

AGENDA

Ordinary Meeting of Council

23 August 2022

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

ON TUESDAY 23 AUGUST 2022

COMMENCING AT 11.00AM

AGENDA

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

- 1. WELCOME**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**
Nil
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
4.1 Ordinary Meeting held on 9 August 2022
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- 6. MAYORAL REPORTS**
MR22/013 Extraordinary Council Meeting - Appointment of General Manager.....3
- 7. NOTICES OF MOTION**
NOM22/012 Advocacy to NSW Government to legislate that 24/7 cat containment
can be enforced by local government4
NOM22/013 Advocacy to NSW Government to end native forest logging in State
forests and transition the native hardwood sector of FCNSW to 100%
sustainable plantations.....7
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**
Nil

Page No.

9. PETITIONS	
Nil	
10. GENERAL MANAGER'S REPORTS	
GMR22/082 Investments made as at 31 July 2022	9
GMR22/083 Policy Review for Exhibition - August 2022	12
11. PLANNING AND SUSTAINABILITY REPORTS	
PSR22/029 Policy Review - Land Acquisition and Disposal Policy	15
PSR22/030 Reclassification and Rezoning of Council Land - Planning Proposal.....	28
PSR22/031 Licence for Community Gardens - Long Beach	44
PSR22/032 Climate Change Advisory Group.....	49
PSR22/033 2021-22 Invasive Species Status Report	54
PSR22/034 2021-22 Natural Resource Management Status Report	62
12. INFRASTRUCTURE REPORTS	
IR22/020 Request for Tender No. RFT-10050961	
Merricumbene Landslide Remediation Works	72
23. COMMUNITY, ARTS AND RECREATION REPORTS	
Nil	
14. DELEGATE REPORT	
15. URGENT BUSINESS	
16. DEALING WITH MATTERS IN CLOSED SESSION.....	75
173. CONFIDENTIAL MATTERS	

DR CATHERINE DALE
GENERAL MANAGER

MR22/013 EXTRAORDINARY COUNCIL MEETING - APPOINTMENT OF GENERAL MANAGER

File Ref: S012-T00025

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to resolve to hold an Extraordinary Council Meeting to progress the appointment of a new General Manager.

Council's General Manager, Dr Catherine Dale, informed Council that she will not seek a contract renewal and will conclude employment on 30 September 2022.

The recruitment process has been and will continue to be undertaken in accordance with the *Guidelines for the Appointment and Oversight of General Managers* (the guidelines), issued by the Office of Local Government, pursuant to section 23A of the *Local Government Act 1993*.

RECOMMENDATION

THAT an Extraordinary Council Meeting be held on Monday 5 September 2022 commencing at 10am to progress the appointment of the General Manager.

REPORT

The council's governing body is responsible for recruiting the General Manager.

The recruitment process must be open and transparent, but the confidentiality of individual applicants must be maintained. A failure to maintain appropriate confidentiality may constitute a breach of the Act and/or Privacy legislation.

At its meeting on 28 June 2022, Council received and noted the recruitment process to be followed for the recruitment of a new General Manager.

The recruitment process has been and will continue to be undertaken in accordance with the *Guidelines for the Appointment and Oversight of General Managers* (the guidelines), issued by the Office of Local Government, pursuant to section 23A of the *Local Government Act 1993*.

Council's governing body must by resolution approve the position of the General Manager being offered to the preferred candidate, prior to an offer being made.

**NOM22/012 ADVOCACY TO NSW GOVERNMENT TO LEGISLATE THAT 24/7 CAT
CONTAINMENT CAN BE ENFORCED BY LOCAL GOVERNMENT**

S010-T00003

Responsible Officer: Alison Worthington - Councillor

Attachments: Nil

Councillor Alison Worthington has given notice that at the Ordinary Meeting of Council on 23 August 2022, she will move the following Motion.

MOTION

THAT:

1. Council supports advocating to the NSW Government to amend the *Companion Animals Act 1988* to introduce legislation that enables councils to implement 24/7 cat containment in their jurisdictions.
2. Council submits to LGNSW for considerations at the 2022 LGNSW Annual Conference, the following motion:
That LGNSW advocate to the NSW Government to amend the *Companion Animals Act 1988* and to introduce legislation that enables councils to implement 24/7 cat containment in their jurisdictions.
3. Eurobodalla Shire Council delegates attending the 2022 LGNSW Conference vote in support of this motion.
4. Council receive a report on the outcome of the consideration of this motion at the LGNSW Conference.

BACKGROUND

The impact of cats on native fauna is well documented and on 13 February 2018, a response to a Question on Notice (QON18/001) articulated the constructive actions Eurobodalla Shire Council is taking to address the impacts of domestic cats on native wildlife. Whilst Council is conducting a wide range of excellent programs in this space, 24/7 cat containment has significant benefits to the welfare of cats and our wildlife.

Research shows that cats have played a leading role in most of Australia's 34 mammal extinctions since 1788 and are a big reason why populations of at least 123 other threatened native species are declining. On average, each pet cat that is allowed to roam (even for only part of the day or night) kills 186 reptiles, birds, and mammals per year in Australia. This means that each roaming pet cat kills, on average, more than two native animals every week. Collectively, roaming pet cats kill 390 million animals per year in Australia (Threatened Species Recovery Hub).

Research has shown that cats who are allowed to roam live shorter lives than cats who are contained within their properties. Containing cats helps to reduce the threat of fighting, dogs, diseases or being injured or killed by a vehicle.

RSPCA NSW has had a significant change to their approach regarding responsible cat ownership through their new project 'Keeping cats safe at home'. This project aims to improve care for pet cats and to protect wildlife by encouraging cat owners to keep their cats within the boundaries of their properties. This project will receive \$2.5 million in grant funding from the NSW Government through its Environmental Trust.

**NOM22/012 ADVOCACY TO NSW GOVERNMENT TO LEGISLATE THAT 24/7 CAT
CONTAINMENT CAN BE ENFORCED BY LOCAL GOVERNMENT**

**S010-
T00003**

The Cat Protection Society of NSW also acknowledges the negative impacts of domestic cat predation on wildlife. They provide valuable information to cat owners by outlining the benefits of creating safe outdoor areas for cats to enjoy while protecting wildlife. They also encourage that at a minimum, cat owners should keep their cats indoors from dusk to dawn.

Council conducts a range of programs and initiatives to support responsible cat ownership such as:

1. CatBib Program: Since 2016, Council has been implementing the Eurobodalla CatBib Program which is focused on reducing domestic cats' hunting of native animals. This program supports cat owners to minimise the impacts that domestic cat hunting has on the local wildlife. A free CatBib is offered to all cat owners who have a microchipped and registered cat(s), with a focus in areas that are near wildlife areas such as National Parks and significant natural areas.
2. 'Desexing Month' and free microchipping days: Council partners with the local RSCPA and Animal Welfare League (AWL) branches during 'Desexing Month' and free microchipping days and provides subsidised desexing and free microchipping. This also provides the opportunity to educate cat owners on responsibilities and reducing cat roaming.
3. Education: Council's '[Cat ownership](#)' page on its website provides information on responsible cat ownership, preventing your cat from wandering, confining your cat at night and the CatBib Program.

Under the current *Companions Animals Act 1998*, there is scope for Council to prohibit cats for the purposes of the protection of wildlife, for which the local authority conspicuously exhibits notices to the effect that cats are prohibited in or on that public place [S30 (b)]. Further research is required to identify if this is a suitable and effective option in the Eurobodalla Shire. Any additional works associated with cat management would require resourcing, inclusive of funding.

The current legislation enables Council, where it identifies a serious or ongoing issue with a cat, the ability to issue a nuisance order requiring the owner to prevent the behaviour specified in the order. If the problem persists, a penalty notice and the associated fine can be issued.

Cat restrictions are increasingly being introduced across Australia. Cat curfews, containment and cat-free zones have been introduced in some suburbs in the ACT, and many local government areas in Victoria and in South Australia. In some jurisdictions cat containment requires cats to be contained to the owner's property, or under the control of the owner (eg, on a leash) when outside the property, in the same manner that is required for dogs - unfortunately, this is not yet the case in NSW.

The curtailing of cat movement would reduce the negative impacts on both wildlife and the health and wellbeing of domestic cats. The improvement in responsible cat ownership should be led by the NSW Government and local government should be supported to enact any improvements.

**NOM22/012 ADVOCACY TO NSW GOVERNMENT TO LEGISLATE THAT 24/7 CAT S010-
CONTAINMENT CAN BE ENFORCED BY LOCAL GOVERNMENT T00003**

This Motion proposes that Council submit to the LGNSW conference, a Motion that the NSW Government introduce legislation that allows councils to introduce a 24/7 Cat Containment Policy.

**NOM22/013 ADVOCACY TO NSW GOVERNMENT TO END NATIVE FOREST LOGGING IN
STATE FORESTS AND TRANSITION THE NATIVE HARDWOOD SECTOR OF FCNSW TO 100%
SUSTAINABLE PLANTATIONS**

S012-T00025

Responsible Officer: Alison Worthington - Councillor

Attachments: Nil

Councillor Allison Worthington has given notice that at the Ordinary Meeting of Council on 23 August 2022, she will move the following Motion.

MOTION

THAT:

1. Council submit to LGNSW for consideration at the annual conference the following motion:

THAT LGNSW:

1. Note that both Western Australian and Victorian State Governments have announced plans to transition their native forest logging in state forests to 100% plantations and have provided end dates for native forest logging of 2024 and 2030 respectively.
 2. Note the concerns from south coast residents for better management of State Forests to support nature-based tourism enterprises, recreational usage, threatened species habitat protection and carbon sequestration and raises these concerns with Forestry Corporation NSW.
 3. Note that logging in our State Forests is incompatible with our state's investments in nature-based tourism enterprises, climate change mitigation and the protection of biodiversity.
 4. Advocate to the NSW State Government to develop a plan for the just transition of the Forestry Corporation NSW native forest sector to ecologically sustainable plantations and farm forestry and that such plans ensure the protection of existing jobs in this sector and ensure a reliable supply of high value native hardwood timber products into the future.
2. Eurobodalla Shire Council representatives attending the LGNSW Conference vote in support of this motion.
 3. Council receive a report on the outcome of the consideration of this motion at the LGNSW Conference.

BACKGROUND

Eurobodalla Shire Council resolved the points above in meetings on 12th April and 9th August 2022 in the motion entitled 'Eurobodalla Shire Council supports an end to native forest logging in Eurobodalla Shire'.

Relevant points from the background to that motion are provided here:

**NOM22/013 ADVOCACY TO NSW GOVERNMENT TO END NATIVE FOREST
LOGGING IN STATE FORESTS AND TRANSITION THE NATIVE
HARDWOOD SECTOR OF FCNSW TO 100% SUSTAINABLE
PLANTATIONS**

**S012-
T00025**

There is growing community demand here in the Eurobodalla Shire, across NSW, as well as around Australia and the world, for native forest logging to stop and for the native forest timber industry to be transitioned to 100% sustainable plantations.

We are living in a time of twin deteriorating crises - the Biodiversity Crisis and the Climate Crisis. Native forest logging practices in our south coast State Forests, which make up 31% of the Eurobodalla shire's land area, directly contribute to both crises.

In April 2022 the NSW Parliamentary Committee Inquiry into the long term sustainability and future of the timber and forest products industry heard submissions, in the Eurobodalla Shire Council chambers, from south coast residents who have conducted community compliance monitoring of FCNSW activity in south coast State Forests. Theirs and the NSW Environment Protection Authority's monitoring and reporting on forestry operations has resulted in \$674,000 in fines being issued to FCNSW this year alone for non-compliance with FCNSW's licence conditions.

These fines cover breaches since 2019, for logging operations both pre and post the Black Summer fires.

The fines, penalty notices and prosecutions include breaches related to the destruction of hollow-bearing trees, feed trees and other critical habitat that many of our threatened, endangered and critically endangered birds and mammals depend upon.

With species like the koala, glossy black cockatoo, and greater glider this year having their conservation status downgraded as they become more vulnerable to extinction, we need to address the role native forest logging plays in that demise - whether FCNSW operate according to their licence conditions or not.

Our native forests are simply worth more left standing so that they can be sustainably managed for values other than timber production. These values include the forest's critical role in sequestering carbon, both within trees and in the soil, and in providing threatened species habitats and biodiversity protection, clean water catchments to support our oyster industry, and nature-based tourism and recreation opportunities.

This can be achieved when a plan is made for the just transition of the Forestry Corporation NSW native forest sector to ecologically sustainable plantations and farm forestry.

GMR22/082 INVESTMENTS MADE AS AT 31 JULY 2022

**S011-T00006,
S012-T00025**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable

Operational Plan Link: 5.3.1.1 Provide sound and strategic financial management and 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 of investments as at 31 July 2022, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

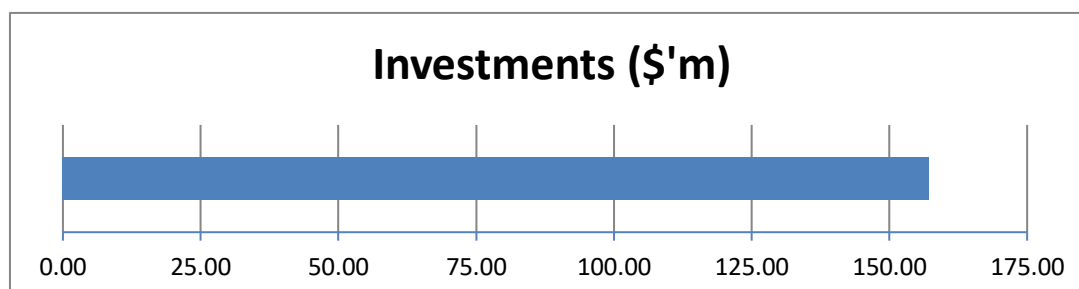
CONSIDERATIONS

Policy

The portfolio is compliant with Council's Investment Policy adopted by Council on 9 August 2022 (Minute 22/190).

Financial

Council investing overall



Council has \$157.17M (100%) invested in bank deposits. The bank deposits are held in banks rated A or greater, or covered by the AAA rated Government guarantee, except for \$39.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

GMR22/082 INVESTMENTS MADE AS AT 31 JULY 2022

**S011-T00006,
S012-T00025**

Investments increased by \$12m during July 2022 due to the investment of loans drawn in June 2022.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 25.13% invested in BBB+ rating category. Investment in Government guaranteed deposits is \$1.75M representing 1.11% of the portfolio.

