



AGENDA

Ordinary Meeting of Council

13 February 2018

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

ON TUESDAY 13 FEBRUARY 2018

COMMENCING AT 10.00

AGENDA

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

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|--|------------------------|
| <p>1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE</p> <p>2. APOLOGIES
Nil</p> <p>3. PUBLIC FORUM (AGENDA ITEMS ONLY)</p> <p>4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING
4.1 Ordinary Meeting held on 12 December 2017</p> <p>5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA
(Declarations also to be made prior to discussions on each item)</p> <p>6. MAYORAL REPORTS
Nil</p> <p>7. NOTICES OF MOTION
Nil</p> <p>8. QUESTIONS ON NOTICE FROM COUNCILLORS
QON18/001 Impact of domestic cats on native wildlife 3</p> <p>9. PETITIONS
Nil</p> <p>10. GENERAL MANAGER'S REPORTS
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**DR CATHERINE DALE
GENERAL MANAGER**

QON18/001 IMPACT OF DOMESTIC CATS ON NATIVE WILDLIFE

E17.1041

Responsible Officer: Anthony Mayne - Councillor

Attachments: Nil

The following question on notice was received from Councillor Anthony Mayne:

Question

Could you please advise what constructive actions our Council is taking to address the impacts of domestic cats on native wildlife, and what else could be done, including lobbying the NSW Government to legislate for a curfew on cats?

Response

What has Council done?

1. CatBib Program

For the past year, Council has been implementing the Eurobodalla CatBib Program (the program), which is focused on reducing domestic cats' hunting of native animals. This program supports cat owners to minimise the impacts that domestic cat hunting has on the local wildlife. A free CatBib is offered to all cat owners who have a microchipped and registered cat(s) in eligible areas. Eligible areas are in proximity to wildlife areas such as National Parks and significant natural areas.

The wearing of a CatBib also decreases cat fighting and injuries from this activity, reduces cats from wandering long distances from home, and therefore lessens the likelihood of a cat crossing a road and getting hit by a vehicle.

Murdoch University Research has scientifically proven that CatBibs work to stop over 80% of cats from catching birds and reduces small animal hunting by almost half. The CatBib acts as a barrier between the cat and its prey. When the cat pounces, the bib gets in the way, which allows the split second needed for escape. It also serves as a brightly coloured visual warning as the cat creeps up on its prey.

The Eurobodalla CatBib Program has extended its framework to include:

- All veterinary practices in Eurobodalla Shire have been informed of the program and are equipped with the relevant documentation and CatBibs, which can be provided to customers in eligible areas.
- WIRES volunteers have been informed of the program and have been provided with CatBibs. In the event that they respond to a cat attack on wildlife, the volunteer is able to provide the cat owner with a CatBib to prevent any future cat attacks from occurring. This is available for all suburbs across Eurobodalla Shire.
- All new owners of cats and kittens that are rehomed through the pound, vets and the Animal Welfare League are automatically provided with a CatBib and the relevant educational documentation. This is available for all suburbs across Eurobodalla Shire.

QON18/001 IMPACT OF DOMESTIC CATS ON NATIVE WILDLIFE

E17.1041

- The program has been widely promoted across Eurobodalla Shire, including cat food outlets, nurseries, community associations, schools and community noticeboards.

2. 'Desexing Month'

Council partnered with the local RSCPA and Animal Welfare League (AWL) branches during 'Desexing Month' (July) in 2017 to provide subsidised desexing. The organisations worked together to implement a joint media campaign to increase the number of desexed animals. The uptake was significant, particularly in 2017, which indirectly ensures less unwanted kittens and potentially feral cats hunting our local wildlife.

'Desexing Month' figures for all animals (dogs and cats)

Organisation	2016	2017
AWL	125	238
RSPCA	4	25

3. Registration fees

Council significantly discounts the registration of animals that are desexed. Desexed animals are less likely to roam, and it also reduces the risk of unwanted litters and feral cats, which are prime sources of impacts on native wildlife. An additional further discount is offered to pensioners with desexed animals.

Council has also offered free microchipping days for both dogs and cats and will continue this program, dependent on funding and resources.

4. Education

Council's 'Cat ownership' page on its website provides information on responsible cat ownership, preventing your cat from wandering, confining your cat at night and the CatBib Program.

5. Legislation

Cats are prohibited under the *Companion Animals Act 1998*, Part 4 S30, from some public places, including food preparation/consumption areas and wildlife protection areas. In Eurobodalla Shire, cats are prohibited in National Parks.

What else could be done?

There are many things that could be done, however we need to be mindful of the impact of such on our available resources and consider impact upon other priorities for service delivery.

1. education - promote website, further communication, utilise Facebook
2. research - identify opportunities to improve responsible cat ownership

QON18/001 IMPACT OF DOMESTIC CATS ON NATIVE WILDLIFE

E17.1041

3. programs - support the enhancement of the CatBib Program, 'Desexing Month', free or subsidised microchipping program
4. partnerships - foster ongoing relationships with local AWL and RSPCA branches
5. legislation - lobby the NSW Government for increased education on responsible cat ownership and best options for cat containment. Consider lobbying for cat curfews and/or containment.

The CatBib Program has been well received throughout Eurobodalla Shire. Feedback about the program from responsible cat owners has been positive in providing a practical solution to their cats' hunting of local wildlife. Further research is also recommended to determine the effectiveness of this program.

The challenge is to further engage with all cat owners to ensure they are responsible, in order to minimise domestic cat hunting of wildlife. A recent study of cat owners in Tasmania found four main barriers to cat containment: the belief that roaming is necessary for a cat's wellbeing; a lack of motivation; care for one's cat; and a belief it is too difficult.

There is significant scope to further provide cat owners with the practical tools to minimise domestic cat predation. Kingborough Council, Tasmania, works with the community to provide cat owners with many solutions to responsible cat ownership, including an array of cat containment options.

At present, when a resident microchips or registers their cat in Eurobodalla Shire, they are provided with minimal information. There may be an opportunity to provide information on the Eurobodalla CatBib Program and options for responsible cat ownership, including options for cat containment.

