



AGENDA

Ordinary Meeting of Council

16 April 2024

Statement of Ethical Obligations

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

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

ON TUESDAY 16 APRIL 2024

COMMENCING AT 12.30PM

AGENDA

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

- | | |
|---|-----------------|
| 1. WELCOME | |
| 2. ACKNOWLEDGEMENT OF COUNTRY | |
| 3. APOLOGIES
Nil | |
| 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING
4.1 Ordinary Meeting held on 19 March 2024 | |
| 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA
(Declarations also to be made prior to discussions on each item) | |
| 6. PUBLIC FORUM | Page No. |
| 7. MAYORAL REPORTS
Nil | |
| 8. NOTICES OF MOTION
NOM24/002 Development of a Councillor Interactions with Property Developers
and Lobbyists Policy 3
NOM24/003 Review of Investment Policy 5 | |
| 9. QUESTIONS ON NOTICE FROM COUNCILLORS
Nil | |

- 10. PETITIONS**
Nil
- 11. GENERAL MANAGER'S REPORTS**
Nil
- 12. PLANNING AND ENVIRONMENT REPORTS**
 - PSR24/005 Planning Proposal 21 - Amendment to Permit Torrens Title
Subdivision of Dual Occupancy Development on Certain Land in the
R2 Low Density Residential Zone 6
 - PSR24/006 Request for Tender No: 2324-143 - Wagonga Inlet Living Shoreline -
Jetty and Pontoon Supply and Construct..... 11
- 13. FINANCE AND CORPORATE SERVICES REPORTS**
 - FCS24/006 RFT 2324-110 Traffic Control Services Panel 14
 - FCS24/007 Classification of land to Operational- Hawdon Street, Moruya..... 17
- 14. INFRASTRUCTURE REPORTS**
 - IR24/008 Update on Emergency Management 19
 - IR24/009 Local Traffic Committee No. 8 for 2023-24..... 23
- 15. COMMUNITY, ARTS AND RECREATION REPORTS**
Nil
- 16. URGENT BUSINESS**
- 17. DEALING WITH MATTERS IN CLOSED SESSION29**
- 18. CONFIDENTIAL MATTERS**

WARWICK WINN
GENERAL MANAGER

**NOM24/002 DEVELOPMENT OF A COUNCILLOR INTERACTIONS WITH PROPERTY
DEVELOPERS AND LOBBYISTS POLICY**

S012-T00026

Responsible Officer: Anthony Mayne - Councillor

Attachments: Nil

Councillor Anthony Mayne has given notice that at the Ordinary Meeting of Council on Tuesday 16 April 2024, he will move the following motion.

MOTION

THAT Council develop, implement, and maintain a policy in relation to Councillor interactions with Property Developers and Lobbyists.

BACKGROUND

By nature of its role the Council from time to time must deal with development issues that are of importance to both council and its community. It is important that any dealings with developers are conducted in a manner that is transparent, accountable and in the best interest of our community.

GENERAL MANAGER'S RESPONSE

Guidelines in relation to the lobbying of local government councillors were issued by the Independent Commission Against Corruption in 2006 wherein the term "lobbying" was used to cover those types of communications between local government councillors and the community that include representations to councillors by special interest groups, by individuals with a direct interest in a council decision and by advocates acting on behalf of others.

The guidelines contained suggested processes in relation to transparency in dealing with such matters as follows:

- documenting meetings with proponents
- generally conducting meetings in official locations such as council premises
- having other people present during meetings
- inviting applicants who have approached them for a meeting to discuss a significant development to write to council seeking a meeting with all councillors and relevant staff
- providing copies of information presented during lobbying meetings to council officers for consideration and assessment (if required), distribution to other councillors and filing as part of council's records
- asking people who have requested a meeting to put their arguments in writing to make a declaration at a council meeting about lobbying activities they have been engaged in that are not part of the council's formal processes.

This type of approach is typically utilised by local government officials across NSW.

Recent Independent Commission Against Corruption (ICAC) investigations including Dasha (2021), Eclipse (2021) and Whitney (2022) made corruption prevention recommendations regarding the lobbying of councillors.

Among other things, ICAC has recommended:

**NOM24/002 DEVELOPMENT OF A COUNCILLOR INTERACTIONS WITH
PROPERTY DEVELOPERS AND LOBBYISTS POLICY**

**S012-
T00026**

- that the NSW Office of Local Government (OLG), in consultation with the local government sector, develop guidelines to enhance transparency around the lobbying of councillors (ICAC has also made recommendations about the content of the guidelines), and
- that the Lobbying of Government Officials Act 2011 (the LOGO Act) is amended to ensure all provisions apply to local government.

In response to ICAC's recommendations, the OLG is proposing to develop guidelines to enhance transparency around the lobbying of councillors. The guidelines will be issued under s 23A of the Local Government Act 1993. OLG is also developing a model policy on lobbying to support councils to implement the guidelines. If adopted by councils, the policy will operate to supplement the provisions of their adopted codes of conduct.

In this regard the OLG in 2022 undertook a consultative process to seek feedback from Councillors. A review of the OLG website does not provide any update as to finalisation of the documentation.

Council has embarked on a range of governance initiatives including a review of various policies and procedures. Noting that the OLG is still in the process of developing policy and guidelines regarding the lobbying of councillors generally, in the interim and as part of the Eurobodalla Shire Council governance process, the development of a Policy in relation to Councillor interactions with Property Developers and Lobbyists is anticipated to be presented to Council at the May 2024 Council meeting.

More specifically the policy will be presented to the Council as a draft for endorsement followed by a 28-day public exhibition period. Following the public exhibition, a further report will be presented to Council including a summary of any community feedback.

In the meantime, it is prudent that the processes outlined in the ICAC 2006 guidelines be adhered to in the event of councillors considering meetings with developers.

NOM24/003 REVIEW OF INVESTMENT POLICY

S012-T00026

Responsible Officer: Tubby Harrison - Councillor

Attachments: Nil

Councillor Tubby Harrison has given notice that at the Ordinary Meeting of Council on Tuesday 16 April 2024, he will move the following motion.

