645	8259	William Street	end of Moruya Street	101	27/11/2015			
1650	8261	Moruya Street	Gulph Street	84	27/11/2015			
1660	8065	Eurobodalla Road	(null)	3047	27/11/2015	18/03/2016		
1670	8071	Wattle Grove Road	seal @ Eurobodalla Road	8197	18/03/2016			
1680	8069	Cadgee Mountain Road	Nerrigundah Mountain Road	2365	4/12/2015	25/03/2016		
1690	8065	Eurobodalla Road	seal @ 2472	1652	4/12/2015	25/03/2016		
1700	8065	Eurobodalla Road	Murphys 2 Bridge (359)	6003	4/12/2015	25/03/2016		
1710	8079	Reedy Creek Road	Eurobodalla Road	3512	1/04/2016			
1720	8079	Reedy Creek Road	#304	5213	1/04/2016			
1730	8065	Eurobodalla Road	Reedy Creek Road	6524	11/12/2015	8/04/2016		
1740	8186	Cheese Factory Road	Eurobodalla Road	249	8/04/2016			
1750	8110	Waincourt Road	seal @ 97	1185	8/04/2016			
1760	9693	Byrnes Street	seal	59	8/04/2016			
1780	8070	Belowra Road	Byrnes Street	43125	6/05/2016			
1790	9825	Woila Crk Firetrail - From Woila Causeway (Badja)	Belowra Road	4928	6/05/2016			
1830	8157	Big Rock Road	Princes Highway	1122	13/05/2016			
1840	8066	Brou Lake Road	Brou Tip	1437	13/05/2016			
1860	8172	Duesburys Road	Dalmeny Drive	1287	13/05/2016			
1880	9821	Kianga Commercial Lane	Dalmeny Drive	71	13/05/2016			
1890	8213	Rifle Range Pit Road	(null)	918	13/05/2016			
1900	6619	Riverview Road	seal @ 135	527	11/12/2015			
1910	6619	Riverview Road	seal @ 360	917	13/05/2016			
1920	8622	Kianga Forest Road	Princes Highway	4163	11/12/2015	13/05/2016		
1930	9616	Box Cutting Rd	Kianga Forest Road	2160	13/05/2016			
1940	8073	Wagonga Scenic Drive	Box Cutting Road	6403	20/05/2016			

MAINTENANCE GRADING SCHEDULE 2015-2016

seq	rdnum	road name	grade start	length	grade 1	grade 2	grade 3	grade 4
1950	8073	Wagonga Scenic Drive	(null)	6942	18/12/2015	27/05/2016		
1955	8073	Wagonga Scenic Drive	dust seal @117	575	18/12/2015	27/05/2016		
1960	8080	Punkalla Tilba Road	Wagonga Scenic Drive	1555	18/12/2015	27/05/2016		
1970	8094	Wild Horse Creek Road	Punkalla Tilba Road	237	27/05/2016			
1980	8626	Shingle Hut Road	Wild Horse Creek Road	1017	27/05/2016			
1990	8080	Punkalla Tilba Road	1st house north of forest #1044	5050	27/05/2016			
2000	9970	Mount Dromedary Trail (north)	Punkalla Tilba Road	3645	3/06/2016			
2010	8080	Punkalla Tilba Road	last house #518	1018	18/12/2015	3/06/2016		
2020	8178	Maier Lane	Punkalla Tilba Road	829	3/06/2016			
2030	8080	Punkalla Tilba Road	seal north of Maier Lane	1674	18/12/2015	3/06/2016		
2040	8098	Ridge Road	Punkalla Tilba Road	4150	18/12/2015	3/06/2016		
2050	8102	Haxstead Road	cattle grid	216	3/06/2016			
2060	8180	Little Lake Cemetery Rd	Haxstead Road	1088	3/06/2016			
2070	8081	Sunnyside Road	(null)	2441	15/01/2016	10/06/2016		
2080	8077	Old Highway	Brushgrove Lane (Princes Hwy)	1201	15/01/2016	10/06/2016		
2080	8622	Kianga Forest Road	Box Cutting Road	1290	10/06/2016			
2090	8077	Old Highway	seal north of Watertank Road	691	15/01/2016	10/06/2016		
2100	8077	Old Highway	seal @ Corunna Bridge	1879	15/01/2016	10/06/2016		
2110	8216	Wonga Road	Old Highway	1440	15/01/2016	10/06/2016		
2120	8078	Old South Coast Road	seal @ #136	983	15/01/2016	10/06/2016		
2130	8092	Ringlands Road	Flying Fox Road	419	10/06/2016			
2140	8093	Cemetery Road	seal @ Narooma Cemetery Carpark	62	10/06/2016			
2170	7078	Narooma Surf Club Access	[testing]	219	15/01/2016	10/06/2016		
2190	8083	Nangudga Beach Road	Princes Highway	896	10/06/2016			
2200	20132	Handkerchief Beach Carpark	(null)	34	10/06/2016			
2220	8097	Corunna Pt Sp/grd Access	Mystery Bay Road	1100	17/06/2016			
2250	20052	Mystery Bay Camping Ground Carpark	Mystery Bay Loop Road	71	17/06/2016			
2260	8090	Mount Dromedary Trail	The Avenue	904	17/06/2016			
2270	8079	Reedy Creek Road	Wild Horse Creek Road	2257	17/06/2016			
2280	8079	Reedy Creek Road	Wyoming	6127	24/06/2016			
2290	8079	Reedy Creek Road	Boundary Bridge	3528	24/06/2016			