Under the current *Companions Animals Act 1998*, there is scope for Council to prohibit cats for the purposes of the protection of wildlife, for which the local authority conspicuously exhibits notices to the effect that cats are prohibited in or on that public place [S30 (b)]. Further research is required to identify if this is a suitable and effective option in Eurobodalla Shire.

The NSW Office of Local Government released a discussion paper in June 2017, 'Review of the Companion Animals Regulation 2008', which included a section on nuisance cats. A second consultation on the regulation is due in the next few months, and Council may wish to prepare a submission related to cat management when this is released.

If Council identifies a serious or ongoing issue with a cat, it may issue a nuisance order requiring the owner to prevent the behaviour specified in the order. If the problem persists, a penalty notice and the associated fine can be issued.

QON18/001 IMPACT OF DOMESTIC CATS ON NATIVE WILDLIFE

E17.1041

There is also opportunity to further research cat management options and to explore practical solutions which could be implemented in Eurobodalla Shire. Enhancement of Council's education on responsible cat ownership is recommended. Any additional works associated with cat management would require resourcing, inclusive of funding.

RECOMMENDATION

THAT the response to the question regarding the impact of domestic cats on wildlife raised by Councillor Mayne, be received and noted.

GMR18/002 JOINT ORGANISATION MEMBERSHIP

E10.4139

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.3 Advocate and collaborate to advance the region and address local issues

Operational Plan Link: 9.1.3.3 Develop and maintain strategic partnerships

EXECUTIVE SUMMARY

Joint Organisations are a key component of the local government reform process and have the potential to change the way in which the NSW Government and local governments collaborate, plan, set priorities and deliver important projects on a regional scale to support local communities.

In late 2017, the NSW Government passed legislation for the formal creation of Joint Organisations under the [Local Government Amendment \(Regional Joint Organisations\) Bill 2017](#). This legislation now allows councils in regional NSW to voluntarily join new Joint Organisations.

Eurobodalla is one of eight member councils of the current Canberra Region Joint Organisation (CBRJO), which was created in 2009 and formally known as the South East Regional Organisation of Councils. The other councils include Bega Valley, Goulburn Mulwaree, Hilltops, Queanbeyan Palerang, Snowy Monaro, Upper Lachlan and Yass Valley.

The current Joint Organisation works effectively and has a strong advocacy presence at both the NSW and Australian government level. The advantages of a Joint Organisation with regard to advocacy, collaboration, efficiency and alignment of priorities at a regional level provide additional support for our local community.

To be a member of a proclaimed Joint Organisation each council must resolve that its area be included within the area of the proposed Joint Organisation.

Council needs to formally resolve if it wishes to join a Joint Organisation comprising Bega Valley, Goulburn Mulwaree, Hilltops, Queanbeyan Palerang, Snowy Monaro, Upper Lachlan and Yass Valley. The recommendation, as listed below is the prescribed working as required by the NSW Government. Wingecarribee Shire Council is also included in the NSW Government's proposed Joint Organisation, however, at this stage it has not participated. The ACT Government is currently an associate (non-voting) member.

GMR18/002 JOINT ORGANISATION MEMBERSHIP

E10.4139

RECOMMENDATION

THAT in accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (*Act*) the Eurobodalla Shire Council resolves:

1. The Council inform the Minister of Local Government (*Minister*) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (*Joint Organisation*) in accordance with this resolution.
2. To approve the inclusion of Eurobodalla in the Joint Organisation's area.
3. The Joint Organisation be established to cover Eurobodalla's area and the following council areas:
 - a) Bega Valley
 - b) Goulburn Mulwaree
 - c) Hilltops
 - d) Queanbeyan Palerang
 - e) Snowy Monaro
 - f) Upper Lachlan
 - g) Yass Valley.
4. Before 28 February 2018, the General Manager provide the Minister with a copy of this resolution including the date on which Council made this resolution.
5. On expiry of a period of 28 days from the making of this resolution, the General Manager inform the Minister that this resolution has not been rescinded.

BACKGROUND

On 9 March 2010, a Management Committee under Section 355 of the Local Government Act, was established by Eurobodalla Shire Council to allow Council to coordinate the newly created South East Regional Organisation of Councils (SEROC), including financial controls. Member councils included Bombala, Boorowa, Cooma-Monaro, Eurobodalla, Goulburn-Mulwaree, Harden, Palerang, Queanbeyan, Snowy River, Upper Lachlan, Yass Valley and Young.

In 2013, this organisation relocated under the auspices of Palerang Council.

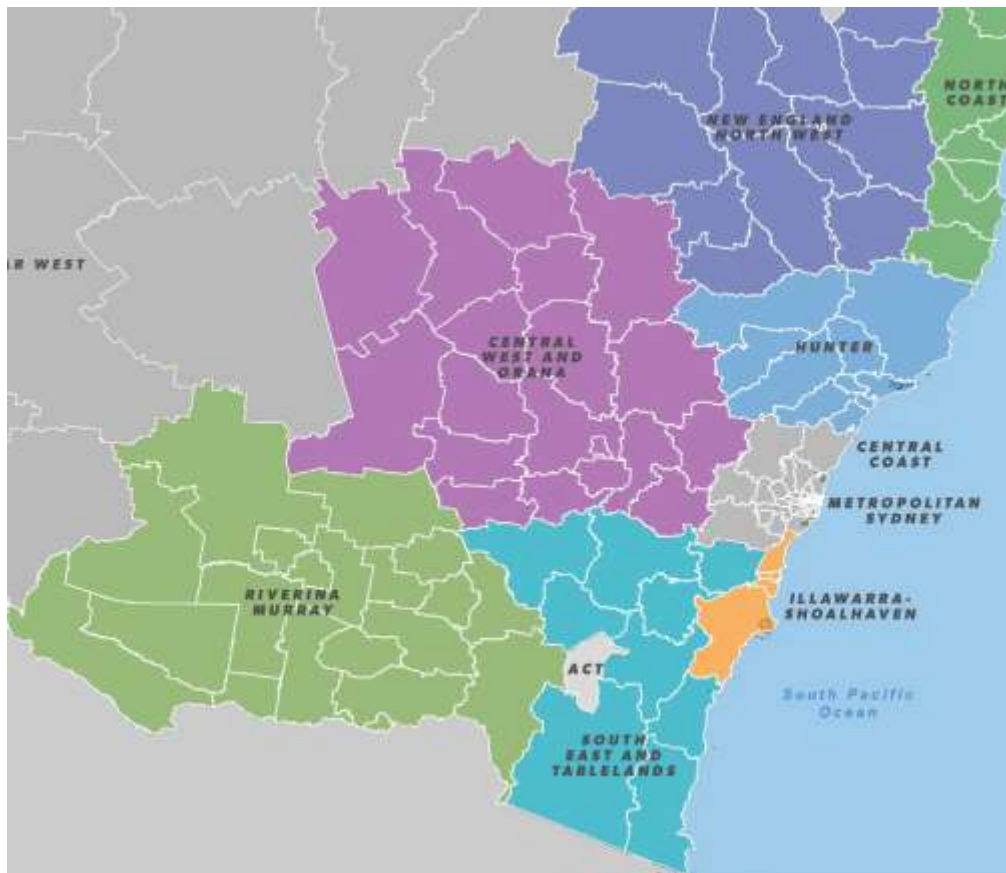
In November 2014, the Board agreed to change the name of the organisation from SEROC to Canberra Region Joint Organisation (CBRJO). This change of name was considered to reflect the communities of interest and the major metropolitan centre in the region.

