



AGENDA

Ordinary Meeting of Council

20 February 2024

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Eurobodalla Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act, to the best of their skill and judgement. The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

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

ON TUESDAY 20 FEBRUARY 2024

COMMENCING AT 12.30PM

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 19 December 2023
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- 6. PUBLIC FORUM**
- 7. MAYORAL REPORTS**
Nil
- 8. NOTICES OF MOTION**
Nil
- 9. QUESTIONS ON NOTICE FROM COUNCILLORS**
Nil
- 10. PETITIONS**
Nil

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WARWICK WINN
GENERAL MANAGER

GMR24/001 2024 CONFERENCES

**S004-T00019;
S012-T00025**

Responsible Officer: Warwick Winn - General Manager

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.2 Implement effective governance and long-term planning

Operational Plan Link: 5.2.2.1 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

Council has a commitment to continuing professional development for Councillors. Attendance at local government sector conferences provides the individual Councillor with new skills and knowledge on particular issues to ensure they can perform their duties and represent residents to the best of their ability. It provides opportunities for networking and advocacy with councillors from other local government areas.

To ensure each Councillor is given the opportunity to participate in conferences of interest to them, this report outlines key local government sector conferences known to be available to Councillors for the remainder of the council term ending September 2024. The conferences are:

1. 2024 Australian Local Government Women's Association (ALGWA) NSW Conference on 14 to 16 March 2024 in Sydney NSW.
2. 2024 Regional Australia Institute Region Rising on 26 March 2024 at Adelaide, SA.
3. 2024 Floodplain Management Australia National Conference on 21 to 24 May 2024 at Brisbane Convention and Exhibition Centre in Brisbane, QLD.
4. 2024 LGNSW Destination and Visitor Economy Conference on 28 to 30 May 2024 in Wagga Wagga, NSW.
5. 2024 NSW Local Roads Congress on 3 June 2024 at NSW Parliament House, Sydney NSW.
6. 2024 National General Assembly (NGA) on 2 to 4 July 2024 at National Convention Centre, Canberra, ACT.
7. 2024 Climate Summit for Local Government – date and venue to be announced. Councillor attendance dependent on conference being held prior to local government elections.
8. 2024 National Local Roads and Transport Congress – date and venue to be announced. Councillor attendance dependent on conference being held prior to local government elections.

Under the 'Councillor's Professional Development, Expenses and Facilities' Policy, Councillors are entitled to an annual amount of \$3,500 each per year to attend conferences and seminars.

Councillor attendance at conferences not included in this report is subject to a resolution of Council as per policy.

GMR24/001 2024 CONFERENCES

**S004-T00019;
S012-T00025**

Council's *'Councillor Professional Development, Expenses and Facilities'* Policy normally limits attendance at each conference to two councillors, and best practice recommends one councillor per conference.

RECOMMENDATION

THAT:

1. Council determine which Councillors will attend each of the following Conferences being held in 2024. Noting Council's policy normally limits attendance to two councillors per conference, and best practice recommends one councillor per conference.
 - a. 2024 Australian Local Government Women's Association (ALGWA) NSW Conference on 14 to 16 March 2024 in Sydney NSW.
 - b. 2024 Regional Australia Institute Region Rising on 26 March 2024 at Adelaide, SA.
 - c. 2024 Floodplain Management Australia National Conference on 21 to 24 May 2024 at Brisbane Convention and Exhibition Centre in Brisbane, QLD.
 - d. 2024 LGNSW Destination and Visitor Economy Conference on 28 to 30 May 2024 in Wagga Wagga, NSW.
 - e. 2024 NSW Local Roads Congress on 3 June 2024 at NSW Parliament House, Sydney NSW.
 - f. 2024 National General Assembly (NGA) on 2 to 4 July 2024 at National Convention Centre, Canberra, ACT.
 - g. 2024 Climate Summit for Local Government – date and venue to be announced. Councillor attendance dependent on conference being held prior to local government elections.
 - h. 2024 National Local Roads and Transport Congress – date and venue to be announced. Councillor attendance dependent on conference being held prior to local government elections.
2. Council representatives be reimbursed out of pocket expenses in accordance with the *'Councillors' Professional Development, Expenses and Facilities'* Policy.
3. Councillors are required to provide a written delegates report following the Conference that will be available to the public on Council's website and at the Moruya Administration Offices.

BACKGROUND

This schedule of key local government sector conferences provides the opportunity for Councillors to plan their professional development and keep within their allocated budget. Below is detailed information about conferences available for Councillors to attend in 2024.

GMR24/001 2024 CONFERENCES

**S004-T00019;
S012-T00025**

The **2024 Australian Local Government Women's Association (ALGWA) NSW Conference** is held on 14 to 16 March 2024 in Sydney NSW. A voluntary-run organisation, ALGWA supports local government employees and elected representatives. The 2024 conference is designed to provide training and support for councillors and staff, whether they are new to local government or have been around for a long time. It is an opportunity to learn and gain valuable insights from guest speakers along with networking with other delegates from across NSW. The conference and registration brochures are available through the conference website: [NSW ALGWA Conference 2024 | City of Ryde](#)

The **2024 Regional Australia Institute - Region Rising** is held on 26 March 2024 in Adelaide, SA. Regions Rising brings together industry experts, economists, regional leaders, government, political leaders and the community sector to deliver the latest information on the key pillars affecting regional communities. This is an opportunity to be part of national conversation that is being delivered at a local level.

The **2024 Floodplain Management Australia National Conference** will be held at Brisbane Convention and Exhibition Centre, Brisbane QLD. It will bring together over 350 flood professionals with interests in flood risk management including commonwealth, state and local government representatives, research organisations and education providers as well as consultants, engineers, land-use planners, emergency responders and community volunteer organisations. The conference and registration brochures are available on the conference website: <https://floodplainconference.com/>

The **2024 LGNSW Destination and Visitor Economy Conference** is being held on 28 to 30 May 2024 in Wagga Wagga, NSW. The conference gives Councillors and Council staff the opportunity to meet, listen to experts and peers, and find out how other councils are engaging and managing their tourism industry. The conference will aim to embrace not just tourism, but also a wider aspect of economic development relevant to regional and metropolitan councils. The conference and registration brochures will be available on the conference website closer to the date of event: [Event Details - Program | DVE Conference \(lgnsw.org.au\)](#)

The **2024 NSW Local Roads Congress** is being held on 3 June 2024 at NSW Parliament House, Sydney NSW. The Congress provides an annual forum for local community representatives managing road and freight networks to discuss better outcomes for the safe and efficient movement of passengers and freight across the extensive network of local and regional roads in NSW. Registration for Councillors attending this conference is free with a paying staff delegate. The conference and registration brochures will be available closer to the date on the conference website: [Local Roads Congress | IPWEA \(NSW\) \(ipweansw.org\)](#)

The **2024 National General Assembly (NGA)** is being held on 2 to 4 July 2024 at the National Convention Centre in Canberra. This event provides an opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of councils and communities. The theme for the 2024 NGA is Our Communities, Our Future. The conference and registration brochures are available on the conference website: [Home - Australian Local Government Association \(alga.com.au\)](#)

GMR24/001 2024 CONFERENCES

**S004-T00019;
S012-T00025**

The **2024 Climate Summit for Local Government** date and venue is yet to be confirmed. As the level of government closest to the community, councils are at the heart of responding to climate impacts. The conference will bring together elected officials and chief executives from councils across the country to identify key opportunities, inform practical actions, and inspire innovation. The registration brochures will be available on the Summit website once announced: [Events - Cities Power Partnership](#)

The **National Local Roads and Transport Congress** date and venue is yet to be announced provides critical engagement opportunities on road and infrastructure policies and initiatives. Information will be available on the congress website once announced [National Local Roads and Transport Congress - Australian Local Government Association \(alga.com.au\)](#)

CONSIDERATIONS

Policy

Council's '*Councillor Professional Development, Expenses and Facilities*' Policy provides that attendance of Councillors at each conference will normally be limited to two. The principle of having one councillor attend will be considered best practice for attending seminars and conferences. This may be varied from time to time by resolution of Council.

Councillors attending training, seminars and conferences are to provide a detailed report to Council on the outcome and issues. Where there are a number of Councillors attending the same conference, a joint report is acceptable. Councillors not meeting these criteria without reasonable explanation may not receive priority or opportunities for future events.

Financial

Councillors are allocated the annual sum of \$3,500 each per year to attend conferences and/or seminars, as per the '*Councillor Professional Development, Expenses and Facilities*' Policy.

CONCLUSION

It is considered appropriate that Councillors attend relevant local government sector conferences throughout the year to enable them to be knowledgeable and up-to-date on key issues, ensuring they can perform their duties and represent residents to the best of their ability.

PSR24/001 PLANNING PROPOSAL - 207 BROULEE ROAD

S017-T0008

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

Attachments:

1. Under Separate Cover - Planning Proposal 207 Broulee Road PART 1
2. Under Separate Cover - Planning Proposal 207 Broulee Road PART 2
3. Under Separate Cover - Planning Proposal 207 Broulee Road PART 3
4. Under Separate Cover - Planning Proposal 207 Broulee Road PART 4
5. Under Separate Cover - Planning Proposal 207 Broulee Road PART 5
6. Under Separate Cover - Planning Proposal Assessment Report 207 Broulee Road
7. Under Separate Cover - Review of scoping report
8. Under Separate Cover - PP-2023-1556 207 Broulee Road- returned
9. Under Separate Cover - Request for information 207 Broulee Road Planning Proposal
10. Under Separate Cover - Planning Proposal additional information PART 1
11. Under Separate Cover - Planning Proposal additional information PART 2
12. Under Separate Cover - Planning Proposal additional information PART 3
13. Under Separate Cover - BMPCA letter 207 Broulee Road

Community Goal: 3 Our region of vibrant places and spaces

Community Strategy: 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: 3.1.1.3 Conduct ongoing reviews and update planning controls

EXECUTIVE SUMMARY

Council received a planning proposal on 10 August 2023 to rezone land at 207 Broulee Road, Broulee from RU1 Primary production to C4 Environmental Living to facilitate an estimated 800 dwellings (Attachment 1). The proponent refers to the proposal as an 'Agrihood' called 'The Farm'.

The location of the proposal is shown in **Figure 1** and the concept plan is shown in **Figure 2**.

The planning proposal assessment process has been undertaken in line with the *Environmental Planning and Assessment Act 1979* and NSW Government guidelines. An independent planning consultant assessed the planning proposal (Attachment 6). Key issues identified are:

- The proposal has been assessed to not have strategic or site-specific merit for the following reasons:
 - Inconsistency with regional and local strategies, State Environmental Planning Policies and Ministerial Directions including:
 - planning strategies in the Draft Southeast and Tablelands Regional Plan 2041, including 17.1 and 17.2

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- planning priorities in the Eurobodalla 2040 (Council's Local Strategic Planning Statement), including Planning Priorities 2, 3, 5, 8, 9 and 11
 - the Eurobodalla Rural Lands and Settlement Strategy
 - Ministerial Directions - 1.1 Implementation of Regional Plans, 1.4 Site Specific Provisions, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.2 Coastal Management, 4.3 Planning for Bushfire Protection, 4.4 Remediation of Contaminated Land, 4.5 Acid Sulfate Soils, 5.1 Integrating Land Use and Transport, 6.1 Residential Zones, 9.1 Rural Zones and 9.2 Rural Lands
 - SEPPs – Primary Production (2021), Transport and Infrastructure (2021), Biodiversity and Conservation (2021), Resilience and Hazards (2021).
- The proposal is inconsistent with the intended character of development in the C4 Environmental Living zone, and many of the proposed uses are prohibited in the C4 Environmental Living zone.
 - The proposed form of housing is urban in character and development will require significant infrastructure investment, the feasibility of which is uncertain.
 - The site will substantially change the character of, and impact, Broulee village and the surrounding Illawong Nature Reserve.
 - The development may have an adverse effect on the biodiversity and conservation of threatened species, ecological communities and their habitats.
 - The development may cause land-use conflict between urban and rural uses.
 - The proposal is premature to the finalisation of the Eurobodalla Housing Strategy.
 - The proposal will divert the planning and delivery of necessary critical infrastructure, funding, staging, sequencing, and housing away from existing nominated growth areas, and is therefore not in the public interest.

The values and concepts presented in the planning proposal are commendable, however there is not enough information provided for any certainty that a sustainable residential community would be achieved. All development should promote sustainable living and all subdivisions must provide for a livable, sustainable and climate adapted public realm.

The planning proposal does not demonstrate strategic or site-specific merit and therefore it is recommended that Council does not support it.

RECOMMENDATION

THAT Council

1. Resolves not to support the Planning Proposal proceeding to Gateway Determination, for the following reasons:
 - Inconsistency with regional and local strategies, State Environmental Planning Policies and Ministerial Directions.
 - The feasibility of significant infrastructure required to achieve the proposed future development is not demonstrated from a financial and environmental perspective.
 - Mitigation of potential adverse effects on the biodiversity and conservation of threatened species, ecological communities and their habitats and the surrounding Illawong Nature Reserve is not demonstrated.
 - Preliminary work on the Eurobodalla Housing Strategy has identified housing supply and land zoned for future residential development exceeds the projected population needs past 2041.

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- The proposal will divert the necessary critical infrastructure, funding, staging, sequencing, and delivery of housing away from the existing nominated growth areas and is therefore not in the public interest.
2. Notifies the proponent of Council's determination in accordance with section 9 of the *Environmental Planning and Assessment Regulation 2021*.

BACKGROUND

The proponent of the proposed development at 207 Broulee Road submitted a pre-lodgement scoping report in September 2022 to rezone rural land to residential land. The proposal is referred to as an 'Agrihood' called 'The Farm'. The location of the proposal is shown in **Figure 1** and the concept plan of the Agrihood is shown in **Figure 2**.

Council staff and an independent planning consultant reviewed the scoping report. The proponent was advised on 19 January 2023 that the proposal did not demonstrate strategic or site-specific merit (see Attachment 7). Staff also recommended deferring the planning proposal until further strategic work was completed to identify if there was any requirement for land to be rezoned for future housing development, ie, through the housing strategy process.

The proponent proceeded to submit a planning proposal and supporting documentation on 21 July 2023. The planning proposal was returned on 4 August 2023 requiring further information (see Attachment 8).

The proponent resubmitted the planning proposal and supporting documentation on 10 August 2023 (Attachments 1 to 5) and assessment commenced. After an RFQ process, Council engaged an independent planning consultant to assist staff assess the planning proposal. The independent planning consultant requested more information on the 12 October 2023 (Attachment 9). The proponent responded to the request for information with a letter and additional documentation on 10 November 2023 (Attachments 10 to 12).

