



# **AGENDA**

**Ordinary Meeting of Council**

**24 November 2015**



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

**ON TUESDAY 24 NOVEMBER 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, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE**

**2. APOLOGIES**

Nil

**3. PUBLIC FORUM (AGENDA ITEMS ONLY)**

**PRESENTATION**

Presentation of Financial Statements by Pitcher Partners

**4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

4.1 Ordinary Meeting held on 10 November 2015

**5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**

(Declarations also to be made prior to discussions on each item)

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**6. MAYORAL REPORTS**

**7. NOTICES OF MOTION**

Nil

**8. QUESTIONS ON NOTICE FROM COUNCILLORS**

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**9. PETITIONS**

Nil

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CON15/018	Outstanding Development Non-Compliance Matters <i>Item CON15/018 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	

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

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**QON15/004      SEA LEVEL RISE**

E13.7268; E10.4158

Responsible Officer: Gabi Harding - Councillor

Attachments:                1. Examples of Shoalhaven Adopted Hazard Lines

The following question on notice was received from Councillor Gabi Harding:

**Question**

On the 10 November 2015 council considered a Notice of Motion (NOM 15/010) from Councillor Leslight regarding sea level rise policy. When closing the debate Councillor Leslight made a number of statements which are of note. These include:

'It's nothing to do with the science'

'this is purely to do with the way we have adopted our policy. No one is arguing about the risk of climate change, no one is arguing about the science of climate change, it's purely about our policy'

'our AHD is the most critical impact on our policy'

'issue here is the 4m AHD of the investigation zone'

'issue here is the 4m AHD, we are not talking about the science'

It is encouraging to hear that Councillor Leslight now accepts the science behind our understanding of climate change and sea level rise.

Unfortunately, Councillor Leslight still opposes the use of 4m AHD to define the boundaries of the investigation area and struggles to understand the rationale used for its determination and use. As a result of this Councillor Leslight continues to advocate for the removal of the 4m AHD investigation area and the application of Shoalhaven Councils policy despite Shoalhaven Council having adopted a CZMP which defines areas affected by coastal hazards, including SLR, using the former NSW Government SLR projections of 40cm by 2050 and 90cm by 2100.

As the Shoalhaven Council's CZMP applies directly to the coastal environment and hazards applying within that local government area the mapping of hazards within that local government area have no relevance to the Eurobodalla and therefore could not be used to replace the investigation area defined by 4m AHD.

Councillor Leslight appears to oppose the boundary of the investigation area used by Eurobodalla as he considered it excessive, in particular more excessive to the areas defined as being affected by coastal hazards in the Shoalhaven.

Given that Councillor Leslight has now stated that it's not about the science, or the risk of climate change, if we can address his concerns about the 4m AHD and assumption that it is more excessive than the position taken by our neighbour, then he may just let the issue rest,

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stop talking down our property market and importantly stop causing unnecessary angst for members of our community.

I therefore put the following questions on notice.

1. Can the methodology used to determine the 4m AHD boundary of the investigation area again be explained to Council?
2. Can the rational for the use of an investigation area again be explained to Council?
3. Can the difference between the investigation area used in Councils Policy and the Hazard Lines used in Shoalhaven's policy be explained including any difference in AHD levels between the two?

**Response**

1. The 4mAHD (Australian Height Datum) contour is applied to determine the boundary of Investigation Areas. This level was chosen as it was considered to be the best representation of adding together known elevated water levels under current storm conditions and the additional component of sea level rise.

Using the SMEC (2011) report as a guide, the components included in the calculations of current water levels during storm events (pp34, 35) are:

- **Oceanic Still Water Level 2.4m AHD** (SMEC, 2011. Table 4.7, p38)
  - a. **0.25m** Barometric set-up (Eurobodalla Coastal Hazards Scoping Study 2011, SMEC)
  - b. **0.30m** Wind set-up (Eurobodalla Coastal Hazards Scoping Study 2011, SMEC)
  - c. **0.94m** King tide (Manly Hydraulics Report 604, 1995)
  - d. **0.91m** Wave set-up (still water level – barometric set-up – wind set-up – king tide)
- **Wave run-up 1.29m AHD** (SMEC, 2011. Table 4.6, p36)
  - e. **1.29m** Wave run-up amount (above Oceanic still water level) (3.69m AHD from table 4.6 & 2.4m AHD still water level from table 4.7) (Eurobodalla Coastal Hazards Scoping Study 2011, SMEC)

An allowance for sea level rise in accordance with the position adopted by Council on 24 November 2014.

- **Sea Level Rise 0.34m**

The boundaries of the coastal hazard Investigation Areas are as follows:

- **Total including sea level rise:** 2.4m + 1.29m + 0.34m = **4.03m AHD**
- **Rounding** = -0.03m

**Total = 4m AHD**

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The Scoping study and sea level rise report are available on our [website](#) if you wish to review the above response.

Other examples of studies that identify coastal hazards in our Shire include:

- Batemans Bay Oceanic Inundation Study 1989 (Public Works Department)
- Batemans Bay Vulnerability Study 1999 (Land and Water Conservation)
- Batemans Bay Coastal Management Plan 2006 (Web McEwen & Assoc)

Each study determined similar inundation levels for the Batemans Bay area. The Public Works Department advised council to apply an oceanic still water level of 2.8m AHD for the open coastline, therefore the 4m AHD currently applied which includes an oceanic still water level of 2.4m AHD is based on a conservative estimate rather than a potentially higher level.

The SMEC report identified the highest wave run-up in the Shire as reaching 5.7m AHD, which is higher than the 4m AHD boundary for Investigation Areas.

The Investigation Areas are a conservative estimate of potential risk from coastal hazards and sea level rise that allow council and the community to make informed decisions.

The diagram below demonstrates components of elevated water levels on the coast (NSW Government, 1990):

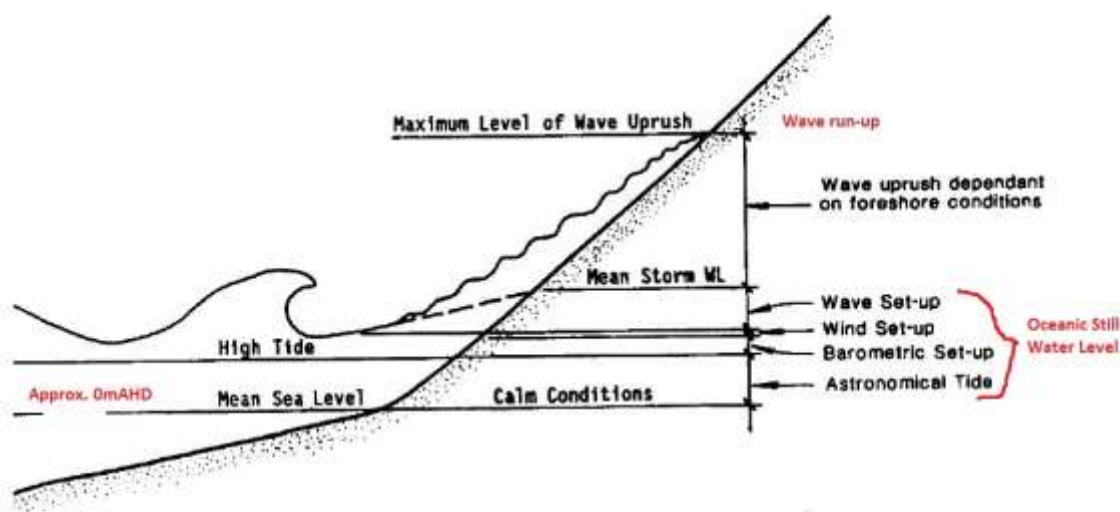


Figure 4.15 – Components of elevated water levels on the coast (NSW Government, 1990)

Extracted from *Eurobodalla Shire Coastal Hazards Scoping Study January 2011*.

2. Investigation Areas are used in the absence of a completed coastal hazard study to indicate where the Interim Coastal Hazards Adaptation Code 2015 applies in relation to assessing development applications. The boundary is not intended to serve as an

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absolute statement of where potential impacts of sea level rise will occur. The Investigation Areas are used as a guideline to identify where information is required from a proponent of development on coastal hazards and related impacts on the proposed development and possible mitigation options. The additional information may include a report prepared by a suitably qualified coastal or flood engineer that will allow Council to assess the application on merit, with a detailed knowledge of the potential risk from coastal hazards. The report provided by the proponent to Council will detail potential impacts from coastal hazards, including sea level rise and investigate mitigation responses such as avoid, retreat or protect through engineered works.

Investigation Areas will be replaced upon the completion of the Eurobodalla Coastal Hazard Study.

3. The primary points of difference between the approaches to coastal management applied by both councils is:
  1. Shoalhaven Council has completed and adopted a Coastal Zone Management Plan
  2. Eurobodalla Council has commenced the development of Coastal Zone Management Plans but has not completed it.
  3. Shoalhaven Council has chosen to adopt lower projections for sea level rise for the period 2100.

The completion of a CZMP has allowed Shoalhaven to include coastal management as a chapter in the Shoalhaven Development Control Plan (DCP) 2014 (Ch. G6: Coastal Management Areas). Key points from the DCP are:

- DCP is based on coastal hazard maps prepared in 2009
- Mapping applied the then NSW projections for SLR (40cm for 2050 and 90cm for 2100)
- Mapping has not been updated to reflect the recently adopted lower projections for SLR, arising from Shoalhaven Council's consideration of the Whitehead and Associates report.

In the Shoalhaven, proponents wishing to have a development application assessed using the more recently adopted lower projections must pay a suitably qualified engineer to prepare a coastal hazards report. Otherwise, proponents can accept the current higher hazard mapping at no charge.

As an example of the extent of coastal hazard mapping in the Shoalhaven, some areas are mapped at elevations greater than the 4m AHD applied by Eurobodalla. The attached mapping demonstrates coastal hazards in the Shoalhaven can exceed 10m AHD in elevation. These heights will vary throughout the Shoalhaven depending on the individual beach compartment.

Eurobodalla Council cannot replace the 4m AHD Investigation Area boundary with the coastal hazard mapping applied in the Shoalhaven DCP as that mapping is specific to the



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Shoalhaven coastline and as identified in some instances, that hazard mapping extends well beyond the 4m AHD used by Eurobodalla Council.

In contrast, Eurobodalla does not have a completed CZMP. To overcome the absence of a Coastal Zone Management Plan, we can provide to proponents of development an Interim Coastal Hazards Adaptation Code. The Code directs proponents of development within an Investigation Area to engage a suitably qualified coastal engineer to prepare a report on the risk presented by coastal hazards. In most instances, council has acquired sufficient information to forgo the need for a proponent to prepare a report and a finished floor level can be conditioned upon approval. Reports are requested only in those areas where there is potential risk from coastal erosion. These areas are generally limited to beachfront properties.

There is a difference in the projected SLR adopted by Shoalhaven and the Eurobodalla following consideration of the Whitehead and Associates report. These differences are outlined below:

Planning Period	Shoalhaven	Eurobodalla
2030	100mm	100mm
2050	230mm	230mm
2100	360mm	720mm

Eurobodalla Council adopted a consistent projection scenario across all planning periods.

Shoalhaven Council chose to vary the projection scenarios between the 2050 and 2100 planning periods.

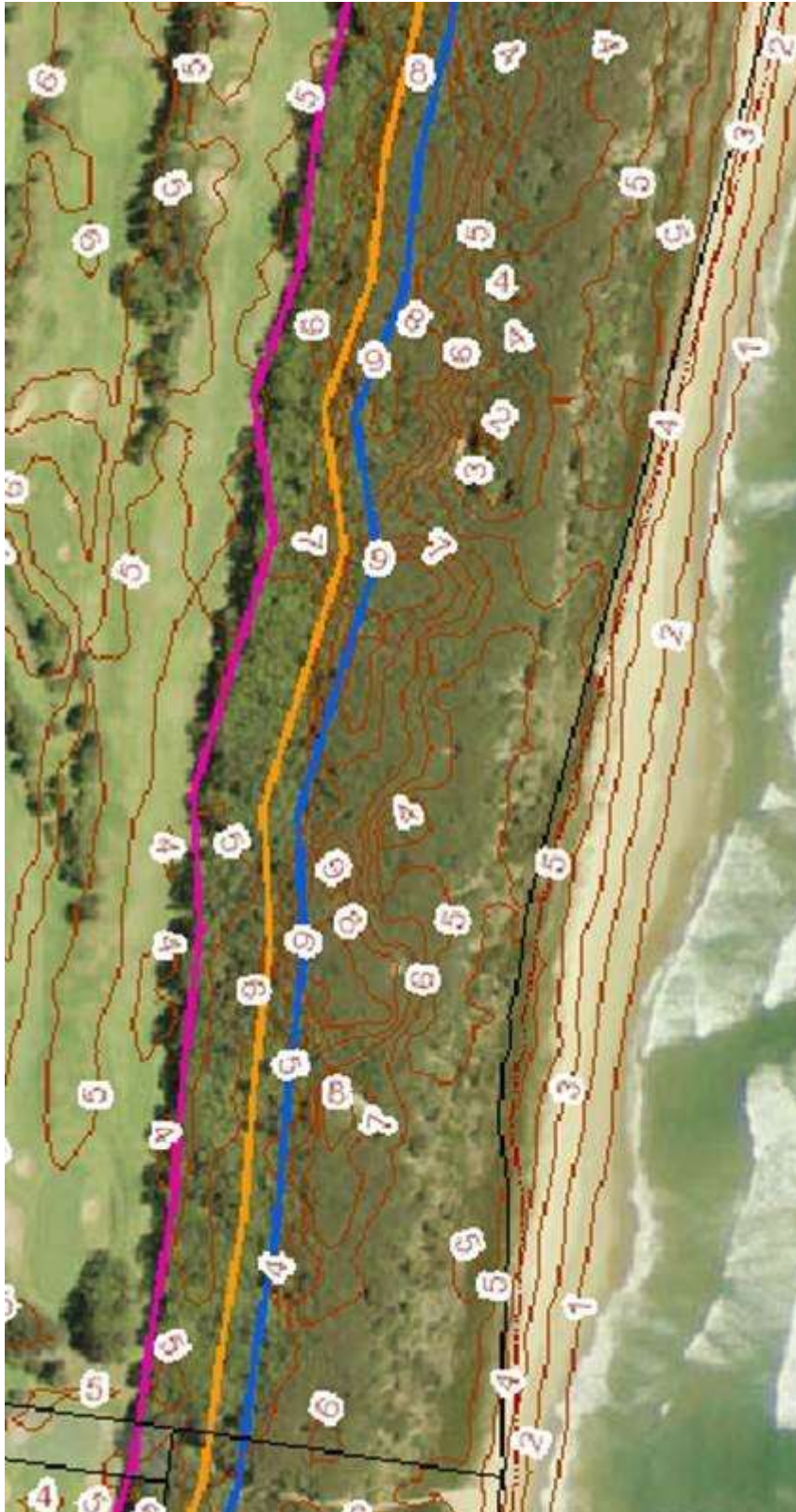
Eurobodalla Council does not consider the 2100 planning period for assessing commercial and residential developments. This period is only considered for new green field sub-divisions and major infrastructure works

At its meeting on 25 November 2014 Eurobodalla Council resolved:

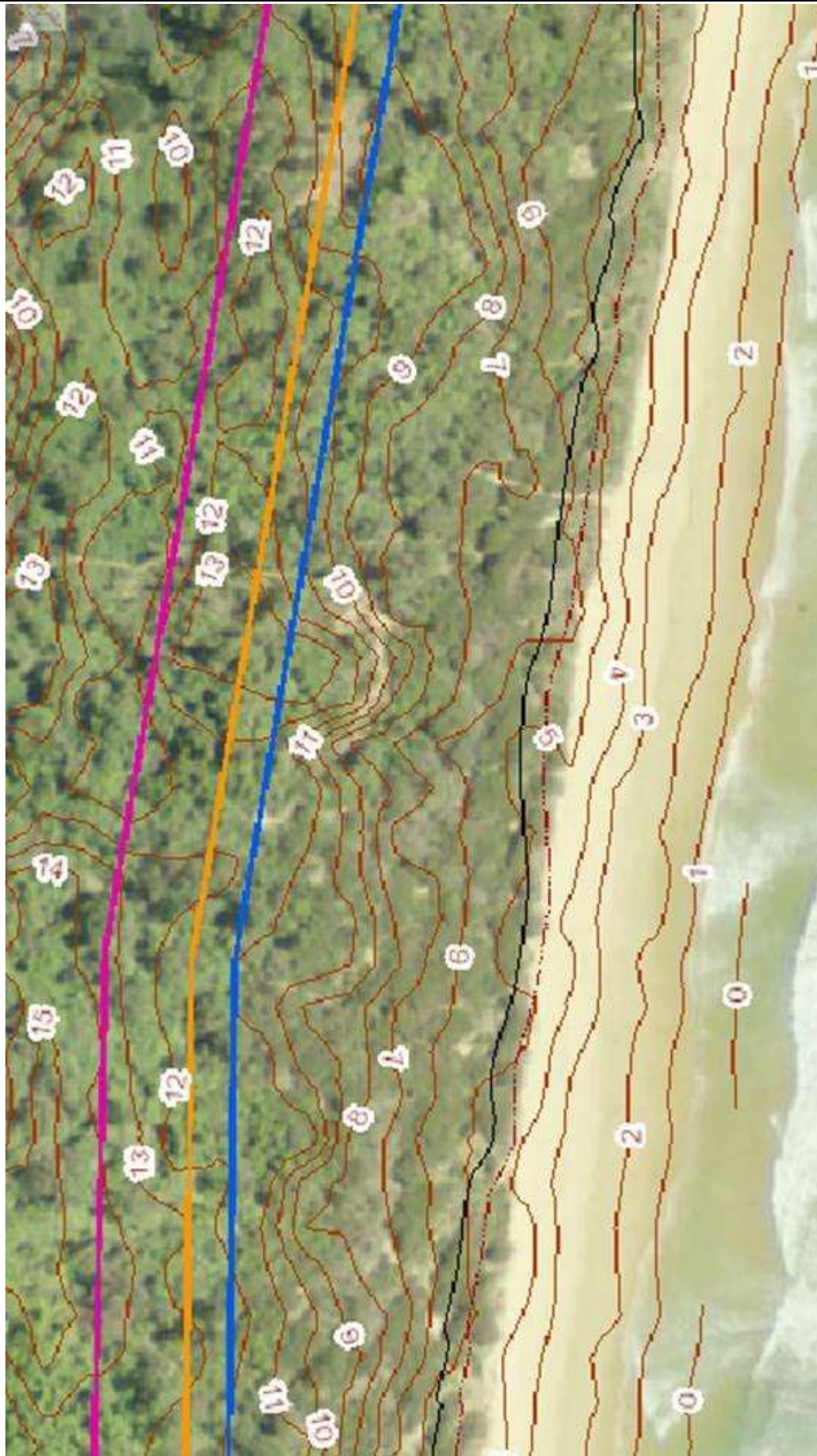
*..... (Point 7) 'In the absence of the State adopting new guidelines consistent with (6) above, review and amend the South Coast Regional Sea Level Rise Planning and Policy Response Framework with each update from the Intergovernmental Panel on Climate Change or the CSIRO; which generally occurs every five to seven years and water level behaviour at the Fort Denison Tidal gauge.'*

