



# **AGENDA**

**Ordinary Meeting of Council**

**10 February 2015**



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

**ON TUESDAY 10 FEBRUARY 2015**

**COMMENCING AT  
10.00AM**

**AGENDA**

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

- 1. WELCOME AND EVACUATION MESSAGE**
- 2. APOLOGIES**  
Nil
- 3. QUESTIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY)**
- 4. DEPUTATIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY)**
- 5. PRESENTATIONS**
- 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
6.1 Ordinary Meeting held on 9 December 2014
- 7. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)
- 8. MAYORAL REPORTS**
- 9. REPORTS OF COMMITTEE**  
Nil
- 10. NOTICES OF MOTION**  
Nil
- 81. QUESTIONS ON NOTICE**  
Nil

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

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**GMR15/001 PROPOSED SPECIAL RATE VARIATION FOR COMMUNITY AND  
TRANSPORT INFRASTRUCTURE PROJECTS**

**E14.8367**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Submissions Summary (under separate cover)  
Delivery Program 2013-17 (under separate cover)  
Long Term Financial Plan 2015-25 (under separate cover)

Strategic Objective: Collaborative

Delivery Program Link: C2.1 Coordinate the delivery of the Integrated Planning and Reporting Framework across the organisation

Operational Plan Link: C2.1.1 Prepare the Council's Delivery Plan and Operational Plan

**EXECUTIVE SUMMARY**

This report informs Council of community feedback received during the public exhibition of the revised Delivery Program 2013-17, Long Term Financial Plan (LTFP) 2015-25 and the proposed Special Rate Variation (SRV) for community and transport infrastructure projects. It outlines Council's final SRV proposal, its impact on ratepayers and includes a summary of how Council would address the proposed SRV application criteria.

This report recommends that a SRV of 8% proceed on the grounds that it would have a significant and positive impact on Council's long term financial position and its ability to provide responsive and safe community and transport infrastructure.

Since the revised Delivery Program 2013-17 was placed on public exhibition, savings to contractor casual cost charge out rates in the General Fund, to commence from 2015-16 have been identified. These savings equate to 0.6% of the SRV proposal. In response to community feedback received throughout the SRV consultation period and in accordance with Council resolution on 9 December 2014, it is proposed to restrict 0.6% of the SRV for transport and community infrastructure renewals, with the revised Delivery Program 2013-17 reflecting this change.

**RECOMMENDATION**

THAT Council:

1. Receive and note the feedback and results of the public exhibition of the revised Delivery Program 2013-17 and Long Term Financial Plan 2015-25.
2. Make an application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508A of the Local Government Act 1993 for a special variation to its general rate income of 8% per annum (including the rate peg amount) for a period of three years, commencing in 2015-16 with the increase to remain permanently in the rate base
3. Adopt the revised Delivery Program 2013-17 (noting savings of 0.6% from contractor casual cost charge out rates which will be restricted for transport and community infrastructure renewals) and Long Term Financial Plan 2015-25 as exhibited.

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4. Prepare two Operational Plans for 2015-16 to reflect the base case scenario and special rate variation scenario.

**BACKGROUND**

The management of infrastructure assets is a key issue facing Council. Like many NSW councils, Eurobodalla has a shortfall in the funds required to provide and maintain its existing facilities and assets as well as meet emerging community needs.

The cost of local government services has risen faster than inflation. Eurobodalla's general rate has not increased more than the rate peg since 2006 and Council currently has a rates income which is 20% below the average rates of comparable Group 4 councils. This situation presents challenges, identified in Council's Long Term Financial Plan and Asset Management Plans, principle of which is an estimated \$4 million infrastructure renewal gap per annum.

The annual renewal gap is impacted by capital renewal expenditure in any one year particularly any major items. The revaluation of assets and the growth in assets due to development and other capital works, will see a rise in the annual depreciation and the annual infrastructure renewal gap in future years. The transport assets are being revalued in 2014-15 which will result in a revised figure being calculated at the end of this financial year.

To meet the needs of our community and address the challenges identified, Council has facilitated community participation through a range of consultations, assessed financial and infrastructure requirements and developed a Special Rate Variation (SRV) proposal that is balanced, moderate and strengthens Council's long term position. Further background on the process to date is contained in previous Council reports: GMR14/018 22 July 2014, GMR14/025 23 September 2014, and GMR14/037 9 December 2014.

At its Ordinary Meeting on 9 December 2014, Council resolved to advise the Independent Pricing and Regulatory Tribunal (IPART) of its intention to apply for a SRV under section 508A of the Local Government Act 1993. Council is expected to join more than 20 other councils from across the State in making an application to IPART for a SRV commencing in 2015-16 (last year there were 33 SRV applications).

Council also resolved for the continuation of community engagement activities designed to further inform the community of the need for and extent of a SRV through the exhibition of the revised Delivery Program 2013-17 and Long Term Financial Plan 2015-25.

Since the Council meeting on 9 December 2014, Council's service review of the internal Organisational Development (human resources) service has identified savings of \$140,000 that will take effect in the 2015-2016 year. These savings will be made by improving efficiencies, absorbing the administration of managing and recruiting casual staff in house, and new tender arrangements for contactor casuals.

In response to feedback from the community throughout the SRV consultation period and in accordance with Council's resolution of 9 December 2014, it is recommended to restrict 0.6% of the SRV for transport and community infrastructure renewals to further address the renewal gap.

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A number of cost containment opportunities, including a reduction in electricity and energy efficiencies continue to be investigated. These will be reported in the future, however exact costs cannot be confirmed at this time.

This report provides an overview and results of the community engagement undertaken as part of the exhibition.

In addition, it outlines:

- the final SRV proposal
- the impact of the SRV proposal on ratepayers
- a summary of the SRV criteria
- how Council will address these requirements if it determines to apply for the SRV as proposed.

### **CONSIDERATIONS**

Councils must identify the need for a SRV to their General Fund's rates revenue as part of their Integrated Planning and Reporting (IP&R) process. Key IP&R documents must be publicly exhibited and adopted by Council prior to the submission of the SRV application to IPART.

Due process has been followed through the public exhibition of the revised Delivery Program 2013-17 and Long Term Financial Plan 2015-25. This report recommends Council adopt the revised Delivery Program and Long Term Financial Plan as amended in the recommendations.

The SRV application must be submitted to IPART by 16 February 2015, accompanied by the adopted IP&R documents.

A decision on the SRV application will not be determined by IPART until 19 May 2015. Notwithstanding the above, Council will need to have prepared and endorsed for exhibition its Operational Plan for 2015-16 by that date if it is to meet the 30 June 2015 deadline for adoption. Therefore, if Council submits a SRV application it must progress preparation of its Operational Plan for 2015-16 in two versions to reflect the base case scenario and the special rate variation scenario until a final decision is made by IPART.

### **Policy**

IPART will assess each SRV application against the criteria set out in the Office of Local Government's Guidelines for the preparation of an application for a SRV to general income for 2015-16 (the Guidelines). Council has addressed key criteria as follows:

<b>Criterion</b>	<b>Key Points</b>
Assessment Criterion 1: Need for the variation	<ul style="list-style-type: none"><li>• Financially responsible decision – will result in an improvement in key financial indicators such as operating performance, asset renewal and the infrastructure backlog indicators</li><li>• Assist in addressing annual infrastructure renewal gap and backlog of works.</li></ul>

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Criterion	Key Points
	<ul style="list-style-type: none"> <li>• Meets community needs and expectations now and into the future through sustaining current service levels and delivering a package of community and transport infrastructure</li> <li>• Assist in achieving financial sustainability and meeting the Fit for the Future criteria</li> <li>• Alternative revenue raising and cost containment strategies have been implemented however they are not sufficient on their own</li> <li>• Underpinned by extensive planning and consultation</li> </ul>
<p>Assessment Criterion 2: Community awareness and engagement</p>	<ul style="list-style-type: none"> <li>• Extensive community engagement through IP&amp;R process since 2010</li> <li>• Suite of engagement activities employed to ensure awareness of impact of and need for a SRV including: two direct mail outs to all ratepayers, statistically reliable community survey, media coverage, two exhibition periods, public information sessions, telephone hotline, web hub and static displays</li> <li>• Significant community awareness of SRV proposal (64% of surveyed ratepayers aware of proposal)</li> <li>• High level of satisfaction with Council performance and current service levels (2014 Micromex survey) <ul style="list-style-type: none"> <li>○ 89% of surveyed ratepayers were very satisfied to somewhat satisfied with the level of service Council provides</li> <li>○ 82% of surveyed ratepayers were very satisfied to somewhat satisfied with Council's performance (result is significantly higher than NSW Regional Benchmark and an increase from Council's 2012 survey)</li> </ul> </li> <li>• Support for continuation of current service levels and for council to make financially responsible decisions for the future</li> </ul>
<p>Assessment Criterion 3: Impact on ratepayers</p>	<ul style="list-style-type: none"> <li>• Starting from comparatively low residential rating base – average residential rate \$817.82 in 2014-15 20% below comparable Group 4 and neighbouring</li> </ul>



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Criterion	Key Points
	<p>councils</p> <ul style="list-style-type: none"> <li>• 8% increase (including rate peg and the 0.6% additional transport renewal restriction) each year for 3 years sought. Cumulative increase of 25.97% including rate peg (inclusive of 9.27% rate peg)</li> <li>• Total average residential increase per annum: <ul style="list-style-type: none"> <li>○ year 1 \$65.30</li> <li>○ year 2 \$70.68</li> <li>○ year 3 \$76.30</li> </ul> </li> <li>• Total average farmland increase per annum: <ul style="list-style-type: none"> <li>○ year 1 \$102.61</li> <li>○ year 2 \$109.98</li> <li>○ year 3 \$118.78</li> </ul> </li> <li>• Total average business increase per annum: <ul style="list-style-type: none"> <li>○ year 1 \$234.68</li> <li>○ year 2 \$253.16</li> <li>○ year 3 \$273.41</li> </ul> </li> <li>• Comparison of home ownership levels, neighbouring council rating, socio-economic indexes published by ABS and Council's own low level of outstanding rates indicate capacity to pay moderate SRV increase</li> <li>• Revision of the Rates and Debtors Hardship policy – all reasonable efforts made to assist individuals in genuine hardship</li> <li>• The use of the Rates and Debtors Hardship policy has rarely been sought</li> </ul>
Assessment Criterion 4: Public Exhibition of relevant IP&R documents	<ul style="list-style-type: none"> <li>• All relevant IP&amp;R documents contain detailed information on the SRV proposal and have been exhibited and adopted by Council as required</li> </ul>
Assessment Criterion 5: Productivity improvements and cost containment	<ul style="list-style-type: none"> <li>• Elected and executive commitment to continuous improvement, productivity and efficiency</li> <li>• Ongoing service review program</li> <li>• Continue with key cost containment programs including: 20% reduction in energy costs, over</li> </ul>

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Criterion	Key Points
	<p>\$300,000 WHS savings and Statecover bonus incentives, asset disposal and implementation of property strategy, refined procurement practices, staffing cost savings, continuous review of fees and charges, and ongoing partnerships</p> <ul style="list-style-type: none"><li>• \$140,000 saving via tendered contractor casuals from 2015/16 and efficiency improvements in the administration of internal council casuals.</li></ul>

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**Asset**

Like many councils, Eurobodalla has identified a significant annual infrastructure renewal gap and backlog of infrastructure works to provide the infrastructure that our community depends upon in their everyday lives. If this issue is not addressed, our community will experience a steady decline in the condition of its infrastructure, leading to reduced levels of service, reduced public safety, higher risks of infrastructure failure and higher maintenance costs.

Council has actively engaged with its community on this issue as part of the process of considering the special rate variation proposal. If approved, the proposed SRV will be a proactive measure toward addressing the infrastructure funding gap as well as addressing immediate infrastructure needs.

The proposed package of works provides a balance between addressing the current funding gap for existing infrastructure, as well as providing a select program of works to help address infrastructure identified during consultation with our community. Where new works are proposed, the SRV financial model provides for the ongoing maintenance, operation and depreciation costs (i.e. whole of life costs). This is critical to ensure these new works do not add to the current growing infrastructure gap.

The level of renewal is also often limited by the available budget. The proposed SRV provides an opportunity to implement a more proactive regime ensuring the useful life of long lived assets is achieved and the reasonable expectations of the community are met. The focus on renewal of assets is supported through the various community engagement activities and surveys where transport infrastructure was identified to be very important to somewhat important to the majority of ratepayers (92% 2014 Micromex survey).

Although the initial program of works includes capital works to address identified community need, in the longer term all funds raised through the SRV will be restricted and directed entirely to infrastructure renewal.

**Financial**

The SRV proposal will support Council's strategic goal of becoming financially sustainable, assist Council to meet the Fit for the Future criteria, and address community expectations regarding community and transport infrastructure.

The estimated income generated from the proposed SRV is approximately \$1.1 million, \$2.4 million and \$3.8 million in years one, two and three respectively. The additional revenue will fund a community and transport infrastructure program to be delivered over four years, costing \$21.4 million.

To leverage the benefit for the community and minimise the impact on ratepayers, Council's financial strategy for the SRV includes<sup>1</sup>:

- cash funding renewal of short lived infrastructure (less than 20 year life) to address the annual infrastructure funding gap

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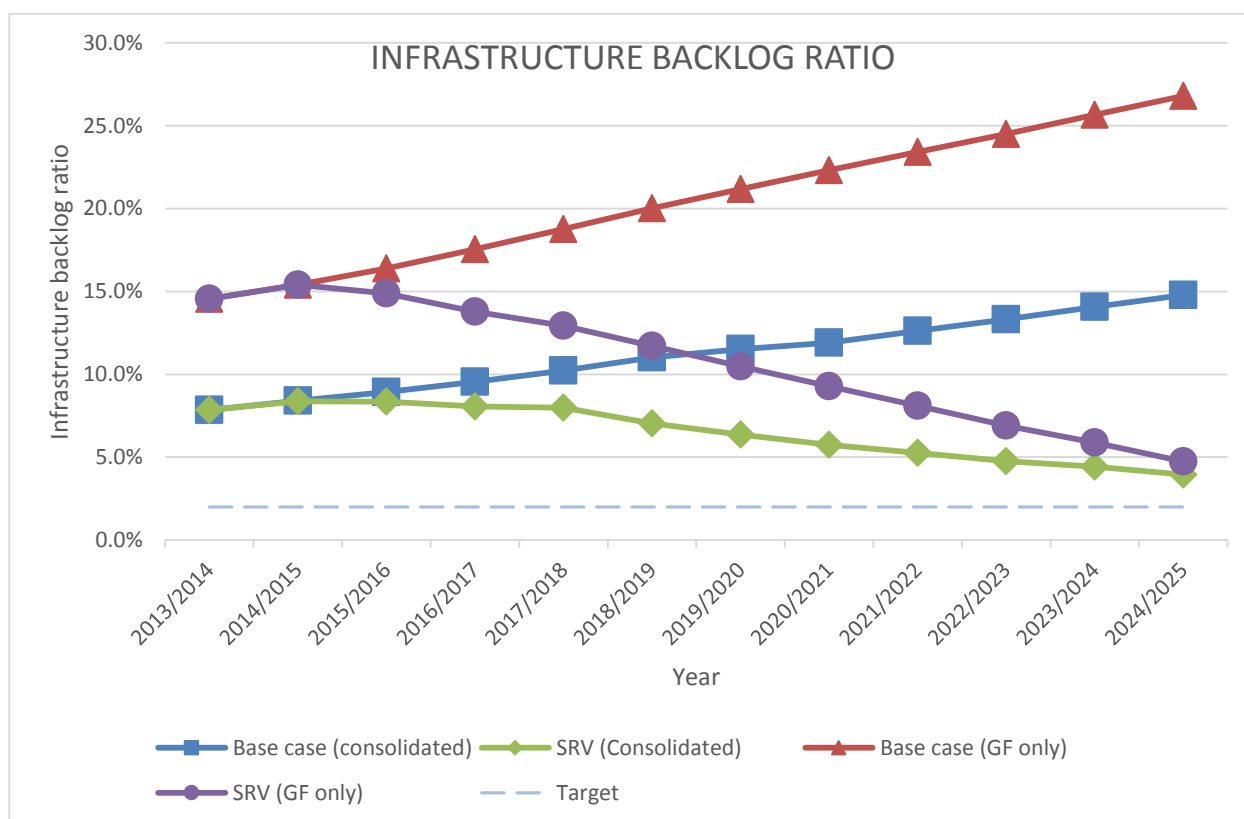
<sup>1</sup> Page 25 of the LTFP

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- borrowings of \$15.7 million to be repaid over 20 years to match the benefits and costs of long lived infrastructure to ratepayers
- ensuring that the 'whole of life costs' of any new or upgraded assets are covered including maintenance, operations and depreciation costs
- for high risk assets such as bridges, it is proposed to loan fund replacement works to allow them to be addressed with greater urgency and remove these from the backlog of existing works.

The strategies identified in the LTFP leverage the benefit additional rates revenue will bring to reducing the infrastructure funding gap and backlog. Effective asset management planning is crucial to ensuring the ratepayers' dollar goes further to sustaining, and in select areas, improving infrastructure to meet current community need.



The graph above shows that with the SRV in place there is a significant favourable movement in reducing the annual infrastructure gap, and the backlog of works, with a commensurate impact on the infrastructure backlog ratio. This compares to a continuing unfavourable movement without the SRV.

Whilst there is improvement in financial sustainability, Council is aware that more work needs to be done. Although the SRV is a major step forward, Council will need to continue to review and refine its service delivery model in order to be fit for the future. This is being addressed by the organisation service review program.

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**Communication / Consultation**

An important part of the IPART application is to provide evidence that the community is aware of the need, purpose and impact of the proposed SRV.

Council has undertaken extensive ongoing consultation with the community about the infrastructure backlog and gap and the need for Council to develop a strategy to become financially sustainable since the development of its first Community Strategic Plan in 2010. Engagement activities have been designed to maximize community awareness of the need for a rate rise and to seek feedback on potential solutions. Outcomes from this consultation are outlined in Council reports GMR14/025 23 September 2014 and GMR14/037 9 December 2014.

Council resolved on 23 September 2014 to undertake community consultation on the proposed SRV and endorsed the Community Engagement Strategy. The intent of the Strategy was to inform the community regarding the need, purpose and impact of the proposed SRV. In addition, a representative sample of the community was independently surveyed about the proposed SRV.

The strategy delivered activities across the first three levels in the International Association for Public Participation (IAP2) spectrum (a recognized international consultation scale) that are to inform, consult and involve in a phased approach as outlined below:

**Phase 1: Inform and Involve (September – November 2014)**

Involved both broad and targeted provision of information and opportunity to source further information and provide feedback. Methods employed are as outlined below:

- **Mail out:** Funding Our Future brochure mailed out to approximately 21,700 ratepayers. The brochure provided information about the package of community and transport infrastructure projects and the SRV proposal. It also detailed how community members could provide feedback.
- **Telephone survey:** Statistically valid community survey with a representative cross section of residents/ratepayers was undertaken to determine awareness of and measure community support of the SRV proposal. The survey also provided an avenue for feedback and measured current levels of satisfaction with Council services.
  - 64% of respondents indicated that they had prior awareness of the SRV proposal, the majority of whom were informed by the Funding Our Future brochure mail out.
  - 89% of respondents were very satisfied to somewhat satisfied with the level of service and facilities provided by Council. An increase from 85% in 2012.

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- 82% of respondents were at very satisfied to somewhat satisfied with Council performance which is significantly higher than the NSW regional benchmark and higher than the Council survey in 2012
- Public information sessions: Council held three public information sessions in Moruya, Narooma and Batemans Bay. Details of the sessions were widely publicised online and in local press and radio and allowed Council to communicate directly with over 100 residents and ratepayers. An additional public information session was held in Tuross Head at the request of the Tuross Head Progress Association.
- Telephone feedback: A SRV hotline was established with staff providing further information and assistance to over 70 residents and ratepayers.
- Council's website: A dedicated web information hub was established linked from the front page of Council's website. There were 1,180 visits to the web hub.
- Information stall: An information stall was held at Moruya market to provide an opportunity for community members to ask questions of senior staff and Councillors about the SRV proposal.
- Media: Activities included coverage in Council's regular Online Newsletter; five media releases and seven statements in response to media queries which formed the basis of a number of radio stories, interviews and newspaper articles; and commentary in two Mayor's columns which are published in local newspapers and on Council's website.
- Submissions by email and mail: Council received 113 submissions by letter and email during the first phase of consultation. A summary of the submissions can be found in GMR14/037 9 December 2014.
- Special Interest Groups: the Mayor and Staff met with a number of special interest community groups to address questions regarding the SRV proposal.

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*Phase 2: Inform and Consult (December 2014 – January 2015)*

Involved the exhibition of a revised Delivery Program 2013-17 and Long Term Financial Plan 2015-25. The exhibition was promoted through:

- direct mail out to approximately 21,700 ratepayers
- Council's website
- print and radio media
- digital subscriber newsletters
- social media
- static displays at Council's libraries and Customer Service Centre

*Exhibition results*

Council received a total of 272 submissions by letter and email.

- 5 in support
- 1 giving conditional support
- 261 in opposition
- 5 submissions contained a number of questions about the SRV proposal and Council operations generally which were forwarded to the relevant staff member for individual response

139 of the objection submissions used a consistent one sentence form letter that only stated that they opposed the rate increase. Unfortunately, as there was no rationale for objection staff are unable to provide a response.

In addition, at the time of finalising this report, Council had received a further five late submissions, one in support and four in opposition, which are not counted in overall totals.

IPART requires that the community is adequately informed about the proposal and are given an opportunity to provide feedback. As can be seen from the above, every practical effort has been made to ensure broad community awareness and seek input and feedback on the SRV proposal. The extent of engagement activities and subsequent number of submissions received indicates the significant level of community awareness achieved during the consultation.

A summary of the issues raised throughout the engagement process and Council's responses are outlined below.