MOTION

THAT Council requests a report be prepared to allow consideration of Councils current investment strategy and related policy.

BACKGROUND

The reason behind this notice of motion is to ensure that Council is maximising opportunities, in a prudent manner, to generate income through its investment monies.

**PSR24/005 PLANNING PROPOSAL 21 - AMENDMENT TO PERMIT TORRENS
TITLE SUBDIVISION OF DUAL OCCUPANCY DEVELOPMENT ON
CERTAIN LAND IN THE R2 LOW DENSITY RESIDENTIAL ZONE** **S017-
T00008**

Responsible Officer: Gary Bruce - Acting Director Planning & Environment

Attachments: 1. Under Separate Cover - Draft Planning Proposal 21
2. Under Separate Cover - Draft Amendments to Residential Zones

Community Goal: 3 Our region of vibrant places and spaces

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

Delivery Program Link: 3.1.1 Review, prepare and deliver planning instruments that support sustainable social, environmental and economic outcomes as guided by our Local Strategic Planning Statements

Operational Plan Link: 3.1.1.3 Conduct ongoing reviews and update planning controls

EXECUTIVE SUMMARY

A draft Planning Proposal has been prepared to amend the Eurobodalla Local Environmental Plan 2012 (LEP) to facilitate the Torrens Title subdivision of existing or proposed dual occupancy development in the R2 Low Density Residential Zone. To support the Planning Proposal, amendments to the Residential Zones DCP are also proposed.

The purpose of the proposed amendment to the LEP is to encourage additional dual occupancy development in residential areas where there is existing capacity in infrastructure to support additional development and to minimise the demand for new release areas. The creation of smaller dwelling lots will also assist in increasing housing affordability in the Shire.

This report seeks the Council's endorsement of the draft Planning Proposal and DCP amendments. The draft Planning Proposal will then be forwarded to the Department of Planning, Housing and Infrastructure with a request to issue a Gateway Determination. Public consultation on the proposed amendments will then be undertaken.

RECOMMENDATION

THAT:

1. Council endorse the draft Planning Proposal 21 for submission to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
2. Council endorse the draft amendments to the Residential Zones Development Control Plan.
3. Upon receipt of the Gateway Determination, the draft Planning Proposal and the draft amendments to the Residential Zones Development Control Plan be placed on public exhibition.
4. A further report be presented to Council following the public consultation period.

**PSR24/005 PLANNING PROPOSAL 21 - AMENDMENT TO PERMIT TORRENS
TITLE SUBDIVISION OF DUAL OCCUPANCY DEVELOPMENT ON
CERTAIN LAND IN THE R2 LOW DENSITY RESIDENTIAL ZONE**

**S017-
T00008**

BACKGROUND

Dual occupancy development in the R2 Low Density Residential zone is currently permitted with consent under the Eurobodalla Local Environmental Plan 2012 (the LEP). This type of development can already be subdivided, but only via strata subdivision or complying with the minimum lot size (550m²).

However, the uptake of this development opportunity has been relatively low and residential areas remain dominated by single dwellings.

Council is investigating opportunities to increase housing affordability and diversity. The options available to Council to achieve this include releasing new greenfield residential areas or increasing densities in existing residential areas.

A relatively modest opportunity to increase densities in existing residential areas is to encourage more dual occupancy development. It is considered that allowing dual occupancy development to be subdivided by Torrens title will potentially increase the uptake of this development opportunity, providing additional and more affordable housing options in Eurobodalla without having a significant impact on residential amenity or the capacity of existing services and infrastructure.

Council already permits the Torrens title subdivision of medium density housing development under clause 4.1C of the LEP. The proposal to allow Torrens Title subdivision of dual occupancy development is similar in nature to this clause.

CONSIDERATIONS

To facilitate the subdivision of dual occupancy development, a planning proposal to amend the Eurobodalla Local Environmental Plan 2012 (LEP 2012) is required. The draft Planning Proposal will introduce a new clause that will allow the Torrens Title subdivision of dual occupancy development.

It is intended that the clause will:

- apply to land zoned R2 Low Density Residential with a minimum lot size of 550m²,
- apply to existing lawful dual occupancy developments (attached and detached),
- allow the subdivision of existing lawful dual occupancy development (attached and detached) down to a minimum of 300m²,
- ensure only one dwelling will be located on each lot resulting from the subdivision,
- allow a combined subdivision and dual occupancy development application where each dwelling is located on a separate lot with a minimum size of 300m².

It is proposed that clause 4.6 would apply to allow a variation to the new development standard to be considered.

The intent of the planning proposal is to achieve the following outcomes:

- To encourage an increase in the proportion of residential lots developed for dual occupancy dwellings.

**PSR24/005 PLANNING PROPOSAL 21 - AMENDMENT TO PERMIT TORRENS
TITLE SUBDIVISION OF DUAL OCCUPANCY DEVELOPMENT ON
CERTAIN LAND IN THE R2 LOW DENSITY RESIDENTIAL ZONE**

**S017-
T00008**

- To encourage additional residential development in areas with existing services and utilities.
- To minimise the demand for new land releases.
- To assist in increasing housing affordability and variety in Eurobodalla.

To support the Planning Proposal, a number of amendments to the Residential Zones DCP are also proposed. These include:

- Reducing the required landscape area for small lot dual occupancy to 20% of the site area, consistent with the requirement for residential development in the R3 Residential Medium Density zone.
- Exempting small lot dual occupancy development from the acceptable solutions in the subdivision and lot layout section of the DCP.
- Requiring proposals for the subdivision of bushfire prone land to comply with the requirements of Planning for Bushfire Protection 2019, particularly in relation to the construction standards of existing or proposed dwellings (BAL 29).
- Requiring small lot housing development to be designed taking into consideration the design guidelines in the Department of Planning and Environment's Low Rise Housing Diversity Design Guide.

Preliminary consultation on the draft planning proposal has been undertaken with the previous Department of Planning and Environment (DPE) and the NSW Rural Fire Service (RFS).