MAINTENANCE GRADING SCHEDULE 2015 - 2016									
seq	rdnum	road name	grade start	length	grade 1	grade 2	grade 3	grade 4	
2300	8088	Meads Road	Princes Highway	1131	24/06/2016				
2310	8210	Meads Lane	Meads Road	185	24/06/2016				
2320	8193	Youngs Road	Bermagui Road	1162	24/06/2016				



**FBD15/051 INVESTMENTS MADE AS AT 30 JUNE 2015**

**E99.3517**

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

Attachments: Nil

Strategic Objective: Support Services

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

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

**EXECUTIVE SUMMARY**

The purpose of this report is to:

- certify that Council's investments in financial instruments have been made in accordance with the legal and policy requirements
- provide information and details of investments
- raise other matters relevant to investing

**RECOMMENDATION**

THAT the certification that the investments as at 30 June 2015 made in accordance with the Act, Council's investment policy and the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

**CONSIDERATIONS**

**Legal**

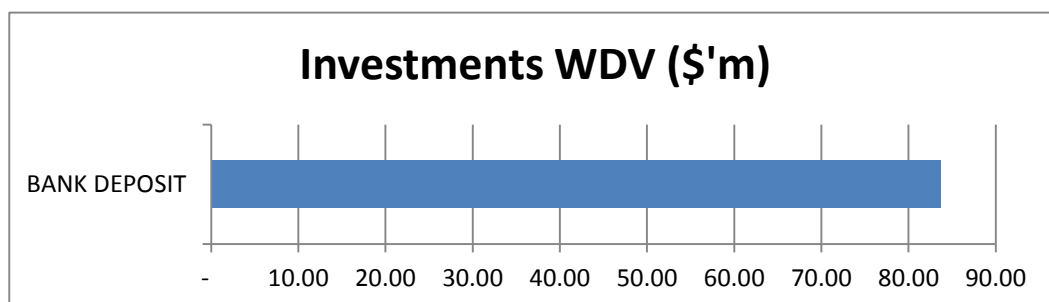
Budgeted legal fees for 2014-2015 are \$0.03m with only minor net expenditure incurred this year to date. Credit crisis related legal costs for the financial years 2008-2014 were \$0.37m.

**Policy**

Investments comply with Council's Investment policy.

**Financial**

Council Investing Overall



**FBD15/051 INVESTMENTS MADE AS AT 30 JUNE 2015**

**E99.3517**

Council has 100% (\$83.74m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$1.75m with IMB (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.5M and represents 3.00% of the portfolio.

The weighted average return for all investments for the month is 2.98% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.40%).

Collateralised Debt Obligation (CDO)

A Proof of Claim has been lodged on behalf of Council in respect of the scheme of arrangement (Scheme) between Lehman Brothers Australia Limited (in liquidation) and its Scheme Creditors. This matter will now proceed to finalisation and the latest information has indicated that it should be substantially finalised by the end of the first quarter of the 2015-2016 financial year. Legal action against the Commonwealth Bank and Standard and Poors is proceeding and any developments will be advised when information is received.

Summary Investment Information

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

<b>CATEGORY</b>	<b>WDV (\$)</b>
At Call Deposit Government Guaranteed	250,000
At Call Deposit	996,025
Term Deposits	80,250,000
Term Deposits Government Guaranteed	2,250,000
	<b>\$83,746,025</b>
<i>Weighted Average Interest %:</i>	<i>2.98%</i>
<i>Average 90 day BBSW + 25%:</i>	<i>2.40%</i>

**FBD15/051 INVESTMENTS MADE AS AT 30 JUNE 2015**

**E99.3517**

Policy and Liquidity Risk

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

<b>Policy Risk</b>	<b>Low Liquidity Risk %</b>	<b>Medium Liquidity Risk %</b>	<b>High Liquidity Risk %</b>	<b>Total % WDV</b>
<b>Remote Risk</b>	<b>3.00</b>	<b>0.00</b>	<b>0.00</b>	<b>3.00</b>
<i>Policy Limit</i>	<i>100.00</i>	<i>70.00</i>	<i>50.00</i>	
<b>Near Risk Free</b>	<b>94.91</b>	<b>0.00</b>	<b>0.00</b>	<b>94.91</b>
<i>Policy Limit</i>	<i>100.00</i>	<i>50.00</i>	<i>30.00</i>	
<b>Some Limited Risk</b>	<b>2.09</b>	<b>0.00</b>	<b>0.00</b>	<b>2.09</b>
<i>Policy Limit</i>	<i>30.00</i>	<i>20.00</i>	<i>10.00</i>	
<b>At Risk</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<i>Policy Limit</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	
<b>Grand Total:</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100.00</b>

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

**CONCLUSION**

Certification

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

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**FBD15/052 FEES AND CHARGES - AMENDMENTS**

**E15.9029**

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

Attachments: Nil

Focus Area: Collaborative Communities

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

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

**EXECUTIVE SUMMARY**

Further submissions have been received for the 2015-16 Fees and Charges since its adoption by Council Resolution on 23 June 2015.

