



# **AGENDA**

**Ordinary Meeting of Council**

**11 September 2018**



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

**ON TUESDAY 11 SEPTEMBER 2018**

**COMMENCING AT 10.00AM**

**AGENDA**

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

- 1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE**
- 2. APOLOGIES**  
Nil
- 3. PUBLIC FORUM (AGENDA ITEMS ONLY)**
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
4.1 Ordinary Meeting held on 28 August 2018
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)
- 6. MAYORAL REPORTS**  
MR18/006 Notification oversight..... 3
- 7. NOTICES OF MOTION**  
NOM18/012 Logging in Corunna State Forest ..... 5
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil
- 9. PETITIONS**  
Nil
- 10. GENERAL MANAGER'S REPORTS**  
GMR18/019 Funding Offer - Eurobodalla Foreshore Masterplanning and

**Page No.**

	Adventure Trails Strategy.....	6
GMR18/020	Tender - Work Health and Safety Management System .....	8
<b>11.</b>	<b>PLANNING AND SUSTAINABILITY REPORTS</b>	
PSR18/074	Food Inspection Status Report 2017-18 .....	11
PSR18/075	Regulatory Action Status Report 2017-18 .....	16
PSR18/076	Onsite Sewage Management System Status Report 2017-18 .....	21
PSR18/077	Onsite Sewage Management Code of Practice.....	25
PSR18/078	Alcohol restricted zones and reserves .....	52
PSR18/079	Exemption Request - Swimming Pools Act - 76 Burri Point Road Guerilla Bay .....	64
PSR18/080	Tender - Principal Design Consultant and Sub-Consultant Services and Budget Allocation - Mackay Park Project.....	67
<b>12.</b>	<b>INFRASTRUCTURE REPORTS</b>	
	Nil	
<b>13.</b>	<b>CORPORATE AND COMMERCIAL SERVICES REPORTS</b>	
	Nil	
<b>14.</b>	<b>COMMUNITY, ARTS AND RECREATION REPORTS</b>	
CAR18/031	Captain Oldrey District Sports Park Landscape Masterplan .....	70
<b>15.</b>	<b>DELEGATE REPORT</b>	
<b>16.</b>	<b>URGENT BUSINESS</b>	
<b>17.</b>	<b>DEALING WITH MATTERS IN CLOSED SESSION .....</b>	<b>76</b>
<b>18.</b>	<b>CONFIDENTIAL MATTERS</b>	

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

---

MR18/006 NOTIFICATION OVERSIGHT

File Ref: 05.9178

Attachments: Nil

### **EXECUTIVE SUMMARY**

It has been brought to Council's attention that a number of community members who made a submission to the Rural Lands Strategy Planning Proposal had not received a notification letter from Council advising that the matter was being considered by Council at its ordinary meeting on 28 August 2018.

A review has identified that due to a technical error a number of people were not notified.

Council staff have since contacted those people who did not receive notification, to issue an apology and to extend an invitation to address Council at the meeting of 11 September 2018. This opportunity is not intended for those who were previously notified or who have already addressed Council.

All submissions received at Council up until the Council report was prepared, had been considered by Council when it made its decision on 28 August 2018. This includes the 205 submissions from members of the public who were not notified of the Council Meeting due to a technical error.

### **RECOMMENDATION**

THAT community members who made a submission to the Rural Lands Strategy Planning Proposal and did not receive a notification letter indicating that the matter was being considered by Council on 28 August 2018, have not already addressed Council and have now received an invitation, be provided with the opportunity to address Council during Public Forum on 11 September 2018, in accordance with the intention provided.

### **REPORT**

A total of 550 submissions were received to the planning proposal. After investigation, it was identified that due to a technical issue, some of the email notification letters were not sent. As a result, 205 people who had made their submission via email did not receive notification that the Rural Lands Strategy was being considered by Council at its meeting on 28 August 2018.

Whilst there is no legal obligation to notify, and failing to do so does not legally impact on Council's decision, Council would like to provide the same opportunity afforded to other community members who made a submission.

Council staff have since contacted the people to issue an apology and to extend an invitation to address Council on their submission to the Rural Lands Strategy Planning Proposal at its meeting on 11 September 2018. This opportunity is not intended for those who were previously notified or who have already addressed Council.

Council undertook extensive communication activities on the matter which included an article published in Council news on 16 August 2018 which reached 2915 email recipients, a media release issued on 13 August 2018 titled 'Clarity around Rural Lands Strategy', the Mayor's message issued on 23 August 2018 and a letter to the editor of the Canberra Times dated 13 August 2018. In addition, a slider was created on Council's homepage, which highlighted

---

**MR18/006 NOTIFICATION OVERSIGHT**

**05.9178**

the issue to all visitors to Council's webpage. Furthermore, I undertook three radio interviews via ABC South East and 2EC.

It is important to note that of the 21 speakers at the meeting on 28 August 2018, eight of the speakers made a submission and did not receive the notification letter and five speakers did not make a submission and therefore would not have been sent a notification letter.

All submissions received by Council up until the Council report was prepared, were considered by Council when it made its decision on 28 August 2018. This includes the 206 submissions from members of the public who were not notified of the Council Meeting due to a technical error.

The resolution of 28 August 2018 regarding the Rural Lands Strategy has not been enacted and will not be enacted until after the Council meeting on 11 September 2018.

---

**NOM18/012      LOGGING IN CORUNNA STATE FOREST**

E00.4163

Responsible Officer: Anthony Mayne - Councillor

Attachments:          Nil

Councillor Anthony Mayne has given notice that at the Ordinary Meeting of Council on 11 September 2018, he will move the following motion.

**MOTION**

THAT Council write to Forestry Corporation NSW requesting that they consider increasing the exclusion zone to 50 metres along both sides of the Princes Highway within Corunna State Forest compartment 3058 to minimise the potential adverse impact on the visual amenity and associated tourism values of the area.

**BACKGROUND**

Council has received representations from Mr Ramsay regarding his concerns about the proposed logging within compartment 3058 of Corunna State Forest. In particular, Mr Ramsay has expressed his concerns about the impact of the logging on the environmental and scenic values of the area and subsequently the impact on tourism.

I acknowledge that the approval process and management of logging is outside the control of Council, Mr Ramsay has raised concerns about the visual impact and suggested ways that this can be mitigated that I believe Council should raise with Forestry Corporation NSW.

The highway corridor through the Corunna State Forest provides important natural forest vistas that form part of the key environmental values that underpin our significant tourism industry.

The provision of appropriate buffers between the Highway and the logging activities will protect the visual amenity of the area and the tourism industry whilst having minimal impact on the forestry activities.

I recommend that Council write to Forestry Corporation NSW requesting that they increase buffers along the highway to minimise the potential adverse impact on the visual amenity and associated tourism values of the area.

---

**GMR18/019 FUNDING OFFER - EUROBODALLA FORESHORE MASTERPLANNING AND ADVENTURE TRAILS STRATEGY E18.1636**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.3 Advocate and collaborate to advance the region and address local issues

Operational Plan Link: 9.1.3.2 Seek sources of funding to implement community vision

### **EXECUTIVE SUMMARY**

This report seeks to inform Council of the offer of \$100,000 in grant funding from the Commonwealth Government under the Building Better Regions Program – Community Investment Stream administered by the Department of Industry, Innovation and Science. This program offer grants to communities across Australia to support the provision of strategic regional plans, and leadership and capability strengthening activities.

### **RECOMMENDATION**

THAT Council endorses the action taken to accept the offer of funding.

### **BACKGROUND**

Council submitted a funding application in December 2017 seeking a contribution to the development of Foreshore Masterplans in Narooma, Moruya and Batemans Bay and the development of an Adventure Trails Strategy. Council was advised of their success in securing \$100,000 towards this community strategic planning project.

### **CONSIDERATIONS**

The need for masterplans has been identified in the Recreation and Open Space Strategy as a high priority (N21 N23 S3) and the trail strategy has been identified as an action item in the Destination Management Plan.

#### **Social Impact**

This project meets an identified community need and will result in improved strategic planning processes to benefit residents and visitors.

#### **Financial**

This project has been included in the 2018-19 budget.

### **CONCLUSION**

Council has been offered \$100,000 in funding under the Building Better Regions Program – Community Investment Stream towards the development of Foreshore Masterplanning and Adventure Trails Strategy.



---

**GMR18/019   FUNDING OFFER - EUROBODALLA FORESHORE MASTERPLANNING   E18.1636**  
**AND ADVENTURE TRAILS STRATEGY**

The grant funding from the Building Better Regions Program is welcomed. This grant has been formally accepted.

---

**GMR18/020 TENDER - WORK HEALTH AND SAFETY MANAGEMENT SYSTEM**

**E18.1581**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Confidential - Tender Evaluation  
2. Confidential - Negotiation Plan

Outcome: Innovative and Proactive Leadership

Focus Area: 9.3 Leverage our skills, knowledge and systems to continually improve and innovate

Delivery Program Link: 9.3.2 Continue to be an organisation people want to work for

Operational Plan Link: 9.3.2.5 Implement Work, Health and Safety strategy

### **EXECUTIVE SUMMARY**

This report outlines the evaluation of offers submitted in response to Request for Tender No. RFT 2018/ORG065 and provides a recommendation for the preferred source of service provider.

### **RECOMMENDATION**

THAT Council

1. Endorses the selection of the preferred tenderer listed for RFT 2018/ORG065 Work Health and Safety Management System within the Confidential Attachment.
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, after a negotiation period to confirm the terms and conditions of contract. If this is not successful, negotiations will be held with the next highest bidder until the terms and conditions of contract are agreed.

### **BACKGROUND**

A requirement exists for the development of a work health and safety management system for all of Council. A safety management system is a systematic approach to managing safety, including organisational structures, accountabilities, policies and procedures. An organisational safety management system is implemented to ensure that when a task is carried out in the workplace, every precaution has been taken to reduce the likelihood of there being an incident that leaves someone injured.

Council has a legal obligation to ensure a safe workplace and the work health and safety management system will be the tool used to meet this obligation. The development of a work health and safety management system that is compliant to ISO45001.2018 *Occupational Health and Safety Management Systems– Requirements with guidance for use*, the international standard that provides a minimum standard for a WHS system, will also allow Council to bid for external works, such as with the Road and Maritime Services.

RFT No. 2018/ORG065 was advertised on 26 June 2018 with a closing date of 25 July 2018. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 20 July 2018:

---

**GMR18/020 TENDER - WORK HEALTH AND SAFETY MANAGEMENT SYSTEM**

**E18.1581**

- Virtual Safety Manager
- JTA Health Safety and Noise Specialists Pty Ltd
- Jardine Lloyd Thompson Pty Ltd
- Globalnet Solutions Australia Pty Ltd
- Australian Quality Assurance and Superintendence Pty Ltd

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

### **CONSIDERATIONS**

#### **Legal**

RFT No. 2018/ORG065 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and the *Local Government Act 1993*.

The tender was advertised on Council's noticeboard page in two local papers, in the Sydney Morning Herald and at the e-tenders website [tenders.nsw.gov.au](https://tenders.nsw.gov.au).

Prior to 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 excellent value for money for Council and has met all the mandatory criteria, with the highest score in each evaluation category.

#### **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*.

#### **Financial**

Funds have been allocated within the existing budget for the development of the Work Health and Safety Management System. These funds are sufficient to cover the cost within the current operational budget.

### **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 excellent value for money.

The preferred tenderer as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the requirement if contract terms and conditions can be agreed.

---

**GMR18/020 TENDER - WORK HEALTH AND SAFETY MANAGEMENT SYSTEM**

**E18.1581**

If contract negotiations are not successful, negotiations will be held with the next highest bidder until the terms and conditions of contract are agreed. It is noted that no material changes to the contract terms and conditions will be accepted.

---

**PSR18/074 FOOD INSPECTION STATUS REPORT 2017-18**

**E80.1313**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services  
Attachments: Nil  
Outcome: Strong Communities, Desirable Lifestyle  
Focus Area: 1.1 Work in partnership to ensure safety at home and within the community  
Delivery Program Link: 1.1.2 Deliver legislated health protection and regulatory programs  
Operational Plan Link: 1.1.2.1 Undertake the food inspection program

**EXECUTIVE SUMMARY**

This report provides a summary of Council's Food Inspection Program for the 2017-18 financial year. The program aims to ensure retail food is safe, suitable for human consumption and correctly labelled.

There is a statutory obligation for Council to undertake routine inspections of retail food premises. Council commenced these food inspections in January 2009 under the Food Regulation Partnership with the NSW Food Authority.

In 2017-18 Eurobodalla food businesses achieved 96% compliance with the *Food Standards Code 2016*. There were 375 inspections of 213 fixed premises which resulted in only six premises requiring re-inspections, where actions were required to improve food safety.

**RECOMMENDATION**

THAT the Food Inspection Report 2017-18 be received and noted.

**BACKGROUND**

Council has inspected retail food premises as required by the provisions of the *Food Act 2003* since 2009. In accordance with this legislation, Council must: undertake inspections and enforcement; investigate food complaints; participate in food recalls; collaborate on single-case food borne illness investigations and provide reports to the NSW Food Authority.

From the 2009-2010 to the 2016-2017 financial year Council inspected all high risk (eg supply to vulnerable populations) premises twice per year and medium risk (most hospitality types) premises a minimum of once per year, and in the main twice per year. Low risk premises (bottle shops, newsagents) are inspected on complaint only. Where significant food safety issues were identified a re-inspection may also have been carried out.

In the 2017-2018 year the NSW Food Authority made the introduction of the new Food Premises Assessment Report (FPAR) compulsory. The new FPAR deducts points for each breach of the *Food Standards Code 2016* and allocates a final score for the premises. This approach paves the way for the state wide introduction of the Scores-on-Doors program.

