



AGENDA

Ordinary Meeting of Council

10 November 2015

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

ON TUESDAY 10 NOVEMBER 2015

COMMENCING AT 10.00AM

AGENDA

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

- | | | |
|------------|--|-----------------|
| 1. | WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE | |
| 2. | APOLOGIES
Nil | |
| 3. | PUBLIC FORUM (AGENDA ITEMS ONLY) | |
| 4. | CONFIRMATION OF MINUTES OF PREVIOUS MEETING | |
| 4.1 | Ordinary Meeting held on 27 October 2015 | |
| 5. | DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA
(Declarations also to be made prior to discussions on each item) | |
| | | Page No. |
| 6. | MAYORAL REPORTS | |
| 7. | NOTICES OF MOTION | |
| NOM15/010 | Eurobodalla Interim Sea Level Rise Policy | 3 |
| 8. | QUESTIONS ON NOTICE FROM COUNCILLORS | |
| QON15/002 | Audited Asset Management Systems | 6 |
| QON15/003 | Sea Level Rise Policy and Planning Framework | 9 |
| 9. | PETITIONS
Nil | |
| 10. | GENERAL MANAGER'S REPORTS | |
| GMR15/035 | Fit for the Future | 13 |

GMR15/036	Australia Day Awards 2016 - Selection Panel	22
GMR15/037	Councillor Expenses and Facilities Policy.....	24
11.	PLANNING AND SUSTAINABILITY REPORTS	
PSR15/051	Tern Inn - modification to operating hours	40
12.	INFRASTRUCTURE REPORTS	
IR15/047	Funding Offer - 2015-16 Bush Fire Risk Mitigation and Resilience Grants Programs.....	45
13.	FINANCE AND BUSINESS DEVELOPMENT REPORTS	
FBD15/076	Licence for Kayak Hire, Narooma	52
FBD15/077	Road widening, Congo Road South	55
14.	COMMUNITY, ARTS AND RECREATION REPORTS	
	Nil	
15.	DELEGATE REPORT	
16.	URGENT BUSINESS	
17.	DEALING WITH MATTERS IN CLOSED SESSION	58
18.	CONFIDENTIAL MATTERS	
CON15/016	Lease of Lakesea Holiday Park <i>Item CON15/016 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and (dii) of the Local Government Act because it contains and information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	

DR CATHERINE DALE
GENERAL MANAGER

NOM15/010 EUROBODALLA INTERIM SEA LEVEL RISE POLICY

E00.4623; E13.7268; E09.3154; E10.4158

Responsible Officer: Milton Leslight - Councillor

Attachments: Nil

Councillor Milton Leslight has given notice that at the Ordinary Meeting of Council on 10 November 2015, he will move the following motion.

MOTION

THAT Council:

1. Repeals the Eurobodalla Interim Sea Level Rise Policy and its endorsement of the South Coast Regional Sea Level Rise Planning and Policy Response Framework and adopts the current Shoalhaven sea level rise policy.
2. Ensures uniformity with Eurobodalla and Shoalhaven coastal planning instruments and management plans.

BACKGROUND

At its meeting of 25 November 2014, considering PSR14/062 South Coast Regional Sea Level Rise Planning and Policy Response Framework, Council resolved to adopt the South Coast Regional Sea Level Planning and Policy Framework (the Whitehead Report) with the exception of the sea level rise component that was reduced from RCP 8.5 to RCP 6 from the *Intergovernmental Panel on Climate Change Assessment Report 5* (2012).

In adopting the Framework, supportive Councillors endorsed the content of the Whitehead report in full, along with the recommendations contained in that report.

With regard to Council's legal obligations the report states:

"councils once again have the freedom to determine what allowance they will make for sea-level rise and how that will translate into future planning and development controls."

With regard to factors affecting Council's decision making process, the report states:

At the *Risk Preliminaries* workshop, a brainstorming exercise was undertaken which aimed to identify **other factors relating to the risk environment of both councils that would affect the risk based decision making**. These risk factors were identified in the report and include:

1. Community **members** that are **directly affected** by sea-level rise tend to be vocal. These **include actual land owners and the real estate industry**. **Significant concern is expressed over the impact on coastal property prices;**
2. The broader community, who are not directly impacted, can be apathetic about the issue, even though **future solutions may require substantial expenditure that would be borne across the community;**
3. **There is a general reluctance of government to allocate money for implementation of the recommendations of management plans.** Given the limited available funding, this is unsurprising;

NOM15/010 EUROBODALLA INTERIM SEA LEVEL RISE POLICY

**E00.4623;
E13.7268;
E09.3154;
E10.4158**

4. **Populations are ageing in the two LGA's and growth areas include aged care and tourism. The flat, accessible lands near the coasts are preferred by these industries. Tourism centres and facilities tend to coalesce around the coast, meaning that the infrastructure is susceptible to sea-level rise. There is high youth unemployment.**
5. **Funding is very constrained, and the sensible distribution of available funds may be overly affected by short term public preferences. For example, spending money for the adaptation/upgrade of a surf lifesaving club building is more palatable than upgrading sewerage infrastructure. A large amount of funding may be required in future, which conflicts with the overall pattern of reducing government expenditure.**

Because these risk factors were very clearly outlined in the report, Councillors voting in support of Report PSR14/062 acknowledged their understanding and consideration of the risk factors outlined in the report.

It must be assumed therefore that these Councillors made their decision to support the motion in full knowledge that:

- Their decision would impact coastal property prices.
- The decision could adversely affect the two main industries in the Eurobodalla i.e. aged care/retirement living and tourism.
- Solutions could require substantial expenditure to be borne by the whole community.
- There was little chance of Council obtaining government funding to implement solutions.
- Ratepayers may not endorse the use of available funds for sea level rise related works.

When related to the Councillors' Guide and Section 733 of the Local Government Act 1993, it must be asked whether supportive Councillors considered all of their community and councillor responsibilities and obligations when making their decision to vote in favour of this motion. The Councillor Guide states:

Prior to making decisions councillors should ask four key questions:

1. *What impact will the decision have on the community (including residents and ratepayers) and the environment in both the immediate and long term?*
2. *What impact will the decision have on council's finances both in the immediate and long term?*
3. *How does this decision fit in with the long-term direction of the council?*
4. *Are all of the relevant materials and facts available to make an informed decision?*

NOM15/010 EUROBODALLA INTERIM SEA LEVEL RISE POLICY

**E00.4623;
E13.7268;
E09.3154;
E10.4158**

In addition, specifically in relation to project proposals before the council, the first step in the process is to ensure that the proposal makes sense and that each part is logically supported with sound analysis and actions. Some additional questions to ask include:

- *Will the performance measures contained in the proposal enable council to adequately monitor its progress and measure if it is achieving the desired outcome?*
- *Does the proposal provide value for money?*
- *Is the cost-benefit acceptable?*

The question must also be asked whether Councillors are vulnerable to legal action for voting in support of a policy that diminishes property values and adversely affects the local economy without any consideration of the available solutions or funding?

The same question must be asked of the Interim Sea Level Rise Adaptation Policy which Council has also refused to repeal. It is this policy that started the downturn in Eurobodalla coastal property values as the Framework identifies.

In the interests of our coastal community and the integrity of this Council and its elected Councillors, I give notice of a motion that Council:

- a) Repeals the Eurobodalla Interim Sea Level Rise Policy and its endorsement of the South Coast Regional Sea Level Rise Planning and Policy Response Framework and, adopts the current Shoalhaven sea level rise policy.
- b) Ensures uniformity with Eurobodalla and Shoalhaven coastal planning instruments and management plans.

QON15/002 AUDITED ASSET MANAGEMENT SYSTEMS

E15.9041;

Responsible Officer: Milton Leslight - Councillor

Attachments: Nil

The following question on notice was received from Councillor Leslight:

Question

It has been noted that in its SRV application, Council advised IPART that, "Council is proposing to undertake an independent audit of its asset management position including depreciation and revaluation, which will improve its ability to plan and address the infrastructure backlog and asset renewals."

If Council does not have audited asset management systems in place, (the relevant Accounting Australian Standard is AS27), it must be assumed that the infrastructure cost projections provided to IPART were in fact "best guesses" made by engineering staff.

A number of my constituents are asking how IPART could make a favourable "fit for future" deliberation without audited background material and verified expenditure projects.

Could the administration please provide the community with an assurance that its infrastructure and plant and equipment cost projections are accurate, and take into account all of the Eurobodalla's infrastructure needs for at least the next 10 years? This includes programmed maintenance and grading for all rural roads, upgrading of all sewerage pumping stations that eject overflow directly into our waterways, flood and stormwater mitigation works, replacement of degraded sealed road surfaces, sewerage lines, water pipes, etc etc.

Could the administration also provide an assurance that it is financially fit for at least the next 10 years, and there will be no more special rate variation applications required for that period of time?

Response

Further information regarding IPART's review of Eurobodalla Council's Fit for the Future Improvement Proposal is outlined in item GMR15/035 Fit for the Future. It is noted that Eurobodalla Council was assessed as 'Fit'.

It is confirmed that there is no new additional rate variation proposal for the General Fund in Council's Long Term Financial Plans and as stated in Council's Fit for the Future Improvement Proposal, for the suite of works and services agreed by Council (Refer Page 54).

The financial ratios within the Fit for Future criteria, set by the NSW Government, applied to the General Fund only and did not include water and sewer as these operate as separate funds.

Council's submission to IPART for Fit for Future included the Improvement Action Plan approved by Council at its meeting of 23 June 2015. One element of this Plan included the following action:

'Optimise infrastructure to meet community need

We will continue to undertake revaluations of assets, implement key asset and infrastructure strategies and undertake an independent audit of Council's asset management position which

QON15/002 AUDITED ASSET MANAGEMENT SYSTEMS

E15.9041;

will provide improved ability to plan and address the Building and Infrastructure Asset Renewal and Infrastructure Backlog ratios.'

IPART recognised and noted this positive continuous improvement statement on page 195 of its assessment of local council's Fit for the Future Proposals (released October 2015).

It is worth noting that Council's Special Rate Variation submission to IPART included copies of all of our current asset management plans (AMPs) to enable independent review of this material. Each of these plans is developed based on the currently available information using accepted sector methodologies and estimates of cost based on actual experience. The figures used are reviewed by a cross organisational team including staff from Engineering and Finance.

The AMPs include processes for continuously improving the plans such as improving asset data, regular review of asset condition as well as a regular review of factors influencing upgrades due to capacity, functionality and/or other factors. These asset management plans will continue to be reviewed on a cyclic basis in line with the revaluation of assets and/or to reflect the outcomes adopted in new strategies.

Each of the asset management plans is informed by various strategies and studies. As these strategies are also reviewed on a cyclic basis over time, the asset management plans and associated long term financial plans will require regular updating to reflect the latest information. Council will be undertaking a review of the following strategies during 2015/16 in consultation with the community:

- i) Community Strategic Plan
- ii) Recreation & Open Space Strategy
- iii) Pathways Strategy

Council's decisions in regard to the above will need to take account of the Fit for Future criteria set by the NSW Government and the long term financial sustainability of Council.

The NSW Office of Local Government (OLG) also requires a full revaluation of assets by class (eg roads, buildings) in accord with the schedule it mandates. The revaluation of assets influences outputs such as the calculation of depreciation. Council complies with the OLG revaluation schedule and provides the methodologies and estimates of cost under-pinning this analysis to our independent auditors for review.