There are \$52.0M (33.08%) of funds invested in institutions which either have no direct financing exposure to projects in the fossil fuel sector or no longer directly finance projects in the fossil fuel sector but still have some exposure from historical funding.

The weighted average return for all investments for the month is 3.20%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (2.32%).

Summary investment information

The following table is a summary of investment categories and balances at month end.

CATEGORY	(\$)
At call deposit	12,922,752
Term deposits	142,500,000
Term deposits Government guaranteed	1,750,000
	157,172,752
<i>Weighted average interest %:</i>	3.20%
<i>Average 90 day BBSW + 0.25%</i>	2.32%

GMR22/082 INVESTMENTS MADE AS AT 31 JULY 2022

**S011-T00006,
S012-T00025**

Policy and liquidity risk

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

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.11	1.11	100.00
Near risk free	73.76	73.76	100.00
Some limited risk (BBB+)	25.13	25.13	30.00
Grand total	100.00	100.00	

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 2021 is 2.43:1. Council therefore has approximately \$2.43 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 Local Government Act 1993* and related regulations.

GMR22/083 POLICY REVIEW FOR EXHIBITION - AUGUST 2022

S004-T00060

Responsible Officer: Dr Catherine Dale - General Manager
Attachments: 1. Under Separate Cover - Policy Review - August 2022
Outcome: 9 Innovative and Proactive Leadership
Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision
Delivery Program Link: 9.1.2 Implement effective governance
Operational Plan Link: 9.1.2.4 Review Council policies

EXECUTIVE SUMMARY

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993 (LGA)*.

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The following policies have been reviewed.

- Public Art
- Sporting and Recreational Facilities Seasonal Hire
- Art Acquisition
- Records Management
- Waste Minimisation
- Stormwater Disposal - Urban Land
- Water And Sewer Construction By Private Contractor

RECOMMENDATION

THAT:

1. Council places the following draft policies for the purposes of public consultation for a period of 28 days:
 - (a) Public Art
 - (b) Sporting and Recreational Facilities Seasonal Hire
 - (c) Art Acquisition
 - (d) Records Management
 - (e) Waste Minimisation
 - (f) Stormwater Disposal - Urban Land

GMR22/083 POLICY REVIEW FOR EXHIBITION - AUGUST 2022

S004-T00060

- (g) Water And Sewer Construction By Private Contractor
- 2. Following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration.

BACKGROUND

Public Art Policy

The purpose of this Policy is to encourage, promote, guide, facilitate and assist with the planning, development, implementation and care of public art in Eurobodalla.

Information in the Public Art policy has been updated to reflect the adoption of the Public Art Strategy and includes reference to resilience and recovery. Additional information has been included that refers to installation of artworks and reference to the Public Art Advisory Committee.

Sporting and Recreational Facilities Seasonal Hire

The purpose of the Sporting and Recreational Facilities Seasonal Hire policy is to provide a clear framework for users of Council's sporting facilities, guiding the allocation of facilities by clearly identifying allow the users of Council's sporting facilities to better understand the process guiding the allocation of facilities by clearly identifying:

- Council's requirements from clubs and users;
- responsibilities of the user groups;
- responsibilities of Council; and
- by providing a framework that is equitable and easily administered.

Art Acquisition Policy

The purpose of this Policy is to set out a framework and guideline for Council's acquisition of artwork in any media for display or instalment in any of Council's facilities. It will guide and facilitate the development and maintenance of an art collection of excellence and significance to Eurobodalla Shire.

Records Management Policy

Eurobodalla Shire Council's Records Management Policy provides records and information management guidance to deliver effective records and information management which in turn supports and facilitates good business across all operating environments.

Waste Minimisation

Eurobodalla Shire Council's policy was developed to actively promote waste minimisation as opposed to disposal. It encourages the continuation of working with the community, regional groups and the NSW Environmental Protection Authority to ensure all opportunities for recycling and resource recovery are identified and implemented.

Stormwater Disposal - Urban Land

This policy establishes Council's position in regard to stormwater disposal on urban land. It provides for orderly disposal and management of stormwater from development and assists in reducing the incidence of inundation of development from uncontrolled stormwater disposal.

GMR22/083 POLICY REVIEW FOR EXHIBITION - AUGUST 2022

S004-T00060

Water And Sewer Construction By Private Contractor

This policy was developed to outline the arrangements necessary to guide water and sewer works undertaken by private contractors.

Section 68 of the *Local Government Act 1993* requires that water supply and sewerage work may only be carried out with the prior approval of Council.

Private contractors may undertake water and sewer works other than work on Council's live water and sewer assets in accordance with this and related policies.

CONSIDERATIONS

The policies have been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates.

Community Engagement

Council will place the draft policies on public exhibition for a period of 28 days on Council's website at <https://www.esc.nsw.gov.au/council/have-your-say/public-exhibition>

We are strongly encouraging people to review the policies via our website. Any specific requests for hard copies can be made through the executive services team on 4474 1022.

CONCLUSION

The draft policies will be publicly exhibited for 28 days. At the end of the public exhibition period, the draft policies will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

PSR22/029 POLICY REVIEW - LAND ACQUISITION AND DISPOSAL POLICY

S004-T00060

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

Attachments: 1. Land Management – Acquisition, Disposal and Leasing/Licensing Policy

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.1 Undertake strategic management of Council's operational land portfolio

EXECUTIVE SUMMARY

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The purpose of this report is to inform Council of the review of the Land Acquisition and Disposal Policy and the recommendation that it be placed on public exhibition before the policy is presented to Council for adoption.

The review includes a number of proposed changes detailed in this report, a summary of which are:

- change in policy name from 'Land Acquisition and Disposal Policy' to 'Land Management – Acquisition, Disposal and Leasing/Licensing'
- collation of clauses related to 'valuations' in one section of the policy
- inclusion of a new section related to the acquisition of land for Council projects
- clarification and tidying up of some text
- the addition of a new reason why Council may enter into direct negotiation for land
- removal of a section on Land Classification
- additional clarity of how probity matters will be considered
- reordering and simplification of the section on 'valuation requirements'
- removal of a section on 'form of contract'
- a new section on leasing and licensing has been included in a policy for the first time.

PSR22/029 POLICY REVIEW - LAND ACQUISITION AND DISPOSAL POLICY

S004-T00060

RECOMMENDATION

THAT

1. Council endorses the draft Land Management – Acquisition, Disposal and Lease/Licensing Policy for public consultation.
2. The draft Land Management – Acquisition, Disposal and Lease/Licensing Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration.

BACKGROUND

In accordance with section 165(4) of the *Local Government Act 1993* (the Act), a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

Eurobodalla Shire Council's Land Acquisition and Disposal Policy is designed to ensure that Council's land transactions are open, accountable, comply with legislation, and achieve best value for the ratepayers.

The draft policy has a number of proposed changes.

The Land Investment Policy is being merged with the Land Acquisition and Disposal Policy to provide a single policy to guide Council's activities in this area. No policy changes are proposed as part of this merger.

CONSIDERATIONS

The proposed changes are detailed below:

1. change in policy name from 'Land Acquisition and Disposal Policy' to 'Land Management – Acquisition, Disposal and Leasing/Licensing'
2. clarification of some text to ensure that it is clear that it applies to acquisitions and disposal rather than just one or the other
3. collation of clauses related to 'valuations' in one section of the policy rather than being spread throughout the policy
4. inclusion of a new section related to the acquisition of land for Council projects in order to ensure important projects can proceed promptly
5. tidying up of various text to make the intent easier to understand
6. land disposal criteria in section 5 remain the same but there is new wording to clarify how this criteria will be considered by staff and reported to councillors
7. the addition of a new reason why Council may enter into direct negotiation for land: 'where there is an urgent need to proceed with an identified Council project'
8. removal of a section on 'land classification', which is not directly related to this policy

PSR22/029 POLICY REVIEW - LAND ACQUISITION AND DISPOSAL POLICY

S004-T00060

9. additional clarity of how probity matters will be considered when in direct negotiation and when a formal probity plan will be developed
10. reordering and simplification of the section on 'valuation requirements' to focus on key elements and state that:
 - a. Council will now always get two valuations if selling land worth more than \$1m by direct negotiation
 - b. if Council is proposing to acquire/dispose of land for a price more than 10% adverse to the market value, then the reasons for doing this will be included in the Council report approving the transaction
 - c. if the difference is less than 10%, the General Manager may approve under delegation if satisfied this is the best outcome achievable
 - d. in limited circumstances listed in the policy, a valuation may not be obtained and this will be noted in the Council report eg, small value transactions.
11. removal of a section on 'form of contract' as all sales are conducted by legal agreements
12. a new section on 'leasing and licensing' has been included in a policy for the first time designed to shorten a lengthy application process for applicants eg, time critical events with key terms including:
 - a. a statement that Council supports the leasing or licensing of land consistent with its policies
 - b. that public notification for leases or licences will be given under staff delegation and that councillors will be informed of this via the Councillors' Newsletter (rather than via a formal briefing)
 - c. that, where no adverse submissions are received, lease/licence applications will be determined under staff delegation
 - d. that unresolved submissions will be reported to Council for a determination of the lease/licence.

Legal

Council will comply with all appropriate legislation.

Policy

The policy changes are consistent with legislative requirements.

Asset

Public land is an important community asset and this policy is designed to guide how land transactions are conducted.

Financial

The objective of the policy is to ensure best value is obtained in Council's land dealings.

PSR22/029 POLICY REVIEW - LAND ACQUISITION AND DISPOSAL POLICY

S004-T00060

Community and Stakeholder Engagement

Council will place the draft policies on public exhibition for a period of 28 days on Council's website at <https://www.esc.nsw.gov.au/council/have-your-say/public-exhibition>

We are strongly encouraging people to review the policies via our website. Any specific requests for hard copies can be made through the executive services team on 4474 1022.

CONCLUSION

The draft Land Management – Acquisition, Disposal and Lease/Licensing Policy should be publicly exhibited for 28 days.

At the end of the public exhibition period, Council will be advised of any submissions received during the exhibition period and the draft policy will be presented to Council for consideration to adopt.



Policy

Policy name	Land Management – Acquisition, Disposal and Leasing/Licensing
Responsible manager(s)	Divisional Manager Property and Commercial Services
Contact officer(s)	Property Coordinator
Directorate	Corporate and Commercial Services
Approval date	
Outcome area	5. Our engaged community with progressive leadership
Strategy	5.3 Work together to achieve our collective vision
Delivery Program link	5.3.2 Manage land under Council control
Operational Plan link	5.3.2.1 Undertake strategic management of Council's operational land portfolio

Purpose

Eurobodalla Shire Council will from time to time acquire, dispose of or lease/licence land or its interest in land, including road reserves.

The policy aims to:

1. ensure Eurobodalla Shire Council has open and accountable processes to consider the acquisition and disposal of land or its interest in land
2. ensure best value is achieved in Council land dealings
3. establish the criteria under which Council will consider acquisition and disposal of land or its interest in land
4. guide the development of a business plan to use land acquisitions to support Council strategy and generate a revenue stream to finance other Council objectives.

Policy criteria

1	<p>Application</p> <p>This policy applies to all acquisition and disposal of Council lands or its interests in land, including easements over private property and leases/licences.</p> <p>Council (as custodian of public assets) acquires and disposes of property interests in open market format to ensure due probity of process and optimal financial return (and minimal risk).</p> <p>Section 377 of the <i>Local Government Act 1993</i> means all sales and acquisitions of Council land can only be achieved through a Resolution of Council.</p>
2	<p>Legislation</p> <p>This policy ensures Eurobodalla Shire Council's compliance with the: <i>Local Government Act (LGA) 1993</i>; <i>Real Property Act 1900</i>; <i>Land Acquisition (Just Terms Compensation) Act 1991</i>, and the <i>Roads Act 1993</i>.</p> <p>Council will also comply with: Section 625 of the <i>Local Government Act (NSW) 1993</i>; <i>Trustee Regulation 2020</i>; Local Government Code of Accounting Practice and Financial Reporting and Investment Policy Guidelines dated May 2010 (issued by the Office of Local Government), and Chapter 12, Part 6 LGA – Public-Private Partnerships.</p>



Policy

3	<p>Land acquisition - general</p> <p>Section 186 of the <i>Local Government Act 1993</i> prescribes what purposes Council can acquire land for:</p> <ol style="list-style-type: none"> <i>A council may acquire land (including an interest in land) for the purpose of exercising any of its functions.</i> <i>Without limiting subsection (a), a council may acquire:</i> <ol style="list-style-type: none"> <i>land that is to be made available for any public purpose for which it is reserved or zoned under an environmental planning instrument, or</i> <i>land which forms part of, or adjoins or lies in the vicinity of, other land proposed to be acquired under this Part.</i> <p><u>Acquisition requirements:</u></p> <ol style="list-style-type: none"> Properties are to be identified taking into consideration the purpose for which they need to be acquired, the strategic nature of such properties, and the value that the acquisition of such properties will have to the community. Council officers shall arrange a valuation report as a basis for negotiation in-line with section 9 of this policy. Where properties are not listed on the open market, the acquisition must be undertaken in accordance with Office of Local Government guidelines and the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>, where applicable. Authority to compulsorily acquire land is granted under the <i>Roads Act 1993</i> or the <i>Local Government Act 1993</i>. Any negotiations are to be conducted on the basis that a formal offer cannot be made until Council has considered a report authorising purchase of the property. At the time of acquisition of land other than for roads, Council must resolve the classification of the land to be either 'operational' or 'community land'.
4	<p>Land acquisition – projects</p> <p>Council often acquires land for infrastructure or other projects. Many such projects are grant-funded and when a Council report seeks to accept a grant, it will include all the details of land acquisitions that are available at the time.</p> <p>In order to ensure infrastructure projects proceed in a timely fashion, Council often enters into Permits to Enter with a landowner, which allows us to commence work on their property while the acquisition process is being followed.</p> <p>In some circumstances, the most efficient method to proceed with the project may be to adjust acquisition procedures from those in this policy. In these cases, this will be noted in the Council report regarding the land acquisition. Such circumstances could include:</p> <ul style="list-style-type: none"> for acquisitions of small parcels of land eg, when Council widens roads where the other party is a government entity where the value of the land being acquired is extremely minor compared to the importance or cost of the project where there is an urgent need to proceed with an identified Council project.