---

**PSR18/074 FOOD INSPECTION STATUS REPORT 2017-18**

**E80.1313**

Council developed a Risk-Based Food Inspection Program designed to comply with the Scores-on-Doors program. Following a public exhibition period, Council adopted a risk based Food Inspection Policy at its meeting of 17 February 2018 (PSR 18/002). The new program commenced on 1 July 2018.

Under the new program Council will award certificates and reward 5 Star premises by reducing their inspections from two inspections per year to one inspection per year. This will result in a reduction in cost to the operator of the food premises.

Council meets with other councils from the south east and the NSW Food Authority, as part of the South East Regional Food Group forum. These meetings are held three times each year.

**CONSIDERATIONS**

At the end of the 2017-18 financial year there were 213 fixed food businesses in Eurobodalla. Over 80% of these premises are high risk. There are 55 registered temporary stalls, inspected at the various markets and events held in Eurobodalla and 20 registered mobile food vendors who are inspected annually by appointment.

Council submits an annual report to the NSW Food Authority providing data on the food inspection program each financial year.

All retail food businesses in the Eurobodalla must register with Council and these registrations are updated on the Public Health Register.

Council continues to provide "I'M ALERT" an Environmental Health Australia (EHA) food safety training link, from its website. On completion participants can print a certificate.

Fees are charged for administration and inspections in accordance with the Food Act provisions and Council's Fees and Charges. Statutory fees are also charged where it is necessary to issue an Improvement Notice. During 2017-18 the inspection fee was \$183.00 and an annual administration fee was \$187.00.

**Table 1: Summary of the Council's food inspection program from 2009-10 to 2017-18**

	2009-10	2010-11	2011-12	2013-14	2014-15	2015-16	2016-17	2017-18
Inspections (fixed premises)	449	434	424	419	387	398	400	375
Re-inspections	38	11	14	27	40	37	9	17
Improvement Notices	8	3	8	3	10	2	7	11
Warning letters	17	15	23	55	29	12	15	6
Complaints	12	10	17	11	10	13	12	8
Penalty Infringement Notices	0	0	4	0	0	1	0	3

---

**PSR18/074 FOOD INSPECTION STATUS REPORT 2017-18**

**E80.1313**

**Table 2: Star Rating Inspection Results 2017 – 2018**

<b>Star Rating</b>	<b>Number of premises at last inspection</b>
5 Star (0 – 3 points deducted)	127
4 Star (4 – 8 points deducted)	55
3 Star (9 – 15points deducted)	17
Fail - No Star (>15 points deducted)	14
<b>Total</b>	<b>213</b>

Star rating inspection results utilised the Scores on Doors methodology and will be implemented in 2018-19. Food premises that achieve a 5 Star will be inspected once per annum (medium risk) and only where ongoing high compliance is achieved.

**Legal**

The NSW Food Authority's Compliance and Enforcement Policy sets out the criteria for deciding appropriate enforcement action. Enforcement action may include an Improvement Notice, Prohibition Order, seizure of food items, Penalty Infringement Notice (PIN) or court action. Council utilises a graduated compliance response with a strong focus on collaboration and education, resulting in a high level of compliance with the Food Standards Code.

Enforcement Action

Where collaboration and education do not achieve safe food handling practices enforcement action may be taken. Enforcement action can include (in order of escalation):

- Re-inspection
- Improvement Notice
- Prohibition Order
- Seizure of food items
- Penalty Infringement Notices

Education and Collaboration

The time taken for an inspection is often evenly divided between observing practices and providing practical advice on safe food handling. This approach means that in most cases any unsafe practices are rectified at the time of inspection.

Food premises are provided information on how to keep up to date between inspections and are alerted to changes in NSW Food Authority guidelines or emerging key issues. Recent changes regarding the requirements for raw egg products, and Salmonella outbreaks associated with cut melons are examples of practical safe food handling advice that Council will provide to operators during an inspection.

Re-inspection

When required a premises may be re-inspected to achieve compliance to the Food standards Code 2016. Where the re-inspection identifies continued non-compliance further re-

---

**PSR18/074 FOOD INSPECTION STATUS REPORT 2017-18**

**E80.1313**

inspections may be required to achieve compliance. An inspection fee is charged for each re-inspection as these inspections are avoidable and require substantial council resources.

Warning letters - used in conjunction with re-inspections where there is a significant public health risk or persistent failure to comply.

Improvement Notices - used where the business is sufficiently unsatisfactory or structurally defective that urgent action is required. A statutory fee (\$330) applies, which covers the cost of the service of the Notice and a single follow up inspection.

Prohibition Order -are served by Council where an Improvement Notice has not been complied with and/or it is necessary to prevent or mitigate a serious danger to public health. No Prohibition Orders were issued during the reporting year.

Penalty Infringement Notices -are issued where any detected non-compliance is an immediate threat to public health or where a premises has repeated episodes of the same non-compliance. Council issued three Penalty Infringement Notices in the reporting year.

**Policy**

Council developed a Risk-Based Food Inspection Policy designed to comply with the Scores-on-Doors program and reward food businesses that continually achieve high compliance by reducing the frequency of inspections, thereby saving on inspection costs.

This program was adopted at the Ordinary Meeting of Council on 17 February 2018 (PSR 18/002), and commenced on 1 July 2018.

**Social Impact**

Compliance with the Food Standards Code provides significant long term health benefits for the Eurobodalla community and visitors by reducing the risk of food borne illness for consumers.

**Economic Development Employment Potential**

The retail food sector is an important source of income and employment in the Eurobodalla. A high level of compliance to food safety is essential to the continued success of this sector

**Financial**

Fees are charges for administration of the food inspection program and for the conduct of inspections. These fees are in accordance with the Food Act 2003 and Council's Fees and Charges.

During the 2017-18 financial year the inspection fee was \$183.00 and the administration fee was \$187.00.

Total revenue for 2017-18 was \$112 578 and the total costs were \$130 475. Note that it is anticipated that there will be a reduction in revenue in 2018-19, associated with reduced inspections for 5 Star food premises.

**Community and Stakeholder Engagement**

Council's designated officers actively engage in education and provision of technical information to food premises.



---

**PSR18/074 FOOD INSPECTION STATUS REPORT 2017-18**

**E80.1313**

**CONCLUSION**

The food inspection program has been implemented successfully over the past nine years with a high level of compliance by the operators of food premises. This strengthens confidence that safe food is being provided to the community and has a flow on effect into the recreational and tourism sectors. The introduction of the Food Inspection Policy will enable food premises to reduce their inspection regime, display Scores on Doors results and increase consumer confidence where they achieve high levels of compliance.

---

**PSR18/075 REGULATORY ACTION STATUS REPORT 2017-18**

**02.6718**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services  
Attachments: Nil  
Outcome: Strong Communities, Desirable Lifestyle  
Focus Area: 1.1 Work in partnership to ensure safety at home and within the community  
Delivery Program Link: 1.1.2 Deliver legislated health protection and regulatory programs  
Operational Plan Link: 1.1.2.4 Monitor, inspect and respond to issues in relation to public safety

**EXECUTIVE SUMMARY**

This report provides details on the activities of the Public and Environmental Health and Compliance Team (team) for the 2017-18 financial year.

The team dealt with approximately 12,100 telephone calls during the 2017-18 financial year. An estimated 23% of calls generate a formal Customer Service Request (request), with the remaining 77% of calls dealt with through education and communication.

The 2017-18 financial year saw a 31% increase from the previous year with the team responding to 2,776 formal Customer Service Requests. These include matters such as: vegetation, land clearing, burning (wood fires and open burning), pollution, noise, animal control, livestock, litter, waste, Illegal dumping, abandoned vehicles, parking, erosion control, unauthorised development and public health.

Regulatory and compliance actions are undertaken in accordance with legislation and Council policy, which are in place to ensure the health and safety of the public and the environment.

Updates on the Food Inspection and Onsite Sewage Management System programs are provided in separate reports to Council.

**RECOMMENDATION**

THAT the Regulatory Action Status Report 2017-18 be received and noted.

**BACKGROUND**

Public and environment health and compliance is a broad area of operations and includes the requirement to implement legislative requirements and Council policy fairly and consistently.

The team is responsible for routine monitoring and the provision of advice and education for areas such as: swimming pools, beach watch, estuary health program, sediment and erosion controls, air pollution, animal control, litter and illegal dumping, and stormwater matters. In addition, support services are provided to waste and water and sewer services to meet licence monitoring requirements.

**PSR18/075 REGULATORY ACTION STATUS REPORT 2017-18**

**02.6718**

The following data provides a summary of requests and compliance activity during the 2017-2018 financial year. Officers also attend to additional matters during the course of their normal duties and patrols, such as dealing with complainants in the field, ad hoc animal related issues and addressing emergency situations. These issues are not captured in this report.

Customer Service Requests (requests)

During the 2017-2018 financial year, the team dealt with 2,776 requests, the breakdown of which can be seen in the following graph. 52% of the issues relate to animal control, with general regulatory (vehicles, parking, signs, illegal dumping/littering, sediment and erosion control, prohibited activities on public lands, environmental concerns) accounting for 21%, pollution (7%), development and land clearing (9%), health (8%) and trees (3%).

There is an increasing number of Customer Service Requests each year, with a 31% increase from last year 2016-17, and a 68% increase from 2011-2012 financial year figures.

Graph 1: Customer Service Requests 2017-2018

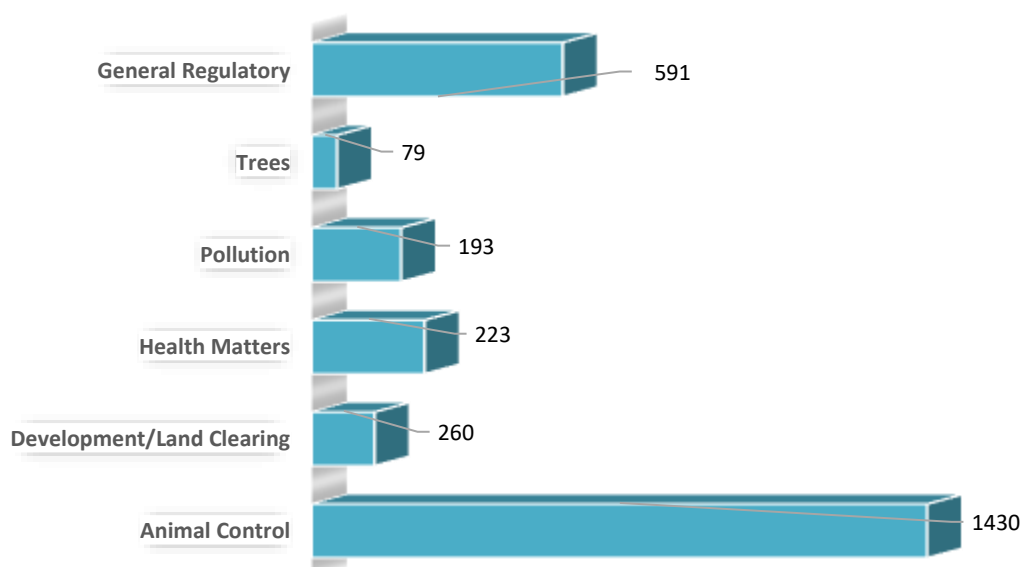


Table 1: Customer Service Requests 2011-2012 to 2017-2018 financial years

	2011-12	2012-13	2013-14	2014-15	2015-16	2017-18
Animal control	1050	968	1233	1153	1041	1430
Development/land clearing	85	150	145	117	139	260
Health matters	136	158	165	211	212	223
Pollution	124	158	155	167	139	193
Trees	46	36	37	47	34	79
General regulatory	216	244	408	470	557	591
<b>TOTAL</b>	<b>1657</b>	<b>1714</b>	<b>2143</b>	<b>2165</b>	<b>2122</b>	<b>2776</b>

**PSR18/075 REGULATORY ACTION STATUS REPORT 2017-18**

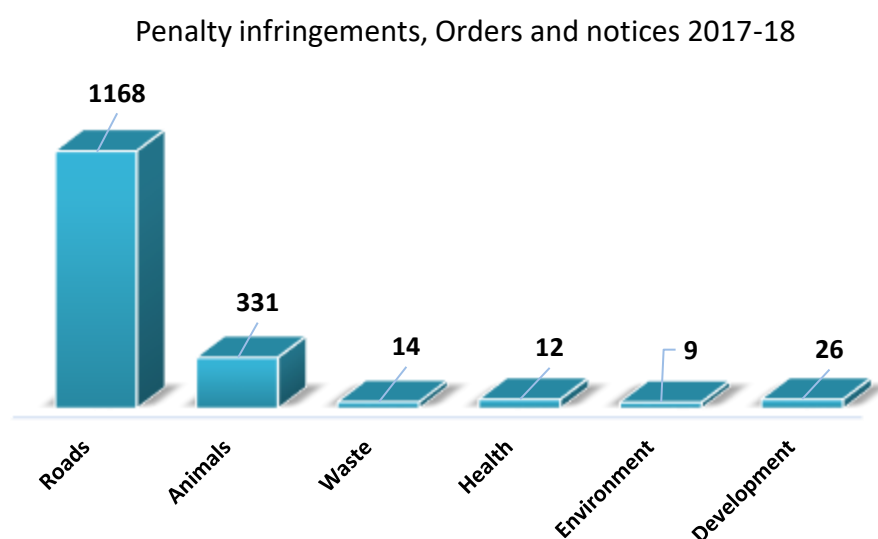
**02.6718**

Compliance activity

A number of matters are dealt with via Penalty Infringement Notices (PINs) and Orders, in line with relevant regulations and legislation. The majority of these infringements relate to roads (1,168), namely, parking offences. A combined total of 1,560 infringements, Orders and notices were issued during the 2017-2018 financial year.

