



AGENDA

Ordinary Meeting of Council

14 June 2016

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

ON TUESDAY 14 JUNE 2016

COMMENCING AT 10.00AM

AGENDA

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

- | | | |
|------------|--|-----------------|
| 1. | WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE | |
| 2. | APOLOGIES
Nil | |
| 3. | PUBLIC FORUM (AGENDA ITEMS ONLY) | |
| 4. | CONFIRMATION OF MINUTES OF PREVIOUS MEETING | |
| 4.1 | Ordinary Meeting held on 10 May 2016 | |
| 5. | DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA
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| 9. | PETITIONS
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**DR CATHERINE DALE
GENERAL MANAGER**

NOM16/006 FISHING TRAWLER

E00.4623

Responsible Officer: Gabi Harding - Councillor

Attachments: 1. Briefing Paper - Large Freezer Factory Trawlers in the Australian Small Pelagic Fishery

Councillor Gabi Harding has given notice that at the Ordinary Meeting of Council on 14 June 2016, she will move the following motion.

MOTION

THAT Council:

1. Condemns the activities of super trawlers (factory freezer trawlers) such as the Geelong Star.
2. Write to the Member for Eden-Monaro, Dr Peter Hendy MP, and Member for Gilmore, Ann Sudmalis MP, to request that they oppose the continued presence of the Geelong Star on the far south coast and oppose its return to regional waters at any time in the future.
3. Write to the Member for Bega, Andrew Constance MP to thank him for his public statements in opposition to the Geelong Star, and request he initiate action by the NSW State Government to protect NSW small pelagic fisheries and marine life from its impacts.

BACKGROUND

1. The Geelong Star has been fishing in the Small Pelagic Fishery (SPF) off the far south coast for most of 2016. During this time it has been found in breach of its operating license conditions, killing albatross, seals, and even catching a whale shark. The vessel has been operating throughout the region's busiest recreational fishing and tourism season.
2. Super trawlers such as the Geelong Star threaten the region's tourism industry by impacting on key recreational fisheries and harming and killing protected wildlife that are important to residents and inter-state visitors.
3. Super trawlers do unacceptable harm to the marine environment due to intensive localised fishing and continued death and injury to non-target species including albatross, seals, dolphins, and sharks.
4. Monitoring by the Australian Fisheries Management Authority (AFMA) has been ineffective, as untested mammal excluder devices and net sonde cables banned elsewhere have been used; the factory freezer trawler Geelong Star continues to harm non-target species.
5. The AFMA has acknowledged recreational fishing concerns about the potential to cause localised depletion (overfishing) of the Small Pelagic Fishery, which provides critical baitfish for larger predators such as tuna, marlin and shark, which are target species for game fishing. However AFMA has implemented an area management regime for the SPF

NOM16/006 FISHING TRAWLER

E00.4623

that is not based on science, has no monitoring regime to assess if localised depletion occurs, and no management response for reparation if it does occur.

6. The operators of the super trawler Geelong Star have made voluntary agreements to not operate near popular game fishing competitions and avoid interactions with recreational fishers, however these commitments have already been broken.

Andrew Constance MP has made statements in opposition to the trawler fishing in far south coast waters but Peter Hendy and Ann Sudmalis MHR have been non-committal.

<http://www.naroomanewsonline.com.au/story/3719264/hendy-encourages-discussion-in-factory-trawler-geelong-star-debate/>

<http://www.naroomanewsonline.com.au/story/3655590/geelong-star-confirmed-fishing-off-bermagui-narooma/>

<http://www.dailyadvertiser.com.au/story/3663950/call-to-arms-as-super-trawler-returns-to-sea/>



BRIEFING PAPER

Large Freezer Factory Trawlers in the Australian Small Pelagic Fishery

Background: The Story So Far

Australia's small pelagic fishery (SPF) is managed on behalf of the Australian Government by the Australian Fisheries Management Authority (AFMA). The SPF extends from southern Queensland around to Western Australia, including Tasmania, and targets four species: Jack Mackerel (*Trachurus declivis*), Blue Mackerel (*Scomber australasicus*), Redbait (*Emmelichthys nitidus*) and Australian Sardine (*Sardinops sagax*). These species are an important part of the diet of a wide range of marine life, including dolphins and seals, seabirds and larger fish such as tuna.

Because small pelagic fish are an important source of food for many marine species, over fishing these species may have serious consequences for the marine environment and recreational fisheries. For example, tuna follow these fish inshore where they become accessible to recreational fishers and support important recreational fisheries.

There has been widespread and deep community concern about the introduction of super trawlers (large factory freezer trawlers) into this fishery since 2012, when Seafish tried to bring in the Margiris, a European owned factory freezer trawler. Public outrage resulted in the then Labor Government introducing a two year moratorium and three Government inquiries into the operation of that type of vessel. Although there has been no significant improvements in the underlying science, fisheries management strategies, or implementation of the recommendations from the Government Inquiries, industry brought in another European owned factory freezer trawler, the Geelong Star, at Easter in 2015 under a cloak of secrecy.

Huge Increase in Catch

The introduction of the factory freezer trawler Geelong Star means that the total catch for this fishery could be ten times greater than the last season. As a result, there will be no gradual increase in catch that might provide an opportunity to deal with problems as they occur. Instead, impacts on recreational fisheries and the environment may occur suddenly and without warning.

Big Trawler Equals Big Problems

The problems associated with the SPF are exacerbated by the introduction of large freezer factory trawler such as Geelong Star. With the capacity to carry around 1000 tonnes of fish, and the ability to stay at sea for extended periods, these vessels can do a lot of damage to fish stocks in any given area. The reason that Seafish want to use these vessels is that they are very efficient mechanisms for catching large amounts of fish. The current economic model for this fishery is based on a low value product and economies of scale become important. Many believe that the Tasmanian redbait fishery failed due to fishing pressure from a boat that had less than 20% of the carrying capacity of Geelong Star. Large vessels mean large impacts on fish stocks, the environment and recreational fisheries.

Economic Benefits Don't Add Up

The current industry position is that the SPF should be exploited to produce a low value/high volume commodity. The total gross value of the fishery appears to be somewhere between \$20 and \$30 million. Compared to other Australian fisheries, this is a small fishing industry. For example the Tasmanian rock lobster and abalone fisheries each generate several times that amount of money. In 2012, when industry and AFMA attempted to bring in the factory freezer vessel Margiris, it was publicly stated that the aim was to produce blocks of whole fish for export at US\$1/kg. That means that the cost of production (transport, wages and running the boat etc) would still have to come out of this income, greatly reducing the economic benefit to the Australia community, even if the

product is sold overseas. Potential economic returns to Australia are further reduced because the Margiris, and now the Geelong Star, are owned by overseas companies based in Europe. The fishing entitlements, or licences, are also largely owned by overseas interests. The foreign ownership of the vessel and fishing entitlements means that most of the financial benefits of owning and operating the Geelong Star leave Australia.

The social and employment benefits of having a factory freezer vessel operating in Australian waters are also very small. The total number of jobs associated with this fishery, including crew and related land-based jobs, is likely to be less than 55, including foreign nationals in skilled crew positions such as captain, engineers and deck officers.

Economic Risks Are High

Impacts on the marine environment, recreational fisheries, and the recreational fishing industry and coastal communities are likely to occur. There has been no assessment of the impact of factory freezer trawlers in the SPF on recreational fisheries, however a simple comparison between the value of the recreational fishing industry of NSW and the Commonwealth Small Pelagic Fishery (which also includes Vic, Tas, SA and WA), demonstrates that an operation with a very low socio-economic value is threatening an industry with a very high socio-economic value, and putting it's entire future under threat by posing un-estimable risks to the marine ecosystems that support it.

The economic impacts of recreational fishing on NSW regions are as follows¹:

NSW RF expenditure survey-2012

Region	North Coast.	Sydney	South Coast.	Inland	All NSW
Output (\$m)	734.65	1,002.86	395.22	353.81	3,420.35
Value added (\$m)	353.55	491.56	184.17	149.85	1,625.61
Household income (\$m)	168.75	288.88	87.60	73.50	877.28
Employment (no.)	3,320	3,944	1,808	1,539	14,254

Scientific Gaps in Stock Assessments

Supporters of the Geelong Star and AFMA's management of the SPF suggest that fisheries management is "supported by the science". In fact, much of the information about fish stocks is very old and gaps in the science mean that concerns about sustainability and localised impacts of fishing can not be addressed.

The SPF is divided in to two management zones – east and west. Western stocks of the SPF have never been assessed using best-practice survey methods and only two of the four eastern stocks have had an assessment in the last 9 years. With such out of date research data, recreational fishing and conservation representatives on the fishery advisory groups recommended quotas of 500 tonnes for each species in each zone – a TAC of 4,000 tonnes. AFMA overrode that advice and approved a TAC of 34,950 tonnes to the SPF.

Repeated requests by stakeholders between 2000 and 2015 for more reliable stock assessments to increase the resilience of the science were ignored. Suggestions about future stock assessments from AFMA and industry are proposed at such long intervals that Australia's jack mackerel and redbait fisheries could fail before any warning of stock decline was even given.

¹ McIlgorm, A. and J. Pepperell (2013). Developing a cost effective state wide expenditure survey method to measure the economic contribution of the recreational fishing sector in NSW in 2012. A report to the NSW Recreational Fishing Trust, NSW Department of Primary Industries, November 2013. Produced by the Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong.



AFMA Cannot Manage Localised Depletion

There is no scientific information about movement of fish within stocks. This means that there is no way to determine how long it would take an area to recover from fishing and localised depletion of fish stocks may occur with serious consequences for the marine environment and recreational fisheries. Some recreational fishers believe that it has already occurred around Tasmania. CSIRO scientists acknowledge that their modelling does not operate at a scale that can assess localised impacts of fishing. AFMA has failed to develop a solution to this problem that is based on science, and concerns relating to recreational fisheries and the marine environment remain. While there is some good scientific information related to this fishery available, it does not address the main concerns of the environmental or recreational fishing sectors.

Dead Seals and Dolphins

AFMA ignored warnings that its strategies to protect marine mammals were inadequate and untested, and that large factory freezer trawlers would kill dolphins and seals. As a result at least nine dolphins and twelve seals died on the first three trips made by the Geelong Star. This is a very high level of impact compared to other Australian fisheries and is unacceptable to the Australian public.

Protected marine mammals remain threatened by factory freezer trawler operations, especially with the resumption of night fishing, which makes it practically impossible to avoid marine mammals. Because there is no requirement to have underwater video monitoring of the excluder devices fitted to nets, we will not know if they are working to protect seals and dolphins, or simply dumping dead and injured animals into the ocean before the net is brought aboard where observation occurs. Lack of testing means that there is no way to know if the excluder devices actually work, and there is no commitment to have observer coverage beyond the first 10 trips. The animal welfare of drowned seals and dolphins is being ignored by AFMA.

There has been no formal assessment of population impacts on any species of dolphin, including no assessment of population or other impacts on the recently discovered species, the Burrunan dolphin (*Tursiops australis*). There is no requirement for photos or tissues samples that would be needed as a minimum to allow positive identifications of dolphin species to occur, or for the population of Burrunan dolphins to be protected. There has also been no assessment of impacts of the SPF on seal populations or behaviour.

Secrecy and Conflicts of Interest

There is a high level of secrecy surrounding this fishery, with fishing operations closed to public scrutiny. We will not be told where or when the vessel has been operating, or what is being caught. Despite repeated written requests for information, we still do not even know exactly where or when the deaths of seals and dolphins occurred.

The management of the SPF has become controversial, however instead of addressing the causal problems, AFMA is attempting to remove all opportunities for public scrutiny. Issues include:

- The AFMA-appointed Chair of the SPFRAG resigned on 8 January 2015 because of her concerns about conflicts of interest. Documents obtained under Freedom of Information reveal that the Chair pointed out that one industry committee member was *'in a perpetual state of pecuniary conflict'* and *'it is not in AFMA's nor the fishery's best interests for him to continue to be involved in the RAG's advisory role and processes'*.
- The removal of the key advisory committee, the Small Pelagic Fisheries Resource Assessment Group (SPFRAG). The SPF is now the only significant AFMA managed fishery that does not have its own dedicated Resource Assessment Group. This significantly reduces input from the

recreational fishing and conservation sectors and does not have the support of these stakeholder groups.

- The South Australian Sardine Fishery has been established for many years, is subject to thorough scrutiny, regular stock assessments and management processes to minimise impacts on protected species, and is equitable in economic value to the entire Commonwealth SPF and supports around 170 local jobs. There has been ongoing concern from the SA Sardine industry that factory freezer trawlers in the SPF will impact on the health of the sardine fishery due to unintended bycatch of sardines, however AFMA have failed to address this concern and sardines have been caught and dumped since the Geelong Star has been operating.

Public Opposition

Over 230,000 people have signed petitions to the Australian Government against the use of super trawlers and factory freezer trawlers since 2012. There have been over thirty seven thousand emails to Federal Members of Parliament and Ministers, and hundreds of phone calls, calling for the Coalition Government to stop the Geelong Star and all large freezer factory trawlers from fishing in the SPF. Hundreds of people have mobilised in at least 21 rallies, flotillas, convoys, and protests across Australia from Queensland to Western Australia.

The introduction of factory freezer trawlers into Australia's oceans has been one of the most widely unpopular decisions of this Federal Government for coastal communities and fishers. Opposition will continue to grow until marine mammals, the marine environment, recreational fisheries and coastal communities are protected from these destructive industrial fishing operations.

For More Information

Rebecca Hubbard
Coordinator of Stop the Trawler Alliance, Environment Tasmania
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0401 854 912

The Stop the Trawler Alliance is a unique collaboration of fishing, conservation and tourism organisations. Members include:

Australian Marine Conservation Society	Personalised Sea Charters
Conservation Council of South Australia	Pew Charitable Trusts
Conservation Council of Western Australia	Sea Shepherd Conservation Society Australia
Dive Industry Association of Australia	Sea Charter Boat Operators of Tasmania
Environment Tasmania	Southern Gamefish Club Inc
Environment Victoria	St Helens Game Fishing Club
Fishers for Conservation	TasFish
Game Fish Tasmania Sports Fishing Club	Tasmanian Conservation Trust
Greenpeace	Tasmanian Game Fishing Club
Humane Society International	The Wilderness Society South Australia
Nature Conservation Council of NSW	Tuna Club of Tasmania
No Shark Cull	Victorian Marine Animal Defenders Conservation Society
Northern Tasmanian Game Fishing Club	Victorian National Parks Alliance
Ocean Planet Tasmania	

NOM16/007 SUNSET COMMITTEE FOR BATEMANS BAY MACKAY PARK PRECINCT

E16.0004

Responsible Officer: Liz Innes - Councillor

Attachments: Nil

Councillor Liz Innes has given notice that at the Ordinary Meeting of Council on 14 June 2016, she will move the following motion.

MOTION

THAT Council receive a report on the potential creation of a sunset committee to investigate opportunities for the development of the Batemans Bay Mackay Park Precinct.

BACKGROUND

The purchase of the former Batemans Bay Bowling Club by Council is a significant strategic decision. This is an important site in Batemans Bay and with the right development on the site, has the potential to have a major positive impact on the future of Batemans Bay and the Eurobodalla.

Council advertised for Expressions of Interest which closed on 10 June 2016 for suitably qualified and experienced partners who would like to work with Council on the master planning and redevelopment of this strategically located precinct. During this period, Council also encouraged feedback from its community about the future use of the precinct.

In order to achieve the best outcome from the site for the community, it is essential that the right mix of uses is achieved.

I would like to see a report presented to Council on a proposal to establish a sunset committee that would assist Council to look at the opportunities and future directions of this strategic site.

GMR16/011 PUBLIC EXHIBITION OF THE DRAFT COMMUNITY ENGAGEMENT FRAMEWORK E15.9270

Responsible Officer: Cath Reilly - Executive Manager Communication and Tourism

Attachments: 1. Under Separate Cover - Draft Community Engagement Framework and Associated documents

Focus Area: Collaborative Communities

Delivery Program Link: C2.1 Provide quality, timely and accessible information to the community

Operational Plan Link: C2.1.5 Develop the community engagement framework

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to place a draft Community Engagement Charter, draft Community Engagement Framework and draft Decision Tool on public exhibition to seek community feedback.

These community engagement documents have been developed by KJA Consultancy using research into best practice, and incorporating feedback provided from Councillors, staff and from interviews with community representatives at the beginning of the project.

The purpose of developing a community engagement framework is to provide Council with guidance for the conduct of best practice community engagement that can be used and applied across all Council areas, so Council can continue to build an effective and consistent engagement culture across the organisation.

KJA has also provided an Outcomes Report, reviewing key issues and opportunities for Council to consider to continue to strengthen its community engagement practices.

This report recommends endorsing the draft Community Engagement Charter, draft Community Engagement Framework and draft Decision Tool to be exhibited for a period of 42 days between 16 June 2016 and 29 July 2016 to seek feedback from the wider community.

RECOMMENDATION

THAT Council:

1. Endorse the draft Community Engagement Charter, draft Community Engagement Framework and draft Decision Tool for public exhibition for a period of 42 days from 16 June 2016.
2. Makes the KJA Consultancy Outcomes Report available as a supporting document and writes to the community representatives who took part in the situation analysis interviews at the start of the project to inform them of the exhibition, and gauge their interest in attending a workshop with Council to demonstrate and use the draft Decision Tool.

**GMR16/011 PUBLIC EXHIBITION OF THE DRAFT COMMUNITY ENGAGEMENT
FRAMEWORK**

E15.9270

BACKGROUND

Council began research on the Community Engagement Framework in April 2015, exploring research into best practice, Council's current practices, how councils similar to Eurobodalla engage with their communities, and standards advocated by the International Association for Public Participation (IAP2).

A project team of Council staff from different directorates who formally engage the community as part of their role was established. The project team has met regularly providing valuable input and testing and refining the draft decision tool to accurately reflect and guide the wide range of projects that can occur across Council.

Council engaged KJA consultancy to proceed with interviewing community representatives and Councillors in preparation of a draft community engagement framework based on research, and the results of the situation analysis from the community member interviews, and input from Councillors and staff.

KJA has completed a draft Community Engagement Charter, draft Community Engagement Framework and draft Decision Tool. KJA has also completed an outcomes report, which identifies further opportunities for Council to consider to continue to strengthen its community engagement practices, such as the opportunity to conduct a citizens jury.

CONSIDERATIONS

The Community Engagement Framework includes the Community Engagement Charter, the Framework, and a Decision Tool.

The Community Engagement Charter is an agreement between Council and the community and its purpose is to declare Council's commitment to engaging the community, clarify the responsibilities of Council and community members, and educate stakeholders on the benefits and opportunities of engagement.

The Decision Tool is for Council to use as a guide to determine appropriate levels of engagement and suitable engagement activities for different projects.

Council's existing approach to community engagement is based on the International Association for Public Participation's spectrum for community engagement. This is supported by the Draft Community Engagement Framework, which identifies different engagement levels depending on the engagement goals; inform, consult, involve, collaborate and empower.

Recommendations and key actions

The consultants' Outcomes Report includes recommendations and key actions that will help Council implement the Community Engagement Framework and continue to strengthen its approach to engaging the community, including:

- seek stakeholder feedback on the Draft Community Engagement Framework
- apply the Framework and Decision Tool
- formalise a staff Engagement Working Group as the leader in engagement

GMR16/011 PUBLIC EXHIBITION OF THE DRAFT COMMUNITY ENGAGEMENT FRAMEWORK E15.9270

- identify project/stakeholder champions and invite them to participate early in engagement activities
- investigate establishing a Citizen Panel for engagement on consultation issues and opportunities as a source of counsel, discussion and insight into Council's community engagement approach
- identify opportunities for elected Councillors in the engagement process
- refine Council's stakeholder mapping and information so stakeholder information is easily accessible and can be shared across Council
- consult only when appropriate
- be clear about the levels of influence eg: 'decision-making' compared to 'decision-forming'
- undertake actions that build trust with the community, ie, do what we say we will
- share clear, consistent and accurate communications
- enable specialist staff to speak for Council about their subject areas
- establish a community engagement register to monitor and track the numerous engagement activities undertaken across Council to manage consultation fatigue and present a consistent message from Council
- plan engagements in an annual or periodic calendar and publish
- identify impacted Council departments and advisory committees, and provide briefings on engagement activities
- prepare engagement plans for each project brief submitted to Council that include engagement levels
- induct and train Councillors and relevant staff in community engagement
- develop an induction program for advisory committee members
- fund the required activities, including staff training, appropriately.