Council also complies with all applicable accounting standards in the formulation of its financial information. The Financial Statements have received an unqualified audit report.

The above processes are a normal part of the Integrated Planning and Reporting requirements put in place by the NSW Government and implemented by Council. These processes ultimately help Council develop its Delivery Program and Operational Plan, outlining the works and services to be delivered for our community.

It is noted that the Office of Local Government is working to provide updated guidelines on the definitions and methodologies used to calculate key infrastructure ratios. This is anticipated this financial year and Council will respond to these when available.

QON15/002 AUDITED ASSET MANAGEMENT SYSTEMS

E15.9041;

*

It is also noted that Council's own source revenue exceeds the IPART benchmark with IPART noting 'in particular, the Council has a robust revenue base'.

It is important to again note that there is no new additional rate variation for the General Fund in Council's Long Term Financial Plans submitted and as stated in Council's Fit for the Future proposal, for the suite of works and services currently agreed by Council.

RECOMMENDATION

THAT the response to the question regarding Audited Asset Management Systems raised by Councillor Leslight be received and noted.

QON15/003 SEA LEVEL RISE POLICY AND PLANNING FRAMEWORK

E15.9041; E13.7268; E09.3154; E10.4158

Responsible Officer: Rob Pollock - Councillor

Attachments: Nil

The following question on notice was received from Councillor Pollock:

Question

Background

On 27 October 2015 Councillor Leslight attempted to move a motion as a matter of urgency. This attempt was unsuccessful however he did circulate to Councillors some material related to the matter. I have read that material and as result would like to place the following questions on notice.

Questions

1. Does the South Coast Regional Sea Level Rise Policy and Planning Framework (The Whitehead Report) acknowledge an adverse effect on property prices?
2. Does the policy create a financial obligation for ratepayers?
3. Is the policy likely to negatively impact on aged care / retirement living and tourism or other drivers of economic growth in the shire?
4. Is Councillor Leslight's claim that the policy started the downturn in Eurobodalla coastal property values accurate? Has there actually been a downturn in Eurobodalla coastal property values?

Response

1. The Whitehead report does not acknowledge an adverse effect on property prices. Section 2.7.1 of the report summarises External Factors broadly relating to the risk environment of both Eurobodalla Shire and Shoalhaven City councils. Among the summary of factors identified was that *"Community members that are directly affected by sea-level rise tend to be vocal. These include actual landowners and the real estate industry. Significant concern is expressed over the impact on coastal property prices"*. These comments identify concerns expressed by some members of the community and real estate agents and not the consultants.

To further clarify this statement in the report, the authors of the Whitehead Report (David Wainwright and Doug Lord) met to discuss these questions on 2 November 2015. The authors are best placed to advise exactly what their report does or does not acknowledge. As a result of this meeting, David Wainwright has advised that from the context of section 2.7 and 2.7.1 of the Whitehead report, *"it should be clear here that it is "land owners and the real estate industry" that are expressing significant concern"*.

2. The policy does not create a financial obligation for ratepayers. The report was initiated to provide both Eurobodalla Shire and Shoalhaven City councils with regionally relevant sea level rise projections and a risk assessment and policy response framework to address sea

QON15/003 SEA LEVEL RISE POLICY AND PLANNING FRAMEWORK

**E15.9041;
E13.7268;
E09.3154;
E10.4158**

level rise in strategic planning, development control and consent activities. The report does not recommend or commit council to any specific works.

A detailed assessment of coastal hazards is currently underway via the preparation of the Eurobodalla Coastal Zone Management Plan (CZMP). The CZMP will assess options for mitigating against coastal hazards and make associated recommendations where appropriate. Notwithstanding the completion of the CZMP, any financial commitments of council must be clearly reported and committed to in the Delivery Program and Operational Plan. No such commitments have been made through the Integrated Planning and Reporting process as a consequence of the Whitehead Report.

Following adoption of the Whitehead Report, Council adopted the Interim Coastal Hazards Adaptation Code on the 24 February 2015. This Code imposes no financial obligation for ratepayers. Through the Environmental Planning and Assessment Act and with reference in Council's Local Environmental Plan, the Code provides the legal obligation for development to consider coastal hazards. The policy provides the framework for implementing the Code. There may be additional costs to developers in addressing coastal hazards impacting on sites.

3. New development for any use will need to be assessed in accordance with the NSW Government statutory requirements and the adopted Interim Coastal Hazards Adaptation Code. The Code allows proponents of development to assess and mitigate against the risk from coastal hazards and therefore plan an appropriate development response. The Code is very flexible in terms of assessing commercial and tourism development. For example, shorter planning periods and reduced flood planning levels are applied to commercial development. Some types of tourist development, such as tent sites, will be assessed against immediate hazards only (ie, no sea level rise) due to the flexible and temporary nature of the use.

The policy position of Council provides certainty to developers and investors as they clearly know Council's expectations for meeting the assessment requirements of development in areas identified as being potentially subject to future sea level rise and coastal hazards.

The following aged care facilities are located outside of the areas considered to be at risk from sea level rise:

- Maranatha Lodge - Batehaven
- Opal Aged Care – Denhams Beach
- Banksia Village – Broulee
- Illawarra Retirement Trust – Moruya
- Illawarra Retirement Trust – Dalmeny.

The policy is therefore not likely to negatively impact on aged care facilities in Eurobodalla.

QON15/003 SEA LEVEL RISE POLICY AND PLANNING FRAMEWORK

**E15.9041;
E13.7268;
E09.3154;
E10.4158**

At a broader economic level, the 23 September 2015 media release from Federal Member for Eden-Monaro Dr Peter Hendy MP indicated that recent labour market figures demonstrate a new confidence in the economy that is allowing growth to occur and that employment figures show a new confidence in Eurobodalla. Dr Hendy MP advised that unemployment rates to the June 2015 quarter fell in Batemans Bay, Narooma, Broulee and Tomakin. This would indicate that the Eurobodalla economy is growing and as Dr Hendy MP states, there is confidence in Eurobodalla.

4. To substantiate a claim that a policy has started a downturn in property values, and indeed whether there has been a downturn in property values, it is necessary to review data on property values and the broad range of economic conditions and demand that impact on the property market. There has not been any information provided to substantiate such a claim.

Data on property values is available in the public domain on internet sites such as www.allhomes.com.au and www.realestate.com.au. These sites show trends in median sale prices and draw their data from NSW State Government Land and Property Information (www.allhomes.com.au) and RP Data Pty Ltd trading as CoreLogic (www.realestate.com.au). The CoreLogic data is commonly used by banks and real estate agents in assessing property values.

The www.realestate.com.au internet site states that not only can the median provide a good idea of the price of real estate in a certain area, it can also give you a view on how an area has been performing over recent months, years or decades. Therefore, it is useful in assessing the validity of the claim that the policy started the downturn in Eurobodalla coastal property values.

The Whitehead Report, the basis for the policy, was adopted by Council on 25 November 2014. The Interim Coastal Hazards Adaptation Code was adopted by Council on 24 February 2015.

A comparison of monthly median property prices on www.realestate.com.au for the months of November 2014 and October 2015 shows an increase in median property prices for Batemans Bay and Long Beach, with Maloney's Beach showing an increase from January 2015 (www.realestate.com.au has no data for November and December 2014). There has been a decrease for Surfside. Of interest is a comparison with Shoalhaven property prices, given the view that Council should adopt the current Shoalhaven sea level rise policy. Monthly median property prices for the same period for Huskisson and Mollymook, two affected localities, show a significant drop in value.

If the last year is taken in a broader context, back to 2010 when Council adopted the Interim Sea Level Rise Adaptation Policy, both www.realestate.com.au and www.allhomes.com.au show increases in monthly median property prices when comparing 2010 and 2015 for Surfside, Long Beach and Maloney's Beach. A decrease is shown for Batemans Bay.

QON15/003 SEA LEVEL RISE POLICY AND PLANNING FRAMEWORK

**E15.9041;
E13.7268;
E09.3154;
E10.4158**

The majority of properties already identified as affected by coastal hazards in the policy have been identified as affected by flooding, tidal inundation or storm since the Eurobodalla Local Environmental Plan 1999. The 1999 Local Environmental Plan included sea-level rise and climate change, identifying coastline hazards as including such matters as ocean or tidal inundation, beach erosion, shoreline recession, sea level rise and climate change, sand drift and cliff instability. The market would have already factored this into property values.

In the development of the *Meeting Eurobodalla's Housing Needs Report (2014)*, consultant Kim Houghton identified the significant influence that external factors have on the Eurobodalla housing market:

"Non-resident (inward migrating) buyers are a strong driver of demand, and activity levels are volatile as activity in the non-resident market depends primarily on perceptions of 'affluence' in the key source markets – metropolitan Sydney (largest) and Canberra (slightly smaller). This external influence and volatility creates significant uncertainty in estimating future demand (and hence dwelling and land supply needs)."

"Incoming migrants and second home buyers comprise a very large proportion of the Shire's housing market, and a slowdown in these sectors has weakened the local housing market."

When other events that have had the potential to impact on property values are analysed, for example the global financial crisis (2008-2009), the Federal Government announcing significant public service job cuts (May 2014) and other events such as interest rate increases and decreases, a statistically significant correlation between these events and property values is not observed. Therefore, it is equally difficult to identify any correlation between coastal property prices and the sea level rise policy.

In conclusion, the data does not support a claim that the policy started a down turn in property values. It should be noted that there has in fact been an increase in value in some locations since the policy was adopted.

RECOMMENDATION

THAT the response to the question regarding Sea Level Rise Policy and Planning Framework raised by Councillor Pollock be received and noted.

GMR15/035 FIT FOR THE FUTURE

E12.6443

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Extracts from IPART Final Report October 2015

Focus Area: Collaborative Communities

Delivery Program Link: C1.2 Manage the organisation to effectively and efficiently meet our statutory obligations

Operational Plan Link: C1.2.1 Respond to legislative and policy requirements set by the Department of Local Government

EXECUTIVE SUMMARY

This report provides an update on the NSW Government's Fit for the Future program and the Independent Pricing and Regulatory Tribunal (IPART) assessment of Council's Improvement Proposal.

On 20 October 2015 the NSW Government released IPART's assessment of local government Fit for the Future proposals. 52 proposals were assessed as being fit for the future, which represents 37% of the proposals received. To be assessed as 'Fit', councils must have demonstrated they had sufficient scale and capacity and were financially sustainable.

Eurobodalla Council was assessed as 'Fit'. Council was assessed as meeting the benchmarks for scale and capacity and satisfied overall the financial criteria (Sustainability, Infrastructure and Service Management, and Efficiency).

IPART assessed 139 Fit for the Future Improvement Proposals from 144 councils.

IPART found that 71% of councils in metropolitan Sydney were 'Not Fit', and 56% of councils in regional NSW were 'Not Fit', due to *'not proposing a merger despite clear benefits, ongoing deficits or both'*.

The NSW Government is providing Stronger Communities funding to support potential council mergers. The Office of Local Government (OLG) has confirmed in writing that funds are only available for mergers that are supported by all merging partners.

Following the release of IPART's report, discussions have been held with Palerang, Cooma-Monaro and Queanbeyan Councils. Previous discussions were also held with Bega Valley and Shoalhaven Councils. There is no support from any Council to merge or consider a boundary adjustment with Eurobodalla Shire Council. Therefore, funds from Stronger Communities is not available for Eurobodalla Council should it wish to pursue a merger with a neighbouring council.

