



AGENDA

Ordinary Meeting of Council

25 June 2019

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

ON TUESDAY 25 JUNE 2019

COMMENCING AT 11.00AM

AGENDA

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

1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE

2. APOLOGIES

Nil

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Meeting held on 11 June 2019

4. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

Page No.

5. MAYORAL REPORTS

Nil

6. NOTICES OF MOTION

Nil

7. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

8. PETITIONS

Nil

9. GENERAL MANAGER'S REPORTS

GMR19/011 2019-20 Determination of the Local Government Remuneration Tribunal 3

GMR19/012	Adoption of the revised 2017-21 Delivery Program and 2019-20 Operational Plan.....	5
10.	PLANNING AND SUSTAINABILITY REPORTS	
	Nil	
11.	INFRASTRUCTURE REPORTS	
IR19/015	Response to PET18/006 Reopen Schneider Drive to Mystery Bay Road	21
IR19/016	Request for Tender No. 10022741 - Design, Supply and Construct an Effluent Reuse Irrigation System at Bodalla Sewage Treatment Plant...	26
12.	CORPORATE AND COMMERCIAL SERVICES REPORTS	
CCS19/024	Investments made as at 31 May 2019	28
CCS19/025	Code of Conduct - Conduct Reviewers Panel.....	31
CCS19/026	Land Acquisition - Barlings Beach Access Road	34
CCS19/028	Easement for services over Council land, Sunshine Bay	37
CCS19/029	Sale of Part Lot 1 DP 1249510 Donnelly Drive, Moruya	40
CCS19/030	Reclassification and Sale of Part Lot 2 DP 570760 and Part Lot 4 DP 572585.....	44
13.	COMMUNITY, ARTS AND RECREATION REPORTS	
CAR19/015	Youth Grants	48
CAR19/016	Community Care - Home Care Packages Fees and Charges	51
CAR19/017	Acceptance of Continuity of Support Funding Variations.....	55
14.	DELEGATE REPORT	
15.	URGENT BUSINESS	
16.	DEALING WITH MATTERS IN CLOSED SESSION	57
17.	CONFIDENTIAL MATTERS	

DR CATHERINE DALE
GENERAL MANAGER

**GMR19/011 2019-20 DETERMINATION OF THE LOCAL GOVERNMENT
REMUNERATION TRIBUNAL**

E95.8749

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.3 Assist the Councillors in meeting their statutory obligations and roles

EXECUTIVE SUMMARY

The Local Government Remuneration Tribunal has set the mayoral and councillor fees for the 2019-20 financial year, with effect from 1 July 2019, and has determined that an increase of 2.5% should apply.

RECOMMENDATION

THAT Council:

1. Make a determination in regard to the Remuneration Tribunal's determination of a 2.5% increase in fees for Councillors and the additional Mayoral allowance.
2. Note that the maximum fees for Regional Rural councils for 2019-20, including the full Tribunal determination, are set at \$20,280 for Councillors and \$44,250 for the additional Mayoral allowance.

BACKGROUND

The Local Government Remuneration Tribunal is constituted under the *Local Government Act 1993* and is responsible for categorising councils, county councils and mayoral offices to determine the maximum and minimum fees to be paid to councillors, members of county councils and mayors in each category.

The Tribunal's Report and Determinations can be viewed at:

www.remtribunals.nsw.gov.au/local-government/current-lgrt-determinations

CONSIDERATIONS

Categorisation of Councils

The Local Government Remuneration Tribunal is required under section 239 of the *Local Government Act 1993* to determine the categories of councils and mayoral offices at least once every three years. In 2017 the Tribunal undertook a significant review of the categories and the allocation of councils into each category. The review was prompted by the amalgamation of councils resulting in the creation of 20 new councils and an overall reduction in the number of councils in NSW from 152 to 128.

**GMR19/011 2019-20 DETERMINATION OF THE LOCAL GOVERNMENT
REMUNERATION TRIBUNAL**

E95.8749

This year the Tribunal did not undertake a review of the categorisation of councils and considered only those requests where an individual submission was made. The Tribunal found that the current allocation of councils into the current categories is appropriate.

Eurobodalla Shire Council continues to be classified as a Regional Rural council.

Fees for Councillors and the Mayor

Under the provisions of the *Local Government Act 1993*, Councils are required to fix and pay an annual fee based on the Tribunal's determination. A council cannot fix a fee higher than the maximum amount determined by the Tribunal and must pay at least the minimum fee. The level of fees paid will depend on the category that the council is in.

The Tribunal is required to have regard to the same policies on increases in remuneration as the Industrial Relations Commission is required to give effect to under the *Industrial Relations Act 1996*, relating to the conditions of employment of public sector employees.

The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and finds that the full increase of 2.5% available to it is warranted.

As a result, the minimum and maximum fees for a Regional Rural council for 2019-20 are determined as follows:

	Councillor Annual Fee		Mayoral Annual Fee	
	Minimum	Maximum	Minimum	Maximum
Regional Rural	\$9,910	\$20,280	\$19,580	\$44,250

Financial

The allocation in the 2019-20 budget is sufficient and there are no budget amendments required as a result of the 2.5% determination.

CONCLUSION

The Local Government Remuneration Tribunal has determined an increase to the minimum and maximum mayoral and councillor fees of 2.5% for the 2019-20 financial year, with effect from 1 July 2018.

Under the provisions of the *Local Government Act 1993*, councils are required to fix and pay an annual fee based on the Tribunal's determination. A council cannot fix a fee higher than the maximum amount determined by the Tribunal and must pay at least the minimum fee.

**GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND
2019-20 OPERATIONAL PLAN**

E19.1854

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - 2017-21 Delivery Program and 2019-20
Operational Plan
2. Under Separate Cover - 2019-20 Fees and Charges

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.1 Undertake sound, best practice long term community and
corporate planning

Operational Plan Link: 9.1.1.1 Review Council's Delivery Program and prepare the Operational
Plan

EXECUTIVE SUMMARY

The purpose of this report is to seek adoption of Council's revised Delivery Program 2017-21 and Operational Plan 2019-20, incorporating the Budget, Fees and Charges, Revenue Policy and the making of the general rate and water, sewer, waste, stormwater and liquid trade waste charges.

Under NSW Integrated Planning and Reporting legislation, councils are required to prepare a Community Strategic Plan, Delivery Program and Operational Plan for each term of council. Council's Community Strategic Plan 2017 – One Community was adopted on 13 June 2017. Council's Delivery Program 2017-21, developed through an extensive community and stakeholder engagement, was adopted on 27 June 2017.

The NSW Integrated Planning and Reporting legislation requires councils to review their Delivery Program on an annual basis. The revision this year included Councillor and staff workshops. The revised draft Delivery Program 2017-21 and Operational Plan 2019-20 was exhibited for 28 days between 1 May and 28 May 2019 and the community was invited to provide feedback.

The Delivery Program 2017-21 sets out the activities that Council aims to deliver in its current four year term and the measures used to track its progress. The Operational Plan 2019-20 shows the actions, key projects, capital works and infrastructure renewals and maintenance that Council plans to deliver in the year ahead. The aim is to meet the needs of our community in a financially responsible way while focusing on building a sustainable future for Eurobodalla.

The annual Ordinary Rates for 2019-20 are in accordance with the rate peg set by IPART of 2.7%.

Five submissions were received and considered in the final version of the Delivery Program 2017-21 and Operational Plan 2019-20 and the 2019-20 Fees and Charges (attached).

**GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND
2019-20 OPERATIONAL PLAN**

E19.1854

To meet the statutory requirement for Council to endorse its budget by 30 June 2019, the revised Delivery Program 2017-21 and Operational Plan 2019-20, incorporating the Budget, Capital Works program, Statement of Revenue Policy and Fees and Charges for 2019-20 is reported to Council for adoption, incorporating amendments since exhibition as outlined in this report.

RECOMMENDATION

THAT:

1. Council makes the annual Ordinary Rates for 2019-20 in accordance with the rate peg set by IPART which is 2.7%, as contained in the table in the report.
2. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2019-20 in accordance with the Revenue Policy and Fees and Charges as contained in the tables in the report.
3. Council make each fee and charge for 2019-20 in accordance with the amended Revenue Policy and Fees and Charges as attached to the report, with the exception of Community Care's Home Care Packages (Levels 1-4) fees on page 17 which require re-exhibition.
4. Council adopt the Delivery Program 2017-21 and Operational Plan 2019-20 attached to the report as per the statutory requirements with implementation to commence 1 July 2019.
5. Council thank the community members who made a submission and provide them with a response.

BACKGROUND

The *Local Government Act 1993* requires all NSW councils to prepare a Community Strategic Plan, Delivery Program and Operational Plan.

The Community Strategic Plan is the highest level Plan that Council prepares and is a whole of community plan, reviewed and developed in partnership with the community. It identifies and articulates the community's long term aspirations, priorities and vision. Council's Community Strategic Plan 2017 – One Community was adopted on 13 June 2017.

The Delivery Program details the activities that the Council will deliver over its four year term and the strategies it will implement in consultation with the community and contained in the Community Strategic Plan. Council's Delivery Program 2017-21 was adopted on 27 June 2017.

The Operational Plan details the actions to be undertaken during the next financial year and includes the annual budget and fees and charges for the year ahead.

At the close of the exhibition period there were five submissions. Councillors received a copy of all submissions received. A summary of the public submissions is provided under the Community Engagement section of this report.

**GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND
2019-20 OPERATIONAL PLAN**

E19.1854

CONSIDERATIONS

The Delivery Program 2017-21 and Operational Plan 2019-20 has been developed with the aim of building a sustainable future. The Delivery Program 2017-21 and Operational Plan 2019-20 will enhance Council's ability to meet ongoing financial sustainability, while maintaining a focus on meeting identified community needs and aspirations.

The Delivery Program 2017-21 and Operational Plan 2019-20 continues to focus on building a sustainable future for Eurobodalla and delivering services, key projects, capital works and infrastructure maintenance to support the community in its daily activities, economic development and employment growth. It also systematically implements strategies and plans that Council has adopted following extensive community engagement. Examples include Recreation and Open Space Strategy, Pathways Strategy and Recreation Masterplans.

Legal / Financial

The Office of Local Government's Integrated Planning and Reporting Manual and Integrated Planning and Reporting Guidelines are comprehensive tools which have been used in the development of the Delivery Program 2017-21 and Operational Plan 2019-20.

The combined Delivery Program 2017-21 and Operational Plan 2019-20 has been prepared in accordance with the *Local Government Act 1993*.

- Section 404 requires Council to have a Delivery Program to implement the strategies established in its Community Strategic Plan within the resources available.
- Section 405 requires Council to have an Operational Plan which details the activities to be engaged in by the Council during the year as part of the Delivery Program. The Operational Plan must include a statement of the Council's revenue policy for the year covered by the Plan. The statement of revenue policy must include the statements and particulars required by the regulations.
- Section 535 requires a council resolution to make a rate or charge.

