



# **AGENDA**

**Ordinary Meeting of Council**

**26 July 2016**



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

**ON TUESDAY 26 JULY 2016**

**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 12 July 2016  |                 |
| <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>6.</b>  | <b>MAYORAL REPORTS</b><br>Nil  |                 |
| <b>7.</b>  | <b>NOTICES OF MOTION</b><br>Nil  |                 |
| <b>8.</b>  | <b>QUESTIONS ON NOTICE FROM COUNCILLORS</b><br>Nil   |                 |
| <b>9.</b>  | <b>PETITIONS</b><br>Nil  |                 |
| <b>10.</b> | <b>GENERAL MANAGER'S REPORTS</b>   |                 |
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CON16/019	Financial Matter	

*Item CON16/019 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

CON16/020 Financial Matter

*Item CON16/020 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**DR CATHERINE DALE  
GENERAL MANAGER**

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**GMR16/013 MEETING DATES 2016**

**E04.8769**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Focus Area: Collaborative Communities

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

Operational Plan Link: C1.1.2 Support the conduct of effective Council meetings

**EXECUTIVE SUMMARY**

This report seeks an amendment to the 2016 Council Meeting Schedule adopted by Council at its meeting on 8 March 2016.

On 27 June 2016, the Office of Local Government released circular 16-18 *Council decision-making prior to the September 2016 local government elections*. This circular outlines the caretaker provisions of Clause 393B of the *Local Government (General) Regulation 2005*, which limits councils' ability to exercise some of its functions in the four weeks preceding the date of an ordinary local government election.

The caretaker period for the September 2016 ordinary local government elections commences on Friday 12 August 2016, until 6.00pm on Saturday 10 September 2016.

To ensure governance procedures are adhered to, it is proposed to amend the schedule to cancel the meeting on 23 August 2016. Therefore, the last meeting of this Council will be held, outside of the caretaker period, on Tuesday 9 August 2016. The schedule for the remainder of the year will remain unchanged, with the first meeting of the new Council on 11 October 2016.

This report proposes to amend the scheduled of proposed Council meeting dates for the remainder of the 2016 calendar year and seeks Council's endorsement of the new schedule.

**RECOMMENDATION**

THAT Council:

1. Amend the meeting schedule for Council meetings for the remainder of 2016, to ensure adherence to the caretaker provisions as follows:
  - a) 9 August 2016
  - b) 11 October 2016
  - c) 25 October 2016
  - d) 8 November 2016
  - e) 22 November 2016
  - f) 13 December 2016
2. Note that the schedule may be amended at any time, as required.

**GMR16/013 MEETING DATES 2016**

**E04.8769**

**BACKGROUND**

Under Section 365 of the Local Government Act, Council is required to meet at least 10 times per year, each time in a different month.

Council's Code of Meeting Practice allows for Council meeting to be held on the second and fourth Tuesday of the month, excluding January and the pre-Christmas period.

The schedule of meetings for 2016 was developed to take into account the local government elections in September, however dates for the caretaker period were not released until recently. The new schedule proposes to cancel one meeting during caretaker period to ensure governance procedures are adhered to.

**CONSIDERATIONS**

The proposed amendment to the 2016 meeting schedule has taken into account the caretaker provisions in the lead up to the local government elections in September 2016. This amendment to the schedule will ensure the business of Council will be better managed and the governance procedures during the caretaker period are adhered to.

The proposed schedule is as follows:

<b>AUGUST</b>	
9 August 2016	Council Meeting
<b>23 August 2016</b>	<b>No Meeting      Caretaker period</b>
<b>SEPTEMBER</b>	
<b>No meetings due to 2016 Local Government Elections</b>	
<b>OCTOBER</b>	
11 October 2016	Council Meeting
25 October 2016	Council Meeting
<b>NOVEMBER</b>	
8 November 2016	Council Meeting
22 November 2016	Council Meeting
<b>DECEMBER</b>	
13 December 2015	Council Meeting

**Policy**

Adoption of the schedule is in accordance with Section 2.1 (1) of the Council's Code of Meeting Practice.

**Financial**

Adoption of the recommendations outlined in this report will have no financial implications on the adopted budget.

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**GMR16/013 MEETING DATES 2016**

**E04.8769**

**Community Engagement**

We will inform the community through providing information on Council's website and advertising on Council's noticeboard page in the two local newspapers.

**CONCLUSION**

The proposed schedule of Council meeting dates for 2016 has been prepared to take into account the caretaker provisions in the lead up to the local government elections. This amendment to the schedule will ensure the business of Council will be better managed and the governance procedures during the caretaker period are adhered to.



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**PSR16/029 AMENDED PLANNING PROPOSAL FOR LAND AT BROULEE**

**E15.9218.R**

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

Attachments: 1. Under Separate Cover - Amended Planning Proposal - Broulee

Focus Area: Sustainable Communities

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

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

### **EXECUTIVE SUMMARY**

On 23 June 2015, Council endorsed forwarding a Planning Proposal for certain land at Broulee to the NSW Department of Planning and Environment for a Gateway Determination. The Gateway Determination, issued on 2 October 2015, required the Planning Proposal to be resubmitted for various reasons.

The issues raised in the Gateway Determination have been considered and changes have been made to the Planning Proposal in response. An amended Planning Proposal has been prepared for resubmission to the Department of Planning and Environment seeking the issue of a revised Gateway Determination that will enable community consultation to commence.

While formal community consultation on the Planning Proposal has not yet been commenced, several presentations on the matter have been provided to the Broulee-Mossy Point Community Association over time.

The major changes to the Planning Proposal include the reduction in the extent of proposed R3 Medium Density Residential zone, the deletion of the proposed reduction in minimum lot size to 450m<sup>2</sup> and the addition of an open space area in the southern part of the development area.

The amended Planning Proposal is included as an attachment to this report which seeks Council's endorsement to refer the amended Planning Proposal to the Department of Planning and Environment for a revised Gateway Determination.

### **RECOMMENDATION**

THAT Council

1. Endorse the attached amended Planning Proposal to amend Eurobodalla Local Environmental Plan 2012 pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 to rezone land at Broulee from the R2 Low Density Residential zone to the E2 Environmental Conservation zone and the R3 Medium Density Residential zone and to make consequential changes to the Lot Size Map and the Height of Buildings Map.
2. Endorse the amendments to the Residential Zones Development Control Plan contained in the attachment to the Planning Proposal.
3. Forward the amended Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.

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**PSR16/029 AMENDED PLANNING PROPOSAL FOR LAND AT BROULEE**

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4. Following receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
5. Consult with the community on the proposed Residential Zones Development Control Plan amendments concurrently with the consultation on the Planning Proposal.
6. Receive a report back on the Planning Proposal if a written objection is received during the community consultation period per the requirements of Section 57 of the Environmental Planning and Assessment Act 1979.

**BACKGROUND**

On 23 June 2015, Council endorsed forwarding a Planning Proposal for certain land at Broulee to the NSW Department of Planning and Environment for a Gateway Determination. At the same time, Council resolved to conduct community information sessions with the Broulee community and the Broulee-Mossy Point Community Association in tandem with seeking the Gateway Determination.

Council undertook two community information sessions and received a number of letters from the community raising issues with the Planning Proposal.

The Gateway Determination, issued on 2 October 2015, did not allow the Planning Proposal to proceed to community consultation, but required resubmission of the Planning Proposal for a revised Gateway Determination for the following reasons:

1. Insufficient strategic justification to support the location and scale of the proposed R3 Medium Density Residential zone.
2. Preparation of a master plan to address a number of matters including integration of the proposed higher density residential area into the scale and character of Broulee, urban design, management of conservation areas, traffic, pedestrian/cycle access and stormwater management.
3. Consultation with the Office of Environment and Heritage and NSW Rural Fire Service during preparation of the master plan.

The issues raised in the Gateway Determination were considered and changes have been made to the Planning Proposal in response. As required by the Gateway Determination, the land owners have prepared a master plan that addresses the relevant matters.

An amended Planning Proposal has been prepared for resubmission to the Department of Planning and Environment seeking the issue of a revised Gateway Determination that will enable community consultation to commence.

Updates on progress of the matter have been provided to members of the Broulee-Mossy Point Community Association on a number of occasions since the first Gateway Determination was issued.

**CONSIDERATIONS**

The land the subject of the Planning Proposal has been zoned for residential development for more than three decades. Since the granting of Biodiversity Certification of the development

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area in 2014, the land is able to be developed (with consent) for residential purposes. A Planning Proposal is not required for development to proceed.

A Planning Proposal is required to rezone a corridor of land along George Bass Drive and part of Broulee Road from the R2 Low Density Residential zone to the E2 Environmental Conservation zone, to satisfy a requirement of the Biodiversity Certification Agreement. A Planning Proposal is also required to expand the existing area of R3 Medium Density Residential zone in the development area.

A Planning Proposal for the above mentioned changes to the Eurobodalla Local Environmental Plan 2012 was first considered by Council on 23 June 2015 and feedback from the community at that time, raised a number of concerns, including the amount of additional R3 zone that was proposed. This and other concerns raised by the community, led to the need to reconsider the Planning Proposal in accordance with the Gateway Determination issued by the Department of Planning and Environment on 2 October 2015.

In response to community concerns and the requirements of the Gateway Determination, the Planning Proposal has been amended. Key changes include:

- reduction in the extent of proposed additional R3 Medium Density Residential zoning
- deletion of the proposed reduction in minimum lot size to 450m<sup>2</sup> (the minimum lot size will be retained at 550m<sup>2</sup>) and
- addition of an open space area in the southern part of the development area.

As outlined below, it is considered that the amended Planning Proposal satisfactorily addresses the requirements of the Gateway Determination.

Strategic justification for location and scale of proposed R3 Zone

The reduction in extent of R3 Medium Density Residential zoning has resulted in all of the proposed medium density zone being within 800m of the commercial land on Train Street. This distance is a standard rule of thumb for the location of higher density housing in close proximity to shops and services to encourage walking, cycling and public transport use.

The proposed R3 zoning has been reduced from 17ha in the original planning proposal to 9ha. The reduced R3 zone represents about 27% of the development area. Therefore, more than two-thirds of the development area will remain low-density residential consistent with the scale of much of Broulee's existing residential area.

Preparation of a master plan

The master plan developed for the land provides a road and lot layout demonstrating how the development will integrate with the scale and character of Broulee and addressing strategic traffic, pedestrian and cycle access throughout the development area. The master plan also addresses the servicing of the land, including for stormwater management, and provides for additional local open space in strategic locations to service the whole development area.

In relation to the scale and character of Broulee, the Planning Proposal will have minimal impacts. As the subject land is currently mostly zoned R2 Low Density Residential, with a small area of R3 Medium Density Residential, it can be subdivided (with consent) for a range of housing developments. Assuming a density of ten dwellings per hectare for the R2 part and 20

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dwelling per hectare for the R3 part, a total of 350 dwellings could be developed without any change to the existing mix of residential zoning.

As a result of the changes to the Planning Proposal, the density of the R2 zoned land will be similar to much of existing Broulee. Using the same density assumptions as above, a total of 425 dwellings could be developed in the area. Therefore, the Planning Proposal results in an increase of 75 dwellings over the current zoning potential.

In terms of population, the current zoning and dwelling potential would result in an increase to the Broulee population from 1432 (2011 census) to 2032, an increase of 600 people. The Planning Proposal potentially increases the population to 2128, an additional increase of 96 people. These calculations are based on a forecast dwelling occupancy rate in 2036 of 60.47%.

Under either scenario, Broulee will remain defined as a Coastal Village, with a usual population less than 3000.

In relation to the management of conservation areas, the intention is that the current land owner will retain ownership of the corridor. The land owner will have a number of options for ongoing management of the corridor and this will be determined at the time the corridor is created through a development application for subdivision of the land adjoining the corridor.

In relation to traffic, pedestrian and cycle access, the master plan includes a road layout that provides appropriate connections into existing urban areas, pedestrian and cycle linkages and key intersections where treatments may be required.

In relation to stormwater, the master plan includes a drainage concept plan demonstrating that stormwater flows will be directed to detention basins and open space areas within and adjoining development areas.

Consultation with OEH and RFS

Consultation on the master plan with the Office of Environment and Heritage and the Rural Fires Service has been commenced and any comments from those agencies will be considered throughout the Planning Proposal process.

Other matters

The issue of open space was not addressed in the Gateway Determination, but it was raised in many submissions from the community. The issue of concern was the lack of some open space in the southern part of the development area. To address this concern, a "pocket park", which will also double as a stormwater detention area, has been included in the master plan. This change ensures that all new residential dwellings in the development area will be within 400m of open space and responds directly to community concerns.

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**PSR16/029 AMENDED PLANNING PROPOSAL FOR LAND AT BROULEE**

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The Planning Proposal contains fewer proposed DCP controls for the area than originally proposed as a result of the changes proposed in the Planning Proposal. For example, the deletion of the reduction in minimum lot size meant that the proposed 50% limit on the smaller lot sizes was no longer required. The proposed DCP controls that remain relate to:

- development being generally consistent with the concept plan, particularly with regard to the separation of development from the conservation corridor
- encouraging the retention of existing habitat features where possible and
- development being generally consistent with detailed master plans addressing water, sewer and stormwater management.

**Legal**

The Planning Proposal is required in order to comply with a condition of the Broulee Biocertification Agreement. The Planning Proposal process will comply with the requirements of the Environmental Planning and Assessment Act 1979.

**Policy**

The Planning Proposal has been prepared in accordance with the Department of Planning and Environment's guidelines for preparing Planning Proposals and Local Environmental Plan amendments.

The Planning Proposal outlines how the proposed amendments are consistent with the South Coast Regional Strategy, the South Coast Regional Conservation Plan, the Eurobodalla Community Strategic Plan and the Eurobodalla Settlement Strategy. The Planning Proposal is consistent with the above policy framework by:

- protecting an identified habitat corridor
- providing for a mix of housing opportunities
- supporting economic activity and growth
- facilitating development within an existing settlement and
- retaining the character of Broulee as a coastal village.

**Environmental**

The significant environmental issues with the land have been resolved through the conferring of a biocertification agreement upon the land. The Planning Proposal is consistent with the biocertification agreement by seeking to rezone a conservation corridor to E2 Environmental Conservation.

**Asset**

Future development in the area will impact on various Council assets including road, water, sewer and stormwater infrastructure, open space areas and community and recreation facilities. Prior to development consent for further subdivision, detailed studies will be required to address infrastructure impacts. As is the usual case with this kind of development, contributions will be required towards the cost of upgrading existing infrastructure and/or new

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items of infrastructure will be required to be provided, to meet the demand generated by the development.

**Social Impact**

Given the relatively small increase in dwellings and population resulting from the Planning Proposal, it is considered that there will be minimal adverse social impacts on the existing Broulee community. Facilitating greater housing choice in Broulee is likely to have positive social impacts.

**Economic Development Employment Potential**

Facilitating development of the land will provide a boost to the local economy, particularly in the construction industry. Further, increasing the density of housing in close proximity to the commercial land on Train Street will increase the viability of existing and future commercial developments and support the provision of other services.

**Financial**

Additional development of land in Broulee will increase the rate base to support ongoing funding for community services and infrastructure maintenance.

**Community Engagement**

The Broulee and Mossy Point community have contributed to the development of the amended Planning Proposal through written feedback on the original Planning Proposal and verbal feedback at community information sessions. Meetings have also been held with representatives of the Broulee Mossy Point Community Association.

When a Gateway Determination is received that allows community consultation to be undertaken, Council will place the Planning Proposal on public exhibition for a period of not less than 42 days. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya Administration Centre.

**CONCLUSION**

In response to community concerns and to comply with the requirements of the Gateway Determination, the Planning Proposal has been amended and a master plan for the land has been developed.

The amended Planning Proposal makes a number of positive changes to address the issues raised. It is now considered that the amended Planning Proposal can be referred back to the Department of Planning and Environment for a revised Gateway Determination. Formal community consultation on the Planning Proposal can then be undertaken to provide the community with a further opportunity to review the Planning Proposal and provide feedback.

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**PSR16/030 DRAFT SOUTH EAST AND TABLELANDS REGIONAL PLAN**

**E05.9582**

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

Attachments: 1. Under Separate Cover - Submission and NIEIR Report

Focus Area: Sustainable Communities

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

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

### **EXECUTIVE SUMMARY**

On 23 May 2016, the NSW Government released a draft South East and Tablelands Regional Plan (Plan) for community feedback. The draft Plan outlines a 20 year vision *“to build resilient and sustainable communities by balancing growth opportunities with protecting the region’s diverse environments and lifestyles”*. When the new plan is adopted, it will replace the current South Coast Regional Strategy and the South Coast Regional Conservation Plan.

The draft Plan will guide future land use planning and infrastructure investments in the region. It includes a range of directions and actions for the NSW Government and councils in the region to implement over time. Some of the directions and actions relate to:

- managing growth opportunities arising from the ACT
- managing development to protect the Far South Coast environment
- building resilience to natural hazards and climate change
- supporting and promoting the growth of the tourism industry
- enhancing the productivity of primary industries
- providing sufficient housing to suit changing demands and
- building socially inclusive, safe and healthy communities.

To implement the plan, the NSW Government proposes to establish a Coordination and Monitoring Committee consisting of representatives from a number of NSW Government Departments and the Joint Organisation of Councils.

Following a review of the draft Plan, it is considered that it does not provide enough local detail, is overly generic and contains many actions that are routine in nature. Many of the actions reflect work already underway or are core functions of the NSW Government or councils.

A submission on the draft Plan has been prepared and is included as an attachment to this report. Submissions to the NSW Government are due by 23 August 2016.

### **RECOMMENDATION**

THAT Council endorse the submission attached to this report and forward the submission to the NSW Government and the Member for Bega.

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**PSR16/030 DRAFT SOUTH EAST AND TABLELANDS REGIONAL PLAN**

**E05.9582**

**BACKGROUND**

Over the last three years, the NSW Department of Planning and Environment has been undertaking a review of the current South Coast Regional Strategy in preparing a new plan for the region. The need for new Regional Plans was outlined in the NSW Government's proposed planning reforms in 2013.

Early in the process, the Department of Planning established the proposed boundaries of the regions and requested a range of data from councils to inform the review.

The region in which Eurobodalla sits for the purpose of regional planning has changed from the "South Coast" (Shoalhaven, Eurobodalla and Bega Valley) to the "South East and Tablelands", including:

- the "Far South Coast" councils (Eurobodalla and Bega Valley)
- the "Alpine" councils (Cooma Monaro, Snowy River and Bombala)
- the "Greater Capital" councils (Queanbeyan, Yass and Palerang)
- the "Hilltops" councils (Young, Harden and Boorowa) and
- the "Southern Highlands and Tablelands" councils (Wingecarribee, Upper Lachlan and Goulburn Mulwaree).

During the review period, Council staff responded to requests from the Department of Planning for a range of information, including population data and projections, housing supply and land release data, employment lands data and documents relating to Council's employment lands, residential lands and rural lands strategies.

Councillors were advised of the release of the draft Regional Plan on 27 May 2016. A briefing on the draft Plan was provided to councillors on 5 July 2016. A draft submission was provided for councillor input on 8 July 2016.

Land owners in Eurobodalla were made aware of the draft Regional Plan through Council's Online News. Council staff attended a briefing on the draft Plan by the Department of Planning and Environment on 1 July 2016.