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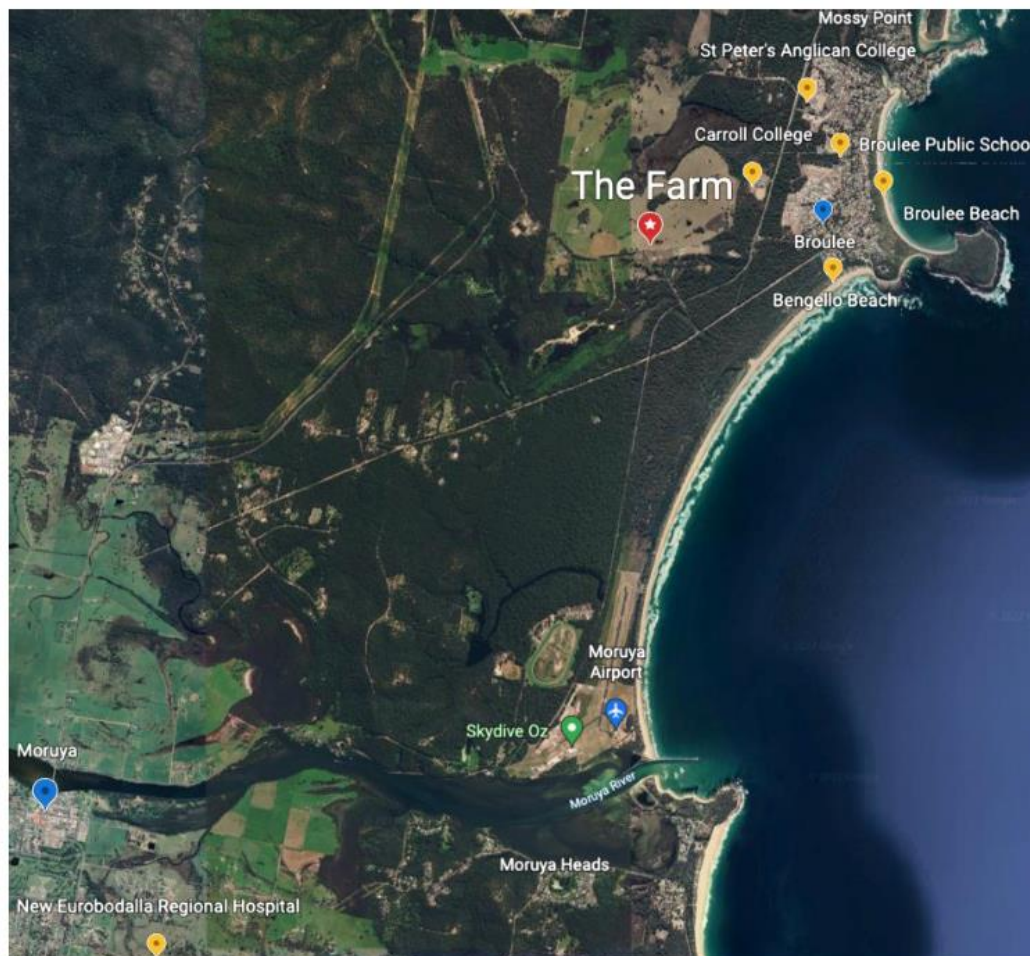


Figure 1: Location of proposal 'The Farm' (source: Figure 2 of Planning proposal dated 18 July Rev C)

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Figure 2: Concept plan (source: additional information provided by proponent on 10 November 2023, Attachment 11)

The planning proposal seeks to amend the *Eurobodalla Local Environmental Plan 2012* by:

- Rezoning land from RU1 Primary Production to C4 Environmental Living to facilitate an estimated 800 dwellings (Figure 3).
- Rezoning land from RU1 Primary Production to C2 Environmental Conservation (Figure 3).
- Introducing a height of building limit of 8.5 metres (Figure 4).
- Introducing a site-specific local provisions clause to allow residential development of the proposed C4 zoned land subject to:
 - maximum dwelling density of 8 dwellings per hectare and
 - minimum 50% of the lands being conservation area, green space, market gardens, etc.
- Introducing the following additional permitted uses for the part for the land proposed to be zoned C4:
 - community facility
 - food and drinks premises.

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Figure 3: Existing and proposed zoning of the site (source: Figure 7 of Planning proposal dated 18 July Rev C, Attachment 10)

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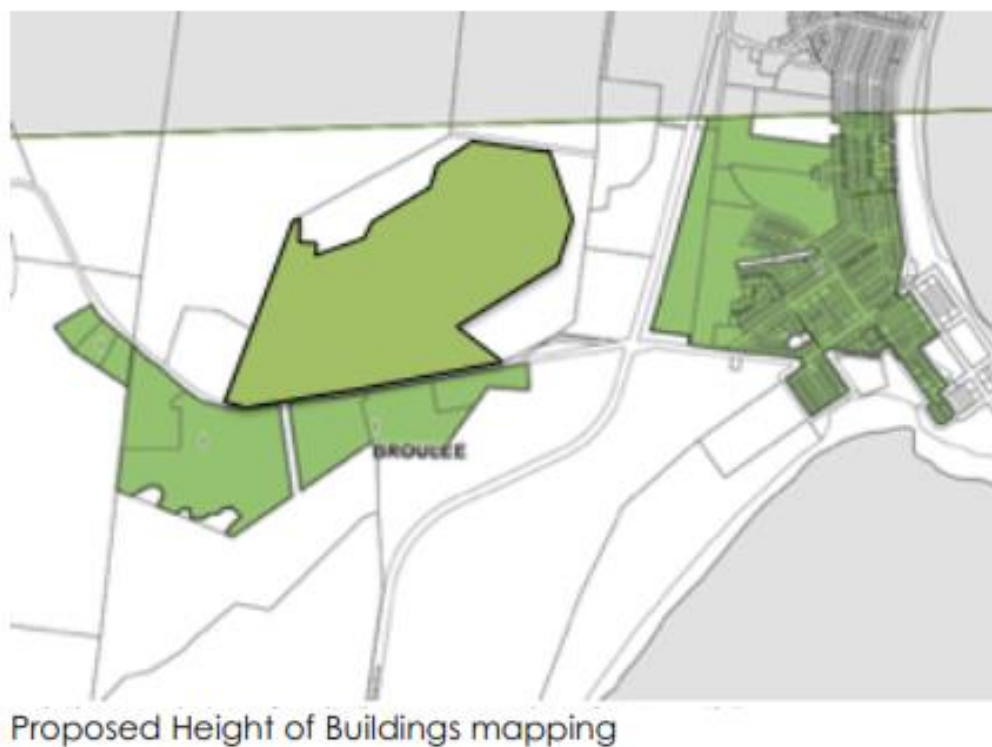
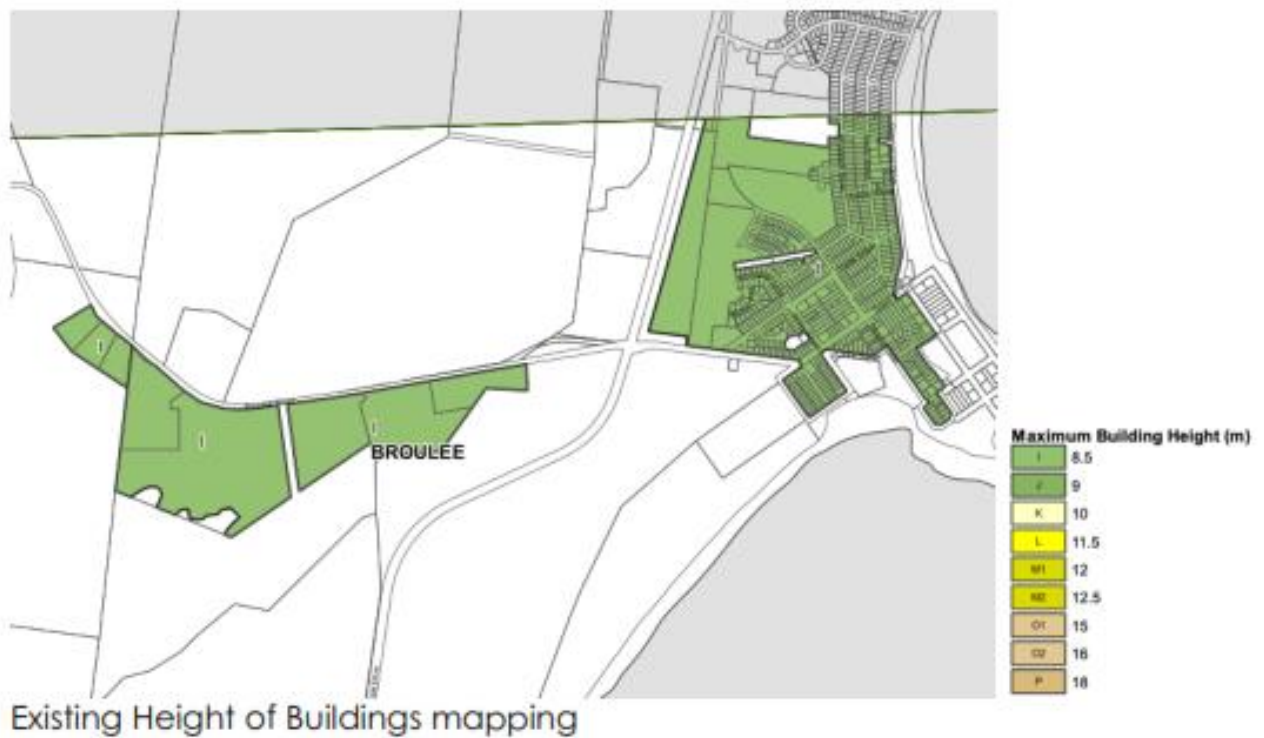


Figure 4: Existing and proposed height of building limit for the site (source: Figure 8 of Planning proposal dated 18 July Rev C, Attachment 10)

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The term 'Agrihood' has no accepted or formal definition and it is not recognised as a statutory land-use in the definitions in the NSW Local Environmental Plan Standard Instrument. An 'Agrihood' is described by the proponent in the planning proposal and supporting documentation as:

"a unique community that integrates agriculture into a residential neighbourhood" (PPD Planning Consultants Planning Proposal 18 July 2023, Attachment 10)

"Australia's leading wellness community with the implementation of 'agri-hoods', a clustered housing model and the world's leading technology to drive sustainability.

While there is no project in Australia that exactly replicates the intent of The Farm, there are a couple of case studies at Witchcliffe, Western Australian and The Cape, Victoria. This development will not appeal to everyone rather it seeks to target those that are passionate about the environment, their health and want to be part of the solution to climate change. ... While this is exemplified in the construction of homes and landscape infrastructure, the desire to embody a lifestyle of sustainability and connection cannot be separated from food production and consumption and interactions with nature and others. Food and farming are often the reasons that we come to community gardening, however, the connections that are developed between the individual, their community, and their environment are some of the most powerful benefits" (The Farm, 'Community Farm Management Plan' undated, Attachment 10).

CONSIDERATIONS

The independent planning consultant report states that while the philosophy and the principles that support the characteristics of 'Agrihoods' are commendable, the location of the proposed site for this new type of development is inappropriate and the characteristics of the proposal in this instance are uncertain.

The independent planning consultant concludes that the proposal should not be supported because (see Attachment 6):

1. *The proposal is inconsistent with the strategic planning framework including:*
 - i) *A large number of the applicable Planning strategies in the Draft South East and Tablelands Regional Plan 2041, including 17.1 and 17.2.*
 - ii) *The majority of the planning priorities in the Eurobodalla Local Strategic Planning Statement 2040, including Planning Priorities 2, 3, 5, 8, 9 and 11.*
 - iii) *Eurobodalla Rural Lands and Settlement Strategies.*
 - iv) *Ministerial Directions - 1.1 Implementation of Regional Plans, 1.4 Site Specific Provisions, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.2 Coastal Management, 4.3 Planning for Bushfire Protection, 4.4 Remediation of Contaminated Land, 4.5 Acid Sulfate Soils, 5.1 Integrating Land Use and Transport, 6.1 Residential Zones, 9.1 Rural Zones and 9.2 Rural Lands.*
 - v) *SEPPs – Primary Production (2021), Transport and Infrastructure (2021), Biodiversity and Conservation (2021), Resilience and Hazards (2021).*

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2. *The proposal is inconsistent with the intended character of development in, and many of the proposed uses are, prohibited in the C4 Environmental Living zone.*
3. *The proposed form of housing is urban in character and development will require significant infrastructure investment, the feasibility of which is uncertain.*
4. *The site will substantially change the character of, and impact, Broulee village and the surrounding Illawong Nature Reserve.*
5. *The development will have adverse effect on the biodiversity and conservation of threatened species, ecological communities and their habitats.*
6. *The development will cause land use conflict between urban and rural uses.*
7. *The proposal is premature as the Local Housing Strategy has not been completed and*
8. *The proposal will divert the necessary critical infrastructure, funding, staging, sequencing and delivery of housing away from the existing nominated growth areas and is therefore not in the public interest.*

The independent consultant also considered the site-specific capability and identified the following matters requiring further consideration (Attachment 6):

1. *Potential land-use conflict from existing rural activities affecting the new urban development.*
2. *Land use conflict within the development. This includes from the proposed location of the agricultural areas in proximity to residential areas.*
3. *Bushfire asset protection zones should be within public road reserves and not within riparian areas or on trails. The proposed fire trails may not be accessible by the RFS.*
4. *Transport accessibility for future residents, and connectivity of cycleways, pathways and open space areas from the new development to the existing areas of Broulee.*
5. *Potential contamination impacts, which are unknown.*
6. *Potential Acid Sulfate Soil impacts, which are unknown.*
7. *Potential impacts on the provision of education, community, open space and recreation facilities, which are unknown.*
8. *The ad hoc introduction of new development standards into the Eurobodalla Local Environmental Plan 2012 which either do not currently exist or are being proposed in a manner that is inconsistent with other areas. This includes the use of C4 Environmental Living Zone to support detached, villa and terrace housing areas with a density of 12.6 dwellings per hectare and an average lot size of 600 sqm.*
9. *The scale of the development, proposing 800 dwellings, is not local growth. Adopting a common occupancy rate of 2.3 people (but noting that the actual occupancy rate in*

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Broulee is much less), this equates to an estimated population of 1,800 additional people. This is approximately double the size of the existing 1,947 population of Broulee village (as measured at the last 2021 Census). The proposal does not provide evidence that this is the correct location for such housing.

10. *The proposal represents a large urban expansion that seeks to present itself as a low density environmental living development in a currently un-serviced and isolated rural area requiring significant infrastructure investment.*
11. *Evidence that suggests that the Shire has housing diversity and affordability issues is acknowledged. However these are generic issues that would be relevant to any proposal. The issue can be addressed by the provision of additional housing in appropriate locations.*
12. *More detail is required on how the proposal can contribute to increasing diversity and affordability. Overall, the proposed density of 12.6 dwellings per hectare and an average lot size of 600 sqm appears to be antipathetic to these objectives (notwithstanding the stated intentions of the proposal.*
13. *There are uncertainties in the ability to deliver infrastructure to service the proposal, in particular that of water, sewer, roads, community facilities and public transport. More detail is required regarding certainty of their provision, ownership and maintenance in the development. Without significant investment from Government, the proposal will likely result in the diversion of finite resources from the existing growth areas in the Eurobodalla Shire and*
14. *With the preparation of the new Local Housing Strategy underway, that will identify actions to increase diversity and affordability, it is premature to pre-empt and potentially undermine the findings and recommendations of the work by any support to a draft Planning Proposal of this scale at this time.*

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Legal

The planning proposal has been considered in line with the *Environmental Planning and Assessment Act 1979* and NSW Government guidelines, however the documentation submitted by the proponent has not demonstrated strategic or site-specific merit.

The permissibility of the proposed land uses of the village hub and dwelling typologies in the C4 Environmental Living zone is unclear. Some proposed uses, such as a café, childcare centre, business premises, 'discovery centre' and villa/terrace housing are not permissible in the proposed C4 Environmental Living zone. Clarification of this matter was sought from the proponent in the request for additional information on 12 October 2023 (Attachment 9). The proponent responded that the permissibility of the proposed housing mix and commercial uses in the proposed C4 Environmental Living zone will be confirmed in a Site – Specific Development Control Plan. However, a Development Control Plan cannot allow a land-use that is prohibited in a Local Environmental Plan. As such, this planning proposal is the time to demonstrate the proposed uses are permitted.

The proponent has stated that *'If deemed necessary, a draft site-specific Development Control Plan (DCP) will be prepared more appropriately following Gateway determination and prior to public exhibition of any future Planning Proposal. The DCP will be prepared in consultation with Council and provide additional clarity on the intended outcomes of the Planning Proposal as it relates to more detailed site-specific provisions.'* (Planning proposal dated 18 July Rev C, Attachment 10)

The proposed development controls are essential to understand whether the proposal can be delivered as proposed, especially because it is being relied upon as the response to many of the items in the request for more information. A structure for a development control plan was included in the planning proposal supporting documentation but it does not provide any draft controls.

Policy

The planning proposal is inconsistent with the [draft South East and Tablelands Regional Plan 2041](#) because it has not demonstrated that:

- Areas of high environmental value bordering the development area to the north, north east and south east can be protected, and impacts of the development on aquatic habitats in freshwater systems and aquacultural estuaries can be avoided (Strategy 13.1).
- Existing services in Broulee and convenient proximity to the site can cater for an increase in population (i.e. social infrastructure, education and health), and can encourage walking and cycling (Strategy 17.1).
- There is proximity to public transport commensurate with the need generated by the target 'seniors living' character of the population (Strategy 17.1).
- It focuses on new housing development in existing centres, where supported by strategic land use plans such as local housing strategies (Strategy 17.2).

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The proposal is consistent with the [Eurobodalla Local Strategic Planning Statement 2020-2040](#) because it:

- encourages greater housing diversity and affordability (Planning Priority 1), and
- promotes a diverse and sustainable agriculture sector (Planning Priority 13).

The proposal is inconsistent with the [Eurobodalla Local Strategic Planning Statement 2020-2040](#) because it does not:

- enhance the distinctive character and heritage of towns, villages and hamlets (Planning Priority 2)
- consolidate development within towns and village centres (Planning Priority 3)
- conserve and celebrate bushland and waterways (Planning Priority 5)
- align local infrastructure delivery with planned growth (Planning Priority 8)
- develop highly accessible town and activity centres (Planning Priority 9) and
- activate town and village centres (Planning Priority 11).