The following presents the rates and charges as detailed in the Revenue Policy and Fees and Charges Schedule for making:

General Revenue Increase

The General-Purpose rate income will increase 2.7% in accordance with the rate peg amount approved by IPART.

In accordance with Section 494 of the *Local Government Act 1993*, it is recommended that Council makes the following Ordinary Rates for 2019-20:

Ordinary Rate Name	Rate (cents in \$)	Base Charge (\$)	% of total Rate
Residential	0.2737	513.50	49.74
Business	1.0583	513.50	13.92
Farmland	0.2052	513.50	32.72
Business Inactive	0.2737		

**GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND
2019-20 OPERATIONAL PLAN**

E19.1854

Interest Charges on Overdue Rates and Charges

The Minister for Local Government has determined the maximum rate of interest that may be charged on overdue rates and charges for 2019-20 will be 7.5%.

In accordance with Section 566(3) of the *Local Government Act 1993*, it is recommended that Council resolves to adopt the maximum interest rate allowed.

Domestic Waste Management Charges

Council provides a waste collection and management service to the community. Waste management charges are designed to recover costs from people who actually benefit from the availability or the use of Council's waste management system.

Waste collection charge has been decreased by 2.9% as a result of revenue expected to be received from recyclable items placed in the yellow lidded bins. This is a flow on effect from the introduction of the NSW container deposit scheme.

In accordance with Section 496 of the *Local Government Act 1993*, it is recommended that Council makes the following Domestic Waste Management Charges for 2019-20:

Domestic Waste Charge	Total Charge (\$)
Domestic waste availability charge	18.75
Domestic waste collection service charge	233.00
+Additional service 240L recycling bin	68.35
+Additional service 240L garden organics bin	68.35
Waste management charge	53.00

Stormwater Management Service Charges

In 2006-07 Council introduced a Stormwater Charge on all developed urban properties. A special 'Stormwater Fund' was established as part of the General Fund to record and report the income and expenditure related to this charge.

Stormwater charges will remain the same as 2018-19.

In accordance with Section 496A of the *Local Government Act 1993*, it is recommended that Council makes the following Stormwater Management Service Charges for 2019-20:

Stormwater Management Service Charge	Total Charge (\$)
Land categorised as residential	25.00
Residential strata (per lot)	12.50
Land categorised as business	25.00 (for land up to 1,050 square metres) 50.00 (for land 1,051 to 2,100 square metres) 75.00 (for land 2,101 to 3,150 square metres) 100.00 (for land greater than 3,150 square metres) The charge for business strata is for the business divided by the number of units

**GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND
2019-20 OPERATIONAL PLAN**

E19.1854

Environment

In 1996-97 Council introduced an Environmental Levy to provide funds to assist with the preservation and protection of the environment. A separate fund, the Environment Fund, was established for the levy to ensure that monies collected are accounted for separately from other activities of Council.

The Environment Levy will increase 2.7% in accordance with the rate peg amount approved by IPART.

In accordance with Section 495 of the *Local Government Act 1993*, it is recommended that Council makes the following Environmental Levy for 2019-20:

Category	Rate (cents in \$)	Base charge (\$)	% of total rates
Environmental Levy	0.01032	20.20	49.65

Water

Supplying water to the community is one of the major activities of Council. To pay for this supply, Council collects revenue from people who benefit from the availability and use of the water supply. All consumers are charged a fixed availability charge and a water consumption charge. The charges have been balanced to maintain best practice established by the NSW Office of Water.

The water consumption charge will increase by 1.3% to maintain best practice pricing. The water availability charge will increase by 3.0%.

In accordance with Sections 502 and 552 of the *Local Government Act 1993*, it is recommended that Council makes the following Water Charges for 2019-20:

Water Availability	Charge (\$)
Residential connection – metered, unmetered, strata unit	330.00
Business and multi residential (non-strata flats)	
Meter size (mm) - 20	330.00
25	528.00
32	858.00
40	1,320.00
50	2,079.00
80	5,280.00
100	8,250.00

Water Consumption

Category	Usage charge	Charge (\$)
Residential and business	Meter size	3.65 per kL
A service fee of \$10.00 applies to all accounts 0-2kL		

**GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND
2019-20 OPERATIONAL PLAN**

E19.1854

Sewer

Council is responsible for the sewerage services within the Shire. Sewerage charges collect revenue from people who actually benefit from the availability or use of Council's sewerage system.

The sewer availability charge will increase by 2.1%.

In accordance with Sections 502 and 552 of the *Local Government Act 1993*, it is recommended that Council makes the following Sewer Charges for 2019-20:

Residential	Charge(\$)
General service – metered, unmetered, strata unit	970.00
Turlinjah general service (85%)	824.50
Dual occupancy single meter (assessed at a single 25mm availability charge)	1,552.00

Business and Multi Residential (non-strata flats) Availability		
Water meter size (mm)	Availability factor	Charge (\$)
20	1.0	970.00
25	1.6	1,552.00
32	2.6	2,522.00
40	4.0	3,880.00
50	6.3	6,111.00
80	16.0	15,520.00
100	25.0	24,250.00
vacant	1.0	970.00
strata	1.0	970.00

Category	Usage charge	Charge (\$)
Business	meter size	1.92 per kL

Special Sewer Charges

In accordance with Sections 501 and 552 of the *Local Government Act 1993*, it is recommended that Council makes the following Special Sewer charges for 2019-20:

Category	Charge (\$)
Residential general service	970.00
Business	Meter size
Business	Trade waste

Liquid Trade Waste charges

Dependent on the type of business listed on the schedule, properties are charged a usage fee discounted by a discharge factor. The liquid trade waste discharge factor is the ratio of the

**GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND
2019-20 OPERATIONAL PLAN**

E19.1854

volume of liquid trade waste discharged into the sewerage system divided by the volume of water consumed.

Liquid trade waste charges will increase by 1.2%.

In accordance with Sections 502 and 552 of the *Local Government Act 1993*, it is recommended that Council makes the following Liquid Trade Waste Charges for 2019-20:

Liquid trade waste annual fee	\$104.00
Liquid trade waste annual fee (large discharger)	\$560.00
Discharge	\$1.53/kL
Discharge (without appropriate treatment)	\$14.30/kL

Proposed Amendments

During the public exhibition period, necessary amendments to the exhibited Delivery Program 2017-21, Operational Plan 2019-20 and Budget were identified.

These have arisen due to the carry forward of works from 2019-20, as adopted from the March Quarterly Review report presented to Council during the exhibition period (Minute No. 19/92 of Ordinary Meeting of Council held on 28 May 2019).

Operational Plan 2019-20

Operating Result:

- Favourable impact (\$0.25 million). This relates to a delay in Rural Fire Service construction works and supported transport works. It is offset by the removal of the Southern Phone Limited dividend, an increase in the Rural Fire Service contribution levy across all councils and the implementation of the CoastSnap beach monitoring program (Action 3.2.2.4).

Operating Result after Capital Grants and Contributions:

- Favourable impact (\$4.57 million) as a result of the abovementioned operational adjustments and the inclusion of additional capital grants and contributions funding associated with the revised timing of some capital works projects.

Fund Flow Result:

- \$13.16 million increase to capital works expenditure. This includes significant transport projects, carry forward of Sewer works and Batemans Bay Regional Aquatic, Arts and Leisure Centre.
- These items and associated adjustments to funding, including borrowings and transfers to/from Council reserves, result in the proposed use of \$1.45 million of unrestricted funds.

Delivery Program - outer years

- Supported capital expenditure for the Batemans Bay Regional Aquatic, Arts and Leisure Centre and transport works.

GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND 2019-20 OPERATIONAL PLAN	E19.1854
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Budget items in the Delivery Program 2017-21, Operational Plan 2019-20 and Budget have been updated where required.

Fees and Charges 2019-20

- Companion Animal statutory fees have been updated to reflect 2019-20 legislated fees.
- The Commonwealth Department of Health advised new mandatory comparative pricing requirements in May 2019. To comply with this, Council will re-exhibit revised fees for Community Care's Home Care Packages fees as outlined in page 17 of the draft 2019-20 Fees and Charges document.

Additional minor editorial amendments to the documents have been made to phrasing, punctuation and format to improve the quality and clarity of the documents presented.

Asset

The 2019-20 Capital Program included in the Operational Plan 2019-20 includes a continued focus on sustaining community infrastructure through the renewal of assets, particularly short lived assets. The Program includes the provision of new infrastructure to meet demand from growth and progressively address network deficiencies.

The Plan also includes Council continuing to work with peak bodies to advocate to the NSW and Australian governments for enhanced asset funding models to better support regional communities across NSW.

Social Impact

The Community Strategic Plan provides an overarching framework for all other Council plans and policies. The purpose of the Community Strategic Plan is to identify the community's priorities and aspirations for the future and plan strategies to achieve them. The Delivery Program 2017-21 and Operational Plan 2019-20 are Council's response to the Community Strategic Plan and provide a range of programs, services and infrastructure projects to meet identified community needs.

Economic Development Employment Potential

The Delivery Program 2017-21 and Operational Plan 2019-20 focus on building a sustainable future for Eurobodalla and delivering services, key projects, capital works and infrastructure maintenance that support economic development and employment growth within the Eurobodalla.

Attracting people to live, work, invest and visit Eurobodalla will be supported by the implementation of Advancing Eurobodalla and other related strategies, which will include a focus on providing, renewing and maintaining assets and infrastructure, managing environmental change, planning for sustainable development and growth in population, business and tourism.

The Delivery Program 2017-21 and Operational Plan 2019-20 set out the activities that support Council's role in helping to grow the local economy and employment potential.

**GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND
2019-20 OPERATIONAL PLAN**

E19.1854

The activities will support Council to:

- advocate for funding for major projects, and legislation to support growth
- provide and maintain public infrastructure
- promote the tourism industry
- promote and support business investment and employment growth
- partner with business and industry to attract funding and investment
- provide support services, networking and training opportunities
- partner with industry to develop opportunities for job growth
- provide opportunities for cadetships, apprenticeships and work experience.

Community and Stakeholder Engagement

Council's original Delivery Program 2017-21 was developed through an extensive community and stakeholder engagement. The Delivery Program 2017-21 and Operational Plan 2019-20 were revised through Councillor and staff workshops. It also systematically implements strategies and plans that Council has adopted following extensive community engagement. Examples include Recreation and Open Space Strategy, Pathways Strategy and Recreation Masterplans.