This report details the proposed amendments which must be placed on public exhibition for a period of 28 days prior to adoption per the requirement of Section 610F of the Local Government Act (NSW) 1993.

**RECOMMENDATION**

THAT:

1. Public notice be given of the proposal to abolish the adopted fees and Charges 2015-16 for supported accommodation.
2. Public notice be given of the proposal to include in the Fees and Charges 2015-16 the proposed Supported Accommodation fees, Moruya Showground cleaning fees, and to amend the currently adopted Individual Disability Support Packages Facilitation and Administration fee, Car Rally fee, Construction Certificate – subdivision fees, Parks and Reserves Event Related Electricity fee and the Property/Ownership Information fee.
3. Submission be received for a period of 28 days.
4. If any submissions are received, a further report be presented to Council for consideration.
5. Subject to no submissions being received the proposed Moruya Showground cleaning fees, Individual Disability Support Packages Facilitation and Administration fee, the Supported Accommodation fees, Car Rally fee, Construction Certificate – Subdivision fees, Parks and Reserves Event Related Electricity fee and the Property/Ownership Information fee be adopted.

**BACKGROUND**

The proposed and exhibited Fees and Charges for 2015-16 were adopted by Council at the meeting of 23 June 2015. Since adoption, further submissions on the fees and charges have been received. Any changes to the adopted Fees and Charges require 28 days public notice of the proposed amendments.



**FBD15/052 FEES AND CHARGES - AMENDMENTS**

**E15.9029**

The **Moruya Showground** Management Committee have requested new fees be made to account for the cleaning of the old public toilets, grandstand change rooms and grandstand toilets at the Moruya Showground. These areas are not considered in the current cleaning contract, and thus come under control of the Management Committee.

The proposed fees for the cleaning include:

Old Public Toilets:	\$40.00 inc GST
Grandstand Toilets:	\$30.00 inc GST
Grandstand Change Room:	\$30.00 inc GST
Grandstand change Room and Toilets:	\$50.00 inc GST

The Community Care Services Individual Disability Support Packages fee for Facilitation and Administration in the adopted Fees and Charges 2015-16 includes both a fee and a percentage charge for the service. Only a percentage based charge is applicable for this activity.

The proposed amendment for the existing Individual Disability Support Packages fee include:

Facilitation and Administration fee 10 – 25% of funding allocation, dependent on level of self-management *only*.

The establishment of a new Supported Accommodation facility has necessitated the need to review accommodation pricing structure in line with NSW Family and Community Services (FACS) recommendations and in readiness for the National Disability Insurance Scheme (NDIS). This will result in imminent changes for the Supported Accommodation service and will require the adopted 2015-16 fees be abolished and the introduction of new fees.

The **Supported Accommodation fees** proposed to be abolished include:

Client contribution – pest control, garden maintenance, depreciation furniture	\$30.00
Craft Contribution	\$10.00
Travel per kilometre	\$ 0.50

The proposed replacement Supported Accommodation fees include:

Moruya accommodation facility	50% of residents DSP
Moruya accommodation facility – Travel	\$0.50 per kilometre
Batemans Bay accommodation facility	75% of residents DSP
Batemans Bay accommodation facility – additional travel	\$0.50 per kilometre

The **Car Rally Fee, Construction Certificate – Subdivision fees, Parks and Reserves Event Related Electricity fee, Property/Ownership Information fee** of the adopted Fees and Charges exclude a specified fee unit. These are not new fees.

The proposed fee unit for the existing fees are as below:

Car Rally Fee **\$28.00 per car per day**

Construction Certificate – Subdivision fees  
Infill urban subdivision, 4 lots or less **\$ 871.00 per lot**

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**FBD15/052 FEES AND CHARGES - AMENDMENTS**

**E15.9029**

Urban expansion subdivision, greater than 4 lots	\$ 973.00 <b>per lot</b>
Rural subdivision	\$1,178.00 <b>per lot</b>
Commercial/Industrial subdivision	\$1,485.00 <b>per lot</b>
Parks and Reserves	
Event Related – Electricity Fee	\$0.90 <b>per kw/h using oval lighting</b>
Property/Ownership Information	
Provision of rating information ownership, financial or property details.	\$52.00 <b>per half hour</b>

**CONSIDERATIONS**

**Legal**

In accordance with Section 610F of the Local Government Act (NSW) 1993, Council must give public notice of the proposed amendments of adopted fees and charges of at least 28 days and consider any submissions received during that period.

**Community Engagement**

We will consult with the community by seeking feedback through a 28 day Public Exhibition where the amendments to Fees and Charges 2015-16 proposal will be on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre and advertised in the local newspaper.

**CONCLUSION**

The proposed and exhibited Fees and Charges for 2015-16 were adopted by Council at the meeting of 23 June 2015. Since adoption, further submissions on the fees and charges have been received and it would be appropriate for these amendments to be considered by Council for public exhibition and adoption.