The following graph depicts the number of matters that were dealt with via PINs and Orders, in accordance with the relevant legislation.

Graph 2: Compliance activity 2017-2018



The graph illustrates that the majority of infringements are road related, often parking offences (75%). The following activity report provides further details on compliance matters and related activities.

Table 2: Activity report 2017-2018

Sector	Activity	Infringements	Orders and Notices	Total Action
Roads	Parking	1168	-	1168
Animals	Companion animals	241	90	331
Waste	Illegal dumping	11	3	14
Health	Premises	3	9	12
Environment	Air/land/water	4	5	9
Development	Land	12	14	26
<b>TOTAL</b>		<b>1439</b>	<b>121</b>	<b>1560</b>

A total of 392 formal regulatory actions (14%) were required, in response to a total of 2,776 Customer Service Requests. The 392 instances of compliance activity are detailed as follows:

---

**PSR18/075 REGULATORY ACTION STATUS REPORT 2017-18**

**02.6718**

*Animals:*

331 actions relate to animal control (84%). Actions include: lifetime registration enforcement, barking dogs, stray animals, endangering safety of person or animal and restricted or dangerous dogs.

*Waste, health and environment (sectors combined):*

35 actions (9%) relate to: waste issues such as illegal dumping, health such as overgrown premises, food shops, Onsite Sewage Management Systems and public swimming pools, and environment such as pollution matters.

*Development:*

26 actions (7%) relate to actions as a result of development without consent or contrary to consent conditions.

The majority of Customer Service Requests (86%) are resolved without any requirement to utilise formal regulatory actions.

Special programs

During the 2017-2018 financial year, specific programs were conducted such as:

1. Companion Animal Management Plan review.
2. free microchipping day, in partnership with the local branch of the RSPCA
3. school education programs, in partnership with RSPCA's education officer
4. companion animal outstanding lifetime registration program
5. Surf Lifesaving clubs regulatory information sessions regarding fires on beaches, dogs on beaches and public safety matters.
6. estuary health monitoring program undertaken with funding support from the Office of Environment and Heritage

**CONSIDERATIONS**

Council plays an important role in responding to customer requests regarding alleged illegal activities and potential impacts to the community and/or the environment.

Council's Compliance Policy outlines the processes for Council officers in regard to the implementation of legislation, with consideration given to the severity of the activity, impacts on individuals, community and the environment. Officers endeavour to achieve a balance between enforcement and education.

Council is committed to assisting the community through special education programs based around identified needs as outlined above.

Regular liaison is undertaken with agencies such as the NSW Food Authority, Ministry of Health, Office of Environment and Heritage, Environment Protection Authority, RSPCA and other Animal Welfare organisations to ensure that Council is up to date with changes to legislation and provides a consistent approach to compliance and enforcement activities.

---

**PSR18/075 REGULATORY ACTION STATUS REPORT 2017-18**

**02.6718**

**Legal**

Staff operate under a wide range of legislation and regulations and in accordance with Council's Compliance Policy, which identifies a graduated approach to the implementation of legislative requirements. A high emphasis is also placed on education.

The legislation includes, but is not restricted to, the following:

- *Protection of the Environment Operations Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Food Act 2003*
- *Public Health Act 1991*
- *Swimming Pools Act 1992*
- *Companion Animals Act 1988*
- *Impounding Act 1993.*

**Policy**

The staff observe and comply with a range of adopted Council Policies including the Compliance, Local Orders, Clean Air Policies and the Companion Animal Management Plan in undertaking their duties.

**Environmental**

Council is focused on protection of the environment, and public health and safety. Maintaining and protecting the natural environment in Eurobodalla is important and is of major interest to the community.

**Social Impact**

Council considers the impact of an offender's actions on other individuals, the community and the environment.

**Community and Stakeholder Engagement**

Council regularly seeks opportunities to engage with the community through education programs, dedicated workshops and seminars, and face to face with individuals while undertaking compliance functions to assist in achieving public, health and safety outcomes.

**CONCLUSION**

The Public and Environmental Health and Compliance Team's primary objective is to implement legislation and Council policy in response to community needs, ensuring that the health, safety and amenity of the community is protected.

Council actions and regulatory processes are undertaken in accordance with the relevant legislation and adopted policies and codes of practice.

---

**PSR18/076 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2017-18**

**98.2467**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services  
Attachments: Nil  
Outcome: Protected and Valued Natural Environment  
Focus Area: 3.3 Maintain clean healthy waterways and catchments  
Delivery Program Link: 3.3.2 Monitor and manage impacts on our waterways  
Operational Plan Link: 3.3.2.3 Deliver the Onsite Sewage Management System inspection program

### **EXECUTIVE SUMMARY**

The purpose of this report is to summarise the Onsite Sewage Management System (OSSM) approvals and inspection program for the 2017/18 financial year.

The NSW Government requires that Council approve and inspect OSSM to ensure that they operate effectively and to reduce incidents of public and environmental health and safety. Types of systems inspected include: septic tanks; Aerated Wastewater Treatment Systems (AWTS); wet and dry composting systems; effluent pump-out systems; pit toilets and greywater treatment systems.

A total of 123 OSSM approvals and 178 development application referrals were received and processed by the Public and Environmental Health Team in 2017/18.

An overall compliance rate of 92% was observed in 2017/18, which is consistent with the previous financial year.

Council conducted 1384 inspections in 2017/18 and continues to reward operators who effectively manage their systems through the opportunity to downgrade the risk rating of their OSSM.

### **RECOMMENDATION**

THAT the Onsite Sewage Management Status Report 2017-18 be received and noted.

### **BACKGROUND**

The OSSM inspection program has been operating since 1999 following changes to the *Local Government Act 1993*, which gave councils greater responsibility in monitoring and ensuring compliance of these systems. There are currently 4,670 approved systems in Eurobodalla Shire.

**PSR18/076 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2017-18**

**98.2467**

**Table 1:** A comparison of OSSM program activities undertaken over the past seven years.

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Approvals	118	92	99	93	84	102	123
Referrals	150	114	134	133	143	171	178
Inspections	1323	1434	1475	1383	1473	1394	1384
Compliance (%)	90	90	94	92	96	93	92
Downgrades	45	52	38	22	66	16	19
Re-inspections	7	5	8	3	7	4	3
Notices/Orders	10	6	1	9	6	4	5
Penalty Infringement Notices	3	0	0	2	0	0	1

*Approvals and referrals*

A total of 123 OSSM approvals were issued for new systems in 2017/18, the highest number in the past seven years.

A total of 178 development assessment referrals were received and processed. Referrals involve providing advice to planners in relation to OSSM associated with development applications.

*Inspections*

Table 2 illustrates the inspection regime for 2017/18 compared with 2016/17, where 1384 OSSM were inspected in 2017/18, compared with 1394 in 2016/17. An overall compliance rate of 92% was observed for the 2017/18 inspection regime, compared with 93% in 2016/17. A total of 87% of systems in the 'high risk' category were observed to be compliant. A high level of compliance of 91% was observed during inspections of systems with a 'medium risk' and 96% for 'low risk' ratings.

**Table 2:** Comparison of the 2016/17 with the 2017/18 inspection regime

Risk*	TOTAL		Satisfactory		Unsatisfactory		% Complying	
	2016/17	2017/18	2016/17	2017/18	2016/17	2017/18	2016/17	2017/18
High **	131	163	111	142	17	20	85	87
Medium ***	749	730	708	664	24	41	95	91
Low	514	490	482	472	16	32	94	96
<b>TOTAL</b>	<b>1394</b>	<b>1383</b>	<b>1301</b>	<b>1278</b>	<b>57</b>	<b>93</b>	<b>93</b>	<b>92</b>

\*High – inspected every year; Medium – inspected every two years; Low – inspected every five years.

\*\*High may be downgraded to medium inspection regime when requested and if satisfactory compliance is demonstrated.

\*\*\*Medium may be downgraded to low inspection regime when requested and if satisfactory compliance is demonstrated.



---

**PSR18/076 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2017-18**

**98.2467**

*Risk rating downgrades*

Owners of systems with 'high' or 'medium' risk ratings can apply to Council to downgrade the risk rating of their OSSM where consistent compliance can be demonstrated. These downgrades reward owners who are managing their systems well by reducing the frequency of required inspections and hence, reducing the cost.

A total of 19 applications to downgrade OSSM risk ratings were approved in 2017/18, compared with 16 the previous financial year.

*Compliance requirements*

Three properties were re-inspected as part of the OSSM inspection program for non-compliance and charged an additional fee, with all proceeding towards a resolution.

Issues identified as posing significant public and/or environmental health risk that were identified during inspections in 2017/18 included such matters as:

- failing effluent disposal areas (eg, absorption trenches and irrigation areas) with effluent pooling on the ground
- effluent overflows from septic tanks/collection wells
- inappropriate surface disposal of secondary treated effluent from AWTs by irrigating vegetable gardens and fruit trees; or not in accordance with Council approval
- failing to undertake the required quarterly servicing of aerated wastewater treatment systems. Servicing is part of the accreditation from NSW Health to maintain the quality of effluent being treated to a high standard.

Several compliance actions were undertaken in relation to matters identified during the 2017/18 inspection program, where issues are not resolved through initial negotiations with property owners (ie, correspondence following inspections that required a schedule of works to be completed).

Five Notices/Orders and one Penalty Infringement Notice was issued in the 2017/18 financial year.

**CONSIDERATIONS**

During the 2017/18 financial year, various measures have been undertaken for the continual improvement of the OSSM program, including, but not limited to:

- updating information on Council's website
- addition of email addresses to the mailing system to enable electronic communications
- provision of additional OSSM downgrade information in written correspondence and verbally during site inspections
- development of a risk assessment matrix to provide consistency in the application of risk ratings
- ability to lodge electronic OSSM applications.

---

**PSR18/076 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2017-18**

**98.2467**

**Legal**

Council is required to process approvals and undertake inspections of OSSM in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

The Department of Local Government Circular to councils 98/27 (issued 1 April 1998) outlines councils' requirements for the monitoring of OSSM.

**Policy**

Eurobodalla Shire Council's Onsite Sewage Management Code of Practice was initially adopted by Council on 27 July 1999, with reviews in 2003, 2008 and 2013.

Council's current Onsite Sewage Management Code of Practice is due for review and the subject of a report to Council.

**Environmental**

Due to the sensitive environmental nature of much of Eurobodalla Shire, particularly in relation to waterways, including fisheries and recreational use, continual monitoring of OSSM is important to ensure that such areas are protected from potential contamination by OSSM.

Undertaking the OSSM program demonstrates Council's commitment to protecting the environment and the local industries who depend upon it.

**Social Impact**

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

**Financial**

The OSSM program operates at a full cost recovery to Council and in accordance with the legislation. During 2017/18, the primary inspection fee was \$123. Re-inspection incurred a cost of \$161 as identified in Council's fees and charges (2017/2018).

Total income for 2017/18 was \$190,243 and total expenses were \$209,644.

**CONCLUSION**

The overall high level of compliance of 92% indicates that the majority of systems are operating effectively and there is minimal public and environmental health impacts. Council has ensured that the program is consistent with NSW Government requirements and the program is generally well received by the owners of OSSM.

The ability to downgrade system risk ratings is innovative and allows high and medium systems that continually operate effectively to reduce the inspection regime, thereby reducing the costs to the owner.

---

**PSR18/077    ONSITE SEWAGE MANAGEMENT CODE OF PRACTICE**

**98.2467**

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

Attachments:            1. Draft Onsite Sewage Management Code of Practice  
                                 2. NSW Health Advisory Note 5

Outcome:                Protected and Valued Natural Environment

Focus Area:              3.3 Maintain clean healthy waterways and catchments

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

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

**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's endorsement to place the draft Onsite Sewage Management Code of Practice (COP) review on public exhibition for a period of 28 days.

The Onsite Sewage Management Code of Practice was initially adopted by Council on 27 July 1999, with reviews in 2003, 2008 and 2013, and is currently due for review.

The aim of the Code of Practice is to ensure that onsite sewage management systems meet best practice environmental and health performance standards, and provide a sustainable option for wastewater management. Eurobodalla Shire has an overall compliance of 92% of systems and delivers an approval and inspection process that meets these aims.

Overall, the proposed changes to the Code of Practice are minor and the three proposed additions will improve compliance rates, improve the approval process and ultimately be of benefit to users of onsite sewage management systems.

**RECOMMENDATION**

THAT:

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

**BACKGROUND**

Council is required to regulate Onsite Sewage Management Systems (OSSM), including issuing approvals, and undertaking inspections and performance monitoring in accordance with the revised Regulations under the *Local Government Act 1993*.

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

---

**PSR18/077 ONSITE SEWAGE MANAGEMENT CODE OF PRACTICE**

**98.2467**

The draft Code of Practice has been developed in consultation with practitioners and in accordance with industry best practice. Overall, the Code of Practice remains the same with the addition of three new requirements.

**CONSIDERATIONS**

The review has considered many of the technical requirements associated with the installation of OSSM and specifics related to Regulation requirements.

There are three proposed changes to the current Code of Practice:

1. Inclusion of a risk assessment matrix

Council has applied the ability of systems ranked 'low' or 'medium' to downgrade, thereby reducing their inspection regime where systems regularly comply.

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

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

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

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

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

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

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

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

---

**PSR18/077 ONSITE SEWAGE MANAGEMENT CODE OF PRACTICE**

**98.2467**

Owners and Council need to be satisfied that: the OSSM has been serviced in accordance with the manufacturer's requirements; the OSSM is operating well; and that it produces good quality effluent without nuisance or odours.

In addition to the above, other minor formatting and re-wording of the Code of Practice has been undertaken.