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Issue	Details and response
Affordability	<p>20% of Eurobodalla ratepayers receive the pension rebate which is in line with the Group 4 average pension rebates. In accordance with IPART criteria, factors that determine capacity to pay have been examined. Whilst accepting that some individual ratepayers may find it challenging to adjust household budgets to accommodate rate increases, the evidence suggests the broader community has capacity to pay. This is supported by the level of home ownership which is 44.6%; comparisons of rating with neighbouring and peer councils which show Eurobodalla rates are 20% below the average for Group 4 councils; a review of Socio-Economic Indexes as published by the Australian Bureau of Statistics; and Council's own low level of outstanding rates (3.56%) and the low use of the existing Rates and Debtors Hardship policy by the community.</p> <p>Council has reviewed its Rates and Debtors Hardship policy to ensure an appropriate and compassionate response to individual cases of hardship, tailoring individual arrangements as permissible under the Local Government Act, and providing appropriate assistance to any ratepayers experiencing hardship.</p>
Work within current capacity	<p>Council is committed to continually improving productivity and containing costs. In recent years, this has been achieved through structural changes, work practice improvements and staff training, energy efficiencies, the introduction of new technologies, partnership initiatives and a program of service reviews to ensure we meet the expectations of the community as established in the Community Strategic Plan.</p> <p>This cost containment and efficiency process is one of continuous improvement. Council has made considerable savings via internal service reviews, securing grants and external funds to offset costs, and undertaking an external audit of Council's depreciation model for infrastructure to identify savings. It is anticipated Council will not be able to meet the needs of the community in the years ahead with its current income. To avoid this outcome, Council would require significant cuts to service levels which have not been supported by the community.</p>
Financially responsible decision making	<p>A successful SRV application is an important step towards being able to meet the key financial criteria required in the NSW Government's new Fit for the Future reform program for local government. Without a modest increase in rating income we will need to review and reduce current service levels, including the</p>



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Issue	Details and response
	<p>maintenance and renewal of community and transport infrastructure and may not be able to access favourable loan facilities offered by State Government to Fit for the Future councils.</p> <p>Increasing revenue through a modest SRV is proposed as a financially responsible way to:</p> <ul style="list-style-type: none"> <li>•support economic growth by funding a \$21.4 million package of community and transport infrastructure projects that the community has identified and supported through strategies and independent surveys</li> <li>•deliver a broad range of social and economic benefits including an increase in work undertaken by Council using locally employed people, contractors and suppliers</li> <li>•improve funding of the increasing costs of infrastructure renewal and maintenance works on roads, bridges, pathway, sport and community facilities, playgrounds and public toilets</li> <li>•address the funding shortfall resulting from decreasing Federal Assistance Grants</li> <li>•respond to the NSW Governments new Fit for the Future financial criteria</li> <li>•address the impact of the Independent Pricing and Regulatory Tribunal's rate pegging amount that has not kept up with inflation or the increasing cost of building and construction materials.</li> </ul> <p>To take a modest but significant step to address the financial sustainability of Council now is considered to be a responsible decision. Failure to do this will see the problems worsen, quality of infrastructure deteriorate, resulting in negative economic impacts, increased costs to address the problem in the future, and inappropriately passing the cost on to future generations.</p>
Current level of service	<p>Several submissions suggested that as the current level of service was not meeting expectations they would not be willing to support a rate increase. Only through the SRV and continued improvement will the current level of service be maintained.</p> <p>Council has an annual infrastructure renewal funding gap and backlog of infrastructure renewal. If this issue is not addressed, our community will experience a steady decline in the condition of its infrastructure over time, leading to reduced levels of</p>

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Issue	Details and response
	<p>service, reduced public safety, higher risks of infrastructure failure and higher maintenance costs.</p> <p>The proposed SRV would provide a significant proactive measure toward addressing the infrastructure funding gap as well as addressing immediate high risk backlog issues.</p>
Staffing levels	<p>There was a suggestion that Council should reduce staffing levels rather than increase rates. Any reduction in staff numbers will result in a reduction in current service levels.</p> <p>A benchmarking of employee costs as a percentage of total expenditure was conducted. This included 152 NSW councils and 31 Group 4 councils at a broad level to provide context. Key findings are outlined in detail in QON14/011 from 9 December 2014, and are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Over 70% of councils in New South Wales have higher employee costs, as a percentage of total expenditure, than Eurobodalla.</li> <li>• Eurobodalla is below the state and Group 4 average for employee costs as a percentage of total expenditure.</li> </ul>
Value for money – inequity of project distribution	<p>Some submissions suggested they could not see value for money in terms of the services or community and transport projects provided or used by them as individuals.</p> <p>The package of community and transport infrastructure projects was developed based on broad and extensive community consultation that informed the development of key IP&amp;R documents and council strategies.</p> <p>Rating is not a ‘fee for service’ but rather contributes to the overall functioning and amenity of the Eurobodalla and provides broad economic and social benefits to the community as a whole.</p>
Alternative revenue sources	<p>Councils long term financial plan and resourcing strategy explore alternatives for revenue and savings, and incorporate a range of non-rating revenue sources including asset sales, return of assets to the state, public private partnerships, increased fees and charges and grants.</p> <p>These alternatives are not sufficient to address the increasing gap between revenue and expenditure alone but will play a part in assisting to achieve financial sustainability. As such, the SRV</p>

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Issue	Details and response
	proposal is part of a package to become more financially sustainable.
Amalgamation	The Independent Local Government Review Panel did not recommend Eurobodalla Shire Council to merge with another council.

**Eurobodalla's special rate variation proposal**

The SRV proposal is for an 8% (including rate peg and 0.6% renewal restriction) rate increase each year for three years including the IPART rate peg amount. After year three rates would increase by the IPART rate peg amount only.

The cumulative increase over the three years is 25.97% compared to 9.27% (based on the assumed 3% rate peg) without the SRV.

The SRV becomes a permanent part of the rate base after year three. In the first three years the SRV will generate an addition \$7.3 million in revenue (\$1.1 million, \$2.4 million and \$3.8 million in years one, two and three respectively).

The additional revenue stream will fund a community and transport infrastructure package to be delivered over five years costing \$21.4 million, including approximately \$1.2 million annually for ongoing cash funded renewals. This will include utilizing a component of the funds to finance appropriate loans to allow more timely delivery of works to the community. The program will deliver:

- Increased annual funding to help address the gap in funding for infrastructure renewal, particularly for short lived assets (useful life less than 20 years)
- An enhanced capital works program that will stimulate economic and employment growth and development. This will include an increase in work undertaken by Council using locally employed people, contractors and suppliers.
- A capital renewal program for existing infrastructure in poor condition (e.g. bridges)
- A capital program to upgrade existing infrastructure (e.g. improvements to existing roads, reserves and community facilities) including funding for ongoing 'whole of life costs'
- In addition, the SRV will replace funds as a result of the flat lining of Federal Assistance Grants, a decision of the Federal Government June 2014.

In the longer term, the entire SRV amount will be restricted for infrastructure renewal to help address the renewal of longer lived assets.

The SRV will help to address the current general rate gap between Eurobodalla and other comparative councils noting that Eurobodalla's general rate is 20% below the Group 4 average (2012-13). After the proposed SRV, it is anticipated that Council's rates will sit within the Group 4

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**GMR15/001 PROPOSED SPECIAL RATE VARIATION FOR COMMUNITY AND  
TRANSPORT INFRASTRUCTURE PROJECTS**

**E14.8367**

average. The SRV will also assist with progress towards achieving financial sustainability as required under the State Government's Fit for the Future program.

A targeted community and transport infrastructure program of \$21.4 million will provide:

Community infrastructure including:

- Approximately \$3.9 million for upgrades and new infrastructure to sportsgrounds, local reserves and parks to improve amenities and increase year round use and capacity
- \$560,000 to improve local community halls and improve amenities to increase year round use
- \$50,000 additional recurrent funding for new pathways
- \$300,000 upgrade to Corrigans Beach Reserve Batehaven, Gundry Oval Moruya and Rotary Park Narooma to include playgrounds with special accessibility elements

Economic and tourism infrastructure including:

- \$1.8 million to create a multi-use community and exhibition space with meeting rooms at Moruya Library to increase community usage and support events to promote economic and tourism activity
- \$1.25 million to upgrade Batemans Bay CBD (North and Orient Street north) to increase town centre vitality, economic and tourism activity
- \$270,000 to upgrade Moruya Airport terminal building, car park and plane holding area to improve accessibility and user amenity, economic and tourism activity
- \$350,000 for the provision of accessible toilets (seven) at high profile public sites across Eurobodalla
- \$300,000 for the provision of accessible viewing platforms and walks at high profile sites to improve visitor experiences and beach access

Transport infrastructure including:

- \$1.0 million for Caseys Beach Rock wall renewal
- Approximately \$5.9 million for reconstruction and sealing of a number of higher trafficked gravel roads and upgrading of bridges and culverts

Other:

- Project management costs of \$750,000 to deliver the projects funded by the SRV
- Approximately \$1.2 million of annual renewal funding to further address the infrastructure backlog

**CONCLUSION**

Council's SRV proposal demonstrates an appropriate fiscal response to factors that emerged from community engagement during the development of key IP&R documents, addresses key Fit for Future requirements, as well as Council's goal to become more financially sustainable for current and future generations.

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**GMR15/001 PROPOSED SPECIAL RATE VARIATION FOR COMMUNITY AND  
TRANSPORT INFRASTRUCTURE PROJECTS**

**E14.8367**

Council's phased community engagement process and results demonstrate a broad range of engagement activities and a significant level of community awareness and understanding of the SRV proposal.

The SRV proposal, as outlined in the report, is based on strategic planning, a sound business case and thorough community engagement and awareness.

Should Council wish to progress the application, they must formally resolve to lodge an application with IPART for a SRV. At which point Council planning staff would prepare a SRV application, for lodgment with IPART by 16 February 2015, in accordance with OLG Guidelines and IPART requirements.

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**PSR15/002 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012  
HOUSEKEEPING AND OTHER AMENDMENTS**

**E14.8442**

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services  
Attachments: 1. LEP Housekeeping - Planning Proposal Amendment 8  
Strategic Objective: Sustainable  
Delivery Program Link: S7.2 Maintain, update and communicate planning informations and issues  
Operational Plan Link: S7.2.3 Monitor, report and communicate and implement changes relating to land use planning

**EXECUTIVE SUMMARY**

A number of minor housekeeping amendments to the Eurobodalla Local Environmental Plan 2012 (ELEP 2012) and to the Rural Local Environmental Plan 1987 (RLEP 1987) are now required along with a number of other amendments to ELEP 2012 in response to requests from land owners and to improve the operation of the Plan. The other amendments include:

- Rezoning or land use proposals in response to land owner requests
- Review of land uses in certain lands adjoining town centres in accordance with the Employment Lands Strategy
- Amendments to allow appropriate commercial use of public land and waterways
- Addition of a clause relating to the minimum lot size for certain split zones
- Rezoning and/or reclassification of public land
- Addition of new heritage items and
- Increase in building height for certain land at Batemans Bay.

To progress a Local Environmental Plan amendment, Council must consider and resolve to prepare a Planning Proposal that is submitted to the Department of Planning and Environment for a Gateway determination. An amendment may only proceed (or not) according to the Gateway determination given.

The purpose of this report is to advise Council of the amendments proposed in the draft planning proposal attached to this report and to seek a resolution to forward a planning proposal to the Department of Planning and Environmental for a Gateway determination.

**RECOMMENDATION**

THAT Council

1. Resolve to list the Eurobodalla Botanic Gardens Wallace Herbarium as a heritage item in Eurobodalla Local Environmental Plan 2012.
2. Endorse the attached planning proposal to amend Eurobodalla Local Environmental Plan 2012 and Rural Local Environmental Plan 1987, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, in order to address the matters as

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**PSR15/002 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012  
HOUSEKEEPING AND OTHER AMENDMENTS**

**E14.8442**

outlined in the attachment (Planning Proposal - Housekeeping and Other Amendments).

3. Forward the Planning Proposal to the Minister for Planning for a Gateway determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.
4. Advise the Secretary of the Department of Planning and Environment that Council seeks to exercise delegations for undertaking Section 59(1) of the Environmental Planning and Assessment Act 1979.
5. Following the receipt of a Gateway determination, consult with the community and relevant government agencies as required by the Gateway determination.
6. Receive a report back on any planning proposal to which a written objection is received during consultation with the community as per the requirements of Section 57 of the Environmental Planning and Assessment Act 1979.
7. Note the plan will be made under delegation following the issue of a Gateway determination and the completion of community consultation requirements.

**BACKGROUND**

Eurobodalla Local Environmental Plan 2012 (ELEP) was notified on 20 July 2012. Since then there have been six (6) amendments for various reasons. A seventh amendment for minor housekeeping matters is currently in progress.

A number of additional minor housekeeping amendments to the ELEP 2012 and the Rural Local Environmental Plan 1987 (RLEP 1987) are now required along with a number of other amendments to ELEP 2012 in response to requests from land owners and to improve the operation of the plan.

**CONSIDERATIONS**

**Legal**

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

A high order summary of the proposed LEP amendments in this planning proposal are provided in the table below. More detail of the amendments is provided in the Attachment.

**PSR15/002 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012  
HOUSEKEEPING AND OTHER AMENDMENTS**

**E14.8442**

No.	Name of item	Intended Outcomes
A	Minor housekeeping matters	<ol style="list-style-type: none"> <li>1. To correct property descriptions of heritage items.</li> <li>2. To correct zoning of land at 11 Princes Highway, Narooma.</li> <li>3. To correct zoning of land at Crosby Drive, Batehaven.</li> <li>4. To recognise certain lands that have a dwelling entitlement.</li> <li>5. To modify the time period for permitted temporary uses of land to be consistent with adjoining councils.</li> <li>6. To correct the mapping of lot size and building height for land at Glasshouse Rocks Road, Narooma.</li> </ol>
B	Rezoning or additional land uses	<ol style="list-style-type: none"> <li>7. To enable expansion of the Mogo Zoo.</li> <li>8. To recognise existing land use and operational development consents on land at the Kings Highway, North Batemans Bay.</li> <li>9. To facilitate additional land uses on small lots zoned B5 Business Development in Moruya.</li> <li>10. To facilitate additional permitted uses on land at Old Princes Highway and Crown Streets, Batemans Bay.</li> <li>11. To facilitate additional commercial land uses on land adjoining the Moruya and Narooma town centres.</li> <li>12. To enable a boat building and repair facility with consent on rural land.</li> </ol>
C	Commercial use of public land and waterways	<ol style="list-style-type: none"> <li>13. To make provision for appropriate commercial use of public land and waterways without consent, thereby removing duplication of approval requirements.</li> </ol>
D	Addition of clause for minimum lot sizes for certain split zones	<ol style="list-style-type: none"> <li>14. To enable appropriate subdivision outcomes on land with split zoning.</li> </ol>
E	Rezoning and/or reclassification of public land	<ol style="list-style-type: none"> <li>15. To ensure zoning and land classification at the Moruya Airport matches what is happening on the ground and enables further associated infrastructure.</li> <li>16. To enable the development of sewer pumping station at Malua Bay.</li> <li>17. To recognise an existing water treatment plant on land at Mogo and enable further associated infrastructure.</li> <li>18. To provide legal access to land at Evans Street, Moruya.</li> <li>19. To enable the sale of a small parcel of land at Costin Street, Narooma that is landlocked and is surplus to recreation and open space requirements.</li> </ol>
F	Addition of new heritage items	<ol style="list-style-type: none"> <li>20. To recognise the heritage value of the Eurobodalla Botanic Gardens Wallace Herbarium.</li> </ol>



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**PSR15/002 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012  
HOUSEKEEPING AND OTHER AMENDMENTS**

**E14.8442**

		21. To recognise the heritage value of a dwelling at 253 Princes Highway, Narooma.
G	Amendment to Height of Buildings Map	22. To increase the maximum height of buildings standard for land at Golf Links Drive, Batemans Bay.

### **Policy**

The planning proposal has been prepared in accordance with Department of Planning and Environment Guidelines for preparing planning proposals and Local Environmental Plan amendments. A copy of this planning proposal is attached. If endorsed by Council, the planning proposal will be forwarded to the Minister for Planning for a Gateway determination.

A Gateway determination will confirm initial support for the planning proposal and identify what further technical studies and community consultation are required prior to the proposed amendments being determined.

It is recommended that Council seek delegations under Section 59(1) of the Environmental Planning and Assessment Act 1979 given the minor nature of the amendments proposed. These delegations enable Council to prepare the final reporting, drafting and mapping in order for the Minister for Planning to notify the approved amendments. Where such delegations are not provided, the Department of Planning and Environment undertakes these requirements.

### **Heritage Items**

The proposed amendments include the listing of two additional heritage items in ELEP 2012. One was included in Council's adopted Community Based Heritage Study but was inadvertently omitted from the recent heritage amendments to the ELEP. The second, being the Wallace Herbarium at the Eurobodalla Regional Botanic Gardens has been included on the basis of a request from the Friends of the Eurobodalla Regional Botanic Gardens, advice from Council's Heritage Advisor and a recommendation of Council's Heritage Advisory Committee. The Wallace Herbarium refers to the moveable collection of plant seeds located at the Gardens, not any physical element of the actual gardens or improvements thereon. Given this proposed item was not in the Community Based Heritage Study, a specific resolution of Council to list this item has been included in this report.

### **Environmental**

Considered as part of the Planning Proposal report.

### **Social Impact**

Considered as part of the Planning Proposal report.

### **Economic Development Employment Potential**

Considered as part of the Planning Proposal report. In particular, a number of the proposed amendments aim to implement recommendations of Council's Economic Development and Employment Lands Strategy and reduce 'red tape'.

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**PSR15/002 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012  
HOUSEKEEPING AND OTHER AMENDMENTS**

**E14.8442**

**Communication / Consultation**

Each planning proposal outlines the level of consultation required, in accordance with the Department's Guide to Preparing Planning Proposals. Low impact proposals are exhibited for 14 days. Given the minor nature of the proposed amendments, it is recommended that a consultation period of 14 days be required. The Gateway determination will confirm the consultation requirements and any written referrals to relevant government agencies.

The majority of amendments included in this Planning Proposal have resulted from requests from landowners. Further all owners of land directly affected by this Planning Proposal will be advised in writing of the changes proposed prior to the Council meeting.

Following the Gateway Determination, all landowners and adjoining landowners will be notified of the Planning Proposal and invited to make a submission.

**CONCLUSION**

The matters dealt with in this Planning Proposal are minor matters, including further housekeeping amendments, the removal of some duplication of approval requirements, responding to requests for low impact amendments and implementing recommendations of the Economic Development and Employment Lands Strategy 2011.



# Planning Proposal

Minor housekeeping and other amendments to ELEM 2012 and RLEM 1987

Amendment No. 8

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## INTRODUCTION

### Background

Eurobodalla Local Environmental Plan 2012 (ELEP) was notified on 20 July 2012. Since then there have been 6 amendments for various reasons. A 7<sup>th</sup> amendment for minor housekeeping matters is currently in progress.

This planning proposal relates to additional minor housekeeping matters to ELEP 2012 and to the Rural Local Environmental Plan 1987 (RLEP 1987) and other amendments to ELEP 2012 as follows:

- Rezoning or land use proposals in response to land owner requests;
- Amendments to allow appropriate commercial use of public land and waterways;
- Review of land uses in certain lands adjoining town centres in accordance with the Employment Lands Strategy;
- Addition of a clause relating to the minimum lot size for certain split zones;
- Rezoning and/or reclassification of public land;
- Addition of new heritage items; and
- Increase in height of building standard for certain land at Batemans Bay.

Should Council resolve to proceed with the draft planning proposal it will be forwarded to the Department of Planning and Environment (DoPE) for gateway determination.

### Delegation of Plan Making Function to Council

Council intends to request an authorization to exercise delegation to all matters addressed in this Planning Proposal. Responses to the relevant matters in the 'Evaluation Criteria for the issuing of Authorisation' are provided in Appendix A of this report.

## PART 1: OBJECTIVES or INTENDED OUTCOMES

The intended outcomes of each proposed amendment are outlined in the table below, with specific details of each of the proposed changes provided in Part 2 of the planning proposal.

Item no	Name of item	Intended Outcomes
A	Minor housekeeping matters	<ol style="list-style-type: none"><li>1. To correct property descriptions of heritage items.</li><li>2. To correct zoning of land at 11 Princes Highway, Narooma.</li><li>3. To correct zoning of land at Crosby Drive, Batehaven.</li><li>4. To recognise certain lands that have a dwelling entitlement.</li><li>5. To modify the time period for permitted temporary uses of land to be consistent with adjoining Councils.</li><li>6. To correct the mapping of lot size and building height for land at Glasshouse Rocks Road, Narooma.</li></ol>
B	Rezoning or additional land uses	<ol style="list-style-type: none"><li>7. To enable expansion of the Mogo Zoo.</li></ol>

		<p>8. To recognise existing land use and operational development consents on land at the Kings Highway, North Batemans Bay.</p> <p>9. To facilitate additional land uses on small lots zoned B5 Business Development in Moruya.</p> <p>10. To facilitate additional permitted uses on land at Old Princes Highway and Crown Streets, Batemans Bay.</p> <p>11. To facilitate additional commercial land uses on land adjoining the Moruya and Narooma town centres.</p> <p>12. To enable a boat building and repair facility with consent on rural land.</p>
C	Commercial use of public land and waterways	13. To make provision for appropriate commercial use of public land and waterways without consent, thereby removing duplication of approval requirements.
D	Addition of clause for minimum lot sizes for certain split zones	14. To enable appropriate subdivision outcomes on land with split zoning.
E	Rezoning and/or reclassification of public land	<p>15. To ensure zoning and land classification at the Moruya Airport matches what is happening on the ground and enables further associated infrastructure.</p> <p>16. To enable the development of sewer pumping station at Malua Bay.</p> <p>17. To recognise an existing water treatment plant on land at Mogo and enable further associated infrastructure.</p> <p>18. To provide legal access to land at Evans Street, Moruya.</p> <p>19. To enable the sale of a small parcel of land at Costin Street, Narooma that is landlocked and is surplus to recreation and open space requirements.</p>
F	Addition of new heritage items	<p>20. To recognise the heritage value of the Eurobodalla Botanic Gardens Wallace Herbarium.</p> <p>21. To recognise the heritage value of a dwelling at 253 Princes Highway, Narooma.</p>
G	Amendment to Height of Buildings Map	22. To increase the maximum height of buildings standard for land at Golf Links Drive, Batemans Bay.

## PART 2: EXPLANATION of PROVISIONS

The following table contains a summary of the amendments proposed to the ELEM 2012. Comparison maps indicating current and proposed changes are included within Attachment 4.

### A. Minor housekeeping matters (ELEM 2012 and RLEM 1987)

No.	Amendment applies to	Explanation of provisions	Map changes
1	Map and Schedule 5	Correct the property descriptions in the LEP for lots with heritage items due to subdivision or rectifying an incorrect property description.	See Attachment 1
2	Map	Rezone part of Lot E DP 16091, 11 Princes Highway Narooma from SP2 to R2.	Zoning Map – change part of lot not shown on Land Reservation Acquisition Map from SP2 to R2. Height of buildings map – change same part of lot from no height standard to I. Note: This lot previously had an 8.5m height limit under the Residential Design Code (DCP).
3	Map	Rezone Lot 2 DP 1164115, Crosby Drive, Batehaven from R5 to R2.	Zoning Map – change from R5 to R2.
4	Map	Include the following additional properties on the Dwelling Entitlement Maps to reflect the Council resolution of 20 December 2011: i. Lot 7 DP 716697 and Lots 110 and 167 DP 752137, Beashels Lane, Bergalia (excluding Deferred Matter) ii. Lot 1, DP 807062 and Lots 1 and 2 DP 584738, Dunns Creek Road, Woodlands (excluding Deferred Matter)	Dwelling entitlement map – include RU1 part of properties.
5	Clause 2.8	Change the number of days for a permissible temporary use of land from 182 days to 52 days, to correct a typographical error and ensure consistency with adjoining Councils.	Nil

<b>6</b>	<b>Map</b>	Change the minimum lot size and height of buildings standards for part of Lot 3 DP 1125636 at Glasshouse Rocks Road, Narooma.	Lot Size Map – remove lot size standard for IN1 part Height of Buildings Map – change IN1 part from I to K
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**B. Rezoning or additional land uses (ELEP 2012)**

<b>No.</b>	<b>Amendment applies to</b>	<b>Explanation of provisions</b>	<b>Map changes</b>
<b>7</b>	<b>Map</b>	Rezone Lot 103 DP 1073425, Tomakin Road Mogo from RU1 to SP3, consistent with the zoning of land upon which the existing zoo is located.	Zoning Map – change from RU1 to SP3 Lot Size Map – Remove A1 Height of Buildings Map – Add I (currently no height standard)
<b>8</b>	<b>Map</b>	Rezone Lot 1 DP 1169236 and Lot 3 DP 865527 from the R3 and R5 zones respectively to the B5 zone.  <b>Note:</b> Need to also amend clause 17 in Schedule 1 to remove reference to vehicle sales or hire premises which is a permitted use in the B5 zone, however the reference to vehicle repair station should be retained in clause 17.	Zoning Map – change from R3 to B5 Lot Size Map – remove lot size standards Height of Buildings Map – change Lot 3 DP 865527 from I to K
<b>9</b>	<b>Schedule 1</b>	Add a new clause in Schedule 1 to enable the land uses below as permitted with consent on part of the land zoned B5 at Moruya (refer to map in Attachment 3B). Additional land uses: <ul style="list-style-type: none"> <li>• Community facility</li> <li>• Information and education facility</li> <li>• Office premises</li> <li>• Recreation facility (indoor)</li> <li>• Restaurant or café</li> <li>• Shop top housing</li> <li>• Veterinary hospital</li> </ul>	Nil
<b>10</b>	<b>Schedule 1</b>	Delete from clause 4 (2) in Schedule 1 “if the premises are located on the ground floor as part of a mixed use development that includes residential accommodation” and add the following additional land uses:	Nil



		<ul style="list-style-type: none"> <li>• Funeral home</li> <li>• Information and education facility</li> <li>• Public administration building</li> <li>• Veterinary hospital</li> </ul>	
11	Schedule 1	<p>i. Add new clauses in Schedule 1 to enable the land uses below as permitted with consent on the following properties (refer to maps in Attachment 3C):</p> <ul style="list-style-type: none"> <li>• Land zoned R2 and R3 at Campbell and Page Streets and Mirrabooka Avenue, Moruya.</li> <li>• Land zoned E4 at Church Street, Moruya</li> <li>• Land zoned R2 and R3 at Princes Highway, Narooma</li> </ul> <p>Additional land uses for all above properties:</p> <ul style="list-style-type: none"> <li>• Funeral home</li> <li>• Information and education facility</li> <li>• Office premises</li> <li>• Public administration building</li> <li>• Veterinary hospital</li> </ul> <p>ii. Add new clause in Schedule 1 to enable the land uses below as permitted with consent on land zoned R3 at Campbell Street, Narooma (refer to maps in Attachment 3D):</p> <ul style="list-style-type: none"> <li>• Entertainment facility</li> <li>• Food and drink premises</li> <li>• Function centre</li> <li>• Funeral home</li> <li>• Information and education facility</li> <li>• Office premises</li> <li>• Public administration building</li> <li>• Veterinary hospital</li> </ul> <p>Note: Also include Sec 3, Lot 6, DP 758754 in this new clause in Schedule 1 as this lot has been proposed to be rezoned to R3 in the previous planning proposal for minor housekeeping amendments.</p>	Nil

12	Land Use Table	Include in the RU1 Primary Production Zone land use table as permitted with consent: boat building and repair facility.	Nil
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**C. Commercial use of public land and waterways (ELEP 2012)**

No.	Amendment applies to	Explanation of provisions	Map changes
13	Schedule 2	<p>Add "Commercial use of public land and waterways" to the Exempt Development Schedule with the following conditions:</p> <ul style="list-style-type: none"> <li>• The use/activity must not permanently occupy the subject public land or waterway;</li> <li>• The use/activity must not involve the construction of any permanent structures on public land or in waterways; and</li> <li>• The proponent must have obtained a lease, licence or permit from the relevant public authority.</li> </ul> <p><b>Note:</b> Amendment to clauses 3.3 and 5.7 of ELEP 2012 may also be required to allow the commercial use of public land and waterways as exempt development.</p>	Nil

**D. Addition of clause for minimum lot sizes for certain split zones (ELEP 2012)**

No.	Amendment applies to	Explanation of provisions	Map changes
14	Clause	<p>Add a "Minimum lot size for split zones" clause.</p> <p><b>Note:</b> A clause similar to clause 4.1A of the Wollongong LEP 2009 may be appropriate. However, the clause should also apply to land with a split between a Special Purpose Zone or a Recreation Zone and another zone. Consideration should also be given to how the clause applies to land that is partly Deferred Matter.</p>	Nil

**E. Rezoning and/or reclassification of public land (ELEP 2012)**

No.	Amendment applies to	Explanation of provisions	Map changes
15	Map and Schedule 4	Rezone part of Lot 4 DP 1090948 (Moruya Airport) from RE1 to SP1 and reclassify changed area to operational land.	Zone Map – Rezone part of Lot 4 DP 1090948 from RE1 to SP1 Lot Size Map – Remove A1 from part rezoned to SP1
16	Schedule 4	Reclassify Lot 71 DP 601741, 521 George Bass Drive, Malua Bay to operational land.	Nil
17	Schedule 4	Reclassify Lot 1 DP 1173024, Law Lane, Mogo to operational land.	Nil
18	Schedule 4	Reclassify part of Lot 45 DP 1151309, 1 Evans Street, Moruya to operational land.	See Attachment 3E
19	Schedule 4	Reclassify Lot 13 DP 838695, Costin Street, Narooma to operational land.	Nil

For further details of the proposed reclassifications, please refer to Attachment 2.