The proposal is consistent with the following actions in the [Eurobodalla Rural Lands Strategy 2016](#):

- Promote Eurobodalla as a place where small scale agriculture is a viable lifestyle and business opportunity (Action 5.5.2.1).
- Promote possible measures to encourage land owners to maintain or enhance landscape qualities as part of development offsets (Action 5.3.2.3).

The proposal is inconsistent with the [Eurobodalla Rural Lands Strategy 2016](#):

- Conserve properties over 100 ha in larger ownerships and limit further fragmentation of ownerships where access is poor (Action 5.2.3).
- There is a comfortable supply of vacant lots and potential lots in the existing rural residential zones to address at least 5 to 10 years demand for all types of rural residential living experience (Direction 5.8.3).
- The R5 Large Lot Residential zone should continue to be used for small lot (generally 5 ha or less) rural living and smaller scale hobby farm activity in estate style developments covering predominantly cleared lands (Action 5.9.2.1).
- The E4 Environmental Living zone [now C4 zone] should continue to be used to define areas where there is an emphasis on rural living in bushland surroundings (Action 5.9.2.1).
- Council continues to use the following zones for rural residential development:
 - Zone R5 Large Lot Residential: as a zone to define small lot areas for predominantly rural living with very small if any agricultural use.

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- Zone E4 [C4] Environmental Living: as a zone to distinguish environmental living in bushland areas with low emphasis on agricultural use. (Action 5.9.2.1).

The proposal is inconsistent with the following actions in the [Eurobodalla Settlement Strategy 2006 – 2031](#):

- Direction 5.2.2: Settlements are contained within existing settlement boundaries and separation between settlements is maintained to ensure settlement character is protected and urban sprawl is avoided.
- Direction 5.3.2: urban residential land is developed in an orderly sequence that responds to the market and is able to be serviced economically.
- Action NH3: defer to the NSW Government Seniors Living Policy for the placement of aged housing – aged housing is to be prohibited in rural areas or areas subject to natural hazard.
- Action NE7: restrict development on rural lands through an appropriate land use zone in significant major water catchments that contribute to essential domestic water supply, irrigation waters and environmental flows in streams.
- Action NE8: apply a conservation zone and vegetation buffers to protect rivers, streams, wetlands, lakes and estuaries and other sensitive landscapes in order to achieve designated water quality objectives.
- Action SP7: include minimum lot sizes, maximum building heights and site coverage controls, such as maximum floor space ratios, as separate overlays in the new LEP.
- Action SP10: the existing boundaries of urban settlements as defined in structure plans and including land zoned for urban expansion are to be retained in the new LEP.
- Action SP13: vacant urban residential land within and adjacent to Batemans Bay, Moruya and Narooma structure plan areas is given high priority for release. Vacant urban land in or adjacent to isolated villages and hamlets is of low priority for release.
- Action SP16: deficits in dwelling needs in the northern and central district are to be addressed through increased housing densities in appropriate locations as identified in structure plans for Batemans Bay and Moruya.

Environmental

The information provided in the planning proposal and supporting documentation does not demonstrate how environmental benefits would be achieved, especially compared with the option of no change to land use or rezoning of land.

The proponent was asked to provide further information to:

- clarify how Category 1 streams would be avoided, managed, impacted and/or offset
- demonstrate that future proposed development will not significantly impact on the adjacent wetlands and environmental buffer areas
- determine potential impacts on Yellow-bellied gliders, including a targeted survey

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- prepare a Biodiversity Development Assessment Report, or minimum Biodiversity Assessment Methodology stage 1-2 assessment
- investigate the location of heritage buildings likely to occur on site and where required prepare an archaeological plan
- the investigation and description of review, and update the flooding or water cycle and stormwater management is inadequate. This should be addressed due to the proximity of the receiving environment being a wetland, Illawong Nature Reserve and first order waterways across the site.

Additional documentation did not adequately address these issues.

Asset

The nature of the capacity and infrastructure upgrades required (including potential associated environmental impacts to deliver infrastructure) and funding arrangement are unclear. The planning proposal and supporting documentation has not considered any environmental investigations, geotechnical limitations, community engagement or cost estimates associated with servicing the development with water and wastewater.

The proponent was asked to provide:

- indicative concept plans and maps showing lead in connections and routes to existing services
- expectations for how to fund community infrastructure eg, contributions plan or voluntary planning agreement
- the feasibility of the proposed secondary access closer to the highway due to its proximity to a crest.

Additional documentation did not adequately address these issues.

Social Impact

The planning proposal does not identify expected dwelling occupation or population estimates and how this may affect expected demand for schools and open space (eg, Captain Oldrey District Sports Park). It is unclear whether this is an acceptable increase in demand for community facilities. Additional documentation did not adequately address these issues.

Eurobodalla has adequate land zoned for future residential development to at least 2041, and development approvals are meeting projected population growth requirements. The issue of housing affordability is a significant concern for Eurobodalla, but this is not clearly addressed by the proposal. The proposal does not demonstrate the strategic merit of this site for more housing, which is identified for Eurobodalla's main towns in strategic plans and policy. There is insufficient detail of how key worker housing and affordable housing would be delivered eg, no evidence of collaborating with community housing providers. This means it is unlikely to help new teachers, and other key workers find housing that is affordable to them.

The housing component of the proposal presents a development that is urban in form and character with nearby agricultural activities. The dwelling yield is estimated to be 800 dwellings in a mix of dwelling types ranging from detached homes through to villas and terraces in a subdivision with an average lot size of 600m².

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There are inconsistencies in the justification for the proposal from a community perspective, for example:

- A 50% dwelling target for downsizers (one to two people) but the planning proposal documentation suggests smaller dwellings with two to three bedrooms.
- Over 55s are proposed to be over 50% of the future population however, it is not including seniors living, which is prohibited in the C4 Environmental living zone.
- The proposed zoning of C4 Environmental Living would be inappropriate given the urban characteristics of this proposal. The character of the housing component does not meet the desired future character sought by the objectives of the zone, particularly Objective 4 to “ensure that development in the area does not unreasonably increase the demand for public services or public facilities.”
- The proposal suggests the model is a ‘compact, mixed-use, walkable community’ however this is not evident in the concept plan. The proposal does not address active transport and how pedestrians/cyclists will be catered for particularly around crossing of George Bass Drive to the services like schools, medical facilities and shops in Broulee, or the potential for public transport to elsewhere in Eurobodalla. The potential impacts of walking and bike trails through threatened ecological community to Carroll College have not been adequately assessed in the planning proposal.

Preliminary consultation with SAGE, Carroll College and St Peters College shows their support of a learning centre, but this is a potential outcome of the planning proposal and has not been described in detail.

The proposal states it will be a carbon negative community, however how this will be achieved is unclear.

Economic Development Employment Potential

The proposal does not address the loss of agricultural land. Whilst the site may not currently be farmed to its potential, this is not justification for a change in use for future needs. It is also inconsistent with the Eurobodalla Rural Lands Strategy.

The proposal does not address potential land-use conflicts urban housing interspersed with agriculture (eg, impact of noise, odour, spraying, truck movements, etc, on residential amenity) or how they would be managed.

While further information was requested, additional documentation did not adequately address these issues.

The proposal suggests partnerships with an Aboriginal-owned construction company which may provide employment opportunities for Aboriginal people, however, all construction companies would likely result in this outcome for our local people.

Financial

Council charges fees to undertake the planning proposal process (eg, public exhibition) for proponent-led planning proposals.

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Contributions for required upgrades to community infrastructure because of the estimated 800 dwellings are recommended to form part of the planning proposal if it was supported by Council.

Council resources would be diverted from other priority projects to work on the planning proposal and associated funding agreements or contributions plans if the planning proposal was supported by Council.

Community and Stakeholder Engagement

The proponent and Council staff met with the former NSW Government Department of Planning and Environment (now Department of Planning, Housing, and Infrastructure) on 24 October 2022 regarding the scoping proposal.

No preliminary engagement has been undertaken with the community, government agencies or stakeholders regarding the planning proposal submitted in August 2023. If a Gateway Determination was issued by the NSW Government, this would include additional engagement requirements in line with the determination, the *Environmental Planning and Assessment Act 1979* and Council's Community Engagement Strategy.

Internal referrals have been made to Council staff for specialist review which raised matters for consideration and collectively do not support the proposal.

The proponent has undertaken limited, selective engagement with key stakeholders and other interested parties within the community, some of whom have indicated support of the proposal (Table 1).

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Table 1: Summary of engagement undertaken by the proponent (source: Section 5.5 of planning proposal dated 18 July Rev C, Attachment 10)

Stakeholder	Summary of response provided by proponent in planning proposal
Blackrock Industries	<p>Blackrock Industries are a large 100% owned Indigenous organisation providing people and equipment to mining and civil projects. They have provided a letter of support for this project stating:</p> <ul style="list-style-type: none"> • We have developed a long-term relationship with Brightlands Living. • Blackrock is tremendously excited to be aligned with such an innovative and sustainable project and would be delighted to undertake the civil contracting work and construction work associated with the project. • As an Indigenous business we have a significant Indigenous workforce, and we would also work with the local Indigenous community in the Eurobodalla region to provide pathways for employment.
Carroll College	<p>Preliminary discussions have been held with Carroll College and a letter of support has been provided by the Principal, Mrs Jacqueline Heffernan, stating:</p> <ul style="list-style-type: none"> • We look forward to the opportunities presented by the development project bordering the college. • This project will provide an onsite market garden and learning centre to teach the students about sustainability, conservation, and agriculture. • We are facing a housing shortage for our teachers and strongly commend the rent to buy key worker housing initiative, which will provide us greater opportunity to attract new staff. • We would also be interested to discuss the opportunities to construct walking and bike trails at the rear of the college, as well as across George Bass Drive which would also be a great solution to remove limitations of pick-up and drop-off.
SAGE	<p>SAGE is a not-for-profit community group involved in improving food security. The SAGE community is made up of growers, food producers, businesses, food consumers, members, supporters, and volunteers.</p> <p>Following a meeting with board members of SAGE where they were given some background to the proposed development of 'The Farm', all members commended the farming initiatives proposed and expressed interest in being involved in the creation of a learning centre for market gardeners. They also commented this would further the work they have undertaken at Stepping Stone Farm, a working market garden approximately 8kms from Moruya.</p>
St Peters College	<p>The principal of St Peters College, Mr Darren McPartland, was briefed on the proposed development at 'The Farm' and made the following comments:</p> <ul style="list-style-type: none"> • Student numbers have almost doubled in the last few years and an additional ten teachers have been employed. • It has been extremely difficult to find housing for the teachers close to the school and house prices are too expensive for the teachers. He was very

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Stakeholder	Summary of response provided by proponent in planning proposal
	<p>supportive of a rent to buy initiative for key workers including teachers.</p> <ul style="list-style-type: none"> • Welcomed the learning centre on the site, which would align with the students undertaking the primary resources subjects.
Southcoast Health and Sustainability Alliance	<p>SHASA's mission is to helping make the Eurobodalla a better place to live, work and play by championing renewable energy, sustainability, and community resilience projects across the Eurobodalla.</p> <p>SHASA expressed support for 'The Farm' becoming a carbon negative community proposed with initiatives such as an onsite micro grid, installation of rapid EV charging stations, car and bike sharing, household PV panels, passive solar and energy efficient design with household water tanks to each dwelling.</p>
Broulee Mossy Point Community Association	<p>Preliminary comments from Mr Andrew Bain regarding 'The Farm' proposal include:</p> <ul style="list-style-type: none"> - Some of the ideas proposed in 'The Farm' have been pushed for by the association in existing developments at Broulee and other close by areas. But they have typically met with little or no enthusiasm from developers or Council. -Where developers have initially signaled support for such sustainable initiatives during the course of development, these initiatives have tended to disappear, and the community is finally left with a 'standard' residential development. <p>This approach by existing developers has given rise to a high level of scepticism in the community of such projects.</p> <p>-It would be positive if 'The Farm' could counter some of this scepticism and lead to development that shines a light on how future housing developments should be developed.</p>

Council also received an unsolicited letter from Broulee Mossy Point Community Association on 31 October 2023 (Attachment 13). It objects to the proposal because:

- It is rezoning rural land for residential land at a location inconsistent with strategic documents.
- They disagree with the model for housing in Eurobodalla because it unlikely to be affordable and adjacent environmental areas that may be impacted.
- It is contrary to the current strategic context of retaining village boundaries.
- It does not support Council's housing objectives to support affordable housing.

CONCLUSION

The values and concepts presented in the planning proposal are commendable, however there is not enough information provided for any certainty that a sustainable residential community would be achieved. All development is required to promote sustainable living and all subdivisions must provide for a liveable, sustainable and climate adapted public realm.

The planning proposal does not demonstrate strategic or site-specific merit and therefore it is recommended that Council does not support it.

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

Attachments: 1. Conditions of Consent

Community Goal: 3 Our region of vibrant places and spaces

Community Strategy: 3.1 Balance development between the needs of people, place and productivity

Delivery Program Link: 3.1.2 Provide receptive and responsive development assessment services

Operational Plan Link: 3.1.2.1 Assess and determine development applications

Applicant: Discovery Holiday Parks Pty Ltd

Land: 7323 Princes Highway Narooma; Lot 11 DP 555983

Area: 10.1400 Ha

Height: 10.67m (8.5m height limit)

Zone: RE2 Private Recreation

Current Use: Community amenity facility (playground) associated with 'Caravan Park' use

Proposed Use: Community amenity facility (playground) associated with 'Caravan Park' use.

Description: Addition to existing playground structure.

Permitted in Zone: Yes

Reason to F&S: Clause 4.6 Variation to Height of Buildings

DA Registered: 08 December 2023

Recommendation: Approved, subject to conditions

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's determination of Development Application (DA) 0296/24 for the construction of a playground addition associated with a caravan park at 7323 Princes Highway, Narooma.

The DA seeks a variation from the *Eurobodalla Local Environmental Plan 2012* (ELEP) Clause 4.3 Height of Buildings. The ELEP defines the maximum building height of the subject site as 8.5m, taken from natural ground level. The proposal seeks a variation of 2.17m or 25.53% for the highest portion of the structure.

The ELEP Clause 4.6 Exceptions to Development Standards and the *Department of Planning Circulars PS08-003 and PS 08-014* requires that all developments with a variation greater than 10% to the development standards must be determined by Council.

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The proposal has considered the requirements of the *Environmental Planning and Assessment Act 1979* (EPA Act), relevant State Environmental Planning Policies (SEPPs), *Eurobodalla Local Environmental Plan 2012 (LEP)*, and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* and is supported.

The DA was notified in line with the Community Engagement Framework and Participation Plan. During the exhibition period, no submissions were received.

RECOMMENDATION

THAT:

1. Development Application 0296/24 for the construction of a playground addition associated with the caravan park at 7323 Princes Highway, Narooma be approved, subject to the conditions provided in the attachment to this report.

BACKGROUND

The subject DA0269/24 is an addition to the playground equipment that was approved on 14 November 2023 under DA0111/24, which had an approved height of 8.64m.

A development consent (DA0111/24) was issued for the establishment of a new playground and structures that were generally compliant with the building height. The subject structure was approved with a minor variation to the height limit of 8.5m, at 8.64m. The separation of the structure was done to permit construction and use over the Christmas period.



Existing structure, as built, approved under DA20111/24 at 8.64m, 0.14m = 1.64% variation.

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Policy

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

State Environmental Planning Policy (Resilience and Hazards) 2021

The development site is mapped within the *SEPP Resilience and Hazards as a Coastal Use Area and Coastal Environment Area*.

The caravan park site is partially mapped within a Wetlands Proximity Area, however, the location of the playground is not within the mapped area.

The playground addition is set within the existing caravan park. The structure is appropriately screened to adjoining land by existing native vegetation and surrounding topography. No tree removal or excavation is proposed. The development is considered to be consistent with the provisions of the SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The development site is located on Council's Native Vegetation Map and is not located within a high biodiversity values areas in accordance with the NSW Government's Biodiversity Values Map.

Native trees are located within the proximity of the development, but no tree removal is proposed.

The ground is a grassed area with no native vegetation understory. The area is used as a recreation area of the park. Tree Protection Zone mapping was provided and overlayed with the playground structures, showing no impact to existing trees. The overall impact on the Native Vegetation Mapped area is considered minimal.