Policy

5	<p>Land disposals</p> <p>Land and buildings are to be tested against a number of criteria to determine whether the property is retained and developed for an alternative community use, or developed or sold to realise its commercial potential. Staff will review these matters and note how any important matters have been considered in the Council report.</p> <p>The seven criteria contained in the assessment are:</p> <ol style="list-style-type: none"> 1. statutory influences (restrictions or limitations) – are there statutory reasons for Council ownership of the property? This will extend to actual or implied trusts that have been established as a result of Council’s acquisition of the land 2. existing usage – is the land used or likely to be used to meet operational or community needs? 3. potential future use – is the land likely to be required for Council’s operational needs? 4. spatial distribution – are there adequate-like facilities and opportunity to meet future needs in the area and serving the local community? 5. conservation value – does the land have cultural, natural or heritage value that should be maintained? 6. site constraints and opportunities – in addition to conservation value are there other site constraints which may extend to (but not restricted to) flood liability, land slip, mine subsidence or other physical impairment? 7. maintenance issues – what maintenance requirement does Council have for the land? <p>Should the proposed sale be impacted by any of these matters, the Council report should demonstrate that there is a public and/or economic benefit to the sale, or the contract conditions can be structured to ensure that the issue is addressed.</p> <p>Where land (including surplus areas of public road) is capable of being sold on the open market and able to be developed independently of any other property, the sale shall be by competitive process, unless circumstances warrant sale by direct negotiation (as set out below).</p> <p>For public auction, the General Manager will set the reserve price consistent with this policy and based on a recommendation from an independent registered valuer.</p>
6	<p>Direct negotiation</p> <p>Council can acquire or dispose of land by direct negotiation in compliance with the ICAC document ‘Direct Negotiations: Guidelines for managing Risks’ under any of the following circumstances:</p> <ol style="list-style-type: none"> 1. where the total cost of the process will exceed the expected community benefit. For example, where the land is worth \$1,000 and the cost to market the land is \$5,000



Policy

	<ol style="list-style-type: none"> 2. where there is an urgent need to proceed with an identified Council project 3. where there is only one identifiable purchaser/vendor. For example, where a site is not large enough for development in its own right (including a portion of road reserve) and is surrounded by public roads on all sides other than the adjoining owner. Where a site adjoins two owners such as laneways, they will each be offered 50% 4. where Council is bound by a contractual obligation. For example, a tenant with a first right of refusal, where that tenancy has been entered into as a result of public competition 5. acquisition or disposal of land from/to a government or utility authority for the purpose of infrastructure provision 6. where a public marketing process, which has been undertaken within the last 12 months in accordance with this policy, has failed to achieve the desired outcome 7. in response to a proposal which achieves specific policy goals of Council. This aims to allow Council to respond to an approach for the development of a unique project. Any such proposal must comprise a concept plan and description of the project, and clear demonstration of the achievement of specific policy and strategic goals and objectives of Council, eg, a land-swap transaction. <p>The report to Council covering these sales will identify the reasons why direct negotiation is proposed.</p>
7	<p>Council Resolution</p> <p>The sale of Council land cannot be delegated and, as required by the <i>Local Government Act 1993</i>, all acquisitions and sales must be effected by a Resolution of Council.</p>
8	<p>Direct negotiation - Probity Plan</p> <p>Where land is being sold by direct negotiation, staff will consider how to address probity to cover the following matters:</p> <ol style="list-style-type: none"> a) obtaining best value for money b) demonstrating accountability and transparency c) dealing with conflict of interest d) providing a fair chance for all to participate e) where Council sells property subject to a development application, that application will be assessed independently and submitted to either the Independent Hearing and Assessment Panel or the Joint Regional Planning Panel. <p>For large or complex transactions, a detailed Probity Plan will be developed.</p>



Policy

9	<p>Valuation requirements</p> <p>For land proposed to be acquired or sold, Council will obtain a valuation from an independent, registered valuer to establish the market value, taking into account the highest and best use of the site and any conditions Council may place on the sale.</p> <p>This policy recognises that valuation advice is not an exact science and so on occasion Council may accept a price of up to 10% adverse to the valuation. Council will always seek to obtain the highest value for the ratepayer.</p> <p>Where the negotiated outcome is more than 10% adverse to the assessed market value, it shall be acknowledged in the report to Council giving reasons why that variation shall be adopted.</p> <p>In some circumstances where the land value is low or there is adequate other evidence of the land value, a valuation may not be cost effective and in these cases, the reasons for not obtaining a valuation will be noted in the Council report. For example, Council may have recently valued Forestry land in one area and later needs to acquire similar land elsewhere.</p> <p>Where Council proposes to sell or acquire land by direct negotiation and the value of the land is likely to be greater than \$1 million, Council will obtain two independent valuations.</p> <p>For land being sold to or acquired from an adjoining owner, the valuation shall be carried out on a added- value basis, and the sale price shall be consistent with the difference in values on a before-and-after basis.</p>
10	<p>Escalation fee</p> <p>Where the sale is conditional on the determination of a development application, approval of a road closure, or making of a Local Environmental Plan (LEP) to reclassify the land to 'operational', the agreed value shall increase at a rate of 5% pa (or as otherwise noted in the sales contract) if:</p> <ul style="list-style-type: none"> • settlement is not achieved within 12 months from the date of the Council Resolution authorising the sale • the delay is not as a result of a Council or statutory process.
11	<p>Public road closures</p> <p>Areas of surplus public road must be closed under the <i>Roads Act 1993</i> to enable a sale to proceed.</p> <p>For public roads, the proposal shall also be subject to compliance with local service authorities whose utilities are located within the area affected by the proposed sale.</p> <p>For classified roads, the approval of Transport for NSW must be obtained prior to the matter being referred to Council for consideration.</p> <p>For purchaser-initiated closures and sales, the costs associated with the road closure will be borne by the prospective purchaser.</p> <p>Council will also consider other options rather than a sale of a public road, including creating an easement or leasing the road itself or the airspace above it.</p>



Policy

12	<p>Transfer of Crown roads to Council</p> <p>A Crown road may need to be transferred to Council for a development to proceed where the Crown road provides the only means of legal access to the development. When Council becomes a roads authority, it also assumes the liability for the roads. If the road is not constructed or only a gravel surface, Council may face future requests from the user(s) of the road to upgrade the road to a higher standard. Council will comply with the <i>Roads Act 1993</i>.</p> <p>Council will only consent to the transfer of a Crown road to a public road under the care and control of Council if:</p> <ol style="list-style-type: none"> 1. the Crown road reserve cannot be closed to become a private access, or 2. access cannot be practically provided by an easement over private land, and 3. The road is constructed at the beneficiary's cost at the time of transfer to the minimum standard required by Council.
13	<p>Extinguishment of easement</p> <p>Council supports the extinguishment of easements it has over private properties when the benefits of the easements are no longer required.</p> <p>Where Council no longer requires an existing easement(s), such easement(s) can be extinguished provided the landowner pays compensation paid in accordance with the valuation section of this policy.</p> <p>If the extinguishment is owner-initiated then an application fee, together with a deposit to cover the legal, valuation and Council administrative costs as determined annually by Council, are to be borne by the owner.</p> <p>If the extinguishment is Council-initiated then legal and valuation costs are to be borne by Council.</p>
14	<p>Leasing/licensing of Council-managed land</p> <p>Council supports the leasing or licensing of Council-managed land where it is consistent with legislation, in particular sections 45 to 47C of the <i>Local Government Act 1993</i>, and Council strategies and adopted Plans of Management.</p> <p>Section 47 of the <i>Local Government Act 1993</i> requires public notice to be given of Council's intent to issue a lease or licence over Council-managed community land. Unless a lease or licence request is inconsistent with Council policies, strategies or plans, staff will issue such public notice. Councillors will be informed via the Councillor Newsletter of such notification.</p> <p>When no adverse submissions are received, or where staff are able to address submissions to the correspondent's satisfaction, a lease or licence will be approved under delegation.</p> <p>Where unresolved adverse submissions are received, a report to Council will be made to consider approving the lease or licence.</p> <p>Leases over operational land may be approved by the General Manager.</p>



Policy

15	<p>Land investment</p> <p>Council will invest in land to develop revenue streams that may be used to finance community infrastructure and other objectives determined by Council.</p> <p>The Audit, Risk and Improvement Committee will provide governance and probity oversight of Council's land investment activities. The Audit, Risk and Improvement Committee, where appropriate, shall seek independent expert advice in relation to its consideration of land investment activities.</p> <p>Staff from the Finance and Property Teams shall prepare a business plan as part of the DPOP action 5.3.2.4 'Review the Property Strategy', to define its land investment activities for review by the Audit, Risk and Improvement Committee. It is acknowledged that elements of the business plan are likely to be kept confidential due to their commercially sensitive nature.</p>
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Policy

Implementation

Requirements		Responsibility
1	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council officers
2	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
3	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

This policy will be reviewed every four years. It may also be reviewed and updated as necessary if:

- legislation requires it
or
- when Council's related policies, functions, structure, or activities change
or
- when technological advances or new systems change the way that Council manages the acquisition and disposal of land or interest in land.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election unless Council updates or revokes it sooner.

Note: The next general local government election is expected to be held in September 2024.

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

Performance indicator	Data source(s)
Concerns or complaints registered	Council records
Customer feedback survey responses	Surveys
Internal or external review	Audit
Delivery Program/Operational Plan achieved	Council reporting



Policy

Governance

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

Related legislation and policies

Name	Link
<i>Local Government Act 1993</i>	Local Government Act 1993 No 30 - NSW Legislation
<i>Real Property Act 1900</i>	Real Property Act 1900 No 25 - NSW Legislation
<i>Land Acquisition (Just Terms Compensation) Act 1991</i>	Land Acquisition (Just Terms Compensation) Act 1991 No 22 - NSW Legislation
<i>Roads Act 1993</i>	Roads Act 1993 No 33 - NSW Legislation
Procurement Policy	Council policies Eurobodalla Council website (nsw.gov.au)
<i>Trustee Regulation 2020</i>	Trustee Regulation 2020 - NSW Legislation
Ministerial Investment Order 12 January 2011 - OLG Local Government Code of Accounting Practice and Financial Reporting	11-01 - Revised Ministerial Investment Order - Office of Local Government NSW
OLG Local Government Code of Accounting Practice and Financial Reporting	Local Government Code of Accounting Practice and Financial Reporting - Office of Local Government NSW
OLG Investment Policy Guidelines	Department of Premier and Cabinet (Local Government), Investment Policy Guidelines (nsw.gov.au)

Supporting documents

Name	Link
Property Strategy	Plans and strategies Eurobodalla Council website (nsw.gov.au) when available

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	14 Oct 2014	Council	14/284	E01.5073 E06.0365	Policy commenced
2	12 Sep 2017	Council	17/307	E16.0297 E06.0365	Reviewed, merged with previous 'Transfer of Crown Lands to Council' and 'Extinguishment of Easements' policies (now repealed)

Internal use

Responsible officer		General Manager	Approved by	Council	
Min no	17/307	Report no	GMR17/031	Effective date	12 Sep 2017
File No	E06.0365	Review date	Sep 2020	Pages	7

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL**

**S017-
T00008**

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

Attachments: 1. Under Separate Cover - Reclassification of Council Lands - Draft
2. Under Separate Cover - Appendix 1 - Draft LEP Maps
3. Under Separate Cover - Appendix 2 - Title Searches
4. Under Separate Cover - Appendix 3 - PN16-001

Outcome: 3 Our region of vibrant places and spaces

Focus Area: 3.1 Balance development between the needs of people, place and productivity

Delivery Program Link: 3.1.1 Review, prepare and deliver planning instruments that support sustainable social, environmental and economic outcomes as guided by our Local Strategic Planning Statements

Operational Plan Link: 3.1.1.4 Conduct ongoing reviews and update planning controls

EXECUTIVE SUMMARY

Reclassification of community land to operational land requires a planning proposal to amend the *Eurobodalla Local Environmental Plan 2012* (LEP 2012). A planning proposal is attached under a separate cover that explains the effect of, and justification for proposed amendments to *Eurobodalla Local Environmental Plan 2012* (LEP 2012) involving:

- reclassification of community land to operational land
- changes to land use zone where appropriate
- introducing a maximum building height where appropriate
- introducing a minimum lot size where appropriate.

There are 11 sites proposed to be reclassified in the planning proposal as follows:

- seven relatively small sites that adjacent property owners would like to purchase e.g. for private open space
- three lots identified in the Recreation and Open Space Strategy 2018 as surplus to community needs
- one site relating to land with existing Council infrastructure (ie, a water reservoir and telecommunications infrastructure).

The items have been considered having regard to relevant local and regional strategies, State Environmental Planning Policies, Ministerial Directions, environmental values, coastal hazards, flooding and impacts on Council infrastructure. Justification for reclassification of ten of the items is to facilitate the sale of the land, and one is to align it with the current operation use of the land for a water reservoir and telecommunications.

The planning proposal is ready for Council to consider and decide whether to submit it to the NSW Department of Planning and Environment for Gateway Determination.

The planning proposal process must be undertaken in accordance with the *Environmental Planning and Assessment Act 1979* and NSW Government guidelines. This includes a 28-day

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**

**S017-
T00008**

public exhibition period and a public hearing, and any other requirements described in the Gateway Determination.

All submissions would be reported to Council for consideration before considering a final planning proposal to be sent back to the NSW Department of Planning and Environment to consider and make the amendment. Council can therefore consider the submissions to the planning proposal before deciding whether to proceed with the planning proposal, with or without changes to the items it includes.

A resolution about whether to sell relevant sites would also be considered by Council after exhibition of the planning proposal. Council would decide whether to sell all, some or none of the sites in accordance with Council's [Land Acquisition and Disposal Policy](#).

RECOMMENDATION

THAT Council:

1. Submit the attached Planning Proposal – Reclassification of Community land to Operational land to the Department of Planning and Environment for a Gateway Determination pursuant to Section 3.4 of the *Environmental Planning and Assessment Act 1979*.
2. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
3. Receive a report back on the planning proposal about consultation with the community.

BACKGROUND

A planning proposal is required to reclassify community land to operational land so that can be sold, where appropriate. In some circumstances, changes to the Local Environmental Plan are also required to align with the intended use (e.g. rezoning).

Council's Recreation and Open Space Strategy (ROSS) was adopted in 2018 (Minute 18/28). The recommendations included to '*Investigate reclassification, subdivision and sale for residential purposes*' for the following sites:

1. Part of Lot 1110 DP236653 (35-37 Illabunda Drive, Malua Bay)
2. Lot 84 in DP 259212 (Village Road and Banyandah Street, South Durras)
3. Part of Lot 74 DP 776541 (9 Moir Place, Broulee)

At the Council meeting on 27 February 2018, Council resolved to commence a planning proposal for the purpose of selling these sites, and funds raised from the sale of the three sites would be devoted to funding actions in the ROSS. These sites have been included as items 1,2 and 11 in the attached planning proposal.