**F. Addition of new heritage items (ELEP 2012)**

The following amendments are based on community requests for the recognition and protection of items of heritage value.

Amendment No. 20 - The Eurobodalla Botanic Gardens Wallace Herbarium was included within a request from the Friends of the Botanic Gardens to list the entire gardens. Council's Heritage Advisor advised that only the herbarium (which is a movable collection of seeds and plants) meets the criteria for heritage listing. This advice was supported by a resolution of Council's Heritage Advisory Committee.

Amendment No. 21 – The dwelling at 253 Princes Highway, Narooma was included in the Community Based Heritage Study endorsed by Council on 22 November 2011, but was inadvertently missed from ELEP 2012 Amendment No. 6.

No.	Amendment applies to	Explanation of provisions	Map changes
20	Map and Schedule 5	Addition of Eurobodalla Botanic Gardens Wallace Herbarium on part of SF 549 as a heritage item. <b>Note:</b> This proposed item was recommended by Council's Heritage Advisory Committee.	Heritage Map – Identify curtilage of herbarium as a heritage item – see Attachment 3A
21	Map and Schedule 5	Addition of a dwelling at Lot A DP 367304, 253 Princes Highway, Narooma as a heritage item.	Heritage Map – Identify whole of lot as a heritage item

		<b>Note:</b> This proposed item was included in the Community Based Heritage Study endorsed by the Heritage Office, but was inadvertently missed from amendment number 6 to ELEP 2012.	
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**G. Amendment to Height of Buildings Map**

No.	Amendment applies to	Explanation of provisions	Map changes
22	Map	Increase the height of buildings standard for land on the western side of Golf Links Drive, Batemans Bay adjoining the golf course. See attachment 3F.	Height of Buildings Map – change from M2 to O1.

**PART 3: JUSTIFICATION**

**Section A – NEED for the PLANNING PROPOSAL**

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

With the exception of amendment numbers 10, 11(i) and 21, the planning proposal is not the result of any strategic study or report. The amendments included in this proposal have been identified by Council staff, landowners or community members and are considered minor in nature or reflect existing land uses and/or development approvals.

Amendment numbers 10 and 11(i), relating to additional commercial land uses on land adjoining the major towns of Batemans Bay, Moruya and Narooma, are consistent with the Eurobodalla Economic Development and Employment Lands Strategy.

Amendment number 22 is consistent with the endorsed Community Based Heritage Study, 2011.

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

For the majority of proposed amendments, it is considered that the planning proposal provides the best way of achieving the intended outcome as it seeks to address the minor anomalies and amendments in a relatively prompt and efficient manner.

For amendment number 9, relating to additional land uses in part of the B5 zoned land at Moruya, the proposed approach is considered best having regard to the small nature of the existing lots in the subject area. Alternatives to the proposed amendment could be to rezone the subject land B2 Local Centre, or to add all of the additional land uses to the B5 zone land use table. These options are not preferred in order to: (a) retain the compact nature of the core retail and business centre of Moruya, and (b) to ensure larger footprint type developments are the focus for the remaining B5 areas (where there are larger lots). These options are also not supported by the Economic Development and Employment Lands Strategy 2011.

For amendment numbers 10, 11(i) and 11(ii), also relating to additional land uses on land adjoining commercial centres in Eurobodalla, the proposed approach is considered best and will result in the

desired mix of residential and commercial activities appropriate in these edge of centre locations. The alternative would be to rezone the subject land, however there is no current zone option that would not require some additional land uses to be specified in Schedule 1 for the subject land. The B4 Mixed Use zone is not appropriate in this instance given this zone has been used to designate the major regional centre in Eurobodalla, Batemans Bay.

For amendment number 13, relating to the commercial use of public land and waterways, the proposed approach is considered best given the lease, licence or permit requirements for undertaking certain activities (such as the operation of learn to surf schools, tourism businesses, water sport training activities, etc). An alternative approach could be the inclusion of additional land uses in the RE1, W1 and W2 zones as permitted without consent. This option is not preferred as it requires the use of specific definitions which may not always suit the range of commercial activities that may be proposed on public land or waterways. Further this option does not allow the inclusion of conditions, including requiring the proponent to obtain the required lease, licence or permit.

#### Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

**3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy***

The planning proposal is consistent with the South Coast Regional Strategy.

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

The planning proposal is consistent with Council's Community Strategic Plan, One Community. Amendment numbers 10 and 11 are consistent with the Eurobodalla Economic Development and Employment Lands Strategy.

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

See Appendix B.

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

See Appendix C.

#### Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

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

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

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

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

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

Amendment numbers 9, 10 and 11 provide for additional commercial activities to be developed in areas proximate to town centres, thereby increasing economic development and employment

opportunities. Amendment number 13 also increases economic development and employment opportunities.

#### Section D – STATE and COMMONWEALTH INTERESTS

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

Not applicable.

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

The views of State or Commonwealth public authorities have not been sought prior to Gateway determination.

#### PART 4: COMMUNITY CONSULTATION

The majority of matters dealt with in this planning proposal are of a housekeeping nature, and do not result in any adverse impacts upon the community. However, some of the proposed amendments warrant or require community consultation. In particular, the proposed reclassifications of public land require community consultation, including a public hearing under the Local Government Act 1993. It is considered that an exhibition period of 14 days for the entire planning proposal is warranted.

#### Part 5: PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	April 2015
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	May 2015
Commencement and completion dates for public exhibition period	May 2015 (14 days)
Dates for public hearing (if required)	May 2015
Timeframe for consideration of submissions	May 2015
Timeframe for the consideration of a proposal post exhibition	June 2015
Date of submission to the department to finalise the LEP	July 2015
Anticipated date RPA will make the plan (if delegated)	August 2015
Anticipated date RPA will forward to the department for notification	August 2015



## APPENDIX A – Evaluation Criteria for Delegation

**Local Government Area:** Eurobodalla Shire Council

**Name of draft LEP:** Eurobodalla Local Environmental Plan amendment No 8

**Address of Land (if applicable):** Various

**Intent of draft LEP:** To make a number of minor housekeeping amendments to ELEP 2012 and RLEP 1987 and a range of other amendments to ELEP 2012 including:

- Rezoning or land use proposals in response to land owner requests;
- Amendments to allow appropriate commercial use of public land and waterways;
- Review of land uses in certain lands adjoining town centres in accordance with the Employment Lands Strategy;
- Addition of a clause relating to the minimum lot size for certain split zones;
- Rezoning and/or reclassification of public land;
- Addition of new heritage items; and
- Increase in height of building standard for certain land at Batemans Bay.

**Additional Supporting Points/Information:** This LEP amendment is for a range of minor matters consistent with the types of draft LEPs that can routinely be delegated to Councils to prepare and make, as identified in Planning Circular PS 12-006.

(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes			
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes			
<b>Minor Mapping Error Amendments</b>	<b>Y/N</b>			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	Yes			
<b>Heritage LEPs</b>	<b>Y/N</b>			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	Yes (Partial)			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	No			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	No			
<b>Reclassifications</b>	<b>Y/N</b>			
Is there an associated spot rezoning with the reclassification?	Yes			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?	Yes			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	No			



If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?	Yes			
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	Yes			
<b>Spot Rezoning</b>	<b>Y/N</b>			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	No			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	Yes (Partial)			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	No			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?	No			
<b>Section 73A matters</b>				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)) of the Act in order for a matter in this category to proceed).	Yes			

## APPENDIX B – Consistency with State Environmental Planning Policies

State Environmental Planning Policies		Relevance to Planning Proposal	Consistency of Planning Proposal
SEPP14	Coastal Wetlands	N/A	
SEPP15	Rural Land-Sharing Communities	N/A	
SEPP21	Caravan Parks	N/A	
SEPP26	Littoral Rainforests	N/A	
SEPP30	Intensive Agriculture	N/A	
SEPP32	Urban Consolidation (Redevelopment of Urban Land)	N/A	
SEPP33	Hazardous and Offensive Development	N/A	
SEPP36	Manufactured Home Estates	N/A	
SEPP50	Canal Estates	N/A	
SEPP55	Remediation of Land	N/A	
SEPP62	Sustainable Aquaculture	N/A	
SEPP64	Advertising and Signage	N/A	
SEPP65	Design Quality of Residential Flat Development	N/A	
SEPP71	Coastal Protection	Amendment numbers 1.3, 1.4, 1.8, 2, 6, 7, 8, 9, 11, 15, 16, 19, 21 and 22.	<b>Consistent</b> The subject areas are within the coastal zone and/or are sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no significant impact on the coastal zone.
SEPP	Housing for Seniors or People with a Disability 2004	N/A	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A	
SEPP	State and Regional Development 2011	N/A	
SEPP	Major Development 2005	N/A	
SEPP	Building Sustainability Index: BASIX 2004	N/A	
SEPP	Affordable Rental Housing 2009	N/A	
SEPP	Exempt and Complying Development Codes 2008	N/A	
SEPP	Rural Lands 2008	Amendment numbers 1.2, 1.3, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 4, 7, 12 and 14.	<b>Part Consistent</b> With the exception of amendment number 7, the proposed amendments are minor and will have no

			significant impact on rural lands. <b>Part Inconsistent</b> Amendment number 7 proposes the rezoning of land from RU1 to SP3 to facilitate an expansion of the Mogo Zoo. As the subject lot is under 5ha in size, a rezoning to SP3 will not result in a significant loss of rural lands in Eurobodalla and is therefore of minor significance.
SEPP	Infrastructure 2007	N/A	
SEPP	Miscellaneous Consent Provisions 2007	N/A	
SEPP	Sydney Drinking Water Catchment 2011	N/A	
REP	Lower South Coast No. 2, 1992	The REP is relevant to all proposed amendments.	<b>Consistent</b> The proposed amendments are minor and of no consequences to the matters addressed in the REP.

## APPENDIX C – Consistency with Ministerial Directions

S.117 Ministerial Direction		Relevance to Planning Proposal	Consistency of Planning Proposal
<b>1</b>	<b>Employment and Resources</b>		
1.1	Business and Industrial Zones	Amendment numbers 6, 8 and 9.	<b>Consistent</b> The proposed amendments increase commercial development opportunities on land in or proposed to be in a business zone.
1.2	Rural Zones	Amendment numbers 1.2, 1.3, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 4, 7, 12 and 14.	<b>Part Consistent</b> With the exception of amendment number 7, the proposed amendments are minor and will have no significant impact on rural lands. <b>Part Inconsistent</b> Amendment number 7 proposes the rezoning of land from RU1 to SP3 to facilitate an expansion of the Mogo Zoo. As the subject lot is under 5ha in size, a rezoning to SP3 will not result in a significant loss of rural lands in Eurobodalla and is therefore of minor significance.
1.3	Mining, Petroleum Production and Extractive Industries	N/A	
1.4	Oyster Aquaculture	N/A	
1.5	Rural Lands	Amendment numbers 1.2, 1.3, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 4, 7, 12 and 14.	<b>Part Consistent</b> With the exception of amendment number 7, the proposed amendments are minor and will have no significant impact on rural lands. <b>Part Inconsistent</b> Amendment number 7 proposes the rezoning of land from RU1 to SP3 to facilitate an expansion of the Mogo Zoo. As the subject lot is under 5ha in size, a rezoning to SP3 will not result in a significant loss of rural lands in Eurobodalla and is

			therefore of minor significance.
<b>2</b>	<b>Environment and Heritage</b>		
2.1	Environment Protection Zones	Amendment numbers 1.4 and 11.	<b>Consistent</b> The amendments are minor and do not reduce the environmental protection standards that apply to the subject land.
2.2	Coastal Protection	Amendment numbers 1.3, 1.4, 1.8, 2, 6, 7, 8, 9, 11, 15, 16, 19, 21 and 22.	<b>Consistent</b> The subject areas are within the coastal zone and/or are sensitive coastal locations as defined in SEPP 71. The proposed amendments will have no significant impact on the coastal zone.
2.3	Heritage Conservation	Amendment number 1, 20 and 21.	<b>Consistent</b> The proposed amendments corrects property descriptions and add new heritage items to the LEPs.
2.4	Recreation Vehicle Access	N/A	
<b>3</b>	<b>Housing, Infrastructure and Urban Development</b>		
3.1	Residential Zones	Amendment numbers 2, 3, 8, 10, 11, 19, 21 and 22.	<b>Consistent</b> The proposed amendments correct some zoning anomalies, increase land use options in certain residential areas adjoining town centres and identify a new heritage item. The amendments are not inconsistent with the direction.
3.2	Caravan Parks and Manufactured Home Estates	N/A	
3.3	Home Occupations	N/A	
3.4	Integrating Land Use and Transport	Amendment numbers 1.1, 2, 3, 6, 7, 8, 9, 10, 11, 19, 21 and 22.	<b>Consistent</b> The proposed amendments correct some zoning and property description anomalies, increase land use options on certain lands zoned for business or residential purposes and identify a new heritage item. The amendments are not inconsistent with the direction.
3.5	Development Near Licensed Aerodromes	N/A	

3.6	Shooting Ranges	N/A	
<b>4</b>	<b>Hazard and Risk</b>		
4.1	Acid Sulfate Soils	Amendment numbers 1.4, 11, 15, 16, 18 and 22.	<b>Consistent</b> The proposed amendments are minor and, although some of the amendments propose additional land uses on land with Acid Sulfate Soils, none are considered to be an intensification of use.
4.2	Mine Subsidence and Unstable Land	N/A	
4.3	Flood Prone Land	Amendment numbers 11 and 18.	<b>Consistent</b> Although the amendment proposes additional land uses on land within the Moruya Flood Planning Area, it is not considered to be a significant increase in the development of that land.
4.4	Planning for Bushfire Protection	N/A	
<b>5</b>	<b>Regional Planning</b>		
5.1	Implementation of Regional Strategies	The South Coast Regional Strategy applies to all proposed amendments.	<b>Consistent</b> The proposed amendments are minor and consistent with the South Coast Regional Strategy.
5.2	Sydney Drinking Water Catchment	N/A	
<b>6</b>	<b>Local Plan Making</b>		
6.1	Approval and Referral Requirements	This Ministerial Direction applies to all proposed amendments.	<b>Consistent</b> There are no concurrence, consultation or referral requirements in the proposed amendments.
6.2	Reserving Land for Public Purposes	N/A	
6.3	Site Specific Provisions	N/A	

ATTACHMENT 1A – Heritage Amendments to ELEM 2012

No.	Item No.	Schedule 5 Changes	Heritage Map Changes
1.1	I236	Change Lot and DP to Part Lot 1 DP 1152145	Map only part of Lot 1 DP 1152145 – see Attachment 3A
1.2	I71	Change Lot and DP to Lot 1 DP 1196461	Nil
1.3	I82	Add to Schedule 5: Coila, Presbyterian Church, 4017 Princes Highway, Lot 96 DP 1134972, Local, I82	Nil (Heritage Map already shows item)
1.4	I223	Change Lot and DP to Lot 311 DP 1202989	Nil

ATTACHMENT 1B – Heritage Amendments to RLEP 1987

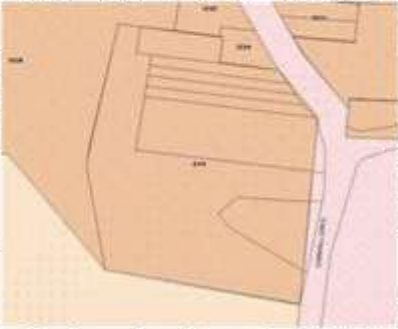







No.	Item	Schedule 1 Changes	Map Changes
1.5	Presbyterian church, Coila	Remove listing (transfer to ELEP 2012)	Nil
1.6	Water Race, Nerrigundah	Change Lot and DP to Lot 7300 DP 1129141, Gulph Creek Road	Nil
1.7	Chinese drystone wall	Remove "Lot 1, DP 1017506, Mount Dromedary Trail and"	Nil
1.8	Kyla Park grazing lands	Change Lot and DP to Lots 75-77 DP 260321 and Lots 1, 3 and 4 DP 1081596, Hector McWilliam Drive	Nil
1.9	Glen Luna residence	Change Lot and DP to Lot 45 DP 1171177	Nil
1.10	Mountain Valley farm cottage	Change Lot and DP to Lot 45 DP 1171177	Nil



















ATTACHMENT 2 – Rezoning and/or Reclassification of land









Lot and DP	Address	Suburb	Area	Identified	Interests	Intention
				through Recreation Strategy	Changed – detailed in mapping	
Part Lot 4 DP 1090948	Bruce Cameron Drive	Moruya	232.8ha	N	N	To recognise existing infrastructure associated with Moruya airport and enable further associated infrastructure. There will be no reduction in the existing primitive campground that occupies the RE1 portion of the site.
Lot 71 DP 601741	521 George Bass Drive	Malua Bay	5897m <sup>2</sup>	N	N	To enable the development of a sewer pumping station.
Lot 1 DP 1173024	Law Lane	Mogo	3.764ha	N	N	To recognise an existing water treatment plant on site and enable further associated infrastructure.
Part Lot 45 DP 1151309	1 Evans Street	Moruya	16.23ha	N	N	To provide legal access to a dwelling on adjoining land at Sec 21 Lot 14 DP 758710.
Lot 13 DP 838695	Costin Street	Narooma	552.1m <sup>2</sup>	N	N	To enable the sale of the land to adjoining owner(s).

### ATTACHMENT 3A – Map Amendments

No.	Map Type	Current Map	Proposed Map
1.1	Heritage		
2	Zoning Map		
2	Height of Buildings Map		
3	Zoning Map		

4(i)	Dwelling Entitlement Map		
4(ii)	Dwelling Entitlement Map		
6	Lot Size Map		
6	Height of Buildings Map		

7	Zoning Map		
7	Lot Size Map		
7	Height of Buildings Map		
8	Zoning Map		

8	Lot Size Map		
8	Height of Buildings Map		
15	Zoning Map		
15	Lot Size Map		



20	Heritage		
21	Heritage Map		

[illegible]

ATTACHMENT 3C – Maps relating to proposed amendment number 11(i)

Moruya area:

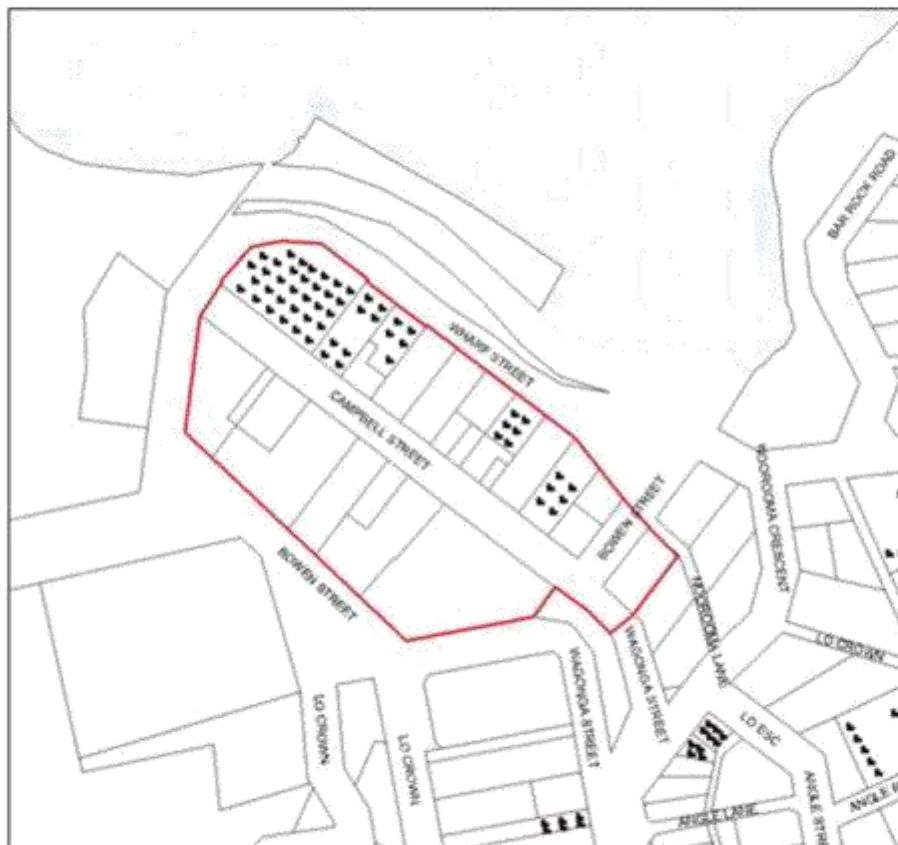


Narooma area:





ATTACHMENT 3D – Map relating to proposed amendment number 11(ii)



ATTACHMENT 3E – Map relating to proposed amendment number 18





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**PSR15/003 ADOPT TOMAGA ESTUARY COASTAL ZONE MANAGEMENT PLAN  
2015**

**E13.7269**

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services  
Attachments: Tomaga Estuary CZMP report (under separate cover)  
Tomaga Estuary CZMP submission report (under separate cover)  
Strategic Objective: Sustainable  
Delivery Program Link: S8.2 Plan for the impact of climate change on settlement including coastal hazard, flood impacts, bushfire  
Operational Plan Link: S8.2.3 Tomaga Estuary Management Plan review

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council adoption of the draft Coastal Zone Management Plan for Tomaga Estuary 2015. The draft Coastal Zone Management Plan presents as an update of the existing Tomaga Estuary Management Study and Plan that was adopted in 2005.