The CBRJO has been one of the strongest advocates to the NSW Government for formally creating Joint Organisations. The CBRJO is currently a Joint Organisation by name only and not supported by legislation, currently operating as an unincorporated association, auspiced by Queanbeyan Palerang Regional Council.

Under the *Local Government Amendment (Regional Joint Organisations) Bill 2017*, Joint Organisations can be formed with a minimum of three councils and those councils must align within the NSW strategic growth planning regions as shown below.

GMR18/002 JOINT ORGANISATION MEMBERSHIP

E10.4139



The current CBRJO composition aligns with the boundaries and the organisation is recognised in NSW government planning documents, tourism and communiques. It has been labelled the South East and Tablelands, by the NSW Government and the new Board of the Joint Organisation will need to consider if it retains Canberra Region Joint Organisation or change to another name.

CONSIDERATIONS

Councillors received a briefing regarding the Canberra Region Joint Organisation as part of the Induction Program with Bega Valley Shire Council.

Councils are invited to nominate to form a Joint Organisation in its region. It is not compulsory for Councils to form a Joint Organisation, however the NSW government strongly encourage all councils in regional NSW to consider the benefit and opportunities offered by Joint Organisations.

The proposed start date of the legislation is 1 July 2018. Joint Organisations will only be established where the relevant council agree to join a Joint Organisation.

Principle functions of a Joint Organisation are to focus on regional strategic planning, inter-governmental collaboration and regional leadership and advocacy. The Joint Organisation's strategic regional priorities need to be set in the context of the relevant strategic plans of member councils and the NSW Government.

Joint Organisations will have the ability, with the agreement of member councils, to engage on service delivery to or on behalf of councils, including capacity building for councils themselves.

GMR18/002 JOINT ORGANISATION MEMBERSHIP

E10.4139

Legal

Joint Organisations will be proclaimed in April 2018, and are proposed to start on 1 July 2018.

Joint Organisations will only be established where a minimum of three relevant councils resolve to seek membership of a proposed new Joint Organisation.

Once the resolutions have been made by councils the Minister must wait at least 28 days before recommending the Joint Organisation to the Governor. The resolutions must be worded in a way that will allow for any changes in proposed membership that could potentially occur within the 28 days (e.g. a council rescinds the decision to join the Joint Organisation) without compromising the ability of the remaining councils to still form the Joint Organisation.

Where the Minister wishes to recommend the proclamation of a Joint Organisation the Minister must certify that the relevant council has passed a resolution approving inclusion of the Council's area in the Joint Organisation's area. Once the Joint Organisation has been proclaimed it requires an Act of Parliament for a council to withdraw from that Joint Organisation.

In accordance with the *Local Government Amendment (Regional Joint Organisations) Bill 2017*. It should be noted that the regulations for the functioning of a Joint Organisation have not been released by the Office of Local Government.

Economic Development Employment Potential

The councils in the proposed Joint Organisation area are all covered under the South East and Tablelands Regional Plan, the Premier and Cabinet region and Destination Southern NSW.

Council has benefited from its membership with Canberra Region Joint Organisation and includes grant funding for waste initiatives, joint international promotion of economic and tourism opportunities, cost saving initiatives through joint procurement practices and energy efficiency savings.

Financial

The NSW Government will provide \$3.3M to support the establishment of the regional Joint Organisation. Funding for each Joint Organisation will be based on the number of councils that choose to form a Joint Organisation, with maximum funding provided to regions where all councils in a region choose to be members of the new regional body.

Councils that are members of Joint Organisations will be able to take advantage of investment opportunities that are delivered through Joint Organisations.

Council currently pays an annual membership fee of \$27,729 (excluding GST) to the Canberra Region Joint Organisation.

CONCLUSION

The *Local Government Amendment (Regional Joint Organisation) Act 2017* commenced on 15 December 2017. To ensure that Council is part of the Joint Organisation network, a council resolution is a necessary step in the process of forming Joint Organisation areas recommended to the Governor to enable proclamation.

GMR18/002 JOINT ORGANISATION MEMBERSHIP

E10.4139

It is recommended that Council resolve to seek membership of the new Joint Organisation to be established within the NSW South East Tablelands planning region.

GMR18/003 2018 CONFERENCES

E91.3255

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.4 Provide professional development opportunities for Councillors

EXECUTIVE SUMMARY

Council has a commitment to continuing professional development for Councillors. Attendance at sector conferences provides the individual Councillor with new skills and knowledge on particular issues to ensure that they can perform their duties and represent residents to the best of their ability. It also provides Councillors with the opportunity to network and advocate with councillors from other local government areas.

To ensure each Councillor is given the opportunity to participate in the conferences that are of interest to them, this report has been prepared outlining a number of conferences known to be available to Councillors during 2018. The conferences included are:

1. LGNSW Tourism Conference on 12-14 March 2018.
2. Australia Local Government Women's Association NSW Conference on 15-17 March 2018.
3. Floodplain Management Australia National Conference on 29 May – 1 June 2018.
4. NSW Local Roads Congress on 4 June 2018.
5. National General Assembly (NGA) on 17-20 June 2018.
6. Australian Regional Development Conference will be held in September 2018.
7. National Local Roads and Transport Congress will be held in November 2018.
8. NSW Coastal Conference will be held in November 2018.