The NSW Government is providing councils with a final 30-day consultation opportunity to inform the Government's position on local government reform and respond to the IPART findings. This response is limited to fifty words.

RECOMMENDATION

THAT Council:

1. Receive and note IPART's assessment of Eurobodalla as 'Fit'.

GMR15/035 FIT FOR THE FUTURE

E12.6443

2. Respond to the NSW Government on IPART's findings by 18 November 2015, noting that Eurobodalla's four neighbouring councils of Bega, Shoalhaven, Cooma-Monaro and Palerang do not support any merger or boundary adjustment with Eurobodalla Shire Council.
3. Include in its response to the NSW Government that Eurobodalla Council is willing to explore potential opportunities should they arise.

BACKGROUND

The NSW Government, in recognition of the financial challenges that face the local government sector, has been working with NSW councils since 2011 to address how to plan for a sustainable future. Part of this review was through the Local Government Acts Taskforce and the establishment of an Independent Local Government Review Panel to review the structure, form and performance of local government in NSW. The panel assessed 152 local government areas in NSW to determine their ability to be financially sustainable now and into the future.

In September 2014, the NSW Government released the Fit for the Future program in response to the findings of the independent review. The program includes benchmarks to help councils assess their performance and give communities further assurance that their councils' finances are being well managed.

The NSW Government also adopted the panel's assessment in regard to all councils' scale and capacity in relation to potential mergers or as participants of Joint Organisations. Through this process, Eurobodalla was identified as having the scale and capacity to continue as an independent organisation without amalgamation or boundary adjustments and was recommended to be a member of the South East Joint Organisation along with Shoalhaven, Bega Valley, Bombala, Cooma-Monaro, Snowy River, Palerang and Queanbeyan.

The Fit for the Future program required councils to consider their financial sustainability, infrastructure and service management, and efficiency, which will be measured by seven benchmarks designed to show how councils are working towards long term financial sustainability. Councils identified as having scale and capacity did not have to meet all benchmarks immediately, but had to outline in a Council Improvement Proposal how they plan to achieve the benchmarks in a reasonable timeframe.

On 23 June 2015 Council endorsed the Fit for the Future Improvement Proposal for submission to the Independent Pricing and Regulatory Tribunal (IPART). Council's Improvement Proposal clearly explained how its successful implementation would positively influence our ability to maintain and improve Council's performance against all seven Fit for the Future benchmarks, realise efficiency savings, productivity improvements and redirect funds to address the Building and Infrastructure Asset Renewal and Infrastructure Backlog Ratios. This will ensure we will improve performance within five years and meet all benchmarks within 10 years.

On 20 October 2015 the NSW Government released IPART's assessment of local government Fit for the Future proposals, in which Eurobodalla Council was assessed as 'Fit'.

The NSW Government is providing councils with a final 30-day consultation opportunity to inform the Government's position on local government reform and respond to the IPART findings. Submissions are required, using the online portal on the Department of Premier and

GMR15/035 FIT FOR THE FUTURE

E12.6443

Cabinet's website, by 18 November 2015. Submissions received from councils are limited to 50 words.

CONSIDERATIONS

All proposals to either stand-alone or merge were assessed by IPART according to whether councils delivered the scale and capacity, financial sustainability, the ability to effectively manage infrastructure and services, and efficiency for the community as required under the criteria.

IPART assessed 139 Fit for the Future Improvement Proposals from 144 councils.

IPART's key findings were as follows:

- 52 proposals were assessed as being fit for the future, which represents 37% of the proposals received. To be assessed as fit, councils must have demonstrated they have sufficient scale and capacity and are financially sustainable.
- IPART assessed all four Merger Proposals (involving nine councils) as 'Fit'.
- 87 proposals were found to be unfit which represents 63% of the proposals received.

Of the 87 proposals assessed as not fit:

- 60 were assessed as not having sufficient scale and capacity, but did meet the financial criteria
- 18 were assessed as having sufficient scale and capacity, but did not meet the financial criteria, and
- 9 were assessed as not having sufficient scale and capacity and not meeting the financial criteria.

IPART's evaluation of Eurobodalla Council's Improvement Proposal was as follows:

'Fit for the Future – FIT'

- *The council satisfies the scale and capacity criterion.*
- *The council satisfies the financial criteria overall. It satisfies the sustainability, infrastructure and service management and efficiency criteria.*

Scale and capacity - satisfies

- *The council proposal is consistent with the ILGRP's preferred option to stand alone.*
- *Given the ILGRP's preferred option, the council was not required to demonstrate how it met each of the elements of scale and capacity.*
- *However, the council meets some of the elements. In particular, the council has a robust revenue base and has demonstrated effective regional collaboration and advocacy.*
- *Our analysis has not identified evidence for a better alternative to the council's proposal to stand alone.*

Sustainability – satisfies

GMR15/035 FIT FOR THE FUTURE

E12.6443

- *The council satisfies the criterion for sustainability based on its forecast to meet the benchmarks for the operating performance, own source revenue and building and infrastructure asset renewal ratios by 2019-20.*

Infrastructure and service management - satisfies

- *The council satisfies the criterion for infrastructure and service management, as it is forecast to meet the asset maintenance and debt service benchmarks by 2019-20.*
- *The infrastructure backlog was 15.3% in 2014-15 and forecast to improve to 9.8% by 2019-20.*
- *This is nonetheless still below the benchmark.*
- *The council states it is proposing to undertake an independent audit of its asset management position, including depreciation and revaluation, which will improve its ability to plan and address the infrastructure backlog and asset renewals. The council will also explore opportunities for more cost effective borrowing and debt management to address the provision of infrastructure.*

Efficiency - satisfies

- *The council satisfies the criterion for efficiency based on declining real operating expenditure per capita.'*

Joint Organisation

One of Council's Fit for the Future actions is to be an active and effective member of the South East Joint Organisation. Following is a summary of IPART's assessment of councils in the South East Region:

Council	ILGRP options	Assessment
Bega Valley Shire	Council in South East JO	Fit
Cooma-Monaro Shire	Council in South East JO or merge with Bombala and Snowy River	Not fit
Eurobodalla Shire Council	Council in South East JO	Fit
Palerang Council	Council in South East JO or merge with Queanbeyan	Not fit
Queanbeyan	Council in South East JO or merge with Palerang	Not fit
Shoalhaven City	Council in South East JO	Fit
Snowy River Shire	Council in South East JO or merge with Bombala/Cooma-Monaro	Not fit

Note: Bold indicates an ILGRP preferred option. JO stands for Joint Organisation.

Discussions with neighbouring councils

Following the release of IPART's report, discussions were held with Palerang, Cooma-Monaro and Queanbeyan Councils. Previous discussions had also been held with Bega Valley and Shoalhaven Councils. There was no support from any Council to merge or consider a boundary adjustment with Eurobodalla Shire Council.

GMR15/035 FIT FOR THE FUTURE

E12.6443

Palerang Council as a neighbouring council that has been assessed as 'Not Fit', has informed Eurobodalla Council that it intends to move the following motion on Thursday 5 November 2015:

'Recommended that Council:

- 1. not accept the flawed and apparently superficial assessment by IPART*
- 2. reaffirm its position that Palerang Council supports the majority view of its community that Palerang remains as a Local Government Area in its own right; and*
- 3. provide feedback on the IPART assessment by advising NSW Department of Premier and Cabinet that Council:*
 - a. does not endorse a merger with any neighbouring LGA;*
 - b. would accept appropriate boundary adjustments to the Palerang LGA involving inclusion of portions of neighbouring LGAs that have a common community interest with the Palerang LGA;*
 - c. has demonstrated scale and capacity through its own resources and through regional collaboration;*
 - d. supports active participation in the Canberra Region Joint Organisation (CBRJO) as the most appropriate means of further enhancing Palerang's ability to engage with State agencies and participate in regional planning while meeting its community objective of retaining local democracy.'*

Council has commenced discussions with Bega Valley Shire Council regarding the development of a Memorandum of Understanding to formalise and strengthen the current relationship and put in place a framework to deliver strategic efficiencies for both councils. This will provide a sound basis for the future operations of the South East Joint Organisation.

Asset

Council's Long Term Financial Plan, which underpins Council's Improvement Proposal, is directly linked with our Asset Management Plans. These plans were developed using accepted sector methodologies.

Financial

The NSW Government has provided funds under its Stronger Communities Fund to support potential mergers. For regional mergers that meet the criteria, \$5 million will be available to the new council for priority community projects where the merger is of two councils and \$10 million will be available for a merger of three or more councils. A merger implementation grant of \$5 million will be available to meet the up-front costs of the merger. It is unclear what funds are available if a boundary adjustment is proposed, as opposed to a merger. However, OLG has confirmed in writing that funds are only available for mergers that are supported by all merging partners. As there is no support for a merger or boundary adjustment from any of Eurobodalla Council's neighbouring councils, no funds would be available from the Stronger Communities Fund.

GMR15/035 FIT FOR THE FUTURE

E12.6443

Community Engagement

The Community Strategic Plan commenced in 2010 and was reviewed with the community in 2012. Since then, we have continued to seek feedback through the annual exhibition of our plans and budgets, and with regular opportunities for feedback on our strategies, proposals and policies. The information gained from these consultations has and will continue to inform our actions towards becoming financially sustainable and was the basis for the Fit for the Future Improvement Proposal.

Following release of the Fit for the Future package by the NSW Government, Council developed a dedicated web page which was progressively updated to keep the community informed about the program.

The community was also invited to attend three information sessions, in Batemans Bay, Moruya and Narooma, about Council's revised Delivery Program 2013-17 and Draft Operational Plan and Budget 2015-16, at which Council's framework for the Fit for the Future Improvement Proposal was discussed.

At its meeting on 16 June 2015, Council's Independent Audit Committee resolved to support Council's Improvement Proposal and were satisfied that due process has been followed.

The October 2015 IPART report noted:

'Eurobodalla undertook community consultation to inform the development of its Integrated Planning and Reporting documents. The council has also developed a dedicated FFTF website and invited community members to information sessions about the revised 2013/17 Delivery Program and 2015/16 Operational Plan. Eurobodalla states it will continue to involve the community in refining and implementing Council's Improvement Proposal.'

The NSW Government has invited councils to provide feedback on IPART's findings. The timeframes associated with the consultation opportunity does not allow Council to undertake meaningful consultation with the community.

Our pathway to become Fit for the Future in the next ten years will continue to involve further conversations with our community as we work together to refine and implement our Council Improvement Action Plan to continue to build a financially sustainable future for Eurobodalla.

CONCLUSION

In September 2014, the NSW Government released its Fit for the Future program, requiring all NSW councils to review current and future operations against seven financial sustainability benchmarks.

Council has continued to strengthen its financial positions since the Independent Review was undertaken, welcoming the Fit for the Future process as an opportunity to set a clear action plan for the future.

As outlined in Council's Improvement Proposal, Council will meet all seven of IPART's assessment criteria at year five, and will meet all seven benchmarks in full through phased improvement within 10 years.

EUROBODALLA SHIRE COUNCIL – CIP

FIT			
Area (km ²)	3,427	Population 2011	37,100
OLG Group	4	(2031)	40,650
ILGRP Group	G		
Operating revenue (2013-14)	\$60.8m	TCorp assessment	Moderate FSR Neutral Outlook
ILGRP option	Council in South East JO (all shaded).		
Assessment summary	Scale and capacity	Satisfies	
	Financial criteria:	Satisfies overall	
	• Sustainability	Satisfies	
	• Infrastructure and service management	Satisfies	
	• Efficiency	Satisfies	



Fit for the Future – FIT

- The council satisfies the scale and capacity criterion.
- The council satisfies the financial criteria overall. It satisfies the sustainability, infrastructure and service management and efficiency criteria.

