



AGENDA

Ordinary Meeting of Council

10 December 2019

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

ON TUESDAY 10 DECEMBER 2019

COMMENCING AT 11.00AM

AGENDA

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

1. WELCOME

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

2.1 Ordinary Meeting held on 26 November 2019

3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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DR CATHERINE DALE
GENERAL MANAGER

NOM19/009 IMPROVED IMPOUND FACILITIES

Responsible Officer: Patrick McGinlay - Councillor

Attachments: Nil

Councillor Patrick McGinlay has given notice that at the Ordinary Meeting of Council on Tuesday 10 December, he will move the following motion.

MOTION

THAT:

1. At the next available Council budget review, sufficient funds be allocated to conduct:
 - a) A detailed inspection of the current animal pound to assess its suitability in light of community expectations and current best practice
 - b) further, that should there be inadequacies or improvements needed, that a scoping plan to address these be developed.
 - c) further, on the basis of such a scoping plan, that costing estimates to implement any improvements be prepared for councillor consideration.
2. The above exercise considers the suggested improvements by the local RSPCA as outlined in the background to this Notice of Motion, in particular, upgrading of facilities comprising:
 - a) paved entrance and parking area
 - b) extended dog exercise area
 - c) construction of separate, enclosed cattery
 - d) construction of separate office and visitors' area.

BACKGROUND

This Motion is presented on behalf of the members of the local Eurobodalla Branch of the RSPCA, and I commend its adoption by Council.

Council is required, under the *Companion Animals Act 1998*, to have a pound, where seized or surrendered animals can be kept, while their owners can be identified and contacted, if possible. The facility run by Eurobodalla Shire Council, while meeting basic legal requirements, by its existence, is nevertheless old and due for replacement in the near future and is arguably not fit for purpose nor community expectations for the humane treatment or conditions of temporary captivity and accommodation of animals awaiting collection or re-homing.

The reasons why dogs and cats end up there are many and varied. They include over breeding, unsuitable premises to keep dogs secure, family breakdown, mental health and drug issues, and changes in financial circumstances of owners. Whatever the reason, the animals are impounded due to the actions - careless, negligent, unfortunate or sometimes unavoidable - of humans. On that basis, we have a duty to them that goes beyond legalities, and is based on what our society considers to be appropriate treatment for companion animals.

Animal welfare organisations such as the RSPCA and others, seek to address the types of problems which lead to cats and dogs being impounded, in a range of ways. These include discount de-sexing programs, community programs for homeless people, promotion of

NOM19/009 IMPROVED IMPOUND FACILITIES

responsible pet ownership via Facebook and at events, and promotion of and participation in Council activities such as free microchipping days. These organisations also take animals directly from the pound for re-homing, whenever possible. It is important that Council and these organisations continue to work together to achieve good outcomes for the animals concerned.

The work of the rangers in recent years in re-homing many of these animals is acknowledged, as is the care, concern and hard work put into delivering good outcomes for as many impounded animals as possible. Joint re-homing efforts by council and various animal welfare agencies have seen the numbers of animals being euthanised drop dramatically in recent years, nevertheless, a number are still being euthanised; Below are the statistics for the past financial year.

Euthanasia rates for 2018/2019				
Total number of animals		Reasons for euthanasia		
Dogs	Cats	Injury/Illness	Unable to rehome	Reason unknown detail not recorded in register
20	10	Dogs – 2 Cats – 1	Dogs – 10 Cats – 7	Dogs – 8 Cats – 2
Total = 30		Total = 3	Total = 17	Total = 10
		Total = 30		

The rangers can only do so much, under the present conditions. It may be that rehoming suitable animals can be further improved through changes such as a revamped impound facility, which better caters for animals' needs, and provides a more welcoming space for visiting members of the public.

Many of the cats brought to the pound have been caught in traps. Studies have shown that trapping a cat is extremely traumatic for that animal. The cat is then brought to an unfamiliar place, with dogs barking in close proximity. It would be much more humane to house the cats in a fully enclosed structure, further away from the dogs. This would greatly assist in identifying cats which are rehomingable, by lowering their stress levels.

The pound also needs to be able to house many more cats than currently. While feral females may not be rehomingable, their kittens, if found young enough, often are. We should be maximising the utility of the pound as a resource to accommodate and responsibly home such cats as part of our work in protecting our precious environment in this beautiful shire.

NOM19/009 IMPROVED IMPOUND FACILITIES

Many of the dogs in the pound are larger breeds, yet the exercise area in our current facility is tiny. Those dogs are locked in kennels for most of every day, so a decent exercise area, for the short time they are able to use it, is essential for helping maintain their well-being in a stressful environment. Furthermore, sometimes that area needs to be used for another type of animal, such as goats, which means that it is not available to dogs at all.

We also need a place where people can safely interact with animals they are thinking of adopting. An enclosed area, with a small grassed run and covered seating, separate from the main building, would give potential adopters the opportunity of a longer, calmer meeting with the animal they are interested in.

Several points contained in Council's Property Strategy are relevant to this motion:

Strategy 5:

Continue to resource and improve the accessibility and sustainability of Council properties.

Strategy 8:

Align assets with service and ***community expectations***.

Strategy 9:

Invest in property that will deliver economic, social/cultural or environmental outcomes.

**NOM19/010 RE-INSTATEMENT OF SPECIALIST CONTINENCE NURSING POSITION IN
EUROBODALLA SHIRE**

Responsible Officer: Patrick McGinlay - Councillor

Attachments: Nil

Councillor Patrick McGinlay has given notice that at the Ordinary Meeting of Council on Tuesday 10 December 2019, he will move the following motion.

MOTION

THAT:

Council advocate to the Southern NSW Local Health District (SNSWLHD) management, that they re-employ a continence nurse to provide the services to the women, men and children of the Eurobodalla who live daily with these problems. The advocacy should be way of a letter from Council with copies to:

- The local State member
- The Federal members of both Gilmore and Eden –Monaro.

BACKGROUND

This motion is put forward at the request of Dr Michael Holland and on behalf of the people of this Shire.

He noted his recent attendance at a National Conference on Incontinence in Melbourne which was the 30th anniversary of the Continence Foundation of Australia, and asked; "Is the Eurobodalla Shire Council aware that in providing sanitary disposal bins in local toilets, it is providing a better service for individuals with continence problems than the SNSWLHD?"

This view is due to his observation that the Eurobodalla is now the only region within the Southern NSW Local Health District without a continence nurse since the retirement of the last nurse in May 2019. The position for Continence nurse was a 0.38 FTE position funded via Commonwealth Home Support Program. It no longer exists due to loss of funding.

Dr Holland has provided the following statistics below, that demonstrate the widespread nature of incontinence.

Urinary incontinence

- Urinary incontinence affects up to 13% of Australian men and up to 37% of Australian women (Australian Institute of Health and Welfare report, 2006).
- 65% of women and 30% of men sitting in a GP waiting room report some type of urinary incontinence, yet only 31% of these people report having sought help from a health professional (Byles & Chiarelli, 2003: Help seeking for urinary incontinence: a survey of those attending GP waiting rooms, *Australian and New Zealand Continence Journal*).
- 70% of people with urinary leakage do not seek advice and treatment for their problem (Millard, 1998: The prevalence of urinary incontinence in Australia, *Australian and New Zealand Continence Journal*).

**NOM19/010 RE-STATEMENT OF SPECIALIST CONTINENCE NURSING
POSITION IN EUROBODALLA SHIRE**

- An Australian study found that over a three month period, 50% of women aged 45-59 years of age experienced some degree of mild, moderate or severe urinary incontinence (Millard, 1998: The prevalence of urinary incontinence in Australia, *Australian and New Zealand Continence Journal*).
- The prevalence of urge incontinence, which is strongly associated with prostate disease, is fairly low in younger males and increases to 30% for those aged 70-84 and 50% for those 85 years and over (Australian Institute of Health and Welfare report, 2006).

Faecal incontinence

- Faecal incontinence affects up to 20% of Australian men and up to 12.9% of Australian women (Australian Institute of Health and Welfare report, 2006).

Elderly

- Faecal incontinence is one of the three major causes (along with decreased mobility and dementia) for admittance to a residential aged care facility (Pearson J. 2003: Incidence of incontinence as a factor in admission to aged care homes, *Australia Government DoHA*).
- Around 77% of nursing home residents in Australia are affected by incontinence (Steel & Fonda 1995: Minimising the cost of urinary incontinence in nursing homes, *Pharmacoeconomics*).
- 40-60% of people in nursing homes will wet the bed tonight (Steel & Fonda 1995: Minimising the cost of urinary incontinence in nursing homes, *Pharmacoeconomics*).

The Deloitte Access Economics report [The economic impact of incontinence in Australia](#) (920KB) explores the current prevalence and economic impact of incontinence in Australia, and provides an outline of the future projected growth.

The following table outlines the age profile for Eurobodalla for people aged 60+, compared to both the state and national figures. As can be seen our profile shows the percentage of residents aged 60 years and older in our community is double the state and national averages. A highly pertinent point given the link between incontinence and ageing.

Table 1

Age Group	Eurobodalla	NSW	Australia
60+	19.70%	10.80%	10.60%
70+	16.80%	8.90%	8.60%
85+	3.70%	2.20%	2.10%
Total residents aged 60+	40.20%	21.90%	21.30%

Source: Census 2016

NOM19/011 ADULT MIGRANT ENGLISH PROGRAM

Responsible Officer: Maureen Nathan - Councillor

Attachments: Nil

Councillor Maureen Nathan has given notice that at the Ordinary Meeting of Council on Tuesday 10 December 2019, she will move the following motion.

MOTION

THAT Council:

1. Write to the Department of Home Affairs requesting that the Adult Migrant English Program (AMEP) be reinstated in our local area so that new migrants can access the program within our shire.
2. Promote the English course currently running locally at TAFE to eligible new migrants to ensure maximum benefit.

BACKGROUND

The Australian government fund the Adult Migrant English Program (AMEP) through the Department of Home Affairs. Newly arrived migrants pay for 510 hours of free English learning as part of their visa application, with classes operating across NSW under contract arrangements.

Being able to communicate in English is a vital skill for migrants and impacts every aspect of their new life in Australia, in terms of education, employment and independence. As such, it is essential.

Eurobodalla Council has welcomed 54 new citizens via Citizenship ceremonies since February of this year, further highlighting the increasing number of new migrants who have chosen to call Eurobodalla home and the need for appropriate support.

In 2016 a six year contract to deliver AMEP in our region was awarded to Navitas, a global education provider, with classes delivered locally by Max Employment.

Prior to this TAFE NSW had been contracted for many years to deliver the AMEP program locally, which they still do under contract elsewhere in NSW.

I understand Max Employment ceased providing its Batemans Bay AMEP/SEE (Skills for Education and Employment) class in mid-2017, with contract funds returned to the Department.

To date it has not been possible to ascertain with any certainty if the contract will be re-tendered or transferred to another provider. However, the impact of the lack of AMEP classes is certainly evident with a number of newly arrived migrants, who have paid significant fees for English classes as part of their visa, describing their dismay and frustration with the situation.

Enquiries have been made on their behalf, with the following results:

- The English course currently running locally at TAFE is funded by the NSW Smart and Skilled system and is called Certificate in Spoken and Written English (CSWE). To be eligible for Smart and Skilled CSWE a person must be a permanent resident, on a humanitarian visa or pay \$4200. It is a small class at Hanging Rock, running once per week, on Tuesdays for 5 hours, 9:30-3:00.

NOM19/011 ADULT MIGRANT ENGLISH PROGRAM

- Newly arrived migrants on temporary visas, who are meant to receive (and have paid for in their visa application) 510 hours of free English learning in the AMEP, are not eligible for the Smart and Skilled CSWE program. They are not able to access those hours in our area and would need to travel to Nowra where Navitas is running AMEP under a Department of Home Affairs contract.
- Local community groups, including the Multicultural group of Eurobodalla and far South Coast, coordinated by Jan Fricken, are also providing support to address the evident need.

Given the situation as outlined it is important to both publicise the TAFE class that is running to eligible migrants, and advocate to the Department of Home Affairs for the AMEP to resume in Eurobodalla, given the obvious and immediate needs of our migrant community.

NOM19/012 BUSHFIRE FUEL REDUCTION PROTOCOLS

Responsible Officer: Rob Pollock - Councillor

Attachments: Nil

Councillor Rob Pollock has given notice that at the Ordinary Meeting of Council on 10 December 2019, he will move the following motion.

MOTION

THAT Council write to the Premier, The Honourable Gladys Berejiklian with a copy of the letter to the Member for Bega, and Minister for Transport Andrew Constance, NSW Rural Fire Service Commissioner Shane Fitzsimmons, Minister for Energy and Environment Matthew Kean, the NSW Forest Corporation and Ministers responsible for the Corporation, seeking an urgent review of the current bushfire fuel reduction protocols and planning practices with the view of achieving a more efficient process for Government and private property owners, more frequent and regular hazard reduction burning in the State Forests and National Parks of NSW and a commitment of resources by the NSW Government to ensure that required hazard reduction burns can be undertaken as and when required.

BACKGROUND

Current control and protocols have limited regular and effective hazard reduction within and beyond Eurobodalla.

The current seven-year cycle does not provide adequate protection.

Often hazard reduction burns are regarded as being completed but in reality, have been largely ineffective. As a result, no further action for seven years.

The spread and intensity of recent fires are testimony to the need for change.

The extent of planning and necessary manpower often limits it to a very few days each year, being available for actual hazard reduction.

To preserve our bush and native wildlife, a more regular regime needs to be implemented.

‘Own the fuel, own the fire’.

NOM19/013 MOGO TOILETS

Responsible Officer: Patrick McGinlay - Councillor

Attachments: Nil

Councillor Patrick McGinlay has given notice that at the Ordinary Meeting of Council on Tuesday 10 December 2019, he will move the following motion.

MOTION

THAT Council

1. Acknowledge the significant community and business support for the installation of additional public toilets in Mogo, specifically in the John Street reserve.
2. Submit a funding application to the NSW government for construction of the toilets
3. Allocate an appropriate maintenance and cleaning budget in recognition of the additional level of service the additional toilet facilities represents.

BACKGROUND

At the Council meeting of 12 November 2019, a Motion to receive and note a petition by several hundred people was duly passed by a unanimous vote.

The petition was put forward by Ms Theresa Matthews and contained 70 pages of signatures in support of a Disabled Access/Parenting Facility [public toilets] being built in the John Street Reserve in the village of Mogo. (See item PET19/003 Disabled Access/Parenting Facility in Mogo for the agenda of 12 Nov 2019 for full details).

Since then Ms Matthews has received the following correspondence via e-mail from the Electoral Office of The Hon Andrew Constance MP, Member for Bega:

"Good morning Theresa

I write to thank you for the email below to the Bega Electorate Office.

As you have noted, you have now presented your petition to council, the issue of the amenities is a matter for council to address.

Whilst I also acknowledge your request to meet with Andrew, as discussed previously, this is not something that Andrew has control over, as it will be a council asset/liability.

Andrew has supported your petition and has also offered support that should council proceed to an application, that he would support their financial request.

We have no control or persuasion over council as to where they construct facilities as they are the responsible authority.

It is pleasing that council have agreed to include the amenities in discussions for 2020 and I will discuss with them during our next project's update.

Should council bring forth a funding application, we would support the request.

NOM19/013 MOGO TOILETS

Kind regards“

Given the support now offered by the local State Member, Ms Matthews on behalf of the signatories to the petition, has requested, that this Motion be put forward to ask that council seek funding to facilitate the building of toilets in the location sought.

In regard to the ongoing cleaning and maintenance costs, it should be noted that should this facility be built it would increase Council public toilet facilities within the Shire from 49 to 50. An approximate increase in the public toilet maintenance budget of approximately 2% per annum could therefore be expected.

