



# **AGENDA**

**Ordinary Meeting of Council**

**9 May 2017**



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

**ON TUESDAY 9 MAY 2017**

**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 11 April 2017
  - 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)
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**DR CATHERINE DALE**  
**GENERAL MANAGER**

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## **MR17/003 CUSTOMER SERVICE BENCHMARK RESULTS**

File Ref: E94.6560

### **EXECUTIVE SUMMARY**

Eurobodalla Shire Council has been placed first in Australia's local government sector for its customer service 'Mystery Shopping Benchmark Program'.

In July 2014, the General Manager initiated the 'Mystery Shopper' program with the aim of improving Council's customer service performance. The program is conducted by an independent company, Customer Service Benchmarking Australia (CSBA) who provide benchmarking for participating local governments across Australia and 16 other industry sectors.

The purpose of this initiative was to ensure that Eurobodalla Shire Council was providing responsive and consistent customer service across the organisation and that we were assessed by an independent quality assessor.

The Mystery Shopper program is undertaken on a quarterly basis and involves staff from CSBA ringing and visiting Council as 'mystery' residents with a common local government enquiry. It measures staff greeting skills, manner, enquiry resolution skills, communication skills, connection time and voicemail use.

Since joining the program in July 2014, the General Manager, Management and the Governance/Customer Assistance team have implemented a continuous improvement program. This involved the development of a comprehensive telephone etiquette guide and in-house training to hone customer service skills across the organisation.

Over each quarter, after careful monitoring and feedback to staff, Council's performance has progressively improved from the first (July 2014) customer service index score for Eurobodalla of 150 with a local government average score of 155, to the most recent result (March 2017) of a customer service index score for Eurobodalla of 175 with a local government average of 144.

This result places Eurobodalla Shire Council first in Australia's local government sector for customer service general enquiries. Blacktown City Council ranked 2<sup>nd</sup> and the City of Perth ranked 3<sup>rd</sup>.

These results are a testament to the General Manager and staff for their continued commitment to improving customer service standards across the organisation for our community.

### **RECOMMENDATION**

THAT Council congratulate the General Manager and staff for achieving first place in the Australian local government sector ranking for Customer Service general enquiries for its Mystery Shopper Program for the quarter ending March 2017.

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**NOM17/007      SINGLE USE PLASTIC BAGS**

E07.1598

Responsible Officer: Dr Catherine Dale - General Manager

Attachments:          Nil

Councillor Anthony Mayne has given notice that at the Ordinary Meeting of Council on 2 May 2017, he will move the following motion.

**MOTION**

THAT Council:

1. Write to the New South Wales and Australian Government advocating for a ban on single-use plastic bags.
2. Write to Bega Valley Shire Council, Shoalhaven City Council and Canberra Regional Joint Organisation and encourage them to advocate for a ban on single use plastic bags.
3. Continue to assist and educate local businesses and the community to reduce the use of disposable plastic items.
4. Formalise a policy to ensure that all Council activities and events on Council land seek to eliminate the use of disposable plastic items.
5. Promote the positive steps being taken in the community to reduce the use of single use plastic bags.

**BACKGROUND**

Single use plastic bags remain highly prolific in NSW and can cause significant damage to the environment. The Eurobodalla community and Council have been very proactive in taking steps to reduce the use of disposable plastic bags. Some towns and businesses in Eurobodalla have shown great leadership in going plastic bag free. Council has helped to educate and advocate for action on reducing the use of disposable plastic bags. To eliminate the problems caused by single use plastic bags the most simple and effective solution would be a NSW or Australian wide ban. Council should continue to support efforts to reduce the use of disposable plastic bags and advocate strongly for a NSW or Australian wide ban on single use plastic bags.

Single use plastic bags are lightweight, singlet style, disposable plastic bags provided by retail outlets. Over four billion single use plastic bags are used in Australia each year; that is ten million per day, or 20,000 tonnes. Many single use plastic bags are disposed of responsibly where they contribute to taking up valuable landfill space. However, some plastic bags end up in the environment where they can cause great harm to bird life and marine life.

Plastic bags can become serial killers. Once a bag is ingested, the animal dies and decomposes, releasing the bag back into the environment to kill again. Around the world, about eight million tonnes of rubbish makes its way into the world's oceans. An estimated 80% of this is plastic, and 10% is plastic bags. Plastic is responsible for killing one million sea birds and over 100,000

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**NOM17/007 SINGLE USE PLASTIC BAGS**

**E07.1598**

sea mammals each year. Turtles, whales and sea birds mistake plastic bags for food or get entangled in them, resulting in painful injuries or even death.

When plastics eventually break down into smaller and smaller fragments they can release toxins and also absorb chemicals from the sea water such as pesticides and detergents on their surface, making them highly toxic particles. It is estimated that it costs governments, businesses and community groups in Australia over \$4 million per annum to clean up littered plastic shopping bags.

A recent clean up at Budd Island in Batemans Bay found over 100 single use plastic bags within a 100m stretch of foreshore.

What is being done about it?

Tasmania, the Northern Territory, ACT and South Australia have already introduced a ban on single-use plastic bags which has been very successful in reducing the use of plastic bags.

In Eurobodalla, Council and the community have been proactive in trying to minimise the use of single use plastic bags. Some of these activities include:

- Mogo and Tilba have banned single use plastic bags in their towns.
- Council encourages the community to participate in annual events like Plastic Free July.
- Council presents to community groups on the impacts on single use plastics on our waterways.
- The Malua Bay IGA introduced a small charge for the use of single use plastic bags. This resulted in a marked reduction in plastic bag use at this business and raised funds for local community groups.
- Council helped Broulee Public School develop a 'veggie bag' program which uses upcycled cloth bags for vegetable shopping in 2015 and 2016.
- SAGE is currently working with Council to introduce a veggie bag program for the Moruya Farmers Market. The SAGE market aims to be plastic bag free by the end of 2017.
- In February 2016 Council wrote to the NSW Government advocating for a ban on single use plastic bags.
- Narooma Woolworths initiated a 'say no to plastic bags' campaign for a week in 2016. The campaign slogan was printed on staff T-shirts, and free reusable bags were given to customers.
- Council has been working with volunteers on a Eurobodalla 'Boomerang Bags' project that will see reusable bags distributed and reused throughout the region.
- Many businesses, from Moruya Books, Aldi, to Narooma Mitre 10, have already voluntarily introduced their own ban on plastic bags.
- The Eurobodalla Marine Debris Working Group includes representatives from Council, Batemans Bay Marine Parks, the Nature Coast Marine Group, local fishermen, oyster growers, surfers, schools, Landcare and scuba divers. The group and community volunteers continue to remove and monitor plastic bag pollution of our waterways.

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**NOM17/007 SINGLE USE PLASTIC BAGS**

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**Considerations**

Community education and voluntary programs can be effective in reducing the use of plastic bags. The Australian Retailers Association introduced a voluntary Plastic Shopping Bag Code of Practice, between 2003 and 2005. The Code included education and commitments to make 'green bags' widely available in stores. The Code resulted in a reported 45% reduction in plastic shopping bags issued by supermarkets. However, according to the NSW EPA, since the end of the Plastic Shopping Bag Code of Practice, it appears that the trend of reduction in plastic shopping bag usage has reversed.

Ultimately, to help eliminate the problems caused by disposable plastic bags the most simple and effective solution would be ban on single use plastic bags. This creates a level playing field where no retailer will be disadvantaged and all customers can be educated with a standard message.

Council is not in a position to enforce a regional ban on single use plastic bags on our own. A Eurobodalla-wide ban would only be possible with the voluntary participation of all the retail outlets in the region. Experience has shown this can be achieved on a smaller scale like in the villages of Mogo and Tilba. However, it would be very challenging to replicate this at a larger scale, particularly when national and international companies are involved. National companies may not allow a local outlet to ban single use plastic bags. Facilitating a voluntary ban amongst local businesses would also take considerable time and resources. For these reasons a NSW or Australian wide ban on single use plastic bags is a far simpler and more practical solution.

The NSW Government recognises the growing evidence on the impacts that plastic shopping bags have on the environment. In 2015 the NSW Environment Protection Agency investigated options for addressing the impacts of plastic bags in NSW and nationally. These options were presented at the Meeting of the Environment Ministers in December 2015. The Ministers agreed that NSW and Queensland would convene this Ministerial Roundtable to inform a harmonised approach to reducing the environmental impacts of plastic shopping bags and review experiences of jurisdictions who have implemented plastic shopping bags bans. No further progress has been made since then from the NSW Government.

The Australian Government has been involved in these discussions with State Environment Ministers. No directive has been set by the Australian Government on this issue at this stage.

**Conclusion**

Single use plastic bags remain highly prolific in NSW and can cause significant damage to the environment. Council should continue to support efforts to reduce the use of disposable plastic bags in its own operations and in the community. A state wide or national ban on single use plastic bags would be the most effective way to address this issue and Council should advocate strongly for a NSW or Australian wide ban.



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**QON17/003      LEWIS ISLAND NAROOMA**

E11..2362

Responsible Officer: Dr Catherine Dale - General Manager

Attachments:          Nil

The following question on notice was received from Councillor Phil Constable:

**Question**

Lewis's Island in the Wagonga Inlet once supported a house and oyster sheds. More recently it has been a location for families to picnic, fish and recreate. The Island supporting BBQ facilities, children swings and picnic tables. It has been the chosen location for several weddings, and is an important piece of the Narooma tourist experience.

Now this piece of infrastructure is under threat. Erosion from a change in the Inlet channel compounded with the wash from larger fishing vessels has resulted in the removal of the swings, several the BBQ's and seating as the sand base is washed from underneath.

A public meeting was held on the island Friday week past to garner support for the protection and rehabilitation of the Island. Over sixty residents attended.

Speakers expressed their concern at the increased level of sand accumulating in the Inlet and inadequate navigable nature of the current channel for marine vessels with the suggestion of the removal of the marine sands from the channel and their redistribution back onto the island to reclaim its former footprint and amenity.

At this point of immediate concern is to stabilise the existing southern shore and prevent any further erosion. To this end members of the community offered to contribute to the effort of 'sandbagging' the vulnerable area; and further suggested a reduction in the speed with which vessels can navigate past the island to reduce the impact of wash from boats.

What is Council currently doing to mitigate against the further erosion of Lewis's Island; and what further measures can Council undertake to maintain and reclaim the area of Lewis's Island that have been damaged by erosion? Additionally, what actions is Council undertaking, or proposing to undertake, to remove the sand build up within the Wagonga Inlet?

**Response**

*Lewis Island is a small island off Riverview Road at North Narooma (see photo below). Council has identified the issue raised in the Question on Notice and wrote to the Department of Primary Industries – Lands, seeking consideration of:*

- 1. Undertaking dredging of the navigational channel*
- 2. Use of the dredged sand (in part) to renourish Lewis Island.*

*More broadly, Council continues to advocate to the NSW Government to fully fund and implement an ongoing dredging program for navigation channels along the NSW coastline. The NSW Government currently receives income from use of waterways, such as leases, recreational*

**QON17/003 LEWIS ISLAND NAROOMA**

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*fishing licenses, moorings and the like, which should be returned for the ongoing dredging operations.*

*In the meantime, Council will liaise with NSW Marine Parks, NSW Fisheries and Crown Lands to investigate if short term measures are required to mitigate erosion.*

*This information will be brought back to a future Councillor briefing.*



**RECOMMENDATION**

THAT the response to the question regarding Lewis Island, Narooma raised by Councillor Phil Constable be received and noted.

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**GMR17/012 EXHIBITION OF DRAFT DELIVERY PROGRAM 2017-21 AND  
OPERATIONAL PLAN 2017-18**

**E12.6254**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Draft Delivery Program 2017-21 and  
Operational Plan 2017-18  
2. Under Separate Cover - Draft 2017-18 Fees and Charges

Strategic Objective: Collaborative Communities

Delivery Program Link: C3.1 Coordinate the delivery of the Integrated Planning and Reporting  
Framework across the organisation

Operational Plan Link: C3.1.1 Prepare the Council's Delivery Plan and Operational Plan

**EXECUTIVE SUMMARY**

The *Local Government Act 1993* requires all NSW councils to review and adopt key Integrated Plans within 12 months following local government elections. Under NSW Integrated Planning and Reporting legislation, councils are required to prepare a Community Strategic Plan, Delivery Program and Operational Plan.

Council's draft Community Strategic Plan 2017 – One Community is currently on public exhibition. It is proposed to place Council's combined draft Delivery Program 2017-21 and Operational Plan 2017-18 on public exhibition for 28 days.