**RECOMMENDATION**

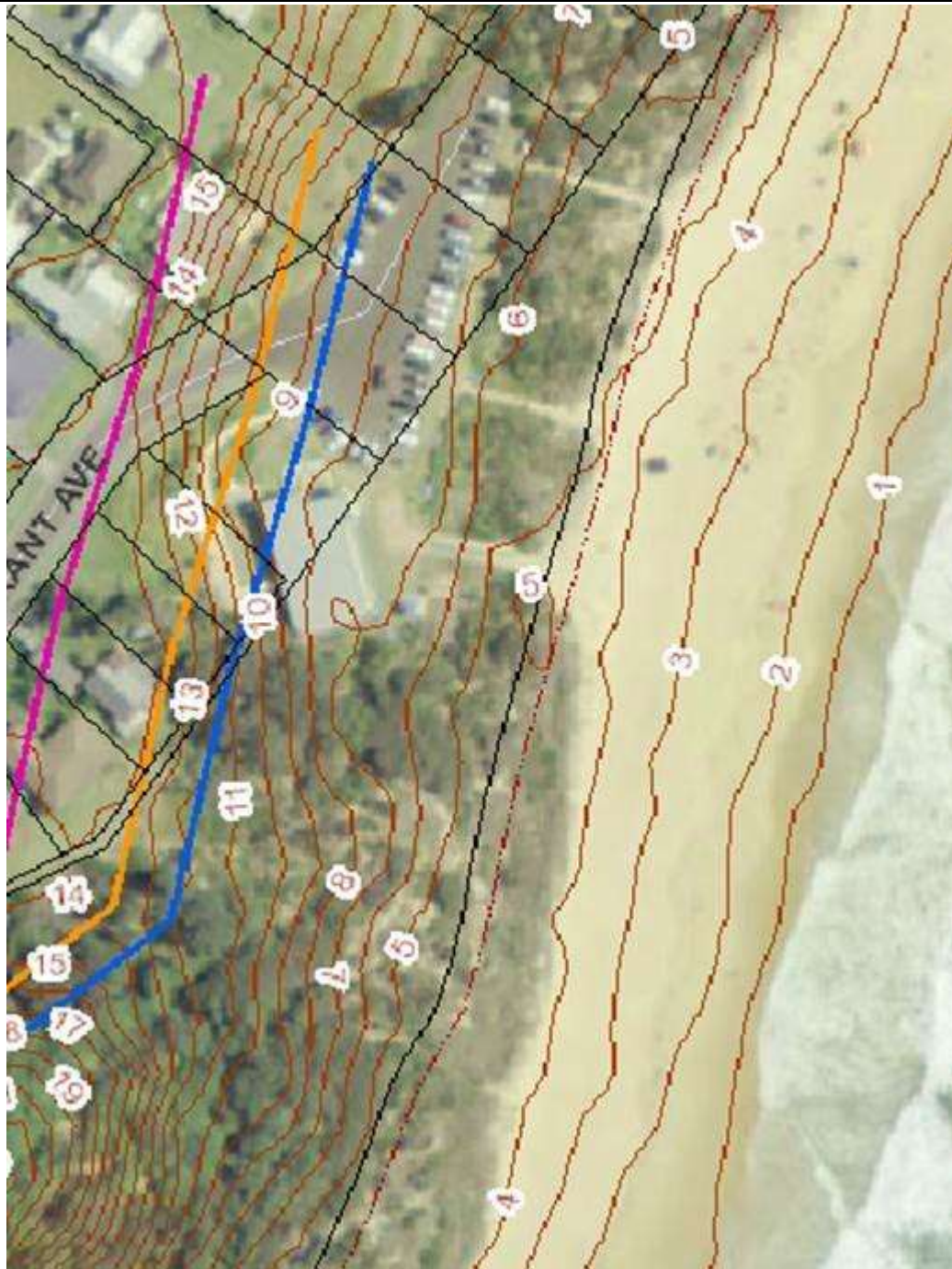
THAT the response to the question regarding Sea Level Rise raised by Councillor Harding be received and noted.











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**PSR15/054 PLANNING PROPOSAL HOUSEKEEPING AND OTHER AMENDMENTS E14.8442**

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

Attachments:

1. Planning Proposal Housekeeping and Other Amendments - Part 1
2. Under Separate Cover - Planning Proposal Housekeeping and Other Amendments - Part 2
3. Under Separate Cover - Planning Proposal Housekeeping and Other Amendments - Part 3
4. Under Separate Cover - Planning Proposal Housekeeping and Other Amendments - Part 4
5. Under Separate Cover - Planning Proposal Housekeeping and Other Amendments - Part 5
6. Under Separate Cover - Planning Proposal Housekeeping and Other Amendments - Part 6
7. Under Separate Cover - Confidential - Submissions Combined
8. Submissions and Responses Summary
9. Report of Public Hearing

Focus Area: Sustainable Communities

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

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

## **EXECUTIVE SUMMARY**

A number of housekeeping and other amendments to the Eurobodalla Local Environmental Plan 2012 (LELP 2012) and the Rural Local Environmental Plan 1987 (RLEP 1987) were endorsed by Council for public exhibition on 10 February 2015. A gateway determination for those amendments was issued by the NSW Department of Planning and Environment on 15 May 2015.

Public exhibition of the proposed amendments was conducted between 24 June and 24 July 2015 and relevant NSW Government agencies were consulted. Twenty five submissions were received, 20 from community members and 5 from NSW Government agencies. As the planning proposal included the reclassification of certain public lands, a public hearing was held with three persons attending.

All submissions received and issues raised have been considered and the outcomes are presented in this report. No changes to the planning proposal are recommended in response to the submissions received. It is recommended that Council adopt the planning proposal and forward it to the Department of Planning and Environment and Parliamentary Counsel to make the plan.

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**PSR15/054 PLANNING PROPOSAL HOUSEKEEPING AND OTHER AMENDMENTS**

**E14.8442**

**RECOMMENDATION**

THAT Council:

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

**BACKGROUND**

Eurobodalla Local Environmental Plan (LEP) 2012 was notified on 20 July 2012. Since this time there have been six amendments for various reasons. A seventh amendment relating to minor housekeeping matters is currently with the Department of Planning and Environment for notification.

A second set of “housekeeping” amendments were included within this planning proposal endorsed by Council for public exhibition on 10 February 2015. A gateway determination was issued for these amendments and public and agency consultation has taken place. Twenty five submissions were received, including 20 community submissions and five from NSW Government agencies. Following the public exhibition, a public hearing was required to be held into those matters that involved the reclassification of public land. The public hearing was held on 11 September 2015 with three persons in attendance.

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

In recent advice from the Department of Planning and Environment, any proposed changes to a planning proposal which has been delegated to Council will require a new gateway determination to be issued and re-exhibition of an amended planning proposal. Alternatively, any changes can be included in a new planning proposal process.

**CONSIDERATIONS**

**Legal**

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

**Policy**

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

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**PSR15/054 PLANNING PROPOSAL HOUSEKEEPING AND OTHER AMENDMENTS E14.8442**

**Environmental**

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

**Social Impact**

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

Concerns were raised in submissions relating to the potential social impacts of the proposed amendment to remove the need for development consent for certain commercial activities on public land or waterways. These concerns have been considered and, given applications for leases/licences for the use of public land are required to be notified and any submissions taken into account, there is the opportunity to consider social, environmental and economic impacts of any proposal. Further, Council is currently developing a policy relating to the commercial use of public land which will guide the assessment of any proposal.

**Economic Development Employment Potential**

Economic impacts have been considered as part of the planning proposal. A number of the matters within this planning proposal are aimed at increasing economic development activity in the Eurobodalla Shire and reducing red tape for small business operators.

For example, land on the edges of the main commercial centres in Eurobodalla, at Batemans Bay, Moruya and Narooma, have been identified for additional commercial development. In addition, the proposed removal of the requirement for development consent for small business operators who use public land or waterways (such as surf schools and personal trainers) will reduce establishment costs for those small businesses.

**Community Engagement**

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

There were 22 amendments in this planning proposal, some of which related to a number of individual properties. Submissions from community members related to seven of the proposed amendments, with 10 submissions relating to one amendment, being the proposal to make certain commercial uses of public land and waterways exempt development.

A summary of the submissions and responses to the issues raised is provided below.

**Community Submissions**

1. Submissions to Amendment 1.5/1.8 (Correction of property description for Kyla Park Grazing Lands heritage item) – 1 Submission

***Issues***

Support maintaining heritage listing of the Kyla Park Grazing Lands, however the area proposed to be listed is set aside in Plan of Management No.26 as Foreshore Reserve for environmental

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protection and is no longer part of the grazing lands. The heritage listing should be amended to be for the purpose of environmental protection.

*Response*

The subject areas is included within the RLEP 1987 heritage listing as part of the broader grazing lands, however a recent subdivision has changed the boundaries of the area to be used for continued grazing. Heritage listing is a recognition of the historic use of land. It does not enable or require historic uses to continue on the land. The continued recognition of the original area of the grazing lands is appropriate notwithstanding a portion of the land is now designated for environmental protection purposes.

**2. Submissions to Amendment 8 (Rezoning of land to B5 Business Development at Kings Highway, North Batemans Bay) – 3 Submissions**

*Issues*

- Impacts from noise, traffic and environmental pollution. Impact on quality of life and property values.
- The land is not a good location for business and the proposal is not based on community demand or consultation. The proposal is counter to key local and State Government plans and no justification is provided for the rezoning. The land should remain in zone R5.
- Further removal of bushland will be devastating. The green corridor along the Kings Highway provides a stunning gateway to Batemans Bay.
- Significant infrastructure upgrade by Council is required to provide access and manage stormwater.
- Insufficient notification of proposal.
- The existing Schedule 1 use for vehicle sales and repair was not known to residents and there was no consultation about this.

Responses

There are two sites the subject of this amendment. One of the sites has been developed as a service station. The other has development consent for a vehicle sales or hire premises and vehicle repair station. The development was commenced, but has not been completed. Given the existence of an operational consent on the land, the approved use was included in Schedule 1 of LEP 2012.

Regardless of this planning proposal, the site can be developed for the approved use, being vehicle sales or hire premises and vehicle repair station. This planning proposal applies the correct zoning for that use.

Rezoning to B5 enables alternative business opportunities to be considered for the land. Any future development application would need to consider the potential impacts of development on nearby residences and the environment and conditions could be imposed to mitigate any impacts. The proposal has the potential to generate local employment and business development opportunities.



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**PSR15/054 PLANNING PROPOSAL HOUSEKEEPING AND OTHER AMENDMENTS E14.8442**

A vegetated riparian corridor exists along the Kings Highway frontage of the larger of the two properties. In assessing any future development application for the site, consideration will need to be given to the treatment of the riparian corridor, including potential development setbacks, along with the potential retention of some of the other existing vegetation on the land.

Should any infrastructure upgrades be required as a result of a proposed development, the proponent would be required to undertake or contribute to undertaking those upgrades.

The planning proposal was notified by letter to the postal address of adjoining land owners as per usual practice.

**3. Submissions to Amendment 10 (Additional permitted uses on land at Old Princes Highway, Batemans Bay) – 1 Submission**

*Issues*

Concerned about increased traffic and impact on entering and leaving property on Old Princes Highway.

*Response*

Land along the Old Princes Highway is already being used for a range of commercial developments, including doctors, dentists, various offices, a funeral home and a motel. The proposed amendment ensures those and other commercial uses are permissible with consent under LEP 2012. Any future development application would need to consider the potential impacts of development on nearby residences and the road network and conditions could be imposed to mitigate any impacts. It is noted that some improvements to the local road network have recently been undertaken by Council.

**4. Submission to Amendment 11(ii) (Additional permitted uses on land at Campbell Street, Narooma) – 1 Submission**

*Issues*

While we prefer our land to be designated/zoned 'School of Arts', we understand this is not possible under current planning regulations. No objection to the additional permitted uses proposed.

*Response*

Noted.

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**PSR15/054 PLANNING PROPOSAL HOUSEKEEPING AND OTHER AMENDMENTS E14.8442**

5. Submission to Amendment 13 (Commercial use of public land and waterways) – 10 Submissions

*Issues*

- Exempt development is limited to very low impact development and some commercial activities may not be low impact.
- Merely gaining a licence or permit does not delve into social impact.
- Opportunities are not available for community input in the lease/license/permit process.
- No justification for changes except to cut red tape. Council policy should be more transparent not less.
- The proposal is not consistent with the CSP or the Rural LEP.
- Council should not have autocratic power over public lands and waterways.
- The term "commercial use" is too vague.
- There is no current duplication of approval processes, but two complementary and necessary processes.
- The proposal would enable Huntfest type activities without community input or development consent.
- Our waterways should not be overrun by jet skis. Our ovals and cycleways should not be turned into free amenities for small businesses to profit from.

*Responses*

The intention is for low-impact activities only to be exempt development on public land and waterways, as evidenced by the proposed conditions included in the planning proposal. The planning proposal identified the purpose of the amendment is for the following kinds of businesses:

- Surf schools
- Personal trainers
- Coffee vans
- Tourism businesses and
- Water sports and training activities.

The planning proposal will reduce unnecessary regulations and costs for these kinds of small business operators.

Under sections 47 and 47A of the Local Government Act 2003, Council is required to publicly notify a proposal that requires a lease or licence to be granted over public land. Persons can make submissions and Council is required to consider those submissions prior to granting a lease or licence.

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Council is currently developing a policy relating to the commercial use of public land which will facilitate the consideration of social, economic and environmental matters in the processing of licence applications.

The proposal relates to the operation of businesses that will be conducted on public land or in waterways. These businesses may be specifically defined in Local Environmental Plan 2012 or may fall within the general definition of “business premises”. The proposal does not relate to the holding of events, such as Huntfest, on public land as these types of activities are not defined as “business premises” (the definition of business premises requires the business to be conducted on a regular basis), nor are they elsewhere specifically defined as a land use under the LEP. Rather they are considered to be temporary uses of land.

Therefore, the proposal does not change the regulatory requirements relating to the holding of events. Under clause 65 of State Environmental Planning Policy (Infrastructure) 2007, development that is consistent with a Plan of Management for the subject land does not require development consent. If a Plan of Management provides for the holding of events, development consent is not required. If a Plan of Management does not provide for the holding of events, development consent would be required under clause 2.8 of Eurobodalla Local Environmental Plan 2012, for the temporary use of land.

The proposal does not relate to the private use of public land or waterways, such as the use of jet skis, though it would apply to the operation of a jet ski training or tourist business, should one be proposed.

**6. Submission to Amendment 18 (Reclassification of land at 1 Evans Street, Moruya) – 3 Submissions**

*Issues*

- Support the amendment.
- No objection to proposal. Request the proposal be amended to provide legal access to adjoining land as well.

*Responses*

Noted. Whilst no objection is raised to the suggestion, advice from the NSW Department of Planning and Environment is that such a change would require a new gateway determination and re-exhibition of the change, or a new planning proposal process to commence.

**7. Submission to Amendment 21 (Listing of heritage item at 253 Princes Highway, Narooma) – 1 Submission**

*Issues*

Only the building, not the whole lot, is of heritage value. Object to mapping whole lot as having heritage value.

*Responses*

Under the technical requirements for mapping heritage items issued by the NSW Department of Planning and Environment, the whole of a lot in an urban area that contains a heritage item must be mapped. However, the heritage inventory sheet which describes the heritage item, identifies that it is only the dwelling and its streetscape presentation that is of heritage

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**PSR15/054 PLANNING PROPOSAL HOUSEKEEPING AND OTHER AMENDMENTS E14.8442**

significance. Any development application on the land would have regard to the description of the heritage item in the inventory sheet.

Agency Submissions

1. NSW Rural Fire Service

No concerns or issues are raised in relation to bush fire.

2. NSW Roads and Maritime Services

No objection to proposed amendment number 2 in principle, noting that the subject lot was zoned entirely SP2 in error and RMS only intends to acquire the sliver of land at the front of the subject property, not the entire property.

No objection to the other 21 proposed amendments as they are considered unlikely to result in a significant impact on the classified road network.

3. Department of Primary Industries (Agriculture)

No issues for NSW DPI (Agriculture) in the proposed amendments.

4. Department of Primary Industries (Fisheries)

No objection to the proposed amendments.

5. Heritage Council of NSW

No objection is raised to the amendments that will correct the property description for heritage items and include two heritage items of local significance, provided they are supported by a robust heritage assessment.

The proposed amendments to zoning, land use and building heights across the council area can be supported only if they do not adversely affect conservation areas, heritage items, their setting and any potential archaeology or relics.

*Response*

Both new proposed heritage items have been the subject of heritage assessments and have been supported by the Eurobodalla Heritage Advisory Committee.

The other proposed amendments will have no adverse impact on any heritage item, conservation area or archaeology.

*Public Hearing*

A public hearing, chaired by an independent consultant, was held on 11 September, with three persons in attendance. The public hearing related to those aspects of the planning proposal that included a reclassification of public land from community land to operational land. A report from the public hearing was submitted, with the consultant making the following recommendations to Council:

1. Moruya Airport (reclassification and rezoning of airport terminal car park area)

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**PSR15/054 PLANNING PROPOSAL HOUSEKEEPING AND OTHER AMENDMENTS E14.8442**

Due to the necessary contribution this land will provide in the overall airport masterplan and that there was no objection raised through the exhibition of the planning proposal, it is recommended that the land proceed for reclassification and re-zoning.

2. 521 George Bass Drive, Malua Bay (site for future sewerage pumping station)

Due to the greater community benefit provided by the infrastructure upgrade it is recommended that this site continue in the proposal for reclassification. However, it is suggested that Council engineering staff engage with the adjoining land owners, with advice in respect to the on-going development infrastructure and building design as this progresses.

3. Law Lane, Mogo (reclassification for existing Water Treatment Plant)

Continue with re-classification proposal.

4. 1 Evans Street, Moruya (reclassification for access to adjoining land)

Noting the benefit to the land owner and that the specific proposal had unqualified support, it is recommended that the reclassification proposal continue.

5. Costin Street, Narooma (reclassification to enable the sale of a land-locked parcel of land to adjoining owners)

Noting the location and constraints upon the land and that a wider benefit is considered unlikely, it is recommended that the land continue for reclassification.