Council resolved by way of CCS19-030 to reclassify and sell part Lot 2 DP 570760 and Part Lot 4 DP 5272585 in Batehaven (adjacent to Clyde View Caravan Park and Taldumande Caravan Park at Corrigan's Beach) on 25 June 2019. The purpose was to enable the parks to replace their existing cabins in their current positions and comply with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**

**S017-
T00008**

which requires a 3 metre setback from the boundary. This has been included as item 4 in the planning proposal.

In recent years, individual property owners approached Council to acquire portions of Council-owned Community land adjacent to their own properties. Those reasons include for private open space or to accommodate an existing encroachment onto Council land e.g. driveway access.

The following items in the planning proposal have been included in the attached planning proposal to reclassify the land from community to operational land:

- Item 3 - Part of Lot 32 DP 618340, 4 Bimbular Street, Dalmeny
- Item 5 - Part of Lot 2 DP1014254, George Bass Drive, Batehaven
- Item 6 - Lot 170 DP 569136, Fauna Ave, Long Beach
- Item 7 - Part of Lot 109 DP 244150, Catalina Drive, Catalina
- Item 8 - Part of Lot 2 DP 1260850, Ridge Street, Catalina
- Item 9 - Lot 5 DP520413 and Part of Lot C DP 327917, Beach Road, Batehaven

A resolution about whether to sell each site would also be considered by Council after exhibition of the planning proposal. Council would consider whether to sell all, some or none of the sites in accordance with Council's [Land Acquisition and Disposal Policy](#).

Proceeds from the sale of reclassified land (other than items 1, 2 and 11) goes into Council's Real Estate Development Fund. This benefits the wider community by contributing to future Council projects, not day to day operations, as decided by Councillors.

Part of Lot 56 DP 84895, Blairs Road, Long Beach has an existing water reservoir. Reclassification to operational land and rezoning to SP2 Infrastructure would recognise the existing operational use as a water reservoir. This has not been previously considered by Council and would need a resolution to reclassify the land. This has been included as item 10 in the planning proposal.

The planning proposal process must be in accordance with the *Environmental Planning and Assessment Act 1979* and NSW Government guidelines. The steps include:

1. The planning proposal is submitted to the Department for Planning & Environment (DPE) for a Gateway Determination (permission to commence the process).
2. Council implements the requirements of the Gateway Determination e.g. additional studies, stakeholder engagement.
3. Public exhibition of the proposal for a minimum of 28 days.
4. A Public Hearing conducted by an independent and suitable qualified person (after the close of public exhibition period) and a report submitted to Council.
5. Council consideration of all submissions received during the exhibition period and the report from the Public Hearing.
6. Submission of the outcomes of public exhibition and public hearing (and any changes to the planning proposal) to DPE to finalise the amendments to the LEP.

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**


**S017-
T00008**

The planning proposal process is an extensive and thorough process and provides the opportunity for adjacent land holders and the broader community to comment on the planning proposal. Council can therefore consider the submissions to the planning proposal before deciding whether to proceed with the planning proposal, with or without changes to the items it includes.

CONSIDERATIONS


A summary the planning proposal items, and their intended provisions and justification is provided in Table 1.

Table 1: Summary of items addressed in the planning proposal

Item	Area to be reclassified	Intended Provisions and Justification Summary
1	 <p>Part of Lot 1110 DP236653, 35-37 Illabunda Drive, Malua Bay</p>	<p>Objective</p> <ul style="list-style-type: none"> Enable Council to sell part of the subject land as the ROSS (2018) identified it as surplus. The current use is grassed open space. <p>Intended Provisions</p> <ul style="list-style-type: none"> Reclassify from community to operational land Rezone from C2 Environmental Conservation to R2 Low Density Residential Apply a minimum lot size of 550sqm (K) Apply a maximum building height of 8.5m (I) <p>Justification Summary</p> <ul style="list-style-type: none"> The proposal is consistent with the recommendations of the Eurobodalla Recreation and Open Space Strategy 2018. The land directly adjoins the public open space at Pretty Bay which provides a similar recreation opportunity for local residents. The loss of the land as public will not reduce residents' access to local open space. Funds from the sale of the land would be reinvested to fund projects in the ROSS 2018. Development of the lot in the future would be subject to planning approval and considered appropriate in this residential area. The vegetated waterway is and would remain zoned C2 Environmental Conservation and community land.

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**

**S017-
T00008**

Item	Area to be reclassified	Intended Provisions and Justification Summary
2	 <p data-bbox="240 925 735 994">Lot 84 in DP 259212, Village Road and Banyandah Street, South Durras</p>	<p data-bbox="815 517 943 546">Objective</p> <ul data-bbox="815 555 1406 741" style="list-style-type: none"> • Enable Council to sell the subject land as the ROSS (2018) identified it as surplus. The current use is an informal pedestrian route between Village Road and Banyandah Street. <p data-bbox="815 768 1082 797">Intended Provisions</p> <ul data-bbox="815 806 1342 1025" style="list-style-type: none"> • Reclassify from community to operational land • Apply a minimum lot size of 550sqm • Apply a maximum building height of 8.5m <p data-bbox="815 1052 1114 1081">Justification Summary</p> <ul data-bbox="815 1090 1406 1948" style="list-style-type: none"> • The proposal is consistent with the recommendations of the Eurobodalla Recreation and Open Space Strategy 2018. • The land is approximately 200m from the public open space on Corilla Street which provides a better recreation space for local residents. • The loss of the land as public reserve will not reduce residents' access to local open space. • While the land currently provides an informal pedestrian link between Banyandah Street and Village Road, the local road network provides suitable pedestrian access to local destinations. • Funds from the sale of the land would be reinvested to fund projects in the ROSS 2018. • Future development is limited but may include a secondary dwelling, subject to planning approval.

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**

**S017-
T00008**

Item Area to be reclassified

**Intended Provisions and Justification
Summary**

3



Part of Lot 32 DP 618340, 4 Bimbular Street, Dalmeny

Objective

- Enable Council to sell part of the subject land. Adjoining landholder requested to purchase the land for use as private open space. The current use is grassed open space.

Intended Provisions

- Reclassify from community to operational land
- Rezone from RE1 Public Recreation to R3 Low Density Residential
- Apply a minimum lot size of 550sqm
- Apply a maximum building height of 8.5m

Justification Summary

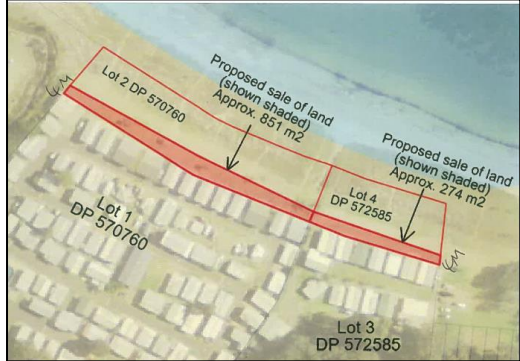
- The subject land is a small portion of the open space provided by Dalmeny Oval, at 0.9% of the total area of the lot.
- Reclassification and sale will not impact on the operation of Dalmeny Oval, which will remain as community land and recreation space.
- The loss of part of the open space will not reduce residents' access to local open space or Dalmeny Oval.
- The proposal does not restrict the use of the land as an informal pedestrian link between Mort Avenue and Binalong Street.
- Future development is limited but may include a secondary dwelling, subject to planning approval.
- Funds from the sale of the land would be allocated to future Council projects.

Interests

- No interests have been identified or would be discharged.

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**

**S017-
T00008**

Item	Area to be reclassified	Intended Provisions and Justification Summary
4	 <p>Part of Lot 2 DP 570760 and Part of Lot 4 DP 572585, Beach Road, Batehaven</p>	<p>Objective</p> <ul style="list-style-type: none"> • Enable Council to sell part of the subject land. Adjoining landholder requested to purchase the land to allow existing cabins to meet legislative requirements. The current use is grassed open space. <p>Intended Provisions</p> <ul style="list-style-type: none"> • Reclassify from community to operational land • Rezone from C2 Environmental Conservation to RE2 Private Recreation • Apply a maximum building height of 8.5m <p>Justification Summary</p> <ul style="list-style-type: none"> • The subject land is a relatively small portion of the public reserves, at 22.7% of the total area of the two lots that are also adjacent to Corrigan's Beach foreshore. The rest of the public reserve will remain community land and open space. • The loss of part of the public reserve will not reduce public access along the foreshore. • The loss of part of the public reserve will not reduce residents' access to local open space. • The sale of the land and inclusion into the adjoining caravan park land will allow existing cabins to be upgraded to accessible cabins in compliance with the relevant legislation. • The proposal will not result in any development being located closer to the foreshore. • Funds from the sale of the land would be allocated to future Council projects.

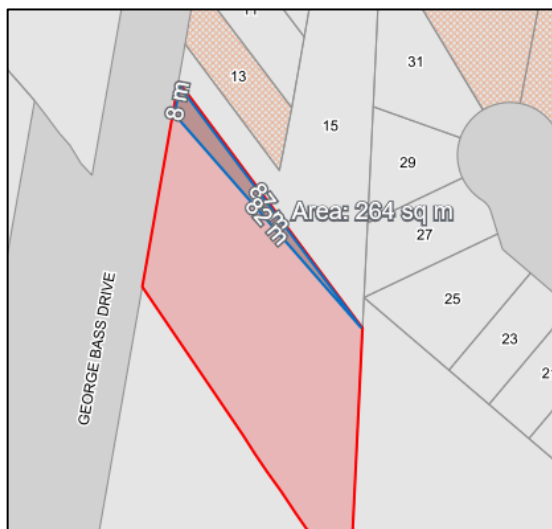
**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**

**S017-
T00008**

Item Map of area to be reclassified

**Intended Provisions and Justification
Summary**

5



Part of Lot 2 DP1014254, George Bass Drive, Batehaven

Objective

- Enable Council to sell part of the subject land. Adjoining landholder requested to purchase the land to improve access to the adjoining lot and improve fencing and drainage options. The current use is bushland open space.

Intended Provisions


- Reclassify from community to operational land
- Rezone from C2 Environmental Conservation to R3 Medium Density Residential
- Apply a minimum lot size of 550sqm
- Apply a maximum building height of 11.5m

Justification Summary

- The subject land is a small portion of the public reserve, at 6.14% of the total area of the lot.
- The public reserve is and will remain a bushland reserve.
- The loss of part of the public reserve will not reduce residents' access to local open space.
- Funds from the sale of the land would be allocated to future Council projects.
- Future development potential would not change. While the minimum lot size suggests the additional land would facilitate an additional lot, the shape of the lot would not support it.

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**

**S017-
T00008**

Item	Map of area to be reclassified	Intended Provisions and Justification Summary
6	 <p data-bbox="244 1115 798 1144">Lot 170 DP 569136, Fauna Ave, Long Beach</p>	<p>Objective</p> <ul style="list-style-type: none"> • Enable Council to sell the subject land. Adjoining landholder requested to purchase the land for private open space. The current use is open space, with one large tree and lawn maintained by adjacent landowner. <p>Intended Provisions</p> <ul style="list-style-type: none"> • Reclassify from community to operational land • Rezone from C2 Environmental Conservation to R2 Low Density Residential • Apply a minimum lot size of 550sqm • Apply a maximum building height of 8.5m <p>Justification Summary</p> <ul style="list-style-type: none"> • The subject land is a small portion of the larger public reserve, at 3.7% of the total area of the reserve. • The loss of the land as public reserve will not impact on the use of the larger area of public reserve, which will public reserve is and will remain a bushland reserve. • The loss of the land as public reserve will not reduce residents' access to local open space. • The proposal does not restrict the use of the larger public reserve as an informal pedestrian link between Fauna Avenue and Karana Close. • Funds from the sale of the land would be allocated to future Council projects. • Future development is limited but may include a secondary dwelling, subject to planning approval.

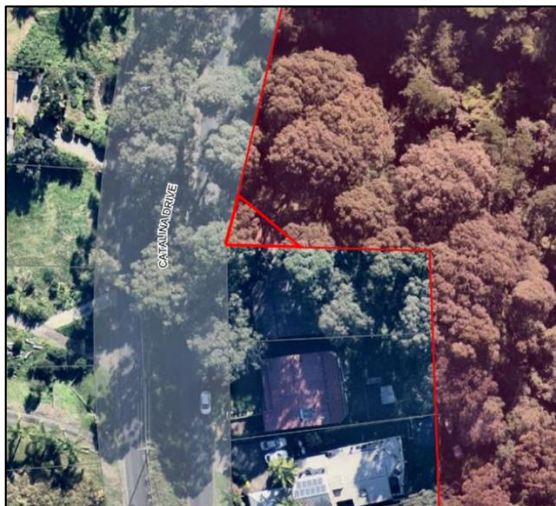
**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**

**S017-
T00008**

Item Map of area to be reclassified

**Intended Provisions and Justification
Summary**

7



Part of Lot 109 DP 244150, Catalina Drive,
Catalina

Objective

- Enable Council to sell the subject land. Adjoining landholder requested to purchase the land to allow access via an existing driveway. It is and would continue to be used for driveway access.

Intended Provisions


- Reclassify from community to operational land
- Rezone from C2 Environmental Conservation to R2 Low Density Residential
- Apply a minimum lot size of 550sqm
- Apply a maximum building height of 8.5m

Justification Summary

- The subject land is a small portion of the public reserve, at 0.27% of the total area of the lot.
- The public reserve is and will remain a bushland reserve.
- The loss of part of the public reserve will not reduce residents' access to local open space.
- Funds from the sale of the land would be allocated to future Council projects.
- Future development is limited to potential for future boundary fencing.

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**

**S017-
T00008**

Item	Map of area to be reclassified	Intended Provisions and Justification Summary
8	 <p data-bbox="240 958 751 1025">Part of Lot 2 DP 1260850, Ridge Street, Catalina</p>	<p data-bbox="863 510 991 544">Objective</p> <ul data-bbox="863 555 1394 824" style="list-style-type: none"> • Enable Council to sell the subject land. Adjoining landholder requested to purchase the land for private open space. The current use is grassed open space with gardens maintained by the adjacent landholder. <p data-bbox="863 846 1129 880">Intended Provisions</p> <ul data-bbox="863 891 1394 1283" style="list-style-type: none"> • Reclassify from community to operational land • Rezone from C2 Environmental Conservation to R2 Low Density Residential • Apply a minimum lot size of 550sqm • Apply a maximum building height of 8.5m <p data-bbox="863 1305 1161 1339">Justification Summary</p> <ul data-bbox="863 1350 1394 1886" style="list-style-type: none"> • The subject land is a small portion of the public open space, at 3.7% of the total area of the lot. • The remainder of the lot is and will remain a bushland reserve. • Reclassification and sale will not reduce residents' access to local open space. • Funds from the sale of the land would be allocated to future Council projects. • Future development is limited but may include a secondary dwelling, subject to planning approval.