SEPP (Transport and Infrastructure) 2021

Chapter 2 – Part 2.3 - Division 5 – Electricity transmission or distribution

The proposed development was not required to be referred to Essential Energy as the development complies with setbacks to Essential Energy infrastructure.

Chapter 2 – Part 2.3 – Division 17 – subdivision 2 – Development in or adjacent to road corridors and road reservations.

The proposal is for an addition to a playground structure within an existing recreational area of an approved caravan park use. The playground is to be used by people staying at the park only. The proposal is not considered to increase traffic movements and no new access arrangements are proposed.

Eurobodalla Local Environmental Plan 2012 (ELEP)

Clause 2.1 - Land Use Zones

The site is zoned RE2 Private Recreation. The objectives of the RE2 zone are as follows:

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

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- To conserve the scenic and environmental resources of the land including the protection of environmental assets such as remnant vegetation, waterways and wetlands, and habitats for threatened species, populations and communities.

The proposed development is part of a recreation area which is permissible in the zone and can also be considered as an extension to a playground structure which is ancillary to the use of the land as a caravan park. The objectives of the RE2 zone are met through the provision of new recreation structures that complement and enhance the use of the caravan park.

The proposed development is compliant with the provisions of the EEP and seeks to rely on Clause 4.6 to support a variation to Clause 4.3, the height of buildings development standard.

Clause 4.3 - Height of buildings

Pursuant to Clause 4.3, the maximum height of buildings is 8.5m. The proposed development seeks to establish a building height of 10.67m when measured from natural ground level. The variation to the building height occurs at the top of the existing structure.

The proposed development is consistent with the objectives of this clause, which are:

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

The height of the structure is considered acceptable due to the isolated nature of the structure as it is one structure with limited width within a large caravan park site and is benefited by significant separation to the adjoining properties. The proposal would not pose any adverse impact on the landscape or adjoining properties.

Clause 4.6 – Exceptions to development standards

The proposed development requests a variation to the Clause 4.3 height of buildings development standard.

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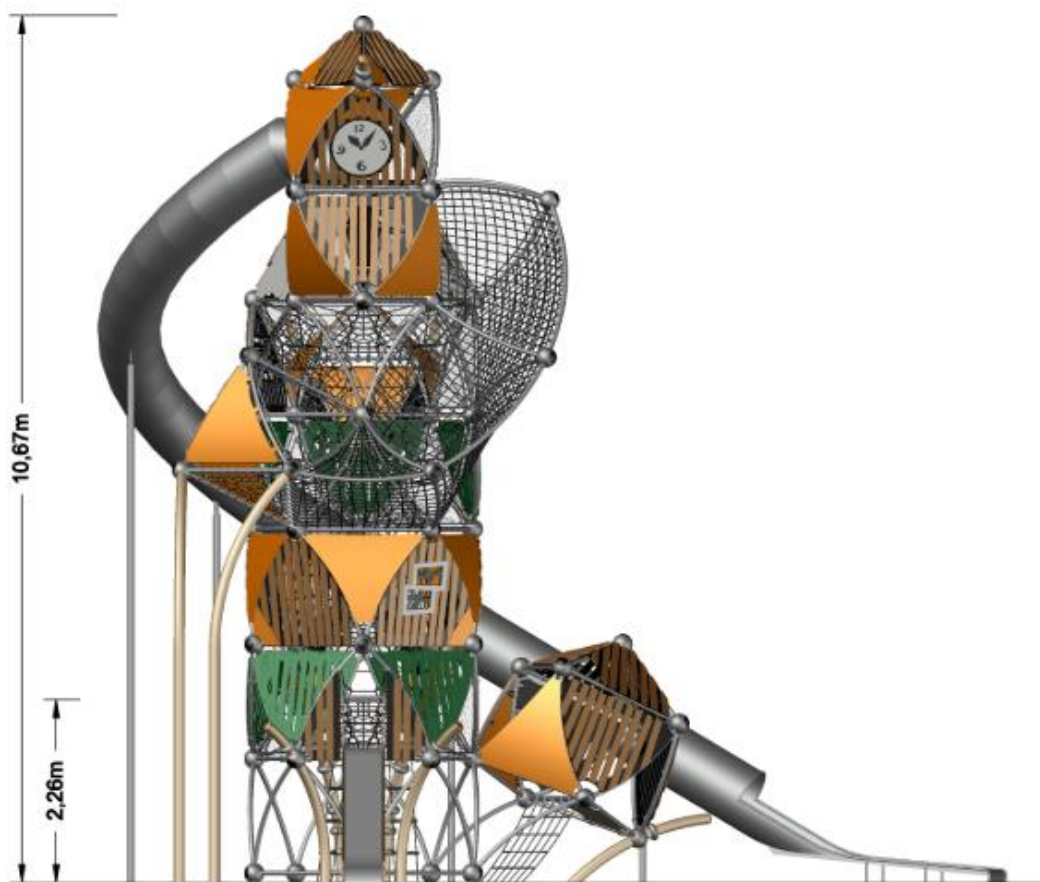
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The above image depicts the location of the playground within the site of the caravan park. The proposed structure is one element of the playground and there are significant setbacks and vegetation buffers to adjoining boundaries. The location of the structure is unlikely to have any significant impacts on the landscape or locality.

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The above image depicts the height of the proposed playground equipment. The part of the structure above 8.64m is the subject of this application.

The proposed development seeks a variation to the building height and seeks a 25% variation to the 8.5m height of buildings standard. The proposed maximum height variation is 2.17m higher than the 8.5m development standard at the highest point.

Clause 4.6 of the LEP is intended to provide flexibility to a consent authority to approve a development which exceeds a development standard - in this case, building height.

The NSW Land and Environment Court in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC118 and *Four2Five Pty LTD v Ashfield Council* [2015] NSWLEC 90 listed five matters to consider when assessing whether compliance of a development standard was unreasonable or unnecessary, as established in *Wehbe v Pittwater Council* (2007) NSWLEC 827. This includes five tests that can be used as a basis to answer the question in relation to a particular application, noting that all five methods may not be needed to demonstrate compliance.

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Test 1:

Compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard: Wehbe v Pittwater Council at [42] and [43].

Comment:

The proposed development does not conflict with the intent of Clause 4.3, which is to ensure that buildings are compatible with the character of the area (height, bulk, and scale) of the existing and desired future character of the locality and minimise visual impacts, view loss, loss of privacy and loss of solar access to existing development. The proposed development achieves this outcome. It has been designed to limit the extent of the proposed building height variation to one structure within a larger playground and caravan park. There are significant setback and vegetation buffers to adjoining properties and highway.

Test 2:

The underlying object or purpose of the standard is not relevant to the development and compliance is unnecessary: Wehbe v Pittwater Council at [45].

Comment:

The underlying objective of the building height control is relevant to the development.

Test 3:

The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable: Wehbe v Pittwater Council at [46].

Comment:

The underlying objective of the building height standard is to manage the scale and type of development in relation to built form in the context of existing and developing future character. It also seeks to minimise the potential adverse impacts of the development on the amenity of residential areas.

The character of the surrounding area is described as containing a mix of rural uses and the existing caravan park. The site immediately adjoins the Princes Highway and contains significant established vegetation. The proposed structure, while not compliant with the building height standard, is considered to have minimal impact and enhances the experience within the caravan park.

The variation to the development standard is limited to an area of the caravan park that affords significant setbacks to the highway and the adjoining properties, which will not be highly visible in the landscape and in this case strict compliance with Clause 4.3 of the LEP is considered to be both unnecessary and unreasonable.

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Test 4:

The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable: Wehbe v Pittwater Council at [47]

Comment:

It is not considered that the development standard has been virtually abandoned or destroyed by the Council's own actions.

Test 5:

The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone: Wehbe v Pittwater Council at [48]

Comment:

The site is zoned RE2 Private Recreation and contributes to a new and enhanced playground within an existing caravan park. Compliance with this test is not being sought.

It is therefore considered that compliance with the standard (building height) is both unreasonable and unnecessary. The variation can therefore be supported.

Environmental

The proposed development is supported by an Aboriginal Heritage Information Management System (AHIMS) desktop search which has determined that there are no Aboriginal sites previously recorded within 50m of the site.

No tree removal or excavation is proposed.

Consultation

The DA was notified in line with the Community Engagement Framework and Participation Plan. During the exhibition period, no submissions were received.

CONCLUSION

This report seeks Council's determination of an application for the construction of a playground addition associated with an existing caravan park at 7323 Princes Highway, Narooma.

The application seeks to vary the building height for the site by 25% and due to the requirements of the Department of Planning, Housing and Infrastructure, any variation above 10% must be reported to Council for determination.

The application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979* and found to be appropriate for the site. The assessment has concluded that there is minimal impact on adjoining properties or the locality, and can be supported.

The development application has been notified in accordance with Council's Community Engagement Framework and Participation Plan with no objections to the development.

The application is put to the Council with a recommendation for approval.

	GENERAL CONDITIONS																																			
1	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. Note all plan amendments in red apply to the development.</p> <table><tr><th colspan="5">Approved plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>Unknown</td><td>Unknown</td><td>Site Plan</td><td>Masterplan</td><td>Unknown</td></tr><tr><td>DR230922CS Sheet 1</td><td>-</td><td>Landscaping</td><td>Play Rope</td><td>22.09.2023</td></tr><tr><td>DR230922CS Sheet 2</td><td>-</td><td>Landscaping</td><td>Play Rope</td><td>22.09.2023</td></tr><tr><td>03</td><td>-</td><td>KOTTE</td><td>Berliner</td><td>23.11.2023</td></tr><tr><td>04</td><td>-</td><td>KOTTE</td><td>Berliner</td><td>23.11.2023</td></tr></table> <p>In the event of any inconsistency between the approved plans and documents, the documents prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. [0001]</p> <p>Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	Unknown	Unknown	Site Plan	Masterplan	Unknown	DR230922CS Sheet 1	-	Landscaping	Play Rope	22.09.2023	DR230922CS Sheet 2	-	Landscaping	Play Rope	22.09.2023	03	-	KOTTE	Berliner	23.11.2023	04	-	KOTTE	Berliner	23.11.2023
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03	-	KOTTE	Berliner	23.11.2023																																
04	-	KOTTE	Berliner	23.11.2023																																
2	<p>Playground Use</p> <p>Playground equipment is for the use of patrons staying <i>overnight</i> at the Carvan Park only.</p> <p>Reason: To protect the amenity of the local area.</p>																																			
3	<p>Lighting</p> <p>The lighting of the playground shall be so positioned and focused so that no direct light or glare shall be visible from any roadway or from any adjoining property. No lighting permitted on approved structures.</p> <p>Reason: To protect the amenity of the local area. [17.06]</p>																																			
	PRIOR TO COMMENCEMENT OF WORKS																																			
4	<p>Erosion and Sediment Controls - Installation</p> <p>The Principal Contractor or Owner-builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:</p> <p>a) The Soil and Water Management Plan if required under this consent</p> <p>b) “Do it Right On Site, Soil and Water Management for the Construction Industry”</p>																																			

	<p>published by the Southern Sydney Regional Organisation of Councils, 2001 and</p> <p>c) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict, The Blue Book takes precedence.</p> <p>Reason: To ensure the environmental, social and economic impact of the development are minimised. [11.20]</p>
	DURING CONSTRUCTION
5	<p><i>Loading and Unloading of Construction Vehicles</i></p> <p>All loading and unloading associated with construction must be accommodated on-site. If this is not feasible, an application may be made for the provision of a construction zone, during the specified hours of work.</p> <p>Reason: To ensure that the development complies with the standards of the Roads Authority. [0131]</p>
6	<p><i>Discovery of Relics and Aboriginal Objects</i></p> <p>While site work is being carried out, if a person reasonable suspects a relic of Aboriginal object is discovered:</p> <ol style="list-style-type: none"> The work in the area of the discovery must cease immediately The following must be notified <ol style="list-style-type: none"> for a relic - the Heritage Council; or for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> for a relic - the Heritage Council; or for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. <p>Reason: To ensure the protection of objects of potential significance during works.</p>
7	<p><i>Approved Plans to be On-Site</i></p> <p>A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifier.</p> <p>Reason: To ensure the development does not conflict with the public interest. [2.22]</p>
8	<p><i>Commercial/Industrial Construction Hours - NOISE</i></p> <p>Construction may only be carried out between 7.00am and 6.00pm on Monday to Friday, and between 8.00am to 5.00pm on Saturdays. No construction activity on</p>

	<p>Sundays and Public Holidays.</p> <p>Work may be carried out outside of the above standard hours for construction if the work only generates noise that is:</p> <p>(a) no louder than 5dB(A) above the rating background level at any residence in accordance with the Interim Construction Noise Guidelines (ISBN 9781742322179) published by the NSW Dept of Environment and Climate Change, July 2009.</p> <p>(b) no louder than the noise management levels specified in Table 3 of the Guideline at other sensitive receivers.</p> <p>Reason: To protect the amenity of the local area. [20.01a]</p>
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**PSR24/003 REQUEST FOR TENDER (RFT) 10057221 - BROU WASTE
MANAGEMENT FACILITY EXPANSION - LANDFILL CELL DESIGN**

**S031-
T00017**

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

Attachments: 1. Confidential - Tender Assessment

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

Community Strategy: 1.1 Move together for a sustainable future

Delivery Program Link: 1.1.3 Facilitate waste management services guided by the strategy and asset management plan

Operational Plan Link: 1.1.3.1 Build, renew, operate and maintain waste landfill sites and transfer stations

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of tenders received and to recommend the award of the Brou Waste Management Facility Expansion – Landfill Cell Design tender to the preferred contractor.

The Brou Waste Management Facility (WMF) began receiving large volumes of waste in response to the NSW Government's clean-up program following the 2019-2020 bushfire disaster. A bushfire impact assessment estimated that 22,000m³ of landfill airspace was consumed by bushfire-generated waste, representing an estimated 2.75 - three years of landfilling life. This has necessitated Council to seek an alternative waste management solution three years earlier than anticipated to meet the ongoing landfill demands of the local and regional communities.

This report outlines the evaluation of offers submitted in response to the Request for Tender (RFT) No. 10057221 for CL022 Brou Waste Management Facility Expansion – Landfill Cell Design services as part of the bushfire recovery landfill project at Brou Waste Management Facility (WMF).

A confidential attachment is included for councilor's information only pursuant to Section 10A(2) of the *Local Government Act 1993*.

RECOMMENDATION

THAT:

1. Council accepts the selection of the preferred tenderer recommended in the confidential attachment in response to RFT 10057221 CL022 Brou Waste Management Facility Expansion – Landfill Cell Design.
2. Council accordingly approves entering into 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.
3. Council delegate to the General Manager the function of finalising and entering the contract with the successful tenderer in accordance with tender documents forming part of RFT 10057221.

**PSR24/003 REQUEST FOR TENDER (RFT) 10057221 - BROU WASTE
MANAGEMENT FACILITY EXPANSION - LANDFILL CELL DESIGN**

**S031-
T00017**

BACKGROUND

Council successfully obtained \$1,060,000 in grant funding from the NSW Environment Protection Authority (EPA) under their Bushfire Recovery Program for Council Landfills (part of the NSW Government's Disaster Recovery Funding Arrangements) to assist Council in replacing lost landfill capacity due to accepting bushfire waste at Brou WMF during the 2019/20 bushfire disaster. The successful grant application was reported to the Ordinary Meeting of Council held on 22 February 2022.

The expansion of the Brou WMF requires an amendment to the *Eurobodalla Local Environment Plan 2012* to change the current land-use zone (on Council-owned land) from RU3 to SP2 to allow the expansion of the waste facility. Following rezoning, Council will seek development consent for expansion of the facility, including a new landfill cell and associated infrastructure, in line with approved engineering designs, construction plans, environmental reports and development consent reports.

Due to market conditions and unexpected project delays, Council applied successfully for a 12-month extension to the project completion date until 30 June 2024. However, projected work plans provided by Public Works Advisory (PWA) in consultation with contractors and relevant government departments, confirm that the required lead time to meet the milestone and completion dates is unlikely within the provisions of the extended timeframe. Council is working with the NSW EPA to modify the existing project plan.

If a decision on the preferred tenderer and engagement of a contractor for the required services is not made, the project will experience further delays and contribute to an increased risk that the project will not be completed within existing project timelines.