**CONSIDERATIONS**

The draft Regional Plan contains a range of goals, directions and actions for the region. Some of the key elements relevant to Eurobodalla are outlined below.

Goal 1 – Sustainably manage growth opportunities arising from the ACT

- Continue implementing the Queanbeyan to Batemans Bay Corridor Strategy (Kings Highway).

Comment

Aside from the Kings Highway upgrades, there is no mention of Eurobodalla in this section of the draft Plan. The Plan could be strengthened by some commentary and actions in relation to the following:

- Cross-border tourism collaborations and planning
- Cross-border health and education collaborations and planning



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**PSR16/030 DRAFT SOUTH EAST AND TABLELANDS REGIONAL PLAN**

**E05.9582**

- Opportunities for remote working using technology
- Potential for air links between Canberra and the coast

Goal 2 – Protect and enhance the region’s natural environment

- NSW Government will map high environmental values and regional biodiversity corridors.
- Support councils to undertake strategic, landscape scale biodiversity assessments.
- Councils to confirm and validate the location and boundaries of regional biodiversity corridors.
- Councils to develop urban growth area maps to guide sustainable growth.
- Support councils and communities to respond to climate change impacts.

Comment

Many of the environmental actions in the draft Plan are generic and lack detail relevant to the region. Further, a number of the actions will require additional support and funding for local government to implement.

Council’s Rural Lands Strategy provides some actions for the environment and water security that should be considered for inclusion in the Plan.

Goal 3 – Strengthen the economic opportunities of the region

- NSW Government will improve tourism-related transport services.
- NSW Government will develop a marine-based tourism strategy for the South Coast.
- NSW Government will map land highly suitable for agriculture and industries.
- Councils to identify opportunities to minimize biosecurity risks.
- NSW Government will work with councils and industries to plan for the future of mining and energy industries, with a focus on renewable energies.

Comment

Many of the economic actions in the draft Plan are generic and lack detail relevant to the region. The draft Plan does not provide much discussion or any actions to support the important aquaculture and fishing industries on the South Coast. The draft Plan does not include an action relating to the need for further diversification of local economies in the region and in particular the need to attract more “knowledge jobs”.

The draft Plan identifies only two “regional strategic assets” for the region, being Canberra airport and the Port of Eden. There are many other assets that qualify as “regional” and “strategic”, as outlined below, and while many of these are mentioned elsewhere in the draft Plan, they should also be identified as regional strategic assets.

- The National Park Estate and the Batemans Marine Park – these assets are fundamental to growing the tourism economy.
- Important aquaculture estuaries – aquaculture is an important and growing industry in Eurobodalla.

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**PSR16/030 DRAFT SOUTH EAST AND TABLELANDS REGIONAL PLAN**

**E05.9582**

- The region's "Regional Centres", being Batemans Bay, Bega, Bowral, Goulburn and Queanbeyan – strengthening the regional centres is key to the promotion of the region as a place to live, work and play.
- Significant regional Aboriginal and European places/trails, such as Mount Gulaga, Montague Island, the Bundian Way, the Corn Trail and the Tilba Heritage Conservation Area – like the National Park estate, these are important to growing the tourism industry.
- Other airports in the region, including Moruya and Merimbula – building capacity for growth at regional airports is important for a range of economic outcomes, including business travel, health transport, tourism and freight.
- The major highways, including the Princes and Kings Highways – improving B-double access along these highways will open up significant economic opportunities and efficiencies.

Goal 4 – Build communities that are strong, healthy and well-connected

- Councils to prepare plan for a range of housing types and consider local affordable housing needs.
- NSW Government will plan for growth of hospitals and schools and support planning for cemeteries and crematoria.
- Focus retail activity in existing commercial centres.
- Councils to use updated neighbourhood planning principles when planning new release areas.
- NSW Government to better integrate community transport and investigate opportunities to improve bus operations.

Comment

Many of the social actions in the draft Plan are generic and lack detail relevant to the region. It is noted that there is no action in the draft Plan relating to the provision of affordable housing in the region. It is also noted that there is no action relating to community engagement in planning processes in the draft Plan, a key element of the ongoing NSW planning reforms. Further, the aging of the population and the challenges and opportunities that this brings is not addressed in the draft Plan.

Implementation of the Regional Plan

Implementation of the new Regional Plan will be guided by a Coordination and Monitoring Committee consisting of representatives of the Department of Planning and Environment, the Joint Organisation of Councils, the Department of Premier and Cabinet, the NSW Office of Environment and Heritage and Transport for NSW.

The establishment of a Coordination and Monitoring Committee to oversee implementation of the Plan is appropriate, providing there is strong representation from local government on the Committee or in a sub-committee that reports to the Coordination and Monitoring Committee.

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**PSR16/030 DRAFT SOUTH EAST AND TABLELANDS REGIONAL PLAN**

**E05.9582**

**Legal**

Under Section 117 of the Environmental Planning and Assessment Act 1979, Council will be required to consider the South East and Tablelands Regional Plan when preparing planning proposals to prepare or amend a local environmental plan.

**Policy**

The draft South East and Tablelands Regional Plan will replace the current South Coast Regional Strategy and the South Coast Regional Conservation Plan to provide high level strategic economic, social and environmental directions for the region.

**Community Engagement**

The NSW Government has undertaken community consultation on its proposed legislative reforms. Council has made land owners in Eurobodalla aware of the proposed reforms through Council's Online News on 23 June 2016.

**CONCLUSION**

The draft South East and Tablelands Regional Plan provides a reasonably good description of the region but is lacking in terms of the number of specific and tangible actions for the growth of the region. A great majority of the actions in the draft Plan could apply to any region in NSW. The Draft South East and Tablelands Regional Plan should contain actions that are more specific to the unique challenges and opportunities of this region.

A submission on the draft Plan has been prepared for Council's consideration, providing comments on ways in which the Plan can be improved to address issues of relevance to Eurobodalla.

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**PSR16/032 HERITAGE ADVISORY COMMITTEE**

**E07.1371**

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

Attachments: 

1. Francis Guy's Residence and Store (former)
2. Norfolk Island Pine Plantation at Tuross
3. CEMAC letter of support- Heritage Listing Pine Plantation Tuross Head
4. THFA&GG - letter of support- Heritage Listing Pine Plantation Tuross Head

Focus Area: Sustainable Communities

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

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

### **EXECUTIVE SUMMARY**

The purpose of this report is to present the recommendations from the Eurobodalla Heritage Advisory Committee meeting on 24 May 2016.

The committee meeting recommended to list 5 and 7 Clyde Street, Batemans Bay and the Norfolk Island pine plantation in McWilliam Park at Tarandore Point, Tuross Head in Schedule 5 – *Environmental Heritage of the Eurobodalla Local Environmental Plan 2012 (LEP)*.

### **RECOMMENDATION**

THAT Council implement the recommendations of the Heritage Advisory Committee to amend Schedule 5 – Environmental heritage of the *Eurobodalla Local Environmental Plan 2012* to include 5 and 7 Clyde Street Batemans Bay and the Norfolk Island pine plantation at Tarandore Point, Tuross Head.

### **BACKGROUND**

#### Heritage Advisory Committee

Since 2000, Council has convened a Heritage Advisory Committee (HAC) for the purpose of establishing a two way dialogue with the community relating to the management of our Shire's heritage. Committee members have been proactive in developing the Eurobodalla Heritage Strategy 2014-2017 and in working towards the achievement of the tasks in the strategy.

### **CONSIDERATIONS**

#### Francis Guy's Residence and Store - 5-7 Clyde Street, Batemans Bay

The buildings were identified in Council's heritage studies as having heritage significance due to the age of the buildings, their role in the early growth of retailing in Batemans Bay and for their association with Francis Guy, an important local area merchant of the later 19th century.

At its meeting on 24 May 2016, Council's Heritage Advisory Committee resolved to recommend that Council list the buildings in the LEP.

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**PSR16/032 HERITAGE ADVISORY COMMITTEE**

**E07.1371**

Norfolk Island pine plantation at Tarandore Point, Tuross Head

Nominated by the Tuross Lakes Preservation Group, the approximately 90 year-old plantation has been assessed for its significance by Council's Heritage Advisor and meets the threshold for listing. Not only for its association with Hector McWilliam it is significant for its association with the landscape planning of Tuross Heads, one of Eurobodalla Shire's first purpose-designed coastal holiday home subdivisions.

The Statement of Significance in the Heritage assessment report by the Heritage Adviser states:

*"It is highly valued by the community for the special ambience it creates beneath the canopy, and as a backdrop to commemorative events that celebrate the nation's military past."* The listing is also supported by the Tuross Head Floral Art & Garden Group Inc. and Council's Coastal and Environment Management Advisory Committee.

At its meeting on 24 May 2016, Council's Heritage Advisory Committee resolved to recommend that Council list the plantation in the LEP.

The plantation and its heritage significance would be maintained through the practice of 'succession planting', whereby individual trees which die naturally or have to be removed for another reason would be replaced by the same species in the same place, where appropriate. Heritage interpretative signage regarding the man who established the plantation, Hector McWilliam, has already been erected by the Tuross Head Progress Association and further interpretive signage may be included.

A maintenance regime for the trees should also be devised as part of a revised Coastal Management Plan for McWilliam Park. Currently there are no funds allocated. Council may allocate funds in 2016-17 if they wish to take this approach.

**Policy**

Maintaining an up-to-date list of items and places identified as having heritage significance satisfies Section 2 of Council's Heritage Strategy 2014-2017.

**Social Impact**

Heritage listing of significant buildings, objects and places preserves our shared community history which gives us a sense of continuity and belonging to the place where we live.

**Community Engagement**

Council will consult with the community by seeking feedback through a public exhibition for a period of not less than 28 days or as directed by a Gateway Determination. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and the Moruya Administration Centre.

**CONCLUSION**

Numbers 5 and 7 Clyde St, Batemans Bay being Francis Guy's Store and Residence and the Norfolk Island pine plantation in McWilliam Park at Tarandore Point, Tuross Head, have been nominated by the community for heritage listing and assessed by Council's Heritage Advisor as having heritage significance.

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**PSR16/032 HERITAGE ADVISORY COMMITTEE**

**E07.1371**

At its meeting on 24 May 2016, Council's Heritage Advisory Committee resolved to recommend that Council list these items in the LEP.

STATE HERITAGE <b>1550006</b> Study number <b>BATE/R004</b>	
<b>Item name: Francis Guys Residence and Store (Former)</b>	
<b>Location:</b> 5 & 7 Clyde Street Batemans Bay 2536	Eurobodalla

**Address:** 5 & 7 Clyde Street **Planning:** Southern & Western

**Suburb/nearest town:** Batemans Bay 2536

**Local govt area:** Eurobodalla **Parish:**  
**State:** NSW **County:**

**Other/former names:**

**Area/group/complex:** **Group ID:**

**Aboriginal area:**

**Curtilage/boundary:**

**Item type:** Built **Group:** Retail and Wholesale **Category:** Shop

**Owner:** Private - Individual

**Admin codes:** BATE/R004 **Code 2:** **Code 3:**

**Current use:** Commercial

**Former uses:** Residence and shop

**Assessed significance:** Local **Endorsed significance:** Local

**Statement of significance:** The age of the former residence and shop is rare in the Batemans Bay township representing the period of earliest commercial centre development. As a result, they have high-level local historic significance for their role in the early growth of retailing in Batemans Bay and for their association with Francis Guy, important local area merchant of the later 19th century. Socially, the buildings have local significance for providing a focus for Batemans Bay's commercial centre for one hundred years. Scientifically, the buildings have the potential to contribute to an understanding about the commercial centre residential design functioning of Bateman Bay's main street and also the lifestyle and resources of an early businessman in Batemans Bay from the late 19th century.

These buildings appear to contain the only surviving historic 19th century fabric in this part of Bateman's Bay. While it is recognized that the integrity of the buildings is at present poor, it appears that the essential form and some significant fabric of both places remains beneath the superficial façade. The modern façade in 2011 has no aesthetic or other streetscape value and there remains the possibility that the buildings' historic elevations could be revealed or reconstructed to provide some historic and aesthetic character back into one of the Shire's important commercial streets.

**Historical notes of provenance:** Built as a residence in c1875 by Francis Guy from bricks brought down in his ships as ballast. Francis Guy was a timber miller and shipbuilder at Batemans Bay from about 1870. He also owned and worked a silver mine near Moruya. The old residence can be easily recognised from the rear of the Batemans Bay Ice Creamery and The Professionals retail outlets. The former residence has a new shop awning. The adjacent shop was built shortly after using the same ballast material and was later a General Store operated by Mrs Elizabeth Thompson from c1927. It continues to operate as a commercial premises - Ned Kelly's Bargains and Bayview Seafood. A new shop awning and parapet facing have been constructed.

**Themes:** **National theme** **State theme** **Local theme**

**Designer:** Unknown

**Builder:** Francis Guy

**Year started:** 1875 **Year completed:** 1880 **Circa:** Yes

<small>STATE HERITAGE</small> <b>1550006</b> Study number <b>BATE/R004</b>	
<b>Item name: Francis Guys Residence and Store (Former)</b>	
<b>Location: 5 &amp; 7 Clyde Street Batemans Bay 2536</b>	Eurobodalla

**Physical description:** Mid-Victorian. Residence: Brick, cement and weatherboard walls. New aluminium sheet wall to rear elevation and enclosed to east. Corrugated iron roof. New shop front added. 2 brick chimneys, now "freestanding" at rear. Shop: Rendered brickwork. New aluminium sheet roofing. New metal shop awning and parapet facing.

It seems that Ned Kelly's Bargains at 5 Clyde St was the former shop and the residence at 7 Clyde st was the residence. Both buildings have undergone such substantial modification that it is difficult to recognise them as historic structures. Clues in the residence are the old brick chimney at the rear and the weatherboard wall on the western side. There is some evidence of 6 inch by 1 inch butt-jointed flooring, probably a verandah floor, visible towards the rear of the laneway.

**Physical condition level:**

**Physical condition:** Appears to be OK

**Archaeological potential level:**

**Archaeological potential Detail:**

**Modification dates:** Considerable

**Recommended management:**

**Management: Management category**  
Statutory Instrument

**Management name**  
List on a Local Environmental Plan (LEP)

**Further comments:** Substantial alterations to original front and rear of building including street-front parapet. There is the possibility that the accretions could be removed and the building's historic character reinstated and adapted to meet commercial needs.

**Criteria a):** LOCAL EUROBODALLA SHIRE COUNCIL  
[Historical significance]

**Criteria b):**  
[Historical association significance]

**Criteria c):**  
[Aesthetic/ Technical significance]

**Criteria d):**  
[Social/Cultural significance]

**Criteria e):**  
[Research significance]

**Criteria f):**  
[Rarity]



<b>1550006</b> Study number	
<b>BATE/R004</b>	
<b>Item name: Francis Guys Residence and Store (Former)</b>	
<b>Location: 5 &amp; 7 Clyde Street Batemans Bay 2536</b>	Eurobodalla

**Criteria g):**  
**[Representative]**

**Intactness/Integrity:**

<b>References:</b>	<b>Author</b>	<b>Title</b>	<b>Year</b>
	Mrs N Cregan,	Batemans Bay Historical Society	1997
	H J Gibbney	"Eurobodalla - History of the Moruya District",	1989

<b>Studies:</b>	<b>Author</b>	<b>Title</b>	<b>Number</b>	<b>Year</b>
	The EJE Group	Eurobodalla Heritage Study	BATE/R004	1997

<b>Parcels:</b>	<b>Parcel code</b>	<b>Lot number</b>	<b>Section number</b>	<b>Plan code</b>	<b>Plan number</b>
	LOT	2		DP	100129
	LOT	1		DP	100129

**Latitude:**

**Longitude:**

**Location validity:**

**Spatial accuracy:**

**Map name:**

**Map scale:**

**AMG zone:** Nelligen 8926-4-S

**Easting:** 241540

**Northing:** 6044960

**Listing: Name**

**Title**  
Heritage study

**Number**      **ListingDate**  
BATE/R004    01/01/1997

**Data entry:** Data first entered: 09/07/2002

Data updated: 23/05/2016

Status: Completed

1550006  
Study number  
BATE/R004

**Item name:** Francis Guys Residence and Store (Former)

**Location:** 5 & 7 Clyde Street Batemans Bay 2536

Eurobodalla

**Image:**



**Caption:** Francis Guys Residence (Former)

**Copy right:** Eurobodalla Shire Council

**Image by:** Giovanelli

**Image date:** 18/11/2010

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/1550006b3.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t\\_1550006b3.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t_1550006b3.jpg)

**Image:**



**Caption:** rear view of shop

1550006  
Study number  
BATE/R004

**Item name:** Francis Guys Residence and Store (Former)

**Location:** 5 & 7 Clyde Street Batemans Bay 2536

Eurobodalla

**Copy right:** Eurobodalla Shire Council

**Image by:** Giovanelli

**Image date:** 18/11/2010

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/1550006b4.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t\\_1550006b4.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t_1550006b4.jpg)

**Image:**



**Caption:** Front view of former residence. Hipped roof form suggest original residence, possibly with verandah on left hand side

**Copy right:** Eurobodalla Shire Council

**Image by:** Giovanelli

**Image date:** 18/11/2010

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/1550006b5.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t\\_1550006b5.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t_1550006b5.jpg)

**Image:**

1550006  
Study number  
BATE/R004

**Item name:** Francis Guys Residence and Store (Former)

**Location:** 5 & 7 Clyde Street Batemans Bay 2536

Eurobodalla



**Caption:** rear view of former residence with brick chimney visible on left

**Copy right:** Eurobodalla Shire Council

**Image by:** Giovanelli

**Image date:** 18/11/2010

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/1550006b6.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t\\_1550006b6.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t_1550006b6.jpg)

**Image:**

1550006  
Study number  
BATE/R004

**Item name:** Francis Guys Residence and Store (Former)

**Location:** 5 & 7 Clyde Street Batemans Bay 2536

Eurobodalla



**Caption:** Weatherboard wall on western side of former residence

**Copy right:** Eurobodalla Shire Council

**Image by:** The EJE Group

**Image date:** 03/02/1997

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/1550006b1.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t\\_1550006b1.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t_1550006b1.jpg)

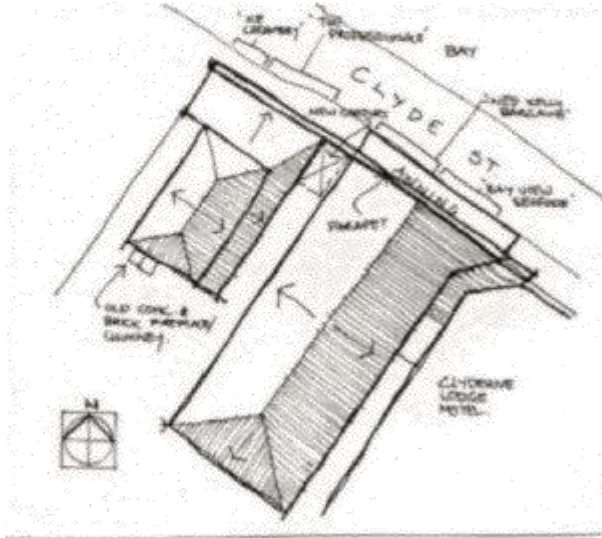
**Image:**

1550006  
Study number  
BATE/R004

**Item name:** Francis Guys Residence and Store (Former)

**Location:** 5 & 7 Clyde Street Batemans Bay 2536

Eurobodalla



**Caption:** Shop is on the right and residence on the left of the drawing.

**Copy right:** Eurobodalla Shire Council

**Image by:** The EJE Group

**Image date:** 03/02/1997

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/1550006b2.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t\\_1550006b2.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/155/t_1550006b2.jpg)

## Norfolk Is pine plantation at Tuross Head

### Assessment of Heritage Significance



Proposed boundary outlined in Yellow

### Description

The plantation is at Tarandore Point (often referred to locally as Plantation Point). It is a focal point within McWilliam Park, an ocean foreshore reserve of about 16 ha which borders Tuross Boulevard from Coila Bar in the north for a 1.5 km stretch southwards to One Tree Point. In the northern section of the plantation the Memorial Gardens were established as a community project in the 1980s as a memorial to all who served in the Australian defence forces at home and away. The Anzac cairn on the ocean front was dedicated on 25th April, 1995 to commemorate the 75th Anniversary of the landing at Gallipoli.