The public exhibition recommended in this report coincides with the commencement of Council's first citizens jury which is one of the recommendations from the outcomes report that Council has already begun working on.

Legal

The draft Community Engagement Framework does not replace any of Council's legal engagement responsibilities. The draft framework identifies that if any legal requirements for engaging the community exist for a particular project, issue, or decision, (for example, for Development Applications, Council must consult in accordance with statutory requirements and the current adopted notification process) then those legal obligations must be fulfilled above the application of the draft framework. The purpose of the framework is to provide

GMR16/011 PUBLIC EXHIBITION OF THE DRAFT COMMUNITY ENGAGEMENT FRAMEWORK E15.9270

guidance to Council on best practices for engaging the community for issues or decisions where there is no statutory requirement or existing prescribed process.

Policy

Council's *Community Engagement Policy – 2013* is based on the IAP2's spectrum for public participation, which advocates that different levels of community engagement are suitable for different projects or decisions, depending on the decision's level of impact, the amount of influence a community can have over the final decision, and the goals of engaging the community. The engagement levels are inform, consult, involve, collaborate, empower. This approach is supported by the draft Community Engagement Framework.

Social Impact

Eurobodalla Shire Council recognises the positive impact of engaging with its community and stakeholders. Our One Community: Community Strategic Plan identifies the importance of building and maintaining an engaged and connected community that works together to achieve common goals, where thoughts and ideas are valued, and community members are empowered with knowledge and have the opportunity to participate.

Financial

There are costs associated with effective community engagement. One of the recommendations of the Outcomes Reports is to fund the required activities, including staff training, appropriately and this will be considered in future engagement activities.

Community Engagement

Using the *draft Community Engagement Decision Tool*, the level of engagement for this project is determined as 'involve'.

This means Council will work with stakeholders to ensure that stakeholder views and aspirations are directly reflected in the alternatives developed and provide feedback on how stakeholder input has influenced the decision.

To date, the project has included:

- interviews conducted with representatives from ten different community groups to get the community's perspective of what is and isn't working now, what Council could improve, and what kind of engagement the community expects from Council for different types of projects.
- workshops with Councillors and the Council staff project team.
- project team meetings to review, test and refine drafts, in particular the draft decision tool.

The Community Engagement Project has progressed to the public consultation stage, and is now ready to be presented to the community for review and additional comment through:

- public exhibition of the draft community engagement charter, draft community engagement framework, and draft decision tool for a period of 42 days.

GMR16/011 PUBLIC EXHIBITION OF THE DRAFT COMMUNITY ENGAGEMENT FRAMEWORK E15.9270

- informing the community members who participated in the situational analysis interviews of the exhibition and thanking them for their involvement and input by writing to them directly
- informing the wider community by issuing a media release, and including the exhibition details in Council's online newsletter and the noticeboard advertisement in two local newspapers.

CONCLUSION

Endorsing the Draft Community Engagement Framework for public exhibition will allow Council to gain further feedback from community members, and move towards adopting and implementing an agreed Community Engagement Framework across Council. This will enable Council to:

- build a culture of effective engagement across the organisation
- understand the roles and responsibilities of internal stakeholders
- build a relationship of trust with external stakeholders
- deliver a consistent approach to engagement
- deliver change within the current available resources.

A report will be presented to Council following exhibition to represent key points raised by the community during the exhibition.

PSR16/016 GREY HEADED FLYING FOXES - DISPERSAL PLAN

E15.9191

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

Attachments:

1. Under Separate Cover - Attachment 1 - Batemans Bay Flying-fox Dispersal Plan
2. Under Separate Cover - Attachment 2 - National Interest Exemption
3. Under Separate Cover - Attachment 3 - Clearing Identified for S91 Application
4. Under Separate Cover - Attachment 4 - Map - Decreasing Camp Size
5. Under Separate Cover - Attachment 5 - Ecological Australia - Batemans Bay Flying-fox Management Options
6. Under Separate Cover - Attachment 6 - Ecosure Flying-fox assessment report
7. Under Separate Cover - Attachment 7 - Summary of Submissions
8. Under Separate Cover - Confidential - Attachment 8 - Confidential submissions

Focus Area: Liveable Communities

Delivery Program Link: L2.4 Undertake advocacy activities to improve collaboration, service availability, development and funding

Operational Plan Link: L2.4.3 Participate in interagency collaboration and projects

EXECUTIVE SUMMARY

In early 2016, Grey Headed Flying-foxes (GHFF) started populating areas of Batemans Bay in unprecedented numbers, with the population peaking mid to late April 2016 and naturally dispersing since that time. At the peak, it was estimated that there were in excess of 100,000 GHFF in the local area, representing 20% of the species total population.

The unprecedented numbers of GHFF in the area resulted in unprecedented impacts and community concern. Linked to this was a strong call from some of the community to disperse the GHFF to other and more acceptable areas.

The issues associated with the management of GHFF camps and the associated impacts are extremely complex, with no simple, easy or certain fix available. The species is nomadic, moving across large areas in search of food and shifting camps in the process. Their movement across multiple local government areas and states, further highlights the complexity of the issues and the need for a coordinated program of management, with a strong lead from the Australian and NSW Governments.

The success of dispersal attempts has been low, as documented in reviews of other attempts, and is considered high risk and high cost. Independent expert advice obtained by Council, at the peak of the GHFF numbers, recommended against dispersal for those reasons and for others associated more directly with the local context. Where dispersal attempts have been undertaken successfully, they have often required ongoing maintenance dispersal action.

In response to this unprecedented event, Council sought independent advice and has prepared the draft Batemans Bay Flying fox Camp Dispersal Plan (Dispersal Plan) in consultation with

PSR16/016 GREY HEADED FLYING FOXES - DISPERSAL PLAN

E15.9191

both the NSW and Australia Governments, who have in place legislation aimed at protecting and managing any impact on the species.

As part of this process, the Australian Government has issued a National Significance Exemption under the *Environmental Protection Biodiversity Conservation (EPBC) Act 1999*. The NSW Government has provided significant technical advice and assistance via the Office of Environment and Heritage (OEH) and \$2.5 million of grant funding for the dispersal of the camps and related vegetation management. Council is thankful for this support.

Council has consulted the community on the draft Dispersal Plan. This has resulted in significant interest with a total of 1,181 submissions, including 109 international submissions and 880 form letters supporting removal of the GHFF.

Even if dispersal successfully occurs naturally, or with intervention, the GHFF are likely to continue to return in varying numbers dependent upon environmental conditions. Under all realistic scenarios we will continue to see impacts across Eurobodalla as a result of foraging and feeding activity. These impacts simply cannot be eliminated.

We have experienced an unprecedented event, which has had significant impacts on the community. Whilst dispersal has had a low rate of success, there are examples where it has worked. Given the unprecedented nature of the event, the support from and desire by many in the community for dispersal to be attempted, the favourable timing and assistance from the NSW and Australian Governments, it is appropriate that Council consider attempting dispersal in conjunction with vegetation management. The dispersal attempt will commence in the severely impacted areas of Catalina and progressed in a manner that responds to the dynamic and changing conditions. The attempt would be closely monitored and impacts assessed. If the impacts are adverse, Council would need to reassess and consider if dispersal is to be continued.

This report recommends that Council take a range of actions aimed at attempting to address the issues in the short to medium term and to take a longer term strategic approach. This includes:

- attempting dispersal
- additional vegetation management
- research to understand the health impacts of GHFF and the reasons they select certain campsites
- review and expansion of the existing Water Gardens GHFF Camp Management Plan and entering into a conservation agreement with the Australian Government
- calling on the NSW and Australian Governments to introduce a program across multiple sites aimed at providing sustainable long term solutions.

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RECOMMENDATION

THAT Council:

1. Proceed with the implementation of a dispersal attempt in accordance with:
 - (a) the attached Batemans Bay Flying-fox Camp Dispersal Plan (May 2016),
 - (b) the conditions of consent attached to any approval issued by the Office of Environment and Heritage, and
 - (c) the conditions of the Australian Government's National Interest Exemption for dispersal activities to be completed by 1 August 2016.
2. Monitor the dispersal attempt and if adverse impacts or significant concerns are raised, Council reconsider its response to the management of the Grey Headed Flying-fox camps.
3. Lodge a s91 application with the Office of Environment and Heritage for further clearing, in accordance with the clearing identified in Attachment 3.
4. Write to NSW Health requesting that they investigate, and publish the findings of such investigations, the health impacts to communities residing in proximity to Grey Headed Flying-fox camps.
5. Write to the Australian and NSW Governments requesting that they undertake research into the reasons why Grey Headed Flying-foxes select roost sites where they do, the reasons for the trend for Grey Headed Flying-foxes to select roost sites in urban areas, and prepare an integrated program and strategy aimed at providing a sustainable long term solution to the management of Grey Headed Flying-fox camps.
6. Allocate \$40,000 to undertake a review of the Water Gardens Grey Headed Flying-fox Camp Management Plan, to take into consideration other camps within Eurobodalla and issues associated with flying foxes in general. This revised management plan form the basis of negotiations with the Australian Government to enter into a conservation agreement.
7. Write to the NSW Premier, the Hon. Mike Baird MP and Member for Bega, the Hon. Andrew Constance MP thanking the Government for \$2.5million grant funding and advising of Council's resolution.

BACKGROUND

In early 2016, GHFF started to populate the Water Gardens camp in increasing numbers, resulting in the camp over flowing into Catalina and the Club Catalina Golf Course. The extent of the camps and population of approximately 100,000 GHFF peaked in mid to late April 2016 and has been naturally decreasing in size and density since that time.

Attachment 4 contains a map which shows the trend in the decreasing size of the camp.

GHFF are nomadic and move throughout the east coast of Australia, in response to food availability. The unprecedented event which saw the local population of GHFF peak at an estimated 100,000+ (approximately 20% of the total population of GHFF) is related to a significant and large bloom of spotted gum in our local forest. The spotted gums are

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understood to bloom on a three to seven year cycle. The large local bloom has coincided with reduced food supplies in other areas which has seen a number of camps across the State empty as the GHFF have moved to our local area to capitalize on the available food source.

The likelihood of seeing the GHFF return in the same unprecedented numbers is therefore low, especially in the short to medium term. As the food supply reduces and the weather continues to cool, it is expected that the GHFF will continue to disperse naturally to other areas in search of food.

In response to the unprecedented event, and associated community concern, on 26 April 2016 Council resolved:

THAT:

1. *Council note that professional advice has been sought to:
 - (a) reassess the current situation inclusive of the Water Gardens, Catalina and surrounds where flying foxes are residing;
 - (b) Provide advice on the current management options including dispersal;
 - (c) Identify the costs, risks and likelihood of success of the suggested management options including dispersal to enable Council to consider and make a determination of what further action to take.*
2. *The scope of the works be expanded to include the preparation of a draft dispersal plan for consideration by Council.*
3. *Council expand the existing resident support of providing car covers, clothes line covers, access to pressure washers and removal of exotic palms to those residents within the Catalina area as identified in Attachment 1 to this report.*
4. *The budget impacts of the additional activities in addressing the issues associated with the Grey Headed Flying-fox camps, be considered as part of the quarterly financial review process.*
5. *Council continue to advocate to the NSW and Australian Governments for a coordinated State-wide program and response to the management of the impacts of the Grey Headed Flying-fox, inclusive of financial assistance of impacted residences and councils.*

On 10 May 2016, Council resolved:

THAT:

1. *Council progress with the following components of Stage 1 of the dispersal plan:
 - a. preparation of communication strategy;*

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- b. completion of field investigation of existing and alternate camp habitats within 30km;*
- c. investigation and preliminary enquiries regarding the potential availability of personnel and resourcing options, vaccination, availability and procurement requirements for required equipment.*
2. *Council place the draft Grey Headed Flying-fox Dispersal Plan (as attached to the report) on exhibition to receive written submissions from the community and other relevant Agencies such as NSW Health, Local Land Services, Essential Energy by close of business on Friday 27 May 2016.*
3. *Council refer the draft Grey Headed Flying-fox Dispersal Plan to the NSW Office of Environment and Heritage and the Australian Department of Environment for their review and comment prior to receiving the final plan for assessment and approval.*
4. *Council engage Micromex to undertake a community survey to determine the broader community's understanding of the flying fox issue and level of support for dispersal.*
5. *The submissions received and the advice obtained from the NSW Office of Environment and Heritage, the Australian Department of Environment and other parties, be considered in finalising a draft Grey Headed Flying-fox Dispersal Plan for consideration by Council.*
6. *The independent professional advice being obtained from consultants Ecological and Ecosure on the management of the current Grey Headed Flying-fox camps, be provided to councillors and placed on Council's web site with the draft Grey Headed Flying-fox Dispersal Plan for the information of the community.*

On 20 May 2016, Council lodged and received approval from the Office of Environment and Heritage to undertake clearing around the Water Gardens and Catalina GHFF camps. This clearing commenced on 23 May 2016, and on 30 May 2016, clearing works commenced in the night in order to accelerate the works and to avoid adverse impacts on the GHFF which, under the conditions of approval, would have required Council to cease works.

The purpose of the clearing is to expand or introduce buffers between the core GHFF habitat and adjoining homes. This is aimed at minimising the impacts of the GHFF on the amenity of residents and removing potential habitat within which GHFF may roost in response to dispersal attempts or if they return in significant numbers.

CONSIDERATIONS

In response to the unprecedented event, Council obtained advice from specialists with extensive experience in GHFF management, including dispersal. The purpose of the advice was to provide an assessment of the situation and to make recommendations in regard to management options. Given the legal status of the GHFF, the issues being experienced, the unprecedented nature of the event, known difficulty in managing the impacts of GHFF experienced across multiple camps and local government areas, the lack of specialist knowledge and experience within Council, and the likely significant cost of any management response, it was essential to obtain independent professional advice to inform Council's decision and response.

Advice was obtained from:

Eco Logical Australia – Batemans Bay Flying-fox Camp Management Options (Attachment 5)

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Ecosure – Batemans Bay Flying-fox Camp Assessment Supplementary Report (Attachment 6)

Each report identifies and assesses a range of management options which have been considered in preparing the draft dispersal plan and should be considered in reviewing the GHFF Water Gardens Camp Management Plan.

Council also engaged with other experts who have experience with the management and dispersal of GHFF including Dr John Martin, Wildlife Ecologist - Botanic Gardens and Centennial Parklands; Beth Noel, Environmental Project Officer – Ecologist, Sutherland Shire Council; and Dr. Peggy Eby, Behavioural Ecologist, Centre for Ecosystem Science - University of New South Wales. Each of these people raised concerns about attempting dispersal in the context of the Batemans Bay camps, the low likelihood of success and significant risks. It should be noted that all of the advice received was at the peak of the GHFF population.

As we know from experiences elsewhere, the likelihood of dispersal being successful is low and the associated risks are high. Notwithstanding, it is without question that the GHFF have had an adverse impact on the lives and amenity experienced by some residents in Eurobodalla.

The impacts being experienced can be summarised as:

- noise from GHFF camps
- odour from the GHFF camps
- perceived health impacts and risks
- faecal drop
- power outages
- phone/internet outages

The telephone and internet outages were caused by power outages. These were addressed by the telecommunications companies by providing additional backup power capacity, which has added resilience to the system in response to future power outages no matter what the cause.

The power outages have been addressed by Essential Energy who have undertaken network improvements and rerouting. Essential Energy have advised that the most recent power outage as a result of the GHFF occurred on 17 May 2016, affected 133 customers and supply was restored within 40 minutes.

It is therefore reasonable to conclude that these issues have been addressed and therefore no longer unreasonably impact adversely on the community.

Health concerns have related to potential disease originating from the GHFF, related illness resulting from impacts on air quality, contact with and contamination from faecal matter and mental illness resulting from having to live with the effect of the GHFF camps.

There are two diseases commonly associated with GHFF. These are the Australian bat Lyssavirus virus (ABLU) and Hendra virus. The risks of humans contracting these diseases is low.

ABLU is transferred to humans via saliva. The risk can be managed by avoiding direct contact with the GHFF. There is also an immunization available for those people that have to handle the GHFF and for those who are potentially infected following a bite or scratch from a GHFF. Where appropriate precautions are taken, the risk to humans is very low. There have been

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three cases of ABLU in humans that have resulting in deaths since the virus was first identified in 1996. All of these are understood to have occurred in Queensland.

There is no evidence of GHFF to human, human to human, GHFF to dog or dog to human transmission of Hendra virus. Horses may be infected with the Hendra virus. All confirmed human cases to date, became infected following high levels of exposure to body fluids from an infected horse, such as doing autopsies on horses without wearing appropriate personal protective equipment or being extensively sprayed with mucus from infected horses. There is a vaccine available for horses which can further reduce the risk of infection.

There have been concerns raised by the community that people residing near the GHFF camps are experiencing a high prevalence of respiratory problems such as asthma, skin irritations, headaches and generally not feeling well. Despite this being a strongly held view by members of the community, NSW Health have advised that they have assessed available data (past five years) for Batemans Bay Emergency Department presentations for asthma and other respiratory type illnesses. The data is variable from year to year but does not show a significant increase in presentations for 2016. The data did not include presentations to General Practitioners. Based on the Emergency Department data, there is no link to asthma and other respiratory type illnesses and the GHFF. Asthma tends to be a seasonal illness with more presentations in autumn and spring. NSW Health have not seen an increase on the usual presentations for this time of year. Notwithstanding, it would be of value if NSW Health could undertake research, not only to look at the concern in the context of Batemans Bay but also in the context of other camps located within urban environments and compare that with similar locations not impacted by GHFF.

Noise and odour from the GHFF camps is a very real and easily distinguishable impact on the community. There is a view held by some community members that the odour is a result of the GHFF and their camps being unclean. This is not the case. The odour comes from the male GHFF who use the scent to mark their territory. The issues of odour and noise can only be effectively addressed by moving the GHFF to a more appropriate area, a solution which has had limited success or by creating buffers, reducing camp size via vegetation management, mechanical works at the affected premises or a combination of these techniques.

Concerns around faecal drop are difficult to manage, primarily as it is impossible to control where the GHFF range when feeding. Even if the GHFF had established a camp in a National Park or State Forest away from urban areas, or if this could be achieved as a result of dispersal attempts and related management actions, it would not address the broader community concerns associated with faecal drop. This is because the GHFF are primarily here to feed. So as long as there is a food source across our Shire, GHFF will occur in the area.

A major concern related to this issue is the perception in the community that dispersal will fix this issue. It will not. Like our native birds, GHFF will feed and reside within our Shire and associated with that, there will be faecal drop.

Other considerations are addressed in separate sections of the report below.

Legal

The GHFF is listed as a vulnerable species under both the NSW *Threatened Species Conservation Act 1995* and the Commonwealth *Environmental Protection and Biodiversity Conservation Act*

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1999 and accordingly any impact on the GHFF requires approval of both the NSW and Australian Governments. GHFF are also protected under the *National Parks and Wildlife Act 1974*.

The Federal Minister for the Environment, the Hon. Greg Hunt MP, issued Council a National Interest Exemption pursuant of s158 of the *Environmental Protection and Biodiversity Conservation Act 1999*. A copy of the exemption is attached (Attachment 2).

Despite some public comments regarding the Minister's decision, suggesting that this decision allows Council to do what it wants, this is not the case. The exemption restricts Council to undertaking substantial dispersal in a humane manner up to 1 August 2016 and whenever there are no heavily pregnant or lactating females or dependent young. The National Interest Exemption only applies up to 31 December 2016.