The revised Delivery Program 2017-21 and Operational Plan 2019-20 was endorsed for public exhibition from 1 May to 28 May 2019. Council continued to engage the community during this period by:

- making the revised draft Delivery Program 2017-21 and Operational Plan 2019-20 available for the community to read on Council's website, in Eurobodalla's three libraries, and at the Customer Service Centre in Moruya
- informing the community about the public exhibition and inviting the community to have their say through information on Council's website, Eurobodalla News - Council's online newsletter, media release and advertisement in local newspapers
- notifying and inviting community associations and groups to have their say
- consulting the community by considering and acknowledging submissions received, and providing the community's feedback to Council prior to any decisions being made about the Delivery Program 2017-21 and Operational Plan 2019-20.

Five public submissions were received during the exhibition period. Councillors received and considered all submissions in the final combined document. The table below provides a summary of the issues raised in the submissions and Council's response.

Issue	Response
Request to install park furniture above Coila Beach	A number of seats exist at Coila Beach reserve overlooking the area currently. We will arrange

**GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND
2019-20 OPERATIONAL PLAN**

E19.1854

	to meet representatives of the Tuross Head Progress Association on-site to further assess the suitability of sites in this immediate area for the installation of one picnic setting.
Suggests Council should conduct several open public meetings in the preparation of the Operational Plan so those who are genuinely interested could attempt to influence how their money is spent.	<p>Throughout the year, Council receives many requests for projects and funding which are considered in the development of the Operational Plan and budget.</p> <p>Council meets annually with Community Associations to ascertain the needs of the individual communities. These meetings are held during the development of the Delivery Program and Operational Plan.</p> <p>In addition, strategies and plans that Council has adopted following extensive community engagement are also included in the Delivery Program and Operational Plan. Examples include Recreation and Open Space Strategy, Pathways Strategy and Recreation Masterplans.</p>
Surfside accessibility upgrade - request of kerb and guttering and shared pathway for Bayview Street and Timbara Crescent, Surfside.	<p>Council has an ongoing capital program to reconstruct older streets such as Timbara Crescent to provide kerb and gutter, improve stormwater drainage and renew ageing road pavements. This important urban renewal program addresses inequities in service provision to residents, road safety issues, helps sustain our ageing road network and provides for integration with other programs such as our pathways program and water main renewal program.</p> <p>The draft Plan includes the reconstruction of a number of urban streets and the provision of shared pathways and footpaths selected on a priority basis and point score system. Timbara Crescent is listed as a medium priority under the point score system.</p> <p>Council will continue to advocate to the NSW Government for funding for pathways within the Eurobodalla.</p>
- Renew Russ Martin Park Toilet block, including disability access.	Council has a five year renewal works program for public toilets. This program is based on their

**GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND
2019-20 OPERATIONAL PLAN**

E19.1854

<ul style="list-style-type: none"> - Rejuvenate the shrubs in main street Moruya. - Funding of Moruya's main street clock replacement. - Bicycle hoop racks, for securing bicycles in Moruya CBD. - Recreational Vehicle (RV) overnight short stay locations and signed posted. Also add road markings to delineate existing RV Day Parking spaces. - Support a Visitor Information Centre Pop-Up in Moruya through the funding of a coordinator. 	<p>condition, categorisation, functionality and environmental attributes. The public toilets at Russ Martin Park, including the disability access, have recently been reviewed in terms of its structural, functional and aesthetic qualities, and is regarded as being in good condition. With alternate facilities available 200m away at Riverside Park there are no short term plans to renew these public amenities. However, Council will continue to undertake minor works as necessary to ensure the toilets are maintained in good condition.</p> <p>Council's Parks team regularly attends to the plantings within the Moruya CBD. The team will arrange to meet with representative of the Chamber to address the specific plantings.</p> <p>There is no current funding allocation for the replacement of the clock in the main street or the installation of bicycle hoop racks in Moruya. Council staff have had several conversations with the Chambers to discuss the replacement of the clock. Staff are awaiting further details from the Chambers in order to progress this request.</p> <p>Council recently installed signage to delineate the location of the long vehicle parking areas in Shore Street and Church Street east. The addition of linemarking would limit the use by differing sizes of recreation vehicles and is not supported in this case. The use of the parking areas will be monitored to assess take-up of the on-street parking made available. There remains significant general on street parking for long vehicles within Moruya.</p> <p>During 2019-20 Council will investigate the best model for the delivery of visitor information services in Eurobodalla (Action 5.3.1.3). This review will consider the most effective visitor servicing solution for the Shire and we will engage the Business Chambers and its tourism industry members through this review process. The allocation of resources to the provision of visitor information services will be determined</p>
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GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND 2019-20 OPERATIONAL PLAN

E19.1854

<p>- Assistance in developing the Moruya town brand.</p>	<p>as part of this review process.</p> <p>Council will continue to work with the Moruya Business Chamber to develop Moruya as a destination town. The need to undertake a comprehensive place based planning process for the town of Moruya is recognised as a key action in both the Eurobodalla Destination Action Plan and the recently adopted Economic Development Strategy 2019. In particular Action 4.7 of the Economic Development Strategy requires the development of town centre revitalisation and activation plans for the main towns and villages of the Shire. The imperative for this to be actioned in the context of Moruya and the recently announced town centre bypass is acknowledged and discussions to seek funding support to bring the planning forward has commenced. Council would be looking at a collaborative planning process with the communities of the town in particular its businesses in the development of this plan.</p>
<p>- Assistance in assessing the impact of the Moruya Bypass will have on small businesses and participate in the ensuing dialogue with RMS.</p>	<p>The proposed Moruya by-pass was an election commitment of over three hundred millions dollars by the NSW Government with local member Andrew Constance MP indicating the work will proceed within this term of Government. This is a large project which will require extensive engagement by Transport for NSW with Council, the Chamber and the broader community. It is understood that the NSW Government will firstly allocate the funds for the extensive detailed engineering and project planning work required to enable Transport for NSW to commence this process. Transport for NSW have confirmed an intent to work in a collaborative manner. Council will continue to engage with the Chamber to support a strong engagement by Transport for NSW.</p>
<p>- Assistance with negotiations with Essential Energy to access power poles to support Moruya's quality events and enhance the visitor experience.</p>	<p>Council will continue to support the initiative for placing banners and Christmas lights on the main street light poles where it can.</p>

E19.1854

<p>- Code of Meeting Practice, the removal of live streaming, lack of face to face contact between the community and councillors</p>	<p>The Code of Meeting Practice was adopted on 11 June 2019. Council considered and has made a decision regarding live streaming of public forum.</p> <p>In regards to face to face contact with the community, Council will conduct a public access session once per month, prior to the commencement of briefing sessions, for members of the public to raise any Council related issues with Councillors, which have not been previously determined by Council.</p> <p>Councillors' contact details are available on Council's website. Residents and ratepayers may contact individual Councillors or the group at any time. Councillors connect with members of the community in many ways through their own networks</p>
<p>- Albert Ryan Park including the toilets, park furniture and RV dumping</p>	<p>Council engaged extensively with the community in the development of the Recreation and Open Space Strategy 2018 (ROSS). The ROSS contains 85 Actions, identified as high, medium and low priority. Action N14 is 'Consult with the community about future design, layout and maintenance of Albert Ryan Park and Rotary Park in Batemans Bay.' This Action is a medium priority, and as previously advised, the action to consult with the community will be addressed in the next 18 months, after a number of high priorities have been addressed.</p> <p>Council manages public toilets in recreational spaces and facilities across the shire and has a current five year works program for renewal of public toilets based on their condition, categorisation, functionality and environmental attributes. Albert Ryan Park is currently not in this five year renewal program, however it will be assessed along with all other public toilets to be prioritised into the next five year replacement program. Further consideration of picnic tables, chairs and the possible provision of a dump point will occur during the</p>

GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND 2019-20 OPERATIONAL PLAN

E19.1854

<ul style="list-style-type: none"> - Youth facilities - Plans of Management - Art murals - Council's relationship with the Batemans Bay Chamber of Commerce 	<p>consultation with the community, via ROSS Action N14.</p> <p>Council provides a range of youth targeted facilities, programs and services, including sporting facilities, swimming pools, Youth Cafes, Youth Week events and grants to assist others to run activities. Council actively listens to young people, provide opportunities for them to participate in Council's Youth Committee, enabling input into Council planning and programs and leadership and development skills. Council is currently funded to provide youth employment programs, which will enable youth people in our community to attain meaningful employment and training locally.</p> <p>Under the Crown Lands Management Act 2016 Council is required to prepare Plans of Management (POMs) for all Crown land under Council's control in Eurobodalla. This legislative process requires Council to consult with the community in the development of these plans. All draft POMs for Crown Land are referred to Crown Lands as the land owner and publicly exhibited, enabling the community a further opportunity to comment.</p> <p>Council adopted the Creative Arts Strategy in February 2019. Action 12 is to 'Develop a Public Art Strategy in partnership with the Public Art Advisory Committee.' Action 2.1.1.1 of the Operational Plan 2019-20 is to 'Co-ordinate the Public Art Advisory Committee and associated projects'. Undertaking this action will include consideration of murals and other public art across the shire.</p> <p>Action 5.1.1.5 of the Operational Plan 2019-20 involves Council implementing Advancing Eurobodalla. This is Council's Economic Development Strategy and includes priority action 1.2 to establish an appropriate forum to discuss and explore economic development matters. This includes Council coordinating a facilitated business forum on a yearly basis and coordinate regular action-based working group</p>
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**GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND
2019-20 OPERATIONAL PLAN**

E19.1854

<p>- Camping opportunities at Moruya Showground and Recreational Vehicles (RV) facilities</p> <p>- The Anglican Church (Peak) cemetery</p>	<p>meetings involving a broad representation including the Chambers of Commerce and relevant industry representatives. This Action was developed in response to input from a broad range of industry stakeholders including the Chambers. The Batemans Bay Chamber of Commerce have endorsed Advancing Eurobodalla and have publicly expressed their support for it.</p> <p>The Plan of Management (POM) for the Moruya Showground and Golf Course Reserve is considering requests from the community and Chambers of Commerce to consider temporary camping on the showground site. The draft POM acknowledges Crown Lands as the land owner and they will be approached for comment and approval in the first instance. If the draft POM is approved by Crown Lands, it will go to Council for approval to be publicly exhibited, enabling further comment and submissions by the community, including in relation to mobile homes and camping.</p> <p>The renewal of the stairs leading down to Albert Ryan Park, including the path at the top, is near completion.</p> <p>A photograph of the plaque in relation to the first Anglican cemetery, currently located as part of a brick wall at the site has been provided to Council.</p> <p>The matter has been referred to Council's Heritage Committee for further discussion and review at their next meeting.</p>
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Council also received a query from the Durras Community Association (DCA) about the inclusions of funding within the Operational Plan for the completion of the South Durras boat ramp carpark and the connection of the pathway on Durras Drive near the bridge close to town. Information confirming these works has been provided to the DCA.

CONCLUSION

The revised Delivery Program 2017-21 and Operational Plan 2019-20 has been developed taking into account the various inputs and responses provided by stakeholders and community members. This included five submissions received during the public exhibition period 1 May to 28 May 2019.