DPE suggested consideration be given to extending the same proposal to other residential zones. This has been considered, however no additional zones are proposed to be included for the following reasons:

- It is preferable to encourage medium to higher density housing developments in the R3 Medium Density Residential zone.
- Land in the C4 Environmental Living, R5 Large Lot Residential and RU5 Village zones are not sewerred.

The RFS raised concerns with the potential for subdivision of lots with existing dwellings that do not meet current construction standards or asset protection zone requirements, particularly in isolated communities. The RFS suggested that a DCP control be considered to address this issue. As noted above, included in the draft amendments to the Residential Zones DCP is a provision that will address this matter.

Further consultation with the now Department of Planning, Housing and Infrastructure and the NSW RFS will be undertaken as part of the public consultation period following the receipt of a Gateway Determination.

Legal

The draft Planning Proposal has been developed in accordance with the Department of Planning, Housing and Infrastructure's guidelines for preparing planning proposals.

**PSR24/005 PLANNING PROPOSAL 21 - AMENDMENT TO PERMIT TORRENS
TITLE SUBDIVISION OF DUAL OCCUPANCY DEVELOPMENT ON
CERTAIN LAND IN THE R2 LOW DENSITY RESIDENTIAL ZONE**

**S017-
T00008**

Policy

The Planning Proposal seeks to further Planning Priority 1 in the Eurobodalla Local Strategic Planning Statement, to encourage greater housing diversity and affordability.

Environmental

The planning proposal has considered environmental issues. The vast bulk of mapped biodiversity values on land zone R2 Low Density Residential is on larger undeveloped lots. This planning proposal will make no change to the planning outcomes for those lands.

The impacts of any proposed dual occupancy development and any fencing associated with the subdivision of that development will be considered at the development application stage in accordance with the Biodiversity Conservation Act 2016 and other relevant legislation or planning instruments.

Asset

The planning proposal has considered the impacts on Council assets. Given the likely diffuse uptake of dual occupancy development opportunities across the Shire, it is unlikely that there will be any constraints in the sewer and water networks. Where the water and sewer systems in certain locations reach capacity, upgrades to the systems can be implemented as required.

Social Impact

The planning proposal has considered social impacts. The subdivision of existing or proposed dual occupancy developments has potential positive social impacts through the provision of greater housing choice and more affordable housing options for residents.

Economic Development Employment Potential

The planning proposal has considered economic impacts. In addition to the positive economic benefits of greater housing choice and smaller, more affordable housing options, the more efficient use of existing infrastructure also has positive economic benefits to the Council and the broader community through the reduced need for development of new infrastructure.

Community and Stakeholder Engagement

Public consultation on the draft Planning Proposal will be undertaken following the receipt of the Gateway Determination. The Gateway Determination will identify the community and agency consultation requirements.

CONCLUSION

A draft Planning Proposal to amend the Eurobodalla Local Environmental Plan 2012 (LEP) to facilitate the Torrens title subdivision of existing or proposed dual occupancy development in the R2 Low Density Residential Zone has been prepared for Council's consideration.

To support the Planning Proposal, amendments to the Residential Zones DCP are also proposed.

PSR24/005 PLANNING PROPOSAL 21 - AMENDMENT TO PERMIT TORRENS TITLE SUBDIVISION OF DUAL OCCUPANCY DEVELOPMENT ON CERTAIN LAND IN THE R2 LOW DENSITY RESIDENTIAL ZONE S017-T00008

The draft Planning Proposal has been prepared in accordance with the Department of Planning, Housing and Infrastructure's Guidelines and aims to encourage a greater uptake of dual occupancy development in existing residential areas.

PSR24/006 REQUEST FOR TENDER NO: 2324-143 - WAGONGA INLET LIVING SHORELINE - JETTY AND PONTOON SUPPLY AND CONSTRUCT S010-T00018

Responsible Officer: Gary Bruce - Acting Director Planning & Environment

Attachments: 1. Confidential - Confidential Attachment
2. Confidential - Confidential Attachment - assessment criteria

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

Community Strategy: 1.2 Value, protect, and enhance our natural environment

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

Operational Plan Link: 1.2.2.1 Implement the Wagonga, Mummaga and Moruya Estuary Coastal Management Plans

EXECUTIVE SUMMARY

Council, along with Department of Primary Industries (DPI) - Fisheries and The Nature Conservancy, have been collaboratively delivering the Wagonga Inlet Living Shoreline (WILS) project. Environmental components of the project have been delivered and the next stage is to install community infrastructure. The Request for Tender (RFT) No. 2324-143 is to design and construct a fully accessible Jetty and Pontoon as the final piece of infrastructure in the project.

This report outlines the evaluation of offers submitted in response to RFT No. 2324-143 and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT Council enters into a contractual arrangement with the preferred tenderer for the design and construction of the Wagonga Inlet Living Shoreline Jetty and Pontoon, subject to the terms specified in Request for Tender No. 2324-143 unless otherwise varied in accordance with this report.

BACKGROUND

Along the foreshore adjoining the Easts Holiday Park on the flats of Narooma, a failing seawall has been eroding and an action in the Estuarine Coastal Management Program for Wagonga Estuary states it needs replacing with an environmentally friendly solution to foreshore management. Along with DPI-Fisheries and The Nature Conservancy, Council has been working towards an innovative approach to which aims to provide long term protection to the foreshore, bring back threatened communities of oyster reefs and saltmarshes, improve water quality and provide public access and educational opportunities.

Delivery of the infrastructure components have been delayed due to a previous contract being terminated when the contractor went into receivership.

RFT No. 2324-143 includes the Supply and Construction of a fully accessible jetty and pontoon that ties in the various aspects of the project by allowing people to walk out to the deep hole and access a safe swimming and snorkeling spot.