The National Interest Exemption is also conditional upon Council entering into a conservation agreement with the Australian Government. In order for this to be finalised, Council will need to review the existing Water Gardens GHFF Camp Management Plan. The review should take into consideration, impacts as a result of the unprecedented event experienced this year and management of other known camps within Eurobodalla. This plan should be prepared in a similar manner to the existing plan, involving consultation with the community and relevant agencies.

Council has prepared a Dispersal Plan (Attachment 1) in close consultation with the OEH to ensure that it meets all legislation and policy requirements. The Dispersal Plan and associated s91 application will be lodged with the OEH for its assessment and determination. Council will be required to undertake dispersal in accordance with any approved plan and conditions attached to the approval.

Clearing of buffers have been approved. Any additional clearing proposed will also require approval of the OEH.

Environmental

GHFF play an important ecological function in forest ecosystems, as they pollinate and disperse seeds at night. The decline of GHFF nationally has qualified the species for protection under NSW and Australian environmental law.

Social Impact

GHFF have had a significant impact on the community. These impacts are addressed elsewhere in this report.

Financial

Council has previously made financial commitments in preparing the Water Gardens GHFF Camp Management Plan, in implementing that plan and in response to expanding the services originating from that plan to residents in the Catalina area. Council has also made significant in-kind financial contributions via the work and involvement of staff in regard to the approval, preparing for dispersal and clearing. Additional resources will be utilized in supporting and undertaking dispersal should it be determined by Council to proceed with dispersal.

The NSW Government has granted Council \$2.5million toward dispersal and related vegetation management undertaken in accordance with approvals issued by the OEH for such works.

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An additional commitment of up to \$40,000 will be required by Council to review and expand the Water Gardens GHFF Camp Management Plan in order to provide a longer term strategic response following this unprecedented event and in order to enter into a conservation agreement with the Australian Government.

Community Engagement

The Batemans Bay Flying-fox Camp Draft Dispersal Plan (Dispersal Plan) was made available on Council's website from 6 May 2016. Two independent reports assessing the Batemans Bay GHFF camp management options, including dispersal, were also available on Council's website at this time. Submissions on the draft Dispersal Plan and associated reports were invited from the community until 27 May 2016.

Media releases advising the public of the submission period for the draft Dispersal Plan and inviting community feedback were released between 29 April 2016 and 13 May 2016 as follows:

- 29 April 2016 - Dispersal plan by next Friday, say Mayor
- 6 May 2016 - Council to consider draft flying fox dispersal plan on Tuesday
- 11 May 2016 - Community has two weeks to comment on flying fox Dispersal Plan
- 13 May 2016 - Independent reports recommend against flying fox dispersal

A community meeting was held on 16 May 2016 regarding the management of Batemans Bay GHFF camps and was attended by around 350-400 community members. A panel discussion was held with The Hon. Greg Hunt MP, Federal Minister for the Environment, Ann Sudmalis MP, Federal Member for Gilmore, The Hon. Andrew Constance MP, Member for Bega and Councillor Lindsay Brown, Mayor. Staff from Eurobodalla Shire Council, NSW Department of Health, NSW Office of Environment and Heritage and David Wescott (CSIRO Flying-fox researcher) were available for questions throughout the night to interested community members.

The Batemans Bay Flying-fox Camp Draft Dispersal Plan was also referred to the following agencies, companies or individuals for consultation:

- Office of Environment and Heritage
- Federal Department of the Environment
- Batemans Bay Local Aboriginal Lands Council
- Sally Padey, Mogo Zoo owner
- NSW Department of Primary Industries
- NSW Department of Health
- Essential Energy
- Dr Peggy Eby, Behavioural Ecologist specialising in Flying-foxes,
- John Martin, Royal Botanic Gardens Wildlife Officer
- Beth Noel, Sutherland Shire Council Environmental Project Officer - Ecologist

A list of the issues raised by any submissions received from agencies, companies and individuals consulted and how they were addressed in the final Dispersal Plan can be found in Table 1. so (ie forms were provided to residents and submitted to Council on their behalf).

Table 1: Issues raised by agencies, companies and individuals consulted on the draft Dispersal Plan

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Respondent	Issues raised	How issue was addressed
<p>NSW Department of Environment and Heritage</p>	<p>More detail required including:</p> <ol style="list-style-type: none"> 1. Maps showing land tenure and landholder agreement 2. Population numbers and camp health information gathered two weeks prior to dispersal. 3. Monitoring of unsuitable habitat 4. Criteria for unsuitable potential new camp sites 5. Develop a communication plan which includes reporting protocols 6. Develop handling of sick and injured GHFF protocol 7. Information about personnel employed 8. More detail on dispersal methods 9. Include stop work triggers and criteria for stopping dispersal 10. A plan for maintenance (follow-up) dispersals 	<ol style="list-style-type: none"> 1. Maps showing land tenure have been included in the s91 application. Dispersal activities will not take place on land without landowner agreement which will be sought as required. 2. Council has engaged an ecologist to assess population numbers and camp health two weeks prior to dispersal and will provide the data to OEH. 3. Unsuitable habitat will be monitored during dispersal activities including an online form for the public to inform Council of new camps forming. 4. Criteria for suitable and unsuitable camp sites has been included in the Dispersal Plan. 5. A communication plan has been developed by Council and is being implemented. 6. A protocol for handling sick and injured GHFF has been included in the Dispersal Plan. 7. A 'command structure' has been included in the Dispersal Plan and OEH will be informed of the Dispersal Team as soon as possible. 8. The dispersal methods

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Respondent	Issues raised	How issue was addressed
		<p>have been included in the Dispersal Plan.</p> <p>9. Stop work triggers and criteria for stopping the dispersal program have been included in the Dispersal Plan and are consistent with OEH guidelines.</p> <p>10. A plan for maintenance dispersals has been included in the Dispersal Plan, however further approvals from the Federal Government will be required.</p>
<p>Federal Department of the Environment</p>	<ol style="list-style-type: none"> 1. Acknowledged the draft Dispersal Plan is consistent with the Departments <i>Referral Guidelines for management of grey-headed and spectacled flying-fox camps</i> but that still carries risks. 2. Timing of dispersal should avoid significant impacts to GHFF. 3. Any action that is not consistent with the guidelines would require further consideration by the Department. 4. The Department advises that dispersal should not be aimed at relocating all the flying-foxes. It must be accepted that flying-foxes live in the urban environment and dispersals should aim to 	<ol style="list-style-type: none"> 1. Council has identified the risks associated with dispersal. 2. Dispersal actions are scheduled to be undertaken outside of times when GHFF are most vulnerable and will stop if heavily pregnant or lactating females are seen, or if dependent young are seen. The Dispersal Plan also includes that actions would not take place during or after climatic extremes. 3. Council would consult with the Federal Department of the Environment if any actions are inconsistent with the referral guidelines and refer the action under the EPBC Act where required.

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Respondent	Issues raised	How issue was addressed
	<p>have them restricted to inhabiting the most socially suitable areas.</p> <p>5. It is important to be vigilant in the most problematic areas of occupancy to ensure flying-foxes are not landing there and instead going to join flying-foxes camping in the more suitable areas.</p>	<p>4. The Dispersal Plan aims to move GHFF to new a camp site (or sites) that meet the criteria of suitable habitat in the Dispersal Plan. Suitable areas would be at least 300 metres from residential areas (or with land manager approval if closer).</p> <p>5. Unsuitable habitat will be monitored during dispersal activities including an online form for the public to inform Council of new camps forming.</p>

Overview of submissions

A total of 1,181 submissions were received, including 109 international submissions and 880 form letters generated by The Bat Action Group, a local group focussed on the removal of GHFF in residential and business areas of Batemans Bay. These form letters were completed by residents throughout Eurobodalla and requested Council to:

- undertake dispersal immediately
- enlist the help of volunteers
- remove GHFF attracting trees
- use controlled burns.

All these issues have been addressed by the Dispersal Plan. The form letter also recommended 'notification to residents to report new roosts'. This could be interpreted as a request to be notified of new roosts as a result of dispersal which has been included in the Dispersal Plan (criteria for a new roost site to be suitable includes neighbouring landowners acceptance). Alternatively, the request could be for the public to be able to report new roosts, which can be done using an online form on Council's website.

The Bat Action Group (also responsible for coordinating the form letter submissions) provided 235 surveys of members of the local community affected by the Batemans Bay GHFF camps. The individual surveys are not included in the analyses of submissions.

In addition, one submission contained a petition with over 5,600 signatures opposing dispersal.

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The submissions analyses include submissions received on behalf of the following groups or organisations:

- Australasian Bat Society Inc. (opposing dispersal)
- Humane Society International (opposing dispersal)
- Ku-ring-gai Council (opposing dispersal)
- Bat Advocacy (NGO) (opposing dispersal)
- Batemans Bay Flying-fox Task Force (on behalf of residents) (supporting dispersal).

An overview of the percentage of submissions that supported, opposed or did not state either way is presented in Table 2. The submission types have been separated to better represent Australian submissions and those that were made by individuals without being prompted to do so (i.e. form letters were provided to residents and submitted to Council on residents behalf).

Table 2: Overview of support or opposition to dispersal based on submission type

Submission types (number of submissions)	Support	Oppose	Not stated
All submissions (1,181)	76%	17%	7%
Excluding international submissions (1072)	84%	12%	4%
Excluding international submissions and form letters (192)	10%	67%	23%
All submissions from Batemans Bay, Catalina, Batehaven and Sunshine Bay including form letters (502)	98%	1%	1%
Submissions from Batemans Bay, Catalina, Batehaven and Sunshine Bay excluding form letters (12)	33%	33%	33%

Immediate action to manage Flying-foxes

18 submissions (898 including form letters) requested Council to take immediate action to manage the GHFF including four that suggested a State of Emergency should be declared.

In all but two cases, immediate action was in support of dispersal. One of the two submissions that requested immediate action, but did not support dispersal, only supported the complete removal of the GHFF by killing them. The other submission requested Council take immediate action due to the impacts of the GHFF on the health of residents, the economy (eg house prices and tourism) and other impacts on residents who live in close proximity of the camps (eg cleaning up faeces, odour and noise). However, dispersal was not supported because available evidence shows that it is unlikely to reduce these impacts on residents so Council should pursue alternative management options.

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The remaining 16 submissions (896 form letters) requested that dispersal of the GHFF is undertaken immediately.

Overview of issues raised

The majority of issues raised in the submissions can be categorised into the groups shown in Table 3.

Table 3: Proportion of submissions that raised each of the main issues

Submissions in support of dispersal*	Issue Category	Submissions opposing dispersal*
10%	Concern splinter camps will form and that evidence suggests dispersal is unlikely to succeed	47%
55	Perceived health impacts of GHFF camps on people	6
20	Dissatisfaction with the estimated high cost of dispersal	36
0	Concern for animal welfare during dispersal	28
10	Economic impacts to private property and tourism or other businesses	2
0	The potential significant ecological impacts to a vulnerable species and the ecosystem it services	73
20	Impacts to residents due to their close proximity to the GHFF camps eg washing faeces from property, noise during day and night, odour	3
15	Impacts to residents due to foraging of GHFF eg faeces entering water tanks, cleaning faeces from property, noise at night, power outages	4
0	Acknowledge that the population will decrease naturally and reduce impacts by GHFF on people	30
8	No reason provided	0

*Percentage of submissions excludes international submissions and form letters. Note that many submissions raised more than one issue.

Issue - Concern splinter camps will form and that evidence suggests dispersal is unlikely to succeed.

Dispersal activities have unpredictable outcomes and rarely achieve desirable results for all stakeholders. Previous dispersals indicate that dispersed flying foxes are likely to move less than 5km away. The vast majority of potential habitat near the existing camps is within 300m of

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urban areas and therefore considered unsuitable for a GHFF camp. Both submissions in support of and opposing dispersal, suggest Eurobodalla residents are concerned that a new GHFF camp would impact on more residents and/or move closer to the author of the submission.

Some submissions, including one from another council, highlighted the risk of liability and ongoing management of any new camps in unsuitable locations. Council would be required to resolve any problems directly linked to the dispersal that arise at other locations. While the estimated cost of dispersal includes a contingency, the cost of managing new camps in unsuitable locations has not been considered.

The Dispersal Plan describes how dispersal would be undertaken in 2016. A long term management plan, including a conservation agreement with the Federal Department of the Environment, needs to be developed to better manage the risk of new camps forming in the future. In the short term, the Dispersal Plan proposes to monitor high risk locations (eg near schools) during dispersal so that extra resources can be quickly allocated to those locations to move on GHFF if needed. The public can already notify Council of any GHFF roosting in new locations online via Council's website.

Issue - Perceived health impacts of GHFF camps on people.

Health impacts attributed to the GHFF (through living in close proximity to the camps and due to their foraging) were raised in over half of the submissions. Analysis of the surveys provided to Council, support that it is a key concern of residents living near the camps. The two main issues are the risk of contracting diseases from GHFF and concerns that GHFF are causing or exacerbating chronic immune and respiratory system illnesses. Mental illnesses caused by being 'trapped' indoors due to the smell and noise of the GHFF camps has also been raised.

The Dispersal Plan details the low risk of contracting diseases from flying-foxes, especially if they are not handled because this removes the risk of being bitten or scratched. There is no evidence that disease transmission occurs through contact or exposure to flying-fox faeces, urine or blood.

Studies that investigate potential links between flying-foxes (eg faecal drop on roofs) and health issues such as chronic respiratory problems are beyond the scope of this Dispersal Plan. While there is no evidence of GHFF camps causing or exacerbating illnesses, as a pre caution, medical centres, hospitals and veterinary practices would be notified that dispersal is starting.

Issue - Dissatisfaction with the estimated high cost of dispersal.

Dispersal is expensive due to the large number of resources required to implement this action over potentially many years. Maintenance dispersal actions may be required indefinitely. Funding to start the dispersal program at Batemans Bay has been committed to by the NSW and Australian Governments. Council would need to determine if it wishes to fund Batemans Bay GHFF camp management in addition to the allocated and available funds.

A large number of submissions suggested costs could be reduced through using volunteers to help with dispersal. Council welcomes any volunteers that are able to assist with dispersal. An

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EOI process has been undertaken. Experienced personnel to coordinate dispersal teams and monitor the GHFF will also need to be engaged.

Alternative dispersal or camp options that are perceived to be lower cost or better value were suggested in many submissions, including strategic conservation programs. These are described below. Some submissions suggested better ways to spend the equivalent amount of funding, such as upgrade the hospital.

In contrast to the high number of submissions concerned about the high cost of dispersal, a small number of submissions requested that funding for GHFF management, including dispersal as an option, is prioritised.

Issue - Concern for animal welfare during dispersal.

Animal welfare was raised in about a quarter of all submissions and nearly all international submissions. The welfare of the GHFF has been considered in the Dispersal Plan but it is acknowledged that dispersal will increase the risk of injury or death to flying-foxes. For example there is a risk of increased electrocution of flying-foxes after being airborne for longer periods than usual during dispersal actions. Trained and vaccinated wildlife carers have been contacted to be 'on call' during dispersal. If there is an increase in the number of GHFF being taken into care or showing signs of stress, dispersal actions may need to cease.

The Dispersal Plan lists stop work triggers whereby dispersal actions must stop, at least temporarily, including factors that aim to avoid injury or death to any flying-foxes. For example, dispersal will not occur if there are heavily pregnant or lactating females or any dependent young observed. Dispersal will not occur during extreme weather and will stop if flying-foxes are subject to undue stress levels.

Issue - Economic impacts to private property or other businesses and tourism.

Submissions raised the issue of the Batemans Bay GHFF camps impacting on the economic growth or viability of local businesses and tourism. Further, home owners living near the GHFF camps are concerned the price of their house is affected by it.

Any GHFF camp management option, including dispersal, would aim to reduce the perceived impacts to private property, businesses and tourism in the area. In contrast, 12 submissions from Australia, stated the Water Gardens could be transformed into a tourist attraction. Other submissions made it clear they would not travel to the area if dispersal goes ahead.

Issue - The potential significant ecological impacts to a vulnerable species and the ecosystem is services.

GHFF are listed as vulnerable to extinction under NSW and Australian Government legislation. The threatened species status reflects the significant and ongoing decline of the national population size, despite perceived increases at specific camps in urban areas.

The OEI approval is required to disperse the GHFF whereby OEI assess the potential impacts to the species and local population. If OEI determine there is potential for a significant impact,

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a Species Impact Statement would be required and dispersal this winter would not be achievable. OEH is being consulted on the Dispersal Plan, and mitigation measures to reduce the risk of injury or death to GHFF have been included, that aim to meet OEH's likely conditions of approval.

The dispersal methods and proposed triggers to stop dispersal actions when GHFF appear stressed, aim to reduce the likelihood of a significant impact to the species due to loss of individuals during dispersal.

Issue - Impacts to residents due to their close proximity to the GHFF camp eg washing faeces from property, noise during day and night, odour.

Most submissions that raised the issue of impacts to nearby residents were in support of dispersal. Many residents in close proximity to the GHFF camps are experiencing more adverse impacts by the flying-foxes due to the unprecedented growth in camp sizes this season. If dispersal was successful it could reduce these impacts to nearby residents. However, reducing the extent of the camps, naturally and/or through implementing alternative management options (as discussed below) has a higher likelihood of reducing these impacts than dispersal.

Dispersal actions may increase the adverse impacts on residents near the GHFF camp, at least in the short-term, due to increasing the amount of time GHFF are flying and due to the dispersal actions themselves. Dispersal includes daily noise, light and smoke actions in the early morning and are likely to occur every day. Dispersal actions would be required less often if the camps successfully disperse from the Water Gardens and/or Catalina, however it is likely to be required again to prevent GHFF returning, especially from February/March each year.

Issue - Impacts to residents due to foraging of GHFF e.g. faeces entering water tanks, cleaning faeces from property, noise at night, power outages.

About 15% of submissions in support of dispersal (excluding international submissions and form letters) raised the issue of impacts due to foraging GHFF. The potential impacts to health associated with faeces on the roof entering water tanks, was a common concern. Submissions highlighted the frustration and potential safety risks because of power outages caused by GHFF.

Unfortunately, even if dispersal is successful, the impacts to residents due to foraging GHFF would not change. If the GHFF camps move to a suitable location away from urban areas, they would still forage wherever a food source can be found, including backyards. Some submissions requested that Council allow GHFF feed trees to be removed and this is addressed below.

Issue - Acknowledge that the population will decrease naturally.

About 30% of submissions (not including international submissions or form letters) acknowledged that the GHFF population in Batemans Bay will naturally decrease due to changes in temperature and food availability. The camp sizes naturally fluctuates with seasonal conditions and recent monitoring of the camps by OEH confirms the extent is decreasing substantially each week. The extent of the camps will continue to be monitored and will influence the resources and methods implemented during dispersal as per the Dispersal Plan.

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A submission from Ku-ring-gai Council supports the notion that GHFF camp sizes fluctuate. Up to 80,000 GHFF have been recorded in the Ku-ring-gai camp although it averages at about 40,000. Historical data indicates that the camps experiences significant annual and seasonal variation in population numbers. There are currently zero flying-foxes in the Ku-ring-gai camp which is attributed to the increased food resources available in Eurobodalla.

Risk of legal action

Some submissions suggested Council could be at risk of legal action due to:

- unlawfully undertaking dispersal
- causing new GHFF camps to form in unsuitable locations
- illness caused by GHFF camps
- mistreatment of GHFF.

Dispersal will only proceed with appropriate approvals in place. A National Interest Exemption under the EPBC Act has been granted by the Australian Government and approval will be sought from the NSW Government to proceed with dispersal. All conditions of approval would be complied with.

The Dispersal Plan highlights that new camps are a risk for Council. The Dispersal Plan includes measures to manage the risk of new camps and to reduce the likelihood of injury or death to individual GHFF.

Some submissions requested that Council pay for electricity, water and medical expenses due to the impacts associated with GHFF, if the issue is not addressed immediately or adequately.

Advice from Council's insurer is that it has no liability for such claims.