RFT No. 10057221 was advertised on 10 November 2023 with a closing date of 14 December 2023. Offers were received from the following tenderers and assessed in line with the Tender Evaluation Plan:

- Consulting Earth Scientists Pty Ltd
- Talis Consultants Pty Ltd
- Tonkin Consulting Pty Ltd.

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

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 10057221 was advertised in line with *Local Government (General) Regulation 2021* (Regulation) and *Local Government Act 1993*.

Council approved the calling of tenders by NSW Public Works Advisory from a list of suitable prequalified consultants sourced through the buy.nsw.gov.au consultant panel, in accordance with the provisions of clause 169 of the Regulation.

**PSR24/003 REQUEST FOR TENDER (RFT) 10057221 - BROU WASTE
MANAGEMENT FACILITY EXPANSION - LANDFILL CELL DESIGN**

**S031-
T00017**

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 the best value for money for Council. It was the highest scoring tender, meets all mandatory criteria, and they have delivered similar services satisfactorily.

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 2021* and the *Local Government Act 1993*.

Environmental

The required biodiversity and Aboriginal Cultural Heritage assessments and reports will be carried out before construction works begin and in accordance with NSW and Australian Government legislative requirements.

Asset

The project will result in the expansion of a Council managed asset.

Social Impact

The project will enhance the effective and efficient management of waste operations and maximise the available life of the waste facility to meet the current and long-term needs of the community and improve disaster resilience and recovery.

Economic Development Employment Potential

The proposed expansion will extend the life of the waste management facility, enabling the continued operation of an essential service for the local and regional communities and retaining jobs within the local area.

Financial

Council was successful in receiving \$1,060,000 million through the NSW Government's Bushfire Recovery Program for Council Landfills to assist in the recovery of the direct financial impacts associated with the 2019/2020 bushfire disaster. The preferred tenderer's recommended fee is within the pre-tendered estimate and represents best value for money.

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 to deliver the required services for the landfill design for the expansion of Brou WMF.

**PSR24/004 DRAFT ON-SITE SEWAGE MANAGEMENT SYSTEM CODE OF
PRACTICE - ON EXHIBITION**

**S029-
T00012**

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

Attachments: 1. Draft On-site Sewage Management System Code of Practice

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: 1.2.2 Maintain healthy waterways and catchments by finalising and implementing estuary management plans and monitoring impacts

Operational Plan Link: 1.2.2.4 Deliver the Onsite Sewage Management System inspection program

The purpose of this report is to seek Council's approval to adopt the draft On-site Sewage Management (OSSM) Code of Practice, as attached.

The draft OSSM Code of Practice was publicly exhibited between 24 November 2023 and 22 December 2023. No submissions have been received during the exhibition period.

RECOMMENDATION

THAT the draft On-site Sewage Management Code of Practice be adopted.

BACKGROUND

Council endorsed the draft OSSM Code of Practice for public exhibition at the Ordinary Meeting of Council on 21 November 2023 (23/169):

23/169 MOTION *Councillor Harrison/Councillor Grace*

THAT:

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

*(The Motion on being put was declared **CARRIED**)*

No submissions have been received during the public exhibition period.

Prior to the draft OSSM Code of Practice being on public exhibition, engagement was undertaken with local wastewater practitioners and relevant government agencies. Feedback received during this engagement has been considered in the draft Code of Practice.

CONSIDERATIONS

The draft OSSM Code of Practice has been developed through engagement with industry professionals and careful consideration of primary reference documents for wastewater management, including the recent draft Environment and Health Protection Guidelines: *Onsite Wastewater Management (Silver Book)* released by Office of Local Government in June 2023.

**PSR24/004 DRAFT ON-SITE SEWAGE MANAGEMENT SYSTEM CODE OF
PRACTICE - ON EXHIBITION**

**S029-
T00012**

Overall, four changes are proposed to the current adopted Code of Practice, summarised below:

1. Amendments to performance criteria to improve operation of effluent pump-out systems.
2. Inclusion of performance criteria to clarify requirements for additional dwellings on the same land.
3. Inclusion of performance criteria to clarify requirements for moveable dwellings/caravans which are exempt development.
4. Inclusion of performance criteria to clarify requirements for sewage ejection pump stations with appropriate NSW Health accreditation where sewage needs to be pumped from a toilet to the OSSM.

Legal

Council is required to process approvals and undertake inspections of OSSM in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*. The Department of Local Government Circular to councils 98/27 (issued 1 April 1998) outlines councils' requirements for the monitoring of OSSM.

Policy

The draft OSSM Code of Practice was developed through engagement with industry professionals. Stakeholders including wastewater engineers, designers and consultants, plumbers and drainers and NSW Government agencies were invited to provide feedback during initial engagement. Feedback received during this process was considered in the draft Code of Practice.

It is considered that the proposed four changes will improve compliance rates, enhance the approval process and ultimately be of benefit to users of OSSM systems.

Environmental

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

Social Impact

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

Economic Development Employment Potential

The OSSM program helps ensure waterways in the Eurobodalla remain in a healthy condition promoting tourism and protecting the oyster industry.

Financial

The OSSM program aims to be cost neutral with costs recovered through inspection fees.

**PSR24/004 DRAFT ON-SITE SEWAGE MANAGEMENT SYSTEM CODE OF
PRACTICE - ON EXHIBITION**

**S029-
T00012**

Inspection frequency is based on a risk rating (low, medium, or high) that has been assessed based on a number of factors, including the type of system, proximity to waterways, soil types etc, and there is an opportunity for landowners to apply to downgrade the risk rating in some circumstances.

CONCLUSION

The review and development of the draft On-site Sewage Management System Code of Practice has been undertaken during engagement with local wastewater consultants and has been publicly exhibited. The proposed changes to the Code of Practice are minimal and enhance the program.



CODE OF PRACTICE

Code name	On-Site Sewage Management
Responsible manager(s)	Divisional Manager, Environmental Services
Contact officer(s)	Divisional Manager, Environmental Services
Directorate	Planning & Sustainability
Approval date	
Community Strategic Plan Outcome	1.1 Move together for a sustainable future 1.2 Value, protect, and enhance our natural environment
Delivery Program link	1.2.2 Maintain healthy waterways and catchments by finalising and implementing estuary management plans and monitoring impacts
Operational Plan link	1.2.2.4 Deliver the On-Site Sewage Management System inspection program

Summary

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

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

This Code covers the following:

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1 INTRODUCTION

1.1 Purpose

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

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

1.2 Land to which this code applies

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

1.3 Objectives

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

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

1.4 Relationship to Legislation/ Policy/ Plan

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

1.4.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Environmental Planning and Assessment Act 1979*



- *Environmental Planning and Assessment Regulation 2000*

1.4.2 Standards and Guidelines

- AS/NZS 1546:1-3 On-site domestic wastewater treatment units
- AS/NZS 1547 On-Site domestic wastewater management
- AS/NZS 3500 Plumbing and drainage
- Designing and Installing On-site Wastewater Systems, A WaterNSW Current Recommended Practice, WaterNSW
- Environment & Health Protection Guidelines: On-site sewage management for single households (the 'Silver Book'), NSW Department of Local Government
- Healthy Estuaries For Healthy Oysters Guidelines, NSW Department of Primary Industries
- Neutral or Beneficial Effect on Water Quality Assessment Guideline (NorBE), WaterNSW
- NSW Health Advisory Note 5, Servicing of Single Domestic Sewage Management Facilities (SMF)
- Plumbing Code of Australia
- Water Sensitive Design Guide for Rural Residential Subdivisions, A WaterNSW Current Recommended Practice, Water NSW
- Liquid Trade Waste Management Guidelines, NSW Department of Planning, Industry and Environment

1.5 Version

- This Code came into force on XXXXXXXXX
- This Code replaces the Eurobodalla Shire Council On-Site Sewage Management Code of Practice November 2018

2 CODE DETAILS

2.1 Systems covered by this Code of Practice

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

2.2 Applications and approvals

2.2.1 Exemptions

- Council approval for a system is not required if the system is exempt under the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.
- Council must be notified prior to the installation of an exempt system; or, if the exempt system meets the criteria for exemption of a greywater diversion device in reticulated sewered areas under clause 75(A)(2) of the *Local Government (General) Regulation 2021*.
- Exempt systems may still be included in Council's OSSM System Inspection Program.



2.2.2 Applications

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

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

2.2.3 Application fees and charges

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



2.3 Performance standards

2.3.1 Performance criteria and acceptable solutions

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

Performance criteria	Acceptable solutions																		
P1 Proposed system complies with clause 41 of the <i>Local Government (General) Regulation 2021</i>	A1 <ul style="list-style-type: none">a) The system has NSW Health Accreditation; orb) Is exempt under the Regulation and NSW Health Advisory Note 1; andc) Is approved by NSW Fair Trading as an alternative solution.																		
P2 The development is consistent with the requirements of any ESC instrument on title under <i>Part 6, Division 4 of the Conveyancing Act 1919</i>	A2 <ul style="list-style-type: none">a) Effluent management area is identified on the title and is consistent with the proposal; orb) Where the Instrument is to Council’s benefit, that an equal or superior solution is presented.																		
P3 Proposal is for an effluent pump-out system NOTE: <i>Development relying on pump-out systems is not a viable option in the long term. Pump-out systems are not sustainable and are often the worst performing systems due to misuse, poor practices and prohibitive operation costs. They may be considered on a case-by-case basis where acceptable solutions in A3 are demonstrated.</i>	A3 <ul style="list-style-type: none">a) Area is proposed to be connected to reticulated sewer in the near future;b) Existing lot cannot support full on-site effluent disposal; andc) Partial on-site wastewater disposal has been considered; andd) Collection well(s) to be fitted with an alarm; ande) Collection wells sized as per the table below:<table><tr><th></th><th colspan="2">Collection well size (litres)</th></tr><tr><th>Number of bedrooms</th><th>Tank water</th><th>Reticulated / bore water</th></tr><tr><td>3</td><td>10,000</td><td>16,000</td></tr><tr><td>4</td><td>14,000</td><td>21,000</td></tr><tr><td>5</td><td>16,000</td><td>24,000</td></tr><tr><td>6</td><td>18,000</td><td>26,000</td></tr></table>f) Pump-out line (including gooseneck) is 75mm wide and booster pumps must have a 75mm outlet.g) Where trafficable lids are proposed, the septic tank must have an inspection opening easily accessible and collection wells must have an inspection opening or dipstick easily accessible.h) Development where an increase in the intensity of occupancy is proposed (e.g. single to dual occupancy) shall not rely solely on an effluent pump-out system.		Collection well size (litres)		Number of bedrooms	Tank water	Reticulated / bore water	3	10,000	16,000	4	14,000	21,000	5	16,000	24,000	6	18,000	26,000
	Collection well size (litres)																		
Number of bedrooms	Tank water	Reticulated / bore water																	
3	10,000	16,000																	
4	14,000	21,000																	
5	16,000	24,000																	
6	18,000	26,000																	
P4 The proposal is for a subdivision	A4 <ul style="list-style-type: none">a) Assessment is undertaken in accordance with Appendix C in AS/NZS 1547:2012, and;b) Minimum wastewater design loadings of 1200L/d (reticulated/bore water supply) or 800L/d (tank water) are to be used for calculating effluent management areas for each proposed lot.c) All proposed subdivision developments must demonstrate a sustainable on-site sewage management option for each																		



Performance criteria	Acceptable solutions															
	<p>proposed lot. This should include at least two disposal methods or nominate an area of 1600m².</p> <p>d) On constrained sites, an effluent management envelope may be required to be defined on the plan of subdivision and if necessary, a restriction covenant placed on the Title for the lot. The aim is to ensure that each proposed lot has a suitable and adequate area for on-site effluent management for the site and soil conditions and to make future owners aware of the requirements for effluent disposal.</p>															
P5 Site & Soil Assessment has been undertaken	<p>A5</p> <p>a) Assessment has been undertaken in accordance with Section 2 of <i>‘Designing and Installing On-site Wastewater Systems’</i> (WaterNSW,2023) and/or AS/NZS 1547:2012.</p> <p>b) Proposed method of effluent disposal is designed in accordance with A/NZS 1547:2012 with appropriate design loading rate (DLR) or design irrigation rate (DIR) used according to the soil description as per either Table L1, M1 or N1 of AS/NZS 1547:2012.</p> <p>c) Hydraulic balances for effluent irrigation (surface/subsurface) should be calculated as per Appendix 6 of the ‘Silver Book’ using design irrigation rate data for the soil from Table M1 of AS/NZS 1547:2012.</p> <p>d) Trench and bed dimensions are determined using AS1547:2012 L4.2.</p> <p>e) Water balance is calculated in accordance with local median rainfall and evaporation records where available or using the data in Table 1 below.</p>															
P6 Design daily loadings are appropriate for the development	<p>A6</p> <p>a) Design wastewater loading is calculated as per Table 2.8 of the <i>‘Designing and Installing On-site Wastewater Systems’</i> (WaterNSW, 2023), below:</p> <table><tr><th>Design Wastewater loading for each potential bedroom</th><th>Reticulated/bore Water</th><th>Tank Water</th></tr><tr><td>1-2 potential bedrooms</td><td>600 L/d</td><td>400 L/d</td></tr><tr><td>3 potential bedrooms</td><td>900 L/d</td><td>600 L/d</td></tr><tr><td>4 potential bedrooms</td><td>1200 L/d</td><td>800 L/d</td></tr><tr><td>More than 4 potential bedrooms</td><td>1200 L/d plus 150 L/d for each additional bedroom</td><td>800 L/d plus 100 L/d for each additional bedroom</td></tr></table> <p>b) Ancillary structures – refer to A9;</p> <p>c) Separation of waste streams – greywater loading should be taken as 65% of the total loading:</p>	Design Wastewater loading for each potential bedroom	Reticulated/bore Water	Tank Water	1-2 potential bedrooms	600 L/d	400 L/d	3 potential bedrooms	900 L/d	600 L/d	4 potential bedrooms	1200 L/d	800 L/d	More than 4 potential bedrooms	1200 L/d plus 150 L/d for each additional bedroom	800 L/d plus 100 L/d for each additional bedroom
Design Wastewater loading for each potential bedroom	Reticulated/bore Water	Tank Water														
1-2 potential bedrooms	600 L/d	400 L/d														
3 potential bedrooms	900 L/d	600 L/d														
4 potential bedrooms	1200 L/d	800 L/d														
More than 4 potential bedrooms	1200 L/d plus 150 L/d for each additional bedroom	800 L/d plus 100 L/d for each additional bedroom														



Performance criteria	Acceptable solutions
	d) A potential bedroom is that defined in the <i>'Neutral or Beneficial Effect on Water Quality Assessment Guideline'</i> (WaterNSW, 2022).
P7 Proposal is for an additional dwelling on the same land	A7 <ul style="list-style-type: none"> a) Where the dwelling is fully self-contained, each dwelling shall have the design loading calculations applied separately as per Table 2.5 of the <i>'Designing and Installing On-site Wastewater Systems'</i> (WaterNSW,2023). b) A single treatment system may be used where the total design loading of the dwellings is less than the accredited maximum daily loading for the system. c) A reserve area is identified for each dwelling.
P8 The building is a moveable dwelling or caravan which does not require approval under s77 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>	A8 <ul style="list-style-type: none"> a) To meet the exemption, the building must be maintained in a safe and healthy condition. Wastewater disposal from the building requires approval under s68 of the <i>Local Government Act 1993</i>. b) Where the building is fully self-contained, each dwelling shall have the design loading calculations applied separately as per Table 2.5 of the <i>'Designing and Installing On-site Wastewater Systems'</i> (WaterNSW,2023). c) Where the building is unserviced or partially serviced, it shall be considered the same as an additional bedroom(s) ancillary to the dwelling. d) A single treatment system may be used where the total design loading of the buildings is less than the certified maximum daily loading for the system.
P9 Proposal addresses all wastewater generated on the site	A9 <ul style="list-style-type: none"> a) Loadings from non-habitable serviced ancillary structures shall be calculated using Table H2 from AS/NZS 1547:2012.
P10 Proposed disposal method is appropriate for the slope.	A10 <ul style="list-style-type: none"> a) Is less than maximum slope requirements as outlined in Table K1 of AS/NZS 1547:2012; and b) Design includes methods of preventing surface water flow onto effluent management areas; and c) Subsurface irrigation DIR is reduced with increasing slope in accordance with Table M2 of AS/NZS 1547:2012.