The decking of the fixed jetty and gangway will be made of Fiberglass Reinforced Plastic (FRP) 38mm mesh so that sunlight is let through to the saltmarsh below. The jetty and pontoon will

**PSR24/006 REQUEST FOR TENDER NO: 2324-143 - WAGONGA INLET LIVING
SHORELINE - JETTY AND PONTOON SUPPLY AND CONSTRUCT**

**S010-
T00018**

have low level, sensor solar lighting for nighttime safety, and will incorporate a viewing floating pontoon for various public activities.

RFT No. 2324-143 was advertised on 6 February 2024 with a closing date of 12 March 2024. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 7 March 2024.

- Boab Commercial Marine
- GC Marine Pty Ltd
- GPM Marine Constructions PTY LTD
- Green Civil Services Pty Ltd (NSW) Pty Ltd
- Hammertime Construction
- Hunter Wharf and Barge Pty Ltd
- SMC Marine Pty Ltd
- The Marina Specialist t/a The Jetty Specialist

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

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2324-143 was advertised in accordance with clause 167 of the *Local Government (General) Regulation 2021* and *Local Government Act 1993*.

The tender was advertised on Council's website and at Council's Tenderlink web portal www.tenderlink.com/eurobodalla, interested parties were also informed via email.

Before tender assessment was undertaken a formal Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee (TEC). Declarations of Confidentiality and Conflicts of Interest Forms were completed and signed by the TEC.

The offer submitted by the preferred tenderer has been assessed as the most advantageous tender which represents best value for money for Council due to the company's demonstrated experience, quality of workmanship, and satisfactory price in comparison to the pre-tender estimate.

Policy

The procurement activity for which this report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, *Local Government (General) Regulation 2021* and the *Local Government Act 1993*.

**PSR24/006 REQUEST FOR TENDER NO: 2324-143 - WAGONGA INLET LIVING
SHORELINE - JETTY AND PONTOON SUPPLY AND CONSTRUCT**

**S010-
T00018**

Environmental

The works, most importantly piling methods, are required to have as little impact on the marine park as possible. The aim of the jetty and pontoon is to consolidate access so as not to have people walking on this ecosystem.

Social Impact

The boardwalk will be an attraction to the foreshore for locals and tourists alike. The proximity to the caravan park means that it will be heavily used during the holiday periods, which is a great opportunity for environmental and first nations education.

Financial

A grant of \$310,000 was provided through the NSW DPI Recreational Fishing and Camping Grants Program to undertake this work. Additional grants from NSW DPI Marine Estate Management Fund and Australian Government Local Roads and Community Infrastructure are being used to cover the costs of the additional infrastructure components.

The amount tendered by the preferred tenderer can be accommodated within these grants.

Community and Stakeholder Engagement

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

CONCLUSION

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

The preferred tender as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the supply and construction of the Wagonga Inlet Living Shoreline Jetty and Pontoon.

FCS24/006 RFT 2324-110 TRAFFIC CONTROL SERVICES PANEL

**S004-
T00004**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services
Attachments: 1. Confidential - RFT 2324-110 Traffic Control Services Panel
Community Goal: 5 Our engaged community with progressive leadership
Community Strategy: 5.3 Work together to achieve our collective vision
Delivery Program Link: 5.3.3 Provide effective and professional administration, technical and trade services to support the delivery of services to the community
Operational Plan Link: 5.3.3.2 Undertake procurement that provides best value to the community

EXECUTIVE SUMMARY

Tenders were recently called for participation in the traffic control services panel. The request for tender included a set of pre-determined terms which will form the basis of a Deed of Standing Offer.

Submissions for the request for Tender No. 2324-110 Traffic Control Services Panel have been received and assessed and are now presented for Council approval.

The purpose of the panel is to provide prequalified service providers to assist Council in delivering projects with the management of traffic and pedestrians, directing movements on site as well as drafting and preparing management plans.

Once established the traffic control services panel will be active for the period 1 May 2024 until 30th April 2026 with an option of a further two by 12-month extension.

RECOMMENDATION

THAT Council:

1. Endorses the selection of the panellists listed for Request for Tender No. 2324-110 within the confidential attachment.
2. Approves entering into deeds of standing offers with the proposed panellists as detailed within the confidential attachment.

BACKGROUND

Council regularly engages and procures external suppliers to provide traffic control services to support projects across the shire and the works program. It is estimated that Council's annual expenditure on traffic control services is approximately \$2 million. The annual spend highlights the procurement risk and exceeds the tendering threshold amounts in the Local Government Act Section 55.

Given the need for strict safety, risk mitigation and quality management for each procurement activity, a pre-negotiated set of pricing and terms represents the best value for money.

A panel arrangement provides a screening of compliance and a known cost of the service, removing the need for multiple lengthy procurement processes.

FCS24/006 RFT 2324-110 TRAFFIC CONTROL SERVICES PANEL

**S004-
T00004**

Request for Tender No. 2324-110 was advertised on 30 January 2024 and closed 2pm 23 February 2024. The Request for Tender had a good response with nine tender submissions received.

The list of Tenderers is as follows:

- Advanced Traffic Management trading as Traffic Control Services
- Go Traffic Pty Ltd
- Lack Group Traffic Pty Ltd
- Aristocrat Australia trading as National Traffic Aust
- Platinum Traffic Services Pty Ltd
- Site Specific Traffic Management & Planning Pty Ltd
- Titanium Traffic Management
- TMPACS trading as Traffic Professionals
- Traffic Logistics Pty Ltd

A summary of the evaluation, including each level of compliance against the evaluation criteria and proposed panel composition is provided within the confidential attachment.

CONSIDERATIONS

Request for Tender No. 2324-110 – Traffic Control Services Panel, was advertised for the purpose of establishing a pre-qualified list of traffic control service providers. Establishing a panel for traffic control services will provide the following benefits to Council:

- Allows local and regional service providers to bid for work in the Local Government setting in general;
- Removing the need for costly and time-consuming individual quotation and compliance screening processes for every requirement; and
- reduced procurement risk, through the utilisation of the deed of standing offer.

The outcome will assist Council in avoiding costly future screening exercises over a two-year period (with the option to extend the agreement by a further two by 12 months) and ensure Council comply with the tendering requirements of Section 55 of the Local Government Act 1993.