Scale and capacity - satisfies

- The council proposal is consistent with the ILGRP's preferred option to stand alone.
- Given the ILGRP's preferred option, the council was not required to demonstrate how it met each of the elements of scale and capacity.
- However, the council meets some of the elements. In particular, the council has a robust revenue base and has demonstrated effective regional collaboration and advocacy.
- Our analysis has not identified evidence for a better alternative to the council's proposal to stand alone.

Sustainability – satisfies

- The council satisfies the criterion for sustainability based on its forecast to meet the benchmarks for the operating performance, own source revenue and building and infrastructure asset renewal ratios by 2019-20.

Infrastructure and service management - satisfies

- The council satisfies the criterion for infrastructure and service management, as it is forecast to meet the asset maintenance and debt service benchmarks by 2019-20.
- The infrastructure backlog was 15.3% in 2014-15 and forecast to improve to 9.8% by 2019-20. This is nonetheless still below the benchmark.
- The council states it is proposing to undertake an independent audit of its asset management position, including depreciation and revaluation, which will improve its ability to plan and address the infrastructure backlog and asset renewals. The council will also explore opportunities for more cost effective borrowing and debt management to address the provision of infrastructure.

Efficiency - satisfies

- The council satisfies the criterion for efficiency based on declining real operating expenditure per capita.

Other relevant factors

Social and community context	As the ILGRP identified Eurobodalla could become a council in the South East JO, the council's proposal does not address any social or community concerns.
Community consultation	Eurobodalla undertook community consultation to inform the development of its Integrated Planning and Reporting documents. The council has also developed a dedicated FTF website and invited community members to information sessions about the revised 2013/17 Delivery Program and 2015/16 Operational Plan. Eurobodalla states it will continue to involve the community in refining and implementing Council's Improvement Proposal.
Water and/or sewer	Eurobodalla operates water and sewer businesses and states it has achieved the requirements of the NSW Government Best Practice Management of Water Supply and Sewerage Framework Guidelines. The council's proposal states that its sewer fund paid a dividend to the general fund during 2013-14. Eurobodalla has identified strategies to improve the performance of its water and sewer operations in the 2016-17 to 2019-20 years.

Other relevant factors

Submissions	We received four submissions in relation to Eurobodalla. The submissions raised concerns about the management of the council and that council assumes it is FFTF as the ILGRP did not outline other options and limited community consultation. Concerns were also identified about the council's inconsistency in financial reporting. We received two late submissions which raised concerns about the council's management and the FFTF process.
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C Council assessments

Region	Council	ILGRP options	Assessment	Scale and capacity	Financial criteria overall	Sustainability	Infrastructure and service management	Efficiency
South East	Bega Valley Shire	Council in South East JO	Fit	✓	✓	✓	✓	✓
	Cooma-Monaro Shire	Council in South East JO or merge with Bombala and Snowy River	Not fit	✗	✗	✗	✓	✓
	Eurobodalla Shire	Council in South East JO	Fit	✓	✓	✓	✓	✓
	Palerang	Council in South East JO or merge with Queanbeyan	Not fit	✗	✓	✓	✓	✓
	Queanbeyan City	Council in South East JO or merge with Palerang	Not fit	✗	✓	✓	✓	✓
	Shoalhaven City	Council in South East JO	Fit	✓	✓	✓	✓	✓
	Snowy River Shire	Council in South East JO or merge with Bombala/Cooma-M	Not fit	✗	✗	✗	✓	✓
		merge part or all with Albury						

Note: Bold indicates an ILGRP preferred option. JO stands for Joint Organisation.

GMR15/036 AUSTRALIA DAY AWARDS 2016 - SELECTION PANEL

**E15.9051;
E04.8918**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Focus Area: Collaborative Communities

Delivery Program Link: C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner

Operational Plan Link: C1.1.3 Facilitate and support civic functions including: Australia Day, Anzac day and Citizenship ceremonies.

EXECUTIVE SUMMARY

This report seeks the nomination of two Councillors to sit on a selection panel to determine the 2016 Australia Day Local Citizen of the Year Awards. The panel will also recommend the recipient of the Jeff Britten Award for the Pursuit of Excellence, which is decided in conjunction with members of the Britten family.

The Mayor and one representative each from the Batemans Bay, Moruya and Narooma Australia Day Committees, are also members of the panel.

RECOMMENDATION

THAT Council nominate two Councillors, in addition to the Mayor, to sit on the selection panel to determine the Australia Day Award recipients for 2016.

BACKGROUND

The Eurobodalla Shire celebrates Australia Day with major events in Batemans Bay, Moruya and Narooma. Australia Day Committees, which are volunteer committees supported by Council, organise and run these events.

In addition to the town celebrations, Council hosts a function in Moruya where the Australia Day Local Citizen of the Year Awards are presented and a Citizenship Ceremony is conducted.

CONSIDERATIONS

Each year in conjunction with the Australia Day Council of New South Wales, Council seeks nominations for Australia Day Local Citizen of the Year Awards in the categories of *Citizen of the Year*, *Young Citizen of the Year*, *Community Event of the Year* and *Sports Achievement*. From 2016 onwards, the *Senior Citizen of the Year Award* will be part of the Australia Day Awards.

Nominations are also called for the *Jeff Britten Award for the Pursuit of Excellence*, which is an award established by the family of former Shire President the late Jeff Britten.

A selection panel consisting of the Mayor and two Councillors together with one representative each from the Batemans Bay, Moruya and Narooma Australia Day Committees, considers nominations for the Awards and determines the recipients for that year.

GMR15/036 AUSTRALIA DAY AWARDS 2016 - SELECTION PANEL

**E15.9051;
E04.8918**

Advertising for nominations for the 2016 Awards was commenced in early November and will close on 27 November 2015. The Selection Panel needs to meet shortly after this date to determine recipients in the various categories.

Community Engagement

We will inform the community of the opportunity to nominate for the Awards by providing information on Council's website; posting on Council's Facebook and Twitter; writing to residents and community groups; advertising on Council's noticeboard page in two local newspapers and distributing media releases.

CONCLUSION

Nominations are sought for two Councillors to sit on the selection panel to choose recipients for the Eurobodalla Shire's Australia Day Awards in 2016.

GMR15/037 COUNCILLOR EXPENSES AND FACILITIES POLICY

E08.2108

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Councillor Expenses and Facilities Policy

Strategic Objective: Collaborative Communities

Delivery Program Link: C1.2 Manage the organisation to effectively and efficiently meet our statutory obligations

Operational Plan Link: C1.2.1 Respond to legislative and policy requirements set by the Department of Local Government

EXECUTIVE SUMMARY

The Councillor Expenses and Facilities Policy was publicly exhibited from 12 August 2015 until 19 August 2015 in accordance with the Council resolution and no submissions were received. Adoption of the Councillor Expenses and Facilities Policy without amendment is therefore considered appropriate.

The purpose of this policy is to comply with the provisions of Section 252 of the Local Government Act 1993, and for Council to adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to the Mayor and councillors in relation to discharging the functions of civic office.

RECOMMENDATION

THAT:

1. The Councillor Expenses and Facilities Policy be adopted as attached;
2. The Office of Local Government be provided with a copy of the policy in accordance with S.253(4) of the Local Government Act.

BACKGROUND

At its Ordinary meeting held on 11 August 2015 Council considered a report on the Councillor Expenses and Facilities Policy and resolved:

THAT:

1. *Council include a new clause 2.5.1.12 in the Councillor Expenses and Facilities policy to read:
Councillors must provide a written delegate's report to Council following each conference attended, to be eligible to attend any further conference.*
2. *The amended Councillor Expenses and Facilities policy be placed on public exhibition for a period of 28 days commencing Wednesday 19 August 2015.*
3. *A further report be presented to Council following considerations of any submissions received.*

The amended Councillor Expenses and Facilities Policy was publicly exhibited in accordance with the Council resolution and no submissions were received.

GMR15/037 COUNCILLOR EXPENSES AND FACILITIES POLICY

E08.2108

CONSIDERATIONS

Councillor expenses and facilities policies should allow for councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties as elected representatives of their local communities.

The preparation and review of these policies on an annual basis by Council is a mandatory requirement to ensure:

- accountability and transparency in the reasonable and appropriate provision of facilities to councillors, and the reimbursement of expenses incurred by councillors;
- that the facilities provided to assist councillors to carry out their civic duties are reasonable;
- compliance with and awareness of legislative requirements under the Local Government Act 1993 with respect to councillor's expenses and facilities;
- consistency and fairness in the manner in which Council deals with councillor's expenses and facilities and;
- Council's requirements are readily accessible and understandable to the public.

Policy

The Local Government Act sets out the annual policy review and adoption processes that must be followed. Councils must annually adopt a councillor expenses and facilities policy by 30 November each year (s252(1)).

Community Consultation

We have consulted with the community by seeking feedback through a 28 day Public Exhibition where the Councillor Expenses and Facilities policy was placed on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

No submissions were received.

CONCLUSION

The amended policy for the payment of Councillor Expenses and Facilities is recommended to Council in accordance with the Local Government Act and Regulations and Guidelines issues by the Department of Local Government.



Policy

Policy name	Councillor's Expenses and Facilities
Responsible manager(s)	General Manager
Contact officer(s)	Director, Finance and Business Development
Directorate	Office of the General Manager
Approval date	25 November 2014
Community Strategic Plan Objectives	7. We are an engaged and connected community 8. We work together to achieve our goals
Delivery Program/ Operational Plan	Office of the General Manager / Support the councillors in meeting their statutory obligations and roles as community representatives.

Purpose

The purpose of this policy is to comply with the provisions of Section 252 of the *Local Government Act 1993*, and adopt policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and councillors in relation to discharging the functions of civic office. Councillor expenses and facilities policies should allow for councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties as elected representatives of their local communities.

The preparation and review of these policies on an annual basis by Council is a mandatory requirement to ensure:

- accountability and transparency in the reasonable and appropriate provision of facilities to councillors, and the reimbursement of expenses incurred by councillors;
- that the facilities provided to assist councillors to carry out their civic duties are reasonable;
- compliance with and awareness of legislative requirements under the *Local Government Act 1993* with respect to councillor's expenses and facilities;
- consistency and fairness in the manner in which Council deals with councillor's expenses and facilities;
- Council's requirements are readily accessible and understandable to the public.