The Tuross Head pine plantation comprises 80 or so Norfolk Island pine trees planted on a north south by east west rectangular grid, with a spacing between rows of about 10 -15 metres at Tarandore or Plantation Point.

A fringe of native vegetation remains between the trees and Tuross Boulevard, however there is next to no major vegetation between the plantation and seaside. The space beneath the trees is open and lightly grassed, other than for a few low shrubs either side of a path that links the carpark to the headland diagonally through the pines. The entrance from the carpark is through a timber 'post and beam' arch that commemorates the area as a memorial park. At the north east corner of the plantation an Anzac rock cairn and a circular wall commemorate military service and are the focus of the annual ANZAC Day commemoration.

The close planting of the trees with their continuous frond cover creates a delightful ambience that makes the plantation a popular visiting place and reinforces its commemorative atmosphere. A walking trail along the Tuross foreshore leads into the plantation from the north.



Entry point from the Tuross Boulevard carpark. Note the proliferation of signage



Northern entry from the foreshore walking trail.





View from within the pines back to the carpark entry gate.

#### **Condition**

Most if not all of the trees are healthy and growing well and there appear to have been few if any losses resulting in gaps within the planting. To this extent the integrity of the plantation is high and one would have to assume that if the person who planted them saw them now, they would be particularly pleased with their initial vision and the product of their labours.

The memorial wall is understood to be in good condition, however the roots of a nearby tree were threatening the structure some years ago and the tree was removed.

#### **History**

William A. Bayley's history "Behind Broulee" states on Page 115 *From 1924 H. McWilliam planted hundreds of Norfolk Island Pines which now adorn the landscape through which a bitumen road leads to the Heads.*"

The pines are attributed to Hector Mc William who had been a real estate agent in Wagga Wagga prior to buying Tuross Head and Tuross House (built 1870) in the mid-1920s from Mary Mylott.

McWilliam subdivided the headland for holiday houses and landscaped the roads and foreshore with Norfolk Island pines as part of the land development and promotion. The pines did well and have become a landmark feature that distinguishes Tuross from most of the other south coast headland settlements.

Apparently the parent tree for all but eight of the pines grew adjacent to Tuross House and it was from this that McWilliam germinated all his stock. This suggests that all the trees in the plantation are from the same parent. The exact year in which the pines were planted has not been established although it seems it would be sometime after 1925.

Most of the pines were planted to define roads. The mass planting at Tarandore Point is the only such grouping planted at Tuross.

At some point in time an ANZAC stone cairn was erected on the edge of the pines adjacent to the coast, and later a commemorative wall (or two?) were added.

**Assessment against criteria**

The following criteria are those provided by the NSW Heritage Division for the assessment of locally significant places;

*A An item is important in the course, or pattern, of Eurobodalla's cultural or natural history;*

Tuross Heads was one of the first (if not the first) purpose-designed coastal subdivisions solely for holiday house development in what is now Eurobodalla Shire. The Norfolk Pines were intrinsic to the landscape design of the place, and the Tarandore Point plantation was (by design or default) the pinnacle or culmination of the planting scheme. The plantation is therefore a key marker of a very important aspect (holiday home subdivision) of the Shire's settlement pattern.

*B An item has strong or special association with the life or works of a person, or group of persons, of importance in Eurobodalla's cultural or natural history;*

Because of the prominence of the Norfolk Island pines at Tuross Head their progenitor, namely Hector McWilliam, has become a person of importance in the Shire's history.

*C An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in Eurobodalla shire area*

The plantation has developed into a very special place with a delightful ambience that is recognised in the Coastal Management Plan for McWilliam Park (Adopted by Council 23 March 1999) which on page 9 states ... 'The forethought of Hector McWilliam in the mass planting of Norfolk Island pines throughout Tuross, has created a distinct post-Aboriginal character for this township that is highlighted in McWilliam Park. Norfolks are arrayed in North-South rows that create a feeling of peacefulness, strength, solitude and shaded protection under their canopy'.

*D An item has strong or special association with a particular community or cultural group in Eurobodalla for social, cultural or spiritual reasons*

The park is highly valued by the Tuross Lakes Preservation Group, who has nominated it for heritage listing and protection. It is also valued by members of the local community for whom it has become a memorial garden that provides a tranquil setting to the ANZAC memorial and commemorative walls at the North-East edge.

*E An item has potential to yield information that will contribute to an understanding of Eurobodalla's cultural or natural history;*

Not relevant against this criterion

*F An item possesses uncommon, rare or endangered aspects of Eurobodalla's cultural or natural history;*

The plantation appears to be the largest headland plantation in the shire.

*G An item is important in demonstrating the principal characteristics of a class of Eurobodalla's*

- *cultural or natural places; or*
- *cultural or natural environments.*

There are many Norfolk Island pines growing in the Shire but possibly only one headland plantation. As such it is not one of a class and not relevant to this criterion.

### **Statement of heritage significance**

The Norfolk Island Pine Plantation at Tarandore Pt., within McWilliam Park, Tuross Head, is significant for its association with the landscape planning of Tuross Heads, one of the Shire's first purpose-designed coastal holiday home subdivisions. Planted by Hector McWilliam in the late 1920's to early 1930's, the plantation has matured to become a distinctive and much admired landscape feature on the south coast. It is highly valued by the community for the special ambience it creates beneath the canopy, and as a backdrop to commemorative events that celebrate the nation's military past.

The plantation meets the threshold for entry into Eurobodalla Shire Council's heritage schedule.

### **Recommendations**

- a. Recommend the item to Council for listing in the LEP Heritage Schedule.
- b. Clarify and confirm the listing boundary, and determine the size of any protective curtilage beyond which heritage values will not need to be considered,
- c. Review and update the McWilliam Park Coastal Management Plan as it applies to the section regarding the Norfolk Island Pine Plantation, and consequently, the management of the Memorial Gardens.,
- d. Update the condition field of this assessment, including condition of associated infrastructure such as the memorial cairn, commemorative walls, entry gate, signage, pathways etc,
- e. Consider including broad policy guidelines in the management field of the place citation. Such management policy guidelines would need to be consistent with those in the Coastal Management Plan.

This draft citation prepared by:

Pip Giovanelli  
Heritage Adviser, Eurobodalla Shire Council  
30 November 2015

Eurobodalla Shire Council Coastal & Environment Management Advisory Committee

10.4.2016

The General Manager  
Eurobodalla Shire Council

Attention: Stephen Halicki

Dear Catherine,

**Proposed Heritage Listing of Norfolk Island Pine Plantation situated  
in McWilliam Park near Tarandore Pt., Tuross Head – Ref. E08.2356-36753.13**

At the meeting of the Coastal & Environment Management Advisory Committee CEMAC on 7<sup>th</sup> April, members agreed that I should write to you on behalf of the Committee in support of the above proposal which was submitted to Council by Tuross Lakes Preservation Group Inc. on 6th August, 2013.

We consider Heritage Listing to be appropriate for the following reasons:

- 1) They form part of the coastal environment zone of the Eurobodalla Shire.
- 2) Single rows of Norfolk Island pines can be seen along seafronts of numerous coastal towns in NSW. However a large plantation of pines is uncommon.
- 3) The pines were planted by Hector McWilliam, an early settler, and are within McWilliam Park which covers 1.5km of ocean foreshore. They are very much a part of the experience of those attending Anzac services in the Memorial Gardens which are situated in the northern part of the plantation area.
- 4) The Coastal Management Plan (1999) for McWilliam Park acknowledges the significance of this plantation and states that “.Norfolks are arrayed in North-South rows that create a feeling of peacefulness, strength, solitude and shaded protection under their canopy.”
- 5) Where there may be the occasional complaint from neighbours of pines growing along the roadsides throughout Tuross Head due to a loss of views, etc. these problems do not apply to the plantation which is situated on a point out into the ocean.

I understand that Council's Heritage Consultant has already submitted a favourable report on this matter. Considering the length of time since the submission was made we would like to see the Heritage Listing proposal put before Council as soon as possible.

Yours Gabi Harding

Chair, CEMAC



# TUROSS HEAD FLORAL ART & GARDEN GROUP INC.

8 December 2015

Stephen Halicki  
Heritage Planner  
Eurobodalla Shire Council  
P O Box 99  
Moruya NSW 2537



Registered No. Y0516735

Submission for Heritage Listing of the Tuross Head Norfolk Island Pine Plantation within McWilliam Park ocean foreshore reserve.

Members of the Tuross Head Floral Art and Garden Group Inc at their December 2015 meeting voted that our Group support in principle the submission by the Tuross Lakes Preservation Group for heritage listing of the Tuross Head Norfolk Island Pine Plantation located on the ocean foreshore from Coila Bar south to One Tree Point.

These Tuross Head Norfolk pines historically have been and remain the iconic and unofficial emblem of Tuross Head.

We ask that our support be given consideration by Council when assessing this submission.

Dr Gwyn Singleton  
President  
10 Viewpoint Court  
Tuross Head NSW 2537

EUROBODALLA SHIRE COUNCIL	
FILE No:	E08.2356
ACTION OFFICER:	S HALICKI
DATE:	10 DEC 2015
FOLLOW UP CODE:	AD
DOC. No:	ENT:

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**PSR16/033 DEVELOPMENT APPLICATION 372/16 - SINGLE DWELLING 15.9402.BD**  
**LOT 13 (NO.8) SANCTUARY PLACE, BATEMANS BAY**

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

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P3.1 Provide development assessment services

Operational Plan Link: P3.1.1 Assess and determine Development Applications

Applicant: Hallahan & Associates on behalf of Mr and Mrs Cameron

Land: Lot 13 (No. 8) Sanctuary Place, Batemans Bay

Area: 1250m<sup>2</sup>

Setbacks: Front (W) 5.9m, side (N) 1.5m, side (S) 1.5m - 3.2m and rear (E) 31m

Height: 10.5m

Zone: R2 – Low Density Residential

Current Use: Vacant

Proposed Use: Residential

Description: Two storey residential dwelling

Permitted in Zone: Permitted with consent

DA Registered: 24 December 2015

Reason for Council: Variation to development standard exceeds 10%

Recommendation: Approval subject to conditions

### **EXECUTIVE SUMMARY**

This reports seeks Council's determination of a development application for a two storey residential dwelling located on Lot 13 (No.8) Sanctuary Place, Batemans Bay.

The application seeks a variation from the Eurobodalla Local Environmental Plan (LEP) 2012 Clause 4.3 Height of buildings. The building will have a maximum height of 10.5m at the apex of the roof. The proposal involves an increase of height by 23.5% above the 8.5m height limit.

The application is reported to Council as a Department of Planning Circular (PS 08-014) requires that all development, with a variation greater than 10% to a development standard, is to be determined by the Council.

The proposal is consistent with all other requirements of the Environmental Planning and Assessment Act 1979 (EP & A) (the Act), the LEP and the Residential Zones Development Control Plan (DCP). There were no submission lodged during the notification of the development.

**PSR16/033 DEVELOPMENT APPLICATION 372/16 - SINGLE DWELLING  
LOT 13 (NO.8) SANCTUARY PLACE, BATEMANS BAY**

**15.9402.BD**

This report recommends approval of the development application subject to conditions.

**RECOMMENDATION**

THAT pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, Application 372/16 in relation to Lot 13 (No.8) Sanctuary Place, Batemans Bay be **APPROVED** subject to the conditions set out below for the purposes of ensuring:

- That the proposed development:
  - (a) achieves the objectives of the Environmental Planning and Assessment Act, 1979;
  - (b) complies with the provisions of all relevant Environmental Planning Instruments;
  - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
- That the relevant public authorities have been consulted and their requirements met, or arrangements made, for the provision of services to the satisfaction of those authorities.
- The protection of the amenity and character of land adjoining.
- Any potential adverse environmental, social or economic impacts of the proposed development is minimised.
- That the development does not conflict with the public interest.

**GENERAL CONDITIONS**

1. **Approved plans**

The development must be carried out in accordance with the plans stamped and numbered 372/16 and supporting specifications and documentation, or as modified by any conditions of this consent, or as noted in red by Council on the approved plans. All building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

DA & Sheet No.	Plan No.	Date of Plan	Prepared by
DA372/16 Sheet 1 – 6 inclusive	DWG No.15030-01 Issue B	Nov 2015	Hallahan & Associates

Council Stamp No.	Document title	Date of document	Prepared by
24/12/15	BASIX Certificate No.685460S	19/12/15	Hallahan & Associates
20/06/16	AS3959 Bushfire Attack Level Risk Assessment	17/06/16	Matt Jones

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

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**15.9402.BD**

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

**2. *Site Cut Near Boundary***

Site cut shall not be deeper than a 45° “zone of influence” line for standard footings of a potential building located 0.9m from the common boundary on the adjoining lot.

**3. *Site Fill Near Boundaries***

Site fill shall not be placed within 1.0m of side boundaries. Where fill occurs in other approved locations, provision is to be made for retaining or stabilisation. Grading must not direct storm water flows to other properties.

**4. *Water & Sewer Inspections***

All plumbing and drainage works (water supply, sanitary plumbing and drainage, and hot water) are to comply with Plumbing and Drainage Act 2011 and the Plumbing Code of Australia. Works must only be installed by a licensed person and must be inspected and given final clearance from Council prior to issue of Interim or Occupation Certificate.

The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works. Inspections may be arranged by contacting Council’s Development Support Unit:

- (a) Sanitary drainage under hydrostatic test and prior to backfilling trenches or covering
- (b) Hot and cold water plumbing under pressure test prior to covering
- (c) Internal stackwork under hydrostatic test prior to covering, and
- (d) The installation of the septic tank and any sullage trenches prior to backfilling or covering
- (e) Issue of final satisfactory inspection.

**5. *Loading and Unloading of Construction Vehicles***

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

**6. *Colours and Materials***

The external roof cladding shall have a solar absorbance rating of 0.421 or greater (e.g. Zinalume, Galvanised Iron, Colorbond Surfemist, Classic Cream and Whitehaven do not qualify).



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**7. *Bushfire Protection (BAL 29 & 19)***

The following conditions are required for compliance with Section 79BA of the Environmental Planning and Assessment Act 1979:

(a) Asset Protection Zones

At the commencement of building works and for the life of the development, the entire property shall be managed as follows as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

(b) Water and Utilities

Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bushfire Protection 2006'.

(c) Access

Property access roads shall comply with Section 4.1.3(2) of 'Planning for Bushfire Protection 2006'.

(d) Design and Construction

(i) New construction on the east elevation(s) shall comply with Sections 3 and 7 (BAL 29) of Australian Standard AS3959-2009 'Construction of Buildings in Bushfire Prone Areas' and Section A3.7 Addendum Appendix 3 of "Planning for Bushfire Protection".

(ii) New construction on the north, south and west elevation(s) shall comply with Sections 3 and 6 (BAL 19) of Australian Standard AS3959-2009 'Construction of Buildings in Bushfire Prone Areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bushfire Protection 2006'.

(e) Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

**8. *Stormwater & Site Drainage***

Convey all roof rainwater and surface waters to the street gutter, inter allotment drainage or an absorption trench (with any trenches to be located 3m clear of any building or property boundary). The chosen method/s of storm water disposal is to be designed by a suitably qualified person and ensure that water is not directed onto adjoining land in a manner which would create nuisance or sediment and erosion/scouring impacts in accordance with Council's Infrastructure Design Standards (IDS).

**9. *Solid Fuel Heater***

The solid fuel heater and flue shall be installed strictly in accordance with manufacturer's requirements, the Building Code of Australia and Australian Standard (AS) 2918:2001.

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Note: Consideration should also be given to the proximity of window drapes and curtains to maintain minimum clearances for heat sensitive materials.

10. ***Public Reserve***

Any works or the loading or unloading of service vehicles within the public reserve is prohibited. A temporary boundary fence is to be constructed on the eastern boundary to prevent any damage to the reserve.

11. ***Land Clearing***

Retention of 15% canopy cover within the APZ shall occur to retain as much tree cover as possible in compliance with 'Planning for Bushfire Protection 2006.

12. ***Plunge Pool not included***

There is no approval for a pool as part of this application. Any installation of a pool and all associated safety equipment will require additional approval from Council.

13. ***Sewer Main Protection – Code of Practice***

Any planting of vegetation or installation of structures within the 'zone of influence' of Council's sewer must be in accord with the 'Build in the Vicinity of Sewer Mains Code of Practice'. Schedule A of the Code provides a general list of plant species not suitable and these are not to be planted. The document is available on Council's website at [www.esc.nsw.gov.au](http://www.esc.nsw.gov.au).

14. ***Rainwater Tank Plan***

Prior to issue of any Occupation Certificate:

- (a) stormwater control construction is to conform to approved plans and be in accordance with Council's Policy and Code of Practice, "*Design Guidelines for Rainwater Tanks*";
  - (b) all tanks and associated structures, including stands, must be installed in accordance with manufacturer's/designer's specifications;
  - (c) accurate Works as Executed plans are to be provided to Council in accordance with Council's Policy and Code of Practice, "*Design Guidelines for Rainwater Tanks*", contact Council's Duty Development Officers on (02) 44741231, or download from Council's website at the following link: [www.esc.nsw.gov.au](http://www.esc.nsw.gov.au)
- 1.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

15. ***Long Service Levy***

Long Service Levy is required to be paid to the NSW Long Service Payment Corporation prior to the issue of a Construction Certificate. The amount to be paid is 0.35% of the cost of buildings and works where these are valued at \$25,000 or more.

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**16. *Water Meter***

A water meter is to be provided to the development. This can be achieved by payment to Council of the standard fee (\$1,000.00 for the current financial year) for a 20 diameter water meter to suit the development.

**17. *Retaining Walls***

Retaining walls within 1m of any boundary or greater than 600mm in height require a Construction Certificate and Occupation Certificate. All works associated with such retaining walls e.g. backfill, drainage, supporting footing shall be wholly contained within the allotment boundary.

Note: There are other development standards other than those specified above which apply to retaining walls which require prior approval and certification. Please refer to Subdivision 15 of Part 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for requirements at <http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+572+2008+cd+0+N>.

**18. *Bushfire Protection Construction Details Required***

Prior to the issue of the Construction Certificate detailed plans and specifications of the building construction shall be submitted to the Principal Certifying Authority demonstrating compliance with the BAL levels stipulated in this consent.