## **CONCLUSION**

The Planning Proposal has been exhibited in accordance with the gateway determination. The majority of matters included in this Planning Proposal received no submissions and, as outlined in the response to submissions received, no changes to the planning proposal are recommended. One suggested change in relation to amendment number 18 will be considered as part of a separate planning proposal process, in line with advice from the Department of Planning and Environment.

The submissions received to amendment number 6 generally relate to the potential development of the land and it is considered that these issues can be adequately addressed through the assessment of future development applications.

The submissions received to amendment number 13 raise concerns with the transparency of decision making should development applications not be required for the use of public land. However, the legislative requirements for issuing licences on public land include community consultation. In any case, the planning proposal relates to small-scale commercial activities only and relates to those kinds of activities that are already being undertaken on public land, such as personal training, surf schools and tourism activities.

No substantive issues were raised in submissions from NSW Government Agencies.



# Planning Proposal

Minor housekeeping and other amendments to ELP 2012 and RLEP 1987

Amendment No. 8

## 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;
- 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 Attachment A of this report.

## PART 1: OBJECTIVES or INTENDED OUTCOMES

The intended outcomes of each proposed amendment are outlined in the table below.

No.	Intended Outcomes
1	To correct property descriptions of heritage items.
2	To correct zoning of land at 11 Princes Highway, Narooma.
3	To correct zoning of land at Crosby Drive, Batehaven.
4	To recognise certain lands that have a dwelling entitlement.
5	To modify the time period for permitted temporary uses of land to be consistent with adjoining Councils.
6	To correct the mapping of lot size and building height for land at Glasshouse Rocks Road, Narooma.
7	To enable expansion of the Mogo Zoo.
8	To recognise existing land use and operational development consents on land at the Kings Highway, North Batemans Bay.
9	To facilitate additional land uses on small lots zoned B5 Business Development in Moruya.

10	To facilitate additional permitted uses on land at Old Princes Highway and Crown Streets, Batemans Bay.
11	To facilitate additional commercial land uses on land adjoining the Moruya and Narooma town centres.
12	To enable a boat building and repair facility with consent on rural land.
13	To make provision for appropriate commercial use of public land and waterways without consent, thereby removing duplication of approval requirements.
14	To enable appropriate subdivision outcomes on land with split zoning.
15	To ensure zoning and land classification at the Moruya Airport matches what is happening on the ground and enables further associated infrastructure.
16	To enable the development of sewer pumping station at Malua Bay.
17	To recognise an existing water treatment plant on land at Mogo and enable further associated infrastructure.
18	To provide legal access to land at Evans Street, Moruya.
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.
20	To recognise the heritage value of the Eurobodalla Botanic Gardens Wallace Herbarium.
21	To recognise the heritage value of a dwelling at 253 Princes Highway, Narooma.
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 ELEG 2012 / RLEG 1987, with more details provided in the Appendices corresponding to each amendment number.

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 Tables 1.3 and 1.4 in Appendix 1
2	Map	Rezone part of Lot E DP 16091, 11 Princes Highway Narooma from SP2 (Infrastructure) to R2 (Low Density Residential) and change the height of buildings map accordingly. <b>Note:</b> This lot previously had an 8.5m height limit under the Residential Design Code (DCP).	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 1 (8.5m).



3	Map	Rezone Lot 2 DP 1164115, Crosby Drive, Batehaven from R5 (Large Lot Residential) to R2 (Low Density Residential).	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
6	Map	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 (10ha) for IN1 part Height of Buildings Map – change IN1 part from I (8.5m) to K (10m)
7	Map	Rezone Lot 103 DP 1073425, Tomakin Road Mogo from RU1 (Primary Production) to SP3 (Tourist), consistent with the zoning of land upon which the existing zoo is located and change the lot size and height of buildings maps accordingly.	Zoning Map – change from RU1 to SP3 Lot Size Map – Remove A1 (1000ha) Height of Buildings Map – Add I (8.5m) (currently no height standard)
8	Map	Rezone Lot 1 DP 1169236 and Lot 3 DP 865527 from the R3 (Medium Density Residential) and R5 (Large Lot Residential) zones respectively to the B5 (Business Development) zone and change lot size and height of buildings maps accordingly. <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 (550m <sup>2</sup> /1500m <sup>2</sup> ) Height of Buildings Map – change Lot 3 DP 865527 from I (8.5m) to K (10m)
9	Schedule 1	Add a new clause in Schedule 1 to enable the land uses below as permitted with consent on part of	Nil

		<p>the land zoned B5 (Business Development) at Moruya.</p> <p>Additional land uses:</p> <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>	
10	Schedule 1	<p>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:</p> <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>	Nil
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:</p> <ul style="list-style-type: none"> <li>• Land zoned R2 (Low Density Residential) and R3 (Medium Density Residential) at Campbell and Page Streets and Mirrabooka Avenue, Moruya.</li> <li>• Land zoned E4 (Environmental Living) at Church Street, Moruya</li> <li>• Land zoned R2 (Low Density Residential) and R3 (Medium Density Residential) 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 (Medium Density Residential) at Campbell Street, Narooma:</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> </ul>	Nil

		<ul style="list-style-type: none"> <li>• Information and education facility</li> <li>• Office premises</li> <li>• Public administration building</li> <li>• Veterinary hospital</li> </ul> <p><b>Note:</b> 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>	
12	Land Use Table	Include in the RU1 (Primary Production) zone land use table as permitted with consent: boat building and repair facility.	Nil
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> <p><b>Note:</b> The types of commercial activities envisaged by this amendment include the following:</p> <ul style="list-style-type: none"> <li>• Surf schools;</li> <li>• Personal trainers;</li> <li>• Coffee vans;</li> <li>• Tourism businesses; and</li> <li>• Water sports and training activities.</li> </ul>	Nil
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.</p>	Nil
15	Map and Schedule 4	Rezone part of Lot 4 DP 1090948 (Moruya Airport) from RE1 (Public Recreation) to SP1 (Special Activities) and reclassify changed area to	Zone Map – Rezone part of Lot 4 DP

		operational land and change the lot size map accordingly.	1090948 from RE1 to SP1 Lot Size Map – Remove A1 (1000ha) 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
20	Map and Schedule 5	Addition of Eurobodalla Botanic Gardens Wallace Herbarium on part of SF 549 as a heritage item.	Heritage Map – Identify curtilage of herbarium as a heritage item
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
22	Map	Increase the height of buildings standard for land on the western side of Golf Links Drive, Batemans Bay adjoining the golf course.	Height of Buildings Map – change from M2 (12.5m) to O1 (15m).

### PART 3: JUSTIFICATION

Refer to Appendices 1 to 22.

### 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)	May 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)	June 2015
Commencement and completion dates for public exhibition period	June 2015 (14 days)
Dates for public hearing (if required)	13 July 2015
Timeframe for consideration of submissions	August 2015
Timeframe for the consideration of a proposal post exhibition	September 2015
Date of submission to the department to finalise the LEP	September 2015
Anticipated date RPA will make the plan (if delegated)	October 2015
Anticipated date RPA will forward to the department for notification	October 2015

## ATTACHMENT 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			



Submission Summary	Staff Response
<p>Submission relates to amendment number 1.5. Support maintaining heritage listing of the Kyla Park Grazing Lands, however the area proposed to be listed is set aside in Plan of Management No.26 as Foreshore Reserve for environmental protection and is no longer part of the grazing lands. The heritage listing should be amended to be for the purpose of environmental protection.</p>	<p>The subject areas is included within the RLEP 1987 heritage listing as part of the broader grazing lands, however a recent subdivision has changed the boundaries of the area to be used for continued grazing. It is recommended that this amendment be deferred and reconsidered as part of the next comprehensive LEP review when the Rural Lands Strategy is completed.</p>
<p>1 The intention is for low-impact activities only to be exempt development on public land and waterways, as evidenced by the proposed conditions included in the planning proposal. The planning proposal identified the purpose of the amendment is for the following kinds of businesses:</p> <ul style="list-style-type: none"> <li>- Surf schools;</li> <li>- Personal trainers;</li> <li>- Coffee vans;</li> <li>- Tourism businesses; and</li> <li>- Water sports and training activities.</li> </ul> <p>The planning proposal will reduce unnecessary regulations and costs for these kinds of small business operators. Under sections 47 and 47A of the Local Government Act 2003, Council is required to publicly notify a proposal that requires a lease or licence to be granted over public land. Persons can make submissions and Council is required to consider those submissions prior to granting a lease or licence.</p> <p>The proposal does not relate to the holding of events on public land and therefore does not change the regulatory requirements relating to the holding of events such as Huntfest. Under clause 65 of State Environmental Planning Policy (Infrastructure) 2007, development that is consistent with a Plan of Management for the subject land does not require development consent. If a Plan of Management provides for the holding of events, development consent is not required. If a Plan of Management does not provide for the holding of events, development consent would be required under clause 2.8 of Eurobodalla Local Environmental Plan 2012, for the temporary use of land.</p> <p>Council is currently developing a policy relating to the commercial use of public land which will facilitate the consideration of social, economic and environmental matters in the processing of licence applications.</p>	<p>The intention is for low-impact activities only to be exempt development on public land and waterways, as evidenced by the proposed conditions included in the planning proposal. The planning proposal identified the purpose of the amendment is for the following kinds of businesses:</p> <ul style="list-style-type: none"> <li>- Surf schools;</li> <li>- Personal trainers;</li> <li>- Coffee vans;</li> <li>- Tourism businesses; and</li> <li>- Water sports and training activities.</li> </ul> <p>The planning proposal will reduce unnecessary regulations and costs for these kinds of small business operators. Under sections 47 and 47A of the Local Government Act 2003, Council is required to publicly notify a proposal that requires a lease or licence to be granted over public land. Persons can make submissions and Council is required to consider those submissions prior to granting a lease or licence.</p> <p>The proposal does not relate to the holding of events on public land and therefore does not change the regulatory requirements relating to the holding of events such as Huntfest. Under clause 65 of State Environmental Planning Policy (Infrastructure) 2007, development that is consistent with a Plan of Management for the subject land does not require development consent. If a Plan of Management provides for the holding of events, development consent is not required. If a Plan of Management does not provide for the holding of events, development consent would be required under clause 2.8 of Eurobodalla Local Environmental Plan 2012, for the temporary use of land.</p> <p>Council is currently developing a policy relating to the commercial use of public land which will facilitate the consideration of social, economic and environmental matters in the processing of licence applications.</p>
<p>2 Submission relates to amendment number 13. The proposal means Council gives up any opportunity or obligation to determine whether a commercial activity is an appropriate one for the Shire. Opportunities are not available for community input in the lease/licence/permit process.</p> <p>The proposal would enable Huntfest type activities without community input or development consent.</p>	<p>There are two sites the subject of this amendment. One of the sites has been developed as a service station. The other has development consent for a vehicle sales or hire premises and vehicle repair station. The development was commenced, but has not been completed. Given the existence of an operational consent on the land, the approved use was included in Schedule 1 of LEP 2012.</p> <p>Regardless of this planning proposal, the site can be developed for the approved use, being vehicle sales or hire premises and vehicle repair station. This planning proposal applies the correct zoning for that use.</p> <p>Re zoning to B5 enables alternative business opportunities to be considered for the land. Any future development application would need to consider the potential impacts of development on nearby residences and the environment and conditions could be imposed to mitigate any impacts. Should any infrastructure upgrades be required as a result of a proposed development, the proponent would be required to undertake or contribute to undertaking those upgrades. The proposal has the potential to generate local employment and business development opportunities.</p> <p>The planning proposal was notified by letter to the postal address of adjoining land owners as per usual practice.</p>
<p>3 Attached more detailed submission (see summary of Kerryn and Martin Ward's submission).</p>	

4	<p>Submission relates to amendment number 13. Object to inclusion in Exempt Development Schedule for the following reasons:</p> <ul style="list-style-type: none"> <li>- There is no obligation for Council to consult with the community about the use of public land.</li> <li>- The proposal could enable commercial activities at an event, such as Huntfest, to operate without consent.</li> <li>- Denying the public a chance to comment is a fundamental breach of Council's accountability obligations.</li> <li>- Exempt development is limited to very low impact development and some commercial activities may not be low impact.</li> <li>- The planning proposal does not address potential social effects.</li> <li>- Huntfest is a commercial activity, and if it is found to require consent, could then be approved as exempt development under this proposal.</li> </ul>	<p>The intention is for low-impact activities only to be exempt development on public land and waterways, as evidenced by the proposed conditions included in the planning proposal. The planning proposal identified the purpose of the amendment is for the following kinds of businesses:</p> <ul style="list-style-type: none"> <li>• Surf schools;</li> <li>• Personal trainers;</li> <li>• Coffee vans;</li> <li>• Tourism businesses; and</li> <li>• Water sports and training activities.</li> </ul> <p>The planning proposal will reduce unnecessary regulations and costs for these kinds of small business operators. Under sections 47 and 47A of the Local Government Act 2003, Council is required to publicly notify a proposal that requires a lease or licence to be granted over public land. Persons can make submissions and Council is required to consider those submissions prior to granting a lease or licence.</p> <p>The proposal does not relate to the holding of events on public land and therefore does not change the regulatory requirements relating to the holding of events such as Huntfest. Under clause 65 of State Environmental Planning Policy (Infrastructure) 2007, development that is consistent with a Plan of Management for the subject land does not require development consent. If a Plan of Management provides for the holding of events, development consent is not required. If a Plan of Management does not provide for the holding of events, development consent would be required under clause 2.8 of Eurobodalla Local Environmental Plan 2012, for the temporary use of land.</p> <p>Council is currently developing a policy relating to the commercial use of public land which will facilitate the consideration of social, economic and environmental matters in the processing of licence applications.</p>
5	<p>Submission relates to amendment number 13. The impacts on the wider community of commercial use of public lands must be considered by Council as part of an approval process.</p>	
6	<p>Submission relates to all amendments. No objections raised.</p>	<p>Noted.</p>
7	<p>Submission relates to all amendments. No objections raised.</p>	<p>Noted.</p>

<p>8</p> <p>Submission relates to amendment number 13. The proposal is not consistent with the CSP or the Rural LEP. It will be detrimental to Council's accountability and transparency. The terms commercial use is too broad. Council should not have autocratic power over public lands and waterways. Community confidence in Council's decisions is diminished if there are no checks and balances. Is Council trying to eliminate the need for Minister's consent for use of and temporary structures on Crown Land for the Huntfest amendments?</p>	<p>The intention is for low-impact activities only to be exempt development on public land and waterways, as evidenced by the proposed conditions included in the planning proposal. The planning proposal identified the purpose of the amendment is for the following kinds of businesses:</p> <ul style="list-style-type: none"> <li>• Surf schools;</li> <li>• Personal trainers;</li> <li>• Coffee vans;</li> <li>• Tourism businesses; and</li> <li>• Water sports and training activities.</li> </ul> <p>The planning proposal will reduce unnecessary regulations and costs for these kinds of small business operators. Under sections 47 and 47A of the Local Government Act 2003, Council is required to publicly notify a proposal that requires a lease or licence to be granted over public land. Persons can make submissions and Council is required to consider those submissions prior to granting a lease or licence.</p> <p>The proposal does not relate to the holding of events on public land and therefore does not change the regulatory requirements relating to the holding of events such as Huntfest. Under clause 65 of State Environmental Planning Policy (Infrastructure) 2007, development that is consistent with a Plan of Management for the subject land does not require development consent. If a Plan of Management provides for the holding of events, development consent is not required. If a Plan of Management does not provide for the holding of events, development consent would be required under clause 2.8 of Eurobodalla Local Environmental Plan 2012, for the temporary use of land.</p> <p>Council is currently developing a policy relating to the commercial use of public land which will facilitate the consideration of social, economic and environmental matters in the processing of licence applications.</p>
<p>9</p> <p>No objection is raised to the amendments that will correct the property description for heritage items and include two heritage items of local significance, provided they are supported by a robust heritage assessment. The proposed amendments to zoning, land use and building heights across the council area can be supported only if they do not adversely affect conservation areas, heritage items, their setting and any potential archaeology or relics.</p>	<p>Both new proposed heritage items have been the subject of heritage assessments and have been supported by the Eurobodalla Heritage Advisory Committee.</p> <p>The other proposed amendments will have no adverse impact on any heritage item, conservation area or archaeology.</p> <p>The intention is for low-impact activities only to be exempt development on public land and waterways, as evidenced by the proposed conditions included in the planning proposal. The planning proposal identified the purpose of the amendment is for the following kinds of businesses:</p> <ul style="list-style-type: none"> <li>• Surf schools;</li> <li>• Personal trainers;</li> <li>• Coffee vans;</li> <li>• Tourism businesses; and</li> <li>• Water sports and training activities.</li> </ul> <p>The planning proposal will reduce unnecessary regulations and costs for these kinds of small business operators. Under sections 47 and 47A of the Local Government Act 2003, Council is required to publicly notify a proposal that requires a lease or licence to be granted over public land. Persons can make submissions and Council is required to consider those submissions prior to granting a lease or licence.</p> <p>The proposal does not relate to the holding of events on public land and therefore does not change the regulatory requirements relating to the holding of events such as Huntfest. Under clause 65 of State Environmental Planning Policy (Infrastructure) 2007, development that is consistent with a Plan of Management for the subject land does not require development consent. If a Plan of Management provides for the holding of events, development consent is not required. If a Plan of Management does not provide for the holding of events, development consent would be required under clause 2.8 of Eurobodalla Local Environmental Plan 2012, for the temporary use of land.</p> <p>Council is currently developing a policy relating to the commercial use of public land which will facilitate the consideration of social, economic and environmental matters in the processing of licence applications.</p>
<p>10</p> <p>Submission relates to amendment number 13. The proposal removes community consultation with regard to the social, cultural and environmental impacts of commercial use of public land. The proposal removes checks and balances and is not consistent with the CSP and Rural LEP.</p>	<p>The intention is for low-impact activities only to be exempt development on public land and waterways, as evidenced by the proposed conditions included in the planning proposal. The planning proposal identified the purpose of the amendment is for the following kinds of businesses:</p> <ul style="list-style-type: none"> <li>• Surf schools;</li> <li>• Personal trainers;</li> <li>• Coffee vans;</li> <li>• Tourism businesses; and</li> <li>• Water sports and training activities.</li> </ul> <p>The planning proposal will reduce unnecessary regulations and costs for these kinds of small business operators. Under sections 47 and 47A of the Local Government Act 2003, Council is required to publicly notify a proposal that requires a lease or licence to be granted over public land. Persons can make submissions and Council is required to consider those submissions prior to granting a lease or licence.</p> <p>The proposal does not relate to the holding of events on public land and therefore does not change the regulatory requirements relating to the holding of events such as Huntfest. Under clause 65 of State Environmental Planning Policy (Infrastructure) 2007, development that is consistent with a Plan of Management for the subject land does not require development consent. If a Plan of Management provides for the holding of events, development consent is not required. If a Plan of Management does not provide for the holding of events, development consent would be required under clause 2.8 of Eurobodalla Local Environmental Plan 2012, for the temporary use of land.</p> <p>Council is currently developing a policy relating to the commercial use of public land which will facilitate the consideration of social, economic and environmental matters in the processing of licence applications.</p>