Policy statement

1	<p>Application</p> <p>This policy applies to all councillors of Eurobodalla Shire Council, and to council staff involved in the provision of councillor's expenses and facilities.</p> <p>This policy does not deal with matters associated with the setting and payment of councillors' annual fees, which are a matter for the Local Government Remuneration Tribunal. The Tribunal (constituted under Chapter 9, Division 4 of the <i>Local Government Act 1993</i>) is responsible for categorising councils to determine the maximum amounts of fees to be paid to councillors and mayors.</p>
1.1	<p>Relevant Legislation</p> <p>Council complies with NSW State legislative provisions as follows (extracts from the relevant legislation are included here):</p> <p>Local Government Act 1993</p> <p>252 Payment of expenses and provision of facilities</p> <p>1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the</p>



Policy

	<p>provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.</p> <ol style="list-style-type: none"> 2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor. 3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section. 4) A council may from time to time amend a policy under this section. 5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A. <p>Local Government (General) Regulation 2005</p> <p>403 Payment of expenses and provision of facilities</p> <p>A policy under section 252 of the Act must not include any provision enabling a council:</p> <ol style="list-style-type: none"> a) to pay any councillor an allowance in the nature of a general expense allowance, or b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor. <p>Other legislation relevant to this policy includes:</p> <ul style="list-style-type: none"> • <i>Independent Commission Against Corruption Act 1988</i> • <i>Anti-Discrimination Act 1977</i> • <i>Income Tax Assessment Act 1997</i>
1.2	<p>Other government policy provisions</p> <p>Council complies with other government policy provisions, as follows:</p>
1.2.1	<p>Office of Local Government (OLG) Guidelines for payment of expenses and provision of facilities for Mayors and councillors for local councils in NSW</p> <ul style="list-style-type: none"> • Councillor expense and facility guidelines are binding and must be considered. • The policy must be acceptable to, and meet expectations of local community. • Consideration should be given to participation, equity and access (special needs). • There may be recognition of local differences compared to other Councils. • All expenses/ payments must be either reimbursed after the event or reconciled if an advance payment is made. • Expenses must be reasonable. • The policy must set limits (i.e. should not be open-ended). • May provide to pay a Deputy Mayor part of the Mayor's annual fee (any amount thus paid to be deducted from Mayor's annual fee). • Advance payments may be allowed subject to future reconciliation. • Council should establish suitable rates for private use over and above anything which is minor and incidental. • In certain limited circumstances Councils may meet reasonable costs incurred by Councillors on behalf of their spouses, partners or accompanying person(s). <p>This Guideline can be found on the OLG website at www.olg.nsw.gov.au</p>
1.2.2	<p>Model Code of Conduct for Local Councils in NSW (March 2013, Office of Local Government)</p>



Policy

	<p>The Model Code of Conduct is found at the OLG website: www.olg.nsw.gov.au</p> <p><i>Extract from the Model Code of Conduct:</i></p> <p>Use of Council Resources</p> <p>10.12 You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.</p> <p>10.13 Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:</p> <ul style="list-style-type: none"> a) the representation of members with respect to disciplinary matters; b) the representation of employees with respect to grievances and disputes; c) functions associated with the role of the local consultative committee. <p>10.14 You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.</p> <p>10.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.</p> <p>10.16 The interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use Council letterhead, Council crests and other information that could give the appearance it is official Council material for these purposes.</p> <p>10.17 You must not convert any property of the Council to your own use unless properly authorised.</p> <p>10.18 You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.</p> <p>Councillor access to Council buildings</p> <p>10.19 Councillors are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors needing access to these facilities at other times must obtain authority from the general manager.</p> <p>10.20 Councillors must not enter staff-only areas of Council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and Council staff.</p> <p>10.21 Councillors must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.</p>
1.2.3	<p>Office of Local Government Circulars to councils</p> <p>This policy takes into account the OLG Circular 05/80 'Legal Assistance for Councillors and Council Employees', Circular 02/34 'Unauthorised use of Council</p>



Policy

	<p><i>Resources</i>, and Circular 05/08 <i>Legal Assistance for Councillors and Council Employees</i>;</p> <p>Copies of these documents are found on the OLG website: www.olg.nsw.gov.au</p>
1.2.4	<p>Independent Commission Against Corruption (ICAC) publications</p> <p>This policy takes account of the ICAC publication <i>No Excuse for Misuse, Preventing the Misuse of Council Resources</i> (Guidelines 2) 19 November 2002, which is found on the ICAC website: www.icac.nsw.gov.au</p>
1.3	<p>Approval arrangements</p> <ul style="list-style-type: none"> • In determining compliance with monthly limits, claims for services (such as landline plus mobile) with the service period ending within a month will be added together. If they cover more than one month the amounts will be calculated pro rata or based on the evidence of timing provided. • Except where specifically permitted by this policy, approvals for travel and functions beyond the Shire and/or costs of spouse/partner attendance are to be by resolution of the Council. In extenuating circumstances the approval may be jointly by the Mayor and General Manager with retrospective advice to Council. • Travel within the Shire may be approved by the General Manager. Travel to and from meetings including workshops and any travel resulting from an appointment as a representative of Council for particular purposes does not require General Manager's approval and can be approved and processed as set out below. • Any concerns are to be referred to the General Manager who may consult with the Mayor before making a decision. • Approved requests will be forwarded to Accounts Payable for payment by Electronic Funds Transfer (EFT) to the Councillors or as the case may be, the relevant supplier's bank account. • This Policy does not require the payment of requests relating to past financial years that are not received within 30 days of the financial year end, these are deemed to be out of time (appropriate reminder/s and forms are to be provided to Councillors in advance of this deadline). • All requests for reimbursement of expenses must be approved by the General Manager and provided on the <i>Councillors Expense Claim/ Application for Advances</i> form attached to this policy. (Appendix A)
2	<p>Payment of expenses</p>
2.1	<p>General provisions</p> <p>The relationship between the annual fees paid to the Mayor and Councillors and the level and scope of expenses paid to councillors is a basic issue considered in this policy. The Local Government Remuneration Tribunal has adopted the principle that expenses reasonably incurred by councillors are outside provisions made under the annual fee determinations.</p> <p>Fees are not covered within this policy and must be separately adopted by Council subject to the maximum amounts allowed by determination of the Remuneration Tribunal.</p>
2.2	<p>Payment of expenses generally</p>
2.2.1	<p>Allowances and expenditure</p> <p>Where any costs are already covered from any other source whatsoever they should not be claimed again from the Council.</p>
2.2.2	<p>Reimbursement and reconciliation of expenses</p>



Policy

	<p>All reimbursements are to be based on actual and reasonable costs. Therefore requests for reimbursement must provide adequate supporting documentation including suppliers' tax invoices and receipts etc. The Policy does not provide for any non-vouchered subsistence allowance. Councillors must ensure that costs are reasonable.</p>
2.2.3	<p>Payment in advance</p> <p>Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. However, councillors must fully reconcile all expenses against the cost of the advance when they return within 30 days of the event/ function/ conference and any amounts not properly supported, e.g. by receipts/ tax invoices, may be required to be refunded to Council.</p> <p>All requests for advanced payments must be provided on the <i>Councillors Expense Claim/ Application for Advances Form</i> as attached to this policy. (Appendix A)</p>
2.2.4	<p>Submitting claims</p> <p>All requests for reimbursement of travel expenses should be provided by the 5th working day following the end of the month in which the claim occurred. Requests for reimbursement of all other expenses must be lodged within 30 days of the end of the month being claimed for. Claims lodged outside these time limits will not be paid.</p>
2.3	<p>Establishment of monetary limits and standards</p> <p>This policy establishes limits for the specific expenses/ facilities within the relevant sections and payments must not exceed these amounts. In the case that Council has paid any amount on behalf of a councillor that exceeds the limits the councillor must accordingly compensate Council for that amount.</p> <p>Except for the Mayor, all councillors will be allocated the sum of \$3,385 (including CPI) annually to specifically provide for their professional development. The registration, travelling and accommodation costs associated with the annual Local Government Association Conference are excluded from this amount.</p> <p>Where a councillor is required to attend conferences (including the annual Local Government Association Conference) and seminars, professional development training programs, elected member courses outside of the Local Government Area (LGA) it will be necessary for the Council to authorise the attendance of councillors at these events to be affected by way of a resolution of an Ordinary Meeting of the Council. Payment for attendance shall be made from the Councillor Professional Development Discretionary Vote. The amount of the vote shall be reviewed annually as part of the creation of the budget and Delivery Program/ Operational Plan.</p> <p>Amounts remaining unexpended as at 30 June each year will expire and any unexpended amounts will not be carried over or available for expenditure in successive years.</p>
2.4	<p>Spouse and partner payments</p> <p><i>Within the LGA</i></p> <p>Meeting the costs of spouses and partners or accompanying person(s) is considered appropriate for attendance at officially-supported Council functions that are of a formal and ceremonial nature, when accompanying councillors within the LGA.</p> <p><i>Out of LGA</i></p> <p>Council may pay limited expenses of spouses, partners or accompanying persons for councillors attending the NSW Local Government Association Conference or any</p>



Policy

	<p>other required out-of-LGA events/ functions. These expenses will be limited to the cost of registration and official conference dinner. Any additional travel, accommodation and accompanying person tours are not covered and are a personal responsibility.</p> <p><i>Other instances</i></p> <p>Any other instances where Council will pay limited expenses of accompanying persons are subject to resolution of Council.</p>
2.5	Specific expenses for Mayors and councillors
2.5.1	Attendance at seminars and conferences
2.5.1.1	All councillors can attend the NSW Local Government Association and/or Shires Association Conference if they wish. The costs associated with travel, accommodation and registration shall be covered by Council, separate to the Professional Development Discretionary Vote as outlined in 2.3 above.
2.5.1.2	Attendance at any other conference and seminars is to be determined by resolution of Council.
2.5.1.3	Attendance will normally be limited to two. The principle of having one councillor and an appropriate staff member attend will be considered as "best practice" for attending seminars and conferences. This may be varied from time to time by resolution of Council.
2.5.1.4	Councillors should advise of any inability to attend at the earliest opportunity so as Council can seek a refund of any costs incurred or alternatively seek to transfer the registration.
2.5.1.5	Councillors attending training, seminars and conferences are to provide a detailed report to Council on the outcome and issues. Councillors not meeting these criteria without reasonable explanation may not receive priority or opportunities for future events.
2.5.1.6	Council will reimburse or pay registration fees, accommodation, meals, parking, telephone and travel expenses associated with attendance at training, seminars and conferences, plus any other reasonable and directly related out-of-pocket expenses.
2.5.1.7	Accommodation is to be restricted to a maximum of NRMA 4 1/2 star rating unless otherwise approved by the General Manager as necessary to enable accommodation at the function venue and avoid other costs/ inconvenience.
2.5.1.8	Daily costs other than accommodation and travel are not to exceed \$100.00 (i.e. food and out of pocket expenses etc.), unless otherwise approved by the General Manager. This is to be reconciled with appropriate receipts.
2.5.1.9	Councillors are to be provided where possible with a pool vehicle if this is a cost effective and appropriate means of travel. Where a councillor elects to use a private vehicle the maximum cost of the use of the pool vehicle will be reimbursed.
2.5.1.10	Council will pay or reimburse other forms of transport accepted by the General Manager as a cost effective means of travel and requested by the councillor concerned.
2.5.1.11	Bookings for accommodation and travel are to be arranged via Executive Support.
2.5.2	<p>Training and educational expenses</p> <p>Councillors will be encouraged to attend at least one relevant training and development course each year offered by the NSW Local Government Association.</p>



Policy

	Additional courses may be attended subject to approval by the Mayor or General Manager and budgetary constraints.
2.5.3	Local travel arrangements and expenses Travelling and any other actual and reasonable out of pocket costs will be reimbursed in relation to the following: <ul style="list-style-type: none"> • Council meetings; • Council committee meetings; • Working Group meetings which the Councillor is the nominated delegate; • Section 355 Management Committee meetings; • External Organisations/Committee Meeting, which the Councillor is the nominated Delegate, except where fees are paid to the Councillor by the external organisation; • Workshops convened by Council; • Public meeting convened by Council; • Training programs relating to the role of the Council; • Inspections within the area of the Council, undertaken according to a resolution of Council; and • To attend a formal function or meeting where a formal invitation to attend arises only as a result of the position as a Councillor.
2.5.4	Travel outside the Local Government Area (LGA) including interstate travel Travel and expenses beyond the LGA not authorised elsewhere in this policy will not be paid/ reimbursed unless approved in advance by a resolution of the Council or in extenuating circumstances by the Mayor or General Manager.
2.5.5	Travel overseas Councillors may only undertake overseas travel where the Council has specifically authorised a councillor's itinerary and specifically authorised reimbursement by way of a council resolution made prior to the trip being taken. The resolution must specifically name any councillor/s authorised to undertake overseas travel, indicate the reason the travel has been deemed to be necessary and include a determination of any reimbursement of expenses.
2.5.6	Travel – pool cars Councillors must take reasonable steps to use the most cost effective means of travel. Councillors should use the Council's pool car fleet when travelling out of the shire if it is cost effective. Councillors are encouraged to share a vehicle when travelling on behalf of Council. Where councillors choose to take their own vehicles, the reimbursement will be at the lower of: <ul style="list-style-type: none"> • Council's plant operations account internal hire rates, or; • local rental car equivalent, or; • return air fares, or; • current Australian Taxation Office approved rates.
2.5.7	Telephone & internet expenses Council will supply each councillor with an iPhone 4s, iPad 3 (16GB, 3G & Wi Fi capability) & Air Printer or any comparable technology Council believes suitable at the time. Both the iPhone & iPad have a download of 3GB each and will be connected to Council's Telecommunication Account. There will be a maximum download per month per device of 3GB.