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**

**S017-
T00008**

Item Map of area to be reclassified

**Intended Provisions and Justification
Summary**

9



Lot 5 DP520413 and Part of Lot C DP
327917, Beach Road, Batehaven

Objective

- Enable Council to sell the subject land. Adjoining landholder requested to purchase the land to facilitate private slope stabilisation works. The current use is open space but is not accessible due to the slope.

Intended Provisions


- Reclassify from community to operational land
- Rezone from C2 Environmental Conservation to R2 Low Density Residential
- Apply a minimum lot size of 550sqm
- Apply a maximum building height of 8.5m

Justification Summary

- The subject land is a relatively small portion of the larger public reserve network from Corrigans Beach to Observation Point. The rest of the public reserve will remain community land and open space.
- The loss of part of the larger public reserve will not reduce public access along the foreshore.
- The loss of part of the public reserve will not reduce residents' access to local open space.
- Funds from the sale of the land would be allocated to future Council projects.
- Future development is limited to landscaping and slope stabilisation.

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**

**S017-
T00008**

Item	Area to be reclassified	Intended Provisions and Justification Summary
10	 <p>Part of Lot 56 DP 84895, Blairs Road, Long Beach</p>	<p>Objective</p> <ul style="list-style-type: none">• To recognise the existing operational use for water reservoir and telecommunications infrastructure. The current use is also bushland open space. <p>Intended Provisions</p> <ul style="list-style-type: none">• Reclassify from community to operational land• Rezone from RE1 Public Recreation to SP2 Infrastructure <p>Justification Summary</p> <ul style="list-style-type: none">• The subject land will remain in public ownership and will continue to be used for a mix of operational and community land purposes.• The loss of part of the public reserve by recognising the existing infrastructure use will not reduce residents' access to local open space.

**PSR22/030 RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING
PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO
OPERATIONAL LAND**

**S017-
T00008**

Item Area to be reclassified

**Intended Provisions and Justification
Summary**

11



Objective

- Enable Council to sell the subject land to adjoining landholders if requested in the future. The current use is an informal pedestrian route and gardens maintained by adjacent landholders.

Intended Provisions

- Reclassify from community to operational land
- Apply a maximum building height of 8.5m

Justification Summary

- The loss of part of the public reserve will not reduce residents' access to local open space.
- The exiting uses of the site as an informal pedestrian route would not change.
- The proposal is consistent with the recommendations of the Eurobodalla Recreation and Open Space Strategy 2018.
- Funds from the sale of the land would be reinvested to fund projects in the ROSS 2018.
- Future development is subject to planning approval and residential uses are appropriate in this R2- Low Density Residential zoned area.
- Any development would need to consider the zone of influence and not impact on the sewer.

PSR22/030	RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND	S017- T00008
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Legal

A planning proposal has been prepared in accordance with Section 3.33(2) of the *Environmental Planning and Assessment Act 1979*. The purpose of the planning proposal is to explain the effect of, and justification for the proposed amendments to *Eurobodalla Local Environmental Plan 2012* (ELEP 2012) involving the reclassification of community land to operational land.

Policy

The purpose of reclassification for 10 out of the 11 items in the attached planning proposal is to sell the land. Council will consider whether to sell the land after public exhibition of the planning proposal.

Council disposes of Council land in accordance with Council's [Land Acquisition and Disposal Policy](#).

Asset

Financial benefit obtained from the sale of items 1, 2 and 11 will be allocated to actions recommended in the [Recreation and Open Space Strategy](#) (ROSS). Item 10 is not proposed to be sold, but reclassification would align with the operational use of this site for water reservoir and telecommunications infrastructure.

Social Impact

Financial support for the recommendations of the ROSS will have a social benefit through the provision of recreational facilities services to the community.

Financial

Proceeds from the sale of reclassified land goes into Council's Real Estate Development Fund. This benefits the wider community by contributing to future Council projects, not day to day operations, as decided by Councillors. Financial benefit obtained from the sale of items 1, 2 and 11 will be allocated to actions recommended in the [Recreation and Open Space Strategy](#) (ROSS).

Community and Stakeholder Engagement

Should Council receive a Gateway Determination, we will consult with the community by seeking feedback through public exhibition of the planning proposal for at least 28 days. The planning proposal will be placed on Council's website and advertised on the Council's noticeboard page in local newspapers. Residents and landholders immediately adjacent to the subject land in the planning proposal will also be advised in writing.

In accordance with the *Local Government Act 1993*, a public hearing conducted by an independent professional will be held into the reclassification of Council land from community to operational following the exhibition period.

A report on the Public Hearing findings and submissions received during the exhibition period will be presented to Council.

PSR22/030	RECLASSIFICATION AND REZONING OF COUNCIL LAND - PLANNING PROPOSAL 19 – RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND	S017- T00008
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CONCLUSION

A planning proposal (attached) has been prepared in accordance with Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* to reclassify certain community land to operational land. It is ready to be submitted to the NSW Department of Planning and Environment for Gateway Determination.

PSR22/031 LICENCE FOR COMMUNITY GARDENS - LONG BEACH

**S023-T00017/
LI:30099**

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

Attachments: Nil

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.2 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to seek approval to grant a licence to operate a community garden within Council-owned community land, requested by Long Beach Community Association (LBCA).

LBCA wish to establish a community garden operating within Lot 133 DP 1021712 Blairs Road, Long Beach. LBCA have requested a licence for this use.

Council's Parks and Sustainability Teams investigated the request and determined the area was a suitable location.

In accordance with section 47A of the *Local Government Act 1993*, the proposed licence was publicly notified for 28 days in June 2022. Three supporting submissions were received, and no opposing submissions were received.

It is recommended that Council grant an initial 12-month licence to LBCA to establish a community garden at this location, with renewals considered upon successful completion of the initial term.

RECOMMENDATION

THAT

1. Council grant an initial 12 month licence to Long Beach Community Association over part Lot 133 DP 1021712 Blairs Road, Long Beach to operate a community garden, including the following conditions:
 - a. The licence fee in accordance with Council's adopted fees and charges
 - b. Provision of evidence of \$20 million public liability insurance
 - c. Licence conditions generally in line with similar licences.
2. The General Manager be given delegated authority to negotiate further licences to Long Beach Community Association to operate a community garden.

BACKGROUND

In December 2021, LBCA conducted a survey of interest in the creation of a community garden from local residents. 113 supportive responses were received from the residents.

PSR22/031 LICENCE FOR COMMUNITY GARDENS - LONG BEACH

**S023-T00017/
LI:30099**

LBCA have submitted a licence application to establish a community garden within Council-owned land, being Lot 133 DP 1021712 Blairs Road, Long Beach.

Council's Community Gardens Policy and Code of Practice outline Council's approach to community gardens, including:

- groups must apply for a licence and have it approved, meeting various conditions such as providing a garden management plan and site plan
- groups must be Incorporated and have \$20 million public liability insurance
- groups are responsible for funding establishment and operation of the garden
- groups are responsible for maintaining the site at all times, including any assets
- Council is under no obligation to commit resources to the garden
- Council may revoke the licence if conditions are not met.

Councils' Parks and Sustainability Teams reviewed the initial application to establish a community garden at Long Beach. A site inspection was carried out and the area was deemed a suitable location.

Following review of the proposal and the existing Plan of Management, it was determined that Higgins Park (part of Lot 133 DP 1021712) is an appropriate parcel of community land for a community garden to be established.

In accordance with section 47A of the Local Government Act 1993, the proposed licence was publicly notified for 28 days in June 2022. No opposing submissions were received.

CONSIDERATIONS

In accordance with the provisions of the *Local Government Act 1993 (LGA)* all Council-owned properties, except roads, must be classified as either 'operational land' or 'community land'.

This site is Council-owned community land. Land classified as 'community' land has several restrictions to protect its use which includes the intended purpose of its use and the requirement for public notification for leasing and licensing purposes.

LBCA has made a request to establish a licence to operate a community garden within Lot 133 DP 1021712 Blairs Road, Long Beach.

Licence conditions will generally be in line with similar licences. Licence conditions to include a Review of Environmental Factors for heritage purposes. Licence conditions also to include nominated area for carparking and safe access that satisfies Council requirements.

The indicative licence area is shown in the sketch below. Minor changes to the licence area may occur as the licence is finalised.

PSR22/031 LICENCE FOR COMMUNITY GARDENS - LONG BEACH

S023-T00017/
LI:30099



Lot 133 DP 1021712 Blairs Road, Long Beach



Licence area – Lot 133 DP 1021712 Blairs Road, Long Beach

PSR22/031 LICENCE FOR COMMUNITY GARDENS - LONG BEACH

**S023-T00017/
LI:30099**

Legal

Lot 133 DP 1021912 Blairs Road, Long Beach is a Council-owned public reserve classified as community land.

Council can issue a licence for a period of up to five years for public reserves classified as community land, after giving public notice and considering any submissions in accordance with Section 47A of the *Local Government Act 1993*.

www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div2/sec47a.

Policy

The initial 12-month licence to LBCA is supported in accordance with Council's Community Gardens Policy - [Community-Gardens-Policy.pdf](#).

In line with the provisions of Council's Code of Practice – Licencing of Council Controlled Public Reserves and Associated Buildings, an Expression of Interest (EOI) was called in March 2022 for parties interested in seeking a licence for periods of up to five years, to use any Council-owned or controlled public reserves. No other party expressed an interest in using the same part of the reserve.

[Licensing of Council controlled public reserves and associated buildings](#).

Environmental

Community gardens can help reduce negative environmental impacts by building awareness of sustainable agriculture and educating the community on urban gardening practices.

Asset

LBCA are to keep the gardens in good order and properly maintained.

Social Impact

Community gardens can be beneficial to the health and wellbeing of community members. Social ties are important for the wellbeing of people in a community as they can bring positive health effects and community involvement.

Economic Development Employment Potential

Community gardens can improve economic opportunities by teaching the community useful skills in planning, food production and business. The gardens help to foster a community culture of supporting local horticulture.

Financial

The licence fee will be in accordance with Council's adopted fees and charges for community gardens.

PSR22/031 LICENCE FOR COMMUNITY GARDENS - LONG BEACH

**S023-T00017/
LI:30099**

Community and Stakeholder Engagement

An EOI was called in March 2022 from interested parties wishing to conduct activities on Council-controlled public reserves for a period of up to five years. No other party expressed an interest in using the same part of this reserve.

In December 2021, LBCA conducted a survey of interest in the creation of a community garden from local residents. 113 supportive responses were received from the residents.

In accordance with Section 47A of the *Local Government Act 1993* and guided by Council's 'Community Engagement Framework and Participation Plan', the intention to grant a twelve month licence to LBCA over Council public reserve Lot 133 DP 1021712 Blairs Road, Long Beach was publicly notified for 28 days. Three supporting submissions were received, and no opposing submissions were received.

CONCLUSION

The Long Beach Community Association has requested a licence to establish a community garden within Council community land, being Lot 133 DP 1021712 Blairs Road, Long Beach.

The proposed licence was publicly notified for 28 days, and no opposing submissions were received.

It is recommended that Council grant an initial 12-month licence to LBCA to establish a community garden at this location, with renewals considered upon successful completion of the initial term.

PSR22/032 CLIMATE CHANGE ADVISORY GROUP

S010-T00037

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

Attachments: 1. Climate Change Advisory Group - Terms of Reference

Community Goal: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles

Community Strategy: 1.3 Respond to our changing climate and natural hazards

Delivery Program Link: 1.3.1 Improve Eurobodalla's resilience to the effects of man-made climate change through the implementation of the Climate Action Plan

Operational Plan Link: 1.3.1.3 Facilitate a Climate Change Advisory Group

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to establish a Climate Change Advisory Group through a call for Expressions of Interest (EOIs) to the community in accordance with the attached Draft Terms of Reference.

Council may establish this Group to provide advice and support to Council and the community to deliver the Eurobodalla Climate Action Plan 2022- 2032, which was adopted by Council (Minute No. PSR22/021) on 26 July 2022.

RECOMMENDATION

THAT Council:

1. Establish a Climate Change Advisory Group
2. Adopt the draft Terms of Reference for the Group
3. Nominate two councillors for the Group, including one as the Chairperson
4. Advertise for Expressions of Interests to appointment of a Climate Change Advisory Group
5. Receive a further report on the Expressions of Interest and appointment of members to the Climate Change Advisory Group.

BACKGROUND

The establishment of a Climate Change Advisory Group is an action (10.8) identified in the recently adopted Climate Action Plan where:

"Facilitate a Climate Change Advisory Group comprising external, technical expertise that can assist Council and community implement the Climate Action Plan, including by accessing external funding opportunities to reduce emissions or climate risks".

CONSIDERATIONS

The role of the Climate Change Advisory Group is to provide a panel of community stakeholders and experts with a broad range of experience and viewpoint to provide guidance to Council and the community on implementing the Climate Action Plan.

The Expressions of Interest will request representation of groups and individuals that have an interest and expertise in climate adaptation and mitigation. In addition, expertise in identifying

PSR22/032 CLIMATE CHANGE ADVISORY GROUP

S010-T00037

emerging issues and opportunities, and the ability to assist Council in the implementation of actions associated with the Climate Action Plan.

The Climate Change Advisory Group will also have representation, as required, of Council staff, and agency representation from the NSW and Australian Governments.

The draft Term of Reference (attached) proposes that this Group consist of a total of 12 to 15 community members and two councillors.

Legal and Policy

There is no obligation or legal requirement for Council to facilitate a Climate Change Advisory Group. Council has resolved through its adoption of the Climate Action Plan 2022-2032 to establish such a Group.

Environmental

The Climate Change Advisory Group provides a point of contact with the community to discuss environmental issues such as the development of policies and plans, delivery of on-ground works and the preparation of submissions to the NSW Government on environmental and climate change issues.

Community and Stakeholder Engagement

The Climate Change Advisory Group is an important focus group on climate adaptation and mitigation providing Council with specialist knowledge and community views to aid in the implementation of the Climate Action Plan.

CONCLUSION

The Climate Change Advisory Group will assist Council and the community in the implementation and delivery of the Climate Action Plan 2022-2032.