GMR19/012	ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND 2019-20 OPERATIONAL PLAN	E19.1854
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Council is required to adopt the Delivery Program 2017-21, Operational Plan 2019-20 incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges by 30 June 2019.

**IR19/015 RESPONSE TO PET18/006 REOPEN SCHNEIDER DRIVE TO MYSTERY
BAY ROAD**

E98.2475

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: 1. Mystery Bay map
Outcome: Connected and Accessible Places
Focus Area: 7.1 Work in partnership to provide an integrated transport network
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network
Operational Plan Link: 7.1.2.3 Provide traffic management planning

EXECUTIVE SUMMARY

This report is provided in response to a petition submitted to the Council meeting held on 11 December 2018 at which Council resolved that:

- 1. Council staff investigate this proposal and a further report be presented to Council on the outcomes of this investigation in early 2019.*
- 2. The Traffic Committee consider that the 50kmh speed zone be extended to the west of its existing boundary to incorporate the intersections of Schneider Drive and Sunnyside Road.*

The residential lots fronting dwellings within Mystery Bay are serviced by a sealed urban road network appropriate to the level of development. Schneider Drive is sealed to the frontage of houses within this street.

The unformed section of Schneider Drive was closed many years ago following complaints from residents regarding vehicles speeding into the residential area, and due to the unformed nature of the track.

Advice from the NSW Rural Fire Service indicates the upgrade of Schneider Drive is not required for bushfire purposes. However, given the heightened concerns of residents, the RFS has been requested to undertake further education within the Mystery Bay community on bushfire preparedness prior to next summer, which they will progress as soon as practicable. Further, the RFS is considering to establish Neighbourhood Safer Place within/near Mystery Bay.

Should Council wish to re-open the Schneider Drive, the road would need to be upgraded to a sealed standard. The cost to upgrade the unformed section of the road, including provision of stormwater, provision of traffic calming devices and service relocation is estimated at \$448,120 (subject to detailed design work).

The provision of this additional roadway cannot be justified and it is therefore recommended that this matter not be pursued.

The matter of speed zoning is not a matter for Council and was referred to the Roads and Maritime Services for review. The RMS has advised that the existing 80km/hr speed zone on Mystery Bay Road is appropriate and will remain in place.

**IR19/015 RESPONSE TO PET18/006 REOPEN SCHNEIDER DRIVE TO MYSTERY
BAY ROAD**

E98.2475

RECOMMENDATION

THAT:

1. The report on Schneider Drive be received and noted.
2. The opening and construction of the unformed section of Schneider Drive not be pursued.
3. The determination of the Roads and Maritime Services (Transport for NSW) in regard to the speed zoning request on Mystery Bay Road be noted.
4. The Council support the NSW Rural Fire Service to undertake further education with the Mystery Bay community on fire preparedness before the next summer.

BACKGROUND

A petition was tabled titled "Petition to Eurobodalla Shire Council to reopen Schneider Drive to Mystery Bay Road" at the Ordinary Meeting of Council held Tuesday 11 December 2018. The petition was provided in printed form with 112 signatures with the following two requests:

1. Schneider Drive be opened as a one-way road, with left turn only into Mystery Bay Road and no right turn access from Mystery Bay Road.
2. That the 50kph speed zone be extended to the west of its existing boundary to incorporate the intersections of Schneider Drive and Sunnyside Road.

CONSIDERATIONS

The sealed section of Schneider Drive provides direct access and frontage to existing lots within that street (refer plan attached). The remainder of the village is similarly serviced by a sealed network of roads.

At present the portion of the road intersecting with Mystery Bay Road is unformed, with an earthen bund at the northern end. This bund was installed as a result of resident concerns regarding the use of this unformed road as a thoroughfare. It is noted that a small proportion of vehicles have been driving around the mound from time to time.

**IR19/015 RESPONSE TO PET18/006 REOPEN SCHNEIDER DRIVE TO MYSTERY
 BAY ROAD**

E98.2475

Legal

Council Minute 18/377 requested that the Local Traffic Committee investigate the option of limiting the speed on Schneider Drive. The determination of speed zones is the responsibility of Roads and Maritime Services (RMS) and outside of the remit of the Local Traffic Committee.

This request was therefore referred to the RMS who determined that the 80km/hr speed zone on Mystery Bay Road is appropriate to the rural context outside of the urban village of Mystery Bay.

To undertake any upgrading works along Schneider Drive, Council would need to first undertake a review of environmental factors to assess any likely impacts of the works. This work would include undertaking a fauna/flora and archaeological assessment.

Financial

The portion of Schneider Drive that adjoins Mystery Bay Road is unformed (approximately 400m) and would require significant works to construct it to a rural road standard. Installation of traffic calming devices and stormwater drainage would also be necessary. The location and depth of the existing 200mm AC water main would need to be further assessed and the water filling station at the intersection of the roads would require relocation.

The cost to upgrade the road to a sealed urban road standard has been estimated to be \$448,120 subject to more detailed design. Neither the capital nor ongoing cost can be justified in these circumstances. In addition, there are also many higher priority works required across Eurobodalla.

The provision of a one way access along this route is not supported as it is likely to experience a high level of non-compliance.

Community and Stakeholder Engagement

The submission of the petition from the Mystery Bay community indicates a heightened level of concern regarding bushfire preparedness.

Consultation was undertaken with the Rural Fire Service (RFS) regarding the Mystery Bay petition request. The RFS has since assessed the situation and advised that:

- i) the management of bushfire risk is a shared responsibility, with individual property protection the key to preparedness
- ii) the RFS can assist with education should residents seek that support
- iii) the upgrade and continuation of Schneider Drive is not required for fire fighting purposes
- iv) a suitable track does exist along the unformed section of Schneider Drive in the unlikely event the RFS need to use it
- v) a process to establish a Neighbourhood Safer Place is being developed by the RFS so that Mystery Bay has a neighbourhood safer place in future.

This report therefore proposes that Council should write formally to the RFS asking them to undertake further education within the village of Mystery Bay to work with the community to mitigate the level of risk, particularly within individual properties and support the RFS in establishing a Neighbourhood Safer Place near/within Mystery Bay.

**IR19/015 RESPONSE TO PET18/006 REOPEN SCHNEIDER DRIVE TO MYSTERY
 BAY ROAD**

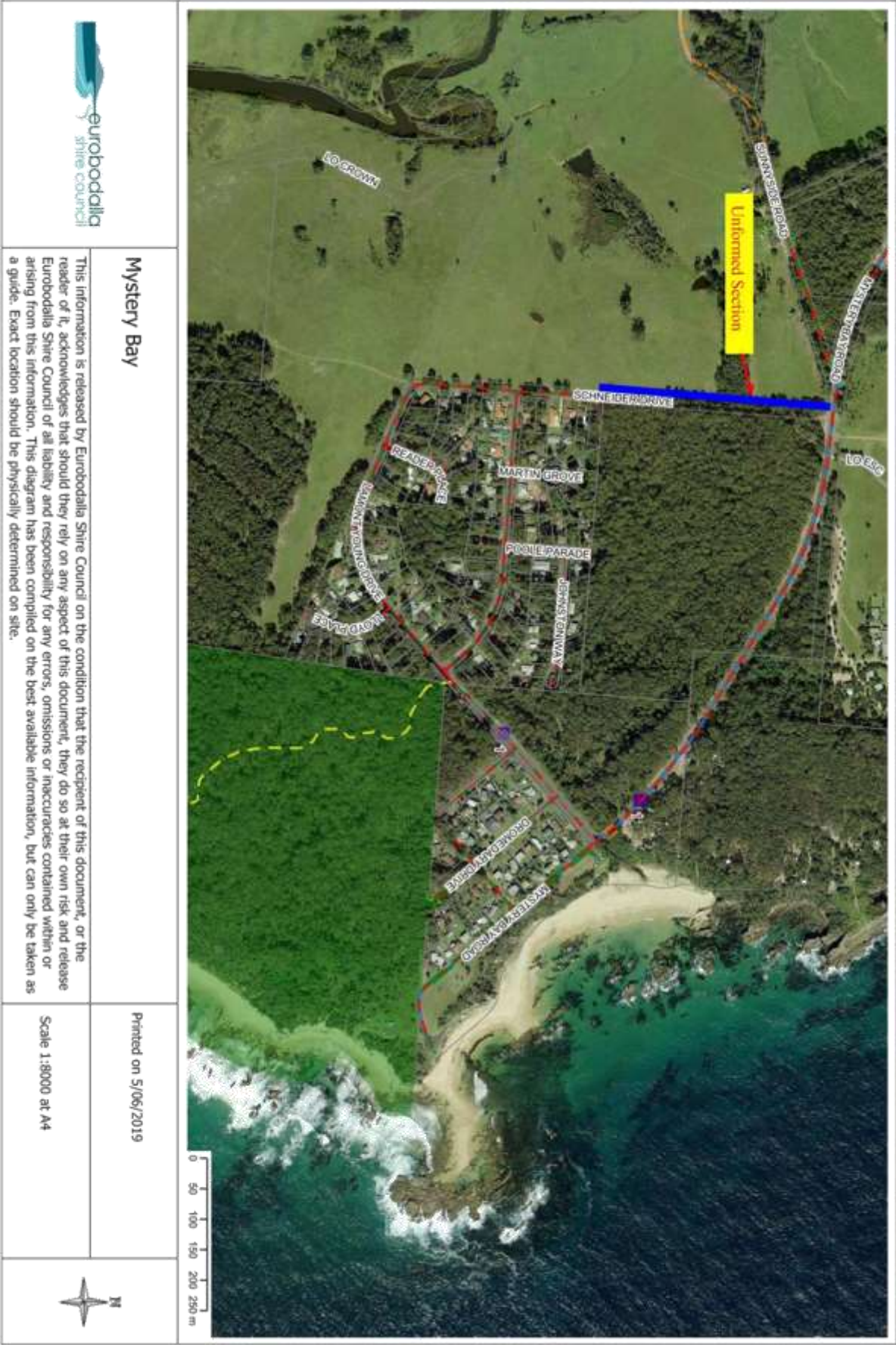
E98.2475

CONCLUSION

The Mystery Bay community has raised concerns about bushfire preparedness. It is proposed that the Council support the RFS formally to undertake further education within the Mystery Bay community on bushfire preparedness before the next summer. The investigation of a Neighbourhood Safer Place by the RFS within/near Mystery Bay is supported.

The provision of an extension of Schneider Drive cannot be justified.

The existing speed zone on Mystery Bay Road has been assessed by the RMS and found to be appropriate for the level of development and type of road. No change is proposed.



