

AGENDA

Ordinary Meeting of Council

24 August 2021

**ORDINARY MEETING OF COUNCIL
TO BE HELD VIA ZOOM**

ON TUESDAY 24 AUGUST 2021

COMMENCING AT 11.00AM

AGENDA

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

1. WELCOME

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Ordinary Meeting held on 27 July 2021

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

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6. MAYORAL REPORTS

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7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

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9. PETITIONS

Nil

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DR CATHERINE DALE
GENERAL MANAGER

MR21/004 USE OF MAYORAL EXECUTIVE INSTRUMENT AND PROCEDURES FOR AUDIO-VISUAL
LINK TO COUNCIL MEETINGS

File Ref: S012-T00025

Attachments: 1. Procedures for attendance by Councillors at meetings by audio-visual
link

EXECUTIVE SUMMARY

Use of Mayoral Executive Instrument

At 5.00pm on Saturday 14 August 2021, the NSW Government implemented 'stay at home' orders for regional and rural NSW.

The stay at home rules state that you must stay home. Only leave your home if you have a reasonable excuse. Further, a reasonable excuse is if you need to:

- obtain food or other goods and services locally
- leave home to go to work if
 - you cannot reasonably work from home and
 - the business is allowed to be open
- leave home for education if it is not possible to do it at home
- exercise and take outdoor recreation within your local government area or, if you need to cross into another local government area, stay within 5km of your home
- go out for medical or caring reasons, including obtaining a COVID-19 vaccination.

These restrictions are due to end at 12.01am on Sunday 22 August 2021. While it is highly likely that the 'stay at home' restrictions maybe extended, at the time of preparing this report this has not been determined.

For the health and safety of our residents it is considered that Council cannot afford to expose Councillors, staff or our community to COVID-19 risks, especially considering the contagious nature of the Delta Variant. Councillors have been consulted and have unanimously supported the proposal due to the current risk from the Covid-19 Delta Variant outbreak and the vulnerability of our community, the Council meeting scheduled on Tuesday 24 August 2021 be undertaken via audio-visual link.

In the exercise of the power conferred under section 226 (d) of the *Local Government Act 1993*, I, Councillor, Liz Innes, as Mayor of Eurobodalla Shire, have on behalf of the Council, utilized the powers vested in my role as Mayor under the *Local Government Act 1993* to authorize that the Council Meeting scheduled for 24 August 2021 be undertaken via audio-visual link.

I consider the circumstances to involve a case of 'necessity' pursuant to section 226 (d) of the *Local Government Act 1993* and I am satisfied of the necessity to proceed with the action.

As noted, if the current 'stay at home' orders are extended, Council will be required to conduct its Council meetings via audio-visual link whilst the orders are current.

Procedures for attendance by councillors at meetings by audio-visual link

The *Local Government (General) Regulation 2005* (the Regulation) has been amended to temporarily exempt councils from complying with the requirement under their codes of

**MR21/004 USE OF MAYORAL EXECUTIVE INSTRUMENT AND PROCEDURES FOR
AUDIO-VISUAL LINK TO COUNCIL MEETINGS**

**S012-
T00025**

meeting practice for councillors to be personally present at meetings to participate in them. The exemption expires on 31 December 2021.

The Regulation amendment operates to exempt councils from the requirement under clause 4.2 of Council's Code of Meeting Practice for councillors to be personally present at a meeting in order to participate in it.

For the period in which the Regulation amendment is in force, councils have the option to permit councillors to attend and participate in meetings remotely by audio-visual link should councils choose to do so. Further information can be sourced at

<https://www.olg.nsw.gov.au/wp-content/uploads/2021/08/COVID-19-guidance-for-councils-on-FAQs-12-August-2021.pdf>

The Office of Local Government advice indicates that councils are not required to amend their codes of meeting practice to allow councillors to attend meetings remotely by audio-visual link while the Regulation amendment is in force but should adopt procedures governing attendance by councillors at meetings by audio-visual link to supplement their codes of meeting practice. The proposed procedures are attached to this report.

It is important to note that the current configuration of the Council Chamber and technical requirements associated with undertaking a Council meeting through a hybrid medium would be extremely difficult for this Council to achieve and also comply with. The procedures states that the meetings would be conducted only with whole Council via audio-visual link.

To ensure the ongoing safety of our community, I propose to implement the attached procedures that will assist staff to conduct Council meetings via audio-visual link when the Eurobodalla community is at risk due to the COVID-19 virus and Council is **not** subject to 'stay at home orders'.

Council effectively facilitated Council meetings via audio-visual link during Covid-19 restrictions implemented during 2020. Similar to last year, whilst Council is undertaking the Council meetings via audio-visual link, Public Forum will be conducted via audio-visual link and the Council meeting will be webcast live for all community members to view.

Finally, it is important to note that should Eurobodalla be subject to 'stay at home orders', Council meetings will be conducted via audio-visual link.

RECOMMENDATION

THAT Council:

1. Note the use of the policy-making functions under Section 226(d) of the *Local Government Act 1993* by the Mayor to undertake the Council meeting via audio-visual link on 24 August 2021.
2. Approve the attached procedures to enable Council meetings via audio-visual link when the community is at risk due to the COVID-19 virus and Council is not subject to 'stay at home orders'.

Procedures for attendance by councillors at meetings by audio-visual link

What is an “audio visual link”

- For the purpose of these procedures, an audio-visual link is a facility that enable audio and visual communication between persons at different places.

Approval for councillors to attend meetings by audio visual link

- Council meetings by audio visual link will be determined by the Mayor in conjunction with advice from the General Manager and in taking into account the impact of the COVID-19 pandemic.
- Council meetings by audio visual link will be conducted with all councillors in attendance by audio visual link. Owing to hardware restrictions due to audio complexity individual Councillors cannot attend Council meetings by audio visual link if a Council meeting is being held in the Council chamber.
- Council’s Code of Meeting Practice will apply to Council meetings by held by audio visual link, in the same way it would if the Council meeting was in person.
- Councillors must give their full attention to the business and proceedings of the meeting.

Confidentiality

- Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing at any time that the meeting has been closed to the public under section 10A of the *Local Government Act 1993*.

Maintenance of order

- When councillors attend a Council meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor’s audio link to the meeting for the purpose of enforcing compliance with Council’s Code of Meeting Practice.
- If a councillor attending a Council meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor’s audio-visual link to the meeting.

QON21/006 PROPOSED DEVELOPMENT OF LAND BEHIND DALMENY

S023-T00014

Responsible Officer: Pat McGinlay - Councillor

Attachments: Nil

The following question on notice was received from Councillor McGinlay:

I put forward the following Questions on Notice on behalf of a local community group called 'Dalmeny Matters'. The Group was only recently and hastily formed in response to Council intentions, to sell operational native forested land in Dalmeny, for the purposes of urban development.

Councillors have unfortunately, by a majority, now approved the sale of said land, and this community group have now focussed their efforts on seeking information from council staff and councillors on how the development process of the land may proceed and of the degree whereby the broader community can have input to that process.

I congratulate this group of our residents and their supporters for their interest in both the local and broader environmental considerations that they highlight via their questions, which I am happy to put forward, in regard to this issue.

Question

1. When is the process of developing the Master Plan and Development Control Plan for Lot 2 DP115134, Lot 3 DP1050594 and Lot 54 DP735157 likely to commence?

Response

Council has commenced discussion on the Master Plan and Development Control Plan (DCP) process with relevant landowners. Council undertook an information session in Dalmeny in July and has prepared a website that explains the DCP and Master Planning process - [Dalmeny land release area | Eurobodalla Shire Council \(nsw.gov.au\)](https://www.eurobodalla.nsw.gov.au/dalmeny-land-release-area). The website will be updated as the process progresses and s further engagement is undertaken.

It is important to note that Council will work with the landowners to develop a master plan/draft Development Control Plan (DCP) and this will only go on public exhibition when Council has resolved to do so. Individual landowners may conduct their own community engagement but Council must resolve to put the masterplan/draft DCP on exhibition and then to adopt the draft DCP as is or as amended (post exhibition).

The development controls have not been discussed in detail but will need to provide for the following (in accordance with [section 6.2](#) of the Eurobodalla Local Environmental Plan 2012):

- a) *a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,*
- b) *an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
- c) *an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*

QON21/006 PROPOSED DEVELOPMENT OF LAND BEHIND DALMENY

S023-T00014

- d) *an overall assessment of the conservation significance of the land and proposed measures to avoid, minimise or mitigate any impact on identified areas of significance,*
- e) *a network of passive and active recreational areas,*
- f) *stormwater and water quality management controls,*
- g) *amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
- h) *detailed urban design controls for significant development sites,*
- i) *measures to encourage higher density living around transport, open space and service nodes,*
- j) *measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
- k) *suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

In addressing these issues, consideration will be given to relevant legislation, Government policy and adopted Council strategies.

Question

- 2. (a) Will the public be able to be involved from the beginning of the process?
- (b) If so, what consultation mechanisms will be put in place to ensure meaningful community involvement?