I commend the motion to you.

NOM19/014 ONE HOSPITAL

Responsible Officer: Patrick McGinlay - Councillor

Attachments: Nil

Councillor Patrick McGinlay has given notice that at the Ordinary Meeting of Council on Tuesday 10 December 2019, he will move the following motion.

MOTION

THAT Council write to the Southern NSW Local Health District (SNSWLHD) to

1. Reaffirm Council's support for the development of a single, high quality hospital facility, centrally located in our shire
2. Seek to assist SNSWLHD as a stakeholder in expediting the planning process, by carrying out our role in the timeliest manner practicable
3. Seek assurance that the new facility will provide medical services equal to those of the Regional and Base Hospitals within the Southern NSW Local Health District.

BACKGROUND

Dr Holland's Concerns

In a submission to the Eurobodalla Shire Council Public Forum on Tuesday 23rd October 2018, Dr Michael Holland asked the following questions of Council.;

1. "Does it support the provision of immediate improvement to the Accident & Emergency, Critical Care and Perioperative services of the Eurobodalla Shire?
2. Does it support the provision of one new regional hospital for the Eurobodalla Shire, located at a site providing equitable access for the residents of the Eurobodalla, which will provide medical services equal to those of the Regional and Base Hospitals within the Southern NSW Local Health District?
3. Will the Eurobodalla Shire Council advocate for better health services for the community through representation to the NSW and Federal Governments?"

More than 12 months later Dr Holland has now posed the following observation and questions:

"Local government authorities exist to provide services and amenities to local communities, and are also responsible for regulating and providing services for land and property in their district.

- Will the Eurobodalla Shire Council liaise with the SNSWLHD and NSW Health Infrastructure to commence the necessary planning for a potential site for a major new regional hospital?
- Will it initiate the planning for the supply of power, waste and water services as well as adequate road access to the potential sites of this major development?"

Community Concerns

The annual general meeting of the Board of the SNSWLHD, attended by Board members, the acting CEO and other senior staff was held publicly in Batemans Bay on 14 November 2019.

NOM19/014 ONE HOSPITAL

The main topics of interest from members of the public in attendance, as I (Clr. McGinlay) witnessed them, were the lack of any apparent action in relation to the new proposed Hospital, more than 12 months after the NSW Government funding for the same had been announced, and secondly ongoing lack of adequate resources for existing medical services.

On being asked about possible sites for the new hospital, the acting CEO stated that they (SNSWLHD) hadn't even started looking at that element yet.

A further question was asked about Council's role, which elicited a response indicating that Council would be a key stakeholder in planning for the hospital.

I believe it is now an appropriate time, given the concerns of many residents in our community, to see some progress in moving towards the build of the new hospital, and for Council to become more proactive in the planning process to see what we can do to assist.

The intent then of the motion is assure SNSWLHD of Council's support and our willingness to work with them in their planning process, in a manner appropriate to our role, which may yet need to be clearly defined and understood, to make this hospital a reality sooner rather than later.

I therefore commend the motion.

QON19/007 DIVIDEND FROM WATER AND SEWER BUDGETS

Responsible Officer: Patrick McGinlay - Councillor

Attachments: Nil

The following questions on notice were received from Councillor Patrick McGinlay:

Question

1. What has been the surplus generated each year for the past ten financial years from the Water and Sewer budgets?
2. (a) What has been the dividend transferred to the General Fund each year for the past ten financial years?

 (b) Has this been fully expended each year?
3. What has become of the remainder of the surplus from the Water and Sewer budgets from the past ten financial years (after dividends transferred to the General Fund)?

Response

Each year there is an opportunity to pay Water and/or Sewer dividends providing certain criteria are addressed.

NSW Governments *Guidelines for Best-Practice Management of Water Supply and Sewerage* encourage continuing improvement in performance and identify six criteria for best-practice management of water supply and sewerage as follows:

1. Strategic Business Planning
2. Pricing (including Developer Charges, Liquid Trade Waste Policy and Approvals)
3. Water Conservation
4. Drought Management
5. Performance Reporting
6. Integrated Water Cycle Management.

The Guidelines also set out the outcomes that NSW local government Local Water Utilities (LWU) need to achieve in order to be eligible for payment of dividend from the surplus of their water supply or sewerage businesses, including effective and sustainable water supply and sewerage businesses. Additionally best-practice management of these businesses as well as their compliance with the Australian Governments *National Competition Policy* and *National Water Initiative* also need to be demonstrated.

Any local government Local Water Utilities (LWU) wishing to pay a dividend from the surplus of its water supply and sewerage businesses is required to demonstrate achievement against these outcomes through substantial compliance with the Guidelines for each of the six criteria.

An audit of the annual compliance of the Water and Sewer Funds has been performed for each year a dividend was paid, and Council was deemed as achieving the requirements.

QON19/007 DIVIDEND FROM WATER AND SEWER BUDGETS

Response 1:

The following surplus / (deficits) and dividends were achieved and paid for each respective year:

	WATER		SEWER	
	Surplus/ (Deficit) before capital revenue	Dividend paid	Surplus/ (Deficit) before capital revenue	Dividend paid
	\$'000	\$'000	\$'000	\$'000
2008/09	1,160	-	(430)	-
2009/10	2,713	-	3,477	345
2010/11	531	300	900	300
2011/12	1,030	375	271	375
2012/13	3,075	-	426	529
2013/14	148	-	138	133
2014/15	463	-	1,531	530
2015/16	1,628	-	2,120	531
2016/17	1,331	598	1,068	543
2017/18	2,530	602	1,022	548
2018/19	2,062	612	1,772	566

Response 2:

Up until 2015/16 the dividends were restricted in the General Fund Energy and Efficiency Fund, which funded energy efficiency projects. The balance of this fund at 30 June 2019 is \$0.6m. The dividends were then restricted in the Fit For The Future Fund renewal fund from 2016/17 and the balance of this fund at 30 June 2019 is \$6.5m.

Response 3:

The accumulated surpluses over the last 10 years of \$8.0m and \$11.4m for Water and Sewer funds are reflected in their current cash balances of \$30.8m and \$18.3m which are restricted funds. This also aligns with Council's adopted Integrated Water Cycle Management Strategy. This cash will help to fund future renewal requirements and reduce reliance on loan funding.

RECOMMENDATION

THAT the response to the question regarding the Dividend from Water and Sewer Budgets raised by Councillor Patrick McGinlay be received and noted.

**GMR19/024 PROPOSED CLASSIFICATION MODEL FROM REMUNERATION
TRIBUNAL**

3436087

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Submission [↓](#)
2. Attachment 1 and Attachment 2 [↓](#)

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.3 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement of a draft submission to the Local Government Remuneration Tribunal for the review of the 2020 annual determination with regards to classification model and criteria.

Pursuant to Section 241 of the Local Government Act, the Tribunal is required to make an annual determination, by no later than 1 May 2020, on the fees payable to Councillors and Mayors to take effect from 1 July 2020.

In accordance with the Local Government Act, and as foreshadowed in the 2019 Report and Determination, the Tribunal will undertake a review of the categories as part of the 2020 review. Section 239 of the Local Government Act requires the Tribunal to determine the categories of councils and mayoral offices at least every three years.

In reviewing the categories, the Tribunal examined a range of statistical and demographic data and considered the views of councils and LGNSW. Having regard to that information, the Tribunal determined a categorization model which differentiates councils primarily on the basis of its geographic location. Other factors which differentiate councils for the purposes of categorization include population, the sphere of the council's economic influence and the degree of regional servicing.

Council notes that there are no changes proposed to the titles and criteria for General Purpose Councils – Metropolitan. The changes to the General-Purpose Councils – Non-Metropolitan categories is welcomed and staff support the addition of the Regional Centre category. This additional category recognises the diversity of the sector and the need to better recognise the range of the issues required to be taken into consideration when recategorizing councils and to ensure that they align with councils of similar capacity. It also ensures that remuneration for Councillors and Mayors within this category better reflects the issues they need to consider.

Eurobodalla is proposed to be categorized as Regional Rural. The draft submission has been prepared to address the four matters outlined by the Tribunal in its letter dated 29 October 2019 and requests that the Tribunal reconsider its proposed classification of Eurobodalla from Regional Rural to Regional Centre.

The reason that staff are recommending a reclassification is due to Eurobodalla's ability to meet many of the criteria for Regional Centre. Eurobodalla's population is only slightly lower than the minimum population of 40,000, noting that this statistic does not take into account the 36%

**GMR19/024 PROPOSED CLASSIFICATION MODEL FROM REMUNERATION
TRIBUNAL**

3436087

of non-resident owners. Council's operating expenditure is \$115M, \$15M higher than the proposed criteria model. The Local Government Area also has tertiary education facilities, is in close proximity to an international airport with two hospitals as well as \$150M commitment to NSW Government for a new Regional Hospital. Further, the NSW Government South East and Tablelands Regional Plan 2036 recognise Bateman Bay as a Regional Centre.

A copy of the draft submission is attached to this report.

RECOMMENDATION

THAT Council:

1. Endorse the draft submission attached to this report.
2. Forward the submission to the Local Government Remuneration Tribunal for consideration in finalising the 2020 annual review and determination.

BACKGROUND

The Tribunal last undertook a significant review of the categories and the allocation of councils in each of those categories in 2017. The review was prompted by the amalgamation of councils resulting in the creation of 20 new councils and an overall reduction in the number of councils in NSW from 152 to 128.

Currently, each of the 127 councils is allocated into one of the following nine categories:

Metropolitan	Non-metropolitan
Principal CBD	Regional City
Major CBD	Regional Strategic Area
Metropolitan Large	Regional Rural
Metropolitan Medium	Rural
Metropolitan Small	

The Tribunal foreshadowed in the 2019 Report and Determination that a case may exist to revise some categories and their application criteria.

The Tribunal has reviewed the existing model and proposes to create a new category for Non-Metropolitan councils. The new category, if determined, is proposed to be titled Regional Centre.

The Tribunal considers that changes to the categories and criteria applicable to Metropolitan councils and county councils are not warranted at this time.

The proposed categories and applicable criteria are outlined in Attachment 1 and the proposed allocation of councils into each of these categories is outlined in Attachment 2.

CONSIDERATIONS

The Tribunal invites submissions from individual councils addressing the following four matters:

**GMR19/024 PROPOSED CLASSIFICATION MODEL FROM REMUNERATION
TRIBUNAL**

3436087

1. Proposed classification model and criteria

Comments on the proposed classification model outlined in Attachment 1, including the titles and criteria for each category.

2. Allocation in the proposed classification model

Comments on the appropriate allocation for their individual council in the proposed classification model outline in Attachment 2, having regard to the proposed criteria for each category.

3. Range of fees payable in the proposed classification model

Comments on the range of fees for the proposed classification model, having regard to the Tribunal's obligations under section 242A of the LG Act. Any recommendations in respect of the proposed new category of Regional Centre, if determined, should have regard to the capacity of the individual council to pay an increase in fees

4. Other matters.

Councils may wish to address other matters within the Tribunals jurisdiction under the LG Act.

Eurobodalla Shire Council has been classified as Regional Rural. Council believes that the Tribunal should reconsider this allocation from Regional Rural to Regional Centre. Council has undertaken considerable work in positioning the Shire for more opportunities and grants and the classification to Regional Centre is more aligned with Council's operations and position in the regard. Council's submission addresses all four matters in detail in support of this consideration.

The Tribunal will also determine the minimum and maximum fee level for each category in the categorization structure.

In accordance with section 242A of the LG Act the Tribunal is required to apply the Government's public sector wages policy to the determination of ranges of fees for Councillors and Mayors. The public sector wage policy currently provides for a cap on increases of 2.5 per cent.

Sub-sections (3) and (4) of Section 242A makes it clear that the minimum and maximum fees applicable to the existing categories cannot be increased by more than 2.5 per cent. The Tribunal is however able to determine that a council can be placed in another category with a higher range of remuneration without breaching the government's wage policy.

Financial

The range of fees payable to the proposed new category of Regional Centre, if determined, will be between the ranges of fees currently paid to Regional Rural and Regional Strategic Centre.

Should the Tribunal reclassify Council under the Regional Centre, it would have the potential to fund the increase in Councillor's expenses.

Community and Stakeholder Engagement

The Tribunal has a limited period to undertake the annual review and the determination is required to be made before 1 May 2020. For that reason, council submissions should be submitted to the Tribunal no later than Friday 20 December 2019.

**GMR19/024 PROPOSED CLASSIFICATION MODEL FROM REMUNERATION
TRIBUNAL**

3436087

CONCLUSION

A submission has been prepared in response to the Local Government Remuneration Tribunal's Review for 2020 annual determination. A copy of the submission is attached to this report.

Council's submission addresses the matters listed by the Tribunal in its letter to Council dated 29 October 2019. Council is requesting that the Tribunal reconsider its classification from Regional Rural to Regional Centre.

Review of 2020 Local Government Remuneration annual determination

Thank you for the opportunity to provide input into the 2020 review of classifications of Non-Metropolitan categories annual determination to the Local Government Remuneration Tribunal for fees payable to Councillors and Mayors.

This submission provides comments on the four matters that were highlighted in a letter dated 29 October 2019 from Dr Robert Lang, Local Government Remuneration Tribunal.

Matter	Response
<p>Proposed classification model and criteria Comments on the proposed classification model outlined in Attachment 1, including the titles and criteria for each category.</p>	<p>Council notes that there are no changes proposed to the titles and criteria for General Purpose Councils – Metropolitan.</p> <p>Council welcomes the changes to the General-Purpose Councils – Non-Metropolitan categories. Council supports the proposed addition of the Regional Centre category. This additional category recognises the diversity of the sector and the need to better recognise the diversity of the issues required to be taken into consideration when recategorizing councils and to ensure that they align with councils of similar capacity. It also ensures that remuneration for Councillors and Mayors within this category better reflects the issues they need to consider.</p>
<p>Allocation in the proposed classification model Comments on the appropriate allocation for their individual council in the proposed classification model outline in Attachment 2, having regard to the proposed criteria for each category.</p>	<p>Eurobodalla Shire Council has been classified as Regional Rural. Council believes that the Tribunal should reconsider this allocation from Regional Rural to Regional Centre. Council provides the following information to assist the Tribunal in its determination:</p> <p><i>Population</i></p> <p>Eurobodalla Shire’s population at 30 June 2018 was 38,288 and growing. In addition, 36% of properties are non-resident owners meaning that Council needs to ensure that it has the infrastructure capacity to deal with the additional numbers. During peak holiday periods, Council’s population triples to over 120,000 and based on independent study on any given night there are 55,000 people residing within the Shire.</p> <p><i>Health services, tertiary education and airports</i></p> <p>The Local Government Area (LGA) is in close proximity to Canberra, the Canberra International Airport and the adjacent region which generates economic opportunities. In addition, the LGA is benefiting significantly from the NSW</p>