Performance criteria	Acceptable solutions															
P11 Buffer distances are appropriate to the development.	A11 <ul style="list-style-type: none">a) Buffers meet those outlined in Table 2.8 of the <i>‘Designing and Installing On-site Wastewater Systems’</i> (WaterNSW,2023); andb) Buffers apply to entire effluent management area; andc) Additional buffers to site specific factors may be applied (such as to significant vegetation);d) Variations to buffers with assessment using Tables R1 & R2 of AS/NZS 1547:2012 may be considered.															
P12 Macerating toilets	A12 <ul style="list-style-type: none">a) Macerating toilets are not supported. Sewage ejection stations with appropriate accreditation will be considered where sewage must be pumped.															
P13 The nominated system requires regular servicing	A13 <ul style="list-style-type: none">a) An appropriately manufacturer-certified and qualified service technician is available in the area for servicing and repairs; andb) All servicing and maintenance of the system, and any associated costs is the owner’s responsibility; andc) Owners must be provided with adequate information on the operation and maintenance of the system.															
P14 Where surface, shallow sub-surface or LPED disposal is nominated, nutrients are contained on-site and within buffers	A14 <ul style="list-style-type: none">a) The nitrogen and phosphorus nutrient loading areas should be sized as per Appendix 6 ‘Silver Book.’b) The design area for surface and subsurface effluent irrigation (i.e. the area where the irrigation system is installed) can be based on hydraulic loading with a dedicated nutrient uptake area downslope or around the effluent management area for a flat site. The dedicated nutrient uptake area is the difference in area between the nutrient load area (the larger of the nitrogen or phosphorus balance) and hydraulic load area.c) Where wastewater nutrient concentrations are not specified in the NSW Health Certificate of Accreditation for the system, then the design parameters as shown below shall be used: <table><tr><th>Parameter</th><th>Septic Tank Effluent</th><th>Greywater Effluent</th><th>AWTS Effluent</th><th>Critical Loading Rate of Nutrient</th></tr><tr><td>Total Nitrogen</td><td>55mg/L</td><td>15mg/L</td><td>30mg/L</td><td>25mg/m²/d</td></tr><tr><td>Total Phosphorus</td><td>12mg/L</td><td>10mg/L</td><td>12mg/L</td><td>2.8mg/m²/d</td></tr></table>	Parameter	Septic Tank Effluent	Greywater Effluent	AWTS Effluent	Critical Loading Rate of Nutrient	Total Nitrogen	55mg/L	15mg/L	30mg/L	25mg/m ² /d	Total Phosphorus	12mg/L	10mg/L	12mg/L	2.8mg/m ² /d
Parameter	Septic Tank Effluent	Greywater Effluent	AWTS Effluent	Critical Loading Rate of Nutrient												
Total Nitrogen	55mg/L	15mg/L	30mg/L	25mg/m ² /d												
Total Phosphorus	12mg/L	10mg/L	12mg/L	2.8mg/m ² /d												
P15 Risk Rating assessment has been undertaken	A15 The risk rating is determined on the potential of the system’s impact to public health and the environment in accordance with the OSSM Risk Assessment matrix (Appendix 4).															



Performance criteria	Acceptable solutions
P16 Proposal includes separate grey water treatment/disposal	A16 <ul style="list-style-type: none"> a) Approval under s68 of the <i>Local Government Act 1993</i> is required unless the property is exempt; b) To be exempt the property <i>must be connected to sewer</i> and a <i>greywater diversion device</i> is installed in accordance with clause 75A (2) of the <i>Local Government (General) Regulation 2021</i>; c) All applications must include a full site and soil assessment as per P5 above. <p><i>Note: Council accepts applications for greywater diversion, however this is not considered a method of treatment and cannot be used to reduce the hydraulic load used to calculate the size of the required effluent disposal system.</i></p>
P17 Proposal is for a Pit Toilet	A17 <ul style="list-style-type: none"> a) The location of the pit toilet must meet all required buffers outlined in Appendix 3; and b) The soil category must be in the range of 4 (clay loams) to 6 (medium to heavy clays) below 500mm from top level of the pit; and c) The groundwater level must be in excess of 1.5m below the base of the pit; and d) Occupation of the site not to exceed 60 days in any 12 month period; and e) Construction should be in accordance with the World Health Organisation specifications for simple pit latrines, ventilated improved pit (VIP) or Reed's odourless earth closet (ROEC); and f) Details of the separate disposal of other wastewater on the site (such as kitchen, laundry and bathroom) to be provided; and g) Property is to be owner-occupied only; and h) Changes of property ownership requires a new application.
P18 Proposal is for a system located in the catchment of a priority oyster aquaculture area (POAA)	A18 <ul style="list-style-type: none"> a) The application will be referred to the relevant NSW State Authority for review. b) Variations to buffer distances for surface and ground waters are unlikely to be considered. c) A minimum level of secondary treatment is required.
P19 Proposal includes liquid trade waste	A19 <ul style="list-style-type: none"> a) The Liquid Trade Waste component will be assessed in accordance with the NSW DPIE Liquid Trade Waste Management Guidelines



2.3.2 Variations

Where acceptable solutions in 2.3.1 are not adopted the proponent must submit an alternate solution prepared by a suitably qualified and experienced person for assessment by Council. Any variation must demonstrate an equal or superior outcome to performance standards in section 2.3.1 of this document and s44 of the *Local Government (General) Regulation 2021*.



Table 1: Precipitation, Evaporation and Crop Factor

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

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

2.4.1 Inspection process

Council is required by the Department of Local Government and NSW state legislation to implement and maintain an OSSM system inspection program. Council must be given unimpeded access at all reasonable times to inspect OSSM systems. Property owners with OSSM systems rated as “low” risk (inspected every 5 years) will be notified in writing prior to the inspection. Prior notification will not be provided for “high” and “medium” risk systems unless requested. Failure to provide access for inspections could result in a re-inspection fee and/or revocation of the approval to operate.

2.4.2 Fees and charges

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

Special Inspection Fees may be charged for inspections such as those outside of the regular cycle at the owner’s request, where a Notice of Entry is required to be issued, or where a re-inspection of an unsatisfactory system is required.

2.4.3 Risk rating

New sites shall be given a risk rating in accordance with the OSSM Risk Assessment Matrix (Appendix 4) at the time of approval and existing sites at the time of the first inspection. The risk rating shall determine the frequency of inspections which are:

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

2.4.3.1 Downgrade of risk rating

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



- a) No defects have been identified for the last 3 inspections (high risk) or 2 inspections (medium risk).
- b) The property has remained in the same ownership during the above inspections.
- c) The property is owner-occupied (not tenanted or holiday rented).
- d) All inspection fees have been paid in full.
- e) If the system is an effluent pump-out system, there must be a documented history of regular pump-outs consistent with the system's approval to operate.

For applications to downgrade an OSSM system to low risk, an assessment may also be undertaken in accordance with the risk assessment matrix in Appendix 4. Consideration will be given to the level of risk to public health and the environment when assessing the application.

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

- a) No defects are identified at any subsequent inspection;
- b) The property remains in the same ownership;
- c) The property remains owner/occupied (not tenanted or holiday rented).
- d) The system is being operated in accordance with its approval to operate.

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

2.4.3.2 Upgrade of risk rating

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

- a) Compliance action has been required pertaining to the operating performance of the OSSM; or
- b) Defects have been identified for the last two inspections; or
- c) Where the likelihood or severity of potential impact to public health or the environment is high.

An assessment will be undertaken in accordance with the risk assessment matrix in Appendix 4 to determine the risk rating of the system.

2.4.4 Regular servicing and Council inspection of Aerated Wastewater Treatment Systems

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

- a) Regular servicing by an accredited AWTS service technician:
This is required as part of the NSW Health Accreditation of the system, and enables the system to be used in NSW. Servicing is generally carried out on a three-monthly basis depending on the accreditation. The owner is required to enter into an annual service contract with an accredited technician registered with Council in accordance with NSW Health Advisory Note 5.



- b) Council inspection is required by the Department of Local Government and is undertaken as part of Council's OSSM System Inspection Program on a regular basis determined by the risk assessment rating.

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

2.4.5 Requirements for Aerated Wastewater Treatment System service technicians

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

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

2.4.6 Auditing process

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

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

3 RESPONSIBILITIES

3.1 Staff

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

3.2 Requests and Concerns

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

3.3 Complaints

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

3.4 Consultation

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



4 MONITORING AND REVIEW

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

5 ACKNOWLEDGEMENTS

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

6 SUPPORTING DOCUMENTS

The following documents support this Code of Practice:

Name	Link
Approvals Process Flow Chart	Appendix 1
Guidelines for Horizontal and Vertical Setback Distances (from AS/NZS 1547:2012)	Appendix 2
Table 2.8 Buffer Distances (from 'Designing and Installing On-site Waste water Systems' (WaterNSW,2023))	Appendix 3
OSSM System Risk Assessment Matrix	Appendix 4

7 GOVERNANCE

Related legislation and policies

Name	Link
Local Government Act 1993	https://legislation.nsw.gov.au/view/html/inforce/curr/act-1993-030
Local Government (General) Regulation 2021	https://legislation.nsw.gov.au/view/html/inforce/curr/sl-2021-0460
Environmental Planning and Assessment Act 1979	https://legislation.nsw.gov.au/view/html/inforce/curr/act-1979-203
Environmental Planning and Assessment Regulation 2021	https://legislation.nsw.gov.au/view/html/inforce/curr/sl-2021-0759

Related external references

Name	Link
Division of Local Government	https://www.olg.nsw.gov.au/
AS/NZS 1546:1-3 On-site domestic wastewater treatment units	https://infostore.saiglobal.com/en-au/search/standard/?searchTerm=AS/NZS%201546&sortKey=&productFamily=STANDARD&recordPerPage=10&activeTab=Standards&publicationStatus=Current&q=AS%2FNZS%201546
AS/NZS 1547:2012 On-Site domestic wastewater management	https://infostore.saiglobal.com/en-au/standards/as-nzs-1547-2012-117631_saig_as_as_267605/
AS/NZS 3500 Plumbing and drainage	https://infostore.saiglobal.com/en-au/standards/as-nzs-3500-set-parts-0-4-2021-101196_saig_as_as_2977569/



Designing and Installing On-site Wastewater Systems, A current Recommended Practice, WaterNSW 2023P	https://www.watarnsw.com.au/_data/assets/pdf_file/0003/58251/Designing-and-Installing-On-Site-Wastewater-Systems.pdf
Environment & Health Protection Guidelines: On-site sewage management for single households (the 'Silver Book'), NSW Department of Local Government, 1998	https://www.olg.nsw.gov.au/wp-content/uploads/Onsite-sewage-management-guide.pdf
Healthy Estuaries for Healthy Oysters Guidelines, NSW Department of Primary Industries, 2023	Healthy Estuaries for Healthy Oysters - Guidelines for development near waterways (nsw.gov.au)
Neutral or Beneficial Effect on Water Quality Assessment Guideline (NorBE), WaterNSW, 2022	https://www.watarnsw.com.au/_data/assets/pdf_file/0007/219247/NorBE-Assessment-Guideline-2022.pdf
NSW Health Servicing of Single Domestic Sewage Management Facilities Advisory Note 5.	http://www.health.nsw.gov.au/environment/domesticwastewater/Documents/adnote5.pdf
Water Sensitive Design Guide for Rural Residential Subdivisions, A WaterNSW Current Recommended Practice, WaterNSW 2023	https://www.watarnsw.com.au/_data/assets/pdf_file/0003/56478/Water-Sensitive-Design-Guide-for-Rural-Residential-Subdivisions.pdf

Change history

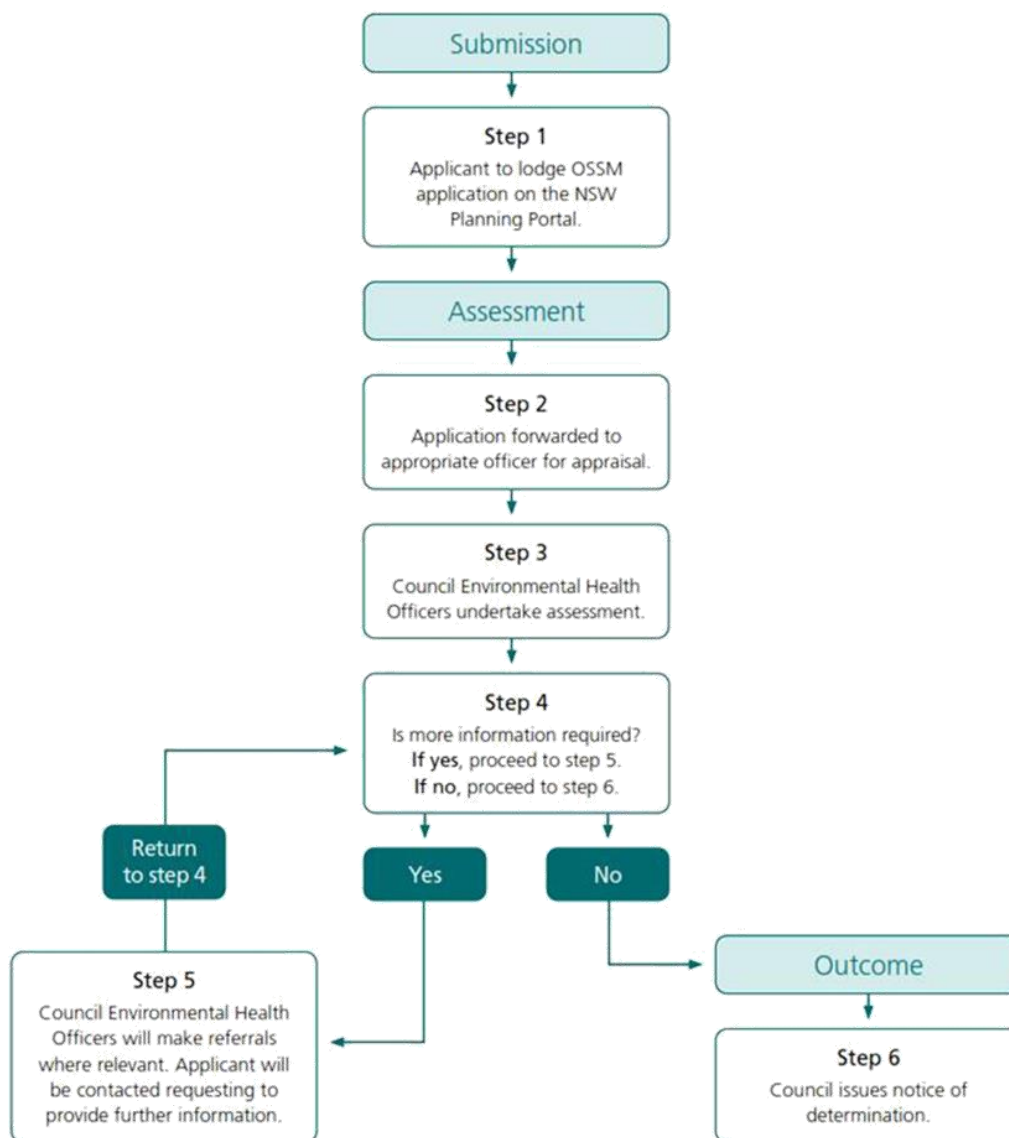
Version	Approval date	Approved by	Min No	File No	Change
1	20 Feb 2010	Internal	NA	NA	Code commenced
2	24 Sep 2013	Council	13/289	E13.7095	Reviewed and updated. Ref report O13/75 Council meeting 24/09/2013
3	11 Dec 2013	Internal	N/A	N/A	Reviewed and updated
4	13 Nov 2018	Council	18/333	E98.2467	Reviewed and updated. Ref report PSR18 Council meeting 13/11/2018
5	TBA	Internal	N/A	N/A	Reviewed and updated

Internal use

Responsible officer	Divisional Manager, Environmental Services			Approved by	Council
Min no	18/333	Report no	PSR18/088	Effective date	13 Nov 2018
File No	E98.2467	Review date	Nov 2023	Pages	20



Appendix 1. Approvals Process Flow Chart





Appendix 2. Table R1 – Guidelines for Horizontal and Vertical Setback Distances (from AS/NZS 1547:2012)

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



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

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



Appendix 3. Buffer distances (from Table 2.8 'Designing and Installing On-site Wastewater Systems' (Water NSW 2023))

Feature	Level effluent treatment	Effluent application method	Buffer distance (minimum)	Achievable?		
				Yes	No	NA
Buildings (e.g., farm shed/outbuilding /detached garage), retaining walls	Primary	Subsoil	2m downslope and where flat, or 6m upslope of the feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Secondary (disinfected)	Subsurface and surface irrigation	2-6m (<3m only for drip irrigation on low rate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inhabited dwelling		Surface irrigation	15m up or downslope of the feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Premise boundaries, paths and walkways, recreation areas	Primary	Subsoil	3m downslope and where flat, or 6m upslope of the feature; 15m to recreation areas if by LPED irrigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Secondary (disinfected)	Subsurface irrigation	3m downslope and where flat, or 4m upslope of the feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Surface irrigation	15m upslope or downslope of feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In ground potable water tanks, in ground swimming pools	Primary	Subsoil	15m and downslope from water tank or pool	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Secondary (disinfected)	Subsurface and surface irrigation	4m – should not be located upslope of feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Watercourses, lakes and the full supply level for all water supply reservoirs	Primary	Subsoil	100m from the high water level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Secondary (disinfected)	Subsurface and surface irrigation	100m from the high water level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bore or well used for domestic [^] consumption	Primary	Subsoil	100m	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Secondary (disinfected)	Subsurface and surface irrigation	100m	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drainage depressions, farm dams and roadside drainage and lot scale stormwater quality improvement devices	Primary	Subsoil	40m from the high water level	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Secondary (disinfected)	Subsurface and surface irrigation	40m from the high water level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[^]If within 100 metres of a bore or well licenced for domestic consumption, a draw-down analysis is required using an appropriate methodology. For example, Cromer, Gardner and Beavers, (2001) Domestic consumption is taken to mean for drinking, watering of edible plants, etc.