Response

Community engagement will be in accordance with the requirements for drafting DCPs under the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Council's [Community Engagement Framework and Participation Plan](#). This includes requirements for public exhibition of a draft DCP for at least 28 days and for the draft to be available on Council's website. Council will receive submissions during this period and consider them before deciding whether to adopt the draft DCP. An engagement Plan has not been completed at this stage, but the community's views on the Master Plan and Development Control Plan will be sought as the planning and designing takes place. These opportunities will be well advertised, and the community invited to participate.

Question

- 3. (a) Does Council have the authority to direct the owners of Lots 2, 3 and 54 to not remove any vegetation prior to the Master Plan and Development Control Plan being in place, to allow assessment of conservation significance of the land as per the Local Environment Plan 4(d).
- (b) Will Council commit to exercising such authority?

QON21/006 PROPOSED DEVELOPMENT OF LAND BEHIND DALMENY

S023-T00014

Response

Council cannot direct the owners not to remove vegetation if they have a lawful right to remove the vegetation.

Trees and Native Vegetation can only be removed on the Dalmeny Land Release Area in accordance with:

- *A planning approval under the Environmental Planning and Assessment Act 1979 (eg a Development Application under Part 4 of the Act)*
- *The NSW State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)*

If proposed native vegetation removal is below the [Biodiversity Offsets Scheme thresholds](#), a permit from Council is required to remove trees in accordance with Council's [Tree Preservation Code](#). Council requires a suitably qualified and experienced person to prepare an assessment of significance of the impacts of proposed vegetation removal under Part 7 of the Biodiversity Conservation Act 2016 if the vegetation is threatened ecological community or habitat for threatened species. Tree removal must have a valid reason for removal for Council to issue a permit.

If proposed native vegetation removal exceeds the [Biodiversity Offsets Scheme thresholds](#), a Biodiversity Development Assessment Report must support an application for approval from the [Native Vegetation Panel](#).

There are some circumstances where vegetation removal is exempt from requiring an approval or permit, for example:

- *If a tree is dangerous, dead or dying and not habitat.*
- *If it is authorised under [Section 600](#) of the Local Land Services Act 2013. This includes maintenance of existing electricity easements and State emergency authorisations for example.*

It is very unlikely any vegetation would be approved to be removed within the Dalmeny Land Release Area prior to a Development Control Plan and Master Plan process being completed. Council's compliance team investigates any clearing undertaken that is reported to be unlawful.

Question

4. When the Master Plan and Development Control Plan have been finalised will approval by councillors of these occur at an ordinary Council meeting so that the public can see that correct processes are being followed by Council, and also enable the public to provide their views on the proposed finalised Plans.

Response

Yes. The draft Plan will be reported at a Council meeting to proceed with public exhibition. After exhibition, Councillors will consider all submissions at a Council meeting and decide whether:

- (a) *approve the plan in the form in which it was publicly exhibited, or*

QON21/006 PROPOSED DEVELOPMENT OF LAND BEHIND DALMENY

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- (b) approve the plan with such alterations as the council thinks fit, or*
- (c) decide not to proceed with the plan.*

Members of the public can present to Councillors at Public Forum before the Council meeting at 9.30am. Members of the public can also present to councillors about matters not on a Council meeting agenda at [Public Access](#). More information is available on [Council's website](#) about the public presenting to Councillors.

Council will keep the public informed about the DCP process as it progresses including regular updates on Council's webpage. This will also help the public see that correct processes are being followed and to make comments on any issues about the process or the draft DCP as they arise. Council has a [webpage for the Dalmeny Land Release Area](#) that will continue to have information added to it as it becomes available.

Question

5. Will any Development Applications that have been, or that may be lodged in relation to the three Lots, be assessed and approved by Council staff, the Councillor body or by a higher State Assessment panel?

Response

Council complies with the requirements of the Environmental Planning and Assessment Act 1979 for all Development Applications (DAs). The DAs associated with the Dalmeny Land release are expected to be assessed by Council staff and the public is notified of subdivisions of more than 10 lots. Where required, Council will notify/advertise the DA and make referrals to internal departments and external agencies. Some developments may also require a specific approval or licence from another authority (eg the NSW Rural Fire Service or the NSW Department of Planning, Industry and Environment) under other legislation. This is known as integrated development and Council must refer the application to the relevant authority and seek its general terms of approval. More information about the Development application process is available on [Councils website](#).

There is no requirement for subdivision of this land to be considered by a 'higher level state assessment panel' nor for it to be referred to Council for determination. An application may be considered by Councillors at a full Council meeting if the application is called up by Councillors. Please note that any development application lodged is to be generally consistent with the masterplan and DCP for the area and that only Councillors at a Council meeting can resolve to make a DCP.

RECOMMENDATION

THAT the response to the question regarding the proposed development of land in Dalmeny raised by Councillor McGinlay be received and noted.

GMR21/042 INVESTMENTS MADE AS AT 31 JULY 2021

**S011-T00006,
S012-T00025**

Responsible Officer: Dr Catherine Dale - General Manager
Attachments: Nil
Outcome: 9 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: 9.2.4.2 Provide financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is to:

- certify that Council's investments in financial instruments have been made in accordance with legal and policy requirements
- provide information and details of investments
- raise other matters relevant to investing.

RECOMMENDATION

THAT the certification of investments as at 31 July 2021, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

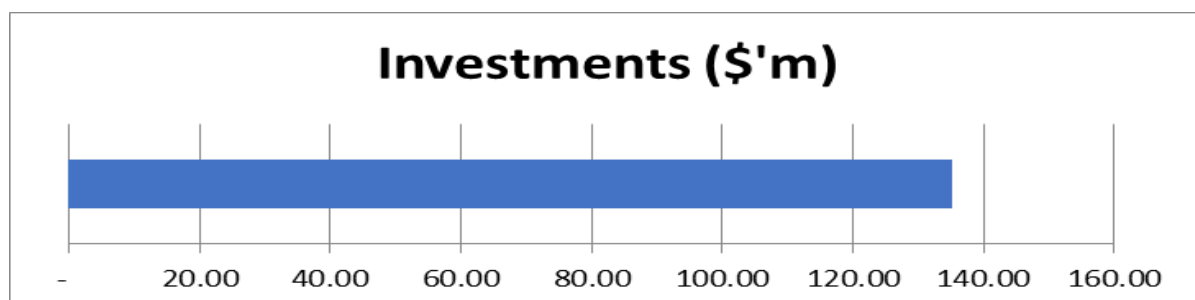
CONSIDERATIONS

Policy

The portfolio is compliant with Council's investment policy adopted by Council on 31 July 2018 (Minute 18/182).

Financial

Council investing overall



GMR21/042 INVESTMENTS MADE AS AT 31 JULY 2021

**S011-T00006,
S012-T00025**

Council has \$135.10M (100%) invested in bank deposits. The bank deposits are held in banks rated A or greater, or covered by the AAA rated Government guarantee, except for \$36.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments decreased by \$8.0m during July 2021 due the normal variations in timing of cash flows and end of financial year transactions.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 27.01% invested in BBB+. Investment in Government guaranteed deposits is \$1.75M representing 1.30% of the portfolio.

There are \$48.0M (35.53%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 0.49%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (0.27%).

Summary investment information

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

CATEGORY	(\$)
At call deposit	12,858,950
Term deposits	120,500,000
Term deposits Government guaranteed	1,750,000
	135,108,950
<i>Weighted average interest %:</i>	0.49%
<i>Average 90 day BBSW + 0.25%</i>	0.27%

Policy and liquidity risk

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

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.30	1.30	100.00
Near risk free	71.69	71.69	100.00
Some limited risk (BBB+)	27.01	27.01	30.00
Grand total	100.00	100.00	

GMR21/042 INVESTMENTS MADE AS AT 31 JULY 2021

**S011-T00006,
S012-T00025**

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2020 is 3.47:1. Council therefore has approximately \$3.47 of current assets for each \$1 of current liabilities.

CONCLUSION

Pursuant to provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, I hereby certify that these investments have been made in accordance with *the Local Government Act 1993* and related regulations.

PSR21/033 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2020-21

**S029-
T00012**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: 3 Protected and Valued Natural Environment
Focus Area: 3.3 Maintain clean healthy waterways and catchments
Delivery Program Link: 3.3.2 Monitor and manage impacts on our waterways
Operational Plan Link: 3.3.2.3 Deliver the Onsite Sewage Management System inspection program

EXECUTIVE SUMMARY

The purpose of this report is to summarise the Onsite Sewage Management System (OSSM) approvals and inspection program for the 2020-21 financial year.

OSSM refer to any system that treats wastewater and disposes of the effluent within the premises and occurs primarily where there is no connection to reticulated sewer. There are currently over 4,900 approved systems in the Eurobodalla and these include systems such as: septic tanks; Aerated Wastewater Treatment Systems (AWTS); wet and dry composting systems; effluent pump-out systems; pit toilets and greywater treatment systems.

Under NSW Government legislation, Council is required to approve and inspect OSSM systems to ensure that they operate effectively and to reduce incidents impacting on public and environmental health and safety.