Legal

Request for Tender No. 2324-110 was advertised in accordance *with Local Government (General) Regulation 2021 REG 167 and Local Government Act 1993*.

The tender was advertised on Council's website and at Council's Tenderlink web portal www.tenderlink.com/eurobodalla.

Prior to the request for tender closing, a tender evaluation plan was approved and distributed amongst the tender evaluation panel. Declarations of confidentiality and interest forms were completed and signed by the tender evaluation committee.

FCS24/006 RFT 2324-110 TRAFFIC CONTROL SERVICES PANEL

**S004-
T00004**

Policy

The tendering activity and associated evaluation for which this tender applies has been administered in compliance with:

- Council's Procurement Policy,
- Council's Code of Practice – Procurement and tendering,
- OLG Tendering Guidelines for NSW Local Government,
- *Local Government (General) Regulation 2021* and
- *Section 55 of the Local Government Act 1993.*

Financial

A panel arrangement provides a screening of compliance and cost up front, removing the need for multiple lengthy and costly procurement processes.

Services procured against this panel arrangement will be funded by the respective capital or operational budgets as required.

Community and Stakeholder Engagement

The tender was advertised on Council's website and at Council's Tenderlink web portal www.tenderlink.com/eurobodalla, and all members of Council's previous panel members were informed of the new panel advertisement via email. Consultation was undertaken with operational areas of Council prior to tender release.

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

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the preferred tenderers have been assessed. An extensive evaluation as representing best value for money and meeting the compliance and skills requirements of the tender has been undertaken.

Deeds of standing offer will be entered into with the proposed panellists as detailed within the confidential attachment.

**FCS24/007 CLASSIFICATION OF LAND TO OPERATIONAL- HAWDON STREET,
MORUYA**

**LAND ID
41420**

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

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.1 Undertake strategic management of Council's operational land portfolio

EXECUTIVE SUMMARY

The purpose of this report is to recommend land recently acquired by Council be classified as operational land, being Lot 101 DP 1296922, Lot 3 DP 1086273, Lot 4 DP 1086274 and Lot 5 DP 1086274 in Moruya.

At its Ordinary Meeting of 13 December 2022 Council resolved to purchase Lot 101 DP 1296922, Lot 3 DP 1086273, Lot 4 DP 1086274 and Lot 5 DP 1086274 and that public notice be given of Council's intention to resolve that the land be classified as operational land (Min No: 22/327).

The land was purchased to supply additional housing in the area.

This report is only in regard to classification of the land as operational land.

In accordance with the provisions of the Local Government Act 1993, public notice was given of Council's intention to classify the land as operational land. No submissions were received.

RECOMMENDATION

THAT Lot 101 DP 1296922, Lot 3 DP 1086273, Lot 4 DP 1086274 and Lot 5 DP 1086274 be classified as operational land.

BACKGROUND

At its ordinary meeting of 13 December 2022 Council resolved to purchase Lot 101 DP 1296922, Lot 3 DP 1086273, Lot 4 DP 1086274 and Lot 5 DP 1086274 and that public notice be given of Council's intention to resolve that the land be classified as operational land.

Following completion of the land purchase, public notice for a period of 28 days was given to classify the land as operational land from 26 February to 24 March 2024 and no submissions were received.

CONSIDERATIONS

Legal

All land owned by Council must be classified as either community or operational land.

FCS24/007	CLASSIFICATION OF LAND TO OPERATIONAL- HAWDON STREET, MORUYA	LAND ID 41420
------------------	---	--------------------------

In accordance with Section 34 of the Local Government Act 1993, public notice has been given of Council's intention to classify the land as operational land and 28 days have been allowed for submissions. No submissions have been received.

[LG Act sec34](#)

Policy

The land acquisition took place in accordance with Council's Land Acquisition and Disposal Policy.

[Land Management - Acquisition Disposal and Leasing Licensing Policy](#)

Financial

This report is regarding classification of land only, there are no financial costs involved.

Community and Stakeholder Engagement

We informed the community of Council's intention to classify the land as operational land by public notification and allowed 28 days for submissions from 26 February to 24 March 2024. No submissions were received.

CONCLUSION

This report recommends that Lot 101 DP 1296922, Lot 3 DP 1086273, Lot 4 DP 1086274 and Lot 5 DP 1086274 be classified as operational land.

IR24/008 UPDATE ON EMERGENCY MANAGEMENT

S008-T00023

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: Nil

Community Goal: 2 Our community that welcomes, celebrates, and supports everyone

Community Strategy: 2.4 Foster a safe community

Delivery Program Link: 2.4.4 Work with agencies and emergency services to support coordinated emergency management and improved resilience

Operational Plan Link: 2.4.4.1 Support emergency services, Government agencies and supporting organisations in planning, preparing, responding, and recovering from natural disasters through the Emergency Management, Rescue and Far South Coast Bushfire Risk Management Committees

EXECUTIVE SUMMARY

This report provides an overview of:

- i) the status of planning for emergencies within Eurobodalla
- ii) the status of recovery planning within Eurobodalla.

The *State Emergency and Rescue Management Act 1989* and associated arrangements require establishment of a Local Emergency Management Committee (LEMC) for each Local Government Area.

Council's responsibilities are limited to facilitating and providing administrative support to the LEMC, establishing and providing administrative support to an Emergency Operations Centre (EOC) should the Local Emergency Operations Controller (LEOCON) from NSW Police determine that one is necessary, plus supporting combat agencies such as the Rural Fire Service (RFS) and State Emergency Service (SES) who are the lead agencies should an incident be occurring. Council is also responsible for maintaining designated Asset Protection Zones as well as protecting its own infrastructure, as is the case with any property owner.

The Local Emergency Management Committee has completed reviews of the Local Emergency Management Plan (EMPLAN), Individual Disaster sub plans, Consequence Management Guides and is currently working with NSW Reconstruction Authority on development of a Pre- Event Recovery Plan.

With the recruitment of a full time Local Emergency Management Officer, Council is now able to focus more effort on the Prevention and Preparation components of emergency management and engage with the community to support their preparations and resilience.