11	Submission relates to amendment number 8. The proposal has potential significant impacts on my house from noise, traffic and environmental pollution. Concerned about the environmental impact. The proposal is not based on community demand or consultation. No justification is provided for the rezoning. The land should remain in zone R5.	There are two sites the subject of this amendment. One of the sites has been developed as a service station. The other has development consent for a vehicle sales or hire premises and vehicle repair station. The development was commenced, but has not been completed. Given the existence of an operational consent on the land, the approved use was included in Schedule 1 of LEP 2012. Regardless of this planning proposal, the site can be developed for the approved use, being vehicle sales or hire premises and vehicle repair station. This planning proposal applies the correct zoning for that use. Rezoning to B5 enables alternative business opportunities to be considered for the land. Any future development application would need to consider the potential impacts of development on nearby residences and the environment and conditions could be imposed to mitigate any impacts. The proposal has the potential to generate local employment and business development opportunities.
12	Submission relates to amendment number 18. Support the amendment.	Noted.
13	Submission relates to amendment number 18. No objection to proposal. Request the proposal be amended to provide legal access to adjoining land as well.	Whilst no objection is raised to the suggestion, advice from the NSW Department of Planning and Environment is that such a change would require a new Gateway Determination and re-exhibition of the change, or a new planning proposal process to commence.
14	Submission relates to amendment number 10. Concerned about increased traffic and impact on entering and leaving property on Old Princes Highway.	Land along the Old Princes Highway is already being used for a range of commercial developments, including doctors, dentists, various offices, a funeral home and a motel. The proposed amendment ensures those and other commercial uses are permissible with consent under LEP 2012. Any future development application would need to consider the potential impacts of development on nearby residences and the road network and conditions could be imposed to mitigate any impacts. It is noted that some improvements to the local road network have recently been undertaken by Council.
15	Submission relates to amendment number 18. Support the amendment.	Noted.
16	Submission relates to all amendments. No objections raised.	Noted.
17	Submission relates to amendment number 11(i). While we prefer our land to be designated/zoned 'School of Arts', we understand this is not possible under current planning regulations. No objection to the additional permitted uses proposed.	Noted.  The intention is for low-impact activities only to be exempt development on public land and waterways, as evidenced by the proposed conditions included in the planning proposal. The planning proposal identified the purpose of the amendment is for the following kinds of businesses: <ul style="list-style-type: none"> <li>Surf schools;</li> <li>Personal trainers;</li> <li>Coffee vans;</li> <li>Tourism businesses; and</li> <li>Water sports and training activities.</li> </ul> The planning proposal will reduce unnecessary regulations and costs for these kinds of small business operators. Under sections 47 and 47A of the Local Government Act 2003, Council is required to publicly notify a proposal that requires a lease or licence to be granted over public land. Persons can make submissions and Council is required to consider those submissions prior to granting a lease or licence. Council is currently developing a policy relating to the commercial use of public land which will facilitate the consideration of social, economic and environmental matters in the processing of licence applications.
18	Submission relates to amendment number 13. It is never a good idea to avoid making decisions. Giving away control over commercial activities on public land is to abandon responsibility for safeguarding the public interest. The DA process provides for Council to determine if a commercial activity is in the public interest and to set conditions if they approve them.	Noted.
19	Submission relates to all amendments. No objections raised.	Noted.
20	Submission relates to amendment number 21. Only the building, not the whole lot, is of heritage value. Object to mapping whole lot as having heritage value.	Under the technical requirements for mapping heritage items issued by the NSW Department of Planning and Environment, the whole of a lot in an urban area that contains a heritage item must be mapped. However, the heritage inventory sheet which describes the heritage item, identifies that it is only the dwelling and its streetscape presentation that is of heritage significance. Any development application on the land would have regard to the description of the heritage item in the inventory sheet.

21	<p>Submission relates to amendment number 13. The term "commercial use" is too vague. There is no current duplication of approval processes, but two complementary and necessary processes. Regarding activities such as Huntfest as exempt development is entirely inappropriate. The proposal will erode community confidence in Council decisions if no consideration is given by Council to the social impacts of commercial activities on public land.</p>	<p>The intention is for low-impact activities only to be exempt development on public land and waterways, as evidenced by the proposed conditions included in the planning proposal. The planning proposal identified the purpose of the amendment is for the following kinds of businesses:</p> <ul style="list-style-type: none"> <li>• Surf schools;</li> <li>• Personal trainers;</li> <li>• Coffee vans;</li> <li>• Tourism businesses; and</li> <li>• Water sports and training activities.</li> </ul> <p>The planning proposal will reduce unnecessary regulations and costs for these kinds of small business operators. Under sections 47 and 47A of the Local Government Act 2003, Council is required to publicly notify a proposal that requires a lease or licence to be granted over public land. Persons can make submissions and Council is required to consider those submissions prior to granting a lease or licence.</p> <p>The proposal does not relate to the holding of events on public land and therefore does not change the regulatory requirements relating to the holding of events such as Huntfest. Under clause 65 of State Environmental Planning Policy (Infrastructure) 2007, development that is consistent with a Plan of Management for the subject land does not require development consent. If a Plan of Management provides for the holding of events, development consent is not required. If a Plan of Management does not provide for the holding of events, development consent would be required under clause 2.8 of Eurobodalla Local Environmental Plan 2012, for the temporary use of land.</p> <p>Council is currently developing a policy relating to the commercial use of public land which will facilitate the consideration of social, economic and environmental matters in the processing of licence applications.</p>
22	<p>Submission relates to amendment number 13. Exempt development is not intended to allow Councils to rely on their duties to closely scrutinise commercial developments or for citizens not to have the right of input into whether developments are approved. Our waterways should not be overrun by jet skis. Our ovals and cycleways should not be turned into free amenities for small businesses to profit from. Residents need to be informed of proposed developments that concern them, especially any commercial developments.</p>	<p>The intention is for low-impact activities only to be exempt development on public land and waterways, as evidenced by the proposed conditions included in the planning proposal. The planning proposal identified the purpose of the amendment is for the following kinds of businesses:</p> <ul style="list-style-type: none"> <li>• Surf schools;</li> <li>• Personal trainers;</li> <li>• Coffee vans;</li> <li>• Tourism businesses; and</li> <li>• Water sports and training activities.</li> </ul> <p>The planning proposal will reduce unnecessary regulations and costs for these kinds of small business operators. Under sections 47 and 47A of the Local Government Act 2003, Council is required to publicly notify a proposal that requires a lease or licence to be granted over public land. Persons can make submissions and Council is required to consider those submissions prior to granting a lease or licence.</p> <p>The proposal does not relate to the private use of public land or waterways, such as the use of jet skis, though it would apply to the operation of a jet ski training or tourist business, should one be proposed. Council is currently developing a policy relating to the commercial use of public land which will facilitate the consideration of social, economic and environmental matters in the processing of licence applications.</p>

23

Submission relates to amendment number 13. Exempt development is limited to very low impact development and some commercial activities may not be low impact. The checks and balances in place are there for a reason. Merely gaining a licence or permit does not delve into social impact. No justification for changes except to cut red tape. Council policy should be more transparent not less.

Submission relates to amendment number 8. The proposed rezoning to B5 will spoil the entry to Batemans Bay and impact on tourism. It will also impact on adjoining residents due to loss of bushland and outlook, loss of property value, reduction in quality of life and increase in traffic and noise.

Concern is raised at the lack of notification to all residents of Penthouse Place and the classification of the proposal as "housekeeping".

Disagree that the proposal reflects existing land uses and development approvals. Disagree that the proposal is consistent with South Coast Regional Strategy and Council's Community Strategic Plan. The proposal should be based on a strategic study on impact of development on tourism and investment interest in commercial development. New commercial and industrial development should happen adjoining the existing commercial/industrial areas of Batemans Bay. Concerned about environmental impact from more clearing of bushland.

The existing Schedule 1 use for vehicle sales and repair was not known to residents and there was no consultation about this. The existence of a small commercial zone at the corner of the site is controversial with residents and has failed to attract investment, despite clearing of trees by Council.

Any commercial development of the land will require public investment to upgrade the Old Kings Highway and new stormwater infrastructure. Increased traffic on Old Punt Road will introduce new hazards.

The property should be open space or nature reserve.

The intention is for low-impact activities only to be exempt development on public land and waterways, as evidenced by the proposed conditions included in the planning proposal. The planning proposal identified the purpose of the amendment is for the following kinds of businesses:

- Surf schools;
- Personal trainers;
- Coffee vans;
- Tourism businesses; and
- Water sports and training activities.

The planning proposal will reduce unnecessary regulations and costs for these kinds of small business operators. Under sections 47 and 47A of the Local Government Act 2003, Council is required to publicly notify a proposal that requires a lease or licence to be granted over public land. Persons can make submissions and Council is required to consider those submissions prior to granting a lease or licence.

The proposal does not relate to the holding of events on public land and therefore does not change the regulatory requirements relating to the holding of events such as Huntfest. Under clause 65 of State Environmental Planning Policy (Infrastructure) 2007, development that is consistent with a Plan of Management for the subject land does not require development consent. If a Plan of Management provides for the holding of events, development consent is not required. If a Plan of Management does not provide for the holding of events, development consent would be required under clause 2.8 of Eurobodalla Local Environmental Plan 2012, for the temporary use of land.

Council is currently developing a policy relating to the commercial use of public land which will facilitate the consideration of social, economic and environmental matters in the processing of licence applications.

24

The property should be open space or nature reserve.

There are two sites the subject of this amendment. One of the sites has been developed as a service station. The other has development consent for a vehicle sales or hire premises and vehicle repair station. The development was commenced, but has not been completed. Given the existence of an operational consent on the land, the approved use was included in Schedule 1 of LEP 2012.

Regardless of this planning proposal, the site can be developed for the approved use, being vehicle sales or hire premises and vehicle repair station. This planning proposal applies the correct zoning for that use.

Rezoning to B5 enables alternative business opportunities to be considered for the land. Any future development application would need to consider the potential impacts of development on nearby residences and the environment and conditions could be imposed to mitigate any impacts. Should any infrastructure upgrades be required as a result of a proposed development, the proponent would be required to undertake or contribute to undertaking those upgrades. The proposal has the potential to generate local employment and business development opportunities.

The planning proposal was notified by letter to the postal address of adjoining land owners as per usual practice.

25

Submission relates to amendment number 13. The proposal is not a housekeeping matter. The proposal would prevent community from knowing about planned activities in their area. People won't be aware of the licensing and permit process.  
The proposal increases the risk of more activities similar to Huntfest.  
The term "appropriate" commercial use suggests guidelines will be established, but this is not included in the planning proposal.

The intention is for low-impact activities only to be exempt development on public land and waterways, as evidenced by the proposed conditions included in the planning proposal. The planning proposal identified the purpose of the amendment is for the following kinds of businesses:

- Surf schools;
- Personal trainers;
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The planning proposal will reduce unnecessary regulations and costs for these kinds of small business operators. Under sections 47 and 47A of the Local Government Act 2003, Council is required to publicly notify a proposal that requires a lease or licence to be granted over public land. Persons can make submissions and Council is required to consider those submissions prior to granting a lease or licence.

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Council is currently developing a policy relating to the commercial use of public land which will facilitate the consideration of social, economic and environmental matters in the processing of licence applications.

REPORT ON PUBLIC HEARING HELD FRIDAY 11 SEPTEMBER 2015  
UNDER Sct'n 29 of LOCAL GOVERNMENT ACT 1993  
RE-CLASSIFICATION AND REZONING OF CERTAIN LAND (PART ELEP 2012 Amd 8)  
EUROBODALLA SHIRE COUNCIL

HEARING AND ASSESSMENT RECOMMENDATION

September 2015

Report 15/019



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## 1.0 INTRODUCTION

urPlan Consulting has been engaged by Eurobodalla Shire Council to conduct and chair a public meeting on 11 September 2015 and prepare a report to Council, in discussion of the issues arising and to forward recommendations pertaining to the re-classification and re-zoning of selected lands, (refer table 1). The public hearing was integral with the preparation of an LEP amendment as carried out under Section 55 Environmental Planning & Assessment Act, 1979. Required as part of the Planning Proposal (Amendment 8 of the Eurobodalla Local Environment Plan 2012 (ELEP)), the lands in question will required re-classification from 'community' to 'operational' land as defined under the Local Government Act 1993.

The preparation of the ELEP amendment and consultation was administered through the Department of Planning & Environment 'Gateway' process and Council has provided the reporting and consultation in accordance with the Departments guidelines for the 'making' of the LEP.

The proposed re-classification of the lands is part of a much broader planning proposal and relates to minor housekeeping matters to the present ELEP 2012 and the older Rural Local Environmental Plan 1987 (RLEP). There were a total of 22 proposed amendment items within the planning proposal, however only items 15 to 19 of the amendment relate to land re-classification and are the subject of the public hearing.

The lands being the subject of the public hearing and requiring re-classification are principally land held in Council ownership and the re-classification is required to permit either the current activity or proposed activity to be undertaken.

Through the planning proposal, Council has identified the benefits and/or efficiencies afforded the continued land-use or for the community as a whole in effecting this process. Therefore in that regard Council has received approval through 'Gateway Determination' 15 May 2015, to proceed with the overall planning proposal.

This report details the nature and results of the public hearing and discusses the issues arising and in consideration of the Council objectives and offers recommendation as to the future action in respect to the re-classification and re-zoning of the identified sites.

## 2.0 IDENTIFIED SITES

The planning proposal to ELEP 2012 had identified 22 amendments required as general tidy-up items to the ELEP. Of these, only five amendments related directly to land where the proposed required re-classification. The following table includes the cartographical information in respect to the sites and the explanation/intention as described within the overall planning proposal.

Table 1

LOT ID AND ADDRESS	LAND AREA	AMENDMENT EXPLANATION	INTENTION
Part lot 4 DP 1090948 Bruce Cameron Drv, Moruya, NSW	12,574m <sup>2</sup>	To rezone part of Lot 4 DP 1090948 (Moruya Airport) from RE1 (Public Recreation) to SP1 (Special Activities) and reclassify changed area to operational land and change the lot size map.	To recognise existing infrastructure associated with Moruya airport and enable further associated infrastructure for the proposed re-development of the airport land.
Lot 71 DP 601741 521 George Bass Drv, Malua Bay, NSW	5897m <sup>2</sup>	Reclassify Lot 71 DP 601741, 521 George Bass Drive, Malua Bay to operational land.	In line with Councils infrastructure improvement plan it is intended to develop a sewer pumping station upon the land.
Lot 1 DP 1173024 Law Lane, Mogo NSW	37,640m <sup>2</sup>	Reclassify Lot 1 DP 1173024, Law Lane, Mogo to operational land.	To recognise the existing water treatment plant on site and enable development of further associated infrastructure.
Part lot 45 DP 1151309 1 Evans Street, Moruya, NSW	887m <sup>2</sup>	Reclassify part of Lot 45 DP 1151309, 1 Evans Street, Moruya to operational land.	To provide legal access to a dwelling on adjoining land which had previously using community land for practical access.
Lot13 DP 838695 Costin Street, Narooma, NSW	552.1m <sup>2</sup>	Reclassify Lot 13 DP 838695, Costin Street, Narooma to operational land.	To enable the transfer of land to adjoining owners, where-by the land is currently land-locked and not required for public, infrastructure or recreational purpose.

Within the purpose of the planning proposal, the intention is to undertake a re-classification of each portion of land identified. In addition the land at Moruya Airport will also be subject to a rezoning.

## 3.0 PLANNING PROPOSAL AND LEGISLATION

Where Council is considering land re-classification the LG Act requires that Council undertakes public notification and follows through with a 'public hearing' as required under s29 of the Act. A public hearing provides the opportunity for affected and interested members of the community to be familiar with the purpose of the individual matters of the proposal and to make verbal submissions in respect to the proposed action.

A public hearing was held on Friday 11 September 2015. The hearing, held in Council Chambers, was attended by three members of the public who were directly affected by the proposal and required some clarification to certain aspects of the intended future use and/or uses that may eventuate.

#### 4.0 SUBMISSIONS

The planning proposal was placed on public exhibition for 14 days during July 2015. During this exhibition period the Council received three written submissions that directly related to the described land. Two of the submissions indicated support for the proposed re-classification generally and were specific to the Evans Street land. The third submission requested that Council consider an alteration to the extent of the described area. A fourth submission was received by Council after the notified exhibition dates.

The late submission requested further clarification of the intended Council works that were proposed for the George Bass Drive, Malua Bay land. Due to the timing of this submission and that the land owner had indicated they would be in attendance at the public hearing, Council advised that a response to the enquiry would be provided at the hearing.

The following table provides a summary of submissions and to which land the submission related (if any).

Table 2

LAND	SUBMISSION DATE	SUBMISSION CONTEXT	SPECIFIC CONTEXT
1 Evans Street, Moruya	8 July 2015	Request an alteration to extent of affected land.	The submission requested that Council consider extending the area of the re-classification to provide a similar access intent for the neighbouring land.
1 Evans Street, Moruya	22 July 2015	General support to proposal for re-classification	(No specific context raised)
1 Evans Street, Moruya	22 July 2015	General support to proposal for re-classification	(No specific context raised)
521 George Bass Drv, Malua Bay	31 August 2015	Advice of attendance at hearing plus request for further development intent for the land	Raised a number of specific enquiries as to the nature and amenity issues in respect to the desired Council infrastructure development intended for the land.

It is important to note that only two of the five sites generated a submission and that none of the submissions were in any way opposing any of the action or future intent for the land, as described in the exhibition material.

The land located at 521 George Bass Drive Malua Bay raised the greatest discussion during the public hearing being offered by the immediate and adjoining neighbours. These enquiries, mainly in respect to the anticipated future provision of Council sewer infrastructure, were to a certain extent quite valid. The residence immediately to the south of the site is currently used as a holiday residence so is not occupied full-time, however the land owners indicated that their intention is to retire in the near future and reside full time within the residence. An existing sewer pumping facility is located directly to the rear of the neighbours property and has provided some concern as to its operation in the past. In that regard the land owners were seeking further detail as to the nature, bulk and operational amenity of a much larger facility located within close proximity to their residence.

Council engineering staff had provided some preliminary design detail which was discussed with the land owners. As to when this infrastructure would be commissioned and operational, was not available for the hearing. The land owners requested that Council remain in contact with them and provide a works time-frame when such advice is further established by engineering staff.