A total of 137 OSSM approvals and 224 development application referrals were received and processed by the Public and Environmental Health team in 2020-21.

Council conducted 811 inspections in 2020-21. An overall compliance rate of 93% was observed through the OSSM inspection program, which is slightly higher compared to the previous financial year. The scheduled inspection program was impacted due to the bushfire recovery work and the COVID pandemic.

RECOMMENDATION

THAT the Onsite Sewage Management Status Report 2020-21 be received and noted.

BACKGROUND

The OSSM inspection program has been operating since 1999 following changes to the *Local Government Act 1993*, which gave councils greater responsibility in monitoring and ensuring compliance of these systems. There are currently 4,909 approved systems in the Eurobodalla.

OSSMs are categorised into three risk categories according to the type, location of the system and its proximity to waterways. Inspections and re-inspections are conducted according to the date of the previous inspection and the risk rating.

These categories are:

- high risk requiring inspections annual
- medium risk requiring inspections every second year
- low risk requiring inspections every fifth year

PSR21/033 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2020-21

**S029-
T00012**

Re-inspections are also required where systems require follow up due to identified operational issues.

Council's scheduled inspection program was interrupted due to staff involvement in bushfire recovery efforts, COVID pandemic and staff shortages in the public and environmental health team. As such, the scheduled OSSM inspection program for 2020-21 was not completed. On average 1300 inspections are completed annually and due to the identified issues over 2019-20 and 2020-21 this has not occurred.

Table 1: A comparison of OSSM program activities undertaken over the previous three years.

	2018-19	2019-20	2020-21
Approvals	66	110	137
Referrals	115	196	224
Inspections	1336	845	811
Compliance (%)	93	90	93
Downgrades	6	7	10
Re-inspections	4	18	3
Show cause letters	-	30	5
Notices/Orders	2	3	0
Penalty Infringement Notices	2	0	0
Bushfire recovery OSSM checks	-	180	15

Approvals and referrals

A total of 137 OSSM approvals were received for new systems in 2020-21.

A total of 224 development assessment (DA) referrals were received. DA referrals involve providing advice to planners in relation to OSSM associated with development applications. A higher number of referrals have been received compared with the previous year, most notably due to replacement dwellings after bushfire. Of the DA referrals received, approximately 107 were from properties impacted by bushfire.

Inspections

An overall compliance rate of 93% was achieved for the 2020-21 inspection regime, compared with 90% in the previous financial year.

Despite the interruption to Council's normal inspection program, where possible, OSSM systems have been monitored using other methods such as the review of records submitted to Council as part of ongoing management requirements of OSSM systems (e.g. effluent pump-out records and AWTs service records).

PSR21/033 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2020-21

**S029-
T00012**

Bushfire and COVID impacts

Due to the black summer bushfires (2019-20) many OSSM systems were damaged or destroyed. It is estimated around 350 systems were affected due to the bushfires and approximately 240 systems have been checked post fires at no charge to the property owner.

Council has continued to undertake checks on systems as requested by property owners or where Council's Planning team has requested a referral response for an associated development application for a bushfire rebuild. Based on initial site inspections it was identified that many systems can be repaired/reinstated for future use. Systems that have not yet been checked post bushfires will be inspected through Council's scheduled OSSM inspection program. The standard fee will apply to future inspections.

Bushfire recovery support has included:

- OSSM systems checked where possible during assessments, particularly those properties that were still occupied, to enable emergency restorations to be undertaken in the most cost effective and efficient manner
- Follow up inspections undertaken to provide support to fire affected residents and property owners.
- Development approval referral process for fire affected properties
- Inspections of existing OSSM systems to determine their suitability for future development.
- Inspections of OSSM systems were carried out to determine if and how existing systems could be connected to temporary dwellings (e.g. Mindaroo pods)
- General advice provided on Council's website and property owners were encouraged to contact Council for information and advice.

Note that there have been no fees or charges associated with inspections or activities for the above bushfire recovery support.

During COVID restrictions inspections have been able to continue in accordance to NSW Health requirements.

Risk rating downgrades

Owners of systems with 'high' or 'medium' risk ratings can apply to Council to downgrade the risk rating of their OSSM where consistent compliance can be demonstrated. These downgrades reward owners who are managing their systems well by reducing the frequency of required inspections and hence, reducing the cost.

A total of 14 applications to downgrade OSSM risk ratings were received in 2020-21. Ten were approved.

Compliance action

Three properties were re-inspected as part of the OSSM inspection program for non-compliance and charged an additional fee, with all proceeding towards resolution.

PSR21/033 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2020-21

**S029-
T00012**

Enforcement action was undertaken in relation to five OSSM systems. All of these were identified through Council's OSSM inspections.

Table 2. Enforcement action for non-compliant OSSM systems

Enforcement action	System type	Description of non-compliance
3	Effluent pump-out system	Failure to have effluent collections wells pumped-out prior to becoming full.
1	AWTS	Effluent being disposed outside approved effluent management area on neighboring property.
1	Septic tank to subsoil disposal (effluent absorption trenches)	Failure to operate OSSM system in a healthy and safe manner.
TOTAL 5		

In each of these cases an initial show cause letter was sent. Four of the five matters have been resolved, with information provided to Council in response to the show cause. Further compliance action is underway in relation to the remaining outstanding matter.

CONSIDERATIONS

During the 2020-21 financial year, various measures have been undertaken for the continual improvement of the OSSM program, including:

- Improvement of administration processes with the implementation of the TechOne IT system
- Ability to lodge OSSM applications and issue approvals electronically
- Investigations of ways to efficiently record effluent pump-out records to enable an effective way to monitor high-risk systems to ensure systems are operating in accordance to the approval
- Record and monitor AWTS servicing records to ensure these secondary treatment systems are being serviced in accordance with NSW Health requirements and with manufacturer's specifications
- Updating information on Council's website

Legal

Council is required to process approvals and undertake inspections of OSSM in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

The Department of Local Government Circular to councils 98/27 (issued 1 April 1998) outlines Councils' requirements for the monitoring of OSSM.

Policy

Eurobodalla Shire Council's Onsite Sewage Management Code of Practice was initially adopted by Council on 27 July 1999, with reviews in 2003, 2008, 2013 and 2018.

PSR21/033 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2020-21

**S029-
T00012**

Environmental

Due to the sensitive environmental nature of much of Eurobodalla Shire, particularly in relation to waterways, including oysters, fisheries and recreational use, continual monitoring of OSSM is important to ensure that such areas are protected from potential contamination.

The Local Government Compliance and Enforcement Regulation Review (IPART 2014) recognised Council's OSSM Inspection Program as a 'best practice' regulatory program, due to the experience gained from dealing with high risk onsite systems.

Undertaking the OSSM program demonstrates Council's commitment to protecting the environment and the local industries who depend upon it.

Social Impact

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

Financial

The OSSM program aims to operate at a full cost recovery to Council and in accordance with the legislation. During 2020-21, the primary inspection fee was \$134 and re-inspection incurred a cost of \$175 as identified in Council's fees and charges.

Total income for 2020-21 was \$134,426 and total expenses were \$224,311 and the reduction in income relates to less inspections conducted.

CONCLUSION

The overall level of compliance of 93% demonstrates that the majority of OSSM systems are operating effectively and there are minimal public and environmental health impacts. Inspections results indicate 'High,' 'Medium,' and 'Low' risk systems are being managed equally well (94%, 94% and 92% compliant respectively).

Council aims to continually improve processes and procedures to ensure OSSM systems are operating in a healthy and safe manner. Council has ensured that the program is consistent with NSW Government requirements and the program is generally well received by property owners with OSSM systems.

OSSM checks at bushfire affected properties have received positive feedback from the community.

The bushfire recovery effort will be a long process and Council's Public and Environmental Health team will continue to assist property owners wherever possible in relation to OSSM related matters. OSSM systems in the bushfire affected areas will continue to be checked as part of the planning process for rebuilding after bushfire and as part of Council's OSSM inspection program to ensure any risk to public and environmental health is minimised.

PSR21/034 FOOD INSPECTION PROGRAM - STATUS 2020-21

S024-T00003

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: 1 Strong Communities, Desirable Lifestyle
Focus Area: 1.1 Work in partnership to ensure safety at home and within the community
Delivery Program Link: 1.1.2 Deliver legislated health protection and regulatory programs
Operational Plan Link: 1.1.2.1 Undertake the food inspection program

EXECUTIVE SUMMARY

The purpose of this report is to provide a summary of Council's Food Inspection Program for the 2020-21 financial year.

Under the provisions of the *NSW Food Act 2003* Council has a statutory obligation to implement a program of food premises inspections. The aim of the program is to reduce the risk of unsafe or unsuitable food being sold, thereby maintaining public health and safety along with confidence in the retail food sector.

Food retail businesses are a significant contributor to the local economy. Many businesses have suffered financial impacts from the bushfires and COVID and restrictions forced many food businesses to modify their existing business practices such as takeaway, delivery and online services. Some closed temporarily or reopened with restrictions.