**19. *Erosion and Sedimentation Control***

Prior to commencement of any earthworks, install such measures as are necessary to effectively control soil erosion on the site and prevent silt discharge into drainage systems and waterways in accordance with Council's Policy - Council's Soil and Water Management Code. These controls are to remain in place until the development is completed and/or disturbed areas are stabilised.

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

**20. *Construction Certificate***

The construction works subject of this development consent **MUST NOT** be commenced until:

- (a) Detailed plans/specifications of the building have been endorsed with a Construction Certificate by:
  - (i) the Council, or
  - (ii) an accredited certifier, and
- (b) The person having the benefit of the development consent:
  - (i) has appointed a Principal Certifying Authority, and
  - (ii) has notified the Council of the appointment, and

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- (c) The person having the benefit of the development consent has given at least two days' notice to the Council of the person's intention to commence the erection of the building, and
- (d) Builders name and licence number has been supplied to Council or the Principal Certifying Authority, and
- (e) Owner Builders permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifying Authority; or
- (f) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifying Authority, and
- (g) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) and (3) of the EP & A Regulations being the name, address and telephone number of the Principal Certifying Authority for the work and name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed.

21. ***Site Waste Management***

**A site rubbish enclosure must be provided prior to commencement of any work for the period of the proposed work and remain in place for the duration of all works. All waste materials from the site must be disposed of at an authorised waste facility.**

**DURING CONSTRUCTION**

22. ***Banks***

All the excavated and filled banks must be suitably retained or stabilised (totally within the site boundaries) as necessary to prevent the movement of soil and in accordance with appropriate professional standards.

23. ***Approved Plans to be On-Site***

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.

24. ***Boundary Check***

The building shall be set out by a registered surveyor to verify the correct position in relation to property boundaries and the approved plans. A plan prepared by a registered surveyor shall be submitted to the Principal Certifying Authority certifying that the works have been located in accordance with the approved development application prior to proceeding past the relevant stage of construction.

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**25. *Hours of Operation - NOISE***

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

**PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

**26. *Sealed Driveway***

Prior to issue of any Occupation Certificate, construction of a sealed driveway crossover from street pavement to property boundary in accordance with Council's Infrastructure Designs Standards (IDS) and Council's Standard drawings. 27. The development shall not be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.

**28. *BASIX Certification***

**The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No(s) 685460S and any updated certificate(s) if amendments are made. The BASIX Certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.**

**ADVISORY NOTES**

**(a) *Discovery of a Relic***

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

**(b) *Underground Utility Services Check***

The applicant shall contact the "Dial Before You Dig" service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au, prior to the commencement of excavation, to ascertain the presence and type of underground utility services in the vicinity of the development.

**(c) *Ocean Location***

2. Council is of the opinion that the land is located within a corrosive environment, ie. that it is located within 1km from breaking surf, within 100m of salt water not subject to

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breaking surf or heavy industrial areas. Materials used in construction may require a higher level of corrosion protection in accordance with relevant Australian Standards and the Building Code of Australia.

3.

(d) ***BCA Compliance***

4. This development application has been subject to a merit based assessment. The plans lodged and approved have not been assessed against the provisions of the Building Code of Australia (BCA). It is your responsibility to ensure the plans lodged with any Construction Certificate application show full compliance to all provisions of the BCA.

5.

(e) ***Land Clearing "Best Practice"***

6. Council encourages the following best practices in relation to the disposal of felled timber:

7. (a) The harvesting and processing of mill quality timber either on site or through a commercially licensed timber mill

8. (b) The stockpiling of suitable felled timber as firewood for heating purposes

9. (c) The mulching or chipping of stumps, crowns and other herbaceous matter either on site or through a licensed landfill tip or recycling centre providing mulching facilities.

10.

(f) ***Street Numbering***

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers are required, a separate application shall be made to Council.

**BACKGROUND**

On 23 December 2015, Council received a development application for a five bedroom, two storey dwelling on a vacant site. The subject site is located on the eastern side of Sanctuary Place and is a rectangular allotment with the front (or western boundary) and the rear (eastern boundary) both having a dimension of 21m. The eastern boundary adjoins the Catalina Public Reserve which contains vegetation that is visible from Beach Road.

The site slopes falls away from the street approximately 30% or 16 degrees. The proposed dwelling is to be located to the front of block to take advantage of the water views, make vehicle access easier and maximize the separation from the bushfire threat of the Reserve.

The subdivision pattern along Sanctuary Place is unique and reflects the topography of the locality with the first ten lots located only on the eastern side of Sanctuary Place, due to the steep slope on the western side. To optimise views and manage the slope constraint, six of the first seven dwellings constructed along Sanctuary Place have been approved with roof heights

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above the development standard ranging from 9-10m. The proposal is an infill site with both neighbouring dwellings comprising of two and three levels. Both No.6 and No.10 Sanctuary Place have been approved above the height standard.

The single storey element of the proposal fronts Sanctuary Place then steps down over three levels. The proposed dwelling has a total floor area of 619sqm, building footprint of 387sqm or 30.96% of the site area, landscaped area of 450sqm or 36% and a maximum height of 10.5m.

Boundary setbacks are front (west) 5.9m, side (north) 1.5m, rear (east) 31m and side (south) 1.5m for the garage component increased to 3.2m for the dwelling.

**POLICY**

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

Environmental Planning and Assessment Act 1979 (EP & A Act)

The proposal has been assessed having regard to Section 79C of the EP & A Act and is considered satisfactory.

State Environmental Planning Policy (SEPP) 71 – Coastal Protection

The proposal has been assessed against the aims and considerations of SEPP 71 and is considered as satisfactory. The proposal will not impact upon existing public access to or along the foreshore and due to the distance from the foreshore, the site is not positioned such that opportunities exist to improve existing access. Any potential adverse effects regarding the environment will be managed satisfactorily through conditions of the consent.

State Environmental Planning Policy (SEPP) 55 – Remediation of Land

The subject site is not identified as potentially contaminated land and there is no indication that the land has been used for a purpose which would require remediation prior to the construction. The proposal is satisfactory with regard for the provisions of SEPP 55.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The applicant has provided a compliant BASIX Certificate for a single dwelling. The development consent will be conditioned requiring such commitments to be fulfilled.

Eurobodalla Local Environmental Plan 2012(LEP)

The site is zoned R2 – Low Density Residential pursuant to the provisions of the Eurobodalla Local Environmental Plan 2012. The objectives of the zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage residential development that is consistent with the character of the neighbourhood.

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Pursuant to the provisions of clause 2.3(2) of the LEP, consent shall not be granted to the carrying out of development on land to which the LEP applies unless the consent authority is of the opinion that carrying out that development is consistent with the objectives of the zone.

Dwelling houses are permitted with consent in the R2 zone. The objectives of the zone are met through the provision of a single residence consistent with the existing character of the area.

*Clause 4.3 Height of Buildings*

Clause 4.3 of the LEP refers to a height map and the maximum height of buildings that can be erected on site. The maximum building height is 8.5m. Clause 4.3(1) provides objectives of the height development standard which are:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

The proposal satisfies the objectives of the standard as the height, bulk and scale of the proposed development is consistent with the character of the area. The built neighbourhood consists of dwellings that contain a single storey fronting Sanctuary Place then expanding to a two or three storey design to the rear. Six of the first seven dwellings in the street have been approved above the height standard. Nos.6, 10 and 12 have been approved with a roof height of 9m, Nos. 2 and 18 are at 9.5m and No.16 at 10m. No. 14 has a roof height of 8.5m and No.4 remains vacant. The proposed dwelling contains a hipped roof with a dutch gable that contains a maximum height at the apex of the roof at 10.5m.

The dwelling to the north does not contain openings along the south elevation and will not be impacted by the proposal with regard to view loss, loss of privacy or solar access. To the south of the subject site, the dwelling at No.6 contains one glass sliding door on the north elevation accessed from the internal living space on the second floor. The remaining windows belong to the master bedroom and ensuite.

The side setback of No.6 has been approved at 1.1m to the wall and 600mm to the eaves. The applicant has provided comprehensive shadow diagrams that demonstrate minimal impact on the overshadowing of the adjoining property. The proposed dwelling is setback 3.2m from the shared boundary which creates reasonable retention of solar access to No.6 and reduces the mass of the building. The north facing glass door will obtain solar access from 9am to midday. The development satisfies the requirements for solar access in Councils DCP.

The dwelling in question contains a floor plan that orientates all living spaces and private open space to the east to capture the views. The east elevation contains large glass sliding doors, full length windows and decking on both levels. The proposal will not cause a detrimental loss of privacy or amenity to these openings. The proposal contains a skillful design and floor plan with no major openings on the south elevation to prevent overlooking. Windows contain fixed external louvres on the master bedroom and highlight windows on the ensuite and the walk in robe.



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Water and forest views are to the east. There is no evidence of view loss caused by the proposal.

*Clause 4.6 Exceptions to development standards*

Clause 4.6 of the LEP provides an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.3(3). The application is required to demonstrate that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone.

The applicant's justification for the development is that it achieves compliance with the LEP zone objectives, meets the objectives of Clause 4.3 Height of Buildings and the acceptable solution criteria outlined in the Residential Zones DCP.

Additional justification provided in the written request can be summarised as follows:

- The proposal is stepped and roof pitch lowered
- Similar to existing built form
- No disruption of views
- Compliance with solar access controls
- Privacy of adjoining protected through window placement and fixed louvres
- Compliance with the height standard has not been achieved along the street
- Unreasonable to enforce compliance when others have not.

The Department of Planning Circular PS 08-014 requires all development where there is a variation greater than 10% to a development standards to be determined by full council. The proposal involves an increase of height by 23.5% above the 8.5m height limit.

Under clause 64 of the Environmental Planning and Assessment Regulation 2000 and Department of Planning, Planning Circular PS 08-014, the Director-General's concurrence is given based on Council advising the Department of the variation through a report which occurs on a quarterly basis.

**ENVIRONMENTAL**

The subject site is mapped as bushfire prone land. The application was submitted with the potential of Flame Zone construction standard on the east elevation. In accordance with Section 79BA of the Act the proposal was referred to the Rural Fire Service (RFS) for advice.

The RFS responded with the recommended condition of Flame Zone on the northern, eastern and southern elevations and Bush Fire Attack Level (BAL) 40 on the western elevation. In response the applicant engaged a Bush Fire Planning and Design (BPAD) Level 3 accredited practitioner who provided a Bushfire Attack Level Assessment Report with a construction standard of BAL 29 on the eastern elevation and BAL 19 on the remaining. This is consistent

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with the RFS recommendation on 17 June 2011 for the adjoining dwelling, recommending BAL 29 on the northern, eastern and southern elevations and BAL19 on the front (western).

Council's Environmental Officer has confirmed that the site does not contain endangered ecological communities and that the vegetation is highly degraded with no mature or habitat trees on site.

The proposed works were assessed against the requirements of section 5A of the Environmental Planning and Assessment Act 1979 and found to be satisfactory as it is not considered likely that there would be any significant impact upon threatened species, populations, ecological communities or their habitats as a result of this development.

**CONSULTATION**

The application was notified in accordance with Council's Advertisement and Notification Code.

The advertising period commenced on 5 January 2015 and concluded on 19 January 2015.

No submissions were received.

**CONCLUSION**

It is considered that the proposal is generally consistent with the requirements of the Environmental Planning and Assessment Act 1979, Eurobodalla Local Environmental Plan 2012 and the Residential Zones DCP.

The proposal is compatible with the future and existing development in the locality. It is visually comparable with its context with regard to building height, bulk and design and there is no unreasonable impact on visual privacy or solar access. The proposed building will not have any impact on existing view corridors.

As the objectives of the zone and the development standard are met, there is sufficient justification to support the variation to the development standard.

Having regard to the above assessment, the proposal is considered satisfactory and approval is recommended subject to conditions of consent.

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**PSR16/034 ENERGY PERFORMANCE CONTRACT**

**E07.1073**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services  
Attachments: 1. Confidential - Tender Reports  
Focus Area: Sustainable Communities  
Delivery Program Link: S4.3 Review and coordinate implementation of the Greenhouse Action Plan  
Operational Plan Link: S4.3.1 Implement energy, water and waste reduction initiatives within Council

**EXECUTIVE SUMMARY**

The Energy Performance Contract (EPC) process has identified some significant energy, water and ongoing financial savings of \$168,000 per year at Council's 23 largest energy using facilities. The EPC process provides a low risk and high impact way for Council to implement the energy and water conservation measures identified. It involves a competitive process for identifying and implementing energy saving projects.

Energy Performance Contracting has been adopted by the NSW Government as the preferred process to save energy and costs at state-owned large energy using facilities.

By entering into an Energy Performance Contract with the preferred tenderer, the savings measures will be installed, commissioned, monitored and guaranteed by the tenderer.

The 2012-2017 Greenhouse Action Plan was adopted by Council (Minute No: 12/190) on 24 July 2012. It is referred to in the Community Strategic Plan, the Delivery Plan and Operational Plans.

**RECOMMENDATION**

THAT

1. Council endorses the selection of the preferred tenderer listed for 2015 / PLS028 Energy Performance Contract within the confidential attachment.
2. Council accordingly approves entering into a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender and Detailed Facility Study Agreement unless otherwise varied in accordance with this report.

**BACKGROUND**

As per Council's report *Greenhouse Action Plan Progress Report 2014-15* (Minute No: 15/189) Council has been progressing through the process of an Energy Performance Contract, a low risk, high impact, investment oriented approach to energy efficiency and renewable energy. It involves a competitive process for identifying energy saving projects, then seeing these opportunities implemented, with the identified savings subsequently measured, verified and guaranteed by the successful Contractor. The provision of this total package of services from a single company improves accountability and shifts the technical and financial risks from Council to the Energy Service Company (ESCO).

**PSR16/034 ENERGY PERFORMANCE CONTRACT**

**E07.1073**

Energy Performance Contracting has been adopted by the NSW Government as the preferred process to save energy and costs at State-owned large energy using facilities. It has also been used very successfully in the same way by the Victorian Government.

The following table outlines the process involved in the Energy Performance Contract at Council.

**Table 1. Energy Performance Contract process at Eurobodalla Shire Council**

February –April 2015	Expressions of Interest (EOI)	Tenderers are shortlisted and invited to audit sample sites.
April – November 2015	Request for Proposals (RFP)	Tenderers compete to identify real projects on Council’s five largest sites. The contract for the next stage is awarded to the most competitive proposal.
December 2015 – July 2016	Detailed Facility Study (DFS)	Energy Service Company (ESCO) engaged to complete detailed energy and water audits on 23 largest sites.
July 2016	Council decision	a) Choose to do the works in the DFS report, OR b) Payout ESCO for the DFS report
August 2016 – June 2017	Energy Performance Contract	ESCO installs and commissions energy and water conservation measures
2017-2024	Measurement and Verification	ESCO monitors energy and water savings. If savings are too low the ESCO will: a) Pay council the shortfall, OR b) Find and install new energy conservation measures to make up the difference

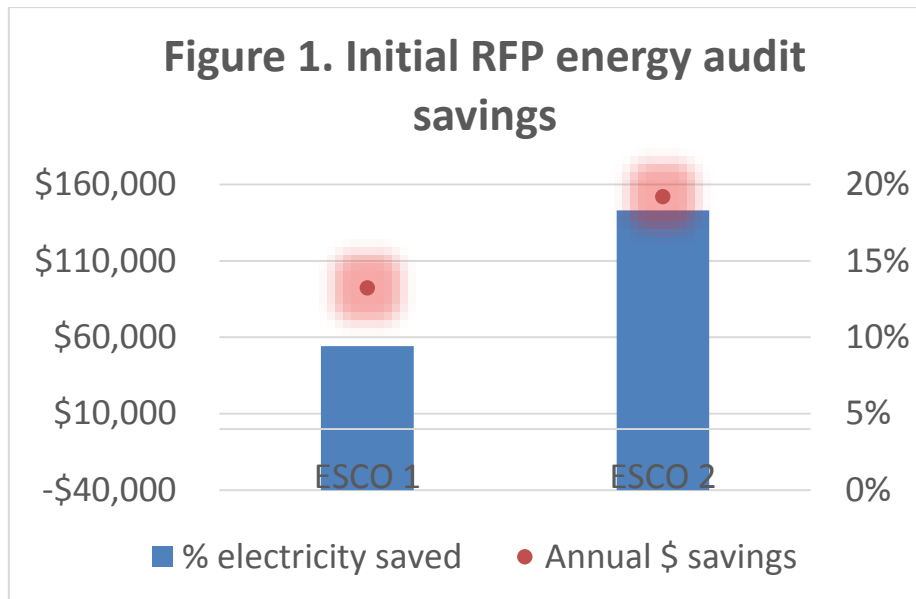
Expressions of Interest were called and RFT No. 2015 / PLS028 was advertised on 24 February 2015 with a closing date of 31 March 2015. Complying offers were received from two ESCOs and assessed in accordance with the Tender Evaluation Plan.

The two companies were then invited to compete with each other by conducting energy audits at five of Council’s largest energy-using sites to see who could find the most savings. Each company made recommendations in October 2015 on how they would propose to save energy at these sample sites. The methodology of Energy Performance Contracting is results driven which creates incentives for ESCOs to find more savings than a conventional contracting approach and to provide quality products that will deliver the guaranteed results required. Providing a competitive framework for the companies, ensures that Council identifies far more savings than a traditional energy audit would achieve.

The ESCO proposals on the five sample sites were assessed by an Evaluation Committee in November 2015. As shown in Figure 1 the winning ESCO identified almost double the energy savings (18.3%) as their competitor (9.4%). This was one of the key evaluation criteria in the process. It also demonstrates the greater impact gained through this process, compared to a standard energy audit process. A summary of the evaluation including each tenderer’s scoring against the evaluation criteria and pricing is provided as a confidential attachment.

PSR16/034 ENERGY PERFORMANCE CONTRACT

E07.1073



The highest scoring ESCO was appointed in December 2015 to begin the Detailed Facility Study (DFS) which includes identifying energy, water and operational savings across the 23 largest energy using Council facilities. These 23 sites account for about 75% of Council’s total electricity consumption. This report summarises the findings of the Detailed Facility Study (DFS) report on the 23 nominated sites.

**CONSIDERATIONS**

The DFS report recommends a range of Energy Conservation Measures (ECMs). These measures will result in reduced energy, water and ongoing maintenance costs at the facilities. ESCO engineers completed an extensive site study and consulted with site facility managers and with Council project representatives which resulted in a range of ECMs identified across all the sites. These ECMs provide an excellent opportunity for Council to upgrade its facilities while providing significant energy reductions.

After the projects have been installed, there will be a rigorous measurement and verification process to ensure the proposed savings have been realised over the following seven year period. If there is a shortfall in savings, the ESCO will either pay the difference to Council or make up the savings by completing more energy efficiency projects on the ground.

As outlined in the first volume of the Detailed Facility Study report, the Energy Performance Contract project will deliver the following outcomes:

- electricity savings: 813,926 kWh per year
- LPG savings of 996 GJ per year
- water savings of 962 kL per year
- maintenance savings of \$18,694 per year
- carbon dioxide savings of 776 tonnes of CO2 per year

**PSR16/034 ENERGY PERFORMANCE CONTRACT**

**E07.1073**

These savings translate to total savings of \$168,252 per year with a project value of \$1,163,100 (excl GST) enabling this project to achieve an Internal Rate of Return (IRR) of 15.8% or a simple payback period of 6.75 years.