Management options

All dispersal options suggested in submissions were considered for inclusion in the Dispersal Plan against criteria regarding safety, cost, animal welfare and compliance with known and/or expected NSW and Australian Government approval conditions. Suggested dispersal options include:

- modifying the habitat at the Water Gardens – submissions included vegetation removal, draining the wetlands, creating a park with lawn and replanting the area with species GHFF would not like. Council is creating wider buffers to decrease the conflict between GHFF and people and reduce the camp extent to assist with dispersal actions
- controlled burns – Council is liaising with Rural Fire Service to use controlled burns at some locations as part of the dispersal
- dispersal should avoid impacts to the breeding cycle of GHFF – this has been included in the Dispersal Plan

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- use of noise, lights, sprinklers, gas guns and other deterrents – options for dispersal have been included in the Dispersal Plan and would be adapted as appropriate. A risk assessment to ensure human and animal safety is required for all dispersal methods and consultation with NSW OEH would also be required in some circumstances.

Other options that are considered inappropriate at this time due to difficulties obtaining suitable resources, and human safety and animal welfare concerns included:

- use of raptors
- large-scale trapping and relocation

Several submissions requested that the all the GHFF in Batemans Bay are killed. This would have a significant impact on the population of a species vulnerable to extinction and animal welfare laws would not be met.

Relocating people near the GHFF camp does not address the issue in the long term and is unlikely to be achievable due to the number of people affected.

All other alternative management options are either already being undertaken or will be considered as part of a conservation agreement under the EPBC Act and future Eurobodalla GHFF management. Suggested alternative GHFF camp management options included:

- subsidised services – this has been successfully implemented by Council and was recently expanded to include a greater area of affected residents. Submissions have suggested increasing the area that is eligible for subsidised services
- remove GHFF attracting trees in backyards – Council is already facilitating tree removal for residents in close proximity to the GHFF camps. Removing native trees that GHFF use for foraging, would be subject to Council approval
- environmental education about flying-foxes
- develop a tourist attraction at the Water Gardens that incorporates the GHFF camps
- create and/or conserve GHFF habitat in suitable locations
- increase buffers around the GHFF camps – Council has recently started to increase the buffers to reduce conflict between GHFF and the community
- research GHFF behaviour and ecology.

Conclusion

Submissions reflect how the community adversely impacted by the GHFF camps in Batemans Bay need immediate assistance, especially while the camps extent is at its peak. The submissions indicate Council needs to improve communication about available services and GHFF issues with nearby residents and this is already underway.

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Before dispersal was made a priority consideration, Council's management of the GHFF camp had been recognised by other councils and agencies as the way forward for flying-fox camps near urban areas. While this is an unprecedented event, the variety and number of submissions indicate the current situation should be analysed to better manage potential future GHFF influxes of this size.

The management options that Council choose, must be strategic to ensure value for money, good biodiversity outcomes and a long term solution for the community.

Attachment 7 Submissions summary

Attachment 8 Copy of each submission (Confidential)

On 10 May 2016, Council resolved to engage Micromex to undertake a community survey to determine the broader community's understanding of the GHFF issue and level of support for dispersal. Work had commenced on preparing the survey however following significant media around dispersal, political announcements, allocation of funds, approvals and commitments to move toward dispersal this winter, the survey did not progress. This decision was made following discussions with Micromex, who advised that undertaking the survey in the environment that existed, was likely to lead to significant confusion within the community. This would have compromised the value and benefit of the survey. If Council wishes to proceed with the survey it would be advisable to do so as part of the review and expansion of the Water Gardens GHFF Camp Management Plan to assess the community's opinion on a range of management options.

CONCLUSION

Council has acted within the legislative framework that exists to develop a response to an unprecedented event. This event, and the experiences of other councils, has highlighted the need for a coordinated program to manage GHFF camps across NSW and other states. The recent experience has shown some willingness for this to occur in responding to the unprecedented event that has occurred in Batemans Bay. The momentum that has been gained in recent weeks, should not be allowed to wane as the problems dissipate along with natural dispersal and local management actions.

The problems experienced in Eurobodalla are difficult and complex, they have, and continue to be experienced by multiple communities across many government boundaries. The problems can only be truly managed if the Australian and NSW Governments put in place integrated management frameworks, supported by evidence and funding, that are aimed at providing sustainable long term solutions. The current ad-hoc responses required to be undertaken by communities is not a sustainable solution.

Notwithstanding, we have experienced an unprecedented event that has had an unparalleled impact on our community, with some being severely affected. Whilst there has been a low success rate with disposal attempts there are examples where it has been successful. Given the impacts on our community, the favourable seasonal conditions, community support to attempt dispersal and the support of the NSW and Australian Governments, Council should consider attempting dispersal. The attempt should be supported by the planned vegetation

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management and results considered as part of the preparation of a conservation agreement with the Australian Government. Due to the acknowledged risks, Council should closely monitor the dispersal attempts and reassess its position in response to any adverse impacts or concerns from the community.

IR16/020 LOCAL TRAFFIC COMMITTEE MEETING NO 8 FOR 2015-16

E16.0002

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P2.1 Undertake advocacy activities to further the development of transport infrastructure and support future growth

Operational Plan Link: P2.1.2 Coordinate the Local Traffic & Development Committees

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for the Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 14 April 2016 were as follows:

- Special Event – Challenge Batemans Bay Triathlon Festival
- Linemarking - Candlagan Creek Car Park, Mossy Point
- Signage and Linemarking – Pedestrian Refuge, River Street, Moruya
- Signage and Linemarking – Median Islands on Murray/Evans Streets intersection, Moruya
- Timed Pay Parking – Batemans Bay
- Relocation of Pedestrian Crossing – Orient Street, Batemans Bay
- Roundabout at the Riverside Drive/Field Street intersection, Narooma
- Special Event Application – South Coast Nationals Automotive Trade Careers Expo and Exhibition, Moruya
- Batemans Bay Streetscape Project – Orient Street, Batemans Bay.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 8 of 2015-16 held on 14 April 2016 be received and noted.
2. Council Plan No 4320 Set E Sheet 01 detailing the proposed accessible parking space for people with disabilities in the car park adjacent to Candlagan Creek, Mossy Point be approved.
3. Council Plan No 5156 Set Y Sheet 01 detailing the proposed signage and linemarking associated with installation of a pedestrian refuge on River Street, Moruya be approved.

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4. Council Plan No 4211 Set B Sheet 02 detailing the proposed signage and linemarking associated with installation of median islands at the intersection of on Thomas Street and Murray Street, Moruya be approved.
5. That the existing pay parking located in the off-street areas on Clyde Street and Perry Street, Batemans Bay be time restricted to three hours.
6. Council Plan No 3866 Set D Sheet 01 detailing the relocation of the marked pedestrian (zebra) crossing on Orient Street, Batemans Bay from its existing location to approximately 38 metres north be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 8 for 2015-16 was held on 14 April 2016 in Council's Committee Room. It was attended by Councillor Neil Burnside (Chairperson), Mrs Danielle Brice (representative for the Hon Andrew Constance MP), Jesse Fogg (Roads and Maritime Services), Senior Constable Vanya MacRaild (NSW Police Force), Dave Hunter (Traffic Officer) and Karen Sydenham (Minute taker).

Apologies were received from Councillor Milton Leslight and Heidi Hanes (Road Safety Officer).

DEPUTATIONS

Councillor Liz Innes spoke to the Committee on pay parking in Batemans Bay.

The Committee noted that the issue for consideration by the Committee was the time limit on parking only.

MINUTES OF PREVIOUS MEETING

The Minutes of the Eurobodalla Local Traffic Committee Meeting No 7 for 2015-16 held on Thursday 10 March 2016 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

The Action Sheet outlining all of the Committee's outstanding items was distributed to members. The following outstanding items were discussed:

2016.SE.013 Special Event – Challenge Batemans Bay Triathlon Festival

This Triathlon event was held on Sunday 10 April 2016 only. The scheduled fun run on Saturday 9 April was cancelled. The Traffic Officer informed the Committee that feedback from NSW Police in attendance at the Beach Road/George Bass Drive signalised intersection was that there were no significant issues during the event. The Police Officer suggested as an improvement that the left lane only be used for vehicles travelling south on Beach Road at the approach to the intersection.

The Committee's Police representative will contact other officers present at the event for more feedback and liaise with Council's Traffic Officer. All feedback will be compiled and forwarded to the event organiser to consider when compiling next year's Traffic Management Plan.

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

2016.RT.017 Linemarking - Candlagan Creek Car Park, Mossy Point

Council is in the process of rebuilding the bitumen car park adjacent to Candlagan Creek, Mossy Point. This work includes kerb and gutter, concrete footpaths and linemarking.

The reconstructed car park will have 21 marked spaces, one will be designated for parking for people with disabilities. Access can then be gained from the car park to the adjoining creek side reserve. Construction has commenced and it is planned to reopen the car park when the Candlagan Creek bridge is open in May 2016. The Committee reviewed Plan No 4320 Set E Sheet 01 detailing the proposed linemarking associated with the car park upgrade.

Recommendation:

That Council Plan No 4320 Set E Sheet 01 detailing the proposed accessible parking space for people with disabilities in the car park adjacent to Candlagan Creek, Mossy Point be approved.

2016.RT.018 Signage and Linemarking – Pedestrian Refuge, River Street, Moruya

Council will shortly commence the construction of a pedestrian refuge on River Street, Moruya, outside the Illawarra Retirement Village (IRT). The installation of the pedestrian refuge will improve the safety for residents and visitors walking to and from the IRT to the shared path network across the road. This shared path network goes to the nearby hospital to the west and east along the river bank to the Moruya CBD.

There have been several requests for a safe crossing point from the village to the shared path network in past years. Council subsequently assessed the requests and consulted with the IRT to seek funding. The estimated cost for the project is \$50,000 (excluding survey, design and documentation).

Last year, the IRT contacted Council and indicated they would make 50% of the cost available if Council could source the other 50%. Subsequently Council applied for a grant under the State Government's Walking and Cycling Program to be funded in the 2016-17 financial year.

On 2 March 2016, the RMS contacted Council offering \$25,000 in funding for the provision of the pedestrian refuge with a proviso that all physical work will be completed by 30 June 2016. This offer of 50% funding was accepted by Council. The survey, design and documentation tasks are being carried out by Council's Infrastructure Services team and this in-kind contribution was subsequently given a high priority so that the project would be ready. The design plan was forwarded to the RMS Wollongong office for review.

The Committee reviewed Plan No5156 Set Y Sheet 01 detailing the pedestrian refuge on River Street.

The Committee discussed the impact of the plan adjustment, particularly the 'No Stopping' sign shown 50 metres north-west of the refuge and impact on the loss of parking. The RMS representative advised that as this is a Council local road the RMS Technical Direction TDT 2011/01a does not have to be complied with, as long as the relevant Australian Standard is adhered to. The Australian Standard provides for a No Stopping zone measuring 20 metres in length. The traffic officer informed the Committee that the 'No Stopping' sign could be installed 30 metres north west of the refuge as a compromise as sight distance is adequate in

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the 50km/h speed zone and this would comply with the relevant Australian Standard (AS1742.10-2009). The Committee agreed that this sign should be moved on the design plan.

Recommendation:

That Council Plan No 5156 Set Y Sheet 01 detailing the proposed signage and linemarking associated with installation of a pedestrian refuge on River Street, Moruya be approved.

2016.RT.019 Signage and Linemarking – Median Islands on Murray St/Evans St Intersection, Moruya

Council was successful in obtaining National Building Black Spot Program grant funds for intersection treatments at six sites in Moruya, to be built in 2015-16. This proposal includes installing median islands with 'Give Way' signs and linemarking on various intersections on Thomas Street and Murray Street. This will make the intersections safer, particularly by reinforcing the driver priority at the intersections.

Five of the six intersections presented to the Committee on 8 October 2015 were subsequently approved by Council and have now been built. The Committee reviewed Plan No 4211 Set B Sheet 02 detailing the sixth treatment at the intersection of Thomas Street and Evans Street.

The adjoining Moruya Public School and Moruya Golf Club have been consulted. The local bus companies have also been consulted and they have no objection to the proposal. The design plan has been forwarded to the RMS Wollongong office for review.

Construction is expected to commence shortly and be completed by the end of the financial year.

The RMS representative requested that the plan be amended to address the longitudinal width of the gap in the pedestrian refuge so that it be lengthened from 2 metres to 3 metres as per the standard. This was agreed.

Recommendation:

That Council Plan No 4211 Set B Sheet 02 detailing the proposed signage and linemarking associated with installation of median islands at the intersection of on Thomas Street and Murray Street, Moruya be approved.

2016.RT.020 Timed Pay Parking – Batemans Bay

At the Ordinary Meeting of Council on 8 March 2016 it was resolved in part that:

- 3. The Local Traffic Committee be asked to consider recommending the implementation of timed parking restrictions in the existing off-street pay parking car parks on Clyde Street and Perry Streets, Batemans Bay to further encourage turnover of these high demand parking spaces.*

The objective of a pay parking scheme is to provide equitable access to and sharing of high profile parking spaces on roads and road related areas where demand for parking exceeds the available parking spaces. Pay parking encourages increased parking turnover offering greater availability near to shops to better support business activity.

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Council introduced pay parking in Clyde Street and Perry Street car parks in January 2003 and agreed that the net income from meter fees would be directed to maintenance and renewal works in the Batemans Bay CBD.

At its meeting held on 1 November 2011, Council considered the Batemans Bay Parking Study that was carried out by Bitzios Consulting. The purpose of the study was to provide advice relating to future parking needs and future parking policy requirements and to assess the need for additional pay parking schemes. The study recommended that the pay parking schemes in Clyde Street and Perry Street car parks be retained and that pay parking be introduced in the on-street parking areas in Clyde Street (angle parking), North Street and Orient Street between North Street and Beach Road. Council determined to retain the existing pay parking arrangements rather than extending the pay parking as recommended by the independent consultant.

The Road Transport (Safety and Traffic Management) Regulation 1999, empowers a parking authority to establish and operate a parking meter scheme. Councils are defined as parking authorities within the Regulation. The NSW Roads and Maritime Service's Pay Parking Guidelines provides the policy and operational framework within which parking authorities may establish and operate pay parking schemes in roads and road related areas as provided for under the Road Transport (Safety and Traffic Management) Regulation 1999. Car parks are road related areas as defined within the Regulation.

There are currently seven parking meters in operation providing 177 parking spaces. Five meters are located in the Perry Street car park accommodating 144 parking spaces plus six accessible parking spaces. Two parking meters are located in the Clyde Street car park accommodating 33 parking spaces plus two accessible parking spaces.

The current hours of operation of the parking meters are Monday to Friday 8.30am to 5.30pm and Saturday 8.30am to 12 noon. There is no time limit restriction but users must pay per hourly rate within the hours of operation. Sundays and public holidays are exempt from payment.

Holders of Mobility Parking Scheme Permits are exempt from paying in metered areas. This means these spaces close to shops are readily accessible for those needing them the most. The hours of operation of the parking meters is consistent with on-street parking time restrictions.

In accord with Part 3 of Council's resolution, it is proposed to introduce a three hour time limit within these car parks with pay parking to encourage additional turnover. The proposed three hour time limit allows a reasonable period for people to carry out shopping, business or recreational activities, including attending the cinema.

The imposition of a three hour time limit is consistent with the existing time limit on the majority of off- street parking under the Village Centre.

Recommendation:

That the existing pay parking located in the off-street areas on Clyde Street and Perry Street, Batemans Bay be time restricted to three hours.

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2016.RT.021 Relocation of Pedestrian Crossing – Orient Street, Batemans Bay

As part of the Batemans Bay Streetscape Project, Council is in the process of preparing to upgrade sections of North Street and Orient Street (north of Beach Road) in the Batemans Bay town centre.

The Batemans Bay Streetscape Sunset Advisory Committee has been set up by Council to oversee this project. The Committee includes representatives from local businesses, the community and Councillors, with Council's Infrastructure Services team providing advice and guidance.

Ayling and Drury Landscape Architecture has been engaged to work with Council's Infrastructure team to consult with businesses and the community and to prepare detailed landscape plans. Initial public consultation was carried out via survey and face to face feedback in December 2015. Based on this initial feedback, draft concept plans were prepared and endorsed by the Committee for public consultation. These plans detail two options and were placed on public exhibition from 16 March to 6 April 2016. The plans have been predominately supported and there have been no major objections to the relocation of the pedestrian crossing.

A key component of the plans includes the relocation of the existing marked pedestrian (zebra) crossing that is currently situated on Orient Street between City Centre and Fenning Place. It is proposed that this will be relocated approximately 38 metres to the north, adjacent to the walkway near the Batemans Bay Bakehouse. This new crossing is to be made a raised pedestrian crossing (zebra) and line marked and signed in accordance with AS1742.10 -2009, AS1742.13 – 2009, RMS Supplement Manual of Uniform Traffic Control Devices (AS 1742), RMS Technical Direction TDT 2001/04a, TDT2002/12c and TDT 2011/01a as shown on Council Plan No 3866 Set D Sheet 01.

The proposed raised pedestrian crossing will be centrally located between two kerb extensions (unmarked crossings), one near the intersection of North Street and Orient Street, and the other near the existing crossing location between City Centre and Fenning Place. The proposed marked raised pedestrian crossing will include kerb extensions on either side of Orient Street and will reduce the travel lane width of the one way road to 4 metres at the crossing. This reduced width will decrease the time it takes pedestrians to cross the road, improve sight distance for pedestrians, increase safety and reduce delays to traffic.

The Committee reviewed Council Plan No 3866 Set D Sheet 01 detailing the relocation of the marked pedestrian (zebra) crossing on Orient Street. This plan was forwarded to the RMS Wollongong office for comment. The RMS representative said that the plan appears to meet the required standards.

Recommendation:

That Council Plan No 3866 Set D Sheet 01 detailing the relocation of the marked pedestrian (zebra) crossing on Orient Street, Batemans Bay from its existing location to approximately 38 metres north be approved.

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INFORMAL ITEMS FOR DISCUSSION

2016.IN.016 Roundabout at Riverside Drive/Field Street Intersection, Narooma

Council will be shortly starting construction of a roundabout at the intersection of Riverside Drive, Field Street and Lynch Street, Narooma

The reconstruction and reconfiguration of the intersection will improve the traffic flow and safety. The road pavement will also be strengthened. The Committee reviewed Plan No 5172 Set A Sheet 01 detailing the proposed roundabout.

There is an existing shared path network along Riverside Drive and Field Street. A pedestrian refuge will be incorporated into the build on the northern leg of Riverside Drive. This will improve the safety of pedestrians and cyclists.

A detailed plan for signage and linemarking will be presented to the Committee prior to the roundabout becoming operational.

The Committee agreed that the roundabout would improve the function and reduce the risk at the intersection.

Recommendation:

That the Committee supports the proposal to construct a roundabout and pedestrian refuge on Riverside Drive at the intersection with Field Street, Narooma based on Plan No 5172 Set A Sheet 01.

2016.SE.019 Special Event Application – South Coast Nationals Automotive Trade Careers Expo and Exhibition, Moruya

The South Coast Nationals Automotive Trade Careers Show and Exhibition is to be conducted from 25 to 27 November 2016 at Moruya High School in Albert Street, Moruya. It involves several exhibitions occurring within the Moruya High School grounds. Additional parking is provided at the Moruya Showground.

This event has a Council development approved five year licence and was run successfully in 2014. As part of the conditions of consent the organiser is required to submit a Traffic Management Plan prior to the running of the event. The 2015 event was cancelled.

The Committee reviewed the Traffic Management Plan. A street cruise is also planned through Moruya. This is conducted as a group drive with all participants required to act in accordance with Road Rules. The cruise is to start on Saturday on Shelley Road, North Moruya and proceed via the Princes Highway through Moruya and end at the event site at Moruya High School.

Recommendation:

That the street cruise associated with the South Coast Nationals Automotive Trade Careers Show and Exhibition, Moruya be conducted on Saturday 26 November 2016 in accordance with Road Rules.