Council's inspection program was interrupted by the impacts of bushfires and COVID restrictions, however the program was fully implemented in the 2020-21 financial year and focused primarily on providing food business with support on food safety and handling, hygiene practices and COVID requirements throughout the financial year.

Currently there are 226 fixed-food premises registered in Eurobodalla, as well as 24 market stalls and 9 mobile food vendors. During the 2020-21 financial year, 208 of the 226 fixed food premises were formally inspected under the program.

Ninety seven percent of those businesses inspected achieved ratings of excellent or very good.

RECOMMENDATION

THAT the Food Inspection Program Status Report 2020-21 be received and noted.

BACKGROUND

Council has undertaken a food inspection program in partnership with the NSW Food Authority since January 2009 in accordance with the *NSW Food Act 2003*. The Food Regulation Partnership requires Council to undertake inspections, enforcement and investigations into food complaints.

This report summarises the programs activities for 2020-21, which was the third year of the risk-based food inspection program adopted by Council on 17 February 2018 (PSR 18/002) which commenced on 1 July 2018. Under the program businesses that maintain a high level of compliance can reduce their inspection frequency from two inspections per year to one per

PSR21/034 FOOD INSPECTION PROGRAM - STATUS 2020-21

S024-T00003

year resulting in financial saving to the business. Certificates are issued displaying the business inspection result.

Bushfire and COVID-19 impacts

Interruptions to the food inspection program have occurred from December 2019 to June 2021 and ranged from complete cessation to a staged resumption.

After the black summer bushfires Council resolved, 10 March 2020 (GMR20/004), to support food businesses through the NSW Government funding for Community and Economic Resilience by waiver of food inspections fees to \$80,000. Council wrote to all food business in March 2020 to inform them of such.

Council waived the fees for the program for the 2020 calendar year. All primary inspections were conducted in the period 1 July 2020 to 30 December 2020 and all food premises inspected benefitted from the fee waiver.

With the COVID restrictions constantly changing Council has continued to provide advice and assistance to help food premises meet the requirements. In some cases, joint inspections have been conducted with NSW Health and Council. Council also submitted separate on-line COVID inspection reports and refers COVID compliance matters to NSW Health.

CONSIDERATIONS

At the end of the 2020-21 financial year there were 226 fixed food businesses (two high risk and 224 medium risk) registered in Eurobodalla requiring inspection as well as a further 64 low risk premises (such as hardware shops selling packaged snacks) which are only inspected if there is a complaint. In addition, there were 24 registered temporary stalls.

Temporary stalls are inspected at the various markets, festivals and events held in Eurobodalla. There were nine mobile food vendors registered with Council at the time of this report and these are inspected annually when they apply for their approval to operate in Eurobodalla.

Table 1 shows the data by premises where there are 226 fixed food premises registered with Council at the time of this report.

Table 1 : DATA BY PREMISES

Fixed Premises Risk Rating	Number of Businesses
High Risk (e.g. Child care centres and aged care facilities)	2
Medium Risk (e.g. restaurants, cafes, etc...)	224
Total premises routinely inspected	226
Low Risk (e.g service stations, cinemas etc... Complaint only inspections)	64
Non-fixed Businesses	Number of non-fixed businesses
Stalls	24
Mobile	9
Star Rating at last inspection	Number of premises inspected
5 Star: 0 -3 Points	192
4 Star: 4 -8 Points	8

PSR21/034 FOOD INSPECTION PROGRAM - STATUS 2020-21

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3 Star: 9 – 15 Points	6
No grade >15 Points	2
Total premises inspected	208

Table 2 shows that for those businesses receiving a star rating, 214 inspections were conducted including, 22 second inspections of premises that did not receive a 5 Star rating at the first inspection, and 6 re-inspections where specific improvements were required.

Table 2: DATA BY INSPECTION

Star Rating	Number of inspections
5 Star: 0 -3 Points	192
4 Star: 4 -8 Points	13
3 Star: 9 – 15 Points	7
No grade >15 Points	2
Total number of inspections	214
Inspection Type	Number of inspections
Scheduled Fixed	208
Re-inspection fixed	6
<i>Complaint</i> Hygiene – 9 Foreign – 2 Labelling – 0 Illness – 8 COVID compliance -3 Temperature control - 1	23
Mobile inspections	9
Temporary stall inspections at markets	26
Total number of inspections	272

Council has submitted the annual report to the NSW Food Authority, providing data on the Food Inspection Program for the financial year.

Legal

Under the provisions of the *NSW Food Act 2003* Council has a statutory obligation to implement a program of food business inspections. The NSW Food Authority's Compliance and Enforcement Policy sets out the criteria for deciding appropriate enforcement action. Council utilises a graduated compliance response with a strong focus on collaboration and education, resulting in a high level of compliance with the Food Standards Code.

Enforcement Action

Where collaboration and education do not achieve safe food handling practices enforcement action may be taken. Enforcement action can include (in order of escalation):

Warning Letter (11 issued)

Improvement Notice (2 issued)

PSR21/034 FOOD INSPECTION PROGRAM - STATUS 2020-21

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Penalty Infringement Notices (0 issued)

Prohibition Order (0 issued)

Seizure of food items (0 seizures)

Re-inspection: may be required to achieve compliance to the Food Standards Code 2016. Where a re-inspection identifies non-compliance, an inspection fee is charged for each re-inspection.

Warning letters: are used in conjunction with re-inspections where there is a public health risk or persistent failure to comply which provides advice on the actions required to improve compliance. Also may be issued if a food business receives a 3-Star rating at inspection. Eleven warning letters were issued during the reporting period.

Improvement Notices: are issued where food premises score greater than 15 points and do not achieve a star rating. They are used when urgent action is required, or unsatisfactory and/or structural defects have been identified. Two Improvement Notices was issued in the reporting period.

Penalty Infringement Notices: may be issued where non-compliance is considered an immediate threat to public health or where a premise has repeated non-compliance. No Notices were issued.

Prohibition Order: are issued where an Improvement Notice has not been complied with and/or it is necessary to prevent or mitigate a danger to public health. No Orders were issued.

Policy

Council developed a Risk-Based Food Inspection Policy designed to comply with the Scores-on-Doors program and reward food businesses that continually achieve high compliance by reducing the frequency of inspections, thereby saving on inspection costs.

This program was adopted at the Ordinary Meeting of Council on 13 February 2018 (Minute No: 18/6) and commenced on 1 July 2018.

Note that most food premises had one inspection per annum compared to previously two per annum due to the high level of compliance with the requirements.

Social Impact

Compliance with the Food Standards Code provides significant long-term health benefits for our community and visitors by reducing the risk of food borne illness for consumers. This is particularly significant during the COVID pandemic period.

Economic Development Employment Potential

The retail food sector is an important source of income and employment in Eurobodalla. A high level of compliance to food safety is essential for the continued success of this sector.

Financial

Fees are charged for administration and inspections in accordance with the Food Act provisions and Council's Fees and Charges. The inspection fee was \$203, and the administration fee was \$208.

PSR21/034 FOOD INSPECTION PROGRAM - STATUS 2020-21

S024-T00003

A statutory fee of \$330 is associated with Improvement Notices.

Total income for 2020-21 was \$93,937. The total cost of the program was \$155,293.

Community and Stakeholder Engagement

Council provides education and technical information to food premises. An inspection is evenly divided between observing practices and providing practical advice on safe food handling. This means that in most cases any unsafe practices are rectified at the time of inspection.

Food premises are alerted to changes in NSW Food Authority guidelines and provided with information on how to keep up-to date between inspections. Guidelines for high-risk products are regularly researched and updated and can be quite detailed and complex.

Council provides up-dates on changes to the program or legislative requirements through the media and by letters directly to food businesses. Information and advice are also available on Council's website such as 'I'M ALERT' an Environmental Health Australia food safety training.

Additional Council has been liaising and providing advice via and with NSW Health as to COVID requirements for food premises. Council will continue its engagement with food businesses to work through the impacts of the bushfires and COVID pandemic.

CONCLUSION

The Food Inspection Program has been implemented successfully with a high level of compliance by the operators of food premises. This work and the efforts of the local food industry has meant that even through this difficult period our community, and visitors to Eurobodalla, can be confident that safe food is being provided by food retailers.

Council will implement the food inspection program with consideration of the significant impacts that the local food retailers have suffered during recent events

PSR21/035 REGULATORY ACTION STATUS REPORT 2020-21

S018-T00016

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

Attachments: Nil

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.1 Work in partnership to ensure safety at home and within the community

Delivery Program Link: 1.1.2 Deliver legislated health protection and regulatory programs

Operational Plan Link: 1.1.2.3 Monitor, inspect and respond to issues in relation to public safety

EXECUTIVE SUMMARY

This purpose of this report is to detail the activities of the Public and Environmental Health and Compliance Team (the team) for the 2020-21 financial year.

The team dealt with approximately 9,749 telephone calls and 636 items of incoming correspondence during 2020-21. An estimated 28% of calls generated formal Customer Request Managements with the remaining 72% resolved at the time of the call.