Policy

	<p>Downloads exceeding the 3GB per months will be charged back to councillors. Councillors must declare any private benefits that are more substantial than merely "incidental" and these will be charged back to the councillor.</p> <p>Additional costs may be permitted in extenuating circumstances, subject to Mayoral or General Manager's approval.</p>
2.5.8	<p>Sustenance</p> <p>Meals and refreshments will be provided for councillors' attendance at Council and Committee meetings where deemed appropriate.</p>
2.5.9	<p>Care and other related expenses</p>
2.5.9.1	<p>In accordance with the principles of participation, access and equity the guidelines strongly encourage Councils to make provision for the reasonable cost of carer arrangements to allow Councillors to undertake their Council business obligations.</p>
2.5.9.2	<p>Council will meet the cost of childcare expenses whilst councillors attend council or committee meetings to a maximum of \$500 per annum.</p>
2.5.9.3	<p>Consideration will be given to any other extenuating carer circumstances that might warrant reimbursement subject to the resolution of Council.</p>
2.5.9.4	<p>Consideration will be given to any special requirements of councillors such as disability and access needs based on particular merits subject to resolution of Council.</p>
2.5.10	<p>Insurance expenses and obligations</p> <p>Council will provide, at its cost, insurance to protect the interest and welfare of all councillors in carrying out the duties of civic office (and acting in good faith). Council currently provides the following insurance policies (protection is limited to the terms and exclusions of the relevant policies):</p> <ul style="list-style-type: none"> • <i>Councillors and Officer Liability.</i> Provides indemnity to any person who was, is presently, or in the future becomes an elected Member of Council, or a Committee Member of a legally constituted committee under the <i>Local Government Act 1993</i>, in the event of personal litigation being instigated against them for any action arising whilst that person was exercising their duty. • <i>Professional Indemnity.</i> Provides indemnity to an individual against litigation resulting from the exercise of their official professional duties. • <i>Statutory Liability.</i> Provides indemnity for fines and penalties arising out of the conduct of the business of Council. • <i>Personal Accident.</i> Provides for the payment of non-medical expenses and compensation towards the loss of wages resulting from an accident whilst on official business for Council and a capital payment if the accident resulted in death. This cover extends to councillors and their partners whilst on official business of Council.
2.5.11	<p>Legal expenses and obligations</p> <p>This section of the policy is in accordance with the Division of Local Government Circular 05/08 '<i>Legal Assistance for Councillors and Council Employees</i>'.</p> <p>Where Council's insurance policies do not cover a Councillor's legal expenses in relation to a matter arising directly as a result of the Councillor's actions in the civic office, Council will determine by resolution if the councillor is to be reimbursed for reasonable solicitor/ client costs, as long as:</p> <ul style="list-style-type: none"> • They relate to conduct arising from the execution of a councillor's civic duties; • The matter is finalised;



Policy

	<ul style="list-style-type: none"> • Council authorises by specific resolution naming the councillor and determining the amount to be reimbursed in accord with these provisions: <ol style="list-style-type: none"> a) Council will not meet the costs of an action in defamation taken by a councillor or council employee as plaintiff, nor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation. b) The General Manager will report to Council for ratification, any legal advice sought in relation to this policy. c) Councillors can ask the General Manager to obtain legal opinion on any matter that is relevant to business before Council. <p>If the General Manager declines he/she must provide reasons to the councillor concerned who may then, through a Notice of Motion, request the support of Council for the obtaining of the legal opinion.</p>
3	Provision of facilities
3.1	General provisions
3.1.1	Provision of facilities generally Facilities, equipment and services appropriate to support the Mayor and Councillors in undertaking their role as elected members of Council will be provided. Incidental private usage of facilities and equipment is not subject to a compensatory payment by the councillor. Where more substantial private use has occurred, compensation is required, unless otherwise stated this is to be based on the assessed degree of private usage applied to the actual cost. Councillors are required to declare any private benefits that are more substantial than minor and/or incidental.
3.1.2	Private use of equipment and facilities Councillors must use council resources ethically, effectively, efficiently and carefully in the course of their official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate. Council facilities, equipment and services are not to be used to produce election material or for any other political purpose.
3.2	Provision of equipment and facilities for councillors
3.2.1	Councillors' Room A furnished room will be made available for councillors to conduct Council related business. The room will be equipped with a telephone, desk, library and access to the Internet. Access to the councillors' room will be available during normal office hours, and special arrangements may be made for access outside normal office hours. Whilst hard copies of current consultancy reports, studies, industry management journals, publications and selected readings will be provided, councillors will be encouraged to use the internet resource for individual research projects for access to such things as: <ul style="list-style-type: none"> • <i>Local Government Act 1993</i> and related legislation • <i>Environmental Planning and Assessment Act 1979</i> • Council's adopted <i>Code of Conduct</i> • ICAC and Ombudsman Reports • Local Environmental Plans ('LEP') • Council's adopted <i>Code of Meeting Practice</i> and various Policies



Policy

3.2.2	Equipment and Other Resources Councillors will be provided with the following equipment and services (supplied on once-off basis for the councillor's term): <ul style="list-style-type: none"> • security name tag for access to the Council building; • magnetic name tag; • a two-drawer filing cabinet; • protective clothing e.g. vests or head-wear for on-site inspections & the like. At the beginning of each council term, upon request, each councillor will be issued with appropriate stationery as follows (such stationery not to be used for election purposes): <ul style="list-style-type: none"> • Business cards (500); • "With Compliments" slips (250); • Envelopes (250) pre-paid for postage through Council's records section where communication is in discharge of councillor's functions of civic office; • Councillor letterhead or template on PC (appropriately worded "From the Councillor's Room")
3.3	Provision of additional equipment and facilities for Mayor
3.3.1	Mayoral Car The Mayor will be provided with a prestige motor vehicle to discharge the function of civic office and the performance of council business. In accordance with the Office of Local Government Guidelines, incidental private usage is permitted. The vehicle will be made available to the Mayor for private usage, if required, subject to the payment of \$4,000.00 annually.
3.3.2	Mobile phone Council will supply and pay for an iPhone 4s for mayoral purposes with an appropriate costs effective usage plan/ package (see 2.5.7). Incidental private benefit is permitted. Additional charges resulting from private usage that do not fall within minor incidental must be repaid to Council.
3.3.3	Mayoral office The Mayor is to be provided with appropriate separate office facilities and administrative support.
3.3.4	Credit card Council will supply the Mayor with a credit card to be used in accordance with the provisions of this policy. The provision of a card is also subject to the Mayor agreeing to, signing and adhering to the current code of conduct for use of credit cards.
4	Other matters
4.1	Acquisition and returning of facilities and equipment by councillors The equipment issued to councillors remains the property of Council and shall be returned on completion of the term of office. However, councillors will be provided with an opportunity to purchase any equipment or other facilities provided to them personally for use in relation to their councillor duties, after the completion of their term of office, or at cessation of their duties. The General Manager may sell such items to councillors at written down/ book value or fair/ market value. Any items not purchased must be returned as soon as possible.
4.2	Status of the policy
4.2.1	Public reporting of expenditure Expenditure by Mayor and councillors for seminars, conferences, telephone and



Policy

	other facilities will be publicly reported in conjunction with the quarterly financial reviews and annual report.
4.2.2	<p>Taxation arrangements</p> <p>It is each councillor's responsibility to meet any taxation obligations. If necessary councillors should seek their own taxation advice. Under current arrangements councillors are not defined as employees for taxation purposes, they are not subject to Fringe Benefits taxation and the ability to enter into effective sacrifice arrangements may be limited.</p> <p>The Australian Taxation Office has issued rulings allowing councillors to enter into effective sacrifice arrangements for at least superannuation. Accordingly council will administer complying arrangements if requested by individual councillors.</p> <p>Councillors may also require funds payable to them to be transferred by EFT to any nominated valid bank account(s) via the Director, Finance & Business Development.</p>

Implementation

Implementation steps		Responsibility
1	<p>Office of Local Government</p> <p>The Office of Local Government will be advised of the commencement of this policy.</p>	General Manager
2	<p>Transparency and awareness</p> <p>Council is committed to ensuring that the community, all councillors and staff are aware of this policy. Councillors receive training on this policy during their induction. The policy is published on Council's website and notice of any change to this policy is advertised in the local press, with public comment invited during the exhibition period.</p>	Council officers Councillors Local press
3	<p>Staff responsibilities</p> <p>Under supervision, applicable Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received relevant training.</p>	Council officers
4	<p>Resolution of disputed decisions</p> <p>Where a councillor disputes matters contained in this policy, this should be detailed in writing to the General Manager. The matter will be reviewed by the Mayor, Deputy Mayor and General Manager (or their representative) and a report made to Council.</p>	Councillors, Mayor, Deputy Mayor, General Manager
5	<p>Complaints</p> <p>Complaints received regarding this policy will be recorded on council's records system and handled in accordance with council's Complaints Policy. They will be used to analyse the history of concerns and to help determine follow up actions.</p>	Public Officer
6	<p>Consultation</p> <p>Consultation regarding this policy will occur with key stakeholders as relevant and may include legislative bodies, reports of the Remuneration Tribunal, relevant legislation, sector guidelines, and exhibition for public comment.</p>	As applicable



Policy

Review

This policy is reviewed annually and will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2016.

This policy will also be reviewed and updated as necessary when council's functions, structure or activities change or when technological advances or new systems change the way that Council manages councillor's expenses and facilities.