The Group will have broad representation and aid Council in seeking opportunities and addressing barriers to implementation. They will work cooperatively to assist the community with transitional changes, increasing climate resilience, and in securing funding to implement actions associated with the Climate Action Plan.

Climate Change Advisory Group

Terms of Reference

August 2022

DRAFT

Terms of Reference

Purpose (why the group has been formed)

Eurobodalla Shire Council has developed a Climate Action Plan for 2022-32. The Plan sets targets and outlines actions for Council and the community across key areas of sustainability: Energy, Transport, Built Environment, Waste, Water, Biodiversity, Agriculture, Regional Economy, Natural Hazards, and Council Responsiveness.

The main purpose of the group is to bring advice and help Council with how it can effectively implement the Climate Action Plan – in partnership with the community. The group will also identify and advise on emerging issues and opportunities in climate change.

Objectives (what the group is to achieve)

The primary objective is to advise and assist Council and the community in the delivery of actions from the Climate Action Plan.

Group members will:

- provide a communication linkage between Council and the community
- provide specialist advice and/or specialist contacts
- advise on how to work with, and overcome, barriers to implementation
- advise and assist with advocating to the NSW and Australian Governments
- assist with funding opportunities and grant applications.

Title and delegations

The group shall be referred to as the 'Climate Change Advisory Group'.

The group:

1. cannot require Council to adopt a policy or recommendation approved by the group
2. has no power or authority, whether by delegation or otherwise to exercise any function, right, duty or power of the Council whether under a statute to other law, or in any other capacity.

Composition (who is to attend)

The group shall be made up of:

- a) community members representative of groups with interest and knowledge in climate change, and individuals with high-level experience and/or expertise in climate adaptation and mitigation (potentially 12 to 15 selected by Council from nominations)
- b) two councillors
- c) the chairperson, as resolved by Council
- d) Council sustainability staff
- e) NSW Government or Australian agency representatives, as required.

Council Sustainability staff will attend to provide technical advice and guidance.

The community group representatives will be appointed for the term of the Council.

Contact officer: Council's Sustainability Supervisor.

Governance (how the meetings will work)

An agenda for each meeting will be circulated prior to each meeting, along with any relevant papers and documents.

Minutes (including details of actions) will be distributed after each meeting.

See also Council's ['Guidelines for Meeting Practice – Advisory Committees'](#).

Variation to the Terms of Reference

The Terms of Reference may be added to, repealed, or amended by Resolution of the Council in consultation with the group.

When and where the group meets

The group is to meet four times a year: the second Thursday of the month from 2pm to 4pm – in February, May, August, November, and/or as required and determined by the Chair.

The group will usually meet in person at Council. In some circumstances (eg, if health restrictions apply), the meeting will be online via video conference.

PSR22/033 2021-22 INVASIVE SPECIES STATUS REPORT

S010-T00025

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

Attachments: Nil

Community Goal: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles

Community Strategy: 1.2 Value, protect, and enhance our natural environment

Delivery Program Link: 1.2.1 Protect and enhance the landscape and biodiversity values of Eurobodalla

Operational Plan Link: 1.2.1.3 Provide pest management

EXECUTIVE SUMMARY

This report details the annual activities, expenditure and considerations related to invasive species management for the 2021 to 2022 period.

Invasive species management, inclusive of weeds and animal pests, is a crucial part of maintaining the biodiversity and agricultural values in Eurobodalla. Council undertakes activities associated with the South-East Weeds Action Program (SEWAP) as a Local Control Authority, and in association with other NSW Government agencies. In addition, external grants have assisted in a variety of invasive species programs and complement other natural resource management works.

During 2021 to 2022, there were 1,277 biosecurity matter (weeds) inspections conducted across all tenure (916 on private land), with 100% compliance from private property owners to date.

RECOMMENDATION

THAT Council receive and note the 2021-22 Invasive Species Status Report.

BACKGROUND

Investment through the NSW Department of Primary Industry's (DPI) SEWAP 2015-2020 is based on the goals of the NSW Invasive Species Plan, which sets out the goals required to avoid or minimise the threat of invasive species in NSW.

The way in which enforcement is carried out aligns with the *NSW Biosecurity Act 2015* (The Act) under which our Weed Inspection Program operates. The Act focuses on a practical, risk-based approach that makes sense on the ground and aligns with the following plans and programs:

- NSW Invasive Species Plan 2018-2021: provides land managers with a framework upon which investment programs for weeds and vertebrate pests are developed and funded.
- South-East Weeds Action Program 2010-2025: is the NSW investment program for invasive plants where the geographical area aligns with the South-East Local Lands Service boundaries. The program focuses on goals from the Invasive Species Plan, which are to prevent the incursion of serious new weeds and to eradicate or contain infestations.

The South-East Regional Strategic Weeds Management Plan 2017-2022- sets the vision for weed management in the South-East for five years from 2017, and outlines strategies and

PSR22/033 2021-22 INVASIVE SPECIES STATUS REPORT

S010-T00025

actions to achieve goals that focus on shared responsibility for weed management, sustainable landscapes and collaborative leadership and innovation.

Weed control programs

18 Council-endorsed weed control programs were developed for the Eurobodalla to ensure locally significant weeds such as African Love Grass and St John's Wort are able to be dealt with under the legislation. These are currently under review and may be viewed here:

<https://www.esc.nsw.gov.au/environment/invasive-species/weeds/weed-control-programs>

CONSIDERATIONS

Biosecurity matter (weeds), environmental weeds and animal pests can cause major harm to private property, the environment, agriculture, and human and animal health, resulting in adverse economic impacts.

Inspections

During 2021 to 2022, there were 1,277 biosecurity matter (weeds) inspections conducted across all tenure (916 on private land), with 100% compliance from private property owners to date.

Some properties in Rosedale will be reinspected in 2022 to 2023.

A new high-risk biosecurity matter was detected in the Eurobodalla during this period. A major infestation of Alligator Weed (*Alternanthera philoxeroides*) was detected at Benandarah. This Weed of National Significance (WONS Weed) has impacted small crops, turf farming and grazing pastures.

Paddocks containing Alligator Weed cannot be used for cropping or hay production, and the plant devastates natural waterways by replacing native habitat. Work to delimit the infestation has been completed, and emergency funding to make inroads into eradication has been obtained. The wet weather has hampered control efforts to date, however eradication work will commence in Spring 2022.

A property in Akolele that purchased organic chicken feed contaminated with Parthenium Weed (*Parthenium hysterophorus*) seed is currently under continual inspection, and no germination has been detected to date. Parthenium Weed presents an extremely high risk to agriculture and human health in NSW and Council is on the frontline with respect to early detection of this serious weed.

Biosecurity matter (weeds)

Council's primary inspection program was scheduled between Jeremadra and Malua Bay. This area was targeted due to the high probability of Bitou Bush incursion post-fire and is in-line with our risk management approach to protect areas that contain high value agriculture and biodiversity.

Regular and systematic weed control on high priority reserves and roadsides continues to be a major focus to reduce the threat of weed spread. High-risk pathways and high-risk sites such as the Princes Highway, Kings Highway, and major construction sites such as the Clyde and Nelligen bridge works, are monitored for the introduction of new weed threats. Containment of

PSR22/033 2021-22 INVASIVE SPECIES STATUS REPORT

S010-T00025

serious weed incursions at the point of introduction greatly reduces the threat of weed spread into agricultural land and areas of high biodiversity value.

Table 1: 2021-22 South-East Weeds Action Program activities

	Target	Actual
Inspect all high-risk pathways (eg, highways and major roads)	996km	1,072km
Inspect all high-risk sites (eg construction sites, stockpiles, nurseries)	111 sites	111 sites
Inspect private properties	793 sites	916 sites
Inspect public properties	0	102 sites
Urban area inspections	13 sites	13 sites
Weed control compliance re-inspections #	125 sites	0

Low numbers of compliance re-inspections means that an initial property inspection report has been complied with.

Table 1 shows that 1,277 private property inspections were conducted over 2021 to 2022. Strong emphasis has been on the provision of extension services during inspections, resulting in spending more time on each property and building positive relationships with our landholders. Note that some compliance activity from 2021 to 2022 will be carried forward to 2022 to 2023, however we expect compliance to remain very high.

Historical data suggests that the majority of our weed incursions stem from urban and peri-urban areas or high-risk sites such as roadsides, sale yards, and power line easements, and from activities such as importation of machinery from outside the Eurobodalla eg, contractor equipment that hasn't been adequately decontaminated.

Various weeds continue to be detected in trade through online mediums such as Facebook - Buy, Swap Sell and Gumtree. Consequently, these sites are monitored regularly for illegal activity, sellers inspected, and illegal plants confiscated.

Nursery and market inspections reveal that our retail outlets are doing the right thing and complying with Council directions such as withdrawing Cactus and Broom hybrid species from sale.

Council has also been working closely with the Department of Primary Industry - Crimestoppers campaign to stop the online sale of high-risk plants, with a focus in 2021 to 2022 on the Opuntia species (Prickly Pear Cactus).

PSR22/033 2021-22 INVASIVE SPECIES STATUS REPORT

S010-T00025

Table 2: Comparison of weed inspection data from 2017-18 to 2021-22

	2017-18	2018-19	2019-20	2020-21	2021-22
Number of private properties inspected	1,241	931	698	1,038	916
Number of re-inspections	15	11	2	6	0#
Notices issued	1	0	0	0	0
Compliance from landholders*	99.9%	100%	100%	100%	100%

* Compliance is based on the percentage of inspections that have required the issue of notices to ensure biosecurity matter (weeds) have been controlled.

#Reinspection of 26 properties in Rosedale will be carried forward into 2022-23.

As shown in Table 2, the number of inspections and compliance has been consistently high with minimal enforcement action being required.

Animal pests

Control of animal pests is carried out strategically, and where appropriate, in consultation with our community. Fox control is carried out in conjunction with the National Parks and Wildlife Service and other key stakeholders to implement the Australian Government's Fox Threat Abatement Plan. Council plays a key role in the protection of endangered species on its tenure and assists in the coordination and delivery of some programs such as the protection of threatened shorebirds.

Rabbits continue to be a major concern amongst our coastal communities, and control activities were conducted in the southern section of the Eurobodalla as per our [Rabbit Control Schedule](#) that can be located on Council's website.

Due to the wet weather and prevalence of biting insects, rabbit calicivirus produced good levels of control across the entire Eurobodalla.

Other programs

1. Agricultural Weeds Program

Council's Priority Agricultural Weeds Program was funded by the Australian Government's Department of Agriculture, Water and Environment (DAWE) and was finalised in December 2021. The program enabled weed control work to be carried out across approximately 11,151 ha of land, comprising 249 parcels and 56 landholders. Major impactful weeds targeted included Blackberry, Fireweed, Saffron Thistle, Tree of Heaven, Wild Tobacco, and poisonous weeds including Datura and Nicandra.

2. Community-based Social Marketing - Lantana

Lantana in the Tilba area of the far south coast NSW represents the most southerly distribution of the plant in Australia, and it is important to ensure this southerly front is

PSR22/033 2021-22 INVASIVE SPECIES STATUS REPORT

S010-T00025

contained and controlled. Behaviour change is necessary to increase and improve control and management of Lantana by landholders.

A Community-based Social Marketing (CBSM) Strategy was rolled-out in the Tilba area in 2017 after a successful trial in 2016. The strategy aims to increase and improve control behaviours by breaking down barriers that prevent landholders from undertaking more long-term, successful control. As part of the strategy, gate-signs were provided to landholders to indicate the level of control on the property and to create a social norm around controlling Lantana.

A survey with landholders conducted in the 2021-22 financial year found that the strategy was effective in removing and reducing barriers to control. 75% of respondents' properties did not see an increase in the density of Lantana.

The results of the survey were presented at the 2022 NSW and VIC Weeds Conference.

3. Eurobodalla Indian Myna Control Program

The Indian Myna (*Acridotheres tristis*), also known as the Common Myna, was intentionally introduced to Australia from southern Asia in the late 1860s. The Indian Myna is ranked as one of the world's 100 most invasive species (International Union for Conservation of Nature).

In a joint initiative with community groups, Council started the shire-wide Indian Myna Control Program to limit the population of these destructive birds in 2009 by offering residents, volunteer-made traps to humanely catch Indian Mynas for the purpose of euthanasia.

Many areas are now free of these pests, and Council continues to support the community in their endeavors to rid the Eurobodalla of Indian Mynas by continuing this vital environmental program.

4. Eurobodalla CatBib Program

Cats have played a leading role in most of Australia's 34 mammal extinctions since 1788 and are identified as a key threatening process (KTP) within the NSW Invasive Species Plan 2018-21 for at least 123 threatened native species. On average, each pet cat that is allowed to roam (even for only part of the day or night) kills 186 reptiles, birds, and mammals per year in Australia. This number includes 110 native animals (40 reptiles, 38 birds and 32 mammals). This means that each roaming pet cat kills, on average, more than two native animals every week. Collectively, roaming pet cats kill 390 million animals per year in Australia (Threatened Species Recovery Hub).

Murdoch University Research has scientifically proven that CatBibs work to stop more than 80% of cats from catching birds and reduce small animal predation by almost half. They also reduce the likelihood of cats roaming and fighting. Made from neoprene, a CatBib attaches to the collar and hangs loosely over their chest. The bib serves as a brightly coloured visual warning, and gently interferes with the precise timing and coordination a cat needs for successful hunting, thus allowing potential victims to escape.

PSR22/033 2021-22 INVASIVE SPECIES STATUS REPORT

S010-T00025

Council provides free CatBibs to all cat owners who have a microchipped cat in the Eurobodalla. They are readily available for free from Council offices and all vet practices.

5. NSW Weed Conference 2022

The joint NSW and VIC 21st Weeds Conference was held in March 2022 in Albury. The conference is regarded as the premier event to discuss weeds and related vegetation and production issues. The conference is a biennial event conducted in partnership with a host council, attracting up to 350 attendees from NSW and interstate.

Council's Invasive Species Supervisor presented a paper in the plenary session on our Lantana CBSM Project to a large audience. As per point 2 above, the CBSM project is unique and ground-breaking. Council is one of only two councils in Australia that have progressed a weeds based CBSM Project to full implementation, with good results.

The paper presented the findings of an assessment of the CBSM Strategy as part of our improvement process, and how the research will guide our Lantana control activities into the future. The paper was well received by the audience that is looking at innovative ways in which to tackle widespread weeds that span environmental, agricultural, and social spheres.