This financial year was comparable to the previous reporting period (2,718 Customer Service Requests), with the team responding to 2,731 formal Customer Requests Management (CRM) this year. Council has undergone a change in information technology which now refers to CRMs and this has also changed some of the reporting parameters.

Compliance and enforcement actions are undertaken by authorised officers in accordance with legislation and Council's policy to ensure the health and safety of the public and the environment.

Updates on the Food Inspection and Onsite Sewage Management System programs are provided in separate reports to Council.

RECOMMENDATION

THAT the Regulatory Action Status Report 2020-21 be received and noted.

BACKGROUND

Public, environmental health and compliance is a broad area of operations and necessitates implementation of legislative requirements and Council policies, in a fair, equitable and consistent manner.

The team is responsible for routine monitoring and the provision of advice and education for areas such as: public swimming pools; water quality; beach watch; estuary health programs; sediment and erosion controls; pollution; animal control; illegal waste dumping; and stormwater matters.

In addition, support services are provided to Waste, Water and Sewer Services to meet Environmental Protection Licence requirements.

The following data provides a summary of CRMs and compliance activity during the 2020-21 financial year. Officers also attend to additional matters during their normal duties and patrols,

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S018-T00016

such as, dealing with residents and visitors in the field, ad hoc animal related issues and addressing emergency situations.

Bushfire, flood and COVID impacts

The regulatory operations shifted significantly due to COVID impacts during the year and increased monitoring for environmental impacts from the fires and floods.

During NSW Health restrictions because of COVID, officers maintained a customer service focus whilst working from home, in the office, from alternate work sites and in the field. All operations adhere to COVID restrictions and split teams are to enable ongoing delivery of essential services.

The major impacts over the year have been:

- Increase in requests for companion animals from the animal shelter during COVID
- Increase in poor water quality results post bushfire for estuaries and beaches
- Reduced parking patrols undertaken and decrease in parking infringements issued
- Reduced compliance activity: infringements, orders and notices issued.

Customer Requests Management CRMs (requests)

Council has implemented a new IT system, so the breakdown of customer requests does not align completely with the previous year reports. This new format of reporting continues to capture the data in a slightly different format.

The breakdown of the total 2731 of customer requests are:

- Animals: 1322 (48%): includes items like nuisance animals (cats, dogs, poultry, stock) with most complaints related to barking, straying and dogs on beaches.
- Public Health: 690 (25%) includes air, food, waste, noise, onsite sewage management systems, overgrown blocks, stormwater, trees, water complaints
 - Regulatory: 564 (21%) includes abandoned vehicles, illegal camping, parking, signage complaints
 - Development/Building: 155 (6%) unapproved, illegal development, sediment and erosion controls can be seen in Figure 1 and the comparison over five years in Table 1.

	2016-17	2017-18	2018-19	2019-20		2020-21
Animal Control	1282	1430	1372	1392	Animals	1322
Development and Land Clearing	196	260	269	232	Development	155
Health Matters	194	223	241	283	Public Health*	690
Pollution	167	193	161	158		
Trees	50	79	67	162		
General Regulatory	451	591	608	667	Regulatory	564
TOTAL	2340	2776	2718	2894		2731

Table 1: Customer Service Requests 2016-17 to 2020-21 financial years

* Public Health consists of health matters, pollution and trees collectively

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Compliance activity

A number of matters (1028) were dealt with via Penalty Infringement Notices (PINs) and Orders, in line with relevant regulations and legislation.

Sector	Activity	Infringements	Orders and Notices	Total Action
Roads	Parking	840	-	840
Animals	Companion animals	92	29	121
Waste	Illegal dumping	4	6	10
Health	Premises	-	1	1
Environment	Air/land/water	-	11	11
Development	Land	31	14	45
TOTAL		967	61	1028

Table 2: Compliance activity report 2020/21

Most infringements relate to traffic offences 840 (82%). The remaining 188 (18%) instances of compliance activity are detailed as follows:

Animals:

121 actions relate to animal control (64%) including: lifetime registration enforcement; barking dogs; stray animals; endangering safety of person or animal; and restricted or dangerous dogs.

Waste, health and environment (sectors combined):

22 actions (12%) relate to waste issues including illegal dumping; health (eg overgrown premises); food shops; Onsite Sewage Management Systems; public swimming pools and environmental issues such as pollution matters.

Development:

45 actions (24%) relate to development without consent or contrary to consent conditions.

Most customer requests are resolved without any requirement to utilise formal regulatory actions. A total of 188 (excludes parking) formal regulatory actions (7%) were required, in response to a total of 2 731 customer requests.

Special programs

During the 2020-21 financial year, specific projects were conducted such as:

1. Animal shelter upgrades, maintenance and new signage installed
2. Regular patrols of beaches, pathways, and reserves to ensure adherence to dog restrictions
3. Free microchipping day conducted in partnership with the local branch of the RSPCA.
4. Companion animal outstanding lifetime registration program
5. Estuary health monitoring to assist with increasing knowledge of bushfire impacts
6. Beachwatch undertaken
7. Automating electronic parking ticketing

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S018-T00016

CONSIDERATIONS

An important role is played by Council in responding to CRMs concerning alleged illegal activities and the potential impacts to the community and/or the environment. Council's Compliance Policy outlines the processes for Council officers regarding the implementation of legislation, with consideration given to the severity of the activity, impacts on individuals, community, and the environment. Officers endeavour to achieve a balance between enforcement and education.

Council has developed strong relationships with agencies including NSW Food Authority, Department of Health, Department of Planning, Infrastructure and Environment, Environment Protection Authority, RSPCA and other Animal Welfare organisations, by working collaboratively to provide a consistent regulatory approach for compliance and enforcement activities.

Legal

Staff operate under a wide range of legislation and regulations and in accordance with Council's Compliance Policy which focuses on a graduated approach to achieve positive regulatory outcomes with a high emphasis placed on communication and education. The legislation includes, but is not restricted to, the following:

- *Protection of the Environment Operations Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Roads Act 1993*
- *Food Act 2003*
- *Swimming Pools Act 1992*
- *Companion Animals Act 1998*
- *Impounding Act 1993.*

Policy

Council officers observe and comply with a range of adopted Council policies including the Compliance policy, Local Orders and Clean Air Policies, and the

Environmental

Council is focused on public health, safety, and protection of the environment. As such, maintaining and protecting the natural environment in the Eurobodalla Local Government Area is important and is of major concern to the community.

Social Impact

Council considers the impact of an offender's actions on other individuals, the community, and the environment.

Community and Stakeholder Engagement

Council staff regularly seek opportunities to engage with the community through education programs, dedicated workshops, networking face to face with individuals while undertaking compliance functions to assist in achieving positive public, health and safety outcomes.

PSR21/035 REGULATORY ACTION STATUS REPORT 2020-21

S018-T00016

CONCLUSION

The Public and Environmental Health and Compliance Team's primary objective is to implement legislation and Council policy in response to community needs, ensuring that the health, safety and amenity of the community and environment is protected.

Council actions and regulatory processes are undertaken in accordance with the relevant legislation, adopted policies and codes of practice

PSR21/036 DONATION OF DEVELOPMENT FEE - NAROOMA MEN'S SHED

S006-T00001

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

Attachments: Nil

Outcome: 6 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

This report provides details relating to an application for a refund of Development Application (DA) fees to a non-profit charitable organisation.

Council received an application from Narooma Men's Shed for reimbursement of all its development fees associated with the approval and erection of the building.

The fees were paid in relation to Development Application 0004/20 related to the community facility built at Barker Parade, Narooma.

Council's Code of Practice – Reimbursement – DA Fees only permits the refund of the DA fee.

RECOMMENDATION

THAT a donation be made to Narooma Men's Shed to the value of \$1,857.00, being the assessment fee for Development Application 0004/20, in accordance with *Council's Code of Practice – Reimbursement – DA Fees*.

BACKGROUND

Narooma Men's Shed lodged a Development Application 0004/20 for the construction of a new community facility at Barker Parade, Narooma. Narooma Men's Shed is a not for profit charitable organization and provides a place for men where they can continue to use their skills or develop new skills in companionship with other men, for the benefit of the community

CONSIDERATIONS

Policy

Item 6 of *Council's Code of Practice – Reimbursement – DA Fees* allows for a refund of the DA fees paid by non-profit, voluntary/community groups.

Council received an application from Narooma Men's Shed for reimbursement of its fees associated with the development equaling \$3,578.24.

The fee breakdown includes:

- | | |
|--------------------------------|------------|
| • DA fees | \$1,070.00 |
| • NSW Planning levy | \$186.24 |
| • Advertising/Notification fee | \$463.00 |

PSR21/036 DONATION OF DEVELOPMENT FEE - NAROOMA MEN'S SHED

S006-T00001

• Consent Advertising	\$72.00
• Modification fee (MDA0076/20)	\$71.00
• Modification fee (MDA0087/21)	\$71.00
• Modification fee (MDA0204/21)	\$645.00
• Water connection	\$1,000.00
• Total	\$3,578.24

Council has been consistent with its process of managing the reimbursement of DA fees, such as the request from Narooma Men's Shed and in accordance with the Code of Practice, it is recommended that only the DA fee be reimbursed.