It is understood that in respect to all identified properties the action of re-classification will be at the instigation and to benefit Council in its ongoing land management actions. However in respect to the land at 1 Evans Street, Moruya the action will have a direct benefit for the adjoining private land owner, but in that respect the action and re-classification effect simply rectifies a practical vehicle access issue and does not in any way provide future development benefit for the land owner.

#### 5.0 SITE SPECIFIC RECOMMENDATIONS

The public exhibition period generated only four written submissions, of these three related to the one site. Where the submissions raised specific issues, these were not in themselves directly concerned with the process of the re-classification and re-zoning. It is apparent from the submissions and in discussion during the public hearing that land owners and adjoining owners were requiring clarification as to the future use of the land, rather than the re-classification process itself.

However, there needs to be an assessment as to whether the retention or the land as 'community land' is offering the optimal opportunity to best achieve good land management and/or a desirable community benefit. Community land' can only be developed for the wider community benefit transferring the land to 'operational' will more readily facilitate the potential as described within the planning proposal. Conversely, leaving the land as 'community' and vacant can have unintended social consequences. Unattended and poorly maintained vacant land tends to attract anti-social behaviour and renders Council vulnerable to litigation risk. Likewise, retaining the land under community classification requires Council to devote resources to maintenance which could be allocated more efficiently if the land were operational and available to be utilised for the intended purpose.

The question of re-classification and re-zoning as it relates to the allotments, the subject (in part) of the planning proposal, will be assessed in light of the gained overall benefit delivered to the community through the transfer process. It is not the purpose of this report to consider or presage, the action of Council in the future use or disposal of the land, but to assess the benefit of the transfer in terms of community benefit.

The following property assessment (Table 3) takes into consideration the current status of each land parcel and the contribution that parcel of land is offering in community benefit (if any) and whether a more managed contribution could be advantaged through the re-classification and re-zoning of the land.

In making an assessment of each of the selected sites, consideration will be given to a number of distinctive attributes, these include

- Location;
- Community contribution;
- Constraints;
- Potential benefit, and
- Submission issues.

Each of these attributes has been assessed in terms of the impact the transfer will impose on the allotment itself and for the community in its future benefit from the land.

Table 3

Site: Part lot 44 DP 1090948; Bruce Cameron Drive, Moruya

ATTRIBUTE	COMMENT
Location/siting	The land currently provides in part, access to the airport terminal building and vehicle access to the main airport parking area.
Community contribution	The land, as part of the main airport facility, is a major contributor to the local community and as an integral part of local economic structure.
Constraints	No obvious constraints to the continued use of the land.
Potential benefit	It is understood that the land forms part of the overall future airport precinct development masterplan. The land will need to be re-classified to ensure optimal recognition of the masterplan outcomes.
Submission issues	No submissions received
<b>RECOMMENDATION</b> Due to the necessary contribution this land will provide in the overall airport masterplan and that there was no objection raised through the exhibition of the planning proposal, it is recommended that the land proceed for re-classification and re-zoning.	

Site: Lot 71 DP 601741; 521 George Bass Drive, Malua Bay

ATTRIBUTE	COMMENT
Location/siting	In relation to the existing surrounds the site is located at a very low elevation. The site is also positioned in close alignment to the existing major sewer infrastructure. Anecdotal evidence suggests the site is susceptible to flooding from local creek and overland drainage.
Community contribution	Although the site is in very close proximity to the existing and adjoining residences fronting George Bass Drive, the elevation of the land and its relationship to existing infrastructure would suggest the most expedient location for the proposed infrastructure augmentation. In terms of benefit to the greater community and efficiency of managing sewer augmentation, the site offers a greater holistic benefit.
Constraints	Local creek flooding; Local residential amenity.
Potential benefit	Direct benefit for future sewer infrastructure augmentation program.
Submission issues	Local residential amenity; Possible noise disturbance; Possible intermittent disturbance due to servicing and maintaining infrastructure
<b>RECOMMENDATION</b> Due to the greater community benefit provided by the infrastructure upgrade it is recommended that this site continue in the proposal for re-classification. However, it is suggested that Council engineering staff engage with the adjoining land owners, with advice in respect to the on-going development infrastructure and building design as this progresses.	

Site: Lot 1 DP 1173024; Law Lane, Mogo

ATTRIBUTE	COMMENT
Location/siting	The site currently accommodates a water storage reservoir and water treatment plant. These facilities are substantially fully developed on the land.
Community contribution	Essential water supply infrastructure.
Constraints	Elevated land, surrounded by State Forest
Potential benefit	Existing
Submission issues	No submissions
RECOMMENDATION	
Continue with re-classification proposal	

Site: Part lot 45 DP 1151309; 1 Evans Street, Moruya

ATTRIBUTE	COMMENT
Location/siting	The identified land is sited at the Northern end of Evans Street and currently forms part of the Gundry Oval Recreational Area. The land has a common boundary with the western boundary of adjoining residential allotments. A short section of a small ephemeral gully is present within the land.
Community contribution	The land is currently uncommitted and forms part of the very eastern fringe of the recreational area. Although forming part of the open space, the land would not be suitable for furthering recreational facilities.
Constraints	Part of a larger Moruya River flood plain; Contains a short and usually dry gully.
Potential benefit	Directly benefits the adjoining land owner in providing practical vehicle access to an existing dwelling on the private land.
Submission issues	Received two form submissions supporting the reclassification. An additional submission was received by a land owner to the south of the proposed land requesting an extension of the defined land area to permit similar rear access.
RECOMMENDATION	
Noting the benefit to the land owner and that the specific proposal had unqualified Council support, it is recommended that the re-classification proposal continue.	



Site: Lot 13 DP 838695; Costin Street, Narooma

ATTRIBUTE	COMMENT
Location/siting	The land is sited across the southern boundary of three existing private allotments fronting Costin Street, South Narooma. It would appear that the land formed part of a road alignment in an historic development layout which has since been superseded by more recent surrounding development.
Community contribution	Due to the positioning of the land and that it is now land-locked by surrounding private development, there is very little opportunity for community benefit.
Constraints	Heavily vegetated and has no practical access.
Potential benefit	Benefit only attributed to adjacent land owners.
Submission issues	No submissions.
<b>RECOMMENDATION</b> Noting the location and constraints upon the land and that a wider benefit is considered unlikely, it is recommended that the land continue for re-classification.	

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**IR15/048 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2015-16**

**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.

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for the Councillor's review. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 8 October 2015 were as follows:

- Special Event Application - Moruya's Granite Town Music Festival
- Signage and Linemarking – Median Islands, Moruya
- Signage - Montague Street, Narooma
- Signage - Dwyers Creek Road, Moruya
- Signage - Wamban Road, Moruya
- Special Event Application – Remembrance Day Ceremony – Batemans Bay
- Special Event Application – Remembrance Day Ceremony – Moruya

### **RECOMMENDATION**

THAT

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 4 of 2015-16 held on 8 October 2015 be received and noted.
2. That Council Plans No 2734 Set B Sheet 01 and No 4211 Set B Sheet 01 detailing the signage and linemarking associated with installation of median islands at the following intersections be approved:
  - a. Thomas Street/Shore Street, Moruya
  - b. Thomas Street/Campbell Street, Moruya
  - c. Murray Street/Luck Street, Moruya
  - d. Murray Street/Hawdon Street, Moruya
  - e. Murray Street/Thomas Street, Moruya

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**IR15/048 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2015-16**

**E15.9002**

3. That Council Plan No 5156 Set AL Sheet 01 detailing signage on Montague Street, Narooma to introduce five minute short term parking be approved.
4. Council Plan No 5156 Set AM Sheet 01 detailing the additional signage and linemarking on Dwyers Creek Road, Moruya be approved.
5. Council Plan No 5156 Set AN Sheet 01 detailing signage on Wamban Road, Moruya to introduce two warning signs (no W6-3A) depicting a child and adult be approved.

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 4 for 2015-16 was held on 8 October 2015 in Council's Glass Room. It was attended by Councillor Neil Burnside (Chairperson), Mrs Danielle Brice (representative for the Hon Andrew Constance MP), Karl Brough (Roads and Maritime Services), Constable David Smart (NSW Police Force), Heidi Hanes (Road Safety Officer) Dave Hunter (Traffic Officer) and Annette Thomas (Minute Secretary).

Apologies were received from Councillor Milton Leslight and Constable Scott Britt (NSW Police Force).

**MINUTES OF PREVIOUS MEETING**

The Minutes of the Eurobodalla Local Traffic Committee Meeting No 3 for 2015-16 held on Thursday 10 September 2015 were confirmed and accepted.

**OUTSTANDING ITEMS FROM PREVIOUS MEETING**

The Action Sheet outlining all of the committee's outstanding items was distributed to members. The following outstanding item was discussed:

**2016.SE.002 Special Event Application - Moruya's Granite Town Music Festival**

At the committee meeting on 13 August 2015 it was recommended *'That the 2015 Granite Town, Moruya Music Festival Street Parade to be conducted on 30 October 2015 be approved based upon the submitted Traffic Management Plan'*.

At the 13 August meeting the NSW Police representative asked if consideration had been given to not closing Shore Street to south bound highway traffic until the parade reaches the Church Street traffic signals. The Traffic Officer was tasked to investigate the possibility of diverting south bound traffic along Ford and Shore Streets while the parade is in progress.

Subsequent investigations included considering the potential conflict with people waiting along Shore Street at the parade end point. Saturday morning is also when the nearby Moruya Markets are held. For these two reasons it was determined that Shore Street should remain closed for the duration of the parade.

**Recommendation:**

That Shore Street be closed at the Princes Highway for the duration of the Moruya's Granite Town Music Festival street parade as detailed in the approved traffic management plan.

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**IR15/048 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2015-16**

**E15.9002**

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

**2016.RT.009 Signage and Linemarking – Median Islands, Moruya**

Council was successful in obtaining Nation Building Black Spot Program grant funds for improvements to six intersections in Moruya. The works are due for completion in 2015-16.

Five of the six proposals are considered here. The five proposals include installing median islands with 'Give Way' signs and linemarking on Thomas Street and Murray Street at various intersections. This will make the intersections safer, particularly by reinforcing the driver priority at the intersections.

The six intersections to be upgraded are:

- Thomas Street/Shore Street
- Thomas Street/Campbell Street
- Murray Street/Luck Street
- Murray Street/Hawdon Street
- Murray Street/Thomas Street
- Murray Street/Evans Street (to be considered at a future committee meeting)

Allocated funds are \$36,000 for Thomas Street intersections and \$81,000 for Murray Street intersections (total \$117,000). Five of the six intersections have been designed and work is expected to commence this month and be completed by the end of the calendar year.

The design plans were forwarded to the RMS Wollongong office for comment. The RMS assessment looked at turning manoeuvres for a 12.5m bus, 8.8m service vehicle and approach sight distances ASD. The local bus company has been contacted and has no objection to the proposal.

A local transport company drives part of this route with a semi-trailer. The proposed islands on Thomas Street route were marked and the semi-trailer drove through the intersections. It was agreed that the new island and signage could accommodate the necessary truck movements for the transport company.

The committee reviewed Council Plan No 2734 Set B Sheet 01 and No 4211 Set B Sheet 01 detailing the signage and linemarking associated with installation of median islands on five intersections on Thomas Street and Murray Street, Moruya. The committee supported the plans as presented.

**Recommendation:**

That Council Plans No 2734 Set B Sheet 01 and No 4211 Set B Sheet 01 detailing the signage and linemarking associated with installation of median islands at the following intersections be approved:

- Thomas Street/Shore Street, Moruya
- Thomas Street/Campbell Street, Moruya
- Murray Street/Luck Street, Moruya

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**IR15/048 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2015-16**

**E15.9002**

- Murray Street/Hawdon Street, Moruya
- Murray Street/Thomas Street, Moruya

**2016.RT.0010 Signage - Montague Street, Narooma**

Correspondence has been received asking that a setdown area be made available at Narooma Public School, in Montague Street, Narooma. At present drivers approaching the school from the west have very few options to drop off or pick up students. The streets either have cars parked or are restricted by 'No Stopping' or 'Bus Zone' signage.

It is proposed to install a 15 metre long section of '5 minute Parking' signage near the school crossing in Montague Street. This will allow two vehicles to stop in the morning on school days.

The proposal was put to the school principal and he supported the installation of the signage. The new signage will allow drivers to drop off or pick up students in the morning and afternoon on school days.

The committee reviewed Council Plan No 5156 Set AL Sheet 01 detailing the signage on Montague Street, Narooma. The committee supported the plan as presented.

Recommendation:

That Council Plan No 5156 Set AL Sheet 01 detailing signage on Montague Street, Narooma to introduce five minute short term parking be approved.

**2016.RT.011 Signage and Linemarking - Dwyers Creek Road, Moruya**

Correspondence has been received asking that a bend on Dwyers Creek Road have advisory speed signs installed. A person reported a near miss on a curve when an oncoming vehicle crossed into their lane.

This section of Dwyers Creek Road is in an 80km/h zone, located at the area where Summerhill Road intersects to the west. An inspection of the site revealed that two of the four curves have curve warning and advisory speed signs installed. The alignment has a combination of horizontal and vertical curves. There is insufficient sight distance at this location to permit overtaking. There is no recorded crash history on this section of road.

The northern curve does not have signs installed however 65km/h is recommended. To further improve safety it is also recommended that double barrier linemarking is installed. The sealed road width was measured and is generally 7.5 metres wide and no narrower than 7 metres at any point. Installing additional curve warning and advisory speed signs as well as double barrier linemarking will improve road safety on this section of Dwyers Creek Road.

The committee reviewed Council Plan No 5156 Set AM Sheet 01 detailing the signage and linemarking on Dwyers Creek Road, Moruya. The RMS representative suggested minor modifications to the linemarking which will be incorporated. The committee agreed and supported this plan with this amendment.

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**IR15/048 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2015-16**

**E15.9002**

Recommendation:

That Council Plan No 5156 Set AM Sheet 01 detailing the additional signage and linemarking on Dwyers Creek Road, Moruya be approved.

**2016.RT.012 Signage - Wamban Road, Moruya**

Correspondence has been received from a resident of Wamban Road concerned about the safety of the road section adjoining their property. This section of road has five houses over 100 metres, all relatively close to the road and is about 200 metres north-east of Wamban Bridge. The road was recently upgraded and the crest lowered to improve sight distances. There is an 80km/h speed limit in place.

The resident asked if the speed limit could be reduced to 60km/h. The RMS representative considered this request however it did not meet the guidelines for a speed zone reduction.

The small cluster of houses combined with the bus stop at this location warrant installation of an additional warning signs depicting a child and adult.

The committee reviewed Council Plan No 5156 Set AN Sheet 01 detailing the proposed signage on Wamban Road, Moruya. The committee supported the plan as presented.

Recommendation:

That Council Plan No 5156 Set AN Sheet 01 detailing signage on Wamban Road, Moruya to introduce two warning signs (no W6-3A) depicting a child and adult be approved.

**INFORMAL ITEMS FOR DISCUSSION**

**2016.SE.007 Special Event Application – Remembrance Day Ceremony – Batemans Bay**

A Remembrance Day Ceremony will be conducted by the Batemans Bay RSL Sub-Branch. It will be held on Wednesday 11 November 2015 between 10.40am and 11.15am in Clyde Street, near the Batemans Bay Honor Stone.

During the ceremony it is proposed that the length of Clyde Street between the Princes Highway and North Street be closed to traffic. A traffic management plan and associated traffic control plan has been prepared.

A detailed traffic management plan for this event was presented to the committee. The committee raised no objection to the submitted plan.

Recommendation:

That the Remembrance Day Ceremony to be conducted in Clyde Street, Batemans Bay on Wednesday 11 November 2015 between 10.40am and 11.15am be approved based upon the submitted traffic management plan

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**IR15/048 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2015-16**

**E15.9002**

**2016.SE.008 Special Event Application – Remembrance Day Ceremony – Moruya**

A Remembrance Day Ceremony will be conducted by the Moruya RSL Sub-Branch. It will be held on Wednesday 11 November 2015 between 10.40am and 11.15am in Page Street, near the Moruya RSL Hall.

During the ceremony it is proposed that the length of Page Street between Campbell Street and Queen Street along with the western end of Mirrabooka Avenue be closed to traffic. A traffic management plan and associated traffic control plan for the closure of these streets has been prepared.

A detailed traffic management plan for this event was presented to the committee. The committee raised no objection to the submitted plan.

Recommendation:

That the Remembrance Day Ceremony to be conducted in Page Street, Moruya on Wednesday 11 November 2015 between 10.40am and 11.15am be approved based upon the submitted traffic management plan.

**GENERAL BUSINESS**

**2016.IN.006 Intersection Upgrade Request – Princes Highway and Hector McWilliam Drive, Tuross Head**

The Committee received a request from a Tuross Head resident to review the intersection of the Princes Highway and Hector McWilliam Drive following a recent accident. It was noted that this was a matter for the Roads & Maritime Services to review and the Traffic Officer will write back to the resident.

**2016.IN.007 Kings Highway – Mobile Phone Coverage**

The representative of the NSW Police Force informed the committee that vehicles which breakdown on the Kings Highway (Clyde Mountain) are unable to ring emergency services or the NRMA due to the lack of mobile phone reception.

The committee agreed that the Road Safety Officer would put this on the agenda at the next Kings Highway Road Safety Partnership Meeting.

**NEXT MEETING**

The next meeting of the Eurobodalla Local Traffic Committee is to be held on Friday 6 November 2015 in the Council's Committee Room commencing at 9.30am.

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**IR15/049 TENDER NO 2015/ISD053 - AUGMENTATION OF SEWAGE PUMPING STATION BB13, SANDY PLACE, LONG BEACH E05.9189.PS**

Responsible Officer: Harvey Lane - Project Engineer

Attachments: 1. Confidential - BB13 - Tender Evaluation Report

Focus Area: Sustainable Communities

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

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

### **EXECUTIVE SUMMARY**

The proposed upgrade of the sewage pumping station (BB13) at Sandy Place, Long Beach is required to:

- Facilitate anticipated growth
- Renew ageing infrastructure
- Improve environmental performance
- Ensure workplace health and safety standards are achieved

To achieve these outcomes the works will include:

- installation of a detention storage tank, such that sewage overflows to the environment as a result of mechanical/electrical failure or wet weather inundation are minimized
- a new odour control system to remove odours and minimise the impacts on nearby residents
- the construction of a new valve pit to provide improved Work Health & Safety and operation/maintenance efficiency and;
- renewal of existing assets within the pump station that are approaching the end of their useful life.

A Request for Tenders was advertised for the works during August 2015 and upon close of tenders six tenders were received. This report outlines the evaluation of the submitted tenders and provides a recommendation for Council's consideration.

### **RECOMMENDATION**

THAT Council accepts the tender identified as the preferred tender in the confidential attachment for the augmentation of sewage pumping station BB13 at Sandy Place, Long Beach.