Under *Councillor's Expenses and Facilities* Policy, Councillors (except the Mayor) are entitled to an annual amount of \$3,300 per financial year for their professional development. The costs associated with the annual Local Government Association Conference are excluded from this cost.

RECOMMENDATION

THAT:

1. Council determine which Councillors will attend each of the following Conferences being held in 2018:
 - a. LGNSW Tourism Conference on 12-14 March 2018.
 - b. Australia Local Government Women's Association NSW Conference on 15-17 March

GMR18/003 2018 CONFERENCES

E91.3255

2018.

- c. Floodplain Management Australia National Conference on 29 May – 1 June 2018.
- d. NSW Local Roads Congress on 4 June 2018.
- e. National General Assembly (NGA) on 17-20 June 2018.
- f. Australian Regional Development Conference in September 2018.
- g. National Local Roads and Transport Congress in November 2018.
- h. NSW Coastal Conference will be held in November 2018.

Council representatives be reimbursed out of pocket expenses in accordance with the Councillors' Expenses and Facilities Policy.

BACKGROUND

Historically, Council would consider the attendance of Councillors at each conference separately throughout the year. Whilst this practice had been acceptable, it is considered appropriate to change this process and consider attendance in one report. This process was implemented in 2017 and it is considered beneficial to continue this practice so that Councillors can plan their professional development and keep within the allocated budget.

Below is the detailed information of conferences available for Councillors to attend in 2018 in order of when they occur throughout the year.

The **LGNSW Tourism Conference** is being held on 12-14 March 2018 in Parkes, NSW. The conference gives Councillors and Council staff the opportunity to meet, listen to experts and peers, and find out how other councils are engaging and managing their tourism industry. The registration cost is \$770 or \$2230 for a group of three delegates. More information and a copy of the Conference program is available at: <https://www.lgnsw.org.au/events-training/lgnsw-tourism-conference>

The **Australian Local Government Women's Association (ALGWA) NSW Conference** is being held on 15-17 March 2018 in Gundagai, NSW. The conference theme is '*Celebrating Rural Women*'. The event will focus on supporting and understanding the constraints that women in Local Government face in rural and remote communities. The registration cost for the Conference is \$1070. More information and a copy of the Conference program is available at: <http://www.visitgundagai.com.au/wp-content/uploads/2017/11/ALGWA-Conference-Program-Draft.pdf>

The **Floodplain Management Australia National Conference** is being held on 29 May – 1 June 2018 at the Gold Coast Convention and Exhibition Centre (GCCEC) in Broadbeach, QLD. The conference theme is "Waterways of Success: Developing flood resilience in our communities", with focus on Australian and international achievements in flood risk management, with practical examples from the Gold Coast's network of waterways, rivers, creeks, lakes, canals and coastline. The registration cost is \$1050 if paid by 23 March 2018. More information and a copy of the Conference program is available at: <http://floodplainconference.com/>

GMR18/003 2018 CONFERENCES

E91.3255

The **NSW Local Roads Congress** is being held on 4 June 2018 at State Parliament House in Sydney. Registration for Councillors attending this conference is free with a paying delegate. The Director Infrastructure Services will be attending the Congress as the paying delegate. The conference and registration brochures will be available closer to the date.

The **National General Assembly (NGA)** is being held on 17-20 June 2018 at the National Convention Centre in Canberra. This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of our councils and our communities. The registration cost is \$969 if paid by 4 May 2018. More information and a copy of the Conference program is available at: <https://alga.asn.au/?ID=16239&Menu=36,303>

The **Regional Development Australia Conference** will be held in September 2018. The conference and registration brochures will be available closer to the date.

The **National Local Roads and Transport Congress** will be held in November. The conference and registration brochures will be available closer to the date.

The **NSW Coastal Conference** will be held in November 2018. The conference and registration brochures will be available closer to the date.

The **Local Government Annual Conference** is being held on 21-23 October 2018 in Albury, NSW. The conference and registration brochures will be available closer to the date.

CONSIDERATIONS

Policy

Council's Councillor's Expenses and Facilities Policy provides that attendance of Councillors at each conference will normally be limited to two. The principle of having one councillor attend will be considered as 'best practice' for attending seminars and conferences. This may be varied from time to time by resolution of Council.

Councillors attending training, seminars and conferences are to provide a detailed report to Council on the outcome and issues. Councillors must provide a written delegate's report to Council following each conference attended, to be eligible to attend any further conference.

Section 232 (1) (g) of the Local Government Act 1993, states '*to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor*'.

Financial

Councillors are allocated the annual sum of \$3,300 to specifically provide for their professional development. This is allocated for each financial year.

Council will reimburse or pay registration fees, accommodation, meals, parking, telephone and travel expenses associated with attendance at the conference plus any other reasonable and directly related out of pocket expenses.

GMR18/003 2018 CONFERENCES

E91.3255

Accommodation is restricted to a maximum NRMA 4 ½ star rating and where possible at the conference venue to avoid other costs and inconvenience.

CONCLUSION

It is considered appropriate that Councillors attend conferences throughout the year to enable them to be both knowledgeable and up-to-date on particular issues to ensure that they can perform the duties and represent the residents to the best of their ability.

PSR18/002 POLICY ADOPTION - FOOD INSPECTION PROGRAM

E80.1313

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

Attachments: 1. Confidential - Submission
2. Under Separate Cover - Draft Food Inspection Policy

Outcome: Protected and Valued Natural Environment

Focus Area: 3.4 Develop community awareness of environmental opportunities, issues and impacts

Delivery Program Link: 3.4.1 Monitor and manage public and environmental health

Operational Plan Link: 3.4.1.1 Monitor, inspect and respond to public and environmental health matters

EXECUTIVE SUMMARY

The purpose of this report is to recommend adoption of the draft Food Inspection Policy (the policy) for the risk-based Food Inspection Program (the program) for retail food businesses in Eurobodalla Shire.