**Legal**

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

**Policy**

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

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

**Environmental**

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

**Social Impact**

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

**Financial**

The OSSM program aims to be cost neutral with costs recovered through inspection fees. During 2017-18, the fee for a primary inspection was \$123. Where a formal re-inspection was required, the fee of \$161 was charged. These fees are identified in Eurobodalla Shire Council's fees and charges (2017-18).

**Community and Stakeholder Engagement**

We have collaborated with practitioners and consultants associated with the approvals and installation of onsite sewage management systems in developing the draft OSSM Code of Practice.

Invitations were sent to a broad range of stakeholders, including: qualified plumbers and drainers; service technicians; engineers; designers and consultants; and NSW Government agencies to participate in the review process and the proposed changes to the draft Code of Practice.

---

**PSR18/077 ONSITE SEWAGE MANAGEMENT CODE OF PRACTICE**

**98.2467**

We will consult with the community by seeking feedback through a 28-day public exhibition period where the draft OSSM Code of Practice will be advertised via Council's Noticeboard page in two local newspapers, media release, on Council's website, and at the Batemans Bay, Moruya and Narooma libraries, and the Moruya customer service centre.

**CONCLUSION**

The review of the Onsite Sewage Management System Code of Practice has been undertaken in consultation with local wastewater consultants. Overall, the proposed changes to the Code of Practice are minimal.

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



## CODE OF PRACTICE

Code name	Onsite Sewage Management
Responsible manager(s)	Divisional Manager, Environmental Services
Contact officer(s)	Divisional Manager, Environmental Services
Directorate	Planning & Sustainability
Approval date	TBC
Community Strategic Plan Outcome	Protected and Valued Natural Environment 3.3 Maintain clean healthy waterways and catchments
Delivery Program link	3.3.2 Monitor and manage impacts on our waterways
Operational Plan link	3.3.2.4 Review the Onsite Sewage Management System program

### Summary

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

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

This Code covers the following:

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



2.4.3	Risk rating .....	9
2.4.4	Regular servicing and Council inspection of Aerated Wastewater Treatment Systems .....	10
2.4.5	Requirements for Aerated Wastewater Treatment System service technicians .....	11
2.4.6	Auditing process .....	11
3	RESPONSIBILITIES .....	11
3.1	Staff .....	11
3.2	Requests and Concerns .....	11
3.3	Complaints .....	11
3.4	Consultation .....	11
4	MONITORING AND REVIEW .....	11
5	ACKNOWLEDGEMENTS .....	12
6	SUPPORTING DOCUMENTS .....	12
7	GOVERNANCE .....	12

## **1 INTRODUCTION**

### **1.1 Purpose**

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

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

### **1.2 Land to which this code applies**

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

### **1.3 Objectives**

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

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

### **1.4 Relationship to Legislation/ Policy/ Plan**

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





#### **1.4.1 Legislation**

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

#### **1.4.2 Standards and Guidelines**

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

#### **1.5 Version**

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

### **2 CODE DETAILS**

#### **2.1 Systems covered by this Code of Practice**

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

#### **2.2 Applications and approvals**

##### **2.2.1 Exemptions**

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



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

#### **2.2.2 Applications**

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

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

#### **2.2.3 Application fees and charges**

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



## 2.3 Performance standards

### 2.3.1 Performance criteria and acceptable solutions

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

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



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





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



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

### 2.3.2 Variations

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



**Table 1: Precipitation, Evaporation and Crop Factor**

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

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

### **2.4.1 Inspection process**

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

### **2.4.2 Fees and charges**

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

### **2.4.3 Risk rating**

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

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



#### **2.4.3.1 Downgrade of risk rating**

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

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

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

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

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

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

#### **2.4.3.2 Upgrade of risk rating**

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

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

#### **2.4.4 Regular servicing and Council inspection of Aerated Wastewater Treatment Systems**

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

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





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

#### **2.4.5 Requirements for Aerated Wastewater Treatment System service technicians**

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

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

#### **2.4.6 Auditing process**

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

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

### **3 RESPONSIBILITIES**

#### **3.1 Staff**

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

#### **3.2 Requests and Concerns**

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

#### **3.3 Complaints**

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

#### **3.4 Consultation**

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

### **4 MONITORING AND REVIEW**

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



## 5 ACKNOWLEDGEMENTS

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

## 6 SUPPORTING DOCUMENTS

The following documents support this Code of Practice:

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

## 7 GOVERNANCE

*Related legislation and policies*

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



*Related external references*

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

*Change history*

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



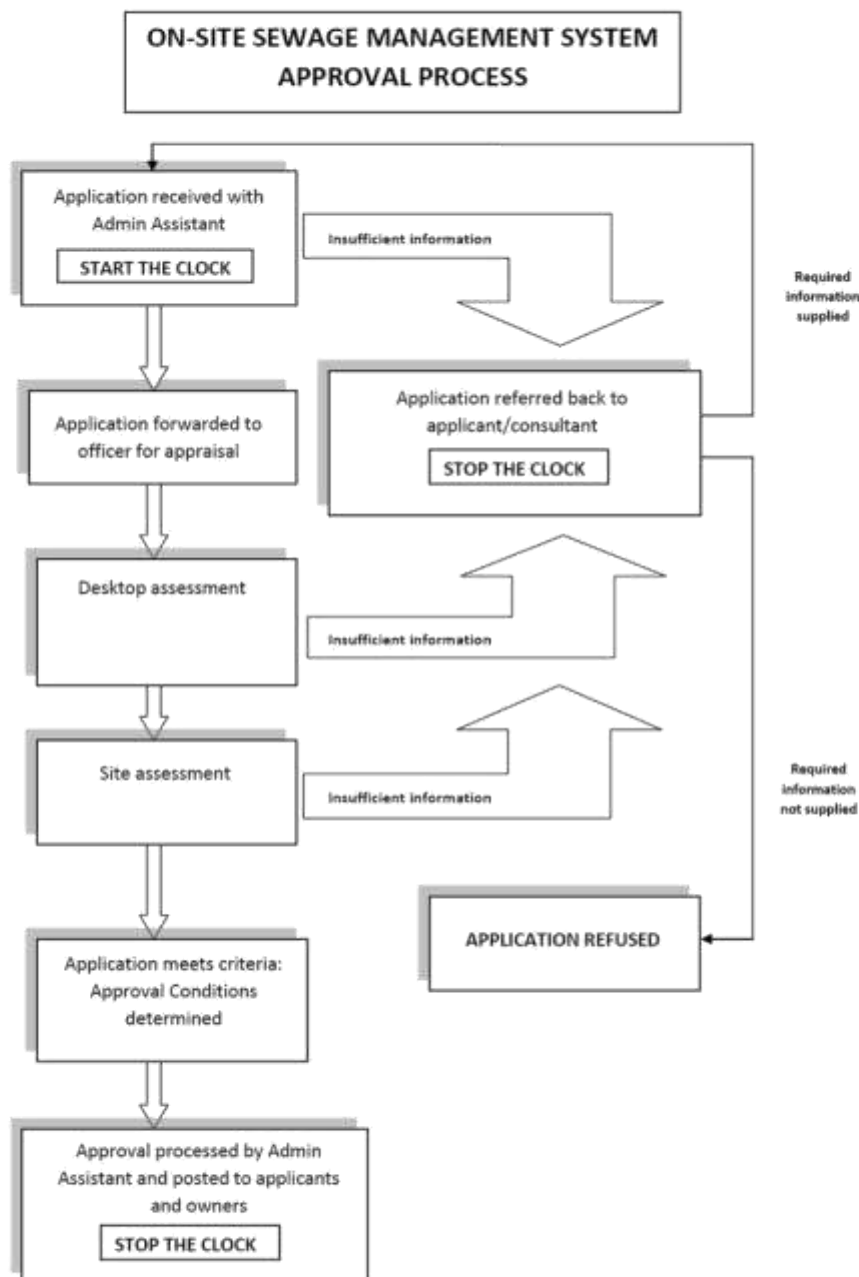
*Internal use*

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

DRAFT



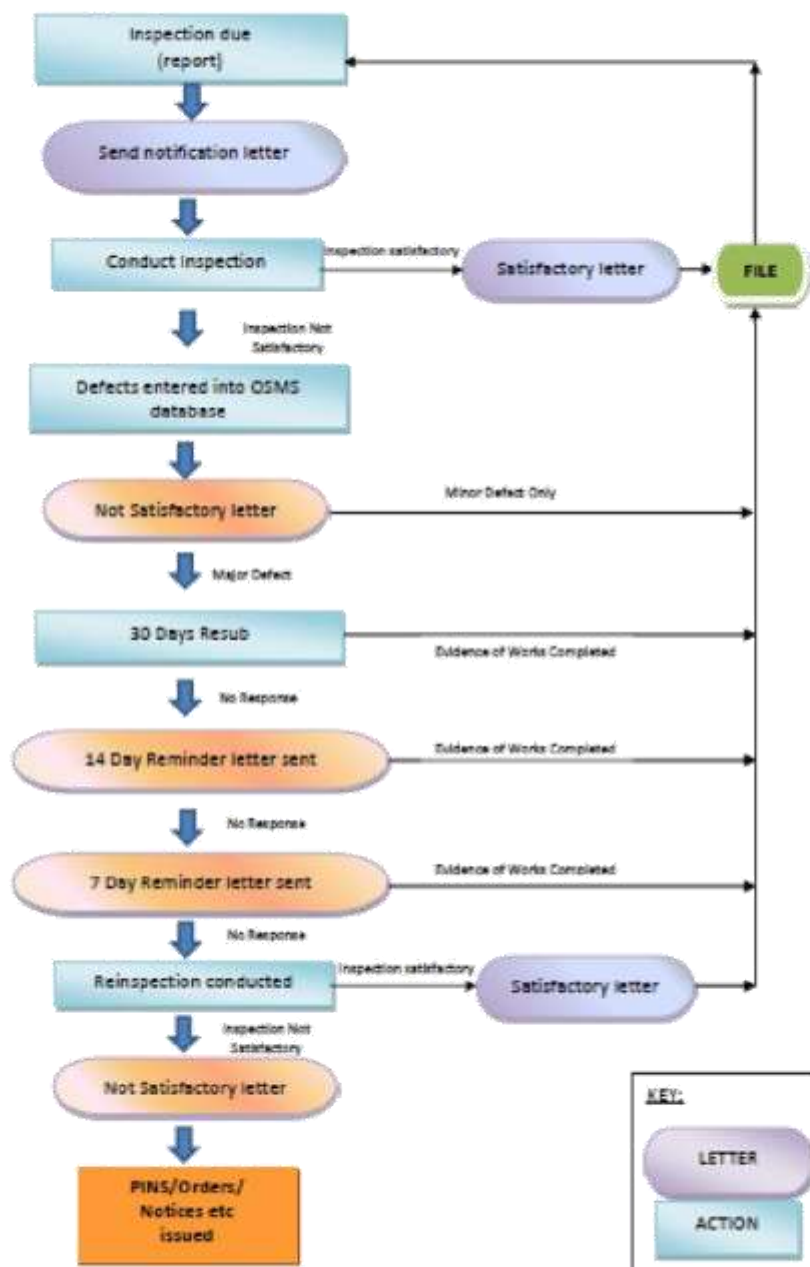
**Appendix 1. Approvals Process Flow Chart**







**Appendix 2. Inspection Process Flow Chart**





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

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



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

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





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

Design and Installation of On-site Wastewater Systems



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

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



Appendix 5. OSSM System Risk Assessment Matrix

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



## Advisory Note 5 – February 2018

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

---

#### 1. Application and Implementation

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

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

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

#### 2. Local Council Role and Legal Context

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

#### 3. Servicing Requirements

##### 3.1 Owner / Occupier

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

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

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

##### 3.2 Attributes of Service Agent

The service agent engaged by the owner / occupier must:

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

### 3.3 Manufacturer

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

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

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

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

### 4. Local Council STS Service Report

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

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

### 5. Consumer Guarantees

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

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

[http://www.fairtrading.nsw.gov.au/ftw/Consumers/Consumer\\_guarantees\\_warranties\\_and\\_refunds/Consumer\\_guarantees.page](http://www.fairtrading.nsw.gov.au/ftw/Consumers/Consumer_guarantees_warranties_and_refunds/Consumer_guarantees.page) ; and

[http://www.fairtrading.nsw.gov.au/ftw/Consumers/Consumer\\_guarantees\\_warranties\\_and\\_refunds/Repairs\\_refunds\\_replacements.page](http://www.fairtrading.nsw.gov.au/ftw/Consumers/Consumer_guarantees_warranties_and_refunds/Repairs_refunds_replacements.page)





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

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

---

**PSR18/078 ALCOHOL RESTRICTED ZONES AND RESERVES**

**E95.8171**

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

Attachments: 1. Existing and proposed alcohol restrictions in Eurobodalla

Outcome: Strong Communities, Desirable Lifestyle

Focus Area: 1.1 Work in partnership to ensure safety at home and within the community

Delivery Program Link: 1.1.2 Deliver legislated health protection and regulatory programs

Operational Plan Link: 1.1.2.4 Monitor, inspect and respond to issues in relation to public safety

**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's endorsement to publicly exhibit and notify renewal of, and proposed changes to, alcohol free zones and alcohol restricted reserves within Eurobodalla.

Under Section 644 of the Local Government Act 1993 (LGA), alcohol free zones apply to public roads, footpaths and public carparks. Once these zones are established, the consumption of alcohol is prohibited in these locations for a period of four years, 24 hours a day.

Eurobodalla's alcohol free zones are due for renewal in December 2018 and pending cessation of this four year period, Council needs to review these areas. In accordance with Ministerial Guidelines, the existing zones and any proposed changes, must be publicly exhibited and liaison must occur with the Police, managers/secretaries of registered clubs and licensed premises in or adjacent to the affected areas and Local Aboriginal Lands Councils, seeking their feedback.