	<p>Government investment in the Princes Highway which is improving access to Sydney and improving opportunities for economic growth.</p> <p>Batemans Bay is recognised in the NSW Government South East and Tablelands Regional Plan 2036 as a Regional Centre.</p> <p>Eurobodalla currently has two hospitals in Moruya and Batemans Bay. In addition, the NSW Government has committed to \$150M to a new Regional Hospital. Planning has commenced on this project.</p> <p>There are currently two TAFE campuses in Eurobodalla and the University of Wollongong and University of Canberra centres are also located in Batemans Bay. The NSW Government has committed additional funding for an upgrade to one of the campuses. In addition, Council is advocating for a Country Universities Centre.</p> <p>A regional airport is located in Moruya and serviced daily by Rex Airlines with flights to and from Sydney and via Merimbula. Council has commenced an upgrade of the Airport with \$7.6M of improvements completed to date.</p> <p>Health Care and Social Assistance is Eurobodalla's largest employer followed by the Construction Industry and Public Administration and Safety.</p> <p><i>Range of high-order services include business, arts and culture</i></p> <p>In 2019, Council opened its first purpose-built exhibition arts and cultural centre in Moruya. This project was funded through Australian, NSW and philanthropic funding.</p> <p>Council has committed to delivering a new Regional Aquatic, Arts and Leisure Centre in Batemans Bay. This project supported by \$25M in funding from the Australian Government and \$26M from the NSW Government. Construction is proposed to commence in 2020.</p> <p>Eurobodalla is in the midst of an exciting period of growth, with significant investment by the Australian and NSW governments in transport and community infrastructure with over \$280M in bridges, \$150M committed to highway upgrades and over \$200M in private investment in Batemans Bay alone.</p> <p><i>Operating expenditure exceeding \$100M</i></p> <p>Council's operating expenditure, as outlined in its Delivery Program and Operational Plan 2020-21 is \$115M. In addition, in 2018-19 Council sourced \$33M in grants to provide additional community and infrastructure facilities for its community.</p>
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	<p><i>Gross State Product over \$2B</i> Council's Gross State Product is \$1.45 billion. This is below the recommended \$2 billion, however Eurobodalla's GSP cumulative change has increased over the last four years.</p> <p><i>Tourism</i> Tourism is a major factor of Eurobodalla's economy with 1.6M visitors in 2018-19. This is a 15% increase in visitor numbers from 2017-18. International visitors to Eurobodalla spent an average \$88 per night which is slightly higher than Regional NSW at \$68 per night. The average expenditure per trip was \$368 in 2018. Eurobodalla has thriving industries through Australia's Oyster Coast, Tilba Cheese, Bodalla dairy products and its national tourism attractions of Montague Island, Gulaga National Park and Eurobodalla Regional Botanic Garden just to name a few.</p>
<p>Range of fees payable in the proposed classification model Comments on the range of fees for the proposed classification model, having regard to the Tribunal's obligations under section 242A of the LG Act. Any recommendations in respect of the proposed new category of Regional Centre, if determined, should have regard to the capacity of the individual council to pay an increase in fees</p>	<p>Council has the capacity to pay the current remuneration increase for Regional Rural.</p> <p>Council understands that the fees payable for Regional Centre have not been finalised, however it is indicated that it would be between the fees payable for Regional Strategic Area and Regional Rural. Should the Tribunal reclassify Council under the Regional Centre, it would have the capacity to fund the increase in Councillor expenses.</p>
<p>Other matters Councils may wish to address other matters within the Tribunals jurisdiction under the LG Act.</p>	<p>Other matters for consideration when determining categories for Councils is the implications of NSW and Australian Government policies on Councils and its ability to make decisions. For example, some Councils are burdened with more complex environmental constraints as a result of NSW Planning policies, therefore there is more time and effort required by Councillors of that Council compared to a Council with limited restrictions. Perhaps the Tribunal could consider additional criteria based on the workload of Councillors and the complexity of the issues being considered and not just on its population and statistics.</p>

Attachment 1

Local Government Remuneration Tribunal – 2020 Annual Review - Proposed Classification Model

General Purpose Councils - Metropolitan

No changes are proposed to the titles and criteria for Metropolitan Councils. The titles and criteria as determined in the 2019 Annual Determination are below.

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Attachment 1

Local Government Remuneration Tribunal – 2020 Annual Review - Proposed Classification Model

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Attachment 1

Local Government Remuneration Tribunal – 2020 Annual Review - Proposed Classification Model

General Purpose Councils - Non-Metropolitan

A new category (Regional Centre) is proposed between Regional Strategic Area and Regional Rural. The existing category of Regional City is to be renamed Major Regional City. New and amended criteria are outlined below.

Major Regional City

Councils categorised as Major Regional City will typically have a population above 150,000.

These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a population above 200,000.

These councils:

- contain a mix of urban and rural settlements
- provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community
- host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Centre

Councils categorised as Regional Centre will typically have a minimum population of 40,000.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- a degree of economic activity within the Council area characterised by a Gross State Product exceeding \$2B
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Attachment 1

Local Government Remuneration Tribunal – 2020 Annual Review - Proposed Classification Model

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

Rural

Councils categorised as Rural will typically have a population less than 20,000.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

Attachment 2

Local Government Remuneration Tribunal – 2020 Annual Review - Proposed Allocation of Councils
 Proposed allocation of councils

Table 1: General Purpose Councils - Metropolitan

Principal CBD	Major CBD	Metropolitan Large	Metropolitan Medium	Metropolitan Small
Sydney	Parramatta	Blacktown	Bayside	Burwood
		Canterbury-Bankstown	Campbelltown	Camden
		Cumberland	Georges River	Canada Bay
		Fairfield	Hornsby	Hunters Hill
		Liverpool	Ku-ring-gai	Lane Cove
		Northern Beaches	Inner West	Mosman
		Penrith	Randwick	North Sydney
		Sutherland	Ryde	Strathfield
			The Hills	Waverley
				Willoughby
				Woollahra

Table 2: General Purpose Councils – Non-Metropolitan

Regional City	Regional Strategic Area	Regional Centre		Regional Rural
Newcastle	Central Coast	Albury	Mid-Coast	Bega
Wollongong	Lake Macquarie	Armidale	Orange	Broken Hill
		Ballina	Port Macquarie-Hastings	Byron
		Bathurst	Port Stephens	Eurobodalla
		Blue Mountains	Queanbeyan-Palerang	Goulburn Mulwaree
		Cessnock	Shellharbour	Griffith
		Clarence Valley	Shoalhaven	Kempsey
		Coffs Harbour	Tamworth	Kiama
		Dubbo	Tweed	Lithgow
		Hawkesbury	Wagga Wagga	Mid-Western
		Lismore	Wingecarribee	Richmond Valley Council
		Maitland	Wollondilly	Singleton
				Snowy Monaro

Rural			
Balranald	Cootamundra-Gundagai	Junee	Oberon
Bellingen	Cowra	Kyogle	Parkes
Berrigan	Dungog	Lachlan	Snowy Valleys
Bland	Edward River	Leeton	Temora
Blayney	Federation	Liverpool Plains	Tenterfield
Bogan	Forbes	Lockhart	Upper Hunter
Bourke	Gilgandra	Moree Plains	Upper Lachlan
Brewarrina	Glen Innes Severn	Murray River	Uralla
Cabonne	Greater Hume	Murrumbidgee	Walcha
Carrathool	Gunnedah	Muswellbrook	Walgett
Central Darling	Gwydir	Nambucca	Warren
Cobar	Hay	Narrabri	Warrumbungle
Coolamon	Hilltops	Narrandera	Weddin
Coonamble	Inverell	Narromine	Wentworth
			Yass

Table 3: County Councils

Water	Other
Central Tablelands	Castlereagh-Macquarie
Goldenfields Water	Central Murray
Riverina Water	Hawkesbury River
Rous	New England Tablelands
	Upper Hunter
	Upper Macquarie

PSR19/036 EXPRESSION OF INTEREST - BATEMANS BAY REGIONAL AQUATIC, E12.6442P
ARTS AND LEISURE CENTRE - CONSTRUCTION WORKS

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

Attachments: 1. Confidential - EOI 2019/PLS108 - Mackay Park Evaluation Report

Outcome: Vibrant and Diverse Economy

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

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

Operational Plan Link: 5.1.3.1 Prepare a design for the Regional Aquatic, Arts and Leisure
Centre Batemans Bay

EXECUTIVE SUMMARY

The purpose of this report is to outline the evaluation of offers received from construction contractors seeking to be pre-qualified for the tender panel of the proposed Batemans Bay Regional Aquatic, Arts and Leisure Centre (BBRAALC). The evaluation of proposals are outlined in the Confidential EOI no. EOI 2019/PLS108 Evaluation Report, which is included as an attachment to this report.

RECOMMENDATION

THAT Council endorse the recommendation contained in the confidential attachment with respect to EOI 2019/PLS108.

BACKGROUND

The overarching procurement plan for the Construction Tender is to be conducted over three distinct stages. The first stage was to publicly call for Expressions of Interest from suitably qualified contractors interested in tendering for the BBRAALC project.

Upon confirmation of the shortlisted contractors, Council, in conjunction with Public Works Authority (PWA), will commence a two-phase Early Tender Involvement (ETI) process. The ETI presentations and workshops are part of the tendering process and will be conducted prior to releasing the final tender.

The objectives of the ETI process are to:

- ensure the tenderers are fully informed about the design, commercial conditions of the contract and Council's overall expectations
- ensure the proposed design is practical from a construction perspective
- confirm assumptions regarding the programming of critical aspects of the work
- resolve whether Council will consider any alternate construction solutions or conditions
- obtain collective input from the tenderers to complete the Request for Tender (RFT) documents
- resolve uncertainties in the proposed technical specifications and commercial conditions so that tenders submitted fully conform with the RFT documents

PSR19/036 EXPRESSION OF INTEREST - BATEMANS BAY REGIONAL AQUATIC, E12.6442P
ARTS AND LEISURE CENTRE - CONSTRUCTION WORKS

- confirm the key project and construction risks have been identified
- determine appropriate allocations of contract risk
- identify and resolve ambiguities, discrepancies, inconsistencies, errors or omissions in the draft RFT documents.

At the end of the ETI stage, the final tender will be released.

CONSIDERATIONS

The EOI was advertised on 30 October 2019, with a closing date of 20 November 2019. Eight proposals were received and evaluated in accordance with the agreed Evaluation Plan.

Legal

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

The evaluation method included weighted criteria. No pricing information was sought at the EOI stage.

An Evaluation Plan consistent with the Regulation was prepared and endorsed by the Tender Evaluation Committee prior to the release of responses.

Policy

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

CONCLUSION

The EOI is the first stage of the overall tender approach. The Evaluation Panel has assessed the submissions and has recommended that six of the respondents be invited to proceed to the next stage of the tender process.

**PSR19/037 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
SUMMARY REPORT**

E18.1705

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

Attachments: 1. Under Separate Cover - Eurobodalla Nature Based Tourism Feasibility Study Summary Report
2. Confidential - Submission - Eurobodalla Nature-Based Tourism Feasibility Study

Outcome: Vibrant and Diverse Economy

Focus Area: 5.3 Focus on the development of sustainable tourism and quality events and visitor experiences

Delivery Program Link: 5.3.1 Work in partnership to continue to develop the tourism industry

Operational Plan Link: 5.3.1.6 Finalise and commence implementation of the Eurobodalla Destination Action Plan

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council adopts the draft Eurobodalla Nature Based Tourism Feasibility Study: Summary Report. Council endorsed the draft report for public exhibition at the Ordinary Meeting of Council on 22 October 2019 (PSR19/030).

The draft report was on public exhibition between 29 October and 27 November 2019, and during this period one (1) submission was received. This submission shows support for the draft report and a copy of the submission has been attached under separate cover.

If adopted, the recommendations from the report will help re-position Eurobodalla Shire as an attractive location for both public and private investment, and drive growth and ongoing improvement in nature-based tourism.

RECOMMENDATION

THAT Council adopt the draft Eurobodalla Nature Based Tourism Feasibility Study: Summary Report.

BACKGROUND

The draft report has been prepared in accordance with Action 5.3 of Eurobodalla's Delivery Program 2017-21 and Operational Plan 2018-19 to 5.3 *Focus on the development of sustainable tourism and quality events and visitor experiences*.

Nature-based tourism is recognised by Tourism Australia and Destination New South Wales as an important and growing experience sector for the international, domestic and day trip visitors. The nature-based tourism potential of Eurobodalla Shire is identified in priority 5 of the Eurobodalla Destination Action Plan (EDAP):

'Develop a strategic and coordinated approach to tourism product and experience development to position Eurobodalla as an iconic nature-based tourism and regional food destination on the South Coast.'

**PSR19/037 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
SUMMARY REPORT**

E18.1705

Other State and regional plans have also noted the potential for Eurobodalla to become a stronger nature-based tourism destination, and the draft report is in line with the following strategic documents:

- Far South Coast Regional Economic Development Strategy 2018-2022
- Southern NSW Destination Management Plan 2018- 2020
- NSW South Coast Marine Tourism Strategy 2019.

Eurobodalla has the potential to capitalise on its natural assets and expand the nature-based tourism sector in conjunction with the new tourism brand positioning, and its marketing tag line 'all kinds of natural'. Shire-wide growth in nature-based experiences and products will assist in differentiating Eurobodalla through visitor perceptions and encouraging year-round visitation across Eurobodalla Shire.

The timing of this project is ideal, with the NSW Government reserving \$28 million of the Regional Growth Environment Tourism Fund for new or improved nature-based environment and infrastructure projects. A Southern NSW Nature-Based Tourism Plan is likely to be developed within the next year, allowing Eurobodalla to have projects able to be elevated to regional importance

A strong foundation in the nature-based tourism sector will position Eurobodalla Shire as an attractive location for both private and public investment, driving growth and employment opportunities.

Council engaged the consultants, Inspiring Place, Claire Ellis Consulting and Indigeco to prepare the draft report in July 2018.

The project has been undertaken in four stages:

1. Initial research on the current visitor experience, aspects around the visitor economy, including trends and competitor positioning, and discussions with Council staff enabled the development of a background paper that was used during stakeholder discussions, and to support site visits during November 2018.
2. An Insights Report was then prepared outlining the identified challenges and the opportunities to harness and grow nature-based tourism to achieve the desired outcomes.
3. These initial ideas were then subject to further investigation and analysis by the consultant team and, consequently reviewed and refined prior to the preparation of the draft report in February 2019.
4. Additional stakeholder engagement and a presentation to Council was conducted in March and July 2019, and comments received enabled the finalisation of the draft report.

Council was successfully awarded grant funding through the Australian Government's Regional Jobs and Investment Packages Program that is seeking to diversify economies, stimulate long-term economic growth and deliver sustainable employment.

At the Ordinary Meeting of Council on 22 October 2019, the following Motion (19/212) was carried:

**PSR19/037 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
SUMMARY REPORT**

E18.1705

THAT:

1. Council publicly exhibit the draft Eurobodalla Nature-Based Tourism Feasibility Study: Summary Report for a period of 28 days.
2. Following public exhibition, a further report be submitted to Council for consideration of submissions and adoption of the Eurobodalla Nature-Based Tourism Feasibility Study: Summary Report.

CONSIDERATIONS

The draft report was publicly exhibited between 29 October and 27 November 2019. During the exhibition period, Council received one (1) submission relating to the draft report. The submission provided positive feedback and support with regards to 'integrating community with nature' and 'ensuring we establish a balance between nature and the need to provide opportunities for our community to grow'.

The submission is summarised below:

1. Suggestion to extend the Murramarang South Coast Walk from Maloneys Beach to continue into Batemans Bay.

This submission has been noted and a feasibility study investigating the longer-term connectivity from Maloneys Beach to Batemans Bay can be considered under Category 2 of the draft report:

Category 2 - Mid to Long-Term Sustainability Projects: Micro -infrastructure projects, includes defining the best range of walk experiences, upgrading the best lookouts and improving access to the waterways – highlights the many and diverse smaller scale infrastructure needs of the Shire that will be enablers for visitors (and operators) to engage in nature-based tourism. A considerable number of these require cross-agency decisions in terms of needs and priorities.