Council endorsed the Plan for public exhibition at its meeting held on 14 October 2014 (PSR 14/052). The exhibition period is complete and the Plan and is being recommended for adoption.

### **RECOMMENDATION**

THAT Council:

1. Adopt draft Coastal Zone Management Plan for Tomaga Estuary 2015
2. Write to all who made a submission thanking them for their submission and advising them of Council's decision.

### **BACKGROUND**

With assistance from the NSW Office of Environment and Heritage (OEH), Council has prepared the Estuary Coastal Zone Management Plan for Tomaga Estuary (CZMP). The CZMP will provide strategic direction and guidance on future actions within the catchment to preserve, improve or maintain the environmental values of the estuary.

The draft CZMP presents an update of the existing Tomaga Estuary Management Study and Plan that was adopted in 2005. These plans are generally reviewed at five to ten year periods therefore Council identified this project for inclusion in the 2013-14 Delivery Program/Operational Plan.

Council engaged Hydrosphere Consulting in February 2014 to undertake this project work.

### **CONSIDERATIONS**

#### **Legal**

Under the *NSW Coastal Protection Act 1979*, a Coastal Zone Management Plan may be prepared to address risks to estuary health through appropriate management actions.

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**PSR15/003 ADOPT TOMAGA ESTUARY COASTAL ZONE MANAGEMENT PLAN  
2015**

**E13.7269**

The CZMP for the Tomaga Estuary has been prepared in accordance with the Guidelines for Preparing Coastal Zone Management Plans 2013 which outline a number of "Coastal Management Principles" that must be achieved in the preparation of Coastal Zone Management Plans.

**Policy**

This CZMP for the Tomaga Estuary supports the goals and objectives of the *NSW Coastal Policy 1997* and assists in implementing integrated coastal zone management for the Tomaga Estuary.

**Environmental**

The aim of the Tomaga Estuary Coastal Zone Management Plan is to provide strategic direction on future actions within the catchment to preserve, improve or maintain the community and environmental values of the estuary.

**Communication / Consultation**

Community feedback was sought over a 28 day Public Exhibition period. During this time the plan was available on Council's website, at the Batemans Bay, Moruya and Narooma libraries and the Moruya Customer Service Centre. In addition to the mandatory requirements to exhibit the CZMP, the following community engagement activities occurred:

- community field trip
- community workshop
- conversations with community
- liaison with government agencies and
- contact with local business interest groups.

Three submissions were received during the public exhibition phase. Further details of the exhibition process and the submissions received are provided in Attachment (2) Public Exhibition – Submissions Report.

**Staff**

The project was managed by Strategic Services with assistance from Environmental Services and staff from the Office of Environment and Heritage.

**Financial**

The cost of the draft Coastal Zone Management Plan for Tomaga Estuary was supported by the NSW Government's Estuary Management Program which contributed 50% of the project costs. The remaining Council component is funded through the annual environmental management budget.

**CONCLUSION**

The exhibition period for the draft Tomaga Estuary Coastal Zone Management Plan is complete and is recommended for adoption. The Plan has been developed in line with the NSW State Government's Guidelines for Preparing Coastal Zone Management Plans (DECCW, 2013) and satisfies the intent and objectives of the Coastal Protection Act 1979 and applies the fundamental management principles in the NSW Coastal Policy 1997.

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**PSR15/004 DRAFT COMPANION ANIMAL MANAGEMENT PLAN**

**E98.2552:  
E10.4150;  
E11.5372**

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Draft CAMP - Plan  
2. Draft CAMP - Submissions - Public  
3. Draft CAMP - Submissions - Confidential  
4. Draft CAMP - Submissions Recd - Confidential

Strategic Objective: Liveable

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

Operational Plan Link: 4.1.1 Monitor, inspect, enforce and investigate complaints in relation to public safety

### **EXECUTIVE SUMMARY**

This Report seeks approval to adopt the draft Companion Animal Management Plan 2015- 2019 (Plan) following the Report to Council on 14 October 2014 (PSR14/051).

The Plan has been on public exhibition and submissions have been considered in finalising the Plan. The draft Plan reflects the framework for effective animal control in the Eurobodalla and the provision of dog exercise areas across the region.

### **RECOMMENDATION**

THAT:

1. The draft Companion Animal Management Plan 2015-2019 be adopted.
2. Council write to the members of the community who made a submission thanking them for their involvement and advising of the outcome of the process.

### **BACKGROUND**

On 14 October 2014 (minute PSR14/051) Council adopted the following

THAT:

1. The current Companion Animal Management Plan 2011-2015 documents be placed on public exhibition for a period of twenty eight (28) days seeking submissions concerning the current Plan and/or new emerging issues associated with companion animal management within the Eurobodalla Shire.
2. A further report be provided to Council following the exhibition period.

Following the public exhibition and consultation with relevant agencies and groups a total of nine public submissions were received.

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**PSR15/004 DRAFT COMPANION ANIMAL MANAGEMENT PLAN**

**E98.2552:  
E10.4150;  
E11.5372**

Councillor briefings occurred on 7 October 2014 and 3 February 2015 outlining the draft Plan and the associated maps identifying the dog off leash, time share and prohibited areas throughout the Eurobodalla.

**CONSIDERATIONS**

The purpose of the Plan is to assist Council in achieving a balanced relationship between companion animals, humans and the environment. The Plan provides a link between the legislative requirements and the desires of the community.

**Legal**

The *Companion Animals Act 1998* provides the legal framework for the effective and responsible care and management of companion animals. The Plan requires adherence to the Act but also provides emphasis on the non-regulatory approaches such as public education.

**Policy**

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

**Environmental**

The Plan considers the need to minimise and manage impacts on the environment.

**Social Impact**

The popularity of companion animal ownership requires a mix of regulatory and non-regulatory approaches to animal management to ensure a balance is maintained in the community between the pet owning population and others.

Council strategies aim to balance competing uses for finite space to considerately accommodate the best interests for the majority and in accord with relevant legislation.

**Communication / Consultation**

The public exhibition was promoted via advertisement in the local press, media releases and writing to: RSPCA, Animal Welfare, Local Canine Council/Groups, local veterinary surgeries and community associations.

Public notices were placed in the newspaper on 22 October 2014, 5 November 2014 and 12 November 2014.

A Council media release was issued on the 20 October 2014 and information was placed on the Council website. Hard copies of the Plan were made available at the Council Administration Office and local libraries.

The draft Plan was prepared following consideration of the nine (9) public submissions, previous complaints or matters raised with Council in relation to the Plan, staff and agency experience.

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**PSR15/004 DRAFT COMPANION ANIMAL MANAGEMENT PLAN**

**E98.2552:  
E10.4150;  
E11.5372**

Overall the existing Plan was found to be sound and this process has enabled a refinement and enhancement of the Plan. Attached is the summary table of submissions along with recommendations. Full submissions are included on confidential attachments for Councillors.

**CONCLUSION**

The adoption of the draft Companion Animal Management Plan will fulfil Council's statutory requirements in accordance with the *Companion Animal Act 1998* and also provides a proactive stance on the management of companion animals in the Eurobodalla.





# DRAFT Companion Animal Management Plan 2015 – 2019

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## INTRODUCTION

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The Eurobodalla Shire Council (ESC) covers some 3,430 square kilometres and 110 kilometres of coastline and has an estimated resident population of 37,234 living in rural and residential areas in 23,133 dwellings.

As of 2014, ESC has in excess of 17,321 listed Companion Animals (CA) with the likelihood of hundreds more yet to be identified.

Pet ownership is a normal part of everyday Australian life with our country being home to some 4 million dogs and 2.6 million cats. In fact, 64% of Australia's 6.6 million households have a pet, almost equal to that of the United States of America (where 65% of households keep pets) and greater than the United Kingdom (50% of households). In terms of dog ownership, Australia leads the way with 40% of all households owning one or more dogs.

The term Companion Animal (CA or referred to as animals hereafter) refers to all dogs and cats, Dingoes, working dogs on rural properties, guard dogs, police dogs, corrective services dogs and assistance dogs. The term 'companion' was selected in the *Companion Animal Act 1998* (referred hereafter as the Act) to reflect the place and significance of these animals within the social fabric of our society and in our daily lives.

Companion animals are an integral part of our community, culture and society. Our compassion for living things is reflected in the manner that we integrate and respect animals within the community. Ownership of a companion animal is considered to be a privilege. This privilege comes with a range of responsibilities in relation to the animal, the community and the environment.

To enable our community to receive maximum benefit from our pets we need to minimise the nuisance caused by pets. Therefore, we need to ensure that our companion animals are responsibly managed pets, not pests.

### **General Duties for Council as Stated in the *Companion Animals Act 1998***

- To promote awareness, within its area, of the requirements of the Act with respect to the ownership of companion animals; and
- To take such steps as are appropriate to ensure that it is notified or otherwise made aware of the existence of all dangerous, menacing and restricted dogs that are ordinarily kept within its area of operation.

### **Companion Animal Management Plan (CAMP) - Why Have One?**

It provides an animal management framework and an organisational commitment to the provision of an effective animal management service and procedural functions under the Act.

The main items relevant to a Plan being to:

1. Acknowledge general duties and responsibilities for management of domestic animal issues in the Eurobodalla.

2. Identify statutory obligations and acknowledge that companion animals in NSW have a legal status.
3. Set an overarching vision and a set of objectives to achieve required responsibilities and show how obligations and responsibilities will be met.
4. Identify a range of strategies targeted to achieve a balance between the needs of pet owners and non-pet owners.
5. Undertake monitoring of trends and assess performance against plan responsibilities.
6. Reflect the emerging understanding that companion animals can contribute to quality of life, and to integrate this with the need to minimise impacts on the environment and native wildlife.
7. Provide animal owners with support, education, regulation and facilities to accommodate their pets within the broader community and environment.

## 1 - STATEMENT AND OBJECTIVES

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### 1.1 VISION FOR COMPANION ANIMAL MANAGEMENT IN THE EUROBODALLA

To balance community amenity, animal welfare and environmental preservation while promoting the benefits of responsible pet ownership alongside effective companion animal management.

### 1.2 OBJECTIVES FOR COMPANION ANIMAL MANAGEMENT

Principal objectives per the *Companion Animals Act 1998*

1. *"To provide for the effective and responsible care and management of companion animals".*
2. *"It is declared that the protection of native birds and animals is an objective of animal welfare policy in the State".*

Our main objectives include:

1. Providing an efficient and effective response to companion animal matters.
2. Prioritising resources in managing dangerous dogs, restricted breeds and nuisance dog behaviour.
3. Encouraging the permanent microchip identification and lifetime registration of all companion animals to achieve the efficient return of animals to their owners.
4. Maintaining best practice care and pound facilities and minimise the number of unwanted animals that are euthanased.
5. Providing adequate off-leash areas for dog exercise throughout ESC region that are as safe as possible for dogs and humans. (Refer to Annexure 1 'Exercise Areas').
6. Encouraging CA owners to provide appropriate physical and mental challenges for their animals, to improve animal welfare and reduce adverse impacts on the wider community.
7. Improving community awareness of the importance of safety when dealing with CA.

8. Improving the CA owner's awareness of their responsibility to maintain an effective control over their animals in public places.
9. Raising awareness of CA owners to minimise the noise pollution (barking) caused by their animals.
10. Minimising the impact of animals and their faeces in public places, especially beaches, and raise awareness of the potential impact on biodiversity.

The statement and objectives of the Plan are detailed under four key performance areas:

1. Animal issues;
2. Community issues;
3. Environmental issues;
4. Monitoring and review.

## 2 - ANIMAL ISSUES

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### 2.1 IDENTIFICATION AND REGISTRATION

The Act (Part 2) outlines the provision for the compulsory identification and registration of companion animals.

#### Identification

Under the Act, all animals leaving the pound by sale or transfer to an animal welfare organisation or given to a home, must be microchipped (permanently identified). This requirement applies to private sales and pet shops, when there is a transfer of ownership, or by the age of 12 weeks. Cats that have been owned before 1 July 1999 must be identified by either a microchip or collar and tag. Authorised identifiers must return the Permanent Identification forms to Council as soon as possible. Owner and pet details will then be entered into the NSW Companion Animal Register (CAR). Microchip identification is one aim of the Act and is designed to facilitate the efficient return of animals to their owners as soon as possible.

Benefits:

- Reduces stress being applied to the animal when seized and reduces the likelihood of extended confinement in the pound facility.
- Allows an opportunity for the animal management unit (Rangers) to educate and/or take enforcement action where necessary.

#### Registration

Under the Act all companion animals must have lifetime registration from the age of six months; cats owned prior to 1 July 1999 are exempt. There are several advantages in having a State-wide lifetime registration system:

- A once only payment for the life of the animal;
- Allows owners to move within the State without incurring further registration costs;

- The system allows declared nuisance, restricted, menacing and dangerous dogs to be tracked throughout the State;
- The price differential of registration fees encourage desexing of animals at an early age.

#### Eurobodalla - Current Situation

Companion Animal Register shows the total number of animals only identified and lifetime registered:

2014	Chipped Only	Registered	Total
Cats	2,650	683	3,333
Dogs	5,432	8,556	13,988
Total:	8,082	9,239	17,321

Goals:

- To encourage microchipping of all animals in Eurobodalla in order to facilitate the prompt return of lost or roaming animals to their owners.
- To encourage and enforce lifetime registration requirements of all animal in the Eurobodalla.
- To provide an effective and efficient service for updating or registering details.

## 2.2 IMPOUNDING

The Act (Part 7) outlines the procedure for dealing with seized or surrendered animals. Main issues include:

- Seized animals must be delivered to owner, Council pound or approved premises;
- Unclaimed or surrendered animals may be sold or destroyed;
- Fees and charges are payable when animal is detained or held;
- Animals must be microchipped before release.

#### Current Situation

Council aims to return as many animals to their owners as is possible, however, animals must be impounded when the owners are unknown or cannot be contacted.

Seized animals may be sold or destroyed:

- After a period of 14 days if the animal is identified and registered;
- After a period of seven days if there is no identification on the animal.

Council responds to complaints and actively patrols for animals straying in public places. When an animal is seized, the following actions are taken:

1. The animal is checked for external identification;

2. The animal is scanned for permanent identification (microchip);
3. The contact details are accessed from the State Companion Animal Register;
4. Contact with the owner is attempted;
5. The animal is returned to the owner's address if they are in residence; or
6. The animal is transported to the pound facility, in accordance with the legislation and standard operating procedures.

#### Problematic Issues:

- The difficulties in returning animals to their owners, where owners are not contactable, not at home or have changed their address.
- The concern for disease transmission and stress factors on the animals when they are impounded.
- The significant costs of impounding and maintenance fees when animals have remained at the facility for extended periods.
- The high numbers of animals that are being euthanased when they are unclaimed or determined to be unsuitable for resale or rehoming.

#### Goals:

- To facilitate the prompt return of seized animals to their owners and reduce the number of animals that need to be impounded.
- To maintain and broaden links with professional bodies, animal welfare agencies, AWL/RSPCA/Police/Vets, to promptly manage incidents, health issues and increase rehoming opportunities.
- To minimise the number of animals euthanased.

### 2.3 ANIMAL WELFARE AND RESPONSIBLE PET OWNERSHIP

People who have animals in their care (owner by definition) have a responsibility to ensure they have adequate knowledge and skills to manage the welfare of those animals. Every owner has an obligation to make themselves aware, or seek assistance where necessary, to fulfill their duty to take reasonable care of their animals and to prevent any adverse impacts on the community from improper or negligent control.

#### Problems can be addressed by:

- Attending to their pet's psychological and social needs;
- Attending to their pet's health and welfare including exercise, training and environmental enrichment as appropriate to the breed of animal;
- Confining dogs within the perimeter of the home to prevent straying;
- Minimising any adverse effects toward neighbours, such as excessive barking or odour;
- Complying with relevant legislation (leash laws, removal of faeces from public places, maintaining dogs under effective control).

#### Education programs can also assist such as:

- Appropriate pet selection. Problems can be avoided by selecting the type of animal, breed and sex to suit the owner's lifestyle and circumstances;

- Basic health and welfare principles. Regular exercise, proper nutrition, water and shelter are crucial to the maintenance of animal health. Health care practices, such as worming and vet check-ups, must be maintained;
- Permanent identification and registration;
- Desexing, which has the capacity to reduce several unwanted animal behaviours, such as: unwanted litters; roaming by male animals; territorial aggression and noise complaints.

#### Secure Confinement and Environmental Enrichment

Confining an animal reduces its risk of serious harm or death by misadventure. In addition, while this practice must be followed, there is the consideration of combating the boredom and frustrations that animals may feel while their owner is absent (separation anxiety).

Environmental enrichment is the inclusion of cognitive, dietary, physical, sensory and social stimuli to relieve boredom and frustration. If an animal is kept busy, it is less frustrated, less reactive and less of a potential nuisance (barking and roaming).

#### Socialisation, Training and Commitment

Early socialisation of animals is important to allow exposure to many different stimuli in the local environment (children/elderly people, other animals, noises, movement). Dog training is encouraged to ensure that owners have control of CA in public and private places; there are many programs available with Puppy Preschools and obedience training being highly recommended.

#### Current Situation

The following table shows that 32% of animals that enter the Council pound facility from seizure activities, from being dumped, unidentified or surrendered by their owners, were euthanased in 2013-14. This rate of euthanasing would be higher if not for education and enforcement of identification and registration requirements, which have enabled currently 73.5% of animals to be returned to their homes. The increased practice of desexing animals would also reduce the number of unwanted animals and those that are seized while roaming.

2013-2014	Seized	Returned to owner	Dumped	Surrendered by owner	Rehomed or sold	Euthanased
Cats	83	29	0	6	19	37
Dogs	298	251	8	69	39	85

#### Goals:

- To encourage further education regarding responsible pet ownership.
- To increase awareness of the value of microchipping.
- To promote the desexing of animals.



- To encourage animal owners to provide mental and physical challenges for their animals improving the welfare of their animals and reducing negative impacts on the community.

### 3 - COMMUNITY ISSUES

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Conflict between people and companion animals does occur, particularly when there is close proximity to neighbouring dwellings. The type of issues raised by the community submissions, and Council's records, shows that this type of conflict is widespread, with the most common complaints being:

- Barking dogs;
- Roaming cats/dogs;
- Cat/dog faeces;
- Number of animals per household.

#### 3.1 PUBLIC SAFETY

A safe community is a high priority and particular attention needs to be given to safety in public places. Research indicates that dog attacks are more likely to occur at the animal's home or in the vicinity, and that these attacks are more common where a dominant, protective, unsocialised or injured dog is not adequately supervised. Incident records show aggressive behaviour by a dog is usually confined to an area close to its own home territory rather than in neutral ground such as a designated exercise area.

Dog owners are required to have their animal under the effective control of a competent person by means of an adequate chain, cord or leash. Council is required to provide at least one leash-free area, however, people using these facilities must have control of their animals. Currently there are 46 designated exercise areas within our Shire (see Annexure 1 for exercise and prohibited areas).

#### Places Where Special Restrictions Apply

Companion animals are prohibited from some public places (s14, s14A and s30 of the Act):

- Being within 10 metres of a children's play area;
- Recreation and public bathing areas where dogs are declared to be prohibited;
- School grounds, child care centres and community event areas;
- Shopping areas where dogs are prohibited;
- Wildlife protection areas;
- Food preparation/consumption areas (meaning any public place, or part of a public place, that is within 10 metres of any apparatus provided in that public place or part, for the preparation of food for human consumption or for the consumption of food).

Note: dogs are not prohibited in outdoor dining areas in certain circumstances (s14A of the Act) provided the dog is under the effective control of some competent person and is restrained by means of an adequate chain, cord or leash that is attached to the dog, and the person does not feed the dog or permit the dog to be fed, and that the dog is kept on the ground.

### Bite Avoidance

The majority of dogs do not bite people or other animals, however, all dogs have the potential to do this, irrespective of their breed, gender, temperament or history. Strategies for bite avoidance involve: appropriate breed selection, early socialisation, training, desexing and confinement to prevent dogs from roaming.

Education strategies should focus on reading the body language of dogs (eyes, head position, backline, tail, posture and attitude) and dealing with potentially threatening situations. Some types of attacks can be caused by: teasing, rough playing, interfering with feeding, invading a dog's space and predatory aggression caused by the victim running away from a dog.

### Dangerous Dogs and Restricted Breeds

The Act (Part 5) states the requirements of owners of declared dangerous dogs. Requirements include desexing, muzzling them in public and confining them in a childproof enclosure. A Dangerous Dog Declaration has effect throughout the State and Rangers have the authority to seize a dog if the requirements for controlling a dangerous dog are not met.

Restricted Dogs (s55-58) are required to comply with similar requirements to the owners of dangerous dogs. The Act defines restricted dogs as:

- American pit bull terrier or pit bull terrier;
- Japanese Tosa;
- Dogo Argentino (Argentinian fighting dogs);
- Fila Brasileiro (Brazilian fighting dogs);
- Any dog declared by Council to be a restricted dog.

Goals:

- To improve community awareness of the importance of safety around animals and methods to avoid dog bites.
- To promote the awareness of dog training and keeping dogs under effective control.
- To monitor dangerous dogs and restricted dogs throughout the Eurobodalla.

## 3.2 ENFORCEMENT AND EDUCATION

Council has an active role to ensure animal owners comply with the Act. Officers adhere to the Eurobodalla Shire Council Compliance Policy which identifies the level of action to be taken dependent on available resources and potential outcome. Resources are

prioritised by severity, especially in cases of public safety e.g. aggressive dog behaviour and dog attacks.

Council relies heavily on voluntary compliance and responsible animal ownership. In addition, community education is also important and covers aspects such as:

- Public safety, dog attacks, dangerous dogs and restricted breeds;
- Barking dogs;
- Desexing and unwanted litters;
- Appropriate pet selection;
- Roaming dogs;
- Disease transmission;
- Identification and registration;
- Early socialisation and regular obedience training;
- Environmental enrichment and protection.

Goals:

- To encourage the training and education of animals to facilitate their integration into the community.
- To promote the responsibilities of being a companion animal owner.
- To maintain links with professional animal industries and to organise activities.

#### 4 - ENVIRONMENTAL ISSUES

Animals can create negative impacts on the environment in a number of ways such as noise, pollution and impacts on native fauna.

By informing animal owners of the impacts that their companion animal may cause, as well as highlighting strategies to minimise adverse effects, a greater understanding, cooperative and sustainable relationship within the community will result.

##### 4.1 NOISE POLLUTION – BARKING

While all dogs bark, it is those that bark excessively that require management. Barking dogs account for approximately 28% of complaints received by the Council.

Types and levels of complaints received for 2013 - 2014 financial year:

Cats	Barking	Straying	Dog Attack	Misc Dog Incidents	Total
100	316	218	71	419	1,124
9%	28%	19.5%	6%	37.5%	

Barking dogs are a significant community problem and can result in loss of neighbourhood amenity, anxiety, sleep disruption and aggression. However, an animal

barking may be due to: territorial behaviour, boredom, separation anxiety, illness, visual stimuli/distraction or teasing.

Barking dog incidents are often difficult to resolve and consume extensive resources. It is the responsibility of the animal owner to control their animal inclusive of barking issues.

Where Council receive ongoing complaints about a barking dog the animal may be declared a nuisance and on the spot fines apply. Usage of a diary system regarding excessive barking may be effective in: determining if a legitimate complaint exists, pinpoints the times of excessive barking, assists in providing solutions and builds a case if legal action is initiated.

Those affected by barking may also utilise a Noise Abatement Order under the *Protection of the Environment Operations Act 1997*.

The noise of cats fighting in the middle of the night is reported less frequently than dogs but it is still a cause of noise pollution.

Goals:

- To educate the community in an endeavour to reduce incidents of nuisance barking.
- To raise awareness of the strategies to reduce barking including anti-barking collars.
- To resolve barking complaints effectively and in such a way as to prevent reoccurrence.

#### 4.2 FAECES MANAGEMENT

Companion animal faeces are a significant environmental and public health issue. The pollution of urban yards, footpaths, parks, reserves and beaches by animal faeces and the resulting pollution of waterways by stormwater run-off, are of environmental concern.