**IR19/016 REQUEST FOR TENDER NO. 10022741 - DESIGN, SUPPLY AND
CONSTRUCT AN EFFLUENT REUSE IRRIGATION SYSTEM AT BODALLA
SEWAGE TREATMENT PLANT**

E02.6256

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Tender Irrigation System Bodalla STP - confidential attachment

Outcome: Sustainable Living

Focus Area: 4.1 Maximise the efficient use and reuse of our water resources

Delivery Program Link: 4.1.1 Provide a safe, reliable and sustainable town water supply and sewerage services

Operational Plan Link: 4.1.1.2 Build, renew, operate and maintain sewerage systems

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 10022741 - Design, supply and construct an effluent reuse irrigation system at Bodalla Sewage Treatment Plant, and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT:

1. Council endorses the selection of the preferred tenderer listed for Request for Tender No. 10022741 - Design, supply and construct an effluent reuse irrigation system at Bodalla Sewage Treatment Plant within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

BACKGROUND

The Bodalla Sewage Treatment Plant has been designed to discharge treated effluent onto nearby pastures to reduce discharge into the local watercourse. The purpose of this tender was to seek the engagement of a contractor to design, supply and construct the effluent irrigation reuse system.

RFT No. 10022741 was advertised on 9 April 2019 with a closing date of 7 May 2019.

Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- Hodgson Electrical Pty Ltd
- Gosford Irrigation & Water Solutions (GIWS) Pty Ltd.

A summary of the evaluation including each tenderer's scoring against the evaluation criteria and pricing is provided in the confidential attachment to this report.

**IR19/016 REQUEST FOR TENDER NO. 10022741 - DESIGN, SUPPLY AND
CONSTRUCT AN EFFLUENT REUSE IRRIGATION SYSTEM AT BODALLA
SEWAGE TREATMENT PLANT**

E02.6256

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 10022741 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertised on Council's noticeboard page, in two local newspapers, in the Sydney Morning Herald and on the NSW Government's tendering portal (<https://tenders.nsw.gov.au>).

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

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

Policy

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

Financial

Tendered pricing is within current budget provision.

Community and Stakeholder Engagement

The community will be informed of the tender outcome(s) via Council's contract register found in Council's 'Public Access to Information' web link.

CONCLUSION

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

This report recommends the preferred tenderer.

CCS19/024 INVESTMENTS MADE AS AT 31 MAY 2019

E99.3517

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

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.4.3 Provide financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is to:

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

RECOMMENDATION

THAT the certification that the investments as at 31 May 2019, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

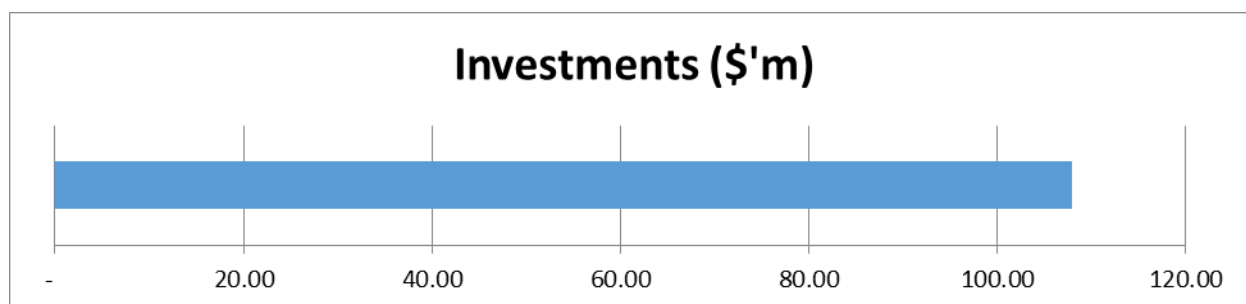
CONSIDERATIONS

Policy

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

Financial

Council investing overall



CCS19/024 INVESTMENTS MADE AS AT 31 MAY 2019

E99.3517

Council has 100% (\$108.00m) invested in Bank Deposits. The Bank Deposits are held in banks rated A or greater, or covered by the AAA rated Government Guarantee, except for \$29.5m invested in banks rated below A, and in the 'some limited risk' category of the policy.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 27.78% invested in BBB+. Investment in Government Guaranteed Deposits is \$1.75m and represents 1.62% of the portfolio.

There are \$49m (45.37%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 2.58%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (1.79%).

Collateralised Debt Obligation (CDO)

Funded legal action against one agency is continuing.

Summary investment information

The following table summarises investment categories and balances at month end.

CATEGORY	(\$)
At Call Deposit	5,000,000
Term Deposits	101,250,000
Term Deposits Government Guaranteed	1,750,000
	108,000,000
<i>Weighted average interest %:</i>	2.58%
<i>Average 90 day BBSW + 0.25%</i>	1.79%

Policy and liquidity risk

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

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.62	1.62	100.00
Near risk free	71.07	71.07	100.00
Some limited risk (BBB+)	27.31	27.31	30.00

CCS19/024 INVESTMENTS MADE AS AT 31 MAY 2019

E99.3517

Grand total	100.00	100.00	
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The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2018 is 2.51:1. Council therefore has approximately \$2.51 of current assets for each \$1 of current liabilities.

CONCLUSION

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

CCS19/025 CODE OF CONDUCT - CONDUCT REVIEWERS PANEL

E13.7162

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

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.1 Undertake sound, best practice long term community and corporate planning

Operational Plan Link: 9.1.1.3 Review and update the Resourcing Strategy

EXECUTIVE SUMMARY

The purpose of this report is to present the Panel of Conduct Reviewers for Council's consideration. The endorsed panel would operate from 1 July 2019 to 30 June 2022.

The Administrative Framework, *Part 3 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in New South Wales 2018*, requires that councils and joint organisations establish a Panel of Conduct Reviewers. Councils may enter into an arrangement with one or more councils to share a panel of conduct reviewers including through a joint organisation. If councils wish to use the Canberra Region Joint Organisation (CRJO) panel then they will need to determine this by way of its own resolution.

RECOMMENDATION

THAT

1. Council adopts the Canberra Regional Joint Organisation Panel (CRJO) of Conduct Reviewers listed below:
 - Echidna Associates
 - Meehan and Meehan
 - Applied Integrity Solutions
 - Train Reaction
 - Sinc Solutions
 - Centium
 - O'Connor Marsden
 - Aust Workplace Training
 - Weir Consulting
 - Mediate Today
 - Nemesis Consultancy Group
 - Redenbach lee Lawyers

CCS19/025 CODE OF CONDUCT - CONDUCT REVIEWERS PANEL

E13.7162

2. The Panel of Conduct Reviewers to operate from 1 July 2019 to 30 June 2022.

BACKGROUND

Council's Code of Conduct panel expired in June 2016. Council had been waiting for the Local Government (Regional Joint Organisation) Proclamation 2018 to be enacted so that the CRJO has legal status under the *Local Government Act 1993*. This enactment commenced in May 2018.

In the interim between the expiry of Council's previous Code of Conduct panel and the establishment of a new panel, Council has been accessing conduct reviewer services from the Performance and Management Services Prequalification Scheme administered by NSW Procurement, a business unit of the NSW Department of Finance, Services and Innovation. The accessing of this panel has been approved by the Office of Local Government Circular No 16-08/31 March 2016/A459248.

CRJO invited an Expressions of Interest (EOI) from eligible persons for appointment to a regional Panel of Conduct Reviewers, in accordance with the Administrative Framework of *Procedures for Administration of the Model Code of Conduct for Local Councils in New South Wales 2018 (Procedure)*.

The EOI was advertised from the 5 April 2019 through eProcure (electronic tender site) and in the Local Government Tender Section of the Sydney Morning Herald on Tuesday 9 April 2019, Tuesday 16 April 2019 and Tuesday 30 April 2019.

The advertisement was also placed on the CRJO website and websites of all member councils. All ten (10) member councils, including Eurobodalla Shire Council participated in the process by advertising the EOI on its respective websites.

The Office of Local Government confirmed that placing of the EOI on the council websites met the requirement of clause 3.4 of the Procedure to advertise 'locally'.

There were 27 submissions received and an evaluation panel was established comprising of the General Manager of Snowy Valleys Council, the General Manager of Bega Valley Shire Council and the General Manager of Snowy Monaro Regional Council.

The evaluation team provided a confidential report to the CRJO recommending the consultants/entities as listed in the recommendation be included on the CRJO Panel of Conduct Reviewers.

CONSIDERATIONS

As a member council of the CRJO, it is recommended that Council utilise the procurement process undertaken by the CRJO and adopt the same panel of conduct reviewers.

Legal

Part 3 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in New South Wales 2018 sets out the process for establishing a panel of conduct reviewers.

CCS19/025 CODE OF CONDUCT - CONDUCT REVIEWERS PANEL

E13.7162

Community and Stakeholder Engagement

The CRJO invited expressions of interest from eligible persons for appointment to a Regional Panel of Conduct Reviewers (Contract no. CRJO 01/2019), in accordance with the Administrative Framework of Procedures for Administration of the Model Code of Conduct for Local Councils in New South Wales 2018. Council placed this expression of interest on its website on 12 April 2018. Expressions of interest closed Monday 6 May 2019 at 4pm.

CONCLUSION

Council adopts the Canberra Region Joint Organisation (CRJO) Panel of Conduct Reviewers listed in the confidential attachment to this report to operate from 1 July 2019 to 30 June 2022.

CCS19/026 LAND ACQUISITION - BARLINGS BEACH ACCESS ROAD

E90.1480

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: 1. Confidential - Land Acquisition - Barlings Beach Access Road
Focus Area: Innovative and Proactive Leadership
Delivery Program Link: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Operational Plan Link: 9.2.2 Manage land under Council control to achieve a return for the community

EXECUTIVE SUMMARY

Council is proposing to upgrade the road and carpark facilities on Barlings Beach Access Road from George Bass Drive to the beach. Part of the existing formation of the road is within Lot 20 DP 802598 and not contained within a legal road reserve.

Due to the physical and environmental constraints, construction of a road within the legal road reserve is not possible. Council will acquire approximately 3598 square metres of Lot 20 DP 802598 to legalise that part of the formed road located within this property.

The land owner of Lot 20 DP 802598 has agreed to Council acquiring the land. The agreed amount of compensation and the land owner's details are set out in the confidential attachment to this report.

All survey and legal costs associated with the land acquisition will be borne by Council.

RECOMMENDATION

THAT

1. All actions necessary be taken for the acquisition of land required for road purposes of part Lot 20 DP 802598 in accordance with Council's *Land Acquisition and Disposal Policy*.
2. All survey and legal costs associated with the land acquisition be borne by Council.
3. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation associated with the acquisition.

BACKGROUND

Part of Barlings Beach Access Road is within Lot 20 DP 802598. Council is proposing to upgrade the road and carpark facilities but due to the physical and environmental constraints it is not possible to build the road in the legal road reserve.

To legalise the existing formed road Council will acquire part of Lot 20 in DP 802598.