Council's LEMO has engaged with and provided advice to the following organisations: the Tuross Progress Association, the Central Tilba Chamber of Commerce, Climate Action Nurses Australia and is working with all those government agencies (such as NSW Police, the State Emergency Service, the Rural Fire Service) involved in the Regional Emergency Management Committee and Local Emergency Management Committee, as well as Reconstruction Authority NSW and the South-East LEMO network.

IR24/008 UPDATE ON EMERGENCY MANAGEMENT

S008-T00023

The request to upgrade Evacuation Centres has been actioned in that grant funding to provide generators has been applied for. The LEMC has identified the sites of the current Evacuation Centres with it being a responsibility of Council to provide the facilities. Once they are activated, they become the responsibility of the Department of Community and Justice who arrange for and fund any improvements to amenities for the course of the emergency event

This report seeks endorsement of the recommendations.

RECOMMENDATION

THAT Council notes:

1. the status of planning for emergencies within the Shire
2. the Local Emergency Management Committee has endorsed the most recent Eurobodalla Local Emergency Management Plan (EMPLAN).

BACKGROUND

Requirements of Council

The State Emergency and Rescue Management Act 1989 and associated arrangements require establishment of a Local Emergency Management Committee (LEMC) for each Local Government Area. This committee is to consist of a senior representative of Council who is the chair of the committee, a senior representative of each of the emergency services operating in the LGA and representatives of organisations providing services in the functional areas in the LGA.

The Act also requires that the LEMC is responsible for the preparation of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the LGA for which it is constituted.

Planning for Emergencies

EMPLAN

The Eurobodalla Local Emergency Management Plan was reviewed in October 2023 and updated to reflect new hazards before being endorsed by the LEMC on 1 November 2023. It now includes Communicable Diseases (Pandemic) and the associated risk with a Consequence Management Guide (CMG) developed by NSW Health as the lead combat agency and endorsed by the LEMC on 6 March 2024.

Since July 2023 each of the consequence management guides has been reviewed or is currently under review. Eight of the twelve CMGs have been endorsed by the LEMC, two are awaiting submission to the next LEMC meeting with two requiring further input from the lead combat agency for that disaster.

Other plans

Currently the LEMC has at its disposal 20 sub plans which are developed at a state level to ensure that there is a consistent methodology applied to Prevention, Preparation, Response and Recovery. These plans cover off on a very wide variety of potential disasters including but not limited to energy and utilities, tsunamis, oil spill and public information just to name a few.

IR24/008 UPDATE ON EMERGENCY MANAGEMENT

S008-T00023

The Eurobodalla Shire Emergency Flood plan is currently under review with SES, Council and Rhelm recently holding public drop-in sessions prior to Christmas as part of the community consultation stage.

The Bushfire Management Committee Next Generation Risk Plan was tabled at the Far South Coast Bush Fire Management Committee (BFMC) meeting held 26 March 2024 with agencies finalising prioritisation of works and editing prior to release for public exhibition and consultation. It is expected that the Plan should be complete by the end of the financial year.

Council has recently met with NSW Reconstruction Authority to commence the development of the Pre-Event Recovery Plan which is currently in draft form awaiting editing and endorsement of the LEMC. It is planned to have this work completed prior to the commencement of the next Bush Fire Danger Period. This plan will be an all-hazards approach to recovery and supersede other plans such as the Bushfire Recovery Plan.

LEMO Network

The LEMO position has been made a full-time role enabling more focus on preparedness. To ensure consistency with other parts of the state and in particular the neighbouring LGAs which share a similar demographic, topography, and hazard risk a network of LEMOs has been created. This network meets virtually on regular occasions to discuss matters such as planning, hazard management, interaction with State Government agencies and interchange of innovation.

The Regional Emergency Management Officer hosts regular meetings of the LEMOs from Illawarra, Shoalhaven, Eurobodalla and Bega as the likelihood of events crossing shire boundaries is high and consistency in approach is essential.

Community Engagement

The LEMO has commenced engaging with communities by meeting with the Tuross Head Progress Association to discuss bushfire concerns on Council reserves, and Central Tilba Chamber of Commerce along with Council's heritage officer, to discuss their building protection project and will be developing a community engagement program to ensure community input into the development of plans and increased awareness of how to obtain relevant and accurate information around preparedness and response.

There has been a suggestion that links to Community Protection Plans be included on Council's website, however, this would cause duplications of existing information accessible from the webpage of the combat agencies responsible for the hazard. It is recommended that community members familiarise themselves with the plans for their locality prior to the commencement of the Bushfire Danger Period or the summer storm season.

There will be a review of the content of the Emergency Management component of Council's website to ensure that any information that is included is relevant and current. It is planned to have this completed prior to the next Bushfire Danger Period which commences on 1 September annually.

An inspection of the Local Information Hubs and discussion with Shoalhaven around the process of the development of these sites is planned for April / May 2024 with the intent to identify any grant opportunities to facilitate further discussion around where they may be utilised and how the information shared is managed by Council.

IR24/008 UPDATE ON EMERGENCY MANAGEMENT

S008-T00023

The LEMO has made several attempts to contact the developers of the Disaster Dashboards with no success to date, however will continue to attempt to make contact and formalise an agreement to add Eurobodalla to the list of Councils utilising the tool.

Information on emergencies can be found on Council's website at this link: [Emergency information | Eurobodalla Council \(nsw.gov.au\)](#)

Lessons Learned Process

Following the flood event in November 2023 an After Action Review was carried out by the LEMO with Council's Works team to identify what worked well and what can be improved on. Several key improvements were identified and recommendations made that these will be implemented should another severe weather event be forecast.

This review will continue to be held after each emergency event that impacts the Eurobodalla in order to continuously improve service delivery to ratepayers and avoid unnecessary expenditure.

CONCLUSION

This report recommends Council notes the information provided within.