Council's combined draft Delivery Program 2017-21 and Operational Plan 2017-18 has been developed through an extensive engagement process with input and contributions from a number of engagement activities including Councillor workshops, community engagement processes, the Citizens' Jury and staff workshops.

The draft Delivery Program 2017-21 and Operational Plan 2017-18 (DP/OP) is structured around the nine outcomes in the Community Strategic Plan 2017 – One Community:

1. Strong communities, desirable lifestyle
2. Celebrated creativity, culture and learning
3. Protected and valued natural environment
4. Sustainable living
5. Vibrant and diverse economy
6. Responsible and balanced development
7. Connected and accessible places
8. Collaborative and engaged community
9. Innovative and proactive leadership

The DP/OP outlines the four year activities and annual actions Council will undertake to contribute to achieving our community's vision. Each service that assists in achieving the outcome is identified. Measures to track and report on progress in achieving each activity is also provided.

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**GMR17/012 EXHIBITION OF DRAFT DELIVERY PROGRAM 2017-21 AND  
OPERATIONAL PLAN 2017-18**

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This document also includes Council's financial information that supports the Delivery Program 2017-21 and Operational Plan 2017-18, including the budgets, capital program, revenue policy and the draft 2017-18 Fees and Charges.

**RECOMMENDATION**

THAT:

1. The draft Delivery Program 2017-21 and Operational Plan 2017-18 incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges be endorsed and placed on public exhibition for a period of not less than 28 days.
2. Following public exhibition, a further report be submitted to Council for the consideration of submissions and adoption of the Delivery Program 2017-21 and Operational Plan 2017-18.

**BACKGROUND**

The *Local Government Act 1993* requires all NSW councils to review and adopt key Integrated Plans within 12 months following local government elections. Under NSW Integrated Planning and Reporting legislation, councils are required to prepare a Community Strategic Plan, Delivery Program and Operational Plan.

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

The Delivery Program details the activities that the Council will deliver over its four year term and the strategies it will implement in consultation with the community and contained in the Community Strategic Plan.

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

**CONSIDERATIONS**

Council's combined draft Delivery Program 2017-21 and Operational Plan 2017-18 has been developed through an extensive engagement process with input and contributions from a number of engagement activities including Councillor workshops, community engagement processes, the Citizens' Jury and staff workshops.

The Council participated in two workshops, the first held in February and the second in March, and identified priorities and actions in response to the nine outcomes established in the Community Strategic Plan.

The Citizens' Jury engagement process conducted between September and December 2016 provided a fresh way to hear the informed views of people from across the shire.

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**GMR17/012 EXHIBITION OF DRAFT DELIVERY PROGRAM 2017-21 AND  
OPERATIONAL PLAN 2017-18**

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The Executive Leadership Team also participated in two planning days where they considered the Councillor's priorities and how the plans and strategies responded to the Community Strategic Plan outcomes and strategies.

Numerous staff workshops were conducted between December and February to identify existing activities and projects and identify future opportunities and challenges for their services.

The Council were briefed on a number of occasions on Council's overall financial position. A detailed briefing on all funds and the forward budgets was presented in April 2017 which took into account the proposed Delivery Program 2017-21 activities and Operational Plan 2017-18 actions.

The draft Delivery Program 2017-21 and Operational Plan 2017-18 is structured around the nine objectives in the Community Strategic Plan 2017 – One Community:

1. Strong communities, desirable lifestyle
2. Celebrated creativity, culture and learning
3. Protected and valued natural environment
4. Sustainable living
5. Vibrant and diverse economy
6. Responsible and balanced development
7. Connected and accessible places
8. Collaborative and engaged community
9. Innovative and proactive leadership

The DP/OP outlines the four year activities and annual actions Council will undertake to contribute to achieving our community's vision. Each service that assists in achieving the outcome is identified. Measures to track and report on progress in achieving each activity are also included.

Key supporting documents such as plans and strategies that support the Delivery Program 2017-21 have been included under each of the nine objectives. Hyperlinks to the relevant plans and strategies will be provided, where possible, in the final document prior to adoption. This will ensure ease of access for community members reviewing the document.

**Legal**

Section 404 of the *Local Government Act 1993* requires Council to have a Delivery Program to implement the strategies established in its Community Strategic Plan, within the resources available as identified under the Resourcing Strategy.

Section 405 of the *Local Government Act 1993* requires Council to have an Operational Plan which details the activities to be engaged in by the Council during the year as part of the

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**GMR17/012 EXHIBITION OF DRAFT DELIVERY PROGRAM 2017-21 AND  
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Delivery Program. The Operational Plan must include a statement of the Council's revenue policy for the year covered by the Plan. The statement of revenue policy must include the statements and particulars required by the regulations.

The Office of Local Government's Integrated Planning and Reporting Manual and Integrated Planning and Reporting Guidelines are comprehensive tools which have been used in the development of the draft Delivery Program 2017-21 and Operational Plan 2017-18.

**Policy**

The Delivery Program and Operational Plan draws on and implements actions contained in related Council policy documents.

**Asset**

The 2017-18 Capital Program included in the draft Operational Plan 2017-18 includes a focus on sustaining community infrastructure through the renewal of assets, particularly short lived assets. The Plan also includes the provision of new infrastructure to meet demand from growth and progressively address network deficiencies. These works are part funded by grants in some cases such as the Moruya Arts facility and the Bodalla Sewerage Scheme.

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

**Economic Development Employment Potential**

The Delivery Program 2017-21 and Operational Plan 2017-18 focuses on building a sustainable future for Eurobodalla and delivering key services, key projects, capital works and infrastructure maintenance that support economic development and employment growth within the Shire.

**Community Engagement**

Council's combined draft Delivery Program 2017-21 and Operational Plan 2017-18 has been developed through an extensive engagement process with input and contributions from a number of engagement activities including Councillor workshops, community engagement processes, the Citizens' Jury and staff workshops.

If the draft Delivery Program 2017-21 and Operational Plan 2017-18 are endorsed for public exhibition, Council will continue to engage the community from 10 May 2017 to 7 June 2017 by:

- making the draft Delivery Program 2017-21 and Operational Plan 2017-18 available for the community to read on Council's website, in Eurobodalla's three libraries, and at the Customer Service Centre in Moruya
- informing the community about the public exhibition and inviting the community to have their say through information on Council's website, Eurobodalla News - Council's online newsletter, social media, media release and advertisement in local newspapers
- consulting the community by recording and reviewing and sending acknowledgements of submissions received, and providing the community's feedback to Council for

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**GMR17/012 EXHIBITION OF DRAFT DELIVERY PROGRAM 2017-21 AND  
OPERATIONAL PLAN 2017-18**

**E12.6254**

consideration prior to any decisions being made about the Delivery Program 2017-21 and Operational Plan 2017-18

The goals for engaging the community on the draft Delivery Program 2017-21 and Operational Plan 2017-18 are to:

- give the community the opportunity to read the plans, and to provide their feedback to Council through a 28 day public exhibition, and
- provide the community with information and opportunities to ask questions and provide feedback and suggestions about the draft Delivery Program 2017-21 and Operational Plan 2017-18.

**Financial**

***Overview***

In preparing the budget for 2017-18 a conservative approach was taken incorporating known factors, examining prior year performance and trends, and making prudent assumptions for forecasting. We continued our focus to ensure long term financial sustainability while ensuring the continued delivery of a broad range of services and capital works, as informed by our underlying strategies.

Council's operations are separated into three funds for financial purposes. The three funds are the General Fund (which includes waste and environment activities), the Sewer Fund and the Water Fund.

Council's General Fund performance and projections are subject to the NSW Government's Fit for the Future framework. This examines financial sustainability, infrastructure service management and efficiency. In 2015 Council prepared a Fit for the Future improvement proposal which outlined key actions and strategies. Council was declared 'fit' by the Independent Pricing and Regulatory Tribunal (IPART) and the NSW Government and these actions and strategies continue to be a key consideration when preparing the forecast for this fund.

Council's Water and Sewer operations are not considered under the Fit for the Future framework. Key considerations for these operations are ensuring a stable pricing path for ratepayers and meeting NSW Office of Water Best Practice requirements. Council recently adopted a 30 year Integrated Water Cycle Management Strategy, which has informed the development of the budgets for these funds. Council project to deliver a dividend from these funds to the General Fund in 2017-18.

**GMR17/012 EXHIBITION OF DRAFT DELIVERY PROGRAM 2017-21 AND  
OPERATIONAL PLAN 2017-18**

**E12.6254**

The key projected financial results for each fund and a consolidated outlook is shown in the table below:

<b>Key Results 2017-18 (\$'000)</b>	<b>General Fund</b>	<b>Sewer Fund</b>	<b>Water Fund</b>	<b>Consolidated Funds</b>
Total income (before capital grants and contributions)	70,109	20,329	17,149	107,587
Total expenses	69,785	18,283	15,732	103,800
<b>Net operating result (before capital grants and contributions)</b>	<b>324</b>	<b>2,046</b>	<b>1,417</b>	<b>3,787</b>
Net operating result (after capital grants and contributions)	9,722	3,846	2,417	15,985
Total capital program	32,627	12,980	4,268	49,875
<b>Cash position – increase/(decrease) in unrestricted funds</b>	<b>(2,299)</b>	<b>980</b>	<b>3,387</b>	<b>2,068</b>

*\*Table subject to rounding*

A key indicator for financial sustainability is the net operating result before capital grants and contributions. This shows the funds are generating enough revenue to cover their operating expenditure in the same period. Therefore the financial objective when preparing this plan is to ensure a balanced net operating result for all of Council (consolidated entity) and within each of Council's separate funds (General, Sewer and Water).

All funds project an Operating Surplus before capital grants and contributions. The use of cash continues to be monitored to ensure Council remains in a strong position to meet its obligations when they fall due, and where appropriate borrowings are minimised to lessen their associated costs.

All funds are projected to be in a sound financial position in the Delivery Program 2017-21. The Revenue Policy incorporated into the budget and disclosed in this plan outlines the proposed changes for rates, levies and annual charges, pricing policies and proposed borrowings for 2017-18.

Proposed changes include:

- The general rate increases by 6.5%. Council was successful in 2015-16 in applying for a Rate Variation of 6.5% including the rate peg amount for three consecutive years. 2017-18 will be the final year of the variation. The rate variation component is projected to collect an additional \$2.75 million of rating revenue and contributes to funding the Community Infrastructure and Transport program.
- The environment fund rate increases by 2.4%.
- The waste collection charges increases by 1.5% for the typical household.
- The average water charges (where applicable) increase by 2.8%. The access charge increases by 5.1% to \$309 (20mm connection access charge) and the usage charge



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**GMR17/012 EXHIBITION OF DRAFT DELIVERY PROGRAM 2017-21 AND  
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increases by 0.9% to \$3.55 per kilolitre. Water charges are determined taking into account the NSW Best Practice Pricing Guidelines.

- The sewer access charge increases by 3.1% to \$930 (20mm connection access charge) and the usage charge increases by 2.8% to \$1.78 per kilolitre.

Council's proposed Fees and Charges for 2017-18 (not including statutory fees) have generally been increased by the Local Government Cost Index of 1.8%.

**CONCLUSION**

The draft Delivery Program 2017-21 and Operational Plan 2017-18 will be publicly exhibited for 28 days. The community will be invited to have their say on the draft plans during the exhibition period and make a submission. At the end of the public exhibition period Council will be advised of any submissions received and the draft Delivery Program 2017-21 and Operational Plan 2017-18 will be presented to Council for consideration to adopt prior to 30 June 2017.

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**GMR17/013 ADOPTION OF POLICIES**

**E16.0297**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: 1. Under Separate Cover - Policies for Adoption  
Focus Area: Collaborative Communities  
Delivery Program Link: C1.2 Manage the organisation to effectively and efficiently meet our statutory obligations  
Operational Plan Link: C1.2.1 Respond to legislative and policy requirements set by the Department of Local Government

**EXECUTIVE SUMMARY**

All Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of Local policy – 'a Local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The following policies have been placed on public exhibition and no submissions were received:

1. Engineering Design Standards
2. Fingerboard Sings – Local Directional Policy
3. Graffiti Removal from Non-Council-Owned Property/Assets Policy
4. Water and Sewer Connections Policy
5. Water and Sewer Rural Trunk Mains Connection Policy
6. Public Interest Disclosure Internal Reporting Policy
7. Development Contributions – Request for Refunds Policy
8. Risk Management Policy.

This report recommends adoption of those policies.