The objectives of the draft report are still the same and seek to:

- guide the development of nature-based tourism and related recreation activities across Eurobodalla and to develop cooperative agreements with State-based agencies
- formalise opportunities for local and NSW Government agencies to work in partnership with private operators to maximise opportunities for nature-based tourism within Eurobodalla
- identify opportunities for further investment and development with government and private sector proponents
- identify ways to reduce 'red-tape' and ultimately improve the flow on effect of increased tourism opportunities and spending

**PSR19/037 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
SUMMARY REPORT**

E18.1705

- provide opportunities for visitors and locals to participate in active nature-based recreation – potentially mountain bike paths, walking trails, eco-tourism accommodation, and marine activities.

The draft report lists eight (8) infrastructure improvement projects and placed them within five categories. It also recommends two (2) support strategies.

Category 1: Market Ready Projects

- (1) Murramarang South Coast Walk

Category 2: Mid to Long-Term Sustainability Projects

- (2) Micro-infrastructure projects (includes defining the best range of walk experiences, upgrading the best lookouts and improving access to the waterways)
- (3) Maintain Montague Island's Appeal
- (4) Mogo Adventure Hub

Category 3: Mid-Term Leveraging Projects

- (5) Re-imagine Batemans Bay -Clyde River Waterfront
- (6) Batemans Bay Coastal Headlands Walking Trail

Category 4: Longer-Term Positioning Projects

- (7) Harness the Potential of the Hinterland
- (8) Grow Demand for Aboriginal Cultural Tourism.

The two (2) supporting strategies include:

- (1) Supporting Existing Tourism Industry Development:
 - a mentoring program
 - annual nature-based tourism forum
 - seasonality issues program
 - improved collateral.
- (2) Building Cooperative Arrangements with Partner Agencies:
 - develop a cross-agency nature-based tourism working group
 - develop high level cross agency agreements.

Several projects identified in the draft report are underway and being advanced by Council or relevant NSW Government agencies. These projects include:

- Murramarang South Coast Walk
- Observation Point Lookout
- Coastal Headlands Walking Trail
- Mogo Adventure Trails Hub Strategy
- Batemans Bay Waterfront Masterplan.

The aforementioned projects have secured funding through NSW Government grants and/or by Council contributions.

**PSR19/037 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
SUMMARY REPORT**

E18.1705

Murramarang South Coast Walk

Murramarang South Coast Walk project in Category 1 has secured \$3.6M in NSW Government funding and is being planned, developed and managed by National Parks and Wildlife Service (NPWS). Council will support the development of the walk and maximise the benefits to the region by assisting NPWS with advice, community engagement, and developing tourism product to grow overnight visitation and visitor expenditure for this multi-day walk.

Observation Point Lookout

Observation Point lookout is a micro-infrastructure project identified in the draft report, and is progressing as part of upgrading iconic lookouts and improving access to the waterways in Eurobodalla that will enable visitors and operators to engage in nature-based tourism.

Coastal Headlands Walking Trail

Another midterm leveraging project from the draft report is the Coastal Headlands Walking Trail. Grant funding has been applied for to deliver this project, and is awaiting the result from the relevant funding body. A key component of this project will be to ensure the coastal walking trail will be appealing for visitors and improve the interpretation of the area, encouraging visitors to explore the region and stay for longer periods of time.

Mogo Adventure Trails Hub Strategy

Mogo Adventure Trails Hub Strategy is a project referenced in Category 2 of the draft report and is being prepared by consultants, TRC Tourism. This strategy will provide Eurobodalla with the tools to establish the region as a premier adventure trail destination and has been well received by trail users and key stakeholders.

Batemans Bay Waterfront Masterplan

Batemans Bay Waterfront Masterplan is a Category 3 midterm leveraging project in the draft report. This project is currently in the initial community consultation stage and will help re-focus the township around its key asset, the waterfront, as well as enabling small businesses to grow within the Batemans Bay town centre.

Policy

The draft report has been developed taking into account local, regional and NSW Government strategies and policies in relation to nature-based tourism. Reports include:

- The Eurobodalla Destination Action Plan 2018-2021
- Far South Coast Regional Economic Development Strategy 2018-2022
- Southern NSW Destination Management Plan 2018- 2020
- NSW South Coast Marine Tourism Strategy 2019.

Environmental

The draft report has been developed to achieve sustainable nature-based tourism outcomes that recognise the importance of the natural environment, and the need to conserve natural resources/assets for future generations, and for the benefit of our local economy, which is dependent upon them.

**PSR19/037 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
SUMMARY REPORT**

E18.1705

Asset

The draft report signals multiple small-scale infrastructure upgrades. These micro-infrastructure projects will include upgrading the best lookouts and improving access to waterways, casting a tourism lens over important tourist locations and improving the visitor experience.

The report and strategy makes no commitment to fund or undertake any infrastructure works. Any proposed infrastructure works will need to be considered as part of future budget processes.

Social Impact

The draft report seeks to further develop and improve nature-based tourism in the region, which in turn has the potential to enhance community identity and pride of place in the region.

Economic Development Employment Potential

Tourism in Eurobodalla Shire currently contributes \$385 million annually to the local economy. It is estimated that around 2,500 jobs (67%) are directly supported by tourism and approximately 1,300 (23%) of jobs are indirectly supported by tourism.

The EDAP aims to grow the local visitor economy to \$462 million by 2021. The draft report recognises that nature-based tourism in the region has the potential to create interest in the experiences on offer at a destination, generate publicity and link in with the region's seasonal variations and associated produce to help achieve these goals.

The draft report will assist Eurobodalla to leverage public and private sector investment for new nature-based tourism products and experiences.

Financial

Council was successful in receiving grant funding for the draft report from the Australian Government's Regional Jobs and Investment Packages Program.

Several projects identified in the draft report are underway and being completed by Council or NSW Government agencies. The projects have secured funding through NSW Government grants and/or by Council contributions.

Council staff will continue to seek grant funding to initiate and finalise projects identified in the draft report.

The delivery of the priorities within the report will be subject to the required funding being made available. This will be considered against other priorities via the budget process.

Community and Stakeholder Engagement

The stakeholder engagement process involved:

- one-to-one meetings with key event stakeholders to gain their views on the current situation, and their aspirations and priorities related to the development of nature-based tourism in the region

**PSR19/037 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY
SUMMARY REPORT**

E18.1705

- two workshops facilitated with representatives from local operators that attract visitors and residents to gather their collective thoughts on issues and opportunities for nature-based tourism development and growth across Eurobodalla
- a workshop facilitated with NSW Government and relevant agency representatives to foster cross-agency support and development of nature based tourism
- the draft report was publicly exhibited between 29 October and 27 November 2019. During the exhibition period, Council received one (1) submission relating to the draft Report.

Stakeholders engaged included representatives from:

- Destination NSW
- Destination Southern NSW
- Chambers of Commerce
- NSW National Parks and Wildlife Service
- NSW Department of Parliament and Cabinet
- Forestry Corporation of NSW
- NSW Department of Primary Industries
- Local Aboriginal Land Councils
- Local nature-based tour operators and accommodation providers
- Council staff.

CONCLUSION

The draft Eurobodalla Nature-Based Tourism Feasibility Study: Summary Report has been prepared and, if adopted, prioritises opportunities and actions to deliver an achievable and realistic action plan to guide Council's support for the growth and development of nature-based tourism.

It is recommended that Council adopts the amended draft report, which is attached under separate cover.

PSR19/038 HALLMARK EVENT PARTNERSHIP PROGRAM - RIVER OF ART

E137079

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: Vibrant and Diverse Economy
Focus Area: 5.3 Focus on the development of sustainable tourism and quality events and visitor experiences
Delivery Program Link: 5.3.2 Actively seek and support the development and hosting of events
Operational Plan Link: 5.3.2.2 Support event organisers in delivery of a range of new and established events

EXECUTIVE SUMMARY

The Hallmark Event Grant is a funding stream within the Events Grants category, and provides funding to events that have the potential to be nationally significant events which attract interstate visitation and generate awareness for Eurobodalla in-line with the destination brand positioning.

The Eurobodalla Event Strategy 2019-2024 (Event Strategy) supports the development and support of two hallmark events that showcase the unique qualities of Eurobodalla and meet the key performance indicators within the assessment framework.

The selection of the hallmark events for this program are initiated by Council, with a presentation by the event manager to Council. The events, in accordance with the Event Strategy, are proposed to be supported for a three-year term.

The River of Art Festival has been identified as one of Eurobodalla's hallmark events for the following reasons:

- it creates a competitive advantage for Eurobodalla
- builds reputation
- creates a reason to visit in the off-season
- celebrates everything that is special about Eurobodalla, and
- forms the foundation of the events calendar.

RECOMMENDATION

THAT Council approve the annual allocation of \$20,000 to support the River of Art Festival for a three year agreement, consistent with the actions of the Event Strategy.

BACKGROUND

The River of Art Festival

Over 14 consecutive years, the River of Art Festival has grown from a small Moruya-focused community event into a significant 10-day regional festival spanning Eurobodalla Shire.

PSR19/038 HALLMARK EVENT PARTNERSHIP PROGRAM - RIVER OF ART

E137079

Initiated in 2005 by the Moruya Chamber of Commerce to showcase the work of local artists, the festival has grown significantly over the years. With financial support from Destination NSW (2017-19) and increased support from Council, the festival now generates strong intra-Shire participation and significant tourism (over 5,000 visitors annually). The festival is now focused on growth and sustainability over the three years from 2020-23.

The festival's program development and growth in visitor and local popularity over the years, has made it a significant hallmark event on the South Coast calendar. The Festival Board has overseen strong, high quality marketing, promotion and media management, helped by its professionalism and ability to network and collaborate effectively with businesses, artists and the community at large.

The festival is a largely non-curated visual and creative arts event, offering over 120 individual events. The 2019 program included key/new highlight events in major towns, including: busking; burlesque; visiting artists and art exhibitions (16); workshops (12); performances (12); live music (24); open studios (30); art on parade (29), and markets (5).

A new Art After Dark highlight event, currently in the planning stage, is expected to unite the creative arts (focused around a creators bazaar) with a light show, live music and circus performers at Riverside Park. The event will celebrate our local produce in a family-friendly atmosphere and further reinforce the River of Art brand.

The festival showcases and celebrates the region's creative arts, as well as our pristine environment and multiple small and outdoor venues. The festival is a colourful, quirky, diverse creative arts event that draws on the unique personalities and talents of the people living in towns and villages across Eurobodalla. It will increasingly build a 'fringe festival' atmosphere through the proposed Art After Dark event and the 'all things natural' destination marketing will feature in future festival promotion.

Visitors consistently report high satisfaction with the festival and have expressed surprise at the diversity and depth of the program. Approximately 40% of participants in the festival are from outside Eurobodalla Shire, and it is estimated economic impact (direct and multiplier) of the festival is over \$3million per annum.

The festival has a broad and growing network of creative arts industries and media and tourism influencers, who support the festival and promote the local produce and tourism assets of the region. Local arts cooperatives, theatre groups, music societies, clubs, cultural institutions and organisations now choose to host their major events under the umbrella of the festival, adding to its richness and importance to the region.

The festival is overseen by an association board and dedicated group of volunteers. The board has skills spanning areas critical for its success, including: governance; management; finance; events; media; community engagement; marketing, and communication. Given the increasing complexity and scale of the festival, the board will engage professional events administration/management to support delivery of the festival in 2020.

Recognising Council's economic, tourism/destination, creative arts and events strategies, the festival committee has sought to recognise and align its own three-year strategic plan to complement Council objectives, wherever possible.

PSR19/038 HALLMARK EVENT PARTNERSHIP PROGRAM - RIVER OF ART

E137079

CONSIDERATIONS

The selection of the hallmark events for this program is initiated by Council with a presentation by the event manager to Council.

Policy

The Hallmark Event Grant is a funding stream within the Events Grants.

Economic Development Employment Potential

As hallmark events, it is anticipated that the events each meet the following key performance indicators:

- more than 5,000 visitors to the event
- have a minimum of a two-night stay for visitors
- occur in the shoulder/low season
- activate the Eurobodalla destination brand and build positioning of the entire Eurobodalla Shire
- attract regional and international media attention with an Advertising Value Equivalent (AVE) of \$1 million
- create local pride
- Repeat visitors
- activate key infrastructure/spaces throughout Eurobodalla
- offer new and distinctive experiences that activate the brand positioning
- build the capacity of their committee and community.

Financial

First year (2019/2020) commitments in the Event Strategy can be met within the current budget, involving a \$20,000 commitment and in-kind support to the River of Art Festival.

\$20,000 for years two and three will form part of the event sponsorship recurrent budgets for 2020-2021 and 2021-2022 financial years.

Community and Stakeholder Engagement

The draft strategy was publicly exhibited between 19 June and 17 July 2019, and was promoted by:

- a media release issued on 13 June 2019
- notification in the local newspaper on 19 June 2019
- Council eNews (June 2019)
- direct emails to event related businesses and operators dated 9 July 2019
- recreation matters eNewsletter issued in July 2019.

PSR19/038 HALLMARK EVENT PARTNERSHIP PROGRAM - RIVER OF ART

E137079

CONCLUSION

The Hallmark Event Grant provides the opportunity to contract professional event management support to assist in creative event strategy planning, which required various aspects of delivery to support the River of Art Festival event committees to realise the full potential of their events.

It is recommended that Council approve the annual allocation of \$20,000 to support the River of Art Festival for a three-year agreement, consistent with the actions of the Event Strategy.

PSR19/039 HALLMARK EVENT PARTNERSHIP PROGRAM - NAROOMA OYSTER FESTIVAL E137079

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

Attachments: Nil

Outcome: Vibrant and Diverse Economy

Focus Area: 5.3 Focus on the development of sustainable tourism and quality events and visitor experiences

Delivery Program Link: 5.3.2 Actively seek and support the development and hosting of events

Operational Plan Link: 5.3.2.2 Support event organisers in delivery of a range of new and established events

EXECUTIVE SUMMARY

The Hallmark Event Grant is a funding stream within the Events Grants category and provides funding to events that have the potential to be nationally significant events which attract inter-state visitation and generate awareness for Eurobodalla in-line with the destination brand positioning.

The Eurobodalla Event Strategy 2019-2024 (Event Strategy) supports the development and support of two hallmark events that showcase the unique qualities of Eurobodalla and meet the key performance indicators within the assessment framework.

The selection of the hallmark events for this program are initiated by Council, with a presentation by the event manager to Council. The events, in accordance with the Event Strategy, are proposed to be supported for a three-year term.

The Narooma Oyster Festival has been identified as one of Eurobodalla's hallmark events for the following reasons:

- they create a competitive advantage for Eurobodalla
- builds reputation
- creates a reason to visit in the off-season
- celebrates everything that is special about Eurobodalla, and
- forms the foundation of the events calendar.

RECOMMENDATION

THAT Council approve the annual allocation of \$20,000 to support the Narooma Oyster Festival for a three-year agreement, consistent with the actions of the Event Strategy.

BACKGROUND

The Narooma Oyster Festival

Narooma Chamber of Commerce (Chamber) initiated the Narooma Oyster Festival in 2007 as a way to showcase Narooma and celebrate the high quality oysters in the area. Since this time, it

**PSR19/039 HALLMARK EVENT PARTNERSHIP PROGRAM - NAROOMA OYSTER
FESTIVAL**

E137079

has grown from a small community fair to a significant regional event attracting over 5,000 visitors each year.

Now in its twelfth year, the festival's growth and popularity has made it a significant hallmark food event on the South Coast calendar. Showcasing and celebrating the region's oysters and their pristine environment is the key attraction for high-value visitors, with more than 45,000 oysters consumed in 2019. Visitors consistently report very high satisfaction levels with the festival, with more than half of the total number of visitors being repeat visitors, and over 70% from outside Eurobodalla. The festival has a broad and growing network of distinguished food industry, media and tourism influencers, who support and promote the festival, local produce and tourism assets of the region.