IR24/009 LOCAL TRAFFIC COMMITTEE NO. 8 FOR 2023-24

S030-T00018

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. LTC Minutes No.8 2023-2024
2. Under Separate Cover - LTC Minutes No.8 - Attachments

Community Goal: 4 Our connected community through reliable and safe infrastructure networks

Community Strategy: 4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla

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

Operational Plan Link: 4.1.1.3 Coordinate the Local Traffic Committee

EXECUTIVE SUMMARY

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

Recommendations arising from the Local Traffic Committee meeting No. 8 held 7 March 2024, are as follows:

RECOMMENDATION

THAT Council approves:

1. The following acts for determination from Local Traffic Committee No. 8:
 - **2024.RT.022 Signs – Church Street, Moruya** That Council Plan 5490-J-01 detailing No Stopping signs in Church Street (west), Moruya, be approved.
 - **2024.RT.023 Signs – Glenella Road No Stopping, Authorised Vehicles Excepted, Batemans Bay** That WSP plan South Batemans Bay Link Road, File DS2020/000616 sheets 3 and Sheet 4 of 5 for Transport for NSW, outlining No Stopping and Authorised Vehicles Excepted on Glenella Road, and STOP sign on The Ridge Road, Batemans Bay, be approved.
 - **2024.RT.024 Signs – Orient Street, Taxi and 1P timed parking, Batemans Bay** Council Plan 5490-K-01 for TAXI and 1P timed signage at Orient Street, Batemans Bay, be approved.
 - **2024.RT.015 Signs, barrier and linemarking – Saltwood Estate 2 and 3, Rosedale** That Land Team Plan 213826-CC-Stage 2-3_C 134, C 135, C137 for signage and line marking for stage 2 and 3 of proposed subdivision of LOT 1, DP243483 LOT1, DP 403372 / LOT 12, DP 755902 & LOT 4, DP1155861, and 4D Surveying Sheet 1 of 1 Concrete Barrier plan as condition 33A – SEC 138 application 1664 George Bass Drive, Rosedale, be approved.
 - **2024.RT.025 Signs – Clyde View Road, No Through Road, Long Beach** That Council Plan 5490-L-01 for No Through Road and supplementary plate Access Via Sea Acres Drive signage on Clyde View Drive, Long Beach, be approved.

IR24/009 LOCAL TRAFFIC COMMITTEE NO. 8 FOR 2023-24

**S030-
T00018**

- **2024.RT.026 Linemarking - Charles Street Carpark, Mogo** That Council Plan 5490-M-01 for directional arrow linemarking in Church Street carpark, Mogo, be approved.

2. The following Special Events and Informal Items:

Bay Ridge entry to Kings Highway Transport for NSW initiative to install NO Right Hand Turn signs along the Kings Highway at the entry point into Bay Ridge Estate, approximately 500 meters from the roundabout north bound along the Kings Highway.

2024.RT.027 Anderson Avenue, Tuross - signage and linemarking.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 8 for 2023-24 was held on 7 March 2024. The meeting was attended by Councillor Amber Schutz (Chair), Chief Inspector John Sheehan (NSW Police), Senior Sergeant Scott Britt (NSW Police), Andy Gaudiosi (Transport for NSW), Kate McDougall (Traffic Officer), James Thompson (Transport and Stormwater Engineer) *Acting for Tom Franzen (Division Manager Technical Services)*, Karen Shea (representative for Michael Holland MP) and Sheree Ward (Infrastructure Support officer).

CONCLUSION

The minutes of the Eurobodalla Local Traffic Committee meeting No. 8 are attached to this report and provide further background for the recommendations.



**LOCAL TRAFFIC COMMITTEE
REPORTS**

Meeting No: 8-23/24	File No E16.0002
Date: Thursday 7 March 2024	Time: 9:30am
Location: Eurobodalla Shire Council – Classroom	

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

5.1 2024.RT.022 Signs – Church Street, Moruya

RECOMMENDATION

That Council Plan 5490-J-01 detailing No Stopping signs in Church Street, Moruya, be approved.

BACKGROUND

Council had received numerous requests from community members regarding the lack of site distance of approaching vehicles when exiting the carpark in Church Street Moruya. Council's Traffic Coordinator inspected the site on several occasions. It was found that when vehicles were not parked between the current No Stopping and School Zone signage the sight for oncoming vehicles was significantly improved.

CONCLUSION

The longer No Stopping zone will allow cars to exit the carpark with less conflict of oncoming vehicles due to the increased sight distance.

5.2 2024.RT.023 Signs – Glenella Road No Stopping, Authorised Vehicles Excepted, Batemans Bay

RECOMMENDATION

That WSP plan South Batemans Bay Link Road, File DS2020/000616 sheet 3 and sheet 4 of 5 for client Transport for NSW, outlining No Stopping and, Authorised Vehicles Excepted on Glenella Road, and STOP sign on Ridge Road, Batemans Bay, be approved.

BACKGROUND

In the Eurobodalla Road Safety Plan 2019-2022, Council advocated to work with Transport for NSW for the completion of the \$30m upgrade to the Princes Highway at South Batemans Bay incorporating connection to Glenella Road (Sth Batemans Bay Link Road) by Transport for NSW.

The new South Batemans Bay Link Road opened to traffic on Wednesday 20th December 2023 just in time for the busy Christmas and summer school holiday period.

The extension to Glenella Road will provide motorists with a critical connection between the existing Glenella Road and the Princes Highway while reducing congestion for local residents and visitors.

Glenella Road will take pressure off Beach Road, relieve congestion in the Batemans Bay CBD and support future growth in the area.

Featuring a new roundabout on the Princes Highway and a new two-lane road connecting to the existing Glenella Road, previously upgraded by Council, the completed project will also reduce the risk of serious crashes.



LOCAL TRAFFIC COMMITTEE REPORTS

Meeting No: 8-23/24	File No E16.0002
Date: Thursday 7 March 2024	Time: 9:30am
Location: Eurobodalla Shire Council – Glassroom	

The installation of No Stopping and Authorised Vehicles Excepted signs will allow police to conduct random breath testing in a safe environment. Council trucks will have the ability to pull over when maintenance work is undertaken.