Appendix 4. OSSM System Risk Assessment Matrix

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

FCS24/001 DELIVERY PROGRAM 2022-26 OPERATIONAL PLAN 2023-24 SIX-MONTHLY PERFORMANCE UPDATE JULY - DECEMBER 2023

S004-T00028

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services

Attachments: 1. Under Separate Cover - Six-Monthly Performance Update Report July – December 2023

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.2 Implement effective governance and long-term planning

Operational Plan Link: 5.2.2.2 Review and prepare Council's plans and reports under the Integrated Planning and Reporting Framework

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on Council's progress in implementing the community's vision and goals as articulated in the Integrated Planning and Reporting suite of documents, the Community Strategic Plan – Our Eurobodalla 2042, the Delivery Program 2022-26, and Operational Plan 2023-24.

Local councils in NSW are required to undertake its planning and reporting activities in accordance with the local government Integrated Planning and Reporting (IPR) framework.

In accordance with Section 404 of the *Local Government Act 1993* and the Integrated Planning and Reporting guidelines for Local Government, Council is required to provide progress reports with respect to the activities detailed in the Delivery Program every six months.

The Delivery Plan 2022-26 consists of 65 activities for the Council's term and the Operational Plan 2023-24 includes 212 operational actions for the year. As of 31 December 2023, 95% of the actions are on track or completed, and 5% of the actions are considered off track.

RECOMMENDATION

THAT the Six-Monthly Performance Update Report July – December 2023 be received and noted.

BACKGROUND

The purpose of this report is to provide an update on Council's progress in implementing the community's vision and goals as articulated in the Integrated Planning and Reporting suite of documents, the Community Strategic Plan – Our Eurobodalla 2042, the Delivery Program 2022-26 and Operational Plan 2022-23.

Local councils in NSW are required to undertake its planning and reporting activities in accordance with the local government Integrated Planning and Reporting (IPR) framework.

In accordance with Section 404 of the *Local Government Act 1993* and the Integrated Planning and Reporting guidelines for Local Government, Council is required to provide progress reports with respect to the activities detailed in the Delivery Program every six months.

The Community Strategic Plan - Our Eurobodalla 2042, articulates a community vision for the future, five corresponding goals, and 18 strategies to achieve these.

FCS24/001 DELIVERY PROGRAM 2022-26 OPERATIONAL PLAN 2023-24 SIX-MONTHLY PERFORMANCE UPDATE JULY - DECEMBER 2023

S004-T00028

Council developed their Delivery Program 2022-26 in response to the Community Strategic Plan, which details 65 activities for their term to work towards the community's aspirations.

Annually, Council develop and adopt an Operational Plan, which is Council's 'work plan' for the year. The work plan aligns to the Delivery Program and contains annual actions to work towards the higher plans. Council's Operational Plan for 2023-24 contains 212 actions.

As of 31 December 2023, 3% of Operational Plan actions were completed, 92% were considered on track, and 5% flagged as off track:

Goals	Completed	On Track	Off Track
Our sustainable shire celebrates our natural environment and outdoor lifestyles	-	35	3
Our community that welcomes, celebrates, and supports everyone	5	63	-
Our region of vibrant places and spaces	1	40	2
Our connected community through reliable and safe infrastructure networks		22	3
Our engaged community with progressive leadership	-	36	2
Total	6	196	10
	(3%)	(92%)	(5%)

Council have completed actions to celebrate Children's Week, Local Heros award, and the provision of the community grant program. The development of a strategic planning template for local sporting clubs has been completed via the Sustainability in Sport program and club resource kit.

A two-week free green waste drop off period at waste management facilities in conjunction with the Rural Fire Service 'Get Ready' program occurred.

The Eurobodalla Destination Action Plan 2023-28 was finalised and adopted by Council in December 2023.

10 actions for the year are considered off track as of 31 December 2023. This is largely due to staff turnover in the areas reasonable for delivering the actions concerned. Work to prepare a council electric vehicle strategy, review the waste and pathways strategies, and plans of management for crown reserves is off track while available resources are diverted to ongoing operations. Project work in human resources is also deferred to ensure efforts are directed to higher activity levels of recruitment and onboarding.

The average processing time for development applications is longer than the same period last year, as increased complexities and delays experienced with the NSW planning portal, staff resourcing issues are being experienced by the local government sector across NSW.

Council's planned maintenance activities for local roads and stormwater continued to be impacted by significant weather events, with efforts being diverted to reactive works. Rabbit

**FCS24/001 DELIVERY PROGRAM 2022-26 OPERATIONAL PLAN 2023-24 SIX-
MONTHLY PERFORMANCE UPDATE JULY - DECEMBER 2023**

**S004-
T00028**

control work is behind schedule; however works are anticipated for early 2024 and the program is expected to get back on track.

All other actions are considered on track.

Further details can be found in the attachment – Six Month Performance Update Report July to Decembers 2023.

Legal

In accordance with Section 404 of the *Local Government Act 1993* and the Integrated Planning and Reporting guidelines for Local Government, Council is required to provide progress reports with respect to the activities detailed in the Delivery Program every six months.

Policy

The Delivery Program and Operational Plan draws on and implements actions contained in related Council policy documents.

Financial

Council is required to report financial performance on a quarterly basis. The December Quarterly Review Statements are prepared in accordance to the *Local Government Act 1993* and the Quarterly Budget Review Statement Guidelines. They are presented to Council in a separate report.

Community and Stakeholder Engagement

The Six-Monthly Performance Update Report is an informing document for the community and will be published on Council's website.

CONCLUSION

The Six-Monthly Performance Update July - December 2023 report provides an update of Council's progress to achieving our community's vision and goals as articulated in the Community Strategic Plan – Our Eurobodalla 2042.

**FCS24/002 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31
DECEMBER 2023**

**S011-
T00003**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services

Attachments: 1. Under Separate Cover - Quarterly Budget Review Statement for
period ending 30 December 2023

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.1 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 Quarterly Budget Review Statement (QBRs) reports on Council's performance against the Operational Plan for the quarter ending 31 December 2023. The QBRs acts as a barometer of Council's financial health during the year. It also discloses Council's forecasted financial position for the year end to assist with informed and transparent decision making.

Council's original budget for 2023-24, on a consolidated basis was an:

- operating result, before capital revenue, of (\$6.85 million) deficit
- operating result, after capital revenue, of \$75.93 million surplus
- decrease (usage) of \$27.18 million in unrestricted funds.

The proposed revised annual budget is an:

- operating result, before capital revenue, of (\$2.51 million) deficit.
- operating result, after capital revenue, of \$67.17 million surplus.
- decrease (usage) of \$34.63 million in unrestricted funds.

Council remains concerned with the impact of decisions on cash and operating deficits in the current year with trends of ongoing operating deficits that may be unsustainable in the longer term

RECOMMENDATION

THAT:

1. The Quarterly Budget Review Statement (including attachments) for the quarter ended 31 December 2023 be received and noted.
2. The revised budget be adopted based on the proposed adjustments as presented.

BACKGROUND

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

**FCS24/002 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31
DECEMBER 2023**

**S011-
T00003**

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

The attachments to this report are as follows:

Financial reports (Attachment 1)

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

Financial reports include:

- a) Consolidated fund flow statement – this report shows the impact of operating, financing and investing activities on Council's unrestricted working capital.
- b) Consolidated income statement – provides sources of income and expenditure, including depreciation, by Council service.
- c) Consolidated capital program statement – provides capital expenditure information for each program area and associated services.
- d) Projected funds balance statement – provides information on the movements in both unrestricted and restricted fund accounts.
- e) Budget amendment listing report – provides details of proposed significant adjustments to budgets.
- f) Special Rate Variation (SRV) capital program – provides capital expenditure information for each of the projects in the SRV program of works.

Consultancy, Legals and Contractors Report (Attachment 2)

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

Key Financial Indicators (Attachment 3)

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

Mayoral and Councillor Expenses (Attachment 4)

Provides information about Mayoral and Councillor expenditure.

The Bay Pavilions Income Statement (Attachment 5)

Provides income and expenditure, including depreciation for the Bay Pavilions.

CONSIDERATIONS

Consolidated Fund flow Statement (Attachment 1(a)):

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

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

The net fund flow shows the amount of unrestricted funds that will be used to deliver the agreed Operational Plan outcomes for the 2023-24 year. The consolidated original budget

**FCS24/002 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31
DECEMBER 2023**

**S011-
T00003**

forecasted a \$27.18 million decrease in unrestricted funds. Adjustments to the December budget review result in a projected decrease to unrestricted funds of \$34.63 million.

Table 1.1 Net Increase (decrease) in unrestricted funds, per fund, \$'000

Fund	2023-24 Original Budget	Previous Reviews	December Review	2023-24 Proposed Revised Budget
Water	(19,918)	(286)	(6,508)	(26,712)
Sewer	(9,257)	311	(1,486)	(10,432)
Waste	3,100	(644)	(143)	2,313
Environment	128	(-39)		89
General	(1,232)	(1,250)	2,594	(-112)
Consolidated	(27,181)	(1,907)	(5,542)	(34,630)

Consolidated Income Statement (Attachment 1(b)):

The Consolidated Income Statement shows the types of income, and expenditure per council service areas. This result can indicate whether Council is able to raise sufficient revenue to cover the operational cost (including depreciation) of delivering services to the community before considering its capital revenue.

The result is impacted by the timing of project funding, where funds are received in a different year to the expenditure taking place.

The revised operating result is a deficit of \$2.51 million before capital revenue.

Table 1.2 Net Surplus/ (deficit) before capital revenue, \$'000

Fund	2023-24 Original Budget	Previous Reviews	December Review	2023-24 Proposed Revised Budget
Water	1,772	735	(80)	2,427
Sewer	264	(61)		203
Waste	1,980	788	542	3,310
Environment	42	(242)	122	(78)
General	(10,912)	355	2,186	(8,371)
Consolidated	(6,854)	1,575	2,770	(2,509)

Operating deficits in the General Fund have a significant impact on the consolidated operating deficit.

December Review Adjustments (Operating)

The proposed December review adjustments see a \$2.77 million improvement from the operating deficit of \$5.28 million at September, resulting in a year end estimated operating deficit of \$2.51 million. The vast majority of this relates to timing of granted funded emergency

**FCS24/002 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31
DECEMBER 2023**

**S011-
T00003**

road repair works following recent severe weather which have been paid in advance of work being carried out.

December Review Adjustments (Capital)

The proposed December review adjustments to the operating result after capital see a \$22.88 million decline from the September review, resulting in a year end estimated operating surplus of \$67.17 million.

Adjustments made during the December quarter reduced the capital expenditure budget by \$13 million and the capital income budget by \$25.65 million.

The vast majority of this relates to reprioritisation of carry forward works following a review of the capital works program. Significant adjustments to the capital expenditure budget include:

- (\$4.3m) revised timing of Regional Co-located Emergency Services Precinct project
- (\$3.2m) revised timing of recreation and community facility projects
- (\$1.4m) revised timing of Moruya Housing Precinct project
- (\$1.2m) revised timing of transport and stormwater projects
- (\$0.9m) revised timing of Moruya Airport projects
- (\$0.4m) revised timing of Botanic Gardens projects
- (\$5.1m) revised timing of grant funded landfill upgrades at both Surf Beach and Brou
- \$2.0m revised timing of Nelligen water supply project
- \$1.7m new grant funded transport, recreation and community facility projects

Special Rate Variation (SRV) – progress update (Attachment 1 (f)):

2023-24 is the eighth year of the SRV program and over \$6.20 million of infrastructure works for the year are underway. \$1.33 million of SRV designated funds are being utilised for these works.

As at 31 December 2023, approximately 29% (\$1.78 million) of the programmed SRV works for this year have been expensed (per attachment 1(f)).

Attachment 1 (f) reports the detailed progress of the capital program showing individual project budgets and expenses with updates as at 31 December 2023.

The Bay Pavilions Income Statement (Attachment 5)

The December review of the 2023-24 budget forecasted a \$5.06 million operating deficit for The Bay Pavilions. There are no adjustments proposed for this quarter.

**FCS24/002 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31
DECEMBER 2023**

**S011-
T00003**

Legal

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

Policy

The accounting policies being used are based on those detailed in the financial statements for the year ended 30 June 2023.

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

CONCLUSION

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

As the Responsible Accounting Officer, it is my opinion the December Quarterly Budget Review for Eurobodalla Shire Council indicates that Council’s projected financial position, as at 30 June 2024, will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The December Quarterly Budget Review Statement continues to forecast an operating deficit for Council in the current year. Like many councils across NSW, Eurobodalla is facing financial challenges due to the limited ability to increase revenue, continued increases in CPI, wages and operating costs. Council has developed a Finance Strategy to mitigate these challenges that was presented at the ordinary Council Meeting 19 December 2023. The Finance Strategy 2024-28 aims to achieve and maintain the financial resilience of Council. The Strategy identifies 3 key themes of financial resilience, prudent asset management and accountability. Several actions included in the Finance Strategy are underway.

FCS24/003 INVESTMENTS MADE AS AT 31 DECEMBER 2023

**S011-T00006,S012-
T00025**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services
Attachments: Nil
Community Goal: 5 Our engaged community with progressive leadership
Community Strategy: 5.3 Work together to achieve our collective vision
Delivery Program Link: 5.3.1 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 December 2023, 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.

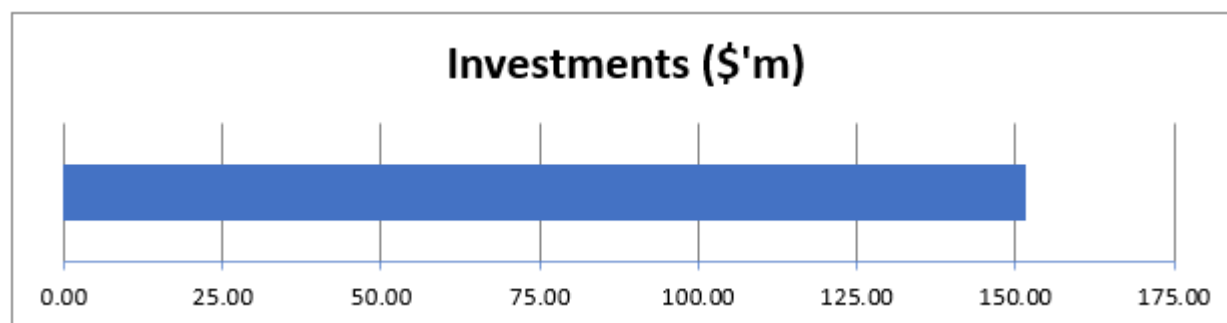
CONSIDERATIONS

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 \$151.66M (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 \$37.5M invested in banks rated below A, and in the 'some limited risk' category of the policy.

FCS24/003 INVESTMENTS MADE AS AT 31 DECEMBER 2023

S011-T00006,S012-T00025

Investments decreased by \$10m in December 2023, predominantly due to expenditure on Water & Sewer infrastructure projects, as well as timing of receiving funds for the grant funded portion of these projects.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 24.73% invested in BBB+ rating category. Investment in Government guaranteed deposits is \$1.75M representing 1.15% of the portfolio.