The draft policy was exhibited for a period of 28 days, which commenced on 18 October 2017 and concluded on 15 November 2017. During this time, one submission was received, which was in support of the draft policy.

The policy will enable Council to implement a revised inspection program to commence on 1 July 2018. The program rewards businesses that demonstrate a high level of compliance with the *Food standards Code 2016*, with less frequent inspections and therefore, reducing cost to businesses.

RECOMMENDATION

THAT Council:

1. Adopt the draft Food Inspection Policy for implementation from 1 July 2018.
2. Write to all food businesses advising of the policy and the process to reduce the inspection frequency.

BACKGROUND

On 10 October 2017, a report (PSR17/058) regarding the policy review of the draft risk-based Food Inspection Program was presented to Council. Council determined via Motion 17/336

THAT:

1. *Council endorse the draft Food Inspection Policy being placed on public exhibition for a period of 28 days.*
2. *Following the public exhibition period of the draft Food Inspection Policy, a report will be prepared for Council considering the submissions received and recommending approval of the Food Inspection Policy.*

PSR18/002 POLICY ADOPTION - FOOD INSPECTION PROGRAM

E80.1313

The Food Inspection Program is undertaken by Council under the Food Regulation Partnership with the NSW Food Authority. Inspections are conducted in accordance with the *NSW Food Act 2003*, *NSW Food Regulation 2015* and the *Food Standards Code 2016*.

Council has undertaken inspections of food retailers since 2009 and at that time, NSW Food Authority guidelines recommended that premises be inspected twice per year. Overall retail food businesses in Eurobodalla Shire have a high level of compliance with the food standards.

The 'NSW Food Authority Advisory Guidelines for Enforcement Agencies – Retail and Food Services and their Inspection Frequencies' (the guidelines), now require food businesses to be inspected at least annually using a risk-based approach. The guidelines continue to require low risk premises (ie, bottle shops, newsagents) to be inspected upon complaint only.

The program, as outlined in the policy, is a two-step process where the risk classification (as identified by the Food Authority) of the business, and previous inspection outcomes, are considered. This will enable a medium risk business with the opportunity to reduce the inspection frequency where there is a high level of sustained compliance.

Council would implement the NSW Food Authority's Scores-on-Doors Program, offering businesses a certificate indicating their rating for display.

CONSIDERATIONS

Policy

The Food Inspection Policy fulfils Council's obligations under the *NSW Food Act 2003*.

Social Impact

The Food Inspection Program will provide community confidence in retail food in Eurobodalla Shire.

Economic Development Employment Potential

The retail food sector is an important source of income and employment in Eurobodalla Shire, and a high level of compliance with food safety is essential to the continued success of this sector, particularly given the high dependence of our local economy on tourism.

Financial

The Food Inspection Program is based on full cost recovery. The Food Inspection Policy rewards those businesses that demonstrate a consistent high level of compliance, which has the potential to reduce the frequency of inspections. Conversely, poor performing businesses may be subject to two inspections per year, and serious breaches will incur re-inspections, and potentially other enforcement measures, dependent on the breach.

A reduction of \$10,000 is anticipated in the 2018/2019 budget due to the reduced number of inspections anticipated. This will be reviewed at the end of the 2018/2019 period.

The revised program would be introduced from 1 July 2018.

PSR18/002 POLICY ADOPTION - FOOD INSPECTION PROGRAM

E80.1313

Community and Stakeholder Engagement

The draft policy was exhibited for a period of 28 days, which commenced on 18 October 2017 and concluded on 15 November 2017. The draft policy was available for viewing on Council's website, at libraries and at the customer service centre in Moruya.

In addition, Council provided advice to retail food businesses via written correspondence and during routine inspections, the Council officer relayed information on the draft policy. The responses received from food businesses has been positive.

During this time, one submission was received which was in support of the draft policy, and a copy of this submission is contained in the confidential attachment to this report.

CONCLUSION

The draft policy was exhibited for a period of 28 days, which commenced on 18 October 2017 and concluded on 15 November 2017. During this time, one submission was received, which was in support of the draft policy.

This report recommends adoption of the draft Food Inspection Policy.

IR18/017 LOCAL TRAFFIC COMMITTEE NO. 5 FOR 2017-18

E16.0002

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: Nil
Outcome: Connected and Accessible Places
Focus Area: 7.1 Work in partnership to provide an integrated transport network
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network
Operational Plan Link: 7.1.2.5 Coordinate the Local Traffic Committee

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for the Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 15 December 2017 were as follows:

- Signage – Tomakin, 'No Stopping' at the intersection of Sunpatch Parade and Kingston Place and along Melville Point Reserve Road
- Signage – Broulee / Mossy Point, 'No Stopping' on Coronation Drive and Annetts Parade
- Special Event – Capital Coast Triathlon Festival 2018.

RECOMMENDATION

THAT

1. Council Plan No.5156 Set BB Sheet 07, detailing the 'No Stopping' signs at the intersection of Sunpatch Parade and Kingston Place (adjoining the general store) and along Melville Point Reserve Road (to the headland) be approved.
2. Council Plan No.5156 Set BB Sheet 09, detailing the 'No Stopping' signs on Coronation Drive and Annetts Parade encompassing the Candlagan Creek Bridge at Broulee and Mossy Point, be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 5 for 2017-18 was held on 15 December 2017 in Council's Committee room. The meeting was attended by Danielle Brice (representative for the Hon Andrew Constance MP), Jesse Fogg (Roads and Maritime Services), Senior Constable Scott Britt (NSW Police), Suketu Bhatt (Divisional Manager Technical Services), Dave Hunter (Traffic Officer) and Matt Cormick (Minute Taker).

APOLOGIES

Councillor Anthony Mayne (Chairperson) and Kate McDougall (Road Safety Officer). The Traffic Officer chaired the meeting in Councillor Mayne's absence.

IR18/017 LOCAL TRAFFIC COMMITTEE NO. 5 FOR 2017-18

E16.0002

DEPUTATIONS

Nil

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 4 for 2017-18 held on Friday 17 November 2017 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

There were no outstanding items discussed.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2018.RT.009 Signage – Tomakin, ‘No Stopping’ at the intersection of Sunpatch Parade and Kingston Place and along Melville Point Reserve Road

Members of the Tomakin community, including the Tomakin Community Association, have requested that ‘No Stopping’ signs be installed at two locations in Tomakin, at the intersection of Sunpatch Parade and Kingston Place (adjoining the general store) and along Melville Point Reserve Road (to the headland).