CONCLUSION

The STOP sign on Ridge Road will provide a safer road environment for all those drivers using both The Ridge Road and Glenella Road.

5.3 2024.RT.024 Signs – Orient Street, Taxi and 1P timed parking, Batemans Bay

RECOMMENDATION

That Council Plan 5490-K-01 for TAXI and 1P timed signage at Orient St Batemans Bay, be approved.

BACKGROUND

Council had been approached by the Batemans Bay Highway Patrol regarding the usage of the TAXI rank on Orient Street. It appeared that the rank was underutilised and more parking for the Batemans Bay CBD could be found with removal of the rank.

Council's Traffic Coordinator contacted the Taxi company to enquire about the usage and need for four spaces for a taxi rank. After the discussion, the taxi company advised that they would only require two spaces for a taxi rank in Orient Street, Batemans Bay.

The current Taxi (R) and timed 1P (L) parking signage will be moved 10m to the right allowing for two car spaces for the taxi rank and another 10m of timed 1P parking in Orient Street.

CONCLUSION

The reduction from four spaces to two spaces of the Taxi rank will allow more timed parking, better utilising the parking spaces in Orient Street Batemans Bay.

5.4 2024.RT.015 Signs, barrier and linemarking – Saltwood Estate 2 and 3, Rosedale

RECOMMENDATION

That Land Team Plan 213826 CC 134, C 135, C137 for signage and line marking for stage 2 and 3 of proposed subdivision of LOT 1, DP243483 LOT1, DP 403372 / LOT 12, DP 755902 & LOT 4, DP1155861, and 4D Surveying Sheet No 1 of 1 Concrete Barrier plan as condition 33A – SEC 138 application 1664 George Bass Drive, Rosedale, be approved.

BACKGROUND

Saltwater Estate, Rosedale is a 7-stage development proposing 137 residential lots. Stage 1 has been released with Stage 2 and 3, at total of 36 lots, due to be release at the completion of the work outlined in Land Team Plan 213826 CC134-7 and 4D Surveying Sheet 1 of 1. This is the second and third stage of the Saltwater Estate, Rosedale. These plans outline the linemarking and signage for Stage 2 and 3. This work must be completed prior to stage 3 release. It is intended that Stage 2 and 3 will be to be released at the same time.

CONCLUSION

The roundabout signage and linemarking will enhance the manoeuvrability of vehicles within the estate allowing for safer transition from residences to the main road of George Bass Drive. The concrete barrier on George Bass Drive will prevent conflict points of vehicles turning into and out of Saltwater Estate on



LOCAL TRAFFIC COMMITTEE REPORTS

Meeting No: 8-23/24	File No E16.0002
Date: Thursday 7 March 2024	Time: 9:30am
Location: Eurobodalla Shire Council – Glassroom	

the bend of George Bass Drive with left in and left out at of the estate at this intersection.

5.5 2024.RT.025 Signs – Clyde View Road, No Through Road, Long Beach

Recommendation

That Council Plan 5490-L-01 for No Through Road and supplementary plate Access Via Sea Acres Drive signage on Clyde View Drive, Long Beach, be approved.

Background

A resident of Clyde View Drive requested Council to provide clearer signage outlining Clyde View Drive has two entrances that are not connected. One entrance is via Kettle Road, and the other entrance is via Sea Acres Drive. The two ends of Clyde View Road are related to an incomplete sub-division. Once the sub-division is complete the two ends will join. Currently there are no plans to complete the sub-division. A sign at the entrance to Clyde View Drive from Kettle Road will indicate to any drivers, including emergency vehicles, that there is an entrance to Clyde View Drive via Sea Acres Drive. Currently there are no residences on Clyde View Drive, via Kettle Road.

CONCLUSION

The inclusion of a No Through Road sign and supplementary plate of Access Via Sea Acres Drive will eliminate the confusion of drivers looking for a through road at the intersection of Clyde View Road and Kettle Road.

5.6 2024.RT.026 Linemarking - Charles Street Carpark, Mogo

RECOMMENDATION

That Council Plan 5490-M-01 for directional arrow linemarking in Church Street, carpark, Mogo, be approved.

BACKGROUND

Charles Street carpark Mogo has no linemarking and the initial design from 2003 did not show directional arrows. A member of the public contacted Council expressing concern that visitors may be confused on where to exit the carpark without signage or linemarking to help. Council's Traffic Coordinator inspected the site and agreed that basic directional arrows would improve the usability of the carpark.

CONCLUSION

Installing directional arrow line marking in Charles Street carpark will reduce confusing for those drivers who park in the areas and allow greater ease for exiting the carpark.

ITEM 6 - INFORMAL ITEMS FOR DISCUSSION

- 6.1 Bay Ridge entry to Kings Highway
- 6.2 2024.RT.07 Anderson Avenue, Tuross signage and linemarking

ITEM 7 – GENERAL BUSINESS

- 7.1 Bodalla parking on Princes Highway
- 7.2 Ride share parking Batemans Bay – cruise ships.
- 7.3 Hume Ave and Burkes Way driveway



**LOCAL TRAFFIC COMMITTEE
REPORTS**

Meeting No: 8-23/24

File No E16.0002

Date: Thursday 7 March 2024

Time: 9:30am

Location: Eurobodalla Shire Council – Glassroom

7.4 Broulee Surf Club Road to end carpark

7.5 Misty Mountain Road

ITEM 8 – DEVELOPMENT APPLICATIONS

8.1 NIL

ITEM 9 – NEXT MEETING

April 11 2024

DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

CONTACT	PHONE	EMAIL	WEBSITE
Eurobodalla Shire Council Public Officer	4474-1000	council@esc.nsw.gov.au	www.esc.nsw.gov.au
ICAC	8281 5999	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
The Office of Local Government	4428 4100	olg@olg.nsw.gov.au	www.olg.nsw.gov.au
NSW Ombudsman	1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

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

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

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

- Setback* Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);
- Envelope* taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;
- Footprint* the percentage of a lot taken up by a building on a site plan.