When Eurobodalla Shire Council conducts this review of alcohol free zones at the end of the four year tenure, the opportunity is taken to evaluate the alcohol restricted reserves within Eurobodalla, to ensure that all alcohol restrictions implemented or proposed, apply to areas where there needed.

Alcohol restricted reserves fall under Section 632 of the LGA. Under this Section of the Act, there is no defined duration of time, the hours restricting alcohol consumption are at the discretion of Council nor is there a requirement to go out on public exhibition. Whilst there is no legal requirement to advertise alcohol restrictions upon reserves, it is Council's practice to publicly exhibit a comprehensive proposal involving all areas that are affected by alcohol restrictions. A copy of this proposal is provided to Police, managers/secretaries of registered clubs and licensed premises in or adjacent to the affected areas and Local Aboriginal Lands Councils, seeking their feedback.

At the request of Council, recently the Far South Coast Area Command (Police) undertook a preliminary review of all alcohol restricted areas within our Shire and provided Council with their feedback (Attachment 1). As a result, the Police have supported the continuation of existing alcohol restricted areas (both zones and reserves) and also put forward a number of recommendations for new sites, and extensions or modification of existing sites.

The recommendations made by the Police will involve additional costs and resourcing by Council to implement through the provision of signage.

---

**PSR18/078 ALCOHOL RESTRICTED ZONES AND RESERVES**

**E95.8171**

**RECOMMENDATION**

THAT:

1. In accordance with Section 644 of the Local Government Act 1993, Council endorse consultation with the community, Local Aboriginal Lands Councils, liquor licensees/secretaries of registered clubs in the immediate area of the zone and the Police in regard to the implementation and renewal of alcohol restricted zones and reserves within Eurobodalla Shire.
2. Following receipt of submissions, a report be prepared for Council seeking determination for the implementation and renewal of alcohol restricted zones and reserves within Eurobodalla Shire.

**BACKGROUND**

Alcohol restrictions in Eurobodalla, are established to enable the Police to undertake their duties to curb antisocial behavior attributed to alcohol consumption. These restrictions within our Shire, apply both to zones (roads, footpaths, carparks) and reserves.

Under Section 644 of the Local Government Act 1993, once an alcohol free zone is established it remains in place 24 hours a day for a four year term. Council's alcohol free zones are due to expire on 6 December 2018 (Minute 14/311).

In accordance with Section 644 of the LGA, a review of these zones must be undertaken pending cessation of their four year tenure. This review entails public exhibition; liaison with the Police; managers/secretaries of registered clubs; owners/managers of licensed premises and Local Aboriginal Lands Councils within or adjacent to the affected areas.

There are also a number of alcohol restrictions on public reserves across Eurobodalla. Restrictions upon reserves falls under Section 632 of the Local Government Act 1993 (Act). Under this Section of the Act, there is no defined duration of time for the restrictions to apply, the hours of alcohol restriction are at the discretion of Council nor is there a legal requirement to advertise alcohol restrictions upon reserves.

When Council conducts the review of the alcohol free zones at the end of their four year tenure, the opportunity is taken to reassess all alcohol restricted areas in our Shire, to ensure that the restrictions implemented apply to areas where there is a need. Whilst there is no requirement to advertise alcohol restrictions upon reserves (S.632), it is Council's practice to publicly exhibit the comprehensive proposal for all alcohol restricted areas within Eurobodalla and a copy of the proposal is provided to the Police, managers/secretaries of registered clubs and licensed premises in or adjacent to the affected areas and Local Aboriginal Lands Councils, seeking their feedback.

At the request of Council, the Police undertook a preliminary review of all alcohol restricted areas within Eurobodalla and provided Council with their feedback (Attachment 1). This preliminary review, a compilation of feedback from Police stations throughout our Shire, offers support for existing areas together with a number of suggestions to modify existing impositions as well as recommendations for further new areas.

---

**PSR18/078 ALCOHOL RESTRICTED ZONES AND RESERVES**

**E95.8171**

**CONSIDERATIONS**

The preliminary review provided by Police, includes a request that alcohol restrictions to both reserves and roads, apply to all relevant areas within the Batemans Bay and Narooma, CBDs with the exception of destination parks ie., Lyons Park and Korner's Park in Batemans Bay and Quota Park and Rotary Park in Narooma. These exceptions will have restrictions on alcohol consumption imposed between 8pm until 8am; this enables those who wish to have a family picnic, to partake of alcohol outside of this time period.

To support the recommended restrictions in Batemans Bay, the Police cite a number of alcohol related assaults for the Batemans Bay postcode area, many of which have occurred in public places.

In regard to the Narooma CBD, some of the reserves are not considered destination parks so it is recommended that these have 24/7 restrictions imposed, in line with the alcohol free zones throughout the CBD

In Moruya, the Police have requested that the public car parks between Shore, Church and Queen Streets, inclusive of the car park surrounding Woolworths supermarket, be deemed alcohol free. Council have also received a request from Woolworths, seeking alcohol free restrictions for the Council carparking areas surrounding their premises due to a number of complaints/incidents.

However, in the abovementioned carparking areas, a portion of each of them is under private ownership and as such, Council cannot impose alcohol restrictions.

The recommendations for extending and modifying existing restricted areas, together with the suggestions for further new areas involves additional costs and resourcing by Council to implement, with regard to the provision of additional signage.

**Legal**

In accordance with Section 644 of the Local Government Act 1993, an alcohol free zone may only be established to include a public road, footpath or public carpark. Once established, the restrictions apply for a period of four years, 24 hours a day.

Prior to the four year term expiring, a council must decide whether to renew or cease or modify continuation of the alcohol free zones. Public consultation must be undertaken whereby a council must advertise the proposal in the local media seeking feedback within 30 days from the date of publication. A council must also send a copy of the proposal to Local Aboriginal Lands Councils; liquor licensees/secretaries of registered clubs adjacent and adjoin the proposed zones and the Police, inviting them to make a submission within 30 days from date of the letter.

Alcohol restricted reserves however, fall under Section 632 of the Local Government Act 1993 and they do not have an expiry date, the hours of restriction of alcohol consumption is at the discretion of Council and there is no legal requirement to publicly advertise imposition of restrictions. However it is Council's practice to publicly exhibit the comprehensive proposal for all alcohol restricted areas within Eurobodalla and a copy of the proposal is provided to the Police, managers/secretaries of registered clubs and licensed premises in or adjacent to the affected areas and Local Aboriginal Lands Councils, seeking their feedback.



---

**PSR18/078 ALCOHOL RESTRICTED ZONES AND RESERVES**

**E95.8171**

**Asset**

The established alcohol free zones in Eurobodalla, are already signposted however the date of commencement and cessation would need to change on the sign. It is Council's practice to change the dates of the four year term by way of a sticker which indicates the timeframe to which the restrictions apply.

Likewise, established alcohol restricted reserves are also signposted however, dependent upon the public exhibition feedback, these signs may need to be changed or altered.

As a result of the preliminary review of Eurobodalla's alcohol restricted areas undertaken by the Police, recommends maintaining the status quo of existing restrictions and recommends a number of new sites and modification of existing sites. Should these recommendations be adopted, provision of signage for the additional zones and reserves would be required.

**Social Impact**

The implementation of alcohol restrictions in Eurobodalla, enables the Police to enforce appropriate action if required, for community safety and welfare.

The Police have advised of a number of alcohol related incidents occurring in the Batemans Bay CBD to validate their recommendations to Council in regard to this area.

By restricting the consumption of alcohol from 8pm until 8am in destination parks in the Shire eg., Lyons and Korners Parks in Batemans Bay, Quota and Rotary Parks in Narooma, will enable those who wish to partake of alcoholic beverages during family picnics or BBQs to enjoy themselves, whilst providing Police with the ability to enforce appropriate action between the hours of 8pm until 8am.

**Financial**

The associated costs to Council, relate to new signage, update existing signs, and resources to implement same.

Dependent on the public exhibition feedback, the number of signs for Council to add or modify is unknown and therefore the cost cannot be identified at this time. Indicative costs will be provided when the matter is reported back to Council following public exhibition.

**Community and Stakeholder Engagement**

In accordance with Section 644 of the Local Government Act 1993, a council must undertake public consultation which involves advertising a notice of the proposals in the local newspaper seeking comment within 30 days from the date of publication.

A copy of the proposal must also be provided to the Local Aboriginal Lands Councils, liquor licensees/secretaries of registered clubs in the immediate area of the zones and also the Police, inviting representations or objections within 30 days from the date of the letter.

Whilst there is no requirement to advertise alcohol restrictions upon reserves (S.632 of the LGA), it is Council's practice to publicly exhibit the comprehensive proposal for all alcohol restricted areas within Eurobodalla and a copy of the proposal is provided to the Police, managers/secretaries of registered clubs and licensed premises in or adjacent to the affected areas and Local Aboriginal Lands Councils, seeking their feedback.

---

**PSR18/078 ALCOHOL RESTRICTED ZONES AND RESERVES**

**E95.8171**

**CONCLUSION**

It is recommended that Council support public exhibition of the proposed alcohol free zones and alcohol restricted reserves within Eurobodalla Shire and to invite representations from the Police, liquor licensees/secretaries of registered clubs adjoining or adjacent to the proposed areas, and the local aboriginal lands council.

Following the exhibition period, a report will be provided to Council with recommendations in regard to the alcohol restrictions imposed on roads and reserves within Eurobodalla.

TYPE	LOCATION	SUBURB	DATE OF COMMENCEMENT/ EXPIRY	Police recommendations/ comments	Council Comment
Zone	Clyde St nth of Vesper St, west of the Bridge and fronting Clyde River between Cooina Retirement Units & property owned by the NSW Fisheries Dept	Batemans Bay	8/12/14 - 6/12/18	Including carparks	Additional signage in carparks
Zone	Clyde St nth of Vesper St west of the bridge & fronting Clyde river between property owned by the NSW Fisheries Dept and the Lions Park	Batemans Bay	8/12/14 - 6/12/18	Including carparks	Additional signage in carparks
Zone	Orient Street from Museum Place to North St	Batemans Bay	8/12/14 - 6/12/18	Supported	
Zone	Museum Place	Batemans Bay	8/12/14 - 6/12/18	Supported	
Zone	Flora Crescent	Batemans Bay	8/12/14 - 6/12/18	Supported	
Zone	Vesper, Perry, North Sts & Beach Rd, Batemans Bay surrounding Batemans Bay Village Centre - this area be extended to include the carpark along Perry Street	Batemans Bay	8/12/2014 - 6/12/2018	Vesper Street from the bridge to Lot 33 (south of McDonalds).	Additional zone
Zone				Beach Road from Vesper Street intersection and east along to and including the frontage of Ryan Park	Additional zone.
Zone				North Street	Additional zone
Reserve				Reserve and roadways from Beach Road roundabout to MacDonalds. Full restriction 24/7	Additional zone
Zone				Road and carparks between Flora Street roundabout south to Museum Place.	Additional zone
Reserve	Town Park	Batemans Bay	No date range required - full restriction 24/7	Supported	
Reserve	Murra Murra Mia Walkway from Innes' boatshed to Beach Road	Batemans Bay	No date range required - full restriction 24/7	Supported	
Reserve	Crown Reserve PIN 26093 (laneway between Orient B22 St & Murra Murra Mia Walkway)	Batemans Bay	No date range required - full restriction 24/7	Supported	
		Batemans	No date range required -		

TYPE	LOCATION	SUBURB	DATE OF COMMENCEMENT/ EXPIRY	Police recommendations/ comments	Council Comment
Reserve	Skate Park-Hanging Rock	Batemans Bay	No date range required - full restriction 24/7	<b>Supported</b>	
Reserve	Surround Batemans Bay Community Centre & Historical Museum	Batemans Bay	No date range required - full restriction 24/7	<b>including carparks, supported</b>	Review signage in the area
Reserve	Albert Ryan Park, Beach Road, Batemans Bay	Batemans Bay	No date range required - full restriction 24/7	<b>Supported</b>	
Rreserve	Lyons Park (PIN 15154)	Batemans Bay	No date range required - restrictions from 8pm until 8am	<b>Including carparks, boat launching facility.</b>	Additional signage may be required for boat launching facility and carparks.
RReserve	Foreshore Park along Clyde St	Batemans Bay	No date range required - restrictions from 8pm until 8am	<b>Foreshore Park, carparks and walkways. Full restriction 24/7</b>	Change of signage.
Reserve	Walkway under the bridge zone/reserve?	Batemans Bay		<b>Walkway under the bridge zone/reserve 24/7</b>	New reserve
	Public wharves/shelters along Murra Murra Walkway	Batemans Bay		<b>Full restriction 24/7</b>	Murra Mia walkway is an alcohol restricted reserve for its entirety.
Reserve	Korners Park and park to the west of Batemans Bay Bridge	North Batemans Bay		<b>Restrictions from 8pm until 8am</b>	Additional reserve
Reserve	James Buckley Park	Tomakin		<b>Restrictions from 8pm until 8am</b>	Additional reserve
Reserve	Mossy Point Headland	Mossy Point		<b>Restrictions from 8pm until 8am</b>	Additional reserve
Zone	Heath Street from Grant Street to the Broulee Surf Club <b>reserve</b> and Grant Street from the intersection of Heath Street, Coronation Drive Broulee	Broulee	8/12/2014 - 6/12/2018	<b>Supported (include all Coronation Drive and bridge across Candlagan Creek)</b>	Extension to existing zone
Reserve	Bounded by Lyttle St, Heath St, the Broulee Surf Club and the Broulee Caravan Park - Skate Park to now include the Broulee Surf Club carpark	Broulee	No date range required - full restriction 24/7	<b>Supported</b>	
Reserve	Council Road No: 4723 colloqually known as Broulee Surf Club Rd	Broulee	No date range required - full restriction 24/7	<b>Supported</b>	
RReserve	Foreshore reserve from Candlagan Creek to Broulee Surf Club	Broulee	No date range required - restrictions from 8pm until 8am	<b>Restrictions from 8pm - 8am, plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)</b>	NSW Xmas school holidays - stickers needed for signs