**RECOMMENDATION**

THAT Council adopt the following policies:

1. Engineering Design Standards
2. Fingerboard Sings – Local Directional Policy

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**GMR17/013 ADOPTION OF POLICIES**

**E16.0297**

3. Graffiti Removal from Non-Council-Owned Property/Assets Policy
4. Water and Sewer Connections Policy
5. Water and Sewer Rural Trunk Mains Connection Policy
6. Public Interest Disclosure Internal Reporting Policy
7. Development Contributions – Request for Refunds Policy
8. Risk Management Policy.

**BACKGROUND**

In accordance with Section 165 (4) of the *Local Government Act 1993*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months at the declaration of the poll for that election.

**CONSIDERATIONS**

The following policies were placed on public exhibition and no submissions were received:

1. Engineering Design Standards – The purpose of this policy is to clarify the engineering design standards within Council controlled lands.
2. Fingerboard Signs – Local Directional Policy - This policy recognises the importance of providing directional signage for residents, visitors and emergency services. It provides Council with a mechanism to ensure that fingerboard signs (street signposts) are erected on a priority basis without compromising road safety.
3. Graffiti Removal from Non-Council-Owned Property/Assets Policy - This policy aims to ensure that our community is maintained free from unwanted graffiti and that there is no cost to Council for removal of graffiti from non-Council-owned property/assets.
4. Water and Sewer Connections Policy - Under Section 59A of the *Act*, Council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by Council (whether or not the land is owned by Council). The *Act* provides Council access to any land required to operate, repair, replace, maintain, remove, extend, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of Council, the works are used in an efficient manner for the purposes for which the works were installed.
5. Water and Sewer Rural Trunk Mains Connection Policy - This policy is to ensure that Council's ability to meet its level of service obligations is not compromised by allowing water and sewer services in low density areas, i.e. rural properties, or from water trunk mains. Under Section 59A of the *Act*, Council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by Council (whether or not the land is owned by Council). The *Act* provides Council access to any land required to operate, repair, replace, maintain, remove, extend, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of Council, the works are used in an efficient manner for the purposes for which the works were installed.

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**GMR17/013 ADOPTION OF POLICIES**

**E16.0297**

Council's Strategic Business Plan for Water Supply and Sewerage identifies level of service targets that Council aims to achieve in the delivery of its water supply and sewerage services. Key performance objectives include adequate water quality, maximum and minimum water supply pressures, sewer odour complaints, response times and durations of interruptions.

6. Public Interest Disclosure Internal Reporting Policy - committed to supporting and protecting staff if they report wrongdoing. Such staff who come forward and report wrongdoing are helping to promote integrity, accountability and good management within the council. The aim of the policy is to:
  - Promote an integrated framework for dealing with Public Interest Disclosures
  - Ensure transparency, consistency, and fairness in the manner in which council deals with disclosures
  - Protect the rights of staff and councillors who report wrongdoing
  - Promote awareness of and ensure compliance with legislative requirements
  - Encourage integrity, accountability and good management within council
  - Make Council's policies and requirements for disclosures readily accessible and understandable to the public.
7. Development Contributions – Request for Refunds Policy - was developed to provide consistency in the processing of request for refunds of Development Contributions. Council seeks to ensure that its Development Contributions – Requests for Refunds Policy complies with legislative requirements under the Environmental Planning and Assessment Act 1979 [www.austlii.edu.au/au/legis/nsw/consol\\_act/epaaa1979389/](http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/) and the Recovery of Imposts Act 1963 [www5.austlii.edu.au/au/legis/nsw/consol\\_act/roia1963247/s7.html](http://www5.austlii.edu.au/au/legis/nsw/consol_act/roia1963247/s7.html), and conforms to relevant case law and provides readily accessible understandable context for consideration of a request to refund Development Contributions.
8. Risk Management Policy - This policy affirms Council's commitment to risk management and reflects the value it places on the management of risk throughout the organisation. This policy recognises the varied and complex work environments of Council and its areas of specialist service delivery. Council is committed to taking a structured and innovative approach to the management of risk throughout the organisation in order to promote and demonstrate good corporate governance, to minimise loss and maximise opportunities to improve service provision.

It is considered appropriate to adopt these policies.

**Legal**

Graffiti Removal from Non-Council-Owned Property/Assets Policy - complies with the [Graffiti Control Act 2008](#).

Water and Sewer Connections Policy – complies with Section 59 of Local Government Act.

Water and Sewer Rural Trunk Mains Connection Policy - complies with Section 59 of Local Government Act.

Public Interest Disclosure Internal Reporting Policy - Under section 6D of the *Public Interest Disclosures Act 1994* (the PID Act), [www.austlii.edu.au/au/legis/nsw/consol\\_act/pida1994313/](http://www.austlii.edu.au/au/legis/nsw/consol_act/pida1994313/)

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**GMR17/013 ADOPTION OF POLICIES**

**E16.0297**

public authorities such as councils are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures. This policy is based on the NSW Ombudsman's Model Internal Reporting Policy (*Local Government*) [www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/public-interest-disclosures/model-internal-reporting-policy-local-government-public-interest-disclosures](http://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/public-interest-disclosures/model-internal-reporting-policy-local-government-public-interest-disclosures) of June 2014 as issued by the Office of the NSW Ombudsman, which was drafted to ensure compliance with the PID Act.

Development Contributions – Request for Refunds Policy - Development Contributions are contributions paid towards the provision of public infrastructure in accordance with s93F, s94 or s94A of the *Environmental Planning and Assessment Act 1979*, or s64 of the *Local Government Act 1993*.

Risk Management Policy - The Risk Management approach utilised by Council in the development of the Risk Management Plan is AS/NZS ISO 31000:2009 [infostore.saiglobal.com/store/Details.aspx?ProductID=1378670](http://infostore.saiglobal.com/store/Details.aspx?ProductID=1378670) together with the requirements of the Work Health and Safety Act 2011 (NSW) [Work Health and Safety Act 2011 \(NSW\)](#), and will be incorporated into the Planning, Governance, Assets Management and Operational Processes of Council.

**Community Engagement**

Council has placed the draft policies on public exhibition for a period of no less than 28 days. Copies were available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

No submissions were received.

**CONCLUSION**

The draft policies were placed on public exhibition for a period of no less than 28 days. The exhibition period is now complete and no submissions were received. It is recommended that Council adopt the policies.

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**PSR17/019 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168**  
**NO. 12 - HOUSEKEEPING AND OTHER AMENDMENTS**

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

Attachments: 1. Under Separate Cover - Planning Proposal - Eurobodalla Local Environmental Plan Amendment No. 12

Focus Area: Sustainable Communities

Delivery Program Link: S5.2 Maintain, update and communicate planning information and issues

Operational Plan Link: S5.2.1 Review housing, land supply and demographics and communicate change issues

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's endorsement to make minor housekeeping and other amendments to the Eurobodalla Local Environmental Plan 2012 (LEP 2012).

The proposed amendments are to:

- amend Schedule 5 Heritage to correct property descriptions and item names and amend the Heritage Maps to correctly identify lots with heritage items
- amend Schedule 5 and the Heritage Maps to identify three new heritage items
- amend the Land Zoning Maps, Minimum Lot Size Maps and Height of Buildings Maps to correct anomalies
- amend Schedule 1 Additional Permitted Uses to correct an anomaly
- rezone and reclassify a certain parcel of land.

To progress a Local Environmental Plan amendment, Council must consider and resolve to prepare a Planning Proposal that is submitted to the Department of Planning and Environment for Gateway Determination. An amendment may only proceed (or not) according to the Gateway Determination given.

It is proposed that Council request an authorisation to exercise delegation to finalise the matters addressed in this Planning Proposal.

### **RECOMMENDATION**

THAT Council

1. Resolve to list the York Engine as a heritage item in Eurobodalla Local Environmental Plan 2012.
2. Endorse the attached Planning Proposal to amend Eurobodalla Local Environmental Plan 2012, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979*.
3. Forward the Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*.
4. Advise the Secretary of the Department of Planning and Environment that Council seeks to exercise delegation for making the plan under Section 59 of the *Environmental Planning and Assessment Act 1979*.

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**PSR17/019 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168**  
**NO. 12 - HOUSEKEEPING AND OTHER AMENDMENTS**

5. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
6. Receive a report back on any planning proposal to which a written objection is received during consultation with the community as per the requirements of Section 57 of the *Environmental Planning and Assessment Act 1979*.
7. Note that the plan is proposed to be made under delegation following the issue of a Gateway Determination and the completion of community consultation requirements.

**BACKGROUND**

Eurobodalla Local Environmental Plan 2012 was notified on 20 July 2012. Since that time there have been nine (9) amendments for various reasons, including two sets of 'housekeeping' amendments. Two further amendments relating to land at Broulee and the implementation of the Rural Lands Strategy are currently in progress.

**CONSIDERATIONS**

A third set of "housekeeping" amendments are now proposed to make the following amendments to ELEP 2012:

- Amend Schedule 5 Heritage to correct property descriptions and item names. Property descriptions change from time to time due to subdivision of land and amending the LEP keeps Schedule 5 up to date. Item names can sometimes be updated to more accurately reflect either the history of the property or the current status of the property. It is also proposed to amend the Heritage Maps to correctly identify lots with heritage items. This is to correct some anomalies in the mapping and in response to the subdivision of land.
- Amend Schedule 5 and the Heritage Maps to identify new heritage items, being the Francis Guy's Residence and Store (former) at Batemans Bay and the Norfolk Island Pine Planting at Tuross Head in accordance with Council's resolution on 26 July 2106. In addition, it is recommended that Council resolve to list the York Engine, to be located at the Original Gold Rush Colony in Mogo, as recommended by the Heritage Advisory Committee.
- Amend the Land Zoning Maps, Minimum Lot Size Maps and Height of Buildings Maps to correct anomalies. For example, some residential lots in Rosedale do not currently have a maximum height of buildings control. In this group of amendments, it is also proposed to rezone part of a Council water reservoir site from the R5 Large Lot Residential Zone to the SP2 Infrastructure Zone. A small portion of this land is proposed to be retained as R5, as the adjoining land owner has expressed an interest in purchasing the land. The subject land is classified operational.
- Amend Schedule 1 Additional Permitted Uses to remove an item that is no longer required as the land is now zoned B5 Business Development.
- Rezone and reclassify part of a lot at Flying Fox Road / Rainforest Parkway, Narooma to E4 Environmental Living and operational classification.

A copy of the planning proposal is attached to this report.

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**PSR17/019 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168**  
**NO. 12 - HOUSEKEEPING AND OTHER AMENDMENTS**

Should Council endorse the planning proposal and a Gateway Determination is issued by the Department of Planning and Environment, the planning proposal will be placed on public exhibition for community input. While the Gateway Determination will outline the required public exhibition period, it is anticipated that the period will be 28 days.

It is proposed that Council request an authorisation to exercise delegation to finalise the matters addressed in this Planning Proposal. Under Section 24 of the *Environmental Planning and Assessment Act 1979* the Minister for Planning or their delegate may make an environmental planning instrument, such as a local environmental plan. Delegations for making local environmental plans have been issued by the Minister to Council's Director Planning and Sustainability Services and Divisional Manager Strategic Services. These delegations operate in respect of a draft local environmental plan on receipt by Council of a written authorisation from the Department of Planning and Environment to exercise the delegation. This authorisation is issued with a Gateway Determination.

**Legal**

The *Environmental Planning and Assessment Act 1979* outlines the process for making amendments to an LEP. The first stage of the process requires Council to resolve to forward a planning proposal to the Minister for Planning for a Gateway Determination.

**Policy**

The planning proposal has been prepared in accordance with Department of Planning and Environment Guidelines for preparing planning proposals and Local Environmental Plan amendments. The proposed amendments are minor in nature and are not inconsistent with any element of applicable strategies or policies.

**Environmental**

The proposed amendments are minor in nature and will not have adverse impacts on the environment.

**Social Impact**

The proposed minor amendments to zoning, lot size and height of buildings maps ensure development is in keeping with the existing character of local areas.

**Economic Development Employment Potential**

The proposed amendments to the listing of existing heritage items and the addition of three new heritage items have potential positive economic impacts with respect to tourism.

**Community Engagement**

When a Gateway Determination is received that allows community consultation to be undertaken, Council will place the Planning Proposal on public exhibition for a period of not less than 28 days. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya Administration Centre.



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**PSR17/019   EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT      E17.1168**  
**NO. 12 - HOUSEKEEPING AND OTHER AMENDMENTS**

**CONCLUSION**

The matters dealt with in this Planning Proposal are minor in nature to correct a number of minor mapping, land use table and clause anomalies. In addition, three new heritage items are proposed to be listed in the LEP and a part of one parcel of community land is proposed to be reclassified to operational land.