These areas become congested on weekends and in holiday periods. Installation of the ‘No Stopping’ signs will optimise sight lines and the road width for passing vehicles, and reduce the risk to road users.

The Committee reviewed Council Plan No.5156 Set BB Sheet 07 detailing the ‘No Stopping’ signs.

Recommendation:

That Council Plan No.5156 Set BB Sheet 07 detailing the ‘No Stopping’ signs at the intersection of Sunpatch Parade and Kingston Place (adjoining the general store) and along Melville Point Reserve Road (to the headland) be approved

2018.RT.010 Signage - Broulee / Mossy Point, ‘No Stopping’ on Coronation Drive and Annetts Parade

A customer has raised a concern that vehicles are parking on the shared path at the southern end of the Candlagan Bridge, on Coronation Drive, Broulee. This short section of road verge is less than 2.5 metres wide.

Placing ‘No Stopping’ signage at this location on Coronation Drive will assist to keep the shared path clear of vehicles.

An additional ‘No Stopping’ sign at the Coronation Drive and Annetts Parade end will also keep this intersection clear of parked vehicles.

The Committee reviewed Council Plan No.5156 Set BB Sheet 09 detailing the ‘No Stopping’ signs.

Recommendation:

That Council Plan No.5156 Set BB Sheet 09 detailing the ‘No Stopping’ signs on Coronation Drive and Annetts Parade encompassing the Candlagan Creek Bridge at Broulee and Mossy Point, be approved.

IR18/017 LOCAL TRAFFIC COMMITTEE NO. 5 FOR 2017-18

E16.0002

INFORMAL ITEMS FOR DISCUSSION

2018.SE.004 Special Event – Capital Coast Triathlon 2018

Traffic Management and Control Plans have been received for the Capital Coast Triathlon Festival 2018. This will be conducted in the vicinity of Tomakin, George Bass Drive through to North Head Drive and Tomakin Road through to Mogo Zoo, on Saturday 7 April 2018. A special event application has not yet been submitted.

The proposal is to base the Triathlon at Tomakin, including conducting the run and swim legs within and around that suburb. There are four separate events proposed with the road bike components along George Bass Drive, from Tomakin to the Airport and return. The longer Ultimate Triathlon will then proceed to Mogo Zoo, along Tomakin Road and return. The swim legs will be in the Tomaga River. The races are scheduled to start at 7.30am and conclude at 3.30pm.

The Triathlon has been held annually since 2011. This year the area utilised has been reduced, as previously the bike leg extended from Batemans Bay to Moruya.

With the 2018 proposal, there will be significantly less impact on Council's road system. The road bike sections will have similar road closures to last year over a 15 km section of George Bass Drive and Tomakin Road. Last year other roads including Beach Road, Dunns Creek Road and North Head Drive were also closed, but will now remain open during the 2018 event.

The Committee reviewed a preliminary proposal at two meetings on 13 October 2017 and 17 November 2017. The outcome of these meeting was subsequently reported to Council at the Ordinary meetings on 14 November 2017 and 12 December 2017. Note that the event was reported to be held on Sunday 8 April 2018 but has now been changed to Saturday 7 April 2018.

The Committee reviewed the Traffic Management Plan (TMP) and Traffic Control Plans (TCPs). Concerns were raised on some minor parts of the Traffic Control Plans, however overall the plans were deemed acceptable.

The Committee agreed to recommend the proposal with the modifications to the TCPs as follows:

- a. The intersection of Train Street and George Bass Drive be closed (similar to the 2017 TCP).
- b. George Bass Drive be closed at the Annetts Parade intersection, for south bound traffic. No left turn onto George Bass Drive from Annetts Parade.
- c. The electronic Variable Message Signs be modified to clearly show two phases, before and during (similar to the 2017 TCP).
- d. A TCP showing the run routes be added, showing type and location of event warning signs and detailed traffic management of the route along George Bass Drive from Oceanview Way through to Barlings Beach Access Road.

Recommendation:

That for the special event to be conducted on Saturday 7 April 2018 based in Tomakin and along George Bass Drive through to North Head Drive and Tomakin Road through to Mogo Zoo

IR18/017 LOCAL TRAFFIC COMMITTEE NO. 5 FOR 2017-18

E16.0002

- i. Traffic Control Plans be approved considering the following amendments are made to the Local Traffic Committee's satisfaction:
 - a. The intersection of Train Street and George Bass Drive be closed (similar to the 2017 TCP).
 - b. George Bass Drive be closed at the Annetts Parade intersection, for south bound traffic. No left turn onto George Bass drive from Annetts Parade.
 - c. The electronic Variable Message Signs be modified to clearly show two phases, before and during (similar to the 2017 TCP).
 - d. A TCP showing the run routes be added, showing type and location of event warning signs and detailed traffic management of the route along George Bass Drive from Oceanview Way through to Barlings Beach Access Road.
- ii. The Traffic Management Plan be approved with the TCP changes incorporated.

GENERAL BUSINESS

Crashes on Princes Highway

The Representative for the Hon Andrew Constance MP raised concerns about the accident clusters on sections of the Princes Highway.

It is noted that:

- Accidents along the Princes Highway is a matter outside of the remit of the Local Traffic Committee, and rather is a matter for the NSW Government and Roads and Maritime Services to deal with directly.
- Council has written again under the Mayor's signature to the Minister for Transport and Infrastructure, the Hon Andrew Constance MP, seeking his support to secure funding to address the high crash rate on the short section of the Princes Highway immediately south of Batemans Bay, and build the required intersection to connect to the South Batemans Bay Link Road (Glenella Road).