TYPE	LOCATION	SUBURB	DATE OF COMMENCEMENT/ EXPIRY	Police recommendations/ comments	Council Comment
Rreserve	Foreshore area at the eastern end of Massy St	Broulee	No date range required - restrictions from 8pm until 8am	<b>Supported plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)</b>	NSW Xmas school holidays - stickers needed for signs
<b>Reserve</b>	<b>Candlagan Creek carpark and reserve (north of bridge)</b>	<b>Broulee</b>		<b>Restrictions from 8pm - 8am, plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)</b>	Additional Reserve. NSW Xmas school holidays - stickers needed for signs
Exempt	Broulee Surf Club	Broulee		<b>Supported</b>	
Rreserve	Rotary Park	Caseys Beach	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
RReserve	Corrigans Beach Reserve	Corrigans Beach	No date range required - restrictions from 8pm until 8am	<b>Supported plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)</b>	NSW Xmas school holidays - stickers needed for signs
Reserve	Rotary Park,	Dalmeny	No date range required - full restriction 24/7	<b>Restictions 8pm - 8am</b>	Change of signage
Reserve	Apex Park, Dalmeny	Dalmeny	No date range required - full restriction 24/7	<b>Restictions 8pm - 8am</b>	Change of signage
Rreserve	Dalmeny Park, Mort Ave	Dalmeny	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
RReserve	George Noble Park, Noble Parade, Dalmeny	Dalmeny	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
Reserve/ RR Reserve	Denhams Beach carpark PIN 13108	Denhams Beach	No date range required - restrictions from 8pm until 8am	<b>Restrictions from 8pm until 8am</b>	
Reserve	Lilli Pilli Reserve	Lilli Pilli	No date range required - full restriction 24/7	<b>Restrictions from 8pm until 8am</b>	Change of signage
RReserve	Square Head, Long Beach	Long Beach	No date range required - restrictions from 8pm until 8am	<b>Reserve west of Sandy Place to Square Head including tree cave area to HWM. Rreserve??</b>	Part of the reserve is under the control of Council, the rest of it is NPWS land.



TYPE	LOCATION	SUBURB	DATE OF COMMENCEMENT/ EXPIRY	Police recommendations/ comments	Council Comment
Rreserve	Maloneys Beach reserve	Maloneys Beach	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
Zone	Kuppa Avenue Malua Bay from GB Drive/Beach Road east to the beach reserve.	Malua Bay	8/12/2014 - 6/12/2018	<b>Supported</b>	
Exempt	Malua Bay Surf Life Saving Club	Malua Bay	No date range required	<b>Supported</b>	
Rreserve	Between HWM & adjacent public roads & carparks at Malua Bay between Kuppa Ave & King Street	Malua Bay	No date range required - restrictions from 8pm until 8am	<b>Supported plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)</b>	NSW Xmas school holidays - stickers needed for signs
Zone	Evans St from Panorama Pde in the south then north to Albert Street,	Moruya	8/12/14 - 6/12/18	<b>Supported</b>	
Zone	Albert Street from the intersection of Evans St to the west then to Otton St to the east	Moruya	8/12/14 - 6/12/18	<b>Albert Street from Lagoon Street to Otton Street</b>	Extension to existing zone
Zone	Northern end of Ford St on Public Wharf	Moruya	8/12/14 - 6/12/18	<b>Ford Street from Queen Street to and including the public wharf.</b>	Additional zone
Zone	Princes Hwy from Toose St to Campbell St	Moruya	8/12/2014 - 6/12/2018	<b>Supported</b>	
Zone	Shore Street from Vulcan St to Ford St	Moruya	8/12/2014 - 6/12/2018	<b>Supported</b>	
Zone	Queen Street from Ford St to Page St	Moruya	8/12/2014 - 6/12/2018	<b>Supported</b>	
<b>Zone</b>		<b>Moruya</b>		<b>Public carparks between Shore, Church and Queen Streets including carparks surrounding Woolworths Supermarket</b>	Signage required. NOTE: Some sections of all three carparking areas privately owned therefore those areas cannot be signposted.
<b>Zone</b>	<b>Laneway to west side of Woolworths</b>	<b>Moruya</b>			Additional zone
<b>Zone</b>		<b>Moruya</b>		<b>Church Street from Page Street to Ford Street</b>	Additional zone
Reserve	Russ Martin Park	Moruya	No date range required - full restriction 24/7	<b>Supported</b>	
Reserve	Apex Park	Moruya	No date range required - full restriction 24/7	<b>Supported</b>	
Reserve	Bordered by Jeffrey Place & Evans St	Moruya	No date range required - full restriction 24/7	<b>Supported</b>	
	The park situated on North Head Drive.		No date range required -		

TYPE	LOCATION	SUBURB	DATE OF COMMENCEMENT/ EXPIRY	Police recommendations/ comments	Council Comment
Rreserve	Yarragee Reserve	Moruya	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
	South Head Surf Club Reserve	Moruya	No date range required - restrictions from 8pm until 8am	<b>Full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)</b>	NSW Xmas school holidays - stickers needed for signs
<b>Reserve</b>	<b>Moruya Skatepark</b>	<b>Moruya</b>		<b>New 24/7</b>	Additional reserve
Zone	Princes Hwy from Narooma Bridge to Clark St	Narooma	8/12/2014 - 6/12/2018	<b>Supported</b>	
Zone	Carpark area adjacent to the Narooma Cinema	Narooma	8/12/2014 - 6/12/2018	<b>Supported</b>	
<b>Zone</b>	<b>Willcock Avenue and Princes Highway fronting Narooma Plaza</b>	<b>Narooma</b>		<b>New 24/7</b>	Additional zone
Reserve	Area surrounding the Narooma Surf Lifesaving Club extend restrictions along roadway until the intersection with Ballingalla Rd	Narooma	No date range required - full restriction 24/7	<b>Supported</b>	
Reserve	Skate Park	Narooma	No date range required - full restriction 24/7	<b>Supported</b>	
Reserve	From the bridge at Narooma on the princes Hwy to Bay Street, including cycleway, wharf and new playground park on Bluewater Drive	Narooma	No date range required - full restriction 24/7	<b>Supported</b>	
Rreserve	Quota Park, Riverside Drive	Narooma	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
Rreserve	Rotary park	Narooma	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
RReserve	The Foreshore north east of Easts Holiday Park, Narooma - Ken Rose Park	Narooma	No date range required - restrictions from 8pm until 8am	<b>Request 24/7</b>	Change of signage
RReserve	Grassed reserves from the southern side of Narooma skatepark to the northern end of Quota Park, inclusive of the skatepark	Narooma	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
RReserve	Thompson Park - War Memorial, Bowen St, Narooma	Narooma	No date range required - restrictions from 8pm until 8am	<b>Request 24/7</b>	Change of signage

TYPE	LOCATION	SUBURB	DATE OF COMMENCEMENT/ EXPIRY	Police recommendations/ comments	Council Comment
RReserve	Edwin Street Memorial Park, between Bluewater Drive and Wharf St, Narooma	Narooma	No date range required - restrictions from 8pm until 8am	<b>Request 24/7</b>	Change of signage
Rreserve	NATA Oval, Bluewater Drive, Narooma. <b>Sign next to Visitor Info Centre out of date. Check on this - it is supposed to be a Rreserve</b>	Narooma	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
Rreserve	Park on Bluewater Drive PIN 16965	Narooma	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
Rreserve	Park on Bluewater Drive opposite Wharf area PIN 27428	Narooma	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
Rreserve	Bill Robin Park southern side of Willcocks Ave (Balingalla Ave) opposite to the entry road to the Narooma Surf Club	Narooma	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
Rreserve	Apex Park, Centenary Drive, North Narooma	Nth Narooma	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	
RReserve	Reserve adjacent to EcoPoint Murramarang Resort	South Durras	No date range required - restrictions from 8pm until 8am	<b>Include carpark, boat ramp and reserve name?</b>	Carpark and boat ramp are on NPWS land
Rreserve	Carpark on headland	South Durras	No date range required - restrictions from 8pm until 8am		
Reserve	Surf Beach Carpark and surrounding areas	Surf Beach	No date range required - full restriction 24/7	<b>8pm - 8am, plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)</b>	Change of signage 8-8. NSW School Holidays - stickers will be required.
Zone	Evans Rd fronting the Tuross Shops to the West	Tuross Hd	8/12/2014 - 6/12/2018	<b>Also fronting the park to the north</b>	Extension to existing zone
Zone	Tuross Boulevard backing onto the tuross Shops to the east	Tuross Hd	8/12/2014 - 6/12/2018	<b>Also fronting the park to the north</b>	Extension to existing zone
Reserve	Parklands Bordering on Tuross Shopping Complex to the north	Tuross Head	No date range required - full restriction 24/7	<b>8pm - 8am</b>	Change of signage.
Rreserve	Memorial Gardens	Tuross Head	No date range required - restrictions from 8pm until 8am	<b>Supported</b>	



TYPE	LOCATION	SUBURB	DATE OF COMMENCEMENT/ EXPIRY	Police recommendations/ comments	Council Comment
RReserve	Plantation Point South/One Tree Point	Tuross Head	No date range required - restrictions from 8pm until 8am	Supported	
RReserve	One Tree Point	Tuross Head	No date range required - restrictions from 8pm until 8am	Supported	
RReserve	Kyla Park Oval	Tuross Head	No date range required - restrictions from 8pm until 8am	Hall, tennis courts clubhouse to be exempt	Hall is already exempt. If tennis club seeks an extension they need to write to Council.
Reserve	Wimbie Beach	Wimbie Beach	No date range required - full restriction 24/7	Yes, 8pm - 8am, plus full restriction 24/7 for NSW summer school holidays (incl NYE and Australia Day)	Change of signage. NSW Xmas school holidays - stickers needed for signs
Zone	Perry Street Carpark			Supported	
RReserve	Denhams Beach Headland PIN 13092	Denhams Beach	No date range required - restrictions from 8pm until 8am	Supported	

---

**PSR18/079    EXEMPTION REQUEST - SWIMMING POOLS ACT - 76 BURRI POINT    92.8038.B**  
**ROAD GUERILLA BAY**

Responsible Officer:    Lindsay Usher - Director, Planning and Sustainability Services  
Attachments:                Nil  
Outcome:                    Responsible and Balanced Development  
Focus Area:                 6.2 Ensure development is sustainable, and reflects community values  
   and the desired local setting  
Delivery Program Link: 6.2.2. Provide receptive and responsive development assessment  
   services  
Operational Plan Link: 6.2.2.5 Undertake pool fence inspection compliance program

Applicant:                    Steve Andrea Architecture  
Land:                         76 Burri Point Road, Guerilla Bay  
Area:                         1,375m<sup>2</sup>  
Setbacks:                    N/A  
Height                        N/A  
Zone:                         E4 Environmental Living  
Current Use:                 Residential  
Proposed Use:                Residential  
Description:                 Exemption request for Swimming pool barrier  
Permitted in Zone:         Yes  
DA Registered:              N/A  
Reason to Council:         Statutory requirement  
Recommendation:         Exemption request accepted.

**EXECUTIVE SUMMARY**

The purpose of this report is to consider a request for exemption from constructing a swimming pool barrier around an 'infinity' pool at 76 Burri Point Road, Guerilla Bay.

The proposed exemption under Section 22 of the Swimming Pools Act 1992 is considered acceptable as the constructed pool with a minimum 1800mm high wall provides a similar barrier protection to that of an 1800mm high boundary fence.

The exemption is therefore supported and it is recommended to Council that the exemption be granted.

---

**PSR18/079    EXEMPTION REQUEST - SWIMMING POOLS ACT - 76 BURRI POINT    92.8038.B**  
**ROAD GUERILLA BAY**

**RECOMMENDATION**

THAT Council grant an exemption pursuant to Section 22 of the Swimming Pools Act 1992 for a swimming pool barrier on the northern elevation of the pool being constructed at 76 Burri Point Road, Guerilla Bay.

**BACKGROUND**

Council approved a Development Application and Construction Certificate for a dwelling house and swimming pool at 76 Burri Point Road, Guerilla Bay. The development consent was issued with a condition requiring compliance with the Swimming Pools Act 1992.

During construction it was determined that the owner did not want to put a swimming pool barrier around part of the pool as it is an 'infinity' pool. The pool sits out of the ground and the edge of the pool, where no barrier is proposed, is at a minimum 1800mm above ground level.

Compliance with the Swimming Pools Act can be achieved by providing a 1200mm high swimming pool barrier or an 1800mm boundary fence. It is considered that given that the wall containing the swimming pool is a minimum of 1800mm above ground level that an exemption could be granted under Section 22 of the Swimming Pools Act 1992.