### **BACKGROUND**

Council proposes to undertake required upgrades to sewage pumping station BB13 to ensure current environmental and WHS standards are being met, whilst also undertaking required renewals. The project is one of numerous pumping station upgrades being undertaken in Batemans Bay as identified in Council's 2015-16 Operations Plan *SN0153 Southern Batemans Bay pump station storage & modifications* and *SN0154 Northern Batemans Bay pump station*



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**IR15/049 TENDER NO 2015/ISD053 - AUGMENTATION OF SEWAGE PUMPING STATION BB13, SANDY PLACE, LONG BEACH E05.9189.PS**

*storage and modifications* (page 49) and has a total budget allocation of \$800,000. A further \$440,000 is available in *SR037 Pump station and transport system upgrades*.

A request for Tenders for the works was advertised during August 2015. Upon close of tenders, submissions were received from the following contractors:

- Poonindie Pty Ltd trading as Ted Wilson & Sons
- Gongues Constructions Pty Ltd
- Eden Constructions Pty Ltd
- IQON Pty Ltd
- RD Miller Pty Ltd
- Silver Raven Pty Ltd.

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

The contract period is 32 weeks from the Date of Contract. The contract allows for extensions of time for inclement weather and other delays that are beyond the control of the contractor. Should a contract be awarded on the 30<sup>th</sup> November, it is anticipated that construction will be completed by August 2016.

## **CONSIDERATIONS**

### **Legal**

Request for Tender (RFT) No 2015/ISD053 was advertised in accordance with clause 167 of the Local Government (General) Regulation 2005 and the Local Government Act 1993.

The tender was advertised on Council's noticeboard page in local newspapers, in the Sydney Morning Herald, and on Council's online tendering system at <https://www.tenderlink.com/eurobodalla/>.

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

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council and has satisfactory:

- Financial capacity, quality, WHS and environmental management systems
- Capability and experience, including past performance
- Construction methodology, including preliminary construction program.

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**IR15/049 TENDER NO 2015/ISD053 - AUGMENTATION OF SEWAGE PUMPING STATION BB13, SANDY PLACE, LONG BEACH E05.9189.PS**

**Policy**

Procurement was undertaken in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2006 and the Local Government Act 1993.

**Environmental**

The works include a detention storage tank which is designed to minimise the risk of sewage spills to the environment as a result of mechanical or electrical failure and/or inundation during wet weather.

This pump station takes sewage flows from 85% of the Long Beach and Maloney's Beach catchments (approximately 700 houses). Average dry weather sewage flows from this area are estimated to be approximately 400kL/day, with wet weather flows expected to be as high as 2.7ML/day. During construction, the existing sewage pumping station will be required to be taken offline for a significant proportion of the works. The Contractor will therefore be required to set up an alternative bypass pumping arrangement that can cater for these flows to ensure the risk of significant sewage spills to the environment are minimised. The past experience of the tenderers in undertaking bypass pumping on similar sized or larger pumping stations was considered during the tender evaluation process to ensure they have the capacity to adequately undertake the works without causing undue risk to the environment.

**Asset**

Renewals of existing assets inside the pumping station (pipes, valves, concrete walls) that have reached the end of their life will be undertaken as part of the works.

**Social Impact**

A new odour control system will be installed on site, reducing the impact of the existing pumping station on nearby residents.

**Economic Development Employment Potential**

**Financial**

Council has a total of \$1.24M allocated in the 2015/16 financial year to undertake upgrades and modifications to sewage pumping stations. This work will be able to be undertaken within this budget without delaying any other priority works.

**Community Engagement**

Nearby residents that will be affected by the works have been notified of the upcoming works, and will be kept informed of progress for the duration of the project.

**CONCLUSION**

The tender process has been conducted in accordance with mandatory Council and Local Government requirements. The tenders submitted have been assessed through an extensive evaluation and the preferred tender selected as offering best value for money.

The preferred tenderer, as identified in the confidential attachment, is therefore recommended to be awarded the contract for the augmentation of sewage pumping station BB13.

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**IR15/050 LOCAL GOVERNMENT ROAD SAFETY PROGRAM - FUNDING FOR  
PROJECTS 2015-16**

**E05.9578**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P2.3 Provide road and traffic management planning, programs and infrastructure

Operational Plan Link: P2.3.1 Implement road safety programs and plans

### **EXECUTIVE SUMMARY**

Roads and Maritime Services has advised that Council has been successful in securing \$17,765 for Road Safety Projects in 2015-16 for the following projects:

- Kings Highway Road Safety Partnership
- Motorcycle Rider Safety Project
- Child Road Safety Project
- Graduated Licensing Scheme Workshop
- Bike Week

This part of the Local Government Road Safety Program. The program is based on a partnership between local Council, Transport for New South Wales, and Roads and Maritimes Services.

Local road safety projects are planned and developed in line with Council's Road Safety Strategic Plan 2013-2017 to ensure that projects are relevant to the local community and address local road safety issues.

A summary of project funding from RMS is detailed in this report.

### **RECOMMENDATION**

THAT Council accepts the funding offer from Roads and Maritime Services made available under the Local Government Road Safety Program as follows:

1. Kings Highway Road Safety Partnership - \$10,000
2. Motorcycle Rider Safety Project - \$2,460
3. Child Road Safety Project - \$1,755
4. Graduated Licensing Scheme Workshop - \$1,200
5. Bike Week - \$2,350

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**IR15/050 LOCAL GOVERNMENT ROAD SAFETY PROGRAM - FUNDING FOR  
PROJECTS 2015-16**

**E05.9578**

**BACKGROUND**

As part of the Local Government Road Safety Program, Councils are eligible to bid for project funding each financial year. All projects must adhere to the terms and conditions outlined in the program funding guidelines and Performance Funding Agreement made between Council and Roads and Maritime Service (RMS).

**CONSIDERATIONS**

**1. Kings Highway Road Safety Partnership - \$10,000**

This program has been operating since 2007. It is a partnership formed between Eurobodalla Shire Council, Shoalhaven City Council, Palerang Shire Council, Queanbeyan City Council, NSW Policing, ACT Policing, Roads and Maritime Services, and the ACT Government. The Road Safety Officer from Eurobodalla Shire Council coordinates this partnership.

The aim of the partnership is to reduce road trauma on the Kings Highway during peak holiday seasons by coordinating inter-agency education and enforcement strategies.

Funding this year has been reduced back to \$10,000, as the extra \$10,000 per year commitment for the three years post of the Kings Highway Road Safety review has now ended.

**2. Novice Motorcycle Rider Program - \$2,460**

In the Road Safety Strategic Plan 2013-17, motorcycle riders are identified as vulnerable road users with unique road safety needs. In the Eurobodalla, learner riders are exempt from attending the compulsory pre-learner rider course due to the remoteness of our area (Goulburn is the nearest course). This leaves our novice motorcycle riders at a disadvantage and at a higher risk of serious accident. The Novice Motorcycle Rider Program will provide an opportunity for learner riders to attend a subsidised rider training course in our local region.

**3. Child Road Safety Project - \$1,755**

The aim of the Child Road Safety Project is to educate parents and carers of children on the correct use of vehicle child restraints and to provide free child restraint safety checks. This project is based on the Centre for Road Safety campaign that '2 in 3' child restraints are not fitted correctly.

**4. Graduated Licensing Scheme Workshops - \$1,200**

The purpose of the Graduated Licensing Scheme workshops are to educate the supervisors of learner drivers on how to use the learner driver log book, tips and hints on how to teach a learner driver, and how to plan on-road driving lessons.

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**IR15/050 LOCAL GOVERNMENT ROAD SAFETY PROGRAM - FUNDING FOR  
PROJECTS 2015-16**

**E05.9578**

**5. Bike Week - \$2,350**

Bike Week funding is provided to run a Bike Week event in the local area to encourage the community to get active, improve bicycle rider safety skills and knowledge, encourage the community to use local shared pathways, and to promote bicycle riding as an alternate transport.

**Additional programs**

In addition to the funded programs the Road Safety Officer is also responsible for the following programs which are either funded by 'in-kind' contributions or paid for directly by the RMS:

- Narooma Night Bus – (funded directly from RMS). Provides alternate late night transport for patrons leaving licensed venues in Narooma. The project aims to reduce the incidence of drink driving offences and anti-social behavior. The Narooma Night Bus will operate for three nights over Christmas/New Year.
- Breath Testing at Events – (funded directly from RMS). This project is based on the Centre for Road Safety 'Plan B' campaign which aims to educate people around the importance of planning how they will get home after they have been drinking to reduce the incidence of drink driving offences. Breath testing is conducted at licensed events to educate patrons on how to make a safe choice about getting home.
- Motorcycle Mapping – (funded directly from RMS). This project aims to gather information from local motorcycle riders on potential hotspots where motorcycle riders have had accidents or near misses.
- Older Drivers Workshops – (in kind funding from venues). Workshops aimed at older drivers (65+) on issues specifically related to driving as an older person and planning for the future. Aim is to reduce the number of road crash incidents related to older drivers and pedestrians.
- Pedestrian Road Safety Workshops – (in kind funding from venues). Workshops aimed at older pedestrians on how to get around safely and to reduce the number of injury incidents with older pedestrians.

**Social Impact**

The program of activities is designed to enhance road safety, raising awareness and reducing trauma to the community.

**Financial**

The program is 100% grant funded.

**Community Engagement**

We have consulted with the community and stakeholders via focus groups to assist in the development of the Road Safety Strategic Plan 2013-2017. The focus groups provided an understanding of road issues at a local level, and helped to identify and rank priorities of local

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**IR15/050 LOCAL GOVERNMENT ROAD SAFETY PROGRAM - FUNDING FOR  
PROJECTS 2015-16**

**E05.9578**

road safety issues. The projects identified in the Local Government Road Safety Program are a reflection of the issues identified in the Road Safety Strategic Plan.

**CONCLUSION**

It is recommended that Council formally accept the grant funding offered by Roads and Maritime Service subject to the terms and conditions outlined in the Local Government Road Safety funding agreement.

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**FBD15/078 INVESTMENTS MADE AS AT 30 SEPTEMBER 2015**

**E99.3517**

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

Attachments: Nil

Focus Area: Support Services

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

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

### **EXECUTIVE SUMMARY**

The purpose of this report is to:

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

### **RECOMMENDATION**

THAT the certification that the in investments as at 30 September 201 made in accordance with the Act, Council's investment policy and the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 20015, be received.

### **CONSIDERATIONS**

#### **Legal**

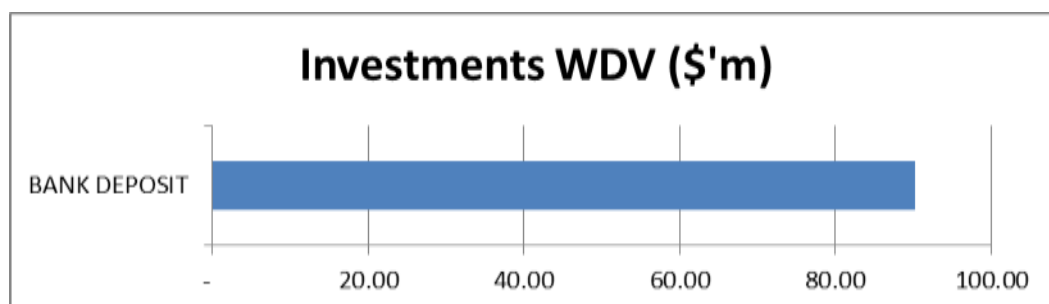
Budgeted legal fees for 2015-2016 are \$0.13m with minor expenditure incurred this year to date. Credit crisis related legal costs for the financial years 2008-2015 were \$0.37m.

#### **Policy**

Investments comply with Council's Investment policy.

#### **Financial**

##### Council Investing Overall



Council has 100% (90.26m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$1.75m with IMB Rated

**FBD15/078 INVESTMENTS MADE AS AT 30 SEPTEMBER 2015**

**E99.3517**

BBB+). Investment in Government Guaranteed Deposits is \$2.25m and represents 2.52% of the portfolio.

The weighted average return for all investments for the month is 2.9% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.42%).

Collateralised Debt Obligation (CDO)

A Proof of Claim has been lodged on behalf of Council in respect of the scheme of arrangement (Scheme) between Lehman Brothers Australia Limited (in liquidation) and its Scheme Creditors. The first interim dividend has been received (\$257K) and a further instalment is expected before the end of November 2015. Legal action against the Commonwealth bank and Standard and Poors is proceeding and any developments will be advised when information is received

Summary Investment Information

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

<b>CATEGORY</b>	<b>WDV (\$)</b>
At Call Deposit Government Guaranteed	250,000
At Call Deposit	3,518,896
Term Deposits	84,500,000
Term Deposits Government Guaranteed	2,000,000
	<b>\$90,268,896</b>
<i>Weighted Average Interest %:</i>	<i>2.90%</i>
<i>Average 90 day BBSW + 25%:</i>	<i>2.42%</i>

Policy and Liquidity Risk

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

<b>Policy Risk</b>	<b>Low Liquidity Risk %</b>	<b>Medium Liquidity Risk %</b>	<b>High Liquidity Risk %</b>	<b>Total % WDV</b>
<b>Remote Risk</b>	<b>2.52</b>	<b>0.00</b>	<b>0.00</b>	<b>2.52</b>
<i>Policy Limit</i>	<i>100.00</i>	<i>70.00</i>	<i>50.00</i>	
<b>Near Risk Free</b>	<b>95.54</b>	<b>0.00</b>	<b>0.00</b>	<b>95.54</b>
<i>Policy Limit</i>	<i>100.00</i>	<i>50.00</i>	<i>30.00</i>	
<b>Some Limited Risk</b>	<b>1.94</b>	<b>0.00</b>	<b>0.00</b>	<b>1.94</b>
<i>Policy Limit</i>	<i>30.00</i>	<i>20.00</i>	<i>10.00</i>	
<b>At Risk</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>



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**FBD15/078 INVESTMENTS MADE AS AT 30 SEPTEMBER 2015**

**E99.3517**

<i>Policy Limit</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	
<b>Grand Total:</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100.00</b>

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1 and the unaudited unrestricted current ratio as at 30 June 2015 is 3.09:1. Council therefore has approximately \$3.09 of current assets for each \$1 of current liabilities.

**CONCLUSION**

Certification

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

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**FBD15/079 INVESTMENTS MADE AS AT 31 OCTOBER 2015**

**E99.3517**

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

Attachments: Nil

Focus Area: Support Services

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

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

### **EXECUTIVE SUMMARY**

The purpose of this report is to:

- Certify that Council's investments in financial instruments have been made in accordance with legal and policy requirements
- Provide information and details of investments
- Raise other matters relevant to investing

### **RECOMMENDATION**

THAT the certification that the investments as at 31 October 2015 made in accordance with the Act, Council's investment policy and the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

### **CONSIDERATIONS**

#### **Legal**

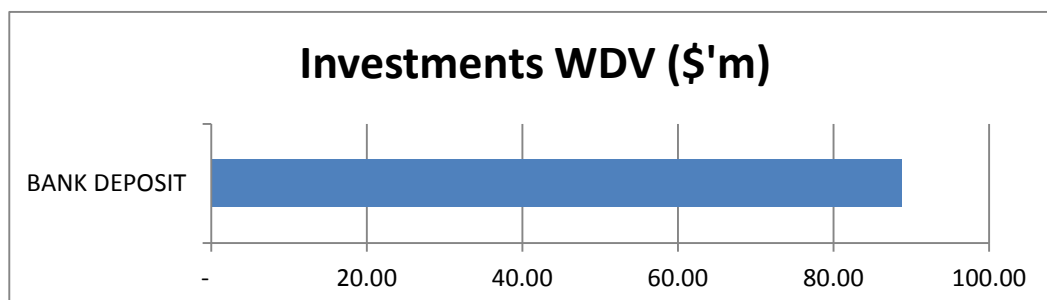
Budgeted legal fees for 2015-2016 are \$0.03m with minor expenditure incurred this year to date. Credit crisis related legal costs for the financial years 2008-2015 were \$0.37m.

#### **Policy**

Investments comply with Council's Investment policy.

#### **Financial**

##### Council Investing Overall



Council has 100% (\$88.77m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$1.75m with IMB (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.25m and represents 2.52% of the portfolio.

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**FBD15/079 INVESTMENTS MADE AS AT 31 OCTOBER 2015**

**E99.3517**

The weighted average return for all investments for the month is 2.88% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.40%).

Collateralised Debt Obligation (CDO)

A proof of Claim has been lodged on behalf of Council in respect of the scheme of arrangement (Scheme) between Lehman Brothers Australia Limited (in liquidation) and its Scheme Creditors. The first interim dividend has been received (257k) and a further instalment is expected to be announced prior to the end of the year with payment early in the New Year. Legal action against the Commonwealth Bank and Standard and Poors is proceeding and any developments will be advised when information is received.

**FBD15/079 INVESTMENTS MADE AS AT 31 OCTOBER 2015**

**E99.3517**

Summary Investment Information

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

<b>CATEGORY</b>	<b>WDV (\$)</b>
At Call Deposit Government Guaranteed	250,000
At Call Deposit	3,026,988
Term Deposits	83,500,000
Term Deposits Government Guaranteed	2,000,000
	<b>88,776,988</b>
<i>Weighted Average Interest %:</i>	2.88%
<i>Average 90 day BBSW + 25%</i>	2.40%

Policy and Liquidity Risk

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

<b>Policy Risk</b>	<b>Low Liquidity Risk %</b>	<b>Medium Liquidity Risk %</b>	<b>High Liquidity Risk %</b>	<b>Total % WDV</b>
<b>Remote Risk</b>	<b>2.52</b>	<b>0.00</b>	<b>0.00</b>	<b>2.52</b>
Policy Limit	100.00	70.00	50.00	
<b>Near Risk Free</b>	<b>95.51</b>	<b>0.00</b>	<b>0.00</b>	<b>95.51</b>
Policy Limit	100.00	50.00	30.00	
<b>Some Limited Risk</b>	<b>1.97</b>	<b>0.00</b>	<b>0.00</b>	<b>1.97</b>
Policy Limit	30.00	20.00	10.00	
<b>At Risk</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Policy Limit	0.00	0.00	0.00	
<b>Grand Total:</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100.00</b>

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**FBD15/079 INVESTMENTS MADE AS AT 31 OCTOBER 2015**

**E99.3517**

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1 and the audited unrestricted current ratio as at 30 June 2015 is 3.09:1. Council therefore has approximately \$3.09 of current assets for each \$1 of current liabilities.

**CONCLUSION**

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

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**FBD15/080 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2015**

**E05.9535**

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

Attachments: 1. Under Separate Cover - Attachments - Statements for September Budget Review

Focus Area: Support Services

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

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

### **EXECUTIVE SUMMARY**

This Budget Review reports on Council's performance against the current Operational Plan for the quarter ending 30 September 2015. Major variations are highlighted.