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

Performance indicator	Data source(s)
Budget achieved and Internal Audit/ legal requirements met	Financial data, Audit
No unwarranted adverse media/ publicity	Local Media

Governance

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

Related legislation and policies

Name	Link
Policies and Code of Conduct	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Local Government Regulation (General) 2005	www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328/

Related external references

Name	Link
Office of Local Government (OLG)	www.olg.nsw.gov.au
NSW Local Government Remuneration Tribunal	www.olg.nsw.gov.au/commissions-and-tribunals/remuneration-tribunal
Independent Commission Against Corruption (ICAC)	www.icac.nsw.gov.au

Supporting documents

Name	Link
Councillors Expense Claim Form	Appendix A

Definitions

Word/Term	Definition
OLG	Office of Local Government
ICAC	Independent Commission Against Corruption
LGA	Local Government Area represented by the council i.e. Eurobodalla Shire



Policy

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	7 Jan 2011	Council	11/172	E08.2108	Policy commenced
2	27 Sep 2012	Council	12/219	E08.2108 E13.7095	Reviewed, updated, reformatted
3	25 Nov 2014	Council	14/321	E08.2108	Reviewed, updated clause 2.3 to include CPI, updated references to OLG

Internal Use Only

Responsible officer	General Manager			Approved by	Council
File	E08.2108	Report no	GMR14/034	Effective date	25 Nov 2014
Min no	14/321	Review date	Sep 2015	Pages	14



Policy

Appendix A: Councillor's expense claim / application for advances

Reason/ Conference/
Seminar/ Event: _____

Council endorsement: _____ Minute

_____ Date

Estimated reasonable minor requirements (not able to be covered by councillor's credit card, fee for conference/ seminar, purchase order, etc.):

	No.	Each	Total Est. incl GST
Taxi/ Travel			
Breakfast(s)			
Lunch(es)			
Dinner(s)			
Other refreshments			
Other (specify)			
TOTAL including GST (10100 ZOCTBS)			

Date/ time required by: _____

Councillor's certification:

1. That I have requested the amount above to be paid to my bank account by EFT.
2. That any monies not supported by actual receipts for reasonable expenditure in accordance with the Councillor's Expenses and Facilities Policy, can be deducted from my future entitlements if not accounted for and repaid by me to Council within 30 days of my return.
3. That I will ensure that any costs are reasonable and that Council gets value for money in accordance with its policies and codes of practice.

Councillor's signature _____

Councillor's name (please print) _____

Authorised by:

Signature _____

Name _____

Date _____

Attach to "Payment Request" and forward to Finance - Creditors.

PSR15/051 TERN INN - MODIFICATION TO OPERATING HOURS

81.0870.D

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

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P3.1 Provide development assessment services

Operational Plan Link: P3.1.1 Assess and determine Development Applications

Applicant: Nicholas Walton

Land: Lot 1 DP 537618 – 2 Trafalgar Road Tuross Head

Area: 1189m²

Zone: R3 – Medium Density Residential

Current Use: Restaurant and dwelling

Proposed Use: Existing

Description: Modify trading hours

Permitted in Zone: Approved use in accordance with DA 313/02

DA Registered: M7313/02

Recommendation: Approval

EXECUTIVE SUMMARY

The purpose of this report is to consider modification of consent M7313/02 which seeks approval to increase the operating hours of The Tern Inn Restaurant in Tuross Head. The extended trading hours considered under this application are:

1. Opening at 8.00am to enable a breakfast service, where current approval is 10.00am
2. Closing at 2.00am on New Year Day, where current approval is 10.00pm
3. Clean up operations and food preparation can occur prior to opening and following closing provided no customers are on the premise.

The application initially sought approval to extend closing hours by one hour until 11.00pm each day during day light savings and every Friday and Saturday night throughout the remainder of the year. Due to submissions received relating to noise intrusion and neighbourhood amenity, this part of the application has been deferred, as agreed by the applicant, and will be subject to a separate modification pending the provision of an Acoustic Report that demonstrates the effectiveness of proposed noise mitigation measures.

An option to trade until midnight for ten nights per year to cater for functions was originally proposed, however given the difficulty in managing this process, the applicant has removed this component.

PSR15/051 TERN INN - MODIFICATION TO OPERATING HOURS

81.0870.D

RECOMMENDATION

THAT Council approve application M7313/02 for a modification of trading hours at Lot 1 DP 537618, 2 Trafalgar Road, Tuross Head and notice of determination dated 23 November 2001 is amended to include the following condition:

- 1a. The public trading hours of the restaurant are limited to 8.00am to 10.00pm with the exception of New Years Eve/Day being from 8.00am to 2.00am. Clean up and food preparation can occur prior to 8.00am and after 10.00pm

BACKGROUND

The applicant seeks to increase trading hours to improve the viability of the business, and to strengthen the local economy and tourism of Tuross Head.

The operation of the restaurant has been subject of three past modification applications, all seeking the extension of trading hours until 11.00pm. Of the three past modifications one was approved for a trial period of six months in 2003 and subject to:

- A report be sought from a recognised acoustic consultant regarding ameliorating measures which could be taken with regard to limiting noise emanating from the premises.
- A background noise test be carried out to establish the L90 within the immediate area.

Inconsistencies in the resultant noise management report were such that Council was unable to support continuation of the trial period and the following two modification applications in 2005 and 2007 were refused on that basis.

The original details of the current modification included:

1. 8.00am until 11pm for the daylight savings period and every Friday and Saturday night throughout the year, and
2. 8.00am until midnight for a maximum of ten days per year (to cater for functions) provided at least one week's notice is given to the residents living near the restaurant, and
3. 8.00am until 2.00am on New Years Day, and
4. Clean up operations and food preparation can occur prior to opening and following closing provided no customers are on the premise.

The proposal has now been scaled back, given potential amenity impacts, to three options;

1. Opening at 8.00am to enable a breakfast service, where current approval is 10.00am
2. Closing at 2.00am on New Year Day, where current approval is 10.00pm
3. Clean up operations and food preparation can occur prior to opening and following closing provided no customers are on the premise.

The current use is consistent with the historic commercial use of the site that has included a general store, bottleshop and restaurant dating back to 1969.

PSR15/051 TERN INN - MODIFICATION TO OPERATING HOURS

81.0870.D

POLICY

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and an assessment has been completed to show that all considerations under Section 96 of the Act have been examined.

Eurobodalla Local Environmental Plan 2012

It is considered that the proposal to modify the operating hours to that now proposed is unlikely to cause any significant amenity issues.

The current use of the site as a restaurant was approved in 2001, at which time the land was zoned 3a Business, in accordance with the Eurobodalla Urban Local Environmental Plan 1999. The land is currently in the R3 – Medium Density Residential zone where a restaurant is not a permitted use and therefore any change of intensification of the use is dealt with under the Existing Use provisions of the EP & A Act.

Neighbourhood Centres Development Control Plan

The proposed modification to increase trading hours is considered to be consistent with the objectives and relevant clauses of the Neighbourhood Centres DCP.

Parking and Access Code

The modification to increase trading hours does not cause any increased parking demand, the public floor area of the restaurant is not increased and the existing provision for parking is consistent with development application 313/02.

ENVIRONMENTAL

The application before Council to increase trading hours does not involve any building works or cause any increased demand for parking or services.

The amenity impacts to neighbouring residential properties is the primary environmental impact that requires consideration when extending the trading hours of the restaurant. In relation to the three amendments proposed:

1. Opening at 8.00am to enable a breakfast service, where current approval is 10.00am
The impact to neighbouring residential properties in approving an additional two hours trading from 8.00am to 10.00pm is not unreasonable as during this time of the morning minimal noise disturbance is acceptable. EPA Neighbourhood Noise guidelines support this view.
2. Closing at 2.00am on New Year Day, where current approval is 10.00pm
It is considered reasonable to permit a later closing time on New Years Day without the need for noise mitigation measures as the impact on neighbourhood amenity is widely accepted on this night.

PSR15/051 TERN INN - MODIFICATION TO OPERATING HOURS

81.0870.D

3. Clean up operations and food preparation can occur prior to opening and following closing provided no customers are on the premise.

It is considered reasonable to permit clean up and food preparation outside the 'public' hours of operation as this will not result in any impacts to neighbouring amenity.

CONSULTATION

The details of the current modification were notified to fifteen property owners in the vicinity of the restaurant. During the notification period six submissions were received with 2 fully supporting, 2 partially supporting and 2 opposed. The basis of most of the objections relate to the proposed 11.00pm closing time. This element of the modification, as agreed by the applicant, has now been deferred and will be considered in the future under a separate modification of consent. The relevant issues raised as objection points are summarised below and followed by staff comments:

1. *Opposed to 11.00pm close time due to noise emanating from inside building and noise in the street with patrons departing.*

Comment: This element of the modification is deferred and will be considered following the provision of a noise management report that demonstrates acceptable noise levels and supports proposed noise mitigation measures.

2. *Oppose trading until 2.00am on New Years Day due to significant noise from a party environment and vehicles departing after 2.00am.*

Comment: The impact to neighbourhood amenity is widely accepted on New Years Eve given the festivities that surround this once a year event.

3. *Opposed to 8.00am opening due to the introduction of a competition to the operation of their business.*

Comment: The impact that the earlier opening time will have on the viability of a nearby business is not a matter of relevance under the EP & A Act.

4. *Provision of parking is inadequate*

Comment: The modification application before Council does not increase public floor area of the restaurant and existing provision for parking remains consistent with that originally approved.

5. *Exhaust noise and cooking odours*

Comment: The issue of cooking odours has been raised in previous objections and was addressed, to the satisfaction of Council, by the applicant in 2009. An Acoustic Report being prepared to support the future application to extend trading hours until 11.00pm will include noise from the exhaust as part of the 'operating noise' of the restaurant. The impact to neighbourhood amenity from the exhaust system is not unreasonable in consideration of the modification before Council.

CONCLUSION

The application has been assessed under Section 96 of the Environmental Planning and Assessment Act.

The application has been amended from that originally submitted to defer the request to extend trading hours past 10.00pm except for New Years Eve pending submission of a noise

PSR15/051 TERN INN - MODIFICATION TO OPERATING HOURS

81.0870.D

management plan. The applicant is currently in discussion with an Acoustic Engineer and Council's Environmental Health Officers in regard to the conditions of the noise report.

Given the difficulty in managing the process, the applicant has removed the request to trade until midnight for a maximum of ten days per year to cater for functions.

It is considered reasonable that support be given to The Tern Inn to open at 8.00am to serve breakfast, close at 2.00am on New Years Day and to allow for clean-up and food preparation to occur outside public trading hours.

**IR15/047 FUNDING OFFER - 2015-16 BUSH FIRE RISK MITIGATION AND
RESILIENCE GRANTS PROGRAMS**

E14.8343

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Funding Offer - 2015-16 Bush Fire Risk Mitigation and Resilience Grants Programs
2. Under Separate Cover - List of Proposed Works

Focus Area: Liveable Communities

Delivery Program Link: L.4.6 Collaborate with agencies and services to deliver coordinated management and response

Operational Plan Link: L.4.6.2 Undertake fire mitigation on Council land

EXECUTIVE SUMMARY

Council has been successful in securing an offer of \$45,500 in funding from the NSW Rural Fire Service under their 2015-16 Bush Fire Risk Mitigation and Resilience Grants Programs.

The Bush Fire Risk Mitigation and Resilience Fund assists Councils to undertake bush fire mitigation works that contribute to a safer community. This additional funding will assist Council to work towards meeting the objectives of the Eurobodalla Bush Fire Risk Management Plan and maintaining Asset Protection Zones by undertaking additional fire mitigation vegetation works involving hand clearing and grooming of Council managed lands.

Works will be carried out this financial year. This offer provides 100% funding towards the project. No additional allocation of Council funds is required.