6. Stephenson Award 2022 and NSW Weeds Committee

Council's Invasive Species Supervisor, Paul Martin, received the Stephenson Award in March 2022. The Stephenson Award is a biennial, peer nominated award that recognises outstanding contribution to planning and coordinating weed management programs in NSW. In addition to working at the local government level, Paul lends his expertise and connections to collaboratively enhance weed control solutions at regional and state levels through various platforms, including his elected role as the NSW State Weeds Committee representative for the NSW Weeds Officers' Association. This position enables Weeds Officers to communicate directly with the NSW Minister for Agriculture and ensures local, regional and state level concerns are heard by key decision-makers and influencers.

Legal

In 2021 to 2022, Eurobodalla Shire Council was the authorised administrative body for the *Biosecurity Act 2015* which came into force on 1 July 2017.

The legislation promotes biosecurity as a shared responsibility between government, industry, and the community, who will work together to identify, prevent, eradicate, minimise, respond to, and manage biosecurity risks.

Environmental

Invasive species are costly to the Australian economy and primary producers and cause degradation of our native bushland environment. Weeds are acknowledged as the second most serious cause of biodiversity decline after habitat loss from land clearing.

Invasive animals such as rabbits, foxes and Indian Mynas cause serious harm to biodiversity, agriculture, and ratepayers' properties.

PSR22/033 2021-22 INVASIVE SPECIES STATUS REPORT

S010-T00025

Asset

Council controls invasive plants and animals across much of its tenure within budgetary constraints. We work in partnership with other government agencies and land managers, where possible, to ensure consistent and efficient usage of resources.

Social Impact

Invasive species impact on agriculture, ecosystem services, tourism, and recreation. They can have a physical, aesthetic, financial and social impact on property owners, tourists, recreationists, and property managers.

The Australian Government estimates that weeds cost farmers around \$1.5 billion a year in weed control activities, and a further \$2.5 billion a year in lost agricultural production. As such, Council plays a pivotal role for the protection of our primary production sector in ensuring that serious weed threats to agriculture are mitigated before they become a serious issue.

Economic Development Employment Potential

Council's Invasive Species Control Program engages local contractors to assist in the delivery of services. Our control and inspection programs also assist in supporting the agricultural sector and minimising the impact of weeds and pests on production.

Similarly, the program assists in maintaining the value of our local environmental assets, which underpin the tourism industry and amenity which our residents and visitors enjoy.

Financial

Council is the Local Control Authority for the enactment of the *Biosecurity Act 2015* for weed management.

To enable Council to meet its legislative requirements, the Department of Primary Industries provides grant funding assistance through the South-East Weed Action Program (SEWAP).

The SEWAP Program has been in operation since 2011 and provides us with a strategic and collaborative funding and delivery model, through which Council and the NSW DPI contribute funds to meet agreed and realistic inspection and control targets for declared biosecurity matter (weeds).

NSW Government funding programs were also identified through the 2021 to 2022 financial year to target specific weeds. These funding programs greatly assist Council and private landholders in maintaining healthy landscapes by eliminating or greatly reducing the biomass of high threat weeds.

Council will continue to investigate grant opportunities to aid in the delivery of invasive species services where applicable.

Table 3 (below) shows the breakdown of revenue and expenditure for the 2021-22 financial year.

PSR22/033 2021-22 INVASIVE SPECIES STATUS REPORT

S010-T00025

Table 3: 2021-22 financial breakdown

(A) Revenue	
1. SEWAP funds	1. \$97,465
2. Other external funds (grants)	2. \$161,758
3. Weeds certificates	3. \$427
TOTAL REVENUE	\$259,650
(B) Council/SEWAP expenditure	\$174,019
(C) Council expenditure (weed and vertebrate Pest control)	1. Council vertebrate pests: \$ 11,347
	2. Weed control: \$ 57,074
	\$68,421
(D) Other external funds expenditure*	\$163,666
TOTAL EXPENDITURE 2021-22 (B + C + D)	\$406,106

* May include multi-year grant funded programs that have carried over from previous years that are not listed as 2021-22 income.

Community and Stakeholder Engagement

Events and extension services are conducted to ensure the community is aware of our activities and to foster a greater level of support and engagement in invasive species control.

Council frequently responds to enquiries about invasive species control, plant identification and land management advice.

CONCLUSION

Invasive plants and animals continue to significantly impact upon ratepayers, biodiversity, and agriculture in the Eurobodalla Shire.

Eurobodalla Shire Council managed its requirements as the Local Control Authority for the *Biosecurity Act 2015* in 2021 to 2022 and has delivered a high level of expertise and input into local and regional invasive species management.

PSR22/034 2021-22 NATURAL RESOURCE MANAGEMENT STATUS REPORT

S010-T00015

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

Attachments: Nil

Community Goal: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles

Community Strategy: 1.2 Value, protect, and enhance our natural environment

Delivery Program Link: 1.2.3 Work in partnership to provide natural resource management to develop community awareness of environmental opportunities, issues and impacts

Operational Plan Link: 1.2.3.1 Assist Landcare and community groups to deliver environmental projects

EXECUTIVE SUMMARY

This report provides the annual update on Council's Natural Resource Management (NRM) Program for the period July 2021 to June 2022. Included are updates on some of the NRM programs such as the Coast and Estuary Program, Wagonga Inlet Living Shoreline, Landcare, Marine Debris Initiatives, NRM Bushfire Recovery Programs, Flying-Foxes and other community and citizen science programs.

Project funding consists of \$4,345,720 in active and completed external grants, and Council annual funds of \$120,236.

\$1,478,701 in grant funding has been delivered during 2021-2022. The projects are strategic and aligned with Council plans and directions, along with the support of volunteers and landholders.

Volunteers have committed just over 8,120 hours to NRM during 2021-2022, which equates to \$324,800 of in-kind conservation activities.

RECOMMENDATION

THAT Council:

1. Receive and note the 2021-2022 Natural Resource Management Status Report.
2. Thank Landcare volunteers for their contribution.

BACKGROUND

Council operates in a diverse range of NRM areas. Activities are undertaken to:

- protect Eurobodalla's coasts and estuaries in-line with the recommended actions in Coastal Management Programs
- protect and enhance bushland and Endangered Ecological Communities (EECs) and improve overall biodiversity
- monitor flying-fox camps, implement actions from the Eurobodalla Flying-Fox Management Plan and minimise the impacts of flying-foxes on residents

PSR22/034 2021-22 NATURAL RESOURCE MANAGEMENT STATUS REPORT

S010-T00015

- reduce marine debris and implement source reduction plans to reduce further impacts on our coastal and marine environment
- assist residential landholders to sustainably manage their gardens by providing plant swap opportunities and garden visits
- assist rural landholders to sustainably manage their properties, waterways, and vegetation
- reduce the impacts and spread of invasive plants and animals
- involve and support the community and land managers in environmental works and education
- provide education and a control program for the invasive Indian Myna bird
- provide advice to landholders, other agencies, and other departments of Council to reduce environmental impacts
- provide landholders with advice and support to undertake conservation activities on bushfire-impacted properties.

A range of government organisations and community groups are engaged to develop and implement partnership projects. Works occur across all land tenure to enable landscape-scale environmental outcomes.

Projects are developed and implemented based on delivering environmental outcomes that are supported by Council plans and processes, funding body objectives and the community and/or the land manager.

CONSIDERATIONS

Most existing NRM projects have continued and are on track with some modifications due to COVID and NSW Government health restrictions.

In response to the bushfires, the NRM Team has continued to provide advice, support, and funding to assist with implementing conservation activities on bushfire-impacted properties.

This includes:

- The Wildlife Nest Box Program has continued to be implemented with 500 nesting boxes installed and monitored by private landholders at strategic locations to assist wildlife, including threatened species, where nesting hollows are absent due to the fire impacts.
- Landcare activities in bushland reserves have continued and complied with COVID restrictions. Landcare has been an important activity for volunteers during the past 12 months providing social connection and delivering environmental outcomes.
- Assessment of bushfire damage to Eurobodalla's environment has continued to be undertaken, and support has been provided to affected landholders through the provision of native plants, tree guards, erosion control and weed removal activities.

PSR22/034 2021-22 NATURAL RESOURCE MANAGEMENT STATUS REPORT S010-T00015

- South-East Catchments and Waterways Bushfire Recovery Plan is completed and the presentation to the NSW Coastal Conference and information is available on Council's website.
- Vegetation monitoring sites were established following the fires to record the response of various vegetation types and weeds, and to assist with guiding weed control efforts. They are monitored regularly, and the initial findings have assisted with understanding weed seed germination and how this interacts with native vegetation. Many weedy plant species were shown to germinate much earlier than native ground cover species, and if left untreated, go on to dominate landscapes.
- Identification of priority sites and risks for rare species such as *Hibiscus richardsonii* found at Pretty Point post-bushfires and deploying resources to manage sites.
- Identification of the slow recovery of some plant species based on severity and impact of the fires such as *Casuarina sp.*, which provide the main source of food for threatened species such as Glossy Black Cockatoos.
- Targeting rehabilitation and protection works across public and private lands with consideration of overall environmental benefit for ecosystems.
- Responding to an increase in calls from landholders seeking advice about vegetation, weeds and erosion management in bushfire impacted areas.

Legal

Council works with NSW Government agencies to ensure that projects align with NSW priorities and legislation.

New activities undertaken on Council-managed lands are subject to an internal approval process and reported to Council as required.

Environmental

1. Coast and Estuary Program

This program implements the recommended actions from Council's Estuary Management Plans (Clyde, Moruya, Wagonga) or the updated Coastal Zone Management Plans (Tomaga, Tuross/Coila). A Coastal Management Program for Moruya, Mummaga Lake and Wagonga is under development and will take the place of older plans once it is endorsed and certified.

During 2020-2021, estuarine conservation works have been undertaken throughout approximately 800 hectares of Endangered Ecological Communities and high value estuarine areas across the Eurobodalla. Works have included weed control and revegetation, community education and engagement, and foreshore bank stabilisation.

These works are supported by the Australian and NSW Government's funding for bushfire impacted estuaries to assist with managing the bushfire impacts at priority waterways, and to work towards restoration activities.

2. Wagonga Inlet Living Shoreline (WILS) Project

PSR22/034 2021-22 NATURAL RESOURCE MANAGEMENT STATUS REPORT

S010-T00015

A major new project has commenced in Narooma. The WILS is a collaboration between Council, NSW Department of Primary Industries, Fisheries and The Nature Conservancy to utilise innovative natural techniques to restore and protect a section of the Wagonga Inlet foreshore, rather than constructing a traditional rock wall.

This is a potential landmark project that will showcase how a nature-based approach, rather than traditional rock walls, can provide a viable and cost-effective solution for coastal protection that integrates recreational use.

The project has delivered restoration of a Sydney rock oyster reef and a native flat rock oyster reef. The next stage will include reclaiming the shoreline for planting of low-growing riparian vegetation to create an environmentally friendly seawall and restoration of saltmarsh communities. It will also improve public access by creating a jetty and floating pontoon which extends into the 'Deep Hole', a kayak launch and consolidation of accessways to the sandflats.

WILS will improve biodiversity, water filtration, fish production, shoreline and seagrass protection, and improve carbon storage.

3. Landcare Program

During 2021-2022 there were 27 Landcare groups volunteering in Eurobodalla. Eurobodalla Landcare has 300 regular members and approximately 1,000 individuals that participate in Landcare activities, many of whom were inspired to volunteer their time to assist with bushfire recovery programs.

Over 90% of Landcare activities occur on Council-owned or managed land contributing significantly to the maintenance of natural assets in the Eurobodalla. Together the groups form an incorporated network, the Eurobodalla Landcare Network, and undertake their work with the assistance of the Landcare coordinator, whose three-day a week part-time position was recently permanently funded by Council. Additional support for officers is funded via external grants.

Over 8,120 volunteer hours were recorded, and these are valued at \$324,800 (based on the Australian Bureau of Statistics rate of \$40/hour).

The main on-ground activities were weed control and reducing the impacts of high-risk and environmental weeds on native vegetation in reserves, erecting nest boxes, and the Indian Myna Control Program.

Many of the existing Landcare group working bees and extension work done with primary and secondary school students, has been adversely impacted by COVID and flood events.

4. Marine Debris Program

This includes ongoing monitoring of the 19 drain buddies installed in the Batemans Bay CBD, which trap waste from the stormwater network and enable identification of point and diffuse sources of litter and waste.

PSR22/034 2021-22 NATURAL RESOURCE MANAGEMENT STATUS REPORT

S010-T00015

A further 19 drain buddies have been placed across the Eurobodalla to address problem areas (Surf Beach, Batemans Bay industrial area and Wagonga Inlet).

The annual environmental calendar theme was 'Our Estuaries' where the river meets the sea, where the duraya meets the barra barra. This is the first year we encouraged all students to use the local Dhurga language in their submissions. All 11 primary schools participated in the annual calendar.

The 2023 calendar focus is on threatened species and how we can all help.

5. Flying-Fox Program

Council continues to work within the framework of the Eurobodalla Flying-fox Management Plan to reduce impacts of flying-foxes on residents, whilst conserving the ecosystem services they provide.

Ongoing monitoring has continued; the flying-fox pages of Council's website are updated regularly.

Five camps in Eurobodalla were occupied this season: Batemans Bay Water Gardens, Catalina Golf Club, Moruya, Tuross Head, and Narooma. 49,500 flying-foxes were counted at the peak (May) of the 2021-22 season. This is the highest number recorded since the 2016/17 season.

10,000 flying-foxes were still present in the Water Gardens at the end of June 2022, while all other camps were empty.

Projects have included:

- The removal of 320 Cocos Palms (280 from private properties and 40 from public lands in the suburbs closest to the Batemans Bay camps and at Sunshine Bay - most replaced with native trees).
- Five short YouTube videos have been developed to communicate effective methods of removing bat faeces from affected surfaces.
- Odour neutralising pots (indoors) and high-pressure cleaners have been available for free loan to affected residents.
- An education pack of resources has been developed and hand delivered to nearby residents giving officers the opportunity to talk face to face with affected residents.
- Five community flying-fox education events have been undertaken including 'fly-out' nights with local school groups.
- Weed maintenance and planting continued in camps and buffer zones in Batemans Bay and flying-fox signage has been installed at the Batemans Bay Water Gardens and Catalina Golf Course.

PSR22/034 2021-22 NATURAL RESOURCE MANAGEMENT STATUS REPORT

S010-T00015

- The Batemans Bay Water Gardens have had further beautification upgrades to improve the number of shade trees, native gardens, and the overall presentation of the area.

Council continued to work with the local community, as well as NSW and Australian Government agencies and other councils, to share knowledge and information and improve flying-fox management.