The proposed EPC projects, delivers more than an acceptable financial return. It includes the design, documentation, installation, project management, commissioning, monitoring and verification of the numerous energy conservation measures.

Proposed Energy Conservation Measures include:

- a) Lighting replacement, retrofit and re-lamping of the used space
- b) Heating Ventilation & Cooling (HVAC) –Boilers and Air Conditioning replacements
- c) Smart Metering system
- d) High Efficiency Motor upgrades
- e) Air Compressor Package upgrade
- f) Solar PV installation
- g) Water Conservation Measures: Flow Control

The following table outlines the different energy conservation measures recommended at each facility:

Facility	Lighting	HVAC	BMS	Solar	Smart Metering	WCM	High Efficiency Motors
• Moruya Administration Building	✓		✓		✓	✓	
• Moruya Depot	✓				✓		
• Moruya Pool		✓		✓	✓	✓	
• Batemans Bay Library	✓			✓	✓		
• Batemans Bay Swimming Pool							
• Batemans Bay Beach Resort				✓		✓	
• Narooma Swimming pool	✓			✓	✓		
• Sewage Treatment Works, Batemans Bay	✓			✓	✓		✓
• Sewage Treatment Works, Moruya	✓			✓			✓
• Sewage Treatment Works, Kianga				✓			✓
• Sewage Treatment Works, Tomakin	✓						
• Sewage Treatment Works, Bingle							
• Northern Water Treatment Plant	✓						
• Southern Water Treatment Plant							
• Deua River Water Pumping Station					✓		
• Deep Creek Dam Water Pumping Station					✓		
• Water Pumping Station, Surf Beach							
• Sewerage Pump K, BB01 Beach Rd, Surf Beach	✓						
• Sewerage Pump G, BB02, Beach Rd, Batehaven							
• Sewerage Pump 54, Beach Rd, Batemans Bay	✓						
• Tuross River Bore Pump 4							
• Deep Creek Dam Aerators							
• Turnbulls Hill Reservoir Bergalia					✓		

**Legal**

Request for Tender (RFT) No. 2015 / PLS028 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

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

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**PSR16/034 ENERGY PERFORMANCE CONTRACT**

**E07.1073**

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

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to the superior savings identified at the sample sites and their strong capability in energy performance contracting. They met all the mandatory criteria and scored the highest in energy and operational savings.

**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**

As a result of implementing the energy and water conservation measures significant greenhouse gas and water savings will be realised by Council. This will contribute towards achieving Council's Greenhouse Action Plan and emission reduction targets.

**Asset**

Many of the energy conservation measures will result in upgraded assets that are new and covered by the guarantees of the energy performance contract. This will result in improved asset conditions and lower maintenance costs for the 23 facilities involved.

**Financial**

By approving the Energy Performance Contract and implementing all the energy and water conservation measures identified in the Detailed Facility Study Report substantial financial savings are forecast of approximately \$168,000 per year. The project has strict investment criteria which ensures an attractive estimated Internal Rate of Return of 15.8%. The performance of the energy and water conservation measures will be monitored and guaranteed by the tenderer and Council for a period of seven years. The Monitoring and Verification plan will be reviewed by the NSW Office of Environment and Heritage.

The project is comprised of Water, Sewer and General Fund facilities. Budgets are already available in the 2016/17 Operational Plan for Water costs (\$153,279) and Sewer costs (\$273,629). General Fund costs of \$709,192 will be budgeted through the September 2016 Quarterly Review process and will be loan funded.

**Community Engagement**

Internal consultation was undertaken with relevant stakeholders in the development of the Request for Tender.

Industry briefs and site assessments were conducted by the tenderers at five sample sites during the competitive proposals stage, and then subsequently at every 23 sites by the winning ESCO during the Detailed Facility Study stage.

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**PSR16/034 ENERGY PERFORMANCE CONTRACT**

**E07.1073**

**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.



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**IR16/031 FUNDING OFFER - AUSTRALIAN GOVERNMENT BLACK SPOT  
PROGRAM 2016-17**

**E90.0713**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

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**

In July 2015 a grant application was lodged under the Australian Government Black Spot Program 2016-17 for improvements to the local road network at Cullendulla Drive, Long Beach.

The aim of the Australian Government Black Spot Program is to allocate funds towards locations that have a high crash history or for sites that have the potential for crashes to occur. The ultimate aim is to reduce motor vehicle crashes.

In June 2016 Roads and Maritime Services (RMS), who administers the program, wrote to Council seeking formal acceptance of an offer of \$325,885 in funding. The grant has been formally accepted and this report seeks Council's endorsement of the actions taken to accept the grant.

The funding will allow Council to implement improvements to a 670 metre stretch of Cullendulla Drive, approximately 800 metres from the intersection with the Princes Highway. The project scope is to widen road shoulders, remove hazards within the clear zone and install w-beam barriers. The work is to be completed by May 2017.

The Australian Government Black Spot Program provides 100% funding and does not require Council to match any funds.

### **RECOMMENDATION**

THAT Council endorse the actions taken to accept the funding offer of \$325,885 under the Australian Government Black Spot Program 2016-17 for improvements to the local road network at Cullendulla Drive, Long Beach.

### **BACKGROUND**

The Australian Government Black Spot Program has been set up specifically to:

- a) allocate funds towards locations that have a high crash history or those sites which have the potential for crashes to occur
- b) reduce motor vehicle crashes.

In July 2015, a funding application was submitted to RMS. In June 2016 Council was formally advised that its application was successful and that physical works must be completed by May 2017.

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**IR16/031 FUNDING OFFER - AUSTRALIAN GOVERNMENT BLACK SPOT  
PROGRAM 2016-17**

**E90.0713**

The location of the improvements are a 670 metre stretch of Cullendulla Drive, approximately 800 metres from the intersection with the Princes Highway. The project scope is widening road shoulders, removal of clear zone hazards and installing w-beam barriers.

Funding under the Australian Black Spot Program does not require matching Council funds.

**CONSIDERATIONS**

In June 2016 RMS wrote to Council seeking acceptance of the offer of \$325,885 in funding. This grant has been formally accepted.

The Black Spot Program uses a system that calculates a Benefit Cost Ratio (BCR) for proposed treatments. This is essentially a comparison of the costs associated with motor vehicle crashes compared with the cost of the proposed corrective action. Projects throughout the state are ranked in line with individual BCR's.

**Asset**

Grant funding provides the up-front capital costs of the project and does not provide for any ongoing maintenance costs. Given the nature of the asset (w-beam barriers) maintenance costs will be minimal over the 30 year life cycle of the asset and any required maintenance can be absorbed within existing maintenance budgets.

**Social Impact**

Improving our local road network has a positive effect on community safety.

Black Spot funding is specifically aimed at reducing crashes and the trauma associated with crashes. With every crash, those involved, families and the wider community are all impacted in some way. Through improvements to our local road network positive effects through a reduction in trauma will be realised.

**Financial**

This project is funded through the Australian Government Black Spot Program 2016-17. It provides for 100% funding towards the project and does not require allocating Council funds.

**CONCLUSION**

Council has been successful in gaining \$325,885 of funding through the Australian Government Black Spot Program 2016-17 for safety improvements in Cullendulla Drive, Long Beach.

The improvements include road widening, removal of clear zone hazards and the installation of w-beam barriers. This work will provide road safety benefits in our Shire by May 2017.

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**IR16/032 TENDER FOR BLANKET ORDER FOR THE PROVISION OF WATER  
TANKER SUPPORT - TENDER NO. 2016/ISD113**

**E13.7092**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Tender for Blanket Order for the Provision of Water  
Tanker Support - Tender No. 2016/ISD113

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**

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 2016/ISD113 and provides a recommendation for the preferred provider of water tanker support to Council's grading operations.

### **RECOMMENDATION**

THAT

1. Council endorses the selection of the preferred tenderer listed for RFT No. 2016/ISD113 within the confidential attachment
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender.

### **BACKGROUND**

Gravel roads within the Eurobodalla Shire are maintained according to a grading schedule endorsed by Council each year. This schedule is then placed on Council's web-site. This has been done for the 2016-17 financial year.

In order to complete grading operations successfully, unsealed roads must be dampened by a mobile water tanker to assist in re-compaction of the gravel following grading.

The existing contract has been extended by one month and is now due expire on 31 July 2016.

Tenders for the implementation of a new contract were called on 19 April 2016 and closed on 11 May 2016. Assessment of the Plant Tenders was given priority over this tender assessment.

The existing contract (as amended) for water tanker support is due to expire on 31 July 2016. The new arrangement under this proposal will expire on 30 June 2018.

### **Legal**

RFT No. 2016/ISD113 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

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)).

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**IR16/032 TENDER FOR BLANKET ORDER FOR THE PROVISION OF WATER  
TANKER SUPPORT - TENDER NO. 2016/ISD113**

**E13.7092**

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

Two offers were received as detailed in the Confidential Attachment.

An assessment was carried out in accordance with the Tender Evaluation Plan. The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to their lower hire rate and their level of compliance with the tender requirements including those associated with workplace health and safety.

**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 Contractor will be required to comply with environmental considerations as outlined in the Council's works procedures.

**Financial**

After the first year the contract hire rates will be adjusted in accordance with the rise and fall clause of the contract. The rise and fall clause takes into account Consumer Pricing Index (CPI) – All Groups Sydney providing for a broader spread of economic factors, thereby minimising the risk of adverse price movement for both parties. Funds have been allocated within the adopted budget program for the grading of Council's unsealed (gravel) road network.

**Community Engagement**

As well as publicly advertising the tenders, copies of the tender documentation for the subject requirement were distributed to known local water tanker hire companies. Tenderers were invited to participate in the Tenderlink online forum and submit feedback in writing via email to [council@eurocoast.nsw.gov.au](mailto:council@eurocoast.nsw.gov.au) or through the postal system, addressed to the 'General Manager'.

**CONCLUSION**

The evaluation process has determined that the lowest priced offer is considered best value for money, noting relevant experience, the suitability of the vehicles offered for the role and the tenderer's compliance with essential requirements of the RFT including workplace health and safety.

It is therefore recommended that a contract be awarded to the preferred tenderer as listed in the Confidential Attachment to this report.

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**IR16/033 TENDER FOR REFURBISHMENT OF SEWAGE PUMPING STATION  
NA10 AT KIANGA - CONTACT NO. 2015/ISD031**

**E05.9189.PS**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - 2015 ISD031 Tender for Report

Focus Area: Sustainable Communities

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

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

### **EXECUTIVE SUMMARY**

This report outlines the tenders called for the refurbishment of the sewage pump station NA10 in Kianga.

The internal components of the sewage pumping station have been identified as being in need of refurbishment due to corrosion caused by constant exposure to sewage.

For this reason the refurbishment works are required to:

- extend the life of the sewerage infrastructure asset
- ensure a safe work environment.

To achieve these outcomes the refurbishment works will include:

- temporary bypass pumping of the sewage pumping station
- refurbishment of the existing wet well and valve pit
- construction of a new bypass pumping pit on the existing sewer rising main
- replacement of existing wet well access hatch with new aluminium safety lids.

A Request for Tenders was advertised for the works during April and May 2016 and upon close of tenders, three tenders were received.

### **RECOMMENDATION**

THAT Council accept the preferred tenderer as identified in the confidential attachment for the Refurbishment of Sewage Pumping Station NA10 at Kianga.

### **BACKGROUND**

Sewage Pumping Station NA10 was constructed in 1985. The internal concrete surface of the sewage pumping station wet well and associated pipework and valves are constantly exposed to the corrosive nature of sewage. After 30 years of operation this has resulted in these assets declining in condition. Refurbishment works have therefore been identified as being necessary to protect the sewage pumping station from the corrosive nature of sewage, extend its asset life and ensure a safe work environment.

Temporary bypass pumping of the sewage pumping station is required to allow refurbishment of the existing wet well and valve pit, construction of a new bypass pumping pit on the existing

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**IR16/033 TENDER FOR REFURBISHMENT OF SEWAGE PUMPING STATION NA10 AT KIANGA - CONTACT NO. 2015/ISD031 E05.9189.PS**

sewer rising main and replacement of existing wet well access hatch with new aluminium safety lids. These works are programmed to occur in the current 2016-17 financial year.

Detailed designs and contract documentation was prepared for the required works.

A Request for Tenders for the refurbishment works was placed on Council's Tenderlink website on 18 April 2016, in the Sydney Morning Herald on 19 April 2016 and in Council's Noticeboard in the local newspaper on 20 April 2016. Upon close of tenders on 19 May 2016, three tenders were received from the following contractors:

- Poonindie Pty Ltd trading as Ted Wilson & Sons
- Precision Civil Infrastructure Pty Ltd
- EMT Ltd.

A summary of the evaluation including the tenderer's pricing will be provided at the briefing session.

### **CONSIDERATIONS**

Working on live sewage pumping stations requires specialist expertise as the pump station has to be taken off line with 24 hour bypass pumping for extended periods. This operation must be managed effectively to ensure continued operation and minimize the risk of potential environmental and public health incidents. The experience of the contractor in undertaking such works is therefore an important consideration in selecting the preferred tenderer.

#### **Legal**

Request for Tender (RFT) No. 2015/ISD031 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertising on Council's noticeboard page in two local newspapers, in the 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). Declarations of Confidentiality and Interest Forms were completed and signed by the TEB.

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to the company's demonstrated experience, quality of workmanship and competitive price.

#### **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.

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**IR16/033 TENDER FOR REFURBISHMENT OF SEWAGE PUMPING STATION  
NA10 AT KIANGA - CONTACT NO. 2015/ISD031**

**E05.9189.PS**

**Environmental**

Refurbishment works have been identified as being necessary to improve the safety and operation of the sewage pumping station and protect the asset from the corrosive nature of sewage.

**Financial**

Council currently has allocated \$1.35 million for the next financial year for pump station upgrades. The current tendered amount can be accommodated within these funds without affecting delivery of other programmed works.

**Community Engagement**

We will inform the community of the commencement of work through notification by writing to nearby residents and community groups.

The effective implementation of by-pass arrangements at the sewage pump station will mean minimal impact on residents who are served by the sewage pump station.

**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 Refurbishment of Sewage Pumping Station NA10 at Kianga - Contract No. 2015/ISD031.

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**IR16/034 TENDER FOR EUROBODALLA SOUTHERN STORAGE ENVIRONMENTAL ASSESSMENT AND DETAILED DESIGN E03.7761**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Confidential - Tender for Eurobodalla Southern Storage

Focus Area: Sustainable Communities

Delivery Program Link: S2.3 Plan to meet our community's future water needs

Operational Plan Link: S2.3.2 Integrated Water Cycle Management Strategy Review

### **EXECUTIVE SUMMARY**

Council intends constructing a 3,000 megalitre off river water storage near Stony Creek, Bodalla to secure the region's future water needs. The need for additional water storage was first identified in Council's 2003 Integrated Water Cycle Management Strategy (IWCMS), and was confirmed in recent secure yield modelling carried out for the 2016 review of the IWCM strategy.

Council has previously resolved to develop the project to completion of a detailed design so that the project will be shovel ready and allow pro-active pursuit of grant funding from the NSW and Australian governments on behalf of our community.

A request for tenders for the Eurobodalla Southern Storage Environmental Assessment and Detailed Design was advertised from 4 April 2016 to 24 May 2016. Upon close of tenders four submissions were received.

This report outlines the evaluation of offers submitted in response to the request for tender and provides a recommendation for the preferred consultant.

### **RECOMMENDATION**

THAT Council accepts the tender identified in the confidential attachment as the preferred tender for the *Eurobodalla Southern Storage Environmental Assessment and Detailed Design*.

### **BACKGROUND**

#### **The Existing Water Supply System**

Eurobodalla's water supply system stretches from Maloneys Beach in the north 90kms south to Mystery Bay servicing almost 20,000 properties including the main population centres of Batemans Bay, Moruya and Narooma.

The system is interconnected and allows flexibility in servicing both north and south. From an operational perspective, the system can be broken into two service areas - North and South. The northern area supplies from Maloneys Beach to Tuross Head, and the southern area supplies from Bodalla to Central Tilba and Mystery Bay. Council typically supplies the whole shire from the north during the low demand period from March to November, and operates two systems during the high demand period from December to February.



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**IR16/034 TENDER FOR EUROBODALLA SOUTHERN STORAGE ENVIRONMENTAL ASSESSMENT AND DETAILED DESIGN E03.7761**

The northern system draws water from the Deua/Moruya and Buckenboursa Rivers which feed into an off river storage (Deep Creek Dam with a capacity of 4,900 megalitres). The main components of the northern system include a water treatment plant (WTP) at Denhams Beach with a capacity of 20 megalitres per day, 22 service reservoirs with a total capacity of 88 megalitres, 8 pumping stations and approximately 535 km of distribution/reticulation mains.

The southern system draws water from the Tuross River/Tuross Alluvial Aquifer which feeds directly to the southern water treatment plant (ie no storage). The southern system consists of a WTP on the Tuross River west of Bodalla (6 megalitres per day), 11 service reservoirs (26.7 megalitres), 3 pumping stations and approximately 210 km of distribution/reticulation mains.

### **2003 IWCMS**

Eurobodalla Shire Council completed NSW's first Integrated Water Cycle Management Strategy (IWCMS) in 2003. The strategy adopted the following measures for securing the region's water supply:

Short term measures:

- Construct approximately 30km of 600mm diameter pipeline between the Moruya River water source and Deep Creek Dam to improve the ability to transfer and store water quickly
- Construct two water treatment plants so that extraction is not restrained by water quality
- Implement an active water conservation program to bring about behavioral and cultural change in the use of water by consumers.

Council has completed the construction of the pipeline and water treatment plants, and has achieved a reduction in average water consumption of more than twenty per cent through the implementation of water education, water efficiency and water loss management programs and best practice pricing, despite the permanent population increasing by more than ten percent over the same period.

Long term measures:

- Secure a water source or storage to meet drought needs.

The IWCMS considered a number of options for improving the secure yield to accommodate anticipated changed water sharing arrangements and population growth. The preferred solution was an off river storage sourcing water from the Tuross River. The following benefits were identified:

*"This opportunity involves a Southern off-river storage to be filled by high flow band water from the Tuross River. This option spreads drought security over two storages, resulting in a reduced risk from water quality and/or structural problems. This opportunity also improves operational flexibility of the scheme whereby water could be selectively pumped from three river sources and moved in both directions to the demand centres. It also reduces the impact that a trunk main break between Moruya and Narooma would have on supply to the south of the shire.*

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**IR16/034 TENDER FOR EUROBODALLA SOUTHERN STORAGE ENVIRONMENTAL ASSESSMENT AND DETAILED DESIGN E03.7761**

*Further, this opportunity helps to minimise urban extraction stress of the Moruya River by sharing extraction with the Tuross River. In the long term this opportunity would assist in meeting peak day demand in both Southern and Central areas of the shire without major distribution pipeline upgrades. It will also enable Council to meet at minimal cost any future conservative river flow access regime.*

*Analysis indicates that it is possible to locate the storage high in a catchment to reduce the environmental impacts of a storage on the downstream catchment. Further, it is also possible to select a site that can be raised in the future to increase storage capacity”.*

In 2003, it was anticipated that the additional storage would be required in 2021, but the timing would be dependent on a number of factors:

- the effectiveness of demand management
- the rate of growth in the region
- the impact of any Water Sharing Plan introduced under the (NSW) Water Management Act (2000).