To date, the festival has been managed locally by a group of Chamber volunteers with skills across a range of areas that have been critical to its success. Given the scale and complexity in delivering a growing event, the Chamber made the decision in 2018 to transfer its interests in the festival to a new not-for-profit company, Narooma Oyster Festival Limited, with more capacity to manage, and further develop the event, as well as activate other year-round initiatives. The Chamber continues to be involved in the festival, having a designated position on the new Board.

The festival will now be designed and managed by a newly established volunteer Board, Narooma Oyster Festival Limited, that comprises members with relevant expertise, including event management, destination and event marketing, and oyster farming.

The Board recognises that creating a program of year-round visitor experiences is crucial to ensure the festival's overall sustainability, and to contribute to shaping Narooma's identity as the heart of the Rock Oyster region.

CONSIDERATIONS

The selection of the hallmark events for this program is initiated by Council with a presentation by the event manager to Council.

Policy

The Hallmark Event Grant is a funding stream within the Events Grants.

Economic Development Employment Potential

As hallmark events, it is anticipated that the events each meet the following key performance indicators:

- more than 5,000 visitors to the event
- have a minimum of a two-night stay for visitors
- occur in the shoulder/low season
- activate the Eurobodalla destination brand and build positioning of the entire Eurobodalla Shire

PSR19/039 HALLMARK EVENT PARTNERSHIP PROGRAM - NAROOMA OYSTER FESTIVAL E137079

- attract regional and international media attention with an Advertising Value Equivalent (AVE) of \$1 million
- create local pride
- repeat visitors
- activate key infrastructure/spaces throughout Eurobodalla
- offer new and distinctive experiences that activate the brand positioning
- build the capacity of their committee and community.

Financial

First year (2019/2020) commitments in the Event Strategy can be met within the current budget, involving a \$20,000 commitment and in-kind support to the Narooma Oyster Festival. \$20,000 for years two and three will form part of the event sponsorship recurrent budgets for 2020-2021 and 2021-2022 financial years.

Community and Stakeholder Engagement

The draft strategy was publicly exhibited between 19 June and 17 July 2019, and was promoted by:

- a media release issued on 13 June 2019
- notification in the local newspaper on 19 June 2019
- Council eNews (June 2019)
- direct emails to event related businesses and operators dated 9 July 2019
- recreation matters eNewsletter issued in July 2019.

CONCLUSION

The Hallmark Event Grant provides the opportunity to contract professional event management support to assist in creative event strategy planning, which required various aspects of delivery to support the Narooma Oyster Festival event committees to realise the full potential of their event.

It is recommended that Council approve the annual allocation of \$20,000 to support the Narooma Oyster Festival for a three-year agreement, consistent with the actions of the Event Strategy.

**PSR19/040 S0029/20 - SECTION 68 APPLICATION - ICE CREAM CART - 9
CHURCH STREET, MORUYA**

90.1061.B

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: Responsible and Balanced Development
Focus Area: 6.2 Ensure development is sustainable, and reflects community values and the desired local setting
Delivery Program Link: 6.2.2. Provide receptive and responsive development assessment services
Operational Plan Link: 6.2.2.1 Assess and determine development applications

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for a street vending activity in Church Street, Moruya.

The application under Section 68 of the *Local Government Act 1993* seeks Council approval to install an ice cream cart at the front of the Moruya Bookstore for a four-month period over summer. The cart will be operated by the owner of the bookstore and will sell Bodalla Dairy ice cream.

Council's Street Activities Policy specifically excludes street vending from occurring, and therefore this matter is being reported to Council for determination, with a recommendation for approval based on beneficial outcomes for tourism, economic development and place-making.

RECOMMENDATION

THAT Council approve the Section 68 application under the *Local Government Act 1993* for a street vending activity at 9 Church Street, Moruya, subject to:

1. That the activity is approved for a four-month period ending 13 March 2020.
2. That the activity maintains a two-metre wide footpath walkway zone.
3. That the activity is limited to the sale of ice cream from a refrigerated cart.
4. That Council is provided with a copy of the \$20 million public liability insurance policy.
5. That the applicant obtain a licence and pay the applicable licence fee for commercial use of public land, in accordance with Council's fees and charges.

**PSR19/040 S0029/20 - SECTION 68 APPLICATION - ICE CREAM CART - 9
CHURCH STREET, MORUYA**

90.1061.B

BACKGROUND

The applicant is seeking to sell ice cream from the shop in the future, however, until such time as any approvals and works are determined, the applicant has made enquiries about selling the ice cream from a moveable cart during the summer period.

Council has a Street Activities Policy (the policy) and Street Activities Code of Practice (the code of practice). The policy identifies street vending as not permitted.

Policy

Eurobodalla Local Environmental Plan 2012 (LEP)

The land is zoned B2 Local Centre and retail activities are permissible with consent.

Land-Use Status

The land associated with the application is a paved footpath associated with Church Street, Moruya.

The policy defines 'street stalls' and 'street vending' as two separate activities, whereby street vending is the display and sale of goods from a box, stall, cart, etc, from a footpath, whereas street stall is a table or stand used by charities and not-for-profit organisations that are either fundraising or providing information. Under the policy, the activity would be street vending, which is not permitted.

The proposal is largely consistent with the code of practice, which refers to conducting street stall activities in specific locations in each of the town centres of Batemans Bay, Moruya and Narooma. The proposed location of Queen Street, Moruya is therefore consistent with the code.

The code also does not differentiate between street vending and street stalls and identifies street stalls as either raffles, sale of foods or goods, information distribution, etc.

The code also requires a footpath walkway zone of two metres from the building line to the street kerb, or in other locations where there is a 2.7 metre clearance.

The code also requires that the approval is for a set period of time (typically one month) and new applications are required after that time.

Environmental

There are minimal environmental impacts associated with the proposed activity.

**PSR19/040 S0029/20 - SECTION 68 APPLICATION - ICE CREAM CART - 9
CHURCH STREET, MORUYA**

90.1061.B

Economic Development Employment Potential

A key action of the Advancing Eurobodalla, Economic Development Strategy 2019-28, is to grow our rural food producers and aquaculture industries. This activity is considered to be consistent with this action as it will promote Bodalla Dairy ice cream.

Financial

A licence fee would be applicable for the proposed activity in accordance with the fees and charges for commercial use of public land. The fee would be a percentage of the annual fee.

Community and Stakeholder Engagement

There is no requirement under Council policy to publicly exhibit a Section 68 application.

The application is being reported to Council as it is outside of the policy guidelines.

CONCLUSION

The purpose of this report is to seek Council approval to permit a street vending activity for a four-month period of time during the summer months in Moruya.

The proposal is for the operator of an existing shop to carry out a separate activity on the footpath outside of the shop.

The proposal is not consistent with Council policy, however, is supported because of its perceived benefits from a tourism, place-making and economic development outcome.

IR19/025 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2019-20

E16.0002

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: Nil
Outcome: Connected and Accessible Places
Focus Area: 7.1 Work in partnership to provide an integrated transport network
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network
Operational Plan Link: 7.1.2.5 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.

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting, held 7 November 2019, are as follows:

- Signage and Line marking – Beach Road, between Perry Street and Orient Street, Batemans Bay
- Signage and Line marking – Shared Path along Sylvan Street, Malua Bay
- Traffic Management Plan – Carroll College Loolapalooza Fete
- Traffic Management Plan – Remembrance Day Ceremony, Batemans Bay.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 for 2019-20 be received and noted.
2. Council Plan No. 5178 Set A Sheet 23 detailing the modified signage and line marking associated with a new right turn lane and associated realignment on Beach Road, between Perry Street and Orient Street, Batemans Bay, be approved.
3. Council Plan No. 5125 Set B Sheets 08 detailing the signage and line marking associated with the shared path, located on Sylvan Street Malua Bay, be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 4 for 2019-20 was held on 7 November 2019. The meeting was attended by Danielle Brice (representative for the Hon Andrew Constance MP), Jesse Fogg (Roads and Maritime Services), Michael Travers (Roads and Maritime Services), Senior Constable Scott Britt (NSW Police), Dave Hunter (Traffic Coordinator), Kate McDougall (Road Safety Officer), and Matt Cormick (minute taker).

IR19/025 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2019-20

E16.0002

APOLOGIES

Apologies were received from Councillor Anthony Mayne (Chair). The meeting was chaired by Dave Hunter (Traffic Coordinator) in Councillor Anthony Mayne's absence.

DEPUTATIONS

Nil

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 for 2018-19 held on 5 September 2019 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

There were no outstanding items requiring additional attention.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2020.RT.010 Signage and Line marking – Beach Road, between Perry Street and Orient Street, Batemans Bay

Council has received \$3 million of Australian Government funding to install additional lanes on Beach Road, Batemans Bay.

The upgrade will improve traffic flow and provide an essential building block to meet future development and economic growth in Batemans Bay.

The first section between Vesper Street and Perry Street was finished in 2018 and the signage and line marking Plans approved by the Local Traffic Committee in December 2018.

Construction has now nearing completion on the (final) Perry Street to Orient Street section.

A new east bound right turn lane on Beach Road turning into Orient Street south has been installed. The intersection at Commercial Lane has been modified to left in and out only, due to the installation of a median island on Beach Road. Existing regulatory signage will remain along the kerb lines on Beach Road.

Plan No. 5178 Set A Sheet 23, detailing the signage and line marking, was reviewed by the Committee.

A representative for RMS suggested that several minor changes to the plan regarding line marking and signage be made. The Traffic Officer will arrange amendments accordingly.

Recommendation:

That Council Plan No. 5178 Set A Sheet 23, detailing the modified signage and line marking associated with a new right turn lane and associated realignment on Beach Road, between Perry Street and Orient Street, Batemans Bay, be approved.

2020.RT.011 Signage and Line marking – Shared Path along Sylvan Street, Malua Bay

Each year Council nominates projects for consideration in the NSW Active Transport, Walking and Cycling Program.

IR19/025 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2019-20

E16.0002

A proposal to build a section of shared path on Sylvan Street, Malua Bay from Beach Road through to Banksia Grove successfully obtained grant funds, to be expended in 2019-20. Council has also provided (matching) funds.

This 2.5m wide shared path will add to the existing network as identified in Council's Pathway Strategy and continue to provide a safe and efficient off-road transportation facility for pedestrians and cyclists.

A section of the adjoining road will be narrowed so that the path can fit between the kerb edge and power poles. Associated with this road narrowing, two kerb blisters are also to be installed to act as traffic calming devices as the shared path will be close to the new kerb line.

Council's Plan No. 5125 Set B Sheets 08, detailing signage and line marking, was reviewed by the Committee.

Recommendation:

That Council Plan No. 5125 Set B Sheet 8 signage and line marking associated with the shared path, located on Sylvan Street Malua Bay, be approved.

INFORMAL ITEMS FOR DISCUSSION

2020.SE.003 Traffic Management Plan – Carroll College Lollapalooza Fete

Carroll College, St Mary's and St Bernard's Primary Schools are proposing to hold a twilight market/fete at Carroll College, Broulee on Friday 22 November 2019. This event starts at 4pm and concludes at 8pm.

Carroll College is on the western side of and directly adjoins to George Bass Drive and this section of road is a designated 40 km/hr school zone. At all other times George Bass Drive is designated 100 km/hr.

This is the first time this three-school combined fete will be held at this location. There will be approximately 300 on-site parking spaces at various locations however it is unknown if this will adequately cater for all vehicles.

To reduce the risk to all road users the organisers proposed to implement temporary traffic measures on George Bass Drive for approximately 500 metres either side of the school access driveway.

Measures include reducing the speed to 40 km/hr, providing overflow parking on the western side of the road reserve (accompanied with stop / slow) and regulating the eastern side of the road with 'No Stopping' signage.

Traffic Control Plan 'Traffic Professionals Lane Closure 1 of 2 FL' was reviewed by the Committee.

Recommendation:

That the Lollapalooza twilight market / fete to be conducted at Carroll College, Broulee on Friday 22 November 2019 based on Traffic Control Plan 'Traffic Professionals Lane Closure 1 of 2 FL' detailing treatments on George Bass Drive be approved.

IR19/025 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2019-20

E16.0002

2020.SE.004 Traffic Management Plan – Remembrance Day Ceremony Batemans Bay

The 2019 Remembrance Day Ceremony will be conducted in the morning of 11 November by the Batemans Bay RSL Sub-Branch.

A section of Clyde Street Batemans Bay east of the bridge will be closed between 10:30am and 11:30am.

Traffic Control Plan 5156-P-5, which details the road closure, was reviewed by the Committee.

Recommendation:

That the Batemans Bay RSL Sub-Branch Remembrance Day Ceremony to be conducted on Clyde Street in Batemans Bay on 11 November 2019 based on Traffic Control Plan 5156-P-5 be approved.

GENERAL BUSINESS

Nil

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 5 December 2019 in Council's Committee Room commencing at 9am.

IR19/026 REQUEST FOR TENDER 2019/ISD100 - CONSTRUCTION OF CONCRETE BRIDGE WIDENING AT UNNAMED CREEK (GARLANDTOWN BRIDGE), NORTH HEAD ROAD MORUYA E19.1781

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: 1. Confidential - RFT2019 ISD100 Garlandtown Bridge Widening
Outcome: Connected and Accessible Places
Focus Area: 7.1 Work in partnership to provide an integrated transport network
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network
Operational Plan Link: 7.1.2.1 Provide a safe efficient and integrated transport network

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 2019/ISD100 for the construction of concrete bridge widening at Garlandtown Bridge, North Head Road, Moruya, and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT:

1. Council endorse the selection of the preferred tenderer listed for Request for Tender (RFT) No. 2019/ISD100 Construction of Concrete Bridge Widening at Garlandtown Bridge, North Head Road, Moruya; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender.

BACKGROUND

At present the bridge is narrow and has no shoulders. This represents a safety risk for all road users. This is particularly the case for cyclists, who are obliged to move into travel lanes when riding over the bridge. Additionally, the bridge is the limiting factor for heavy vehicle movements on North Head Drive. The upgrade of the bridge will address safety concerns as well as provide an upgraded transport link to serve future growth, providing an improved connection from the Princes Highway to George Bass Drive and the Moruya Regional Airport.

The bridge will be widened to achieve two 3.5m wide travel lanes plus 2m shoulders by widening approximately 5 metres on the upstream side. The existing bridge deck will be replaced and strengthened to meet load capacity requirements. The existing bridge abutments are to be retained and widened to suit the new dimensions and road alignment.

The intention is for North Head Road to remain in use for the duration of the work. The new section will be constructed first and then the existing bridge deck will be demolished and replaced.

The new concrete bridge will be designed in accordance with current standards and codes which will result in a durable higher load carrying capacity bridge designed for a 100 year lifespan.

RFT No. 2019/ISD100 was advertised on 5 October 2019 with a closing date of 29 October 2019. A formal tender evaluation process has been carried out by NSW Department of Public Works.

IR19/026	REQUEST FOR TENDER 2019/ISD100 - CONSTRUCTION OF CONCRETE BRIDGE WIDENING AT UNNAMED CREEK (GARLANDTOWN BRIDGE), NORTH HEAD ROAD MORUYA	E19.1781
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Upon close of tender, five (5) tenders were received and assessed in accordance with the Tender Evaluation Plan.

Offers were received from the following tenderers:

- Endacom Pty Ltd
- Kenpass Pty Ltd
- Menai Civil Contractors
- Saunders Civil Build
- SD civil Engineering.

This report contains a confidential attachment for Councillors' information only, pursuant to Section 10A (2) of the Local Government Act 1993.

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2019/ISD100 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertised on Council's noticeboard page, in the Sydney Morning Herald and on NSW government eTendering:

<https://tenders.nsw.gov.au/?event=public.rft.show&RFTUUID=04D6C793-0955-6686-8AAC22553626885A>

Upon release of the RFT a Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee (TEC).