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**FBD15/053 LAND ACQUISITION FOR ROAD WIDENING - PUNKALLA TILBA  
ROAD, CENTRAL TILBA**

**80.1894.E**

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

Attachments: 1. Confidential - Land Acquisition For Road Widening - Punkalla Tilba Road

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**

As part of the reconstruction of Punkalla Tilba Road, Central Tilba acquisition of parts of Lot 232 DP 1180032 are required for road widening. This report recommends acquisition of this land for road purposes in accordance with Council's Code of Practice for Acquiring Land for Public Purposes with the exception that compensation will be paid by the supply of gravel in lieu of monetary compensation. The cost of the supply of gravel being less than the estimated cost of the land value and valuation fees

### **RECOMMENDATION**

THAT :

1. All actions necessary be taken for the acquisition of land required for road widening within part Lot 232 DP 1180032 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes with the exception that compensation will be paid by the supply of gravel in lieu of monetary compensation.
2. All survey and legal costs associated with the land acquisition be borne by Council.

### **BACKGROUND**

Punkalla Tilba Road, Central Tilba is being realigned and reconstructed as part of Council's works program. The works necessitate acquisition of part Lot 232 DP 1180032 for road widening. The area required is approximately 467 square metres from the 72.24 ha property.

**FBD15/053 LAND ACQUISITION FOR ROAD WIDENING - PUNKALLA TILBA  
ROAD, CENTRAL TILBA**

**80.1894.E**

**CONSIDERATIONS**

A sketch of the areas proposed to be acquired is set out below:



**Legal**

The acquisition of the land is necessary to legalise the proposed road widening.

**Policy**

The acquisition of land for road purposes will proceed in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

**Social Impact**

The upgrading of this section of Punkalla Tilba Road will increase safety of road users.

**Financial**

Compensation is usually determined by a registered Valuer in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. However, in this instance at the request of the registered proprietor of Lot 232 DP 1180032 Council will provide gravel in lieu of monetary compensation for the land acquisition. Whilst a determination of compensation has not been undertaken by a registered Valuer, based on compensation for similar acquisitions including valuation fees, it is considered it would be greater than the value of the proposed supply of gravel.

The cost for Council to supply the gravel and the estimated value of the land to be acquired including valuation fees is set out in the Confidential Attachment.

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<b>FBD15/053</b>	<b>LAND ACQUISITION FOR ROAD WIDENING - PUNKALLA TILBA ROAD, CENTRAL TILBA</b>	<b>80.1894.E</b>
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Together with the compensation, Council will be responsible for all reasonable costs associated with the acquisition including survey and legal fees. Based on previous similar acquisitions sufficient funds are available within the allocated budget.

**Community Engagement**

The owners of the land, whose names are set out in the Confidential Attachment, have been consulted and have no objection to the acquisition of the land for road widening.

**CONCLUSION**

To facilitate the reconstruction of a section of Punkalla Tilba Road, Central Tilba the acquisition of part Lot 232 DP 1180032 is required for road widening purposes.

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**FBD15/054 LAND ACQUISITION FOR CARPARKING - OLD PUNT ROAD, NORTH 84.1058.D  
BATEMANS BAY**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development  
Attachments: 1. Confidential - Land Acquisition for Carparking Conf Attach  
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 extension of the carpark within the Crown Reserve in Old Punt Road, North Batemans Bay has been constructed to provide additional parking for people who use the boat ramp and the reserve generally. Acquisition of part of the adjacent privately owned property, being Lot 2 DP 1169236, is required for the carpark extension. Consent has been received from the registered proprietor to the acquisition of the land and to the construction prior to the acquisition. This report recommends acquisition of this land for carpark purposes in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

**RECOMMENDATION**

THAT :

1. All actions necessary be taken for the acquisition of land required for carparking within part Lot 2 DP 1169236 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey and legal costs associated with the land acquisition be borne by Council.

**BACKGROUND**

The carpark in the Crown Reserve in Old Punt Road, North Batemans Bay has been extended to provide additional parking for users of the boat ramp and the reserve generally as part of Council's works program. The extension into the adjacent private property necessitates the acquisition of part of that land being Lot 2 DP 1169236. The area required is approximately 467m<sup>2</sup> from the 2.86 ha property.

Concurrence was received from the registered proprietor for the proposed acquisition and for the construction prior to the completion of the acquisition.

**FBD15/054 LAND ACQUISITION FOR CARPARKING - OLD PUNT ROAD, NORTH  
BATEMANS BAY**

**84.1058.D**

**CONSIDERATIONS**

A sketch of the area proposed to be acquired is set out below:



**Legal**

The acquisition of the land is necessary to provide for the extension of the carpark to be located on land owned by Council.

In accordance with the provisions of the local Government Act 1993, the land to be acquired is required to be classified as either community or operational land. Given the carpark is adjacent to a Crown Reserve for public recreation under the trusteeship of the Eurobodalla (North) Reserve Trust for which Council is Trust Manager and will become an adjunct to the reserve, it is considered appropriate for the land to be classified as community land.

If Council does not formally resolve to classify the land as community land, a process which would involve public notification and a further report to Council, it will, in accordance with the provisions of the Local Government Act, automatically be classified as community land three months after the date of acquisition.