### **Project Development**

Given the significant lead time for dam construction projects and the uncertainty surrounding the required timing, Council commenced investigations to identify a feasible dam site.

Four potential sites were identified near the Tuross River, and following preliminary environmental investigations of these sites, the site closest to existing water supply infrastructure (Stony Creek 2) was selected for further investigation.

The proposed dam site is located within the Bodalla State Forest. State Forests gave consent for Council and its agents to access the site on the understanding that Council would purchase land for the construction of a water storage should investigations confirm that constructing a water storage at the site is feasible.

The following site investigations were carried out between 2004 and 2006 that led to the development of a concept design for the storage:

- Feasibility Stage Geotechnical Investigation
- Review of Seismicity
- Flood Hydrology Study
- Dam Break Study
- Concept Design Stage Geotechnical Investigation.

Environmental studies were carried out to allow an Environmental Impact Statement (based on Director General’s requirements issued in May 2005) and a Species Impact Statement (based on additional Director General’s requirements issued in April 2006) to be prepared.

Environmental studies included:

- Archaeological assessment
- Operational and construction noise impact assessment
- Transport impact assessment
- Flora and fauna impact assessment

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**IR16/034 TENDER FOR EUROBODALLA SOUTHERN STORAGE ENVIRONMENTAL ASSESSMENT AND DETAILED DESIGN E03.7761**

- Air quality impact assessment.

None of the reports uncovered any unacceptable constraints to the development of a storage at the site.

In 2007, when demand management measures were starting to provide dividends, Council resolved to complete the Environmental Impact Assessment documentation but to not proceed to detailed design until the proposed Water Sharing Plans were finalised. Documentation was completed to a final draft concept design stage, and negotiations with land owners were put on hold.

### **2016 IWCMS**

From 2012 to 2016, various studies were carried out to provide input into a review of the 2003 Integrated Water Cycle Management Strategy. This was necessary as:

- successful demand management had been implemented
- recorded growth was lower than predicted in the 2003 IWCMS
- the impact of system improvements needed to be modelled
- rainfall and stream flow modelling needed updating to take into account the Millennium drought
- newer approaches were being used to assess the impact of climate change
- draft Water Sharing Plans for the Clyde, Deua and Tuross River water sources had been released (2012).

Relevant studies included:

- Secure Yield modelling
- Population and Water Demand Forecasting.

Secure Yield modelling has determined that the existing water supply system is sufficient to meet the dry weather demand until 2020. The secure yield has also been assessed based on proposed extraction rules of draft water sharing plans for the Clyde River, Deua River and Tuross River water sources, which are expected to be gazetted in 2016-17. If the Water Sharing Plans are gazetted, the secure yield will decrease by 400 megalitres per annum and water supply sources will not be sufficient to supply the dry year demand.

A draft 2016 IWCM Strategy has been completed and endorsed by Council and is currently on public exhibition. The 2016 draft IWCMS confirms that the construction of a southern water storage to be filled by high flow band water from the Tuross River is the preferred strategy for ensuring the long-term security of the Eurobodalla water supply.

### **The Next Stage**

In late 2015 Council engaged NSW Public Works to prepare a contract document and to call and manage the tender assessment process for the environmental assessment and detailed design of a 3,000 megalitre off-river storage, pipelines and pumping systems near Stony Creek, Bodalla.

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**IR16/034 TENDER FOR EUROBODALLA SOUTHERN STORAGE ENVIRONMENTAL ASSESSMENT AND DETAILED DESIGN E03.7761**

A request for tenders for the Eurobodalla Southern Storage Environmental Assessment and Detailed Design was advertised from 4 April 2016 to 24 May 2016. Upon close of tenders four submissions were received.

This report outlines the evaluation of offers submitted in response to the request for tender and provides a recommendation for the preferred consultant.

**CONSIDERATIONS**

**Legal**

Council used the open tender method in accordance with Section 55 of the Local Government Act 1993 and Clause 167 of the Local Government (General) Regulation 2005.

Before the tender assessment was undertaken, a formal Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee.

The evaluation process included a weighted price and non-price ratio of 50:50. A two envelope system was adopted, where the price information was held by an independent officer and not provided to the Tender Evaluation Committee until the evaluation of non-price criteria was completed.

The preferred Tenderer has assembled a team that has the necessary skills and experience to satisfactorily deliver the services.

As NSW Public Works were engaged to manage the tender assessment process, the NSW Public Works tender review process was used.

- A Tender Recommendation Report was prepared using the NSW Public Works template. The Tender Recommendation Report is included as a confidential attachment to this report.
- The Tender Recommendation Report was reviewed by the NSW Public Works Regional Procurement Advisor to confirm that all administrative procedures have been followed.
- The Tender Recommendation Report and relevant documents were reviewed by the NSW Public Works Tender Evaluation Review Panel to confirm that the tender review complies with applicable procedures and recommends the most advantageous tender. The NSW Public Works Tender Evaluation Review Panel (TERP) is made up of experienced contract managers within NSW Public Works.

**Environmental**

In 2015, a Preliminary Environmental Assessment was prepared to accompany an application to the Department of Planning and Environment for the Secretary's Environmental Assessment requirements (SEARs). The SEARs have been included in the contract document and the consultant is required to address each of these issues as well as any matters raised by various government agencies in the preparation of an environmental impact statement.

**Economic Development Employment Potential**

The proposed Southern Storage will improve the region's water security and facilitate economic growth and employment.

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**IR16/034 TENDER FOR EUROBODALLA SOUTHERN STORAGE ENVIRONMENTAL ASSESSMENT AND DETAILED DESIGN E03.7761**

**Financial**

Council has allocated \$5.45 million over three years to progress the project to being shovel ready and to secure the land. The preferred tender is less than the pre-tender estimate.

Council has allocated funds in its long-term financial plan for constructing the dam, subject to receiving at least 50% financial assistance, and have allocated additional funds for the additional operations and depreciation expense should the project proceed.

**Community Engagement**

The contract requires the consultant to prepare and implement a community engagement plan.

The community engagement plan must include as a minimum:

Community Engagement

- Creation of a project web page, including an email link where comments and questions can be lodged
- Creation of a Facebook site for the project, to be reviewed weekly and updated as necessary
- Preparation of Community Information Packages at commencement of engagement, completion of concept design, release of Environmental Impact Assessment and completion of detailed design. Information packages to be in a format suitable for downloading from the project web page, and hard copies for distribution at Council offices and libraries.
- Identify relevant community groups and provide information packages directly to them seeking input.

Landowner Engagement

- Preparation of briefing packages for individual land owners adjacent to the storage site or impacted by proposed transfer pipelines that identify specific issues that will impact on the land owner
- Preparation of responses to specific issues raised by the land owner.

Council's Project Manager will monitor the effectiveness of engagement and amend the community engagement plan as required to ensure effective engagement consistent with Council's adopted Community Engagement Strategy.

**CONCLUSION**

Both the 2003 and 2016 Integrated Water Cycle Management Strategies identified the need for additional water storage to secure the Eurobodalla water supply into the future, and both strategies identified the Southern Storage as the preferred solution. It is recommended that Council proceeds with the Environmental Assessment and detailed design of the Southern storage to ensure that Council is shovel ready to take advantage of any funding opportunities that may arise.

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**IR16/035 TENDER FOR CONSTRUCTION OF CONCRETE BRIDGE AT GULPH CREEK (CADGEE BRIDGE), EUROBODALLA ROAD, NERRIGUNDAH - TENDER NO. 10004881 84.00663**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Construction of Concrete Bridge Gulph Creek (Cadgee Bridge) Eurobodalla Road Nerrigundah

Focus Area: Productive Communities

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

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

### **EXECUTIVE SUMMARY**

The construction of a new concrete bridge at Gulph Creek (Cadgee Bridge), Eurobodalla Road Nerrigundah, will replace a timber bridge which was washed out due to flooding in January 2016. Works will also be undertaken adjacent to the bridge, including reconstruction of the bridge approach roads, adjustment to property access and service adjustments.

The new concrete bridge will be designed in accordance with current standards and codes which will result in a durable higher load carrying capacity bridge designed for a 100 year lifespan.

The new bridge will be part funded by funding available under the Natural Disaster Relief Arrangements (NDRA) program, and part funded by Council through funding provided for the replacement of bridges. The acceptance of the tender will be subject to written confirmation of the funding under the NDRA.

Whilst the bridge is under construction the road approaches to the bridge will remain closed to all traffic. The approach roads to the bridge site have been closed since the flood event in January 2016.

Council will manage the construction of the concrete bridge and approach roads to the bridge.

Tenders were called for the construction of the concrete bridge at Gulph Creek (Cadgee Bridge), Eurobodalla (River) Road Nerrigundah and this report considers the tenders received and recommends acceptance of the preferred tenderer.

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

### **RECOMMENDATION**

THAT the tender from the tenderer ranked 1 in the confidential attachment to this report be accepted for construction of a new concrete bridge at Gulph Creek (Cadgee Bridge), Eurobodalla Road, Nerrigundah subject to confirmation of funding under the Natural Disaster Relief Arrangements program.

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**IR16/035 TENDER FOR CONSTRUCTION OF CONCRETE BRIDGE AT GULPH CREEK (CADGEE BRIDGE), EUROBODALLA ROAD, NERRIGUNDAH - TENDER NO. 10004881 84.00663**

## **BACKGROUND**

Tenders have been invited for a contract to construct a concrete bridge at Gulph Creek (Cadgee Bridge), Eurobodalla (River) Road, Nerrigundah.

The following contractors have submitted tenders for the project:

- Bridge and Civil P/L
- Bridgeworks P/L
- Civil Bridge and Wharf P/L
- Jarvis Norwood P/L
- Kenpass P/L
- RD Miller P/L
- Shumack P/L.

Tenders for the construction of a concrete bridge at Gulph Creek (Cadgee Bridge), Eurobodalla (River) Road Nerrigundah, were received. A confidential tender assessment is summarised and attached for Councillors' information.

## **CONSIDERATIONS**

A request for tenders was advertised in the Sydney Morning Herald, the local newspaper and on the internet through Tenderlink on 21 June 2016.

Upon close of tenders on 12 July 2016 seven (7) tenders were received and a formal tender evaluation process has been carried out by NSW Department of Public Works team members and verified by the Division Manager Works. The tenders received are on file 84.0663.

## **Legal**

Request for Tender (RFT) No 10004881 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 on 21 June 2016 and closed on 12 July 2016.

The tender was advertised on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and on NSW government eTendering <https://tenders.nsw.gov.au/?event=public.rft.show&RFTUID=CA8F9111-DB9E-E181-69B3EF4704573F87>.

## **Policy**

The procurement activity for which this report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2005 and the Local Government Act 1993.

## **Environmental**

The construction of the new concrete bridge will be undertaken in accordance with environmental permits issued by NSW Department of Primary Industries.

Pre-construction meetings have been undertaken with representatives from NSW Fisheries to ensure construction methods and environmental impacts are appropriately managed.

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**IR16/035 TENDER FOR CONSTRUCTION OF CONCRETE BRIDGE AT GULPH CREEK (CADGEE BRIDGE), EUROBODALLA ROAD, NERRIGUNDAH - TENDER NO. 10004881 84.00663**

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

**Asset**

The overall project will see a new concrete bridge and road approaches replacing the previous timber bridge which was washed away in the January 2016 flood, providing a complete renewal of asset.

The replacement of the previous timber bridge with a new concrete bridge significantly reduces the long term maintenance of the bridge asset and assists Council's long term financial sustainability.

Ongoing maintenance is covered within existing programs.

**Social Impact**

The construction of the new bridge will involve the continued closure of the bridge site and approach roads to the bridge for the duration of the works.

**Economic Development Employment Potential**

Provision of high quality bridge assets helps support our agricultural and construction industries, aids economic development, and assists community connectivity and employment within the region.

**Financial**

Council has allocated one million dollars in the 2016-17 Operational Plan for this project. This includes an allowance of \$470,000 funding from the Natural Disaster Relief Arrangements (NDRA) program. Acceptance of this tender will be dependent upon written confirmation of co-funding under the NDRA.

**Community Engagement**

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

**CONCLUSION**

The tender from the tenderer ranked 1 is considered the most suitable on a value for money basis for the construction of a concrete bridge at Gulph Creek (Cadgee Bridge), Eurobodalla Road, Nerrigundah. Acceptance of the tender is subject to written confirmation of funding under the Natural Disaster Relief Arrangements program.



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**IR16/036 LOCAL TRAFFIC COMMITTEE MEETING NO 10 FOR 2015-16**

**E15.9002**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P2.1 Undertake advocacy activities to further the development of transport infrastructure and support future growth

Operational Plan Link: P2.1.2 Coordinate the Local Traffic & Development Committees

### **EXECUTIVE SUMMARY**

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 9 June 2016 were as follows:

- Signage and Line-marking – Modification to 'Give Way' signs at the intersection of Bavarde Avenue and Pacific Street, Batemans Bay
- Signage - Bus Zone on Guy Street, Batemans Bay
- Signage and Safety - Canty Street car park, Narooma.

### **RECOMMENDATION**

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 10 of 2015-16 held on 9 June 2016 be received and noted.
2. Council Plan No 5156 Set BB Sheet 01 detailing signage and line-marking associated with the alteration to 'Give Way' signage at the Bavarde Avenue and Pacific Street intersection, Batemans Bay be approved.
3. Council Plan No 5156 Set AT Sheet 03 detailing signage for a Bus Zone 8.00am to 5.00pm Monday to Friday and measuring 14.5 metres in Guy Street, Batemans Bay be approved.
4. Council Plan No 5156 Set AL Sheet 03 detailing the 'No Parking' signage within the Canty Street car park, Narooma be approved.

### **BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 10 for 2015-16 was held on 9 June 2016 in Council's Committee Room. It was attended by Councillor Neil Burnside (Chairperson), Mrs Danielle Brice (representative for the Hon Andrew Constance MP), Dave Hunter (Traffic Officer) and Heidi Hanes (Road Safety Officer).

Apologies were received from Councillor Milton Leslight, Ben Borger (Roads and Maritime Services) and Senior Constable Scott Britt (NSW Police Force).

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**IR16/036 LOCAL TRAFFIC COMMITTEE MEETING NO 10 FOR 2015-16**

**E15.9002**

**MINUTES OF PREVIOUS MEETING**

The Minutes of the Eurobodalla Local Traffic Committee Meeting No 9 for 2015-16 held on Thursday 12 May 2016 were confirmed and accepted.

**OUTSTANDING ITEMS FROM PREVIOUS MEETING**

The Action Sheet outlining all of the Committee's outstanding items was distributed to members.

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT ITEMS FOR DETERMINATION**

**2016.RT.027 Signage and Line-marking – Driver Priority – Bavarde Avenue and Pacific Street intersection, Batemans Bay**

Concerns have been raised regarding the speed of drivers travelling to and from the Batemans Bay industrial area via Bavarde Avenue. This street links to Beach Road and has a load limit that restricts vehicles over 4.5 tonnes from using the route.

To encourage motorists to drive to the speed limit and to help discourage use of the route by over-sized vehicles, it is proposed to re-prioritise the intersection with Pacific Street. This four way intersection currently has 'Give Way' signs installed on the Pacific Street legs. It is proposed to relocate these signs to the Bavarde Avenue legs.

The Committee reviewed Council Plan No 5156 Set BB Sheet 01 detailing signage and line-marking associated with the alterations to 'Give Way' signage at the Bavarde Avenue and Pacific Street intersection.

The RMS representative provided an email response that included advice that 'Changed Traffic Conditions Ahead' be considered in the initial implementation phase. The Committee agreed that these signs should be installed on both of the Bavarde Avenue approaches to the intersection for the initial implementation phase.

The Police representative also provided information that the Police are aware of the traffic issues on this section of Bavarde Avenue and will continue patrolling the area.

Mrs Danielle Brice (representative for the Hon Andrew Constance MP) requested that residents in the area be advised of the changed traffic conditions. This will be done by writing to the residents in these streets.

Recommendation:

That Council Plan No 5156 Set BB Sheet 01 detailing signage and line-marking associated with the alteration to 'Give Way' signage at the Bavarde Avenue and Pacific Street intersection, Batemans Bay be approved.

**2016.RT.028 Signage - Bus Zone - Guy Street, Batemans Bay**

A supported accommodation complex has been recently completed at 7 Guy Street, Batemans Bay.

This facility houses five people with high care requirements and is managed by Eurobodalla Shire Council Community Services. The building is owned by the NSW Government.

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**IR16/036 LOCAL TRAFFIC COMMITTEE MEETING NO 10 FOR 2015-16**

**E15.9002**

Outings for the residents are often by way of various medium sized buses (approximately 8 metres long), all of which have rear loading wheelchair access.

So that the people can safely access buses, it is proposed to install a short 'Bus Zone' in the street, adjoining sections of 7 and the adjoining 9 Guy Street. This bus zone will be time limited from 8.00am to 5.00pm Monday to Friday.

The Committee reviewed Council Plan No 5156 Set AT Sheet 03 detailing signage associated with the installation of time limited 'Bus Zone' signage on Guy Street, Batemans Bay.

The Traffic Officer wrote to the owner and occupiers of the residential complex at 9 Guy Street. This property is an affordable housing complex owned by a not for profit company.

Objections were received by email and phone. The information provided by residents indicates that 9 Guy Street is an affordable housing complex with 18 single bedroom units but it only has on-site parking of four spaces, all of which are marked as disability parking. It was also estimated that there are 13 vehicles owned by residents and most of these are parked on-street as no general off-street parking exists. This highlights the deficiency in parking provided on-site as part of this development.

The Council plan that was posted to the residents showed that the bus zone would take up 20 metres of the kerbside (on-street) parking and leave 13 metres for general parking (two spaces) between the two driveways. To maximise the kerbside parking the Committee agreed that the bus zone would be reduced to 14.5 metres, leaving 17.5 metres for general parking (three spaces) between driveways. It was noted that there was further on-street parking in the immediate vicinity.

The Traffic Officer will send a second letter to the owner and occupiers of 9 Guy Street (including a modified plan) that informs them of the outcomes of Council's considerations.

Recommendation:

That Council Plan No 5156 Set AT Sheet 03 detailing signage for a Bus Zone 8.00am to 5.00pm Monday to Friday and measuring 14.5 metres in Guy Street, Batemans Bay be approved.

**2016.RT.029 Signage and Safety - Canty Street Car Park, Narooma**

There are two public car parks within the Narooma CBD, on the northern side of Canty Street. Both car parks are accessed via a laneway 60 metres to the west of the Princes Highway.

Concerns have been raised on the safety of pedestrians walking between the two car parks. The laneway between the upper (southernmost) car park and lower car park has a St Vincent De Paul charity shop on the eastern side. A near miss was witnessed when several children stepped out onto the laneway in front of an oncoming vehicle.

The Traffic Officer met with the resident and inspected the site. It was determined that to reduce the risk, the end of the footpath in front of the building that leads onto the laneway will have a short length of handrail installed. Together with a concrete infill of

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**IR16/036 LOCAL TRAFFIC COMMITTEE MEETING NO 10 FOR 2015-16**

**E15.9002**

the garden, pedestrians can then walk across to the church or down to the lower car park, entering the laneway with a clear view of vehicles.