The Roads and Maritime Services' (RMS) representative advised that RMS monitors crash sites along the Princes Highway and offered the following comments on two specific areas:

- Princes Highway, Batemans Bay, south of Cranbrook Road.
RMS has identified this as a blackspot and has applied for funding to undertake road safety improvement works. RMS has also developed concepts for the proposed intersection of the Princes Highway and South Batemans Bay Link Road (Glenella Road) and is yet to secure funding from the NSW Government to progress the detailed design and construction works.
- Princes Highway, Turlinjah / Bodalla, between Cooper Island Road and Trunketabella Creek.
RMS is investigating these accidents to determine what road safety infrastructure improvements would be appropriate.

Christmas Traffic Management

The Traffic Officer asked for an update from RMS on management of traffic during the holiday period. The representative for RMS advised that traffic management would be similar to last

IR18/017 LOCAL TRAFFIC COMMITTEE NO. 5 FOR 2017-18

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year with ground crews and operations managers monitoring traffic and keeping in contact with NSW centralised traffic management, including traffic signals operations.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee is proposed to be held in February 2018. A specific date will be set after consultation with Committee members in the New Year.

CCS18/004 INVESTMENTS MADE AS AT 30 NOVEMBER 2017

E99.3517

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

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.4.3 Provide financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is to:

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

RECOMMENDATION

THAT the certification that the investments as at 30 November 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.

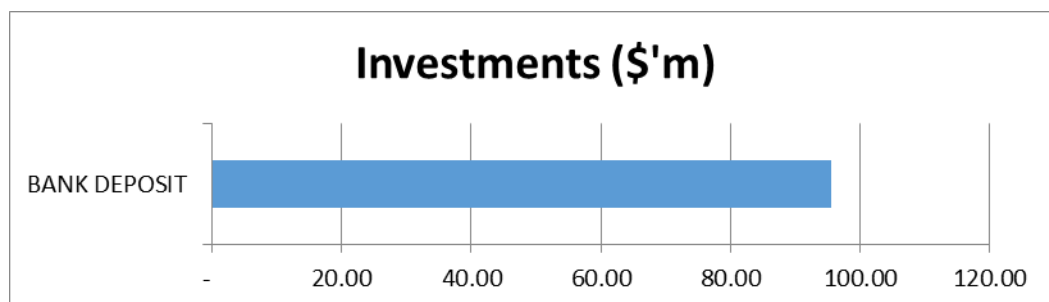
CONSIDERATIONS

Policy

The portfolio is fully compliant with Council's investment policy.

Financial

Council Investing Overall



Council has 100% (\$95.44m) invested in bank deposits. The bank deposits are held in banks rated A or greater or covered by the AAA rated Government Guarantee except for \$17.75m invested in banks rated below A and in the 'some limited risk' category of the policy.

CCS18/004 INVESTMENTS MADE AS AT 30 NOVEMBER 2017

E99.3517

The 'some limited risk' category is currently 18.60% of the portfolio which is below the policy limit (20%). Investment in Government Guaranteed Deposits is \$2.25m and represents 2.36% of the portfolio.

There was an increase in the amount under investment (from \$89.44m to \$95.44m) during November 2017. Surplus funds not required during the transition to the new corporate software system were reinvested.

Currently there is \$36.5m (38.24%) of funds invested in claimed fossil fuel free institutions. Last month this represented \$33.5m (37.43%) of the portfolio.

The weighted average return for all investments for the month is 2.52% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (1.97%).

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	2,699,198
Term Deposits	90,500,000
Term Deposits Government Guaranteed	2,000,000
	95,449,198
<i>Weighted average Interest %:</i>	2.52%
<i>Average 90 day BBSW + 25%</i>	1.97%

Policy and Liquidity Risk

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

Policy Risk	Low Liquidity Risk %	Total % of Investments	Policy Risk % (Max Holdings)
Remote Risk	2.36	2.36	100.00
Near Risk Free	79.04	79.04	100.00
Some Limited Risk	18.60	18.60	20.00
At Risk	0.00	0.00	0.00
Grant Total	100.00	100.00	

CCS18/004 INVESTMENTS MADE AS AT 30 NOVEMBER 2017

E99.3517

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1 and the audited unrestricted current ratio as at 30 June 2017 is 2.38:1. Council therefore has approximately \$2.38 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.

CCS18/005 INVESTMENTS MADE AS AT 31 DECEMBER 2017

E99.35

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

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.4.3 Provide financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is to:

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

RECOMMENDATION

THAT the certification that the investments as at 31 December 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.

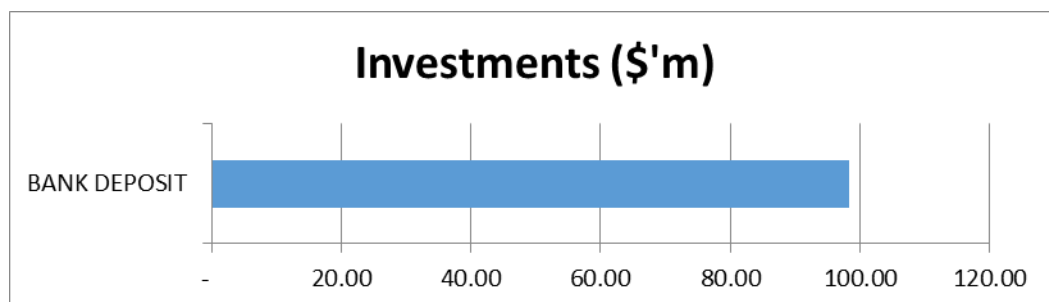
CONSIDERATIONS

Policy

The portfolio is fully compliant with Council's investment policy.

Financial

Council Investing Overall



Council has 100% (\$98.45m) invested in bank deposits. The bank deposits are held in banks rated A or greater or covered by the AAA rated Government Guarantee except for \$17.75m invested in banks rated below A and in the 'some limited risk' category of the policy.

CCS18/005 INVESTMENTS MADE AS AT 31 DECEMBER 2017

E99.35

The 'some limited risk' category is currently 18.03% of the portfolio which is below the policy limit (20%). Investment in Government Guaranteed Deposits is \$2.25m and represents 2.29% of the portfolio.

There was an increase in the amount under investment (from \$95.44m to \$98.45m) during December 2017.

Currently there is \$36.5m (37.07%) of funds invested in claimed fossil fuel free institutions. Last month this represented \$36.5m (37.24%) of the portfolio.

The weighted average return for all investments for the month is 2.52% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.02%).