**Policy**

The acquisition of land for carparking purposes will proceed in accordance with Council's Code of Practice for Acquiring Land for Public Purposes. The additional parking has been listed in Council's Delivery Program.

**Social Impact**

The extension of the carpark will provide more carparking spaces for users of the boat ramp.

**Financial**

Compensation will be determined by a registered valuer in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. Together with the compensation,

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**FBD15/054 LAND ACQUISITION FOR CARPARKING - OLD PUNT ROAD, NORTH 84.1058.D  
BATEMANS BAY**

Council will be responsible for all reasonable costs associated with the easements including survey and legal fees. Based on previous similar acquisitions sufficient funds are available within the allocated budget.

**Community Engagement**

The owner of the land, a company whose name is set out in the Confidential Attachment, has been consulted and has no objection to the acquisition of the land for road widening.

A "Permit to Enter" was also signed by the registered proprietor granting consent to construct the extension prior to the land being acquired.

**CONCLUSION**

To facilitate the land ownership by Council for the extension of the carpark near the boat ramp at Old Punt Road, North Batemans Bay, the acquisition of part Lot 2 DP 1169236 is required and should proceed in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.



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**FBD15/055 CLASSIFICATION OF LAND - RIVER STREET, MORUYA**

**13.7193.E**

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

Attachments: Nil

Focus Area: Support Services

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

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

**EXECUTIVE SUMMARY**

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 operation land. The land, now known as Lot 1 DP 1207779 has been acquired and is required to be classified in accordance with the provisions of the Local Government Act, 1993. The intention to classify the land as operational land has been publicly notified with no submissions received. This report recommends the land be classified as operational land.

**RECOMMENDATION**

THAT Lot 1 DP 1207779 River Street, Moruya be classified as operational land.

**BACKGROUND**

After considering a report regarding the acquisition of land at River Street, Moruya for a sewer pump station at its Ordinary meeting held on 23 July 2013, Council resolved:

*THAT:*

1. *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 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.*
2. *All survey and legal costs including the registered proprietor's reasonable legal costs associated with the acquisition of the land and the easement be borne by Council.*
3. *Public notice be given of Council's intention to resolve:*  
*"THAT part Lot 41 DP 752151 is acquired as operational land."*
4. *A period of 28 days is given for members of the public to make submissions.*
5. *A further report is presented following the advertising period.*
6. *Consent is given to affix the Common Seal of Council to the transfer of part Lot 41 DP 752151.*

**FBD15/055 CLASSIFICATION OF LAND - RIVER STREET, MORUYA**

**13.7193.E**

A sketch showing the subject land is set out below:



**CONSIDERATIONS**

The land required for the sewer pump station was excised from Lot 41 DP 752151 and is now known as Lot 1 DP 1207779. Acquisition of the land has been finalised.

**Legal**

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 written submissions.

No submissions have been received.

**Asset**

As the land is to be used for Council's sewerage operational works it is appropriate for the property to be classified as operational land.

**Community Engagement**

We have consulted with the community through notification in the local newspapers requesting submissions within a 28 day period from the date of notification. No submissions have been received.

**CONCLUSION**

It is appropriate for the newly acquired Lot 1 DP 1207779 to be classified as operational land and there would appear to be no objection to the classification of the land as such.

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**FBD15/056 LICENCE FOR FUNDRAISING BARBEQUES - NORTH NAROOMA**

**E07.1581**

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

Attachments: Nil

Focus Area: Support Services

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

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

### **EXECUTIVE SUMMARY**

Council has for a number of years granted Marine Rescue NSW Narooma Branch a licence to hold fundraising barbeques at the reserve adjacent to the boat ramp at North Narooma. The latest licence commencing 1 October 2014 expired on 30 April 2015. Marine Rescue have asked for a further licence to be granted. Given this activity is beneficial to the general public as well as a means for Marine Rescue to raise much needed funds, this report recommends that a further temporary licence be granted.

### **RECOMMENDATION**

THAT:

1. Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a temporary licence, in accordance with Section 108 of the Crown Lands Act 1989, to Marine Rescue NSW to operate a food van within Crown Reserves R52679 and R79308 for the period 1 October 2015 to 31 March 2016 inclusive with a licence fee of \$510.40 including GST.
2. A donation in the amount of \$510.40 be made to Marine Rescue NSW in accordance with the Financial Assistance (Donations and Grants) Policy.

### **BACKGROUND**

At its meeting on 26 August 2014 Council resolved:

THAT:

1. Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a temporary licence, in accordance with Section 108 of the Crown Lands Act 1989, to Marine Rescue NSW to operate a food van within Crown Reserves R52679 and R79308 for the period 1 October 2014 to 30 April 2015 inclusive with a licence fee of \$501.60 including GST.
2. A donation in the amount of \$501.60 be made to Marine Rescue NSW in accordance with the Financial Assistance (Donations and Grants) Policy.

### **CONSIDERATIONS**

Marine Rescue NSW would like to continue holding barbeques on Saturdays and/or Sundays from 9am to 2pm weather permitting, from 3 October 2015 to 27 March 2016 inclusive.