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

Policy

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

Environmental

The construction of the concrete bridge at Garlandtown Bridge, North Head Road Moruya, will be undertaken in accordance with environmental permits issued by NSW Department of Primary Industries.

Asset

The new bridge will provide a significant improvement in road safety by removing the narrow bridge constraint from the Regional Road network. The additional width is also designed to provide wider shoulders to improve cycling safety, on this popular cycling route. The associated

IR19/026 REQUEST FOR TENDER 2019/ISD100 - CONSTRUCTION OF CONCRETE BRIDGE WIDENING AT UNNAMED CREEK (GARLANDTOWN BRIDGE), NORTH HEAD ROAD MORUYA E19.1781

roadworks will carry this widening from the Garlandtown driveway to the widening at the Moruya airport intersection.

The bridge and roadworks have been designed to fit in with future intersection upgrades to the Moruya airport and racecourse developments (when funded).

The project includes replacement and strengthening of the existing bridge deck to carry design loads.

The replacement of the existing deck assists Council meet its obligations to renew existing community and transport infrastructure. The use of grant funding in this way reduces the reliance on Council ratepayer funds. This assists Council meet the Fit for Future obligations by increasing the funding available to meet the Infrastructure Renewal Ratio (one of seven measures set by the Office of Local Government).

The new bridge is designed for an anticipated life of 100 years, minimising ongoing costs to Council whilst achieving the objectives within Councils adopted delivery program to “*provide a safe, efficient and integrated transport network*” (as per 7.1.2 of the Delivery Program).

The ongoing maintenance of the new bridge and associated roadworks is funded through the Regional Road Block Grant.

The bridge work will be undertaken by the contractor. The roadworks connecting road work will be undertaken by Council, with additional funding to be provided in the 2020-21 budget to complete the whole of the work.

Economic Development Employment Potential

The provision of an upgraded bridge with suitable load carrying capacity will facilitate improved transport efficiency, including access for 26m HML B-double trucks. This bridge will service the broader community via the Regional Road network (North Head Drive and George Bass Drive), including the existing and proposed Moruya airport development.

The injection of grant funding into the Eurobodalla community brings local employment and flow-on benefits to the economy during construction.

Financial

The current budget for the bridge project is \$1,091,708 across the 2018-19 and 2019-2020 Operational Plan. This includes \$691,708 from the Restart NSW Fund (Fixing Country Roads 2018 RNSW2117) and \$400,000 Federal Assistance Grant – Roads Component funds.

Community and Stakeholder Engagement

Prior to works commencing, local residents will be advised by letter of the project’s timeframe and impacts. A project noticeboard will also be erected onsite. A project page will be

IR19/026	REQUEST FOR TENDER 2019/ISD100 - CONSTRUCTION OF CONCRETE BRIDGE WIDENING AT UNNAMED CREEK (GARLANDTOWN BRIDGE), NORTH HEAD ROAD MORUYA	E19.1781
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established on Council's website to inform the wider community about the project as well the circulation of a media release.

The community will be informed of the tender outcome(s) via Council's contract register found in Council's 'Public Access to Information' web link: <https://www.esc.nsw.gov.au/inside-council/council/public-access-to-information/contracts>

CONCLUSION

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

This report recommends the preferred tenderer.

**IR19/027 REQUEST FOR TENDER NO. 10012631 - CONSTRUCTION OF A
REGIONAL SEWAGE PUMPING STATION AND RISING MAIN, BROULEE**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: 1. Confidential - RFT10012631 - Broulee Regional Sewage Pump Station
Outcome: Sustainable Living
Focus Area: 4.1 Maximise the efficient use and reuse of our water resources
Delivery Program Link: 4.1.1 Provide a safe, reliable and sustainable town water supply and sewerage services
Operational Plan Link: 4.1.1.2 Build, renew, operate and maintain sewerage systems

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 10012631 for the construction of a regional sewage pumping station and rising main at Broulee and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT:

1. Council endorse the selection of the preferred tenderer listed for Request for Tender (RFT) No. 10012631 Construction of a Regional Sewage Pumping Station and Rising Main, Broulee; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender.

BACKGROUND

A requirement exists for a new sewage pumping station and rising main to increase capacity to accommodate future loading requirements due to future development in Broulee, and to reduce impacts on the existing sewerage scheme.

Council engaged Public Works Advisory (PWA) to advertise RFT No. 10012631 nationally on 30 July 2019 with a closing date of 3 October 2019. Offers were received from the following tenderers to be assessed in accordance with the Tender Evaluation Plan:

- MMA Civil Contractors
- Fewster Brothers Contracting P/L
- Precision Civil Infrastructure P/L
- RD Miller P/L
- Hisway P/L
- Quay Civil P/L
- J Holdings Group P/L
- Duratec Australia P/L
- Endacom P/L
- Metwest Engineering P/L
- Ultistra P/L
- Precision Pipe Networks P/L.

**IR19/027 REQUEST FOR TENDER NO. 10012631 - CONSTRUCTION OF A
REGIONAL SEWAGE PUMPING STATION AND RISING MAIN, BROULEE**

The future urban expansion at the southern end of Broulee will increase the need for new sewerage infrastructure and upgrades within the existing Broulee sewerage scheme. The new regional sewage pumping station and rising main will be located adjacent to Captain Oldrey Park to transfer sewage from future developments in the area to Sewage Pumping Station (SPS) TO01.

The new pumping station would also receive redirected pumped flows from existing sewage pumping stations TO13, TO24 and Carroll College, and from a new gravity catchment adjoining the new pumping station site, reducing impacts on the existing system. The sewage would then be pumped to Tomakin Sewage Treatment Plant via existing infrastructure.

A summary of the evaluation including each tenderer's scoring against the evaluation criteria and pricing is provided as a confidential attachment to this report, pursuant to Section 10A (2) of the Local Government Act 1993.

The positioning of the sewage pump station is consistent with the masterplan for Captain Oldrey Park.

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 10012631 was advertised in accordance with clause 167 of the Local Government (General) Regulation 2005 and Local Government Act 1993.

The tender was advertised on Council's noticeboard page, in a local newspaper, in the Sydney Morning Herald and and through the NSW Government e-tendering website:
(<https://tenders.nsw.gov.au>).

Upon release of the RFT a Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee (TEC).

The offer submitted by the preferred tenderer has been assessed as representing good value for money for Council due to the company's demonstrated experience, quality of workmanship and satisfactory price in comparison to the pre-construction estimate.

Policy

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

Environmental

The new sewage pumping station and rising main is designed to meet the future population demand whilst reducing impacts on the existing system and avoiding multiple sewerage infrastructure upgrades.

**IR19/027 REQUEST FOR TENDER NO. 10012631 - CONSTRUCTION OF A
REGIONAL SEWAGE PUMPING STATION AND RISING MAIN, BROULEE**

Financial

The amount tendered by the preferred tenderer can be accommodated within the existing sewer fund capital budget and sewer fund reserves.

Community and Stakeholder Engagement

The community will be informed of the tender outcome(s) via Council's contract register found in Council's 'Public Access to Information' web link: <https://www.esc.nsw.gov.au/inside-council/council/public-access-to-information/contracts>

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.

This report recommends the preferred tenderer.

CCS19/066 REQUEST FOR TENDER 2019/CCD106 - CONCRETE SUPPLY PANEL

E00.4061

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments: 1. Confidential - Confidential Attachment - Information for Councillors
2. Confidential - Confidential Attachment - Volumes under 3m3
3. Confidential - Confidential Attachment - Volumes 3m3 and over

Outcome: Innovative and Proactive Leadership

Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations

Delivery Program Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

Operational Plan Link: 9.2.4.3 Provide financial management and reporting

EXECUTIVE SUMMARY

Every two years Council establishes a panel for the supply of concrete to support its operations across the Shire. The purpose of establishing a panel is to achieve the administrative benefits of pre-qualification (rather than numerous procurement processes), economy of scale and supply availability.

The proposed panel includes the following concrete types:

- 20 Megapascal (MPa) compressive strength concrete;
- 25 MPa compressive strength concrete;
- 32 MPa compressive strength concrete;
- 40MPa compressive strength concrete;
- Kerb and gutter mix; and
- Sand and cement mix

Tenders have been called for the establishment of the panel and this report is presented to Council with a Confidential Attachment detailing the evaluation activity undertaken and the resulting panel rankings for each material type and geographical location.

RECOMMENDATION

THAT Council

1. Endorses the proposed panel composition Request for Tender (RFT) No. 2019/CCD106 and associated rankings detailed within the Confidential Attachment to this report.
2. Accordingly approves the entering-into of Deeds of Standing Offer with the proposed panellists, subject to the terms specified in the RFT No. 2019/CCD106.

BACKGROUND

Council regularly procures concrete in to support its many construction projects. Given the need for strict safety risk mitigation and quality management each procurement activity, without a pre-negotiated set of pricing and terms would be time consuming for both parties to the associated contract and may not represent value for money. A panel arrangement provides

CCS19/066 REQUEST FOR TENDER 2019/CCD106 - CONCRETE SUPPLY PANEL

E00.4061

a screening of compliance and cost up front, removing the need for many lengthy procurement processes.

Tenders for the establishment of the panel were called previously, which closed on 10 July 2019 however there was not a sufficient level of participation to establish supply availability across the Shire. Accordingly, fresh tenders were called in accordance with clause 178 of the Local Government (General) Regulation 2005 ("The Regulation") on 08 October 2019 and closed on 30 October 2019. Additionally, an extension to the existing panel was resolved by Council to allow for time to undertake a new tender process.

Offers were received in response to RFT No. 2019/CCD106 the following tenderers:

- AGRA Resource Management Pty Ltd ("AGRA");
- Boral Country Concrete ("Boral");
- Cadgee Enterprises Pty Ltd ("Cadgee"); and
- Holcim (Australia) Pty Ltd

The spread of suppliers above provides for sufficient availability and competition across the Shire, and is consistent with previous panel arrangements.

CONSIDERATIONS

Legal

RFT No. 2019/CCD106 was advertised in accordance with *Local Government (General) Regulation 2005 REG 167* and the *Local Government Act 1993*.

The tender was advertised on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal www.tenderlink.com/eurobodalla.

A Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee (TEC) prior to tenders being un-encrypted and opened.

An assessment was carried out in accordance with the Tender Evaluation Plan. This report with a Confidential Attachment details the preferred tenderer determination and assessment rationale.

Policy

The tendering activity and associated evaluation for which this tender applies has been administered in compliance with Section 55 of the *Local Government Act 1993*, The *Local Government (General) Regulation*, Tendering Guidelines for NSW Local Government and Council's Procurement Policy/Codes of Practice.

Financial

There is no financial commitment associated with the proposed deed itself. Funding for concrete supply purchased under the deed will be sourced from approved project budgets.

CCS19/066 REQUEST FOR TENDER 2019/CCD106 - CONCRETE SUPPLY PANEL

E00.4061

Community and Stakeholder Engagement

The tender was advertised on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal www.tenderlink.com/eurobodalla .

The community will be informed of the tender outcome via Council's contract register found in Council's 'Public Access to Information' web link www.esc.nsw.gov.au/inside-council/council/public-access-to-information

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the panel composition and rankings have been assessed, through an extensive evaluation.

CCS19/067 LEASE TO WESTPAC LIFE SAVER RESCUE HELICOPTERS

E89.2941

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments: 1. Confidential - Lease Fees

Outcome: Innovative and Proactive Leadership

Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations

Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

A three-year lease to Westpac Life Saver Rescue Helicopters (Southern Region) (WLSRH) over Lot 3 DP 1090948 at Moruya Airport expires on 29 February 2020. WLSRH has held a lease to store aircraft and operate a helicopter emergency rescue service out of a Council owned hangar since December 2010.

A request from WLSRH has been received for a further three-year lease under the same terms and conditions as the current lease.

The WLSRH is a community based not-for-profit organisation providing rescue services to the South Coast communities of NSW. Maintaining a rescue helicopter service at Moruya is extremely beneficial to the Shire and as such it is considered appropriate for Council to support it by granting a three-year lease.

It is considered reasonable and appropriate that a three-year lease with a three-year option be granted to WLSRH to operate the rescue service from Moruya Airport and as the service has been running successfully for many years.

RECOMMENDATION

THAT

1. The General Manager be given delegated authority to grant a lease to Westpac Life Saver Rescue Helicopters (Southern Region) over Lot 3 DP 1090948 with provisions in-line with the previous lease and including the following conditions:
 - a. a term of three years commencing 1 March 2020 and terminating 28 February 2023, with a three year option;
 - b. initial rental as set out in the Confidential Attachment, increasing annually by 3% or CPI whichever is the greater.
2. Consent be given to affix the Common Seal of Council to the lease over Lot 3 DP 1090948.
3. The General Manager be given delegated authority to negotiate further leases at Moruya Airport.

CCS19/067 LEASE TO WESTPAC LIFE SAVER RESCUE HELICOPTERS

E89.2941

BACKGROUND

Council's Lot 3 DP 1090948 has been leased by WLSRH to operate out of a Council owned hangar at Moruya Airport since 2010. At its meeting held on 8 August 2017 Council resolved to grant a third lease to WLSRH for a term of three years commencing 1 March 2017 and terminating 29 February 2020 with rent to be reviewed annually in line with CPI.

The current three-year lease over Lot 3 DP 1090948 expires on 29 February 2020. A request has now been received from Westpac Life Saver Helicopters (Southern Region) for a new three-year lease.

CONSIDERATIONS

The rescue helicopter service has requested a new lease be granted on the same terms and conditions as the previous lease.

WLSRH provides a free service with the sole mission of saving lives. Emergency service groups including the NSW Police Force, Fire and Rescue NSW, NSW State Emergency Service, Australian Search and Rescue (AusSAR) and Surf Lifesaving task their aircraft to assist with emergencies throughout the NSW South Coast communities.

Legal

The lease site being Lot 3 DP 1090948 is classified as operational land and there is no impediment to granting a further lease. The terms and conditions of the current lease including the provision for the Lessee to make available casual aircraft storage are considered acceptable.

Policy

Granting of a lease to WLSRH to operate a helicopter emergency rescue service based at Moruya Airport is in accordance with Council's policy 'Property Use by Community Organisations'.

<http://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Property-Use-by-Community-Organisations-Policy.pdf>

Social Impact

The availability of patrols over the south coast to the Victorian Border significantly enhances safety and amenity for the local community and visitors to the region.

Maintaining a rescue helicopter service based at Moruya Airport is extremely beneficial to the Shire.

Financial

The proposed rental will be in accordance with the terms of the previous lease, subject to annual rent increases. The proposed fee for the lease is set out in the Confidential Attachment.

Community and Stakeholder Engagement

Council's Engagement Planning Tool and relevant legislation have been used to guide the best approach to engagement on this matter. There is no legal requirement to advise the community through public notice, or to seek feedback through public exhibition for land dealings within operational land.

CCS19/067 LEASE TO WESTPAC LIFE SAVER RESCUE HELICOPTERS

E89.2941

CONCLUSION

The three-year lease to Westpac Life Saver Rescue Helicopters (Southern Region) (WLSRH) over Lot 3 DP 1090948 at Moruya Airport expires on 29 February 2020. It has held a lease to store aircraft and operate a helicopter emergency rescue service out of a Council owned hangar since 2010.

WLSRH is a community based not-for-profit organisation providing rescue services to the South Coast communities of New South Wales and as such it is considered appropriate for Council to support this service by granting a further lease with terms and conditions in line with the current lease.

It is considered reasonable that the proposed three-year lease with a three-year option be granted, together with authority to negotiate further leases that are consistent with the Moruya Airport Master Plan.