Use of existing road formation and carpark facilities have encroached on Lot 20 DP 802598 for many years. Negotiations have taken place with the land owner for the land acquisition to formalise the road reserve and enable the upgrading of the road and carpark facilities.

CCS19/026 LAND ACQUISITION - BARLINGS BEACH ACCESS ROAD

E90.1480

CONSIDERATIONS

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



Lot 20 DP 802598 – Barlings Beach

Legal

The acquisition of the land is necessary to legalise the existing formation of the road to be contained within a road reserve and enable upgrading of the road and carpark facilities.

A Plan of Subdivision will be prepared and lodged at New South Wales Land Registry Services and the part required for the road purposes be dedicated as public road.

Policy

The acquisition of land for road purposes will proceed in accordance with the Council's *Land Acquisition and Disposal Policy*.

CCS19/026 LAND ACQUISITION - BARLINGS BEACH ACCESS ROAD

E90.1480

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf

Environmental

Due to the physical and environmental constraints, construction of a road within the legal road reserve is not possible. Council will acquire part of Lot 20 DP 802598 to legalise that part of the formed road located within this property.

Social Impact

This project will improve access to the beach and parking facilities for tourists and the local community.

Financial

Compensation has been agreed by the landowner and Council with both parties obtaining a valuation by a registered valuer. The amount of compensation for the acquisition is set out in the confidential attachment to this report.

Together with compensation, Council will be responsible for costs associated with the acquisition including survey and legal fees and the land owner's reasonable legal costs.

Money allocated for this project is from Council's road re-sheeting budget.

Community and Stakeholder Engagement

The land owner has been consulted and has consented in writing to the proposed acquisition.

CONCLUSION

Council is proposing to upgrade the road and carpark facilities on Barlings Beach Access Road.

Acquisition of part of Lot 20 in DP 802598 is necessary to legalise the formed road not contained within the road reserve and enable upgrading of the road and carpark facilities.

CCS19/028 EASEMENT FOR SERVICES OVER COUNCIL LAND, SUNSHINE BAY

05.9453.S

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

Attachments: 1. Confidential - Easement for services over Council land

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

EXECUTIVE SUMMARY

Council has received an application for an easement for services 5 metres wide (easement) within Council land, from a land owner, to service a new subdivision in Sunshine Bay.

The easement required is for a high voltage underground electricity cable and a sewer rising main through Council land being Lot 173 DP 262910 to service adjoining Lot 200 DP 1246378.

The name of the land owner of Lot 200 DP 1246378 is in the confidential attachment to this report.

Council's Lot 173 has been reclassified to Operational land and on 24 February 2015, Council's minute 15/31 approved the sale of part of the lot and that a development application be made for the subdivision of Lot 173 DP 262910, for up to four lots plus a public reserve. The easement will not adversely affect the development of Council's land.

All survey and legal costs associated with the easement will be borne by the land owner. It is considered reasonable and appropriate that the application for the easement be supported in accordance with Council's *Land Acquisition and Disposal Policy*.

RECOMMENDATION

THAT

1. Consent be given for the creation of an easement for services 5 metres wide within Lot 173 DP 262910 in favour of Lot 200 DP 1246378.
2. All costs including Council's reasonable legal and valuation costs associated with the creation of the easement be borne by the applicant.
3. Compensation for the easement be paid by the registered proprietor of Lot 200 DP 1246378 to Council.
4. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation associated with the easement.

BACKGROUND

Development consent for the subdivision within Lot 200 DP 1246378 has been approved by the Department of Planning.

CCS19/028 EASEMENT FOR SERVICES OVER COUNCIL LAND, SUNSHINE BAY

05.9453.S

Council's Lot 173 has been reclassified to Operational land and on 24 February 2015 Council's Minute 15/31 recommended a development application be made for the subdivision of Lot 173 DP 262910, for up to four lots plus a public reserve. The easement will not adversely affect the development of Council's land.

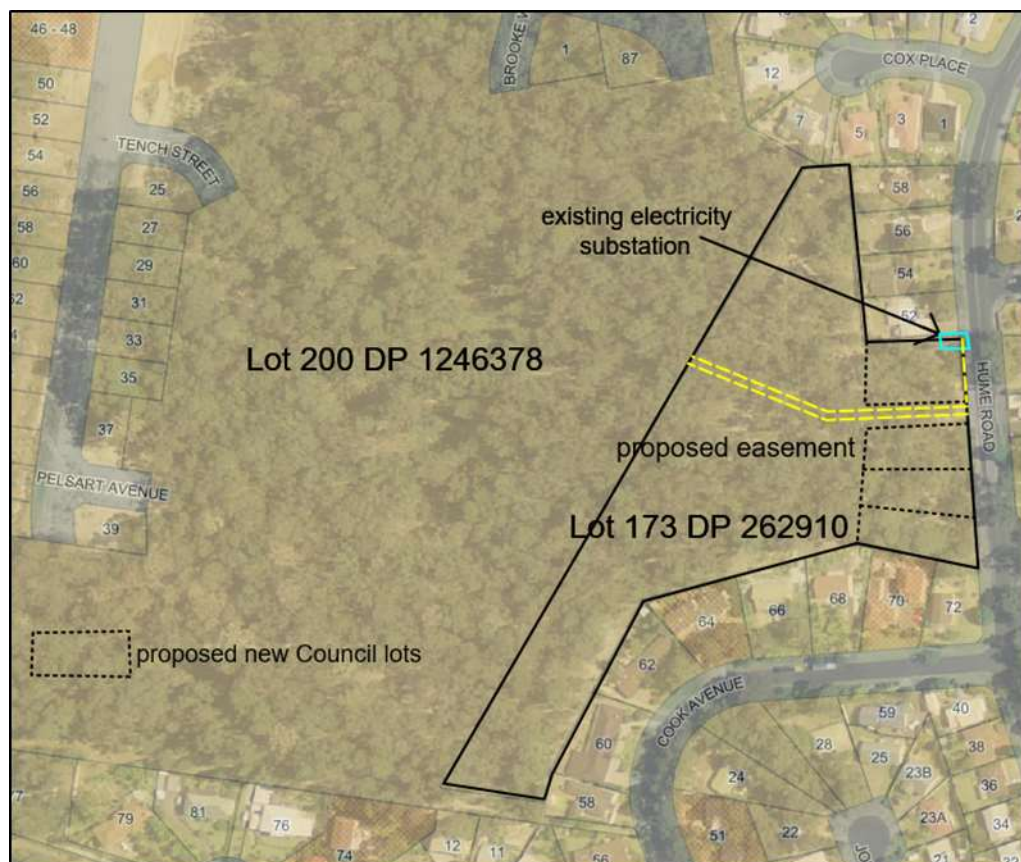
As an existing electrical substation is located on Hume Road, the land owner approached Council to request an underground electricity line be installed through Council's Lot 173 to service their new subdivision. The sewer rising main for the new subdivision can be connected via the same easement.

An easement will be required to legalise the electricity and sewer rising main within Lot 173 DP 262910 and the land owner of Lot 200 DP 1246378 has submitted an application to Council for the easement.

As there is no detriment to the Council land being sold, an easement for services is considered appropriate.

CONSIDERATIONS

The location of the proposed easement is shown on the sketch below.



Legal

The terms of the proposed easement will confirm the relevant authorities will keep the electricity line and sewer rising main maintained.

CCS19/028 EASEMENT FOR SERVICES OVER COUNCIL LAND, SUNSHINE BAY

05.9453.S

The easement will be registered at NSW Land Registry Services (previously known as Land and Property Information).

Policy

The granting of the easement will be in accordance with Council's *Land Acquisition and Disposal Policy*.

Financial

All survey and legal costs associated with the easement will be borne by the land owner.

The amount of compensation payable to Council by the land owner for the easement will be determined following a valuation by a registered valuer.

Community and Stakeholder Engagement

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

CONCLUSION

An easement for services to accommodate underground electricity and the sewer rising main within Council's Lot 173 DP 262910 is sought by the land owner of Lot 200 DP 1246378 Sunshine Bay to service a new subdivision.

All survey and legal costs associated with the easement will be borne by the land owner.

CCS19/029 SALE OF PART LOT 1 DP 1249510 DONNELLY DRIVE, MORUYA

E89.2857

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: 1. Confidential - Sale Part Lot 1 DP 1249510 Donnelly Drive, Moruya
Outcome: Innovative and Proactive Leadership
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community
Operational Plan Link: 9.2.2.2 Facilitate property sales and development

EXECUTIVE SUMMARY

Council has been approached by land owners of Lot 1 DP 809454 with a view to acquiring part of Lot 1 DP 1249510 Donnelly Drive Moruya, being Council owned Operational land. The land owner wishes to purchase the land for the purposes of building additional stables and yards to increase the number available to trainers wanting to utilise Moruya racecourse.

Council is the owner of land being Lot 1 DP 1249510 known as the Moruya Racecourse (racecourse). The racecourse land is classified as Operational land and the area sought for purchase is approximately 2,770sqm. The land is leased to the Moruya Jockey Club and it supports the sale of the land.

The names of the adjacent land owners are set out in the confidential attachment to this report.

There is an existing easement for right of way on the boundary of the land proposed for sale benefiting Lot 3 DP 780631 which will be re-sited to the far end of the proposed new lot.

The proposed lot will be burdened by a restriction that it not be used for any other purpose than for horse stables and activities related to the thoroughbred racing industry and will be consolidated with the acquiring land owners' property. The zoning of the proposed lot being RE2 private recreation does not permit a dwelling.

It is considered reasonable and appropriate that part Lot 1 DP 1249510 be sold to the adjoining land owners subject to all costs associated being borne by the adjoining land owners.

RECOMMENDATION

THAT

1. All actions necessary be taken for the sale of part Lot 1 DP 1249510 Donnelly Drive Moruya, in accordance with Council's Land Acquisition and Disposal Policy.
2. The General Manager be given delegated authority to conclude the sale of part Lot 1 DP 1249510.
3. Consent be given to affix the Common Seal of Council, if required, to all necessary documents associated with the subdivision, transfer and sale of the subject property.

CCS19/029 SALE OF PART LOT 1 DP 1249510 DONNELLY DRIVE, MORUYA

E89.2857

BACKGROUND

The land owners of Lot 1 DP 809454 have requested to purchase a portion of Council land adjoining their property for the purposes of accommodating stables. The land owners are existing racehorse trainers and are wanting to increase the number of stables for training racehorses.

The Moruya Jockey Club (the Club) holds a 50 year lease over the land and has been consulted and supports the sale to accommodate more stables and yards. The Club has advised it is aware that trainers are looking for additional stable space at the Moruya Racecourse and more horses in training at the track provides benefits to both the Club and wider community through employment and business activity.

Council wrote to all land owners within the racecourse precinct as to whether they had any interest in purchasing the proposed lot and no submissions were received.