2016.IN.017 Batemans Bay Streetscape Project – Orient Street, Batemans Bay

Planning is underway in the Batemans Bay CBD for streetscape upgrading of sections of North Street (eastern end) and Orient Street (north of Beach Road). This will revitalise the area to enhance outdoor dining and social spaces and encourage business development.

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E16.0002

The Batemans Bay Streetscape Sunset Advisory Committee has been set up by Council to oversee this project. The Committee includes representatives from local businesses, the community and Councillors with Infrastructure Services staff providing advice and guidance.

Ayling and Drury Landscape Architecture has been engaged to work with Council's Infrastructure Services team to consult with businesses and the community and to prepare detailed landscape plans. Initial public consultation was carried out via survey and face to face feedback in December 2015. Based on this initial feedback, draft concept plans were prepared and endorsed by the Sunset Advisory Committee for public consultation. These plans detailed two options and were placed on public exhibition from 16 March to 6 April 2016 with no major objections received.

These plans were reviewed by the Committee.

The existing one-way street with predominantly rear to kerb parking will be maintained. Reconfiguration of the spaces and landscape kerb blisters will result in an increase of existing car spaces including the inclusion of two accessible spaces for people with disabilities.

The existing marked pedestrian (zebra) crossing that is currently situated on Orient Street between City Centre and Fenning Place will be relocated 38 metres to the north, to the walkway adjacent to the Batemans Bay Bakehouse. This new crossing is to be a raised crossing.

The current number of parking spaces is: 52 cars, 16 motorcycles, 0 accessible.

Proposed option 1: 57 cars, 8 motorcycles, 2 accessible.

Proposed option 2: 60 cars, 8 motorcycles, 2 accessible.

A majority of the streetscape area is half hour timed parking. It has been suggested by some in the consultation process that this parking time limit might be increased to one hour. Further consultation on this specific issue will be undertaken once the final design layout for the streetscape has been determined by Council.

The Sunset Advisory Committee will continue to assist in the design of the project and then the plans will be submitted to Council for consideration and adoption. Work is planned to commence in June 2016.

The Local Traffic Committee will be presented with the final plans showing all regulatory signage and linemarking at a future meeting.

Recommendation:

That the Committee supports the proposed Batemans Bay Streetscape Project based on the concept plans displayed for public consultation between 16 March and 6 April 2016.

2016.IN.017 Signage – Princes Highway, corner Broulee Road, Broulee

Mrs Danielle Brice received correspondence from the proprietors of Broulee Memorial Gardens thanking those responsible for the installation of the blue and white service information sign recently erected on the Princes Highway at the intersection of Broulee Road.

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2016.IN.006 Signage – Princes Highway, Tuross Head

Mrs Danielle Brice has noticed that a green and white advanced directional sign on the Princes Highway approach to Tuross Head appears to have been moved closer to the intersection. The RMS representative will check if the sign is now in the correct position.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee is to be held on Thursday 12 May 2016 in the Council's Committee Room commencing at 9.30am.

IR16/021 FUNDING OFFER - REPLACEMENT OF TYRONE BRIDGE

E08.2547

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P2.2 Develop, renew and maintain the road network

Operational Plan Link: P2.2.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

The Australian Government has committed \$300M over five years from 2014-15 under the Bridges Renewal Program (BRP) for bridge projects that contribute to productivity and/or community access. Round Two of the BRP will provide up to \$100M to local government.

In September 2015, Council lodged an application seeking funding for the replacement of Tyrone Bridge, Nerrigundah Mountain Road, Eurobodalla.

In February 2016, The Hon Warren Truss MP, Minister for Infrastructure and Regional Development announced that Council was successful in securing \$1.25M. The offer of funding was accepted in March 2016.

Tyrone Bridge is an ageing timber structure that is declining in condition and is regularly flooded. The bridge provides vital linkages to dairy farms, extractive quarries, Forestry Corporation NSW and school buses. When flooded, emergency service have difficulty in gaining access to communities in need and the dairy farm is unable to get milk to market.

The new bridge will be a single lane concrete structure and will be at a higher level to reduce impacts during flooding, provide for higher mass limit vehicles, reducing the risk of failure and on-going maintenance. The new bridge will have a 100 year useful life.

The total estimated cost of this project is \$2.5M. This project has been included in the 2016-17 and 2017-18 financial year's budgets with a view to constructing the new bridge during 2017. Matching funding is being sought under the NSW Government's Fixing Country Roads Program.

RECOMMENDATION

THAT Council endorse the actions taken to accept the offer of \$1.25M in funding under the Australian Government's Bridges Renewal Program Round 2 for the replacement of Tyrone Bridge, Nerrigundah Mountain Road, Eurobodalla.

BACKGROUND

The Australian Government has committed \$300M over five years from 2014-15 under the Bridges Renewal Program (BRP) for bridge projects that contribute to productivity and/or community access. Round Two of the BRP will provide up to \$100M to local government.

In September 2015, Council lodged an application seeking funding for the replacement of Tyrone Bridge, Nerrigundah Mountain Road, Eurobodalla.

IR16/021 FUNDING OFFER - REPLACEMENT OF TYRONE BRIDGE

E08.2547

In February 2016, The Hon Warren Truss MP, Minister for Infrastructure and Regional Development announced that Council was successful in securing \$1.25M. The offer of funding was accepted in March 2016.

Council has also submitted an Expression of Interest for an additional \$1.25M to the NSW Government under the Fixing Country Roads Program (FCR) to match the funding provided by the Australian government. Council's Expression of Interest has been accepted and a full application was lodged in May 2016. The FCR funding initiative was developed by the NSW Government to assist regional councils upgrade their old roads and bridges which cause a freight pinch or 'last mile' problems.

The outcome of the FCR application is pending.

The estimated cost for the replacement of the bridge structure is \$2.5M.

CONSIDERATIONS

Tyrone Bridge is an ageing timber structure that is declining in condition and is regularly flooded. The bridge provides vital linkages to dairy farms, extractive quarries, Forestry Corporation NSW and school buses. When flooded, emergency services have difficulty in gaining access to communities in need and the dairy farm is unable to get milk to market.

Policy

The replacement of Tyrone Bridge is in line with Council's Transport Asset Management Plan and Asset Management Strategy.

Asset

The new bridge will be a single lane concrete structure and will be at a higher level to reduce impacts during flooding, provide for higher mass limit vehicles, reducing the risk of failure and on-going maintenance. The new bridge will have a 100 year useful life.

Social Impact

During heavy rain events, the existing structure becomes inaccessible due to flooding. This cuts off Nerrigundah village and Belowra and inhibits emergency services from accessing those communities in most need. Flood events also disrupts the school bus run.

During the application process, letters of support were provided from Marshalls Bus and Coach Pty Limited who provide a school bus service to the area.

Economic Development Employment Potential

During the application process, letters of support were provided from the business community that rely on Tyrone Bridge for its supply chain. Letters of support were received from:

- Eurobodalla Quarry and Concrete
- Murray Goulburn Co-operative Co Limited
- Forestry Corporation of NSW.
- Property owner, Tyrone Farm
- Shepherd's Sand, Soil and Earthmoving Contractors

IR16/021 FUNDING OFFER - REPLACEMENT OF TYRONE BRIDGE

E08.2547

- Regional Development Australia – South Coast.

Financial

The total estimated cost of this project is \$2.5M. This project has been included in the 2016-17 and 2017-18 financial year budgets with a view to constructing the new bridge during 2017.

Community Engagement

The affected members of the community and businesses were engaged when the application process began to gain their support for the replacement of the bridge.

CONCLUSION

Grant funding of \$1.25M has been offered by the Australian Government's Bridges Renewal Program Round 2. This offer has been accepted and will assist Council in replacing the existing timber structure known as Tyrone Bridge located on Nerrigundah Mountain Road, Eurobodalla with a new single land concrete structure. It is intended to replace the bridge over the 2016-17 and 2017-18 financial years with matching funding being sought under the NSW Government's Fixing Country Roads Program.

IR16/022 2016-18 PLANT, MACHINERY & TRUCK HIRE PANEL

E16.0033

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Confidential Attachment - 2016-18 Plant, Machinery and Truck Hire Tender

Focus Area: Productive Communities

Delivery Program Link: P2.2 Develop, renew and maintain the road network

Operational Plan Link: P2.2.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

Council routinely hires contract plant on a needs basis to assist in delivering the works program. To enable works to be undertaken efficiently with appropriate systems in place to effectively manage work place health and safety, environmental requirements, legal and insurance issues, Council has established two year contracts with an annual adjustment for price rises after year one.

A Request for Tender No. 2016/ISD089 for the establishment of a Plant, Machinery and Truck Hire Panel during period 01 July 2016 until 30 June 2018 was advertised on 23 February 2016 and closed on 23 March 2016.

This report outlines the associated evaluation process and recommended establishment of the resultant Panel arrangement.

This process strongly supports the use of local contractors with a positive flow onto the local economy and employment whilst ensuring good value.

RECOMMENDATION

THAT Council:

1. Endorse the evaluation process undertaken to establish the proposed Panel for the hire of plant, machinery and truck hire
2. Enter into formal Deeds of Agreement with each supplier identified on the Panel to formalise Standing Offers for the period from 1 July, 2016 to 30 June 2018.

BACKGROUND

Council establishes a Plant, Machinery and Truck hire panel every two years to maximise competitiveness, reduce hire administration and holistically manage contractor workplace health and safety, environmental and other risks associated with delivery of works and construction activities.

The current panel is due to expire on 30 June 2016.

A Request for Tender No. 2016/ISD089 for the establishment of a Plant, Machinery and Truck Hire Panel during period 01 July 2016 until 30 June 2018 was advertised on 23 February 2016 and closed on 23 March 2016.

IR16/022 2016-18 PLANT, MACHINERY & TRUCK HIRE PANEL

E16.0033

To ensure economic risk for all parties can be managed, the price variation formula within the 2016-18 Panel has been amended to reflect an annual adjustment using the Consumer Pricing Index (CPI).

An Industry Brief meeting was held prior to the release of Request for Tender documentation to consult with prospective bidders on changes for the new panel period.

A total of 74 offers were received in response to the Request for Tender which was the largest field on record.

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2016/ISD089 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 at Council's Tenderlink web portal (www.tenderlink.com/eurobodalla).

Upon release of the RFT a Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Board (TEB). Declarations of Confidentiality and Interest Forms have been completed and signed by the TEB.

All offers were screened for compliance with insurance requirements and other conditions of tender. Where necessary clarification was sought to ensure accurate capture of tenderer information.

All compliant equipment was ranked within its relevant category (ie backhoes, graders, watercarts and the like) to provide an indicative order of hire, subject to whole of job costs. The proposed indicative order of hire will be provided as a confidential attachment to the Council Report.

Policy

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

Environmental

When hired by Council, plant, machinery and vehicle operators are required to adhere to site specific environmental practices as communicated by Council during Work Activity Briefs (WABs) and other inductions by staff. Plant and equipment must also undergo a variety of Council inspections as well as operator checks to ensure the equipment is in a good condition.

Economic Development Employment Potential

The use of the Panel contract to supplement Council's own operations results in employment of many local contractors and suppliers at competitive rates. Engaging local contractors has consequent flow on benefits to our local economy, providing support for local businesses and employment. The requirements to comply with Council's management systems also has other

IR16/022 2016-18 PLANT, MACHINERY & TRUCK HIRE PANEL

E16.0033

flow-on benefits such as improved work place health and safety within the overall local construction industry.

Council also actively pursues external Government grants which adds to the on-going employment benefits within regional areas such as Eurobodalla.

Financial

The use of the Panel contract arrangements provides resources to complete works at competitive rates providing good value.

All orders raised against the proposed Panel will be funded individually by the relevant works or maintenance program. The Panel will be available for use across all applicable Council programs allowing programs to avoid unnecessary procurement administration associated with seeking offers separately for projects.

Community Engagement

An Industry Brief was held on 16 February 2016 to advise prospective bidders on changes from the previous Request for Tender.

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. The proposed contract Panel has been developed, through an extensive evaluation and assessed as representing best value for money. The process has maximised local industry participation whilst achieving competitive pricing for Council with 74 businesses being represented on the Panel.

**FBD16/024 LAND ACQUISITION FOR ROAD WIDENING - ORIENT STREET,
BATEMANS BAY**

85.1981.D

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

Council has undertaken road works on Orient Street Batemans Bay for the purposes of widening and realigning the existing road.

Upgrading of the road at the intersection of Orient Street and Old Princes Highway, Batemans Bay requires the acquisition of part Lot 244 DP 1207432 for road widening purposes. The land is owned by Forestry Corporation of NSW and a compulsory acquisition process is required. Forestry Corporation of NSW agreed in writing for Council to carry out the works prior to acquisition.

This report recommends the necessary actions be taken to acquire the land in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

RECOMMENDATION

THAT:

1. Application be made to the Minister for Local Government and the Governor to acquire part of Lot 244 DP 1207432 for public road purposes by compulsory process in accordance with Council's power under Section 177(1) of the Roads Act 1993.
2. If consent is granted, all necessary action be taken to finalise the acquisition of the land for public road purposes in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
3. Once acquired, the land be dedicated as public road in accordance with the provisions of the Roads Act 1993.

BACKGROUND

Council has undertaken road works on Orient Street for the purposes of widening and realigning the existing road. The works proposed necessitate acquisition of part Lot 244 DP 1207432 being an area of 224 square metres.

Lot 244 is owned by Forestry Corporation of NSW who has agreed to the acquisition.

CONSIDERATIONS

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

**FBD16/024 LAND ACQUISITION FOR ROAD WIDENING - ORIENT STREET,
BATEMANS BAY**

85.1981.D



Legal

As the land proposed to be acquired is Crown Land owned by Forestry Corporation of NSW it is required to be acquired by compulsory process. Council has power under the Roads Acts 1993 to compulsorily acquire land for public road purposes.

The compulsory acquisition process requires application being made to the Minister for Local Government and the Governor to acquire the land in accordance with Council's power under Section 177(1) of the Roads Act 1993.

**FBD16/024 LAND ACQUISITION FOR ROAD WIDENING - ORIENT STREET,
BATEMANS BAY**

85.1981.D

Once consent is granted, action is then taken to finalise the acquisition of the land for public road purposes in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Policy

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

Asset

The works are part of Council's urban roads upgrade program.

Financial

In accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, Council will be responsible for all reasonable costs associated with the acquisition including survey and legal fees.

Sufficient funds are available within allocated budgets for the acquisition.

Community Engagement

Forestry Corporation of NSW has given written agreement to the compulsory acquisition of part Lot 244 DP 1207432.

CONCLUSION

The acquisition of part Lot 244 DP 1207432 is required for road widening purposes and will be carried out by compulsory land acquisition process in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

**FBD16/025 LAND ACQUISITION FOR ROAD WIDENING - RIDGE ROAD,
CENTRAL TILBA**

15.9282.E

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

Road works will be undertaken by Council to improve Ridge Road, Central Tilba.

Reconstruction of Ridge Road, Central Tilba requires the acquisition of land for road purposes. Lots 7, 8 and 9 DP 1215462 are small parcels of Crown Land created by previous road action by the Crown. Acquisition of the land will be required to be made by compulsory process.

This report recommends consent be sought from the Minister for Local Government and the Governor for the compulsory acquisition of the land from the Crown and if granted, be acquired in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

RECOMMENDATION

THAT:

1. Application be made to the Minister for Local Government and the Governor to acquire Lots 7, 8 and 9 DP 1215462 for public road purposes by compulsory process in accordance with Council's power under Section 177(1) of the Roads Act 1993.
2. If consent is granted, all necessary action be taken to finalise the acquisition of the land for public road purposes in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act.
3. Once acquired, the land be dedicated as public road in accordance with the provisions of the Roads Act 1993.

BACKGROUND

Road works will be undertaken by Council to improve Ridge Road, Central Tilba. The works proposed require acquisition of Lots 7, 8 and 9 DP 1215462. Rather than subdivide the land for road widening it is considered appropriate to acquire the whole of Lots 7, 8 and 9 as they are of a nominal size being a total of approximately 1.4ha. Crown Lands is agreeable to Council acquiring the whole of these lots to be dedicated as road.

CONSIDERATIONS

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

**FBD16/025 LAND ACQUISITION FOR ROAD WIDENING - RIDGE ROAD,
CENTRAL TILBA**

15.9282.E



Legal

Council has power under the Roads Acts 1993 to compulsorily acquire land for public purposes. The compulsory acquisition process requires application being made to the Minister for Local Government and the Governor to acquire the land in accordance with Council's power under Section 177(1) of the Roads Act 1993.

Once consent is granted, action is then taken to finalise the acquisition of the land for public road purposes in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Policy

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

Asset

Council requires ownership of the land for the proposed realignment and upgrade of Ridge Road, Central Tilba.

Social Impact

The proposed upgrading of Ridge Road will be beneficial to people who use Ridge Road.

Financial

In accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act, Council will be responsible for all reasonable costs associated with the acquisition including survey and legal fees.

**FBD16/025 LAND ACQUISITION FOR ROAD WIDENING - RIDGE ROAD,
CENTRAL TILBA 15.9282.E**

Based on previous acquisitions for road widening sufficient funds are available within allocated budgets for the acquisition.

Community Engagement

Written consent has been received from Crown Lands for the acquisition.

CONCLUSION

The acquisition of Lots 7, 8 and 9 DP 1215462 Ridge Road, Central Tilba is required for road purposes which will be carried out by compulsory land acquisition process.

FBD16/026 LAND ACQUISITION FOR ROAD WIDENING - PRINCES HIGHWAY AND TOOSE STREET, MORUYA E16.0211

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

Attachments: 1. Confidential - Attachment-road widening Princes Highway and Toose Street, Moruya

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

New town signs have been designed for Moruya, Narooma and Batemans Bay.

The north Moruya sign is to be erected on the corner of Princes Highway and Toose Street. Road widening is required within Lots 12, 13 and 14 Section 4 DP 977256 to allow sufficient area for site distance to the sign and the erection of the sign itself.

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

RECOMMENDATION

THAT:

1. All actions necessary be taken for the acquisition of land required for road widening within Lots 12, 13 and 14 Section 4 DP 977256 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey and legal costs associated with the land acquisition be borne by Council.

BACKGROUND

New town signs have been designed in consultation with the Shire's Chambers of Commerce, Tourism and Council. To accommodate the new sign at the northern entrance to Moruya on the corner of the Princes Highway and Toose Street, land acquisition of part Lots 12, 13 and 14 Section 4 DP 977256 is required.

The area required is approximately 276 square metres.

The names of the registered proprietors are set out in the Confidential Attachment.

**FBD16/026 LAND ACQUISITION FOR ROAD WIDENING - PRINCES HIGHWAY
AND TOOSE STREET, MORUYA**

E16.0211

CONSIDERATIONS

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



A photo of the new Moruya town sign is set out below:



**FBD16/026 LAND ACQUISITION FOR ROAD WIDENING - PRINCES HIGHWAY
AND TOOSE STREET, MORUYA**

E16.0211

Legal

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

Policy

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

Asset

New town signs will be a welcoming sight on the approach to the towns of Eurobodalla.

Financial

Compensation will be determined by a Registered Valuer in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. Together with the compensation, Council will be responsible for all costs associated with the acquisition including survey and legal fees and the registered proprietor's reasonable legal costs.

Based on previous similar acquisitions sufficient funds are available within allocated budgets.

Community Engagement

The affected registered proprietors have been consulted and consented in writing to the proposed acquisition for road purposes, and have given consent to Council to proceed with works prior to acquisition.

CONCLUSION

The acquisition of part Lots 12, 13 and 14 Section 4 DP 977256 is required for road purposes at Moruya to accommodate the new Moruya town sign and should be acquired in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

FBD16/027 LAND ACQUISITION FOR ROAD WIDENING - PART LOT 1 DP 77345 E16.0172
LARRYS MOUNTAIN ROAD, MORUYA

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

Attachments: 1. Confidential - Attachment Road Widening 1/77345

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

Council is constructing a new concrete bridge and approaches at Mogendoura Creek on Larrys Mountain Road, Moruya.