Organisms such as parasites, protozoa and bacteria can be transferred to people and animals via faecal matter and contaminated stormwater. There is also the potential for infection to be passed to humans. Roundworm is the primary health concern, as this organism resides in the small intestine of dogs, and its eggs are passed to the outside environment in the faeces. The eggs may remain infective in the soil for a number of years. While humans do not develop adult roundworm, the migration of the larvae through tissue and organs can cause disease. Young children, active sports players, and people confined to hand-activated wheelchairs have the greatest risks of exposure.

Council provides appropriate rubbish bins for animal faeces at the prescribed exercise areas and the provision of 'poo-bag' dispensers is restricted due to costs. There may be opportunities for future poo bag dispensers to be paid for and sponsored by local organisations.

The failure of animal owners to properly dispose of their animal faeces is an offence and on the spot fines may be issued.

Goals:

- Raise animal owners' awareness of the health and amenity issues of uncollected animal faeces in public places.
- Install 'poo-bag' dispensers at exercise areas which are also locations of high animal activity, and of high environmental and tourist significance.
- Support and encourage community groups and commercial sector to sponsor the installation and maintenance of bag dispensers.

#### 4.3 IMPACTS ON BIODIVERSITY

Eurobodalla Shire is renowned for its natural environment boasting pristine beaches, estuary and marine ecosystems and large areas of National Park and State Forest which all support an array of wildlife. Various species of threatened and endangered flora and fauna have been identified. Notable bird examples being: Hooded Plover, Pied Oystercatcher and Little Tern located in coastal areas. It is vital that animal management strategies be implemented to assist with protection of these and other species.

Goals:

- To maintain a proactive working relationship with National Parks to identify, monitor and enforce provisions under legislation to ensure the protection of identified rare and threatened species.
- To provide information and install appropriate signage to identify protected areas/nesting sites.

#### 5 – MONITORING AND REVIEW

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Essential to the Plan will be ongoing monitoring and review of performance in key result areas. This will ensure strategies and focus will remain relevant, sustainable and in-line with statutory obligations and community expectations. Baseline data will provide the performance indicators necessary to assess and improve the plan as required.

Goals:

- To analyse statistics to indicate performance and consider alternative or future strategies.
- To seek feedback, via customer service surveys, from customers and animal owners.

- To network with other Local Government Areas.

## ANNEXURE - 1

### EXERCISE AREAS

#### General Arrangements:

- In the absence of any regulatory advisory sign to the contrary, time-share leashed access is available on all beaches and adjacent reserves, and other reserves under Council control.
- From - 1 November to 30 April time-share access is available between 5pm and 9am.
- From - 1 May to 31 October access is available on a 24 hour basis.
- Animals must be under effective control in all designated exercise areas.
- Animals must be under effective control (leashed) while accessing the nominated off-leash areas.
- Dogs must be supervised and managed effectively and responsibly in the off leash area (in sight at all times)

#### Considerations When Assessing or Re-examining Exercise Areas (in Particular "Off Leash" Areas)

- Existing and adequate arrangements in place at or near the location.
- Minimal disruption to other normal users of the area, such as regular sporting activities.
- Conflicting uses.
- Suitability to accommodate growing resident and Companion Animal populations.
- Sufficient area (beach or reserve) to safely accommodate an animal's exercise requirements.
- Certainty and ease of access.
- Minimal effects on nearby residents.
- No through roads or cycleways.
- Minimal impact on natural vegetation and regeneration areas.
- Not near major tourist sites.

- No blind spots.
- Centrality – not unreasonable distance from suburb or population.
- Some beach or water access.
- Legal obligations (including Section 14 of the Act).
- Preference for grassed or sandy areas.
- Presence of shade or shelter and water.
- Appropriate fencing or natural barriers.
- Means of dog faeces disposal.
- Signage.
- The likely presence of nesting shorebirds.
- Community expectations.

### Special Arrangements for Shorebirds - Nesting Season

During the endangered shorebirds nesting season (normally September to March annually), the existing exercise area rules will cease in areas where shorebirds are found to be nesting. Affected areas will be clearly sign posted by National Parks and Wildlife Services and Council. Significant localities/areas affected include: South Durras (north of Lakesea Van Park), Tuross Head (Coila bar dune and salt marsh areas, including Tuross River entrance) and Narooma (Wagonga Inlet east of bridge and Lewis' Island).

### Time Share Off-Leash Exercise Areas - **\*24 Hour Access Off Season\***

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Mystery Bay	Mystery Bay Beach
Narooma	Beach north of Handkerchief Lake
Potato Point	Potato Point Beach from boat ramp north 560m to National Park boundary
Tuross Head	Beach from Plantation Reserve south to One Tree Point
South Congo	Beach adjacent to Point Parade
Moruya Sth Head	North of the Surf Club to Toragy Point – excluding Club and carpark area
Mogo	Western end Buckenbours Oval off Mogo Street
Barlings Beach	Beach between Melville Point headland and Barlings Island Headland
Guerilla Bay	Main Beach and Stoney Beach
Rosedale	Southern section of beach. Access at carpark off Rosedale Parade 450m to headland
Malua Bay	Malua Bay Surf Beach
Lilli Pilli	Mosquito Bay Beach
Wimbie Beach	Main beach including reserve and area and east along walking track
Sunshine Bay	Sunshine Bay Beach
Batehaven	Corrigan's Beach (600m) between Hanging Rock breakwall and Joe's Creek
Surfside	Beach between Mundarra Way & western end of Myamba Pde
Maloneys Beach	Maloneys Drive to start Hibiscus Close
Long Beach	Beach, South West, from Bay Rd car park to Nature Reserve boundary approximately 1600m

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#### 24 Hour Off-Leash Exercise Areas:

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Naroomba	South eastern end of Bill Smyth Oval below Canty Street
Naroomba	Bar Beach – Kianga Point to within 100m of break wall
Kianga	Kianga Reef Beach
Dalmeny	Duesbury's Beach
Potato Point	Jemison's Beach – 540m to NP boundary
Tuross Head	Coila Beach and Coila Bar 2.6 km (not including dune area or lake foreshore)
Moruya Sth Head	On the Council reserve east of Coronation Drive (old camping ground)
Moruya	Reserve (known as Ryan's paddock) east of Moruya Riverside Park
Moruya Bengello	Beach from 200m north of break wall to airport windsock
Broulee (South)	Beach between McNee Street & Bengello Ck (the sandpit) 1.2 km
Broulee (North)	Beach (800m) between Smith St and National Park boundary
Mossy Point	Tomago River Reserve, from Connells Close east to boat ramp
Tomakin	Commencing from Kingston Place car park at boat ramp south to Tomago River
Malua Bay	Pretty Point - beach between headlands
South Durras	Northern section of beach 1.3km beginning 100m north of Durras Drive Bridge to Lakesea Caravan Park

#### 24 Hour Leashed Exercise Areas:

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Tuross Head	From Anderson Ave to Country Club carpark
Moruya Bengello	From windsock north to Bengello Creek (south of sandpit)
Broulee	Beach from Train Street 980m south to Smith Street

#### Time-Share Leashed Exercise Areas: **\*24 Hour Access Off Season\***

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Kianga	Kianga Lake Beach
Dalmeny	Josh's Beach
Moruya Sth Head	Main beach south of surf club 400m to National Park
Rosedale South	North of carpark to headland 420m
Rosedale North	North of Yowani Road to McKenzie's Beach
Malua Bay	McKenzie's Beach
Malua Bay	Garden Bay Beach (dogs prohibited on grassy reserve)
Lilli Pilli	Beach off Fairview Drive
Lilli Pilli	Circuit Beach
Denhams Beach	Beach off Denham Avenue
Batehaven	Corrigan's Beach (600) - from access road to Joe's Creek

**Prohibited Areas:**

- All National Parks and nature reserves, including Broulee Island, Congo, Bingi, South Head and Mystery Bay.
- Wildlife Protection Areas (NPWS).
- All Council swimming pools, public halls, offices, play equipment and their environs. Food preparation areas.

Dogs are also prohibited from the following beaches and adjacent reserves:

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**Narooma South** - Handkerchief Beach

**Narooma North** - Netted Beach

**Narooma** - Surf Beach (main beach)

**Kianga** - Carter's Beach

**Dalmeny** - Yabbara beach

**Potato Point** - the northern third (300m) of Potato Point Beach and the southern third (200m) of Jemison's Beach.

**Tuross Head** - Main Beach south of One Tree Point.

**Coila** - foreshore, dune and salt marsh areas on northern side of Coila Lake

**Moruya** - North Head swimming hole at western end of break wall

**Broulee** - Shark Bay (from boat ramp to NP boundary)

**Broulee** - both sides northern end Candlagan Creek, southern end Candlagan Creek to Train Street. Section of main beach from boat ramp to McNee Street

**Tomakin** - Cove Beach and Jack Buckley Park

**Surfbeach** - Main Beach

**Batehaven** - Casey's Beach

**Corrigan's Beach** - Beach south of main access road to Observation Point and all reserve areas (Bells Carnival reserve and BBQ recreation area)

**Surfside** - between headlands along Myamba Parade

**Maloney's Beach** - between start of Hibiscus Close and National Park

**Long Beach** - beach from Long Beach Road north from carpark along Bay Road to cul-de-sac

**Durras** - Cookies Beach and beach north of Lakesea Caravan Park to National Park

Areas where dogs are prohibited by legislation:

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Section 14 of the Companion Animals Act 1998

**Dogs prohibited in some public places**

- 1) Dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled):

- (a) **Children's play areas** (meaning any public place, or part of a public place, that is within 10 metres of any playing apparatus provided in that public place or part for the use of children).
- (b) **Food preparation/consumption areas** (meaning any public place, or part of a public place, that is within 10 metres of any apparatus provided in that public place or part for the preparation of food for human consumption or for the consumption of food by humans).
- (c) **Recreation areas where dogs are prohibited** (meaning any public place, or part of a public place, provided or set apart by a local authority for public recreation or the playing of organised games and in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place or part).
- (d) **Public bathing areas where dogs are prohibited** (meaning any public place or any part of a public place that is used for or in conjunction with public bathing or public recreation (including a beach), in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place).
- (e) **School grounds** (meaning any property occupied or used for a purpose connected with the conduct of a government school or non-government school under the Education Act 1990, other than any property used for a residence or the curtilage of a residence).
- (f) **Child care centres** (meaning any property occupied or used for a purpose connected with the conduct of a child care service as defined in the Children (Care and Protection) Act 1987, other than any property used for a residence or the curtilage of a residence).
- (g) **Shopping areas where dogs are prohibited** (meaning a shopping arcade or shopping complex, including any part of it that is used but the public for parking or access to shops, in which or part of which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited there). This paragraph does not apply to any shop or part of a shop.
- (h) **Wildlife protection areas** (meaning any public place or any part of a public place set apart by the local authority for the protection of wildlife and in which the local authority has ordered that dogs are prohibited for the purposes or the protection of wildlife and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable

*intervals notices to the effect that dogs are prohibited in or on that public place).*

SUBS	File: E11.5372 Doc No.	RECEIVED	GROUP/INDIVIDUAL	BRIEF SUBMISSION DETAILS	COMMENTS	RECOMMENDATIONS
1	44747.14	11/10/2014	Individual: Surfside	<b><i>"Make Surfside Beach a NO DOGS beach please"</i></b>	Complements existing strategy. No change to existing arrangements	Beach identified to remain prohibited
2	47354.14	24/10/2014	Residents: Batehaven	<b><i>"When you are reviewing the Companion Animal Plan I hope you will take into consideration not to alter the current arrangements for dogs and their owners at Corrigan's Beach at Batehaven" Education for fishermen about line and hooks discarded, clean up beaches.</i></b>	Complements existing strategy. No change to existing arrangements. Other matters taken on notice and included in Council's environmental programs.	Beach identified to remain unchanged
3	49878.14	7/11/2014	Residents: Guerilla Bay	<b><i>"I would submit that the existing regulations pertaining to Guerilla Bay are quite adequate"</i></b>	Complements existing arrangements. No change to existing arrangements	Beach identified to remain unchanged
4	49659.14	9/11/2014	Individual: Durras	<b><i>"would very much like to see Cookies Beach remain dog-free at all times"</i></b>	Complements existing arrangements. No change to existing arrangements	Beach identified to remain prohibited
5	49675.14	9/11/2014	Individual: Durras	<b><i>"we urge the council to maintain the existing "dogs free" status of Cookies beach at South Durras"</i></b>	Complements existing arrangements. No change to existing arrangements	Beach identified to remain prohibited
6	51525.14	19/11/2014	Residents: Durras	<b><i>"We strongly urge against any change to the current plan" "current provisions at South Durras are extremely successful" Consideration of prohibition in some reserve areas, general control of dogs in Durras and additional signage.</i></b>	Complements existing arrangements. No change to existing arrangements. Signage deemed adequate for enforcement.	Beaches identified to remain unchanged
7	51594.14	19/11/2014	Residents: Durras	<b><i>Supports current arrangements and appreciates proactive relationship in protecting endangered shorebird nesting sites at South Durras. Additional signage requested.</i></b>	Complements existing arrangements. No change to existing arrangements. Signage deemed adequate for enforcement.	Beaches identified to remain unchanged

8	51226.14	18/11/2014	Residents: Mystery Bay	<p><b>1. Request that Council erect more signs in the camping area at Mystery Bay and that existing signs have temporary stickers stating NO DOGS ON BEACH 9am TO 5pm.</b></p> <p><b>2. That the camping area caretaker better inform campers when they first arrive of Council's rules regarding dog timeshare restrictions.</b></p>	<p>1. Current signage is consistent across Eurobodalla Shire. Monitoring of the site will identify problems and if required, changes to signage to be considered.</p> <p>2. Information packages provided by Council to the camp ground management and being handed out to campers.</p>	<p>1. Additional and changes to signs not supported.</p> <p>2. Proactive relationship with camp ground management to be maintained.</p>
9	51127.14	18/11/2014	Residents: Long Beach	<p><b>1 All beaches in Long Beach to be timeshare off-leash.</b></p> <p><b>2 Dogs on leash at all times in reserve areas</b></p> <p><b>3. Dog faeces disposal bags be provided with support from Long Beach community</b></p> <p><b>4 Discrepancies in 2011 Companion Animal Management Plan, signage and Dogs on Beaches brochure</b></p>	<p>1. Timeshare off-leash increased from 900m of beach to 1600m. Prohibited area is along stretch of beach adjacent to residences along Bay Road, providing a mix of use for dog owners and the broader community. Signage is adequate for enforcement.</p> <p>2. Dogs are required to be leashed in all public areas unless otherwise directed.</p> <p>3. In principle support and requires consultation and support of the Long Beach Community.</p> <p>4. Discrepancies arose following community requests for changes to the 2011 Companion Animal Management Plan. These changes are amended in the draft 2015 Companion Animal Management Plan.</p>	<p>1. Addition of Long Beach south west, from Bay Rd carpark to nature reserve boundary approximately 1600m to timeshare off-leash exercise area.</p> <p>Timeshare off-leash for all beaches in Long Beach and Shirewide not supported due to requirements to provide for safe and dog free areas for the broader community.</p> <p>2. No change to existing arrangements.</p> <p>3. Consultation with Long Beach community required to identify dog dispenser location/s, funding and maintenance.</p> <p>4. Discrepancies corrected in the draft 2015 Companion Animal Management Plan.</p>

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**PSR15/005 TENDER FOR PROVISION OF LABORATORY ANALYTICAL SERVICES**

**E93.5121**

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Tender assessment

Strategic Objective: Liveable

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

Operational Plan Link: 4.1.2 Monitor, inspect, enforce and investigate complaints in relation to public and environmental health

### **EXECUTIVE SUMMARY**

Tenders have been received for the provision of an accredited laboratory testing and reporting service for the carrying out of all of Council's analytical requirements.

The tenders have been assessed and a preferred tenderer selected for consideration by Council.

### **RECOMMENDATION**

THAT Council accepts the preferred tenderer as identified in the confidential attachment for the provision of an accredited laboratory testing and reporting service.

### **BACKGROUND**

In March 2010 Council entered into a contract for the provision of a National Association of Testing Authority (NATA) accredited laboratory service. This agreement will expire in March 2015.

Tenders have been received for the provision of a new NATA accredited laboratory testing and reporting service to provide continual support to Council's water, sewer, waste and environmental monitoring programs. The contract will be for an initial term of three years with the option to extend for an additional two years.

The formal tendering processes resulted in two tenders being received.

### **CONSIDERATIONS**

#### **Legal**

The tendering was conducted in accordance with the Local Government (General) Regulation 2005 and the Division of Local Government (DLG) Tendering Guidelines for NSW Local Government (2009).

The request for tender met the advertising requirements of Section 164 and Section 167 of the Local Government (General) Regulation 2005, including publishing a notice in relevant newspapers as defined.

A detailed tender assessment was completed which included assessment of the tenderer's previous experience in completing similar projects, experience of personnel, quality of service proposed and price.

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**PSR15/005 TENDER FOR PROVISION OF LABORATORY ANALYTICAL SERVICES**

**E93.5121**

**Policy**

The tendering process was undertaken in accordance with Council's Procurement Policy and its Tendering Code of Practice.

**Environmental**

Laboratory analytical services assists informed decision making processes relating to the management of Council's water supply, sewerage and waste management services. It also supports public and environmental health condition monitoring and reporting of rivers, lakes and estuaries in the Eurobodalla.

**Financial**

The acceptance of the preferred tender for the provision of laboratory analytical services shall enable the continuance of operational and environmental monitoring programs within existing budgets.

**CONCLUSION**

This contract will provide for competitive provision of laboratory analytical services to support Council's water, sewer, waste and public and environmental health monitoring programs. The preferred tenderer identified in the confidential attachment represents the best value for money, experience in similar services, experience of personnel and quality of service.

The recommended tender has been assessed in accordance with the tender evaluation criteria and determined as the highest scoring tender combining the considerations of price and non-price criteria.



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**IR15/002 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2014-2015**

**E14.8002,  
E15.9002**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Strategic Objective: Productive

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

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

### **EXECUTIVE SUMMARY**

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

This report represents the minutes of the Eurobodalla Local Traffic Committee meeting that convenes on a monthly basis. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 11 December 2014 were as follows:

- Parking - Mirrabooka Avenue, Moruya
- Traffic Management – George Bass Drive, Tomakin
- Special Event Application – Rotary Youth Driver Awareness
- Special Event Application – Challenge Triathlon
- Local Traffic Committee Meeting Dates for 2015
- Traffic Management – Princes Highway, Bowen Street and Club Narooma
- Special Event Application- Inwards Bound Event proposal
- Traffic management – Riverside Drive, Narooma
- Traffic Management – Perry Lane, Batemans Bay
- Traffic Management – Princes Highway, Bodalla
- Speed Limit – Beach Road, George Bass Drive
- Speed Limit – Kings Highway, Nelligen
- Parking – Night Bus, Orient Street, Batemans Bay

### **RECOMMENDATION**

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee meeting No 4 of 2014-2015 held on 11 December 2014 be received and noted.
2. Council Plan No 5156 Set B Sheet 1 detailing the modification of on-street parking on Mirrabooka Avenue adjacent to the Air Raid Tavern building, to replace No Parking with a

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**IR15/002 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2014-2015**

**E14.8002,  
E15.9002**

Loading Zone and 15 minute parking be approved.

3. Council Plan No 2735 Set D Sheet 1 detailing the proposed signage and line marking associated with the shared path and pedestrian refuge island, located along George Bass Drive near the intersection with Tomakin Road, Tomakin be approved.
4. The following schedule be put in place for the Local Traffic Committee for 2015:  
Meeting No 5 for 2014-2015 on Thursday 12 February 2015  
Meeting No 6 for 2014-2015 on Thursday 12 March 2015  
Meeting No 7 for 2014-2015 on Thursday 9 April 2015  
Meeting No 8 for 2014-2015 on Thursday 14 May 2015  
Meeting No 9 for 2014-2015 on Thursday 11 June 2015  
Meeting No 1 for 2015-2016 on Thursday 9 July 2015  
Meeting No 2 for 2015-2016 on Thursday 13 August 2015  
Meeting No 3 for 2015-2016 on Thursday 10 September 2015  
Meeting No 4 for 2015-2016 on Thursday 8 October 2015  
Meeting No 5 for 2015-2016 on Thursday 12 November 2015  
Meeting No 6 for 2015-2016 on Thursday 10 December 2015.
5. Modifications to be line marking at the turn into Club Narooma on Bowen Street, Narooma be modified in accord with recommendations provided to the Local Traffic Committee.

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 4 for 2014-2015 was held on Thursday 11 December 2014 in Council's Committee Room. It was attended by Councillor Neil Burnside (Chairperson), Mrs Danielle Brice (representative for the Hon Andrew Constance MP), Peter Bache (Roads and Maritime Services), Senior Constable David Smart (NSW Police Force), Dave Hunter (Traffic Officer), Greg Miller (Divisional Manager Technical Services), Heidi Hanes (Road Safety Officer) and Annette Thomas (Minute Secretary).

Apologies were received from Councillor Milton Leslight.

**DEPUTATIONS**

Sharron Haines (Elite Energy) and Leisa Tague (Events and Grants Development Coordinator) were guest speakers for Item Number 2015.SE.0010.

**MINUTES OF PREVIOUS MEETING**

The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 for 2014-2015 held on Thursday 11 November 2014 were confirmed and accepted.

**OUTSTANDING ITEMS FROM PREVIOUS MEETINGS**

The Action Sheet outlining all of the Committee's items was distributed to members. As it was the first meeting for the new Traffic Officer, all outstanding items were discussed. The Traffic Officer will continue to action outstanding items and report back to the Committee accordingly.

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**IR15/002 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2014-2015**

**E14.8002,  
E15.9002**

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

**2015.RT.006 Parking – Mirrabooka Avenue, Moruya**

Correspondence has been received from a tradesperson who cannot practically and legally deliver goods and services to the Air Raid Tavern building.

An existing on-street parallel section measuring 27 metres in Mirrabooka Avenue, directly adjoining the tavern and an office supply shop is currently signed 'No Parking 8:30am to 6:00pm Monday to Friday and 8:30am to 12:30pm Saturday'.

The Committee was shown Council Plan No 5156 Set B Sheet 1 showing proposed changes to on-street parking. The No Parking will be removed and a 14 metres long loading zone and a 15 minute parking section installed on Mirrabooka Avenue. The Committee agreed that the existing No Stopping sign needs to be relocated to take into account the adjoining carpark entry.

Recommendation:

Plan No 5156 Set B Sheet 1 detailing the modification of on-street parking on Mirrabooka Avenue adjacent to the Air Raid Tavern building to replace No Parking with a Loading Zone and 15 minute parking be approved.

**2015.RT.007 Signage and Line-marking – George Bass Drive, Tomakin**

Each year Council makes application for grant funds under the Federal Nation Building Black Spot Program. The project to improve the safety of pedestrians and cyclists travelling between the villages of Tomakin and Mossy Point was included in this year's program. The work involves building a shared path from Sunpatch Parade through to the boundary of IGA Supermarket on George Bass Drive and a pedestrian refuge.

The Committee was shown Council Plan No 2735 Set D Sheet 1 showing the proposed signage and line marking associated with the shared path and pedestrian refuge island, located along George Bass Drive near the intersection with Tomakin Road. The Committee supported the plan as presented.

Recommendation:

Plan No 2735 Set D Sheet 1 detailing the proposed signage and line marking associated with the shared path and pedestrian refuge island, located along George Bass Drive near the intersection with Tomakin Road, Tomakin be approved.

**INFORMAL ITEMS FOR DISCUSSION**

**2015.SE.009 Special Event Application – Rotary Youth Driver Awareness**

A special event application has been received for the running of the Rotary Youth Driver Awareness Program (RYDA) on 23 and 24 March 2015 using Donnelly Drive, Moruya.

The Rotary Club of Batemans Bay is facilitating the two day event to be held within Moruya Racecourse grounds. The event titled RYDA (Rotary Youth Driver Awareness) is aimed at educating Year 11 students about various road issues and five high schools will be participating.

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**IR15/002 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2014-2015**

**E14.8002,  
E15.9002**

One of the modules requires a practical demonstration of a motor vehicle sedan stopping whilst travelling at three different speeds on an asphalt surface eg 40km/h, 60km/h and 80km/h. Six demonstrations per day are conducted, each module taking up to 30 minutes to complete. All demonstrations are conducted by a certified driving instructor and students observe the demonstration inside the vehicle as well as from outside the vehicle in a cordoned off observation area. To help, Council provides its portable Speed Advisory Sign.