An existing easement for right of way benefiting Lot 3 DP 780631 at the rear of the proposed sale lot, will be re-sited to the far end of the proposed lot. The owners of Lot 3 DP 780631 have agreed in writing to the re-siting of the easement for right of way.



Above: Proposed new lot. 2770sqm approximately shown by the black outline. Red line indicates existing overhead power lines from pole to pole. Red plotting indicates Biocertification area.

CCS19/029 SALE OF PART LOT 1 DP 1249510 DONNELLY DRIVE, MORUYA

E89.2857

CONSIDERATIONS



Above: Proposed new lot shown in black.

Legal

Lot 1 DP 1249510 is Council owned Operational land and there is no legal impediment to the sale of this land. An agreement is to be entered into between the land owners and Council to confirm land transfer, agreed costs and consolidation with their land.

Policy

The sale of land will be carried out in accordance with Council's *Land Acquisition and Disposal Policy*.

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf

Asset

Additional stable space and more horses in training at the track at the Moruya Racecourse, provides benefits to both the Moruya Jockey Club and wider community through employment and business activity.

Economic Development Employment Potential

The land owners wish to purchase the land for the purposes of building additional stables and yards to increase the number available to trainers wanting to utilise Moruya Racecourse.

CCS19/029 SALE OF PART LOT 1 DP 1249510 DONNELLY DRIVE, MORUYA

E89.2857

Financial

The value of the land for sale was determined by a registered valuer. Following negotiations the purchasing land owners have agreed to Council's nominated sale price, which is set out in the confidential attachment. Costs associated with the sale including survey, registration and Council's legal fees will be borne by the purchasers.

Community and Stakeholder Engagement

There is no legal requirement to advise the community through public notice however, advice was sought from the Moruya Jockey Club that supports the sale and expressions of interest were sought from adjoining land owners with no submissions received.

CONCLUSION

Council has been approached by land owners of Lot 1 DP 809454 with a view to acquiring part of Lot 1 DP 1249510 Donnelly Drive Moruya, being Council owned Operational land. The land owners wish to purchase the land for the purposes of building additional stables and yards to increase the number available to trainers wanting to utilise Moruya Racecourse.

The Moruya Jockey Club has been consulted and supports the sale to accommodate more stables and yards.

It is considered reasonable and appropriate that part Lot 1 DP 1249510 be sold to the owners of adjoining Lot 1 DP 809454 and consolidated with their land and subject to all costs associated being borne by the purchasing land owners.

CCS19/030 RECLASSIFICATION AND SALE OF PART LOT 2 DP 570760 AND PART LOT 4 DP 572585 81.0872.B

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

Attachments: 1. Confidential - Reclassification and sale Beach Road Batehaven

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.3 Strategic management and review of Council operational land

EXECUTIVE SUMMARY

The owners of Clyde View Caravan Park, Beach Road, Batehaven have approached Council to acquire a portion of Council land to the north of the caravan park to rectify encroachment onto the Council land.

Council is now also progressing discussions with the neighbouring caravan park, Taldumande Caravan Park, to acquire part of Council land to rectify its encroachment.

The Council land is Lot 2 DP 570760 and Lot 4 DP 572585 and is currently classified as Community Land. Clyde View Caravan Park is located on Lot 1 DP 570760 and Taldumande Caravan Park is located on Lot 3 DP 572585.

In order to sell Council Community land, it is necessary to reclassify it to Operational land through a Local Environment Plan (LEP) amendment. The LEP proposal would reclassify the land to Operational and rezone the land from E2 Environmental Conservation to RE2 Private Recreation.

It is considered reasonable and appropriate that part Lot 2 DP 570760, once reclassified as Operational land, be sold to the owners of Clyde View Caravan Park subject to consolidation of the land with its land being Lot 1 DP 570760 and to costs associated with the reclassification and sale being borne by the land owners.

Similarly, it is considered reasonable and appropriate that part Lot 4 DP 572585, once reclassified as Operational land, be sold to the owners of Taldumande Caravan Park subject to consolidation of the land with its land being Lot 3 DP 572585 and to costs associated with the reclassification and sale being borne by the land owners.

RECOMMENDATION

THAT:

1. Council commence a planning proposal to reclassify part Lot 2 DP 570760 and part Lot 4 DP 572585 from Community to Operational land to enable sale of the land.
2. Subject to reclassification of the land, all actions necessary be taken for the sale of part Lot 2 DP 570760 and part Lot 4 DP 572585 in accordance with Council's *Land Acquisition and Disposal Policy*.

CCS19/030 RECLASSIFICATION AND SALE OF PART LOT 2 DP 570760 AND PART LOT 4 DP 572585 81.0872.B

3. Subject to reclassification, the General Manager be given delegated authority to negotiate the sale of part Lot 2 DP 570760 and part Lot 4 DP 572585 for an amount not less than 10% below market value determined by a registered valuer.
4. The land owner of the adjoining property will, following transfer of the land, consolidate part Lot 2 DP 570760 with Lot 1 DP 570760.
5. The land owner of the adjoining property will, following transfer of the land, consolidate part Lot 4 DP 572585 with Lot 3 DP 572585.
6. Consent be given to affix the Common Seal of Council, if required, to all necessary documents associated with the subdivision, transfer and sale of the subject properties.

BACKGROUND

The owners of Clyde View Caravan Park have approached Council to acquire a portion of Council land to the north of the caravan park to rectify the encroachment of some cabins, facilitate an upgrade and replacement of future cabins, and provide the required boundary set back.

In order to sell Council Community land it is necessary to reclassify it to Operational land through a Local Environment Plan (LEP) amendment. The LEP will reclassify the land to Operational and rezone the land from E2 Environmental Conservation to RE2 Private Recreation.

The land is shown in the image below and is a strip proposed to be 4 metres wide at either end and approximately 851 square metres in total for sale to Clyde View Caravan Park and approximately 274 square metres in total for sale to Taldumande Caravan Park.

Relevant Council departments have been consulted. As a result, the amount of land to be considered for reclassification has been reduced to ensure all Council's services and the potential pathway remain on Council land.

The land owners' details are set out in the confidential attachment.

CCS19/030 RECLASSIFICATION AND SALE OF PART LOT 2 DP 570760 AND PART LOT 4 DP 572585 81.0872.B



CONSIDERATIONS

Legal

Reclassification of part Lot 2 DP 570760 and part Lot 4 DP 572585 to Operational land can proceed through a LEP amendment. Once the land is classified Operational, there will be no impediment to Council approving the sale of part Lot 2 and part Lot 4 to the adjoining land owners.

Policy

The proposed sales of land will be carried out in accordance with Council's *Land Acquisition and Disposal Policy*.

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf

Asset

Underground Council assets will still be able to be maintained with these sales.

Financial

All costs associated with the reclassification and acquisition of land will be borne by the land owners. The valuation of the land will be determined by a registered valuer.

Community and Stakeholder Engagement

Public consultation will be undertaken as part of the reclassification and this will include the intent to sell the land to adjoining land owners.

CCS19/030 RECLASSIFICATION AND SALE OF PART LOT 2 DP 570760 AND PART LOT 4 DP 572585 81.0872.B

CONCLUSION

Clyde View Caravan Park has cabins that encroach into the Council Community land to the north of the park. To rectify this, the owners of the park have approached Council to acquire a portion of Council land.

Council is now also progressing discussions with the neighbouring caravan park, Taldumande Caravan Park, to acquire part of Council land to rectify its slight encroachment into Council Land.

This report is presented to Council detailing the requirements for Council to proceed with a reclassification and sale of the land.

CAR19/015 YOUTH GRANTS

E18.1567

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

Attachments: 1. Confidential - Youth Grants Confidential Attachment

Outcome: Strong Communities, Desirable Lifestyle

Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs

Delivery Program Link: 1.4.1 Plan for and provide opportunities, services and activities for youth

Operational Plan Link: 1.4.1.3 Coordinate the Youth Grant Program

EXECUTIVE SUMMARY

This report provides an outline regarding the recommended allocation of grant funds under Council's Youth Grants Program for the financial year 2018-19.

A total of \$6658 was available in 2018-19 for Youth grants, made up of the original Youth grants allocation of \$5000 and an additional \$1658 from unallocated Seniors week and Healthy Communities grants 2018-19 (Minute 18/368 from 27 November 2018 meeting).

Eleven (11) applications were received, requesting \$5320 in funding. Of the total funding pool of \$6658 a total of \$6620 in funding is recommended, as per the confidential summary (Attachment A).

Applications included a diverse range of projects including those that focused on leadership, training, road safety, volunteering, arts and recreation activities. Three projects targeted social inclusion with activities specifically for young people with special needs and Aboriginal youth.

The confidential attachment lists applicants recommended for this year's funding round.

RECOMMENDATION

THAT Council approve the recommendations detailed in the confidential attachment, awarding Youth grants to 9 local groups/organisations for the 2018/19 financial year.

BACKGROUND

In 2017 Council revised its community donations policy, providing an opportunity for a wide range of groups in the shire to be considered for local initiative support funds.

The Youth Grants Program aims to provide support for young people in the Eurobodalla. Applicants must be community groups, service providers and not-for-profit organisations with the primary objective of supporting young people.

Each applicant must demonstrate that the grant will achieve at least one of the following outcomes:

- Encourages people in the wider community to be socially engaged with young people.
- Provides an opportunity for young people to be engaged in educational and cultural activities and/or personal growth and development.

CAR19/015 YOUTH GRANTS

E18.1567

- Develops a new skill in young people.
- Builds the capacity of youth through leadership and training opportunities.
- Develops employment and pathway opportunities for young people to work.

The total grant amount available for the 2018-19 Youth Grants Program is \$6658.

CONSIDERATIONS

A total of eleven (11) applications were received, with nine (9) applicants complying with grant selection criteria requirements. The total amount requested for the 2018-19 financial year was \$5320.

A confidential summary sheet has been attached (Attachment A).

To be eligible for a Youth Grant, applicants must be a Eurobodalla based and not-for-profit community group or able to prove that they are a bona fide Eurobodalla based community group or a service with the primary objective of supporting young people; they can contribute some financial support or volunteer labour to the activity; they can show that they have adequate insurance coverage for the activity and does not have any outstanding debts to council.

Each applicant must demonstrate that the grant will be used positively to engage the wider community and support young people in the Eurobodalla.

A sub-committee has reviewed applications in line with the grant criteria and present a summary and recommendations in this briefing.

Given that the amount applied for was less than the amount available, the panel were able to prioritise assistance required, and allocate additional funding to projects that were deemed to have additional benefit to young people in the Eurobodalla. This resulted in six of the applications receiving additional funding.

Two applications are not recommended for funding, as they do not meet eligibility guidelines.