It is recommended that Council resolve to list the York Engine as a heritage item and endorse the planning proposal for the purpose of seeking a Gateway Determination from the Department of Planning and Environment. The Gateway Determination will enable the planning proposal to be placed on public exhibition. It is also recommended that Council request an authorisation to exercise delegation to finalise the matters addressed in this Planning Proposal.

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**PSR17/020    POLICY REVIEW - CONSERVATION OF THE YELLOW-BELLIED GLIDER    E16.0297**  
**IN THE BROULEE AREA POLICY**

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

Attachments:            1. Under Separate Cover - Conservation of the Yellow-Bellied Glider 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**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the Local Government Act 1993:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Conservation of the Yellow-bellied Glider in the Broulee Area policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

**RECOMMENDATION**

THAT:

1. Council endorses the draft Conservation of the Yellow-bellied Glider in the Broulee Area policy.
2. The draft Conservation of the Yellow-bellied Glider in the Broulee Area policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

**BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

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**PSR17/020    POLICY REVIEW - CONSERVATION OF THE YELLOW-BELLIED GLIDER    E16.0297**  
**IN THE BROULEE AREA POLICY**

The Conservation of the Yellow-bellied Glider in the Broulee Area policy was developed in conjunction with the National Parks and Wildlife Service and first adopted by Council in 2002. The purpose of the policy is to provide clarity and certainty to developers applying to undertake development or activities in the Broulee area and to facilitate sensitive development without significant impact on the Yellow-bellied Glider or its habitat.

The policy outlines the circumstances under which a proponent would not be required to undertake a Species Impact Statement in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Threatened Species Conservation Act 1995.

The Policy requires that the Office of Environment and Heritage agree to any changes to the policy.

**Changes**

The policy has been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates.

**CONSIDERATIONS**

The proposed minor updates of the policy have been discussed with officers of the Office of Environment and Heritage who have advised that a broader review may be required to be undertaken when the Biodiversity Conservation Act reforms are finalised.

**Legal**

The interaction of the policy with the new Biodiversity Conservation Act is not clear at this stage as the legislative reforms are not yet finalised. A more comprehensive review of the policy may be required when those reforms are complete.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 17 May 2017 until 13 June 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Conservation of the Yellow-bellied Glider in the Broulee Area policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Conservation of the Yellow-bellied Glider in the Broulee Area policy will be presented to Council for consideration to adopt.

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**PSR17/021 POLICY REVIEW - STREET ACTIVITIES POLICY**

**E16.0297**

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

Attachments: 1. Under Separate Cover - Street Activities 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**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Street Activities policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

**RECOMMENDATION**

THAT:

1. Council endorses the draft Street Activities policy.
2. The draft Street Activities policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

**BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

The Street Activities policy was adopted by Council in 2011. The policy replaced the former Street Vending Policy. The purpose of the policy is to establish the circumstances under which approvals may be granted for certain activities on public roads (including footpaths) and public car parks within our Shire.

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**PSR17/021 POLICY REVIEW - STREET ACTIVITIES POLICY**

**E16.0297**

The policy relates to certain activities that require an approval under the Local Government Act 1993, including street stalls, mobile food businesses and busking, as well as to mobile community services.

**Changes**

The Street Activities policy has been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates, rewording to ensure a more positive tone and reformatting.

**CONSIDERATIONS**

**Legal**

The policy provides guidance for Council to undertake its obligations for issuing approvals under the Local Government Act 1993.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 17 May 2017 until 13 June 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Street Activities policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Street Activities policy will be presented to Council for consideration to adopt.

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**PSR17/022 POLICY REVIEW - PLANNING AGREEMENTS**

**E16.0297**

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

Attachments: 1. Under Separate Cover - Under Separate Cover - Planning Agreements 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**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Planning Agreements policy has been reviewed. The purpose of this report is to recommend that the draft policy be placed on public exhibition before being presented to Council for consideration to adopt.

**RECOMMENDATION**

THAT:

1. Council endorses the draft Planning Agreements policy.
2. The draft Planning Agreements policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

**BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

Planning agreements provide enhanced and more flexible infrastructure funding opportunities for planning authorities to achieve tailored development outcomes and targeted public benefits, subject always to good planning.

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**PSR17/022 POLICY REVIEW - PLANNING AGREEMENTS**

**E16.0297**

The Planning Agreements policy sets out Council's framework to negotiate the provision of public infrastructure, facilities and services.

The policy sets out Council's policy relating to planning agreements under s93F of the *Environmental Planning and Assessment Act 1979* (the Act) and the Environmental Planning and Assessment Regulation 2000 (the Regulation).

**Changes**

The Planning Agreements policy has been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates.

**CONSIDERATIONS**

**Asset**

This Policy aims to enhance the range and extent of development contributions made by development towards public facilities in Council's area.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 17 May 2017 until 13 June 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Planning Agreements policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Planning Agreement policy will be presented to Council for consideration to adopt.

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**PSR17/023 POLICY REVIEW - DEDICATION OF LAND TO COUNCIL**

**E16.0297**

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

Attachments: 1. Under Separate Cover - Under separate cover - Dedication of Land to Council 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**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Dedication of Land to Council policy has been reviewed. The purpose of this report is to recommend that the draft policy be placed on public exhibition before being presented to Council for consideration to adopt.

**RECOMMENDATION**

THAT:

1. Council endorses the draft Dedication of Land to Council policy.
2. The draft Dedication of Land to Council policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

**BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

The Dedication of Land to Council policy recognises that as a result of the subdivision or development of land, some land may need to be dedicated to Council in the form of public open space.



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**PSR17/023 POLICY REVIEW - DEDICATION OF LAND TO COUNCIL**

**E16.0297**

This public open space may be structured such as parks, playgrounds or shared pathway connections; or unstructured such as riparian corridors, drainage reserves, biodiversity areas or areas of cultural heritage significance. Riparian, drainage and habitat corridors provide important biodiversity links for the Shire.

The policy intends to ensure that land dedicated for these purposes is fit for purpose.

Council's Recreation and Open Space Strategy (ROSS) forms the basis for this policy through the identification of recreational needs, facilities and spaces.

Land may be dedicated to Council in lieu of making a monetary contribution pursuant to Council's Local Infrastructure Contributions Plan 2012 (LICP), as part of a voluntary planning agreement (VPA), or land may be dedicated to Council free of cost.

**Changes**

The Dedication of Land to Council policy has been reviewed and no substantive changes are recommended at this time, apart from minor referencing and responsibility updates.

**CONSIDERATIONS**

**Asset**

Land dedicated to Council as a result in the form of public open space in accordance with this policy will be fit for the intended purpose and not an unnecessary financial burden due to the need for ongoing maintenance of unproductive land.

**Social Impact**

The policy intends to ensure that land dedicated for parks, playgrounds or shared pathways are fit for the purpose of facilitating healthy communities.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 17 May 2017 until 13 June 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Dedication of Land to Council policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Dedication of Land to Council policy will be presented to Council for consideration to adopt.

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**IR17/016 TENDER FOR THE SUPPLY OF ROAD PAVEMENT MATERIALS FOR THE SOUTH BATEMANS BAY LINK ROAD E13.7125.P**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Confidential Attachment - Confidential Attachment - Supply of Materials for Link Road

Focus Area: Productive Communities

Delivery Program Link: P3.2 Develop, renew and maintain the road network

Operational Plan Link: P3.2.1 Deliver capital and renewal works program

### **EXECUTIVE SUMMARY**

Eurobodalla Shire Council has received \$10 million funding from the NSW Roads and Maritime Services (RMS) to construct Stage 2 of the South Batemans Bay Link Road. These works are progressing well with an expected completion of Council's work in late 2018.

Stage 2 of the South Batemans Bay Link Road consists of an extension to the previously upgraded Glenella Road from Curtis Road to The Ridge Road, and a separate extension of Heron Road to intersect with the Link Road. The existing intersection of Glenella Road and George Bass Drive will also be upgraded as part of the works.

The new road will be constructed using cut to fill bulk earthworks overlain with a granular pavement to provide the structural pavement with a bitumen spray seal surface. This requires the supply of up to 23,000 tonnes of gravel (14,000 tonnes of base course gravel and 9,000 tonnes of sub-base course gravel).

Council has an existing standing offer panel in place for the supply and delivery of gravels for Council projects which was developed in accordance with Local Government (General) Regulations 167, 168 and 169. This panel provides a competitive unit rate across varying quantities, however given the volumes of gravel required for the Link Road project, it was decided to test the market to ascertain if better value could be obtained for the community based on greater economy of scale.

This report outlines the evaluation of offers submitted in response to Request for Tender No. (RFT) No. 2017/ISD052 – Supply of DGB20 and DGS20 for use at the South Batemans Bay Link Road. The outcome of the tender is that the prices submitted do not achieve better value than the prices available to Council under the existing panel already in place. Therefore it is proposed to reject all tenders and cancel the tender (as permitted under the tendering regulations).

The NSW Roads and Maritime Services (RMS) is responsible for constructing the required realignment of the Princes Highway and associated intersection treatment with the South Batemans Bay Link Road. An announcement on the funding for these works is yet to be made by the NSW Government. Council continues to work pro-actively with our local member Andrew Constance MP to secure the required funding to allow the RMS to complete these works.

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**IR17/016 TENDER FOR THE SUPPLY OF ROAD PAVEMENT MATERIALS FOR THE SOUTH BATEMANS BAY LINK ROAD E13.7125.P**

**RECOMMENDATION**

THAT based on the assessment of value provided in the confidential attachment for the tenders for the supply of gravel for the South Batemans Bay Link Road outlined in this report, Council resolves:

1. to decline acceptance of all tenders under Local Government (General) Regulation 178(1)(b) and;
2. accordingly, to cancel the proposal for the contract under Regulation 178(3)(a); and
3. consistent with Regulation 178(3)(b), assess pricing submitted through an alternate process undertaken in accordance with Regulations 167, 168 and 169.

**BACKGROUND**

Council is currently constructing Stage 2 of the South Batemans Bay Link Road project. A requirement exists for the provision of up to 23,000 tonnes of gravel for the road pavement (14,000 tonnes of base course gravel and up to 9,000 tonnes of sub-base course gravel).

The estimated cost of the material falls in excess of the tendering threshold specified under Section 55(3)(n) of the Local Government Act 1993. Supplied materials will need to meet RMS QA Specification 3051 - Granular Base and Sub-base Materials for Surfaced Road Pavements (Traffic Category B).

Council has an existing standing offer panel in place for the supply and delivery of gravels for Council projects which was developed in accordance with Local Government (General) Regulations 167, 168 and 169. This panel provides a competitive unit rate across varying quantities, however given the volumes of gravel required for the Link Road project, it was decided to test the market to ascertain if better value could be obtained for the community based on greater economy of scale.

RFT No. 2017/ISD052 – Supply of DGB20 and DGS20 for use at the South Batemans Bay Link Road - was advertised on 7 February 2017 with a closing date of 22 February 2017. Three (3) Offers were received from the tenderers outlined in the confidential attachment and assessed in accordance with the Tender Evaluation Plan (TEP) prepared 22 February 2017:

- GC Schmidt (Plant) Pty Ltd
- Batemans Bay Sand & Gravel Supply P/L
- Holcim Australia

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

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**IR17/016 TENDER FOR THE SUPPLY OF ROAD PAVEMENT MATERIALS FOR THE SOUTH BATEMANS BAY LINK ROAD E13.7125.P**

**CONSIDERATIONS**

**Legal**

Request for Tender (RFT) No. 2017/ISD052 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](http://www.tenderlink.com/eurobodalla))

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

Evaluation of the tendered offers was undertaken in accordance with the TEP and it was determined that the pricing was not competitive in comparison with Council's existing panel arrangement which was also a compliant tendering process under Section 55 of the Local Government Act 1993.

The recommendation to cancel the proposed contract is therefore proposed under Regulation 178.

**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**

All tenders operate out of a registered quarry under an Environmental Management System in accordance with the Mining Act 1992.

**Asset**

The works include the production and delivery of granular road pavement materials.

The supply and delivery of this material is required for Stage 2 of the construction of the new South Batemans Bay Link Road.