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	2,704,332
Term Deposits	93,500,000
Term Deposits Government Guaranteed	2,000,000
	98,454,332
<i>Weighted average Interest %:</i>	2.52%
<i>Average 90 day BBSW + 25%</i>	2.02%

Policy and Liquidity Risk

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

Policy Risk	Low Liquidity Risk %	Total % of Investments	Policy Risk % (Max Holdings)
Remote Risk	2.29	2.29	100.00
Near Risk Free	79.68	79.68	100.00
Some Limited Risk	18.03	18.03	20.00
At Risk	0.00	0.00	0.00
Grant Total	100.00	100.00	

CCS18/005 INVESTMENTS MADE AS AT 31 DECEMBER 2017

E99.35

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 2017 is 2.38:1. Council therefore has approximately \$2.38 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.

CCS18/006 NAROOMA SURF BEACH HOLIDAY PARK - LEASE NEGOTIATIONS E83.7806

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: 1. Confidential - Lease Proposal - Surf Beach Holiday Park Narooma
Outcome: Innovative and Proactive Leadership
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community
Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

Council as Trust Manager of the Eurobodalla (South) Reserve Trust manages the lease over the Narooma Surf Beach Holiday Park (the Park). First Choice Holidays have been the Lessees of the Park since 2009 when they took over the lease from the Narooma Golf Club. The current lease expires on 30 June 2018.

A request has been received from the Lessees for Council to commence negotiations with them for a new lease.

This report recommends the General Manager be given delegated authority to negotiate a new lease with the existing Lessee and present a further report following those negotiations.

Crown Lands has approved in writing Council's plans to enter into direct negotiations with the existing Lessee.

RECOMMENDATION

THAT

1. The General Manger be given delegated authority to negotiate a new lease with the current Lessees of Narooma Surf Beach Holiday Park.
2. A further report be presented to Council following those negotiations.

BACKGROUND

Council as Trust Manager of the Eurobodalla (South) Reserve Trust manages the lease over the Narooma Surf Beach Holiday Park (the Park). First Choice Holidays have been the Lessees of the Park since 2009 when they took over the lease from the Narooma Golf Club.

In that time the Lessees have been good and complying tenants and also own other local tourism businesses.

The current lease expires on 30 June 2018 and they have requested that Council enter into negotiations with them for a new lease.

The applicants have provided details of their investment plans for the Park if they are successful in getting the new lease. The proposed plans are attached as a confidential attachment.

CCS18/006 NAROOMA SURF BEACH HOLIDAY PARK - LEASE NEGOTIATIONS

E83.7806

Council will directly negotiate with the existing Lessee only in the first instance because:

- The circumstances comply with the Crown policy on direct negotiation
- Value for money will be obtained by ensuring a market valuation is obtained
- A negotiation protocol will be entered into that will make it clear that the Trust reserves the right to go to a competitive process if negotiations do not prove satisfactory
- The applicant has substantial financial resources and plans to invest in the Park
- Visitors to the Park will also be able to leverage facilities at the applicants other parks, ensuring their stay is enhanced.

CONSIDERATIONS

Legal

Narooma Surf Beach Holiday Park is located on Crown Reserve under the trusteeship of the Eurobodalla (South) Reserve Trust for which Council is Trust Manager.

In accordance with Section 102 of the *Crown Lands Act 1989*, a lease for a period over twelve months requires the consent of the Minister administering the *Crown Lands Act 1989*. Any negotiations will therefore need to be considered and approved by the Minister.

Justification of Lease

Grant of a lease accords with Sections 10 and 11 of the *Crown Lands Act 1989* by providing for the business use of Crown land that deliver public benefits and a commercial return to the State. The applicant's proposal has the potential to increase rent revenue and generate local economic activity.

It is expected that there will be economic benefits to the area from a new lease as the applicant will make significant capital investment in the Park and make it more attractive as a tourism destination. The applicant seeks a lease that will provide security of tenure to allow for amortisation of the capital expenditure.

As part of the negotiations, Council will verify information provided by the Lessee.

Justification for Direct Negotiation

A lease by way of direct negotiations with the applicant can be supported on the following grounds:

- The proposal is consistent with NSW Government policy to stimulate job growth through enhanced local economic activity
- Consistency with clause 5.4 (f) of the Department of Industry, Lands '2016 Direct Negotiations Policy for sale and lease of Crown land', in so far as *'the proponent holds a current lease of the subject Crown Land, is a good and complying tenant, and is looking to renegotiate the tenure conditions of the lease; and there is no substantial change in expectations of the use of the site and we have had no other interest expressed.'*

Crown Lands has approved in writing Council's plan to enter direct negotiations.

CCS18/006 NAROOMA SURF BEACH HOLIDAY PARK - LEASE NEGOTIATIONS

E83.7806

Lease negotiations, if approved, will be established on the following basis:

- Negotiations with the Lessee will be conducted via an agreed negotiation protocol on a 'without prejudice' basis
- The Lessor and Lessee agree that lease purpose, term, rent and lease conditions will be determined having regard to the applicant's business case, the requirements of relevant authorities, and assessment of professional valuation advice.

Good and Complying Tenant

First Choice Holidays have been the Lessees of this holiday park since 2009. In that time they have been good and complying tenants.

The applicants have provided details of their investment plans for the Park if they are successful in getting the new lease.

ICAC Direct Dealing Guidelines

ICAC Direct Dealing Guidelines contain a number of first principles and these will be adhered to in this direct negotiation.

Economic Development Employment Potential

A new lease will allow significant capital investment which will improve the contribution of the Park to the local economy.

Financial

The new lease will require engagement of a suitably experienced registered valuer to assess an appropriate premium and annual rental. This will form part of the negotiations as Council seeks to achieve an increase in the rent under the new, long term lease.

Community and Stakeholder Engagement

There are no legal requirements for consultation in relation to this matter. However, in being guided by Council's Community Engagement Framework, the engagement method will be to 'inform' through this report.

CONCLUSION

A request has been received from the Lessees of Narooma Surf Beach Holiday Park for Council to commence negotiations with them for a new lease.

The current Lessees have been good and complying tenants and it is considered negotiating a new lease with the current Lessee is in the public interest and adheres to all legal requirements.

17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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