The key points of this report are:

- The original budgeted operating result for the consolidated entity was a surplus of \$1.5 million, before allowing for capital grants and contributions. The revised budget incorporating the September review amendments and approved revotes from 2014-15 is deficit of \$(0.12) million.
- The original budget for 2015-16 predicted an income statement surplus of \$9.2 million after allowing for capital grants and contributions. The proposed 2015-16 budget incorporating the September review amendments and opening revotes is a surplus of \$8.3 million.
- The original budget for 2015-16 estimated a decrease in unrestricted funds of \$(0.5) million. The revised budget is deficit cash/fund flows of \$(5.9) million.

The 2015-16 original budget for the consolidated entity has been impacted by the carry forward of continuing or incomplete projects from the 2014-15 financial year into 2015-16. Net funds of \$1.7 million were transferred from 2014-15 to 2015-16 and the impact on the income statement, after capital grants and contributions, is unfavourable \$(1.9) million. It is expected that revotes at the end of 2015-16 will offset this impact.

The original budgets were adjusted this quarter with a favourable impact of \$1.0 million in the Income Statement after capital revenue and \$(3.6) million unfavourable cash/fund flow impact. Significant adjustments include increased Roads to Recovery grant, other additional operating and capital grants, additional contract works on the Kings Highway, street light cost savings and the recognition of the Fit for the Future strategies positively impacting the Income statement and unfavourably impacting cash/fund flows.

There are no material concerns at this quarterly review about meeting Council's budget targets for 2015-16.

It is recommended that the budget review for the quarter ended 30 September 2015 be received and noted and that the proposed variations be adopted.

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**FBD15/080 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2015**

**E05.9535**

**RECOMMENDATION**

THAT

1. The budget review report for the quarter ended 30 September 2015 be received and noted.
2. The favourable variations for the Income Statement after capital revenue of \$1.0 million and unfavourable variations of \$(3.6) million as per the Consolidated Fund Flow Statement be adopted.

**BACKGROUND**

Council reviews its performance and financial results against the adopted Operational Plan quarterly, authorises adjustments to budget items, and highlights variations from its original budget strategy.

It should be noted that the financial results referred to in this report are unaudited.

**The attachments to this report are as follows:**

**Financial reports (Attachment 1)**

These reports provide information on Council's performance against its financial objectives contained in the Operational Plan, presented for the consolidated entity.

Financial reports include:

- a) Consolidated Fund Flow Statement – This report shows the impact of operating, financing and investing activities on Councils unrestricted working capital.
- b) Consolidated Income Statement – Provides sources of income and expenditure, including depreciation, in the program areas and associated services.
- c) Consolidated Capital Program Statement – Provides capital expenditure information for each program area and associated services.
- d) Projected Funds Balance Statement – Provides information on the balances and movements in both unrestricted and restricted fund accounts.
- e) Budget Amendment Report – Provides details of proposed significant adjustments to budgets.
- f) SRV capital program – Provides capital expenditure information for each of the projects in the SRV program of works for 2015-16.

**Consultancy, Legals and Contractors Report (Attachment 2)**

This attachment provides information on major contracts entered into, legal fees incurred and consultancy costs for the quarter ended 30 September 2015.

**Key Financial Indicators (Attachment 3)**

This attachment provides information about key financial indicators designed to assist in monitoring Councils financial sustainability. The indicators are for the consolidated entity.

**FBD15/080 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2015**

**E05.9535**

**Mayoral and Councillor Expenses (Attachment 4)**

Provides information about Mayoral and Councilor expenditure for the quarter ended 30 September 2015.

**CONSIDERATIONS**

***Consolidated Fund Flow Statement (Attachment 1(a)):***

Council requires sufficient funds to pay for its debts as and when they fall due. The Fund Flow Statement shows the change in Council's freely available funds or working capital.

It includes all transactions having an impact on Council's funds i.e. income and expenses from its operating activities, capital programs and borrowing activities. It also includes the transfer into, or use of restricted funds for capital or non-recurrent projects. Depreciation is not included as it does not represent a cash flow.

*Table 1.1 – Fund Flow – net cash movement*

<b>Fund</b>	<b>2015/16 Original Budget '\$000</b>	<b>Opening Revotes '\$000</b>	<b>September Review '\$000</b>	<b>Revised Budget '\$000</b>
Water	2,874	-203	-59	2,612
Sewer	909	-113	98	894
General (incl. Environment & Waste)	-4,243	-1,439	-3,681	-9,363
<b>Consolidated</b>	<b>-460</b>	<b>-1,755</b>	<b>-3,642</b>	<b>-5,857</b>

The original budget for 2015-16 estimated a decrease in unrestricted funds of \$(0.5) million. The revised budget is deficit cash/fund flows of \$(5.9) million (per table 1.1)

Significant items that impacted Council's fund flow statement during the September quarter include:

- the Waste Fund replacing \$3.0 million of proposed borrowings with cash
- \$2.3 million of increased capital works
- \$3.0 million of operational projects and \$3.9 million of capital projects carried forward from 2014-15 to the 2015-16 program.

This expenditure is funded by:

- \$1.1million of operating and capital revenues carried forward from 2014-15 to 2015-16
- \$0.9 million of borrowings
- Utilising \$3.1 million of restricted funds
- \$1.7 million of Councils funds that were not spent from its approved budgets in 2014-15

The impact of this per Council fund is shown in *Projected Funds Balances Statement (Attachment 1(d))*.

***Consolidated Income Statement (Attachment 1(b)):***



**FBD15/080 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2015**

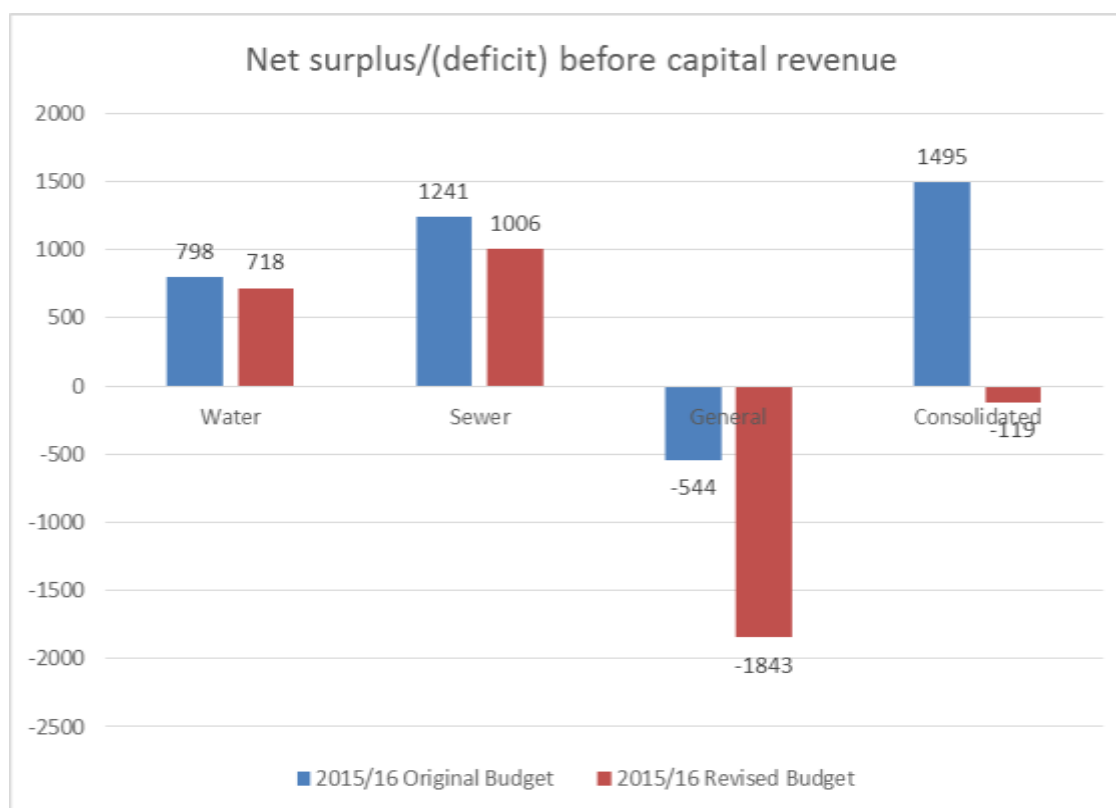
**E05.9535**

The consolidated income statement shows the types of income and the expenditure, including depreciation, per program area. This result can indicate whether Council is able to raise sufficient revenue to cover its operational costs (including depreciation, which measures the wear and tear of Council assets) of delivering its services to the community before considering its capital revenues.

*Table 1.2 – Net surplus/(deficit) before capital grants and contributions*

Fund	2015/16 Original Budget '\$000	Opening Revotes '\$000	September Review '\$000	Revised Budget '\$000
Water	798	-21	-59	718
Sewer	1,241	0	-235	1006
General (incl. Environment & Waste )	-544	-2,255	956	-1843
<b>Consolidated</b>	<b>1,495</b>	<b>-2,276</b>	<b>662</b>	<b>-119</b>

*Graph 1.1 Net surplus/(deficit) before capital grants and contributions*



The original budgeted operating result for the consolidated entity was a surplus of \$1.5 million, before allowing for capital grants and contributions. The revised budget incorporating the

**FBD15/080 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2015**

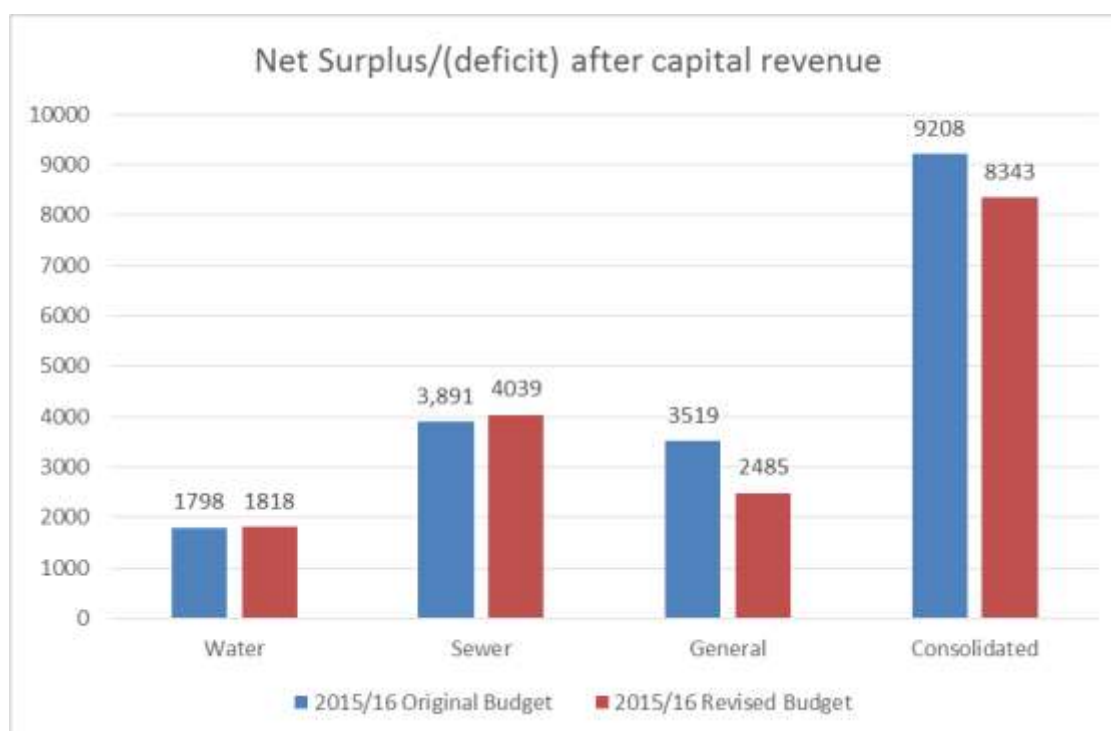
**E05.9535**

September review amendments and approved revotes from 2014-15 is deficit of \$(0.12) million (per table 1.2).

*Table 1.3 – Net surplus/(deficit) after capital grants and contributions*

<b>Fund</b>	<b>2015/16 Original Budget '\$000</b>	<b>Opening Revotes '\$000</b>	<b>September Review '\$000</b>	<b>Revised Budget '\$000</b>
Water	1798	79	-59	1818
Sewer	3,891	0	148	4039
General (incl. Environment & Waste )	3519	-1,984	950	2485
<b>Consolidated</b>	<b>9,208</b>	<b>-1,905</b>	<b>1,039</b>	<b>8,343</b>

*Graph 1.2 Net surplus/(deficit) after capital revenue*



The original budget for 2015-16 predicted an income statement surplus of \$9.2 million after allowing for capital grants and contributions. The proposed 2015/16 budget incorporating the September review amendments and opening revotes is a surplus of \$8.3 million (per table 1.3).

**Income**

Income is \$8.2m favorable due to the revote of \$0.7m of income budgets from 2014-15 and adjustments to the original 2015-16 budgets of \$7.4m. Adjustments to the original budgets are detailed in the *Budget Amendment Report (Attachment 1(e))*.

Adjustments to the 2015-16 original income budget are recommended for the following items;

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**FBD15/080 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2015**

**E05.9535**

Favorable

- Significant contributions for RMS contract works on the Kings Highway
- Grant income for operating community care, bridges maintenance, waste management and RFS fire mitigation programs
- Capital grants and contributions for roads, bus shelters, pathways, recreation and sewer projects
- Increased Roads to Recovery funding for roads and bridges
- Increased commercial income

Offset by the unfavourable final allocation of financial assistance grants.

There are no clear trends in user charges from water sales, caravan parks, development applications and fines. This will be more reliably assessed in the December and March reviews. However there are no early indications for concern.

**Expenses**

Expenses are unfavorable by \$(9.8m) as a result of the revote of \$(3.0m) from 2014-15 budgets and adjustments to the original 2015/16 budget estimates of \$(6.7)m.

A summary of the recommended adjustments to the 2015/16 expense budgets are;

Favorable;

- Savings targets associated with the Fit for the Future program
- Revision of street lighting cost estimates

Unfavorable;

- Expenses associated with the contract works on the Kings Highway (RMS contract)
- Expenditure relating to operating grants in community care, bridges maintenance, waste management and RFS fire mitigation programs
- Consultancies including the archaeological study for the airport redevelopment as part of the endorsed Airport master Plan and ensuring shovel readiness for grant application works

***Consolidated Capital Program Statement (Attachment 1(c)):***

**Capital Program**

<b>Original 2015-16 Budget</b>	<b>\$50,638,986</b>
Revotes	\$3,967,172
September QBR	\$2,289,187
<b>Revised 2015-16 Budget</b>	<b>\$56,895,345</b>

The revised 2015-16 capital budget of \$56.9 million is a significant undertaking for Council this year. Capital expenditure has increased by \$6.2m. This is due to:

- the carry forward of \$3.9m of works from 2014-15 to 2015-16

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**FBD15/080 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2015**

**E05.9535**

- further increased expenditure of \$2.3m to this years program.

Significant current year adjustments include:

- the change to Council's contribution for the grant application relating to the Airport Redevelopment (\$0.7M)
- additional road and bridge works funded from the increased Roads to Recovery grants (\$0.6M)
- grants for pathways (\$0.07M)
- traffic facility grants (\$0.1M)
- additional requirements for computer purchases (\$0.1M).

*Fit for the Future Considerations*

Council's General Fund was assessed as being Fit for the Future based on its proposal that met all the assessment criteria by 2019-20. Some of the financial indicators did not require benchmarks to be met and only required improvement by 2019/20. Council's program aims to meet all the benchmarks within a 10 year time frame, which includes a breakeven operating result and reduction of the infrastructure backlog ratio to less than 2%. The key financial strategy is to generate small operating surpluses and combined with dividends from Water and Sewer Funds and Southern Phone to transfer these funds to an infrastructure renewal fund. The infrastructure renewal fund will then finance the required annual infrastructure renewal requirements and reduce the backlog to meet the Infrastructure and Service provision indicators. The financing may require topping up with external borrowings for years with significant renewal requirements.

This September Review recognises the impact of the 2015-16 Fit for the Future strategies on the General Fund budgets. Adjustments to improve the operating statement ratio are a savings target of 0.8% of total expenses, increased commercial income of \$0.112m and future savings in Waste Fund borrowing costs. The savings in borrowing costs is to be achieved by replacing \$3.0m of borrowings with cash to finance a \$7.8m Waste Fund capital program. Strategies to improve the infrastructure indicators were the creation of an infrastructure renewal fund and transfer of internal restrictions from various funds totaling \$1.7m.

*Rate variation*

2015-16 is the first year of the rate variation program and its \$5m of infrastructure works for the year are underway. Additional rates income of \$0.9m will be raised this year. Attachment 1 (f) reports the progress of the capital program showing each projects budget and expenses.

**Legal**

This review is based on the Quarterly Budget Review Statement Guidelines issued December 2010 pursuant to the provisions of the Local Government Act 1993 relating to integrated planning.

**Policy**

The accounting policies being used are based on the financial statements for the year ended 30 June 2015.

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**FBD15/080 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2015**

**E05.9535**

“Variations” in the Fund Flow Statement are changes in funding requirements where “funds” are net current assets (working capital) excluding both internal and externally restricted funds.

**Financial**

Interest rates continue to remain at low levels. The Reserve Bank statements suggest that the rate will continue to be on hold.

**CONCLUSION**

There are no material concerns at this quarterly review about meeting budget targets for 2015-16.

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 205:

*As the Responsible Accounting Officer, it is my opinion that the September Quarterly Budget Review for Eurobodalla Shire Council indicates that Council’s projected financial position as at 30 June 2016 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2015-16 financial year.*

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**FBD15/081 LICENCE FOR SERVERY WINDOW - MORUYA**

**84.1508.B**

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

Attachments: Nil

Focus Area: Support Services

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

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

**EXECUTIVE SUMMARY**

An application has been received for a licence to serve customers from a coffee outlet servery window fronting Council's footpath on Vulcan Street, Moruya. This report recommends approval of the application and granting of a three-year licence subject to development consent.

**RECOMMENDATION**

THAT subject to development consent, a licence be granted to the proprietor of Steph's Patchwork Fabrics to serve customers from a coffee outlet window with a servery overhanging Council's footpath adjacent to Lot 10 DP 1003486 No. 74 Vulcan Street, Moruya with terms and conditions including:

1. A three-year term.
2. Payment of a licence establishment fee in accordance with Council's fees and charges for outdoor eating areas and display stands/commercial use of public land.
3. Rent in accordance with Council's fees and charges for outdoor eating areas and display stands.
4. Provision of public liability insurance in the amount of \$20 million.
5. Compliance with Council's Smoke Free Outdoor Areas Policy.
6. The structure is to be maintained in a satisfactory state of repair.