RECOMMENDATION

THAT Council endorse action taken in accepting the grant funding offer of \$45,500 from the NSW Rural Fire Service under the 2015-16 Bush Fire Risk Mitigation and Resilience Grants Programs.

BACKGROUND

The Eurobodalla Shire covers approximately 3,429 square kilometres with a significant proportion of this area is identified as bush fire prone land. There are approximately 1,200 parcels of Public Reserve and Crown Land under Council's care and control in both urban and rural environments totaling approximately 2,500 hectares.

The risk management of fire is often a complex and emotive issue, one that requires a balance between managing the risk of people and community assets and acknowledging the value of the natural environment to our social, economic and cultural wellbeing.

It is the duty of a public authority (Council, National Parks, State Forests, Crown), owner or occupier to undertake maintenance and management of land under their care or control in order to mitigate bush fire risk under the Rural Fires Act 1997.

The Eurobodalla Bush Fire Management Committee in accordance with the Rural Fires Act 1997 prepared the Eurobodalla Bush Fire Risk Management Plan. The plan identifies the levels of risk

**IR15/047 FUNDING OFFER - 2015-16 BUSH FIRE RISK MITIGATION AND
RESILIENCE GRANTS PROGRAMS**

E14.8343

across the Eurobodalla local government area and establishes coordinated hazard reduction zone strategies which responsible land management authorities implement in order to manage bush fire risks.

CONSIDERATIONS

The Bush Fire Risk Mitigation and Resilience Fund assists Council to undertake bush fire mitigation works that contribute to a safer community. This additional funding will assist Council to work towards meeting the objectives of the Eurobodalla Bush Fire Risk Management Plan and maintaining Asset Protection Zones by undertaking additional fire mitigation vegetation works involving hand clearing and grooming of Council managed lands.

Policy

Council's Bush Fire Risk Management Plan supported this successful funding application.

Social Impact

The proposed fire mitigation works contributed to a safer community by reducing fuel build up in the asset protection zone.

Financial

This project is being funded by NSW Rural Fire Service and provides 100% funding towards the project. No additional allocation of Council funds is required.

CONCLUSION

The support of the NSW Rural Fire Service through the Bush Fire Risk Mitigation and Resilience Grants Programs is valued. The acceptance of this grant will make a significant contribution in improving asset protection zones in urban interface areas, further mitigating the risk of bushfire to our community.



NSW RURAL FIRE SERVICE



Eurobodalla Council

Our Ref: N15/0391

BY EMAIL ONLY

23 September 2015

Dear Sir/Madam,

OFFER OF GRANT FUNDING & FUNDING AGREEMENT FOR EXECUTION

Bush Fire Risk Mitigation & Resilience Grants Programmes

I refer to your Organisation's request for funding of bush fire mitigation works from the FY16 Bush Fire Risk Mitigation & Resilience Grants Programmes.

I am pleased to extend an offer of funding – the details of the offer are contained in the Funding Agreement and the summary list of offers attached, and as follows. Should you wish to accept the offer you need to:

- sign the Funding Agreement and return it to us for execution
- provide your Representative's details as required by clause 26.2
- confirm that you wish to accept the funding offered

Please return these to bushfiregrantprogrammes@rfs.nsw.gov.au.

This offer is open until COB Wednesday 14 October 2015.

If the signed Funding Agreement and acceptance of offer is not returned to us by that date, the offer will lapse and the funding will be assigned to other recipients. Please note that funding approval does not commence until the Agreement is signed by both parties. Please review the terms carefully, as failure to comply with the terms may result in your funding being suspended or cancelled.

The Agreement facilitates the use of the new online Funding Portal to manage funding offers and approvals. There is no expiry date on the new Agreement. It is intended that the Agreement will remain in place indefinitely, until such time as there is a need to change the terms and conditions; this will remove the necessity to sign a new Agreement each Financial Year. The Agreement itself does not specify the amount of funding to be provided to your Organisation, as offers of funding will be made for your acceptance according to the terms of the Agreement, on a continuing basis.

This is an initial offer; you may receive further offers of funding as applications are assessed, depending on the availability of funds.

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
15 Carter Street
LIDCOMBE NSW 2141

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au



The Works Approval Schedule, including the full details and budget for the Works will be available to your Organisation via the online Funding Portal at <https://funding.rfs.nsw.gov.au>. As the transition to the Portal continues, you will be advised as additional functionality becomes available for your use. Thank you for your patience during this period. As the web-based grants facility is a new process, we welcome suggestions and feedback.

If you have any questions, please don't hesitate to contact us.



Sara Mackay
Manager Grants and Coordination Programmes

ID	Organisation
FUND201507090023	Eurobodalla CI
FUND201507140033	Eurobodalla CI
FUND201507140043	Eurobodalla CI
FUND201507140045	Eurobodalla CI
FUND201507140047	Eurobodalla CI
FUND201507140048	Eurobodalla CI
FUND201507140049	Eurobodalla CI
FUND201507140053	Eurobodalla CI
FUND201507140056	Eurobodalla CI
FUND201507140059	Eurobodalla CI
FUND201507150005	Eurobodalla CI
FUND201507150008	Eurobodalla CI
FUND201507150010	Eurobodalla CI
FUND201507150016	Eurobodalla CI
FUND201507150018	Eurobodalla CI
FUND201507150034	Eurobodalla CI
FUND201507150037	Eurobodalla CI
FUND201507150046	Eurobodalla CI
FUND201507150073	Eurobodalla CI
FUND201507150076	Eurobodalla CI
FUND201507150083	Eurobodalla CI
FUND201507150104	Eurobodalla CI
FUND201507150112	Eurobodalla CI
FUND201507150113	Eurobodalla CI
FUND201507150115	Eurobodalla CI

FBD15/076 LICENCE FOR KAYAK HIRE, NAROOMA

E07.1581

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

The temporary licence to conduct a kayak hire business within Crown Reserve R85364 Riverside Drive, Narooma expires on 3 December 2015.

The business operates within the reserve primarily on weekends, public holidays and during school holidays.

A kayak hire business operating from this popular reserve serves as an attraction for both tourists and residents alike.

The licensee has requested that a further temporary licence be granted.

This report recommends the granting of a further temporary licence.

RECOMMENDATION

THAT Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a temporary licence, in accordance with Section 108 of the Crown Lands Act 1989, to Tony Wynn trading as Kayaking Narooma to operate a kayak hire business within Crown Reserve R85364 in Riverside Drive, Narooma at a rental of \$1050.00 plus GST pa commencing on 4 December 2015 and terminating on 3 December 2016 with other terms and conditions in line with the current licence.

BACKGROUND

At the Ordinary Council meeting held on 28 October 2014 it was resolved:

"THAT Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a temporary licence, in accordance with Section 108 of the Crown Lands Act 1989, to Tony Wynn trading as Kayaking Narooma to operate a kayak hire business within Crown Reserve R85364 in Riverside Drive, Narooma at a rental of \$1,028.00 plus GST pa commencing on 4 December 2014 and terminating on 3 December 2015 with other terms and conditions in line with the current licence."

The current licence expires on 3 December 2015 and the licensee has requested that the licence be renewed.

The licence area is shown in the sketch below.

FBD15/076 LICENCE FOR KAYAK HIRE, NAROOMA

E07.1581



CONSIDERATIONS

The business operates within the reserve primarily on weekends, public holidays and during school holidays.

The business is conducted from a vehicle parked within the reserve adjacent to the boat ramp and the kayaks are stored on a trailer with an attached advertising sign awaiting hire.

Legal

Crown Reserve R85364 is under the control of the Eurobodalla (South) Reserve Trust for which Council is Trust Manager. In accordance with Section 108 of the Crown Lands Act 1989 Council as Trust Manager for the Reserve can issue a temporary licence for a period not exceeding 12 months.

Social Impact

A kayak hire business operating from this popular reserve serves as an attraction for both tourists and residents alike.

This reserve is also the location of the annual Narooma Oyster Festival and accordingly the licensee is not permitted to operate from this location during the running of the Festival.

Financial

The current licence fee is \$1,028.00 plus GST pa. It is considered appropriate that the fee be increased in line with the consumer price index, being \$1,050.00 plus GST pa.

Licence Conditions

The conditions in the proposed licence should reflect the conditions in the current licence including:

- Use of the licence area is not permitted during the running of the Narooma Oyster Festival.
- Provision of public liability insurance in the amount of not less than \$20 million and Workers Compensation covering all persons employed or deemed to be employed by the licensee.

FBD15/076 LICENCE FOR KAYAK HIRE, NAROOMA

E07.1581

- The licensee shall keep the licensed area clean and tidy and all papers and other rubbish shall be collected and removed. The licensee shall immediately repair and make good, damage occasioned by the licensee's use of the licensed area.
- No fixed structures to be constructed.
- The licensee shall not sublet, assign or otherwise deal with the licensed area.
- The licensee shall obtain any consent or licence necessary for the conduct of the kayaking business and shall during the term of the licence maintain and/or renew such consent or licence so as to ensure that the same is current during the whole of the term.

CONCLUSION

The kayak hire business is operating successfully from this reserve providing an ongoing attraction for tourists and local residents. Granting a further temporary licence is considered appropriate.

FBD15/077 ROAD WIDENING, CONGO ROAD SOUTH

01.5535.E

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

Attachments: 1. Confidential - Road Widening, Congo Road South

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

Upgrading of Congo Road South in accordance with the Section 94 Contributions Plan – Rural Roads requires the acquisition of part Lot 6 DP 1028918 and part Lot 143 DP 44359 for road widening purposes.

The realignment and sealing of the road will benefit residents and visitors accessing Congo from the south.

This report recommends acquisition of the required land in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

RECOMMENDATION

THAT

1. All actions necessary be taken for the acquisition of land required for road widening within Lot 6 DP 1028918 and Lot 143 DP 44359 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey and legal costs associated with the land acquisition be borne by Council.

BACKGROUND

Council is undertaking road works on Congo Road for the purposes of widening and realignment of the existing road. The works proposed necessitate acquisition of part Lot 6 DP 1028918 (521 square metres) and part Lot 143 DP 44359 (923 square metres).

The name of the registered proprietor is set out in the Confidential Attachment.

CONSIDERATIONS

A sketch of the areas proposed to be acquired is set out below.

FBD15/077 ROAD WIDENING, CONGO ROAD SOUTH

01.5535.E



Legal

A plan of subdivision dedicating the road widening will be required to be registered at the Land and Property Information Office to transfer the land from the current owner to Council as Public road.

Policy

The acquisition of land for road purposes will proceed in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

Asset

The upgrading of Congo Road South is part of the Section 94 Contributions Plan – Rural Roads.

Social Impact

The upgrading of the road will benefit the community and tourists accessing Congo from the south.

Financial

Compensation will be determined by a Registered Valuer in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. Together with the compensation, Council will be responsible for all costs associated with the acquisition including survey, legal and valuation fees and the registered proprietor's reasonable legal costs. Based on previous similar acquisitions sufficient funds are available within allocated Section 94 Contributions Plan – Rural Roads budget.

FBD15/077 ROAD WIDENING, CONGO ROAD SOUTH

01.5535.E

Community Engagement

The affected registered proprietor has been consulted and has consented in writing to the proposed acquisition for road purposes.

CONCLUSION

The acquisition of part Lot 6 DP 1028918 and part Lot 143 DP 44359 is required for road widening purposes at Congo Road and should be acquired in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

RECOMMENDATION

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

CON15/016 Lease of Lakesea Holiday Park

Item CON15/016 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and (dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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