As the grounds within the racecourse do not have a road surface suitable to conduct these demonstrations, Donnelly Drive is the only suitable option. Donnelly Drive runs parallel to the racecourse perimeter and is a No Through Road, with its only traffic being residents and visitors to a very small community connected to the racecourse. Temporarily closing the road for a two day period, intermittently, will cause minimal disruption to the residents and/or business activities. These are the main reasons Rotary chose the site to hold the event. Residents are advised in advance of the event.

A detailed Traffic Management Plan for this event was presented to the Committee. The Committee raised no objection to the submitted plans.

Recommendation:

The 2014 Rotary Youth Driver Awareness Program to be conducted using Donnelly Drive, Moruya on 23 and 24 March 2015 be endorsed by the Committee based upon the submitted Traffic Management Plan.

**2015.SE.0010 Special Event Application – Challenge Triathlon**

The annual Challenge Batemans Bay Triathlon Festival to be conducted by Elite Energy will be held over the weekend of 28 and 29 March 2015.

Sharron Haines from Elite Energy explained the changes to the Traffic Control Plan where it differed from 2014. It was proposed that Beach Road be an event clear way with motorists in the outer lanes, cyclists in the middle, with traffic cones delineating the lanes.

The Committee had several concerns regarding this proposal along Beach Road and that it will not provide adequate safety for motorists and cyclists. The Committee agreed that a sub-committee consisting of the RMS representative, Police representative and Council's Traffic Officer be formed to assist the organisers in the development of a suitable Traffic Management Plan for the Challenge Batemans Bay Triathlon Festival.

Recommendation:

1. A sub-committee of the Local Traffic Committee be formed, made up of the RMS representative, Police representative and Council's Traffic Officer to assist the organisers in the development of a suitable Traffic Management Plan for the Challenge Batemans Bay Triathlon Festival.
2. The completed Traffic Management Plan be presented to the committee at the February 2015 meeting for adoption.

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**IR15/002 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2014-2015**

**E14.8002,  
E15.9002**

**2015.IN.008 Local Traffic Committee Meeting Dates for 2015**

Dates for meetings of the Eurobodalla Local Traffic Committee need to be set for 2015. It is proposed to conduct these meetings on the second Thursday of each month with no meetings to take place in January and December 2015.

The Committee agreed to these dates.

Recommendation:

That the following meeting dates be adopted for the Local Traffic Committee in 2015:

<b>Meeting No:</b>	<b>Date:</b>
5-2014-15	Thursday 12 February 2015
6-2014-15	Thursday 12 March 2015
7-2014-15	Thursday 9 April 2015
8-2014-15	Thursday 14 May 2015
9-2014-15	Thursday 11 June 2015
1-2015-16	Thursday 9 July 2015
2-2015-16	Thursday 13 August 2015
3-2015-16	Thursday 10 September 2015
4-2015-16	Thursday 8 October 2015
5-2015-16	Thursday 12 November 2015
6-2015-16	Thursday 10 December 2015

**2013.IN.006 Traffic Management – Intersection of Princes Highway, Bowen Street and Club Narooma carpark entry**

Correspondence has been received about the recently constructed intersection from the Princes Highway through to Club Narooma via Bowen Street. The Committee was shown Council Plan No 4261 Set A Sheet 4 associated with the roundabout at the intersection of Princes Highway, Bluewater Drive and McMillan Road, Narooma. This plan was approved for signage and line marking in 2013 and approval also includes the Club Narooma carpark entry off Bowen Street.

Council staff propose to remove the line marking turning lines from Bowen Street and Club Narooma intersection. The Committee raised no objection to these minor line marking alterations and determined that an alteration to the approved traffic warrant is not necessary.

Recommendation:

Modifications to be line marking at the turn into Club Narooma on Bowen Street be modified in accord with recommendations provided to the Committee.

**2015.SE.011 Special Event Application – Inwards Bound Event Proposal**

The 2014 Inwards Bound is a navigation-based endurance foot race held annually in ACT and NSW mountain areas surrounding Canberra. This event will be conducted on 27 to 28 March 2015 and will be held on predominantly in National Park and Forestry roads. A Traffic Control Plan for the event was viewed but as the event has only minor impact on public roads in the Eurobodalla, no event approval from a traffic perspective is necessary.

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**IR15/002 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2014-2015**

**E14.8002,  
E15.9002**

**2015.RT.009 Signage and Line marking – Riverside Drive, Narooma**

Fisheries NSW has written to Council asking that the parking signs outside their office on Riverside Drive, Narooma be altered to improve enforceability. A Traffic Warrant was approved in 1999 and upon inspection, some signs have been found to be not in accord with the approval. The Committee was shown plan TC99/2 showing the approved signage and line marking. A review of the plan, compared to what is in place also revealed that the 2 hour and accessible parking signs adjoining the restaurants also need improvement.

The Committee raised no objections to reinstating the signage and line marking, to the current standards, however asked that before the 2 hour and accessible parking are replaced, that the adjoining businesses be consulted.

Recommendation:

Prior to installation of the 2 hour and accessible signs and line marking in accordance with Plan TC99/2, Council consult with the adjoining business owners in Riverside Drive, Narooma.

**2015.RT.0010 Parking – Perry Lane, Batemans Bay**

Correspondence has been received that raises safety concerns that parking and unloading vehicles in Perry Lane, Batemans Bay congest the area. Business staff who have private designated parking which is accessed from the lane often cannot drive in and out without long waits. The Traffic Officer suggested that No Stopping signs could be installed on a section of the northern side and a Loading Zone on the southern side of the lane. This would resolve the congestion in Perry Lane. The Committee raised no objections to this proposal. It was agreed that the owners and business occupants adjacent to Perry Lane be consulted regarding these changes and comments sought.

Recommendation:

Council consult with the owners and business occupants adjacent to Perry Lane regarding the proposed installation of regulatory signs in Perry Lane.

**2015.RT.011 Parking – Princes Highway Side Road, Bodalla**

Correspondence has been received raising issues with the parking in the side road, Princes Highway, Bodalla. The business section of this side road starts near the Bodalla Hall and runs south through to the Post Office. A shop owner advised that vehicles are parked out the front for long periods of time, which detrimentally affected their business. The Traffic Officer suggested that the existing 1 hour parking be extended past all of shops on the side road, through to the existing accessible parking at the pubic hall. It was suggested that people wishing to park for long periods of time can use the carpark at the rear of the Dairy Shed business. The Committee raised no objections to this proposal. It was agreed that the owners, residents and businesses be consulted regarding these changes.

Recommendation:

Council consult with the affected owners, residents and business occupants on the Princes Highway side road, Bodalla regarding the proposed changes to regulatory parking.

**2015.IN.009 Speed Limit – Beach Road, George Bass Drive**

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**IR15/002 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2014-2015**

**E14.8002,  
E15.9002**

The RMS representative advised the Committee about a request by members of the community to review the recent speed zone along George Bass Drive. He advised the RMS is considering that the speed limit be reduced from 60km/h to 50km/h on Beach Road, from the traffic signals at the Batemans Bay High School, through to the roundabout at Surf Beach. The RMS representative requested that Council provide traffic data and any comments and concerns that Council may have.

Recommendation:

Council to provide the RMS with historical traffic data and make comment on the proposed speed zone change.

**2015.IN.0010 Speed Limit – Kings Highway, Nelligen**

The RMS representative advised that they have received a request from a member of the community to reduce the speed limit along Kings Highway, Nelligen from 80km/h to 60km/h. RMS is currently undertaking a road safety review that includes this section of the Kings Highway, Nelligen.

The Traffic Officer advised that the same member of the community had written to Council requesting that the speed limit along Kings Highway, Nelligen from 80km/h to 60km/h. The person was informed that it was not within Council's power to determine speed limits and that the correspondence would be forwarded to the RMS.

The Committee agreed that the RMS road safety review would be the appropriate mechanism to look at the speed limit issue on the Kings Highway, Nelligen.

Recommendation:

It is noted the RMS will advise the resident of the outcome of the review of the speed limit on the Kings Highway.

**2015.IN.011 Parking Night Bus – Orient Street, Batemans Bay**

The Road Safety Officer informed the Committee about the changes from previous summers to the Night Bus arrangement in Batemans Bay. The Night Bus is a late night alternative transport option for people wishing to get home safely after a night out. It is primarily a community drink drive and walking prevention strategy. The bus collects passengers from Orient Street, Batemans Bay near the Court House and hotels and drops off passengers at normal bus stops along the coast road to Malua Bay. As the bus this year will be a maxi taxi, the Road Safety Officer proposed that it park in any available legal space within the vicinity. To ensure there is available parking, a security guard will position orange traffic bollards in a car space for the operation periods. The Committee had no objection to this proposal.

**NEXT MEETING**

The next meeting of the Eurobodalla Local Traffic Committee is to be held on Thursday 12 February 2015 in the Council's Committee Room commencing at 9:30am.

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**IR15/003 FUNDING OFFERS - SHARED PATHWAY - NAROOMA AND TRAFFIC  
SIGNALS - BATEMANS BAY**

**E01.5635;  
E12.6374**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Strategic Objective: Liveable

Delivery Program Link: L5.3 Provide and develop Council's shared pathway and cycleway network

Operational Plan Link: 5.3.2 Seek grant funding and partnership opportunities to develop network

### **EXECUTIVE SUMMARY**

Council has successfully secured grant funds from the Roads and Maritime Services (RMS) under the Active Transport Program for 2014-15 for two key projects identified within the Delivery Plan 2013-17 and the Operational Plan 2014-15.

The projects include the shared pathway in Willcocks Avenue, Narooma and the installation of traffic signals at the intersection of North and Perry Streets, Batemans Bay.

With regard to the traffic signals at the intersection of North and Perry Streets, Batemans Bay, Council at its Ordinary Meeting held on 12 August 2014 in part resolved the following (Minute No 14/196):

*THAT Council:*

- 1. approve the installation of traffic signals at the intersection of North and Perry Streets, Batemans Bay with pedestrian phases on all legs of the intersection*
- 2. pursue grant funding from the State Government for the provision of traffic signals at the intersection of North and Perry Streets, Batemans Bay.*

These grants have been accepted to secure the funding. These capital grants significantly reduce the cost to the ratepayer to provide these much sought after road safety benefits.

### **RECOMMENDATION**

THAT Council endorse the actions taken in accepting the offers of grant funding from Roads and Maritime Services under their Active Transport Program for 2014-15 for the:

1. Shared pathway in Willcocks Avenue, Narooma (\$50,000 grant); and
2. Traffic signals at the intersection of North and Perry Streets, Batemans Bay (\$200,000 grant).

### **BACKGROUND**

Council continues to provide strong support to improving pathways across the Shire based on the adopted Eurobodalla Shared Pathway Strategy 2010 which identifies high priority pathway projects across the Shire.

Council has progressively allocated funds toward works to address high priority pathways, including missing linkages, with a specific emphasis on pathways within villages. We have also



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**IR15/003 FUNDING OFFERS - SHARED PATHWAY - NAROOMA AND TRAFFIC  
SIGNALS - BATEMANS BAY**

**E01.5635;  
E12.6374**

successfully pursued grant funding and worked with community groups to accelerate pathway works across the Shire.

Council received an initial \$100,000 of funding from the RMS for the shared pathway along Willcocks Avenue. A further application to the RMS to extend the works has now been successful.

At the Ordinary Meeting of Council held on Tuesday 12 August 2014 Council resolved to approve the installation of traffic signals at the intersection of North and Perry Streets, Batemans Bay with pedestrian phases on all legs of the intersection.

Additionally, Council resolved to pursue grant funding from the State Government for the provision of traffic signals at the intersection of North and Perry Streets, Batemans Bay. An application was made to the RMS based upon the estimated cost, seeking funding towards the installation of the traffic signals and associated works. The total project cost has been estimated at \$400,000 and Council has been successful in attracting \$200,000 from the RMS.

**CONSIDERATIONS**

**1. Shared Pathway – Willcocks Avenue, Narooma**

The RMS has offered an additional \$50,000 for the construction of a shared pathway along Willcocks Avenue, Narooma. Works commenced at the Princes Highway and headed east to Loader Parade. This was stage 1 of the works and they have been completed. This additional funding will allow stage 2 to progress and will include a shared pathway commencing at Narooma Surf Beach car park heading west towards Loader Avenue.

When all stages are complete, this will provide a link along Willcocks Avenue from the Princes Highway to the Narooma Surf Beach and improve safety for motorists, cyclists, pedestrians and people on scooters.

Council has previously secured \$100,000 from the RMS for this project. This funding offer is an additional \$50,000 and increases the RMS funding to \$150,000. An additional matching funding allocation of \$50,000 has been provided within Council's 2014-2015 budget through the December quarterly review process. This project will now have a total budget allocation of \$300,000.

**2. Traffic Signals – Intersection of North and Perry Streets, Batemans Bay CBD**

RMS has offered \$200,000 for the installation of traffic signals at the intersection of North and Perry Streets, Batemans Bay. This RMS funding requires matching Council funds. Currently Council has \$127,000 matching funding towards this project and the December 2014 quarterly review proposes to increase Council's budget for matching funding to \$200,000. This project will have a total budget allocation of \$400,000.

Council has had discussions with the RMS regarding the available options for the installation of the traffic signals as this is a specialist activity. Signal designs are complete and signed off by the RMS Design branch.

Council will undertake the civil works associated with the traffic signals. The RMS has indicated they will undertake traffic signal installations prior to the end of the financial year. This arrangement ensures the signals are installed to the RMS requirements and is legally achieved

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<b>IR15/003</b>	<b>FUNDING OFFERS - SHARED PATHWAY - NAROOMA AND TRAFFIC SIGNALS - BATEMANS BAY</b>	<b>E01.5635; E12.6374</b>
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under Section 55, clause 3b of the Local Government Act 1993 (which allows Council to directly engage the RMS).

**Financial**

Council is required to match the additional grant funding made available from the RMS, dollar for dollar. The matching funding required for these works exists within the 2014-15 budget with appropriate adjustments made in the December quarterly review.

**CONCLUSION**

Council has been successful in gaining \$250,000 of additional funding through the RMS within the Active Transport Program for 2014-15. The projects and funding allocations are as follows:

1. \$50,000 towards the installation of stage 2 of the shared pathway along Willcocks Avenue, Narooma – Princes Highway to Narooma Surf Beach.
2. \$200,000 towards the installation of traffic signals at the intersection of North and Perry Streets, Batemans Bay.

The support from the NSW Government in providing funding for these safety improvements is welcome.

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**IR15/004 FUNDING OFFER - PLAYGROUND EQUIPMENT - KORNER PARK,  
BATEMANS BAY**

**E13.7189**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Strategic Objective: Liveable

Delivery Program Link: L5.1 Implement Council's recreation and open space strategy, priority plans of management and master plans

Operational Plan Link: L5.1.2 Seek grant funding and partnership opportunities to develop community spaces

### **EXECUTIVE SUMMARY**

Council has been successful in securing grant funding under the NSW Department of Primary Industries, Crown Lands Division, 2014-15 Public Reserves Management Fund Program for the replacement of playground equipment at Korner Park, Wharf Road, Batemans Bay.

This reserve adjoins the Clyde River and is well utilised by families and encourages healthy and active lifestyles.

### **RECOMMENDATION**

THAT Council accept the offer of \$25,000 from the NSW Department of Primary Industries, Crown Lands Division under the 2014-15 Public Reserves Management Fund Program for replacement of existing playground equipment at Korner Park, Wharf Road, Batemans Bay.

### **BACKGROUND**

The NSW Department of Primary Industries under the Public Reserves Management Fund Program (PRMFP) provides financial support for the development, maintenance and improvement of public reserves.

In October 2014, Council lodged a grant application through the PRMFP for the replacement of playground equipment at Korner Park, Batemans Bay. The existing double swing set needs to be replaced to reduce Council's risk as well as to enhance and make best use of the reserve.

### **CONSIDERATIONS**

The funding offer will assist Council to enhance and beautify a popular riverside reserve with new playground equipment that will cater for children within this area.

PRMFP requires a Council resolution to accept the funding offer. The offer of funding is valid for two months from the date of formal notification.

### **Financial**

A matching contribution is not required from Council. This grant funding assists Council with the renewal of playground infrastructure.

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**IR15/004 FUNDING OFFER - PLAYGROUND EQUIPMENT - KORERS PARK,  
BATEMANS BAY**

**E13.7189**

**CONCLUSION**

Grant funding of \$25,000 has been offered to Council from the NSW Department of Primary Industries under the Public Reserves Management Fund Program to assist replacement of the playground equipment at Korers Park Reserve, Wharf Road, Batemans Bay.

This funding will allow Council to enhance its recreational facilities for the benefit of the community and visitors alike.

Upon acceptance of this grant, works will be scheduled to be undertaken within the 2014-15 financial year.

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**IR15/005 FUNDING OFFER - FLOODPLAIN RISK MANAGEMENT - MURRAY STREET, MORUYA**

**E92.7043**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Funding Offer - Floodplain Risk Management - Murray Street, Moruya

Strategic Objective: Sustainable

Delivery Program Link: S4.1 Provide, maintain and renew stormwater and flood management infrastructure

Operational Plan Link: S4.1.2 Maintain stormwater and flood mitigation systems

### **EXECUTIVE SUMMARY**

Council has been successful in securing grant funding from the Office of Environment and Heritage under their 2014-15 Floodplain Management Program to undertake flood mitigation works. The works involve the lifting of Gundry Creek crossing in Murray Street and the installation of additional box culverts under the roadway.

This funding will assist Council and emergency services in achieving flood free access to Moruya Hospital in 1 in 100 year flood events.

### **RECOMMENDATION**

THAT Council:

1. Endorse the actions of staff in thanking The Hon Rob Stokes MP, Minister for the Environment, for notifying Council of our successful application for funding under the 2014-15 Floodplain Management Program
2. Accept the funding offer of \$300,000 from the Office of Environment and Heritage under the 2014-15 Floodplain Management Program for the lifting of Gundry Creek crossing in Murray Street, Moruya to allow improved access during flood events.

### **BACKGROUND**

Council has now been successful in securing two grants through the Office of Environment and Heritage (OEH) under various Floodplain Grants Schemes for the Murray Street, Gundry Creek crossing. On 9 October 2012, a report tabled at the Finance and Services Committee meeting advised of our success in seeking \$10,000 in grant funding to engage the services of a suitably qualified consultant to undertake a feasibility study to improve flood prone access to Moruya Hospital. An additional \$3,285 was supplemented to include a detailed design. The feasibility study and design formed the basis for the more recent grant submission.

The Hon Robert Stokes MP has advised Council of our successful application for financial assistance under the 2014-15 Floodplain Management Program.

### **CONSIDERATIONS**

The Moruya River Floodplain Management Study identified overtopping of Murray Street, Moruya at Gundry Creek crossing as an impediment in accessing Moruya Hospital during major flood events. Council in 2012-13 prepared a feasibility study, survey, investigation and

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**IR15/005 FUNDING OFFER - FLOODPLAIN RISK MANAGEMENT - MURRAY  
STREET, MORUYA**

**E92.7043**

design work in order to achieve a design that results in the road being lifted and additional culverts being installed at this location to allow improved access during floods.

The attached map identifies the section of Murray Street affected by flooding.

This project was identified as a medium priority in the Moruya River Floodplain Management Plan and is the next highest priority project.

Council pursued grant funds through the OEH under their 2014-15 Floodplain Management Program which is part of the Natural Disaster Resilience Program.

OEH has supported this proposed construction works and has offered \$300,000 in grant funding for 2014-15. This will require Council to match their funding offer on a 2:1 basis. Council will be required to match funding with \$150,000.

**Financial**

Council's contribution towards this project of \$150,000 is already allocated within the 2014-15 urban reconstruction program.

**CONCLUSION**

Council has been successful in gaining \$300,000 of funding through the 2014-15 Floodplain Management Program to undertake flood mitigation works to improve access during major floods. The work involves lifting of Murray Street, Moruya and provision of additional culverts. The works are scheduled for completion by the end of September 2015.





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**FBD15/006 TITLE TO DRAINAGE RESERVES - NAROOMA**

**E04.8214**

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

Attachments: Nil

Strategic Objective: Support Services

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

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

**EXECUTIVE SUMMARY**

Two parcels of land in Narooma identified as drainage reserves in the original plan of subdivision have never been formally transferred to Council.

Appropriate action should be taken to have Lots 61 and 62 in DP 21019 transferred into the ownership of Council.

**RECOMMENDATION**

THAT:

1. A notice be published in the Government Gazette notifying that Lots 61 and 62 in DP 21019 is vested in Council pursuant to Section 50(4) of the Local Government Act 1993.
2. Following the notification in the Government Gazette a Request be lodged at the Land and Property Information Office requesting Council be registered as the proprietor of Lots 61 and 62 in DP 21019 and titles issued accordingly.

**BACKGROUND**

A recent investigation revealed that two parcels of land in Narooma, noted as drainage reserves on the plan of subdivision that created the lots, have never been dedicated to Council and remain in the name of the original developers.

**CONSIDERATIONS**

Lots 61 and 62 were created in DP 21019 which was registered in 1948 and described on that plan as Drainage Reserves 12 feet wide. For some unknown reason the intention to dedicate the reserves was crossed through.

A plan showing the lots is below.



**FBD15/006 TITLE TO DRAINAGE RESERVES - NAROOMA**

**E04.8214**



**Legal**

Prior to 15 June 1964 a drainage reserve was not automatically vested in Council on registration of a plan.

In accordance with Section 50 of the Local Government Act 1993 if a subdivision providing for drainage reserves was registered prior to 15 June 1964 Council may direct that the reserve be transferred to Council or alternatively publish a notice in the Government Gazette notifying that the land is vested in it. Once gazette, the Land and Property Information Office can be requested to issue titles in Council's name.

The latter action is the most efficient means to achieve the desired outcome given the time since the original plan of subdivision was registered in 1948 and the effort required to locate the developers or their heirs.

**Financial**

The costs to undertake the proposed action will be less than \$200.

**CONCLUSION**

Given the significant time since the deposited plan was registered, the most efficient means to secure the drainage reserves in Council's name is to publish a notice in the Government Gazette and then request the Land and Property Information Office issue titles in Council's name.

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**FBD15/007 LICENCES FOR FOOTPATH TRADING - BATEMANS BAY**

**88.0148.D**

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

Attachments: Nil

Strategic Objective: Support Services

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

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

**EXECUTIVE SUMMARY**

Applications have been received from two adjoining retail businesses in North Street, Batemans Bay to display goods for sale on the footpath adjacent to their premises. The proposals do not comply with the provisions of Council's Footpath Trading Code, however this report recommends approval of the applications and granting of three-year licences. The variation to the Code is considered reasonable in this case.

**RECOMMENDATION**

THAT:

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone of .70m adjacent to the property boundary of Lot 1 DP 380318 No 8 North Street, Batemans Bay.
2. A licence be granted to the proprietors of Rug World with terms and conditions including:
  - (a) A three-year term.
  - (b) Payment of a licence establishment fee in accordance with Council's fees and charges.
  - (c) Payment of rent in accordance with Council's adopted fees and charges.
  - (d) Providing of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
  - (e) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.
  - (f) Mat display stands to be a minimum height of 700mm so as not to create a trip hazard.
  - (g) Rolled rugs to be securely contained to prevent them falling.
3. An exemption to Council's Footpath Trading Code be made to permit a trade zone of .70m adjacent to the property boundary of Lot 1 DP 380318 No 1/8 North Street, Batemans Bay.
4. A licence be granted to the proprietors of Batemans Bay Cycles with terms and conditions including:
  - (a) A three-year term.

**FBD15/007 LICENCES FOR FOOTPATH TRADING - BATEMANS BAY**

**88.0148.D**

- (b) Payment of a licence establishment fee in accordance with Council's fees and charges.
- (c) Payment of rent in accordance with Council's adopted fees and charges.
- (d) Providing of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
- (e) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.

**BACKGROUND**

Applications have been received from the proprietors of Rug World and Batemans Bay Cycles for licences to display goods for sale on the footpath adjacent to the property boundary of their premises at 8 North Street, Batemans Bay.

**CONSIDERATIONS**

Council's Footpath Trading Code was developed on the basis of best practice in ensuring safe and unhindered access for all pedestrians, including those with impaired sight.