The use of high quality gravel materials on this by-pass is essential for:

- i) the efficient delivery of the construction works
- ii) achieving the anticipated life of the pavement and providing low on-going maintenance costs
- iii) providing a road pavement that performs well in service and provides a safe driving surface for the community

**Social Impact**

The South Batemans Bay Link Road will provide an alternate route between the southern suburbs of Batemans Bay and the CBD. The bypass will also provide more direct access to and

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**IR17/016 TENDER FOR THE SUPPLY OF ROAD PAVEMENT MATERIALS FOR THE SOUTH BATEMANS BAY LINK ROAD E13.7125.P**

from the Princes Highway for vehicles wishing to travel to the north and south. This alternate route will help relieve the already high traffic volumes currently using Beach Road.

**Economic Development Employment Potential**

The South Batemans Bay Link Road provides access to future subdivision and employment land developments worth an estimated \$800m. This project is essential to facilitate the future well-being of our community opening up economic development and employment opportunities.

**Financial**

The existing budget allocated is sufficient to fund the supply and delivery of gravel for the South Batemans Bay Link Road Stage 2.

**Community Engagement**

Council continues to undertake regular media on the progress of the South Batemans Bay Link Road and provide project updates on our web-site at:

<http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/the-south-batemans-bay-link-road-project>

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

**CONCLUSION**

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the decision to not select a preferred tenderer has been assessed, through an extensive evaluation and a determination that the proposed contract would not achieve value for money for the public.

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**IR17/023 ROAD NAMING PROPOSAL - MYLOTT CLOSE, TUROSS HEAD**

**E05.9211**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Mylott Family History  
2. Confidential - Submission - Road Naming Proposal - Mylott Close, Tuross Head

Focus Area: Support Services

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

Operational Plan Link: SS3.3.2 Provide survey, investigation and design services

### **EXECUTIVE SUMMARY**

The Tuross Head Progress Association (THPA) has suggested that Council provide a name for the unnamed road that leads onto the Kyla Oval recreational area. This unnamed road commences at the intersection with Hector McWilliam Drive, Tuross Head, and heads in an easterly direction for approximately 1.1km.

The THPA initially put forward two names for the road being:

- Mylott Close or;
- Brinja Yuin Close

The THPA subsequently wrote to Council indicating a preference for Mylott Close. This is based on the historical significance the family holds in the Tuross Head area dating back to 1864.

Under the Roads Act 1993, Council is prescribed as a Roads Authority. As a Roads Authority, Council is empowered to name and number its public roads under Section 162 of the Roads Act. Road naming must comply with Geographical Names Board (GNB) guidelines and Council's Road Naming Policy. This proposal complies with both instruments.

The notification process of the proposal as required by the GNB guidelines has been undertaken. Prescribed authorities and Bodalla Local Aboriginal Land Council have been notified and the proposal has been placed on public exhibition for a period of 28 days. One submission was received from a community member suggesting the name Brinja Yuin Place with the name having local Aboriginal significance.

Consultation with the THPA confirms they are currently investigating the Indigenous historical and cultural history of the broader Tuross Head area, with a view to the development and installation of interpretive signage to be strategically located in the Tuross area. This research may result in a recommendation for a more appropriate site to signify Brinja Yuin's place in the Indigenous history of the area.

This report seeks Council's endorsement to name the road Mylott Close.

### **RECOMMENDATION**

THAT the unnamed road that commences at the intersection with Hector McWilliam Drive, Tuross Head, and heads in an easterly direction into the Kyla Oval recreational area be named Mylott Close and be gazetted accordingly.

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**IR17/023 ROAD NAMING PROPOSAL - MYLOTT CLOSE, TUROSS HEAD**

**E05.9211**

**BACKGROUND**

The Tuross Head Progress Association (THPA) has suggested that Council name the unnamed road that leads onto the Kyla Oval recreational area. This unnamed road commences where it intersects with Hector McWilliam Drive, Tuross Head, and heads in an easterly direction for 1.1km. The below map depicts the road in question.



The THPA proposed the name 'Mylott' based on the family's historical significance to the Tuross Head area and community dating back to 1864. The THPA submission outlining the history of the Mylott family is attached to this report.

The road type 'Close' was chosen as the GNB description of a Close is a short, enclosed roadway preferred for cul-de-sacs.

**CONSIDERATIONS**

One of the principles of road naming is that road names shall not risk public and operational safety for emergency responses, or cause confusion for transport, communication and mail services. These services all require clarity of road names and their extents.

GNB guidelines state that acceptable road names include early settlers, war servicemen and women and other persons who have contributed to the heritage of an area. Local history themes, flora, fauna, ships and the like are also usually most suitable for applying to roads.

This proposal to name the unnamed road into Kyla Oval as Mylott Close complies with the GNB guidelines and has significance to the Eurobodalla community given the history of the Mylott family within Tuross Head.

The THPA has written to Council indicating the preferred road name is Mylott Close.

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**IR17/023 ROAD NAMING PROPOSAL - MYLOTT CLOSE, TUROSS HEAD**

**E05.9211**

During the required public exhibition period, one other submission was received from a community member suggesting the Aboriginal name, Brinja Yuin Place.

Consultation with the THPA confirms they are currently investigating the Indigenous historical and cultural history of the broader Tuross Head area, with a view to the development and installation of interpretive signage to be strategically located in the Tuross area. This research may result in a recommendation for a more appropriate site to signify Brinja Yuin's place in the Indigenous history of the area. The outcomes of this further research by the THPA will be referred to Council's Aboriginal Advisory Committee prior

**Legal**

Under the Roads Act 1993, Council is prescribed as a Roads Authority. As a Roads Authority, Council is empowered to name and number its public roads under Section 162 of the Roads Act.

**Policy**

This proposal complies with Council's Roads Naming Policy. The policy provides guidance for developers, the community and Council when allocating new road names and renaming existing roads. The policy ensures that appropriate naming and renaming of roads for which Council is the Roads Authority is undertaken in compliance with the GNB guidelines.

The GNB role in the road naming process is to set policy and processes for all road naming proposals, and to compile, maintain and publish a list of road names as per Section 5(2) of the Geographical Names Board Act 1996.

**Asset**

The unnamed road referred to in this road naming proposal is owned by Council.

**Financial**

This proposal has no financial implications other than the purchase of a new road name sign, and the ongoing maintenance of the sign which is expected to be minimal.

**Community Engagement**

The THPA initially put forward two names for the road being:

- Mylott Close.
- Brinja Yuin Close

The THPA subsequently wrote to Council indicating a preference for Mylott Close.

In line with GNB guidelines, the following Prescribed Authorities were notified of the proposal:

- Australia Post
- Registrar General
- Surveyor General
- Ambulance Service of NSW
- Fire and Rescue NSW
- NSW Rural Fire Service
- NSW Police Force



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**IR17/023 ROAD NAMING PROPOSAL - MYLOTT CLOSE, TUROSS HEAD**

**E05.9211**

- State Emergency Service
- NSW Volunteer Rescue Association Inc.
- Roads and Maritime Services.

In line with GNB guidelines, the naming proposal was placed on public exhibition for a period of 28 days via the following avenues:

- Council's Noticeboard in local newspapers on 31 August, 7, 14 and 21 September 2016
- Council's website under the On Exhibition page from 31 August to 29 September 2016.

The Bodalla Local Aboriginal Land Council were also notified of the proposal however no response was received.

The notification process allowed for written submissions to be received by Council by 28 September 2016.

No property owners will be affected by this road naming proposal as the road services the Kyla Park precinct, therefore notification to adjoining land owners was not required.

The THPA has written to Council indicating the preferred road name is Mylott Close. One other submission was received from a community member supporting the name Brinja Yuin Place as the name has local Aboriginal significance (refer to the confidential attachment).

Recognition of Indigenous history by way of naming an appropriate site acknowledging the Brinja Yuin will be investigated in consultation with THPA and Council's Aboriginal Advisory Committee.

**CONCLUSION**

The proposal to name the unnamed road that services Kyla Oval recreational area as Mylott Close conforms to Council policy and GNB guidelines. The Mylott family holds historical significance in the Tuross Head area and naming roads after early settlers is acceptable under the guidelines. This name was proposed by the Tuross Head Progress Association.

Should Council endorse the Mylott Close road naming proposal, subsequent gazettal of the road name Mylott Close by the GNB will be made legal.

It is proposed to work with the THPA and Council's Aboriginal Advisory Committee to investigate an alternate way to acknowledge the Brinja Yuin.

### The "Mylott" Street Name

The concept of naming the Kyla Hall access street is based on three aspects of the family name, who had a significant impact on the development of the community.

Firstly Patrick Mylott came to Australia in 1864 and married Mary Heffernan in Broulee that year. This was the time when the NSW Registrar General the sub-divided the Tuross Headland which Patrick purchased with assistance from Colonial Mutual Life Assurance organisation. He and his wife built Tuross House on the ridge overlooking the Tuross Lake, Coila Lake and the Tasman Sea to the East by 1870. This couple were thus one of 3 families who established European settlement of the Tuross area. They farmed the land until they went to Sydney in 1883 after leasing the farm.

Secondly, the Mylotts had a daughter, Eva, born in 1875. She had a rich contralto voice so the parents took her to Sydney in 1883 where Eve was trained to be an opera singer. She went to Europe in 1902 where she continued her training under Nellie Melba's Parisian Teacher. Subsequently, Eve appeared in the Metropolitan Opera with Nellie Melba in 1914. She died in 1920 following an accident in the shower.

Patrick died in Sydney in 1898 and his wife terminated the farm lease and returned to Tuross where she & the family returned to farming. By 1904 she had secured ownership of the 875 acre farm the bank. The family extended the scope of the farm to include growing potatoes and other vegetables as well as cattle and dairy cows. In 1925 Mary sold the property to Hector McWilliam who subsequently sub-divided the farm into the town of Tuross Head. The extended Mylott family continued to live locally for many years continuing their involvement with the local community.

Overall in the early days of the development of Tuross Head the Mylott family were very involved with community development with little evidence of historical appreciation by the community, hence the request for naming this roadway after them.

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**IR17/024 POLICY REVIEW - NAMING OF PARKS, RESERVES, SPORTS FIELDS  
AND PUBLIC PATHWAYS**

**E06.0375**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Naming of Parks, Reserves, Sports fields and Public Pathways policy

Focus Area: Liveable Communities

Delivery Program Link: L5.2 Manage and maintain a safe, sustainable and accessible range of community spaces

Operational Plan Link: 5.2.1 Undertake maintenance program

### **EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Naming of Parks, Reserves, Sporting Fields and Pathways policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT

1. Council endorses the draft Naming of Parks, Reserves, Sporting Fields and Pathways policy.
2. The draft Naming of Parks, Reserves, Sporting Fields and Pathways policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

### **BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993 (the Act)*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

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**IR17/024 POLICY REVIEW - NAMING OF PARKS, RESERVES, SPORTS FIELDS  
AND PUBLIC PATHWAYS**

**E06.0375**

Eurobodalla Shire Council's policy provides guidance to assist in naming public land including parks, reserves, sports fields and public pathways to identify that land in Council records, maps and plans for general public use.

The policy ensures compliance with the Geographical Names Board of NSW (GNB) naming and renaming of sites for which Council is the authority.

The Geographical Names Board of NSW (GNB) is the authority, under the *Geographical Names Act 1966*, responsible for the assigning of names to places and geographical features.

**Changes**

The policy has been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 17 May 2017 until 13 June 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Naming of Parks, Reserves, Sporting Fields and Pathways policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Naming of Parks, Reserves, Sporting Fields and Pathways policy will be presented to Council for consideration to adopt.

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**IR17/025 POLICY REVIEW - TREE RISK MANAGEMENT ON COUNCIL  
CONTROLLED LAND**

**E06.0375**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Tree Risk Management on Council Controlled Land policy

Focus Area: Liveable Communities

Delivery Program Link: L5.2 Manage and maintain a safe, sustainable and accessible range of community spaces

Operational Plan Link: 5.2.1 Undertake maintenance program

### **EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Tree Risk Management on Council Controlled Land policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT

1. Council endorses the draft Tree Risk Management on Council Controlled Land policy.
2. The draft Tree Risk Management on Council Controlled Land policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

### **BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993 (the Act)*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

Eurobodalla Shire Council has a duty of care to take reasonable measures within budget limitations to manage the risks arising from trees on all land under Council's control.

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**IR17/025 POLICY REVIEW - TREE RISK MANAGEMENT ON COUNCIL  
CONTROLLED LAND**

**E06.0375**

This Policy provides for the management of risks arising from:

- Tree failure potentially causing injury to people and/or property damage
- Tree roots causing and/or likely to cause damage to property such as buildings and structures.