Financial

Council's Code of Practice – Reimbursement – DA Fees allows for a 100% refund for the Development Application portion of the fees as a donation to a non-profit, voluntary/ community organisation. In this instance, this portion equates to a donation back to Narooma Men's Shed of \$1,857.00.

The reimbursement of advertising fees and water connection fees is outside of the Code of Practice and Council's adopted position.

The NSW Planning levy fee is an NSW Government fee. Council does not receive these funds, rather it collects them on behalf of the NSW Government. Therefore, Council is not in the position to reimburse.

CONCLUSION

In accordance with *Council's Code of Practice – Reimbursement – DA Fees* it is recommended that a donation of \$1,857.00 being the relevant Development Application fee, be made to Narooma Men's Shed.

PSR21/037 DONATION OF DEVELOPMENT FEE - NAROOMA SCHOOL OF ARTS S006-T00001

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

Attachments: Nil

Outcome: 6 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

This report provides details relating to an application for a refund of Development Application (DA) fees to a non-profit charitable organisation.

Council received an application from Narooma School of Arts for reimbursement of all its development fees associated with the approval of the building.

The fees were paid in relation to Development Application 0152/20 related to the community facility built at Campbell Street, Narooma.

Council's Code of Practice – Reimbursement – DA Fees only permits the refund of the DA fee.

RECOMMENDATION

THAT a donation be made to Narooma School of Arts to the value of \$3,575.00, being the assessment fee for Development Application 0152/20, in accordance with *Council's Code of Practice – Reimbursement – DA Fees*.

BACKGROUND

Narooma School of Arts lodged a Development Application 0152/20 for the construction of a new community facility at Campbell Street, Narooma. Narooma School of Arts is a not for profit charitable organization and provides performing arts services for the community of Narooma. Council's *Creative Arts Strategy* states that one of the medium priority goals is a Memorandum of Understanding with Narooma School of Arts and to assist in finding funding for a community facility in Narooma.

CONSIDERATIONS

Policy

Item 6 of *Council's Code of Practice – Reimbursement – DA Fees* allows for a refund of the DA fees paid by non-profit, voluntary/community groups.

Council received an application from Narooma School of Arts for reimbursement of its fees associated with the development equaling \$66,699.80 plus certification fees that have not been paid at this stage.

The fee breakdown includes:

- DA fees \$3,575.00

PSR21/037 DONATION OF DEVELOPMENT FEE - NAROOMA SCHOOL OF ARTS S006-T00001

• NSW Planning levy	\$1,920.00
• Advertising	\$463.00
• Performance Solution	\$238.00
• Consent Advertising	\$72.00
• Section 7.12 (Prev. section 94A) contributions	\$30,000.00
• Water and Sewer Headworks	\$30,431.80
• Total	\$66,699.80

Council has been consistent with its process of managing the reimbursement of DA fees, such as the request from Narooma School of Arts and in accordance with the Code of Practice, it is recommended that only the DA fee be reimbursed.

Financial

Council's Code of Practice – Reimbursement – DA Fees allows for a 100% refund for the Development Application portion of the fees as a donation to a non-profit, voluntary/ community organisation. In this instance, this portion equates to a donation back to Narooma School of Arts of \$3,575.00.

The reimbursement of advertising fees, certification fees and contributions are outside of the Code of Practice and Council's adopted position.

The NSW Planning levy fee is an NSW Government fee. Council does not receive these funds, rather it collects them on behalf of the NSW Government. Therefore, Council is not in the position to reimburse.

CONCLUSION

In accordance with *Council's Code of Practice – Reimbursement – DA Fees* it is recommended that a donation of \$3,575.00 being the relevant Development Application fee, be made to Narooma School of Arts.

IR21/027 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2021-22

S030-T00018

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: Nil
Outcome: 7 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: 7.1.2.4 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 review. The main issues covered at the Eurobodalla Local Traffic Committee meeting, held 29 July 2021, are as follows:

- Signage – ‘No Right Turn’ Westbound at signalised intersection of Beach Road and Flora Crescent, Batemans Bay
- Signage – Move ‘No Stopping’ sign at intersection of Beach Road and Corrigans Crescent, Batehaven
- Funding Offer – Local Government Road Safety Program Funding Agreement 1 July 2021 to 30 June 2025.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 9 for 2020-21 be received and noted.
2. A proposal to install ‘No Right Turn’ signage on traffic signal posts at the intersection of Beach Road and Flora Crescent, Batemans Bay so that west bound vehicles on Beach Road are banned from turning right, be approved.
3. A proposal to move a ‘No Stopping’ sign located 9 metres from the kerb apex on Corrigans Crescent on the south west side of the intersection of Beach Road, Batehaven so that it is 16 metres from the intersection be approved.
4. The action taken to extend the Transport for NSW Local Government Road Safety Program Funding Agreement 1 July 2021 to 30 June 2025 including acceptance of contribution towards Council’s cost of employing a salaried Road Safety Officer, with up to 50% of the cost of salary, capped at \$64,600 per year until June 2025 including up to a maximum of 35% for on-cost be endorsed.

IR21/027 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2021-22

S030-T00018

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 1 for 2021-22 was held on 29 June 2021. The meeting was attended by Councillor Anthony Mayne (Chair), Sergeant Angus Duncombe (NSW Police), Nicole Brodie (Transport for NSW), Danielle Brice (representative for the Hon Andrew Constance MP), Dave Hunter (Traffic Coordinator), Kate McDougall (Road Safety Officer), Daniel Weekes (Maintenance Planning Officer) and Matt Cormick (minute taker).

APOLOGIES

Nil.

DEPUTATIONS

Nil.

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 9 for 2020-21 held on 10 June 2021 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

Nil.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2022.RT.001 Signage – ‘No Parking’ Old Princes Highway, Batemans Bay

NSW Police have raised concerns that when westbound vehicles on Beach Road turn right (to the north) at the Flora Crescent signalised intersection it presents a road safety risk of rear end collisions and crashes with pedestrians.

This intersection has a ‘T’ configuration with Flora Crescent to the south. There are several businesses that access Beach Road via driveways to the north however there is no vehicle activated sensor on this ‘4th leg’.

It is proposed to install ‘No Right Turn’ signage on 3 of the signal posts viewed by drivers travelling west on Beach Road. These vehicles can practically access the northern driveways by either undertaking a ‘U’ turn at Perry Street roundabout or travel around to Flora Crescent and enter the driveways from the south.

Photos of the site marked up with the location of the ‘No Right Turn’ signage were reviewed by the Committee.

The Committee agreed that installing ‘No Right Turn’ signage will reduce the risk to all road users.

The Transport for NSW representative advised that Traffic Signals are operated by TfNSW and an officer will contact Council to determine the installation process for the signage.

Recommendation:

That a proposal to install ‘No Right Turn’ signage on traffic signal posts at the intersection of Beach Road and Flora Crescent, Batemans Bay so that west bound vehicles on Beach Road are banned from turning right, be approved.

IR21/027 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2021-22

S030-T00018

2022.RT.002 Signage – Move ‘No Stopping’ sign at intersection of Beach Road and Corrigans Crescent, Batehaven

Concerns have been raised from the manager of a drive-in liquor outlet on Corrigans Crescent, Batehaven that the nearby intersection with Beach Road is a road safety risk. The manager has observed near misses when large vehicles turn at the intersection.

The Traffic Coordinator attended the site and observed a medium size truck cutting the corner due to a car being parked on Corrigans Crescent close to the intersection on the south west side.

A ‘No Stopping’ sign is located 9 metres from the kerb apex on Corrigans Crescent on the south west side of the intersection. Relocating the ‘No Stopping’ sign so that it is 16 metres from the kerb apex will allow large vehicles to negotiate the intersection with a reduced risk of a collision with other vehicles.

Photos of the site marked up with the location of the ‘No Stopping’ signs were reviewed by the Committee.

Recommendation:

That a proposal to move a ‘No Stopping’ sign located 9 metres from the kerb apex on Corrigans Crescent on the south west side of the intersection of Beach Road, Batehaven so that it is 16 metres from the intersection be approved.

INFORMAL ITEMS FOR DISCUSSION

2022.IN.001 Funding Offer – Local Government Road Safety Program Funding Agreement 1 July 2021 to 30 June 2025

The Local Government Road Safety Program (LGRSP) is a partnership between Transport for NSW (TfNSW) and participating local councils in NSW. The program provides up to 50 per cent funding contribution toward the salary of a Road Safety Officer (RSO) as well as funding for local road safety projects.

The Eurobodalla RSO is currently employed 21 hours per week, and funding has now been secured until 30 June 2025. Each financial year the Road Safety Officer applies for funding based on TfNSW/NSW state-wide initiatives and campaigns as well as dedicated local road safety campaigns and initiatives. The focus of these road safety projects is primarily educational and aimed at behavioural change.