The photograph below shows the zones according to the Footpath Trading Code, the proposed location of the display of goods for sale and the location of an electricity box within the pedestrian zone.



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**FBD15/007 LICENCES FOR FOOTPATH TRADING - BATEMANS BAY**

**88.0148.D**

As well as the electricity box impeding the pedestrian zone, another display area adjacent to a shop front has been in place for many years, four shops away.

In respect of the licence for Rug World, for public safety, if approved the mat display stands should be a minimum of 700mm high.

In respect of Batemans Bay Cycles the width of the display area should be limited to 700mm with bicycles in stands parallel to the footpath.

**Legal**

There is no legislative imperative preventing an exemption to the Code.

In accordance with Section 139A of the Roads Act 1993 Council can give approval for footpath trading and grant a licence over part of a public road for which Council is the Roads Authority.

**Policy**

The location of the proposed trade zone does not comply with Council's Footpath Trading Code as it is adjacent to the shop front.

**Economic Development Employment Potential**

Additional trading space for retail businesses allows development of those businesses, enhancing their financial viability.

**Financial**

Council has adopted fees and charges in relation to the granting of licences for display of goods on footpaths and these should be reflected in the licence agreement.

**CONCLUSION**

The proposed display of goods for sale adjacent to Lot 1 DP 380318 No 8 North Street, Batemans Bay does not comply with Council's Footpath Trading Code, however an exemption to the Code in terms of permitting the trade area adjacent to the property boundary will in this case allow for continued safe and unhindered access for pedestrians and is considered to be a reasonable exception to the Code.

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**FBD15/008 LICENCE TO OPERATE JUMPING CASTLES**

**E07.1579**

**E07.1580**

**E07.1581**

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

Attachments: Nil

Strategic Objective: Support Services

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

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

**EXECUTIVE SUMMARY**

The temporary licences granted to the proprietor of Pizzaz Parties to operate a jumping castle and sumo suit business on public land expired on 30 November 2014. The licensee has requested that further temporary licences be granted. The licensee has been successfully operating for the past twelve months and there would appear to be no reason not to grant licences for a further twelve months.

**RECOMMENDATION**

THAT:

1. Council as Trust Manager of the Eurobodalla (North) Reserve Trust, Eurobodalla (Central) Reserve Trust and Eurobodalla (South) Reserve Trust consent to the granting of a temporary licence, in accordance with Section 108 of the Crown Lands Act 1989, to operate a jumping castle and sumo suit business on Crown Reserve R66122 at Corrigan's Beach, Batehaven, Crown Reserve R82377, Riverside Park, Moruya and Crown Reserve R63051, NATA Oval Reserve, Narooma to the proprietor of Pizzaz Parties with a licence fee of \$507.10 including GST and ground rental of \$53.00 per day inclusive of GST commencing 1 March 2015 and expiring 29 February 2016 with conditions including:
  - The Licensee shall book the licence area through Council's Facilities Booking Officer prior to each use of the area.
  - The Licensee shall not occupy an area within a charity market licence area without the consent of the charity market licensee.
  - The Licensee's vehicle and trailer are to be parked in the formal parking areas within the Reserves and not within the licensed areas.
  - The Licensor may at its absolute discretion direct the Licensee not to occupy part of the Licensed Area during the period of the Licence.
  - The Licensee shall keep the said licensed area clean and tidy and all papers and other rubbish shall be collected and removed to a Council waste depot. The Licensee shall immediately repair and make good, damage occasioned by the Licensee's use of the licensed area.

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**FBD15/008 LICENCE TO OPERATE JUMPING CASTLES**

**E07.1579**

**E07.1580**

**E07.1581**

- The Licensee shall keep in full force a public liability insurance policy in the amount of \$20 million and Workers Compensation Insurance under the Workers Compensation Act 1987 (NSW) covering all persons employed or deemed to be employed by the Licensee in connection with the Licensee's use of the property licensed.
2. Approval for the licensee to operate on other Crown Reserves in accordance with the provisions of the licence for private functions be subject to approval by the General Manager.
  3. In accordance with the provisions of the Local Government Act 1993 28 days public notice be given of Council's intention to grant a licence to operate a jumping castle business within various parcels of community land for private functions.
  4. Subject to no objections being received a licence be granted to the proprietor of Pizzaz Parties to operate a jumping castle business within Council reserves approved by the General Manager at a fee of \$1 and ground rental of \$53.00 per day inclusive of GST commencing 1 April 2015 and expiring 31 March 2016 with conditions including:
    - Use is restricted to private functions.
    - The Licensee shall book the licence area through Council's Facilities Booking Officer prior to each use of the area.
    - The Licensee shall not occupy an area within a charity market licence area without the consent of the charity market licensee.
    - The Licensee's vehicle and trailer are to be parked in the formal parking areas within the Reserves and not within the licensed areas.
    - The Licensor may at its absolute discretion direct the Licensee not to occupy part of the Licensed Area during the period of the Licence.
    - The Licensee shall keep the said licensed area clean and tidy and all papers and other rubbish shall be collected and removed to a Council waste depot. The Licensee shall immediately repair and make good, damage occasioned by the Licensee's use of the licensed area.
    - The Licensee shall keep in full force a public liability insurance policy in the amount of \$20 million and Workers Compensation Insurance under the Workers Compensation Act 1987 (NSW) covering all persons employed or deemed to be employed by the Licensee in connection with the Licensee's use of the property licensed.
  5. If any objections are received a further report be presented to Council.

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**FBD15/008 LICENCE TO OPERATE JUMPING CASTLES**

**E07.1579**

**E07.1580**

**E07.1581**

**BACKGROUND**

At its Ordinary meeting on 12 November 2013 Council resolved that:

1. *Council as Trust Manager of the Eurobodalla (North) Reserve Trust, Eurobodalla (Central) Reserve Trust and Eurobodalla (South) Reserve Trust consent to the granting of a temporary licence, in accordance with Section 108 of the Crown Lands Act 1989, to operate a jumping castle and sumo suit business on Crown Reserve R66122 at Corrigans Beach, Batehaven, Crown Reserve R 82377, Riverside Park, Moruya and Crown Reserve R63051, NATA Oval Reserve, Narooma to the proprietor of Pizzaz Parties with a licence fee of \$490.60 including GST and ground rental of \$52.00 per day inclusive of GST commencing 1 December 2013 and expiring 30 November 2014 with conditions including:*
  - *The Licensee shall book the licence area through Council's Facilities Booking Officer prior to each use of the area.*
  - *The Licensee shall not occupy an area within a charity market licence area without the consent of the charity market licensee.*
  - *The Licensee's vehicle and trailer are to be parked in the formal parking areas within the Reserves and not within the licensed areas.*
  - *The Licensor may at its absolute discretion direct the Licensee not to occupy part of the Licensed Area during the period of the Licence.*
  - *The Licensee shall keep the said licensed area clean and tidy and all papers and other rubbish shall be collected and removed to a Council waste depot. The Licensee shall immediately repair and make good, damage occasioned by the Licensee's use of the licensed area.*
  - *The Licensee shall keep in full force a public liability insurance policy in the amount of \$20 million and Workers Compensation Insurance under the Workers Compensation Act 1987 (NSW) covering all persons employed or deemed to be employed by the Licensee in connection with the Licensee's use of the property licensed.*
2. *Approval for the licensee to operate on other Crown Reserves in accordance with the provisions of the licence for private functions be subject to approval by the General Manager.*
3. *In accordance with the provisions of the Local Government Act 1993, 28 days public notice be given of Council's intention to grant a licence to operate a jumping castle and sumo suit business within various parcels of community land for private functions.*
4. *Subject to no objections being received a licence be granted to the proprietor of Pizzaz Parties to operate a jumping castle and sumo suit business within Council reserves approved by the General Manager at a fee of \$1 and ground rental of \$52.00 per day inclusive of GST commencing 1 December 2012 and expiring 30 November 2013 with conditions including:*



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**FBD15/008 LICENCE TO OPERATE JUMPING CASTLES**

**E07.1579**

**E07.1580**

**E07.1581**

- *Use is restricted to private functions.*
- *The Licensee shall book the licence area through Council's Facilities Booking Officer prior to each use of the area.*
- *The Licensee shall not occupy an area within a charity market licence area without the consent of the charity market licensee.*
- *The Licensee's vehicle and trailer are to be parked in the formal parking areas within the Reserves and not within the licensed areas.*
- *The Licensor may at its absolute discretion direct the Licensee not to occupy part of the Licensed Area during the period of the Licence.*
- *The Licensee shall keep the said licensed area clean and tidy and all papers and other rubbish shall be collected and removed to a Council waste depot. The Licensee shall immediately repair and make good, damage occasioned by the Licensee's use of the licensed area.*
- *The Licensee shall keep in full force a public liability insurance policy in the amount of \$20 million and Workers Compensation Insurance under the Workers Compensation Act 1987 (NSW) covering all persons employed or deemed to be employed by the Licensee in connection with the Licensee's use of the property licensed.*

5. *If any objections are received a further report be presented to Council."*

The intention to grant a licence on Council land was advertised and no submissions were received. One licence to operate on Crown Reserves and another to operate on Council Reserves were issued.

Both licences expired on 30 November 2014 and the Licensee has requested that they be renewed.

**CONSIDERATIONS**

Pizzaz Parties have been operating their jumping castle and sumo suit business successfully on public reserves within the Shire, offering their amusement activities to the public and also providing services for private functions such as birthday parties.

Public commercial use, i.e. setting up and inviting the general public to use their facility, has been restricted to Corrigans Beach Reserve, Moruya Riverside Park and NATA Oval which are all Crown Reserves under the Control of the Eurobodalla (Central) Reserve Trust for which Council is Trust Manager.

Plans showing the licence areas are shown below.



FBD15/008 LICENCE TO OPERATE JUMPING CASTLES

E07.1579

E07.1580

E07.1581



*Corrigans Beach Reserve*



*Moruya Riverside Park*

**FBD15/008 LICENCE TO OPERATE JUMPING CASTLES**

**E07.1579**

**E07.1580**

**E07.1581**



***NATA Oval, Narooma***

Private commercial use, i.e. birthday parties or private functions, is less restrictive and has been licensed to operate within Council controlled reserves approved by the General Manager.

**Legal**

In accordance with the provisions of Section 68 of the Local Government Act, the engaging in a trade or business on Community land requires approval of Council.

A licence enables the business to offer their amusement activity to the public and/or to provide services for private functions such as birthday parties on public reserves within the Shire.

A licence will be required to operate on community land and a separate licence will be required to operate on Crown reserves under Council's care and control.

Before a licence to operate on community land can be granted Council must publicly notify of its intention in accordance with the provisions Section 47A of the Local Government Act and consider any submissions.

It is also necessary under the provisions of Section 108 of the Crown Lands Act for Council as Trust Manager to licence businesses operating on Crown Reserves under its control. In accordance with the provisions of the Act, Council as Trust Manager can grant a licence for a period not exceeding 12 months.

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**FBD15/008 LICENCE TO OPERATE JUMPING CASTLES**

**E07.1579**

**E07.1580**

**E07.1581**

**Communication / Consultation**

We will consult with the community by seeking feedback through a 28 day Public Exhibition where the proposal will be notified in the local print media, exhibited on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**Financial**

The previous licence fee to operate on Crown reserves was \$490.60 including GST, being the statutory Crown Lands minimum fee, and a ground rental of \$52.00 per day including GST. Given the administrative cost for the second licence for the same purpose on Council owned community land is not significant, the licence fee to operate on community land was \$1.00 with a ground rental of \$52.00 per day including GST. It is considered appropriate that the licence fee to operate on Crown reserves be increased in line with the current statutory Crown lands minimum fee of \$507.10 including GST with a ground fee of \$53.00 per day including GST, (both increased in line with the CPI) and the licence fee to operate on community land remain at \$1.00 including GST with a ground fee of \$53.00 per day including GST, subject to both licences being taken up.

**CONCLUSION**

The jumping castle and sumo suit business has operated successfully within Council controlled reserves providing an ongoing attraction for tourists and local residents. Granting further temporary licences is considered appropriate.

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**FBD15/009 LEASE OF PART MOUNTAIN VIEW ROAD, MORUYA**

**E01.5926**

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

Attachments: 1. Lease of part of Mountain View Road, Moruya

Strategic Objective: Support Services

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

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

### **EXECUTIVE SUMMARY**

The lease of an unformed section of Mountain View Road, Moruya to the registered proprietors of adjoining Lot 2 DP 809690 expires on 31 March 2015. The registered proprietors of Lot 2 DP 809690 have requested that a new lease be granted. This report recommends a new five-year lease be granted.

### **RECOMMENDATION**

THAT:

1. Public notice be given in accordance with the provisions of the Roads Act 1993 of the intention to grant a lease of that part of unformed Council public road adjoining Lot 2 DP 809690 Mountain View Road, Moruya.
2. A period of 28 days be given for submissions to be received.
3. If any submissions objecting to the lease are received a further report be presented to Council for consideration.
4. If no submissions are received a lease be granted to the registered proprietors of Lot 2 DP 809690 with the following conditions:
  - (a) A five-year term.
  - (b) Rental (included in the confidential attachment) be payable in advance and be non-refundable in the event that the lease is terminated.
  - (c) Provision of \$20 million public liability insurance.
  - (d) Lessee to be responsible for the control of noxious weeds and animals.
  - (e) All costs associated with the lease to be borne by the applicant.
  - (f) The lease be able to be terminated by Council at any time for any reason.
5. Consent be given to affix the Common Seal of Council to any documents associated with the lease of part of Mountain View Road, Moruya.

### **BACKGROUND**

In order to legalise a fence and gate illegally erected on an unformed section of Mountain View Road, Moruya adjoining Lot 2 DP 809690, at its Ordinary meeting on 23 February 2010 Council resolved:



**FBD15/009 LEASE OF PART MOUNTAIN VIEW ROAD, MORUYA**

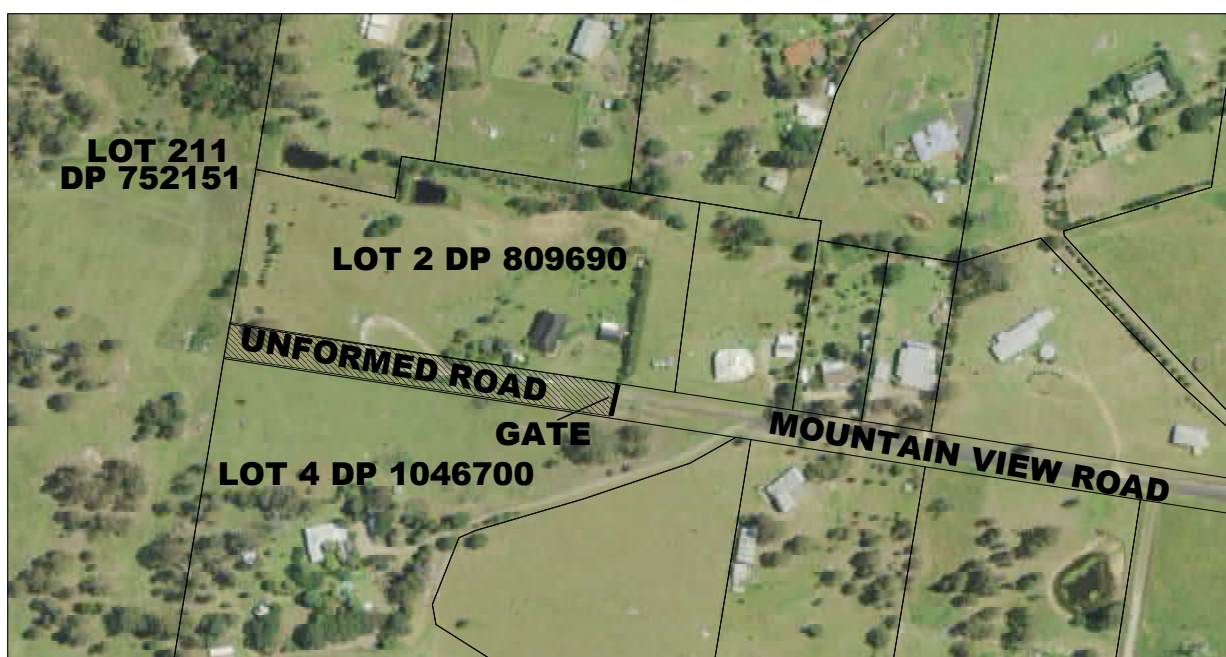
**E01.5926**

*“THAT:*

1. *(a) Public notice be given in accordance with the provisions of the Roads Act 1993 of the intention to grant a lease of that part of unformed Council Public Road adjoining Lot 2 DP 809690 Mountain View Road, Moruya.*  
*(b) A period of 28 days be given for submissions to be received.*  
*(c) If no submissions are received a lease be granted to the registered proprietors of Lot 2 DP 809690 with the following conditions:*
  - (i) term to be five years;*
  - (ii) rental to be \$770 including GST, payable in advance and be non-refundable in the event that the lease is terminated;*
  - (iii) lessee to hold \$10 million public liability insurance;*
  - (iv) lessee to be responsible for the control of noxious weeds and animals;*
  - (v) all costs associated with the lease to be borne by the applicant;*
  - (vi) lease to be able to be terminated by Council at any time for any reason.**(d) If any submissions objecting to the lease are received a further report be received to consider those submissions.*
2. *Consent be given to affix the Common Seal of Council to any documents associated with the lease of part of Mountain View Road, Moruya.”*

A five-year lease was granted for the period commencing 1 April 2010 and expiring on 31 March 2015. The registered proprietors of Lot 2 DP 809690 have requested a new lease be granted.

A map showing the location and a photo of the fence and gate are shown below.



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**FBD15/009 LEASE OF PART MOUNTAIN VIEW ROAD, MORUYA**

**E01.5926**



**CONSIDERATIONS**

The current lease of unformed road adjacent to Lot 2 DP 809690 Mountain View Road, Moruya expires on 31 March 2015 and the registered proprietors have requested that a new lease be granted. The names of the registered proprietors are set out in the Confidential Attachment to this report.

**Legal**

Under the provisions of the Roads Act 1993 Council can lease land comprising a public road if in its opinion the public is not using it. The term can be a maximum of five years and can be terminated at any time by Council for any reason. Before granting a lease Council must give notice in a local newspaper and to all landowners adjacent to the road concerned, giving at least 28 days in which to make submissions regarding the proposed lease. If any submissions are received they must be considered before granting the lease.

**Policy**

The lessee should have \$20 million public liability insurance in accordance with Council policy.

**Environmental**

A condition of the lease would be that the lessee be responsible for the control of noxious weeds and animals.

**Asset**

The road is unformed and does not provide physical access to any other properties. As a public road Council as roads authority is responsible for maintaining eradication of noxious weeds and

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**FBD15/009 LEASE OF PART MOUNTAIN VIEW ROAD, MORUYA**

**E01.5926**

feral animals. The leasing of the road will alleviate Council from these responsibilities for the term of the lease for this section of road.

**Communication / Consultation**

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

Landowners adjoining the subject road will be individually notified and given 28 days to make a submission.

**Financial**

The rental (as outlined in the confidential attachment) for a five year period is considered to be a reasonable rental. Legal costs associated with the preparation and registration of the lease should be borne by the applicant. The lease payment would be payable in advance and be non-refundable in the event that the lease was terminated.

**CONCLUSION**

Given the subject section of Mountain View Road, Moruya adjoining Lot 2 DP 809690 is not currently used for access to adjoining properties, it is considered appropriate that a lease for the area be offered to the registered proprietors of Lot 2 DP 809690 subject to there being no objections from the public.

**FBD15/010 POLICY REVIEW - RATES AND DEBTORS HARDSHIP POLICY**

**E13.7095**

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

Attachments: 1. Rates and Debtors Hardship Policy (under separate cover)

Strategic Objective: Support Services

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

Operational Plan Link: SS1.1.3 Levying and collection of rates and charges

**EXECUTIVE SUMMARY**

Eurobodalla Shire Council complies with the *Local Government Act (NSW) 1993* which makes provision for debtor hardship arrangements under sections 564(2), 567, 582 and 601.

Council's current Rates and Debtors Hardship policy was adopted on the 10 September 2013.

The policy has been reviewed following Council's resolution Minute no. 14/372 of 9 December 2014 which, in part, states:

'Review its Rates and Debtors Hardship policy to assist any members of the community who may experience hardship as a result of a Special Rate Variation, by developing a range of strategies to address specific situations'.

**RECOMMENDATION**

THAT:

1. Council endorses the Rate and Debtors Hardship policy to be placed on public exhibition for 28 days.
2. Following the expiration of the exhibition period, the draft policy and any public submissions received is presented back to Council to consider the Rates and Debtors Hardship policy for adoption.

**BACKGROUND**

Council understands that some members of the community will at times experience financial hardship. The purpose of the Rates and Debtors Hardship policy is to enable Council to provide assistance to ratepayers and other debtors who are experiencing financial hardship, whilst balancing the impact of outstanding debts on Council's financial position.

The policy aims:

- To ensure compliance with legislative requirements and financial industry guidelines.
- To ensure consistency and fairness in the way Council deals with hardship provisions.
- To take such steps as are appropriate to minimise the impact of outstanding debts on Council's financial position.
- To promote a clear guideline for administering rate and debtor hardship provisions.
- To make Council's policy and requirements regarding hardship readily accessible and understandable to the public.



## **CONSIDERATIONS**

Council's Rates and Debtors Hardship policy has been reviewed to ensure the provisions will assist ratepayers that experience genuine hardship.

The review also compared the current policy with Bega Valley, Great Lakes and Armidale councils' hardship policies. The comparison confirmed that council's existing policy is consistent with regional requirements. The review does however indicate that an amendment to the wording in the application of the policy is required to ensure the public have a clearer insight as to the policy's purpose.

### **Legal**

The policy is governed by the Local Government ACT 1993 and the Local Government (General) Regulation 2005.

### **Policy**

The existing Rates and Debtors Hardship policy does require amendment. The proposed amendment is specific to its application Clause 1, which now clearly identifies each circumstance on how ratepayers may be assisted by the policy.

### **Social Impact**

This policy allows Council's requirements regarding hardship to be readily accessible and understandable to the public.

### **Consultation**

We will consult with the community by seeking feedback through a 28 day Public Exhibition where the draft Rates and Debtors Hardship policy will be on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

## **CONCLUSION**

The draft Rates and Debtors Hardship policy will be exhibited for 28 days. At the end of the exhibition period the draft Rates and Debtors Hardship policy will be presented to council for consideration, along with a report to consider any submissions that may have been received during the exhibition period.

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**FBD15/011 POLICY REVIEW OF WATER USAGE CHARGING POLICY**

**E13.7095**

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

Attachments: 1. Water Usage Charging Policy

Strategic Objective: Sustainable

Delivery Program Link: S2.2 Operate and maintain Council's water supply systems

Operational Plan Link: S2.2.2 Operate water system

**EXECUTIVE SUMMARY**

Council provides a water supply service which is funded by users of the service through annual and usage charges. The Water Usage Charging policy applies to owners of property that are connected to Council's water supply systems and explains how Council determines water usage accounts. The policy requires updating as a result of changes to the Local Government (General) Regulation 2005 – Reg 158 Testing of meters.

**RECOMMENDATION**

THAT Council endorse the recommended Water Usage Charging policy in accordance with the Local Government (General) Regulation 2005- Reg 158 Testing of meters.

**BACKGROUND**

The Water Usage Charging policy ensures council is compliant with legislative requirements under the Local Government Act 1993. It also ensures consistency and fairness in the manner in which the Council deals with water supply customers.

The policy was last reviewed in September 2013 however, a recent change to the Local Government (General) Regulation 2005 – Reg 158 Testing of meters, requires the policy to be updated.

Requirement 3 (Disputed Meter Readings) of the Water Usage Charging policy states, 'A water meter that registers less than 3 per cent more or less than the correct quantity is taken to correctly measure the water passing through it' which was consistent with the Regulation.

Regulation 158 has since been updated and now allows for 4 percent more or less than the correct quantity being taken to correctly measure the water passing through the meter.

**CONSIDERATIONS**

**Policy**

The Water Usage Charging policy has been updated to reflect recent changes to the Local Government (General) Regulation 2005 - Reg 158 Testing of meters.

**Social Impact**

The change from 3 to 4 per cent in the proposal will have little or no impact on property owners.