The lease area is shown in the sketch below.



CCS19/068 LICENCES - BMX RESERVES, CATALINA

E82.6521

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments: Nil

Outcome: Innovative and Proactive Leadership

Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations

Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The respective five-year licences to the Lions Club of Batemans Bay Inc (Lions Club) and the Batemans Bay BMX Club (BMX Club) over Lot 2 DP 729153, 61 Calga Crescent, Catalina for Club activities expire on 30 April 2020. Both the Lions Club and the BMX Club have requested another five-year licence be granted.

In line with the provisions of Council's Code of Practice - *Licensing of Council controlled Public Reserves and Associated Buildings*, as no other parties have expressed an interest in using the land it is appropriate the licence applications be considered.

In accordance with Section 47A of the *Local Government Act 1993* public notice has been given from 30 October 2019 to 26 November 2019.

It is considered reasonable and appropriate that, subject to consideration of public submissions during the public notification period, five-year licences be granted to both Clubs commencing 1 May 2020.

Given the Clubs have held licences over Lot 2 DP 729153, 61 Calga Crescent, Catalina for Club activities over a number of years, it considered reasonable for Council to approve future licences subject to public notification and consideration of any public submissions.

RECOMMENDATION

THAT:

1. A five-year licences be granted to the Lions Club of Batemans Bay and Batemans Bay BMX Club to use the club house, associated facilities and surrounds to conduct club activities with conditions including:
 - (a) An annual fee in the amount \$498 plus GST increased annually in line with the CPI.
 - (b) Maintenance of public liability insurance in the amount of \$20 million.
 - (c) Responsibility in equal shares with other licensees for the repair and maintenance of the club house and associated facilities excepting structural repairs and
 - (d) BMX Club is fully responsibility for the repair and maintenance of the BMX track.
 - (e) Electricity costs to be shared with other licensees.

CCS19/068 LICENCES - BMX RESERVES, CATALINA

E82.6521

- (f) No fixed structures to be constructed without the consent of Council.
 - (g) No signage, including sponsor's signage, without the consent of Council.
 - (h) Club will have exclusive use of club house on certain days (determined in consultation with other licensees).
2. The General Manager be given delegated authority to grant further licences to the Lions Club of Batemans Bay and Batemans Bay BMX Club in similar terms.

BACKGROUND

The Batemans Bay BMX track is located within Lot 2 DP 729153 being Council owned community land on the corner of George Bass Drive and Calga Crescent.

At its meeting on 9 December 2014 Council resolved to grant a five-year licence to the Lions Club to use the clubhouse and associated facilities to conduct club activities at the BMX track with exclusive use of the clubhouse on certain days, determined in consultation with other Licensees. The licence expires on 30 April 2020 and the Lions Club has requested another five-year licence be granted to use the clubhouse on the third Tuesday of each month plus access anytime for storage of items.

At its meeting on 24 March 2015 Council resolved to grant a five-year licence to the BMX Club to use the clubhouse, associated facilities and the BMX track and surrounds to conduct club activities with exclusive use of the clubhouse on certain days, determined in consultation with other Licensees. The licence expires on 30 April 2020 and the BMX Club has requested another five-year licence be granted to provide BMX bike racing, coaching, training and practice opportunities to Club members on a daily basis.

Both Clubs have responsibility in equal shares for the repair and maintenance of the club house and associated facilities excepting structural repairs. The BMX Club is responsible for the repair and maintenance of the track and the immediate surrounds.

No other parties expressed an interest in using the land therefore it is appropriate that consideration be given to the Clubs' requests.

CONSIDERATIONS

The licence areas are shown in the sketch below.

CCS19/068 LICENCES - BMX RESERVES, CATALINA

E82.6521



Legal

Lot 2 DP 729153 is Council owned community classified land. Council can only issue a licence for a period up to five years for public reserves classified as community land after giving public notice and considering any submissions in accordance with Section 47A of the *Local Government Act 1993*.

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

Policy

In line with the provisions of Council's Code of Practice - *Licencing of Council controlled Public Reserves and Associated Buildings*, an Expression of Interest (EOI) was called in February 2019 for parties interested in seeking a licence for periods up to five years to use any Council owned or controlled public reserves. No other parties expressed an interest in using the land.

www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Licencing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

Social Impact

The BMX Club generally meets on Wednesday afternoons for training and Saturday afternoons for racing.

The proposal was publicly notified in the local newspapers and Council's website.

Financial

Given both Clubs have responsibility in equal shares for the repair and maintenance of the club house and associated facilities excepting structural repairs, and the BMX Club is responsible for the repair and maintenance of the track and the immediate surrounds, Council's minimum licence fee in line with the Crown Lands statutory minimum is considered to be appropriate.

CCS19/068 LICENCES - BMX RESERVES, CATALINA

E82.6521

Community and Stakeholder Engagement

An EOI was called in February 2019 from interested parties wishing to conduct activities on Council controlled public reserves for a period of up to five years. No other parties expressed an interest in using the land.

The intention to grant five-year licences to the Lions Club and BMX Club was publicly notified for 28 days in accordance with Section 47A of the *Local Government Act 1993* and Council's *Community Engagement Framework*.

CONCLUSION

The BMX track located within Lot 2 DP 729153, 61 Calga Crescent, Catalina provides a recreational facility for the local youth and the provision of a meeting room to the Lions Club which is important in supporting its charitable works. The granting of five-year licences to the respective Clubs for their activities is considered appropriate.

It is considered reasonable and appropriate to grant five-year licences commencing 1 May 2020 to the Lions Club of Batemans Bay Inc (Lions Club) and the Batemans Bay BMX Club (BMX Club) over Lot 2 DP 729153, 61 Calga Crescent, Catalina. It is also recommended that the General Manager be given delegated authority to negotiate and grant ongoing licences subject to compliance with Council policy, public notification requirements and consideration of any public submissions.

CCS19/069 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments: 1. Code of Conduct Complaints Statistics report [↓](#)

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.3 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

The Office of Local Government (OLG) requires Council to submit a Code of Conduct Complaints Statistics Report by the 30 November each year. Council submitted its Code of Conduct Statistics Report to the OLG on 12 November 2019. A copy of the report is attached for Council information.

The report includes statistical information on Code of Conduct complaints relating to councillors and the General Manager from 1 September 2018 to 31 August 2019. As part of this process the report must be presented to Council by 31 December 2019.

RECOMMENDATION

THAT Council receive and note the Code of Conduct Complaints Statistics Report.

BACKGROUND

The *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* (The Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

When a Code of Conduct complaint is lodged with a conduct reviewer, they will conduct a preliminary assessment for the purpose of determining how the complaint is to be managed.

The conduct reviewer may determine one or more of the following:

- to take no action, or
- to resolve the complaint by alternative and appropriate strategies such as counselling, training, mediation, informal discussion, negotiation or apology, or
- refer the matter back to the general manager for by alternative and appropriate strategies such as, counselling, training, mediation, informal discussion, negotiation or apology, or
- to refer the matter to another agency or body such as, the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, the OLG or the Police, or

CCS19/069 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

- to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.

If the conduct reviewer believes the complaint needs to be investigated, the conduct reviewer must at the outset of their investigation provide a written notice of investigation to the respondent.

Where the conduct reviewer determines that the conduct investigated constitutes a breach of the code of conduct, the conduct reviewer may make one or more of the following recommendations on completion of the investigation:

- that the Council revise any of its policies and procedures
- that the subject person undertake any training or other education relevant to conduct giving rise to the breach
- that the subject person be counselled for their conduct
- that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
- that finds of inappropriate conduct be made public
- in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act
- in the case of a breach by a councillor, that the Council resolves as follows:
 - that the Councillor be formally censured for the breach under section 440G of the LG Act, and
 - that the matter be referred to the office of Local Government for further action under the misconduct provision of the LG Act.

The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* state that the following statistics must be reported to Council within three (3) months from the end of September each year, in relation to complaints made under the Code of Conduct:

- Total number of complaints received in the period about councillors and the General Manager.
- Total number of complaints finalised in the period about councillors and the General Manager.
- Number of complaints finalised at the outset by alternative means by the General Manager or Mayor.
- Number of complaints finalised referred to the Office of Local Government under a special complaints' management arrangement.
- Number of complaints referred to a conduct reviewer.
- Number of complaints finalised at preliminary assessment by conduct reviewer.
- Number of complaints referred back to the General Manager or Mayor for resolution after preliminary assessment by conduct reviewer.
- Number of finalised complaints investigated by a conduct reviewer.

CCS19/069 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

- Number of finalised complaints investigated by a conduct review committee.
- Number of finalised complaints investigated where there was found to be no breach.
- Number of finalised complaints investigated where there was found to be a breach.
- Number of complaints referred by General Manager or Mayor to another agency of body such as ICAC, the NSW Ombudsman, the OLG or the Police.
- Number of complaints being investigated that are not yet finalised.
- Total cost of dealing with Code of Conduct complaints relating to councillors and the General Manager, including staff costs.

CONSIDERATIONS

All complaints under the Code of Conduct that were received about councillors and the General Manager in the reporting period from 1 September 2018 to 31 August 2019 have been included in this report.

There were thirteen complaints received within the period however fourteen complaints were finalised in the period. This was due to a complaint from the previous period not being finalised in the previous period. The number of complaints received in the previous year were twelve.

There were eleven complaints finalised at preliminary assessment by a conduct reviewer and three complaints being finalised at the investigation stage.

Legal

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW states that a Code of Conduct Complaint Statistics report must be presented to Council within three months from the end of September each year.

Policy

The Code of Conduct Complaints Statistics report is a requirement of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.

Social Impact

Enhancing transparency of Council Policy and procedures.

Financial

The total cost of dealing with code of conduct complaints relating to Councillors and the General Manager for the 2018-2019 period is \$27,345.00 which includes \$6,462.00 for the complaint relating to the previous period. This is compared to the total cost of dealing with code of conduct complaints for the 2017-2018 period of \$12,698.00.

CONCLUSION

The Code of Conduct Complaints Statistics report has taken into account all the requirements listed in the *Procedures for the Administration of the Model Code of conduct for Local Councils in NSW*. Council submitted the Code of Conduct Complaints Statistics report to the Office of Local Government on 12 November 2019. It is recommended that Council receive and note the Code of Conduct Complaints Statistic report.

Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2018 - 31 August 2019

Date Due: 31 December 2019

To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by 30 November 2019.

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name:	Eurobodalla Shire Council
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Contact Name:	Jeff Phillips
Contact Phone:	4474 1267
Contact Position:	Divisional Manager Governance & Administrative Services
Contact Email:	jeff.phillips@esc.nsw.gov.au

All responses to be numeric.

Where there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au

Model Code of Conduct Complaints Statistics Eurobodalla Shire Council		
Number of Complaints		
1	a The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	13
	b The total number of complaints finalised in the period about councillors and the GM under the code of conduct	14
Overview of Complaints and Cost		
2	a The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
	b The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
	c The number of code of conduct complaints referred to a conduct reviewer	14
	d The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	11
	e The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f The number of finalised code of conduct complaints investigated by a conduct reviewer	3
	g The number of finalised code of conduct complaints investigated by a conduct review committee	0
	h The number of finalised complaints investigated where there was found to be no breach	0
	i The number of finalised complaints investigated where there was found to be a breach	3
	j The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
	k The number of complaints being investigated that are not yet finalised	0
	l The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	27,345

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action 9
b	To resolve the complaint by alternative and appropriate strategies 2
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies 0
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police 0
e	To investigate the matter 3
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter 0
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:
a	That the council revise its policies or procedures 0
b	That a person or persons undertake training or other education 0
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures 0
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach 2
c	That the subject person be counselled for their conduct 0
d	That the subject person apologise to any person or organisation affected by the breach 1
e	That findings of inappropriate conduct be made public 0
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach 0
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 0
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action 0
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures and clause 7.20 of the new Procedures 0

Categories of misconduct	
7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a General conduct (Part 3)	3
b Conflict of interest (FMCC Part 4) and Non-pecuniary conflict of interest (NMCC Part 5)	0
c Personal benefit (FMCC Part 5 / NMCC Part 6)	0
d Relationship between council officials (FMCC Part 6 / NMCC Part 7)	0
e Access to information and resources (FMCC Part 7 / NMCC Part 8)	0
Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	0

CCS19/070 NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK (OLG) TERMS OF REFERENCE

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments: 1. Under Separate Cover - A New Risk Management and Internal Audit Framework for local councils in NSW - Discussion paper
2. New Risk Management and Internal Audit Framework - Submission [↓](#)

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.3 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

The NSW Office of Local Government (OLG) has issued a paper entitled 'A New Risk Management and Internal Audit Framework for local councils in NSW – Discussion paper' (attached) and is seeking input from interested parties. A submission on the proposals contained in the paper has been prepared and is attached to this report.

RECOMMENDATION

THAT Council submits to the Office of Local Government responses raised in the discussion paper '*A New Risk Management and Internal Audit Framework for local councils in NSW – Discussion paper*', as attached to this report.

BACKGROUND

The '*A New Risk Management and Internal Audit framework for local councils in NSW – Discussion paper*' (*the Paper*) was first publicly circulated as part of Circular No 19-20 / 10 September 2019 / A627669.

In developing the risk management and internal audit framework proposed in the Paper, the Office of Local Government has considered the recommendations of various inquiries conducted by the Local Government Acts Taskforce, the Independent Local Government Review Panel and the Independent Commission Against Corruption, and the internal audit frameworks of other jurisdictions and are now seeking feedback from local councils. A submission on the 9 core requirements contained in the Paper has been prepared and is attached to this report.

The Paper broadly deals with 3 issues:

- An Audit Risk and Improvement Committee of council – its makeup and function
- The Internal Audit function within Council
- The Risk Management function within Council

The OLG proposes 9 'Core requirements' for each local council ARIC which, after this consultation, are intended to become legislative requirements through amendment to the *Local Government Act NSW (1993)*. These are as follows:

Core requirement 1: Appoint an independent Audit, Risk and Improvement Committee

**CCS19/070 NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK
(OLG) TERMS OF REFERENCE**

Core requirement 2: Establish a risk management framework consistent with current Australian risk management standards

Core requirement 3: Establish an internal audit function mandated by an Internal Audit Charter

Core requirement 4: Appoint internal audit personnel and establish reporting lines

Core requirement 5: Develop an agreed internal audit work program

Core requirement 6: How to perform and report internal audits

Core requirement 7: Undertake ongoing monitoring and reporting

Core requirement 8: Establish a quality assurance and improvement program

Core requirement 9: Councils can establish shared internal audit arrangements

The initial setup phase of ARICs across local government outlined by the OLG will align with the following timeframe:

- Establish ARICs by March 2021 (it is noted that Council has already established an ARIC).
- Develop a Risk Management Framework and employ key risk management staff by December 2022.
- Audit and Risk functions fully operational by 2024.

Following that initial phase the ARICs are to routinely cover all of its responsibilities by 2026. These responsibilities (i.e. roles and functions) are proposed to include review of: compliance, risk management, fraud control, financial management, governance, implementation of the strategic plan, delivery program and strategies, service reviews, collection of performance measurement data by the council, and any other matters prescribed by the regulation (i.e. internal audit).

The Office of Local Government is seeking feedback on the following questions:

1. Will the proposed internal audit framework achieve the outcomes sought?
2. What challenges do you see for your council when implementing the proposed framework?
3. Does the proposed framework include all important elements of an effective internal audit and risk framework?
4. Is there anything you don't like about the proposed framework?
5. Can you suggest any improvements to the proposed framework?

This report addresses these questions through a detailed response to each core requirement in the attached document – 'A New Risk Management and Internal Audit Framework for local councils in NSW – Submission'. The submission details agreement, where there is a departure from current practice, and/or concerns with the proposed core requirement (which is more fully explained in the Paper for each 'Core requirement').