Social Impact

Eurobodalla Shire Council recognises that young people are an integral part of our community. Our youth provide energy, vitality, creativity and optimism which are essential elements of community wellbeing. Many of our youth leave the area to pursue careers and study interests once they finish school, but a determining factor for young people deciding to return is the contribution they perceive they can make to their communities. Therefore, it is essential that as a community we value, engage and support our young people to enable them to develop their identity and independence to reach their full potential and provide them with experiences which encourage them to return.

Councils youth grants demonstrate a commitment from Council to work in partnership with young people, youth service providers and government organisations to improve opportunities and services for young people.

CAR19/015 YOUTH GRANTS

E18.1567

Economic Development Employment Potential

Youth grants provide Community and not for profit groups much needed funds to support the development of projects and activities that engage with young people to provide them with experiences and opportunities to develop their potential.

Financial

Council has a budget of \$6,658 for grants to support the activities of community groups, schools and/or non-profit organisations in celebrating Youth. The combined total of applications recommended by the subcommittee for funding is \$6,620.

Community and Stakeholder Engagement

We have informed the community of the Youth grants through providing information on Council's website; advertisements in the community noticeboard; Online News; distributing information and applications directly via email mailing lists, consulting with the Council's Youth committee and distributing media releases.

CONCLUSION

In line with the directions of social, cultural and management planning processes, it has been identified that working in collaboration with local not-for-profit groups to promote and initiate community focused activities for youth has valuable outcomes.

A total of \$6658 is available in 2018-19 for Youth grants. Eleven (11) applications were received, with nine (9) recommended for a total of \$6,620 in funding to support youth programs and activities.

CAR19/016 COMMUNITY CARE - HOME CARE PACKAGES FEES AND CHARGES E11.5375

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

Attachments: 1. Home Care Packages attachment

Outcome: Strong Communities, Desirable Lifestyle

Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs

Delivery Program Link: 1.4.2 Provide flexible, community based services to support older people, people with a disability and their carers

Operational Plan Link: 1.4.2.3 Provide in-home health related care

EXECUTIVE SUMMARY

This report seeks approval from Council to place new fees on exhibition to be added to Council's fees and charges for 2019-20.

These fees cover the provision of individual Home Care Packages (Levels 1-4) for older people, which Council's Community Care team intends to deliver from 1 September 2019. They replace the previously exhibited schedule of fees, following new advice received from the Commonwealth Department of Health in late May, requiring all providers to comply with mandatory comparable pricing. The proposed fees to be placed on exhibition will meet this new requirement.

The provision of individual Home Care Packages (Levels 1-4) for older people will provide a second tier of support for current clients receiving entry level grant funded supports, under the Commonwealth Home Support Program.

RECOMMENDATION

THAT:

1. Public notice be given of the proposal to introduce a new schedule of Home Care Package fees and charges; and
2. Submissions be received for a period of 28 days and, following the expiration of this period, the submissions be included in a report presented back to Council for adoption of the new fees.

BACKGROUND

Community Care's *Active Living* program currently provides a range of direct support services to older people referred through the My Aged Care assessment system.

Clients take advantage of a wide range of activities to suit all interests and services have a focus on wellness and re-ablement – a strengths based approach, promoting healthy lifestyles and supporting people to regain or retain skills or learn new skills which support independence. Services include direct care and support in the form of respite, social support and group activities.

During 2018 Council was approved as a registered Home Care Package Provider. Business analysis identified the provision of Home Care Packages as a viable opportunity, augmenting

CAR19/016 COMMUNITY CARE - HOME CARE PACKAGES FEES AND CHARGES

E11.5375

Council's current range of services and providing a continuum of in-home care for frail older people as their needs change over time.

There are four levels of Home Care Packages, each providing a coordinated package of services to help older people with complex care needs to live independently in their own homes. An individual budget is then developed and used to deliver the care and services the consumer needs.

From 1 July 2019 new legislation means that all home care providers must publish their pricing information in a new standardised pricing schedule. Council had previously exhibited fees and charges for Home Care Packages, based on advice provided by the Department. However, further advice was received in May, requiring the fee schedule to be amended.

Community Care service fees are currently adopted as part of Council's fees and charges, with these new fees requiring 28 days exhibition with a further report to be provided to Council to consider adoption of the fee.

CONSIDERATIONS

Council's original Home Care Package fees were based on information provided last year. In May new information was provided introducing a mandatory pricing schedule of fees and charges that all providers are required to adhere to from 1 July 2019.

As such these new fees have been developed using the Aged Care Legislation Amendment (Comparability of Home Care Pricing Information Principles 2019) and other Home Care Pricing Schedule Definitions provided by the Commonwealth Department of Health.

Legal

In accordance with 610F of the Local Government Act 1993 Council must give public notice of the new fee of at least 28 days and consider any submissions made during that period.

Social Impact

Community Care services act as a significant enabler for elderly people and people with disability to build and maintain social connections with their community, including attending medical and specialist appointments, having time out from caring, attending group social outings. Council attracts significant social capital by way of Volunteering.

Our Contact Centre has received a number of enquiries from members of the public asking if Council is a provider of Home Care Packages, as they see Council as a trusted, quality provider. In addition, a number current clients have made the same request through their Support Planning staff, as they are seeking continuity of care from trusted staff that they have built a relationship with.

Economic Development Employment Potential

At commencement, services delivered in relation to Home Care Packages will be coordinated by the existing Active Living Planning team, with services provided by existing Direct Support staff. As package numbers increase it is envisaged that further Coordination hours as well as Direct Support Staff will be required to meet demand. These staff will initially be recruited on a casual basis via Council's contract for labour hire.

CAR19/016 COMMUNITY CARE - HOME CARE PACKAGES FEES AND CHARGES E11.5375

Financial

It is envisaged that this area of business will grow steadily in time. Income will depend on both the number and Level of Home Care Package, whilst fees modelling indicates that the required Planning, Administration and Direct Support staffing costs will be adequately covered by the proposed fees schedule.

Community and Stakeholder Engagement

We will consult with the community by seeking feedback through a 28 day public exhibition at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

Community Care is a provider of choice for older people and is contracted by the state and federal governments to provide entry level, low intensity services to people who only need a small amount of assistance to enable them to maintain their independence.

Listing these new fees for the provision of Home Care Packages (Levels 1-4) will provide older Eurobodalla residents with continuity of care through a second tier of support services available from Council's Community Care.

To enable the inclusion of the fees in Council's Fees and Charges for 2018/19, the fees will be required to be put on exhibition in accordance with the Local Government Act 1993.

Home Care Packages provided by Eurobodalla Shire Council's Community Care

Support Services	
Monday to Friday ordinary hours 6am to 8pm	\$54.00 per hour
Monday to Friday after hours 8 pm to midnight	\$61.00 per hour
12 midnight to 6am	\$61.00 per hour
Overnight in home support (sleep over) includes up to 2 hours waking time	\$204.00 per night
Saturday	\$74.00 per hour
Sunday	\$94.00 per hour
Public Holiday	\$114.00 per hour (minimum 4 hour service)
Cancellation fees	
Within 24 hours of the service	100% of the fee is charged
Between 24-48 hours of the service	50% of the fee is charged
Before 48 hours of the service	No fee is charged
Other fees	
Package Management daily fee	Level 1 \$3.00
	Level 2 \$4.00
	Level 3 \$9.00
	Level 4 12.00
Case Management daily Fee	Level 1 \$3.50
	Level 2 \$6.50
	Level 3 \$12.00
	Level 4 \$20.00
Basic Daily Fee	As stipulated by government 17.5% of single pension
Income tested fee	As assessed by Dep't Human Services
Initial Home Care Assessment and Review	\$280.00
Additional Case Management (Mon to Fri)	\$70.00 per hour
Allied Health Professional	Quote - to be advised per supplier rate
Nursing Care Mon to Fri	\$80.00 per hour
Client transport within service	\$1.00 per km
Staff transport outside of 20km service radius from Narooma, Moruya and Batemans Bay	\$1.00 per km
Exit fee	\$280

CAR19/017 ACCEPTANCE OF CONTINUITY OF SUPPORT FUNDING VARIATIONS E11.5375

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services
Attachments: Nil
Outcome: Strong Communities, Desirable Lifestyle
Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs
Delivery Program Link: 1.4.2 Provide flexible, community based services to support older people, people with a disability and their carers
Operational Plan Link: 1.4.2.1 Provide support services for people with disability

EXECUTIVE SUMMARY

This report seeks approval from Council to accept additional funding from the Commonwealth Department of Ageing for the Continuity of Support program for people with disability who are aging.

Council's Community Care has received two separate funding variations:

- A Funding Variation detailing an extension of funding of \$261,715.37 to the 2019-2020 Financial Year for all existing activities. In order for the funds to be released, the funding agreement had to be signed and returned to the Department within 30 days.
- A one-off Grant Agreement of \$23,435 (including GST) for Accommodation Management, conditional upon the signing and returning of the Agreement not later than Friday 28 June 2019. Failure to meet this condition will result in this funding offer lapsing.

RECOMMENDATION

THAT:

1. Council accept the Funding Variation detailing an extension of funding of \$261,715.37 to the 2019-2020 Financial Year for all existing activities;
2. Council accept the one-off Accommodation Management Grant Agreement of \$23,435 (including GST) for Accommodation Management, conditional upon the signing and returning of the Agreement not later than Friday 28 June 2019.
3. Consent be given to affix the Common Seal of Council to all necessary documents associated with acceptance of the above funding so they may be returned to the Commonwealth Department of Ageing by 28 June 2019.

BACKGROUND

People over 65 years are ineligible for NDIS funding, so the federal government's Continuity of Support program 'grandfathers' clients previously receiving disability support services prior to the advent of NDIS, providing them with the required funding necessary to support their needs.

Community Care is currently contracted to provide accommodation support, personal care and respite.

CAR19/017 ACCEPTANCE OF CONTINUITY OF SUPPORT FUNDING VARIATIONS E11.5375

The additional Accommodation Management grant for one of our older clients residing in a group home mirrors similar funding available to people with disability through the NDIS Supported Disability Accommodation funding. These funds may be used for rent, refurbishment, maintenance and/or project management costs.

CONSIDERATIONS

The additional Continuity of Support Program grant funding will enable Community Care to provide continued essential support services to older clients with disability who were ineligible for NDIS due to their age at the time NDIS was implemented in our region, including those receiving residential accommodation support.

Social Impact

Providing services that meet the needs of people with a disability who are ageing contributes to their quality of life and community wellbeing. The additional funding provides an extended range of supports for current Continuity of Support clients, enabling a greater degree of independence.

Financial

The Funding Variation and one-off grant will provide a total of \$285,150.67 additional services to clients through the Continuity of Support program.

CONCLUSION

Council needs to approve the Funding Variation and one-off Agreement and associated Schedules for Service in order for funding to be released to provide Continuity of Support services to people with disability who are ageing over the next Financial Year.

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.

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.