6. Bushfire Recovery Programs

The 2019/2020 bushfires affected a diverse range of landscapes and ecosystems across the Eurobodalla. Eurobodalla, Shoalhaven, and Bega councils engaged an independent consultant to prepare a Catchment and Waterways Bushfire Recovery Plan for south-east NSW. The objective of the plan is to prioritise sites for targeted ecological restoration activities to aid bushfire recovery and build environmental resilience.

Recommended recovery efforts, at locations where there are ongoing issues, focus on:

- stabilisation of banks and in-stream sediments utilising revegetation
- construction of fencing to assist recovery of vegetation along the creek and riverbanks
- management of weeds
- major erosion control work on creek and riverbanks.

Council began ecological restoration activities at priority sites in July 2020. Eight major erosion projects and six revegetation projects were completed over the last two years. To further help the vegetation recover, weed control was carried out across 1,400 hectares of riparian areas and 8,435 native seedlings were planted.

The projects have assisted 80 landholders over the last two and a half years and will continue until 2023 with further erosion remediation, revegetation and weed control to be completed.

Cabbage Tree Creek in the town of Mogo has been included in bushfire recovery works with the removal of weeds along the Crown land and private properties adjoining the creek, and replacement with native plants.

The Mogo community is trialing a new Landcare group to assist with ongoing recovery of Cabbage Tree Creek. The group has commenced with a working bee and intend to meet regularly to undertake weed control, revegetation, and artificial debris clean-up activities.

7. Gang-Gang Nesting Tube Project

This project is trialing artificial nesting hollows to conserve Gang-Gang Cockatoos following their displacement and the loss of hollow bearing trees during the wildfires of 2019/2020.

An extensive community citizen science project has helped to determine the presence of Gang-Gang Cockatoos across the Eurobodalla. This community collaboration has assisted in determining the location of nesting tube installation sites. 30 nesting tubes have been

PSR22/034 2021-22 NATURAL RESOURCE MANAGEMENT STATUS REPORT

S010-T00015

constructed and installed in 'hot spot' areas on primarily private property in Long Beach, Broulee, North Moruya, Bingie, Congo and Tilba.

These nesting tubes will be monitored for three years. Monitoring information will assist with determining whether the tubes are a good conservation tool, which could assist with species recovery.

8. Greener Streets Program

The Greener Streets Program is assisting Council to develop guidelines that will allow residents to plant the street verge with native/non-invasive plants.

Council is working through the constraints of planting around residential infrastructure and has been working with residents of three streets (at Long Beach, Lilli Pilli and Broulee) who successfully submitted expressions of interest to participate in a trial program. These streets will be planted out this Spring and feedback will be incorporated into the guidelines. It is envisaged the guidelines will allow residents to plant their verge for the purpose of shading, cooling, habitat, and aesthetics without needing further approvals from Council.

9. Eurobodalla Eco Crew Program

Eco Crews is an exciting new program funded by the Australian Government, which offers pre-employment training, accredited units in conservation and land management, mentoring and supervision to undertake environmental work across the Eurobodalla.

The team of one supervisor and six participants have greatly assisted with on-ground work including weed control, revegetation, fencing-off waterways, erosion control and native plant propagation in the Eurobodalla.

Council is hosting and assisting the Eco Crews in partnership with Campbell Page. These works have improved the environmental value of Council-managed bushland reserves, bushfire-impacted private properties, and have created vital planted corridors to assist with connecting the landscape from the mountains to the sea.

Council is hosting Eco Crews for one year, with the current team due to finish in November 2022. Campbell Page is seeking additional funding so that the program can continue.

Asset

The NRM projects aim at improving the environmental assets of the Eurobodalla. They also assist with improved farm practices and benefit both social and environmental facets of our landscape and community.

Social Impact

The projects have a strong emphasis on community engagement and education, providing a range of opportunities for community participation. This occurs in ongoing Landcare group working bees, one-off community events and activities, and property visits with landholders.

PSR22/034 2021-22 NATURAL RESOURCE MANAGEMENT STATUS REPORT

S010-T00015

The NRM Program builds the capacity of private landholders to recognise, maintain and improve their properties' natural assets, and to sustainably manage their land for enhanced agricultural productivity and environmental benefits.

Eurobodalla residents and visitors value the natural settings and interactions with the environment that Eurobodalla provides. NRM works continue to protect and improve this natural environment and provide volunteer opportunities for residents and visitors.

Economic Development Employment Potential

Grant funds and ongoing project investment contribute to the local economy.

NRM projects utilise local businesses to assist with implementation such as bush regenerators, fencing contractors, local produce stores, hardware stores, earthwork machinery operators, printers, sign makers and caterers for community training events.

Projects also involve the engagement of local Indigenous teams through the appropriate Local Aboriginal Land Council where suitable.

Financial

Most NRM projects are externally funded through grants. Council funds were used to match external grants, tools and equipment, and contractors for supporting high priority NRM works on Council lands, where there was no external funding or source of volunteers.

Note that some projects are over a three-year duration.

Project	Status	Start	End	Grant total \$	Expenditure 2021/22 \$	Council contribution 2020/21 \$
Protecting 10.4 hectares Saltmarsh	Active	1/07/2019	30/12/2021	10,000	0	
Managing established pest animals and weeds (MEPAW)	Active	15/03/2019	30/06/2022	5,000	2,700	
Eurobodalla Coastal Waterway Bushfire Impact Mitigation Project	Active	1/06/2020	30/06/2023	1,105,000	451,682	
SE Catchment and Waterways Bushfire Recovery Plan (regional project)*	Active	1/06/2020	30/09/2021	427,287	390,000	
Wildlife relief Eurobodalla	Active	1/05/2020	30/06/2022	49,000	9,073	
Landcare coordinator	Active	1/08/2020	30/06/2024	107,832	35,282	
Flying-fox management	Active	1/07/2016	30/08/2022	1,500,000	127,957	
Barlings Beach VMP	Active	1/06/2020	31/05/2022	53,395	904	
Broulee biodiversity conservation	Active	1/07/2020	31/12/2021	15,000	7,294	
Community estuary recovery	Active	1/05/2021	30/04/2021	138,000	81,637	
Support for bushfire-affected Landcare groups	Active	1/05/2021	30/04/2021	131,000	90,438	
Gang-gang Nesting Tube Project	Active	1/01/2022	31/12/2023	41,000	29,080	
Protecting Tilba's Warty Zieria habitat	Active	1/07/2021	30/08/2022	74,820	46,059	
Greener Streets Project	Active	1/07/2021	31/12/2022	28,752	1,432	
WILS jetty and pontoon	Active	1/06/2022	31/12/2022	310,000	0	
Enhancing Eurobodalla's natural defences for a resilient coastal environment	Active	1/07/2021	30/06/2023	150,000	123,794	66,384

PSR22/034 2021-22 NATURAL RESOURCE MANAGEMENT STATUS REPORT

S010-T00015

Project	Status	Start	End	Grant total \$	Expenditure 2021/22 \$	Council contribution 2020/21 \$
Maintaining momentum and bridging the gaps on the HCVAE Deua River	Completed	1/02/2019	1/12/2021	99,647	8,982	
Fighting ferals in EECs	Completed	1/10/2018	20/12/2021	99,987	16,534	
Indian Myna Control Program	Completed	1/07/2020	30/06/2021		10,323	10,323
Landcare works assistance	Completed	1/07/2020	30/06/2021		34,657	32,629
Environmental protection	Completed	1/07/2020	30/06/2021		10,874	10,900
TOTAL ACTIVE AND COMPLETED PROJECTS 2020/21				4,345,720	1,478,701	120,236
New funding announced commencing 2022/23						
LLS Clyde River bushfire restoration support	Active	1/07/2022	30/06/2022	55,142		
Wagonga LALC foreshore works	Active	1/07/2022	30/06/2022	10,000		
LLS Nesting Box Program	Active	1/07/2022	30/06/2022	10,000		
Cabbage Tree Creek - Landcare	Active	1/07/2022	30/06/2022	10,000		
WILS Saltmarsh restoration and education	Active	1/07/2022	30/06/2025	135,590		

Table 1. 2021-22 NRM projects and funding

***Regional projects - funds are shared with Bega Valley Shire and Shoalhaven councils**

Community and Stakeholder Engagement

Project development and submissions are undertaken in consultation with the affected landholders, land managers and volunteers involved in the deliverables. Project works on private lands are on a voluntary basis and conducted with the consent and involvement of the landowner.

New project applications and grant announcements are provided in the Councillors' Newsletters.

The broader community is informed of project works by newspaper, radio, letter or in person, dependent on the nature of the works program and the community interaction required at each locality.

A range of community education events allow staff to consult on projects and to engage the community and landholders. Such events allow for more approachable access to Council officers and advice.

Officers may also meet face to face with residents adjoining bushland reserves to discuss projects within COVID restrictions.

CONCLUSION

Council-managed natural areas along beaches, rivers and estuaries are a highly valued community asset, and for Council to fulfil both legal responsibilities and meet community aspirations, these areas require appropriate management, maintenance, and conservation for the use of the whole community.

The contribution of volunteers is substantial equating to 8,120 hours and ongoing support from Council is vital to the continued delivery of NRM projects.

PSR22/034 2021-22 NATURAL RESOURCE MANAGEMENT STATUS REPORT S010-T00015

Council's contribution of \$120,236 with active grants totalling \$4,345,720 and volunteer labour of \$324,800 currently fund the NRM programs. \$1,478,701 in grant funding was delivered in 2021-2022.

Environmental bushfire recovery works will continue with implementation of grant-funded waterway protection and weed control throughout the bushfire impacted catchments.

**IR22/020 REQUEST FOR TENDER NO. RFT-10050961
MERRICUMBENE LANDSLIDE REMEDIATION WORKS**

**S028-
T00007**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Tender Report Confidential Attachment Merricumbene Rev B

Community Goal: 4 Our connected community through reliable and safe infrastructure networks

Community Strategy: 4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla

Delivery Program Link: 4.1.3 Provide safe and reliable local and urban roads, guided by the asset management plan

Operational Plan Link: 4.1.3.2 Maintain the local and urban road network

EXECUTIVE SUMMARY

Araluen Road has been subject to extensive damage due to the 2019-20 bushfires and subsequent nine declared natural disaster floods. This has had significant flow-on impacts on the Deua Valley community and to the inter-regional activity between Moruya and Braidwood.

The extensive damage has included many landslides, with major landslides at approximately the 43km mark at Merricumbene severing the road due to downside and uphill failures.

A requirement exists for the construction of embankment stabilisation measures and road restoration at this site to allow the re-opening of the road to the public.

The scope of the work required involves the supply of specialist plant, materials and labour to reinstate the road embankment damage and protect the road from unstable slope using a combination of soil nailing, gabion wall structures, shotcrete, rock bolts and tension mesh. This report outlines the evaluation of offers submitted in response to Request for Tender No.

RFT-10050961 and provides a recommendation for the preferred provider of landslide remediation works.

RECOMMENDATION

THAT

1. Council endorses the selection of the preferred tenderer listed for RFT-10050961 within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

BACKGROUND

As a result of the ten declared natural disasters (2019-20 bushfires and subsequent flood events since) and on-going wet weather, the local road network has suffered significant damage. This is particularly across the unsealed road network including Araluen Road.

**IR22/020 REQUEST FOR TENDER NO. RFT-10050961
MERRICUMBENE LANDSLIDE REMEDIATION WORKS**

**S028-
T00007**

The Councillors have had the opportunity to tour Araluen Road and meet with residents firsthand to better understand the scale and nature of the challenges at hand. A large amount of work has already been completed along this route with more planned, however the road remains closed at the 43km mark near Merricumbene.

Detailed geotechnical site investigations were undertaken at the 43km mark to review options and develop preferred solutions. Councillors have previously been advised that the proposed solution will be to undertake extensive repair works stabilise and re-open the existing road. More detailed design work was undertaken on this basis and tender documents prepared by an appropriate qualified geotechnical consultant with NSW Public Works Advisory oversighting this work in conjunction with the Council Natural Disaster Recovery Team.

Transport for NSW has agreed that these extensive recovery works are able to be funded through the Natural Disaster Relief and Recovery Arrangements (NDRRA).

The proposed works will enable the restoration of the existing road formation and provide ongoing embankment stability to approximately 235m of downslope and 50m of upslope where damage has occurred as a result of the natural disasters. The tendered works will comprise, inter alia, soil nails, shotcrete, gabion retaining wall, ground anchors, guardrail, drainage culverts and other associated works.

The proposed works do not address the stability of the road away from the sites that have already failed. As with other locations along Araluen Road, these will continue to require on-going inspection to monitor any change and manage the risk.

CONSIDERATIONS

A Request for Tender No. RFT-10050961 was advertised in accordance with Local Government uploaded to Buy NSW eTendering website on the 14 June 2022. The response closure date was 12 July 2022.

A mandatory pre-tender meeting was held onsite on Monday 27 June 2022. There were five (5) companies in attendance.

A Tender Evaluation Plan (TEP) was distributed to the members of the Tender Assessment Panel (TAP).

Upon close of tender, three (3) tenders were received and assessed in accordance with the TEP. The three (3) tender responses received for the project were submitted from:

- Specialised Geo Pty Ltd
- Piling and Concreting Australia Pty Ltd (PCA)
- Pan Civil Pty Ltd

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

Legal

Request for Tender No RFT-10050961 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

**IR22/020 REQUEST FOR TENDER NO. RFT-10050961
MERRICUMBENE LANDSLIDE REMEDIATION WORKS**

**S028-
T00007**

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to tendered pricing, experience and WHS Management System.

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

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council after having the highest score after the Tender Assessment Criteria was concluded.

Policy

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

Environmental

Tenders must demonstrate their capacity to manage matters in accordance with the NSW Government's legislation and Environmental Management Guidelines.

Financial

The amount tendered by the preferred tenderer can be accommodated within the available NDRRA funding.

Community and Stakeholder Engagement

Council continues regular communication with Araluen Road residents and land holders. Prior to works commencing, local residents will be advised by letter of the proposed project overview including the proposed project timeline. The project information will be also be included on Council's website to inform the wider community about the project.

Regular media will be undertaken as works proceed to advise modification to traffic movements along Araluen Road and any adjustments to the program.

The community will also be informed of the tender outcome via Council's contract register found in Council's 'Public Access to Information' weblink.

CONCLUSION

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

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

DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

CONTACT	PHONE	EMAIL	WEBSITE
Eurobodalla Shire Council Public Officer	4474-1000	council@esc.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.