This Policy does not address the risks posed by trees or other vegetation in terms of fire mitigation, protection of Council assets or safety on roadways (eg maintaining sight lines around corners, trees within clear zones). These issues are addressed separately in the Bush Fire Risk Management and Vegetation Clearing – Roadsides & Infrastructure Lines policies.

Section 42 of the Civil Liability Act 2002 makes allowance for Council's ability to carry out its duty of care as being limited by the financial and other resources which are reasonably available to exercise its functions. To rely on this defence, Council is required to show evidence of its compliance with the general procedures and applicable standards for the exercise of its functions, such as risk management from trees on public land controlled by Council.

The risk management of trees on public land is often a difficult and emotive issue and one that requires a balance between managing the risks to the community's safety and infrastructure, whilst acknowledging the significant benefit of trees within the landscape to the social, environmental, economic and cultural wellbeing of our community. Council must also manage this issue within its limited financial resources in such a way as to limit Council's, ie, the community's, potential liability and provide equity between people seeking action to address their concerns about trees.

### **Changes**

The policy has been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates.

### **Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 17 May 2017 until 13 June 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

### **CONCLUSION**

The draft Tree Risk Management on Council Controlled Land policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Tree Risk Management on Council Controlled Land policy will be presented to Council for consideration to adopt.

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**IR17/026 POLICY REVIEW - PROCUREMENT**

**E06.0375**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Procurement Policy

Focus Area: Support Services

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

Operational Plan Link: SS3.3.3 Provide building maintenance and construction services, procurement, stores and electrical trade services to support council operations

**EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Procurement policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

**RECOMMENDATION**

THAT

1. Council endorses the draft Procurement policy.
2. The draft Procurement policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

**BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993 (the Act)*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

The policy is intended to ensure principles of value for money, efficiency, ethics and fair dealing are maintained in the procurement of goods and services.

The policy requires an emphasis on a planned, risk considerate approach to the purchase of goods and services through achieving:

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**IR17/026 POLICY REVIEW - PROCUREMENT**

**E06.0375**

- High levels of customer service
- Accurate determination of the requirement
- Minimisation and mitigation of risks
- Efficient use of Council resources
- Open and effective competition
- Ethics and fair dealing
- Accountability and transparency.

**Changes**

The policy has been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates including the insertion of “social impact” as an element of requirements determination and noting that the tendering threshold is GST inclusive.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 17 May 2017 until 13 June 2017. Copies will be available for viewing on Council’s website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Procurement policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Procurement policy will be presented to Council for consideration to adopt.



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**IR17/027 POLICY REVIEW - REPEAL OF SMOKE FREE OUTDOOR AREAS POLICY**

**E16.0297**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Smoke Free Outdoor Areas 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**

All Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of Local policy – 'a Local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

Council adopted the Smoke Free Outdoor Areas policy in 2010 in order to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.

The legislative requirements of NSW Government's *Smoke-free Environment Act 2000* are now broadly known in the community and the requirement of a separate Council policy to underpin this legislation is no longer necessary.

The Smoke Free Outdoor Areas policy has been reviewed and, as it is no longer required, the proposed repeal of the policy is recommended to be placed on public exhibition before the policy is presented to Council for repeal.

### **RECOMMENDATION**

THAT

1. Council endorses the repeal of the Smoke Free Outdoor Areas policy for public consultation.
2. The proposed repeal of the Smoke Free Outdoor Areas policy be placed on public exhibition for a period of 28 days and following the expiration of this period, the policy and any public submissions be presented back to Council for repeal.

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**IR17/027 POLICY REVIEW - REPEAL OF SMOKE FREE OUTDOOR AREAS POLICY**

**E16.0297**

**BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993 (the Act)*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

The Smoke Free Outdoor Areas policy was developed to provide support to and ensure Council's compliance with the *NSW Government's Smoke-Free Environment Act 2000 No. 69*.

It is considered that the policy can be repealed for the following reasons:

- The areas affected by the Smoke Free Outdoor Areas policy are covered by state legislation – Smoke Free Environment Act 2000;
- Council has factored smoking prohibitions into its leases and licences;
- The community is more broadly aware of the smoke free outdoor requirements; and
- The regulatory bodies having functions to inspect in respect of smoke-free areas are the police (Sect 14A Smoke Free Environment Act 2000) or inspectors appointed for the purposes of this Act (Section 14). Local government does not have regulatory powers in this respect.

**CONSIDERATIONS**

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 17 May 2017 until 13 June 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The Smoke Free Outdoor Areas policy is no longer required.

The proposed repeal of the Smoke Free Outdoor Areas policy should be publicly exhibited for 28 days. At the end of the public exhibition period the Smoke Free Outdoor Areas policy will be presented to Council for consideration to repeal, along with a report to consider any submissions received during the exhibition period.

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**IR17/028 POLICY REVIEW - STORMWATER DISPOSAL - URBAN LAND**

**E16.0297**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Stormwater Disposal - Urban Land policy

Focus Area: Productive Communities

Delivery Program Link: P3.4 Provide, maintain and renew stormwater and flood management infrastructure

Operational Plan Link: P3.4.2 Maintain stormwater and flood mitigation systems

### **EXECUTIVE SUMMARY**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Stormwater Disposal – Urban Land policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

### **RECOMMENDATION**

THAT

1. Council endorses the draft Stormwater Disposal – Urban Land policy.
2. The draft Stormwater Disposal – Urban Land policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

### **BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993 (the Act)*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

This policy establishes Council's position in regard to stormwater disposal on urban land. It provides for orderly disposal and management of stormwater from development and assists in reducing the incidence of inundation of development from uncontrolled stormwater disposal.

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**IR17/028 POLICY REVIEW - STORMWATER DISPOSAL - URBAN LAND**

**E16.0297**

This policy ensures Eurobodalla Shire Council's compliance with the [Local Government Act 1993](#) and [Roads Act 1993](#).

**Changes**

The policy has been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 17 May 2017 until 13 June 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Stormwater Disposal – Urban Land policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Stormwater Disposal – Urban Land policy will be presented to Council for consideration to adopt.

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**FBD17/026 COLLATERALISED DEBT OBLIGATION (CDO) FINAL REPORT**

**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**

During the latter part of 2007 and 2008 the Global Financial Crisis (GFC) significantly impacted on the banking industry and in particular was severe on Collateralised Debt Obligations (CDOs).

Council had a number of investments that were terminated or frozen in the American legal system as a result of the GFC.

After approximately four years of legal action in the American legal system, the collateral was unwound and some funds returned to Council from February 2013 onward.

Council was also invested in CDO's that matured naturally and returned profits.

This report summarises Council's position after all but one case is finalised. It details that Council made an overall positive return on these investments.

### **RECOMMENDATION**

THAT the report on Collateralised Debt Obligations be received and noted.

### **BACKGROUND**

During the latter part of 2007 and 2008 the GFC significantly impacted on the banking industry and was severe on CDO investments in particular. Council had a number of investments that were terminated or frozen in the American legal system. After approximately four years of legal action in the American legal system, the collateral was unwound and some funds returned to Council from February 2013 onwards. Council was also invested in CDO's that matured naturally that returned profits throughout the investment period.

### **CONSIDERATIONS**

This report summarises Council's investment position after all transactions and legal action, other than one case that is not finalised. It details that Council made an overall positive return on these investments.

#### **Legal**

Council embarked on a number of legal cases as a result of the GFC, some of which were funded by funding providers who took all the risk and in return their remuneration was up to 40% of the profit after legal costs. The other legal costs funded by Council between 2008 and 2016 were \$366K.

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**FBD17/026 COLLATERALISED DEBT OBLIGATION (CDO) FINAL REPORT**

**E99.3517**

**Policy**

Council's Investment Policy is designed to ensure that Council's investments reflect the preference to reduce risk and comply with the current NSW Local Government Investing Policy guidelines, 'best practice' and the current Ministerial Order.

The draft Investment Policy is currently on exhibition in accordance with section 165(4) of the *Local Government Act 1993* (the Act), a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

Council cannot invest in products akin to the CDO structure, per Ministerial Order.

**Financial**

The following table summarises information relating to the CDOs. The cumulative original purchase price of the CDO's was \$20.12M over the period on investment in CDOs, with approximately \$17.0M principal returned in total and when total interest received, recoveries from legal action and costs of legal action are taken into account, there is an overall net favourable position of \$2.17M as detailed in the following table. It is noted that at any one moment no more than \$11.4M was invested in CDO's.

<b>Total of all Transactions</b>	<b>\$</b>
Original purchase price	\$(20,121,789)
Interest received	\$3,147,933
Principal returned	\$16,929,688
Recoveries from legal action	\$2,586,312
Legal costs to date	\$(366,826)
<b>Net position</b>	<b>\$2,175,318</b>

This is a summary of the entire past investment history in CDOs. All legal action against financial institutions has been finalised.

The remaining legal case is ongoing however any settlement from this case, or further returns from other financial institutions are not expected to be material.

**Community Engagement**

Current investment reports are presented to Council monthly and are available in the public agenda on Council's website.

**CONCLUSION**

Council's overall net investment position after all transactions and legal action, other than one case that is not finalised, is noted as \$2,175,318.

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**FBD17/027 INVESTMENTS MADE AS AT 31 MARCH 2017**

**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 31 March 2017 made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

**CONSIDERATIONS**

**Legal**

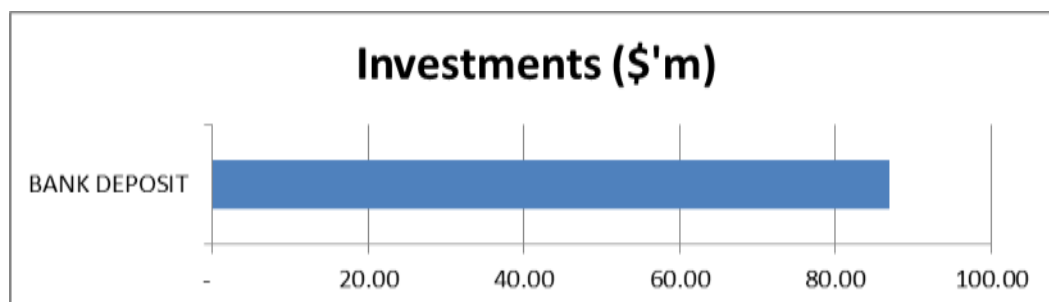
Budgeted legal fees for 2016-17 are \$0.035m and it is expected that future credit crisis legal costs will not be material.

**Policy**

Investments comply with Council's Investment policy.

**Financial**

Council Investing Overall



Council has 100% (\$86.89m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$9.25m with IMB (Rated BBB+) and \$4.25m with ME Bank (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.25m and represents 2.59% of the portfolio.

**FBD17/027 INVESTMENTS MADE AS AT 31 MARCH 2017**

**E99.3517**

The weighted average return for all investments for the month is 2.58% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.04%).

Collateralised Debt Obligation (CDO)

Funded legal action against one financial institution is in the early stages and is likely to continue for some time, although any return is not expected to be material.

Summary Investment Information

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

CATEGORY	(\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	3,649,238
Term Deposits	81,000,000
Term Deposits Government Guaranteed	2,000,000
	<b>86,899,238</b>
<i>Weighted average Interest %:</i>	2.58%
<i>Average 90 day BBSW + 25%</i>	2.04%

Policy and Liquidity Risk

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

Policy Risk	Low Liquidity Risk %	Total %	Policy Risk
Remote Risk	2.59	2.59	100.00
Near Risk Free	81.88	81.88	100.00
Some Limited Risk	15.53	15.53	30.00
At Risk	0.00	0.00	0.00
<b>Grant Total</b>	<b>100.00</b>	<b>100.00</b>	

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 2016 is 2.68:1. Council therefore has approximately \$2.68 of current assets for each \$1 of current liabilities.

**CONCLUSION**

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



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**FBD17/028 POLICY REVIEW - PRICING**

**E16.0297**

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

Attachments: 1. Under Separate Cover - Pricing Policy

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**

Council's policies are reviewed with the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The draft Pricing Policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

**RECOMMENDATION**

THAT

1. Council endorse the draft Pricing Policy for public consultation.
2. The draft Pricing Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to council for adoption.

**BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993* (the Act), a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

This policy enables a pricing methodology based on guiding principles, with respect to fees and charges made by Council under Section 608 of the Act and required to be shown in Council's Operational Plan under Section 405 of the Act.

Pricing will:

- Explore cost recovery opportunities
- Ensure value for money by providing effective and efficient service

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**FBD17/028 POLICY REVIEW - PRICING**

**E16.0297**

- Balance fees against rates, grants and other funding sources
- Manage financial risk
- Develop transparent pricing structures that can be administered simply and cheaply and be understood by the public
- Develop pricing structures that reflect real life-cycle and environmental costs
- Recognise pricing encourages or discourages consumer use and behaviours.