The Local Government Road Safety Program (the program) is designed to enhance road safety in local areas by funding programs targeted at local issues.

The LGRSP has been revised so the Safe Systems approach to road safety is used in the development of all local road safety projects submitted for funding.

Local councils have a key role in the Safe System. Councils provide local road infrastructure and provide the community with road safety messages and information. Councils can deliver projects addressing local road safety issues to their community across the whole of the safe

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system, influencing safer people, roads, vehicles and speeds with funding provided from TfNSW.

The Eurobodalla RSO is identified in Council's Delivery Program and Operations Plan under 1.1.1 to collaborate with key partners to address issues of community safety; 1.1.1.2 Providing road safety programs and activities.

Council's Eurobodalla Road Safety Plan 2019-2022 identifies under 6.4 Safe People – actions to save lives:

- Develop and undertake education programs to target behaviours representing primary causal factors in local crashes including speeding, alcohol and fatigue.
- Promote and encourage greater understanding of shared use of roads by all road users including pedestrians and cyclists.
- Motorcycle education for those who are new to riding and those who are returning as a leisure activity.

Additional actions tied to the RSO can be viewed in the link:

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0005/161429/Eurobodalla-Road-Safety-Plan-2019-2022.pdf

The program is administered by TfNSW regional road safety staff that assist RSOs and local stakeholders to work together to implement local road safety projects.

Projects funded under the program provide information and assistance on safe road use to all road users with road safety issues such as drink driving/riding, fatigue, inappropriate speeds and pedestrian safety being addressed.

The program continues to strengthen partnerships such as with NSW Police, Australian Federal Police and Local Government Agencies including Queanbeyan Palerang Regional Council and ACT Government for road safety on the Kings Highway.

TfNSW is committed to continue funding the program on an ongoing basis. From July 2021 the Road Safety Officer Program Funding agreement will be issued to councils every four years to give greater certainty and to ensure road safety goals can be integrated into councils' four-year strategic planning budget cycles, which is a positive change.

Recommendation:

That the action taken to extend the Transport for NSW Local Government Road Safety Program Funding Agreement 1 July 2021 to 30 June 2025 including acceptance of contribution towards Council's cost of employing a salaried Road Safety Officer, with up to 50% of the cost of salary, capped at \$64,600 per year until June 2025 including up to a maximum of 35% for on-cost be endorsed.

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2022.IN.002 Special Event Applications – Update on approved special events postponed or cancelled due to Covid 19 restrictions

Special events approved by the Committee are affected by COVID-19 restrictions.

Status of special events either postponed or cancelled was presented to the Committee at the meeting.

Since the meeting further updates have been received:

- Mogo to Nelligen Goodness Gravel mountain bike ride – postponed until 2022
- Crank it Up Rock and Roll Batemans Bay – proposed tentative dates 10 to 12 September 2021
- Narooma Forest Rally – proposed tentative date 6 November 2021
- Rally of the Bay – postponed new tentative date 13 November 2021

Any future changes will be relayed to the Committee via email.

GENERAL BUSINESS

The representative for the Hon Andrew Constance MP advised that the NSW Government awarded \$3 million to the Mogo Trails mountain bike project through the Growing Local Economies Fund. The Australian Government is also helping deliver this project through a grant under the Building Better Regions Fund that matches Council's funding commitment. The Committee agreed that encouraging use of bicycles in the local community on or off-road encourages a safe, healthy and environmentally friendly mode of transport and thanked the Australian and NSW governments for funding these initiatives.

The Chair acknowledged the important role the Local Government Road Safety Program plays in underpinning the Safe Systems approach and subsequent reduction in serious crashes and fatalities within our community.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 2 September 2021 in Council's Glass Meeting Room and via MS Teams commencing at 9am (dependent on COVID-19 protocol at that time).

CAR21/016 FEES AND CHARGES - OPERATING THE BAY PAVILIONS

**S026-
T00023**

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

Attachments: 1. Attachment A - Proposed Schedule of Fees and Charges for operating Bay Pavilions

Outcome: 5 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: 5.1.3.2 Conduct a tender process for the management of the Regional Aquatic, Arts and Leisure Centre Batemans Bay, subject to all Council and Development Application approvals

EXECUTIVE SUMMARY

The purpose of this report is to propose new charges to Council's 2021-22 Fees and Charges for the operation of the Bay Pavilions.

The proposed fees and charges (as provided in Attachment A) cover a range of services relating to the Bay Pavilions. These services include (but not limited to):

- The price of entry and membership to access the pools, waterslides, gym and group exercise classes;
- The hiring costs to book the theatre, rehearsal space and meeting rooms; and
- The fees associated with exhibiting art in the hanging gallery.

The aim of this process was to ensure the proposed fees and charges achieve a balance, considering general affordability across each service area, comparison with other similar services (not undercutting or overcharging) and the level of user subsidisation by the community against each other.

By establishing fees and charges for the Bay Pavilions in 2021, the contractor will be able to effectively transition into the new facility and commit to pre-sales and promotion over the summer months and into 2022.

In accordance with the *Local Government Act 1993* (LG Act), any amendment to Council's 2021-22 Fees and Charges, requires Council provide public notice for at least a 28-day period, with a further report to Council at the end of the exhibition period.

RECOMMENDATION

THAT:

1. The draft Fees and Charges for the operation of the Bay Pavilions be placed on public exhibition for a period not less than 28 days

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2. Following public exhibition, a further report be submitted to Council for the consideration of submissions and adoption of the Fees and Charges for the operation of the Bay Pavilions.

BACKGROUND

Council annually review fees and charges for a wide range of Council-provided services and facilities as part of its Delivery Program and Operation Plan. Council adopted the 2021-22 Fees and Charges in the Council Meeting held on Tuesday 22 June 2021 as part of motion GMR21/030:

“THAT:

Council make each fee and charge for 2021-22 in accordance with the Revenue Policy and Fees and Charges as attached to the report”.

With the completion of the Bay Pavilions planned for first half of 2022 and a preferred contractor (Aligned Leisure) selected to operate the facility, a schedule of fees and charges is now proposed with the aim of having endorsed fees and charges in place as part of the transition period from the construction to operation of the Bay Pavilions.

The fees and charges were initially developed by Otium Planning Group (specialists in planning leisure facilities throughout Australia) in preparing an updated business model for the management and operation of the Bay Pavilions in mid 2020. Through a comparison of fees and charges set across a range of regional facilities of a comparable size and offering to the Bay Pavilions, the consultants established a set of indicative fees and charges that provided the basis for modelling indicative revenue and expenditure for the new facility.

Further to this work, Council staff have reviewed and revised the proposed fees and charges in early 2021, comparing the proposed fees and charges against exiting Council fees as well as the fees and charges of several other regional NSW leisure and art facilities managed by local governments and/or and private operators where applicable.

The proposed fees and charges for operation the Bay Pavilions are included in Attachment A provided.

CONSIDERATIONS

In order to best transition into the Bay Pavilions, Aligned Leisure are required to start pre-sales and promotion for the Bay Pavilions over the summer. This necessitates the need to have the new fees and charges included in Council’s 2021-22 Fees and Charges.

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Through the detailed price analysis provided by Otium and Council staff at different stages of the project development, it is considered that the proposed fees and charges are comparatively affordable but also allow the facility to be financially sustainable in years to come.

Furthermore, the proposed fees and charges were used by tenderers in preparing financial returnable schedules during the tender process for the management of the Bay Pavilions.

More specifically, the proposed fees and charges consider the following:

Aquatic (pools and waterslides)

The aquatic component of the Bay Pavilions will provide a 25m indoor pool, warm water therapy pool, paddle pool and outdoor splash pad. In addition, the facility will have four (4) waterslides as a major attraction.

The casual adult entry into the aquatic area of the Bay Pavilions is proposed at \$7.00. While this price is a slight increase to the current Council entry fee, charged at \$5.90 for Moruya and Narooma aquatic facilities, the Bay Pavilions is a new facility and will provide access to a range of additional aquatic features. Therefore, the slight increase is considered reasonable.

The prices for the waterslide component are comparable to other regional aquatic facilities that provide waterslides, and the two hour and day pass options allow a level of choice for patrons using the slides.

An activity meeting room (42m²) is provided in the aquatics component of the facility and will accommodate the Batemans Bay Swimming Club meetings and private functions such as birthday parties and small events.

Health, Fitness and Gym

The facility has provision for 24-hour access to a gym and associated program rooms for a variety of exercise classes.

A detailed price comparison was specifically given to proposing gym entry and membership prices against other commercial gyms in the area. It remains difficult comparing like-for-like gym prices, as each gym in the area provides different offerings, however; the proposed prices are deemed to be both competitive and affordable.

Membership

The new schedule of fees and charges provides a range of membership options for accessing different or multiple services of the Bay Pavilions, providing the community choice. These memberships options consider full centre access down to separate access to individual components, such as aquatic, gym and group exercise.

Theatre and Performing Arts

The Bay Pavilions provides a performing arts area, including a 500-seat theatre, a rehearsal studio (112m²) and green room (59m²).