**POLICY**

Swimming Pools Act 1992

The barrier at present does not comply with the Swimming Pools Act. Section 22 of the Act states:

- (1) *The local authority may, on application made by the owner of any premises in or on which a swimming pool is situated, or proposed to be constructed or installed, exempt the swimming pool from all or any of the requirements of this Part if it is satisfied, in the particular circumstances of the case:*
  - (a) *that it is impracticable or unreasonable (because of the physical nature of the premises, because of the design or construction of the swimming pool or because of special circumstances of a kind recognised by the regulations as justifying the granting of an exemption) for the swimming pool to comply with those requirements, or*
  - (b) *that alternative provision, no less effective than those requirements, exists for restricting access to the swimming pool.*
- (2) *An exemption may be granted unconditionally or subject to such conditions as the local authority considers appropriate to ensure that effective provision is made for restricting access to the swimming pool concerned or the water contained in it.*
- (3) *A person is not guilty of an offence under this Part:*
  - (a) *if the swimming pool concerned is the subject of an exemption under this section, and*
  - (b) *if the conditions (if any) to which the exemption is subject are being complied with.*

---

**PSR18/079    EXEMPTION REQUEST - SWIMMING POOLS ACT - 76 BURRI POINT    92.8038.B**  
**ROAD GUERRILLA BAY**

- (4) *For the purposes only of any appeal proceedings arising in connection with an application under this section, the local authority is taken to have refused the application if it has not finally determined the application within 6 weeks after the application was made.*

Compliance with AS 1926.1-2012

The concrete wall which has a minimum height of 1800mm measured on the outside, forms part of the barrier. The requirement under AS1926.1-2012 for a swimming pool barrier is a minimum height of 1200mm measured on the outside with the relevant non-climb zones.

The requirement for a boundary barrier which can also be used as a swimming pool barrier is a minimum height of 1800mm measured on the inside with a non-climbable zone of 900mm from the top in an arc.

Exemption under Section 22 – Swimming Pools Act

The subject swimming pool barrier which achieves a minimum height of 1800mm from the outside, reduces the risk of people entering the swimming pool area and is in line with AS1926.1-2012. The existing glass barrier forming part of the swimming pool barrier complies with the requirements of the Swimming Pools Act.

It is considered that the concrete wall which varies from a minimum of 1800mm to 2600mm in height from the outside and has no climbable footholds, would appear to be an effective barrier for achieving the requirement of the Swimming Pools Act.

Other issues

The only issue which Council has identified is if a child was on a floating device in the swimming pool at the wet edge end, there could be a risk of them falling out of the pool; a minimum of 1800mm drop. However, there is no statutory requirement to consider fall protection under the Swimming Pools Act or the Building Code of Australia (BCA).

**CONCLUSION**

The proposed exemption under Section 22 of the Swimming Pools Act 1992 is considered acceptable and provides a similar barrier protection to that of an 1800mm high boundary fence. The exemption is therefore supported and the recommendation is to grant the exemption.

---

**PSR18/080 TENDER - PRINCIPAL DESIGN CONSULTANT AND SUB-CONSULTANT SERVICES AND BUDGET ALLOCATION - MACKAY PARK PROJECT E18.1480**

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

Attachments: 1. Confidential - Principal Design Consultant and Sub-Consultant Services

Outcome: Vibrant and Diverse Economy

Focus Area: 5.1 Diversify the region's economy, attract investment and target new and emerging employment sectors

Delivery Program Link: 5.1.3 Plan for the development of the Batemans Bay Mackay Park Precinct

Operational Plan Link: 5.1.3.2 Conduct an expression of interest and tender process for the redevelopment of the northern site of the Mackay Park Precinct

### **EXECUTIVE SUMMARY**

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 10016191 - Principal Design Consultant and Sub-Consultant Services, and provides a recommendation for the preferred provider for this contract and recommends budget and loan funding of the design, project management and related capital costs.

### **RECOMMENDATION**

THAT Council:

1. Endorse the selection of the preferred tenderer listed for RFT 10016191 - Principal Design Consultant and Sub-Consultant Services.
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender, including the funding and budget arrangements specified in the confidential attachment, unless otherwise varied in accordance with this report.

### **BACKGROUND**

Public Works Advisory (PWA) was engaged by Eurobodalla Shire Council in April 2018 to manage the procurement of a Principal Design Consultant (PDC) for the Regional Aquatic, Arts and Leisure Centre at Batemans Bay.

Tenders closed on 24 July 2018 and were received via the NSW Government eTendering portal.

Tenders were received from four companies as follows:

1. Brewster Hjorth Pty Limited (BHA)
2. Liquid Blu Pty Limited (LB)
3. NBRIS and Partners Pty Limited

---

**PSR18/080 TENDER - PRINCIPAL DESIGN CONSULTANT AND SUB-CONSULTANT SERVICES AND BUDGET ALLOCATION - MACKAY PARK PROJECT E18.1480**

4. Warren and Mahoney Architects Australia Pty Limited (WAM).

**CONSIDERATIONS**

**Legal**

The tendering process was required to comply with the *Local Government (General) Regulation 2005* (the Regulation).

Council decided to call for tenders from four consultants shortlisted following an Expression of Interest (EOI) process conducted by Council, in accordance with Clause 168 of the Regulation.

The evaluation method included weighted price, and non-price criteria with a price: non-price ratio of 60:40; a two-envelope system was adopted. 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.

A Tender Evaluation Plan consistent with the Regulation and the conditions of tendering in the RFT documents, was prepared and endorsed by the Tender Evaluation Committee prior to the close of tenders.

All EOI shortlisted consultants agreed to submit a tender when initially contacted.

One addendum was issued during the tender period, however, this did not change the scope of the services and the estimate was not amended.

A number of clarifications were made to all those who submitted a tender during this period, in response to individual enquiries seeking verification of the requirements of the engagement.

Eurobodalla Shire Council agreed, prior to the issue of tenders, that due to the location of Council in relation to the tenderers' offices, a physical tender box was not required to be offered for the receipt of this tender.

The offer submitted by the preferred tenderer has been assessed as representing the best value for money for Council, and have met all mandatory criteria, with the highest aggregated score.

**Policy**

The procurement activity to 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*.

---

**PSR18/080 TENDER - PRINCIPAL DESIGN CONSULTANT AND SUB-CONSULTANT SERVICES AND BUDGET ALLOCATION - MACKAY PARK PROJECT E18.1480**

**Environmental**

A component of the consultancy involves a feasibility study to review any design against the Green Star Rating Tool sustainability criteria, to determine the design and operational measures/inclusions that need to be delivered in the project to achieve the targeted rating.

A lifecycle costing analysis (benchmark against a conventional designed and operated facility), will be undertaken to assess which sustainability measures can be included.

**Financial**

Council has the financial capacity to proceed to contract with the preferred tenderer. As it is a capital project, it is prudent to allocate appropriate budget and finance via loan funding.

**Communication and Stakeholder Engagement**

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

**CONCLUSION**

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

The preferred tenderer offered a strong consultant team, relevant project experience and sufficient resources to achieve the project program.

The preferred tenderer has a very good record in community consultation, which is a key component of the services. The preferred tenderer has confirmed that it has the resources required to undertake the work.

It is therefore recommended that the preferred tenderer be awarded the contract for the Principal Design Consultancy.

---

**CAR18/031 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE  
MASTERPLAN**

**E03.7729**

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

Attachments: 1. Under Separate Cover - draft Captain Oldrey District Sports Park Landscape Masterplan 2018

Outcome: Strong Communities, Desirable Lifestyle

Focus Area: 1.3 Encourage and enable healthy lifestyle choices

Delivery Program Link: 1.3.2 Plan for and provide a safe and accessible network of recreation and community facilities

Operational Plan Link: 1.3.2.2 Commence implementation of the Recreation and Open Space Strategy 2018

**EXECUTIVE SUMMARY**

The draft Captain Oldrey District Sports Park Landscape Masterplan 2018 (Masterplan) is presented for Council's consideration and endorsement for a 28 day public exhibition period.

The draft Masterplan provides a framework for the development of the Captain Oldrey Park in line with Recreation and Open Space Strategy (ROSS) 2018 Action C2, to ensure that usage capacity is increased and native vegetation elements are retained and managed where practical.

Implementation of the Masterplan will deliver the vision for Captain Oldrey Park 'to provide a quality outdoor multi-sport and community venue that is recognised for its regular sporting events and community recreation opportunities'.

The Masterplan is an aspirational document, balancing Captain Oldrey Park's current and future use, while acknowledging the community interest in maintaining native vegetation where possible.

The Masterplan provides a basis to guide the future development and operations of Captain Oldrey Park. It also provides an evidence base to inform the allocation of Council resources as well as external funding applications for site development.

Similar to the development of the ROSS 2018 and the two previous landscape masterplans presented to Council, the initial Masterplan research and preliminary engagement was undertaken in 2016-17 by consultants, ROSS Planning Pty Ltd. Further engagement with key user groups and internal stakeholders was undertaken by Council staff in 2017-18 to expand on the consultant's initial findings.

This engagement has informed the development of the Masterplan, which is now at a stage for public exhibition.

The draft Masterplan contains 24 prioritised actions with a total indicative cost to implement of \$3.25 million. The prioritised actions will be funded over time through a combination of annual capital bids, ROSS funded allocations and external grants.

There is not, at this point in time, demand for a third playing field at this location. However, with the popularity of football and rugby union at the site and anticipated population growth in



---

**CAR18/031 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE  
MASTERPLAN**

**E03.7729**

the area, it is possible that the demand will exist in the future. For this reason, the Masterplan recommends reassessing demand for a third playing field at approximately five-yearly intervals, including consideration of possible alternative locations and surface types.

When adopted, the Masterplan will form part of the development of a generic Plan of Management for Sportsgrounds to meet obligations under the new *Crown Land Management Act 2016*, which commenced on 1 July 2018.

If approved for exhibition the draft Masterplan will be made available on Council's website and copies will be placed at the Council Offices (2) and each of the three libraries.

**RECOMMENDATION**

THAT

1. The draft Captain Oldrey District Sports Park Landscape Masterplan be endorsed for the purpose of public exhibition for 28 days.
2. A further report detailing any submissions received, be presented to Council following the conclusion of the exhibition period.

**BACKGROUND**

The development of the draft Masterplan commenced in 2016 in conjunction with the development of Council's ROSS 2018, which was adopted on 27 February 2018. Adoption of the draft Masterplan will complete the ROSS 2018 high priority Action C2 - *Finalise the Masterplan for Captain Oldrey Park*.

Captain Oldrey Park is the regional sporting facility for netball and hosts six netball courts, two rectangular playing fields, a mini field, synthetic cricket pitch and practice nets, a playground and sporting amenities building/community hall.

The Masterplan provides a basis to guide the future development and operations of Captain Oldrey Park. It also provides an evidence base to inform the allocation of Council resources, as well as external funding applications for development of the site.

Implementing the Masterplan will deliver the vision for Captain Oldrey Park 'to provide a quality outdoor multi-sport and community venue that is recognised for its regular sporting events and community recreation opportunities'.

The Masterplan includes a literature review and assessment of current trends, a description of the current site, engagement outcomes, the proposed landscape design, design considerations and an Action Plan with indicative costs.

The benefits of an adopted Masterplan include:

- A clear vision and plan based on evidence and community feedback
- Attract more regional netball and larger scale sporting events to Eurobodalla Shire
- Upgraded facilities to better accommodate regular local sports clubs and regional netball events

---

**CAR18/031 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE  
MASTERPLAN**

**E03.7729**

- Improved levels and frequency of sporting events through improved playing surfaces and field/court lighting
- Increased recreation opportunities for all ages and abilities
- Better positions the venue to attract grant funding for future development
- Improved car parking and increased public amenities.

**CONSIDERATIONS**

Captain Oldrey Park is a central and popular sporting venue on Council-owned community land designated for Public Recreation. There is strong community sentiment to preserve the native bush that comprises a little over 40 per cent of the land parcel.

Development of adjacent residential land will lead to new road frontage, increased access to the site and increased passive surveillance of Captain Oldrey Park and its facilities.

Consultation identified:

- The current sporting amenities building is insufficient for current needs and limits increased usage of the site
- Netball courts are at capacity and there is strong current demand for additional courts
- Lighting and playing surface upgrades would better meet current needs and increased future facility usage
- Parking is filled past capacity on most game days
- Fencing is required to prevent balls entering the road and parking areas
- Substantial use of the facility by the neighbouring public school
- Opportunities exist to use the native bushland for environmental education and recreation for all ages and abilities.

**Legal**

Captain Oldrey Park is 7.37 hectares of Council owned community land (Lot 58 DP 245167).

On 1 July 2018, the *Crown Lands Management Act 2016* (the Act) was enacted. Council will need to prepare Plans of Management for all Crown Land situated within this Shire and managed by Council within three years. Although not on Crown Land, Captain Oldrey Park is included in a generic Plan of Management for Sportsgrounds and the draft Masterplan has been developed to be able to be incorporated into the updated plan of management as required by the Act.

**Environmental**

Just over 40 per cent of Captain Oldrey Park is Bangalay Sand Forest. Most of the vegetation on the site is Biodiversity Certified and subject to a Biodiversity Certification Agreement. This means that no further biodiversity assessment under State legislation is required for any impacts to native vegetation or animals should some or all of the vegetation be removed.

---

**CAR18/031 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE  
MASTERPLAN**

**E03.7729**

Impacts within the Biodiversity Certified area have already been offset by conservation measures including the creation of a biobank site.

Under the Biodiversity Certification Agreement, Council is required to pay for biodiversity credits before removing any vegetation. Vegetation clearing procedures to minimise impacts to fauna that may be using the vegetation as habitat must be followed for any vegetation removal whether within the biodiversity certified area or not.

Native vegetation outside of the Biocertification area may require biodiversity assessment of the proposed impacts before any clearing of native vegetation can take place.

**Asset**

The Masterplan includes upgrades to the sporting amenities building and substantial investment in eight, lit synthetic netball courts, including two all-weather under cover courts.

The implementation of the Masterplan actions will make site assets more functional and compliant with requirements and standards, with an expectation that the new and renewed assets will increase usage, patronage and potentially increase revenues for future operations and maintenance of the site.