Council's Pricing Policy generally supports the cost recovery philosophy. It recognises people's ability to pay and balances an expectation that some services will be cross subsidised from rates for the common good of the community.

**CONSIDERATIONS**

The Pricing Policy has been reviewed and no substantive changes are recommended at this time other than the indexing to allow for the utilization of the annual increase to fees and charges by either September to September Consumer Price Index or the IPART'S Local Government Cost Index. Minor referencing updates have also been made.

**Legal**

Council will comply with all appropriate legislation.

**Policy**

Council's Pricing Policy generally supports the cost recovery philosophy. It recognises people's ability to pay and balances an expectation that some services will be cross subsidised from rates for the common good of the community.

This policy enables a pricing methodology based on guiding principles, with respect to fees and charges made by Council under Section 608 of the Act and required to be shown in Council's Operational Plan under Section 405 of the Act.

**Financial**

This policy enables a pricing methodology based on guiding principles, with respect to fees and charges made by Council under Section 608 of the Act and required to be shown in Council's Operational Plan under Section 405 of the Act.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 17 May 2017 until 13 June 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Pricing Policy should be publicly exhibited for 28 days. At the end of the public exhibition period the draft Pricing Policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

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**CAR17/008 POLICY REVIEW - PUBLIC ART**

**E16.0297**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services  
Attachments: 1. Under Separate Cover - Public Art 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**

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993*:

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Public Art policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

**RECOMMENDATION**

THAT:

1. Council endorse the draft Public Art policy.
2. The draft Public Art policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

**BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993*, a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

The purpose of the Policy is to encourage, promote, guide, facilitate and assist with the planning, development, implementation and care of public art in Eurobodalla.

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**CAR17/008 POLICY REVIEW - PUBLIC ART**

**E16.0297**

**CONSIDERATIONS**

**Changes**

The policy has been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 17 May 2017 until 13 June 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The draft Public Art policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Public Art policy will be presented to Council for consideration to adopt.

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**CAR17/009 EXHIBITION OF THE DRAFT DISABILITY INCLUSION ACTION PLAN  
2017-21**

**E13.7121**

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

Attachments: 1. Under Separate Cover - Draft Disability Inclusion Action Plan 2017-21

Focus Area: Collaborative Communities

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

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

### **EXECUTIVE SUMMARY**

Council's draft Disability Inclusion Action Plan 2017-21 (DIAP) has been developed to meet the requirements of the NSW Disability Inclusion Act 2014. The DIAP must be prepared and endorsed by 30 June, with implementation to commence on 1 July 2017.

Council has a key role and long history of advocating and supporting access and inclusion, ensuring it is a consideration in our own activities and promoting inclusive practice in the wider community.

Continuing to improve access and inclusion within our community will have a tangible impact on social and economic life. Eurobodalla's disability related statistics are higher than state averages. 7% of people have a profound or severe disability (compared to NSW 4.9%), 13% of people over the age of 15 provide support to a person with a disability (compared to NSW 11.4%) and 12.3% of income support recipients receive a Disability pension (compared to NSW 5.6%). There are 2,653 mobility parking permits in our shire, which has increased by 15% since 2012, and 35.3% of residents are over the age of 60 (compared to NSW 20.3%). With the likelihood of a person developing some level of disability increasing with age (eg mobility, hearing loss) older residents need to be considered as part of our disability planning.

The draft DIAP 2017-21 will assist the ongoing process of increasing access and inclusion, with specific actions developed to address the four focus areas identified by the NSW government. They are:

- Attitudes and behaviours
- Liveable Communities
- Employment
- Systems and processes

The DIAP 2017-21 aligns with the Integrated Planning and Reporting (IP&R) framework, with DIAP Actions grouped under the four focus areas outlined above, and linked to Council's draft Delivery Program strategies and Operational Plan Actions. In this way the DIAP is a stand-alone document, with a clear focus on improving access and inclusion, but also fits within the IP&R framework for monitoring and reporting.

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**CAR17/009 EXHIBITION OF THE DRAFT DISABILITY INCLUSION ACTION PLAN  
2017-21**

**E13.7121**

An extensive engagement process occurred as part of the DIAP development, including four surveys (159 respondents) and five focus groups (44 participants in total) across the shire. Broadly, the focus groups included people with a disability, parents, recreational/sporting groups and local business operators. Survey links were distributed to over 1,000 organisations and business operators, as well as relevant individual stakeholders.

The DIAP includes information on the legislative framework, detailed community engagement feedback, local demographic and health data on disability and a four year Action Plan. The Action Plan will be monitored as part of IP&R framework and reported on in Council's Annual Report.

**RECOMMENDATION**

THAT the draft Disability Inclusion Action Plan 2017-21 be placed on public exhibition from 10 May until 6 June 2017.

**BACKGROUND**

Council has a long history of improving access, with the first disability committee formed in 1997 and two Disability Action Plans, 2006- 2011 and 2012-2017, developed and implemented.

There have been a range of infrastructure improvements, such as more accessible community facilities, bus shelters and pathways, as well as events, programs and services for people with a disability and their carers. Highlights include the development of the Corrigan's All Inclusive playground, beach wheelchair and beach access improvements and the *Evo* social enterprise project.

In late 2016 Council was advised that all councils in NSW would now be required to prepare a Disability Inclusion Action Plan to meet the requirements of the NSW Disability Inclusion Act 2014. The draft DIAP has been developed to meet NSW government guidelines.

**CONSIDERATIONS**

The draft DIAP is a whole of Council document and aligns with the IP&R framework. To support its development and implementation across the organisation an internal working group was formed, with representatives from each Directorate.

The DIAP 2017-21 addresses the four focus areas, as outlined by the NSW Disability Inclusion Action Planning Guidelines. They are Attitudes and Behaviours; Liveable Communities; Employment and Systems and Processes.

Results from the survey and focus group discussions are outlined in detail under each of the focus group areas and quotes from participants have been included throughout the document. Key findings under each focus area include:

**Attitudes and Behaviour**

The surveys identified the following observations, issues and opportunities.

- People's attitudes in Eurobodalla toward people with disability are universally positive.

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**CAR17/009 EXHIBITION OF THE DRAFT DISABILITY INCLUSION ACTION PLAN  
2017-21**

**E13.7121**

- Inclusive events, programs, infrastructure and places are important for positive interaction and awareness raising.
- Increased exposure of people with disability in the media can 'normalise' disability.
- Physical access to businesses and the community is important to feel included.

Focus Groups made the following observations and recommendations related to attitudes and behaviours.

- While increased visibility and education are key tools to raise awareness, they can also lead to people with a disability being treated differently. Many disabilities are invisible and it is the right of the person with disability to choose whether they wish to disclose their situation.
- There needs to be more exposure and normalising the inclusion of people with disability in all aspects of life, particularly in schools and workplaces.
- People with a disability, carers and mainstream community members who are positive role models could be supported to become public advocates to improve attitudes and behaviours towards people with a disability
- People with disability should not be segregated. Businesses and groups should be supported to be able to plan ahead and include people with a disability in public activities.

**Liveable Communities**

Gaining improved access to spaces, businesses, events and public transport is the most important aspiration for people with a disability and their carers. The surveys identified the following observations, issues and opportunities.

- Appropriately placed footpaths will alleviate many barriers to accessing business, recreation and sporting areas.
- Location of accessible toilets, especially outside of town centres, should be considered by Council.
- Earlier delivery of Council's community newsletter will provide people with a disability and carers increased time to plan to attend advertised activities.
- The timing of Council run events is an important factor to consider for people with disability to participate.
- Council to consider improvements to the Development Application and complaints processes, as they can often be confusing.

Focus Groups made the following observations and recommendations related to Liveable communities. The records are categorised by physical environment.

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**CAR17/009 EXHIBITION OF THE DRAFT DISABILITY INCLUSION ACTION PLAN  
2017-21**

**E13.7121**

*At home*

- Home modifications to meet the needs of a person with disability are sometimes difficult to manage because the knowledge of the Disability (Access to Premises — Buildings) Standards 2010 and experience in constructing access modifications is not always present in the building industry.

*Transport*

- Timing, frequency and location of local and regional public transport services is limited.
- Investigation and response is required to the physical access issues raised concerning local and regional bus services for wheelchair users.

*Arts, sport and recreation*

- Participation by people with disability in sports and recreation is low as there are limited opportunities for their participation.
- The introduction of team sports that are planned for inclusion of people with a disability are promoted well in advance and focus on participation rather than competition. This may encourage greater participation by people with a disability.
- Identification and promotion of accessible venues and activities is desirable.
- Participation by people with disability in arts, sporting and recreation activities will increase if inclusive activities are promoted and supported by trained volunteers.

*Using Council facilities*

- Acknowledgement that many accessibility issues have been addressed by Council.
- Installation of a hoist at Moruya Swimming Pool is desirable.
- An increase number of accessible public toilets, particularly outside of central areas is desired.
- Installation of two way doors in public toilets will improve access for people with walking aids.

*Doing business in town*

- While most new business premises comply with physical access standards, many more businesses are still difficult if not impossible to access.
- Full wheelchair access remains a problem in many businesses and accommodation providers.
- The interpretation and application of access standards is inconsistent.



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**CAR17/009 EXHIBITION OF THE DRAFT DISABILITY INCLUSION ACTION PLAN  
2017-21**

**E13.7121**

**Employment**

The surveys identified the following observations, issues and opportunities.

- People with a disability felt that their employment prospects can be improved through:
  - reliable, affordable and accessible transport to work
  - better integration of accessible car parking, footpaths and building access
  - accessible websites and use of universal access symbols
  - work ready training including work experience, mock interviews, help with preparation of applications and for interviews
  - small business start-up advice and assistance
  - training and volunteer support in schools to enable students with disability to become more work ready
  - improved internet connectivity and speed to support working from home and home based businesses.

**Systems and Processes**

- Disability awareness training of front line personnel is crucial to the provision of quality customer service experience.
- People with disabilities often have difficulty navigating organisational systems and processes when attempting to obtain services and supports.
- Lack of accessible two way communication options, for example, use of TTY (teletypewriter) National Relay Service is a barrier for some people.

Confusion is experienced by some people with disability over the roles and responsibilities of the three levels of government and other groups.

**DIAP linked to Integrated Planning and Reporting framework**

DIAP Actions have been linked to Delivery Program strategies, Operational Plan Actions and responsible service areas across Council. Each responsible area will monitor progress and report against the Actions, in line with IP&R reporting requirements.

Reporting on the progress of the DIAP will be included in Council's Annual Report.

**Legal**

Council is required, under the NSW Disability Inclusion Act 2014 to undertake disability action planning and prepare a Disability Inclusion Action Plan for the period 2017-21. The Plan must

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**CAR17/009 EXHIBITION OF THE DRAFT DISABILITY INCLUSION ACTION PLAN  
2017-21**

**E13.7121**

include evidence of community engagement, address the four focus areas outlined under the DIAP guidelines, and be adopted by 1 July 2017. The draft Plan meets all legal requirements.

**Social Impact**

The DIAP 2017-21 provides an opportunity for Council to work with the community, business, sporting and recreational groups to improve access and inclusion. The engagement process was designed to seek greater understanding of the lived experience of people with disability, the challenges, opportunities and barriers experienced, as well as possible solutions and ideas for improvement. The surveys of business and sporting/recreation groups included opportunities to identify gaps, barriers to providing more access and inclusion and concerns. Essentially the surveys enabled an examination of issues from a range of community and business perspectives.

Our community's profile in relation to disability indicates that this is an area that requires support, advocacy and a planned approach. For example, 7% have a profound or severe disability (NSW 4.9%), 6.9% need assistance due to disability (NSW 4.9%), 12.3% of benefit recipients receive a disability pension and 13% of the community aged over 15 years provide assistance to a person with a disability (NSW 11.4%).

**Community Engagement**

Eurobodalla Shire Council (ESC) engaged Calibrations Consulting to facilitate six focus groups and design four surveys.

**Consultation methodology**

Survey questions were developed to gather information around the four key priority areas identified in the *Disability Inclusion Act 2014: Attitudes and Behaviours; Liveable Communities; Employment and Systems and Processes*.

Targeted questions were used in four surveys:

- People with disability
- The business community
- Art, sports and recreation groups, and
- The general community.

Surveys were available electronically and in hard copy at Council's customer service desk and at libraries. Assistance was offered to people with disability who may have had difficulty accessing or completing the survey.