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**FBD15/056 LICENCE FOR FUNDRAISING BARBEQUES - NORTH NAROOMA**

**E07.1581**

The facilities consist of a barbeque which is mounted on a trailer, a strong sun awning to keep the weather off those at the serving table, two Eskis for cold drinks and chairs for those working on the barbeque. There will be a Safe Food Handling certificated member at every barbeque.

**Legal**

The proposed licence area is within Crown Reserves R52679 and R79308 for Public Recreation for which Council is Trust Manager for the Eurobodalla (South) Reserve Trust. In accordance with Section 108 of the Crown Lands Act 1989 Council as Trust Manager can issue a temporary licence for a period not exceeding 12 months.

**Social Impact**

The operation of the barbeque on the reserves provides a service to tourists and resident users of the adjacent boat ramp and Bar Beach during busy periods as well as providing Marine Rescue NSW a means to raise funds for their voluntary rescue activities.

There are no food businesses within the close vicinity of the reserves and therefore Marine Rescue NSW will not be competing with commercial businesses.

**Financial**

Given Marine Rescue NSW is a not-for-profit community based organisation providing a valuable service to the community, a licence fee in line with the statutory Crown minimum is considered appropriate. The current minimum fee is \$510.40 including GST.

**Policy**

The Financial Assistance (Donations and Grants) Policy allows Council to consider granting annual operations contributions to Emergency and Surf Life Saving organisations. As Marine Rescue NSW meets the eligibility criteria under the policy, Council may consider making a donation in the amount of the licence fee to the organisation.

**CONCLUSION**

Granting a licence to Marine Rescue NSW will aid the fundraising ability of the organisation and serve to provide a benefit for tourists and resident users of the adjacent facilities during the busier months.

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**FBD15/057 MORUYA JOCKEY CLUB LICENCE**

**E80.0801**

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

Attachments: Nil

Focus Area: Support Services

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

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

**EXECUTIVE SUMMARY**

The licence held by Moruya Jockey Club Ltd. to conduct the Club's operations at the Moruya Racecourse expires on 31 July 2015. Whilst Council is considering the longer term leasing requirements at the Moruya Racecourse it would be appropriate for the Moruya Jockey Club Ltd. to remain as licensee on a carryover basis with the same conditions as the current licence.

**RECOMMENDATION**

THAT consent be given for Moruya Jockey Club Ltd. remaining as licensee to conduct the Club's operations at the Moruya Racecourse on a carryover basis subject to the same conditions as the current licence on a month to month basis until the longer term leasing requirements of the racecourse has been determined and settled.

**BACKGROUND**

The licence held by Moruya Jockey Club Ltd. to conduct the Club's operations at the Moruya Racecourse and associated facilities expires on 31 July 2015.

**CONSIDERATIONS**

Whilst the longer term leasing requirements of the racecourse land is currently being considered, the operation of the racecourse will continue as normal.

**Legal**

There is no carryover provision in the current licence and therefore it will be necessary for Council to grant consent for the Jockey Club to remain as licensee on a carryover basis in order to legitimize the Jockey Club's ongoing occupation.

A month to month carryover provision until the longer term leasing requirements at the racecourse has been determined and settled is considered appropriate.

The conditions of the current licence should prevail during the carryover period.

**Economic Development Employment Potential**

The ongoing role of the Moruya Jockey Club in facilitating horse racing at the Moruya Racecourse is pivotal to the local horse racing industry which provides employment opportunities, attracts tourists and contributes to the local economy.

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**FBD15/057 MORUYA JOCKEY CLUB LICENCE**

**E80.0801**

**Financial**

It would be reasonable for the rent, \$19,771.52p.a. plus GST, to increase in line with CPI during the carryover period.

**CONCLUSION**

It is appropriate for the Moruya Jockey Club Ltd. to remain as licensee of the current licence on a month to month carryover basis until the longer term leasing requirements of the racecourse has been determined.

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**FBD15/058 LAKESEA HOLIDAY PARK - SOUTH DURRAS**

**84.0042.D**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development  
Attachments: 1. Confidential - Cost of Proposed Works  
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 for a new lease to be negotiated with the incumbent lessees of Lakesea Holiday Park.

Negotiations have been completed and the proposal for a new lease has been sent to Crown Lands for their consideration prior to a report being presented to Council.

The lessee wishes to undertake the removal of dangerous trees during the quiet months of winter and is seeking consent to do so with the costs to be offset against the lease premium when the lease is finalised.

This report recommends that subject to the agreement of costs for the removal of dangerous trees by the General Manager, the value be offset against the premium for the new lease.

**RECOMMENDATION**

THAT

1. Council as Trust Manager for the Eurobodalla (North) Reserve Trust consent to the removal of trees by the lessee of Lakesea Holiday Park considered to be an imminent risk of serious injury or damage to property within the park.
2. Subject to agreement of the costs by the General Manager, the costs for the removal will be accepted as part of the lease premium for the new lease being negotiated for Lakesea Holiday Park.

**BACKGROUND**

At its Ordinary meeting held on 18 December 2012 Council resolved:

*THAT:*

1. *The General Manager be given delegated authority to negotiate a new lease with the current lessees of Lakesea Park Caravan Park.*
2. *A further report be presented to Council following completion of the negotiations.*

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**FBD15/058 LAKESEA HOLIDAY PARK - SOUTH DURRAS**

**84.0042.D**

Negotiations have been completed and the proposal for a new lease is currently with Crown Lands for consideration before a report is presented to Council.