There are \$57.0M (37.58%) 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 5.29%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (4.60%).

Summary investment information

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

CATEGORY	(\$)
At call deposit	389,996
Term deposits	149,520,000
Term deposits Government guaranteed	1,750,000
	151,659,996
<i>Weighted average interest %:</i>	5.29%
<i>Average 90 day BBSW + 0.25%</i>	4.60%

FCS24/003 INVESTMENTS MADE AS AT 31 DECEMBER 2023

**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	1.15	1.15	100.00
Near risk free	74.12	74.12	100.00
Some limited risk (BBB+)	24.73	24.73	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 2023 is 2.94:1. Council therefore has approximately \$2.94 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.

FCS24/004 INVESTMENTS MADE AS AT 31 JANUARY 2024

S011-T00006,S012-T00025

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services
Attachments: Nil
Community Goal: 5 Our engaged community with progressive leadership
Community Strategy: 5.3 Work together to achieve our collective vision
Delivery Program Link: 5.3.1 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 January 2024, 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.

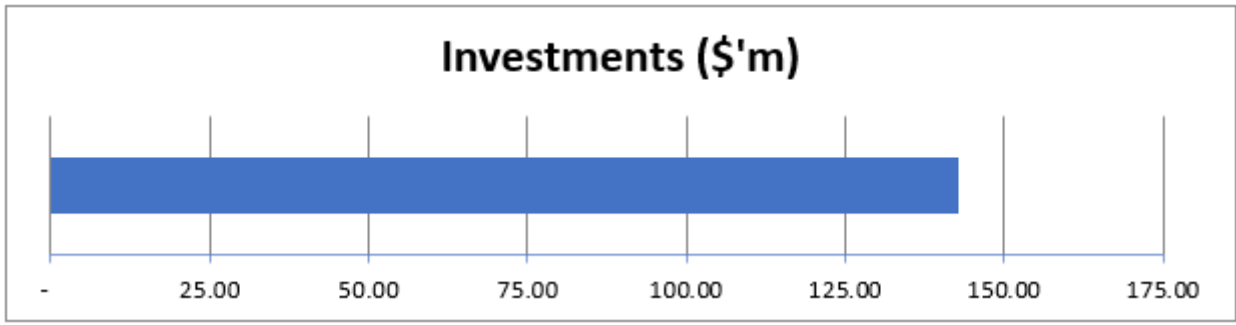
CONSIDERATIONS

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 \$142.66M (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 \$28.5M invested in banks rated below A, and in the ‘some limited risk’ category of the policy.

FCS24/004 INVESTMENTS MADE AS AT 31 JANUARY 2024

S011-T00006,S012-T00025

Investments decreased by \$9m in January 2024, predominantly due to expenditure on Water & Sewer infrastructure projects, as well as timing of receiving funds for the grant funded portion of these projects.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 19.98% invested in BBB+ rating category. Investment in Government guaranteed deposits is \$1.75M representing 1.23% of the portfolio.

There are \$48.0M (33.65%) 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 5.31%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (4.61%).

Summary investment information

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

CATEGORY	(\$)
At call deposit	392,518
Term deposits	140,520,000
Term deposits Government guaranteed	1,750,000
	142,662,518
<i>Weighted average interest %:</i>	5.31%
<i>Average 90 day BBSW + 0.25%</i>	4.61%

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.

FCS24/004 INVESTMENTS MADE AS AT 31 JANUARY 2024

**S011-T00006,S012-
T00025**

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.23	1.23	100.00
Near risk free	78.79	78.79	100.00
Some limited risk (BBB+)	19.98	19.98	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 2023 is 2.94:1. Council therefore has approximately \$2.94 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.

IR24/001 LOCAL TRAFFIC COMMITTEE NO. 6 FOR 2023-24

S030-T00018

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. LTC No.6 Minutes
2. Bayridge Estate signage and linemarking
3. Signage - Coastal Court, Dalmeny
4. Signage - Mosquito Bay boat ramp

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: 4.1.1 Plan for an integrated and active local transport network, guided by the NSW Government's Future Transport 2056 Strategy

Operational Plan Link: 4.1.1.3 Coordinate the Local Traffic Committee

EXECUTIVE SUMMARY

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

Recommendations arising from the Local Traffic Committee meeting No. 6 held 14 December 2023, are as follows:

RECOMMENDATION

THAT Council approves:

1. The following acts for determination from Local Traffic Committee No. 6:

2024.RT.011 - Signage and Line marking – Bayridge Estate, Batemans Bay

- That Rygate & West Drawing No. U21139 Stage 3 ENG A.dwg of Bay Ridge Estate – Stage 3 subdivision, Batemans Bay detailing No Stopping signage and Give Way signs and lines, be approved.

2024.RT.012 Signage – Coastal Court, Dalmeny

- That Council Plan 5940-D-01 Coastal Court, Dalmeny detailing No Stopping left, No Stopping right, be approved.

2024.RT.013 Signage – Mosquito Bay boat ramp, Malua Bay.

- That Council Plan 5490-E-01 for signage at Mosquito Bay boat ramp, Malua Bay for No Parking, Vehicles with boat trailers attached EXEMPT, be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 6 for 2023-24 was held on 14 December 2023. The meeting was attended by Senior Sgt Angus Duncombe (NSW Police), Emma Pietruska (Transport for NSW), Andy Gaudiosi (Transport for NSW), Kate McDougall (Traffic Coordinator), James Thomson (Acting Division Manager Technical Services), Sheree Ward (Infrastructure Support Officer). Apologies sent from Karen Shea (Dr Holland's Office) for unattendance.

IR24/001 LOCAL TRAFFIC COMMITTEE NO. 6 FOR 2023-24

**S030-
T00018**

CONCLUSION

The minutes of the Eurobodalla Local Traffic Committee meeting No. 6 held 14 December 2023 are attached to this report and provide further background for the recommendations.



LOCAL TRAFFIC COMMITTEE REPORTS

Meeting No: 6-23/24	File No E16.0002
Date: Thursday 14 December 2023	Time: 9:30am
Location: Eurobodalla Shire Council – Glass Meeting Room and Online	

ROAD TRANSPORT (SAFETY & TRAFFIC MANAGEMENT) ACT ITEMS FOR DETERMINATION

5.1 2024.RT.011 Signage and Line marking – Bayridge Estate, Batemans Bay

RECOMMENDATION

That Rygate & West Drawing No. U21139 Stage 3 ENG A.dwg of Bay Ridge Estate – Stage 3 subdivision, Batemans Bay detailing No Stopping signage and Give Way signs and lines, be approved.

BACKGROUND

As further development of the Bayridge Estate in Batemans Bay appropriate signage has been proposed for LTC approval.

No Stopping signage on the inside of the roadway allows for cars to pass through when cars are parked on one side of the street. A Give Way sign and linemarking address the intersection of the loop road.

5.2 2024.RT.012 Signage – Coastal Court, Dalmeny

RECOMMENDATION

That Council Plan 5490-D-01 Coastal Court, Dalmeny detailing No Stopping left and No Stopping right signs, be approved.

BACKGROUND

Council had been advised that ESC garbage service could not turn around in the cul-de-sac at Coastal Court due to cars parked blocking the way. The garbage trucks were finding it difficult to pick up bins and manoeuvre around the cul-de-sac while cars have been parked. No Stopping signage will deter cars parking in the cul-de-sac making garbage collection less difficult. To deter all cul-de-sac's from being signed No Stopping, a maximum size of

5.3 2024.RT.013 Signage – Mosquito Bay boat ramp, Malua Bay

RECOMMENDATION

That Council Plan 5490-E-01 for signage at Mosquito Bay boat ramp, Malua Bay for No Parking, Vehicles with boat trailers attached EXEMPT, be approved.

BACKGROUND

Current signage at Mosquito Bay boat ramp, designed for vehicles with boat trailers, is not enforceable and as a consequence vehicle without boat trailers have been parking at the boat ramp. This has cause angst with locals and tourists with boat trailers not having spaces to park during peak times. The new NO



**LOCAL TRAFFIC COMMITTEE
REPORTS**

Meeting No: 6-23/24	File No E16.0002
Date: Thursday 14 December 2023	Time: 9:30am
Location: Eurobodalla Shire Council – Glass Meeting Room and Online	

PARKING signage as it only allows enables vehicles with boat trailers attached to park at Mosquito Bay boat ramp carpark and is enforceable. These signs will be assessed to see how successful they are, for further use at other boat ramps within the Eurobodalla.

5.4 2024.RT.015 Signs and Line marking for Saltwater Estate roundabout and George Bass Drive stage 2 and 3

RECOMMENDATION

That LandTeam Plan 213826-CC-Stage 2-3_C 134 – CC137 for signage and line marking for stage 2 and 3 of proposed subdivision of LOT 1, DP243483 LOT1, DP 403372 / LOT 12, DP 755902 & LOT 4, DP1155861 George Bass Drive, Rosedale, be approved.

BACKGROUND

Saltwater Estate, Rosedale is a 7-stage development proposing 137 residential lots. Stage 1 has been released with Stage 2 and 3, at total of 36 lots, due to be release at the completion of the work outlined in Plan 213826 CC134-7. This is the second and third stage of the Saltwater Estate, Rosedale. These plans outline the linemarking and signage for Stage 2 and 3. This work must be completed prior to stage 3 release. It is intended that Stage 2 and 3 will be to be released at the same time.

ITEM 6 - INFORMAL ITEMS FOR DISCUSSION

6.1 2024.RT.014 Signs – Ocean Parade – Dalmeny Campground

ITEM 7 – GENERAL BUSINESS

- 7.1 Bruce Cameron Drive speed limit**
- 7.2 2024.SE.008 – Rally of the Bay – map only**

ITEM 8 – DEVELOPMENT APPLICATIONS

- 8.1 25 – 27 Bavarde Ave Batemans Bay**
- 8.2 154 Beach Rd, Catalina – Catalina Country Club**
- 8.3 Francis Street, Moruya**
- 8.4 269 Beach Road Denhams Beach**
- 8.5 Graham Street Narooma – revisit**

ITEM 9 – NEXT MEETING

February 8 2024

REDUCTION RATIO:	AS SHOWN	SUBMITTED	OTHER
DATUM:	AUSTRALIAN HEIGHT DATUM	DESIGNED	CP
CONTOUR INTERVAL:	1m	DRAWN	CP
ORIGIN OF LEVELS:		CHECKED	PS
DATE OF PLAN:	6/10/2023		

AMENDMENTS	BY	DATE

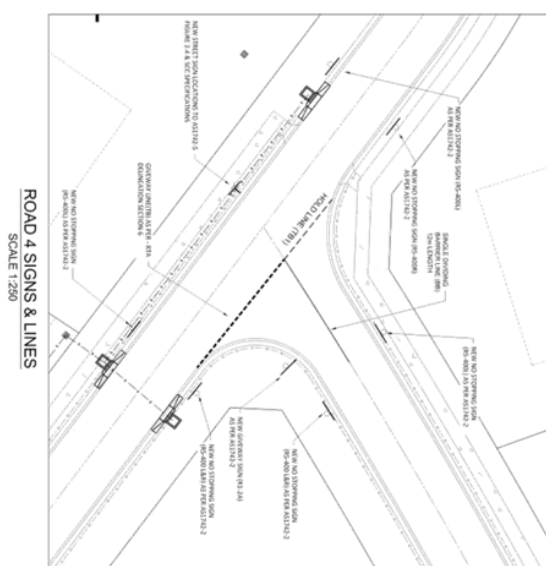
RYCATE & WEST
INCORPORATING BULLOCK & WALTERS
SINCE 1893
P.O. BOX 103, 1401 23RD AVENUE, STREET TULLAHOMA, NEW 75119
P.O. BOX 346, 126 RICHMOND ROAD, BIRMINGHAM, AL 35206
main@rycatewest.com
(214) 461-1137

**BAY RIDGE ESTATE
DEVELOPMENT PTY LTD**

BAY RIDGE ESTATE - STAGE 3 SUBDIVISION
CIVIL ENGINEERING PLANS
ROAD 4 SIGNS & LINES PLAN
OVER LOT 142 DP1216682

BATEMANS BAY | **SHIRE OF EUROBODALLA**

REFERENCE NO. U211399
DRAWING NO. U21139- STAGE 3 ENG A.dwg
ISSUE **A**
SHEET **1** OF **34** SHEETS
ESC APP. NO. DA 172-7-2005 MOD 3



R1-2 SIGN



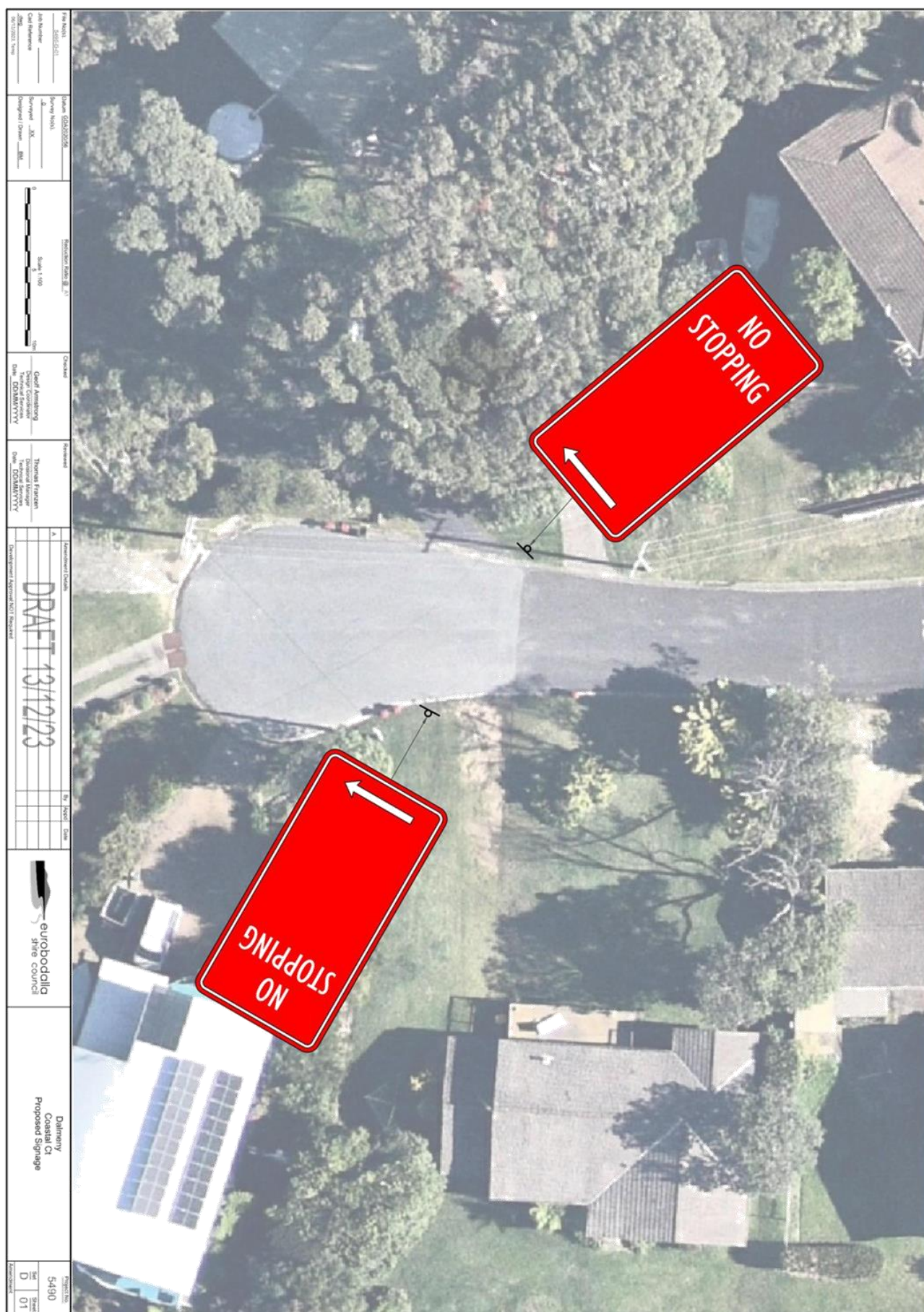
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DEALING WITH MATTERS IN CLOSED SESSION

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
The Office of Local Government	4428 4100	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	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.