Surveys were emailed to over 1,000 Eurobodalla businesses, community groups and people with disability. Surveys were advertised using several methods including Council's website, Facebook, radio and the local newspaper.

In total, 159 surveys were completed.

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**CAR17/009 EXHIBITION OF THE DRAFT DISABILITY INCLUSION ACTION PLAN  
2017-21**

**E13.7121**

The survey results helped in the development of tailored questions for discussion with the following focus groups.

- Families with children aged under 14 years
- Young people aged 15 to 25
- Older people aged over 65
- Members of the ESC Disability Advisory Committee, and
- Council staff

In total, 44 people participated in these focus groups. The focus group process was assisted by Max Employment, Muddy Puddles and Council's Disability services.

Council will place the draft policy on public exhibition for a period of 28 days from 10 May until 6 June. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

Council's draft Disability Inclusion Action Plan 2017-21 (DIAP) has been developed to meet the requirements of the NSW Disability Inclusion Act 2014. The draft DIAP is a whole of Council document and aligns with the IP&R framework.

The DIAP must be prepared and endorsed by 30 June, with implementation to commence on 1 July 2017. Council is required to exhibit the draft DIAP for a period of 28 days prior to adoption.

The DIAP 2017-21 addresses the four focus areas, as outlined by the NSW Disability Inclusion Action Planning Guidelines. They are Attitudes and Behaviours; Liveable Communities; Employment and Systems and Processes. The document has been developed with the community and represents the next step in improving access and in maintaining momentum towards and even more inclusive Eurobodalla community.

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**CAR17/010 SWIMMING POOL MANAGEMENT TENDER**

**E14.8172**

Responsible Officer: Kim Bush - Div Mgr. Community and Recreation Development

Attachments: 1. Confidential - Swimming Pool Management Tender Confidential Attachment

Focus Area: Liveable Communities

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

Operational Plan Link: L1.3.6 Coordinate management of pools

**EXECUTIVE SUMMARY**

Council advertised Request for Tender (RFT) No. 2017/CAR055 for the management of the shire's three swimming pools on 7 March 2017 with a closing date of 5 April 2017.

This report outlines the evaluation of offers submitted in response to the RFT and provides a recommendation for the preferred tenderer, as per the confidential attachment, for the management of the shire's three swimming pools, located in Moruya, Narooma and Batemans Bay.

The report also outlines an opportunity to receive a financial return from the contract, which could be reinvested back into the three pool facilities.

**RECOMMENDATION**

THAT:

1. Council endorses the selection of the preferred tenderer listed for 2017/CAR055 within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report; and
3. Approves the retention of the current pool contract budget for the term of the contract, with residual funds and any on-going subsequent returns from pool income to be reinvested into the three pool facilities.

**BACKGROUND**

Council was notified in December 2016 that the current contractor would not be going forward with an extension of the current contract for management of the three beyond 30 June 2017.

This provided Council with an opportunity to review the contract, seek best value for the community and test the market for the management of the three swimming pools, located in Moruya, Batemans bay and Narooma.

RFT No. 2017/CAR055 was advertised on 7 March 2017 with a closing date of 5 April 2017. Four conforming tenders and one non-conforming tender were received from the following tenderers. Each was assessed in accordance with the Tender Evaluation Plan on 13 April 2017.

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**CAR17/010 SWIMMING POOL MANAGEMENT TENDER**

**E14.8172**

Tenders were received from:

- Community Aquatics
- Lifeguarding Services Australia
- Leisure and Recreation Group
- YMCA NSW
- Lifeguarding Services Australia.

A summary of the evaluation, including each Tender score against the evaluation criteria is provided at the Confidential Attachment to this report.

The tender process was conducted via TenderLink. The four (4) conforming tenders received were assessed by a tender evaluation panel of three (3) council staff against standard criteria.

## **CONSIDERATIONS**

### **Legal**

Request for Tender (RFT) No. 2017/CAR055 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertising on Council's noticeboard page in local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal ([www.tenderlink.com/eurobodalla](http://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 were completed and signed by the TEB.

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to meeting all mandatory criteria, appropriate pricing, excellent quality and environment plans, well considered programming options and experience and achieving consensus in best scores for commercial and technical specifications.

### **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**

All tenderers were required to submit details of their Environmental Plans for the pool operations as a mandatory requirement. The successful tenderer will assist Council to monitor energy and water use and work collaboratively to reduce our local carbon footprint.

### **Social Impact**

The contract for the management of the three swimming pools includes key performance indicators (KPIs). These KPIs will assist Council and the successful contractor to develop and maintain a positive and professional service for the benefit of the community. KPIs will cover

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**CAR17/010 SWIMMING POOL MANAGEMENT TENDER**

**E14.8172**

attendance, special events, Learn to Swim, recreational programs, as well as customer service, communication and safety management. The successful contractor will be required to report against all criteria quarterly and achieve agreed targets.

**Financial**

The preferred Tenderer price, as per the confidential attachment, is below the allocated budget for the contract period. The preferred Tenderer has also included a proposal for Council to potentially receive a return on income. This is detailed in the confidential attachment.

**Communication / Consultation**

Council has provided public information regarding the tender process via media releases, web page, Council's notice board and social media. When approved, staff will provide information on the successful tenderer via Council's contract register found in Council's 'Public Access to Information' web link Council's web page and facebook.

**CONCLUSION**

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

There are benefits provided with the preferred tenderer that may see a financial return to Council to reinvest in the pools which is viewed as a desirable opportunity to increase community benefits.

The preferred tender as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the requirement.

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**CAR17/011 ADDITIONAL COMMONWEALTH HOME SUPPORT PROGRAM  
FUNDING FOR SECTOR SUPPORT AND DEVELOPMENT**

**L.0332**

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

Attachments: Nil

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**

Council's Community Care services has a current Comprehensive Grant Agreement with the Commonwealth Department of Health to provide Commonwealth Home Support Program (CHSP) activities to seniors via Council's Active Living team.

To give an indication of the range and level of services Council provides under CHSP, in 2015-16 we delivered 12,000 hours of respite, 10,000 hours of group activity, 12,000 hours of social support and 23,000 Community Transport trips. In addition, funds were used for aged care sector support. Services are provided using qualified staff and community volunteers.

A variation amending the Agreement has been received, extending some of the activities of this funding to 30 June 2018 with a further annual grant of \$112,273.28. This brings the funding for Sector Support into line with all other CHSP funded activities.

This variation needs to be signed and dated by Council in order for the funds to be released.

**RECOMMENDATION**

THAT Council signs and dates the Commonwealth Department of Health *Variation to Agreement* and accepts the additional funding of \$122,273.28 to provide Service System Development - Sector Support and Development Activities to 30 June 2018.

**BACKGROUND**

The majority of services under the current Commonwealth Home Support Program (CHSP) Agreement are funded for a three year period from 1 November 2015 to 30 June 2018. Activities include respite for carers, community transport and individual and group social support for seniors.

However, funding for Service System Development - *Sector Support and Development Activities*, was due to finish on 30 June 2017. Activities undertaken with this funding primarily support the development of the community aged care sector in our shire. Recently Council successfully negotiated for part of the funding to be used to build the capacity and skills of our community volunteers.

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**CAR17/011 ADDITIONAL COMMONWEALTH HOME SUPPORT PROGRAM  
FUNDING FOR SECTOR SUPPORT AND DEVELOPMENT**

**L.0332**

**CONSIDERATIONS**

**Legal**

The funding variation extends these activities in line with the same funding period as all other CHSP activities, to June 30 2018. In order to receive the extended funding for Service System Development, Council needs to sign, date and return the document to the Department of Health.

**Social Impact**

The extension of funding will enable Council to maintain Service System Development - *Sector Support and Development* funding. Key activities undertaken as part of the funding include the provision of regular training for volunteers and volunteer coordinators; marketing CHSP services to eligible clients; presentations and information sharing with community groups; building partnerships with TAFE and vocational training organisations to provide work placements for Community/Aged Care students within the local CHSP provider network; and hosting/attending interagency meetings and forums to build sector and industry networks.

**Financial**

The funding variation provides additional grant revenue to Council's Active Living services for seniors of \$122,273.28 to cover the period 1 July 2017 to 30 June 2018.

**Community Engagement**

We will inform the community through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; community groups.

**CONCLUSION**

Council's Community Care services has a current Comprehensive Grant Agreement with the Commonwealth Department of Health to provide Commonwealth Home Support Program (CHSP) activities to seniors via Council's Active Living team.

The Service System Development extension Variation needs to be signed, dated and returned to Department of Health within 30 days after the date of advice (12 May 2017) in order for Community Care to receive the funding of \$122,273.28. This will bring funding for this service into line with all other CHSP funding.



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**DR17/004 LGNSW TOURISM CONFERENCE TAREE MARCH 2017**

**E86.3640**

Responsible Officer: Councillors James Thomson and Maureen Nathan

Attachments: Nil

Focus Area: Collaborative Communities

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

Operational Plan Link: C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives

**EXECUTIVE SUMMARY**

Councillors James Thomson and Maureen Nathan represented Eurobodalla Shire Council at the LGNSW Tourism Conference 2017 held in Taree from 13 to 14 March 2017, and they now present their delegate's report on the Conference.

**RECOMMENDATION**

THAT the Delegates Report from Cllr James Thomson and Cllr Maureen Nathan be received and noted.

**BACKGROUND**

The 2017 Tourism Conference in Taree was a very worthwhile experience, with many insightful speakers. The trade stalls were also interesting and informative.

The Conference was opened by Gerry Gannon who was the Master of Ceremonies for the event. Gerry was insightful and well-informed, adding to the discussions in helpful ways and keeping the conference flowing well.

Taree is located in the Mid North Shire, which is a recently triple-merged Council awaiting elections later in the year. John Turner is the current Administrator.

Keith Rhoades, Local Government NSW President, welcomed everyone to the Conference and introduced the theme which was, 'Tourism: everybody's business'.

The NSW Minister for Tourism, Adam Marshall, spoke of a strong emphasis on growing tourism in rural and regional areas. There were 21.4 million overnight visitors to rural and regional NSW in the past year adding billions of dollars to local economies.

Simone Shepard of Destination NSW spoke about the review of regional tourism and the increased four year funding of regional tourism to 43 million dollars.

David Sheldon, the Chair of Australian Regional Tourism Network discussed the importance of Local Government in rural and regional tourism, stressing the theme of the conference; that tourism really is everybody's business.

The panel discussion on day one was informative and thought provoking. It discussed heritage as a strong attractant for tourism generally, and especially for rural and regional NSW. There was discussion of the availability of grant funding through Heritage NSW and the Heritage Roadshow and the disability inclusion sector of tourism. It was noted that, on average, a tourist

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**DR17/004 LGNSW TOURISM CONFERENCE TAREE MARCH 2017**

**XX..XX**

with a disability travels with 2.8 people, bringing extra dollars to the market. If that tourist with a disability cannot access a place or event then the other 2.8 people will not go either.

The Minister for Multiculturalism and Disability Services, The Hon. Ray Williams MP, spoke about growing business through inclusive tourism and the Disability Inclusion Action Plan. He added to the previous panel discussion by urging individuals and councils to bring their businesses and infrastructure up to the highest standard for disability inclusion to benefit individuals and the tourism sector generally.

The day ended with a site visit to Saltwater National Park where we were taken on a guided tour of the area by members of the local Indigenous community. On the tour we were taken to sites of cultural significance and shown artifacts, bush tucker and bush medicine. The tour ended with spear throwing lessons with a delegate from Eurobodalla Shire Council being one of only two delegates to hit the target.

Day two was short but worthwhile. There were several takeaways that we will briefly mention:

- 20% of Australian's identify as having a disability but this does not stop them from travelling. To ignore this market is to miss out on a fifth of the potential tourism dollar.
- Travel information needs to be available to people before they reach their destination, not just when they arrive.
- Google Earth is a useful tool for people with a disability who are travelling as it allows them to see the area at street level to assess the condition of streets, curbs, footpaths etc.
- Free Wi-Fi is the biggest attractant for travellers.
- 52% of Trip Advisor users look up information using their mobile phone, so tourism websites need to be mobile responsive.

One of the most important issues from this conference is, 'accessible tourism is no longer a niche market'.

The LGNSW Tourism Conference was a very worthwhile and informative experience.

**CONCLUSION**

The LGNSW 2017 Tourism Conference provided an opportunity to hear from experts on how to grow tourism in rural and regional NSW, with a strong emphasis placed on inclusive tourism.

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## **16. 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.

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## 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.

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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.