The construction of a new concrete bridge at Mogendoura Creek on Larrys Mountain Road, Moruya will replace the existing timber bridge. It will be constructed alongside the existing bridge. The planned works are within private property necessitating the acquisition of part Lot 1 DP 77345 for public road purposes.

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

RECOMMENDATION

THAT:

1. All actions necessary be taken for the acquisition of land required for road widening within Lot 1 DP 77345 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey and legal costs associated with the land acquisition be borne by Council.

BACKGROUND

Council is constructing a new concrete bridge and approaches at Mogendoura Creek on Larrys Mountain Road, Moruya. The location of the works is within private property, being Lot 1 DP 77345.

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

CONSIDERATIONS

The works proposed necessitate acquisition of part Lot 1 DP 77345, being an area of approximately 827 square metres. The land proposed to be acquired is a small triangle severed from the main part of Lot 1 by Larrys Mountain Road.

**FBD16/027 LAND ACQUISITION FOR ROAD WIDENING - PART LOT 1 DP 77345
LARRYS MOUNTAIN ROAD, MORUYA**

E16.0172

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



Legal

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

Policy

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

Asset

The overall project will see the existing timber bridge and bridge approaches replaced, providing a complete renewal of the existing assets.

Social Impact

The construction of the new bridge will not involve the closure of the existing timber and approach roads to the bridge for the duration of the works.

Financial

In accordance with Council's Code of Practice for Acquiring Land for Public Purposes, compensation will be determined by a Registered Valuer in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. Together with the compensation, Council will be responsible for all costs associated with the acquisition including survey and legal fees and the registered proprietor's reasonable legal costs. Based on previous similar acquisitions sufficient funds are available within allocated budgets.

**FBD16/027 LAND ACQUISITION FOR ROAD WIDENING - PART LOT 1 DP 77345 E16.0172
LARRYS MOUNTAIN ROAD, MORUYA**

Community Engagement

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

CONCLUSION

The acquisition of part Lot 1 DP 77345 is required for road widening purposes for the construction of a new bridge at Mogendoura Creek, Larrys Mountain Road, Moruya and should be acquired in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

FBD16/028 LAND ACQUISITION FOR ROAD OPENING WITHIN LOT 154 CONGO ROAD, CONGO 10.4128.S

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

Attachments: 1. Confidential - Land Acquisition - Lot 154 Congo Road

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

Council is upgrading Congo Road South as part of the Rural Roads Program.

The existing formation of Congo Road within Lot 154 DP 752137 is not contained within a legal road reserve. The land owner of Lot 154 has agreed to Council acquiring the land required to create a legal road reserve.

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

RECOMMENDATION

THAT :

1. All actions necessary be taken for the acquisition of land required for road purposes within Lot 154 DP 752137 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey and legal costs associated with the land acquisition be borne by Council.

BACKGROUND

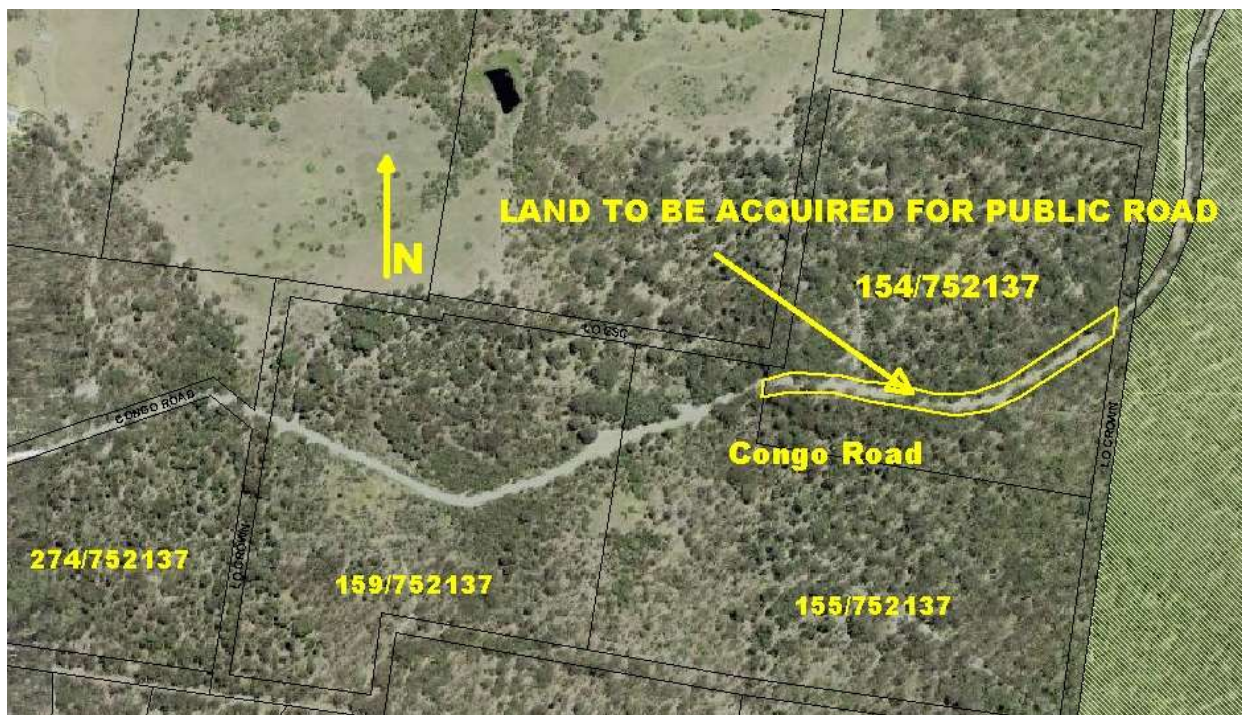
Council is upgrading Congo Road South as part of the Rural Roads Program. The existing formation of Congo Road within Lot 154 DP 752137 is not contained within a legal road reserve. The land owner of Lot 154 has agreed to Council acquiring the land required to create a legal road reserve.

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

FBD16/028 LAND ACQUISITION FOR ROAD OPENING WITHIN LOT 154 CONGO ROAD, CONGO 10.4128.S

CONSIDERATIONS

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



Legal

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

Policy

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

Asset

Land acquisition of part Lot 154 will legalise a road reserve within this property.

Financial

In accordance with Council's Code of Practice for Acquiring Land for Public Purposes, compensation will be determined by a Registered Valuer in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. Together with the compensation, Council will be responsible for all costs associated with the acquisition including survey and legal fees and the registered proprietor's reasonable legal costs. Based on previous similar acquisitions sufficient funds are available within allocated budgets.

Community Engagement

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

FBD16/028 LAND ACQUISITION FOR ROAD OPENING WITHIN LOT 154 CONGO ROAD, CONGO 10.4128.S

CONCLUSION

The acquisition of part Lot 154 DP 752137 is required to legalise road reserve at Congo Road, Congo and should be acquired in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

FBD16/029 ROAD OPENING AND CLOSING - WITHIN LOT 2 DP 1039689 94.6190.D
CORKHILL DRIVE, CENTRAL TILBA

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

Attachments: 1. Confidential - Road opening and closing Corkhill Drive

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

Council is upgrading and extending the bus bay on Corkhill Drive, Central Tilba to improve accessibility for all users including those with limited mobility. The registered proprietor of Lot 2 DP 1039689 has agreed to dedicate part of Lot 2 as public road in exchange for part of the current road reserve being closed, transferred and consolidated with Lot 2.

This report recommends acquisition of part Lot 2 DP 1039689 for public road purposes and closure of part Corkhill Drive and transfer of that part to the land owner in lieu of monetary compensation.

RECOMMENDATION

THAT:

1. A proposal to close part of Corkhill Drive, Central Tilba adjacent to Lot 2 DP 1039689 be publicly notified in accordance with the provisions of the Roads Act 1993 for a period of 28 days.
2. Subject to no objection being received an application be made to the Crown Lands Division of the Department of Primary Industries to close part of Corkhill Drive adjacent to Lot 2 DP 1039689.
3. If objections are received a further report be presented to Council.
4. If closed and vested in Council, the land be transferred to the registered proprietor of Lot 2 DP 1039689 and consolidated with Lot 2 in exchange for part of Lot 2 DP 1039689 being dedicated as public road.
5. All costs associated with the proposed road opening and closing including the registered proprietors reasonable legal costs be borne by Council.
6. Consent be given to affix the Common Seal of Council to the Transfer of that part of Corkhill Drive closed and vested in Council.

BACKGROUND

Council is upgrading and extending the bus bay on Corkhill Drive, Central Tilba to improve accessibility for all users including those with limited mobility. Land acquisition is required to accommodate the new bus bay and the registered proprietor of Lot 2 DP 1039689 agrees to

**FBD16/029 ROAD OPENING AND CLOSING - WITHIN LOT 2 DP 1039689
CORKHILL DRIVE, CENTRAL TILBA**

94.6190.D

dedicate part of Lot 2 (126sqm) as public road in exchange for part of the current road reserve being closed (149sqm), transferred and consolidated with Lot 2.

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

CONSIDERATIONS

A plan of the proposed road opening and closing is set out below.



Legal

In accordance with the Roads Act 1993, Council is the Roads Authority for public roads and whilst Council can recommend the closure of a road, it must be approved by the responsible Minister, currently the Minister for Lands and Water.

Before an application is made to Crown Lands for a road closure the proposal must be advertised in a local paper and notification given to all affected land owners and authorities giving a minimum 28 day submission period.

Submissions are to be considered and objections resolved, or if Council forms the opinion that no further progress can be made, a report with a summary and assessment of the submissions/objections with a recommendation be sent to Crown Lands for determination.

**FBD16/029 ROAD OPENING AND CLOSING - WITHIN LOT 2 DP 1039689
CORKHILL DRIVE, CENTRAL TILBA**

94.6190.D

As Corkhill Drive is formed and public money has been expended on it, upon closure the land will be vested in Council and able to be used as compensation for the acquisition of the part Lot 2 DP 1039689 required for road widening.

Policy

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

Asset

Transport facilities will be improved with the upgrade of this bus bay.

Social Impact

The improved bus bay will enable two full size coaches to park and will improve accessibility for users of the buses including those with limited mobility.

Financial

Funds are available for the survey, plan and legal fees from the Country Passenger Transport Infrastructure Grant.

Community Engagement

The affected registered proprietor has been consulted and consented in writing to the proposed acquisition for road purposes, and has given consent to Council to proceed with works prior to acquisition.

CONCLUSION

Council is upgrading and extending the bus bay on Corkhill Drive, Central Tilba to improve accessibility for all users. The registered proprietor of Lot 2 DP 1039689 has agreed to dedicate part of Lot 2 as public road in exchange for part of the current road reserve being closed, transferred and consolidated with Lot 2.

Necessary actions should be taken to facilitate the proposal.

FBD16/030 NAROOMA SURF LIFE SAVING CLUB

E81.0993

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

The Narooma Surf Life Saving Club Inc. (the Club) operates from a clubhouse located within Surf Beach Reserve, a Crown Reserve under the Trusteeship of the Eurobodalla (South) Reserve Trust for which Council is Trust Manager, at Narooma. The Club now wishes to construct a boat storage shed adjacent to the clubhouse and is seeking Council support to seek owner's consent from Crown Lands to lodge a Development Application (DA).

This report outlines issues relating to the tenure of the Club's occupation and recommends actions be taken to address these issues and to support the Club's proposal for the new boat storage shed.

RECOMMENDATION

THAT:

1. Council as Trust Manager of the Eurobodalla (South) Reserve Trust:
 - (a) Give support to the lodgement of a Development Application and seek owner's consent from Crown Lands for the lodging of a Development Application for the Narooma Surf Life Saving Club Inc. boat storage shed within Crown Reserve R91375.
 - (b) Grant a twelve month temporary licence to Narooma Surf Life Saving Club Inc. to conduct surf club related activities within Crown Reserve R91375, Narooma with conditions including:
 - (i) A fee in line with the Crown Lands Statutory minimum, currently \$471.00 plus GST.
 - (ii) Consent to be given to the Club to proceed with construction subject to the Club holding sufficient funds to complete the proposed works approved by the licensee and holding appropriate construction insurance cover.
 - (iii) The licensee shall accommodate within the licence area storage required for professional life guard services engaged by Council over the summer holiday period.
 - (iv) Termination of the licence and granting of a 20-year lease once the works have been completed.
2. The General Manger be given delegated authority to negotiate a 20-year lease to be granted by Council as Trust Manager for the Eurobodalla (South) Reserve Trust subject to

FBD16/030 NAROOMA SURF LIFE SAVING CLUB

E81.0993

consent given by the Minister administering the Crown Lands Act 1989 to the Narooma Surf Life Saving Club Inc. over the clubhouse and proposed equipment shed.

3. A further report be presented to Council following completion of the negotiations.
4. A letter of support and consent to submit be given to any grant applications made by the Narooma Surf Life Saving Club Inc. for development funding.

BACKGROUND

The Narooma Surf Life Saving Club Inc. operates from a clubhouse located within Surf Beach Reserve being Crown Reserve R91375. The Club now wishes to construct a boat storage shed adjacent to the clubhouse and is seeking Council support to seek owner's consent from Crown Lands to lodge a DA.

A plan showing the site is below.



CONSIDERATIONS

The Club's main funding is proposed to be obtained through grants. However, to apply, the Club will require an approved DA and secure tenure over the site.

Currently the Club occupies the premises on Surf Beach Reserve without any formal agreement or legal tenure. This is the same situation faced by all surf clubs in the Shire. Given this proposal will result in a new facility, it is an opportune time to negotiate a lease which will establish responsibilities by all parties.

Legal

Surf Beach Reserve is a Crown Reserve R91375 for Public Recreation under the control of the Eurobodalla (South) Reserve Trust for which Council is Trust Manager.

FBD16/030 NAROOMA SURF LIFE SAVING CLUB

E81.0993

As Trust Manager, Council can only grant a temporary licence for a period not exceeding 12 months. A lease or licence granted for a period greater than 12 months requires the consent of the Minister administering the Crown Lands Act, 1989.

It would be appropriate for the Club to initially be granted a temporary licence until the proposed upgrading of the facility is completed, then a long-term lease granted over the clubhouse and proposed boat storage shed.

The licence would be in the form of a standard Crown licence. To give certainty to all parties it would be prudent for special conditions of the licence to include:

- Consent to be given to the Club to proceed with construction, subject to the Club holding sufficient funds to complete the proposed works in stages approved by Council.
- Termination of the licence and granting of a 20-year lease once the boat storage shed has been completed.

During the term of the licence it would be appropriate for the General Manager to be given delegated authority to negotiate a 20-year lease

Environmental

Any environmental issues will be addressed during the development assessment process.

Asset

As the Club will be responsible for the cost of the proposed construction it would be prudent for Council to require the Club to hold construction insurance.

Given the location of the building in the coastal environment, it is appropriate for Council to require metal roofing and trim to be of marine quality to increase the time before replacement.

A further condition in the proposed licence should be the requirement of the Club to provide storage within the licence area to accommodate the equipment used by the professional life guard services engaged by Council over the summer holiday period.

Social Impact

The presence of the Club is extremely important to the safety of the public swimming at Narooma and the proposed facility will be an overall benefit to the community.

Financial

As a licence over Crown Reserve, the Crown Lands statutory minimum fee is applicable. The current minimum fee is \$471pa plus GST.

CONCLUSION

The proposed additions to the Narooma Surf Life Saving Club's facility a Narooma Surf Beach will be a benefit to both the Club and the local community.

The licensing and proposed leasing of the facility will resolve a long outstanding issue in respect of the Club's tenure.

**FBD16/031 NEW CODE OF CONDUCT POLICY AND AMENDMENT TO THE
MODEL CODE OF CONDUCT**

E06.0380

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

Attachments: 1. Confidential - Submissions received - Code of Conduct
2. Office of Local Government Model Code of Conduct for Local Councils
in NSW
3. Amended Code of Conduct Policy

Focus Area: Support Services

Delivery Program Link: SS1.2 Maintain a sound governance framework within which Council
operates

Operational Plan Link: SS1.2.2 Ensure transparency in council dealings

EXECUTIVE SUMMARY

This report seeks Council endorsement of the amended Code of Conduct Policy, the Model Code of Conduct for Local Councils in NSW and the Procedures for Administration of the Model Code of Conduct for Local Councils in NSW.

Council is required to adopt the new Model Code of Conduct released by the Office of Local Government (OLG) in accordance with the Local Government Act 1993, Section 410 (3).

To complement the amendments to the Local Government Act 1993 (LGA) made by the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015, an amendment to clause 4.29 of the Model Code of Conduct for Local Councils in NSW commenced on 13 November 2015.

Council is required to adopt the new Model Code of Conduct. It is recommended that a Code of Conduct policy be introduced so that the Council advisory committees, reserve trusts, contractors and volunteers are also obliged to observe the applicable requirement of the Code.

As per Minute FBD 16/013 of the Ordinary Meeting of Council held on 22 March 2016, the Code of Conduct Policy and the Office of Local Government Model Code of Conduct for Local Councils in NSW (November 2015) were placed on public exhibition for 42 days.

There were two public and one internal submissions received during this time. Confidential copies of the submissions are attached to this report.

RECOMMENDATION

THAT Council adopts the:

1. Amended Code of Conduct Policy with the following changes:
 - (a) Amended Section 3 – Breaches
 - Failure by a committee member or committee to comply with Council's Code of Conduct will be addressed in the terms of reference for that committee.

**FBD16/031 NEW CODE OF CONDUCT POLICY AND AMENDMENT TO THE
MODEL CODE OF CONDUCT**

E06.0380

- Failure by a contractor or volunteer to comply with Council's Code of Conduct will be addressed in their contract and/or terms of engagement.
 - (b) Procedure for administration of the Code of Conduct to comply with section 440 and 440AA of the Local Government Act NSW 1993.
2. Model Code of Conduct for Local Councils in NSW

BACKGROUND

Council is required to adopt the new Model Code of Conduct released by the Office of Local Government (OLG) in accordance with the Local Government Act 1993 (LGA), Section 410 (3).

To complement the amendments to the LGA made by the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015, an amendment to clause 4.29 of the Model Code of Conduct for Local Councils in NSW commenced on 13 November 2015.

Council is required to adopt the new Model Code of Conduct. It is recommended that a Code of Conduct policy be introduced so that the Council advisory committees, reserve trusts, contractors and volunteers are also obliged to observe the applicable requirements of the Code.

At the Ordinary Meeting of Council held on 22 March 2016, Minute FBD 16/013, Council resolved that the Code of Conduct Policy and the Office of Local Government Model Code of Conduct for Local Councils in NSW (November 2015) be placed on public exhibition for 42 days.

There were two public and one internal submissions received during this time.

The first public submission wanted the conduct review panel to involve community members to mediate on issues involving Code of Conduct complaints against councillors.

Council complies with the OLG Model Code Procedures (the Procedures) prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW under sections 440 and 440AA of the LGA.

Clause 3.5 of the Procedures requires that to be eligible to be a member of a panel of conduct reviewers a person must, at a minimum, meet the following requirements:

- a) an understanding of local government, and
- b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
- c) knowledge and experience of one or more of the following:
 - i) investigations, or
 - ii) law, or
 - iii) public administration, or
 - iv) public sector ethics, or
 - v) alternative dispute resolution, and

**FBD16/031 NEW CODE OF CONDUCT POLICY AND AMENDMENT TO THE
MODEL CODE OF CONDUCT**

E06.0380

- d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.

The current panel was appointed in 2013. Qualified members of the community (as above) are welcome to apply to become a panel reviewer in 2017, when the new panel is selected.

The second public submission had concerns that the proposed policy seeks to extend the application of the Model Code of Conduct well beyond what is required by the Code itself in relation to advisory committees, reserve trusts, contractors and volunteers.