The proposed pricing of hiring the theatre is comparable to other regional theatres of a similar scale. The pricing also considers a reduced rate for community performances and events. In addition, there is an option of hiring facility staff to assist in running a performance or event.

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Gallery

The facility provides approximately 35m of hanging space in the centre foyer. As this will be a highly trafficable area, there is likely to be demand for exhibiting artwork.

The pricing for hiring the gallery area for art exhibitions has been set by considering the demand for exhibiting artwork the space, the area of hanging space available and comparison given to prices applied for other gallery spaces in the region.

Community Services

The Bay Pavilions provides a range of rooms for community hire that surround the theatre. These rooms include a rehearsal studio, green room, two (2) workshops (62m² and 67m² respectively) and a meeting room (52m²). The variety of rooms provide a diverse offering for community groups wanting to hire spaces.

The community rate of \$25 for 3 hours to hire a meeting room at the new facility is comparable to the existing Council fees and charges for hiring a meeting room, ranging from \$12-21 for hour. The prices have been set to be affordable and consider a range of rates including community, standard and commercial use.

Legal

In accordance with the Clause 610F (3) of the LG Act, Council is required to provide public notice for at least a 28-day period for any amendment to Council's adopted fees and charges.

Policy

Council has adopted fees and charges for 2021-22 which provide the community a set of prices for accessing or using Council-provided services. The proposed fees and charges for the operation of the Bay Pavilions represent an amendment to the established Council Fees and Charges, adopted in June 2021.

Asset

The proposed fees and charges will, in part, support the maintenance of the Bay Pavilions.

Social Impact

The Bay Pavilions will become a community gathering place for a range of different users at different times throughout the year, seasons, weekdays and weekends and during the day and night.

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Through detailed analysis, the proposed fees and charges for the Bay Pavilions are considered to be affordable and comparative to other regional facilities. The draft schedule of fees and charges also provide a range of choice for the community in accessing different or multiple parts of the new facility and provide discounted rates for concession cardholders, children, families and community groups.

Economic Development Employment Potential

The opening of the new facility will have a dramatic impact on the local and regional economy, providing a number of local jobs in the community. The Bay Pavilions will attract a greater number of visitors to the region and provide more reasons for people to relocate to the area which will have direct and indirect benefit to businesses in the Batemans Bay area.

Implementing new fees and charges will allow the contracted operator to employ local staff and to start pre-sales and promotion of the new facility this summer.

Financial

The proposed fees and charges will influence the potential revenue that the Bay Pavilions will generate. These fees and charges have also been used by Otium Planning Group to establish a business model for the facility and these have been further applied by the contract operator to provide Council with a forecasted revenue and expenditure for operating the facility over the next 5 years.

In accordance with these forecasts, which have been based on the proposed fees and charges presented in this report, Council has established an ongoing operational budget for the management and operation of the Bay Pavilions.

Community and Stakeholder Engagement

We will inform the community through providing information on Council's website and providing public notice on Council's noticeboard page in two local newspapers.

Council will place the proposed schedule for fees and charges on public exhibition for a period of not less than 28 days commencing on 25 August until 22 September 2021. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

The success of the transition and opening of the Bay Pavilions rely on Council setting new fees and charges that relate to the services provided at the new facility. Establishing the proposed fees and charges will allow the operator to conduct pre-sales and promotion of the facility this summer.

In accordance with LG Act, Council are required to provide public notice of the new fees and charges for a period of no less than 28 days.

Operation of the Bay Pavilions – Schedule of Fees and Charges

AQUATIC FACILITY (BAY PAVILIONS)	PRICE (incl. GST)
Adult Swim	\$7.00
Child Swim	\$5.00
Concession Swim	\$5.00
Family (2 adults, 2 children)	\$22.00
Spectator fee	\$2.50
Waterslide Ticket Adult (2 hours)	\$13.00
Waterslide Ticket Child (2 hours)	\$9.00
Waterslide Ticket All Day Pass - Adult	\$22.00
Waterslide Ticket All Day Pass - Child	\$16.00
Squad (Per session)	\$15.00
Swim Squad Child/Concession - casual entry	\$4.50
Schools (Fee per student)	\$4.50
Lane hire (Per hour)	\$42.00
AQUATIC PROGRAMS	
Swimming Lesson per class	\$17.00
School Swimming Lesson per class	\$7.00
Aquarobics	\$14.00
Swim Visit Pass (10) - Child/Concession	\$45.00
Swim Visit Pass (10) - Adult	\$60.00
AQUATIC MEMBERSHIP (includes entry fee)	
Aquatics Membership Joining Fee	\$60.00
Aquatics Membership Monthly DD* Membership Fee (Adult)	\$48.00
Aquatics Membership Monthly DD* Membership Fee (Conc/Child)	\$42.00
Aquatics Membership Monthly DD* Membership Fee (Family)	\$80.00
HEALTH & FITNESS CASUAL	
Gym Adult - Casual visit	\$17.00
Gym Concession - Casual visit	\$13.00
Gym School Student - Casual visit	\$12.00
Gym Club Member - Casual Visit	\$15.00
Gym Adult - 7 Day Promotion Pass	\$30.00
Gym Concession - 7 Day Promotion Pass	\$25.00
Indoor Cycling - Spin Class Casual visit	\$15.00
Group Exercise Adult Class - Casual visit	\$15.00
Group Exercise Concession Class - Casual visit	\$13.00
Older Adults/Pilates/Yoga/Wellness Class - Casual Visit	\$12.00
Group Exercise 10 Visit Pass - Adult	\$125.00
Group Exercise 10 Visit Pass - Concession	\$115.00

* DD - Direct Debit

AQUATIC FACILITY (BAY PAVILIONS)	PRICE (incl. GST)
GYM & HEALTH AND FITNESS CENTRE MEMBERSHIPS	
Joining Fee	\$60.00
Gym Membership - Monthly DD* Membership Fee	\$67.20
Gym Membership - Monthly DD* Membership Fee (Conc)	\$58.80
Gym Membership - Monthly DD* Membership Fee (Youth)	\$56.00
Health and Fitness - Monthly DD* Membership Fee (Adult)	\$62.40
Health and Fitness - Monthly DD* Membership Fee (Concession)	\$54.60
FULL CENTRE MEMBERSHIPS	
Joining Fee	\$60.00
Platinum Membership (Full Centre Access) Monthly DD* Membership Fee	\$86.00
Gold Membership (Gym & Group Exercise Access) Monthly DD* Membership Fee	\$71.00
Platinum Membership Monthly DD* Membership Fee - (Conc)	\$78.70
Gold Membership Monthly DD* Membership Fee - (Conc)	\$61.00
AQUATIC EVENTS	
Indoor Pools Evening Events	\$750.00
Indoor Pools Day Time Carnivals	\$600.00

THEATRE FACILITY (BAY PAVILIONS)	PRICE (incl. GST)
Community Performance Rate (8 hrs)	\$600.00
Standard Performance Rate (8 hrs)	\$700.00
Community Meeting / Seminar Rate (4 hrs)	\$300.00
Standard Meeting/Seminar Rate (4 hrs)	\$380.00
Booking Fee (per ticket)	\$2.00
Staff Hire (full staffing, 4 hours)	\$600.00
Staff Hire (single staff member, 4 hours)	\$160.00
Entrepreneurial Program - Average, full ticket price	\$35.00
Entrepreneurial Program - Average, concession ticket price	\$22.00
GALLERY	
Community Rate (monthly including set up and take down)	\$499.00
Standard Rate (monthly including set up and take down)	\$579.00
REHEARSAL STUDIO	
One Hour Booking - Community Rate	\$30.00
One Hour Booking - Standard Rate	\$35.00
One Hour Booking - Commercial Rate	\$40.00
Half Day Booking - Community Rate	\$100.00
Half Day Booking - Standard Rate	\$125.00
Half Day Booking - Commercial Rate	\$150.00

* DD - Direct Debit

THEATRE FACILITY (BAY PAVILIONS)	PRICE (incl. GST)
REHEARSAL STUDIO (continued)	
Full Day Booking - Community Rate	\$200.00
Full Day Booking - Standard Rate	\$230.00
Full Day Booking - Commercial Rate	\$250.00
Staff Hire (single staff member, 4 hours)	\$160.00
WORKSHOP SPACE	
Arts Centre Workshop Spaces - Community Rate (3 hours)	\$90.00
Arts Centre Workshop Spaces - Standard Rate (3 hours)	\$105.00
Arts Centre Workshop Spaces - Commercial Rate (3 hours)	\$125.00
Green Room - Community Rate (3 hours)	\$70.00
Green Room - Standard Rate (3 hours)	\$90.00
Green Room - Commercial Rate (3 hours)	\$110.00
Meeting Room - Community Rate (3 hours)	\$25.00
Meeting Room - Standard Rate (3 hours)	\$40.00
Meeting Room - Commercial Rate (3 hours)	\$55.00
Staff Hire (single staff member, 2 hours)	\$125.00

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.