To further improve pedestrian and vehicular safety, it is proposed to install 'No Parking' signs on the western side of the laneway and to remove some of the shrubs blocking the view between pedestrians and motor vehicles.

The Committee reviewed Council Plan No 5156 Set AL Sheet 03 detailing the 'No Parking' signage and other safety measures within the Canty Street car park, Narooma.

Recommendation:

That Council Plan No 5156 Set AL Sheet 03 detailing the 'No Parking' signage within the Canty Street car park, Narooma be approved.

**INFORMAL ITEMS FOR DISCUSSION**

There were no informal items for discussion.

**NEXT MEETING**

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 14 July 2016 in the Council's Committee Room commencing at 9.30am.

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**FBD16/043 INVESTMENTS MADE AS AT 30 JUNE 2016**

**E99.3517**

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

Attachments: Nil

Focus Area: Support Services

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

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

**EXECUTIVE SUMMARY**

The purpose of this report is to:

- Certify that Council's investments in financial instruments have been made in accordance with 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 2016 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**

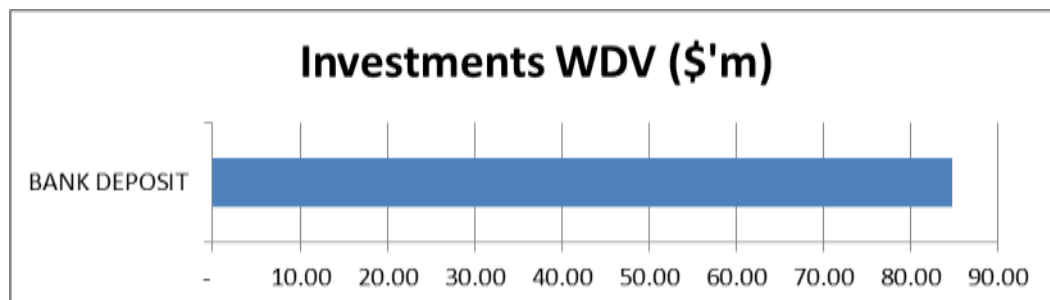
Budgeted legal fees for 2015-2016 are \$0.03m with minor expenditure incurred this year to date. Credit crisis related legal costs for the financial years 2008-2015 were \$0.37m.

**Policy**

Investments comply with Council's Investment policy.

**Financial**

Council Investing Overall



Council has 100% (\$84.82m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$0.75m with IMB (Rated BBB+) and \$3.75m with ME Bank (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.50m and represents 2.95% of the portfolio.

**FBD16/043 INVESTMENTS MADE AS AT 30 JUNE 2016**

**E99.3517**

The weighted average return for all investments for the month is 2.96% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.24%).

Collateralised Debt Obligation (CDO)

Funded legal action against the Fitch rating agency is in the early stages and is likely to continue for some time.

Summary Investment Information

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

CATEGORY	WDV (\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	4,577,902
Term Deposits	77,750,000
Term Deposits Government Guaranteed	2,250,000
	<b>84,827,902</b>
<i>Weighted average Interest %:</i>	2.96%
<i>Average 90 day BBSW + 25%</i>	2.24%

Policy and Liquidity Risk

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

Policy Risk	Low Liquidity Risk %	Medium Liquidity Risk %	High Liquidity Risk %	Total % WDV
<b>Remote Risk</b>	<b>2.90</b>	<b>0.00</b>	<b>0.00</b>	<b>2.90</b>
Policy Limit	100.00	70.00	50.00	
<b>Near Risk Free</b>	<b>91.80</b>	<b>0.00</b>	<b>0.00</b>	<b>91.80</b>
Policy Limit	100.00	50.00	30.00	
<b>Some Limited Risk</b>	<b>5.30</b>	<b>0.00</b>	<b>0.00</b>	<b>5.30</b>
Policy Limit	30.00	20.00	10.00	
<b>At Risk</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Policy Limit	0.00	0.00	0.00	
<b>Grant 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

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**FBD16/043 INVESTMENTS MADE AS AT 30 JUNE 2016**

**E99.3517**

audited unrestricted current ratio as at 30 June 2015 is 3.09:1. Council therefore has approximately \$3.09 of current assets for each \$1 of current liabilities.

**CONCLUSION**

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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**FBD16/044 LAND TRANSFER TO COUNCIL, SEWER PUMP STATION, 14.8434.S/94.6035.S  
GILLAN GROVE, BROULEE**

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 conditions of consent for a subdivision and development at Gillan Grove, Broulee include the requirement for a sewer pump station to service the western precinct of the Broulee area and the dedication to Council of a parcel of land to accommodate the pump station.

Deposited Plan 1213485 has been registered creating Lot 70 for the pump station. Lot 70 DP 1213485 is required to be dedicated to Council free of costs as a condition of that development consent for subdivision. As the property is required for sewerage infrastructure it is appropriate for the land to be classified as operational Land.

The transfer of property to Council is now required. This report recommends Lot 70 DP 1213485 be transferred to Council and classified as operational land.

### **RECOMMENDATION**

THAT:

1. All actions necessary be taken for the transfer of Lot 70 DP 1213485 to Council.
2. All costs associated with the transfer be borne by the developers.
3. In accordance with Section 34 of the Local Government Act 1993 public notice be given of Council's intention to resolve:
  - a. Lot 70 DP 1213485 be classified as operational land.
  - b. A period of 28 days be given for members of the public to make submissions.
4. A further report be received following the notification period.

### **BACKGROUND**

The conditions of consent for a subdivision and development in Gillan Street Broulee include the requirement for a sewer pump station and the dedication to Council of a parcel of land to accommodate the pump station. Deposited Plan 1213485 has been registered creating Lot 70 for the pump station and the land should now be transferred to Council and classified as operational land.

### **CONSIDERATIONS**

A sketch showing the location of Lot 70 DP 1213485 is set out below.



**FBD16/044 LAND TRANSFER TO COUNCIL, SEWER PUMP STATION,  
GILLAN GROVE, BROULEE**

**14.8434.S/94.6035.S**



### **Legal**

The process to have the land dedicated to Council is by way of registration of a Transfer document at the Land and Property Information Office.

As the land accommodates a sewer pump station it is appropriate for the land to be dedicated to Council and to be classified as operational Land.

In accordance with Section 34 of the Local Government Act, public notice must be given of Council's intention to classify the land as operational land and allowing not less than 28 days for receipt of written submissions.

A further report will be presented following the notification period.

### **Policy**

Dedication of the land to Council is by way of development consent.

### **Environmental**

Sewer pump stations are required to service urban expansion.

### **Asset**

The sewer pump station is an asset of Council and will be maintained by Council.

### **Economic Development Employment Potential**

This subdivision and development within Broulee improves employment and growth in the area.

### **Financial**

All costs associated with the transfer of Lot 70 should be borne by the developer as it is a condition of development.

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**FBD16/044 LAND TRANSFER TO COUNCIL, SEWER PUMP STATION, 14.8434.S/94.6035.S  
GILLAN GROVE, BROULEE**

**Community Engagement**

In accordance with the provisions of the Local Government Act, Council's intention to classify the land as operational land is required to be publicly notified and any submissions considered prior to making a decision. The notice will be placed in the local newspaper and public comment will be received for a period of 28 days.

**CONCLUSION**

Lot 70 DP 1213485 is required to be dedicated to Council free of costs as a condition of development consent for subdivision. As the property is required for sewerage infrastructure it is appropriate for the land to be classified as Operational Land.

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<b>FBD16/045</b>	<b>LICENCE FOR SOUTHERN NSW HEALTH FOR CORRIGANS BEACH RESERVE, MALONEYS BEACH AND GEORGE NOBLE PARK, DALMENY</b>	<b>E07.1579; E07.1581</b>
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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 Southern NSW Local Health District has used reserves at Corrigan's Beach, Maloney's Beach and Greg Noble Park, Dalmeny to conduct exercise programs including tai chi for arthritis programs led by volunteers, for a number of years. The current 12 month licences for use of these reserves expired on 30 April 2016.

Corrigan's Beach reserve is within Crown Reserve R66122 for public recreation under the Trusteeship of Eurobodalla (North) Reserve Trust for which Council is Trust Manager. As Trust Manager, Council cannot grant a licence for use of the reserve for a period of greater than 12 months without the consent of the Minister administering the Crown Lands Act.

In accordance with the provisions of Council's Code of Practice '*Licensing of Council controlled public reserves and associated buildings*' an Expression of Interest (EOI) was recently sought from interested parties wishing to conduct activities on Council controlled public reserves for a period of up to five years. Only one submission was received.

The Southern NSW Local Health District has advised its interest in extending the licence agreements for five years.

The relevant reserves at Maloney's Beach and Dalmeny are Council Reserves.

This report recommends a five year licence be granted for Corrigan's Reserve subject to consent from the Minister administering the Crown Lands Act 1989 and five year licences be granted for Council reserves at Maloney's Beach and Greg Noble Park, Dalmeny for Southern NSW Local Health District to continue the tai chi sessions.

### **RECOMMENDATION**

THAT:

1. Subject to consent from the Minister administering the Crown Lands Act, Council as Trust Manager for Eurobodalla (North) Reserve Trust, consent to the granting of a five year licence, in accordance with the provisions of the Crown lands Act 1989, to conduct exercise programs on Crown Reserve R66122 at Corrigan's Beach, Batehaven to Southern NSW Local Health District commencing on 1 July 2016 and expiring on 30 June 2021 with a fee being the minimum Crown statutory fee currently \$471.00 including GST.
2. A five year licence be granted to Southern NSW Local Health District to conduct exercise

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**FBD16/045 LICENCE FOR SOUTHERN NSW HEALTH FOR CORRIGANS BEACH RESERVE, MALONEYS BEACH AND GEORGE NOBLE PARK, DALMENY E07.1579; E07.1581**

programs within Lot 245 DP 569875 at Maloneys Beach and Lot 204 DP 752162 at Dalmeny commencing on 1 July 2016 and expiring on 30 June 2021 for a fee of \$471 including GST, for each site.

3. A donation in the amount of the licence fees be made to Southern NSW Local Health District.

**BACKGROUND**

The Southern NSW Local Health District has been operating from Council controlled reserves in the Shire for a number of years to conduct exercise programs.

In accordance with the provisions of Council’s Code of Practice *‘Licensing of Council controlled public reserves and associated buildings’* an EOI was recently sought from interested parties wishing to conduct activities on Council controlled public reserves for a period of up to five years.

The Southern NSW Local Health District has advised its interest in extending the licence agreements for five years.

All exercise sessions will be booked through Council’s Facilities Booking Officer, selecting an available site within the licence area.

The current licence expired on 30 April 2016 and the Southern NSW Local Health District has requested the granting of five year licences for Corrigan’s Beach, Maloneys Beach and Greg Noble Park Dalmeny. Classes are no longer held at Kyla Park, Tuross Head and will not require a licence for that area.

**CONSIDERATIONS**

Sketches of the licence areas are set out below.



Crown Reserve R66122 – Corrigan’s Beach, Batehaven

**FBD16/045 LICENCE FOR SOUTHERN NSW HEALTH FOR CORRIGANS BEACH  
RESERVE, MALONEYS BEACH AND GEORGE NOBLE PARK,  
DALMENY**

**E07.1579;  
E07.1581**



Part Lot 204 DP 752162, Dalmeny



Part Lot 245 DP 569875, Maloney's Beach

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<b>FBD16/045</b>	<b>LICENCE FOR SOUTHERN NSW HEALTH FOR CORRIGANS BEACH RESERVE, MALONEYS BEACH AND GEORGE NOBLE PARK, DALMENY</b>	<b>E07.1579; E07.1581</b>
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### **Legal**

Corrigans Beach Reserve is a Crown Reserve under Council's care and control as Trust Manager for Eurobodalla (North) Reserve Trust pursuant to Section 95 of the Crown Lands Act. In accordance with Section 108 of the Crown Lands Act Council, as Trust Manager for the Reserve, can issue a temporary licence for a period not exceeding 12 months.

In accordance with the provisions of Council's *'Licensing of Council controlled public reserves and associated buildings'* Code of Practice an EOI was recently sought from interested parties wishing to conduct activities on Council controlled public reserves for a period of up to five years. This process satisfies the requirements of Crown Lands for the consideration of granting licences by way of an open and transparent competitive process.

The Southern NSW Local Health District has advised its interest in conducting tai chi sessions at Corrigans Beach, Maloneys Beach and Greg Noble Park, Dalmeny for a period of five years.

### **Policy**

The EOI was called in accordance with the provisions of Council's Code of Practice *'Licensing of Council controlled public reserves and associated buildings'*. This process satisfies the requirements of Crown Lands for the consideration of granting licences by way of an open and transparent competitive process.

Public liability insurance will be required in accordance with Council policy.

### **Asset**

The proposed activity has a very small impact on the reserves being used.

### **Social Impact**

The exercise programs are aimed at those Shire residents who suffer with arthritis and assists in their wellbeing.

### **Financial**

There is no fee set in Council's adopted fees and charges for conducting small exercise activities. A licence fee based on the Crown Lands statutory minimum fee for licences is considered appropriate. Council could consider waiving the fees by way of a donation in the amount of the fees as it has in previous years.

### **Community Engagement**

EOI's were publicly notified on Council's website and advertised on Council's noticeboard page in two local newspapers giving a period of 56 days for submissions. Only one submission was received.

### **CONCLUSION**

The support of the tai chi for arthritis program run by Southern NSW Local Health District is considered appropriate especially given there is a tangible public benefit and the use of the land will not negatively impact on Council's budget.

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**FBD16/046 LICENCE FOR FUNDRAISING BARBEQUES - NORTH NAROOMA**

**E07.1581**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development  
Attachments: 1. Financial Assistance Donations and Grants Policy  
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 a licence to hold fundraising barbeques at the reserve adjacent to the boat ramp at North Narooma. The latest licence commencing 1 October 2015 expired on 31 March 2016. Marine Rescue has asked for a further twelve month licence to be granted. Given this activity is beneficial to the general public as well as a means for Marine Rescue to raise 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 August 2016 to 31 July 2017 inclusive with a licence fee of \$518.10 including GST.
2. A donation in the amount of \$518.10 be made to Marine Rescue NSW in accordance with the Financial Assistance (Donations and Grants) Policy.

**BACKGROUND**

At its meeting on 28 July 2015 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 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.

**CONSIDERATIONS**

Marine Rescue NSW would like to continue holding barbeques on Saturdays and/or Sundays from 9am to 2pm weather permitting, from 1 August 2016 to 31 July 2017 inclusive. The equipment includes a barbeque which is mounted on a trailer, a strong sun awning to keep the weather off those at the serving table, two eskies for cold drinks and chairs for those working on the barbeque. There will be a Safe Food Handling certificated member at every barbeque.

**FBD16/046 LICENCE FOR FUNDRAISING BARBEQUES - NORTH NAROOMA**

**E07.1581**

**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.

**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.

**Social Impact**

The operation of the barbeque on the reserve provides a service to visitors and residents of the adjacent boat ramp and Bar Beach 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.



**Crown Reserves R52679 and R79308 – Centenary Drive, North Narooma**

**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 \$518.10 including GST.

**Community Engagement**

In accordance with the provisions of Council's Code of Practice '*Licensing of Council controlled public reserves and associated buildings*' an Expression of Interest (EOI) was sought in February



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**FBD16/046 LICENCE FOR FUNDRAISING BARBEQUES - NORTH NAROOMA**

**E07.1581**

2016, from all interested parties wishing to conduct activities on Council controlled public reserves.

No responses were received that conflicted with the request from Marine Rescue NSW for a licence for the use of the reserve adjacent to the boat ramp at North Narooma, therefore under the Code of Practice it is appropriate that this licence application be processed.

**CONCLUSION**

Granting a licence to Marine Rescue NSW will aid the fundraising ability of the organisation and serve to provide a benefit for visitors and residents of the adjacent facilities.



## POLICY

<b>Policy name</b>	Financial Assistance (Donations and Grants)
<b>Responsible manager(s)</b>	Chief Financial Officer
<b>Contact officer(s)</b>	Management Accountant
<b>Directorate</b>	Finance and Business Development
<b>Approval date</b>	10 September 2013

### Purpose

Pursuant to Section 356 of the *Local Government Act 1993*, Eurobodalla Shire Council may at its discretion provide financial assistance (donations & grants) to the community by the following means:

- Governance & Mayoral Donations
- Rates Donations
- Healthy Communities Grant Scheme
- Senior Citizens Week
- Community Development Fund Assistance
- Donation to Not-For-Profit Groups for the use of Land under Council Care & Control
- Eurobodalla Tourism Events Sponsorship

This policy aims to:

- Ensure consistency and fairness in the manner in which the Council deals with financial assistance (donations and grants).
- Promote awareness and ensure compliance with legislative requirements under the *Local Government Act 1993*.
- Provide an integrated framework to take such steps as are appropriate to enable community access to available financial assistance.
- Make Council's policy and requirements for financial assistance readily accessible and understandable to the public.