Subject to acceptance by Council and Crown Lands it is proposed a lease premium payable for the granting of a new lease will be paid for by the lessee undertaking agreed improvement works required to upgrade the park.

The removal of trees for safety concerns has been included as part of the proposed upgrades.

With the view to undertaking this work during the quieter period over winter, the lessee has requested consent to undertake the works prior to the finalisation of a new lease which is subject to Crown consideration.

**CONSIDERATIONS**

The removal of dangerous trees is imperative for the safety of park patrons. It is work that is required to be carried out to make the park safe. The works are considered the responsibility of the lessor.

**Financial**

As the works are part of the agreed improvements to be carried out by the lessee it is considered reasonable if the works are carried out by the lessee prior to a new lease, the costs would be offset against the proposed premium.

It would be appropriate for the General Manager to agree to the costs prior to the lessee having the works undertaken.

The estimated cost for the construction of the proposed works is set out in the Confidential Attachment.

**Environmental**

In accordance with Section 11 of the Native Vegetation Act 2003, formal consent is not required for the removal of trees posing "*an imminent risk of serious injury or damage to property*".

The lessee has made an assessment of the trees in the Park to determine which ones pose "*an imminent risk*" and this will be considered by a Council facilities officer.

**Social Impact**

The safety of the Holiday Park users is paramount and the removal of dangerous trees at this time is considered appropriate as the Park has minimal patrons.

**CONCLUSION**

The removal of dangerous trees within Lakesea Holiday Park is imperative for the safety of park patrons and the cost of such is the responsibility of the lessor.

Having the works carried out in the quieter winter months is appropriate.

The works are part of the agreed improvements in lieu of a monetary lease premium for a new lease proposed to be granted to the current lessee and therefore reasonable for consent to be



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**FBD15/058 LAKESEA HOLIDAY PARK - SOUTH DURRAS**

**84.0042.D**

given to the lessee to arrange for the works to be carried out prior to entering into the new lease and the costs offset against the lease premium.

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**FBD15/060 MARKETS AT RIVERSIDE PARK, MORUYA**

**E05.9368**

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

Attachments: Nil

Focus Area: Support Services

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

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

### **EXECUTIVE SUMMARY**

There are two weekly markets currently held in Riverside Park Moruya, a Crown Reserve under the trusteeship of the Eurobodalla (Central) Reserve Trust for which Council is Trust Manager. Saturday Markets run by Moruya Country Markets Inc. and the Tuesday Farmers Market run by Sustainable Agriculture & Gardening Eurobodalla Inc.

Both are currently operating with licences on a carryover basis and both are seeking a five-year licence to continue operating.

The continued operation of markets at Riverside Park is considered appropriate.

In accordance with the ICAC guidelines on Direct Negotiations it is necessary, to ensure fairness and transparency, for an Expressions of Interest (EOI) to be sought from all parties interested in conducting markets. Advice from Crown Lands staff representing the Minister administering the Crown Lands Act who has to endorse any licence granted for a term greater than twelve months, have confirmed that an EOI process must be undertaken.

This report recommends an EOI process proceed.

### **RECOMMENDATION**

THAT:

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

### **BACKGROUND**

Two markets are currently operating at Riverside Park, Moruya, the Saturday Country Markets operated by Moruya Country Markets Inc. and the Tuesday Farmers Market operated by Sustainable Agriculture & Gardening Eurobodalla Inc. (SAGE).

Both are operating on a carryover basis and both have requested a five-year licence to continue their operations.

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**FBD15/060 MARKETS AT RIVERSIDE PARK, MORUYA**

**E05.9368**

**CONSIDERATIONS**

The continued operation of markets at Riverside Park is considered appropriate.

**Legal**

Riverside Park, Moruya is a Crown Reserve, R82377 under the trusteeship of the Eurobodalla (Central) Reserve Trust for which Council is Trust Manager.

In accordance with the provisions of Section 102 of the Crown Lands Act, Council as Trust Manager cannot grant a licence for a term greater than twelve months without the consent of the Minister administering the Crown Lands Act 1989.

Advice has been received from Crown Lands staff that in accordance with the ICAC guidelines on Direct Negotiations, expressions of interest must be sought from all interested parties to ensure fairness and transparency.

**Asset**

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

**Social Impact**

The ongoing success of markets at Riverside Park is a testament to the value of markets to the community.

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

**Economic Development Employment Potential**

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

**Financial**

Council has set fees for markets in its adopted Fees and Charges.

**Community Engagement**

Expressions of Interest will be publicly notified on Council's website and advertised on Council's noticeboard page in two local newspapers.

A period of 42 days for submissions to the EOI is considered appropriate which will commence promptly when Council has resolved to do so.

**Criteria for EOI**

To assess the Expressions of Interest, the following broad criteria will be included:

1. Appropriate Governance.
2. Capacity to operate markets.
3. Copies of financial accounts for past two years (if not a new entity).
4. Details of how profits are to be distributed.
5. Demonstrated community support.