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**FBD15/011 POLICY REVIEW OF WATER USAGE CHARGING POLICY**

**E13.7095**

**CONCLUSION**

Council endorse the recommended Water Usage Charging policy in accordance with the Local Government (General) Regulation 2005- Reg 158 Testing of meters.

<b>Policy name</b>	Water Usage Charging
<b>Responsible manager(s)</b>	Chief Financial Officer
<b>Contact officer(s)</b>	Revenue Accountant
<b>Directorate</b>	Finance and Business Development
<b>Approval date</b>	TBA 2015
<b>Community Strategic Plan Objective</b>	Objective 8: We work together to achieve our goals
<b>Delivery Program</b>	Finance and Governance
<b>Operational Plan</b>	6. Levying and collection of rates and charges

## Purpose

Council provides a metered water supply service to the community, which is funded by users of the service through annual and usage charges. This policy applies to all owners of properties that are connected to Council's water supply systems, and explains how Council determines water usage accounts. The policy aims to:

- Confirm who is responsible for the payment of water usage charges.
- Explain how water usage accounts are calculated.
- Explain Council's procedure for dealing with disputed water meter readings.
- Provide concessions for public hospitals, home haemodialysis patients and where a concealed leak has resulted in a significant increase in a customer's water use.
- Promote an integrated framework for determining water supply usage accounts.
- Ensure consistency and fairness in the way Council deals with water supply customers.
- Comply with legislative requirements under the *Local Government Act 1993*.
- Ensure Council's policies and requirements for water supply and usage charging are readily accessible and understandable to the public.

## Policy statement

<b>1</b>	<b>Application</b> This policy applies to metered water usage by all properties connected to Eurobodalla Shire Council's water supply systems.
<b>2</b>	<b>Legislation</b> Eurobodalla Shire Council complies with the <i>Local Government Act 1993</i> and the <i>Local Government (General) Regulation 2005</i> .
<b>3</b>	<b>Responsibility for water usage</b> The owner of a property is responsible for all water usage that is recorded on the water meter/s servicing that property.
<b>4</b>	<b>Meter readings</b> Water meter readings are accepted as final and conclusive as measurement for water, subject to the meter not being defective (see 6. Disputed meter readings).
<b>5</b>	<b>Water usage accounts</b> Water usage charges payable are determined by multiplying the measured quantity of water used, less any approved concessions, by the water usage charge listed in

	<p>Council's Fees and Charges (published annually as part of the Operational Plan). Usage accounts are issued on a quarterly basis. A minimum charge of \$10 per usage account shall be applied.</p> <p>No allowance will be made where customers use water from the metered water supply servicing their property for the maintenance of adjacent public land.</p>
6	<p><b>Disputed meter readings</b></p> <p>Council will arrange for a water meter to be inspected and tested at the request of the owner or occupier of premises and on the payment of a meter test fee.</p> <p>The meter test fee is published annually in Council's Fees and Charges, as part of the Operational Plan.</p> <p>A water meter is taken to correctly measure the quantity of water passing through it when a meter test registers below 4 per cent variance from the correct quantity (i.e. the reading may be up to 4% less or more than the actual quantity) Local Government (General) Regulation 2005 – Reg 158 Testing of meters.</p> <p>If an inspection and test reveals a water meter is incorrectly measuring the quantity of water passing through it, Council may charge for the supply of water as follows:</p> <ol style="list-style-type: none"> <li>where the meter is reading <i>in favour of Council</i>: on the basis of a daily consumption equal to the average daily consumption during the corresponding meter reading period of the previous year, in which case Council will refund the meter testing fee; or</li> <li>where the meter is reading <i>in favour of the customer</i>: on the basis of a daily consumption equal to the average daily consumption during the corresponding meter reading period of the previous year, in which case Council will refund the meter testing fee; or</li> <li>where the meter is reading <i>in favour of the customer</i>: the water consumption recorded for the period, in which case Council will not refund the meter testing fee.</li> </ol> <p>Defective meters shall be replaced at Council's expense.</p>
7	<p><b>Undetected leaks concession</b></p> <p>Whilst the property owner is responsible for all water usage at their property, Council may apply a concession where a concealed leak has resulted in a significant increase in water use, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>An application is to be made on the appropriate form.</li> <li>The application must be received by Council within 60 days of the water usage account being issued.</li> <li>The applicant must be the owner or agent of the premises for which the application applies.</li> <li>The leak must have been concealed - the occupant could not reasonably have known that a leak existed (e.g. below ground leaks, or leaks under buildings).</li> <li>The leak must have been repaired and the internal plumbing system tested at a minimum test pressure of 800KPa.</li> <li>A copy of the licenced plumber's invoice or account should accompany the application. The invoice should state the location of the leak, the repairs that were necessary and a statement that the internal plumbing system has been tested and that the entire system is in good condition.</li> <li>The leak must have been significant. A leak is determined to be significant if the water usage for the period is greater than 50 kilolitres and is at least 1.5 times greater than the average water usage of the corresponding meter reading period</li> </ol>

	for the previous three years. h) The maximum reduction shall be 1,000 kilolitres. i) A reduction will not be granted if relief has been granted in the previous 3 years.
<b>8</b>	<b>Haemodialysis concession</b> Residents undergoing haemodialysis at home shall receive 20 kilolitres of water per billing period without charge. Applicants must provide a medical certificate from the Southern NSW Local Health District confirming the patient's address and that they are undergoing haemodialysis.
<b>9</b>	<b>Public Hospital concession</b> A public hospital shall be supplied free of charge with 300 litres per day for each person resident in the hospital.

## Implementation

Requirements		Responsibility
<b>1</b>	<b>Staff</b> Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
<b>2</b>	<b>Concerns</b> Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service policy. They will be used to analyse the history of issues and help determine follow up actions.	Council Officers
<b>3</b>	<b>Complaints</b> Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer
<b>4</b>	<b>Consultation</b> Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.	As required

## Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2016.*

This policy may also be reviewed and updated as necessary if legislation requires it; or when council's functions, structure or activities change the way Council manages Water Usage charging.

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

Performance indicator	Data source(s)
Customer Concerns, Customer Feedback Survey Responses	Council records

Internal or external audit	Audit
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## Governance

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

### Related legislation and policies

Name	Link
Other related Council policy	<a href="http://www.esc.nsw.gov.au">www.esc.nsw.gov.au</a>
Local Government Act 1993	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/</a>
Local Government (General) Regulation 2005	<a href="http://www.dlg.nsw.gov.au/dlg/dlghome/Documents/information/Draft%20Local%20Government%20(General)%20Regulation%202005.pdf">www.dlg.nsw.gov.au/dlg/dlghome/Documents/information/Draft%20Local%20Government%20(General)%20Regulation%202005.pdf</a>

### Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	2006	Council	06/26		'Water supply and charging' Policy Commenced policy.
2	22 Sep 2009	Council	09/291	E09.3418	Policy reviewed and adopted.
3	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated. Policy Name changed.
4	TBA 2015	Council	TBA	E05.9513	Reviewed, reformatted. Updated meter variance allowance to 4% as per change in regulation.

### Internal use

Responsible officer		Director Finance and Business Development		Approved by	Council
Min no	TBA	Report no		Effective date	TBA
File no	E05.9513	Review date	Sep 2016	Pages	156

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**FBD15/012 AMENDMENTS TO TERMS OF REFERENCE FOR ADVISORY  
COMMITTEES**

**E81.1928**

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

Attachments: 1. Terms of Reference Coastal and Environmental Management  
Advisory Committee  
2. Terms of Reference Tourism Advisory Committee

Strategic Objective: Support Services

Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council  
operates

Operational Plan Link: SS1.2.3 Coordinate Council's governance projects and procedures

**EXECUTIVE SUMMARY**

This report is to change the terms of reference on the Eurobodalla Coastal and Environmental Management Advisory Committee and the Tourism Advisory Committee in line with the number of Councillors that nominated at the Ordinary Meeting of Council held on 14 October 2014.

**RECOMMENDATION**

THAT:

1. The Terms of Reference to the following committees be amended as per the nominations of Councillors held at the Ordinary Meeting of Council on 14 October 2014 (Minute number 14/238).
  - Eurobodalla Coastal and Environmental Management Advisory Committee be amended from two councillors to four councillors
  - The Tourism Advisory Committee be amended from two councillors to three councillors
2. All advisory committee members be required to sign a confidentiality agreement.

**BACKGROUND**

At the Ordinary Meeting of Council held on 14 October 2014, nominations were called for Council (Non Principal) Committees and External Bodies. The number of councillors nominated for the Eurobodalla Coastal and Environmental Management Advisory Committee and the Tourism Advisory Committee were more than the Terms of Reference for these committees reflected.

Owing to the confidential information that is provided to Advisory Committees, it is Best Practice that all Committees' members sign confidentiality agreements.

**CONSIDERATIONS**

This report is to amend the Terms of Reference to the above committees to reflect the minutes of the Ordinary Meeting of Council held on 14 October 2014.



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**FBD15/012 AMENDMENTS TO TERMS OF REFERENCE FOR ADVISORY  
COMMITTEES**

**E81.1928**

**CONCLUSION**

To amend the Terms of Reference to the Eurobodalla Coastal and Environmental Management Advisory Committee and the Tourism Advisory Committee to reflect nominations received at the Ordinary Meeting of Council held on 14 October 2014 (Minute number 14/238).

# Coastal and Environmental Management Advisory Committee

## Terms of Reference

September 2014

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## **Introduction and Background**

The Community Strategic Plan 'One Community' identifies our community and environment are in harmony and we use and manage our resources wisely

The Delivery Program identifies the need to plan for and manage our biodiversity and coastal environments.

The Operational Plan further identifies that our Natural Environment Planning service provides strategic policy and planning which enhances natural resources and responds to constraints and opportunities associated with the natural environment to maintain Council's statutory obligations.

## **Purpose of the Coastal and Environmental Management Advisory Committee**

The Coastal and Environmental Management Advisory Committee will assist Council to manage coastal assets of environmental, cultural and economic value. The Committee will provide a link to the local community that will seek to identify the environmental values held by the community and assist Council to balance these values with sustaining development that will accommodate growth of the local economy.

Current projections for climate change indicate the impacts from natural hazards such as coastal erosion, flooding and bushfires will exacerbate over the next century. Biodiversity and other aspects of the natural environment will need to adapt to different conditions under climate change. The Coastal and Environmental Management Advisory Committee will inform Eurobodalla Shire Council in the development of planning strategies that will progress climate change adaptation for the coast, floodplains, biodiversity and natural landscapes of the local area.

## **Title and Delegations**

The Committee shall be referred to as the Coastal and Environmental Management Advisory Committee of Eurobodalla Shire Council.

The Committee will function as a non-delegated advisory and working group.

## **Objectives**

Provide advice relating to the management of the coast, floodplains, biodiversity and natural landscapes of the Eurobodalla Shire.

## **Terms of Reference**

The terms of reference for the Coastal and Environmental Management Advisory Committee are:

- Advise on integrated planning and management of the coast, floodplains, biodiversity and natural landscapes

- Provide advice in accordance to the principals of Ecologically Sustainable Development and relevant Federal, State and Local Government Policy and Legislation
- Inform the development and adoption of Coastal Zone Management and Floodplain Management Plans for the Eurobodalla Shire;
- Inform the development and review of natural resource management plans
- Incorporate the latest knowledge of climate change into coastal, floodplain and natural landscape planning to assist Council with the integration of adaptation strategies into planning policies and instruments;
- Provide and review scientific advice and integrate this knowledge into the preparation and review of natural resource management plans;
- Facilitate broader community participation in coastal, floodplain and natural resource management through informing and liaising with member community groups;
- Foster opportunities for joint projects, information sharing and grant funding to facilitate comprehensive and cost effective coastal, floodplain and natural resource management;
- Monitor State and Federal Government natural resource management direction and advise Council on appropriate response;
- Make recommendations for Council consideration.

### **Tenure of Committee**

In the case of a Councillor, as determined by Council each year in accordance with the provisions of the Local Government Act;

In the case of community representatives, the tenure of membership will be three years. Members may renominate for further terms;

A member absent from three consecutive meetings without acceptable apology will be replaced (see 8.5).

### **Composition**

*The Committee shall consist of the following voting Community representatives*

- **Two Councillors** (chosen by Council)
- **Ten (10) community members** who have been nominated by a community or business group preferably with wide membership (Appendix 1)
- **One (1)** representative forwarded by the **Aboriginal Heritage Advisory Committee**

- **Two (2) Science professionals** preferably with a speciality in coastal geomorphology, flooding and climate change.

*Council:*

Staff from Council, State Government Agencies and Bega Valley Shire Council will attend to provide technical advice and guidance. Council and Agency Staff will not have voting rights on the committee.

A full outline of the composition of the Committee is provided in Table (1) in Appendix1.

### **Selection Criteria**

Expressions of Interest to participate on the Coastal and Environmental Management Advisory Committee will be called for through the Council notices posted in the local media and Council's web site.

Nominations must be received in writing before the due date nominated within the Expression of Interest.

Nominations for membership of the Coastal and Environmental Management Advisory Committee will be assessed against the following selection criteria:

- Community delegates must be nominated by a community group, consortium of community groups or a peak body preferably with wide membership or representation;
- Commercial delegates must be nominated by a peak body or a consortium of organisations preferably with a wide membership or representation;
- Community and commercial delegates must reside in the Eurobodalla;
- Key operation and membership of community and commercial groups must be within the Eurobodalla Shire;
- Scientific representatives must have a speciality in disciplines related to the coast, floodplains, biodiversity, natural resource management or climate change.
- Nominees must be willing to abide by the terms of reference for the committee.

Final determination for appointment to the Committee shall be made by Council.

### **Committee Code of Conduct**

Give advice to the best of their knowledge and ability that will help achieve the objectives of the committee;

Facilitate in a timely way any tasks allocated to and accepted by them;

Behave in a manner that respects the interests and viewpoints of other members;

Declare any potential or actual conflicts of interests on matters that are brought before the Committee;

All members will abide by Council's Code of Conduct and Council's Code of Conduct - Conduct Committee Guidelines and Council's Code of Meeting Practice.

A copy of the current Codes will be made available to each committee member following any updates or amendments made by the Council.

### **Responsibilities of Council**

Council will provide secretarial support, including minute taking and professional officer support as appropriate;

Pertinent matters will be referred to the Committee for its consideration and information will be provided on actions arising from adopted Committee recommendations;

The committee's ongoing role will be reviewed annually;

Council has the discretion to review the role, re-organise or disband the Committee.

### **General Meetings**

The Chairperson will be a Councillor elected by Council. An attending Councillor or a community representative nominated by the Committee at the meeting will Chair in the event of the Chairperson being absent;

The Committee will aim to meet four (4) times per year or on an as needs basis;

The Chairpersons of the Committee will be able to call special meetings of the Committee as necessary for the effective conduct of the Committee and establish limited working parties as required;

A quorum of the Committee shall be half plus one of the members with voting rights;

Replacement of members through resignation, expulsion or failure to attend meetings will be determined by the process outlined in (6.1);

If a member is no longer associated with their representative group they must resign from the Committee and be replaced by the process outlined in (6.1);

In the event of death, illness or unavoidable circumstances visited upon a member, the community group elected by Council to be represented on the Committee may forward another representative;

Each member is entitled to appoint another member of their group as proxy by notice given to the Chair no later than 24 hours before the time of the meeting to which the proxy is to be appointed;

Other interested individuals are welcome to attend meetings as observers but are recognised with the consent of the Chairperson and must not be in attendance for meetings considering confidential matters.

Pursuant to Section 10(2) of the Local Government Act 1993, the Chairperson of the Committee can exercise the power of expulsion of persons not recognised as being entitled to be present at a meeting of the Committee.

### **Meeting rules and practice**

Refer to the Code of Meeting Practice (10 September 2013).

### **Variation to the Terms of Reference**

These 'Terms of Reference' may be added to, repealed or amended by resolution of the Council in consultation with the Committee.

### **Contact Officer**

The contact officer for the Committee is the Coastal & Flood Management Planner.

### **Council minute to establish the Coastal and Environmental Management Advisory committee**

*To be completed following consideration by Council.*

### **Distribution of information**

Media releases are prepared by Strategic Services staff and approved by the relevant Director before being issued. All media releases are forwarded through Council's Media Officer. Individual Committee members may not issue a media release on behalf of the Committee without prior approval of the Committee and the General Manager.



**APPENDIX 1**

<b>Voting Committee Members</b>	<b>Number</b>
Councillors	2

Table (1): Composition of Eurobodalla Coastal and Environmental Management Committee

Aboriginal Heritage Advisory Committee (1) Natural Resource Management (1) Primary Industry (1) Recreation (1) Business (1) Tourism (1) North - (North of Clyde River) (1) Batemans Bay (CBD to Malua Bay) (1) North Central (Rosedale to Moruya River) (1) South Central (South Head to Potato Point) (1) South (Dalmeny to Akolele) (1) Science (2)	13
<b>Non-Voting Members</b>	
<b>ESC Staff:</b> Strategic Planning Environmental Services Minute secretary Others as required	3
<b>Agency representatives (as required):</b> Environment & Planning - Environment & Heritage Environment & Planning – Planning NSW Environment & Planning – National Parks & Wildlife Department of Primary Industries – Fisheries Department of Primary Industries – Marine Estate Management Authority Department of Primary Industries – Crown Lands Division Forestry Corporation of NSW Roads & Maritime Services South East Local Land Services Bega Valley Shire Council Shoalhaven City Council	11
<b>TOTAL</b>	<b>29</b>

# Tourism Advisory Committee

## Terms of Reference

September 2014

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## **Introduction and Background**

In 2010 Eurobodalla Shire Council (ESC) in consultation with the community, developed a Destination Management Plan (DMP) to ensure the sustainable management, development and marketing of tourism for Eurobodalla from 2011 to 2020.

One of the key directions of the plan under the heading of Strategic Destination Management is that Council should *lead and foster a strategic and cooperative approach to tourism*.

The plan also states that *best practice research for regional tourism destinations shows that planning and management for tourism involves a collaboration of industry, local government and community. The role of local government in tourism destinations is to support, facilitate, and help build the capacity of the local tourism industry in order for the industry to be sustainable, and to ensure the wellbeing of its residents.*

In November 2013 Council endorsed the formation of, and terms of reference for, a new Tourism Advisory Committee to meet this key strategic direction.

## **Tourism in Eurobodalla: Values and Vision**

The following outlines the shared vision for tourism in Eurobodalla that was developed through the consultation process.

*Cooperate and support each other to achieve a sustainable and innovative tourism economic sector that: preserves our natural environment; fosters support from our community; celebrates and offers diverse and quality visitor experiences related to our natural environment, culture and heritage; and welcomes and cares for our visitors.*

This vision is underpinned by the following values:

- Achieve a sustainable, innovative tourism economic sector;
- Preserve the natural environment;
- Cooperate and support each other;
- Communicate effectively with our community to foster acceptance and support for tourism;
- Celebrate and offer a diversity of quality visitor experiences related to our natural environment, culture and heritage; and
- Welcome and care for our visitors.

## **TERMS OF REFERENCE**

### **Purpose of the Eurobodalla Tourism Advisory Committee**

- Represent the tourism industry and advise and make recommendations to Council on matters relating to tourism, the development of tourism and the future of tourism in Eurobodalla.
- Undertake actions in partnership with Council to promote tourism.
- Raise awareness of the value and benefits of tourism.

-

### **Title and Delegations**

-

- The committee shall be referred to as the Eurobodalla Tourism Advisory Committee.
- The committee shall function as a non delegated advisory and working group.

### **Objectives**

- Inform the development, implementation and review of Council's priorities from the Tourism Destination Management Plan and Council's corporate plans.
- Advise and support Council regarding tourism issues and make recommendations to Council, as appropriate.

### **Tenure to the Committee**

- Representatives to participate on the Eurobodalla Tourism Advisory Committee will be given formal notification by Council in writing.
- Representatives will be selected on a skills basis by Council for a 2 year tenure. Tenure can be renewed by Council for up to 4 years without readvertising.
- Representatives not attending 3 consecutive meetings can be replaced at the discretion of Council.
- Representatives must be willing to abide by the terms of reference for the committee.

## **Composition**

### *Industry*

- 6 representatives of the tourism industry.
- 1 local representative of Caravan and Camping Industry Association.
- 1 representative of NSW National Parks and Wildlife Service.

### *Council*

- Mayor or his delegate who will act as the Chairperson (voting).
- Divisional Manager, Communications and Tourism (non voting).
- Chief Financial Officer & Business Development or Divisional Manager Business Development (non voting).
- General Manager, as a standing invitee to the meeting (non voting).

## **Selection criteria**

### *Applications will be reviewed against the following selection criteria*

- Ability to represent and reflect the different segments of the tourism industry (eg, caravan and camping, tour operators, attractions, accommodation).
- Knowledge of how the tourism industry through Regional Tourism Organisations, Destination NSW and Tourism Australia, works collaboratively in areas such as research, grants, industry development, marketing and infrastructure.
- Knowledge of economic, social and environmental opportunities and challenges that face the tourism industry in Eurobodalla.
- Experience in all or any of the following areas;
  - tourism at a local and/or regional level,
  - tourism associations and/or business networks,
  - business, management, marketing, research
  - community initiatives that contribute to the local tourism economy,
  - committees or boards.
- Is of generally good character, with no notable history of criminal conviction, business impropriety or financial misconduct.

### **Expressions of interest and appointments**

Expressions of Interest will be sought through advertising and promotion through local media, Council's communication channels and business networks.

Appointments will be merit based on meeting the selection criteria, and made by Council.

### **Delegations of Committee**

To advise Council.

### **Reporting Hierarchy**

Recommendations and Council response will be communicated through the General Manager.

### **Contact Officer**

Contact officer for the committee is Divisional Manager, Communications and Tourism.

### **Responsibilities of Committee Members**

- To advise and make recommendations to Council on matters relating to tourism.
- To give advice to the best of their knowledge and ability that will help achieve the objectives of the committee.
- To provide general advice to the Divisional Manager, Communication and Tourism.
- Facilitate in a timely way any tasks allocated to and accepted by them.
- Behave in a manner that respects the interests and viewpoints of other members.
- To declare any potential or actual conflicts of interests on matters that are brought before the committee.
- All committee members will abide by the Council's Policy for Code of Meeting Practice and the Division of Local Government Model Code of Conduct for Local Councils in NSW.



### **Responsibilities of the Chairperson and Deputy Chairperson**

- To chair the meeting and exercise functions, as determined by the committee.
- To be the spokesperson for the committee, as directed by the committee.
- To advocate for the committee and represent its decisions.
- To sign off minutes endorsed by the committee.
- Extraordinary meetings may be called by the Chairperson.

### **Responsibilities of Council**

Council will provide secretarial support, including minute taking, and professional officer support, as appropriate.

The ongoing role of the committee will be reviewed annually. Relevant matters will be referred to the committee for consideration. Committee recommendations will be referred to Council for action.

Council at its discretion may review the role or structure of the committee.

### **General meetings**

- The committee is to meet a minimum 4 times per annum at times and dates to be agreed at the first meeting.
- Replacement of members between terms will be nominated by the representing organisation/group.
- Other interested individuals may be invited to attend meetings as observers, or be invited to present to the meeting, however they will only be recognised by consent of the Chairperson.

### **Distribution of Information**

Recommendations of the committee are to be reported to Council and minutes distributed to Councillors through the Councillors newsletter.

Media releases are approved by the Chairperson of the committee and distributed by Council according to Council's Media Policy.

The Chairperson is the spokesperson for the committee.

Individual committee members may not issue a media release on behalf of the committee.

### **Variation to the Terms of Reference**

The *Terms of Reference* may be added to, repealed or amended by resolution of the Council, in consultation with or upon the recommendation of the committee.

## **APPENDIX 1 - WEBSITES**

Eurobodalla Shire Council

<http://www.esc.nsw.gov.au/>

Eurobodalla Shire Council's Code of Meeting Practice

<http://www.esc.nsw.gov.au/inside-council/council/council-policies>

Division of Local Government Model Code of Conduct for Local Councils in NSW

<http://www.esc.nsw.gov.au/inside-council/council/council-policies>

Strategies

<http://www.esc.nsw.gov.au/inside-council/community-and-future-planning/strategies>

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**19. DEALING WITH MATTERS IN CLOSED SESSION**

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

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

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

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

Nil

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

## AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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