**BACKGROUND**

An application has been received from the proprietor of Steph's Patchwork Fabrics at 74 Vulcan Street, Moruya for a licence to serve customers from a proposed coffee outlet window with a servery overhanging Council's footpath adjoining the premises.

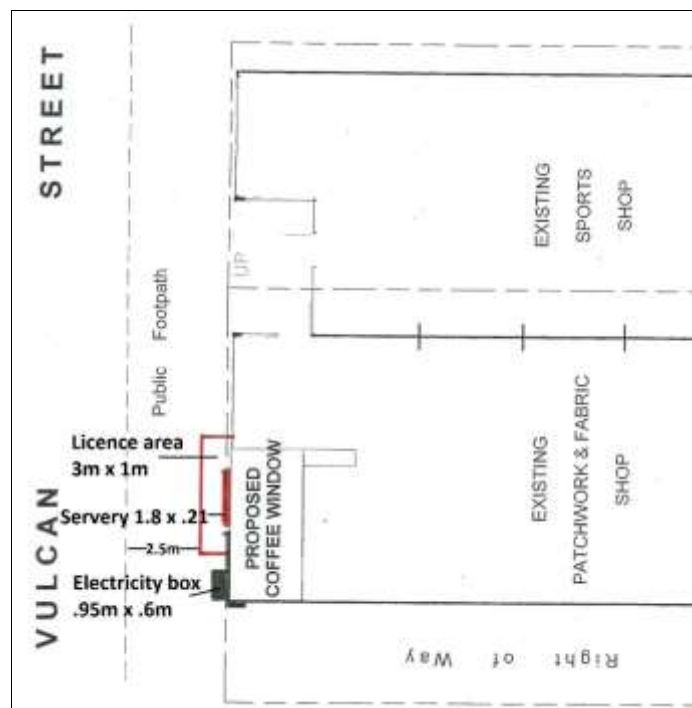
**CONSIDERATIONS**

A development application has been lodged for the proposed coffee outlet. If approved, it will be a condition of consent that the applicant obtain a licence over the area impeded by the servery and customers using the footpath. The servery, which will overhang the footpath, will be 210mm wide x 1818 mm long, with a proposed licence area of 1m wide x 3m long. There will not be any tables and chairs placed on the footpath.

A plan of the proposed licence area is shown below.

**FBD15/081 LICENCE FOR SERVERY WINDOW - MORUYA**

**84.1508.B**



There is an electricity box adjacent to the proposed licence area and also an approved outdoor eating area adjacent to a shop front two shops away.

**Legal**

As there will be no furniture placed on the footpath the proposal is not covered by the provisions of Council's Footpath Trading Code.

In accordance with Section 139A of the Roads Act 1993 Council can give approval for the erection of a structure for the purpose of selling any article or service and grant a licence over part of a public road for which Council is the Roads Authority.

**Economic Development Employment Potential**

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

**Financial**

A licence fee in line with Council's adopted fees and charges for licences for outdoor eating areas and display of goods on footpaths is considered reasonable.

**Licence Conditions**

If approved conditions for the proposed licence should include:

1. A three-year term.
2. Payment of a licence establishment fee in accordance with Council's fees and charges for outdoor eating areas and display stands/commercial use of public land.
3. Rent in accordance with Council's fees and charges for outdoor eating areas and display stands.

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**FBD15/081 LICENCE FOR SERVERY WINDOW - MORUYA**

**84.1508.B**

4. Provision of public liability insurance in the amount of \$20 million.
5. Compliance with Council's Smoke Free Outdoor Areas Policy.
6. The structure is to be maintained in a satisfactory state of repair.

**CONCLUSION**

A development application has been lodged for the coffee outlet and servery window. If approved it will be a condition of consent that a licence be granted over the area impeded by the servery and customers using the footpath.



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**FBD15/082 PROPERTY MATTER- LEASE OF LAND**

**94.6347.D**

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

**EXECUTIVE SUMMARY**

Council has leased part of Lot 41 DP 1036166, being part of the Moruya Racecourse property to the adjoining owners of Lot 3 DP 309454 for the past six years.

The current lease expires on 30 November 2015. The lessees have requested a further lease be granted and also expressed an interest in purchasing the subject land.

The lease or sale of this part of Lot 41 will have no significant effect on the racecourse facility and the Moruya Jockey Club have previously advised they have no objections to the proposal. The additional land facilitates a significant improvement to the registered proprietors' horse training facility.

This report recommends a further five-year lease be granted with the same conditions as the current lease and for the General Manager to be given delegated authority to negotiate the sale of the subject land for an amount not less than market value determined by a registered valuer.

**RECOMMENDATION**

THAT:

1. A five-year lease of part Lot 41 DP 1036166 be granted to the registered proprietor of Lot 3 DP 809454 with the same conditions as the current lease excepting the initial rent be the rent of the current lease increased in line with the CPI.
2. The General Manager be given delegated authority to negotiate the sale of the subject land for an amount not less than the market value determined by a registered valuer subject to:
  - (a) Consolidation of the subject land with Lot 3 DP 809454.
  - (b) All costs associated with the transfer of the land including survey and legal fees being borne by the purchaser.
3. Consent be given to affix the Common Seal of Council to:
  - (a) the lease of part Lot 41 DP 1036166 and
  - (b) the Contract of Sale and Transfer of part Lot 41 DP 1036166 if a sale proceeds.

**FBD15/082 PROPERTY MATTER- LEASE OF LAND**

**94.6347.D**

**BACKGROUND**

Lot 3 DP 809454 was one of the first three lots created in the racecourse stable subdivision. As can be seen in the plan below, due to its triangular shape, development of a significant area of the lot is restricted.



As a result, the registered proprietors, whose names are set out in the Confidential Attachment, had in fact encroached upon Council's land adjacent to the western end of the lot as well as installing a horse walking facility.

At its Ordinary meeting held on 20 October 2009 Council resolved

**THAT:**

1. *The offer made by the registered proprietors of Lot 3 DP 809454 for the lease of part Lot 41 DP 1036166 being an area of approximately 1,170m<sup>2</sup> be accepted subject conditions including:*
  - (a) *All costs associated with the lease of the land including Council's reasonable legal fees being borne by the lessee.*
  - (b) *Provision of Public Liability Insurance in accordance with Council policy.*
2. *The General Manager be given delegated authority to negotiate the sale of the subject land for an amount not less than the market value determined by a registered valuer subject to:*

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**FBD15/082 PROPERTY MATTER- LEASE OF LAND**

**94.6347.D**

- (a) Consolidation of the subject land with Lot 3 DP 809454.*
- (b) All costs associated with the transfer of the land including survey and legal fees being borne by the purchaser.*
- 3. If the sale of the land is not finalised by the expiration of the twelve-month lease a further lease for a period of up to five years be granted with initial rent equivalent to 10% of the market value determined by a registered valuer increased annually in line with the CPI.*
- 4. Consent be given to affix the Common Seal of Council to all documents associated with the lease and transfer of part Lot 41 DP 1036166.*

The sale did not eventuate and in accordance with the Council resolution a five year lease was offered.

In its Closed Session of its Ordinary meeting held on 22 November 2011 Council resolved:

**THAT:**

- 1. The initial rent for the lease of Part Lot 41 DP 1036166 offered to the registered proprietor of Lot 3 DP 809454 be 8% of the market value of the land determined by a registered valuer being the amount set out in the Report C/11/ Lease of Council Land – Moruya Racecourse.*
- 2. The Lease if accepted commence 1 December 2010.*
- 3. If the offer of lease is not accepted by the registered proprietor of Lot 3 DP 809454 action be taken in accordance with the provisions of the Local Government Act to have the encroachments within the proposed lease area within Lot 41 DP 1036166 removed.*

The offer of lease was accepted.

The lease is due to expire 30 November 2015 and the lessees have requested a further lease be granted. The lessees have again expressed an interest in purchasing the land.

**CONSIDERATIONS**

**Legal**

Council's land, Lot 41 DP 1036166, is classified as operational land and as such Council is able to lease or sell it.

**Asset**

The lease or sale of part of Lot 41 to the adjoining Lot 3 will have no significant effect on the racecourse facility and the Moruya Jockey Club have previously advised they have no objections to the proposal.

A further five-year lease is considered appropriate as is the sale of the subject land.

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**FBD15/082 PROPERTY MATTER- LEASE OF LAND**

**94.6347.D**

As previously resolved, it is also considered appropriate for the General Manger to be given delegated authority to negotiate a sale for an amount not less than market value determined by a registered valuer.

**Policy**

The direct dealing for the lease or sale of this land to the adjoining landowner is in accordance with Council's land Acquisition and Disposal Policy in that the area of the subject land is insufficient to be sold as a stand-alone parcel.

**Economic Development Employment Potential**

The additional land facilitates a significant improvement to the registered proprietors' horse training facility.

**Financial**

The initial rent for the proposed lease is the current rent increased in line with the CPI. The rent should be increased annually in line with the CPI.

All costs associated with the lease of the land should be borne by the registered proprietors of Lot 3.

**Community Engagement**

The manager of the Moruya Jockey Club has been contacted and the Club continues to have no objection to this.

**CONCLUSION**

The lease and potential sale of part of the racecourse land to the registered proprietors of Lot 3 DP 809454 will not compromise the operation of the racecourse and will facilitate improved training facilities for the current lessees.

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**CAR15/013 ANNUAL REPORT 2014-15**

**E12.6254**

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

Attachments: 1. Under Seperate Cover

Focus Area: Collaborative Communities

Delivery Program Link: C3.1 Coordinate the delivery of the Integrated Planning and Reporting Framework across the organisation

Operational Plan Link: C3.1.2 Prepare the Annual Report and progress reports

**EXECUTIVE SUMMARY**

Section 428 of the Local Government Act (LG Act) 1993 requires Council to prepare an Annual Report within five months from the end of the financial year, detailing its achievements in implementing its Delivery Program.

In our Operational Plan 2014–15 Council committed to delivering 185 actions, across 21 service areas. The performance against these one year actions demonstrate our progress in implementing the Delivery Program. Of the 185 actions, 148 (80%) were complete, 34 (18%) are progressing, and 3 (2%) are not progressing. A summary of the key focus areas is as follows:

Operational Plan performance	Complete	Progressing	Not progressing
Liveable communities	45	6	1
Sustainable communities	46	18	1
Productive communities	23	5	1
Collaborative communities	12	4	0
Support services	22	1	0
<b>TOTAL</b>	<b>148</b>	<b>34</b>	<b>3</b>

**Some of Council's 2014-15 highlights include:**

- Improved on our original adopted budget for the year which forecast a \$0.2 million deficit through innovation and continuous efforts in improving service delivery and efficiency, reducing costs, and securing alternate revenue sources. This resulted in a surplus of \$8 million as our year end consolidated budget result.
- Met the Independent Pricing and Regulatory Tribunals rigorous criteria through our application for a special rate variation. The successful rate variation which will fund a \$26.7 million community and transport infrastructure program, is an important step in achieving ongoing financial sustainability and will provide social and economic benefits to our community.

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**CAR15/013 ANNUAL REPORT 2014-15**

**E12.6254**

- Demonstrated our ongoing commitment to financial sustainability through the development of our comprehensive Fit for the future improvement plan. As a result of this, outside this reporting period, Council was one of the 37% of all NSW Councils to be declared Fit for the Future.
- Achieved excellent advocacy and partnership outcomes including; \$10 million grant funding for the South Batemans Bay Link road, \$25 million grant funding for upgrades to the Kings Highway, commitment to addressing mobile phone black spots within Eurobodalla, completion of the Narooma street scaping project and sea level rise planning framework, and ongoing increased funding for service delivery.
- Delivered a \$26.6 million capital program across all council services. 58% of this program was renewal works to bring our existing infrastructure up to standard and assist in addressing our infrastructure backlog.
- Improved communication through delivery of a significant upgrade to our 24/7 shopfront, Council's website, and a move to live streaming of council meetings. These initiatives are already showing increased usage, visitation and engagement.

The report must also include the Council's audited financial statements and any information required by the Regulation or the Guidelines.

The Annual Report as presented to Council complies with the Local Government Act 1993.

**RECOMMENDATION**

THAT

1. The draft Annual Report for 2014-15 be received.
2. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, Council adopt the draft Annual Report for 2014-15.
3. A copy of the Annual Report 2014-15 be placed on Council's website and a copy of the Annual Report be forwarded to the Minister for Local Government.

**BACKGROUND**

Council is required, under the LG Act Section 428 and (General) Regulation 2005 Section 217, to prepare an Annual Report within five months from the end of the financial year (no later than November).

**CONSIDERATIONS**

The Annual Report is one of the key accountability mechanisms between a council and its community. The Annual Report 2014-15 provides a summary of Council's achievements during the year reported against the budgets and activities set out in the Delivery Program 2013-17 and Operational Plan 2014-15 which implements key strategies set out in the Community Strategic Plan.

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**CAR15/013 ANNUAL REPORT 2014-15**

**E12.6254**

There is no standard format for the Annual Report under the Integrated Planning and Reporting framework. To assist the community better understand Council's implementation of its Delivery Program against the Community Strategic Plan, this year's Annual Report is presented in a number of sections:

- Our year in review
- Our organisation
- Our achievements

The required Statutory and Other Information is included in the latter sections of the Report. The financial statements are contained in the attached Appendix A.

**Legal**

The Annual Report complies with the Local Government Act 1993.

**Asset**

The Annual Report includes a Statement of the Condition of Public Works in the financial statements as required under 428(2d) of the LG Act.

**Financial**

The Annual Report incorporates the financial statements (including the Independent Auditor's Reports) as required by the LG Act. The complete Financial Reports are included as Appendix A: Financial Statements and a separate attachment to this report.

The financial statements include General Purpose Financial Statements (GPFS), Special Purpose Financial Statements (SPFS) and Special Schedules. Council achieved an unqualified Audit Report for the GPFS, as well as an unqualified Audit Report for the SPFS. The Special Schedules are not currently required by legislation to be audited.

**Community Engagement**

The Annual Report will be available on the web and as a hard copy document on display at Council libraries and the Moruya Customer Service Centre.

**CONCLUSION**

The Annual Report, including Statutory, Other Information and Financial Statements, for the year ended 30 June 2015 has been completed.

The Annual Report as presented to Council complies with the LG Act and is recommended for adoption.

Annual Report 2014-15

Under Seperate Cover



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**CAR15/014 COMMONWEALTH HOME SUPPORT PROGRAMME (CHSP)  
FUNDING ACCEPTANCE**

**L.0332**

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

Attachments: Nil

Focus Area: Liveable Communities

Delivery Program Link: L2.1 Provide access and social participation opportunities

Operational Plan Link: L2.1.2 Provide social support programs such as Good Neighbour and Peer Support

**EXECUTIVE SUMMARY**

The Commonwealth Home Support Programme (CHSP) was introduced by the Australian Government in July 2015, with funding to commence from 1 November. The new program is part of broad changes to aged care, offering frail older people and their carers more choice, easier access and better care.

The CHSP consolidates existing home support programs, such as Home and Community Care (HACC) and the National Respite for Carers Program (NRCP), which Council has run for over 20 years, into one streamlined source of support.

The Department of Social Services has determined that Council is eligible for a direct allocation of funds under the CHSP program, with \$2,260,738.51 (1 November 2015 to 30 June 2018) to deliver social support to individuals and groups, flexible respite, specialist support services and sector support.

The new service model will provide a single entry point for people over 65 requiring services via the My Aged Care website, with Council's Community Care staff receiving referrals directly from this portal. They will then action the request and arrange versatile and innovative service for local residents.

**RECOMMENDATION**

THAT

1. Council accept Commonwealth Home Support Programme (CHSP) funding of \$2,260,738.51 for the period 1 November 2015 to 30 June 2018.
2. The Funding Agreement be signed by two duly authorised Council representatives.

**BACKGROUND**

Council has been providing Home and Community Care (HACC) and the National respite for Carers programs (NRCP) for over 20 years. The Commonwealth Home Support Programme (CHSP) was introduced by the Australian Government in July 2015 and consolidates these two programs, with a single entry point for people over 65 requiring support in the community. The new funding model is comparable with previous contracts, allowing Council to continue providing a high quality, seamless suite of services.

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**CAR15/014 COMMONWEALTH HOME SUPPORT PROGRAMME (CHSP)  
FUNDING ACCEPTANCE**

**L.0332**

**CONSIDERATIONS**

The CHSP will deliver an entry level tier of support for people over 65 that is consumer directed and maximises independence. The program is targeted to people requiring minimal or 'entry level' support such as a break from their caring role or assistance with daily living activities such as shopping.

The specific programs that Council is being funded to provide are:

- Social Support – Group
- Social Support – Individual
- Sector Support and Development
- Specialised Support Services
- Flexible Respite – Care Relationships and Carer Support

The CHSP programs will run concurrently with the CHSP Transport program, already funded for the same period. All programs for people over 65 will be offered via one service unit, ensuring streamlined, cost effective and focused service delivery to the community.

**Social Impact**

In 2014-15 Council's Community Care provided 18,000 Community Transport trips, 22,690 hours of social support, 6,249 hours of case management and drop in support and 18,278 hours of respite in the community. Ongoing CHSP funding will ensure this positive social benefit continues, with a focus on consumer directed care and planning, with practical supports in place to assist people to remain independent and contributing to the community.

**Economic Development Employment Potential**

CHSP funding is focused on supporting people over 65 to remain independent, living in the community. Apart from clear benefits in terms of personal and social wellbeing, this also provides economic opportunities. In delivering CHSP services Council is able to employ and broker staff to meet a client's needs. In 2014-15 Council's Community Care utilized over 300 suppliers, with 80% identified as local. For example, gardening services, personal care, taxis, equipment, meals (restaurants/cafes), personal trainers and recreational activities.

**Financial**

The CHSP funding is comparable to existing funding allocations and has been anticipated. The funding will be delivered in the 2015-16, 2016-17 and 2017-18 financial years. All budgetary information has been forwarded to Finance for inclusion in forward budgets.

**Community Engagement**

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

**CONCLUSION**

The Department of Social Services has determined that Council is eligible for a direct allocation of funds under the CHSP program, with \$2,260,738.51 (1 November 2015 to 30 June 2018) to

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**CAR15/014 COMMONWEALTH HOME SUPPORT PROGRAMME (CHSP)  
FUNDING ACCEPTANCE**

**L.0332**

deliver social support to individuals and groups, flexible respite, specialist support services and sector support.

The new program is part of broad changes to aged care, offering frail older people and their carers more choice, easier access and better care. With CHSP funding Council's Community Care service will continue to deliver quality, versatile and innovative services to people over 65 who require support to remain independent and productive in our community.

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## 17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

## RECOMMENDATION

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

### CON15/018 Outstanding Development Non-Compliance Matters

Item CON15/018 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

## AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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