### Policy statement

<b>1</b>	<b>Application</b> This policy applies to all financial assistance (donations and grants) throughout the Council without exception.
<b>2</b>	<b>Legislation</b> Financial Assistance provided by Council must comply with Section 356 of the <i>Local Government Act, 1993</i> .
<b>3</b>	<b>General Requirements:</b> <ul style="list-style-type: none"> <li>• Financial assistance shall not normally be provided unless it has been disclosed and consulted via the Draft Operational Plan and subsequently included within the adopted Operational Plan (however the Council may approve a budget amendment to authorise an exception).</li> <li>• Donations &amp; Grants will be offered as per the legislation.</li> <li>• Disclosure of financial assistance within the Operational Plan may be on a program basis, and does not necessarily have to disclose specific recipients (although specific disclosure is considered desirable).</li> </ul>



	<ul style="list-style-type: none"> <li>• Decisions as to particular recipients are to be publicly available.</li> <li>• Financial assistance programs will not exceed 5% of the Council’s income from ordinary rates for the year.</li> <li>• Financial assistance programs (or recipients) that may include private gain are to be publicly notified for 28 days in accordance with S356(2) of the <i>Local Government Act 1993</i>. Such programs are to be included in the specific requirements sections of the policy. There are to be policy limits on the maximum assistance provided in any one case.</li> <li>• Financial assistance will only be for the purpose of exercising the Council’s functions.</li> <li>• Where the applicant is registered for goods and services taxation (GST) the Council will add the amount of GST to the approval grant subject to provision of a tax invoice by the recipient.</li> <li>• The Council may employ appropriate ranking criteria including weighted attributes to assist with determination of applications.</li> <li>• The Council may approve assistance on a conditional basis including requiring that it makes payments based on actual costs supported by tax invoices. Furthermore, there should be specific consideration of controls and performance requirements to ensure the financial assistance is correctly spent on any individual amounts (if any) exceeding \$5,000.</li> <li>• The Council requires a recipient’s bank account number to facilitate payment by electronic funds transfer (to minimise administration and costs).</li> <li>• Donations should not be made by way of reductions of fees and charges but rather the fees and charges should still be recognised in full and a donation recognised in the appropriate activity cost centre.</li> </ul>
<p><b>4</b></p>	<p><b>Financial Assistance – Governance Donations:</b>                  This program accounts for financial assistance approved by Council itself (not delegated). Additional applications resulting from submissions on the Operational Plan will also be considered on merit and funding availability.</p> <p><b>Main Criteria for Governance donations:</b></p> <ul style="list-style-type: none"> <li>• Schools and other education establishments may be annually allocated amounts for prize-giving.</li> <li>• Emergency and Surf Life Saving organisations to be granted contributions to operations annually.</li> <li>• Merit sponsorship funding to be considered for individuals or teams that represent the Shire at State or National Levels.</li> <li>• Regional sporting/cultural event sponsorship where there is a direct economic benefit to the Shire.</li> <li>• Bi-annually an amount will be determined in the Operational Plan to be donated to one of the three Chambers of Commerce for the use in Christmas or visitor promotion. Installation of materials to be at the cost of the Chamber.</li> <li>• Prior years’ governance donations and amounts (if any) quoted in this policy are to be annually adjusted at the discretion of Council. Usually by the higher of CPI or IPART determination for rates pegging.</li> <li>• Grants not specifically disclosed in the Operational Plan will be limited to \$500 unless publicly exhibited or in the nature of emergency or disaster relief resolved by Council in a public meeting.</li> </ul>
<p><b>5.1</b></p>	<p><b>Financial Assistance – Mayoral Donations:</b>                  This program is a division of the above Governance Donations program and the same main criteria apply. Generally Governance donations are specifically provided for the</p>



	<p>Operational Plan, however this does not allow for matters of merit that might arise during the year. The Mayor is delegated authority to make donations from budget allocation for special or emergency events, but is to report to Council in conjunction with each quarterly Operational Plan review.</p> <p><b>Mayoral Donations Guidelines</b></p> <ul style="list-style-type: none"> <li>• The application for financial assistance must be in writing.</li> <li>• The financial assistance must fall within the service functions defined by the Local Government Act. If there is any doubt as to whether the donation relates to a function of Council then the matter be referred to Council.</li> <li>• The grant should generally be for sponsorships of one-off community events or for special circumstances for individuals.</li> <li>• The grants must provide community benefits.</li> <li>• Donations may be made where the individual(s) is(are) representing the shire, the State or the country or some significant community pursuit and outcome is likely to be an increase in either the sporting, cultural or social wealth of the shire. In the event of a donation being deemed for personal gain it will need to be placed on public exhibition in accordance with the <i>Local Government Act 1993</i>.</li> <li>• Sponsorship Grants may be to individuals in the form of reimbursement for anticipated expenses not otherwise covered, but are not to be for private, pecuniary or commercial gain.</li> <li>• An individual grant must not exceed \$300.</li> <li>• Where the applicant is a licensed body the matter is to be referred to Council for determination.</li> <li>• Where the beneficiary is likely to be a State or Federal Government function the matter is to be referred to Council for determination.</li> <li>• The total actual donations provided by a Mayor under delegated authority should bear the same relationship to total budget as the Mayor's term of office, so that if another Mayor is elected part way through the financial year there is a commensurate amount of budget remaining to be expended.</li> <li>• The General Manager is to be consulted where there is any doubt as to the potential for a conflict of interest. Where there is any potential for a conflict of interest the General Manager is to prepare a report for the consideration of Council.</li> <li>• A check-sheet is to be provided to the Mayor that reflects the requirements of the policy and to assist in the determination of an application for financial assistance.</li> </ul>
<p><b>5.2</b></p>	<p><b>Financial Assistance – Rates Donations</b></p> <p>This program is also a division of the Governance Donations program and the same main criteria apply.</p> <ul style="list-style-type: none"> <li>• The Council will consider a donation to the annual rates and charges showing on the rates assessment for registered charities and not for profit sporting, social and cultural organisations providing community services/benefits, such as; historical societies, School of Arts, CWA, Public Halls, Pre School Kindergartens, Aquatic and Surf Clubs and the like.</li> <li>• The rates donations can also be applied to rented or leased premises where the applicant is responsible for the rates payment.</li> <li>• Rates donations will not be available to organisations that have licensed premises, or significant commercial or surplus income.</li> <li>• The donations will only apply from the date of the written application on a pro-rata basis (if approved).</li> <li>• The Council will initially allow a provisional amount in the annual budget of \$5,000</li> </ul>



	<p>over and above specific approvals to cover any approvals made during the course of the financial year.</p> <ul style="list-style-type: none"> <li>The General Manager is delegated to approve applications, and is to ensure a report to Council before declining any applications.</li> </ul>
<b>6</b>	<p><b>Financial Assistance – Healthy Community Grants</b></p> <p>Community and Social Development administer this financial assistance to appropriate community groups in accordance with a publicised program.</p> <ul style="list-style-type: none"> <li>Grants are for projects that will improve the health and wellbeing of people in the Eurobodalla.</li> <li>Applications are sought each year and application forms are provided electronically and hard copy.</li> <li>Individual grants are generally \$500. However, amounts may vary and are determined on an individual basis, merit and may be subject to conditions regarding timing of use.</li> <li>Assistance will not be provided where there is private, individual or political gain.</li> <li>Council considers and decides an overall budget each financial year.</li> <li>Applications for assistance are assessed and approved by Council.</li> </ul>
<b>7</b>	<p><b>Financial Assistance – Seniors Week Grants</b></p> <p>Community and Social Development administer this financial assistance to support wellbeing activities during Seniors Week each year.</p> <ul style="list-style-type: none"> <li>Grants are for projects that will improve the health and wellbeing of older people in the Eurobodalla.</li> <li>Applications are sought each year with application forms provided at that time.</li> <li>Individual grants are generally \$500. However, amounts may vary and are determined on an individual basis, merit and maybe subject to conditions regarding timing of use.</li> <li>Assistance will not be provided where there is private, individual or political gain.</li> <li>Council considers and decides an overall budget each financial year.</li> <li>Applications for this financial assistance are assessed by Community and Social Development and approved by Council.</li> </ul>
<b>8</b>	<p><b>Financial Assistance - Donation To Not-For-Profit Groups for the use of Land under Council Care &amp; Control</b></p> <p>Council administers this financial assistance to support not-for-profit group activities during the year.</p> <p><b>Key Criteria:</b></p> <ul style="list-style-type: none"> <li>Evidence of tangible public benefits such as social, sporting and cultural opportunities that meet Council’s perception of “better living”. Desirable benefits might include environmental and economic development outcomes.</li> <li>Licensee may be an incorporated society or incorporated group.</li> <li>Licensee may not be operated for private or pecuniary profit.</li> <li>The use of the land should not negatively impact on Council budget.</li> <li>The land is not used for storage by the licensee.</li> <li>The use of the land by other members of the general public is not unreasonably restricted by the use by the licensee.</li> <li>Membership of the applicant group must be reasonably available to the public.</li> </ul>
<b>9</b>	<p><b>Eurobodalla Tourism Events Sponsorship</b></p> <p>As part of its Tourism budget, Council provides an annual amount for events sponsorship that meets tourism promotion and marketing objectives.</p>



- Financial assistance may on occasion result in private or commercial gain/benefit.
- The overall budget provision will be disclosed within the financial assistance section of the Council’s Operational Plan each year.
- Decisions on the program are delegated to the Divisional Manager, Economic Development.
- The sponsorship is subject to meeting the minimum requirements of the event assistance program and annual budget allocation.
- Sponsorship will be granted on the basis of the level of economic benefit to Eurobodalla.

### Implementation

Requirements	Responsibility
<b>1 Financial Assistance – Governance Donations</b> Applications to be in writing addressed to the General Manager.	Chief Financial Officer
<b>2 Financial Assistance – Mayoral Donation</b> Applications to be in writing addressed to the Mayor.	Executive Assistant to the General Manager & Mayor
<b>3 Financial Assistance – Rates Donations</b> Applications to be in writing addressed to the General Manager.	Chief Financial Officer
<b>4 Financial Assistance – Healthy Community &amp; Seniors Week</b> Application to be obtained from Council.	Divisional Manager, Community Arts & Recreation Services
<b>5 Financial Assistance - Donation To Not-For-Profit Groups for the use of Land under Council Care &amp; Control</b> Applications to be in writing addressed to the General Manager.	Property Manager
<b>6 Eurobodalla Tourism Events Sponsorship</b> Applications to be in writing addressed to the General Manager.	Divisional Manager, Economic Development
<b>5 Concerns</b> Concerns received regarding Financial Assistance will be recorded on council’s Customer Service Request (CSR) or records system and handled in accordance with council’s Customer Service Request policy. They will be used to analyse the history of concerns and to help determine follow up actions.	Council Officers
<b>6 Complaints</b> Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council’s Complaints Policy.	Public Officer
<b>7 Consultation</b> Mayor, General Manager, Divisional Manager Community and Social	Council Officers



Development, Divisional Manager Finance and Governance, Divisional Manager Tourism and Economic Development, Property Manager, and Strategic Planning. Changes to this policy will be placed on public exhibition for 28 days for community comment and submissions.	
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**Review**

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when council’s functions, structure or activities change; or when technological advances or new systems change the way that council manages financial assistance (donations and grants).  
 The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2016.*

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

Performance indicator	Data source(s)
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit
Number of applications received and approved	Council records
Donations and grants do not exceed budget	Council records
No statutory breaches	Council records

**Governance**

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

*Related legislation and policies*

Name	Link
Local Government Act 1993	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/</a>

*Related external references*

Name	Link
Division of Local Government	<a href="http://www.dlg.nsw.gov.au/">www.dlg.nsw.gov.au/</a>

*Change history*

Version	Approval date	Approved by	Min No	File No	Change
1	24 Nov 2009	Council	09/369	E09.3418	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated.

*Internal use*

Responsible officer	General Manager	Approved by	Council
Min No	13/272	Report no	O13/56
File no	E13.7095	Review date	Sep 2016
		Effective date:	10 Sep 2013
		Pages:	6

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**FBD16/047 LICENCE FOR AGRICULTURAL PURPOSES, MORUYA**

**E00.4465**

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development  
Attachments: 1. Confidential - Licence for Agricultural Purposes  
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 Moruya Sewage Treatment Works is located on operational land at the eastern end of Queen Street, Moruya. Part of the land, being Lots 61, 62 and part Lot 58 DP 244154, is not currently required for sewerage operation purposes. It has been licensed to a neighbouring landowner for grazing cattle for many years. The current licence terminates on 31 August 2016.

*At its Ordinary meeting held on 8 March 2016 Council resolved in part:*

1. *A tender be called for the granting of a licence for a term of two years with three one-year options for agricultural purposes within Lots 61 and 62 and part Lot 58 DP 244154.*
2. *A further report be received following the receipt and evaluation of tenders.*

This report outlines the tender process for Request for Tender (RFT) 2016/FBD129 for licence over Lots 61 and 62 and part Lot 58 DP 244154 – Moruya for agricultural purposes. One tender was received and it is recommended to accept the tender received.

**RECOMMENDATION**

THAT

1. Council endorse the preferred tenderer within the confidential attachment for licence over Lots 61 and 62 and part Lot 58 DP 244154 Moruya for agricultural purposes.
2. A licence be granted to the tenderer for a term of two years with three one-year options for agricultural purposes in accordance with the provisions of the current licence with a rental as set out in the confidential attachment.

**BACKGROUND**

The Moruya Sewage Treatment Works is located on operational land at the eastern end of Queen Street, Moruya. Part of the land, being Lots 61, 62 and part Lot 58 DP 244154, is not currently required for sewerage operation purposes. It has been licensed to a neighbouring landowner for grazing cattle for many years.

The existing licence with the current licensee expires on 31 August 2016.

*At its Ordinary meeting held on 8 March 2016 Council resolved in part:*



**FBD16/047 LICENCE FOR AGRICULTURAL PURPOSES, MORUYA**

**E00.4465**

1. *A tender be called for the granting of a licence for a term of two years with three one- year options for agricultural purposes within Lots 61 and 62 and part Lot 58 DP 244154.*
2. *A further report be received following the receipt and evaluation of tenders.*

The report to the 8 March 2016 meeting included that future rent would be determined by responses to the tender.

Public tenders were sought by advertisement in local papers and on the Council website from 1 June 2016 with the closing date of 29 June 2016. One tender was received.

**CONSIDERATIONS**

The plan below shows the licence area edged in yellow.



**Legal**

The subject land is classified as operational land. Public tender was sought for the licensing of the land for agricultural purposes.

**Policy**

The subject tendering activity was conducted in accordance with the Local Government (General) Regulation 2005, Department of Local Government (DLG) Tendering Guidelines for NSW Local Government, Council's Procurement Policy and its Tendering Code of Practice.

The RFT met the advertising requirements of Local Government (General) Regulation 2005 – Regulation 167, publishing a notice in 'relevant newspapers' as defined within Regulation 164.

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**FBD16/047 LICENCE FOR AGRICULTURAL PURPOSES, MORUYA**

**E00.4465**

**Environmental**

The land available is suitable for either cropping or animal grazing. Recycled water/treated effluent may be available from the adjoining treatment works for the licensee to use. It will be the licensee's responsibility to ensure any use of treated effluent is permissible for their specific use of the land.

**Asset**

The 7.4 hectares is currently not required for sewerage purposes and licensing of the land for agricultural purposes is the best use.

**Financial**

The amount for rental in the tender received is noted on the confidential attachment to this report.

**Community Engagement**

Public tenders were sought by advertisement in local papers and on the Council website from 1 June 2016 with the closing date of 29 June 2016.

**CONCLUSION**

One tender was received following the tender process and is considered a viable tender.

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**FBD16/048 LEASE TO SERVICE NSW FOR CO-LOCATION AT MORUYA  
ADMINISTRATION BUILDING**

**E16.0246**

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

Attachments: 1. Confidential - Floor Plan - Moruya Administration foyer  
2. Confidential - Lease terms and rental

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**

Service NSW contacted Council in January 2016 to determine if Council was interested in co-locating with Service NSW. It offered to assist in capital costs for refurbishment as well as pay rent to co-locate its operation as a shared space in the foyer of the Moruya Administration Building.

Service NSW approached Council to lease 100 square metres of the foyer area of the Moruya Administration building. Co-location is an opportunity to create a services 'hub' in rural and regional communities – customers can save time by carrying out all their government business in a single trip rather than make multiple trips to many locations. Co-location with other organisations such as councils gives communities access to hundreds of transactions not available from single agency shop fronts such as motor registries.

Sharing resources with Service NSW makes economic and financial sense for rural and regional councils.

The co-location of Service NSW provides the opportunity to Council to fully utilise the space of the foyer, rejuvenate the customer contract area and create an additional source of income. The benefit to the community is to have one location to access both Local and NSW Government services. Council's Narooma Library currently co-locate with Southern Area Health Service which has proven to be of community benefit.

### **RECOMMENDATION**

THAT

1. A lease be granted to Service NSW for 100 square metres of the foyer area of the Moruya Council Administration building with terms and conditions including:
  - i) Term of two years with an option for a further one year.
  - ii) Annual rental as noted in the confidential attachment to this report.
2. The General Manager be given delegated authority to negotiate the final details of the lease.
3. The Council seal to be affixed to the Service NSW lease agreement.

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**FBD16/048 LEASE TO SERVICE NSW FOR CO-LOCATION AT MORUYA  
ADMINISTRATION BUILDING**

**E16.0246**

**BACKGROUND**

Service NSW contacted Council in January 2016 to determine if Council was interested in Service NSW co-locating its operation as a shared space in the foyer of the Council Moruya Administration Building.

The Service NSW model is to centralise services so the community can access a broad range of NSW Government services such as Roads and Maritime Services (RMS) and Births, Deaths and Marriage Certificates. It is noted that Centrelink is a Commonwealth Service and is not part of Service NSW.

In consultation with the Planning and Customer Service Teams and Service NSW, the proposed floor plan was developed (floor plan attached). It is proposed the tenancy to Service NSW will include a foyer area, service desk and waiting area with access to shared staff bathrooms, kitchen, lunch room and meeting areas. Service NSW also require two car spaces designated for driver testing (position of these addressed below).

Council's customer service contact area will move to the space directly in front of the public entry doors and Service NSW will be located in the space vacated by customer service, to the right of the entry doors.

Council has obtained a valuation report on the space from Opteon Property Group in June 2016 and a rental amount has been reached through negotiation with Service NSW.

Service NSW provides customers with access to more than 850 services and transactions from 40 different NSW Government agencies. Service NSW brings together, under the one roof, transactions provided by Roads and Maritime Services; Fair Trading; Registry of Births Deaths and Marriages; Housing NSW; Family and Community Services; Office of Liquor, Gaming and Racing and Office of State Revenue, with more services to be added over time.

The co-located Service Centre in Moruya will form a key part of the Service NSW network in the Bega region and on the South Coast. It is noted Service NSW has 36 other agreements with 32 local councils across the state.

The current visitations at the Motor Registry in Moruya is 100 customers per day, adding a 20% margin to this figure, it is expected the Service NSW staff will serve an average of approximately 120 customers per day with Council's foot traffic being approximately 95 customers per day.

Additional parking is being investigated utilising the overflow area behind the Council administration building as well as considering the configuration of the current parking area at the front of the building.

Council will project manage the combined fit out so that the foyer area will be uniform.

The attached floor plan shows that meeting room 2 will be demolished to accommodate the Service NSW Service Desk. Meeting room 2 bookings over the past 12 months averaged out at

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**FBD16/048 LEASE TO SERVICE NSW FOR CO-LOCATION AT MORUYA  
ADMINISTRATION BUILDING**

**E16.0246**

five bookings per week. Council will still have five meetings rooms and the training room. Further meeting rooms are being investigated upstairs where Horizon Credit Union is vacating. Council's Facilities Coordinator will be looking at possible locations for another meeting room subject to a storage audit.

It is proposed that the two driver testing parking areas will be located in Vulcan Street on the golf course side. Service NSW have advised that if pedestrian traffic becomes an issue due to driver testing they will support a pedestrian crossing.

Service NSW will have approximately five staff who will have access to shared amenities such as bathrooms, kitchen, lunch rooms and parking. The sharing of these amenities is unlikely to have an impact on Council staff as similar arrangements have been in place with Horizon Credit Union staff, with no issues.

**CONSIDERATIONS**

**Legal**

The term of the lease will be for two years with an option for a further one year.

**Asset**

Rejuvenation of the front foyer area with substantive support of NSW Government.

**Social Impact**

Co-location is an opportunity to create a services 'hub' in our community – customers can save time by carrying out all their government business in a single trip rather than make multiple trips to many locations. To have one location to access both Local and NSW Government Services would be of great benefit to the community.

**Economic Development Employment Potential**

The co-location of services can provide employment stability.

**Financial**

Rental and refurbishment financial details are noted in the confidential attachment to this report.

**Community Engagement**

A media campaign, in unison with Service NSW, will be launched closer to the opening date to inform the community of the newly available services.

Council staff will be informed of this proposal in an information session to be held in the Council Chamber and a report will be tabled at the next available Staff Consultative Committee.

**CONCLUSION**

Sharing resources with Service NSW makes economic and financial sense for rural and regional councils and it is recommended that Council endorses the signing of a lease with Service NSW and the construction of the combined customer service area.

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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:

#### **CON16/018 Financial Matter**

Item CON16/018 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **CON16/019 Financial Matter**

Item CON16/019 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **CON16/020 Financial Matter**

Item CON16/020 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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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.



<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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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<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.