**Social Impact**

Implementation of the Masterplan will positively impact on community wellbeing, health and safety by providing a quality sport and recreation venue that can support both physical activity, community participation and social interaction for all ages and abilities.

Situated centrally between Batemans Bay and Moruya and already the regional facility for netball, the upgrade of Captain Oldrey Park netball facilities will support increased participation and provide a significant central location to attract events and carnivals from across the Shire and beyond. Improved lighting and field playing surfaces will also better support current and increasing use of Captain Oldrey Park for football (soccer) and rugby union.

To increase the recreation capacity of Captain Oldrey Park for all ages and abilities while maintaining native vegetation, the Masterplan proposes an accessible walking trail be established within the native bush. As relatively level ground, and located between a retirement village and a school, this location provides an ideal environment for an accessible nature trail. It is anticipated that this will increase the use of this land by the wider community and active appreciation of the natural surrounds, as well as meeting Delivery Program (1.3.2) and Disability Inclusion Action Plan (1.3.2.3.4) actions.

**Financial**

Indicative costings to implement the Masterplan is \$3.25 million.

Council has recently submitted a grant application for \$415,000 for Captain Oldrey Park sports field lighting upgrades and additional change rooms for the sporting amenities building.

Further grants and funding opportunities will be pursued to implement the Masterplan if approved by Council.

---

**CAR18/031 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE  
MASTERPLAN**

**E03.7729**

**Community and Stakeholder Engagement**

Extensive community and stakeholder engagement has contributed to the development of the Masterplan. The consultation process has guided a realistic and achievable landscape design and Action Plan detailing 24 high, medium and low priorities.

The Masterplan was prepared by Council staff with input by ROSS Planning Pty Ltd, originally contracted to perform the initial consultation and prepare a draft document. Council staff have subsequently undertaken additional external and internal engagement, and further developed the document and landscape design.

Consultation was performed with known user groups, including:

- Eurobodalla Netball Association
- Broulee Stingrays Football Club
- Broulee Dolphins Rugby Club
- Broulee Bunyips Playgroup
- Broulee Public School
- St Peter's Anglican College
- Carroll College
- Broulee Mossy Point Community Association
- the broader community through ROSS 2018 surveys and public exhibition.

Internal consultation was also carried out and feedback, particularly from Infrastructure Works and Planning Development Services Divisions, was incorporated into the Masterplan.

ROSS 2018 Action C2 outlines a number of developments that were being considered in the draft Masterplan that was under development at the time the ROSS was finalised.

The proposal to develop a third rectangular playing field on the site, as presented in the ROSS 2018, was met with some resistance by sections of the community, largely due to the amount of vegetation that would need to be removed from the site. A petition of 322 signatures was presented to the Council meeting of 31 July 2018 to 'save the last area of remnant bush on public land in Broulee Village' in reference to the vegetation at Captain Oldrey Park.

**Key Actions of the Masterplan**

As a result of the information gathered through the consultation process, the design considerations, current needs and future demands as well as opportunities and constraints for the entire site were developed. The Masterplan recommends solutions to best address these considerations.

There is not, at this point in time, demand for a third playing field at this location. However, with the popularity of football and rugby union at the site and anticipated population growth in the area, it is possible that the demand will exist in the future. For this reason, the Masterplan recommends reassessing demand for a third playing field at approximately five-yearly intervals, including consideration of possible alternative locations and surface types.

---

**CAR18/031 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE  
MASTERPLAN**

**E03.7729**

Key actions in the Masterplan include:

- Replacing the six bitumen netballs courts with eight, lit synthetic courts, with two all weather under cover and lit to competition standard (also incorporating basketball court markings and backboards)
- Sporting amenities building upgrade, including two additional changerooms (increasing the total to four), new toilet facilities and extended awnings for all-weather shaded spectator viewing
- Staged car parking upgrades, formalising and almost doubling parking available (to a total of 247 spaces) for a site that is consistently exceeding capacity on Saturday and special event game days
- Playing field surface refurbishment and upgrades
- Playing field lighting upgrades
- Fencing between courts/playing fields and the road
- Spectator seating alongside courts and playing fields
- Accessible nature trail with picnic settings
- Improved directional and entry signage.

**CONCLUSION**

The draft Captain Oldrey District Sports Park Landscape Masterplan 2018 has been prepared incorporating input from all regular user groups, the community and Council staff.

The draft Masterplan is presented for Council's consideration to endorse a 28 day public exhibition period.

---

## **17. DEALING WITH MATTERS IN CLOSED SESSION**

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

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

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

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

---

## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

## AGENCY ADVICE

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

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

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

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

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

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

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

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

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



Acronym	Meaning	Description
BCA	Building Code of Australia	Prescribes minimum standards or performance base for building construction.
CAMP	Companion Animal Management Plan	Required by state law, plan nominating management of dogs and cats and areas for access for the exercise of dogs (eg beaches and reserves).
CC	Construction Certificate	Floor plans approved by council or private certifier in compliance with development conditions and BCA.
COPW	Condition of Public Works Report	Required by state law to define the condition of infrastructure assets, the cost to upgrade to defined standards, the current costs of maintenance and desired levels of maintenance.
CP	Cultural Plan	A cultural plan enables identification of cultural assets, identity and needs as well as providing a framework to develop cultural initiatives to increase opportunities for residents.
CSR	Complaint and Service Request	Requests received from public by phone, letter, email or Councillor to attend to certain works (eg pothole) or complain of certain service or offence (eg dogs barking).
DA	Development Application	Required by state law to assess suitability and impacts of a proposed development.
DAP	Disability Action Plan	Council plan outlining proposed works and services to upgrade facilities to progressively meet Disability Discrimination Act.
DCP	Development Control Plan	Local planning policy defining the characteristics sought in residential, commercial land.
DECCW	Department of Environment, Climate Change and Water (formerly EPA, NPWS, DEC)	State agencies (former Environment Protection and National Parks), DNR managing state lands and natural resources and regulating council activity or advising on development applications.
DWE	Department of Water and Energy	State agency managing funding and approvals for town and country water and sewer services and State energy requirements.
DoP	Department of Planning	State agency managing state lands and regulating council activity or advising on development applications or strategic planning.
DLG	Department of Local Government	State agency responsible for regulating local government.
DoL	Department of Lands	State agency managing state lands and advising on development applications or crown land management.
DoC	Department of Commerce	State agency (formerly Public Works) managing state public water, sewer and buildings infrastructure and advising/supervising on council infrastructure construction.

Acronym	Meaning	Description
DoH	Department of Health	State agency responsible for oversight of health care (community and hospital) programs. Also responsible for public warning of reportable health risks.
DOTAR	Department of Infrastructure, Transport and Regional Development and Local Government	Federal agency incorporating infrastructure, transport system, and assisting regions and local government.
EBP	Eurobodalla Bike Plan	Strategic Plan identifying priorities and localities for cycleways in the Shire.
EIS	Environmental Impact Statement	Required for designated and state developments researching and recommending solutions to social, economic and environmental impacts.
EMP	Estuary Management Plan	Community based plan, following scientific research of hydrology and hydraulics, recommending actions to preserve or enhance social, economic and environmental attributes of estuary
EMS	Environmental Management System	Plans prepared by council (such as waste management and strategic planning) around AS14000.
EOI	Expressions of Interest	Often called in advance of selecting tenders to ascertain capacity and cost of private sector performing tasks or projects on behalf of council.
EP&A	Environment Planning & Assessment Act	State law defining types of development on private and public lands, the assessment criteria and consent authorities.
ESC	Eurobodalla Shire Council	
ESD	Ecologically Sustainable Development	Global initiative recommending balance of social, economic and environmental values in accord with 7 ESD principles.
ESS	Eurobodalla Settlement Strategy	Council strategy prepared with assistance of government to identify best uses and re-uses of urban lands, the appropriate siting of private and public investment (eg institutions, employment areas or high density residential) based on current and planned infrastructure and land capacity.
ET	Equivalent Tenement	Basis of calculation of demand or impact of a single dwelling on water and sewer system.
FAG	Financial Assistance Grant	Federal general purpose grant direct to local government based on population and other 'disability' factors.

Acronym	Meaning	Description
FSR	Floor Space Ratio	A measure of bulk and scale, it is a calculation of the extent a building floor area takes up of an allotment.
GIS	Geographic Information System	Computer generated spatial mapping of land and attributes such as infrastructure, slope, zoning.
IPART	Independent Pricing & Regulatory Tribunal	State body that reviews statutory or government business regulatory frameworks and pricing levels.
IPWEA	Institute Public Works Engineers Australia	Professional association.
IWCMS	Integrated Water Cycle Management Strategy (or Plan)	Council plan identifying risk and social, economic and environmental benefit of proposed augmentation to water, sewer and stormwater systems.
IWMS	Integrated Waste Management (Minimisation) Strategy	Council plan identifying risk and social, economic and environmental benefit of proposed augmentation of waste (solids, effluent, contaminated, liquid trade waste).
LEP	Local Environment Plan	The statutory planning instrument defining the zones and objectives of urban and rural areas.
LGAct	Local Government Act	State law defining the role of Mayor, Councillors, staff, financing, approvals etc.
LGMA	Local Government Managers Australia	Professional association.
LGNSW	Local Government NSW	Representative advisory and advocacy group for councils in NSW.
MOU	Memorandum of Understanding	Agreement in principle between parties (eg council and agency) to achieve defined outcomes.
NPWS	National Parks & Wildlife Service	Now merged into DECCW.
NRM	Natural Resource Management	
NVC	Native Vegetation Act 2003	State law defining means of protection of threatened legislation and approval processes to clear land.
OC	Occupation Certificate	Issued by council or private certifier that building is safe to occupy and in compliance with development conditions and BCA.
OSMS	On site sewage management system	Includes septic tanks, aerated systems, biocycles etc.
PCA	Principal Certifying Authority	The person or organisation appointed by applicant to inspect and certify structures.

Acronym	Meaning	Description
PIA	Planning Institute of Australia	Professional association.
POEO	Protection of the Environment Operations Act	State law outlining standards for emissions and discharges and penalties for pollution.
PoM	Plan of Management (usually for community land)	Council plan nominating type of uses for community land and range of facilities progressively to be provided on land.
PPP	Public Private Partnerships	
PTS	Public Transport Strategy	Council strategy to initiate mechanisms to promote and facilitate public transport (bus, taxi, community transport, cycles) in design of subdivisions, developments and council works.
REF	Review of Environmental Factors	Council examination of risk and social, economic and environmental benefit of proposed works, assessed against state planning, environment and safety laws.
REP	Regional Environment Planning Policy	Outlines compulsory state planning objectives to be observed in development assessment and strategic planning.
RFS	Rural Fire Service	State agency responsible for providing equipment and training for volunteer firefighter brigades, and the assessment and approval of developments in bushfire prone lands.
RLF	Regional Leaders Forum	The group of mayors and general managers representing the councils in the ACR.
RMS	Roads & Maritime Service	State agency responsible for funding, construction and maintenance of state roads, the approval of council works on arterial roads and development applications.
S64	S64 Contributions Plan	Developer contributions plan to enable, with council and state funds, the augmentation of water, sewer and stormwater infrastructure.
S94 S94A	S94 Contributions Plan S94A Contributions Plan Levy Plan	Developer contributions to enable construction of public infrastructure and facilities such as roads, reserves, carparks, amenities etc.
SCG	Southern Councils Group	Political and strategic grouping of councils along the NSW south coast from Wollongong to the border, lobbying government for assistance (eg highways) and resourcing sharing initiatives.
SCRS	South Coast Regional Strategy	Regional Strategy prepared by DoP for ESC, BVSC and part SCC to guide new LEPs.

Acronym	Meaning	Description
SEA	Strategic Environment Assessment	Spatial assessment of environmental constraints of land considered in design and assessment of subdivision and infrastructure.  Scientific research behind assessment of capacity of land and waterways in rural residential and urban expansion lands to sustain human settlement.
SEPP	State Environmental Planning Policy	Outlines compulsory state planning objectives.
SNSWLHD	Southern NSW Local Health Districts	State board commissioned with oversight of health care in Highlands, Monaro and Far South Coast.
SoER	State of the Environment Report	Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social, economic and environmental features of the Shire and appropriate responses to address or preserve those issues.
SP	Social Plan	Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social framework of the community, their services and facilities and economic interactions.
.....SP	Structure Plan	Plan promoting landuses and siting of infrastructure and facilities in towns (eg, BBSP – Batemans Bay Structure Plan).
SRCMA	Southern Rivers Catchment Management Authority	State agency commissioned with assessment and monitoring of health and qualities of catchments from Wollongong to the border, and determine directions and priorities for public and private investment or assistance with grants.
STP	Sewer Treatment Plant	Primary, secondary and part tertiary treatment of sewage collected from sewers before discharge into EPA approved water ways or irrigation onto land.
TAMS	Total Asset Management System	Computer aided system recording condition and maintenance profiles of infrastructure and building assets.
TBL	Triple Bottom Line	Commercial term coined to encourage business to consider and disclose social and environmental risk, benefit and costs in the conduct of business to guide investors as to the long term sustainability and ethics of a business. Taken up by Council to record the basis of prioritisation, the review of condition, the monitor of progress and the financial disclosure of preventative or maintenance investment in council based social and environmental activities.
ToR	Terms of Reference	
TSC	Threatened Species Conservation Act 1995	State law governing the protection of nominated species and relevant assessment and development controls.

---

Acronym	Meaning	Description
WCF	Water Cycle Fund	Combination of water, sewer and stormwater activities and their financing arrangements.
WSUD	Water Sensitive Urban Design	Principle behind the IWCMS and council development codes requiring new developments to reduce demand and waste on water resources through contemporary subdivision and building design.