**CCS19/070 NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK
(OLG) TERMS OF REFERENCE**

CONSIDERATIONS

Some high-level observations is that the 'descriptive' nature of the ARIC makeup, authority and function as proposed by the OLG does not appear to align with the roles of Councillors and/or the General Manager in some instances. For example there is the proposal to only allow appointment of ARIC members from a panel determined by the OLG. Further the proposal to exclude Councillors from the ARIC is of particular concern, and also the proposal to pay commercial type fees to the members of the ARIC will impose a significant additional unfunded cost to Council. The extensive nature of the 9 Core Requirements proposed are also of concern given the potential budgetary implications to council. Finally, neither the Model Internal Audit Charter nor the Model Terms of Reference are yet drafted, and it is stated they will only be finalised after this consultation. It is not clear whether Council will be able to comment on either of these documents once drafted.

Community and Stakeholder Engagement

A copy of Council's submission to the Paper has been distributed to Councillors and members of the Audit Risk & Improvement Committee (ARIC) and will be made available to the public via the Council's website as part of this report.

CONCLUSION

A submission has been prepared in response to the OLG paper entitled 'A New Risk Management and Internal Audit Framework for local councils in NSW – Discussion Paper'. A copy of the submission is attached to this report.

The Paper requires feedback to be submitted no later than 31 December 2019.

It is considered appropriate that Council provide a submission to the proposals as attached to this report.

ATTACHMENT 2 NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK - SUBMISSION

Core Requirement 1 – Appoint an Independent Audit, Risk and Improvement Committee	
Requirement	Response
<p>(a) Each council (including county council/joint organisation) is to have an independent Audit, Risk and Improvement Committee that reviews all the matters prescribed in section 428A of the Local Government Act</p> <p>The commentary describes the roles and functions to include review of: compliance, risk management, fraud control, financial management, governance, implementation of the strategic plan, delivery program and strategies, service reviews, collection of performance measurement data by the council, and any other matters prescribed by the regulation (i.e. internal audit). The commentary also detail as a 'learning and development' program which is to be shared amongst councils.</p>	<p>Agree. The role of the ARIC is to review these aspects noted, and ESC welcomes the support offered in the establishment of a learning and development program by the NSW Government</p>
<p>b) The Audit, Risk and Improvement Committee is to operate according to terms of reference, based on a model terms of reference, and approved by the governing body of the council after endorsement by the Committee</p>	<p>Agree. A 'Terms of Reference' for the ARIC is already in place. This will be reviewed subject to the outcome of this consultation and final guidelines. The governing body will consider the review of Committee before approval of the final Terms of Reference. The point can only be partially agreed to as the Terms of Reference are not yet available for review.</p>
<p>(c) The Audit, Risk and Improvement Committee is to comprise of three to five independent members who are prequalified via the NSW Government's Prequalification Scheme: Audit and Risk Committee Independent Chairs and Members</p>	<p>Disagree. The abdication of responsibility for ARIC member selection to that of a panel of which Council has no involvement is not acceptable. Council should have representation on the ARIC as democratically elected officials. The ARIC is an advisory committee to Council and should not preclude Councillors. Currently ESC has 3 independent members and 2 councillors elected by the Councillors for a 1 or 2 year term.</p>
<p>The commentary stipulates that the ARIC members are to be appointed and selected by the Governing Body, and they must be independent and they must be selected from the 'panel of prequalified audit and risk committee independent chairs and members administered by the NSW Government'. The commentary outlines the required collective knowledge, skills and experience expected of the committee.</p>	<p>Disagree. The practical ability to have 'prequalified' interested persons in a regional area is not tenable and the comment that 'living in a local government area is not itself, to be considered as impacting a person's ability to be independent of council' does not recognise the value of local knowledge, the person's commitment to the community in which they live, and the value of, at significantly less cost, to be present in person at an ARIC meeting. The fundamental skills of the ARIC members is stipulated in the ESC Terms of Reference and are not dissimilar to those stated in the</p>

Core Requirement 1 – Appoint an Independent Audit, Risk and Improvement Committee	
Requirement	Response
The commentary further stipulates a Fee structure to be paid to the Chair and the members. For ESC, as a Medium sized council, the fees (exclusive of GST) proposed was \$16,213 for the Chair, and \$1,621 per meeting day including preparation time for each Member. All reasonable costs, including such things as travel, are also to be reimbursed at cost in addition to the fees.	Disagree with payment to Committee members. The recommended Chair fee is akin to Councillor fees and are an unnecessary burden on Council which is inequitable. Currently the 3 independent members of ESC's ARIC do not draw a fee at all and are suitably qualified to meet the experience etc as noted above. They are committed community members who volunteer their time and expertise. The proposed fee structure does not recognise community members commitment and is an unnecessary unbudgeted cost to the ratepayer. There is also a significant disparity between Mayoral / Councillor fees and that payable to ARIC members. Further, no other Advisory Committee to Council is paid a fee.
(d) Audit, Risk and Improvement Committee members and the Chair are to serve a three to five-year term. A member's term cannot exceed eight years and the Chair's term cannot exceed five years	Partially agree. Councillors should continue to have representation and be elected by the sitting Councillors. There should be no restriction on the tenure of the Councillor should they be elected by their peers and be a sitting Councillor. Rotation of independent committee members is agreed.
(e) The Audit, Risk and Improvement Committee is to meet quarterly, with the ability to hold extra meetings if required. A council's general manager and Chief Audit Executive should attend except where excluded by the Committee The commentary further stipulates that the ARIC may request meetings with the Chief Audit Executive (privately), the Chief Financial Officer (or equivalent), Risk Management Coordinator, any councillor (Chair only), any employee or contractor of council, and/or any external expert or party (subject to confidentiality) and 'these individuals must comply' with the ARIC request.	Agree in principle , however disagree with the direction that all non-voting individuals stipulated 'must' comply with an ARIC request. This comment appears to be unlimited in scope and nature – the principal that ARIC have access to any and all staff is agreed, however it is contended the directions must be vetted by the General Manager who is ultimately responsible for council operations not an advisory committee.
(f) Audit, Risk and Improvement Committee members are to comply with council's Code of Conduct and the conduct requirements of the NSW Government's Prequalification Scheme: Audit and Risk Committee Independent Chairs and Members	Agree.

Core Requirement 1 – Appoint an Independent Audit, Risk and Improvement Committee	
Requirement	Response
(g) Disputes between the general manager and / or the Chief Audit Executive are to be resolved by the Audit, Risk and Improvement Committee. Disputes with the Committee are to be resolved by the governing body of the council	Agree.
(h) The Audit, Risk and Improvement Committee is to provide an annual assurance report to the governing body of the council and be assessed by an external party at least once each council term as part of council's quality assurance and improvement program	Agree. Recommend this can be done by an externally engaged 'internal' auditor.
The commentary also stipulates that the committee members and the Chair can only be dismissed at the approval of the OLG CEO.	Disagree. This diminishes the elected officials governing capacity and empowers a non-elected state officer to overrule the decision of council. The NSW Government has many other mechanisms to ensure appropriate governance is administered by any council.
(i) The general manager is to nominate a council employee/s to provide secretariat support to the Audit, Risk and Improvement Committee. Minutes are to be recorded for all committee meetings	Agree. This is currently undertaken by the Executive Assistant to the Director responsible for Finance.

ATTACHMENT 2 NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK - SUBMISSION

Core Requirement 2 – Establish a risk management framework consistent with the current Australian risk management standards	
Requirement	Response
(a) Each council (including county council/joint organisation) is to establish a risk management framework that is consistent with current Australian standards for risk management	Agree.
(b) The governing body of the council is to ensure that the council is sufficiently resourced to implement an appropriate and effective risk management framework	Agree.
(c) Each council's risk management framework is to include the implementation of a risk management policy, risk management plan and risk management process. This includes deciding council's risk criteria and how risk that falls outside tolerance levels will be treated	Agree.
(d) Each council is to fully integrate its risk management framework within all of council's decision-making, operational and integrated planning and reporting processes	Agree.
(e) Each council is to formally assign responsibilities for risk management to the general manager, senior managers and other council staff and to ensure accountability	Agree.
(f) Each council is to ensure its risk management framework is regularly monitored and reviewed.	Agree. It is noted that the criteria outlined for this requirement is extensive and must be considered in view of budget constraints.
(g) The Audit, Risk and Improvement Committee and the council's internal audit function are to provide independent assurance of risk management activities, and	Agree. It is noted that the criteria outlined for this requirement is extensive and must be considered in view of budget constraints.
(h) The general manager is to publish in council's annual report an attestation certificate indicating whether the council has complied with the risk management requirements	Agree. The self-assessment element of this requirement is welcomed. The requirement of the ARIC Chair to make a statement as to whether they agree with that self-assessment considered to undermine the General Managers authority and their responsibility to Councillors.

Core Requirement 3 – Establish a risk management framework consistent with the current Australian risk management standards	
Requirement	Response
(a) Each council (including county council/joint organisation) is to establish and internal audit function	Agree. ESC already has an ARIC.
(b) The governing body is to ensure that the council's internal audit function is sufficiently resourced to carry out its work	Agree. This framework is extensive and the ability of Council to resource this area be considered in tandem with Council's many priorities and plans.
(c) The governing body of the council is to assign administrative responsibility for internal audit to the General Manager and to include this in their employment contract and performance reviews. Currently stipulates that the General Manager has 'no role' in the exercises of the intended audit formation.	Partially agree. The principle is agreed, however the stipulation that the General manager will have 'no role' in the exercise of the internal audit function is untenable. The General manager should be afforded the ability to seek internal audit reviews of those areas that they believe requires such.
(d) The Chief Audit Executive is to develop an Internal Audit Charter, based on a model charter, which will guide how internal audit is conducted by the council. The Charter is to be approved by the governing body of the council after endorsement by the Audit, Risk and Improvement Committee	Partially agree. A 'Terms of Reference' for the ESC ARIC is already in place. This will be reviewed subject to the outcome of this consultation and final guidelines. This point can only be partially agreed as the 'Model Internal Audit Charter' is not yet drafted and cannot be agreed to sight unseen.

Core Requirement 4 – Establish a risk management framework consistent with the current Australian risk management standards	
Requirement	Response
(a) The General Manager is to appoint a Chief Audit Executive (CAE) to oversee the council's internal audit activities in consultation with the Audit, Risk and Improvement Committee	Agree in principal. This role currently forms part of the Director Corporate and Commercial Services. It is not feasible to appoint a separate person solely for this function, especially when the role can be undertaken by current employees.
The commentary stipulates that the CAE cannot be the General Manager nor the Senior Finance Officer. It also notes the preferred skills/experience include 'appropriate professional certifications' such as those recognised by the Institute of Internal Auditors, CPA Australia or Chartered Accountants Australia and New Zealand.	Partially disagree. Agree that this role cannot be undertaken by the General Manager. The stipulation that the role cannot be performed by the senior finance officer appears to contradict the preference for that role to have 'appropriate professional certification' which is usual for the senior finance officer. Placing such a role two levels away from the General manager to comply with this stipulation is in conflict with the requirement that individual be able to negotiate on 'equal footing' with the General Manager.
(b) The Chief Audit Executive is to report functionally to the Audit, Risk and Improvement Committee and administratively to the general manager and attend all committee meetings.	Disagree. The CAE is a staff member who must report to the General Manager both functionally and administratively. This is clearly stipulated in the function of the General Manager in LGA at Section 335 (i), namely, 'to direct and dismiss staff'.
(c) The General Manager is to ensure that, if required, council has adequate internal audit personnel to support the Chief Audit Executive. Councils will be able to appoint in-house internal audit personnel or completely or partially outsource their internal audit function to an external provider.	Agree. ESC currently has appointed an independent external 'internal auditor'.

Core Requirement 5 – Develop an agreed internal audit work program	
Requirement	Response
(a) The Chief Audit Executive is to develop a four-year strategic plan to guide the council's longer term internal audits in consultation with the governing body, general manager and senior managers. The strategic plan is to be approved by the Audit, Risk and Improvement Committee	Agree. Plans are currently done in consultation with the external 'internal auditor'. It is asserted the benefits of an external assessment of risk is beneficial in determining what internal audits should be given priority. The commentary infers such consultation is not appropriate, this is not agreed.
(b) The Chief Audit Executive is to develop an annual risk-based internal audit work plan, based on the strategic plan, to guide council's internal audits each year. The work plan is to be developed in consultation with the governing body, general manager and senior managers and approved by the Audit, Risk and Improvement Committee	Agree. This is currently done in consultation with the external 'internal auditor'.
(c) The Chief Audit Executive is to ensure performance against the annual and strategic plans can be assessed	Agree.

Core Requirement 6 – How to performing and report internal audits	
Requirement	Response
(a) The Chief Audit Executive is to ensure that the council's internal audits are performed in accordance with the IPPF and current Australian risk management standards (where applicable), and approved by the Audit, Risk and Improvement Committee	Agree.
The commentary stipulates that it is best practice that each internal audit report be supervised and reviewed by a person not conducting the audit.	Disagree. The cost of duplicating roles would be excessive over a council wide internal audit program. The suggestion that a second internal auditor be engaged cannot be accepted as practical or economically reasonable. Further it is considered the role of the ARIC to review the results of the internal audit.
(b) The Chief Audit Executive is to develop policies and procedures to guide the operation of the internal audit function, including the performance of internal audits	Agree in principle. The ten day stipulation to respond to any findings may not be able to be met in practice, a longer period should be considered, for example 28 business days.
(c) The Chief Audit Executive is to report internal audit findings and recommendations to the Audit, Risk and Improvement Committee. Each finding is to have a recommended remedial action and a response from the relevant senior manager	Agree. The function is currently shared with the external 'internal auditor'.
(d) All internal audit documentation is to remain the property of, and can be accessed by, the audited council, including where internal audit services are performed by an external provider. It can also be accessed by the Audit Risk and Improvement Committee, external auditor and governing body of the council (by resolution)	Agree.
The commentary stipulates that internal audit information must be sought by councillors via resolution, and then release to Councillor's is at the ARIC's determination.	Disagree. This process undermines the Councillors governance function where they should have access to any information which assists them fulfil their role. All ESC internal audit reports are available to Councillors. Further, Section 335 (f) of the LGA that 'to ensure that the Mayor and Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions'

Core Requirement 7 – Undertake ongoing monitoring and reporting	
Requirement	Response
(a) The Audit, Risk and Improvement Committee is to be advised at each quarterly meeting of the internal audits undertaken and progress made implementing corrective actions	Agree. Already in place at ESC.
(b) The governing body of the council is to be advised after each quarterly meeting of the Audit, Risk and Improvement Committee of the internal audits undertaken and the progress made implementing corrective actions	Agree. Already in place at ESC.
(c) The Audit, Risk and Improvement Committee can raise any concerns with the governing body of the council at any time through the Chair	Agree.

Core Requirement 8 – Establish a quality assurance and improvement program	
Requirement	Response
(a) The Chief Audit Executive is to establish a quality assurance and improvement program which includes ongoing monitoring and periodic self-assessments, an annual review and strategic external review at least once each council term	Agree.
The commentary stipulates that the strategic external review be undertaken by a qualified internal auditor external to council.	Agree in principal. As ESC uses the services of an 'external' internal auditor it would be practical to also utilise them for such a strategic review.
(b) The General Manager is to publish in the council's annual report an annual attestation certificate indicating whether council has complied with the core requirements for the Audit, Risk and Improvement Committee and the internal audit function	Agree in principal. This point can only be partially agreed as the 'Core requirements' are not yet finalised and council cannot agree to the unknown final requirements.

15. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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