Council has contacted the OLG and has been advised that Council can seek to extend the scope of the Code. OLG recommend having a mechanism on how volunteers and contractors are dealt with if they breach the Code. Council has amended Section 3, Breaches under the Code of Conduct policy to include the following:

- Failure by a committee member or committee to comply with Council's Code of Conduct will be addressed in the terms of reference for that committee.
- Failure by a contractor or volunteer to comply with Council's Code of Conduct will be addressed in their contract and/or terms of engagement.

The internal submission is for Council to adopt 'The Procedure for administration of the Code of Conduct to comply with Section 440 and 440AA of the Local Government Act NSW 1993'.

CONSIDERATIONS

At the Ordinary Meeting of Council held on 22 March 2016 Minute FBD 16/013– *New Code of Conduct Policy and Amendment to the Model Code of Conduct* it was resolved that:

1. The Code of Conduct policy be placed on public exhibition for a period of 42 days.
2. The Office of Local Government Model Code of Conduct for Local Councils in NSW (November 2015) be placed on public exhibition for a period for 42 days.
3. A further report be presented to Council following considerations of any submissions received.

The documents were placed on public exhibition on 23 March 2016 and submissions closed on 3 May 2016. Confidential copies of the submissions received are attached.

Legal

Council is required to adopt the new Model Code of Conduct released by the OLG in accordance with the LGA, Section 410 (3).

Policy

The policy aims to:

**FBD16/031 NEW CODE OF CONDUCT POLICY AND AMENDMENT TO THE
MODEL CODE OF CONDUCT**

E06.0380

- promote a clear guideline for the conduct of councillors, staff, delegates, reserve trusts, committees, contractors, volunteers and relevant parties when acting as public officials of Council;
- ensure consistency and fairness in the manner in which the Council deals with matters and complaints relating to the Code of Conduct;
- ensure compliance with legislative and statutory requirements;
- promote awareness of the requirements of the Code of Conduct;
- take such steps as are appropriate to ensure that the Code of Conduct is followed;
- make Council's requirements and procedures regarding its Code of Conduct readily accessible and understandable to the public.

Adoption of the new Code of Conduct Policy will apply to advisory committees, reserve trusts, contractors and volunteers.

Community Engagement

We have consulted with the community by seeking feedback through a 42 day Public Exhibition of the Code of Conduct policy and the Office of Local Government Model Code of Conduct for Local Councils in NSW.

CONCLUSION

The public exhibition period for the Code of Conduct policy and the Office of Local Government Model Code of Conduct for Local Councils in NSW closed on 3 May 2016.

Three submissions were received. Confidential copies are provided with this report.

It is recommended that the Amended Code of Conduct Policy and Model Code of Conduct for Local Councils in NSW be adopted.



Office of
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**MODEL CODE OF CONDUCT
FOR LOCAL COUNCILS IN NSW**



November 2015

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PART 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including a conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

PART 2

PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

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

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1** You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
 - c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)
- 3.2** You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)
- 3.3** You must treat others with respect at all times.

Fairness and equity

- 3.4** You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5** You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 3.6** You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 3.7** You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8** In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

- 3.9** You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10** For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.11** Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.12** Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. *(section 442)*
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. *(section 443)*
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties *(section 449)*
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter *(section 451)*
 - c) designated persons immediately declare, in writing, any pecuniary interest. *(section 459)*
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

- 4.10** Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 4.11** The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

- 4.12** Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 4.13** If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.
- 4.14** How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 4.15** As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

- 4.16** If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.
- 4.17** If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 4.18** If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19** Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20** Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21** Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).

4.22 For the purposes of this Part:

- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
- b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.

4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.

4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:

- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
- b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.

4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.

- 4.29** A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the non-pecuniary conflict of interests arises only because of an interest that a person has in that person's principal place of residence, and
 - c) the councillor declares the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30** If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353*)
- 4.31** As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

Personal dealings with council

- 4.32** You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

- 5.1** You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2** You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3** Generally speaking, token gifts and benefits include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations
 - b) invitations to and attendance at local social, cultural or sporting events
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
 - e) prizes of token value.

Gifts and benefits of value

- 5.4** Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

How are offers of gifts and benefits to be dealt with?

- 5.5** You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) accept any gift or benefit of more than token value
 - e) accept an offer of cash or a cash-like gift, regardless of the amount.
- 5.6** For the purposes of clause 5.5(e), a "cash-like gift" includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.7** Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

- 5.8** You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 5.9** You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6

RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 6.1** Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2** Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Obligations of staff

- 6.3** The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 6.4** Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

- 6.5** You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.
- 6.6** You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 6.7** You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
 - i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
 - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

PART 7

ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 7.1** The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2** The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3** Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4** Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5** Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 7.6** Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 7.7** Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

7.8 In regard to information obtained in your capacity as a council official, you must:

- a) only access council information needed for council business
- b) not use that council information for private purposes
- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

7.10 In addition to your general obligations relating to the use of council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

7.11 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

- 7.12** You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- 7.13** Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 7.14** You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 7.15** You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 7.16** You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17** You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18** You must not convert any property of the council to your own use unless properly authorised.
- 7.19** You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 7.20** Councillors and administrators are entitled to have access to the council chamber, committee room, Mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 7.21** Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22** Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8

MAINTAINING THE INTEGRITY OF THIS CODE

- 8.1** You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

- 8.2** You must not make a complaint or cause a complaint to be made under this code for an improper purpose.
- 8.3** For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under this code
 - g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
 - h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
 - i) to prevent or disrupt the effective administration of this code.

Detrimental action

- 8.4** You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.
- 8.5** You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.

- 8.6** For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under this code

- 8.7** You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8** You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9** You must comply with a practice ruling made by the Office of Local Government.
- 8.10** Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

- 8.11** You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12** You must not make allegations of suspected breaches of this code at council meetings or in other public forums.
- 8.13** You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 8.14** Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Office of Local Government.
- 8.15** Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Office of Local Government
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
council committee	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the Local Government (General) Regulation 2005

The term “you” used in the Model Code of Conduct refers to council officials.

The phrase “this code” used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.

For more information on the Office of Local
Government Code of Conduct visit our website

www.olg.nsw.gov.au



Office of
Local Government



Policy

Policy name	Code of Conduct
Responsible manager(s)	General Manager
Contact officer(s)	Complaints Coordinator
Directorate	Finance and Business Development
Approval date	TBA 2016
Strategic Focus Area	Collaborative
Delivery Plan Link	C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner C1.2 Manage the organisation to effectively and efficiently meet our statutory obligations
Operational Plan Link	C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives C1.2.1 Respond to legislative and policy requirements set by the Department of Local Government

Purpose

Section 440 of the *Local Government Act 1993* (the LG Act) requires every NSW council to adopt a code of conduct that incorporates the provisions of *The Model Code of Conduct for Local Councils in NSW* as published by the Office of Local Government (OLG).

The *Model Code of Conduct* is designed to help councils get on with the core business of serving their communities. It does this by providing:

- flexibility to resolve less serious matters informally;
- fair complaints management;
- strong sanctions to help deter ongoing disruptive behaviour and serious misconduct.

All councillors, members of staff and delegates of Eurobodalla Shire Council must comply with the applicable requirements of the adopted Code of Conduct. Council reserve trusts, committees, contractors, and volunteers are also obliged to observe the applicable requirements of the Code.

It is the personal responsibility of all of these Council officials to comply with the standards in the Code, and regularly review their personal circumstances with this in mind.

The policy aims to:

- promote a clear guideline for the conduct of councillors, staff, delegates, reserve trusts, committees, contractors, volunteers and relevant parties when acting as public officials of Council;
- ensure consistency and fairness in the manner in which the Council deals with matters and complaints relating to the Code of Conduct;
- ensure compliance with legislative and statutory requirements;
- promote awareness of the requirements of the Code of Conduct;
- take such steps as are appropriate to ensure that the Code of Conduct is followed;
- make Council's requirements and procedures regarding its Code of Conduct readily accessible and understandable to the public.



Policy

Policy statement

1	<p>Application</p> <p>This policy applies to all councillors, members of staff, delegates, committees, contractors and volunteers of Eurobodalla Shire Council, and to the following reserve trusts: Eurobodalla (North), Eurobodalla (Central) and Eurobodalla (South).</p>				
2	<p>Legislation</p> <p>Eurobodalla Shire Council complies with section 440 and 440AA of the <i>Local Government Act 1993</i> by adopting as its Code of Conduct the most current version of the <i>Model Code of Conduct for Local Councils in NSW</i> as published by the Office of Local Government (OLG), and by adopting as its procedure for administration of the Code of Conduct the most current version of the <i>OLG Procedures for Administration of the Code of Conduct</i>.</p>				
3	<p>Breaches</p> <p>Failure by a councillor to comply with an applicable requirement of Council's Code of Conduct constitutes misconduct under the provisions of the LG Act.</p> <p>Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.</p> <p>Failure by a committee member or committee to comply with Council's code of Conduct will be addressed in the terms of reference for that committee.</p> <p>Failure by a contractor or volunteer to comply with Council's Code of Conduct will be addressed in the contract or terms of engagement.</p>				
4	<p>Code of Conduct complaints</p> <p>A Code of Conduct complaint is defined as:</p> <p style="padding-left: 40px;"><i>"A complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct"</i></p> <p>Allegations of suspected breaches of the Code of Conduct by councillors, members of staff of Council (excluding the General Manager), delegates or reserve trusts should be reported to the General Manager in writing.</p> <p>Allegations that the General Manager has breached the Code of Conduct should be reported to the Mayor in writing.</p> <p>Council's Code of Conduct Complaint form should be used for these reports (see Appendix 1. Also available on Council's website at: www.esc.nsw.gov.au).</p> <p>The current OLG <i>Procedures for Administration of the Code of Conduct</i> will be followed for the investigation of any alleged breaches of the Code (see Implementation below).</p>				
5	<p>Complaints not related to Code of Conduct</p> <p>The following matters are <i>not</i> considered to be Code of Conduct complaints, and will be referred as below in accordance with Council's statutory obligations and Complaints policy:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Complaint is about...</th> <th style="text-align: left;">Refer to...</th> </tr> </thead> <tbody> <tr> <td>pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily</td> <td>Office of Local Government</td> </tr> </tbody> </table>	Complaint is about...	Refer to...	pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily	Office of Local Government
Complaint is about...	Refer to...				
pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily	Office of Local Government				



Policy

maladministration, serious or substantial waste of public resources	NSW Ombudsman
corrupt conduct	ICAC
criminal activity	Police
public interest disclosure	PID Coordinator
information (access to, copyright, or privacy)	Public Officer
competitive neutrality	Public Officer
customer dissatisfaction with Council service, activity, or action	Relevant officer or their supervisor
policy, procedure, or decision of Council	Relevant Director or Public Officer
other complaint about Council (not Code of Conduct related)	Public Officer

Implementation

Implementation steps		Responsibility
1	<p>Model Code of Conduct and Procedures</p> <p>This policy will be implemented by adopting and complying with the current version of the <i>Model Code of Conduct for Local Councils in NSW</i> and <i>Procedures for Administration of the Code of Conduct</i> as published by the OLG, and as described below.</p>	General Manager Councillors Complaints Coordinator
2	<p>Reporting a Code of Conduct complaint</p> <p>The Code of Conduct Complaint form should be used to report an alleged breach of the Code of Conduct to the General Manager, or (if the complaint is about the General Manager) to the Mayor.</p>	General Manager Mayor
3	<p>Code of Conduct complaints resolution</p> <p>If the Code of Conduct complaint or breach is of a minor nature, or can be resolved informally, the General Manager (or Mayor) should attempt to resolve informally e.g. via explanation, apology, mediation, alternate dispute resolution.</p> <p>If the Code of Conduct complaint or breach is of a serious nature requiring investigation, or cannot be resolved informally, it will be referred to the Complaints Coordinator to engage a Conduct Reviewer for determination and recommendation (as per OLG Procedures).</p> <p>If the complaint is NOT a Code of Conduct Complaint, it will be dealt with according to the complaint type (see 'Complaints not related to Code of Conduct' above).</p>	General Manager Mayor Complaints Coordinator Conduct Reviewer Other (referral as above)
4	<p>Enforcement and Coordination</p> <p>The General Manager and Executive Leadership Team are responsible for enforcing the policy and Code of Conduct. The Complaints Coordinator supports the General Manager in coordinating the policy and dealing with any complaints which must be referred to a Conduct Reviewer.</p>	General Manager Executive Leadership Team Complaints Coordinator



Policy

5	<p>Staff</p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so. All staff are responsible for their own compliance with the standards of the Code of Conduct.</p>	Council Officers
6	<p>Policy concerns or complaints</p> <p>Concerns or complaints about the content or implementation of this policy will be recorded in Council's records system, lodged with the Public Officer and handled in accordance with council's Complaints Policy.</p>	Public Officer
7	<p>Consultation</p> <p>Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p>	Key Stakeholders

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2016.*

This policy may also be reviewed and updated as necessary when the *Model Code of Conduct for Local Councils in NSW* is reviewed, updated and/ or republished by the OLG; or when council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages its Code of Conduct.

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

Performance indicator	Data source(s)
Complaints received	Council Records
Number of breaches	Council Records
Audit (Internal or External)	Audit
DP/ OP objectives achieved	Council reporting

Governance

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

Related legislation, policies, codes, guidelines

Name	Link
Model Code of Conduct (current version)	www.olg.nsw.gov.au/strengthening-local-government/conduct-and-governance/model-code-of-conduct
Procedures for Administration of Model	www.olg.nsw.gov.au/sites/default/files/Procedures-for-Administration-of-Model-Code-of-Conduct.pdf



Policy

Code of Conduct (current version)	
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Code of Meeting Practice	www.esc.nsw.gov.au/inside-council/council/council-policies
Complaints Policy	www.esc.nsw.gov.au/inside-council/council/council-policies

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Independent Commission Against Corruption (ICAC)	www.icac.nsw.gov.au
NSW Ombudsman	www.ombo.nsw.gov.au

Supporting documents

Name	Link
Model Code of Conduct (current version)	Appendix 1
Procedures for Administration of Code of Conduct (current version)	Appendix 2
Code of Conduct Complaint form	Appendix 3

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	DD Mmm 2016	Council			Policy commenced and current Model Code of Conduct (Nov 2015) adopted.

Internal use

Responsible officer	General Manager		Approved by	Council	
File no	E06.0380	Report no	TBA	Effective date	TBA 2016
Min no	TBA	Review date	Sep 2016	Pages	5

FBD16/032 INVESTMENTS MADE AS AT 30 APRIL 2016

E99.3517

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

Attachments: Nil

Focus Area: Support Services

Delivery Program Link: SS1.1 Manage Council's financial assets and obligations

Operational Plan Link: SS1.1.2 Undertake forward budgeting and financial 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 30 April 2016 made in accordance with the Act, Council's Investment Policy and the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

CONSIDERATIONS

Legal

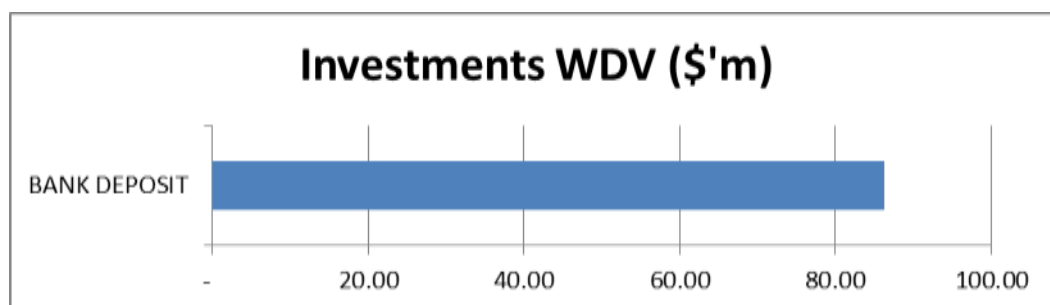
Budgeted legal fees for 2015-2016 are \$0.03m with minor expenditure incurred this year to date. Credit crisis related legal costs for the financial years 2008-2015 were \$0.37m.

Policy

Investments comply with Council's Investment policy.

Financial

Council Investing Overall



Council has 100% (\$86.32m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$0.75m with IMB

FBD16/032 INVESTMENTS MADE AS AT 30 APRIL 2016

E99.3517

(Rated BBB+) and \$3.75m with ME Bank (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.50m and represents 2.90% of the portfolio.

The weighted average return for all investments for the month is 3.02% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.51%).

Collateralised Debt Obligation (CDO)

Legal action against Standard and Poors continues and it is still expected that this will be finalised before the end of the financial year.

Summary Investment Information

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

CATEGORY	WDV (\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	3,062,988
Term Deposits	80,750,000
Term Deposits Government Guaranteed	2,250,000
	86,312,988
<i>Weighted average Interest %:</i>	3.02%
<i>Average 90 day BBSW + 25%</i>	2.51%

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 %	Medium Liquidity Risk %	High Liquidity Risk %	Total % WDV
Remote Risk	2.90	0.00	0.00	2.90
Policy Limit	100.00	70.00	50.00	
Near Risk Free	91.89	0.00	0.00	91.89
Policy Limit	100.00	50.00	30.00	
Some Limited Risk	5.21	0.00	0.00	5.21
Policy Limit	30.00	20.00	10.00	
At Risk	0.00	0.00	0.00	0.00
Policy Limit	0.00	0.00	0.00	
Grant Total	100.00	0.00	0.00	100.00

FBD16/032 INVESTMENTS MADE AS AT 30 APRIL 2016

E99.3517

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 2015 is 3.09:1. Council therefore has approximately \$3.09 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 Act and related Regulations.

FBD16/033 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2016

E05.9535

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

Attachments: Under Separate Cover – Budget Review Papers

Focus Area: Support Services

Delivery Program Link: SS1.1 Manage Council's financial assets and obligations

Operational Plan Link: SS1.1.2 Undertake forward budgeting and financial reporting

EXECUTIVE SUMMARY

This budget review reports on Council's performance against the current Operational Plan budgets for the quarter ending 31 March 2016. Major variations to budgets and forecasts are highlighted. The key point of this report are:

- The original budgeted operating result for the consolidated entity was a surplus of \$1.5 million, before allowing for capital grants and contributions. The revised budget incorporating the March Review amendments and requested revotes to 2016-17 is a surplus of \$0.9 million.
- The original budget for 2015-16 predicted an income statement surplus of \$9.2 million after allowing for capital grants and contributions. The proposed 2015-16 budget incorporating the March Review amendments and requested revotes is a surplus of \$11.1 million.
- The original budget for 2015-16 estimated a decrease in unrestricted funds of \$(0.5) million. The revised budget is deficit cash/fund flows of \$(0.3) million.

The Consolidated Annual Revised Budgets for 2015-16 have been impacted during the March quarter through amendments to the operational and capital works programs including the deferral of projects to next financial year. Net favourable adjustments to the Profit and Loss, before capital revenue of \$0.04 million, after capital revenue of \$1.0 million and favorable cash flow adjustments totaling \$1.4 million.

The effects of the budget adjustments on the Fit for the Future (FFTF) strategies and additional detail is presented in the considerations and attachments to this report.

There are no material concerns at this quarterly review about meeting Council's budgetary targets for 2015-16.

It is recommended that the budget review for the quarter ended 31 March 2016 be received and noted and that the proposed variations be adopted.

RECOMMENDATION

THAT

1. The budget review report for the quarter ended 31 March 2016 be received and noted.
2. The favourable variations for the Income Statement after capital revenue of \$1.0 million and favourable variations of \$1.4 million as per the Consolidated Fund Flow Statement be adopted.

FBD16/033 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2016

E05.9535

3. Council considers it is substantially compliant with best practice pricing and proposed to transfer a dividend from the Sewer Fund of up to \$0.53 million based upon 2014/15 results, subject to an audit of compliance with Best Practice Guidelines and approval from the NSW Office of Water.
4. Loans of up to \$10.8 million be raised in accordance with the Council's borrowing policy and the Council seal be affixed to the loan agreement documentation.

BACKGROUND

Council reviews its performance and financial results against the adopted Operational Plan quarterly, authorises adjustments to budget items, and highlights variations from its original budget strategy.

It should be noted that the financial results referred to in this report are unaudited.