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**FBD15/060 MARKETS AT RIVERSIDE PARK, MORUYA**

**E05.9368**

6. Economic benefit to Eurobodalla including policy on local goods/local businesses.
7. Demonstrate operational procedures for markets.

**CONCLUSION**

The operation of regular markets in Riverside Park Moruya has been successful over a number of years.

To ensure openness, fairness and accountability it is appropriate for expressions of interest to be called from any incorporated not-for-profit groups interested in conducting weekly markets in Riverside Park.

It is proposed, following the receipt and consideration of submissions, a report will be presented to Council recommending the granting of five-year licences to conduct markets in Riverside Park.

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**CAR15/009 NAROOMA SCHOOL OF ARTS**

**E11.5371**

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

Attachments: Nil

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 seeks Council approval to provide a \$6,000 donation to Narooma School of Arts (SOA) in 2015-16.

During 2015-16 Council will finalise the review of its grants and donation policy and processes, with the aim of introducing a more straightforward approach, with guidelines, eligibility criteria and a range of funding options going forward.

With funding provided for 2015-16 SOA and Montague Arts and Crafts Society (MACS) can implement planned activities for the coming year. From the 2016-17 financial year Council's new grants and donations funding model will be in place. Both organisations may then be eligible to apply for funding alongside other worthwhile community organisations and groups.

**RECOMMENDATION**

THAT Council approves provision of \$6,000 (excluding GST) to Narooma School of Arts for the period 2015-16.

**BACKGROUND**

Council has provided financial support to the SOA and (MACS) for a number of years.

Council previously leased the SOA cottage for five years (2007-2012). At that time Council paid \$6446.43 annually and then licensed the cottage to MACS for \$584.24. The result was an effective subsidy to SOA and MACS of \$5862.19.

At its meeting of 26 June 2012 Council resolved that:

1. Council does not renew the lease on the Narooma School of Arts Cottage in August 2012
2. Council approves the provision of an annual grant to Narooma School of Arts and Soldiers War Memorial hall incorporated of \$6,000 (excluding GST) per annum for the period 2012-2015, with Council to review support from July 2015.

This decision was in line with the *Eurobodalla Shire Situational Analysis: Arts and Cultural Infrastructure Report 2010*.

In March 2015 MACS wrote to Council requesting that Council extend the grant to SOA of \$6,000 per annum for a further three years, from July 2015 to June 2018.

In June 2015 Council wrote to MACS advising that a review of how grants and donations are allocated had just commenced. Given this review process a report would be prepared for

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**CAR15/009 NAROOMA SCHOOL OF ARTS**

**E11.5371**

Council's consideration, requesting an extension of the grant for 2015-16 only. Future funding, from the 2016-17 financial year onwards, might then be sought once Council introduces its new model for the assessment and distribution of donations and grants.

**CONSIDERATIONS**

The Narooma School of Arts and Montague Arts and Crafts support a range of arts and cultural activities in the Narooma district. The organization SOA is the Trustee of Crown Land at Narooma on which the School of Arts and Memorial Hall, SoART Gallery and cottage are located. There is considerable overlap in membership between SOA and MACS.

Over a number of years Council has provided financial support. Currently this includes:

- An annual donation of \$6,000 (to June 2015)
- A 50% rates subsidy valued at \$3,468.37 (2014-15)
- Receives a 'Youth Award prize' of \$500 to support young artists.

Total value \$9,968.37.

In addition, the property that MACS occupies was amalgamated with the theatre and carpark with a lower rateable value, resulting in lower rates and only one set of charges for water and sewer.

**Council's review of grants and donations**

Council currently provides a range of grants, donations and fee reimbursements to groups and organisations in our community. Arrangements have been put in place over time to support worthy activities. However, in some cases circumstances have changed and it is timely for Council to review the way grants and donations are allocated.

A key component of Council's review of grants and donations is the development of guidelines regarding eligibility, the types of donations provided and how often and for how long groups can receive funding under each category. This will ensure clear parameters for funding and ensure a range of groups and activities can be supported, where appropriate.

**Social Impact**

Council's donation of \$6,000 for the 2015-16 year will allow MACS and SOA to continue running their program of arts and cultural activities, exhibitions and creative programs. Both groups may then be eligible to apply for future funding from 2016-17 alongside other similar community organisations.

**Community Engagement**

Council has written to MACS advising that a report will be drafted for Council, requesting a grant of \$6,000 be allocated to SOA for 2015-16 and that future funding would be dependent on Council's current review of grant and donation allocations.

**CONCLUSION**

Council has provided financial support to SOA and MACS for a number of years. Recently MACS wrote to Council requesting that annual funding of \$6,000 be extended for a further three years, from July 2015 to June 2018. MACS was advised that a report would be prepared

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**CAR15/009 NAROOMA SCHOOL OF ARTS**

**E11.5371**

recommending a donation in 2015-16 only, with all future funding subject to a review of Council's grant and donations program.

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## 17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

### RECOMMENDATION

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

#### **CON15/010 Property Matter**

Item CON15/010 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **CON15/011 Compliance Matter**

Item CON15/011 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.



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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

## AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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.

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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.