The attachments to this report are as follows:

Financial reports (Attachment 1)

These reports provide information on Council's performance against its financial objectives contained in the Operational Plan, presented for the consolidated entity.

Financial reports include:

- a) Consolidated Fund Flow Statement – This report shows the impact of operating, financing and investing activities on Councils unrestricted working capital.
- b) Consolidated Income Statement – Provides sources of income and expenditure, including depreciation, in the program areas and associated services.
- c) Consolidated Capital Program Statement – Provides capital expenditure information for each program area and associated services.
- d) Projected Funds Balance Statement – Provides information on the balances and movements in both unrestricted and restricted fund accounts.
- e) Budget Amendment Report – Provides details of proposed significant adjustments to budgets.
- f) Special Rate Variation Capital Program – Provides capital expenditure information for each of the projects in the SRV program of works for 2015-16.

Consultancy, Legals and Contractors Report (Attachment 2)

This attachment provides information on major contracts entered into, legal fees incurred and consultancy costs for the quarter ended 31 March 2016.

Key Financial Indicators (Attachment 3)

This attachment provides information about key financial indicators designed to assist in monitoring Council's financial sustainability. The indicators are for the consolidated entity.

Mayoral and Councilor Expenses (Attachment 4)

FBD16/033 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2016

E05.9535

Provides information about Mayoral and Councillor expenditure for the quarter ended 31 March 2016.

CONSIDERATIONS

Consolidated Fund Flow Statement (Attachment 1(a)):

Council requires sufficient funds to pay for its debts as and when they fall due. The Fund Flow Statement shows the change in Council's freely available funds or working capital.

It includes all transactions having an impact on Council's funds i.e. income and expenses from its operating activities, capital programs and borrowing activities. It also includes the transfer into, or use of restricted funds for capital or non-recurrent projects. Depreciation is not included as it does not represent a cash flow.

Table 1.1 – Fund Flow – net cash movement

Fund Flow - Current Net Cash Movements and Revised Annual Forecast					
Fund	2015/16 Original Budget '\$000	Previous Reviews '\$000	March Review '\$000	March Revotes '\$000	Annual Revised Budget '\$000
Water	2,874	-35	11	400	3,249
Sewer	909	259	-85	0	1,084
General (incl. Environment & Waste)	-4,243	-1,551	172	951	-4,671
Consolidated	-460	-1,327	98	1,351	-338

The original budget for 2015-16 estimated a decrease in unrestricted funds of \$(0.4) million. In previous reviews this was adjusted to \$(1.8) million. The annual revised budget as at the end of the March quarter is for a deficit cash/fund flow of \$(0.3) million (per table 1.1). This reviews adjustments are largely as a result of deferred capital works.

Significant items that impacted Councils consolidated fund flow statement during the March quarter include:

- The deferral of \$1.4 million of mainly capital works projects including \$1.0 million in General Fund (Runnyford and Mogendoura Bridge, Waste leachate works and strategic planning projects) and \$0.4 million in the Water Fund (Water Treatment Plant sludge management system).
- Various minor adjustments as detailed in the Budget Amendments Report (Attachment 1(e)).

The impact of this per Council fund is shown in *Projected Funds Balances Statement (Attachment 1(d))*.

Consolidated Income Statement (Attachment 1(b)):

The consolidated income statement shows the types of income and the expenditure, including depreciation, per program area. This result can indicate whether Council is able to raise sufficient revenue to cover the operational costs (including depreciation, which measures the wear and tear of Council assets) of delivering its services to the community before considering its capital revenues.

FBD16/033 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2016

E05.9535

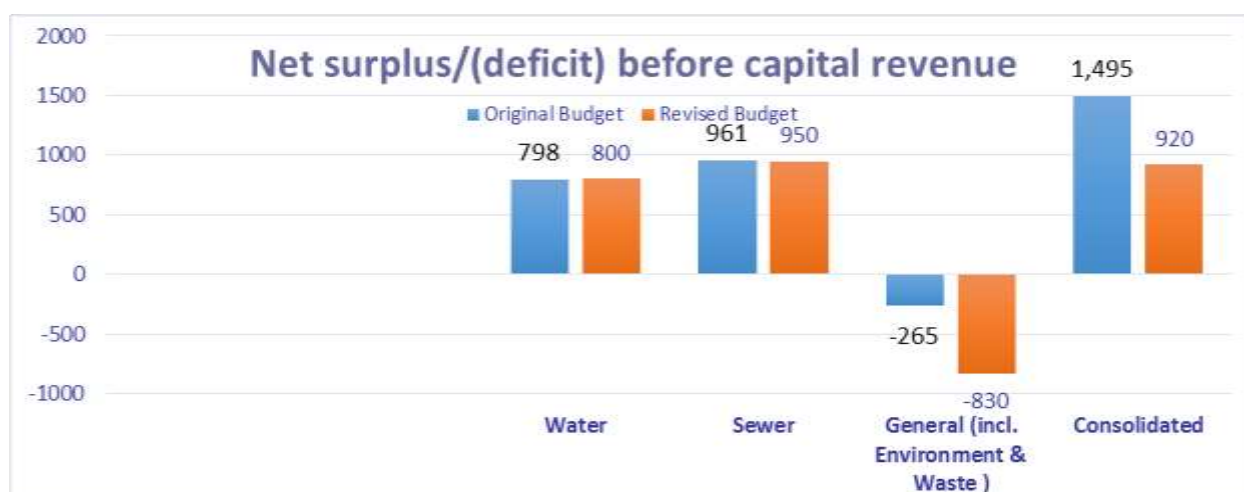
The impact that variations to the income statement have on the FFTF strategy (including the General Fund operating statement ratio) are detailed later in this report (*Fit for the Future considerations*).

The original budgeted operating result for the consolidated entity was a surplus of \$1.5 million (before allowing for capital grants and contributions). The revised budget incorporating the March review and requested revotes to 2016-17 is a consolidated surplus of \$0.9 million before capital revenue (per table 1.2 and graph 1.1).

Table 1.2 – Net surplus/(deficit) before capital grants and contributions

Net Surplus/(Deficit) before Capital Grants and Contributions					
Fund	2015/16 Original Budget '\$000	Previous Reviews '\$000	March Review '\$000	March Revotes '\$000	Annual Revised Budget '\$000
Water	798	-136	138	0	800
Sewer	961	-11	0	0	950
General (incl. Environment & Waste)	-265	-468	-75	-24	-830
Consolidated	1,495	-616	63	-24	920

Graph 1.1 Net surplus/(deficit) before capital grants and contributions



The original budgeted operating result for the consolidated entity was a surplus of \$9.2 million (after allowing for capital grants and contributions). The revised budget incorporating the March review and requested revotes to 2016-17 is a consolidated surplus of \$11.1 million after capital revenue (per table 1.3 and graph 1.2).

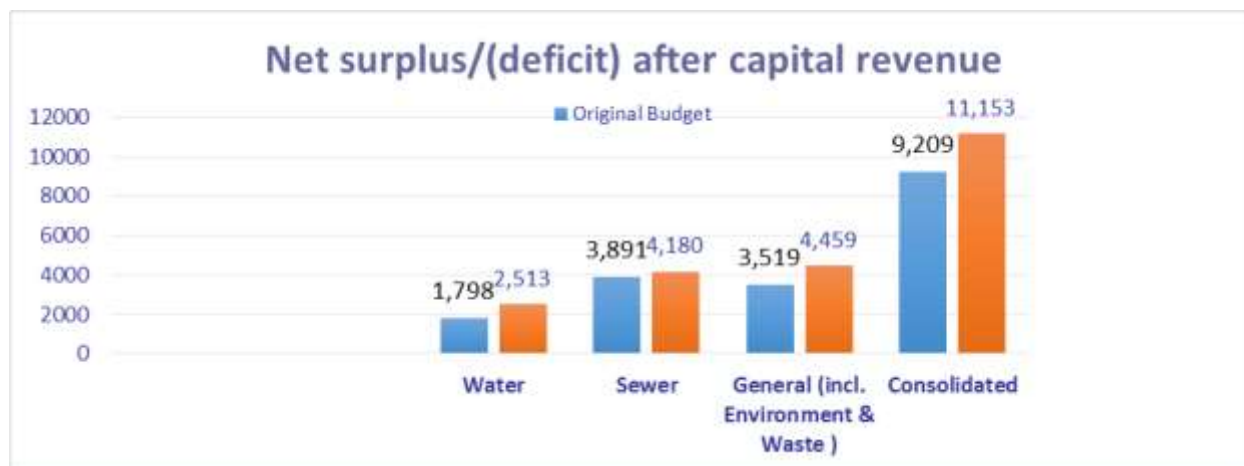
Table 1.3 – Net surplus/(deficit) after capital grants and contributions

Net Surplus/(Deficit) after Capital Grants and Contributions					
Fund	2015/16 Original Budget '\$000	Previous Reviews '\$000	March Review '\$000	March Revotes '\$000	Annual Revised Budget '\$000
Water	1,798	164	551	0	2,513
Sewer	3,891	-111	400	0	4,180
General (incl. Environment & Waste)	3,519	869	134	-64	4,459
Consolidated	9,209	921	1,085	-64	11,153

FBD16/033 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2016

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Graph 1.2 – Net surplus/(deficit) after capital revenue



Income and expense adjustments by Fund (significant adjustments before capital revenue)

General Fund

Profit and Loss excluding capital revenue adjustments are net \$0.04 million favorable.

Income is net \$1.1 million unfavorable as a result of \$1.0 million adjustments to the current program.

Unfavorable adjustment to income

- Reduction in recoveries for Roads and Maritime Services (RMS) funded Kings Highway works of \$2.0 million in line with works forecast for completion by year end.

Favorable adjustments to income

- Receipt of grants and contributions, including Community and Recreation services \$0.2 million, Environment Services \$0.2 million, RMS \$0.05 million
- Increased caravan park and camping ground incomes of \$0.25 million
- Southern Phone dividend above budget estimates \$0.1 million
- Legal fees recovery \$0.1 million
- Increase in expected Sewer dividend \$0.25 million.

Expenditure is net \$1.1 million favorable largely due to:

- Forecast reduction in expenditure of \$1.75 million on the Kings Highway in line with anticipated completed works.
- Offset by expenditure relating to new grants.

Water Fund

Water Fund Profit and Loss excluding capital revenue adjustments are net \$0.1 million favorable. This includes favorable expenditure adjustments of \$0.08 million to recognise savings in scoping requirements associated with strategic planning projects and favorable revenue due to sale of plant \$0.03 million.

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Sewer Fund

No adjustments were required.

Capital revenue adjustments in the March quarter were net \$1.0 million favourable. Significant favourable adjustments this quarter include the receipt of \$0.9 million in developer contributions, RMS contributions of \$0.1 million towards a mains relocation and various other minor contributions and grants. Unfavourable adjustments include the removal of a \$0.1 million Water Fund grant budgeted for southern water fluoridation due to grants not currently being available and the deferral of the \$0.04 million grant for the South Durras Timber fishing platform to allow for some environmental approvals required.

Adjustments to the original budgets, greater than \$0.05 million are detailed in the *Budget Amendment Report (Attachment 1(e))*.

Consolidated Capital Program Statement (Attachment 1(c)):

Capital Program

Capital Program 2015-16					
Fund	Annual Original Budget '\$000	Previous Reviews	March Review '\$000	March Revotes '\$000	Annual Revised Budget '\$000
Water	-3,289	168	-105	400	-2,826
Sewer	-11,549	2,116	-85	0	-9,518
General (incl. Environment & Waste)	-35,801	-722	2,078	4,557	-29,888
Consolidated	-50,639	1,562	1,888	4,957	-42,232

The revised 2015/16 capital budget of \$42.2 million is a significant reduction on the \$49.7 million forecast at December (September \$57 million). The reason for the reduction is largely due to the \$4.9 million deferral (revotes) of some major projects to 2016-17 and adjustments of \$1.8 million to the program in this review.

Details of projects deferred are:

- Airport redevelopment deferred to 2016-17 for new grants application (\$2.1 million)
- Revised timing of leachate works at Surfbeach Landfill site due to coincide with the timing of cell works (\$0.8 million)
- Runnyford Bridge expected completion date in 2016-17 (\$0.1 million) and Mogendoura Bridge having design delays and due diligence with contractor (\$0.6 million)
- Hanging Rock Beach Road junction delayed pending finalisation of electrical design (\$0.4 million)
- Batemans Bay CBD works at North Street to Beach Road to be undertaken over two years to allow for extensive community engagement (\$0.25 million)
- Sludge management facility at water treatment plant works deferred to ensure design is compatible with upgrade requirements (\$0.4 million)

Significant net favorable adjustments this quarter of \$1.9 million include:

- Revision to the total budget to deliver the cell works program at Surf beach has resulted in a savings for 2015-16 (\$2.0 million)

FBD16/033 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2016

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- Savings for Joes Creek Bridge due to more cost effective option (\$0.15 million)
- Procurement of new tipper no longer required due to allocation of older vehicle (\$0.12 million)
- Offset by unfavourable adjustments for costs involved in the construction and installation of the new town entrance signs, not previously budgeted (\$0.13 million)

Fit for the Future (FFTF) Considerations

Council's General Fund was assessed as being FFTF based on its proposal that met all the assessment criteria by 2019-20. Some of the financial indicators did not require benchmarks to be met and only require improvement by 2019-20. Council's program aims to meet all the benchmarks within a 10 year time frame, which includes a breakeven operating result and reduction of the infrastructure backlog ratio to less than 2%.

The key financial strategy is to generate an operating surplus which, once combined with dividends from Water and Sewer Funds and Southern Phone, will be transferred into an infrastructure renewal fund. The infrastructure renewal fund will then finance the required annual infrastructure renewal requirements and as a result, reduce the backlog. This will meet the Infrastructure and Service provision indicators. The financing of works may require topping up with external borrowings in years with significant renewal requirements.

FFTF strategies were included in the September Review and included adjustments aimed at improving the operating statement ratio. The strategy included a savings target of 0.8% of total expenses, increased commercial income of \$0.112 million and future savings in Waste Fund borrowing costs. Commercial income increases of \$0.295 million have been recognised this year, whilst the savings in borrowing costs have been achieved in the Waste Fund through strategies to replace borrowings with cash funding to finance the capital program as well as a reduction in the total funding required. Strategies to improve the infrastructure indicators were the creation of an infrastructure renewal fund and transfer of internal restrictions from various funds totaling \$1.7m.

The operating performance ratio indicates Council's capacity to meet ongoing operating expenditure requirements. The FFTF benchmark is greater than, or equal to, breakeven (three year rolling average). The original budget forecast was close to a breakeven operating performance with a forecast ratio of -0.8% in 2015-16. After accounting for projects deferred from 2014-15, March review adjustments and previous reviews, the current forecast is -1.1%. This result is expected to improve over the remainder of the year and reviews at the end of the 2015-16 financial year may further improve the result.

Special Rates Variation (SRV) – progress update (Attachment 1 (f)):

2015-16 is the first year of the SRV program and approximately \$5m of infrastructure works for the year are underway. Additional rates income of \$0.9m will be levied this year. Some points to note:

- The Batemans Bay CBD works at North and Orient Street to Beach Road were originally budgeted over two financial years. Some funds have been moved in 2016-17 to allow for more extensive community engagement led by a community and business based Sunset Committee. Council has now adopted the concept plan for the work to proceed to

FBD16/033 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2016

E05.9535

completion by 30 June 2016. Council has resolved to investigate further phases of the project outside of the original scope of works. These extra phases remain unfunded at this point in time.

- The majority of the projects have been commenced with a due date for completion by the end of the fourth quarter.

Attachment 1 (f) reports the detailed progress of the capital program showing individual project budgets and expenses with updates to May 2016.

Legal

This review is based on the Quarterly Budget Review Statement Guidelines issued December 2010 pursuant to the provisions of the Local Government Act 1993 relating to integrated planning.

Policy

The accounting policies being used are based on the financial statements for the year ended 30 June 2015.

“Variations” in the Fund Flow Statement are changes in funding requirements where “funds” are net current assets (working capital) excluding both internal and externally restricted funds.

Financial

Interest rates continue to remain at low levels. The Reserve Bank charter is inflation focused and further cuts are probable if we remain entrenched in a price deflation spiral.

CONCLUSION

There are no material concerns at this quarterly review about meeting budget targets for 2015-16.

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 205:

As the Responsible Accounting Officer, it is my opinion that the March Quarterly Budget Review for Eurobodalla Shire Council indicates that Council’s projected financial position as at 30 June 2016 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2015-16 financial year.

CAR16/006 EUROBODALLA NAIDOC WEEK GRANTS

E15.9174

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

Attachments: 1. Confidential - Confidential - NAIDOC Week Grants

Focus Area: Liveable Communities

Delivery Program Link: L1.3 Implement recreation and community development initiatives

Operational Plan Link: L1.3.4 Coordinate Healthy Communities, Seniors Week and NAIDOC Week grants

EXECUTIVE SUMMARY

The Eurobodalla NAIDOC Week Grants aim to promote understanding of the history, culture and achievements of Aboriginal and Torres Strait Islander people by providing funds to celebrate NAIDOC and support participation in NAIDOC Week activities.

The criteria for Eurobodalla NAIDOC Week Grants reflect Council's social, cultural and management planning commitments to community development.

The total grant amount available in the 2015-16 NAIDOC Week grants was \$3,415.

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

RECOMMENDATION

THAT Council approve the recommendations detailed in the confidential attachment, awarding NAIDOC Week grants to 10 organisations nominated for the 2015-16 financial year.

BACKGROUND

The Eurobodalla Aboriginal Advisory Committee (EAAC) has reviewed and recommend the nominated grant recipients in Attachment 1..

Historically applications received for this grant funding from the community far outweigh the total funds available. This year a total of 21 applications were received requesting \$10,997. In 2014-15, 12 applications were received requesting \$5,990 and in 2013-14 a total of seven were received requesting \$6,340.

CONSIDERATIONS

Selection criteria for the NAIDOC grant is determined by:

- not for profit (incorporated or bona fide Eurobodalla based community group)
- able to contribute to activity (in kind or financial)
- adequate insurance cover
- benefit to community (positive event or activity, encourages participation, promotes understanding of NAIDOC, promotes partnerships with Aboriginal organisations)

CAR16/006 EUROBODALLA NAIDOC WEEK GRANTS

E15.9174

- demonstrates creativity and originality

There were a total of 21 applications received this year.

A subcommittee of four people from the EAAC reviewed the applications.

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

Social Impact

The determinants of health that influence Indigenous peoples' health and wellbeing also include cultural factors, racism, disconnection to language and land and spiritual social and emotional wellbeing. Eurobodalla has a higher percentage of Aboriginal people living in the community compared to the state average. Annual NAIDOC week activities and celebrations are an important cultural event on the Aboriginal and Torres Strait Islander calendar and promote understanding and acceptance in the wider community of the unique place first Australians occupy in our cultural landscape.

Council's NAIDOC week grants demonstrate a commitment from Council to support and promote Aboriginal cultural activities within the Aboriginal and non-Aboriginal community.

Economic Development Employment Potential

NAIDOC grants provide community and not for profit groups much needed funds to support the payment of Aboriginal artists, cultural educators and elders during NAIDOC week activities as well as providing a platform for promotion and publicity.

Financial

In 2015-16 \$1,915 of unallocated funding from the Healthy Communities and Seniors week grants were added to the NAIDOC week grants budget. Council therefore has a budget of \$3,415 for grants to support the activities of community groups, schools and/or non-profit organisations in celebrating NAIDOC Week. The combined total of applications recommended by EAAC for funding is \$3,400.

Community Engagement

We have informed the community of the NAIDOC grants through providing information on Council's website; Online News; distributing information and applications directly via email mailing lists and distributing media releases.

We have consulted with the EAAC meeting on Wednesday 1 June and a subcommittee was approved to make recommendations.

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 during NAIDOC Week has valuable outcomes.

This report outlines the selection criteria for Eurobodalla NAIDOC Week Grants and recommends funding 10 of the 21 projects as per the confidential attachment.

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.

Nil

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.